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JUDICIARY NIGHT
SAVE THE DATE
THURSDAY, OCTOBER 22

WE CARE Annual Golf & Tennis Classic Celebrates Thirty Years of Giving

The WE CARE Fund of the Nassau County Bar Association (NCBA) will hold its 30th Annual Golf & Tennis Classic on Monday, September 14, 2026, at the Brookville Country Club, with the North Shore Country Club as a second course. The cocktail party and dinner will be at the Brookville Country Club.

The Classic is one of the first fundraisers established following WE CARE's founding in 1988 by then NCBA President Stephen Gassman. Its goal was, and remains, to raise funds to help improve the quality of life for those in need—especially children and the elderly—through the distribution of grants to Nassau County charities.

While at its start WE CARE relied mostly on individual donations, in 1995, it was decided that a golf and tennis event would help raise more funds. The first event in 1996 netted about \$30,000. (Since then, various additional fundraising events like Dressed to a Tea have been added to its social calendar.)

The Classic is always a fun day. Over the years, it has grown to include a second golf course as well as pickleball and Golf 101 options. Sponsorships, silent and live auctions, and raffles all contribute to the increased profits from the event.

The Classic is a success because of the extraordinary amount of time and effort extended by lawyers, businesses, members of the Nassau County judiciary, and other volunteers. The Classic has always had the support of the NCBA Executive Directors—first Deena Ehrlich and presently Elizabeth Post—and their staff. A shoutout must be given to those individuals involved in the first few Classics who are still actively engaged in the event many years later.



What makes WE CARE unique is that the Bar Association covers all of WE CARE's administrative costs, making it one of very few charities to distribute all the money it raises. It is estimated that well over \$4,500,000 in net profits has been raised over the Classic's first 29 years, and over \$2,500,000 more from donations and other WE CARE events. As the NCBA continues to provide its administrative support, all funds are distributed through grants.

Charities submit grant requests to WE CARE twice a year, in the spring and the fall. Two of the most rewarding days for



Advisory Board members each year are when—after three subcommittees have reviewed the grant applications and submitted their recommendations—the Board determines which charities will receive the grants.

From 2023 to 2025, WE CARE distributed \$945,500 in grants. In 2026, at its recent meetings, the Advisory Board approved \$155,000 in grants to 32 different charities, including organizations supporting the fight against domestic violence, legal services for those who cannot afford them, the NCBA Lawyer Assistance Program, a mock courtroom for middle school students to learn about the law, Camp Kawanis, and local Boy and Girl Scout troops. Past noteworthy awards include giving over 80 \$500 individual grants to court personnel after Super Storm Sandy for food and clothing, and defibrillators to the Nassau courts that have saved at least one life. Grant recipients make it known that WE CARE is one of the sources of their funding, and individuals who benefit often attend the Classic and other events to say thanks.

The WE CARE Advisory Board has grown to 65 members, with seven Community Liaisons, mostly businesspeople working with lawyers, some of whom have become NCBA Corporate Partners. The Classic subcommittee of the Advisory Board grew from seven people to now over 40. The number of people attending the Classic, including those who attend only the cocktail party and dinner, has grown to over 400 golfers and guests.

For more information about participating in the Classic, visit www.thewecarefund.com or contact WE CARE Coordinator Emma Grieco at 516-747-4071.

Please join us and help WE CARE continue its remarkable history of charitable giving to its fullest. If you cannot attend, donations are always welcome. 

Stephen W. Schlissel is a former Chair or Co-Chair of both the WE CARE Advisory Board and the WE CARE Classic subcommittee.

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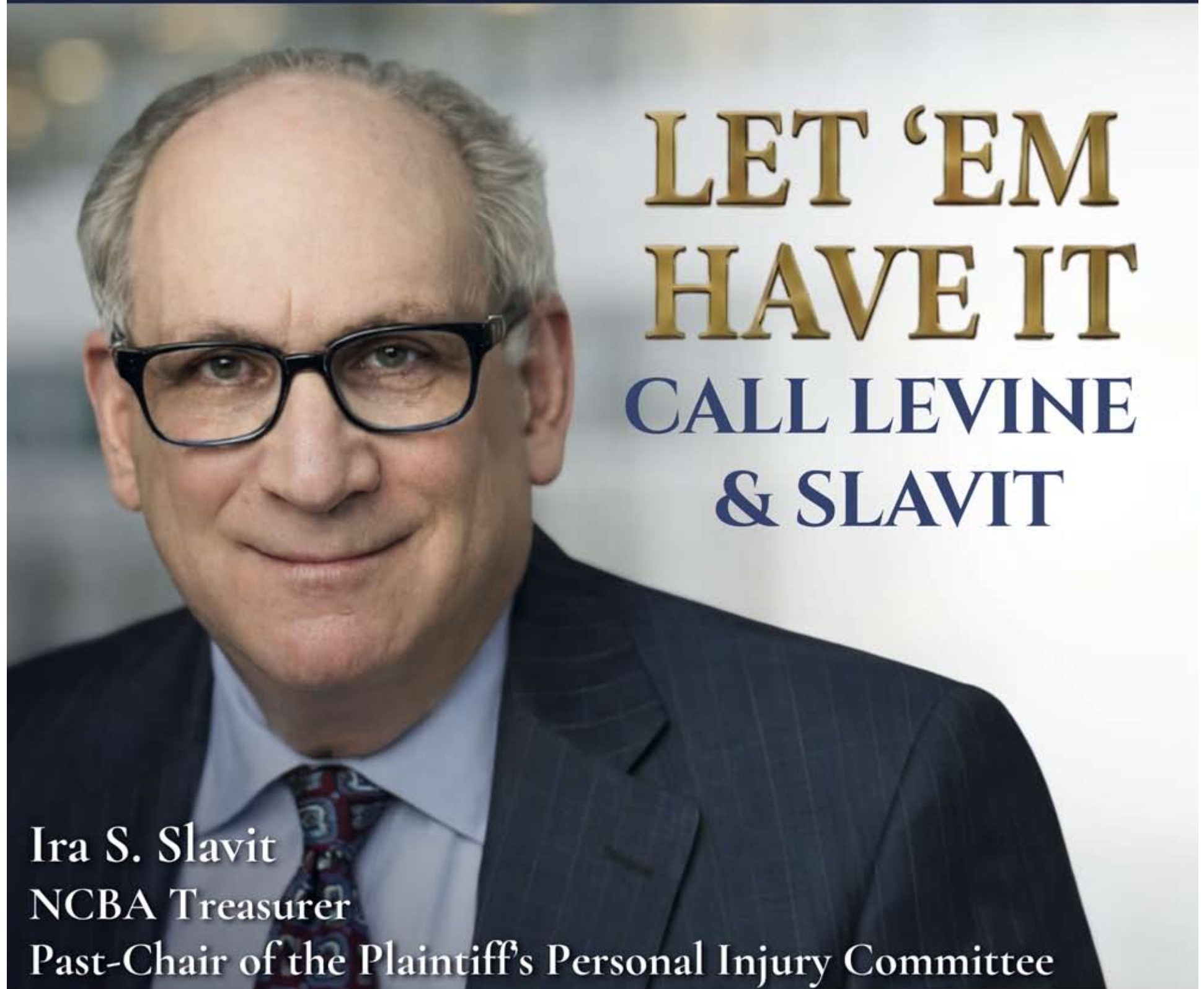


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The Strength of 62 Committees

The Nassau County Bar Association is home to 62 committees covering areas from Appellate Practice to Civil Rights to Estates and Trusts to Family Court to Mental Health to Veterans and Military Law. Over the past 24 months, I have attended a meeting, CLE program, or special event of virtually every committee at the Association. I did so with the intention of gaining a deeper understanding of who our members are, what the Association offers, and the important work being done throughout our committees.

My takeaway from this listening tour is that our Committee Chairs and Vice Chairs take extraordinary care and consistently go the distance to educate our members and the public. These Bar leaders invest thousands of hours to provide opportunities for professional growth, collegiality, and personal connection. If WE CARE is the heartbeat of the Association, and the Nassau Academy of Law its brain, then our committees are its connective tissue.

Highlights from My Listening Tour

In attending dozens of committee meetings and CLEs, the following is a survey of what I learned: what to do within the first 24 hours of a cyberattack (Cyber Law); the tax benefits of a 1031 exchange (Real Property); how to negotiate an immigration-safe criminal plea (Immigration Law); how to respond to requests for remote work and other accommodations (Labor & Employment); how to protect original music from misappropriation by AI bots and content creators (Intellectual Property); insights about “forever chemicals” from Robert Bilott, the plaintiff’s attorney who sued DuPont and won (Environmental Law); that creditor’s meetings are now conducted virtually (Bankruptcy); the importance of font size, how to avoid orphan sentences, and how to perfect an appeal (Appellate Practice); how charter schools are introduced to local communities (Education Law, Government Relations, and Municipal Law and Land Use); how to conduct a special proceeding involving an allegedly incapacitated person, guided by Judge Arthur Diamond (Elder Law); and “How to Become a Judge” (Diversity & Inclusion, Asian American Attorney Section, New Lawyers, and Law Students).

Committees as the Association’s Connective Tissue

The vast majority of committee meetings and programs I attended were excellent in their planning, execution, and overall quality. This is demanding work, and many Bar leaders, myself included, have done it over the decades. Our Committee Chairs and Vice Chairs undertake it because of their passion for their respective practice areas, their desire to sharpen the legal skills of their colleagues, which directly serves the public, and most importantly, in my view, for the



FROM THE PRESIDENT

Hon. Maxine S. Broderick

joy of community building and their devotion to the NCBA.

I want to give special recognition to several committees that are not practice-area focused yet add tremendous value to our Association: Access to Justice, which offers two pro bono legal clinics to Nassau residents each year; Community Relations & Public Education, which plans our annual Law Day awards dinner; Asian American Attorney Section, which produces our popular Lunar New Year and Diwali celebrations; LGBTQ Committee, which brought the Long Island Gay Men’s Chorus to Domus during Pride Month; and the Publications Committee, which works assiduously behind the scenes to generate timely and thoughtful content year round for *Nassau Lawyer*.

The Power of Showing Up

Our Committee Chairs and Vice Chairs, together with our dedicated staff, show up for our members and the public daily. Yet too often, some meetings are not as well attended as they should be given the exceptional topics and speakers. Improving that level of engagement is something I hope to see during my presidential year and beyond.

I encourage you to show up because your presence strengthens our community, supports our committees, and enriches your professional life. Taking a break at midday or after work to come to Domus, or attending a meeting virtually, allows you to take advantage of the wonderful things happening here. Many lawyers and judges express feelings of stress, depression, and isolation. Engaging with colleagues at committee meetings and CLEs is an act of self-care, a simple, meaningful way to connect with others and remind yourself that you are part of a supportive professional community.

If you feel apprehensive about joining a meeting for the first time, bring a colleague who is also a member. Walking into a room with someone you know can make the experience easier, and it often encourages both of you to participate more fully.

My presence at these committee meetings has afforded me the opportunity to personally meet hundreds of our members over the years and, quite frankly, has expanded my world, making me a more knowledgeable lawyer, a more informed person, and a better jurist.

See You at Domus

Our committees are where real learning occurs, where connections are made, and where the best of our profession shows itself. I am grateful to every member who gives their time, talent, and energy to this Association. I want to see and meet as many of our members as I can this year, and I hope your renewed engagement with the Association begins at our BBQ at the Bar event on September 10, 2026. 🍴



2026
BBQ AT THE BAR
FOOD | DRINK | NETWORKING
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5:00-7:00 PM

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- PROSPECTIVE MEMBERS
- LAW STUDENTS

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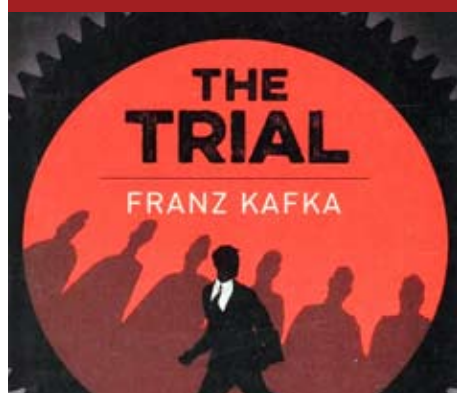
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**FOCUS:
BOOK REVIEW**



Rhoda Y. Andors

If you ever read a short story or novel by Franz Kafka before you became a lawyer, you likely found his work strange and unsettling, alternately comic and terrifying, and unforgettable.

