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Nominating Committee Seeks Candidates for NCBA Board of Directors

The Nominating Committee is seeking active NCBA Members who want to serve on the Nassau County Bar Association Board of Directors. The deadline for applying is Tuesday, January 20, 2026.

The NCBA Board of Directors consists of the President, President-Elect, Vice President, Treasurer, Secretary, 24 elected Directors, as well as the Dean of the Nassau Academy of Law, Chair of the New Lawyers Committee, NCBA delegates to the NYSBA House of Delegates, and all past presidents of the Bar Association. Officers serve for one-year terms and Directors hold office for three years.

Members who wish to be nominated must be a Life, Regular, or Sustaining Member of the Association for at least three consecutive years, and an active member of a committee for at least two consecutive years. The Nominating Committee also considers each applicant's leadership positions in the Nassau County Bar Association and other organizations, areas of practice, and the diversity of experience and background a candidate would bring to the Bar's governing body.

Interviews with candidates will begin in February; the Committee will nominate eight Directors and one person for each Officer position— with the exception of the President— and issue its report at least one month prior to the 2026 Annual Meeting and Election to be held on Tuesday, May 12. Officers and Directors will be sworn in at the NCBA Installation on Tuesday, June 2, 2026.

Directors are encouraged to financially support the Bar Association by becoming a Sustaining Member, purchasing or selling event tickets and sponsorships, or soliciting new members and corporate sponsorships.

The Nominating Committee consists of ten Members of the Association who previously served on the Board of Directors. NCBA Immediate Past President "once removed," Sanford Strenger, is Chair of the Committee and Immediate Past President Daniel W. Russo serves as Vice Chair.

The 2026 application can be downloaded on the Bar's website at www.nassaubar.org under the For Members dropdown menu. Members interested in applying to become an NCBA Director or Officer should forward a letter of intent, application, resume, or curriculum vitae no later than January 20 to Executive Director Elizabeth Post at epost@nassaubar.org or mail to NCBA, 15th & West Streets, Mineola, NY 11501.

A Year of Change for Assigned Counsel Defender Plan

2025 was filled with many changes for the Nassau County Bar Association Assigned Counsel Defender Plan, commonly referred to as Nassau 18b. The year began with the departure of longtime staff members Marie Pascuzzi and Chris Sheppard, and closed with Administrator Robert Nigro announcing his retirement, effective January 5, 2026.

Formed in 1966—following the enactment of Article 18B of the New York State County Law—the Assigned Counsel Defender Plan provides legal representation and investigative and expert services to indigent clients in Nassau County criminal and Family Court matters. Today, Nassau 18b has a staff of ten to administer 212 private attorneys, a panel of more than 150 experts, and 4,789 criminal and family cases annually.

Nigro devoted fifteen years of service to the Assigned Counsel Defender Plan. During his tenure, he oversaw the renovation of the Nassau 18b office with funds allocated by New York State; transitioned the program from handwritten to digital vouchers; fought tirelessly for an increase in its panel attorneys' hourly compensation; and more profoundly, dedicated himself to helping others.

"Above all, Bob led by example," Deputy Administrator Lindsay Boorman proclaimed at his retirement celebration in December. "He was not only a leader, but a teacher as well. A man who is patient, kind, discerning, measured, and considerate."

Over the past two years, Nassau18b has consistently raised the bar in its accomplishments. With the implementation of the case management system, 18b was able to reduce the time it takes for attorneys to get paid from four to six months to two to three weeks. The organization launched both a Mentoring Program and the Second Chair Program, secured direct funding of the retention of mitigation specialists, and funded NCBA membership for all panelists—giving them access to

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15th & West Streets, Mineola, N.Y. 11501
Phone (516)747-4070 • Fax (516)747-4147
www.nassaubar.org
nassaulawyer@nassaubar.org

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January Reflections: Purpose, Belonging, and Building

FROM THE PRESIDENT

James P. Joseph

The start of a new year is an opportunity to reflect on the prior year and plan for the new one. For many, it is an opportune time to pause, take stock, and think intentionally about what comes next. For many years, I have done an exercise provided to me by my management consultants that begins with a "simple" question: How do you want to be remembered? From there, planning and goal setting flows backward. What will you need to have accomplished ten years from now to be on the right path? After that, we set our three-year goals, then one-year goals, and finally ninety days—each step designed to ensure that what we are doing in the short term is aligned with what truly matters to us in the long run.

This exercise is a powerful reminder of how easy it is, particularly in the practice of law, to become consumed by the daily demands of life, clients, deadlines, and crises, and lose sight of the bigger picture. The new year offers us this opportunity to recalibrate—to ask whether our time, energy, and commitments are consistent with who we are, with the legacy we hope to leave behind.

As I reach the midpoint of my term as President of the Nassau County Bar Association, I find myself returning to that exercise—both to plan ahead and also to check in personally and professionally, and of course, with the Bar. I am proud of what we have accomplished together so far, and equally mindful of how much important work remains—particularly when it comes to sustaining and growing our membership.

Membership as Stewardship

Our Association is, at its core, a community. It does not exist without our members, and it does not thrive without engaged members. One of the things that gives me the greatest optimism is the strength and diversity of our current leadership, in the Executive Committee, with our Board of Directors, and at the Committee level—across practice areas, firm sizes, gender, race, background, and experience. That diversity strengthens our programming, deepens our conversations, and makes our Association more welcoming and relevant to a larger portion of our population.

But belonging does not happen by accident. It is built intentionally—one invitation at a time. We have done an excellent job attracting law students and new lawyers, and we are rightly proud of that. At the same time, too many colleagues drift away and eventually no longer renew their memberships—not because the Association has less to offer, but because they feel less connected. Sustaining membership means making sure people continue to feel that they belong here, that they want to be here, that this is their bar association.

So, my request. When at Domus, please engage with members you do not already know and please pledge to yourself to bring at least one person into this community in 2026—a partner, an associate, a colleague, a friend, an adversary. Invite them to a program. Bring them to Domus for lunch. Introduce them to a committee. Share how the NCBA has helped you professionally and personally, perhaps by simply making you feel part of something larger than yourself.

Growing membership is not about numbers alone (but numbers are certainly critical for our continued success). It is about continuity, mentorship, opportunities and ensuring that the values we care about today are carried forward by the next generation of lawyers.

Leadership and Engagement

January also marks the midpoint of both our bar year and my presidency. I am deeply grateful to the Executive Committee, our Board of Directors, our dedicated staff, our committee leaders, our members, and my firm for their support during the first half of this term.

If you have a desire to serve and are willing to help, I encourage you to consider applying for the Board of Directors. The application deadline is Tuesday, January 20, 2026. Leadership within the NCBA is one of the most meaningful ways to deepen your connection with this Association and our profession and to help shape its future. I am always happy to speak with anyone who is considering taking that step.

Building Community Together

Last month's Annual Holiday Party was a perfect example of what makes this Association special. Our President-Elect, Hon. Maxine Broderick, cast as Dorothy, along with several Past Presidents—Elena Karabatos, Dorian Glover, Greg Lisi, Peter Levy, Steve Leventhal, and Sue Katz Richmond in supporting roles—regaled us with a Wizard of Oz–themed Tale of Wassail. The turnout, energy, and laughter were clear signs of our healthy, engaged membership and a promising year ahead.

Moments like this matter. They help transform membership from something transactional into something meaningful and memorable.

Service That Reflects Our Values

One of the clearest expressions of who we are as a community is the continued work of WE CARE. Last month, along with Immediate Past President Dan Russo and WE CARE Co-Chair Barbara Gervase, I had the honor of helping distribute grant checks at a luncheon to honor nearly three dozen of the charities WE CARE helps support—each making a real and lasting impact on our Long Island community.

Among the recipients was The Scott Beigel Memorial Fund, created in memory of Scott Beigel, a young teacher who sacrificed his own life to save 31 students during the massacre at Marjory Stoneman Douglas High School. The Fund sends at-risk and underserved children affected by gun violence to summer sleep-away camp. Scott's mother, Linda Beigel Schulman, accepted the check and shared some words about her son. Needless to say, there was not a dry eye in the room.

Amongst the other charities at Domus that day were The Sarah Grace Foundation, devoted to easing the burden on children with cancer and their families, and Bethany House, which provides women and children facing homelessness with safety and stability.

At a time when our country feels more divided than most of us can remember, these acts of service remind us that community still matters and that regardless of our political beliefs, we share many of the same goals and concerns.

Looking Ahead—and Inviting Others In

There is much to look forward to in 2026. The Hon. Joseph Goldstein Bridge-the-Gap Weekend will take place on Saturday, January 31, and Sunday, February 1, offering sixteen CLE credits. My sincere thanks to Matthew Spero, Chair of the program and Associate Dean of the Nassau Academy of Law, for his leadership and dedication, Natasha Dasani, the Director of the NAL, and our many members who will lead these CLEs and who make this program a success each year.

I also want to thank Cynthia Augello, Editor-in-Chief of *Nassau Lawyer*, for her extraordinary and continued commitment to producing this publication each month, and to all of our contributors—particularly Rudy Carmenaty, who contributes to the paper nearly monthly and leads many outstanding programs, including last month's *Dean's Hour: Soldier, Scholar, Sage—The Life and Legacies of Oliver Wendell Holmes, Jr.*

Please remember to support our Corporate Partners, whose commitment—both financially and through their time—play a vital role in sustaining our programs and strengthening our community.

And please save the date for our Annual Gala on Saturday, May 9, 2026, once again at the Cradle of Aviation Museum, where we will present our highest honor, the Distinguished Service Medallion, to Justice Randall T. Eng whose extraordinary career—marked by historic firsts, decades of public service, and unwavering dedication to justice—embodies the very best of our profession. It will be a privilege to honor him.

A Shared Responsibility

As we begin this new year, I encourage each of you to reflect on how you want to be remembered—by your clients, your colleagues, and your profession. Then think about who else would benefit by being a member of the NCBA. Have you invited them in and what can you do to make everyone feel welcome at Domus?

The future of this Association depends on each of our actions, and I believe you will find that taking this action will not be a burden but rather will be a blessing, an opportunity and an enjoyable and rewarding one at that.

I look forward to all that lies ahead in 2026—and to continuing this important work with you.

FOCUS: BANKRUPTCY

Start Spreading the News: Student Loans May Be Discharged

Robert L. Pryor

Since the seminal case of *Brunner v. New York State Higher Educ. Servs. Corp.*[1] was decided almost 40 years ago, and before, lawyers and the public were guided by the accurate belief that in almost every circumstance, except with respect to the most destitute of individuals, student loans could not be discharged in bankruptcy. Section 523 (a)(8) of the Bankruptcy Reform Act of 1978, as amended, allowed for the discharge of a student loan "made, insured or guaranteed by a governmental unit"[2] but only if excepting the loans from discharge "would impose an undue hardship on the debtor."

