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WHAT'S INSIDE

Tale of the Taxpayer's Tombstone Triangle pg. 4

More than Stress Relief: Cannabis Use and Wellness in the Legal Profession pg. 6

Pied-a-What? What Lawyers and Property Owners Need to Know About the Non-Primary Residence Surcharge pg. 8

The Practitioner's Guide to Home Rule and Preemption pg. 12

Court of Appeals Limits Recovery for Purely Emotional Damages in *SanMiguel v. Grimaldi* pg. 14

When Faith Meets the Workplace: The Second Circuit Rewrites the Rules for Religious Accommodation pg. 16

SAVE THE DATE



WE CARE MURDER MYSTERY DINNER
FRIDAY, NOVEMBER 6
pg. 16



FALL FAMILY GAME DAY
SATURDAY, NOVEMBER 7
pg. 9



DIWALI CELEBRATION
THURSDAY, NOVEMBER 12
pg. 13

A Toast to Tradition

Jamie LaGattuta

For nearly a century the Nassau County Bar Association has brought members together during the holiday season to celebrate friendship, tradition, and the spirit of community. On December 10, 2026, the NCBA will continue this cherished tradition with its 94th Annual Holiday Party, formerly known as the Wassail Bowl Celebration. With festive entertainment and traditions, the celebration offers members an opportunity to reflect on the past year and welcome the new one together.

The term *wassail* is derived from the Middle English phrase *waes haeil*, meaning "with health" or "be healthy." This became a toast or salutation of "to your good health" traditionally responded with *drink hail*, meaning "drink to good health." Today, that sentiment remains at the heart of the NCBA's annual celebration.

Each December, the Wassail Bowl is filled at Domus, symbolizing a collective toast to good health and prosperity. Led by the Association's esteemed past presidents, members raise a glass to the year behind them and the possibilities ahead. More than a holiday party, the occasion is a time for all members to come together, toast to good cheer, and enjoy the congeniality of each other's company.

Honoring Service: The Yule Log Carriers

Each year a particular group is honored during the ceremonial carrying of the Yule logs, which recognizes individuals who have demonstrated exceptional service and dedication to the Bar Association.

The President-Elect selects a group of honorees whose contributions have made a lasting impact on the NCBA and its community. During the ceremony, the selected log carriers proceed down the main aisle of the Great Hall, each carrying a Yule log. The logs are figuratively thrown onto the fire roaring in the fireplace, signifying the burning of any bad that has come to pass during the prior year, and opening the door to what we are hopeful will be a happy and prosperous new year.

Over the years, the honor has been bestowed upon pro bono attorneys, past president's spouses, Bar staff, 9/11 volunteers, and others whose service has strengthened the association.

The ceremony offers an opportunity to reflect. The stories about the log carriers serve as a reminder that the strength of the Bar Association lies not only in its professional mission, but also in the people who make it a community.

Tale of Wassail

No NCBA Holiday Party would be complete without the much-anticipated Tale of Wassail, a longstanding tradition that brings humor, creativity, and a touch of theatrical flair to the festivities.

Each year, the president-elect tells the *true* Tale of Wassail, which is his or her own version of a holiday story. While the story changes annually, its purpose remains the same: to bring members together through laughter and shared experience by highlighting the NCBA, its leadership, and the events of the past year.

Past presidents-elect have embraced the opportunity to put their own creative spin on the tradition, drawing inspiration from *How the Grinch Stole Christmas*, *Mr. Rogers*, and *The Wizard of Oz*. This year, President-Elect Samuel J. Ferrara will take center stage to present his own Tale of Wassail. Members are invited to join the festivities on December 10 to discover what surprises this year's tale may hold.

Celebrating the Spirit of Domus

Throughout the year, Domus serves as the setting for countless meetings, programs, and special events. Yet the Annual Holiday Party holds a special place in the Association's calendar, bringing together the traditions, friendships, and camaraderie that define the NCBA.

The Holiday Party is a time for attendees to enjoy live music, mingle with old friends and new friends, enjoy a meal, the occasional visit from Santa, and, with a staff decorating party, members get to see the holiday spirit all around Domus.

"Our goal this year is to make the Holiday Party more family friendly," says NCBA President Hon. Maxine S. Broderick. "Members can take photos around the tree or in front of the fireplace. We will have activities for children like decorating cookies and caroling."

As the Association prepares to celebrate its 94th Annual Holiday Party, members are invited to take part in the traditions that have connected generations of the NCBA community. Whether attending for the first time or returning for another year of familiar festivities, there is no better occasion to come home to Domus for.



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NCBA Commemorates the Nation's 250th Anniversary



FROM THE PRESIDENT

Hon. Maxine S. Broderick

On July 4, 2026, the United States marked its 250th anniversary. For the legal profession, this milestone offers a chance to consider the many ways lawyers have contributed to our country throughout its history and continue to contribute through public service, government, and the courts.

As a bar association, it is important that we recognize this historic anniversary in a meaningful way. To mark the occasion, the NCBA has planned three related events between fall 2026 and spring 2027. While each is different, they share a common theme: the role lawyers have played in our country's history. The first looks at lawyers and the nation's founding, the second focuses on lawyers in public service and elected office, and the third examines the role of the courts and the judiciary.

The first component of this commemoration is the American Bar Association's traveling exhibit commemorating the 250th anniversary of the Declaration of Independence. Located in the Great Hall, the exhibit explores the nation's founding and highlights the role lawyers played in the creation of our country and the development of our legal system. The exhibit remains on display through mid-November. QR codes throughout the exhibit link to information about the ABA and its work in support of the rule of law.

The second event focuses on lawyers in public service and elected office. The program, *Counsel to Candidate: A Lawyer's Path to Public Office*, will be held on November 9, 2026, from 5:30 p.m. to 7:00 p.m. at Domus. Presented jointly by the Mendel Center for Public Justice at Hofstra University's Maurice A. Deane School of Law and the Nassau County Bar Association, the program is designed for law students and attorneys interested in learning more about public service, elected office, and the electoral process. The program is nonpartisan and is intended to provide information about the electoral process rather than advocate for any particular political viewpoint or candidate. Participants will hear from lawyers who have served in elected office and other public positions and will receive information about campaigning, election administration, networking, communication strategies, policy development, and campaign finance.

The panel will be moderated by Professor James Sample of Hofstra Law School, whose scholarship focuses on election law, judicial ethics, and democratic governance. Confirmed panelists include New York State Senator Jack M. Martins; Seth I. Koslow, Esq., former Nassau County Legislator and former candidate for Nassau County Executive; Dorian R. Glover, Esq., Past NCBA President and Chair of the Hempstead Public Library Board of Trustees; and Rebecca Sassouni, Esq., former President of the Great Neck Board of Education. Panelists will discuss their paths to public service and participate in a moderated discussion with attendees. The program is free and open to all attendees, and CLE credit will be provided. The program will be followed by a reception. Registration is available at www.nassaubar.org/calendar.

Our third event commemorating the 250th anniversary is *NCBA Goes to Washington*, hosted by the Diversity & Inclusion Committee. The judiciary plays an essential role in our constitutional democracy by interpreting the law and resolving disputes. The centerpiece of the program will be a swearing-in ceremony before the U.S. Supreme Court on May 20, 2027. The program will also include a visit to the National Museum of African American History and Culture, a tour of Capitol Hill, a CLE focused on landmark civil rights decisions and their lasting impact, and opportunities to network with colleagues from across the profession. This will be the first Supreme Court swearing-in ceremony organized by the Nassau County Bar Association in recent memory. Further details will be provided in the coming weeks. Hon. Linda Mejias-Glover serves as Chair of the Diversity & Inclusion Committee.

I hope that you will join the NCBA in commemorating our nation's 250th anniversary by visiting the exhibit in the Great Hall, attending *Counsel to Candidate* on November 9, or participating in *NCBA Goes to Washington*. Together, these events highlight the many ways lawyers have contributed to our country.

FROM COUNSEL TO CANDIDATE: A LAWYER'S PATH TO PUBLIC OFFICE

Co-Sponsored by The Mendel Center for Public Justice at Hofstra University's Maurice A. Deane School of Law

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Lawyers play a vital role in protecting the Constitution, the rule of law and the integrity of our justice system. Building on Lawyers Defending American Democracy's Guardians for Justice—A Call for Lawyers to Lead initiative, this nonpartisan program will inspire and prepare lawyers and law students to pursue public office.

Participants will explore opportunities in local, state and federal government. The program will offer practical guidance on running for office—including ballot access, campaign operations, communications, policy development and fundraising—and provide an introduction to relevant election law. Attendees will learn strategies for navigating political polarization, strengthening civic dialogue and building confidence as candidates. A panel of lawyers who have held public office will share their experiences and answer questions.

Program Faculty:
Prof. Jennifer A. Gundlach, Maurice A. Deane School of Law at Hofstra University
Prof. James J. Sample, Maurice A. Deane School of Law at Hofstra University
Matthew Gluckman, 3L Student at Maurice A. Deane School of Law at Hofstra University

Panelists:
Jack M. Martins, Esq., New York State Senator
Seth I. Koslow, Esq., Former Nassau County Legislator and Past Candidate for County Executive
Dorian R. Glover, Esq., Hempstead Public Library Board of Trustees, Chair
R' Rebecca Sassouni, Esq., Great Neck Public Schools Board of Education, Past President

*This course is appropriate for experienced and newly-admitted attorneys.

FOCUS: TAXATION

Tale of the Taxpayer's Tombstone Triangle



Donald F. Leistman

Commercial property assessments and taxation in Nassau County have been the subject of legal challenges for decades.[1] This article examines one property owner's approach to protesting the county's property tax assessment system.