Who could forget Gregor Samsa, in *The Metamorphosis*, who awoke one morning from “uneasy dreams” to find himself “transformed in his bed into a gigantic insect”? Who could forget the “remarkable apparatus,” in the short story, *In The Penal Colony*, the Harrow, which is designed to inscribe the sentence of the condemned man onto his body? And who could forget the opening of *The Trial*: “Someone must have been telling lies about Josef K., he knew he had done nothing wrong but, one morning, he was arrested”?¹

Perhaps if you read *The Trial* now, as a lawyer, you may find the absence of the law, as we know it, the most terrifying aspect of Kafka’s work, from the opening pages until the unexpected ending.

In *The Trial*, in the guise of the law, there are arbitrary rules that guarantee injustice against the individual accused of a crime. Instead of the protections of individual rights guaranteed by our Constitution and criminal procedure laws, we find the opposite: the presumption of guilt, warrantless search and seizure, no communication of the charges against the accused, unreasonable interrogation, a trial delayed indefinitely, no opportunity to confront witnesses and present evidence or even mount a defense, and no judge or jury to determine the sentence before the ultimate sentence is carried out.

Although Kafka was trained as a lawyer, “his masterpiece, *The Trial*, was written from the perspective of an outsider denied access to an unknowable law.”² U.S. Supreme

On Franz Kafka and *The Trial*

Court Justice Anthony Kennedy once insisted that Kafka should be required reading for all lawyers because “*The Trial* is actually closer to reality than fantasy as far as the client’s perception of the system.”³

Judge Richard Posner, in his noted law review article on law and literature, found that “[t]hough written in 1914, *The Trial* prefigures uncannily the methods by which the Nazis and other twentieth-century totalitarians deformed judicial procedure to their unsavory purposes.”⁴

Franz Kafka

Franz Kafka was born in 1883, to a German-speaking Jewish family, in Prague.⁵ After earning a law degree in 1906, he worked in a legal capacity, for the Workmen’s Accident Insurance Institute, a government agency similar to our Workers’ Compensation Board.⁶ Remarkably, “[a]lmost all of [Kafka’s] fiction was written between 1908 and 1917, when he was working full time for the Institute,” and writing at night.⁷

Kafka wrote about himself: “I am made of literature: I am nothing else and cannot be anything else.”⁸ Nonetheless, his legal work at the Institute was held in high regard by his superiors.⁹

Kafka once described to a friend the industrial accidents he reviewed in his job as a series of inevitable horrors visited upon hapless workers, with the sort of dark humor characteristic of his fiction:

In my four districts...people fall off the scaffolds as if they were drunk, or fall into the machines, all the beams topple, all embankments give way, all ladders slide, whatever people carry up falls down, whatever they hand down they stumble over. And I have a headache from all these girls in porcelain factories who incessantly throw themselves down the stairs with mounds of dishware.¹⁰

Sadly, in 1917, Kafka was diagnosed with tuberculosis, and thereafter he worked sporadically, leaving more time for his writing, until he resigned in 1922. He died in a sanatorium near Vienna two years later, at the age of 40.¹¹

At the time of his death, Kafka was appreciated only by a small literary circle.¹² *The Trial*, like Kafka’s other novels, was not published during his lifetime. The first American edition, in English, was published in 1937.¹³ In his home country, Kafka’s “works were banned for decades, while his works in France and English-speaking countries gained posthumous fame.”¹⁴



Although it has been more than 100 years since Kafka’s death, his influence on literature and culture has now reached a global population. According to a recent article in *The Economist*, “on social media he is a hit. #Kafka posts on TikTok have been viewed around 2bn times.”¹⁵

W. H. Auden once stated: “Had one to name the artist who comes nearest to bearing the same kind of relation to our age that Dante, Shakespeare and Goethe bore to theirs...Kafka is the first one would think of.”¹⁶

The Trial

Josef K., the main character in *The Trial*, is a sort of everyman. His life has been rather ordinary. He works in a bank and lives in a rooming house where the landlady brings him breakfast each day at 8:00 a.m., that is, until one morning a strange man appears at the door to his room instead, minus the breakfast, and tells him he better stay where he is.

The strange man is firmly built, and his clothes are black, with lots of folds and pockets and buckles and a belt. When Josef K. asks who the man is, he is ignored. When Josef K. mentions his missing breakfast, the strange man goes to the door and laughs about it with a second strange man in the next room, who tells Josef K. he is under arrest. When Josef K. asks why he is under arrest the second strange man says: “That we’re not allowed to tell you...Proceedings are underway and you’ll learn about everything all in good time.”

While the second strange man eats Josef K.’s breakfast, Josef K. asks to see an arrest warrant, but he is chastised for asking, and told:

What we can do is make sure that the high officials we work for find out just what kind of person it is they’re going to arrest, and why he should be arrested, before they issue the warrant,...Our authorities... don’t go out looking for guilt among the public; it’s the guilt that draws them out, like it says in the law...

Then a shout tells Josef K. that the supervisor, who is seated in another

tenant’s room, wants to see him. When Josef K. asks the supervisor: “Who is issuing the indictment? What office is conducting this affair?” he gets no answer and is told he is simply under arrest and can go to work.

Such are the opening pages of *The Trial*. As lawyers, we understand that this is criminal procedure played backwards and contrary to the law as we know it. Josef K. has been found guilty before a trial, proceedings have already begun without his being charged, he is free to leave but is under arrest. As readers, we feel terrified and uncomfortably amused at the same time, and yet we must read more to find out what happens to Josef K.

Read on. 🗡️

1. Franz Kafka, *The Metamorphosis*, 1915; Franz Kafka, *In the Penal Colony*, 1915; Franz Kafka, *The Trial*, 1914-1915.

2. Douglas E. Litowitz, *Franz Kafka’s Outsider Jurisprudence*, 27 Law & Soc. Inquiry 103, 108 (Winter, 2002).

3. *Id.*

4. Richard A. Posner, *Law and Literature: A Relation Reargued*, 72 Va. L. Rev. 1351, 1358 (Nov. 1986).

5. Richard A. Posner, *Kafka: The Writer As Lawyer*, book review essay, 110 Colum. L. Rev. 207, 207 (Jan. 2010), reviewing *Franz Kafka: The Office Writings*, edited by Stanley Corngold, Jack Greenberg, and Benno Wagner, 2009.

6. Samuel Wolff & Kenneth Rivkin, *Essay: The Legal Education of Franz Kafka*, 22 Colum.-VLA J.L. & Arts 407, 407 (Spring 1998).

7. Posner, 110 Colum. L. Rev. 207; *Id.*

8. Nilanjana Roy, *Our Enduring Fascination With Franz Kafka*, *Financial Times* (Jan. 15, 2004), available at: <https://www.ft.com/content/b139d2d0-1562-4706-9e26-bab1f1d98cfc>.

9. Posner, 110 Colum. L. Rev. 207.

10. Litowitz, *supra*, 111.

11. Posner, 110 Colum. L. Rev. 207; Litowitz, *supra*, 111; <https://www.themorgan.org/exhibitions/franz-kafka>.

12. <https://www.britannica.com/biography/Franz-Kafka/Works>; Litowitz, *supra*, 105.

13. https://www.sothebys.com/en/buy/pdp/luxury/books-&-manuscripts/book/first-edition/_franz-kafka-the-trial-first-edition-0ac7.

14. Litowitz, *supra*, 105; <https://www.britannica.com/biography/Franz-Kafka/Works>.

15. *The Economist*, *A Century After His Death Franz Kafka Is Still In The Zeitgeist*, May 30, 2024.

16. Benjamin Balint, *Everyone Wants a Piece of Kafka, a Writer Who Refused to Be Claimed*, *The New York Times*, May 23, 2024.



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Patricia M. Pastor

Immigration attorneys representing undocumented clients are often the first—and sometimes only—professionals to hear disclosures of abuse, exploitation, and systemic mistreatment. While the immediate objective may be securing immigration relief through U nonimmigrant status, T nonimmigrant status, or relief under the Violence Against Women Act (“VAWA”), these cases frequently present significant and often overlooked civil rights claims.

For practitioners, the critical shift is recognizing that many of these clients are not solely seeking immigration status—they are also potential civil rights plaintiffs. This article provides a practical framework for identifying such claims and highlights the importance of trauma-informed representation in

Beyond Immigration Relief: Identifying Civil Rights Claims in the Representation of Undocumented Survivors

effectively serving this population. Certain forms of immigration relief should prompt attorneys to consider whether underlying civil claims exist. These include the U Visa, which provides non-immigrant status for certain crime victims; the T Visa, which is a non-immigrant visa option for certain victims of human trafficking; relief under VAWA; and even some circumstances involving undocumented individuals detained by Immigration and Customs Enforcement (“ICE”).

U Nonimmigrant Status: Indicators of Civil Liability

U nonimmigrant status is available to victims of qualifying criminal activity who have suffered substantial physical or mental abuse and have been helpful to law enforcement.¹ The underlying facts supporting a U Visa application frequently give rise to civil claims, including:

- Civil rights violations under 42 U.S.C. § 1983, where state actors are involved
- Labor exploitation including claims under the Trafficking Victims

Protection Act (TVPA)

- Assault and battery including sexual assault claims under New York common law and locate statutes such as NYC’s Victims of Gender-Motivated Violence Act (“GMVA”)
- Negligent hiring, supervision, or retention (where an institution is involved with abuse or other violation)

In addition, where institutions such as employers, landlords, or law enforcement fail to respond appropriately to reported abuse, liability may extend beyond the individual perpetrator.

T Nonimmigrant Status: Civil Remedies Under Federal Law

T nonimmigrant status is available to victims of human trafficking. These cases are particularly significant because they often include a direct federal civil cause of action.

The Trafficking Victims Protection Act (“TVPA”) provides a private right of action under 18 U.S.C. § 1595.

This statute permits victims to bring civil claims against not only traffickers, but also individuals and entities that knowingly benefit from participation in a trafficking venture.

Courts have interpreted this provision broadly. In *Ricchio v. McLean*,² the court allowed claims against motel operators alleged to have facilitated trafficking activity. Similarly, in *Doe v. Red Roof Inns, Inc.*,³ the court recognized potential liability for hotel entities that knowingly benefited from trafficking occurring on their premises.

These decisions underscore that liability in trafficking cases often extends well beyond the trafficker.

VAWA Cases: Continued Availability of Civil Remedies

Although the Supreme Court invalidated the federal civil remedy provision of VAWA,⁴ survivors of domestic violence continue to have viable claims under state and federal law. These may include: assault and battery; false imprisonment; intentional infliction of emotional distress; housing discrimination under the Fair Housing Act; and employment-related claims.



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In some circumstances, failures by law enforcement may support claims under 42 U.S.C. § 1983.

Employment-Based Claims: Title VII and Immigrant Workers

Workplace abuse, including sexual harassment, is frequently encountered in cases involving undocumented clients. Title VII of the Civil Rights Act of 1964 prohibits discrimination based on sex, race, and national origin.⁵ Courts have consistently recognized that undocumented workers are protected under Title VII, even where certain remedies may be limited.

In *Hoffman Plastic Compounds, Inc. v. NLRB*,⁶ the Supreme Court limited backpay remedies under federal labor law for undocumented workers. However, the decision did not eliminate employer liability under federal anti-discrimination statutes. In practice, sexual harassment involving undocumented workers often includes: quid pro quo demands; hostile work environments; retaliation for complaints; and threats of deportation or other immigration consequences.

These cases frequently involve overlapping forms of discrimination, including sex, race, and national origin. Notably, immigration status itself is often used as a means of coercion. Threats related to deportation or employment loss can significantly exacerbate the power imbalance between employer and employee, contributing to more severe and sustained forms of abuse.