In Brunner, the Second Circuit articulated a three-part test to determine whether the student loan debt qualified for discharge. Thus, it held that to discharge a specified student loan debt, it must be established:

> (1) That the debtor cannot maintain, based on current income and expenses, a "minimal" standard of living for herself and her dependents if forced to repay the loans; (2) that additional circumstances exist indicating that this state of affairs is likely to persist for a significant portion of the repayment period of the student loans; and (3) that the debtor has made good faith efforts to repay the loans.[3]

Without going into the vagaries of the interpretation of these standards, various courts have interpreted them as requiring "certainty of hopelessness"[4] as what must be established to discharge a student loan. In other words, it had historically been inordinately difficult to defeat the presumption of nondischargeability. As noted by the Second Circuit, "Student loans are presumptively nondischargeable in bankruptcy."[5]

In light of the overwhelming case law that has denied to a debtor the discharge of his student loans in all but the most dire of economic circumstances, under conventional wisdom uniformly adopted by practitioners and clients alike, it was generally assumed that while a bankruptcy filing would virtually assure the discharge of most debts, it would not discharge student loans.[6]

While *Brunner* has never been repudiated, pronouncements from the Department of Justice have meaningfully softened its rigid standards and provide guarded optimism in the implementation of new and more relaxed guidelines applicable to the discharge of governmental student loans. On November 17, 2022, the Department of Justice, in coordination with the Department of Education, issued to its department attorneys (who are charged with contesting a debtor's efforts to discharge a student loan) a "Guidance for Department Attorneys Regarding Student Loan Bankruptcy Litigation" (the "Guidance"). The Guidance is significant in several key respects. A statement of the Department of Justice's objectives is illuminating:

> Some debtors have been deterred from seeking discharge of student loans in bankruptcy due to the historically low probability of success and due to the mistaken belief that student loans are ineligible for discharge. Other student loan borrowers have been dissuaded from seeking relief due to the cost and intrusiveness entailed in pursuing an adversary proceeding. This guidance is intended to redress these concerns so that discharges are sought and received when warranted by the facts and law.[7]

Thus, the Guidance is explicit that standards will be relaxed to allow a more permissible discharge of student loans. Significantly, it further addresses the economic reality that debtors, already suffering economic distress, who barely have funds to pay for their initial bankruptcy filing, are seriously deterred from litigating their entitlement to a discharge of student loans by their realistic trepidation about being forced to cover the very substantial expense in litigating to trial their case against the formidable United States Department of Justice.

As to this concern, the Guidance proposes to solve this problem

by the creation of a new form, the "Attestation," which can be completed by the debtor at the inception of a litigation, thus bypassing extended expensive discovery, document production and depositions. The Attestation will immediately and inexpensively place the underlying facts before the Department of Justice, bypassing in a significant way the cost expense and delay of the formal discovery process. Thereafter, through an expedited procedure, the debtor's economic situation is promptly evaluated and a proposal in resolution of the case is made.

Historically, under the unequivocal language of 523 (a)(8), practitioners were generally inclined to believe that the ability to discharge student loans is an all or nothing proposition as the statute does not, on its face, contemplate a partial discharge of student loan debt. However, over the years, several courts have gone beyond the express language of the statute to authorize partial discharge. The Guidance collects those cases, citing them with approval, and expressly authorizes department attorneys to approve a partial discharge: "Where appropriate and permissible under governing case law, Department attorneys may recognize the availability of partial discharge."[8] The importance of this express recognition of the availability of a partial discharge cannot be overstated.

The Guidance is designed to implement ascertainable standards in evaluating the dischargeability of student debt. It begins, as does the means test,[9] with a comparison of the debtor's expenses with certain national and local standards. It then allows the inclusion of both "other necessary expenses" and "projected expenses" anticipated but not actually incurred. The Guidance elucidates by way of illustration that the former might include babysitting and day care. The latter might include the future cost of apartment rental where the debtor is currently living at home.

The Guidance next addresses the issue of how to evaluate whether the current minimal standard of living will continue to persist into the contractual repayment period. Here, it provides certain presumptions that if met will satisfy this condition, including that the debtor is age 65 or older, the debtor has been unemployed for five of the last ten years or that the debtor suffers from a chronic disability.[10]

Finally, it deals with the third *Brunner* element, that focuses on the debtor's good faith. There, it substantially relaxes the standards set forth in certain existing caselaw, including those finding lack of good faith where the debtor had never made loan payments, or had never engaged in an income-driven repayment ("IDR") plan prior to filing for bankruptcy.[11] As the Guidance states: that the "Good faith inquiry … 'should not be used as a means for courts or Department attorneys' to impose their own values on a debtor's life choices."[12]

All told, the Guidance may be properly viewed as a substantial breakthrough in the treatment of student debt. For one, it expresses a new-found liberality to provide guidance to the Department of Justice in evaluating debtor requests to discharge student loan debt. It also expressly endorses the concept of a partial discharge to authorize the substantial reduction of accumulated debt. Moreover, it articulates reasonable and ascertainable standards to provide guidance to debtors and their counsel in evaluating the prospects of obtaining a student loan discharge. As noted, as significant as the substantive aspects of the Guidance are, the procedural implications are comparably significant. The ability to obtain a prompt and relatively inexpensive evaluation of a request for discharge meaningfully reduces the costs of such a proceeding, costs that the typical bankruptcy debtor has historically been unable to afford.

1. 831 F. 2d 395 (2d Cir. 1987).
2. 11 USC §523 (a) (8).
3. 831 F. 2d 395, 397.
4. A minority of courts have adopted a "totality of circumstances test" which arguably deviates from *Brunner* but other courts have acknowledged that this alternative test considers similar information. See *In re Polleys* 356 F. 3d 1302, 1309 (10th Cir. 2004).
5. *In re Tingling*, 990 F. 3d 304, 308 (2d Cir. 2021).
6. *Rubash v United States Dept. of Education (In re Rubash)*, 2020 Bankr. LEXIS 1310, 13 (Bankr. W.D. Pa. 2020) Citing *Brightful v Pa Higher Educ. Assistance Agency (In re Brightful)*. 267 F. 3d 324, 330.
7. Guidance at pp 1-2.
8. Departmental Guidance Regarding Student Loan Bankruptcy Litigation, dated November 17, 2022 at P. 14.
9. As bankruptcy practitioners are well aware, since 2005, for a consumer to be eligible to file a Chapter 7 petition, to the extent his income is above the state median income for a family of his size, he must pass a "means test." The means test relies on federal and local standards to determine whether a debtor possesses excess disposable income so as to preclude his ability to file a Chapter 7 liquidation case.
10. *Id.* at pp. 9-10.
11. *Id.* at pp. 10-11.
12. *Id.* at 10.

Robert L. Pryor is a partner in the Syosset law firm BFSNG Law Group LLP, concentrating in bankruptcy, reorganization and insolvency-related litigation. He is past Chairman of the NCBA Bankruptcy Committee. He can be reached at rlp@pryormandelup.com.

FOCUS: CIVIL LITIGATION

Affirmations' Acceptability Affirmed by Another Amendment to CPLR 2106

Christopher J. DelliCarpini

If you still weren't sure that you could use affirmations instead of notarized signatures on litigation documents, the latest amendment to CPLR 2106 should put your mind at ease.

On November 21, 2025, Governor Hochul signed Senate Bill S8195,[1] which amends CPLR 2106 to make clear the statute's applicability. Effective immediately, affirmations are expressly usable in litigation "with the same force and effect as an affidavit, a certificate, a response to a notice to admit, an answer to interrogatories, a verification of a pleading, a bill of particulars and any other sworn statement."

The only exceptions are also expressly stated. Affirmations are still not acceptable "in a deposition, or an oath of office, or an oath required to be taken before a specified person other than a notary." A new subsection (b) also makes clear that "Nothing in this rule shall be construed to eliminate any requirement under the domestic relations law that matrimonial agreements must be acknowledged in the form of deed."

The "magic words" that make an affirmation acceptable have changed to broaden their applicability. Per the new subsection (a), the affirmation should close "in substantially the following form" with a new penultimate clause:

> I affirm this ___ day of _____, ____, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, except as to matters alleged on information and belief and as to those matters I believe it to be true, and I understand that this document may be filed in an action or proceeding in a court of law.
> (Signature)

This amendment was necessary, the sponsor memo tells us, to settle some remaining uncertainty over the statute's scope.

In 2023, the legislature amended CPLR 2106 "to allow affirmations in lieu of affidavits for all persons, wherever made. "The scope of the legislation was intended to be broad," but the legislature conceded that the "precise contours" of CPLR 2106 "remain[ed] ambiguous."

A 2024, amendment of CPLR 3020 made clear that verifications could be "subscribed and affirmed to be true under the penalties of perjury in accordance with rule twenty-one hundred six of this chapter." Despite this, S8195 noted, "there has been confusion as to whether the 2023 law allows affirmations to replace sworn statements other than affidavits."

As has been the case since the 2023 amendment, CPLR 2106 applies to all affirmants; no more are there any special rules for affirmations by attorneys or physicians. Everyone can sign an affirmation, but everyone must comply with the rule's current requirements.

The qualifier "substantially" allows for some variation, but the statute allows affirmants to rely on simply quoting the model language in subsection (a). In fact, the "substantially" qualifier also allows courts to hold that even current affirmations that use the former language are still acceptable. Indeed, the qualifying language about "matters alleged on information and belief" has been hitherto found only in pleadings, which counsel evidently did not believe were covered by CPLR 2106 until this latest amendment. And even if a court found an affirmation with the former language unacceptable, courts have discretion to accept corrected affirmations nunc pro tunc.[2]

Counsel should therefore immediately revise their templates—or create them, if they haven't already—to include the latest language, confident that the letter and spirit of CPLR 2106 allows affirmations instead of notarized statements except as the statute expressly provides.

1. The bill text is available at https://www.nysenate.gov.
2. See *Khurdayan v Kassir*, 223 AD3d 590, 591 (1st Dept 2024).

Christopher J. DelliCarpini is an attorney with Sullivan Papain Block McManus Coffinas & Cannavo PC in Garden City, representing personal injury plaintiffs on appeal. He is also Dean of the Nassau Academy of Law. He can be reached at cdellicarpini@triallaw1.com.

FOCUS: IMMIGRATION

Immigration Law and Trends in Removal Defense

Linda Goor Nanos

Since January 2025, changes in immigration case law and policy have upended the defense of foreign national respondents whom the U.S. government has placed in proceedings to be removed from the United States due to unlawful presence or criminal activity. Precedential decisions have been overturned in unanticipated numbers (55 before reaching the year's end) and immigration judges face pressure to dispense with cases quickly, prioritizing efficiency over constitutional due process. Attorneys defending respondents from removal feel the rug has been pulled out from under them. This article will focus on the major changes in case law and the trend to pretermit asylum applications without a hearing.

The most common defense against removal in immigration court is fear of persecution in the respondent's country of origin. Protection is requested from the U.S. government by submission of the I-589 Application for Asylum and Withholding of Removal. Under the Immigration and Nationality Act, the Attorney General may grant asylum to individuals who have suffered or fear persecution on account of their race, religion, nationality, membership in a particular social group, or political opinion in their home country.[1]

The enumerated ground for asylum can be a protected characteristic if it is at least one central reason for the persecution.[2] Harm may qualify as persecution if caused by the home government or non-governmental actors that the government is unable or unwilling to control.[3]

By far the most litigated ground for asylum which affords the greatest leeway for a respondent's representative to craft an argument is persecution in the home country on account of membership in a particular social group. Prior case law developed social groups to address domestic violence: women from El Salvador who are unable to leave a relationship[4] and the same for women of Guatemala.[5] Another particular social group found to be cognizable was immediate family members of a persecuted individual.[6]

The grant or denial of asylum protection generally takes place in the local immigration court that is under the auspices of the Department of Justice Executive Office for Immigration Review. The U.S. government or the respondent may appeal a decision to the Board of Immigration Appeals within the administrative system. Further review can be obtained in a federal circuit court.

