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WHAT'S INSIDE

Reconstructing the Workweek: Defending Wage-and-Hour Claims with and Without Records pg. 4

Trial Under Glass: The Conviction of Adolf Eichmann pg. 6

CLE Program Shines a Light on Wrongful Convictions pg. 8

The Human Advantage: Why Traditional Legal Skills Remain Indispensable in the AI Era pg. 11

Fifth Grade and Middle School Mock Trial: A Recap pg. 14

Context Matters: What District of Columbia v. R.W. Teaches Practitioners About Litigating Suppression Motions pg. 15

Judicial Panel Provides Insight into Guardianship Process pg. 16

Meet the New Dean — Matthew V. Spero pg. 19

SAVE THE DATE



INSTALLATION CEREMONY

TUESDAY, JUNE 2



LAP WALK-A-THON

SATURDAY, JUNE 6
pg. 16



BBQ AT THE BAR

THURSDAY, SEPTEMBER 10
pg. 3

Meet New President Hon. Maxine S. Broderick

Jamie LaGattuta

Hon. Maxine S. Broderick will be introduced as the Nassau County Bar Association's 124th President at the NCBA Installation Ceremony on Tuesday, June 2, 2026, at Domus.

Judge Broderick brings more than two decades of dedicated service to the legal profession. Over the years, she has become a familiar and respected presence within the NCBA, serving on the Board of Directors from 2018 to 2021, Co-chairing the Diversity & Inclusion Committee with Hon. Linda K. Mejias-Glover, and participating in more than forty committees throughout her membership.

Upbringing and Education

Born and raised in the Village of Hempstead, Judge Broderick is the youngest of four siblings in a hardworking Caribbean-American family that deeply valued education. Her father worked for the FDNY in the Bronx for more than 30 years before passing away in 2023. Her mother—originally a homemaker, artist, and professional photographer—later returned to college and became a public school art teacher in New York City.

Education was a priority in the Broderick household. All four siblings graduated from St. Agnes Elementary School in Rockville Centre. Judge Broderick and her sister Monica graduated from Sacred Heart Academy, while her brothers Alfred and Brian attended Chaminade and St. Mary's Boys High School. All four siblings went on to graduate from college. To them, education was everything.

Judge Broderick credits much of her ambition to her older sister Monica, a graduate of Brown University and Mt. Sinai School of Medicine, whose accomplishments inspired her to pursue law school. Judge Broderick earned her bachelor's degree from Fordham University at the Rose Hill Campus in the Bronx in 1995, before spending several years in corporate America.



Eventually, she decided to pursue a legal career and enrolled in Brooklyn Law School as a part-time evening student while maintaining a full-time job. She earned her Juris Doctor in 2003 and was admitted to practice in New York in 2004.

After working in several professional settings, Judge Broderick opened her own solo practice in 2008.

Career

Judge Broderick's path to the bench was one she built largely on her own. Because she attended law school at night while working full time, she did not have the opportunity to participate in internships, gain experience as a summer associate, or develop the professional connections many young attorneys rely upon early in their careers.

Launching a solo practice during the 2008 financial crisis presented its own challenges, but it also created opportunities. As courts faced an increased need for attorneys, New York began offering free CLE programs in exchange for lawyers volunteering as "Lawyer for a Day" in New York City courts. Through those Access to Justice programs, Judge Broderick expanded her knowledge in areas such as foreclosure prevention, consumer debt and bankruptcy, civil litigation, family law and housing disputes while gaining experience.

Determined to continue learning, she immersed herself in the practical side

of the profession, becoming highly skilled with court filing systems and procedures. With growing confidence and determination, she invested in the technology and tools she had used in the Access to Justice programs and steadily built her solo practice, concentrating in matrimonial and family law.

Over time, colleagues began encouraging her to consider the bench—an idea she had not originally envisioned for herself. Her reputation for professionalism, fairness, and dedication ultimately led to her appointment as Hempstead Village Court Justice in 2017. Later that year, she won a contested election to the Nassau County District Court, representing the Town of Hempstead.

Today, Judge Broderick serves as an Acting County Court Judge sitting in the Nassau County District Court. During her judicial career, she has presided over a wide range of criminal matters, including assault, sex abuse, criminal contempt, DWI and unlawful imprisonment cases. For approximately three years, she served as the Domestic Violence Misdemeanor judge, and in 2023 she became the presiding judge of Nassau County's Human Trafficking Intervention Court. Judge Broderick is also an Adjunct Professor at Hofstra Law School and teaches a course entitled "Lawyers as Leaders," at which Chief Judge Rowan Wilson recently served as a guest lecturer.

NCBA Leadership

From serving as Chair of the General, Solo & Small Law Practice Management Committee, Judge Broderick has increasingly stepped into leadership roles at NCBA. She has twice chaired the Diversity & Inclusion Committee, launching signature programs such as the International Potluck Dinner and the

See MEET NEW PRESIDENT HON. MAXINE S. BRODERICK

Page 14

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The Accidental Member

Fourteen years ago, I became a member of the Nassau County Bar Association quite by accident. As a solo practitioner, I was renting office space at 1225 Franklin Avenue in Garden City from a former NCBA corporate partner. To encourage lease renewal, the location manager offered attorney-clients the option of a month of free rent or paid NCBA membership. Despite being wholly unfamiliar with NCBA and having underutilized past membership at New York City bar associations, and perhaps by divine providence, I opted for NCBA membership.

A couple of months later, I wandered into the Bar Association and happened upon a bustling lunch crowd of attorneys and their clients, judges, court personnel and law students. Unbeknownst to me, the NCBA, its members, and the building itself—Domus—would become the best part of my professional life, apart from ascending to the Nassau District Court bench in 2018.

Come for the CLE, Stay for Mentoring, Community and Belonging

As a young woman attorney born and raised in the Village of Hempstead, I was uncertain NCBA was an organization for someone like me. Back in 2012, attendance at my first committee meeting was rather discouraging, although it was evident the continuing legal education (“CLE”) presenters were subject matter experts. The attorneys and judges present seemed to know each other intimately, and I, an ordinarily outgoing person, failed to connect with anyone.

Several weeks later, a membership email announced a committee meeting for General, Solo and Small Law Practice attorneys. Notwithstanding my prior experience, curiosity got the better of me, I found my way back to Domus and was welcomed by a select group of attorneys. I encountered small firm practitioners, at various career stages, facing similar challenges: building and maintaining a viable law practice, making court appearances in multiple counties, navigating the complexities of the Nassau courts, accurate and timely billing, securing malpractice coverage and ethical considerations.

My countless inquiries and boundless anxiety were embraced with patience, compassion, and most importantly, understanding. I was blessed with mentorship and reassurance from senior attorneys eager to impart hard-won professional wisdom and life experience. They shared colorful war stories and offered their personal telephone numbers and encouraged me to call, even if at the courthouse with an urgent question.

This came as a delightful surprise. As one can imagine, this support eased my trepidation and profound sense of isolation. At NCBA, I found mentoring, community and belonging, and have yet to look back, until now.



FROM THE PRESIDENT

Hon. Maxine S. Broderick

Preserving and Honoring NCBA’s 127-Year Legacy

As I embark upon the coming year as NCBA President, I feel a tremendous sense of privilege, purpose and responsibility. The NCBA is not merely a professional organization, as I once thought. It is a 127-year-old institution where over 130 best-in-class CLEs are offered annually through the Nassau Academy of Law (“NAL”), WE CARE donates \$400,000 a year to local charities, the Lawyers Assistance Program (“LAP”) saves lives, our Pro Bono Legal Clinics serve thousands of Long Island residents, *Nassau Lawyer* publishes 11 editions a year, legal practices thrive, attorneys forge professional bonds and lasting friendships, new attorneys and law students are mentored, and leaders are made. That is a tradition and legacy worth preserving and honoring.

Strengthening the Relationship Between the Bench and the Bar

To that end, my intention is to focus keenly on two initiatives: strengthening the relationship between the bench and the Bar and increasing non-dues revenue.

As a sitting judge serving in the Nassau County courts, I am in a unique position to foster greater engagement and integration of our fine local jurists into academic and social life at the Bar Association. In service of this goal, bar members Hon. Linda Mejias-Glover and Hon. Ellen Tobin have been appointed Co-Chairs of the long-dormant Judicial Section of the NCBA. Owing to their efforts, the Judicial Section has met at Domus and the Nassau Supreme Court several times since January 2026 to discuss matters of interest to judges and engender collegiality.

Increasing Non-Dues Revenue

To maintain and enhance bar member services, continue to serve Nassau County residents, and to make improvements to Domus, increasing non-dues revenue is imperative. The NCBA Executive Committee has identified several key areas for growth: generating more Lawyer Referral Information Service Panel (“LRIS”) fees; providing CLE credits to non-member attorneys through NAL; identifying additional Corporate Partners and event sponsors; and increasing *Nassau Lawyer* ad revenue, among other initiatives.

Stewardship of the NCBA

I look forward to serving as NCBA president and thank you for your continued support of the Bar Association and its many programs. As I have attended, in essence, at least one meeting of our 50+ committees, I have firsthand knowledge and appreciation for the thousands of hours our members volunteer to sustain this institution. With that in mind, I promise my best, as steward for a time, of the venerable Nassau County Bar Association. ⚖️

**FOCUS:
LABOR AND
EMPLOYMENT LAW**



Cynthia A. Augello

Wage-and-hour litigation under the Fair Labor Standards Act (“FLSA”) and the New York Labor Law (“NYLL”) continues to proliferate across federal and state courts. Many of these cases, particularly those brought in the restaurant and hospitality sectors, follow a familiar pattern: a plaintiff alleges long hours, cash payments, and the absence of accurate records, often supported by boilerplate pleadings. The defense is then placed in a difficult position—tasked with disproving claims where contemporaneous time records may be incomplete, informal, or nonexistent.

Equally common, however, is a second scenario: the employer maintains records that appear compliant on their face, yet the plaintiff

Reconstructing the Workweek: Defending Wage-and-Hour Claims with and Without Records

claims those records are inaccurate, incomplete, or falsified. In both situations, the litigation often turns not on the existence of records, but on credibility, consistency, and the ability to reconstruct the workweek in a defensible manner.

Despite the apparent imbalance created by the burden-shifting framework, defendants are not without tools. Through careful factual reconstruction, strategic use of objective data, and targeted discovery, defense counsel can meaningfully contest both liability and damages. This article examines how practitioners can defend wage-and-hour claims in both contexts—where records are lacking and where records are disputed.

Burden-Shifting Framework Is Not a Free Pass

The starting point in any wage-and-hour case involving alleged recordkeeping failures is the Supreme Court’s decision in *Anderson v. Mt. Clemens Pottery Co.*¹ Under *Mt. Clemens*, where an employer fails to keep accurate records, a plaintiff may meet

their burden by producing “sufficient evidence to show the amount and extent of that work as a matter of just and reasonable inference.”² The burden then shifts to the employer to produce evidence of the precise amount of work performed or to negate the reasonableness of the inference.³

This standard is often misunderstood by plaintiffs and, at times, by courts. It does not relieve plaintiffs of their obligation to present credible evidence. The Second Circuit has repeatedly held that vague, internally inconsistent, or speculative testimony cannot satisfy even this relaxed standard.⁴ Courts retain discretion to reject implausible estimates, particularly where they are contradicted by other evidence or lack internal coherence.⁵

In practice, *Mt. Clemens* does not create an automatic path to recovery. Rather, it shifts the litigation focus to whether the plaintiff’s narrative is credible and whether the defendant can present a more reliable account of the work performed.