Government Misconduct and Constitutional Claims

Immigration-related cases may also involve misconduct by state actors, including (a) failure to respond to reports of violence; (b) racial profiling; (c) unlawful detention; and (d) retaliation against individuals who report crimes. Such conduct may give rise to claims under 42 U.S.C. § 1983. Municipal liability may arise where the conduct results from an official policy or custom.⁷ Undocumented individuals are entitled to constitutional protections.⁸

A Practical Framework for Issue Spotting

Immigration practitioners may benefit from incorporating a simple framework into client interviews:

- Who caused the harm?
- Who enabled it?
- Who failed to act?
- Who benefited from it?

Where the answers extend beyond a single individual, further evaluation of potential civil claims may be warranted.

Trauma-Informed Representation

A trauma-informed approach is essential when working with survivors of violence, trafficking, and abuse. Trauma can affect memory, communication, and the timing of disclosure. Clients may provide incomplete or inconsistent accounts, particularly in initial meetings. These responses are often consistent with trauma and should not be mistaken for a lack of credibility. Practical considerations include: using open-ended questions; avoiding accusatory or “why” questions; allowing clients to control the pace of disclosure; and providing clear explanations of legal processes.

A trauma-informed approach not only improves the attorney-client relationship, but also enhances factual development, which is critical in both immigration and civil contexts.

Practice Considerations

Immigration attorneys are not expected to litigate civil rights claims. However, they play an important role in identifying potential claims, preserving relevant facts, and making appropriate referrals to civil rights counsel.

Timing is an important consideration. For example, claims under the Trafficking Victims Protection Act may be brought up to ten years after accrual.⁹ Early identification can facilitate coordination between immigration and civil proceedings.

Conclusion

Immigration attorneys are uniquely positioned to identify civil rights violations affecting vulnerable populations. By recognizing the broader legal implications of their clients’ experiences, practitioners can help ensure that clients obtain not only immigration relief but also access to justice through civil remedies. ⚖️

1. 8 U.S.C. § 1101(a)(15)(U).
2. 853 F.3d 553, 556-58 (1st Cir. 2013).
3. 22 F.4tg 714, 726-27 (11th Cir. 2021).
4. *United States v. Morrison*, 529 U.S. 598 (2000).
5. 42 U.S.C. § 2000e et seq.
6. 53 U.S. 137 (2002).
7. See *Monell v. Department of Social Services*, 46 U.S. 658, 690-91 (1978).
8. See *Plyler v. Doe*, 457 U.S. 202, 210 (1982).
9. 18 U.S.C. § 1595(c).



Patricia M. Pastor is a civil rights attorney representing survivors of sexual assault, sexual harassment, human trafficking, and gender-based violence, and frequently collaborates with immigration attorneys to identify and pursue civil claims arising from abuse and exploitation. She is Chair of the NCBA Civil Rights Committee and can be reached at patricia@pmpastorlaw.com.



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**FOCUS:
TV REVIEW**


Christopher J. DelliCarpini

On June 21, HBO premiered the third season of *Game of Thrones* spinoff *House of the Dragon* (hereinafter “*GOT*” and “*HOD*” respectively). Fans of the series welcomed an end to two years of subsisting on reruns and re-reads of the George R.R. Martin novels that comprise the source material for both series.¹

But what about the rest of us? Those uninterested in the fantasy genre but looking for a new show to stream? For the uninitiated, the sprawling backstory and crowded cast of the *GOT* universe can seem a daunting barrier to entry.

In fact, *HOD* offers what many of us love in other series and films. Once you get wrapped up in the political drama, personal intrigue, and dragon-

A Show for All Seasons: *House of the Dragon* Returns

driven action, the made-up names and (only slightly) stilted dialogue are surprisingly easy to overlook.

Season One: The Hollow Crown

The world of *GOT* and its subsidiaries is transparently medieval Europe. As Martin freely admitted, “I take [history], and I file off the serial numbers, and I turn it up to eleven, and I change the colour from red to purple, and I have a great incident for the books.”² Historical figures from Henry VIII to Savonarola, Eleanor of Aquitaine to Genghis Khan, appear in the novels under assumed names.³

At heart, *HOD* is a succession story. King Viserys, ruler of the Seven Kingdoms but an ageing widower, must decide who will succeed him. His first option is his daughter Rhaenyra, bright and talented but as impetuous as any teenager. The other potential heir is the king’s younger brother Daemon, a born warrior but ambitious and resentful of his seemingly unworthy brother.

This kind of narrative has proven watchable for centuries. The similarities to *King Lear* and Shakespeare’s history plays are already obvious. But we also have



long enjoyed this story in films and movies like *A Man for All Seasons*, *The Lion in Winter*, *Becket*, and *I, Claudius*. The quest to inherit the throne also drives more recent shows like *The Crown*, *Shogun*, and, well, *Succession*.

The first season of *HOD* shows Viserys’s tragic failure to forestall this crisis. He names Rhaenyra his heir but then is convinced to try again for a male heir. He marries Alicent, Rhaenyra’s closest friend and the daughter of Viserys’s closest adviser—and guess whose idea that was? Alicent bears an heir and a spare, but the king succumbs to illness before revising his succession plan. Or does he? In a miscommunication worthy of any soap opera, Alicent believes that Viserys on his deathbed named her oldest as his heir. But Rhaenyra missed that meeting, and by the end of the season (and Viserys’s reign—spoiler alert!) the former friends are rival queens, and the royal family has split into warring camps, each vying for power from their respective castles.

HOD is not without its faults. The dialogue is not as annoying as some Shakespeare knock-offs, but it can sound stilted and wordy. If you’ve had trouble with the character names so far in this article, then imagine keeping track of ten times as many. And like every HBO series, it seems, each episode of *HOD* will have at least one scene of sex and/or violence intended solely to flaunt the fact that this isn’t basic cable.

What distinguishes *HOD*, however, is that the succession struggle involves not one female character, but two. Often in the fantasy genre, the protagonist is a boy journeying to manhood, and female characters are prizes

to be won or obstacles to be overcome. Even when the hero is a heroine, they often stand alone against an army of menfolk. *HOD*, however, gives us two strong female characters—Rhaenyra and Alicent, played by Emma D’Arcy and Olivia Cooke respectively—who each make us sympathize with their efforts to secure a better world for themselves, their families, and their posterity. Every episode promises at least one scene that passes the Bechdel Test!⁴

The most captivating performance of the first season, however, comes from British actor Paddy Considine as Viserys. It cannot be easy to sympathetically portray a weak monarch; we want even our losers to go down swinging. But Viserys will have you believing that he is truly in a no-win situation, that the problems of his realm cannot be solved without bloodshed. He is a reluctant king, and his troubled reign shows you he was right not to want the crown.

Season Two: Two Houses, Both Alike in Dignity

Season 1 sets up the factions who will fight for the crown, and in Season 2 everyone—humans and dragons—chooses sides. It can be dizzying to keep track of every “house” across the Seven Kingdoms and their shifting allegiances, but their meticulous armor and heraldry do make the set-piece battles easier to follow and even more cinematic. Indeed, one of the most impressive aspects of the series is that every episode is almost a movie in itself, in length and scope.

The absence of Viserys gave more room for some very entertaining characters’ arcs in Season 2. Daemon, played by Matt Smith of *Doctor Who* and *The Crown*,

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has now married his niece Rhaenyra, and as he wrangles factious houses into an army, we see him wrestle with whether he will use this army to support his wife or overthrow her. On the other side, Alicent is losing control of her sons, the dissolute king Aegon and his scheming younger brother Aemond. The former ends up effectively losing the throne to the latter, though neither is as secure or vulnerable as may seem.

And yes, the dragons are characters, even more so in Season 2. Special effects have come a long way since even Peter Jackson's *The Lord of the Rings* and *The Hobbit* films, and while the dragons in *HOD* don't have Benedict Cumberbatch emoting behind a CGI costume, they look frighteningly real at a distance and up close. The lumbering, ancient Vhagar and the feral, untamed Sheepstealer are as compelling characters as the humans.

One of the most pleasant surprises in *HOD*, particularly in Season 2, is its deft multi-ethnic casting. Fantasy shows commonly take place in a Northern-European milieu, but diverse audiences want to see themselves on-screen. Nobody blinks at playing with ethnicities in theater, but the verisimilitude of film and television requires a diegetic diversity; the ethnic makeup of the cast must work within the setting. The producers of *HOD* threaded this needle by casting one noble family with actors of African descent. And the performances are so good that no one can object, particularly Steve Toussaint as proud Lord Corlys and Abubakar Salim as his resentful yet loyal bastard Alyn. Regrettably, though, the accents across the cast are still overwhelmingly British; we Americans must wait a little longer for representation.

Far from a "middle part," Season 2 offers its own drama as the factions gather their forces for the inevitable war to come. By the end of the season, the entire continent has chosen sides and is heading to battle. In fact, the closing scenes of Season 2's final episode are a montage of the characters literally marching to war in every direction.

Season Three: Cry Havoc!

Only two episodes of the third season have aired as of this writing, but anyone who thought Season 2 was an intermission has already had their patience rewarded.

The first episode was a grim sort of reunion, as factions marching to war last season reached their destinations. We were treated to the long-teases Battle of the Gullet, an epic naval battle packed with action and some shocking deaths, particularly

for the season's first episode. Although given the new characters introduced or foreshadowed late in Season 2, in hindsight it makes sense that the current cast would have to make room. The inappropriate adult behavior also reached new heights (depths?) as the worst characters found new ways to make our jaws drop.

The second episode saw our queens forced to do what they never dreamed would be asked of them, for their families. Characters on all sides doubt whether the crown is worth the suffering they have endured and caused others. Other characters embrace the struggle, or at least find themselves "so steeped in blood," as Macbeth put it, that there is no way out but forward. Season 3 promises that our favorite characters will change, but just how remains to be seen.

In the third episode, Rhaenyra finally assumes the Iron Throne, but her struggles are far from over. Indeed, in trying to be a just monarch in a cruel world, she seems to be setting herself up for a reign as tragic as that of her father, Viserys. Even if you haven't read the source materials, knowing that the show has been renewed for a fourth and final season tells you that our cast are in for some dramatic reversals of fortune before this tale is told.

A Kingdom for A Stage, Princes to Act

Fantasy fans will eat up *HOD*, but the casual viewer can enjoy the series without consuming a whole bookshelf of background. In fact, the best approach for the uninitiated may be to grasp the basics of the conflict, let the details sail by, and enjoy some great actors giving great performances in fabulous costumes. 🗡️

1. Fans also enjoyed earlier this year the first season of another *GOT* spinoff, *A Knight of the Seven Kingdoms*. Actually, maybe the hiatus wasn't so bad after all.

2. Mikayla Hunter, "The Citadel and the ivory tower: Academia and education in Westeros," in *Memory and Medievalism in George R. R. Martin and Game of Thrones* (Anna Czarnowus and Carolyne Larrington, eds.) at 44.

3. Cf. *The Factual History of A Song of Ice and Fire: including complete bibliography*, at <http://asoiaf.westeros.org>.

4. "The usual criteria of the Bechdel Test are (1) that at least two women are featured, (2) that these women talk to each other, and (3) that they discuss something other than a man." See "Bechdel Test" at merriam-webster.com.



Christopher J. DellCarpini is an attorney with Sullivan Papain Block McManus Coffinas & Cannavo PC in Garden City, representing personal injury plaintiffs in appeal. He is also

Chair of the NCBA Publications Committee and a Vice-Chair of the Appellate Practice Committee. He can be reached at cdellcarpini@triallaw1.com.



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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.

To become a Sustaining Member, call the NCBA Membership Office at (516) 747-4070.

**FOCUS:
MENTAL HEALTH**

**Elizabeth Eckhardt and
Christina Dumitrescu**

The legal profession has long been recognized as a high-pressure, demanding field. With long hours, difficult decisions, and the potential for financial losses, lawyers are often at risk of mental health struggles like depression, substance misuse, and burnout if they do not take steps to mitigate these risks.

Young Lawyers Are Struggling

Studies show that younger and more junior lawyers are experiencing mental health challenges at alarmingly high numbers.¹ More law students than ever report challenges with anxiety, depression, suicide, and substance misuse. Women (who now comprise the majority of law school students) and students from underrepresented groups are particularly vulnerable. Mental health challenges often persist in the early years of practice and can worsen over time if left unattended.