This year, the U.S. Attorney General ("AG") has referred multiple cases that would affect immigration policy to her office to decide. AG Pam Bondi has worked to tighten the particular social group definition by overturning the above-mentioned domestic relationship cases and holding that the combination of sex and nationality as a basis for persecution in the home country is overly broad to qualify as a particular social group.[7] The same determination was reached for immediate family members of a persecuted individual.[8]

Another reason for denying asylum arises from Asylum Cooperative Agreements ("ACAs").[9] These agreements are between the United States and countries that agree to receive asylee applicants and afford the opportunity to apply for asylum in the third country. The ACA option is initiated by a Department of Homeland Security motion. Applicants can only avoid asylum denial based upon an ACA by showing they would likely be persecuted in the third country as well.[10]

There are statutory bars for a grant of asylum that include failing to apply within one year of arrival in the U.S. and certain criminal bars.[11] In those cases, the respondent's defense attorney will seek the alternative relief of withholding of removal. A grant of withholding requires that persecution be proved by more than 50% likelihood of persecution under one or more of the enumerated grounds. A specific type of withholding can be granted under the Convention Against Torture.[12] Statutory asylum bars don't apply to withholding, but if withholding is granted, it is not an avenue for adjusting status in the future, which

asylum is. A respondent who is granted withholding can be removed to a country other than the one in which the persecution occurred.

Precedential cases decided in 2025 have not only restricted asylum but also withholding decisions. It was held that acquiescence of government officials in the home country, an established standard for withholding, is not enough without showing actual complicity.[13] It is insufficient to speculate that police in the home country cannot or will not help a person who has suffered violence from a private actor.

A troubling recent development is the trend to pretermit an application for asylum without a hearing. Immigration judges are under tremendous pressure to clear the dockets and reduce adjudication delays. The Executive Office for Immigration Review issued a policy memo, in April 2025, encouraging its adjudicators to seek pretermission for insufficient applications.[14] In *Matter of C-A-R-R-*, decided in 2025, the BIA justifies pretermission if the asylum application is incomplete.[15] Regulations require that an applicant be given 30 days to cure a defect, but this rule is not being followed by the immigration judges.[16] It's incumbent upon the respondent's defense attorney to raise it.

Another basis for pretermission is that the application does not state an arguable claim on its face.[17] To avoid this outcome, the respondent's defense attorney should have a detailed asylum application with substantive answers to all questions. It should be ready for submission at the first court appearance, known as the master calendar. The application should include as many of the grounds of persecution as is reasonable and present enough facts to establish prima facie eligibility.

If an application is pretermitted, the representative will have to decide whether the best strategy will be a Motion to Reconsider, which will be reviewed by the same judge who pretermitted, or an appeal to the BIA for a review. Given the pattern of the BIA following the Attorney General's lead, that option is not much more favorable.

Pretermission without a hearing raises the constitutional issue of violating due process under the Fifth Amendment. It denies the respondent the right to testify, present evidence, develop the record, or cure a defect. Some of the applications that are being denied will be appealed to federal circuit court. The respondent's defense attorney must make every objection legally available and put as much information into the record as possible. The pendulum is swinging away from protection of immigrant rights, but a concerted effort by the defense bar can help to bring it back.

1. 8 U.S.C. § 1101(a)(42)(A).
2. 8 U.S.C. § 1158(b)(1)(B)(i); see *Matter of W-G-R-*, 26 I&N Dec. 208, 223-24 (BIA 2014).
3. *Matter of Acosta*, 19 I&N Dec. 211, 222 (BIA 1985).
4. *Matter of A-B-*, 28 I&N Dec. 307 (A.G. 2021).
5. *Matter of A-R-C-G-*, 26 I&N Dec. 388 (BIA 2014).
6. *Matter of L-E-A-*, 28 I&N Dec. 304 (A.G. 2021).
7. *Matter of S-S-F-M-*, 29 I&N Dec. 207 (A.G. 2025); *Matter of K-E-S-G-*, 29 I&N Dec. 145 (BIA 2025).
8. *Matter of R-E-R-M-* & *J-D-R-M-*, 29 I&N Dec. 202 (A.G. 2025).
9. 8 C.F.R. § 1240.11(h); agreements with individual countries have country specific citations.
10. *Matter of C-I-G-M-* & *L-V-S-G-*, 29 I&N Dec. 291 (BIA 2025).
11. 8 C.F.R. § 208.1.
12. U.S.C. § 1231(b)(3).
13. *Matter of O-A-R-G-*, 29 I&N Dec. 30 (BIA 2025).
14. Pretermission Memo April 11, 2025; PM 25-28.
15. *Matter of C-A-R-R-*, 29 I&N Dec. 13 (BIA 2025).
16. 8 C.F.R § 1208.39(c)(3).
17. *Matter of H-A-A-V-*, 29 I&N Dec. 233 (BIA 2025).

Linda Goor Nanos is a senior attorney at Nanos Gomez & Vekiarelis in Garden City. She has practiced immigration law since 1981 and is a member of the NCBA and American Immigration Lawyers Association. She can be reached at lnanos@nanosimmigration.com.

A Year of Change for Assigned Counsel Defender Plan

Continued from Page 1

all the NCBA resources, including the full catalog of CLE programs offered by the Nassau Academy of Law.

In 2025, 18b hired a full-time Spanish English paralegal, secured a grant to build a moot courtroom on the ground floor of Domus, and, most recently, funded Lexis accounts for every member of the criminal panel.

Recently, Nigro and Boorman were asked to present to the NYS Office of Indigent Legal Services (ILS) Board of Directors—including Chief Judge Rowan D. Wilson and Presiding Justice Dianne Renwick of the Appellate Division, First Department—on the victories and challenges faced by public defense leaders in New York State. Boorman shared the stories of four defendants whose lives have been touched, in ways both large and small, by the changes made at Nassau 18b.

Longterm goals for 18b include increasing funding for family law services; creating a pipeline of funding to directly pay investigators for every criminal panel member without the need for them to procure a court order for such services; and expanding membership on the family court panel.

As 18b looks towards the future, it does so firmly grounded in the legacy left by Bob Nigro. His retirement marks a transition built on years of thoughtful leadership, institutional growth, and unwavering commitment to the principles of public defense. Under new leadership, those values will not only be preserved, but expanded upon, ensuring that 18b remains steadfast in its mission to provide high quality, compassionate representation to the clients and communities it serves.

Nassau 18B Selects LexisNexis Platform to Empower Panel Attorneys with Advanced Legal Research Tools

Following an extensive vetting process, Nassau 18b has partnered with LexisNexis to provide its panel of over 160 attorneys with cutting-edge artificial intelligence capabilities through the Lexis+AI Protégé platform. This transformative partnership marks a significant advancement in legal technology access for indigent defense services in Nassau County and represents a commitment to ensuring that the most vulnerable residents receive the highest quality legal representation available.

Lexis+AI combines the power of Protégé, a personalized AI assistant with a vast repository of exclusive LexisNexis legal authority, enabling 18B panel attorneys to deliver more effective and efficient legal services. The platform's ability to draft transactional documents, litigation motions, briefs and complaints, along with its key component of checking its own work, provides attorneys with unprecedented support in their critical mission.

The Protégé platform allows users to upload tens of thousands of legal documents to the Protégé vault, where the technology can summarize, draft and research the documents, and can also create a timeline of events from that paperwork. This functionality is particularly valuable for 18B attorneys who handle complex cases requiring extensive document review and analysis.

"This partnership represents a pivotal moment for indigent defense in Nassau County," said 18b Deputy Administrator Lindsay Boorman. "The Lexis+AI Protégé platform will significantly enhance our attorneys' ability to provide comprehensive legal research and document preparation, ensuring that economic circumstances never compromise the quality of legal representation in our community. This is also a great example of how the NCBA corporate partnership with LexisNexis is a beneficial partnership for each other."

The NCBA extends special recognition to LexisNexis Corporate Partner Representative Raj Wakhale and his State & Local Govt Team whose comprehensive presentations and continuing legal education sessions were instrumental in demonstrating the platform's capabilities and benefits. Boorman added, "Raj's expertise and dedication helped 18b confidently move forward with a solution that addresses the complex intersection of technology, access to law, and content management that our defense attorneys require." Contact Raj at raj.wakhale@lexisnexis.com or 631-827-9661 with any questions on how AI can help your firm.

FOCUS: IMMIGRATION

When Home Becomes Unsafe: Asylum for Women Fleeing Domestic and Gang Violence After *Matter of K-E-S-G-*

Aneth Caicedo

She arrived in the United States as a teenager, fleeing gang members who had held her captive and sexually abused her for several weeks—an ordeal that shattered her dreams and left her with only one option: escape. Others seek refuge from abusive partners, where home has become synonymous with violence, each bruise a reminder that safety cannot be found in their own communities. For decades, the U.S. asylum system recognized that such survivors deserved protection. Yet recent precedents, most notably *Matter of K-E-S-G-*,[1] have placed that protection in jeopardy, raising urgent questions about whether the law can still safeguard women whose very homes have become unsafe.

For many years, the question of whether women fleeing domestic or gang violence qualified for asylum remained unsettled. Survivors often had to convince immigration courts that their claims fit within the asylum framework, which protects individuals persecuted on account of race, religion, nationality, political opinion, or membership in a "particular social group." In 2014, *Matter of A-R-C-G-*[2] offered a breakthrough by recognizing that "married Guatemalan women who are unable to leave their relationship" could constitute a cognizable social group, establishing a path to protection for survivors of domestic violence.

In 2018, however, *Matter of A-B-*[3] reversed that progress, casting doubt on domestic violence and gang-based claims by suggesting that persecution by non-governmental actors was insufficient. In 2021, *Matter of A-B- III*[4] restored much of the reasoning of *A-R-C-G-*, rekindling hope for many applicants. Yet uncertainty persisted. Now, with Matter of *K-E-S-G-*, the ground has shifted once more, making claims based on gender—or gender combined with nationality—far more difficult to litigate in immigration courts. The ruling signals a chilling message: that gender alone, even when it exposes women to systemic violence, is not enough to merit protection under asylum law.

In *Matter of K-E-S-G-*, the Board of Immigration Appeals held that asylum claims based solely on gender, or on gender combined with nationality—such as "Salvadoran women" or "Salvadoran women viewed as property"—do not qualify as a cognizable "particular social group" under U.S. asylum law. Although the decision does not eliminate gender-based asylum altogether, it represents a significant retreat from *Matter of A-R-C-G-* and *Matter of A-B- III*, making protection far more difficult for women whose persecution is rooted primarily in gender.

The Attorney General's decision in *Matter of S-S-F-M-*[5] further narrowed the path to relief by effectively reinstating *Matter of A-B- I* and reviving the notion that persecution by private actors is insufficient for asylum. This reasoning is particularly harmful because, in gender-based claims, the persecutors are most often private individuals—husbands, partners, gang members, or ex-boyfriends—while governments are either unwilling or unable to protect survivors.

The consequences of these rulings are evident in the cases encountered by immigration practitioners across the country. One young woman fled to the United States after being kidnapped and brutalized by gang members in her home country. She has now been waiting nearly ten years for her final hearing. Although her testimony about the torture she endured is entirely credible, her fate depends on whether a judge views her persecution as falling within the ever-shifting asylum framework. She remains terrified to appear in court, fearing detention or deportation, and believes the gang members will recognize her and attempt to kill her, as they already killed her cousin who once helped her escape.

Another survivor fled her country seeking refuge abroad, but her ex-partner tracked her down twice—in two different countries—and beat her for daring to escape. In her case, the government had already failed to protect her after she filed a police report that resulted in no arrest. Yet the Department of Homeland Security opposed her claim, citing restrictive precedent. Women like these are not fleeing their governments; they are fleeing gang members and abusive partners who wield unchecked power while authorities turn a blind eye. To deny them asylum is to deny them the right to live free from violence.