Background

Arnold "Whitey" Carlson was born and raised in Nassau County. He was a contractor who also built and owned numerous commercial properties. He constructed and owned the Island Garden, a 5,200-seat area located on Hempstead Turnpike in West Hempstead. The area hosted Barnum & Bailey Circus, numerous musical acts such as Cream, Johnny Cash and Bob Dylan, as well as most famously the New York Nets of the American Basketball Association, who played there from 1969 to 1972 featuring future Hall of Fame player Rick Barry. The arena was forced to close in 1973 following the opening of the 16,000-seat Nassau Coliseum several miles away.[2]

In the 1970s, Carlson became engaged in particularly vexatious litigation with Nassau County over the taking of his contractor's yard located in Baldwin by eminent domain.[3]

Following complaints from neighboring property owners about Carlson's 32.7-acre site, the county filed condemnation proceedings to acquire the property citing the need for an emergency sewer project.[4]

After rejecting the county's offer of $525,000,[5] Carlson was ultimately awarded $2,653,000 in 1982 as just compensation for the taking.[6] A subsequent trial ensued over the amount of interest on the award, which resulted in the application of a rate of 11 percent, the highest amount in the history of New York State condemnation matters.[7]

Tombstone

Carlson owned a piece of commercial property on Peninsula Boulevard in the Village of Hempstead. In early 1982, Carlson placed a multi-ton piece of granite rock, roughly seven feet high and seven feet wide, anchored by concrete, in front of the commercial property. Carlson affixed to the rock a 19 by 25-inch plaque stating:

"TAXPAYERS TOMBSTONE TRIANGLE
DEDICTED TO THE TAXPAYERS OF
NASSAU COUNTY
SINGLE AND WED LIVING OR DEAD,
OVERTAXED AND ROBBED,
TILL THEY BLED OR FLED,
THAT IS HOW IT IS SAID.
WHITNEY CARLSON
JULY 3, 1982"

The Village of Hempstead was not sympathetic to Carlson's plight or his message. In April 1983, the Village filed an action against Carlson in Supreme Court, Nassau County by service of a summons and complaint, seeking declaratory and injunctive relief.[8] The Village sought a judgment directing Carlson to remove the rock on the grounds that: (1) the rock is a "building or structure" requiring a building permit pursuant to Sections 1.2.1 and 1.3.1 of the Village Code of Ordinances;[9] (2) the rock is a building, which requires a five-foot set back from the street in a Business B zoning district;[10] and (3) the plaque on the rock violates Village Code Section 13-55 (b)(1), which limits the signs in a business zone to "advertise only the business, product or services provided on the premises,"[11] and that, in any event, a permit for the plaque was required.

Thus, the court was confronted with an issue, which, to the knowledge of this author, had never been addressed before or after: does a rock constitute a building or structure for purposes of municipal building ordinances?

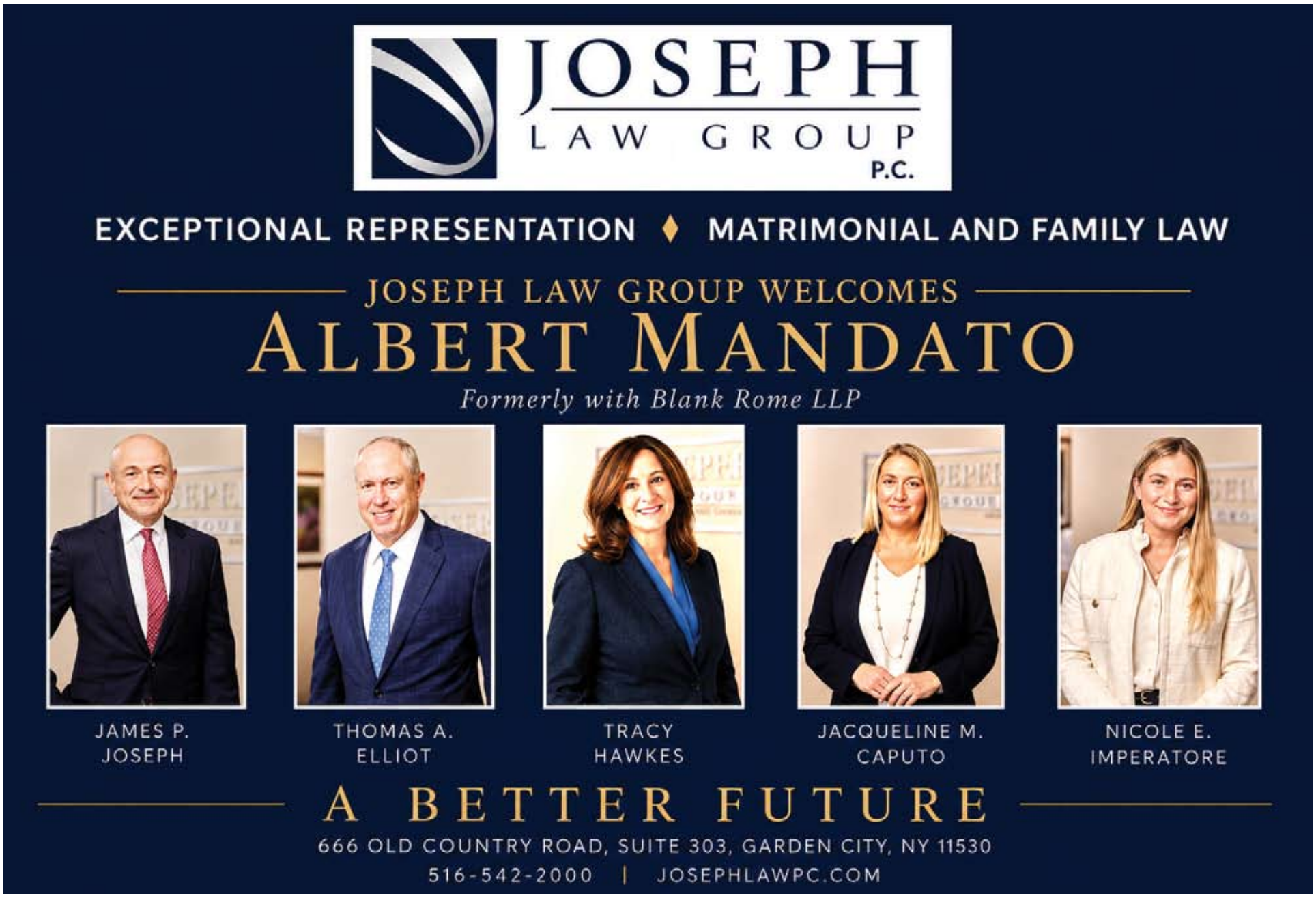
Tombstone Prevails

The Nassau County Supreme Court (per Hon. Howard E. Levitt) held in favor of Carlson,[12] adopting Carlson's argument that the definition of what constitutes a building or structure should be determined by reference to the New York State Building Code:

> "(20) Building. A structure wholly or partially enclosed within exterior walls, or within exterior and party walls, and a roof, affording shelter to persons, animals, or property. (183) Structure. An assembly of materials forming a construction framed of component structural parts for occupancy or use, including buildings.

By definition, a building or structure is something that is occupied or capable of being occupied. Thus, the rock in this case, clearly is not a building within the Village Code and there is no violation of its provisions."[13]

The court also adopted Carlson's position that enforcement of the Village



Sign Ordinance on content grounds violated Carlson's constitutional right to free speech under the First Amendment of the U.S. Constitution. The court observed that "while the Village has the power to regulate for the general welfare of its citizens, the general welfare is not threatened here. The Village has received no complaints from the general public concerning … Carlson's rock."[14]

In declaring the Village Sign Ordinance unconstitutional, the court cited the United States Supreme Court decision in *Metromedia Inc. v. City of San Diego*,[15] which struck down a similar ordinance prohibiting advertising, except for on-site commercial advertising. The Nassau Supreme Court emphasized a portion of the *Metromedia* decision which stated, "The fact that the city may value commercial messages relating to on-site goods and services more than it values commercial communications relating to off-site goods and services does not justify prohibiting an occupant from displaying its own ideas or those of others."[16]

Nassau Supreme Court found the content-based regulation impermissible, noting that "the [Village] Ordinance purports to value commercial speech above all other types of speech, including political speech. It thus presents a curious inversion of the usual constitutional standard which values political speech above any other."[17] In dismissing the Village's lawsuit, the court concluded with an observation:

> It is the view of the court that the village will have to live, if not with a piece of this rock, at least in peace with this rock.[18] Perhaps a future rock will have a plaque extolling the benefits received by Nassau County taxpayers and thus free speech will have its ultimate achievement—diversity of opinion.[19]

Legacy of the Tombstone

Over forty years after its creation, the taxpayer's tombstone still remains. It still serves as a symbol of the tax treatment of commercial property owners by Nassau County. Such taxpayers are assessed and taxed at many multiples of the rate charged residential taxpayers, and more than double the rate charged commercial taxpayers in the rest of New York State (except New York City). The county has failed to recognize the decline in value of office buildings and many retail properties. Further, when commercial property owners file suit and obtain assessment reductions, the county frequently reinstates the prior excessive assessment the following year, forcing the owners to litigate again. This practice is reminiscent of the mythical Greek figure Sisyphus, who was condemned for all eternity to roll a rock (sound familiar?) up a hill only to have it roll down again and again.

The tombstone's adage, "Overtaxed Till they Bled or Fled" was prophetic. Many major commercial owners no longer purchase or develop properties in Nassau County, instead pursuing development opportunities in the Carolinas, Georgia and Florida, where taxes are fraction of those here.

It may be many years before tax conditions change for the better for commercial owners, thus creating the grounds for Justice Levitt's prophecy that "perhaps a future rock will have a plaque extolling the benefits received by Nassau County taxpayers."[20] The surviving commercial taxpayers here can only hope so.