A 2016 study of over 12,800 licensed, employed attorneys in the United States found that younger survey participants (as determined by age, number of years practicing in the legal profession, and seniority level) reported higher levels of problematic alcohol use than older attorneys.² A 2021 study of over 2,800 lawyers from the California Bar Association and the D.C. Bar found that younger lawyers were two to four times more likely to report moderate to high stress than their older colleagues.³

Although more law students and younger lawyers may be reporting mental health difficulties like anxiety, depression, and substance misuse, they often decline to seek out or receive treatment because of stigma, a belief that they can handle their problem themselves or the financial barrier to treatment.

Lawyers' workloads and related workplace expectations of commitment and prioritization of work over other areas of life are sources of major and chronic stress. The 2021 study found that 67 percent of survey participants reported working over 40 hours per week while nearly 25 percent reported working over 51 hours per week.⁴ Respondents identified work-family conflict, effort-reward imbalance, work

Mental Health Tips and Tricks for New, New-ish, and Soon-to-be Lawyers

overcommitment, and stress over promotion, as major contributors to their reported mental health challenges.

Gen Z and younger millennial lawyers face additional stressors that may impact their mental well-being and ability to practice. They are the most anxious generation to date fueled by the workplace, technology, and political and cultural macrocosm in which they live. In the American Psychological Association's 2025 Stress in America Survey, over 20 percent of respondents ages 18-34 reported their stress as an 8 to 10 on a 1-10 scale⁵; 65 percent of young adults ages 18-34 reported stress related to AI, up from 52 percent just a year ago; and nearly two-thirds of respondents ages 18-34 said they have considered relocating to another country due to the state of the nation.

The NCBA Lawyer Assistance Program (LAP) acknowledges the hard work and sacrifice new lawyers have achieved. Transitioning into the legal profession is a marathon, not a sprint. To sustain your pace during these high-stakes, formative early years, lawyers should be intentional about building and maintaining mental health strategies throughout their career.

Combatting Common Stressors

Lawyers train to anticipate worst-case scenarios and mitigate risks, but this negativity bias means that lawyers focus heavily on what might go wrong, to protect clients from exposure. This mindset can bleed into a lawyer's thinking of how they view themselves, others, and the world.

A pessimistic mindset is characterized by cognitive distortions that, if left unchallenged, can contribute to anxiety, depression, burnout, low self-worth, and relationship issues. These are often exacerbated by general causes of stress, including long hours, heavy workload, adversarial nature of the work, competition between colleagues, poor organizational support, work-life imbalance, maladaptive perfectionism, imposter syndrome, and unrealistic expectations of self and others. Below are practical behavioral techniques to combat common stress reactions.

Automatic Negative Thoughts (ANTs)

ANTs are involuntary, often irrational thought patterns that pop into your mind and trigger negative emotions like anxiety, sadness, or anger. Because they feel automatic,



you may easily accept them as facts that create a cycle of negative thinking. ANTs typically manifest as cognitive distortions. Knowing these patterns can help you spot them:

- **Catastrophizing.** Automatically assuming the worst possible outcome in any situation (e.g., "I wrote the citation incorrectly, so I'll get fired, I won't be able to pay my rent, and my career is ruined.").
- **All-or-nothing thinking.** Seeing things in rigid, black-and-white terms without any middle ground (e.g., "If I don't deliver this presentation perfectly, I'm a total failure.").
- **Negative filtering.** Ignoring positive or neutral aspects of a situation and hyper-focusing on bad details (e.g., you received nine positive remarks on your performance review but hone in on one piece of minor criticism).
- **Jumping to conclusions.** Assuming a negative outcome without actual evidence to support it. This can look like fortune-telling (predicting that things will turn out badly) or mind reading (assuming people are reacting negatively to you).

Practical strategies to build awareness and disarm these harmful thoughts include:

- **Write it down.** Note the trigger (e.g., a looming deadline), the exact emotion you are feeling (e.g., anxiety), and the physical sensation (e.g., a racing heart).
- **Identify the distortion.** Ask yourself if you are "jumping to conclusions," overgeneralizing, or catastrophizing.
- **Reframe.** Write down the hard facts supporting your thought, and list evidence that contradicts it.

- **Create a balanced thought.** Replace the stress-inducing thought with a realistic one. Instead of "I will definitely fail and get fired," shift to "This project is difficult, but I have completed tough tasks before and can ask my manager for an extension."

Problem vs. Worry

Worrying is different from problem-solving, but we often can't tell the difference. Worrying focuses heavily on emotions, threats, or events that haven't happened yet, often trying to control the uncontrollable or predict the unpredictable. It might feel productive because you think you are focusing on a threat, but it does not offer any tangible solution. Problems are about facts and situations. You can clearly define a problem, brainstorm solutions, and act.

The next time you're faced with a "problem," check yourself: Is it a current problem? If yes, can you do something about it right now? Actionable? Brainstorm actionable steps and schedule them on your calendar. Uncontrollable? If you cannot act on it, gently redirect your attention to the present moment using mindfulness.

Avoidance and Procrastination

Both examples of unhelpful coping mechanisms, avoidance and procrastination are often used to manage uncomfortable emotions like anxiety, fear of failure, or perfectionism instead of facing a task directly. Avoidance is a broader behavioral or emotional pattern of actively avoiding people, places, conversations, or thoughts that can cause distress. Procrastination, often considered a subset of avoidance, is the unnecessary delay of an important task, even when you know it will cause negative consequences. Both

behaviors are based on negative reinforcement—you experience instant relief by avoiding the task, but this makes the task seem even more daunting in the long run.

The next time you are thinking of procrastinating, try one or a combination of these techniques to change your mindset and build momentum.

- **Challenge the urge.** First, identify the thought that pops up right before you avoid a task (e.g., “I don’t even know where to start.”). Second, replace the irrational, anxiety-inducing thought with a balanced one (e.g., “I can handle this one step at a time.”).
- **Break tasks down.** Break overwhelming projects into small, approachable increments (e.g., 20 minutes).
- **The 4 Ds.** When evaluating a stressful to-do list, use the four Ds of stress management: *delete* non-essential tasks, *delegate* what you can, *defer* low-priority items, and *do* the urgent items.
- **Schedule leisure.** Schedule enjoyable activities like a walk or a hobby to disrupt the cycle of overworking and negative thought loops.

Worst Case Scenario

Worrying that the worst can happen is a common source of anxiety. Decatastrophizing can interrupt the process by evaluating the likelihood of a fear coming true and your ability to cope if it does.

- **The “What-If” Technique.** Write down your worst-case fear. Then answer the following questions: (1) What is the actual likelihood of this happening? Consider the evidence/past experience; (2) If it does happen, what’s the worst that could happen?; (3) If it does happen, what’s most likely to happen?; and (4) If it does happen, what are the chances I’ll be ok in a week, a month, and a year?
- **What symptoms bother you the most** (e.g., sleeplessness, racing thoughts, or physical tension)? Then focus on addressing those.

It’s ok to make mistakes. In fact, plan on it! New lawyers face a steep learning curve. It might feel natural to fall back on negative self-talk, but you need to challenge your inner critic and objectively evaluate what you accomplished each day, rather than hyper-focusing on perceived mistakes and exaggerating the severity of their impact on the case, the client, and

your future career goals. Using one or a combination of the tools described above can help you.

Connect with Others

It’s also important to connect with others in tangible, meaningful ways. You don’t have to navigate the stress of the profession alone. Seek out professional support by joining NCBA Committees, alumni groups, and networking opportunities. Make sure to maintain a robust personal support network and reconnect with your sense of purpose outside of work by engaging in hobbies or volunteering.

The NCBA LAP offers confidential, peer-driven support and professional counseling tailored specifically to legal professionals across their legal career. LAP is committed to reaching out and educating members of the legal profession about why lawyers struggle more than other professionals, and what services are available. LAP conducts presentations and workshops in large and small law firms, to solo practitioners, law schools, and legal departments. Programs are tailored and include information about mental health and substance misuse among lawyers, coping skills, resiliency, well-being, and information about LAP services.

You are not alone. To register for LAP programs and services or for additional information, please contact Elizabeth Eckhardt at eckhardt@nassaubar.org or (526) 512-2618. 🗣️

1. See Amy B. Levin, *The Kids Aren’t Alright*, 78 Ark. L. Rev. 351 (2025), available at SSRN: <https://ssrn.com/abstract=4969937>.

2. Patrick R. Krill, Ryan Johnson & Linda Albert, *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, 10 J. Addiction Med. 46 (2016), <https://doi.org/10.1097/ADM.000000000000182>.

3. Justin Anker & Patrick R. Krill, *Stress, Drink, Leave: An Examination of Gender-Specific Risk Factors for Mental Health Problems and Attrition Among Licensed Attorneys*, 16 PLOS One e0250563 (2021), <https://doi.org/10.1371/journal.pone.0250563>.

4. *Id.*

5. Am. Psych. Ass’n, *Stress in America 2025: A Crisis of Connection* 12 (2025), <https://www.apa.org/pubs/reports/stress-in-america/2025/full-report.pdf>.



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Summer Wellness

Thriving Through the Summer

Summer often brings vacations, flexible schedules, and longer days—but for many legal professionals, deadlines, client needs, and court obligations continue year round. Taking small steps to prioritize your well-being can help improve focus, resilience, and overall performance.

Enjoy the Longer Days

Try to spend a little time outdoors after work. Exposure to natural light and fresh air can improve mood, support healthy sleep patterns, and provide a welcome reset after a demanding day.

Recharge with Purpose

If you're taking time off this summer, give yourself permission to fully disconnect whenever possible. Setting an out-of-office message, delegating urgent matters, and limiting email checks can make your time away more restorative.

Stay Hydrated

Even mild dehydration can affect concentration and energy. Keep a water bottle nearby during meetings, depositions, or long drafting sessions, and aim to drink water consistently throughout the day.

Take Movement Breaks

Hours spent at a desk can contribute to stiffness and fatigue. Consider standing or stretching for a few minutes every hour, taking walking meetings when appropriate, or using part of your lunch break for a short walk outdoors.

Protect Your Mental Well-Being

High-pressure work can take a toll. Build brief moments of recovery into your day—even five minutes of deep breathing, mindfulness, or stepping outside can help reduce stress and improve focus.

Make the Most of Summer Produce

Seasonal fruits and vegetables provide nutrients that support energy and overall health. Keep healthy snacks such as berries, watermelon, cucumbers, or mixed vegetables available for busy days.

Remember: Wellness isn't about making dramatic changes. Small, consistent habits can have a meaningful impact on your health, productivity, and resilience throughout the summer.

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, or attend a LAP wellness workshop. Reach out to LAP for more information. The Lawyer Assistance Committee is chaired by Kevin Agoglia, Esq. LAP is supported by funding from the NYS Office of Court Administration, WE CARE Fund, and Nassau County Boost.

Elizabeth Eckhardt, LCSW, PHD, Director
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NASSAU ACADEMY OF LAW PROGRAMS

August 12 (Hybrid)

May It Please the Court: Appellate Oral Argument Tips for Every Attorney

With NCBA Appellate Practice Committee

6:00PM

1.0 CLE Credit in Skills

NCBA Member FREE; Non-Member Attorney \$35

Arguing appeals presents unique challenges, and individual appellate courts have their own customs. Veteran appellate practitioners will share the do's and don'ts of arguing before local appellate benches. This program is valuable for new and seasoned attorneys.

Faculty: Tammy Feman, Legal Aid Society of Nassau County, and Christopher J. DelliCarpini, Sullivan Papain Block McManus Coffinas & Cannavo P.C.

August 25 (Hybrid)

Best Practices for Conducting Virtual Depositions

6:00PM

1.0 CLE Credit in Skills

NCBA Member FREE; Non-Member Attorney \$35

This program will discuss practical strategies for conducting effective and professional remote depositions, particularly when representing plaintiffs in personal injury cases. Topics will include preparation, technology requirements, exhibit management, witness coaching limitations, maintaining the integrity of the record, handling objections, and addressing common technical or procedural challenges.