Even under restrictive precedent, immigration attorneys can take strategic steps to advocate effectively for survivors of gender-based violence. The key is to build a comprehensive and persuasive record from the outset. Practitioners should file all available documentation: police reports, psychological evaluations, expert declarations, and country condition evidence demonstrating the widespread nature of gender-based violence and the state's inability or unwillingness to protect women. When possible, corroborate client testimony with affidavits from relatives, neighbors, or local advocates.

At trial, counsel should urge immigration judges to analyze each proposed social group on a case-by-case basis and issue detailed findings grounded in the record. Framing is critical: broaden claims beyond gender alone when appropriate by connecting them to other protected grounds such as nationality, political opinion, or feminist beliefs, as supported by *Hernandez-Chacon v. Barr*.[6] Emphasize the persecutor's awareness and hostility toward the group, and when necessary, request briefing time or supplemental filings to preserve arguments for appeal.

For cases already pending on appeal or previously denied, practitioners should consider filing motions to remand, reconsider, or reopen where the record supports a different legal interpretation. Collaborate with advocacy organizations to coordinate amicus support in key cases. Finally, make the record clear: restrictive precedents such as *Matter of K-E-S-G-* and *Matter of A-B-* were wrongly decided and should be distinguished wherever possible. Protecting the record today—and mentoring new practitioners to do the same—ensures a stronger chance for justice tomorrow.

One survivor confided, "I am ashamed of what happened to me, and I am scared people will judge me." Decisions like *Matter of K-E-S-G-* and *Matter of S-S-F-M-* close the door to safety for women like her and deny survivors the understanding that they bear no blame for the violence they endured. These rulings narrow the path for gender-based asylum claims and leave survivors exposed to the very dangers they fled. Yet advocates and members of the legal community can continue to fight for meaningful protection for women and girls who experience gender-based violence. For those who have fled violence, home should be synonymous with safety—and the law must make that possible.

1. *Matter of K-E-S-G-*, 29 I&N Dec. 145 (BIA 2025).
2. *Matter of A-R-C-G-*, 26 I&N Dec. 388 (B.I.A. 2014).
3. *Matter of A-B-*, 27 I&N Dec. 316 (A.G. 2018).
4. *Matter of A-B- III*, 28 I&N Dec. 307 (B.I.A. 2021).
5. *Matter of S-S-F-M-*, 29 I&N Dec. 207, 210 (A.G. 2025).
6. *Hernandez-Chacon v. Barr*, 947 F.3d 133 (2d Cir. 2020).

Aneth Caicedo is an Associate Attorney at the Law Office of Eric Horn, P.C. She represents individuals before EOIR and USCIS, focusing on asylum, removal defense, and humanitarian relief. She can be contacted at anethvcaicedo@outlook.com.

Portrait Dedication Ceremony

On Friday, December 19, the Nassau County Courts held the portrait dedication ceremony for Hon. Leonard B. Austin (ret.), former Associate Justice of the Appellate Division, Second Department. The NCBA commissions portraits for elected Nassau County Supreme Court justices upon their retirements from the Bench and the portraits hang in the Calendar Control Courtroom of the Supreme Court.

FOCUS: LAW AND AMERICAN CULTURE

The Guardian of the Constitution's Original Meaning

Rudy Carmenaty

This article is dedicated to Ms. Victoria Monaco, Hofstra Law School Class of 2026.

Antonin Scalia was many things—articulate, brilliant, combative. The scholarly stalwart of the Supreme Court's conservative bloc, Scalia savored debate and made his case with an incisive wit. Most of all, he was a jurist animated by and dedicated to the original meaning of the Constitution.

A warrior in the vineyards of legal thought, Scalia's opponents were ideas and not people. This appealing quality earned him the admiration of many of his contemporaries. Scalia and liberal-counterpart Ruth Bader Ginsburg were quite simpatico, on and off the bench.

Both were New Yorkers who loved opera and appreciated the other's intellect. They never allowed their differences over the law to affect their relationship. The Scalias and the Ginsburgs usually spent New Year's Eve in each other's company, and Ginsburg's husband Marty traded recipes with Scalia's wife Maureen.

There were, however, those, in the press or among the legal commentariat, unable to match the lucidity of his arguments or the cleverness of his repartee, who resorted to invective. Maureen Dowd of *The New York Time*s on one occasion described Scalia as "Archie Bunker in a high-backed chair."[1]

This pungent barb was among the more charitable criticisms levelled at Scalia. Such is the nature of our polarized body politic. What could not be denied were his intelligence or his integrity. A decade removed from his untimely passing; Scalia remains a touchstone of American jurisprudence.

Generations of lawyers and judges have been attracted to this charismatic genius. His decisions, rooted in "originalism" and "textualism," have reverberated beyond his lifetime. Scalia transcended the legal nomenclature. His impact on the wider culture resonates still.

Antonin Gregory Scalia was born on March 11, 1936, in Trenton, NJ. The only child of Italian immigrants, his father, Salvatore, attended Rutgers and became a professor of Romance Languages at Brooklyn College. His mother, Catherine, was a teacher. His nickname since childhood was Nino.

His Italian-American heritage and his Roman Catholicism were integral to the formation of his character. In 1939, the family moved to Elmhurst, and he would refer to himself in subsequent years as an "Italian from Queens."[2] As a youngster Scalia attended Xavier High School, a Jesuit military academy in Manhattan.

He went on to graduate from Georgetown and Harvard Law, where he made Law Review. In Cambridge, he met, and would marry Maureen McCarthy in 1960, the same year he graduated from law school. Theirs was an abiding union that lasted 56 years and produced nine children.

Launching his career at Jones Day, he taught law at the University of Virginia and the University of Chicago. In between academic stints, he served in the Ford administration. In 1982, Ronald Reagan appointed him to the DC Circuit Court of Appeals, where he first forged his bond with Ginsburg.

Four years later, the President named him to the seat held by William Rehnquist. The latter was being elevated to Chief Justice. Scalia's senate hearings went swimmingly, and he was confirmed unanimously 98-0. It was a starkly different era in Washington, a more civil time we should all long one day to recapture.

His presence on the court was soon felt. Initially this was due to his questioning during oral argument. Scalia engaged counsel with pointed, penetrating exchanges. This proved a dramatic departure from prior practice. So much so, it prompted Lewis Powell to query "Do you think he knows that the rest of us are here?"[3]

While Scalia proved a usually reliable conservative vote in conference, he was not a strict constructionist. Rather, he was an originalist. In concrete terms, this signified he believed that what mattered is what the text of the Constitution meant at the time of its adoption.

The Constitution should be interpreted in terms of what the words connoted to its authors, the foundering fathers, and to the American people in 1787. "What did the words mean to the people who ratified the Bill of Rights or who ratified the Constitution," provided the predicate of his decision-making.[4]

Wedded to the text, the words contained in the Constitution are to be construed as then understood. Scalia also held that statutes should be interpreted based upon the plain meaning of the specific language in the legislation. It was the ordinary meaning of the words that governed.

His role was not to divine intent. Scalia never cared for the use of legislative history. In a concurrence in *Zedner v United States*, he affirmed: "The use of legislative history is illegitimate and ill advised."[5] This led fellow jurists to be more circumspect in their use of non-textual sources.

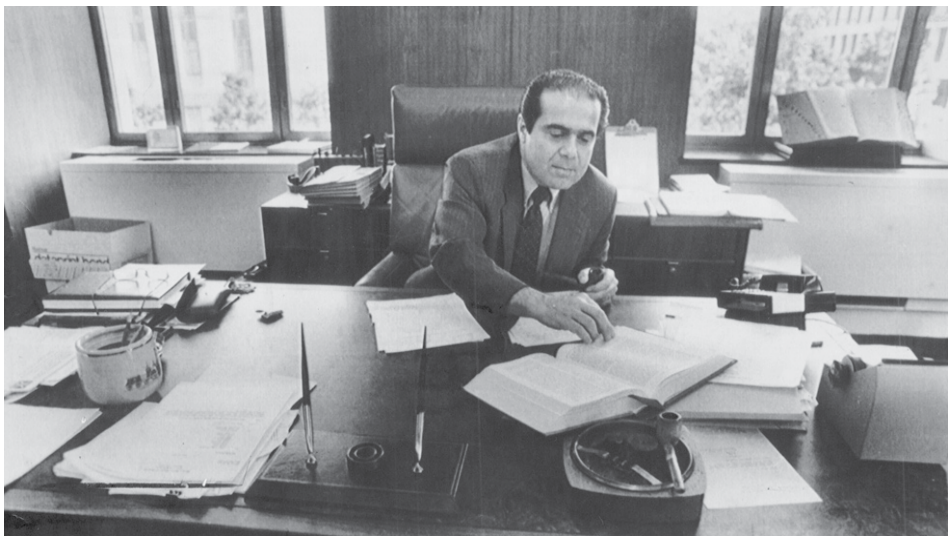
As he saw it, the function of a judge is to determine what the law requires and apply it. Deceptively simple, his approach is far from being simple-minded. Grounded in history and rooted in logic, this practice of adhering to the actual meaning of the text was once thought of as standard operating procedure.

"I do not think the Constitution, or any text should be interpreted either strictly or sloppily; it should be interpreted reasonably," was his mantra.[6] Scalia's formulaic brand of adjudication demanded any decision by the Supreme Court appear objectively arrived at, rational on its face, and be principled in its conclusions.

Aware of the hubris those on the bench may be prone to, Scalia rejected the notion of a Living Constitution, that judges should adapt the text's meaning to fit modern-day circumstances. "The risk of assessing evolving standards," he warned, "is that it is all too easy to believe that evolution has culminated in one's own views."[7]

Originalism places inherent limits restraining jurists from imposing their policy preferences. Scalia chided colleagues when they interpreted the Constitution to accommodate new concerns or address today's prevailing values. As he saw it, the Constitution was not a living "organism; it's a legal text" and it is "dead, dead, dead."[8]

If the Constitution's meaning is to evolve, that is what the amendment process as proscribed in the document is for. If social change is desirable, it should emanate not from the courts but from Congress.



Article III judges are neither elected nor, once confirmed, accountable. They should thus refrain from acting as legislators.

In response to accusations he was undercutting Warren era rulings, he responded: "Don't think that it's a one-way street," the Living Constitution "can take away rights just as we can grant new ones."[9] Further, neither his originalist philosophy nor his textualist approach were guaranteed to automatically yield conservative outcomes.

An example of his philosophy obligating him to follow the law irrespective of the result can be seen in the field of criminal procedure. Scalia revived the Sixth Amendment's confrontation clause invalidating convictions due to hearsay, drug analysis, victims testifying via video, fostering a presumption in favor of live testimony.[10]

While not favorably disposed to the *Miranda* decision, and voting to overturn it, Scalia did believe every element of an offense must be either proven or admitted to per the Sixth Amendment's jury trial guarantee.[11] Thus, expanding the protections afforded the accused.

In 1989, he voted to uphold the right to burn the American flag on First Amendment grounds.[12] For siding with the court's 5-4 majority, he got grief from his wife. The following morning while she was preparing his breakfast, Maureen did so while humming George M. Cohan's "You're A Grand Old Flag."[13]

William Brennan, who authored and orchestrated the decision in the flag-burning case, operated under the rubric it takes five votes to get anything done on the court. Brennan acted as a ward heeler of sorts forming coalitions to secure 5-4 majorities. By contrast, Scalia's attempts at persuasion were restricted to his "Ninograms."