1. See *860 Exec. Towers v Bd. of Assessors of Nassau County*, 84 Misc 2d 525 (Sup. Ct. Nassau Co. 1975), aff'd 53 AD2d 463 (2d Dept. 1976) aff'd sub nom. *Pierre Pellaton Apts., Inc. v. Board of Assessors*, 43 N.Y.2d 769, (1977); *Slewett & Farber v Bd. of Assessors of Nassau County*, 97 Misc. 2d 637 (Sup. Ct. Nassau Co. 1978), aff'd, 78 A.D.2d 403, 435 N.Y.S.2d 313, mod., 80 A.D.2d 186 (2nd Dept. 1981), mod., 54 NY2d 547 (1982).
2. *Island Garden*, WIKIPEDIA, https://en.wikipedia.org/wiki/Island_Garden (last visited July 28, 2026).
3. See *In the Matter of the County of Nassau Acquiring Real Property in Connection with the Improvement of Milburn Creek*, No. 11987/1976 (N.Y. Sup. Ct., Nassau Cnty., Special Term, Part IV).
4. At least 10 years after the taking, the sewer project for the site had not been implemented even though the County stated the taking had to be immediate because the need was urgent. It is not known whether it has since been implemented.
5. The offer was increased to $825,000 following Carlson's motion to compel payment based upon the condemner's appraisal under the EDPL.
6. *In the Matter of the County of Nassau Acquiring Real Property in Connection with the Improvement of Milburn Creek*, No. 11987/1976 (N.Y. Sup. Ct., Nassau Cnty., Special Term, Part IV Mar. 31, 1982).
7. *In the Matter of the County of Nassau Acquiring Real Property in Connection with the Improvement of Milburn Creek*, No. 11987/1976 (N.Y. Sup. Ct., Nassau Cnty., Special Term, Part IV June 21, 1983).
8. See *Inc. Vil. of Hempstead v Carlson*, 129 Misc 2d 537 (Sup. Ct. 1985).
9. *Id* at 538-539 (citing Section 1.2.1 of the Village Building Code; also citing Section 1.3.1 which states "It shall be unlawful to construct or alter any building, structure, wall, platform, staging or flooring, or any part thereof, or the creation, addition or enlargement of any room used for living purposes or any storage space, or any plumbing and drainage until the application and plans as required in 1.2.1 shall have been approved by the Board of Trustees, and a written permit issued by them.").
10. *Id* at 539 (citing Section 16-183 which states, "No story of any building in a Business B district shall be nearer to the street line of any street on which it faces than five (5') feet from the street line for business or public building.").
11. *Id* at 539.
12. *Id* at 541.
13. *Id* at 539 (citing 9 NYCRR 606.3[a][20,[183]).
14. *Id* at 540.
15. 453 U.S. 490 (1981).
16. *Inc. Vil. of Hempstead v Carlson*, 129 Misc 2d 537, 540 (Sup. Ct. 1985) (quoting *Metromedia*, 453 U.S. at 513).
17. *Id* at 540-541.
18. Justice Meade was referencing an extensive advertising campaign ran by Prudential Insurance Company during the time of the opinion (1985) that urged insurance customers to "own a piece of the rock."
19. *Id* at 541; *See also* Robert D. McFadden, *Northeast Journal; In Hempstead, Rock Rights Won*, N.Y. TIMES, Sept. 1, 1985, www.nytimes.com (displaying the extensive media coverage the decision received, including the New York Times and the NBC Nightly News nationwide television broadcast).
20. *Id.*



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FOCUS: MENTAL HEALTH

More than Stress Relief: Cannabis Use and Wellness in the Legal Profession



Dr. Elizabeth Eckhardt and Christina Dumitrescu

When you spend your days carrying the weight of other people's problems, finding ways to unwind becomes integral to the job. But for many lawyers turning to cannabis for relief, a well-intentioned coping mechanism can start to compromise the very career they worked so hard to build. The legal profession demands cognitive precision, impeccable decision-making skills, and sound judgment at all times. While cannabis (high-THC products) offers a temporary buffer against relentless client demands and a grueling schedule, it can also introduce vulnerabilities that can endanger you, your clients, and your practice.

Let's move away from discussions centered around judgment and stigma. A lawyer's well-being matters just as much as that of the clients they protect. So, let's get curious about cannabis use, why it's important to know the warning signs of impairment, and how to build sustainable ways to de-stress without putting your livelihood on the line.

Understanding the Risks

The primary active ingredient in cannabis is tetrahydrocannabinol ("THC"), a psychoactive compound responsible for the "high" users feel. THC can affect areas of the brain involved in memory, attention, learning, decision-making, coordination, and reaction time. Those effects matter in legal practice.

A lawyer who is intoxicated from cannabis use may have difficulty following a conversation, retaining information, processing complicated facts, identifying important details, or making sound decisions. These effects may be particularly problematic during depositions, negotiations, court appearances, client meetings, or other situations requiring sustained concentration and quick judgment.

Cannabis can also cause or exacerbate symptoms of anxiety and depression, and result in disorientation, paranoia, and other unpleasant psychological effects in some users. This can have real world impact. A 2025 study, for example, found that over 40% of drivers who died in motor vehicle collisions tested positive for active THC, with average blood levels far exceeding those considered to cause impairment.

Research has also found a higher risk of suicidal ideation and suicide attempts among people who use cannabis. Additionally, research suggests that roughly 9% of people who try marijuana will become addicted to it. That number increases to about 16.67% among those who started using marijuana as teenagers and goes up to about 25-50% among those who smoke daily.

Today's Cannabis Is Not Your Parents' Marijuana

Today's cannabis products are substantially different from those people encountered decades ago. THC concentrations have increased drastically over time, and highly concentrated products (e.g., vapes) can deliver considerably more THC than traditional cannabis flower. In the 1960s and 70s, average THC levels in traditional marijuana were around 1 to 7%. Modern marijuana flowers routinely test between 18-30% THC. Highly concentrated THC products like waxes, shatter, and vape oils can reach 80-95% THC, making modern products significantly stronger than their historical counterparts.

Delivery methods have also changed. In the past, users primarily smoked raw plant material via pipes or joints. Today, store shelves now feature flower, edibles, infused beverages, seltzers, tinctures, topical lotions, and high-tech vaporization cartridges. Today's cannabis market also includes new hemp-derived or alternative isomers like Delta-8 and Delta-10 THC. These derivatives may be unregulated and untested and are not FDA-approved. They can also be mixed with other chemicals and marketed as "synthetic marijuana," with effects that can be more potent and more unpredictable, including seizures.

Product potency, type, and delivery method all play a role in the intensity and duration of the drug's effect. As THC levels increase, so does the likelihood of stronger intoxication, impaired judgment and decision-making, and problems with attention and memory. These risks are particularly important to lawyers, whose jobs rely on optimal cognitive functioning.

It may be tempting to rely on prior experience to estimate a product's effect (e.g., "I've used marijuana for years. I know how it affects me"). But your response to the drug can vary depending on the product's potency, amount consumed, method of consumption, tolerance, other substances used concurrently, and other individual factors.

The takeaway is simple: Familiarity with yesterday's marijuana should not mean confidence about today's cannabis products.

What Does Impairment Look Like?

Recognizing impairment in yourself or in colleagues can be difficult. Unlike alcohol, where there are observable signs of misuse, there is no single behavioral sign or universally reliable and commonly tested THC level that can tell us exactly how impaired a person may be. Individual responses vary and the presence of THC in the body is not necessarily a sign of current impairment. Even so, lawyers can pay attention to the following changes in mental state and functioning:

- Trouble concentrating or following conversations
- "Brain fog" (e.g., forgetfulness, slower thinking, or difficulty organizing thoughts)
- Problems making decisions
- Unusual difficulty completing routine work
- Missing deadlines and/or increasingly procrastinating
- Declining work quality
- Arriving late or missing scheduled events altogether
- Feelings of increased anxiety or paranoia
- Increased reliance on cannabis to relax, sleep, cope with stress or just get through the day
- Repeated unsuccessful attempts to reduce or stop using
- Using cannabis before work, court, meetings, or other professional responsibilities
- Continuing to use despite problems at work, home, or in relationships

Colleagues might notice changes before the individual does. Potential warning signs include a pattern or one or more of the following:

- Appearing unusually slow, distracted, confused, or disengaged
- Difficulty tracking conversations or instructions
- Forgetting to complete assignments
- Repeated mistakes inconsistent with the person's typical caliber of work
- Missing deadlines or appointments
- Uncharacteristic lateness or absenteeism
- Changes in communication, mood, or interpersonal behavior
- Declining professional performance

None of these signs proves that a colleague is using cannabis or that cannabis is causing the perceived behaviors. Other issues like stress, depression, sleep deprivation, medications, and other mental health or medical conditions can produce similar changes. Start with observable performance issues and do not make assumptions about diagnosis.

What Does Responsible Cannabis Use Look Like?

In the Marijuana Regulation and Taxation Act, passed in 2021, New York legalized marijuana possession and use for non-medicinal purposes. That same year, the New York State Bar Association issued Ethics Opinion 1225, holding that "ownership, home cultivation, and personal use, without more, would not violate Rule 1.2(d)," which bars attorneys from engaging in illegal conduct. Nevertheless, legality doesn't eliminate risk.

Lower-risk practices are valuable for a lawyer who chooses to use cannabis: Know the potency of the product you're using, use less than more, and wait enough time for effects to occur. Avoid using cannabis with other substances as combined use can increase impairment. Don't drive or perform safety-sensitive activities while impaired because cannabis can slow down reaction time, impair coordination and motor movement, adversely affect decision-making, and distort perception.

As the NYSBA opinion highlights, for lawyers, responsible use also means setting a boundary between cannabis use and your

professional responsibilities. Responsible use means being honest with yourself about consequences. Using cannabis before court, a deposition, or a client meeting, or other work, creates unnecessary risk.

If cannabis is affecting your work, relationships, finances, motivation, memory, mental health, or ability to meet obligations, it may be time to reassess your relationship with it—even if you are using legally and even if you do not identify as someone who has a "drug problem."