Reconstruction Through Objective Evidence

When time records are incomplete or absent, defense counsel should immediately begin assembling alternative data sources. In many cases, a mosaic of indirect evidence can provide a more accurate picture of an employee’s workweek than reconstructed testimony.

For restaurant defendants, point-of-sale (“POS”) systems, scheduling platforms, and delivery logs can provide objective evidence regarding employee activity and workflow. These records may be compared against claimed hours to identify inconsistencies or implausible assertions regarding continuous work. Courts routinely consider objective documentary evidence and employer timekeeping systems when evaluating the credibility and reasonableness of claimed hours worked.⁶

Similarly, video surveillance, keycard access logs, and other security systems can be used to establish when an employee was present—or absent—from the workplace. While these records may



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not capture every minute worked, they often provide reliable indicators of entry and exit times, as well as breaks or periods of inactivity.

In appropriate cases, third-party data such as cell phone location records or application usage may also be relevant. Courts have permitted such discovery where it is proportional to the needs of the case and directly relevant to the claims at issue.⁷ The goal in all instances is not to recreate every moment worked, but to construct a coherent narrative grounded in objective evidence that undermines the plaintiff's account.

When the Employer Has Records but the Plaintiff Disputes Them

A distinct and increasingly common scenario arises where the employer maintains time and payroll records, yet the plaintiff claims those records are inaccurate. In these cases, the burden-shifting framework of *Mt. Clemens* does not apply in the same way. Instead, the litigation centers on the reliability of competing evidence.

Courts have consistently held that employer records are entitled to evidentiary weight unless the plaintiff produces persuasive evidence undermining their accuracy.⁸ The mere assertion that records are incorrect is insufficient to overcome properly maintained business records.⁹ As a result, the focus of the litigation shifts to whether the plaintiff can identify specific inaccuracies and support those allegations with evidence.

Plaintiffs often rely on generalized claims that they were required to work off the clock, that supervisors altered time entries, or that breaks were automatically deducted regardless of whether they were taken. These allegations must be tested through discovery. Defense counsel should require plaintiffs to identify specific dates and times where records are allegedly inaccurate, explain the mechanism by which inaccuracies occurred, and produce any corroborating evidence. Courts have rejected claims that remain conclusory or unsupported by objective facts.¹⁰

The most effective response is to corroborate employer records through independent sources. POS data, scheduling systems, surveillance footage, and testimony from supervisors or co-

workers can all reinforce the reliability of time records. Where multiple data sources align, courts are far more likely to credit the employer's records over a plaintiff's recollection.¹¹

Written timekeeping policies can also play a critical role. Employers that require employees to accurately record all hours worked and to report discrepancies are in a stronger position to defend their records. Courts have relied on such policies to reject claims of systemic underreporting, particularly where plaintiffs failed to utilize available reporting mechanisms.¹²

Finally, defense counsel should not overlook the value of an implausibility argument. Where an employer's records are consistent with business operations, a plaintiff's account may be inherently suspect. Claims of extensive overtime without corresponding business activity, or schedules that do not align with operational realities, can be rejected where they conflict with documentary evidence.¹³

Importance of Credibility

In wage-and-hour litigation, credibility often determines the outcome. Plaintiffs who rely on memory alone are particularly vulnerable to cross-examination, especially where their accounts contain inconsistencies or are contradicted by objective evidence.

Differences between deposition testimony, interrogatory responses, and declarations can significantly undermine a plaintiff's credibility. Courts routinely scrutinize such discrepancies and may discount testimony that lacks internal consistency.

Pattern evidence is equally important. A plaintiff's claimed schedule must be plausible in the context of the business. Courts are less likely to credit accounts that do not align with operational realities, such as staffing levels or customer volume.

Testimony from other employees can further support the defense. Where co-workers describe different schedules, duties, or compensation practices, courts may find that individualized issues predominate, undermining both liability and any attempt at collective treatment.¹⁴

Limiting Damages Even Where Liability Exists

Even where some liability is established, damages can often be significantly reduced through careful analysis.

Many wage-and-hour claims involve allegations that employers improperly took a tip credit. Under both federal and New York law, employers must satisfy specific notice

requirements.¹⁵ However, plaintiffs frequently overstate the extent of non-tipped work or misapply the governing standards. Courts have recognized that not all non-tipped duties invalidate the tip credit, particularly where those duties are related to the tipped occupation.¹⁶

Spread-of-hours claims under New York law present similar opportunities for limitation. Such claims apply only where the workday exceeds ten hours.¹⁷ Reconstruction of actual schedules can eliminate or significantly reduce these claims.

Statutory damages for wage notice and statement violations under NYLL § 195 are also subject to caps.¹⁸ Defense counsel should ensure that plaintiffs do not seek amounts exceeding those statutory limits or improperly stack damages.

Challenging Collective and Class Certification

Plaintiffs frequently seek to expand individual claims into collective or class actions, dramatically increasing potential exposure. Defense counsel should carefully scrutinize whether the requirements for such treatment are satisfied.

To proceed as a collective action under the FLSA, plaintiffs must demonstrate that they are similarly situated to other employees.¹⁹ Courts have denied certification where differences in job duties, schedules, or compensation methods predominate.²⁰

For NYLL claims brought under Rule 23, plaintiffs must demonstrate that common issues predominate over individual ones.²¹ Variability in hours worked, duties performed, and compensation structures can defeat certification at an early stage.

Strategic Use of Discovery

Effective defense in wage-and-hour litigation requires proactive discovery. Rather than reacting to plaintiffs' claims, defense counsel should seek to build a comprehensive factual record that supports the employer's position.

Document requests should target not only employer records but also alternative sources of information, including communications, personal records, and evidence of other employment. Depositions should focus on identifying inconsistencies and testing the plausibility of the plaintiff's account. In appropriate cases, expert analysis can be used to reconstruct workweeks and quantify actual hours worked.

Courts have increasingly recognized the value of such evidence in assessing both liability and damages.²²

Practical Considerations for Employers

Although this article focuses on litigation strategy, many of these issues can be addressed proactively. Employers that maintain accurate and complete time records, provide required wage notices, and implement clear timekeeping policies are better positioned to defend against claims. Regular audits of pay practices can further reduce risk and ensure compliance.

Conclusion

Wage-and-hour litigation presents two recurring challenges: defending claims where records are absent and defending records that plaintiffs seek to discredit. In both scenarios, the outcome turns on credibility, consistency, and corroboration.

Where records are lacking, reconstruction becomes essential. Where records exist, they must be supported through objective evidence and sound litigation strategy. In either case, the goal is to replace unsupported allegations with a coherent, evidence-based narrative. Courts continue to require more than speculation. Defendants who can present a credible account grounded in data and supported by the record remain well-positioned to defeat or significantly limit these claims. ⚡

1. *Anderson v. Mt. Clemens Pottery Co.*, 328 U.S. 680 (1946).

2. *Id.* at 687.

3. *Id.*

4. *Daniels v. 1710 Realty LLC*, 497 F. App'x 137, 139 (2d Cir. 2012).

5. *Kuebel v. Black & Decker Inc.*, 643 F.3d 352, 362 (2d Cir. 2011).

6. *White v. Baptist Mem'l Health Care Corp.*, 699 F.3d 869, 876 (6th Cir. 2012).

7. *Zubulake v. UBS Warburg LLC*, 217 F.R.D. 309, 318 (S.D.N.Y. 2003).

8. *Brown v. Family Dollar Stores of N.Y., Inc.*, 534 F.3d 593, 595-96 (7th Cir. 2008).

9. *Newton v. City of Henderson*, 47 F.3d 746, 749 (5th Cir. 1995).

10. *Zivali v. AT&T Mobility, LLC*, 784 F. Supp. 2d 456, 462 (S.D.N.Y. 2011).

11. *Seever v. Carrolls Corp.*, 528 F. Supp. 2d 159, 170 (W.D.N.Y. 2007).

12. *White v. Baptist Mem'l Health Care Corp.*, 699 F.3d 869, 876 (6th Cir. 2012).

13. *Kuebel*, 643 F.3d at 362.

14. *Myers v. Hertz Corp.*, 624 F.3d 537, 555 (2d Cir. 2010).

15. 29 U.S.C. § 203(m); 12 N.Y.C.R.R. § 146-2.2.

16. 29 C.F.R. § 531.56(e).

17. 12 N.Y.C.R.R. § 146-1.6.

18. N.Y. Lab. Law §§ 198(1-b), (1-d).

19. 29 U.S.C. § 216(b).

20. *Glatt v. Fox Searchlight Pictures Inc.*, 811 F.3d 528 (2d Cir. 2016).

21. Fed. R. Civ. P. 23(b)(3).

22. *Anderson v. Mt. Clemens Pottery Co.*, 328 U.S. 680 (1946).



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**FOCUS:
LAW AND AMERICAN
CULTURE**

Rudy Carmenaty

An aura of anticipation gripped the Knesset on May 23, 1960, as Prime Minister David Ben-Gurion proclaimed: “A short time ago, one of the greatest of Nazi war criminals, Adolf Eichmann, was found, is already under arrest in Israel, and will shortly be put on trial under the Nazis and Nazi Collaborators Law.”¹

The Knesset applauded in unison, and the world took note. If Ben-Gurion’s motive had merely been to exact revenge, Eichmann could have been killed at any juncture before or after his capture. Ben-Gurion had a grander goal in mind. It was one which transcended the conviction of this monstrous individual.

Kept in solitary confinement, Eichmann was held near Haifa at an undisclosed facility. The Israelis spared no effort in handling their prisoner, and this extended to ensuring his guards were all Sephardic. Over the next eleven months, the case against Eichmann was prepared with meticulous care.

Bureau 06, a specifically designated investigative unit of the Israeli Police, gathered documents, interrogated Eichmann, and prepared witness testimony. Archival evidence, some bearing Eichmann’s signature, was amassed and sorted. Investigators worked hand-in-hand with prosecutors, who acted as legal advisors.

Avner Less, the Israeli Police’s Chief Inspector, conducted the interrogation. The German-born Less questioned Eichmann in his own tongue. Their conversations were taped and transcribed. Eichmann was allowed to correct the transcriptions and signed off on the final versions.

Eichmann insisted he was following the commands of his superiors. “I admit my participation freely, and without pressure. After all, I was the one who transported the Jews to the camps,” Eichmann readily acknowledged, “what is there to admit, I carried out my orders.”²

He was, however, far less prudent on prior occasions. At war’s end, Eichmann boasted: “I will leap into my grave laughing because the feeling that I have five million human beings on my conscience is for me a source of extraordinary satisfaction.”³

Trial Under Glass: The Conviction of Adolf Eichmann

Second in a Two-Part Series About the Eichmann Trial

Eichmann was tried under the Nazis and Nazi Collaborators (Punishment) Law. Enacted in 1950, this act is an ex post facto statute, and its jurisdiction is extra-territorial.⁴ It attaches to offenses committed in Germany or territories under Nazi rule before the state of Israel was founded.