Ninograms were memorandums wherein he unwaveringly outlined his views. The moniker is derived from his nickname. Scalia was not a consensus builder and had nothing to barter with as his position on a given matter was fixed. The crux of his labors lay with promoting originalism and textualism, considered fringe when Scalia first arrived.

By 1986, Brennan had been senior justice for more than a decade. He cobbled together majority opinions, often peeling off Republican-appointed justices, as the court seemed to drift without a rudder. The court, as Brennan knew it, would be transformed by Scalia's theoretical bearing.

Scalia's influence on the court's proceedings was asymmetrically as consequential as Brennan's horse trading. Speaking to NPR's Nina Totenberg, Scalia observed: "Winning and losing, that's never been my objective. It's my hope that in the fullness of time, the majority of the court will come to see things as I do."[14]

Seen as out of step with perceived wisdom in certain quarters, he affirmed the right to bear arms under the Second Amendment, maintained the Establishment Clause does not prohibit public displays of religion, and upheld the death penalty. He also opposed resorting to foreign law when interpreting the American Constitution.

As a rule, Scalia insisted the Constitution is silent on hot button social issues that have generated considerable controversy in civil society. He consistently voted against the right to legalized abortion, affirmative action or race-based remedial efforts, and LQBT rights, generally winding-up on the losing end of these cases.

As compared to Brennan, Scalia rarely found himself in the majority. Still, his forlorn dissents have lately been adopted by the current Supreme Court's 6-3 conservative majority as witnessed in *Dobbs v Jackson Women's Health Organization* and *Students for Fair Admisison v Havard*.[15]

It is now an originalist court. The foremost originalist is senior justice and Scalia ally Clarence Thomas. Samuel Alito and Neil Gorsuch are originalists to varying degrees. Amy Coney Barrett is a former Scalia clerk. Brett Kavanaugh is quoted as saying: "I loved the guy," for Scalia "was and remains a hero and a role model."[16]

And less you think his example is confined to the court's conservatives, justices named by democratic presidents have paid homage to Scalia's tenets. According to Elena Kagan, who was for the late justice a cherished colleague, "we are all originalists now."[17] Conclusively, Scalia changed the tenor of the debate.

Advocates of differing stripes have increasingly employed his means and methods to bolster their positions. As a theoretician, Scalia's precepts have compelled others to if not accept his conclusions, at a minimum grapple with his strictures and do so on his terms. Scalia's influence on the legal landscape continues unabated.

His opinions have become part of legal lore. Scalia never hesitated in filing a potent dissent or authoring a perceptive concurrence if he felt the court had gone astray to any discernable degree. And he wrote in compelling, unequivocal prose. "I disagreed with most of what he said," Ginsburg admitted, "but I loved the way he said it."[18]

"The court must be living in another world," Scalia once penned, "[d]ay by day, case by case, it is busy designing a constitution for a country I do not recognize."[19] Yet it was not all gloom and doom. "The operation was a success, but the patient died," he wrote in a humorous vein, "What such a procedure is to medicine, the court's opinion in this case is to law."[20]

There is no question Scalia, with all his charm, was neither reticent nor shy when interpreting the Constitution. "I love to argue. I've always loved to argue," Scalia revealed in a moment of candor, "And I love to point out the weaknesses of the opposing arguments. It may well be that I'm something of a shin kicker."[21]

Not everyone was enamored with his rather combustible temperament. "He's made a huge difference. Some of it constructive, some of it unfortunate" was John Paul Stevens's assessment.[22] Asked how he wanted to be remembered, Scalia replied "I don't worry about my legacy. Just do your job right, and who cares?"[23]

His commitment to the words found in our founding document likewise inscribed Scalia in the minds of the American people as a forthright, originalist judge. Alongside Ginsburg, who will be forever known as the "Notorious RBG," Scalia became an icon who made judging appear compelling, even fun.

Not only were his opinions accessible, but his persona spoke to millions of people who ordinarily showed little interest in the judicial process. Chief Justice John Roberts fittingly eulogized Scalia as "our man for all seasons; he will be recognized by future generations as a farsighted jurist for our imperfect times."[24]

Unique and irreplicable, it is doubtful we will see his like again. Current-day confirmation hearings, in which the nominee and the senators engage in a kind of kabuki and where having a provocative paper trail may prove fatal, no longer allow for someone on the order of a Scalia to be considered much less nominated.

Given the current political climate in Washington and the disfunction that has overtaken Senate confirmations, it appears improbable such an outsized personality as Antonin Scalia could ever again sit on the Supreme Court. That is truly a supreme loss regardless of where you stand on the legal issues of the day.

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2. Eileen AJ Connelly and Michael Hechtman, *Supreme Court Justice Antonin Scalia at 79*, New York Post (February 13, 2016) at https://nypost.com.
3. ABC News, *Benchmark for Antonin Scalia: 25 years on the court,* ABC News (October 3, 2011) at https://abcnews.go.com.
4. Mary Elizabeth Williams, *Scalia say outlawing "homosexual sodomy" is a no-brainer, Salon* (October 5, 2012) at https://solon.com.
5. 547 U.S. 489 (2006).
6. Antonin Scalia, *The Constitution has the Same meaning it had When Written*, Teaching American History (March 14, 2015) at https://teachamericanhistory.org.
7. *Thompson v Oklahoma*, 487 U.S. 815 (1988).
8. Claire Kim, *Justice Scalia: Constitution is "dead"*. NBC News (January 29, 2013) at www.nbcnews.com.
9. Kate Gazella, *Scalia says to focus on the Original meaning of the Constitution, University Record* (November 22, 2004) at https://record.umich.edu.
10. *Crawford v Washington*, 541 U.S. 36 (2004).
11. *Miranda v Arizona*, 384 U.S. 436 (1966), *Dickerson v United States*, 530 U.S. 428 (2000).
12. *Texas v Johnson* 491 U.S. 397 (1989).
13. Gazella, *supra.*
14. Nina Totenberg, *Justice Scalia, the Great Dissenter, Opens Up*, NPR (April 28, 2008) at https://www.npr.org.
15. 597 U.S. 215 (2002) and 600 U.S. 181 (2003).
16. Megan Keller, *Supreme Court nominee Kavanaugh called Scalia a 'hero' and 'role model', The Hill* (August 13, 2018) at https://thhill.com.
17. Josh Blackman and Josh Malcom, *How "Originalism" Became the Prevailing View at the U.S. Supreme Court*, Heritage Foundation (October 8, 20250 at https:///heritage.org.
18. American Society of International Law, Remembering RBG, at https://asil.org.
19. *Board of County Commissioners, Wabaunsee County, Kansas, v Umbehr*, 518 U.S. 668 (1996).
20. *National Endowment for the Arts v Finley*, 528 U.S. 569 (1998).
21. BBC, *Justice Antonin Scalia: In his own words,* (February 14, 2016) at https://www.nnc.com.
22. Joan Biskupic, *American Original*, (1st Edition 2010) 362.
23. BBC, *supra.*
24. John Roberts, *Justice Antonin Scalia*, 130 Harvard Law Review 1 (November 2016) at https://harvardlawreview.org.

Rudy Carmenaty is Deputy Commissioner of the Nassau County Department of Social Services. He can be reached at Rudolph.Carmenaty@hhsnassaucountyny.us.

NASSAU ACADEMY OF LAW

January 12 (Hybrid)

Dean's Hour: Filing an Appeal of Problematic Convictions to Assist Your Non-Citizen Client and Avoid a § 440.10 Motion

With NCBA Appellate Practice and Immigration Law Committees and Nassau County Assigned Counsel Defender Plan

12:30PM

1.0 CLE Credit in Professional Practice

NCBA Member FREE; Non-Member Attorney $35

This program will address the procedural steps and substantive arguments attorneys may take to protect non-citizen clients from the negative impact of a problematic conviction on the client's immigration status. Filing a Notice of Appeal, identifying and appealing a problematic conviction, and recognizing and seeking to vacate convictions that trigger harsh immigration consequences are all protective measures that counsel may pursue to assist a non-citizen in a vulnerable immigration posture. The speakers will explore the substantive and strategic analysis that counsel should know to achieve the best protections for their immigration clients.

Guest Speakers:

Jackeline Saavedra-Arizaga, Legal Aid Society of Suffolk County, Immigration Unit and Long Island RIAC, and **Michelle Caldera-Kopf,** Legal Aid Society of Nassau County, Immigration Unit and Long Island RIAC

January 20 (In Person Only)

A Fireside Chat with Second Circuit Judge Joseph F. Bianco

With NCBA Appellate Practice Committee

5:00PM Registration; 5:30PM CLE Program

1.0 CLE Credit in Professional Practice

NCBA Member FREE; Non-Member Attorney $35

Judge Joseph Bianco will share his experience as a litigator and jurist, with advice for practitioners in trial and appellate courts. Additionally, he will share his experiences with the appointment process as a district court and circuit court judge and his perspectives on the process.

Moderator:

Christopher J. DelliCarpini, Sullivan Papain Block McManus Coffinas & Cannavo P.C.

Guest Speaker:

Hon. Joseph F. Bianco, U.S. Court of Appeals for the Second Circuit

January 26 (Hybrid)

Dean's Hour: Navigating the Aftermath—Liabilities for Law Firms After a Breach

With NCBA Cyber Law Committee

12:30PM

1.0 CLE Credit in Cybersecurity, Privacy and Data Protection-General

NCBA Member FREE; Non-Member Attorney $35

This program examines the post-data breach ethical and legal considerations for law firms, including managing post-breach litigations, government investigations, grievance proceedings, and reputational harm. Attendees will gain practical guidance on mitigating liability, advising firm leadership, and implementing governance and compliance strategies to protect client relationships after a cybersecurity incident.

Guest Speakers:

Nicole E. Osborne and **Andrew T. Garbarino,** Ruskin Moscou Faltischek, P.C.

January 29 (Hybrid)

Dean's Hour: Sex Trafficking on Long Island

With NCBA Diversity & Inclusion Committee

12:30PM—2:00PM

1.5 CLE Credits in Professional Practice

FREE for all attendees

Panelists will address how and why sex trafficking is a growing issue on Long Island as well as describe the jurisdiction and procedures related to the Nassau County Human Trafficking Intervention Court. They will also share resources to support survivors and discuss how to identify the warning signs of human trafficking in our community.