Exploring Other Coping Strategies

Lawyers often use marijuana to "take the edge off" and wind down after a tiring day. The following are practical strategies designed to transition a hyper-vigilant legal brain into a state of rest:

- **Sensory Decompression.** Create and enforce a hard boundary between work and home by changing your sensory environment as soon as you log off. Swap your suit for soft textures and loose fits, play ambient music, and/or spend 10 minutes in a dimly lit space before interacting with others.
- **Brain Dumping.** Lawyers often use substances like marijuana to quiet rumination on cases. Keep a "yap sheet" or a dedicated journal by your bed to write down every lingering task, anxiety, or legal theory before sleep as a way to store these thoughts outside your active mind.
- **Neuro-somatic Grounding.** High-stress legal work can trigger a persistent fight-or-flight response. Use progressive muscle relaxation (PMR) or physiological sighs (two quick inhales through the nose followed by a longer exhale through the mouth) to actively signal safety to your nervous system.
- **Micro-dosing Mindfulness.** There's a common misconception that meditation requires long periods of dedicated, quiet time, but you don't need an hour of meditation to reset. Integrate 60-second breathing exercises between client calls or right before opening a complex motion to prevent stress from compounding throughout the day.
- **Get Moving!** Meditation is not for everyone, and that's ok. If sitting and breathing don't appeal to you, then get up and move! Be intentional about getting up and moving for 1-3 minutes between tasks—whether that's a gentle stretch, jumping jacks, or a brisk walk to the bathroom.

Judgement-Free Self-Assessment

Let's remove the stigma. Discussions about cannabis use and potential impairment ought to be framed as part of a larger discussion about lawyer well-being rather than punishment. A lawyer's relationship with marijuana should be evaluated not just by its legal status, but by its impact on mental health, daily functioning, and the ability to practice law competently and effectively.

You can use the following questions as a guide to assess your relationship with cannabis use. Just keep in mind that these questions are intended to encourage personal clarity and are not a diagnostic tool.

- **Core Motivation.** "Why do I want to use marijuana right now? Is it to belong to a shared social experience? Am I using it to signal to myself that my day is finally done and I can relax?"
- **Cognitive Impact.** "When I use, how does my brain respond? Does it take longer to draft the brief? Is it hard to focus on what I'm doing? Am I experiencing brain fog?"
- **Emotional Impact.** "Is this helping me process my stress, or am I numbing myself? Am I trying to avoid my feelings of anxiety, or stress, or sadness?"
- **Assessing for Dependency.** "What would happen if I took a two-week break from using? Am I nervous about how I'll cope?"

If you'd like to talk to someone about your cannabis use, or if you or someone you know is experiencing mental health or substance use problems, please reach out to LAP. You are not alone. We're here for you. Contact us at 516-512-2618 or LAP@nassaubar.org.



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LAWYER WELLNESS CORNER

NCBA Lawyer Assistance Program

FREE CONFIDENTIAL HELP AVAILABLE

Holidays Can Be Fun...And Healthy

We all know that holidays can be stressful, often leading people to overindulge in food and drink...and familial stress. Incorporating healthy options into your holiday meals, spending time outdoors, and getting quality sleep can make a difference! Here are some tips to make your holiday season healthier and more peaceful.

Start With a Good Breakfast

Starting the day with a good breakfast can reduce the likelihood of overeating later in the day. Try this creamy banana oatmeal recipe that can also be made GF.

Spend Time Outdoors

Get outside! Go for a walk around the neighborhood. If the conversation gets stressful, a change of scenery can offer a quick reset! Scan the QR code for a list of trails in Nassau County.

Get a Good Night's Sleep

Good sleep helps stabilize your blood sugar, improve your mood, and give you the physical energy needed for busy festivities. Getting 7-9 hours of sleep is optimal and offers the following benefits:

- **Stable Blood Sugar.** Sleeping 7-9 hours supports better insulin sensitivity, helping your body handle holiday treats and big meals with fewer glucose spikes.
- **Better Food Choices.** Rested brains manage appetite hormones effectively. When you are sleep-deprived, you feel hungrier and tend to crave less healthy, high-sugar foods.
- **More Energy and Stamina.** A full night of rest keeps fatigue at bay, giving you the physical endurance to socialize, travel, or host family events.
- **Improved Mood and Patience.** Quality sleep boosts your emotional clarity and stress tolerance, making it easier to navigate crowded parties or high-stress family interactions.
- **Stronger Immunity.** Getting proper rest supports your immune system, helping you fight off seasonal bugs while interacting with large groups.

Try This Tasty Sleep Aide

Pink Sleep Elixir. In a small pot, heat ¾ cup tart cherry juice (a natural source of melatonin and tryptophan, two key compounds that regulate your sleep cycle) and ¼ cup almond milk on medium heat for about 2 minutes, stirring occasionally. Using a milk frother, froth the liquid before serving and add 1 tsp. of honey for sweetness (optional). Drink 1-2 hours before bed.

If you or someone you know needs help, we're here for you. LAP is supported by funding from the NYS Office of Court Administration, WE CARE Fund, and Nassau County Boost.

Elizabeth Eckhardt, LCSW, PH.D, Director, LAP
516-512-2618 | LAP@nassaubar.org

FOCUS: TAXATION



Pied-a-What? What Lawyers and Property Owners Need to Know About the Non-Primary Residence Surcharge

Scott L. Kestenbaum and Jennifer L. Koo

New York City's new non-primary residence property surcharge, better known as the pied-à-terre tax, took effect with the New York City's fiscal year that began on July 1, 2026. The surcharge is imposed on top of ordinary real property tax, is measured against the full Department of Finance ("Department") value of the property, and it puts the burden on the owner to come forward when the Department cannot confirm from its own records that the property is someone's primary home.

The law is being challenged, but a pending lawsuit is not a reason to let a filing deadline pass. Until a court says otherwise, homeowners, fiduciaries, closely held entities, cooperative boards, and anyone buying high-value residential property in New York City (hereinafter the "City") need to know the following: whether their property falls within the law, whether a primary-residence exclusion is available, and what has to be filed, and by when, to claim it.

The surcharge was enacted as part of New York State's 2026–2027 budget legislation[1] and is codified in the Tax Law and in the New York City Administrative Code.[2] The Department adopted implementing rules on July 10, 2026, on an emergency basis so that the surcharge could be administered for the fiscal year already under way.[3] Unless extended, the law sunsets on June 30, 2031.[4]

Which Properties Are Covered

During the first phase, covering City fiscal years 2026–2027 and 2027–2028, the surcharge reaches two categories of non-primary residential properties in the City.[5] Class 1 property means one, two, and three-family homes carrying a Department market value of at least $5 million. Class 2 property means individual condominium and cooperative units carrying a Department value of at least $1 million.[6] It is important to note that receiving a notice or appearing on the supplemental market value roll does not by itself mean an owner owes the surcharge. It means the Department could not confirm primary residence from its records, and the owner now has to decide whether the property is covered or exempt, and, if it is exempt, document the exclusion.

Some property is outside the surcharge entirely. Newly constructed property that does not yet have a required temporary or permanent certificate of occupancy is excluded, as are qualifying unsold condominium and cooperative units held by a sponsor under an effective offering plan.[7]

Surcharge Calculations and Exclusions

For Class 1 homes in the first phase, the annual rate is 0.8 percent for property valued from $5 million to less than $15 million, 1.05 percent from $15 million to less than $25 million, and 1.3 percent at $25 million or more. For Class 2 condominium and cooperative units, the rates are 4 percent from $1 million to less than $3 million, 5.25 percent from $3 million to less than $5 million, and 6.5 percent at $5 million or more.[8] The rate applies to the property's *entire* Department value, not just the portion above the threshold. A non-primary Class 1 home valued at $20 million therefore lands in the 1.05 percent tier and generates a $210,000 annual surcharge, on top of the regular property tax bill.

Valuation deserves careful attention. During the first two fiscal years, the Department uses its existing property tax valuation methods, which means the relevant number is the market value the Department assigns for property tax purposes, not what the owner paid or what a broker says the property would sell for. Class 1 homes are generally valued through comparable sales. Condominiums and cooperatives are generally valued through the income-based methodology the New York State Real Property Tax Law requires, using comparable rental buildings rather than the unit's purchase price or sale value.[9] The Department's value can therefore be far from what an owner considers a unit to be worth, in either direction. Beginning July 1, 2028, the law moves to a second phase: where comparable sales will be used for condominiums and cooperatives, and the threshold generally becomes $5 million for all covered properties.[10]

A covered property is not subject to the surcharge if it is the primary residence of a covered owner, a qualifying immediate family member, or a qualifying tenant or subtenant. The rules allow the Department to rely on income-tax information and existing City records in making its initial determination.[11] Absent credible contrary information, a property will ordinarily be treated as a primary residence when the owner used it as the permanent home address on the most recently filed federal or state income-tax return, or received a qualifying primary-residence tax credit or property-tax exemption for it. In later years, the Department may also look at whether the owner occupied the property for most of the preceding year and whether other City records identify it as the owner's permanent residence.[12]

"Immediate family" is limited to a spouse, child, sibling, parent, grandparent, or grandchild.[13] The list is exhaustive. A tenant or subtenant can support the exclusion only if the occupant is a natural person, the lease is bona fide and negotiated at arm's length at a fair market rent, the term is at least one year, and the property is the tenant's primary residence.[14]

Ownership rules can decide the outcome even when the occupancy facts are beyond dispute, and this will pose the most problems for estate-planning clients. For trust-owned property, the rules look to current beneficial interests and generally disregard future, contingent, and remainder interests.[15] City guidance calls for proof that the resident is the sole beneficiary, or that the residents together are the sole beneficiaries, supported by the trust instrument and a trustee affidavit. A remainder beneficiary who may someday inherit the property generally does not defeat the exclusion; a current beneficial interest held by a non-resident may.