It proscribes crimes against the Jewish people, crimes against humanity, and war crimes.⁵ It also contemplates the death penalty. Intended for Jewish collaborators, Kapos and Ghetto Police, the law also applies to Nazis. Eichmann became the first defendant to be so prosecuted who was not Jewish.

When Bureau 06 completed its work, a bill of indictment was submitted to the Jerusalem District Court. The indictment consisted of 15 counts:

1. Crime against the Jewish People: the physical extermination of Jews by means of the systematic deportation to extermination camps under the Nazis’ plan the ‘Final Solution to the Jewish Question’
2. Crime against the Jewish People: placing Jews in deadly living conditions calculated to bring about their physical destruction in ghettos, forced labor camps and concentration camps
3. Crime against the Jewish People: causing physical and mental harm to Jews “by means of enslavement, starvation, expulsion and persecution, confinement to ghettos, to transit camps and to concentration camps”
4. Crime against the Jewish People: preventing births by Jewish women, by sterilization and forced abortions
5. Crime against Humanity: “the murder, extermination, enslavement, starvation and expulsion of the Jewish civilian population” in Germany and occupied Europe
6. Crime against the Jewish People: persecuting “Jews on national, racial, religious and political grounds”
7. Crime against Humanity: confiscating Jewish property en masse
8. War Crime: specifically, Eichmann caused the

deportation, persecution and murder of Jews in German-occupied territory during World War II

9. Crime against Humanity: the mass deportations of Polish civilians
10. Crime against Humanity: the mass deportation of Slovene civilians
11. Crime against Humanity: the mass deportation and murder of the Roma
12. Crime against Humanity: participation in the Lidice massacre in Czechoslovakia in 1942
13. Membership of a hostile organization: the SS
14. Membership of a hostile organization: the SD
15. Membership of a hostile organization: the Gestapo⁶

The newly built Beit Ha’Am Theater was chosen as the site of the trial. It had sufficient seating capacity to accommodate the world press and the Israeli public. Adding to the theatricality, Eichmann was held inside a bulletproof glass booth to ensure his safety.

Eichmann in his glass booth captured the imagination and served as a potent metaphor. Here was a defendant so abhorrent, he needed to be quarantined from the rest of humanity within the improvised courtroom. That Eichmann was encased in glass nearly a quarter century after Kristallnacht possessed a certain symmetry.

Under Israeli law, there are no juries. Judges act as triers of fact and law. Important matters are adjudicated by panels comprising of three judges. A tribunal of the Israeli District Court was convened with deliberate care. The judges chosen were fluent in German and each had emigrated to Mandatory Palestine before the war.⁷

The tribunal consisted of Presiding Judge Moshe Landau of the Israeli Supreme Court; Benjamin Halevy, President of the Jerusalem District Court; and Yitzhak Raveh of the Tel Aviv District Court. Attorney General Gideon Hausner served as lead prosecutor. He was assisted by Gavriel Bach, Yaacov Bar-or and Zvi Terlo.

The question arose who would oblige as defense counsel. Ben-Gurion

was not inclined to having an Israeli lawyer fulfil this function. A former Nazi was also out of the question. The solution came from Eichmann’s camp, who requested Dr. Robert Servatius.

Servatius had defended war criminals at Nuremberg. Eichmann, however, was unable to meet his fee, so Israel paid it.⁸ The Israelis had no desire to be seen holding a Soviet-style show trial and afforded Eichmann every opportunity to mount a viable defense.

The government went to prodigious lengths to facilitate media coverage, opening a press office, offering daily transcripts and summaries in multiple languages, and providing simultaneous translations. And most momentously, they permitted the proceedings to be documented on video gavel-to-gavel, a television first.

During this period, Israel had no television transmission, only radio. Capital Cities Broadcasting Corp. contracted for the exclusive rights and brought crew and equipment. The advent of video tape made instant recording and worldwide reporting possible. Footage was flown daily to North America and Europe for broadcast.

Servatius from the outset contested the tribunal’s impartiality and sought a dismissal premised on the Jerusalem District Court lacking jurisdiction. He first argued the three Israeli judges could not possibly be fair and should disqualify as Eichmann was accused of committing genocidal offences against the Jewish people.⁹

The Court, in denying Servatius’ motion, underscored jurists are bound by the rule of law. “It is true that the memory of the catastrophe of the Holocaust stirs every Jew to the depth of his heart,” Landau stated, “but when this case is brought before us, it is our duty to restrain those feelings when we sit in judgment. And this duty we shall keep.”¹⁰

Servatius also challenged the Nazis and Nazi Collaborators (Punishment) Law. The tribunal ruled Eichmann could be prosecuted irrespective of when the crimes charged took place. The law in question does not criminalize innocent conduct, rather it creates a mechanism to punish acts already recognized as criminal.

As to the Court’s jurisdiction for crimes committed outside Israel, they can be addressed pursuant to the doctrines of universal jurisdiction and the protective principle of jurisdiction. These doctrines grant jurisdiction to



every nation for war crimes and crimes against humanity under international law.

When Judge Landau called on Eichmann to enter a plea, to each of the counts, his response was identical: “In the spirit of the indictment, I plead not guilty.”¹¹ This tact was taken at Nuremberg. Described as the ‘Nuremberg Defense,’ it holds the accused should be deemed not guilty if acting under the legal theory of superior orders.

In defending the indefensible, Servatius and Eichmann hid behind the rubric of ‘Befehl ist Befehl’/‘Orders are Orders,’ which Nazis had been parroting since 1945. “Because the head of the state at the time issued an order to exterminate Jews,” Eichmann declared, “I had to obey.”¹²

Casting himself as a ‘cog’ in an autocratic regime, Eichmann accepted no responsibility. He claimed his participation was limited to transport. What happened to the human cargo contained in those railcars when they arrived at their destination was beyond his purview.

History informs us and the evidence produced at trial established conclusively, Eichmann did more than make sure the trains ran on time. In his capacities as the SS officer in charge of Jewish affairs and the transport expert on behalf of the Reich, Eichmann was integral to the implementation of the Final Solution.

Maniacally obsessed, he was even willing to defy orders. In 1944, Himmler halted the deportation of Hungarian Jews to Auschwitz. Eichmann ignored the command and shipped Jews to their deaths until the last minute. Only the self-serving need to evacuate Budapest ahead of the Red Army prevented additional killings.

Political objectives, military considerations, Befehl ist Befehl, loyalty to the Führer; all paled when compared to his fixation of killing every Jew he could lay his hands on. Eichmann belied Hannah Arendt’s account of him as the embodiment of the “banality of evil.”¹³ This misperception fed into a larger incongruity.

Besppectacled and bald, his physical appearance confounded expectations. Eichmann did not come across as an Aryan Superman. Assuming a veneer of bureaucratic detachment, he looked

more like a bank teller, nondescript and inconsequential. This was a pose Eichmann adopted to save his own skin.

Committed to the systemic annihilation of Jewish men, women, and children, Eichmann performed a vital decision-making function. The prosecution rightfully argued he shared intent and culpability, as would be the case in any criminal conspiracy, for transgressions committed through the apparatus of the state.

In his opening statement, Hausner made it abundantly clear Eichmann was neither a soldier nor a bureaucrat but a mass murderer:

*When I stand before you, Judges of Israel, in this court to accuse Adolf Eichmann, I do not stand alone. Here with me at this moment stand six million prosecutors. But alas they cannot rise to level a finger of accusation in the direction of the glass dock and cry out: “J’accuse” against the man who sits there. Because their ashes have been piled up in the mounds of Auschwitz and in the fields of Treblinka or spilled into the rivers of Poland. And their graves are scattered throughout the length and breadth of Europe. Their blood cries to heaven, but their voices cannot be heard. Thus, it falls to me to be their mouthpiece and deliver the heinous accusation in their name. There was only one man who had been concerned almost entirely with the Jews. Whose sole business had been their destruction. That man was Adolf Eichmann.*¹⁴

The prosecution’s first order of business was to secure a conviction. To that end, vast quantities of documents were tendered. 111 witnesses were called to the stand to substantiate and put a human face on the reams of accrued evidence. But the value of the testimony elicited went beyond courtroom strategy.

For what was realized from these traumatic testaments was a video chronicle of inestimable worth. Recorded images of witnesses speaking in their own voice brought the Shoah to light as never before. Finally, survivors were able to relate their experiences and did so before an international audience.

Ben-Gurion felt it was his obligation to expose the crimes committed by the Nazis and bring the Germans responsible before the bar of

justice.¹⁵ He also believed that a new generation needed to be taught so as never to forget.¹⁶ This was Ben-Gurion’s rationale for having the trial, and the prosecution shared this vision.

Survivors during those years went mostly unnoticed. Humiliated and hesitant to speak, they kept their stories locked inside. The perception of Jews submissively going to the gas chamber was not in keeping with the paradigm of the “New Jew” and of Jewish renewal the State actively promoted.

The subject became a sort of taboo. Survivors were stigmatized by Sabras (native-born Israelis) and were called “sabonim,” pieces of soap. In this context, sabonim was Hebrew slang denoting cowardice. Sabras innately believed they would have resisted. There had to be something pusillanimous about those who had not.

This sentiment was widespread in Israeli civil society. The Eichmann trial helped bridge this rift. Survivors were at last understood. They became part of the country’s communal fabric and helped forge a shared narrative. This marked a turning point in how the Shoah was perceived within Israel and beyond its borders.

The prosecution presented its case superbly, proving Eichmann’s guilt several times over. The outcome was never in doubt. What remained an open question was whether a death sentence would be imposed. Eichmann felt confident he would get a prison term if convicted. Israel had never executed anyone before.

On December 11, 1961, Judge Landau read the tribunal’s verdict before the cameras. Eichmann was convicted, in whole or in part, on every count. In its decision, the court affirmed Eichmann’s conviction rested on the documentary evidence and not the emotional testimony rendered by survivors.

Four days later, Eichmann was sentenced to death by hanging. Servatius appealed to the Israeli Supreme Court. The conviction and sentence were upheld. Servatius then petitioned Israel’s President Yitzhak Ben-Zvi. The post of President is largely ceremonial, but the President has the power to pardon and/or commute sentences.

The clemency petition was rejected by Ben-Zvi and confirmed in a unanimous vote taken by Ben-Gurion’s cabinet. To Ben-Gurion, the real value of the entire enterprise had nothing to do with retribution. Nevertheless, the execution of Adolf Eichmann signifies some small measure of justice for the millions who perished.

Eichmann was hanged at Ramla prison just after midnight on June 1, 1962. To date, no one else has ever been executed in Israel. His last words were:

Long live Germany. Long live Argentina. Long live Austria. These are the three countries with which I have been most connected and which I will not forget. I greet my wife, my family and my friends. I am ready. We’ll meet again soon, so is the fate of all men. I die believing in God.¹⁷

Rafi Eitan, leader of the squad that captured Eichmann, was there. Eichmann told him: “Your time will come to follow me, Jew.”¹⁸ Eitan replied: “Not today, Adolf, not today.”¹⁹ “Next moment the trap opened. Eichmann gave a little choking sound,” Eitan recalled, “then just the sound of the stretched rope. A very satisfying sound.”²⁰

The body was cremated. There would be no memorials of any kind. Eichmann’s ashes were unceremoniously strewn by Miki Goldman-Gilad, a member of Bureau 06, in the Mediterranean outside of Israel’s territorial waters. It was fitting Goldman-Gilad, a survivor of Auschwitz, performed this simple yet profound task.