Guest Speakers:

Hon. Maxine S. Broderick, Acting County Court Judge, Human Trafficking Intervention Court

Christine N. Guida, Deputy Bureau Chief, Special Victims Bureau and Attorney in Charge of Human Trafficking, Nassau County District Attorney's Office

Rosemary A. Walker, MPS, Project Director, Problem Solving Courts, Nassau County District Courts

Cate Carbonaro, Executive Director, The Retreat

January 30 (In Person Only)

Third Annual Veterans Forum: Advocating for Military and Veteran Clients—Practical Legal Information and Tips Every Lawyer and Service Provider Needs to Know

9:00AM Continental Breakfast Sponsored by Mortgage Foreclosure Assistance Project

9:30AM–12:30PM Program

2.0 CLE Credits in Professional Practice

FREE for all attendees

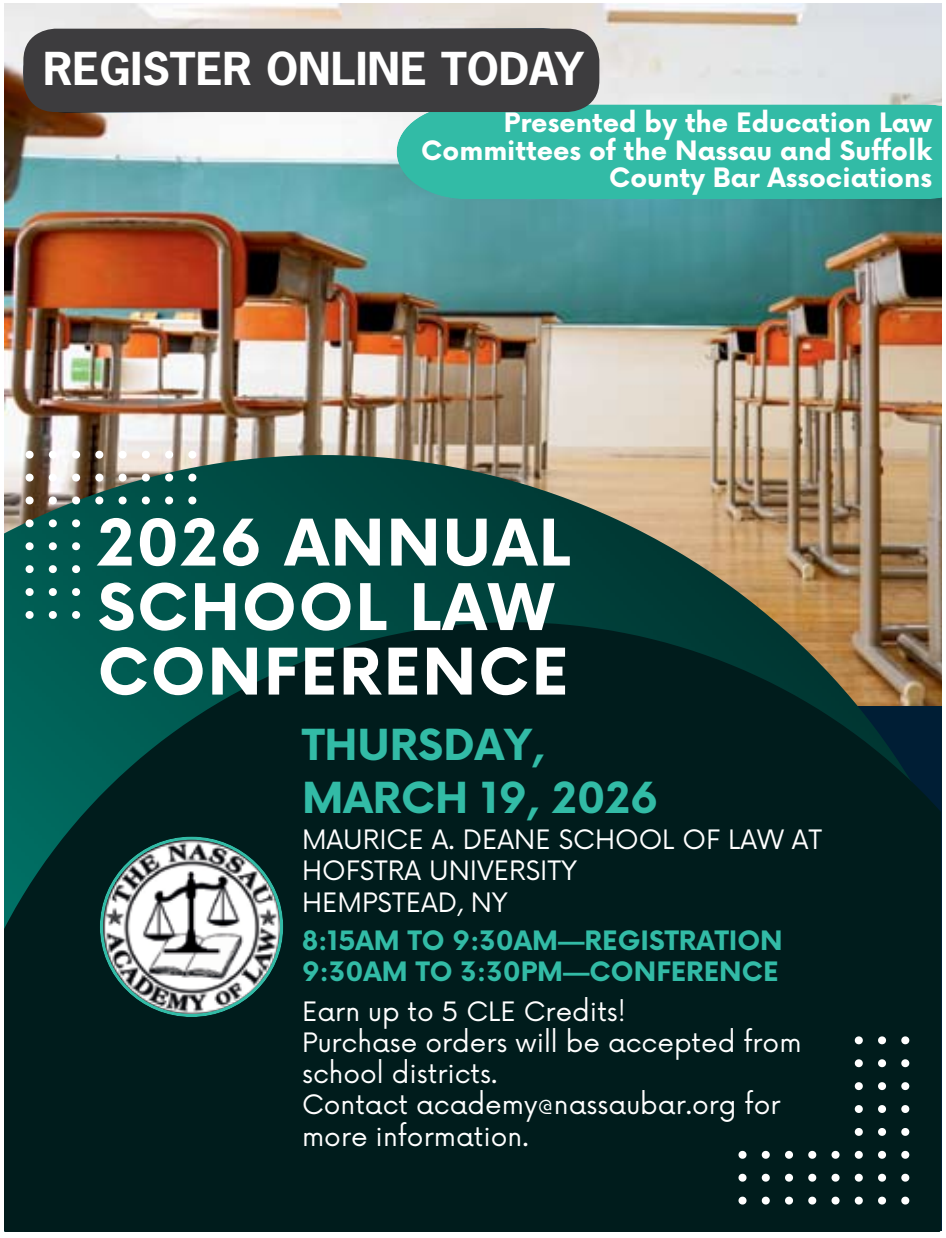
PROGRAMS CALENDAR

9:30AM: Welcome and Introduction with Viviana DeCohen, NYS Commissioner of Veterans' Services

10:00AM: What is a Veteran? with Benjamin Pomerance, NYS Department of Veterans' Services

11:00AM: Special Considerations in Immigration, Elder Law, and Estate Planning for Veteran Clients with Gary Port, Port & Sava

12:00PM: Information About Local Organizations That Serve Veterans and Service Members



ON DEMAND PART 36 CERTIFIED TRAINING PROGRAMS

To serve as a Guardian, Court Evaluator, or Attorney for Alleged Incapacitated Persons (AIP), pursuant to Article 81 of the Mental Health Law, a person is required to receive training approved by the Guardian and Fiduciary Services of the Office of Court Administration. Our Nassau Academy of Law On Demand programs include:

- **Article 81/Court Evaluator/Attorney for AIP**
- **Guardian Ad Litem**
- **Receivership**
- **Supplemental Needs Trustee**

Purchase includes seminar material, paperwork to be submitted to the court for proof of training, and CLE credit for completing the training.

Questions? Contact academy@nassaubar.org.

These programs are appropriate for newly admitted and experienced attorneys.

The Nassau Academy of Law provides CLE financial aid and scholarships for New York attorneys in need of assistance. For more information, email academy@nassaubar.org at least five business days prior to the program.

FOCUS: MILITARY

Mass Murders—These Dead Cry Out for Justice and No One Seems to Be Listening

Hon. Edward W. McCarty III, Ret.

The following is an account of how the power of the law, conformity to legal standards, and a lawyer's personal conviction concerning the requirements of due process literally saved many lives. This litany is not intended to elicit praise, but rather to encourage all lawyers to always do what is legally and ethically correct in their practice.

Shortly after Christmas in 1990, I was sitting in my chambers when I received an unexpected call from a representative of the Department of the Army. He informed me that as an Army reservist I was being called to active duty as a Lieutenant Colonel in support of Operation Desert Shield. My copies of the CPLR and Penal Law were quickly put aside and substituted by copies of the Uniformed Code of Military Justice and the Geneva Convention of 1929. I never imagined how important the Geneva Convention would be to my new assignment.

I reported to Fort Bragg to serve as the Staff Judge Advocate for the 354th Civil Affairs Brigade. Ten days later I was on a giant C-5A transport aircraft bound for the eastern coast of Saudi Arabia, where my unit was to act as support and liaison between American forces and the local Saudi Arabian government entities. My assignment was challenging and enjoyable as I had daily contact with diplomats, judges and public officials in Riyadh and other major cities along the Persian Gulf. This assignment, however, was not without danger.

On a daily basis, Iraq launched Scud missiles toward the area where I was serving. We were always given a ten-minute verbal warning through our PA system of a possible attack when our satellites registered the telemetry preparation for a Scud launch. When the air raid sirens sounded, they indicated that the missiles were launched and coming to our area with missile impact expected within the next five minutes.

Since the Scuds were a fire-and-forget missile system, we knew that their impact target trajectory was a five-mile-by-five-mile area. The probability of being killed or injured by such an attack was small. Yet it also boosted morale to watch our Patriot anti-missile units successfully engage the Scuds. Unfortunately, early one evening a Scud penetrated our defense system and detonated in a barracks a half-mile from my quarters. The explosion killed 27 soldiers and deafened the other 100 soldiers who survived the blast. This did not instill fear in our troops but only heightened our determination to accomplish our mission to liberate Kuwait.

Operation Desert Shield was a defensive action to prohibit any further Iraqi aggression into the Persian Gulf region. However, it soon became Operation Desert Storm. Operation Desert Storm was an offensive action whose objective was to liberate Kuwait by forcibly expelling Iraqi forces from its borders. As preparations for offensive actions against Iraq gained momentum, I was detailed from the 354th Civil Affairs Brigade to a special Army unit known as the Kuwaiti Task Force ("KTF"). The KTF was a group of fifty Army reserve officers highly experienced in governmental affairs. Its mission was to assist in the restoration of essential government services to Kuwait upon the liberation of Kuwait City. My assignment was to lead a team of two other JAG officers to assist in the reestablishment of the Kuwait City court system.

In preparing for our mission to Kuwait we first had to learn about the pre-war structure and everyday affairs in Kuwait City. We learned that the population of Kuwait and Kuwait City and their three-tiered society. The top tier was made up of those Kuwaiti nationals who greatly benefited from employment with petroleum corporations in their oil-rich economy. They were supported by a middle tier of international workers employed in such essential positions as teachers, judges, court personnel, physicians, nurses, and senior governmental affairs functionaries. This highly administrative personnel tier was largely composed of Palestinians who came to Kuwait from Palestine in the late 1940s. The remaining third tier of Kuwaiti society was composed of service support personnel known as Third Country Nationals ("TCNs"). They were mostly oil field workers and urban support service providers in Kuwait City. These temporary workers were mainly from India, Bangladesh, and the Philippines.

Each tier of Kuwaiti society enjoyed unusual affluence, and poverty was not present in Kuwait's oil rich economy. Upon the invasion of Kuwait, most of those in the top tier of Kuwaiti society fled to Saudi Arabia, while the remaining two-thirds of the population remained to provide support services to their remaining countrymen and Iraqi conquerors. This collaboration between the remaining Kuwaitis and their Iraqi occupiers would present significant problems upon the liberation of Kuwait and the return of the top tier of Kuwaiti society. These problems had not been anticipated by the KTF.

The tactical execution of the Desert Storm ground offensive resulted in a lethal and quick success for coalition combat forces. Upon the liberation of Kuwait City, the KTF was immediately deployed to the capital, where we experienced the joy of liberating an oppressed city. We spent our first night in the city sleeping with loaded weapons in our vehicles in the parking lot of the American embassy. The next day we began our mission of restoring the operation of the Kuwait City courts. I was shocked to see the general design of the Kuwait courthouse. It was an exact copy of the Nassau County Supreme Courthouse in Mineola. Upon entering the looted building, we quickly retreated when we found explosive devices left behind by the Iraqi forces. We would have to wait several days to reenter the building until it was cleared by U.S. Army ordnance personnel. This gave our team a chance to explore the area.

While observing the damage to the famous Kuwait Towers, an incident occurred which foreshadowed future events. A 50-year-old man walking with his 25-year-old son on the Kuwait City promenade approached me and literally begged my group to provide protection for his son. He told us that during the Iraqi occupation his son had continued to work in the Kuwait City government for the Iraqis. He and his son were extremely fearful of Kuwaiti retaliation. We told them that reprisals were not expected and sent them on their way. I was to learn that our assumption was misplaced,

and that returning Kuwaitis would comply with the principles of international law in their treatment of their countrymen who worked for the Iraqis during the occupation.

That same day we walked through the abandoned Royal Palace and observed the Throne Room of the Emir who was the unelected monarchical ruler of the Al-Sabah dynasty in Kuwait. Later we sat at the abandoned desks of members of the Kuwait Parliament and were surprised to learn how much of the city had been looted and vandalized by the departing Iraqi Army. Perhaps our biggest surprise occurred on Highway 80, the road connecting Kuwait City and Basra, Iraq, which came to be known as the "Highway of Death." A large Iraqi convoy on the road had been destroyed by American airpower as they fled to Iraq. The scent of death was still in the air as we observed thousands of pounds of looted Kuwait City property in Iraqi vehicles.

After a few days, the Kuwait courthouse was declared safe and legal restoration operations began in earnest. Members of the courthouse staff slowly returned to work, and our team made lasting friendships with members of the Kuwait Bar. After a few weeks of restoration activities, it was apparent that our phase of the KTF mission was coming to a successful end. I was then given a new assignment with the KTF.

A lieutenant colonel assigned to the KTF was accidently shot by a Kuwaiti Army patrol in Kuwait City. He was seriously wounded and barely survived the incident. I was assigned to investigate the circumstances of this shooting. During the course of my inquiry, I went with my Kuwaiti translator to the police station that had jurisdiction over the area where the shooting took place. Upon entering the ultramodern building, I was shocked to be greeted by a large number of top-tier Kuwaitis armed with AK-47 automatic weapons. These were not police officers, soldiers or militia, but merely Kuwaiti civilians.