Faculty: Jeffrey Bloomfield, Gabriel Law Firm P.C., and Won F. Han, Jr., Duffy & Duffy, PLLC

September 8 (Hybrid)

Dean's Hour: Immigration and Department of Labor Compliance 101

With NCBA Immigration Law and Labor & Employment Law Committees

12:30PM

1.0 CLE Credit in Professional Practice

NCBA Member FREE; Non-Member Attorney \$35

This program will discuss the basic tenets of immigration benefits such as H-1B visas and Permanent Labor Certification (PERM). The panel will also focus on how these benefits cross over with the U.S. Department of Labor and the importance of compliance.

Faculty: Rachel Baskin and Sylvia Livits-Ayass, Livits Ayass Baskin PLLC

September 22 (Hybrid)

Dean's Hour: Clarence Darrow—The Defense Attorney as Cultural Icon

With NCBA Criminal Court Law & Procedure and Labor & Employment Law Committees

12:30PM—2:00PM

1.5 CLE Credits in Professional Practice

NCBA Member FREE; Non-Member Attorney \$50

Clarence Darrow was an American original. The rights of organized labor, issues of corporate power, matters of criminal procedure, and the role of race and religion were among the issues Darrow deftly navigated with consummate skill. He was widely recognized as the champion of lost causes. The words "Clarence Darrow for the defense" meant at the very least the guarantee of a fair trial. Darrow's persona loomed large in and out of the courtroom. In their time, his arguments captured the imagination and have since become part of the literature of the law. The legacy of Clarence Darrow continues to resonate in our legal annals and he serves as the epitome of everything that a trial advocate ought to be.

Faculty: Rudy Carmenaty, Nassau County Department of Social Services

September 24 (Hybrid)

Dean's Hour: Suicide Prevention for Legal Professionals

With NCBA Lawyer Assistance Program

12:30PM

1.0 CLE Credit in Ethics & Professionalism

NCBA Member FREE; Non-Member Attorney \$35

Suicide is reported to be the third leading cause of death among legal professionals. The American Foundation on Suicide Prevention's *Talk Saves Lives: An Introduction to Suicide Prevention* covers the general scope of suicide, the most up-to-date research on prevention, and steps individuals can take to help save lives. Learn about: (1) the scope of the problem; (2) health, historical, and environmental risk factors for the general population and the occupational risk factors specific to legal professionals; (3) warning signs; (4) protective factors and strategies that lower suicide risk and increase overall mental health and well-being; (5) what to do if you are concerned about a friend, colleague or family member; (6) ways to support individuals and communities affected by suicide; and (7) professional and ethical responsibilities of legal professionals when addressing mental health concerns and suicide risk.

Faculty: Elizabeth Eckhardt, LCSW, PhD, NCBA Lawyer Assistance Program, and Christopher Tafone, Esq., American Foundation for Suicide Prevention

CALENDAR

September 28 (Hybrid)

The 2026 Overhaul of New York's Attorney Advertising Rules: The New Do's and Don'ts of Lawyer Marketing

With *NCBA Ethics Committee*

5:30PM—7:00PM

1.5 CLE Credits in Ethics & Professionalism

NCBA Member FREE; Non-Member Attorney \$50

This program provides a thorough, practical overview of New York's 2026 overhaul of attorney advertising and solicitation rules, highlighting how the shift to a principles-based framework affects everyday legal marketing. Attendees will learn what changed, what stayed the same, and how to confidently update their firm's practices to ensure full ethical compliance.

Moderator: Danielle N. Murray, Nassau County Supreme Court

Faculty: Ira S. Slavit, Levine & Slavit, PLLC and John C. Zaher, The Public Relations and Marketing Group



ON DEMAND PART 36 CERTIFIED TRAINING PROGRAMS

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

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- Guardian Ad Litem
- Receivership
- Supplemental Needs Trustee

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

Questions? Contact academy@nassaubar.org.

These programs are appropriate for newly admitted and experienced attorneys. 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.

LAPs for LAP Walk-a-Thon

Saturday morning, June 6, was filled with energy, camaraderie, and community spirit. More than 50 walkers turned out for the Fourth Annual Laps for LAP at Cedar Creek Park in Seaford! Lawyers, court personnel, families, children, members of the Lawyer Assistance Committee, and the LAP team—led by Dr. Beth Eckhardt—walked together to raise awareness and support for the Lawyers Assistance Program. Participants enjoyed refreshments, reconnected with longtime friends, and made plenty of new ones. Most importantly, everyone came together for a meaningful cause while enjoying a wonderful day outdoors.



Photos by Hector Herrera

**FOCUS:
ARTIFICIAL INTELLIGENCE**

Kadian Townsend

Have you ever watched a video or seen an advertisement and wondered whether the individuals in it were real or generated by artificial intelligence? AI-generated content is becoming more sophisticated every day, making such distinctions increasingly difficult. Two recent laws enacted by New York legislators aim to increase transparency of AI content in advertisements and also expand the publicity rights of deceased individuals' use of their name, image, and likeness.

The first law is legislation S.8420-A/A.8887-B, which requires individuals who produce or create advertisements to disclose if AI-generated synthetic performers are used in their content.¹ The second law is legislation S.8391/A.8882, which requires consent from heirs or executors if a person wishes to

New York Expands Postmortem Publicity Rights and Implements New AI Advertising Disclosure Requirements

use the name, image, or likeness of an individual for commercial purposes after their death.²

These two new laws have important ramifications for the entertainment and media industries and attorneys in these practice areas are advising clients on compliance obligations and how to navigate evolving AI regulations.

Mandated AI-Disclosure Requirement in Advertisement

On December 11, 2025, Governor Kathy Hochul signed the first-in-the-nation legislation (S.8420-A/A.8887-B) requiring individuals who produce or create advertisements to disclose if AI-generated synthetic performers are used.³ AI-generated synthetic performers are digitally created media that appear as a real person. The law became effective as of June 9, 2026, and expressly requires that:

any person engaged in the business of dealing in any property or service who for any commercial purpose produces

or creates an advertisement respecting any such property or service, in any medium or media in which such advertisement appears, shall *conspicuously disclose* in such advertisement that a synthetic performer is in such advertisement, where such person has actual knowledge.⁴

A first-time violation of the law carries a civil penalty of \$1,000, and subsequent violations carry a civil penalty of \$5,000.

Although the law only recently took effect, practitioners and those within the media industry are already raising concerns about the required standard of disclosure, especially since the statute does not expressly define certain key terms such as “conspicuous disclosure.” For example, it is unclear if there is a required disclosure language, font size, duration of time the disclosure needs to appear during visual ads, disclosure placement, color contrast, or audio disclosures. Such ambiguity may create compliance challenges for advertisers and increases the risk of inconsistent enforcement.

Another ambiguous term in statute is “subsequent violation.” It is unclear what constitutes a substitute violation and how such fine will be enforced. For example, let's say a non-compliant advertisement airs on TV and receives a first-time violation fine of \$1,000. That same commercial is later posted on Facebook and Instagram. Will the Facebook and Instagram posts both be considered subsequent violations even though they are the same commercial? How about if the ad plays multiple times a night on the same television station? The ambiguity surrounding how subsequent violations will be assessed—particularly whether a violation will be determined on a per-advertisement basis or for each distribution of the advertisement across multiple platforms—also raises significant enforcement concerns.

Exceptions to Disclosure Requirements

While certain key terms remain ambiguous, the statute however clearly excludes certain types of advertisements from the disclosure requirement. The law does not apply to advertisements and promotional materials for expressive works, including but not limited to: motion pictures, television programs, streaming content, documentaries,

video games, or other similar audiovisual works, provided that the use of a synthetic performer in the advertisement or promotional material is consistent with its use in the expressive work.⁵ The law also does not apply to audio advertisements and where the use of AI solely involves the language translation of a human performer.⁶

The broad exceptions for expressive works reflect the legislative intent to regulate AI generated synthetic performers used by advertisers to sell products to consumers. In the press release announcing the enactment of the law, it was emphasized that without proper disclosure, AI generated synthetic performers and manipulated media can undermine one's ability to accurately distill fact from fiction.

In that same announcement, New York Assemblymember Linda B. Rosenthal, one of the supporters of the law, also noted that “consumers have a right to know if the product or service being advertised to them is by a real person or a computer-generated avatar. The reduced production costs for companies using AI is not worth the hefty price of obscuring reality.”⁷ Protecting consumers and increasing transparency in the film industry and beyond is at the center of this legislation.⁸

This law is expected to largely impact certain sectors such as retail and e-commerce, beauty and cosmetics, healthcare and pharmaceuticals, financial services, and automotives, especially for advertisements that involve AI actors and performers to promote a product. Entertainment and media attorneys advising clients that use AI-generated content in advertising will want to evaluate how the new law affects their creative practices and advise on disclosure obligations and compliance strategies.

Expansion of Protection for the Right to Publicity to Deceased Persons

Traditionally, under New York Civil Rights Law §§ 50 and 51, only living individuals generally had the right to bring a claim for the unauthorized commercial use of their name, portrait, picture, or voice. The statutory right was considered a personal privacy right, rather than a property right, or intellectual property right that transcended death. As such, upon death, the right to publicity generally expired and was not



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descendible to heirs or estates.

As a result, it was challenging for heirs to prevent commercial uses of a deceased person’s name, likeness, or voice solely under New York’s right of publicity laws. Publicity rights generally did not survive death. However, the recent enactment of Assembly Bill 8882 expanded those rights in very meaningful ways. The new law states that:

[a]ny person who uses a deceased personality’s name, voice, signature, photograph, or likeness, in any manner, on or in products, merchandise, or goods, or for purposes of advertising or selling, or soliciting purchases of, products, merchandise, goods, or services, without prior consent from the person or persons . . . shall be liable for any damages sustained by the person or persons injured as a result thereof.⁹

The new law also provides:

[a]ny person who uses a deceased performer’s digital replica in an audiovisual work, sound recording, or for the live performance of a musical work, with knowledge that the use was of a digital replica and was not authorized by the applicable right holder, shall be liable for any damages sustained by the person or persons injured as a result thereof if the use occurs

without prior consent from the person or persons. . . .¹⁰

The statute applies to “deceased performer” which is defined as a deceased personality domiciled in this state at the time of death who, for gain or livelihood, was regularly engaged in acting, singing, dancing, or playing a musical instrument; or a “deceased personality” means any deceased natural person domiciled in New York at the time of death whose name, voice, signature, photograph, or likeness has commercial value at the time of [his or her] such natural person’s death, or because of [his or her] such natural person’s death, whether or not during the lifetime of that natural person the person used [his or her] such natural person’s name, voice, signature, photograph, or likeness on or in products, merchandise, or goods, or for purposes of advertising or selling, or solicitation of purchase of, products, merchandise, goods, or services.

Parties who violate this law will be liable to the injured party or parties in an amount equal to the greater of \$2,000 or the compensatory damages suffered by the injured party or parties, as a result of the unauthorized use, and any profits from the unauthorized use that are attributable to such use and are not taken into account in computing the compensatory damages.¹¹

The law is not violated if the work is a play, book, magazine, newspaper, or other literary work; musical work or composition; work of art or other visual work; work of political, public interest, educational or newsworthy value, including comment, criticism, parody or satire; audio or audiovisual work, radio or television program, if it is fictional or nonfictional entertainment; or an advertisement or commercial announcement for any of the foregoing works. It also does not apply where the work is historical or biographical, including some degree of fictionalization, except in a live performance of a musical work; de minimus or incidental.