The bucket which contained Eichmann’s ashes was rinsed so as not to leave any trace. With that, the saga of Eichmann’s capture and conviction was over. Memories from the trial, captured on video, continue to mesmerize. As do impressions left behind by the twisted, little man in the glass booth.

Concerning Eichmann’s crimes, they can never be forgotten nor forgiven. ✂

1. Martin Kramer, *The Truth of the Capture of Adolf Eichmann*, *Tikvah Ideas* (June 2020) at <https://ideas.tikvah.org>.
2. See *The Trial of Adolf Eichmann* at <https://youtube.com>.
3. Edward Knappmann, *The Adolf Eichmann Trial, 1961*. *Great World Trials* (1st. Ed. 1997) 335.
4. *Nazis and Nazi Collaborators (Punishment) Law*, 5710-1950.
5. *Id.*
6. *The Trial of Adolf Eichmann – Proceedings: The 15 Charges*, *Remember.Org* at <https://remember.org>.
7. *The Trial of Adolf Eichmann*, *supra*.
8. *Id.*
9. *Id.*
10. *Id.*
11. *Id.*
12. Karen Lehrman Block, *Just following orders...*, *Jewish News Syndicate* (August 1, 2024) at <https://www.jns.org>.
13. Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (1963).
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16. *Id.*
17. Mitch Ginsburg, *Eichmann’s final barb: ‘I hope that all of you will follow me*, *Times of Israel* (December 2, 2014) at <https://timesofisrael.com>.
18. Emily Langer, *Rafi Eitan: Israeli intelligence chief who kidnapped Adolf Eichmann in Argentina and brought him to justice*, *The Independent* (March 29, 2019) at <https://www.independent.co.uk>.
19. *Id.*
20. *Id.*



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CLE Program Shines a Light on Wrongful Convictions

Christopher J. DelliCarpini

On May 5, the Nassau Academy of Law hosted a CLE at Domus that moderator, Judge Joseph Bianco of the Second Circuit, called the “most important” one he had ever attended. “Wrongful Convictions: The Path to Justice and Freedom” featured two of New York’s most famous exonerees: Jeffrey Deskovic and Martin Tankleff.

The two shared their journey through the looking glass, from forced confessions to preposterous convictions, through uncomprehending appeals and ultimately obtaining exoneration. They also shared their work since then to exonerate others wrongfully convicted, and encouraged all attorneys to volunteer in this noble effort.

Path to Incarceration and Exoneration

Jeffrey Deskovic’s ordeal began in 1990, when he was convicted of the rape and murder of high school classmate Angela Correa. The two were hardly close friends, but students pointed the police toward Deskovic, the shy loner. The police found this sensitive teen fit their profile of the killer, so they whisked him out of town for an hours-long interrogation and polygraph exam,

doing and saying whatever they had to do to get Deskovic to confess.

That was all the prosecution needed; it didn’t matter that the DNA didn’t match, that evidence disappeared from the courtroom, or that polygraphs are inadmissible in New York. At 17 years old, Deskovic was convicted and sentenced to fifteen years to life.

It would take sixteen years for Deskovic to win his freedom. As Deskovic’s appeals processed, he lost seven appeals in New York courts; the Second Department found that neither his confession nor his polygraph test “were precipitated by a coercive environment or police misconduct.”¹ The Southern District of New York denied Deskovic’s habeas petition, as it was filed four days after the one-year limitations deadline, and therefore not within a “reasonable time.”²

Deskovic’s salvation came thanks to the Innocence Project. For 33 years their mission has been “to free the innocent, prevent wrongful convictions, and create fair, compassionate and equitable systems of justice for everyone.”³ In January 2006, the Innocence Project had the rape kit from the case tested with modern technology and the results entered in the New York State DNA



Database. That September a match turned up: Stephen Cunningham—who was serving time for a murder committed three years after he killed Angela Correa. Deskovic was released that same month.

Martin Tankleff’s journey began the morning of September 8, 1988, when he woke at home to find his mother murdered and his father near death. The police immediately sequestered Tankleff, then only 17 years old, and obtained a confession only after lying to him that his father had recovered and accused him. At trial the prosecution lacked any physical evidence tying Tankleff to the two murders; his father died a month after the incident. Nevertheless, after an eight-week trial and eight days of deliberation, the jury convicted Tankleff. On June 29, 1990, he was sentenced to two 25-to-life terms.

Tankleff’s appeals were unsuccessful. The Second Department recounted the two hours of interrogation that preceded the confession and held that Tankleff was not in custody until the end of those two hours, and approved of the detective’s deceptive tactic: “the factual reliability of the defendant’s confession was, if anything, enhanced by the nature of the particular ploy which was used to elicit it.”⁴ The Court of Appeals affirmed,⁵ and his habeas petition was also denied.⁶

Not until 2006 would Tankleff present the evidence that revealed what happened to his parents and would compel his exoneration. Again, through the efforts of the Innocence Project, Tankleff moved for a new trial under CPL 440.10(1) based on newly-discovered evidence.

His newly discovered evidence included affidavits from an accomplice who drove the killers from the Tankleff home and a witness to whom one of the killers eventually confessed.⁷ The evidence told a story of Tankleff’s

father’s business partner, fearful that the senior Tankleff would call in a business debt, had the Tankleffs murdered. The County Court denied the motion, but the Second Department found that the motion was made with due diligence and that “the cumulative effect of the new evidence created a probability that, had such evidence been received at the trial, the verdict would have been more favorable to the defendant.”⁸ The court remanded for a new trial, but the State attorney general’s office declined to retry the case. In July 2008, after 18 years in prison, Tankleff was a free man.

Path to Reintegration

Even after exoneration, the struggle to reintegrate in society can seem hopeless. For Deskovic, the world of 2006 was almost unrecognizable from the world he knew in 1990. Even after exoneration, conviction carried a stigma and some still could not trust him. Landing a job and housing was daunting, until Mercy College helped him with both, allowing him to get his Bachelor’s degree.

Deskovic then got a master’s degree in criminal justice from John Jay and started the Jeffrey Deskovic Foundation for Justice.⁹ To date the foundation has freed 15 wrongfully-convicted individuals and helped pass nine laws on interrogations and criminal investigations. Eventually he earned a J.D. from Pace Law School—he was “tired of sitting in the front row” and wanted to sit at the defense table.

Tankleff on release benefitted from family support, but reintegration still was a challenge. He enrolled at Hofstra, but when it came time to take a semester abroad he could not at first get a passport because of his criminal history. He graduated and attended Pace Law School at night, juggling

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work and litigation against the state over his wrongful conviction.

His exoneration made for some odd coincidences in law school. One of his professors, Mark Cohen, had been chief of appeals in the Suffolk District Attorney's office and fought to keep Tankleff in prison. And Attorney General Eric Schneiderman, the defendant in Tankleff's litigation, ended up delivering his law degree at graduation.

Like Deskovic, Tankleff has also made it his mission to exonerate others wrongfully convicted. While serving as special counsel to Garden City law firm Barket Epstein Kearon Aldea & LoTurco, he is also a visiting professor at Georgetown University and an Adjunct Professor of Law at Georgetown Law Center. Tankleff teaches a class alongside his childhood friend, Professor Marc M. Howard, called Making an Exoneree, where undergraduates reinvestigate potential wrongful conviction cases.

Litigating Wrongful Conviction Cases

The work of Jeffrey Deskovic and Martin Tankleff is far from over; the problem of wrongful convictions persists. Deskovic reported that since 1989 there have been 3,798 exonerations in the United States, 370 of which were in New York. The average sentence in New York wrongful convictions has been 11.4 years—16 years in cases with a false confession.

Given limited resources, exoneration efforts require careful screening of potential cases. Deskovic explained that when his foundation considers taking on a case of wrongful conviction, they ask two questions: Is the innocence claim believable? And is there a potential route to exoneration?

The first question applies the criteria in the Court of Appeals decision *People v. Salemmi*.¹⁰ (1) it must be such as will probably change the result if a new trial is granted; (2) it must have been discovered since the trial; (3) it must be such as could not have been discovered before trial by the exercise of due diligence; (4) it must be material to the issue; (5) it must not be cumulative; and (6) it must not be merely impeaching or contradictory to the former evidence. The second question requires "clear and convincing evidence" of actual innocence. This standard is informed by *People v. Hamilton*, where the Second Department rejected a host of arguments for vacating the defendant's conviction.¹¹

Experience has taught Messrs. Deskovic and Tankleff the "red flags" that suggest a wrongful conviction. A confession may be contradicted by external facts, or may regurgitate facts presumed in investigators' questions, or may use language that exceeds the suspect's learning. An interrogation

may have gone long while depriving the suspect of food, or may misuse a polygraph to compel admissions, or the recording (if one exists!) may stop and start, suggesting unrecorded periods. Witnesses may have misdescribed the perpetrator at first, or may have consulted each other to get their stories straight. In some cases, the sole witness just so happened to be the sole witness in other cases—a little too convenient.

Both gentlemen agreed that while exoneration was what they worked for, the goal was to free the wrongfully convicted by any means. Sometimes that will mean getting out on parole while maintaining innocence, or obtaining clemency, or a pardon on innocence grounds. Sometimes they can obtain compassionate release, for example, when a convicted person has a terminal illness.

Another tactic both advocates embraced was strategic media. Court filings can be followed by press releases, and there is nothing wrong with defending your client in the court of public opinion if that is where they are being attacked.

A persistent challenge with exonerees, as it was for Deskovic and Tankleff, is reintegration. Sometimes the exonerated need to prove their innocence all over again to be accepted into society; Tankleff essentially had to do just that to earn admission to the Bar. Deskovic spoke of the need for reintegrative services to aid those robbed of so much time with their communities.

The pair closed with an exhortation for attorneys to volunteer in the work of exoneration. Deskovic's foundation and Tankleff's Making an Exoneree program are always in need of assistance, and no experience is necessary. The gentlemen offered "curbside counseling" to those willing to aid in the effort. While the task may seem overwhelming, our featured speakers are living proof that in the quest for exoneration, persistence pays off. ⚖️

1. *People v. Deskovic*, 201 A.D.2d 579, 579 (2d Dept. 1994).
2. *Deskovic v. Mann*, No. 97 Civ. 3023(BSJ), 1997 WL 811524 (S.D.N.Y. Nov. 20, 1997).
3. www.innocenceproject.org.
4. *People v. Tankleff*, 199 A.D.2d 550, 553 (2d Dept. 1993).
5. *People v. Tankleff*, 84 N.Y.2d 992 (1994).
6. *Tankleff v. Senkowski*, 993 F. Supp. 151 (E.D.N.Y. 1997).
7. *People v. Tankleff*, 49 A.D.3d 160 (2d Dept. 2007).
8. *Id.* at 181.
9. www.Deskovic.org.
10. 309 N.Y.215 (1955).
11. 272 A.D.2d 553 (2d Dept. 2000).



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**FOCUS:
ARTIFICIAL INTELLIGENCE**

Kadian Townsend

Artificial Intelligence (“AI”) has become so ubiquitous that it quietly permeates our daily routines—appearing in our emails and text messages to complete our sentences or suggest alternative phrasing, and on our phones to recommend everything from dinner options to travel routes.