When an LLC, partnership, or corporation holds title, the resident generally must hold a *majority* interest in the entity that directly owns the property.[16] Multi-tier structures can be especially problematic. The Department has taken the position that an individual generally cannot establish primary residence through a chain of entities, even where that individual ultimately controls the upper-tier owner. Counsel should therefore ask two separate questions: who is treated as the covered owner, and who actually lives in the property



as a primary residence? Family LLCs, marital and credit-shelter trusts, life-estate arrangements, and the other structures that are routinely used in estate planning all require document-by-document review. The structure that was right for estate tax purposes may not be the structure that satisfies this rule.

Documentation, Filing, Risks and Litigation

The Department sent notices wherever its records did not establish primary-residence use. An owner claiming the exclusion should submit a recently filed federal or state income-tax return, or a driver's license or other DMV-issued identification, for each claimed resident. If neither is available, current guidance accepts a voter identification card together with other proof of primary residence.[17] Useful corroborating records includes utility bills, insurance policies, school records, voter registration, and evidence of actual occupancy.

The additional documents depend on the claim. For an owner claiming that a tenant uses a property as his or her primary residence, the claim generally requires the current lease plus one rental document, (e.g., a utility bill). In place of a lease, the claimant can submit a tenant/subtenant affidavit plus two rental documents. An immediate family claim requires evidence of the relationship, usually a birth or marriage certificate, together with an affidavit form. An entity or trust claim generally requires the governing agreement/organizational document and a majority-interest or trustee affidavit.[18] Submissions should be redacted appropriately while keeping intact the information needed to prove residence and ownership.

As of the date of writing, the Department extended the first-year exemption application deadline to October 6, 2026 (from earlier deadlines of August 30, 2026 and September 18, 2026).[19] Owners should go by the deadline stated in their notice and confirm the current date at nyc.gov/npsurcharge, because the City has moved it more than once. The application is filed electronically using the property-specific PIN in the notice, with separate forms for homes/condominiums and cooperative units. The Department will issue a determination after reviewing the filing. If the application is denied, current guidance directs owners to the New York City Tax Commission ("Commission") for an appeal, to be filed by the applicable March 1 or March 15, 2027 deadline or within 30 days of the denial notice, whichever is later.[20] A valuation challenge also proceeds through the Commission, and an owner who asks the Commission to decide primary-residence status as part of a valuation challenge should understand that the Department will defer to the Commission's decision.

The Department may audit certifications and supporting documents and may compel testimony and records.[21] Inaccurate or misleading submissions carry real consequences: if a certification/document results in the surcharge not being imposed, the Department may assess a penalty of up to 50 percent of the surcharge, if inaccurate valuation information produces a lower surcharge, the penalty may equal 300 percent of the understatement, capped at 50 percent of the applicable surcharge.[22] It is advised that taxpayers and their advisors retain the complete filing package, proof of submission, governing documents, and each year's updates for at least six years, consistent with other tax record-retention practices.

Beginning in August 2026, certain homeowners and the City have been in litigation, with temporary restraining orders,[23] appeals, and stays; in late September, a Richmond County judge ordered the City to cancel notices sent to 17,000 homeowners and restart the rollout,[24] which of course the City appealed. Other litigants challenged the constitutionality of the tax. Owners and their advisors should closely monitor the situation and comply with the existing deadlines.

Best Practices

When responding to a current notice, counsel should start with the notice, the supplemental roll, and the Department's stated valuation. Next, identify the actual resident and trace legal and beneficial ownership directly to that person. Assemble the primary-residence records before opening the online application, review trust and entity documents for current interests, and preserve a complete copy of everything filed. Cooperative matters may require coordination among the tenant-shareholder, counsel, and the cooperative corporation, because billing and valuation can involve the building as well as the individual unit.[25] Finally, clients should budget for the surcharge while an exemption application or appeal remains unresolved.

1. S. 9009-C / A. 10009-C, Part HH (2026), adding Tax Law art. 30-C and 11 NYAC ch. 32.
2. Tax Law §§ 1350–1351; 11 NYAC ch. 32(01)-(08).
3. 19 RCNY ch. 62 (§§ 62-01 to 62-08), Notice of Adoption of Final Rules (N.Y.C. Dep't of Fin. July 10, 2026), available at nyc.gov/finance.
4. S. 9009-C / A. 10009-C, Part HH, § 6 (2026).
5. Tax Law § 1351(e) (defining "covered property").
6. Tax Law § 1350.
7. Tax Law § 1351(e); 19 RCNY § 62-03 (timing of sales and transfers for purposes of the excluded-property rules).
8. Tax Law § 1350.
9. See Real Prop. Tax Law § 581; 11 NYAC ch.32(05)(f) (cooperative assessment and recoupment).
10. Tax Law § 1351(l).
11. 19 RCNY § 62-06(a).
12. 19 RCNY § 62-06(a)(2) (additional criteria effective for determinations beginning in 2027).
13. Tax Law § 1351(m).
14. 11 NYAC ch. 32(01); 19 RCNY § 62-01 (defining "arm's length transaction"). The rules also look to whether the circumstances suggest a reasonable possibility that the lease was entered into to avoid the surcharge.
15. Tax Law § 1351(d) (beneficial owner of a trust is a covered owner only if he or she is the sole beneficiary); 19 RCNY § 62-02 (contingent interests disregarded).
16. N.Y. Tax Law § 1351(d)(5); 19 RCNY § 62-02.
17. 19 RCNY § 62-06(b); N.Y.C. Dep't of Fin., Non-Primary Residence Surcharge, nyc.gov/npsurcharge
18. 19 RCNY § 62-06(b); N.Y.C. Dep't of Fin., Non-Primary Residence Surcharge, supra.
19. 19 RCNY § 62-06(a)(4) (original August 30, 2026 deadline); N.Y.C. Dep't of Fin., Non-Primary Residence Surcharge, supra (October 6, 2026 deadline); Ernst & Young LLP, Tax Alert 2026-1927, New York City Extends Deadline for Filing an Exemption to Pied-à-Terre Tax Initial Non-Primary Residence Determinations to October 6, 2026 (Aug. 2026).
20. 11 NYAC ch. 32(03)(a)(3)-(4); N.Y.C. Dep't of Fin., Non-Primary Residence Surcharge, supra.
21. 11 NYAC ch. 32(05)(i)-(j); 19 RCNY § 62-04.
22. 11 NYAC ch. 32(05)(i); 19 RCNY § 62-04.
23. O'Brien v. City of New York, Index No. 85217/2026 (Sup. Ct. Richmond Cnty. Aug. 10, 2026) (Ozzi, J.) (temporary restraining order).
24. O'Brien v. City of New York, 2026 NY Slip Op 32246(U) (2d Dept Aug. 13, 2026) (order continuing stay pending appeal); see N.Y. C.P.L.R. 5519(a)(1).
25. 11 NYAC ch. 32(05)(f).



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NASSAU ACADEMY OF LAW

November 4 (Zoom Only)

Dean's Hour: Wire Transfer Fraud—Civil, Criminal, and Banking Perspectives

12:30PM

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

A single fraudulent email can send thousands or millions of dollars to a criminal's account in seconds. Wire transfer fraud, especially business email compromise and payment-diversion schemes, is now one of the most costly and common financial crimes affecting businesses, real estate transactions, law firms and their clients. Once the money moves, everyone wants to know two things: who bears the loss, and can any of it be recovered? **Nicole Osborne** and **Andrew Garbarino**, Ruskin Moscou Faltischek, P.C., and **Veronica Galati**, ConnectOne Bank, will look at wire fraud from three perspectives: the civil litigator sorting out who bears the loss and how to recover it, the criminal practitioner tracking how these schemes are investigated and prosecuted, and the bank explaining what happens behind the scenes once fraud is reported. The presenters will also provide practical advice on how to avoid these schemes.

November 4 (Hybrid)

New York's New Medical Aid in Dying Act—What Attorneys and Community Members Should Know

5:30PM—7:15PM

1.5 CLE Credits in Professional Practice

Refreshments sponsored by

The Bristal ASSISTED LIVING Eldercare by Meghan
GERIATRIC AND ELDERCARE LIFECYCLE MANAGEMENT SERVICES

New York's Medical Aid in Dying Act took effect in August. It gives a terminally ill adult who is expected to live six months or less, and who can make their own medical decisions, the option to request medication they may choose to take to bring about a peaceful death on their own terms. The law has detailed safeguards and requirements. Join **David C. Leven,** Executive Director Emeritus and Senior Consultant, End of Life Choices New York, and moderators, **Giulia R. Marino,** Giulia Marino Law, P.L.L.C., and **Dana Walsh Sivak**, Falcon Rappaport & Berkman LLP, to learn how the law works, what it requires, and how attorneys and families can support loved ones through these conversations.

All programs are FREE for NCBA members and are appropriate for newly admitted and experienced attorneys.

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

November 9 (Hybrid)

Dean's Hour: Emergency Preparedness and Safeguarding Parental Rights for Non-Citizen Families in Long Island Courts

12:30PM

1.0 CLE Credit in Professional Practice

Samantha Blecher and **Raquel Morote** from Central American Refugee Center (CARECEN), will provide practical tools for attorneys representing non-citizen parents facing ICE risk, covering NY Standby Guardianship, Powers of Attorney, the ICE Parental Interests Directive, and preserving parental rights for U.S. citizen and non-citizen children.

November 10 (Hybrid)

Dean's Hour: The Resilient Lawyer—Tools and Tricks for Managing a High-Stress Legal Career

12:30PM

1.0 CLE Credit in Law Practice Management

Lawyers operate in adversarial environments dominated by relentless pressure to perform. **Dr. Elizabeth Eckhardt, LCSW, PhD,** NCBA Lawyer Assistance Program, and **Jackie Cara,** Cara Law, will review practical exercises to help lawyers manage stress, perfectionism, and high-stakes pressure of the job by identifying and changing negative thought patterns and maladaptive behaviors.