This law is particularly relevant to the entertainment industry, as live performances featuring holograms and other forms of digital replicas that use a deceased individual’s name, image, and likeness have become increasingly popular in recent years. One of the most notable instances was in 2012 where fans at Coachella were blown away when a digital replica of Tupac hit the stage to perform.¹²

This law is not only significant to lawyers in the entertainment and media space, but also very relevant for trust and estate attorneys, particularly those who advise performers and personalities on their estate plans. Entertainer should also now consider how they may want to give consent

to the use of their name, image, and likeness beyond the grave. These legislative developments reflect New York’s commitment to balancing technological innovation with consumer protection and individual rights, an important step in the evolving regulation of AI and the right of publicity. ⚖️

1. <https://www.governor.ny.gov/news/governor-hochul-signs-legislation-protect-consumers-and-boost-ai-transparency-film-industry>.
2. *Id.*
3. *Id.*
4. <https://legislation.nysenate.gov/pdf/bills/2025/S8420A>.
5. *Id.* at para. 4.
6. *Id.* at para. 8.
7. <https://www.governor.ny.gov/news/governor-hochul-signs-legislation-protect-consumers-and-boost-ai-transparency-film-industry>.
8. <https://www.governor.ny.gov/news/governor-hochul-signs-legislation-protect-consumers-and-boost-ai-transparency-film-industry>.
9. <https://legislation.nysenate.gov/pdf/bills/2025/A8882> ; para. 2(a).
10. *Id.* at para. 2(b).
11. *Id.* at para.2(c).
12. <https://www.vice.com/en/article/14-years-ago-today-fans-were-left-baffled-when-tupac-shakur-played-coachella-from-beyond-the-grave/>.



Kadian Townsend is the Managing Attorney of Townsend Law Firm, PLLC. Her practice centers on business law, sports and entertainment law, and litigation. Kadian serves as Chair of the NCBA Sports & Entertainment Committee. She can be reached at ktownsend@townsendlf.com.

In Brief

The *Nassau Lawyer* welcomes submissions to the IN BRIEF column announcing news, events, and recent accomplishments of its current members. Due to space limitations, submissions may be edited for length and content. PLEASE NOTE: All submissions to the IN BRIEF column must be made as WORD DOCUMENTS.

Capell Barnett Matalon & Schoenfeld LLP congratulates Founding Partner **Gregory L. Matalon** on presenting on *How Every LGBTQ+ Person Should Plan Ahead* for the NCBA LGBTQ Committee on May 20; Founding Partner **Robert S. Barnett** on being a co-panelist at the tax seminar *Liabilities: Tax & Basis Considerations* and for presenting *Estate Planning with S Corporations* for Law Practice CLE; and Partner **Yvonne R. Cort** who spoke on NYS/NYC residency for the Business Law, Tax & Accounting

Committee and presented at the Taxpayer Assistance Corporation’s Annual Tax Controversy Seminar and BBQ as part of the Family Office and Residency panel.

Forchelli Deegan Terrana LLP announces that Chairman and Co-Managing Partner **Jeffrey D. Forchelli** was awarded a Doctor of Humane Letters (L.H.D.) by Wagner College during its 2026 commencement ceremony; **Lindsay Mesh Lotito**, Partner in the Banking & Finance, Cannabis and

Real Estate practice groups, was recently appointed to the Executive Leadership Team for the American Heart Association Go Red for Women® Campaign; **Jonathan P. Weiss**, a member of the firm’s Trusts & Estates practice group, was selected by *Long Island Business News* as an Emerging Leader Under 30; and **Cheryl L. Katz**, a Partner in the firm’s Trusts & Estates practice group, was recently appointed as a Trusts and Estates Section Delegate to the NYSBA House of Delegates.

Sahn Ward Braff Coschignano welcomes **Alexis V. Fretwell** as an Associate in their growing commercial and civil litigation department.

Rivkin Radler is included once again among New York’s rankings in the *Chambers USA Directory*. The firm’s Insurance Coverage Group has moved up to Band 3, while the Health Services Practice Group remains ranked in Band 4. **Benjamin Malerba** is a Ranked Lawyer in Band 3 and **Jeff Kaiser** is a Ranked Lawyer in Band 5.

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**FOCUS:
LAW AND AMERICAN
CULTURE**

Rudy Carmenaty

Martin Scorsese's *Goodfellas* is an exhilarating meditation on the allure of mob life. Derived from *Wiseguy*, *Life in a Mafia Family* by Nicholas Pileggi, Scorsese is rightly celebrated for bringing to the screen a degree of authenticity not previously seen in the gangster movie genre.

The film and its underlying source material detail the exploits of Henry Hill, a gangster turned government witness. Interestingly enough, the book came about because of Hill's lawyers. Hill was broke. The one card he had left to play was hawking his story. The lawyers put together the book deal in order to get paid.

An Articulate Hoodlum

Pileggi describes Hill as "a hood," "a hustler," "a full-time racketeer," "an articulate hoodlum."¹ Not surprisingly, Pileggi thought Hill was hustling him. He soon realized Hill was not exaggerating, as he was able to verify Hill's sordid recollections.

Assistant U.S. Attorney Ed McDonald of the Eastern District of New York, who Pileggi previously profiled in *New York* magazine, granted the reporter access to the files of the Organized Crime Strike Force. Pileggi quickly surmised a lie could cost Hill his federal protection, which could cost him his life.

"They kept me safe when I didn't know how to keep myself safe," Hill admitted, "They kept me alive."² The resulting book when published would be dissected by every defense attorney seeking to appeal a conviction based upon Hill's courtroom testimony. Hill had too much on the line.

Simon & Shuster paid Hill \$100,000 for the book.³ He got \$480,000 for the movie rights.⁴ To Hill this was "chump change" when compared to the \$15,000 to \$40,000 he scored each week as a wiseguy.⁵ Before he could collect, Hill and his publisher had to get around New York's Son of Sam law.

The statute's purpose was to "prevent those accused or convicted of a crime from profiting from the commercial exploitation of their crimes by contracting for the production of books, movies, magazine articles, television shows and the like in which their crime is reenacted."⁶

Half Irish, Half Sicilian, All Wiseguy

The law, which authorized the seizure of profits realized from media sales, was prompted by fears David Berkowitz, the real-life Son of Sam, would gain financially from his 1977 killing spree. All such sums were to be paid to the State Crime Victims Board.

Simon & Schuster filed suit against the State Crime Victims Board in the Southern District under 42 U.S.C. §1983. This action sought to have the Son of Sam law struck down per the First Amendment or secure an injunction preventing its enforcement. The publisher lost at the SDNY and in the Second Circuit.

Appealing to the U.S. Supreme Court, the litigation over *Wiseguy* led to a landmark 8-0 reversal authored by Sandra Day O'Connor. The Court held that the Son of Sam law was unconstitutional.⁷ Depictions of criminal acts are protected speech, and the law was overbroad as it applied regardless of whether the alleged criminal was convicted. The law also restricted income derived from protected speech while other income went untouched.

Everybody Gets Pinched

Affiliated for a quarter century with the Lucchese crime family, Henry Hill was half-Irish, half-Sicilian, and all wiseguy. *Goodfellas* transformed Hill from an obscure criminal into one of the best-known crooks in American pop culture.

His new-found fame also kept him from being "whacked," as his rivals now saw him as their "connection into the movie business."⁸ Hill was not some Runyonesque rogue. His rap sheet included theft, arson, hijacking, gambling, drug trafficking, among other crimes.

Becoming a gangster had been his life's ambition. As a teenager in Brooklyn, Hill took an after-school job at a neighborhood cabstand. It was a front run by Vito "Tuddy" Vario for his brother Paul Vario, a caporegime in the Lucchese family. In the film, Vario is called Paulie Cicero.

As a kid, Hill was enthralled by the out-sized personalities frequenting the cabstand. His best friend growing up was Paul Vario's son Leonard, who died from burns sustained in an arson fire.

Henry visited Lenny regularly at the hospital, which endeared him to Paul

Vario came to see Henry as a substitute son and assumed the mantle of surrogate father-figure. Hill then met James "Jimmy the Gent" Burke and found another mentor. The charismatic Burke, one of New York's most volatile criminals, was rebranded Jimmy Conway in the movie.

Due to their Gaelic blood, neither Burke nor Hill could ever become 'made men' in the Sicilian Mafia. Ray Liotta,

who plays Henry Hill in *Goodfellas*, captured the essence of his character by listening to FBI tapes made of Hill's interrogation. Liotta nailed down the part using the evidence the government used to nail Hill.

Burke ran his operations from Robert's Lounge, a bar he owned in South Ozone Park. Truck hijackings out of JFK Airport were his forte. Trading on tips received from airline employees in his debt, Burke learned of cargoes ripe for the taking.

When Hill was first arrested, he garnered respect by not talking to the police. As faithfully related in *Goodfellas*, Burke/Conway taught Hill the cardinal rule about ratting:

Hey, everybody gets pinched, but you did it right. You told 'em nothing and they got nothing. I'm not mad, I'm proud of ya. You took your first pinch like a man, and you learned the two most important things in life. You listenin'? Never rat on your friends, and always keep your mouth shut.⁹

Hill's "job was to hustle money. He was what they call an earner."¹⁰ The 1967 Air France heist earned him the respect he coveted. Hill stole over \$480,000 from the Air France cargo terminal at JFK. Afterwards, Hill did the "right" thing and paid \$60,000 in tribute to Vario.¹¹

In 1965, Hill met Karen Friedman from Lawrence. Just like in the movie, their first encounter, a double-date, was a disaster, but Henry made it up to her by taking her to the Copacabana. Karen was instantly seduced by the gangster life-style. "[Henry] had money. He was an action guy. There I was, going out with little schmendricks... they were going to be accountants...if we were lucky, we'd go to Chinese food in the mall," she confessed, with Henry "I would go to the Copacabana. I had a ringside table."

In short order, they married and had two kids. Hill even converted to Judaism to appease her parents. Behind the suburban trappings, however, neither honored their marriage vows. Once drugs entered the picture, Hill would wage a losing battle with dependency.

In 1972, Burke and Hill were arrested for beating up a Tampa bookie whose sister worked for the FBI. Both were convicted for extortion and interstate gambling. Hill received a ten-year sentence to be served at the federal penitentiary in Lewisburg, Pennsylvania.

At Lewisburg, Hill entered the drug trade. Vario was doing time at the same facility on unrelated tax charges. In 1978, Hill got paroled, but he kept trafficking despite Vario's ban on narcotics trafficking.¹²

Nassau detectives got wise and placed Hill under surveillance. Worse still, he got addicted to heroin and cocaine. Hill became careless. He couldn't remember who he was selling drugs to or what monies he was owed. In 1980, Henry and Karen were each charged with nine counts under the Rockefeller Drug laws.

Hill also was penniless, having spent, gambled or snorted away his earnings. Seeing no alternative, Hill opted to flip "You live by the sword, and you die by the sword," Hill conceded, "That's the life of crime."¹³

The Troubled Life of "Martin Todd Lewis"

Hill signed an agreement with AUSA Ed McDonald, who plays himself in the movie. For his cooperation, Hill received immunity and the EDNY got the Nassau County District Attorney to drop its case. He and his family entered the Witness Protection Program, assumed new identities, and were exiled to Omaha.

Each time Hill opened his mouth, it spawned a new investigation and a subsequent prosecution. Much to McDonald's chagrin, Hill, under routine questioning, revealed the Boston College point-shaving scam. McDonald had once played on BC's basketball team.

Burke was incarcerated due to Hill's testimony in the point-shaving scam. Hill's testimony also gave rise to Vario's conviction for extortion and conspiracy. Vario died in prison in 1988. The same fate awaited Burke in 1996. Hill's testimony garnered over fifty convictions.

By the time *Goodfellas* was released, Hill had achieved the dubious distinction of being expelled from the Witness Protection Program. Having blown his cover repeatedly, things came to a head in 1987 when he was convicted for cocaine trafficking in Seattle.

McDonald came to Hill's rescue once again, enabling him to avoid jail in favor of probation. In a letter to the judge, McDonald made the case Hill was deserving of leniency for having been invaluable on the stand. He was a productive witness, if not a productive citizen.

As for Karen, a title card at film's end states the couple separated in 1989 after 25 years of marriage. What the movie doesn't say is that Karen filed for divorce in 1990. Their divorce was not finalized until 2002. Their break-up was triggered by Hill's second, bigamous marriage.

As "Martin Todd Lewis," an alias the government provided, Hill met and married Sherry Anders. The problem was he never dissolved his marriage to

Karen. Ever the schemer, he figured since he had wed Karen as “Henry Hill,” he was free to marry Sherry as “Martin Lewis.”