The proliferation of AI across industries has been coined as an industrial revolution that is potentially the most important technology of all time.¹ The legal industry is indeed not exempt from this revolution. In recent years we have seen AI technology rapidly transform the practice of law. The transformation is evident in legal research programs, e-discovery systems, and AI drafting assistance used for contracts and legal briefs.

Undeniably, AI enables attorneys to perform certain tasks more efficiently, increasing productivity and, in some instances, reducing costs for both clients and law firms. Notwithstanding these advantages, the rapid integration of AI into the legal profession has also raised significant ethical and professional responsibility concerns.

In its November 2025 publication, the American Bar Association identified six concerns for lawyers arising out of the use of artificial intelligence: (1) client confidentiality and privacy; (2) data security; (3) output accuracy; (4) output bias; (5) authentication of evidence; and (6) job displacement.² Many of these concerns have not yet been addressed as technological developments have outpaced the capacity of lawmakers to respond.

Every day attorneys find themselves pondering novel questions such as whether AI tools used in emails impact attorney-client privilege; whether expert witness findings that rely on AI tools and data are admissible in court; does using drafting assistance programs pose a risk of plagiarism; and whether certain e-discovery systems that collaborate with third-party AI programs compromise the confidentiality of client documents or impact the work-product doctrine.

Recent SDNY Ruling Pertaining to AI and Attorney-Client Privilege

A recent AI-related court ruling offers meaningful insight into how some

The Human Advantage: Why Traditional Legal Skills Remain Indispensable in the AI Era

of these matters are being assessed under the current laws. In February 2026, in an issue of first impression, the Southern District of New York in *United States v. Heppner* addressed whether a user’s communications with a publicly available generative AI platform in connection with a pending criminal investigation is protected by attorney-client privilege or the work-product doctrine.³

The defendant in *U.S. v. Heppner* used the AI platform Claude, which is operated by a private company to prepare a defense strategy outline with respect to the facts and the law that he anticipated the government might charge him in a criminal indictment. Importantly, defendant conducted the AI research and generated the outline on his own, and not at the bequest of his attorney.

Notwithstanding defendant’s intent to share the document with his counsel, the court held that communications with the AI system were not protected by the attorney-client privilege or the work-product doctrine. In reaching its decision, the court emphasized that the attorney-client privilege attaches to, and protects from the disclosure, of communications (1) between a client and his or her attorney; (2) that are intended to be, and in fact were, kept confidential; and (3) for the purposes of obtaining or providing legal advice citing *United States v. Mejia*.⁴

The court held that the AI communications lacked at least two, if not all three elements of the attorney-client privilege. The most obvious and dispositive is that the communications were not with the client and the attorney, they were between the client and the AI system. The court rejected public commentators’ argument that whether the AI system is an attorney is irrelevant because a user’s AI input, rather than communication, are more akin to the use of a cloud-based word processing application.

To that point, the court reasoned that the use of such application is not intrinsically privileged in any case, and the argument that AI-Claude is like any other form of software “only cuts against the invocation of privilege because all ‘[r]ecognized privileges’ require, among other things, “a trusted human relationship,” such as, in the attorney-client context, a relationship “with a licensed professional who owes fiduciary duties and is subject to discipline.”⁵

Secondly, the court found that defendant’s communications were not

confidential because the AI platform is a third-party system and its written privacy policy stated that the user’s data would be collected and used to “train” the AI platform. This clearly breaches confidentiality. It was also noted that the communications were allegedly made for the purpose of discussion with counsel, not for the purpose of obtaining legal advice, which is a required element for attorney-client privilege.

Interestingly, the court noted that perhaps the analysis may have been a bit different if defendant had communicated with the AI system at the direction of his counsel.⁶ Ultimately, the court held that the elements of the attorney-client privilege were not met and thus did not apply.

U.S. v. Heppner is notable as one of the first of its kind, providing insight on how a New York court assess certain attorney-client privilege issues with regard to the use of AI. Additionally, it underscores the necessity for attorneys, as well as clients, to exercise caution when utilizing AI to avoid inadvertently waiving or forfeiting legal rights and privileges, such as attorney-client privilege.

Becoming Indispensable in the Age of Artificial Intelligence

Of the six concerns outlined by the American Bar Association, the concern of job displacement is top of mind for many law students and young lawyers entering the profession. The irony of this unprecedented era is that becoming indispensable in the age of technology may depend on ones mastery of traditional skill sets such as in-person communication, exercising good judgment in uncertainty, interpersonal skills, and developing relationships with clients and colleagues—skillsets that AI generally cannot replicate as it requires human participation.

Exceptional legal work requires much more than proficient document drafting and data processing. Much of the high value legal services performed by an attorney require using sound judgment in uncertain and fast-moving situations, and developing trust with clients, colleagues, the courts, and business prospects. Attorneys add significant value to clients through their ability to navigate challenging human situations with strategic thinking, zealous advocacy, applying ethical judgment and interpersonal skills. To remain indispensable in the age of AI, lawyers must master skills that distinctively depend on human

judgment and capabilities that cannot be replicated by machines.

Clients don’t just want correct legal answers (which can easily be generated by AI), they want counsel that is confident, uses discretion, and someone who understands their risk tolerance. Negotiation, persuasion, and “reading the room,” whether with opposing counsel, a jury, or a board, are deeply human skills. AI may suggest strategies, but it cannot execute those strategies or genuinely build relationships or credibility, and it does not have the ability to show up in person and represent a client (well, at least not until we have robots admitted to the Bar).

Discussions regarding artificial intelligence within the legal profession ought to extend beyond the challenges and complexities introduced by emerging technologies. There are wonderful opportunities for attorneys to distinguish themselves and demonstrate to clients that sound legal counsel is still necessary and cannot be replaced by technology. The dichotomy is that as technology advances, it simultaneously underscores the growing need for attorneys to develop strong human skills—a challenge for many practitioners, particularly in the post-COVID era.

When used carefully, AI can significantly enhance the practice of law (and even reduce overhead operational costs and increase efficiency). AI is not replacing attorneys instead the attorneys who strategically leverage technology while mastering the traditional human skillsets will distinguish themselves far above the rest. ⚖️

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2. MyCase, Top Six AI Legal Issues and Concerns for Legal Practitioners, AMERICAN BAR ASSOCIATION LAW PRACTICE VISION LAW TECHNOLOGY TODAY, Nov 14, 2025, available at www.americanbar.org/groups/law_practice/resources/law-technology-today/2025/ai-legal-issues-and-concerns-for-legal-practitioners.

3. 1:25-cr-00503, (S.D.N.Y.).

4. *Id.* doc. 27 at 5, *United States v. Mejia*, 655 F.3d 126, 132 (2d Cir. 2011).

5. *Id.* at 6.

6. *Id.* at 7.



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NASSAU ACADEMY OF LAW

June 3 (In Person Only)

Dean's Hour: Alternative Dispute Resolution in Nassau County Supreme Court—An Update

With NCBA Alternative Dispute Resolution, Commercial Litigation, and Ethics Committees

12:30PM

1.0 CLE Credit in Professional Practice

NCBA Member FREE; Non-Member Attorney \$35

The Unified Court System encourages various methods of alternative dispute resolution (ADR) to resolve civil disputes, such as mediation, arbitration, settlement conferences, neutral evaluation and summary jury trials. Nassau County Supreme Court **Supervising Judge Francis Ricigliano**, JSC, and ADR Coordinator **Daniel Merker** discuss updates related to ADR in Nassau County, including a pilot program for partition cases, Commercial Division developments, and changes to Part 137 arbitrations.

Moderator: Lisa Giunta-Popeil, Weiss Zarett Brofman Sonnenklar & Levy PC

June 4 (Hybrid)

Dean's Hour: The Procedural Intricacies Involved with Federal Court Removal

With NCBA Labor & Employment Law, Federal Courts, and Commercial Litigation Committees

12:30PM

1.0 CLE Credit in Professional Practice

NCBA Member FREE; Non-Member Attorney \$35

Removing a case from state court to federal court may be a great strategy to take when there is diversity of citizenship between the parties, but there are numerous issues surrounding diversity and removal that must be considered before attempting to do so. Panelists will also discuss how diversity questions become more fact sensitive depending on the corporate structure of the party.

Faculty: Lisa M. Casa and **Danielle B. Gatto**, Forchelli Deegan Terrana LLP

June 15 (Hybrid)

Dean's Hour: Now That You're Partner—The Leadership and Identity Shifts No One Teaches

12:30PM

1.0 CLE Credit in Law Practice Management

NCBA Member FREE; Non-Member Attorney \$35

Becoming partner is a major milestone—but the behaviors that earned the promotion are not the same ones required to thrive in the role. In this program, newly-promoted and recently-elevated partners will explore the leadership and identity shifts required to operate at the firm-building level.

The program will include how to effectively handle stress management in your new role and management of legal work based on new responsibilities.

Moderator: Gregory S. Lisi, Forchelli Deegan Terrana LLP

Faculty: Donna Sirianni, Moving Forward Strategies

June 15 (Hybrid)

Quality In, Quality Out: Crafting Strong AI Queries for Effective Legal Research

With NCBA New Lawyers and Law Student Committees

6:00PM

1.0 CLE Credit in Skills

NCBA Member FREE; Non-Member Attorney \$35

This is Part 1 of a 2-part series on AI Queries that introduces new and experienced attorneys to the fundamentals of artificial intelligence with a focus on how to effectively utilize AI to conduct legal research, and will include a live demonstration of multiple AI tools available to attorneys and illustrate the importance of crafting precise prompts to achieve thorough and reliable results.

Faculty: Byron C. Chou, Gassman Baiamonte Gruner, P.C.

June 16 (Hybrid)

Dean's Hour: Preserving Your Right to Appeal in Civil Cases

With NCBA Appellate Practice Committee

12:30PM

1.0 CLE Credit in Skills

NCBA Member FREE; Non-Member Attorney \$35

This program will provide easy-to-follow steps for drafting and serving notices of appeal in civil cases. The speaker also explains the laws that govern preserving your right to appeal and provides practice tips for experienced appellate practitioners as well as litigation attorneys who seldom deal with appeals.

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

June 23 (Hybrid)

Dean's Hour: eDiscovery Management—An Overview for Today's Criminal Defense Practitioner

With NCBA Criminal Court Law & Procedure

Committee and Nassau County Assigned Counsel Defender Plan

PROGRAMS CALENDAR

12:30PM

1.0 CLE Credit in Professional Practice

NCBA Member FREE; Non-Member Attorney \$35

eDiscovery doesn't have to be overwhelming, but without the proper strategy, it often is. This session will cut through the complexity of eDiscovery and enable you to focus on the legal issues at hand by covering common eDiscovery subcategories and file types; what to look for and questions to ask when receiving eDiscovery; basic resources for your eDiscovery toolbox; and when and how to leverage experts to streamline your review process, save time, and reduce costs.

Faculty: Emma M. Greenwood, Greenwood Law Group, PLLC

June 24 (Hybrid)

Dean's Hour: Modern Anti-Semitism in the Workplace—Legal Rights and Risks

With NCBA Labor & Employment Law Committee

12:30PM

1.0 CLE Credit in Diversity, Inclusion and Elimination of Bias

NCBA Member FREE; Non-Member Attorney \$35

This program examines anti-Semitism in today's workplace, equipping attorneys with tools to identify modern manifestations of anti-Semitism; understand applicable legal prohibitions; and advise clients on employee rights and compliance obligations. Topics include the legal treatment of Jewish ethnicity and actionable strategies for preventing and addressing workplace anti-Semitism.