November 16 (Hybrid)

Dean's Hour: Identifying Elder Abuse—Strategies and Resources for Attorneys to Help Their Clients

12:30PM—2:00PM

1.5 CLE Credits in Professional Practice

This program, presented by **Arlene M. Markarian,** Family & Children's Association, will assist attorneys in identifying the signs of elder abuse and provide strategies to help your clients. Topics include ageism and how it prevents the identification of elder abuse, red flags of abuse, evidence preservation, interviewing tips, safety planning, and the resources available for professionals working with older victims of abuse and their clients.

November 17 (Hybrid)

Annual Criminal Law & Procedure Update 2026

1:00PM—4:00PM

2.5 CLE Credits in Professional Practice and 0.5 CLE Credit in Ethics & Professionalism

Sponsored by PHP

This annual favorite, presented by **Hon. Mark D. Cohen (Ret.),** Touro University Jacob D. Fuchsberg Law Center, and **Kent Moston,** Legal Aid Society of

PROGRAMS CALENDAR

Suffolk County, addresses developments in federal and state case law and recent statutory changes. Moderated by **Lindsay Boorman,** NCBA Assigned Counsel Defender Plan. ***In-person attendance strongly recommended.***

November 17 (Zoom Only)

Your Virtual Upgrade: A First Look at New York's Virtual Court Appearance Platform

5:30PM—7:00PM

1.5 CLE Credits in Law Practice Management

This program, held with the Nassau County Women in the Courts and Nassau County Equal Justice in the Courts Committees, offers a first look at New York's Virtual Court Appearance Platform (VCAP), launching in early 2027 and replacing Microsoft Teams. Attendees will learn about VCAP's streamlined design, upgraded features, and unified user experience. Presenters will review best practices for virtual proceedings and demonstrate how VCAP enhances efficiency for attorneys and the public. Attendees will be fully prepared for a smooth transition to the new platform. This program will be presented by Nassau County Supreme Court **Justice Gary F. Knobel**; **Alexander Mangano**, Principal Law Clerk to the Honorable Gary F. Knobel; **Jessica Simard**, NYS Office of Court Administration; and **Jacqueline Conroy**, Mental Hygiene Legal Services.

November 19 (Hybrid)

Dean's Hour: Dallas, November 22, 1963—The Assassination of President John F. Kennedy

12:30PM

1.0 CLE Credit in Professional Practice

On November 22, 1963, President John F. Kennedy was assassinated in Dallas, Texas. Join **Rudy Carmenaty**, Nassau County Department of Social Services, for a program about the crime of century that altered the course of history and spawned endless conspiracy theories. JFK was perhaps the most charismatic figure who ever occupied the White House. In death, Kennedy's life's story has been idealized and his accomplishments embellished. Myth and legend have done much to obscure reality and much still remains undisclosed and unknown.

November 23 (In Person Only)

Road Work Ahead: Navigating The 5 New Motor Vehicle Litigation Laws

5:30PM—7:00PM

1.5 CLE Credits in Professional Practice

New York's motor vehicle litigation landscape recently changed. Learn about the new laws which apply to actions commenced after May 26, 2026. These changes affect various aspects of motor vehicle litigation, including comparative fault, damages, the serious injury threshold, summary judgment motions, and prejudgment interest. **Jeffrey Bloomfield,** Gabriel Law Firm P.C., and **Melissa Manna**, Cullen and Dykman LLP, will provide their perspectives on the impact of the new laws, suggest strategies for litigating cases effected by the new laws, and discuss issues arising from the law changes that require resolution from future court decisions. Moderated by **Ira S. Slavit**, Levine & Slavit, PLLC.

December 2 (Hybrid)

Dean's Hour: Navigating Judicial Diversion and Drug Court in Nassau County—Eligibility, Procedures, and Practice

12:30PM

1.0 CLE Credit in Professional Practice

This program provides an in-depth overview of Judicial Diversion and the Nassau County Felony Treatment Court, highlighting eligibility criteria, program structure, and best practices for supporting participants with substance use and behavioral health needs. Panelists **Teresa Aiello**, Nassau County District Attorney's Office, **Nicole Dempsey**, Nassau County Felony Treatment Court, and **Ilana Kopmar**, Legal Aid Society of Nassau County, will share practical insights into how these problem-solving court models promote accountability, rehabilitation, and improved outcomes within the criminal justice system. Moderated by **Karen E. Johnston**.

December 3 (Hybrid)

Dean's Hour: Data Centers—The Intersection of Environmental, Energy, Land Use, Local Government and Community Concerns Defining the Approval Debate

12:30PM

1.0 CLE Credit in Professional Practice

The debate about the growing role of data centers has been a robust one. In response, the State of New York and communities on Long Island have instituted moratoriums to provide time for review and consideration of environmental and energy issues, among others. Panelists will discuss a legal issues central to the debate and approval processes, including infrastructure challenges involving electricity and water needed to run each of these facilities as well as significant concerns regarding noise, change in community character, and longer-term sustainability.

FOCUS: MUNICIPAL LAW



The Practitioner's Guide to Home Rule and Preemption

Bryan Barnes

In any Constitutional Law course, the concept of preemption arises. The principle is that federal law is the supreme law of the land and it trumps inconsistent state law. Preemption can be employed either through "conflict preemption" where there is a direct conflict between federal and state law, or "field preemption" where federal law "occupies the field" and thus prohibits a state from legislating in that area.

There is also a state version of home rule and preemption, which the New York Court of Appeals discussed in a May 22, 2025 decision in *Glen Oaks Vil. Owners, Inc. v. City of New York*.

Article 9 of the State Constitution and the Home Rule Statute

In New York State, the interrelated and dueling concepts of "home rule" and state preemption are foundationally defined in two places: Article 9 of the New York State ("NYS") Constitution and the Municipal Home Rule Statute. Article 9 states that:

> "In addition to powers granted in the statute of local governments or any other law, (i) every local government shall have power to adopt and amend local laws not inconsistent with the provisions of this constitution or any general law relating to its property, affairs or government and, (ii) every local government shall have power to adopt and amend local laws not inconsistent with the provisions of this constitution or any general law relating to the following subjects, whether or not they relate to the property, affairs or government of such local government, except to the extent that the legislature shall restrict the adoption of such a local law relating to other than the property, affairs or government of such local government…"[1]

Under Article 9, municipalities have the power to enact local laws for the "protection and enhancement of its physical and visual environment" and for the "government, protection, order, conduct, safety, health and well-being of persons or property therein."[2] Section 10(ii)(a) of the Municipal Home Rule Statute specifies numerous areas where local governments have jurisdiction to, among other things, make its own laws concerning the administration of its local government body, the maintenance of highways and roadways and the collection of taxes.[3]

Types of State Preemption

State preemption can occur in one of two ways: either through conflict preemption where there is a direct conflict between state and local law or field preemption where a local government legislates in a field for which the state has assumed full regulatory responsibility.[4] "The preemption doctrine represents a fundamental limitation on home rule powers" and "embodies 'the untrammeled primacy of the [l]egislature to act . . . with respect to matters of State concern.'"[5]

Regarding field preemption, "[t]he Legislature may expressly state its intent to preempt, or that intent may be implied from the nature of the subject matter being regulated as well as the scope and purpose of the state legislative scheme, including the need for statewide uniformity in a particular area. A comprehensive and detailed statutory scheme may be evidence of the Legislature's intent to preempt."[6] Therefore, field preemption is split between express field preemption and implied field preemption.

An implied intent to preempt may be found in a "declaration of State policy by the State Legislature … or from the fact that the Legislature has enacted a comprehensive and detailed regulatory scheme in a particular area."[7] In that event, a local government is "precluded from legislating on the same subject matter unless it has received 'clear and explicit' authority to the contrary."[8] More specifically, "a local law regulating the same subject matter is deemed inconsistent with the state's overriding interests because it either (1) prohibits conduct which the State law, although perhaps not expressly speaking to, considers acceptable or at least does not proscribe … or (2) imposes additional restrictions on rights granted by State law."[9] The courts will examine "whether the State has acted upon a subject and whether, in taking action, it has demonstrated a desire that its regulations should preempt the possibility of discordant local regulation."[10]

The *Glen Oaks Village* Decision

In *Glen Oaks Village Owners, Inc. v. City of New York*, the court examined whether New York City Local Law No. 97 was preempted by the State's Climate Leadership and Community Prevention Act.[11] Both statutes concerned greenhouse gas emissions and the question before the court concerned the issue of field preemption. The plaintiff's sought a declaratory judgment that the local law was preempted before the state occupied the field and the city defendants moved to dismiss for failure to state a cause of action.[12]

The Supreme Court granted the defendants' motion and dismissed the complaint. The First Department reversed by denying the defendants' motion to dismiss, holding "defendants failed to show that [the Climate Act] does not preempt New York's Local Law 97."[13] The court observed that, although the Climate Act contains a savings clause relating to compliance with other applicable local laws, reading the savings clause with the act's preceding provision—which preserves the authority of "state entit[ies] to adopt and implement greenhouse gas emissions reduction measures" could permit the conclusion that the savings clause only applies to local laws not relating to the reduction of greenhouse gas emissions.[14]

The New York Court of Appeals then reversed the First Department's decision, holding that Local Law No. 97 was not preempted. The Court held that the state law did not preclude supplementary local legislation and, in fact, the state law recognizes the importance of local governments, expressing the intent to "encourage other jurisdictions to implement complementary greenhouse gas reduction strategies."[15] The Court noted that the State Climate Act is not "so broad and detailed in scope as to require a determination that it has precluded all local regulation in the area, particularly where, as here, the local law would further the State's policy interests."[16]

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As such, the First Department erroneously concluded that the broad savings clause in Section 11 of the State Climate Act, when read in conjunction with the rest of the statute, prohibited local statutes on the topic of greenhouse gas emissions.[17] They concluded that the "aspirational language" describing the statute's purpose in the legislative findings neither expressed nor implied any intent to preempt the field of greenhouse gas emissions.[18]

Conclusion

A local government's law cannot be inconsistent with state law. That is conflict preemption, but there is also field preemption which states that a local government cannot legislate in a field which the state has occupied, either expressly or implicitly indicated that the field is within its exclusive statutory control.