“Henry was not Ray Liotta” McDonald recalled, “He was not a particularly bright guy. But he was charming as hell.”¹⁴ “I got him out of jail a lot. I was constantly going to bat for him,” the prosecutor added, “he was a pathetic addict.”¹⁵ Hill’s self-loathing knew no bounds.

Conscious-stricken, Hill was convinced he was a “rat.” “There was a time in my life,” Hill admitted, “I would have put a gun to my mouth for even thinking about becoming an informant.”¹⁶ Testifying ran against the grain of everything he believed in.

That is why Hill could never go straight or stay sober: “It’s not easy getting up on the stand. It takes a lot out of you, and it drove my addictions.”¹⁷ He resorted to booze and drugs for the simple reason he found it difficult to accept he had violated the very code Vario and Burke had instilled in him.

Hill outlived his contemporaries who were either killed or died in prison. “It’s surreal, totally surreal, to be here. I never thought I’d reach this wonderful age,” he observed, “there’s nobody from my era alive today.”¹⁸ Still, he found it impossible to live with himself.

Hill died in 2012 at 69, not from a gunshot but heart disease. Girlfriend Lisa Caserta offered a fitting epitaph: “He went out pretty peacefully... for a

goodfella.”¹⁹ Hill hated being a “rat.” Therein lies the pathos inherent in his story. Having fallen short as a goodfella, he could not handle the shame of being an honest man. ⚔

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2. Martin Miller, *A real wiseguy*, Los Angeles Times (June 4, 2004) at <https://latimes.com>.
3. Time, *Supreme Court: Approving the Wages of Sin*, Time (December 23, 1991) at <https://time.com>.
4. Miller, *supra*.
5. Instagram, *The former gangster who inspired Goodfellas*, <https://instagram.com>.
6. New York Consolidated Laws, Executive Law §632a (1977).
7. *Simon & Schuster v Members of the NY State Crime Victims Board* 502 U.S. 105 (1991).
8. Miller, *supra* n.2.
9. Martin Scorsese and Nicholas Pileggi, *Goodfellas* (1st Ed. 1993) 17.
10. NPR, *Ex-Wiseguy Henry Hill Always Had ‘A Ringside Table’*, (June 15, 2012) at <https://npr.org>.
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12. *Id.*
13. Dennis McLellan, *Henry Hill dies at 69, mob informant was subject of ‘Goodfellas’*, Los Angeles Times (June 14, 2012) at <https://latimes.com>.
14. John Wolfson, *Don’t Give Me the Babe in the Woods Routine*, Boston College Magazine (Winter 2025) at <https://www.bx.edu>.
15. *Id.*
16. Miller, *supra*.
17. *Id.*
18. Nick Allen, *Goodfella Henry Hill still living in hiding 20 years after film release*, The Telegraph (July 23, 2010) at <https://www.telegraph.co.uk>.
19. BBC, *Goodfellas Henry Hill dies aged 69*, BBC (July 13, 2012) at <https://www.bbc.com>.



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Join a Run for Our Heroes with Tunnel to Towers

Adrienne Flipse Hausch and Madelyn Troche

The Nassau County chapter of the Tunnel to Towers Foundation is known as Warriors For A Cause. Every year Warriors For A Cause turns the Tunnel to Towers 5k into a memorable experience. Registration for the event includes event shirts, Warrior For A Cause team shirts, breakfast, lunch, and transportation. Check-in is held at Chaminade High School, where breakfast is served. Transportation is then provided from Chaminade to New York City, where the 5k is held, and then transported back to Long Island, where lunch is served upon return. This event is a great way to get involved in the community and a chance to support a wonderful foundation.

Tunnel to Towers was founded in December 2001 by the Siller family to honor their youngest brother, Stephen Siller. Siller had just finished his shift with Brooklyn’s Squad 1 early in the morning on September 11, 2001, when he heard the news of the attack on the North Tower of the World Trade Center. In an act of heroism, Siller returned to squad 1 to get his gear and drove to the entrance of the Brooklyn Battery Tunnel, which he found had already been closed upon his arrival. Siller determined to carry out his duties strapped sixty pounds worth of gear on his back and continued on foot through the tunnel to the World Trade Center where he lost his life while fighting to save others. Now 25 years later, the Tunnel to Towers Foundation continues to pay homage to Stephen Siller and all the first responders and civilians who lost their lives that day.

While many of us may know of the Tunnel to Towers Foundation from their annual 5k event in New York City, the organization is comprised of much more. The Foundation has

a multitude of programs aimed at supporting veterans, first responders, and their families. Through the Smart Home Program, the Foundation works to renovate and modify homes to create accessible and mortgage free smart homes for critically injured veterans and first responders. Each home is designed specifically to meet said individual’s requirements to help regain independence in their lives.

Within the Gold Star Family Home Program, Tunnel to Towers provides mortgage-free homes to surviving Gold Star Spouses with young children, helping to create stability while coping with a tragic loss. Similarly, in the Fallen First Responders Home Program, Tunnel to Towers strives to pay off the mortgages for the families of first responders who lost their lives in the line of duty or due to 9/11 related illnesses, leaving behind young children.

Tunnel to Towers also continues to support our nation’s veterans with their Homeless Veteran Program. The program has built Veterans Villages across the country, creating housing complexes to provide affordable and permanent housing to veterans in need.

Tunnel to Towers annual 5k event symbolizes Stephen Siller’s final footsteps to get to the World Trade Center, paying respect to Siller and all the victims who lost their lives during 9/11. You do not need to be the most experienced runner to participate in the annual 5k, in fact you do not have to run at all. Since 2002, people of all ages, athleticism, and backgrounds gather to support the Tunnel to Towers Foundation, with all the proceeds from the event going to support the Tunnel to Towers programs. So, whether you plan on

running, walking or just cheering on, come and join us on Sunday, September 27 and be a part of this truly wonderful foundation.

Feel free to reach out to Rick Collins and Adrienne Flipse Hausch, the Nassau County Bar Association’s Warriors For A Cause representatives, to be a part of this experience. Rick can be reached at (516) 218-5131 or rcollins@cgmbsesq.com; Adrienne can be reached at (516) 741-2000 or ahaush@optimum.net. ⚔



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.

Madelyn Troche is an undergraduate student at Syracuse University, majoring in Journalism and Political Science. Troche is currently an intern at Adrienne Flipse Hausch and Associates Law Firm, with aspirations of one day becoming a lawyer.

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**FOCUS:
LAW PRACTICE MANAGEMENT****Gregory S. Lisi and Donna Sirianni**

Partnership is often viewed as a significant professional achievement and the culmination of years of hard work. In reality, it marks the beginning of a new role with new expectations.

The skills that lead to partnership are not always the same skills required to succeed as a partner. Attorneys spend years developing the legal skills, technical knowledge, and work ethic necessary to earn promotion to partner. Yet once that milestone is reached, many discover that the responsibilities and expectations of partnership differ significantly from those that contributed to their advancement.

While an understanding of the law and technical excellence remain paramount, partners are also expected to originate business, contribute to firm growth, develop strategic relationships, mentor attorneys, influence culture, and lead through increasing levels of responsibility and complexity.

This article explores two critical domains of legal partnership that are rarely taught in a formal way: business relationship development and leadership identity. The promotion to partner is not the finish line of professional development; it is the beginning of a new stage that requires a different mindset, broader perspective, expanded set of skills and ability to handle new, and ever-increasing stress levels.

Domain One: Business Relationship Development

The new partner must begin thinking beyond personal performance and toward institutional impact. Business development is not about attending a random networking event, hoping to meet those who will easily hand over business. At its core, business development is more about relationship development—and that takes consistent engagement, authenticity, trust and time. It is the intentional development of relationships that supports the lawyer's practice, reputation, clients and firm.

Developing internal relationships at the firm is critical to a new partner's success because they facilitate collaboration, referrals, trust, and visibility across practice areas. New partners should develop a strong understanding of the firm's various departments and areas of practice, as legal matters often involve issues that extend beyond a single discipline. Effective collaboration allows partners to draw upon the knowledge and experience of colleagues when serving clients.

In addition, clients frequently have legal needs that fall outside the scope of the matter for which they initially retained the firm. Partners who understand the firm's full capabilities are better positioned to identify opportunities to connect clients with other attorneys and practice groups,

Now That You're Partner: The Leadership and Business Development Shifts No One Teaches

thereby enhancing client service and strengthening institutional relationships.

Internal relationships can also support external business development efforts. When seeking to establish a relationship with a prospective client, referral source, or key decision-maker, a partner may discover that another attorney within the firm already has valuable insight, an existing connection, or the ability to facilitate a meaningful introduction. These internal connections can often accelerate the development of new professional relationships and business opportunities.

Developing external relationships is also essential to a new partner's success. Partners must build referral sources, strengthen client connections, participate in relevant industry events, and create professional visibility within the marketplace. Business development is ultimately built on trust.

Prospective clients and referral sources are more likely to engage an attorney when they have confidence in that attorney's competence, character, and ability to understand their needs. Building that trust requires intentional effort and genuine curiosity. Effective relationship building begins with taking the time to understand what matters to the other person—their goals, challenges, priorities, and professional philosophy.

Meaningful connections are not created by focusing on what to say next, but by listening with the intent to understand. Partners who approach relationships with authenticity and a desire to provide value are more likely to establish trust and credibility over time. As those relationships deepen, opportunities for business development often emerge naturally.

Not every connection will develop into a meaningful professional relationship. Rather than attempting to maintain superficial contact with every individual they meet, partners should focus their time and energy on those relationships where there is genuine rapport, mutual value, and the potential for long-term professional connection. Often it can take years to plant seeds for potential new clients and even more time for those seeds to grow into something fruitful. While this can be frustrating and stressful it is often the people who stick with it that get paid off in the end.

Creating expert visibility is another effective way for partners to develop business. Whether through writing, speaking, teaching, being active at the local bar association, political organization or other types of networking groups, or participating in industry programs, visibility helps establish credibility and positions an attorney as a trusted resource within a particular area of law.

Professional visibility allows attorneys to demonstrate their knowledge and experience while providing value to others. As a result, the relationships developed through these activities are often rooted in expertise, trust, and shared professional interests. Over time, consistent visibility can strengthen a

partner's reputation, expand professional networks, and create opportunities for new business development. When attorneys become known for a particular area of expertise, they increase not only their own visibility, but also the visibility and reputation of the firm.

Domain Two: Leadership Identity

A partner influences culture, develops associates, communicates expectations, manages pressure and contributes to the overall direction and success of the firm. The transition to partnership requires a shift in perspective. Success is no longer measured only by individual performance, but also by the ability to positively influence others and contribute to the broader goals of the organization. While technical excellence remains very important, partnership calls for a greater understanding of how decisions, behaviors, and leadership actions affect colleagues, clients, and the firm as a whole.

While many leadership qualities contribute to a partner's success, three are particularly important during the transition into partnership: strategic thinking, communication, and relationship leadership. Strategic thinking enables partners to move beyond day-to-day legal work and consider the long-term needs of clients, colleagues, and the firm. Strong communication helps partners set expectations, provide feedback, build trust, and navigate challenging conversations with confidence. Relationship leadership focuses on developing meaningful connections with clients, referral sources, colleagues, and associates. Together, these qualities allow partners to influence others, strengthen firm culture, and contribute to the continued growth and success of the organization.

A positive, solution-oriented approach is another characteristic of effective leadership. Partners routinely encounter challenges involving clients, personnel, deadlines, business development, and the unexpected demands of legal practice. While leaders cannot eliminate every obstacle, they can influence how they respond to them. Associates, staff, and colleagues often take cues from a partner's attitude and behavior during periods of uncertainty or pressure. Partners who remain focused on solutions, opportunities, and constructive next steps help create confidence, stability, and forward momentum within their teams and the broader organization.

Another important aspect of leadership identity is the responsibility to develop the next generation of attorneys. New partners are often expected to delegate work, provide guidance, share institutional knowledge, and help associates grow professionally. Effective delegation is not simply the assignment of tasks; it is the intentional development of associates through opportunities to build skills, gain confidence, and assume increasing levels of responsibility.