Faculty: Rory Lancman, The Louis D. Brandeis Center for Human Rights Under Law

June 25 (Hybrid)

Dean's Hour: Revocable Trusts

12:30PM

1.0 CLE Credit in Professional Practice

NCBA Member FREE; Non-Member Attorney \$35

This program provides a practical overview of revocable trusts, including key features, uses, advantages, and limitations in estate planning. The speaker will explore how the trust functions during lifetime and at death; common drafting considerations; strategies for selecting the appropriate trust structure based on a client's goals; and common misconceptions and real-world applications to help practitioners better advise clients in a variety of planning scenarios.

Faculty: Johanna C. David, Jaspan Schlesinger Narendran LLP

July 20 (In Person Only)

This Year's Most Significant Bankruptcy Decisions

Sponsored by NCBA Bankruptcy Law Committee and Mortgage Foreclosure Assistance Project With the Federal Bar Association—EDNY Chapter

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

2.0 CLE Credits in Professional Practice

NCBA Member \$55; Non-Member Attorney \$80

Join us for an in-depth program that will focus on recent and significant bankruptcy cases that have been decided throughout the country that may impact your practice and strategies for both business and personal bankruptcy cases.

Moderator:

Bill Rochelle, American Bankruptcy Institute Editor-at-Large

Faculty:

Hon. Sheryl P. Giugliano, U.S. Bankruptcy Judge for the EDNY; Hon. Louis A. Scarcella, U.S. Bankruptcy Judge for the EDNY; Hon. Robert E. Grossman (ret.), former U.S. Bankruptcy Judge for the EDNY; and Hon. Alan S. Trust (ret.), former Chief Judge of U.S. Bankruptcy Court for the EDNY

July 21 (Hybrid)

Quality In, Quality Out: Crafting Strong AI Queries to Effectively Draft Legal Documents

With NCBA New Lawyers and Law Student Committees

6:00PM

1.0 CLE Credit in Skills

NCBA Member FREE; Non-Member Attorney \$35

This is Part 2 of a 2-part series on AI Queries. This program introduces new and experienced attorneys to the fundamentals of artificial intelligence with a focus on how to effectively utilize AI to draft, edit, and revise a variety of legal documents.

Faculty: Jonathan Weiss, Forchelli Deegan Terrana LLP

These programs are appropriate for newly admitted and experienced attorneys except for the program on June 24. Only experienced attorneys are eligible to earn credit in Diversity, Inclusion and Elimination of Bias. Newly admitted attorneys should confirm that the program format is permissible for the category of credit.

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.

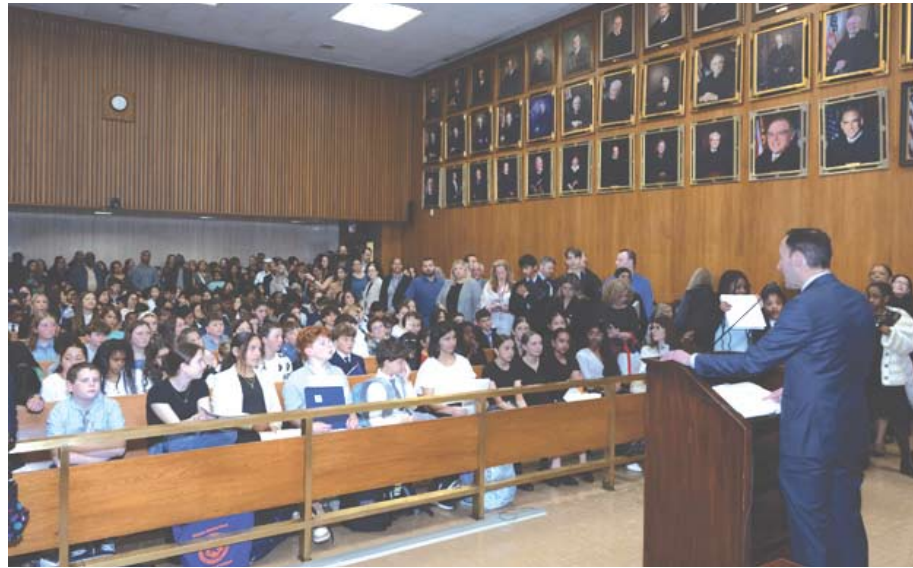
Fifth Grade and Middle School Mock Trial: A Recap

Marc N. Aspis

On the late afternoon of May 6, 2026,¹ the halls of the Nassau County Supreme Court building were abuzz with the sounds of hundreds of excited voices. Was it the trial of the century? Were there high-profile parties? Was the U. S. Supreme Court taking a break from Washington and hearing cases in Mineola? No, it was the fifth grade and middle school mock trial tournament, organized and hosted by the School Engagement Subcommittee of the Nassau County Bar Association (“NCBA”) Community Relations & Public Education Committee.

This program is both unusual and innovative. For the past several years, the NCBA has organized mock trial competitions for fifth graders and middle schoolers. Each year, the program features dozens of schools and hundreds of participants. Public and private schools from across Nassau County compete. Teams are coached either by parents or other community members who are lawyers or by volunteer lawyers from across the County. In many schools, being accepted onto the mock trial team is extremely competitive.

The dedicated members of the NCBA involved in the mock trial put together a year-long curriculum and fictitious case, culminating in the competition on May 6. The curriculum teaches students about how the litigation system works—who is the plaintiff, who is the defendant, how to enter exhibits into evidence, objections and many other topics that are the bread and butter of litigators, but largely foreign to the general public (including lawyers who rarely or never appear in court); watching *Suits* does not present an accurate picture of litigation practice. In addition to the educational curriculum, the NCBA members design an entire case that children can understand. Last year, the case (a criminal case) revolved around trespassing at a rival school and



damaging property; this year, the case (a civil case) revolved around negligence in connection with complying with state law and school policy regarding cellphone use. The NCBA creates a compelling storyline, interesting characters and deposition transcripts. This is a monumental effort and purely a labor of love, and an huge kudos goes out to the involved NCBA members.

As the proud father of a participant (and the proud spouse of my son’s team’s co-coach), I had a unique view into the inner workings of how this process plays out over the course of many months. Initially, the students, coaches and faculty adviser would meet once a week to review the curriculum, pour through the facts in the case summary and the depositions, assign roles, draft questions for direct and cross examination (and potentially redirect), practice opening and closing statements, and go over a host of other activities, large and small, that go into preparing a trial, especially for young—and, in this case, very young—lawyers. In the weeks leading up to the trial date of May 6, my son’s team met more frequently—before school, after school, an additional period here or there during school, and on weekends.

As any lawyer (litigator or otherwise) knows, preparation is key.

After months of preparation, trial day finally arrived. Hundreds of students from across Nassau County converged on the Nassau County Supreme Court building, streaming out of rides, carpools and buses. In addition to the students, coaches, and faculty advisers, families came to (silently) cheer on their loved ones—my son had his parents and four grandparents there. Most of the students wore clothing that is appropriate and expected for court—the boys in jackets and ties (I had to tie my son’s tie), the girls in business dresses and skirts. Perhaps the highlight is that the actual trials are held in courtrooms in front of sitting judges (in robes, of course).

The trial proceeded like a real trial in many ways—plaintiff went first, defense went second, each side (1) called witnesses, (2) had an opportunity for cross, (3) introduced exhibits into evidence, (4) could object (although there weren’t too many objections), (5) the “lawyers” addressed the judge as “your honor,” and (6) witnesses promised to tell the truth. One of the main differences is that each student on the team typically had one discrete role, because it would be unreasonable to expect an 11-year-old to

conduct a trial from start to finish. After the close of the proceedings, the judge made some remarks for the students and then issued a ruling.

Based on reactions of different stakeholders, the program was a huge success. This year, the judge in my son’s trial said that she was in court all morning, and that many of the students rivaled or surpassed some of the lawyers she saw earlier in the day. She also remarked that she sees a bright future for all of them. For the participants, it is a terrific entryway into the practice of law—the preparation, the attention to detail, the logical reasoning, the formality of court, the ability to talk in front of adults and the ability to think on one’s feet. For parents, family members (especially the non-lawyers) and school staff, it is great to see someone shine in the courtroom. My son’s principal showed up for a chunk of the trial and gave him a big high-five after the trial ended. For the NCBA, it is a nice capstone for a project that was months in the making.

I have frequently mentioned this program to friends and colleagues who are jealous because most areas of Nassau County do not offer mock trial for middle schoolers (it didn’t exist for me when I was a kid). May 6, 2026, was a great day in Nassau Supreme, and we can hope that the success of the program allows it to continue and spread for many years to come. 🗑️

¹ Trials were also scheduled to occur on May 13, May 20 and June 3, 2026, after this article was sent to the publisher.



Marc Aspis is Special Counsel to Phillips Lytle LLP in Garden City. His areas of practice include employee benefits and executive compensation; corporate and business law; governance, risk and compliance; mergers and acquisitions; tax; and labor and employment law. He can be reached at maspis@phillipslytle.com.

Meet New President Hon. Maxine S. Broderick

Continued from Page 1

NCBA Book Club, and has Chaired the Access to Justice Committee, the Animal Law Committee’s Pet Rescue Initiative, the 2025 Gala Committee, and the NCBA PreLaw Society. Her service on the NCBA Board of Directors culminated in her receiving the prestigious NCBA Board of Directors Award in 2021.

She has helped shape the next generation through a decade of mentorship at the Barack Obama Elementary School in Hempstead, years of coaching and judging high school mock trial and moot court competitions, and helping to craft the NCBA Long Island Legal Pipeline Program, which has placed 50 students

in paid summer associate positions at top Long Island firms. Her leadership extends to CLE programming, covering topics from judicial pathways to cultural competence and implicit bias, including a first-of-its-kind program with Secretary Jeh Johnson.

She has served on the Nassau Academy of Law Advisory Board, the WE CARE Advisory Board, and the NCBA’s 125th Anniversary Committee.

The Coming Year

As President of the NCBA, Judge Broderick hopes to continue strengthening the sense of community and belonging within

the organization. She is committed to expanding opportunities for professional development, creating leadership pathways for members, and ensuring that the Association remains fiscally strong while continuing to provide meaningful value to its membership.

She also hopes to explore new sources of non-dues revenue while continuing to support the NCBA’s long-standing mission of service to both the legal profession and the community. Judge Broderick describes herself as a perfectionist who understands that perfection is impossible. Colleagues describe her as diplomatic, compassionate, and

someone who treats people with respect and humanity. Throughout her career, she has repeatedly faced moments where she had to “sink or swim,” and each time she found a way forward.

She has been married to Joseph Manzolillo since 2022, and they share a female Rottweiler rescue named Luna. Due to her massive head, she is sometimes affectionately called “Domus.”

Now, as she prepares to lead the Nassau County Bar Association as its 124th President, Judge Broderick is ready to bring that same determination, resilience, and vision to the year ahead. 🗑️

**FOCUS:
CRIMINAL LAW**



Richard J. Washington

The “totality of the circumstances” test is a cornerstone of both state and federal criminal practice. Courts routinely apply this test when determining whether an officer had reasonable suspicion to detain a suspect or probable cause to make an arrest. Although its use in criminal law is well established through Supreme Court precedent, the Court issued a *per curiam* decision last month in *District of Columbia v. R.W.*¹ that further defines how the test must be applied in the reasonable suspicion context.