There is also the principle of home rule, which fundamentally states that each local government has a certain degree of freedom to enact its own laws just as long as they are not inconsistent or otherwise interfere with New York State laws and regulations. In short, it boils down to a matter of hierarchy, jurisdiction and power among levels of government. It requires analysis of the legislation and collateral sources such as legislative findings. Even then, when a dispute exists, the only dispositive conclusion is a court decision.

1. NY Const, art IX, § 2(c).
2. DJL Rest. Corp. v. City of NY, 96 NY2d 91, 94 (NY 2001), see also Mun. Home Rule Law § 10 (1)(ii)(a) (11)-(12).
3. See Mun. Home Rule Law § 10(1)(ii((a]).
4. Glen Oaks Vil. Owners, Inc. v. City of New York, 44 NY3d 468, 473 (NY 2025).
5. Albany Area Bldrs. Assn. v. Town of Gulderland, 74 NY2d 372, 377 (NY 1989), quoting Wambat Realty Corp. v. State of New York, 41 NY2d 490, 497 (NY 1977).
6. Matter of Cohen v. Board of Appeals of Vil. Of Saddle Rock, 100 NY2d 395, 400 (NY 2003).
7. DLJ Rest Corp., 96 NY2d at 95.
8. 96 NY2d at 95, quoting Robin v. Incorporated Vil. Of Hempstead, 30 NY2d 347, 350-351 (NY 1972).
9. Jancyn Mfg. Corp. v. County of Suffolk, 71 NY2d 91, 97 (NY 1987).
10. Matter of Cohen, 100 NY2d at 400.
11. Glen Oaks Vil. Owners, Inc., 44 NY3d at 471.
12. 44 NY3d at 472.
13. *Id.* at 472.
14. *Id.* at 472, see also L. 2019, ch. 106, § 10.
15. *Id.* at 474, see also L. 2019, ch. 106, § 10.
16. *Id.* at 475, see also Vatore v. Commissioner of Consumer Affairs of City of N.Y., 83 NY2d 645, 650 (NY 1994).
17. *Id.* at 475.
18. *Id.* at 475.



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FOCUS: MEDICAL MALPRACTICE



Court of Appeals Limits Recovery for Purely Emotional Damages in *SanMiguel v. Grimaldi*

Nicole M. LaGrega

In *SanMiguel v. Grimaldi*, the Court of Appeals recently held that a mother cannot recover damages for emotional injuries for lack of informed consent in a prenatal case, when the child is born alive.[1]

Veronica SanMiguel, individually and on behalf of her deceased infant son sued for medical malpractice and lack of informed consent. SanMiguel was past her due date when admitted to St. Barnabas Hospital. Not until two hours after she was fully dilated and there were signs of fetal distress, did Dr. Grimaldi take any action. He twice unsuccessfully attempted a vacuum extraction which led to a delivery via C-section. Unfortunately, the infant passed eight days later. SanMiguel alleged that not only did she not want a vacuum extraction, but she also never consented to it. Further, she had repeatedly asked for a C-section.

SanMiguel then filed suit against Dr. Grimaldi, a certified nurse midwife Julie Crocco and St. Barnabas. The complaint alleged five causes of action: (1) medical malpractice on behalf of her son's estate; (2) medical malpractice on her own behalf; (3) lack of informed consent on behalf of her son's estate; (4) lack of informed consent on her own behalf; and (5) loss of her son's services.[2] As to her own claim for lack of informed consent, she only asserted emotional damages. In the Supreme Court action, Dr. Grimaldi moved for summary judgment dismissing the second and fourth causes of action, citing *Sheppard-Mobley v. King*. The court granted Dr. Grimaldi's motion as to the second cause of action but denied it as to the fourth. Holding that "there is a triable issue of fact as to whether plaintiff consented to Dr. Grimaldi's use of a vacuum extractor to attempt to deliver the infant."[3]

The Appellate Divion, First Department affirmed the lower court's dismissal of the fourth cause of action, opining that *Sheppard-Mobley v. King* did not block SanMiguel's claim for emotional harm arising from the alleged lack of informed consent.[4] The Appellate Division held that a claim for lack of informed consent "comprises different elements" and "implicates the prospective mother's active role as decision-maker for herself and on behalf of her fetus, with both capacities concerning the mother's right to the integrity of her body."[5]

Court of Appeals Holding

The Court of Appeals would not overrule or limit the holding of *Sheppard-Mobley v. King* that a birthing parent is unable to recover for solely emotional suffering due to medical malpractice, when the child is born alive.[6] Previously, the Appellate Division held that "a claim for lack of informed consent 'is separate and distinct from general allegations of medical negligence' like those at issue."[7] The Court of Appeals disagreed, as informed consent is a type of medical malpractice, and there is no reason to treat it any differently from regular medical malpractice.[8]

Additionally, the Court of Appeals stated that SanMiguel failed to demonstrate that anything significant had changed in the past twenty years since *Sheppard-Mobley* was decided.[9] The doctrine of "stare decisis" outlines that courts should only overrule a prior decision in rare cases when an "extraordinary combination of factors undermines its reasoning and practical viability."[10] The court's analysis in determining whether or not to overrule a prior holding, is to ask itself if that prior holding "leads to an unworkable rule, or creates more questions than it resolves" or if it "withstands the cold light of logic and experience.[11] The Court of Appeals determined that none of that warrants overruling *Sheppard-Mobley*.[12] The Court held that *Sheppard-Mobley* holding is "logical and fits comfortably within New York's tort jurisprudence disfavoring recovery for purely emotional injuries.[13] While noting the heart strings at which the facts of this case pull, the Court refused to overrule *Sheppard-Mobley* so it did not want to substantially change tort law by allowing a more expansive recovery for purely emotional damages outside of Broadnax.[14]

A mother can recover for pure emotional injuries only when no one else can recover for the wrongdoing. In 1985, in *Tebbutt v. Virostek*, the Court held that a mother, after her child was delivered stillborn as a result of negligent prenatal care, was unable to recover for her "pain, severe disappointment, anxiety, despondency, bitterness and suffering."[15] The majority determined that the case was governed by *Vaccaro v. Squibb Corp*.[16] The dissent noted that this left the defendant free of any responsibility and no one to recover for the alleged wrongdoing.[17] The dissent noting that many "sister states" compensate mothers for their emotional distress as a result of a stillbirth.[18]

Almost 20 years later, in *Broadnax v. Gonzalez*, the Court of Appeals took another look at whether a mother can recover for emotional injuries because of medical malpractice resulting in a miscarriage or stillborn. Here, the Court discussed that *Tebutt* "reflected our longstanding reluctance to recognize causes of action for negligent inflection of emotional distress, especially in cases where the plaintiff suffered no independent physical or economic injury. Its holding was in keeping with our view that tort liability is not a panacea capable of redressing every substantial wrong. Although these concerns weigh heavily on us today, we are no longer able to defend *Tebutt*'s logic or reasoning."[19] The holding of *Tebutt*, created a gap where a medical provider could be sued for malpractice for in utero injuries only when the fetus survived, leaving medical providers free from liability for in utero injuries when it caused a stillbirth or miscarriage.[20]

Dissent

Jude Rivera dissented, explaining that the majority opinion forces fundamentally different treatment of two mothers, one whose baby is born alive but passes away after fifteen minutes, the other, who has a stillbirth. Both mothers are victimized by a practitioner's negligence and both mothers suffer emotional injuries.[21] In these two situations, only the mother who has a stillborn is able to recover for her emotional injuries.[22] Judge Rivera opined that the majority holding "cannot be justified by logic, coherent reasoning, or traditional tort law principles. It is also out of line with an emerging scientific consensus about the trauma associated with childbirth and the physical manifestations of illnesses like PTSD, along with our evolving tort jurisprudence more generally."[23]

The Court, while being suspicious of causes of action for emotional distress, has continued to move in the direction of recognizing certain exceptions to the general rule. In 1896, the Court in *Michell v. Rochester Ry. Co.*, held that a plaintiff cannot recover solely for emotional distress. In 1931, the Court in *Comstock v. Wilson*, outlined the "slight impact" rule, which allowed a plaintiff to recover for emotional injuries when there has been a physical impact, even if slight.[24] In 1961, the Court overruled *Mitchell*, in *Battalla v. State of New York*, holding that the application of the Mitchell's rule is unjust and "opposed to experience and logic."[25] Also, while noting that these inconsistent exceptions add confusion to the legal issue. The Court stated that, "although fraud, extra litigation and a measure of speculation are, of course possibilities, it is no reason for a court to eschew a measure of its jurisdiction."[26]

What Happens Now?

For now, the Court of Appeals settled the issue; a mother cannot recover damages for emotional injuries for medical malpractice inclusive of lack of informed consent in a prenatal case, when the child is born alive.[27] As seen from the last century of case law surrounding the topic, which has continued to evolve and change, it may not be that way forever. As Judge Rivera pointed out, the "emerging scientific consensus" on prenatal and maternal health and well-being continue to evolve. This may lead to the Court of Appeals in the future overturning its own decision to be more in line with public opinion and growing trends in the medical community.