When I approached the American Green Beret sergeant who was monitoring the group, he informed me that the armed civilians in the police station had brought in a Kuwaiti-Palestinian civilian whom they accused of collaborating with the Iraqi Army. The group was about to execute him. We were not going to let this happen! I lied to the group by telling them through my interpreter that I had come from Kuwait headquarters to bring this prisoner in for further questioning. We dragged the prisoner to the Green Beret's car and transported him to the regional detention facility. At the time I was satisfied to have saved a life. I now strongly believe I merely put off his eventual murder.

My investigation into the shooting of the lieutenant colonel soon concluded, and I was assigned to investigate the increasing number of murdered middle-tier Kuwaitis whose bodies were being dumped along a section of Ring Road, a highway surrounding Kuwait City. My assignment was to monitor, not to investigate, these atrocities. However, based on my knowledge of the Geneva Convention and its requirements for protecting the rights of civilians during and after an armed conflict, my responsibilities for this assignment required far more than merely monitoring

I visited the dumping-site section of Ring Road early the next morning. I discovered a number of new victims at the location who bore the marks of being severely beaten before their executions. The spot was not designated a crime scene, and no Kuwaiti law enforcement or government officials ever came to that location. Members of the Kuwaiti-Palestinian community soon came to recover the bodies for burial.

I then visited Kuwait City jails, where I discovered a large number of middle-tier Kuwaitis being held as prisoners under extremely crowded conditions. They were largely being held as alleged Iraqi collaborators, although no courts or police investigative services were then functioning to confirm this status. I also met the KTF colonel who was the prison adviser for the reestablishment of the Kuwaiti penal system. He was appalled at the prison conditions and was trying to enact reforms that were not getting much American or Kuwaiti support. We discussed our personal obligations under the Geneva Convention concerning the treatment of civilians and agreed to continue our efforts to bring justice to all Kuwaitis.

The murders continued over the following weeks, and I had meetings with the American Ambassador and his staff as well as the general in charge of civil affairs operations in Kuwait. In the absence of any efforts by Kuwaiti officials to investigate the murders, I proposed taking a small number of American soldiers to the Ring Road dumping site in order to apprehend and identify the murderers when they came to carry out more executions. This proposal was rejected on the rationale that this was an internal Kuwaiti problem.

When I estimated that approximately 80 victims had been murdered so far, one State Department attendee responded that this did not seem like a problem since we initially estimated that 2,000 repatriation murders would take place. Our duties and responsibilities under the Geneva Convention for the protection of civilians were being completely disregarded.

However, the atrocities along Ring Road were not being ignored by the citizens of Kuwait. There was considerable unrest in the affluent middle-tier communities. There were rumors that the people in these communities were arming themselves in self-defense. The fledgling Kuwaiti government, the American embassy, and the KTC could not ignore the looming national crisis. *The New York Times* sent reporter John Kifner to cover this developing situation. I was ordered to meet with him the next day and take him out to the Ring Road dumping site.

That night I was filled with anguish about how to meet the goals of my assignment without compromising my responsibilities under the Geneva Convention. I met Kifner the next day at the American embassy. We discussed the unrest in Kuwait caused by the murders and then left in my car for the Ring Road dumping site. It was a very hot desert day, and we discovered a number of new bodies had been dumped at that location. Similar to prior victims, they displayed severe wounds inflicted prior to death.

When Kifner asked me for a comment about the situation, I uttered words that I had composed in my mind the night before. I told him, "These dead cry out for justice, and no one seems to be listening." That answer fulfilled my responsibilities under the Uniformed Code of Military Justice and the Geneva Convention. I had given Kifner the information he needed to write an important article.

Four days later, on April 3, 1991, Kifner's article with my quote concerning the victims appeared in *The New York Times* under the headline "Kuwaitis Urged to Halt Attacks on Palestinians."[1]

My efforts in Kuwait City failed to stop the murders, but I knew that the *Times* article could have a different effect. I was confident that the article would be seen by many American and international policymakers. On April 4, the political murders stopped in Kuwait. Whether the order to stop the killings came from the White House, State Department, Pentagon, CIA or some other authority is irrelevant. The murders stopped and countless lives were saved as a result of the article. I was, and continue to be, proud of my contribution to this outcome.

As more Kuwaitis returned to Kuwait City, the mission of the KTF was reduced. During the next year, the reestablished Kuwait government deported over 400,000 of its Palestinians middle-tier residents to Jordan. While due process was not followed, there were no further mass murders. I returned to the 354th Civil Affairs Brigade to resume my duties as Staff Judge Advocate along the Persian Gulf in Saudi Arabia.

We returned to Fort Bragg in early May, and I returned to my civilian status two weeks later. Back in New York, I marched up Broadway in a welcome home ticker-tape parade. Following the requirements of the Geneva Convention did not have an adverse effect on my military career, as I was awarded the Bronze Star for my accomplishments in Desert Storm and later promoted to Colonel. Yet I took the most pride in the fact that my actions as both a lawyer and military officer in response to the Kuwaiti atrocities saved lives. As every lawyer should do when faced with an ethical challenge, I did what the law and morality required.

1. John Kifner, *Kuwaitis Urged to Halt Attacks on Palestinians*, N.Y. TIMES, April 3, 1991, at A6.

Judge Edward W. McCarty III, Ret. is a former Nassau County Assistant District Attorney; District, Supreme and Surrogate Court Judge; Colonel-Judge Advocate General Corps, U.S. Army Reserves; Adjunct Professor of Law, St John's and Hofstra Law Schools; and current NAM Arbitrator and Mediator. He can be reached at emccarty54@gmail.com.

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Use to-do lists and calendars. It is easier to manage your time when you can clearly see all your tasks, and their deadlines, laid out in front of you.

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Start with the most important task first. Think most important, not most urgent. Both will get done, but it is more effective to start your most important task when you are fresh.

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To schedule a presentation in the new year on wellness for lawyers, contact LAP at 516-512-2618 or gpirozzi@nassaubar.org. LAP is supported by funding from the NYS Office of Court Administration, the WE CARE Fund, and Nassau County Boost. Happy New Year, everyone!

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FOCUS: ALTERNATIVE DISPUTE RESOLUTION

New Year, New Rules: NCBA Introduces New Expedited Rules for "Documents Only" Arbitrations

Lisa Giunta-Popeil

The Nassau County Bar Association ("NCBA") offers parties in disputes the option to participate in its Alternative Dispute Resolution ("ADR") program.[1] The program includes both arbitration and mediation services and gives parties the chance to have their disputes heard by experienced neutrals at an economic rate ($300 per hour for the arbitrator's or mediator's fee, plus an initial $500 administrative fee).[2] This past fall, the Advisory Council that supervises NCBA's ADR program rolled out supplemental rules for expedited "documents only" arbitrations, designed particularly with the Long Island business community in mind.[3] These new rules will allow parties in certain types of business-to-business disputes the opportunity to resolve their matters quickly and inexpensively.[4]

The new Supplemental Rules and Procedures for Expedited Arbitration Based on Document Submissions ("Expedited Rules") apply upon agreement of the parties or upon request of any party provided the aggregate amount of all disclosed claims and counterclaims does not exceed $75,000 (excluding interest, attorneys' fees, arbitration fees and arbitrator compensation) and there are no more than three parties to the arbitration.[5] The administrative fee is reduced from the $500 standard fee to $350, and the arbitrator's fee is a $650 flat rate rather than the typical $300 per hour.[6] Under the Expedited Rules, the assigned arbitrator, who is generally appointed by the NCBA ADR Administrator (subject to the parties' objections) but may be mutually selected by the parties from the NCBA arbitration panel, considers only documentary evidence submitted by the parties to resolve the dispute.[7]

No discovery, motion practice or hearings are permitted by the Expedited Rules except where good cause is found by the arbitrator upon application of one of the parties, at which time the arbitrator may remove the arbitration from the expedited "documents only" procedures and require it proceed pursuant to the NCBA's plenary arbitration rules and fee schedule.[8] The arbitrator may also order that an arbitration proceed under the NCBA Plenary Arbitration Rules instead of the Expedited Rules where he or she finds that the issues involved in the arbitration are too complex for the Expedited Rules.[9] A party that disagrees with such determination by the arbitrator may send a brief email, within five business days of the arbitrator's decision, to the NCBA ADR Advisory Council simply putting the Advisory Council on notice of the challenge.[10]

Under the Expedited Rules, the parties may only make document submissions to the arbitrator, which are limited to "evidence in support of the party's claims, counterclaims or defenses and rebuttals thereto, including for example, written arguments, a statement of facts, briefs, supporting affidavits or declarations, and any other document that the parties want the arbitrator to consider."[11] Exhibits must be attached to a supporting affidavit or declaration and affidavit.[12] Declarations and briefs should be limited to ten pages double spaced, with briefs accompanied by copies of all case cited therein.[13] The parties are also required to provide the arbitrator with "a schedule of computation of damages sought, a schedule of interest if requested by a party and proof of attorneys' fees and costs if requested by a party and permitted by law or the parties' agreement."[14] Affidavits or declarations in support of attorneys' fees an cost applications should not exceed three pages double spaced.[15] Within thirty calendar days of the close of documentary submissions, the arbitrator will render a standard award stating whether the claims or counterclaims are granted or denied and the amounts awarded.[16]

Given the limited briefing and the elimination of discovery, motion practice and an evidentiary hearing contemplated by the Expedited Rules, this "documents only" process, from start to finish, can take mere weeks, instead of months or even years.[17] For smaller, simpler commercial cases, such as straightforward contract disputes, these new rules are an appealing alternative to a lengthy and protracted litigation or a standard arbitration proceeding, as both are often not cost-effective in light of the amount at issue in the dispute.[18] Thus, NCBA's Expedited Rules provide an important resource to those in the Long Island business community who are looking for an affordable and efficient process to resolve their business-to-business disputes.

1. NCBA Alternative Resolution Dispute Program, available at https://www.nassaubar.org/wp-content/uploads/2024/07/ADR-Brochure.pdf; Chris McDonald, "The Best ADR Program You've (Probably) Never Heard Of," Nassau Lawyer, Vol. 71, No. 5 (January 2022), pg. 8, *available at* https://www.nassaubar.org/wp-content/uploads/2024/07/McDonald-Nassau-Lawyer-January-2022-Vol.-71-No.-5.pdf.
2. *Id.*; see *also* Arbitration Rules of the Nassau County Bar Association, available at https://www.nassaubar.org/wp-content/uploads/2024/10/Arbitration-Rules.pdf.
3. Nassau County Bar Association Alternative Dispute Resolution Program New "Documents Only" Arbitration Procedure Overview, available at https://www.nassaubar.org/wp-content/uploads/2025/11/NCBA-ADR-Program-Expedited-Arbitration-Overview.pdf.
4. *Id.*
5. NCBA Supplemental Rules and Procedures for Expedited Arbitration Based on Document Submissions, Exp. 1(a), available at https://www.nassaubar.org/wp-content/uploads/2025/11/NCBA-Supplemental-Rules-and-Procedures-for-Expedited-Arbitration-Based-On-Document-Submissions-with-Schedule-A-adopted-11.12.24.pdf.
6. *Id.*, Schedule A.
7. *Id.*, Exp. 1(b), Exp. 4.
8. *Id.*, Exp. 5.
9. *Id.*, Exp. 1(e).
10. *Id.*
11. *Id.*, Exp. 7(a).
12. *Id.*
13. *Id.*
14. *Id.*
15. *Id.*
16. *Id.*, Exp. 8.
17. Nassau County Bar Association Alternative Dispute Resolution Program New "Documents Only" Arbitration Procedure Overview, *supra*.
18. *Id.*

Lisa Giunta-Popeil is Senior Counsel at Weiss Zarett Brofman Sonnenklar & Levy, PC, New Hyde Park, where she practices commercial litigation. She also serves as Vice-Chair of the NCBA Alternative Dispute Resolution Committee. She can be reached at lpopeil@weisszarett.com.