The relevant facts begin in the early morning hours of a February night in Washington, D.C. Police Officer Clifford Vanterpool received a radio dispatch directing him to investigate a suspicious vehicle at a local apartment building.² He arrived at the building’s parking lot around 2:00 a.m.³

As he turned into the lot, he saw two individuals flee from a parked car, unprovoked, leaving at least one door open as they ran away.⁴ R.W., who sat behind the wheel, began backing out of the parking space with the rear door still open.⁵ The car moved only about a foot before stopping, but Officer Vanterpool stated that the sequence of events aroused his suspicion.⁶ He parked directly behind the vehicle, drew his service weapon, and ordered R.W. to put his hands up.⁷ That command constituted a seizure for Fourth Amendment purposes.

R.W. was a teenage minor. Based on evidence recovered after the seizure, he was charged with unauthorized use of a motor vehicle, felony receipt of stolen property, unlawful entry of a motor vehicle, and operating a vehicle without a permit.⁸ R.W. moved to suppress all evidence flowing from the stop, arguing that Officer Vanterpool lacked reasonable suspicion.⁹

Following a suppression hearing, the trial court denied R.W.’s motion.¹⁰ The trial court relied on four facts to support its conclusion. Those facts consisted of the dispatch directing Officer Vanterpool to the scene, the flight of two individuals from the car when the officer arrived, the late hour

Context Matters: What District of Columbia v. R.W. Teaches Practitioners About Litigating Suppression Motions

of the incident, and R.W.’s decision to back out of the parking space with the rear door still open.¹¹ After a bench trial, the court adjudicated R.W. delinquent on all counts.¹² R.W. appealed his conviction.

The D.C. Court of Appeals reversed. Applying *de novo* review, the appellate court assessed the legitimacy and weight of each factor individually before weighing them together.¹³ At the first step, the appellate court excised two of the four factors entirely, holding that the dispatch could not contribute to the reasonable suspicion analysis because the record contained no information about why the vehicle had been deemed suspicious, and without that foundation, the court could not independently evaluate the reliability of the information that caused the officer to be sent to the scene.¹⁴ The appellate court also held that the flight of R.W.’s two companions could not be imputed to him.

Absent facts suggesting the occupants were acting in concert in a suspicious manner, attributing another person’s flight to a driver amounts to nothing more than guilt by association, which courts reject as a lone basis for a *Terry* stop.¹⁵ With the dispatch and the flight away from the car removed from the analysis, the appellate court found that the remaining facts did not give rise to reasonable articulable suspicion.¹⁶ The appellate court vacated R.W.’s convictions.¹⁷ The District of Columbia sought certiorari.¹⁸

The Supreme Court reversed. It applied the same “totality of the circumstances” standard but reached a fundamentally different conclusion, finding that Officer Vanterpool had reasonable suspicion to stop R.W.¹⁹ The Court held that the appellate court’s approach of evaluating and rejecting factors in isolation from one another was precisely the kind of “divide-and-conquer analysis” that the totality test forbids.²⁰ Already on alert from being dispatched to the scene, Officer Vanterpool observed every person in the vehicle respond strangely to the sudden presence of a marked police car.²¹

When the two passengers fled on foot without provocation, R.W. simply backed out of the space with the car door open.²² The court

observed that “unprovoked flight upon noticing the police is certainly suggestive of wrongdoing,” and that “a car passenger will often be engaged in a common enterprise with the driver, and have the same interest in concealing the fruits or the evidence of their wrongdoing.”²³ R.W.’s own conduct, combined with the panicked flight of passenger in the car, suggested he was engaged in unlawful activity he wished to conceal.²⁴

The “whole,” the court emphasized, “is often greater than the sum of its parts, especially when the parts are viewed in isolation.”²⁵ Reasonable suspicion need not rule out the possibility of innocent conduct, and pretending that the most revealing aspect of an encounter did not happen is inconsistent with the “totality of the circumstances” analysis that the Fourth Amendment requires.²⁶

Justice Sotomayor wanted to deny certiorari.²⁷ Justice Jackson dissented. Her dissent was not based on the legal standard, but on the Supreme Court’s decision to intervene at all.²⁸ In her opinion, the appellate court correctly understood the totality test, and whatever disagreement the majority harbored amounted to a dispute over the weight assigned to a single factor, namely the unprovoked flight.²⁹ She argued that the matter did not warrant the Supreme Court’s intervention and ultimate reversal.³⁰

The competing opinions in this case demonstrate that the “totality of the circumstances” test contains a degree of subjectivity that no amount of precedent can fully eliminate. The same facts, reviewed by judges of comparable ability and good faith, produced diametrically opposite conclusions at every level of this litigation. What the Supreme Court’s *per curiam* decision firmly establishes, however, is that lower courts must resist the temptation to evaluate each factor in a vacuum.

The Fourth Amendment requires courts to consider “the whole picture,” and any analysis that strips away potentially relevant facts before weighing what remains will not survive scrutiny in our highest court. For practitioners in New York and across the country, the lesson is straightforward. When litigating suppression motions, the manner in which facts are framed and sequenced matters as much as the

facts themselves. It is incumbent upon a criminal practitioner to give the court context. A court that considers relevant facts all at once may reach a different conclusion than one that examines each fact in isolation. This issue shakes out going forward. 🏠

1. *District of Columbia v. R.W.*, 2026 U.S. LEXIS 1858.
2. See *id.* at *1.
3. See *id.*
4. See *id.*
5. See *id.*
6. See *In re R.W.*, 334 A.3d 593, 605 (D.C. 2025).
7. See *Dist. of Columbia v. R.W.* 2026 U.S. LEXIS 1858 *1.
8. See *id.* at *2; see also *In re R.W.*, 334 A.3d at 599 (D.C. 2025).
9. See *In re R.W.*, 334 A.3d at 599.
10. See *id.*
11. See *District of Columbia v. R.W.*, at 2026 U.S. LEXIS 1858*3; see also *In re R.W.*, 334 A.3d at 599.
12. See *In re R.W.*, 334 A.3d at 599.
13. See *id.* at 600.
14. See *id.* at 600-601.
15. See *id.* at 601-02; see also *Terry v. Ohio*, 392 U.S. 1 (1968).
16. See *In re R.W.*, 334 A.3d at 603-605.
17. See *id.* at 606.
18. See *District of Columbia v. R.W.*, 2026 U.S. LEXIS 1858, at *1.
19. See *id.* at *2.
20. See *id.* at *5.
21. See *id.* at *4.
22. See *id.*
23. See *id.*
24. See *id.* at *4-5.
25. See *id.* at *5.
26. See *id.*
27. See *id.* at *6.
28. See *id.*
29. See *id.* at 8-9.
30. See *id.* at 9.



Richard J. Washington is the owner and primary attorney at the Law Offices of Richard J. Washington, P.C., a labor, employment, and criminal law practice with offices in New York City and Nassau County. He can be reached at richard@washington-at-law.com.

New Members

Leonard Joseph Badia Esq.
Alicia Lauren Cohn Esq.
Vincent Joseph Davino Esq.
Dr. Kirsten Brooke Hensl Esq.
Gleb Ivanov Esq.
Fabrice Michel Esq.
Bonnie Mohr Jan Esq.
Lydia Mrvica, Paralegal
Edward Perkins Esq.
Elizabeth L. Spano Esq.
Melissa D. Wallace Esq.

LAW STUDENTS

Elizabeth N. Corbin
Alyssa Ednie
Rosa Fernandez
Daniel Goldberg
Alex Wayne Harris

Judicial Panel Provides Insight into Guardianship Process

Adrienne Flipse Hausch

As our population ages, the need for legal professional caretakers is increasing—and the number of individuals available to fill those roles has not.

When the legislature enacted Article 81 of the Mental Hygiene Law in 1992, the expectation was that family members would, more than likely, be appointed guardians of their loved ones. But it soon became clear that the burdens of both guardian of the property and guardian of the person were often overwhelming and that making medical, housing, economic, and other critical decisions was beyond difficult.

A primary issue is substitution of judgment. As a guardian, one's job is to act in the best interest of the "alleged incapacitated person" (AIP) irrespective of that person's wishes—past or present. "Persons in need of a guardian" (PING) often are higher functioning. However, a guardian is not appointed in any matter where the inability of the AIP or the PING has not been adjudicated by clear and convincing evidence.

Prior to the enactment of the law providing for the appointment "of a guardian for personal needs or property management," those with the need for financial management assistance were

appointed conservators and those whose judgment was impaired were assigned committees. Both offices were intense and inflexible. Article 81 of the Mental Hygiene Law provided for care at the "least restrictive form of intervention." The statute provides the application of judgment by the guardian who applies the powers granted to them in their Order of Appointment.

On May 11, 2026, the NCBA Elder Law, Social Services & Health Advocacy Committee hosted a discussion of critical issues for guardians in Nassau, Suffolk, Queens and Kings Counties, moderated by Retired Justices Lee Mayersohn and Bernice Siegal. The judicial panel consisted of Hon. Maria Aragone (Kings), Hon. Ilene Fern (Queens), Hon. Wyatt Gibbons (Queens), Hon. David Gugerty (Nassau), Hon. Chris Ann Kelley (Suffolk) and Hon. Gary Knobel (Nassau).

The format was questions and answers, with each judge responding sequentially to questions posed by the moderators, such as the legal and ethical obligations of court appointees; dealing with *pro se* litigants; and the implications of guardianship



appointments for individuals facing immigration issues.

The specific obligations of court evaluators, court examiners, and attorneys for the AIP were also addressed and panelists emphasized that all such appointments have specific fiduciary and other ethical obligations under Article 81. The panel also emphasized the need to always apply the law in the best interest of the AIP before any other party or interested party to the litigation.

Also addressed was the increased harassment of the court appointees, especially by individuals who will not benefit from the AIP becoming a person protected from predators. The panel agreed that stronger measures, including arrest, are appropriate and needed to restore calm to the proceedings. Judge Knobel suggested that pressure be put on the legislature to tighten up the laws to create harsher penalties for offenders. Judge Gibbons urged all panelists to fully document and keep a record of all encounters in the event of criminal prosecution.

When family members seek to be guardians, the panel suggested the appointment be temporary and reviewable in six months. The judges agreed that although family members may have good intentions, most do not understand the amount of work, difficult decisions, and emotional investment that the position requires. Keeping the matter open permits straightforward and uncomplicated intervention when necessary.

Judge Siegal reminded attendees that Article 81 permits the parties and the court to sculpt the relief to fit a particular case and urged panel members to seek all powers that they deemed appropriate.

The roles of individual assignees in any proceeding—including court evaluator, counsel for the AIP and the court examiner—were explored.

Training programs are available for those interested in serving in those capacities.

Judge Fern outlined the obligation of the court evaluator which includes creating the road map for the case, but not evidence per se. Their reports are sealed and not open to the public but serve a vital role in the proceedings. Court examiners "keep an eye on the guardian," advised Judge Gibbons, guiding them on their obligations, especially when it comes to finances.

Attorneys for AIPs often have clients who cannot participate in the proceedings or are unable to understand why the process is going forward. The attorney for the AIP must always promote the best interests of the AIP but requires the ability to get beyond the incapacity and determine the AIP's wishes. All this must be conveyed to the court.