Through communication, mentorship, and constructive feedback, partners help shape the professional development of those around them. In

doing so, they also establish the leadership tone for their teams and contribute to a culture that supports learning, accountability, and long-term success. The investment made in developing associates today not only strengthens individual careers, but also helps ensure the long-term success, stability, and culture of the firm and can free up the new partner to handle the new responsibilities discussed above.

New partners often experience increased pressure because expectations rise quickly, often without formal training or a clear roadmap for success. The result can be a "deer in the headlights" effect, where attorneys feel responsible for everything but are uncertain about where to focus their attention. Effective leadership requires partners to distinguish between issues they can control and those they cannot.

Controllable factors may include how a partner communicates with clients and colleagues, the quality of work delegated to associates, time management, follow-up on business development activities, responsiveness, preparation, and the effort invested in building relationships. Uncontrollable factors may include court decisions, scheduling, market conditions, economic shifts, a client's business challenges, the actions of opposing counsel, or decisions made by others within the organization. Partners who focus their energy on areas within their influence are often better equipped to manage stress, make sound decisions, and lead effectively during periods of uncertainty.

Before partnership, success is often measured by high billable hours, technical excellence, responsiveness, and the ability to solve problems independently. After partnership, success expands beyond individual performance. A portion of time must now be intentionally allocated to developing client relationships, cultivating referral sources, mentoring associates, strengthening internal firm relationships, and contributing to the long-term growth of the organization.

New partners are most effective when they intentionally develop the skills required to generate business, build relationships, lead people, and manage increasing levels of responsibility. The transition into partnership is not simply a change in title. It is a shift from individual contributor to firm and practice builder. 🛠️



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**FOCUS:
EVIDENCE**


Richard J. Washington

In the State of New York, the introduction of habit evidence is generally admissible to prove conformity on specified occasions.¹ Prior to 1977, habit evidence was generally inadmissible in New York State. Today, although such evidence is admissible, there are exceptions to this rule, and it is incumbent upon the party proffering such habit evidence to demonstrate “a deliberate and repetitive practice by a person in complete control of the circumstances.”²

The admissibility of habit evidence is not specific to New York State. In the federal system, “[e]vidence of a person’s habit or an organization’s routine practice may be admitted to prove that on a particular occasion the person or organization acted in accordance with the habit or routine practice.”³ As such, the federal rules of evidence have been read to permit courts to “admit [habit] evidence regardless of whether it is corroborated or whether there was an eyewitness.”⁴

Notwithstanding the foregoing, habit evidence is a particularly powerful form of evidence that can be admitted in many criminal and civil cases, all the more so because it is often admissible without corroboration. Given that the admissibility of evidence is generally predicated upon reliability, one can only wonder what it is about habit evidence that makes it sufficiently reliable to justify its admissibility in legal proceedings. Although this question may never be answered to the satisfaction of the average practicing attorney, author Charles Duhigg’s book on habits offers tremendous insight into the reliability and predictability of human behavior that has been classified as habits.⁵

First published in 2012, *The Power of Habit: Why We Do What We Do In Life and Business* is a real-world examination into the nature of human behavior and how habits influence our day-to-day lives. While this book focuses primarily on how habits are first identified and then used to change and influence human behavior and outcomes, there is a host of relevant information that can be used for any practicing attorney. The concept of a habit is so powerful that entire industries, businesses, and franchises have devoted considerable resources to identifying and changing habits. Once a habit is established it is difficult to

Assessing Habit Evidence Through the Power of Habit

break, regardless of whether the habit is destructive, such as overeating or smoking, or productive, such as exercising regularly.

Before discussing how to change habitual behavior, Duhigg first identified what he described as the habit loop. Simply put, this is the set of factors that give rise to habits in both humans and animals. The habit loop begins when a person receives a cue. That cue in turn prompts the individual to engage in a specific behavior that results in what the individual perceives as a reward.⁶ This cue could be the start of the workday, which prompts a person to brew a cup of coffee, the reward being that first cup makes a person feel ready to tackle the day.

According to Duhigg, for every habitual behavior, there are cues that prompt the behavior, which ultimately results in a perceived reward. These cues are often interrelated among different people. For example, the person behind the counter may begin preparing the coffee for a regular customer even before they order, or a restaurant may presume that a regular patron will order their usual meal. This is all because certain habits have been established. Once those habits are established, individuals commonly engage in behaviors on a subconscious level. In those instances, habit evidence is extremely reliable.

Habit evidence has not just been studied in humans. On the contrary, studies have been conducted among rodents, canines, and primates. No matter the species, once a familiar cue is provided, predictable behaviors inevitably follow, even when the anticipated reward is withheld. A well-trained dog is a prime example, where the cue is a command and the reward is a treat for following through. Perhaps the biggest challenge in determining whether a habit actually exists is identifying the cue that prompts the behavior.

The examples of the power of habit are remarkable. Duhigg provides an example of a patient suffering from memory loss who was unable to draw a diagram of the inside of his home but consistently found his way to the bathroom without issue because he used it every day.⁷ This same person would take daily walks with his wife, who feared he could not find his way home alone. When she missed one such walk and found him gone, she searched the neighborhood to no avail, only to come home and find that he had taken the walk and returned on his own, out of sheer habit, with no memory of where he had been or how he had gotten home.⁸

Identification of these cues is important to understanding the pseudo-science of habits. For example, a familiar song that comes on the radio is likely to cause the listener to continue listening, even when a song that the listener does not like is played immediately thereafter. The repeated placement of a song between more familiar songs will create a habit wherein the listener becomes accustomed to hearing the song and will listen regardless of whether they believe they like the song or not.⁹

Conversely, a change in the cue, even a subtle one, can change the behavior that follows. Rosa Parks was not the first person arrested for riding in the front of the bus during segregation. However, unlike those who had been arrested before her, Ms. Parks’ arrest prompted outcry because she was well respected within her community, and that change in the cue prompted a change in the behavior that followed.¹⁰ For this reason, when attempting to identify habits in the legal context, we must be sure that the cues are the same.

From a business perspective, the identification of the cue also provides a window through which a company or a product can attempt to change behavior. However, the cue alone is not sufficient; there must be a reward as well. For example, a once famous toothpaste company discovered that suggesting people brush their teeth was not sufficient to create the habit without some type of reward, which is why toothpaste creates a lather when we brush.¹¹ That lather is not necessary for the toothpaste to perform its function, but the feeling of it on our teeth provides an identifiable reward that lets a person know they are really cleaning their teeth. Once the habit is created, it becomes part of a person on a subconscious level, and the behavior is likely to continue indefinitely unless it is broken.

Keeping this in mind, successful sports franchises that sought to win championships did not focus on winning. Instead, they focused on hiring coaches that would create habits in the fundamentals of the sport.¹² Duhigg observed that having these habits ingrained in the players would ensure that they would be fundamentally sound in those moments when the game was on the line. Indeed, the game itself served as a cue for those players to remain fundamentally sound at all times. Thus, where other teams would attempt to overcompensate and make mistakes, or where their nerves would cause them not to perform, those players who had developed habits would perform.¹³

Michael Phelps offers an individual counterpart to this team-level

phenomenon. His coach built a nightly and pre-race ritual into training so thoroughly that Phelps could execute it even after his goggles filled with water mid-race, a habit that contributed to his becoming one of the most decorated Olympians in modern history.¹⁴

When Paul O’Neill took over as CEO of Alcoa, he focused the company on a single habit, worker safety, rather than on profits directly.¹⁵ However, the habit of maintaining a safe and healthy workplace resulted in increased attendance and work, and therefore additional productivity, which directly increased profits within the company.

Likewise, identifying these cues could also be used to change behavior. Compulsive gamblers, smokers, and alcoholics are all taught to identify those things that “trigger” the destructive behavior.¹⁶ This is done because the ability to identify the trigger is the first step to eliminating the behavior that follows. In the legal context, identifying the trigger allows the observant attorney to conclude that specific behavior followed the trigger. Hence the court requirement that foundation must be laid before habit evidence is introduced.

There is indeed a power in habit. Once identified and confirmed, habit evidence can be a reliable indicator of past and future behavior, strong enough that a person may engage in the behavior on a subconscious level. While there may be doubts about the weight to be assigned to habit evidence in a courtroom, there should be little debate that it can be relevant and probative in civil and criminal cases. Charles Duhigg’s book offers a unique perspective that we can use to understand how to use habit evidence to our advantage as well as how to attack habit evidence that is used against us. 

1. See *Halloran v Virginia Chems., Inc.*, 41 NY2d 386, 391 (1977).

2. See *Rivera v Anilesh*, 8 NY3d 627, 630 (2007).

3. Fed. R. Evid. 406.

4. *Id.*

5. Charles Duhigg, *The Power of Habit: Why We Do What We Do In Life and Business* (10th Anniversary Edition 2023).

6. *Id.* at 19.

7. *Id.* at 10.

8. *Id.* at 10-12.

9. *Id.* at 197-209.

10. *Id.* at 218-222.

11. *Id.* at 56-59.

12. *Id.* at 61-66.

13. *Id.* at 78-81.

14. *Id.* at 113-114.

15. *Id.* at 98-101.

16. *Id.* at 69-72.



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.

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NCBA Installation Ceremony

On June 3, the NCBA and NAL hosted the 2026 Installation Ceremony at Domus. NCBA Members gathered for the installation of Hon. Maxine S. Broderick as the 124th President of the Nassau County Bar Association and Matthew V. Spero as the new Dean of the Nassau Academy of Law. Nassau County Administrative Judge Vito M. DeStefano and Hon. Linda K. Mejias-Glover officiated the swearing in of the new Officers and Directors of the NCBA Board of Directors and NAL Advisory Board.



Photos by Hector Herrera

CALENDAR | COMMITTEE MEETINGS

COMMITTEE CHAIRS	
Access to Justice	Deanne M. Caputo and Hon. Paul Kenny
Alternative Dispute Resolution	Christopher J. McDonald
Animal Law	Hon. Maxine S. Broderick
Appellate Practice	Tammy Feman and Andrea M. DiGregorio
Asian American Attorney Section	Byron Chou and Michael Kwon
Association Membership	Adina L. Phillips and Ira S. Slavit
Awards	James P. Joseph
Bankruptcy Law	Scott R. Schneider
Business Law Tax and Accounting	Scott L. Kestenbaum and Jennifer L. Koo
By-Laws	Michael J. Antongiovanni
Civil Rights	Nairuby L. Beckles and Patricia M. Pastor
Commercial Litigation	Danielle J. Marlow and Michael H. Masri
Committee Board Liaison	Samuel J. Ferrara
Community Relations & Public Education	Steven V. Dalton and Maria Janella Loaiza
Conciliation	Karl C. Seman
Condemnation Law & Tax Certiorari	Kevin M. Clyne
Construction Law	Robert J. Fryman
Criminal Court Law & Procedure	Brianna Vaughan
Cyber Law	Nicole E. Osborne
Defendant's Personal Injury	Brian Gibbons
District Court	Matthew K. Tannenbaum
Diversity & Inclusion	Hon. Linda K. Mejias-Glover
Education Law	Germine Casanova and Ciara J. Villalona-Lockhart
Elder Law, Social Services & Health Advocacy	Johanna C. David and Dana Walsh Sivak
Environmental & Energy Law	John L. Parker
Ethics	Danielle N. Murray
Family Court Law, Procedure and Adoption	Stephanie Hiller
Federal Courts	Michael Amato
General, Solo & Small Law Practice Management	Annabel Bazante
Grievance	Byron Divins
Government Relations	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
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Surrogate's Court Estates & Trusts	Maria L. Johnson and Cheryl L. Katz
Veterans & Military	Byron A. Divins
Women In the Law	Rebecca Sassouni and Melissa Holtzer-Jonas
Workers' Compensation	Craig J. Tortora

WEDNESDAY, AUGUST 5
Condemnation Law & Tax
Certiorari
12:30 p.m.

THURSDAY, AUGUST 6
Community Relations & Public
Education
12:45 p.m.

WEDNESDAY, AUGUST 12
Association Membership
12:30 p.m.

THURSDAY, AUGUST 13
LGBTQ
12:30 p.m.



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