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WE CARE Fund Thanksgiving Luncheon

On Thanksgiving Day, the WE CARE Fund—the charitable arm of the NCBA—hosted a luncheon for about 140 senior citizens who might otherwise spend it alone. Domus was filled with good cheers and gratitude as volunteer attorneys, judges, Bar and catering staff, and community members came together to serve meals. The day before, WE CARE distributed 200 boxed dinners to Nassau County families in need to brighten their holiday.

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Saadya T. Bendelstein Esq.
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The NCBA is grateful for these Members who strongly value the NCBA's mission and its contributions to the legal profession.

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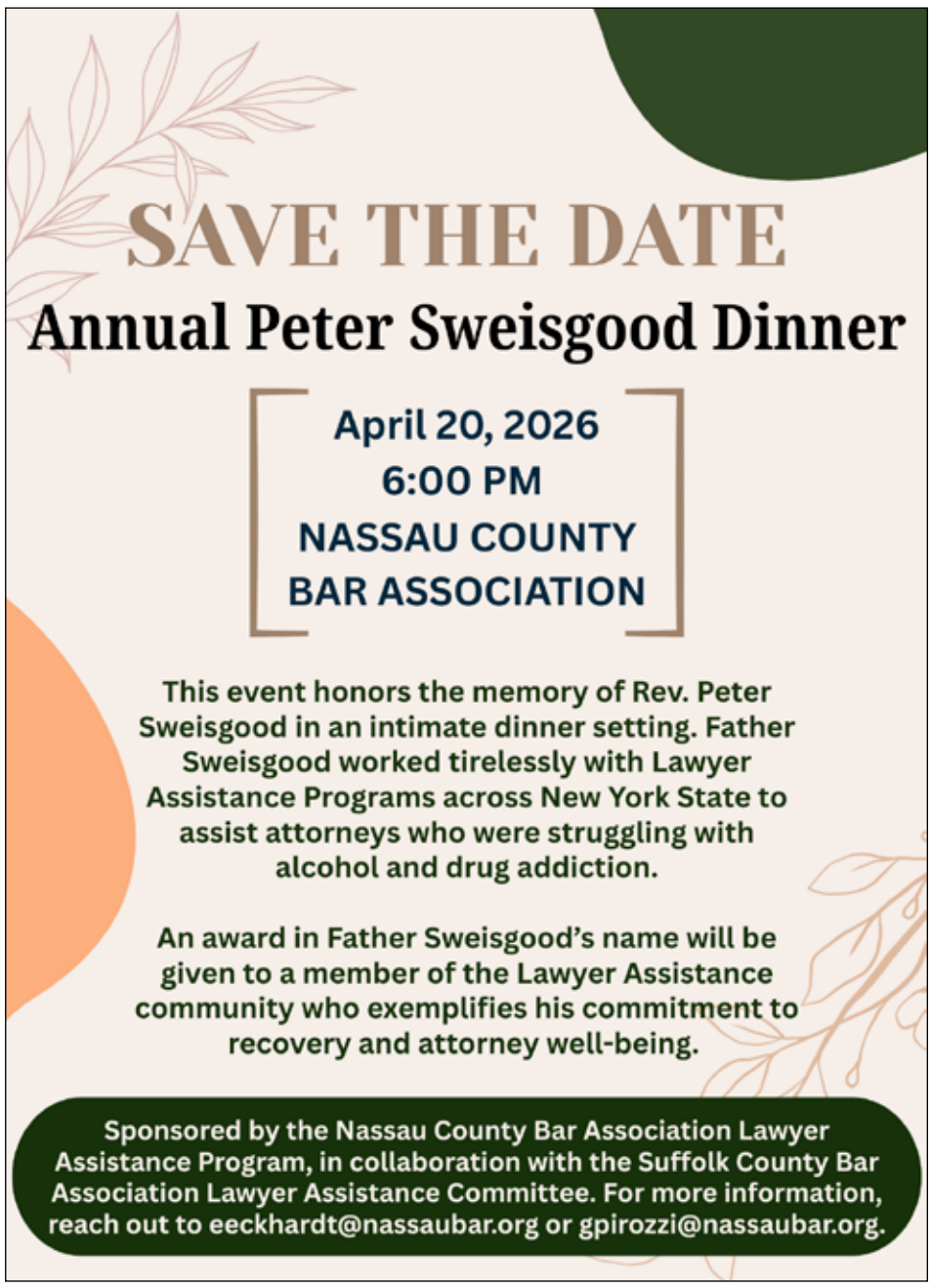

NCBA Holiday Party

On Thursday, December 11, 2025, the NCBA hosted its annual Holiday Party featuring seasonal cheer, festive food and drinks, and live music by NCBA Member Robert C. Mangi. During the celebration, log carriers Natasha Dasani, Emma Grieco, and Ingrid Villagran were honored for their contributions to the Bar Association. The highlight of the evening was a special performance by Hon. Maxine Broderick, who delighted guests with her *Wizard of Oz*-themed rendition of the Tale of Wassail. The supporting cast included NCBA Past Presidents Elena Karabatos, Susan Katz Richman, Dorian R. Glover, Peter Levy, Steven G. Leventhal, and Gregory S. Lisi; narrator Chris DelliCarpini; and "director" Hon. Linda K. Mejias-Glover who assisted President-Elect Broderick with her lively and entertaining performance.










CALENDAR | COMMITTEE MEETINGS

COMMITTEE CHAIRS

Access to Justice	Samuel J. Ferrara and Rezwanul Islam
Alternative Dispute Resolution	Christopher J. McDonald
Animal Law	Harold M. Somer and Michele R. Olsen
Appellate Practice	Tammy Feman and Andrea M. DiGregorio
Asian American Attorney Section	Jennifer L. Koo and Michael Kwon
Association Membership	Adina L. Phillips and Ira S. Slavit
Awards	Daniel W. Russo
Bankruptcy Law	Scott R. Schneider
Business Law Tax and Accounting	Raymond J. Averna
By-Laws	Ira S. Slavit
Civil Rights	Patricia M. Pastor
Commercial Litigation	Danielle J. Marlow and Michael H. Masri
Committee Board Liaison	Hon. Maxine S. Broderick
Community Relations & Public Education	Ingrid J. Villagran and Melissa A. Danowski
Conciliation	Karl C. Seman
Condemnation Law & Tax Certiorari	Robert L. Renda
Construction Law	Adam L. Browser and Robert J. Fryman
Criminal Court Law & Procedure	Brian J. Griffin
Cyber Law	Nicole E. Osborne
Defendant's Personal Injury	Brian Gibbons
District Court	Matthew K. Tannenbaum
Diversity & Inclusion	Hon. Maxine S. Broderick and Hon. Linda K. Mejias-Glover
Education Law	Liza K. Blaszcyk and Douglas E. Libby
Elder Law, Social Services & Health Advocacy	Christina Lamm and Dana Walsh Sivak
Environmental Law	John L. Parker
Ethics	Thomas J. Foley
Family Court Law, Procedure and Adoption	Tanya Mir
Federal Courts	Michael Amato
General, Solo & Small Law Practice Management	Jerome A. Scharoff
Grievance	Robert S. Grossman and Omid Zareh
Government Relations	Michael H. Sahn and Brent G. Weitzberg
Hospital & Health Law	Kevin P. Mulry
House (Domus)	Christopher J. Clarke
Immigration Law	Sylvia Livits-Ayass
In-House Counsel	
Insurance Law	Michael D. Brown
Intellectual Property	Elizabeth S. Sy
Judicial Section	Hon. Linda K. Mejias-Glover and Hon. Ellen B. Tobin
Judiciary	Marc C. Gann
Labor & Employment Law	Lisa M. Casa
Law Student	Bridget Ryan and Emma Henry
Lawyer Referral	Peter H. Levy
Lawyer Assistance Program	Daniel Strecker
Legal Administrators	
LGBTQ	Jess A. Bunshaft
Matrimonial Law	Joseph A. DeMarco
Medical Legal	Nicole M. LaGrega
Mental Health Law	Jamie A. Rosen
Municipal Law and Land Use	Elisabetta T. Coschignano and Anthony C. Curcio
New Lawyers	Andrew B. Bandini
Nominating	Sanford Strenger
Paralegal	
Plaintiff's Personal Injury	Steve Z. Gokberk
Publications	Cynthia A. Augello
Real Property Law	Suzanne Player
Senior Attorneys	Peter J. Mancuso
Sports, Entertainment & Media Law	Lauren Bernstein
Supreme Court	Clifford S. Robert
Surrogate's Court Estates & Trusts	Maria L. Johnson and Cheryl L. Katz
Veterans & Military	Gary Port
Women In the Law	Rebecca Sassouni and Melissa Holtzer-Jonas
Workers' Compensation	Craig J. Tortora

TUESDAY, JANUARY 6
Publications
12:45 p.m.

WEDNESDAY, JANUARY 7
Real Property Law
12:30 p.m.

Law Student
5:30 p.m.

THURSDAY, JANUARY 8
Alternative Dispute Resolution
12:30 p.m.

Marilyn K. Genoa will speak about Collaborative Law. There will also be a brief discussion on the recently issued ABA Formal Opinion 518.

Community Relations & Public Education
12:45 p.m.

MONDAY, JANUARY 12
Asian American Attorney Section
5:30 p.m.

D. Jenny Kim and Megan Rha will discuss their journeys, challenges, and lessons learned along the way as they went from Nassau County ADAs to starting their own law firm.

TUESDAY, JANUARY 13
Labor & Employment Law
12:30 p.m.

Karen Fernbach will present "NLRB Update."

Matrimonial Law
5:30 p.m.

Vincent F. Stempel and representatives from Brisbane Consulting Group, LLC, HFM Valuation, KLG Business Valuators & Forensic Accountants, and Legacy Valuation & Forensics will present "Following the Money: Tracing and Proving Separate Property in Divorce."

WEDNESDAY, JANUARY 14
Plaintiff's Personal Injury
12:30 p.m.

Judicial Section
12:30 p.m.

TUESDAY, JANUARY 20
Women in the Law
12:30 p.m.

Diversity & Inclusion
6:00 p.m.

WEDNESDAY, JANUARY 21
Association Membership
12:30 p.m.

Business Law, Tax, & Accounting
1230 p.m.

Elder Law, Social Services & Health Advocacy
12:30 p.m.

THURSDAY, JANUARY 22
Law Day
12:30 p.m.

Sports, Entertainment & Media Law
12:30 p.m.

Rudy Carmenaty will present "The Day the Music Died, John Lennon."

Commercial Litigation
12:30 p.m.

MONDAY, JANUARY 26
Family Court Law, Procedure & Adoption
12:30 p.m.

TUESDAY, JANUARY 27
Surrogate's Court Estates & Trusts
12:30 p.m.

WEDNESDAY, JANUARY 28
Education Law
12:30 p.m.

District Court
12:30 p.m.

WEDNESDAY, FEBRUARY 4
Real Property Law
12:30 p.m.

THURSDAY, FEBRUARY 5
Publications
12:45 p.m.

Community Relations & Public Education
12:45 p.m.

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