The role emphasized by the panel was to advocate as an attorney. The information provided by the court evaluator can provide the attorney with a guide to advocacy, especially when the AIP is seriously impaired.

The panel concluded with a discussion of their approaches to hearings and trials and advised that their chambers were always open to inquiries and assistance. Each graciously thanked the Bar for providing not only training, but promoting the advocacy needed to meet the needs of persons with cognitive issues who are unable to care for themselves. ⚖️



Adrienne Flipse Hausch is the principal attorney of Adrienne Flipse Hausch & Associates, a litigation firm that concentrates in family and matrimonial law, criminal defense, and guardianship.

She can be reached at (516) 741-2000.



NCBA LAWYER ASSISTANCE PROGRAM (LAP) PRESENTS

4TH ANNUAL LAPS FOR LAP!

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SATURDAY | **JUNE 6, 2026** | **9 AM - 12 PM**

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LAP is supported by funding from the NYS Office of Court Administration, Boost Nassau, and the WE CARE Fund of the Nassau County Bar Foundation.

2026 Annual Dinner Gala

On Saturday, May 9, the NCBA hosted its 126th Annual Dinner Gala. Held at the Cradle of Aviation Museum, about 350 attendees gathered for an evening that honored Distinguished Service Medallion recipient, Hon. Randall T. Eng, along with its 50, 60 and 70-year members. President James P. Joseph presented outgoing Director Jennifer L. Koo with the Directors' Award and Nassau County Assigned Counsel Defender Plan Administrator Lindsay R. Boorman with the President's Award. A special thank you to all sponsors and NCBA Members and guests who showed their support!



Photos by Hector Herrera

Law Day Dinner



On April 30, the NCBA celebrated the Rule of Law and the American Dream at its Law Day Dinner. The annual event is hosted by the NCBA Community Relations & Public Education Committee. Co-Chairs Melissa Danowski and Ingrid Jeannette Villagran welcomed Members and guests, and Law Day Subcommittee Chair, Hon. Ira B. Warshawsky, served as Master of Ceremonies.

The Liberty Bell Award was presented to abc 7 On Your Side’s producers David Paredes and Courtney Medwin by CR&PE Committee Member Michael Markowitz; the Peter T. Affatato Court Employee of the Year Award was awarded to Nassau County Family Court Chief Clerk John A. Aiken and Principal Court Clerk Kellee Ross by Supervising Judge Ellen R. Greenberg; and the Thomas Maligno Pro Bono Attorney of the Year Award was given to Barbara Eckstein by Roberta D. Scoll, Legal Services of Long Island Community Legal Help Project Coordinator and Senior Staff Attorney.



Photos by Hector Herrera



JUNE IS NATIONAL MEN’S HEALTH AWARENESS MONTH



Men’s health is an important and often overlooked topic. Significant healthcare barriers for male lawyers include stigma and fear of judgment, limited awareness, and reluctance to seek professional help. Here are some tips to improve your overall health and wellness.

Work/Life Balance:

Find Purpose and Community Both Personally and Professionally

- Spend quality time with friends and family
- Connect with colleagues who understand what you’re going through
- Brush up on time management skills
- Connect with a pet or animal

Practice Mindfulness or Meditation

- Use relaxation techniques
- Practice gratitude to boost mood and overall satisfaction
- Challenge negative thinking patterns
- Align actions with your values
- Spend time outdoors to reduce stress and enhance mood

Prioritize Physical Health

- Move regularly
- Prioritize consistent sleep
- Stay hydrated and eat a balanced diet
- Limit alcohol/substance use

Nurture Mental Wellbeing

- Make time for fun
- Build financial wellness
- Express emotions honestly
- Seek professional help if needed

*For a copy of the longer version of Wellness Tips for Male Lawyers, contact gpirozzi@nassaubar.org.

LAP

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**Nassau County Bar
Association
Lawyer Assistance
Program**

**Elizabeth Eckhardt,
LCSW, PHD, Director,
Lawyer Assistance
Program**

LAP provides free and confidential services to legal professionals to improve well-being. Feel free to join LAP’s Counselors Connect or ADHD support groups; participate in the LAP Annual Walkathon on June 6; or attend a LAP wellness workshop. Reach out to LAP for more information. LAP is supported by funding from the NYS Office of Court Administration, WE CARE Fund, and Nassau County Boost.

Meet the New Dean — Matthew V. Spero

Natasha Dasani

On June 6, 2026, Matthew V. Spero will be installed as Dean of the Nassau Academy of Law for the 2026-2027 Bar year. Spero previously served as Associate Dean, Assistant Dean, Secretary, Treasurer, Counsel and Advisory Board Member of the Academy, and chaired the 2026 Hon. Joseph Goldstein “Bridge the Gap” Weekend this past winter.

Spero grew up on Long Island and is a graduate of Chaminade High School. He earned his BA from Fairfield University and his law degree from St. John’s University School of Law. He began his career with Ruskin Moscou Faltisheck, P.C., and is currently a partner in the Bankruptcy, Corporate, and Commercial Litigation Practice Groups at Rivkin Radler LLP, where he represents debtors, creditors, creditors’ committees, lenders, principals, and landlords in business reorganizations, restructurings, acquisitions, and liquidations before the bankruptcy courts in the Eastern and Southern Districts of New York, as well as in out-of-court workouts.

Spero has been an active member of the Nassau County Bar Association for over twenty years. In addition to working with the Academy, he served as Chair of the Bankruptcy Law Committee, written articles for *Nassau Lawyer*, and presented several CLE programs. Spero has also coordinated and presented at an annual bankruptcy law program in collaboration with the Federal Bar Association—EDNY Chapter and the Suffolk County Bar Association, where bankruptcy practitioners gain practice insight on recent developments in bankruptcy law from many of the U.S. bankruptcy judges for the Eastern District of New York.

Spero is a Vice President of the Long Island chapter of Turnaround Management Association; member of the Board of Directors and former Chair of the Board of Mentor New York, a non-profit organization that seeks to match at-need youth with mentors; former Chair of the New York State Bar Association Bankruptcy Committee and sat on the Executive Committee of the NYSBA Business Law Section; and served as Vice President and a board member of the Chaminade Alumni Association and is a former President of the Chaminade Businessmen’s Association.



Additionally, Spero has presented CLE programs for the NYSBA and educational programs for the public. He was recognized by Touro University Jacob D. Fuchsberg Law Center as a recipient of their Public Interest Award, which honors attorneys who devote their time to those in need through their pro-bono efforts. Spero also served for years as a judge for the Duberstein Bankruptcy Moot Court Competition hosted by St. John’s University School of Law.

Spero and his family live in Plainview, where he was a long-time youth sports coach (baseball, football, basketball, soccer) and former member of the Executive Committee of the Plainview Little League Board of Directors.

Spero’s primary goal this year is to continue to engage the many Committees of the NCBA and encourage its members to provide CLE programs. He believes that more CLEs means more exposure for the NCBA and its many benefits. Spero also wants to continue the Academy’s longstanding successes with the High School Mock Trial Tournament, Hon. Elaine Jackson Stack Moot Court Competition, and Hon. Joseph Goldstein Bridge-the-Gap Weekend. He welcomes any NCBA member interested in presenting a CLE to contact him at matthew.spero@rivkin.com so he can provide an easy step-by-step overview of how to organize a successful program.

Other elected Nassau Academy of Law officers for 2026-2027 are Associate Dean Omid Zareh, Assistant Deans Charlene Jackson and Sara M. Dorchak, Secretary Tammy Feman, Treasurer Hon. William P. Bodkin, and Counsel Hon. Linda K. Mejias-Glover. 🗳️



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These Members’ contributions enable the NCBA to continue its legacy for years to come, and demonstrate a commitment to the NCBA and dedication to the legal profession.

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Peter Sweisgood Dinner

On Monday, April 20, the NCBA Lawyer Assistance Committee (LAC) held—in collaboration with the Suffolk County Bar Association Lawyer Assistance Committee—the 33rd Annual Peter Sweisgood Dinner. LAP honored NCBA Past President M. Kathryn Meng with the Peter Sweisgood Award for her dedication and experience. Former LAC Chair Henry E. Kruman gave special remarks.



Photos by Hector Herrera





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CALENDAR | COMMITTEE MEETINGS

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| Appellate Practice | Tammy Feman and Andrea M. DiGregorio |
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| Bankruptcy Law | Scott R. Schneider |
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| Committee Board Liaison | Hon. Maxine S. Broderick |
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| 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. Blaszczyk 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 | |
| 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 |

WEDNESDAY, JUNE 3

Real Property Law
12:30 p.m.

Carrie Adduci will speak on "Wire, Wire, Pants on Fire: How to Detect Modern Wire Fraud Schemes and Avoid Getting Burned."

Construction Law
12:30 p.m.

THURSDAY, JUNE 4

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

Publications
12:45 p.m.

MONDAY, JUNE 8

Plaintiff's Personal Injury Defendant's Personal Injury Law Student New Lawyers
12:30 p.m.

"Meet the Part" with the Hon. Fran Ricigliano and Hon. Rhonda Fischer

TUESDAY, JUNE 9

Labor & Employment Law
12:30 p.m.

Christina Dumitrescu and Jon Probststein will speak on "Trauma Informed Lawyering."

WEDNESDAY, JUNE 10

Judicial Section
12:30 p.m.

Matrimonial Law
5:30 p.m.

Jeffrey L. Catterson will be honored with the Richard J. Keidel Memorial Award and Senior Court Clerk Suzanne Rudden presented with the Outstanding Service Recognition Award at the Committee's end-of-year dinner.

TUESDAY, JUNE 16

Women in the Law
12:30 p.m.

LAP Director Dr. Elizabeth Eckhardt and Gina Pirozzi will speak on "Mental Well Being for Women in the Law."

WEDNESDAY, JUNE 17

Business Law, Tax, and Accounting
12:30 p.m.

Yvonne Cort will speak on "NYS/NYC Residency: The Hidden Cost of a Second Home."

THURSDAY, JUNE 18

Surrogate's Court Estates & Trusts
6:00 p.m.

End-of-Year Dinner at Waterzooi

TUESDAY, JUNE 23

Appellate Practice
12:30 p.m.

Diversity & Inclusion
6:00 p.m.

WEDNESDAY, JUNE 24

Association Membership
12:30 p.m.



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As the firm grew, so did its vision. Recognizing the importance of strategic expansion, the firm broadened its practice areas and deepened its bench of qualified attorneys in each of those areas. Under Mr. Forchelli's leadership, FDT built focused, leading-edge practice groups capable of delivering full-service solutions. The firm expanded deliberately - adding complementary practices, attracting respected lateral groups, and developing industry-focused teams that strengthened its regional presence. John V. Terrana, who joined the firm in 1993 and heads the Tax Certiorari practice group, became Co-Managing Partner in 2020. Together with Mr. Forchelli, they form a dynamic management team that continues to drive the firm's growth and success.

As Forchelli Deegan Terrana LLP marks its 50th Anniversary, the firm does so with pride in its history, gratitude for the attorneys and staff who shaped its success, and confidence in a future defined by continued growth, collaboration, and service - guided by the same principles that have defined it since 1976.



Jeffrey D. Forchelli, Esq.
Chairman of the Firm and Co-Managing Partner




John V. Terrana, Esq.
Co-Managing Partner


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