1. 45 N.Y.3d 494 (2025).
2. *Id.* at 499.
3. *Id.* at 500.
4. 229 A.D.3d 152 (1st Dep't 2025).
5. *Id.* at 158-159.
6. 4 N.Y.3d 627 (2005).
7. *SanMiguel*, supra n.1 at 500.
8. *Id.* at 506.
9. *Id.* at 507.
10. *Id.*
11. *Id.*
12. *Id.* at 508.
13. *Id.*
14. *Id.* at 508.
15. 65 N.Y.2d 931 (1985).
16. Id. at 932.
17. *Id.* at 933.
18. *Id.* at 1014.
19. 2 N.Y.3d 148 (2004).
20. *Id.* at 154.
21. *Id.* at 510.
22. *Id.*
23. *Id.* at 511.
24. *Id.* at 512.
25. *Id.* at 514.
26. *Id.*
27. 45 N.Y.3d 494 (2025).



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Judiciary Night

On Thursday, October 22, NCBA Members gathered at Domus to connect with colleagues and honor the esteemed judiciary of Nassau County at its annual Judiciary Night. Hon. Jerald S. Carter (ret.) was presented with the 2026 Hon. Marie G. Santagata Gold Gavel Award. Special thanks to Platinum Sponsors Certilman Balin Attorneys, The Charrington Firm, Jaspan Schlesinger Narendran LLP, Meltzer Lippe, and Stempel Catterson LoFrumento Carlson Biondo & Diesa, LLP; Gold Sponsors Fass & Greenberg LLP, Law offices of Marc Francis, the Hynes Law Firm, P.C., Lo Piccolo Law, P.C., Kenneth L. Marten, Esq., and Rappaport, Glass, Levine & Zullo, LLP; and Silver Sponsors Adrienne Flipse Hausch & Associates, Winter & Grossman, PLLC, Law Offices of Alan B. Hodish, Rich Moffett Court Reporting, Inc., Harris Beach Murtha, and Peter H. Levy, Esq.













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FOCUS: EMPLOYMENT LAW



When Faith Meets the Workplace: The Second Circuit Rewrites the Rules for Religious Accommodation

Cynthia A. Augello

For years, employers and employment lawyers in the Second Circuit approached Title VII religious-accommodation cases with a familiar three-part prima facie test: the employee had to show a bona fide religious belief that conflicted with an employment requirement, that the employee informed the employer of that belief, and that the employee was disciplined for failing to comply with the conflicting requirement. That framework was straightforward, well established, and repeatedly cited in Second Circuit cases.[1]

In *Bergin v. New York State Unified Court System*,[2] however, the Second Circuit held that the familiar test is no longer good law. The court concluded that the Supreme Court's 2015 decision in *EEOC v. Abercrombie & Fitch Stores, Inc.*[3] abrogated the Circuit's earlier religious-accommodation framework. The result is a significant change in how employers, and the lawyers advising them, should analyze accommodation requests and the employment decisions that follow.

The court initially issued its decision on July 15, 2026, and issued an amended opinion on September 15, 2026.[4] Although the case arose from a COVID-19 vaccination mandate, its importance extends well beyond pandemic-era disputes. *Bergin* changes the threshold inquiry for Title VII religious-accommodation claims throughout the Second Circuit.

Dispute

Jessica Bergin began working as a court officer for the New York State Unified Court System ("UCS") in 2016. In September 2021, UCS adopted a COVID-19 vaccination requirement.[5] Employees who did not receive the vaccine were required to obtain an approved medical or religious exemption in order to remain at work.

Bergin sought a religious exemption. Her request proceeded through UCS's exemption-review process, but the exemption was ultimately denied. She did not comply with the vaccination requirement and was terminated. Bergin later sued UCS under Title VII, asserting that the court system had failed to accommodate her religious beliefs.

The Eastern District of New York granted partial summary judgment to Bergin. In doing so, the District Court applied the Second Circuit's traditional prima facie framework and relied heavily on statements made by UCS during discovery. The District Court treated certain statements as judicial admissions and concluded that there was no genuine dispute that Bergin had established the elements of her prima facie case. UCS appealed.

Before Bergin, Second Circuit courts commonly relied on the framework articulated in cases such as *Philbrook v. Ansonia Board of Education*[6] and *Knight v. Connecticut Department of Public Health*.[7] Under that line of authority, an employee generally established a prima facie religious-accommodation case by demonstrating that: (1) the employee held a bona fide religious belief conflicting with an employment requirement; (2) the employee informed the employer of that belief; and (3) the employee was disciplined for failing to comply with the conflicting employment requirement.[8]

That second element, notice to the employer, made knowledge a formal part of the prima facie case. If the employee had not adequately informed the employer of the religious conflict, the claim could fail at the threshold. The problem, according to the Second Circuit in *Bergin*, is that the Supreme Court changed the analysis more than a decade ago.

Abercrombie Changes the Focus from Knowledge to Motive

In *EEOC v. Abercrombie & Fitch Stores, Inc.*,[9] the Supreme Court considered a Title VII claim involving an applicant who wore a headscarf for religious reasons. The employer suspected that the headscarf was religious but declined to hire her because it conflicted with the company's appearance policy. The Supreme Court rejected the proposition that an employer must have actual knowledge of an applicant's need for a religious accommodation before Title VII liability can arise.

Title VII, the Supreme Court explained, focuses on motive. An employer may not make an applicant's or employee's religious practice, confirmed or otherwise, a motivating factor in an employment decision. Knowledge can certainly be relevant evidence of motive, but knowledge itself is not the statutory requirement.

In *Bergin*, the Second Circuit held that *Abercrombie* could not be reconciled with its older prima facie test. The court therefore expressly held that its earlier framework had been abrogated.[10]

After *Bergin*, a plaintiff asserting a Title VII failure-to-accommodate claim in the Second Circuit must demonstrate: (1) that the plaintiff actually required an accommodation of a religious practice; (2) that the employer's desire to avoid the actually required prospective accommodation was a motivating factor in (3) an adverse employment decision.[11]

That formulation changes the focus of the inquiry. The question is no longer simply whether the employee notified the employer of a religious conflict and was then disciplined. Instead, the plaintiff must connect the need for accommodation to the employer's motivation in taking the adverse action.

Employer knowledge remains important. As the Second Circuit recognized, evidence that an employer knew of the need for an accommodation may support an inference about motive. But the absence of formal notice is no longer automatically dispositive. Conversely, proof that an employer knew about a religious belief does not, standing alone, establish that a desire to avoid accommodating the practice motivated the adverse decision.[12]

What This Means for Employers

Bergin makes careful decision-making and documentation even more important. Employers should not treat the accommodation process as a box-checking exercise in which liability turns exclusively on whether the employee used the right words or submitted the right form. The central litigation question may ultimately be why the employer made the challenged decision.

When an employee raises a possible religious conflict, employers should identify the employment requirement at issue, determine what accommodation is actually being requested or required, engage with the employee to understand the conflict, and document the legitimate reasons for the ultimate decision. Decision makers should be able to explain the business, operational, safety, scheduling, or other considerations that drove the decision without suggesting that avoiding a religious accommodation was itself the objective.

The case also counsels against overly rigid reliance on formal notice rules. An employer cannot necessarily insulate itself by arguing



that the employee never expressly requested an "accommodation" if the surrounding circumstances support an inference that the employer acted to avoid a religious practice that would require accommodation. At the same time, *Bergin* does not eliminate the employee's burden. A plaintiff must still show an actual need for a religious accommodation and that the employer's desire to avoid the required accommodation was a motivating factor in an adverse employment decision.

The new prima facie standard should not be confused with the separate question of whether a requested accommodation would impose an undue hardship. In *Groff v. DeJoy*,[13] the Supreme Court clarified that Title VII requires an employer denying a religious accommodation on undue-hardship grounds to show that the burden of granting the accommodation would result in substantial increased costs in relation to the conduct of the employer's particular business.

Accordingly, employers now must be attentive to both sides of the analysis. *Bergin* addresses what a plaintiff must prove concerning the need for accommodation and the employer's motivation. *Groff* governs the employer's undue-hardship defense. A well-documented accommodation process should address both.

Bergin also contains an important litigation lesson. The District Court had treated statements made by UCS in the discovery record as binding judicial admissions. The Second Circuit rejected that approach.

Judicial admissions are formal concessions that remove a fact from dispute. Not every statement made during discovery carries that effect. The court concluded that the District Court improperly treated isolated discovery statements concerning *Bergin*'s exemption requests as dispositive judicial admissions. It likewise rejected the notion that UCS had conclusively admitted the sincerity of *Bergin*'s belief merely because it argued that it lacked sufficient information to determine sincerity.[14]

For litigators, the point is practical: discovery responses matter enormously, but context matters too. An interrogatory response, deposition answer, or other discovery statement should not automatically be elevated into an irrevocable judicial admission. For employers, however, that should not be read as permission for imprecise discovery responses. Inconsistencies can still become powerful evidence even when they are not technically binding admissions.

Practical Takeaway

Bergin does not make every denied religious accommodation discriminatory, nor does it eliminate an employer's ability to enforce neutral workplace requirements. What it does is change the lens through which courts in the Second Circuit will evaluate these claims.

Employers should focus less on whether an employee has satisfied a technical notice formula and more on whether there is an actual religious conflict, what accommodation is needed, why a particular employment decision is being made, and whether the record supports the employer's stated reasons. Human-resources personnel and managers should also be trained not to frame decisions in terms suggesting that the accommodation itself is the problem.

For employment counsel, *Bergin* is also a reminder to revisit policies, accommodation forms, training materials, motion papers, and template advice that still recite the old three-part Second Circuit test. After September 15, 2026, that formulation is no longer the governing prima facie standard. Religious accommodation cases have changed considerably in the last several years. *Abercrombie* shifted the focus from knowledge to motive. *Groff* raised the bar for proving undue hardship. *Bergin* now brings Second Circuit law into line with *Abercrombie* and makes clear that the old prima facie test cannot simply continue by force of habit. For employers, the safest approach is the same one that often serves best in employment law: understand the request, evaluate it individually, document the legitimate reasons for the decision, and make sure the record reflects what actually motivated the employer's action.

1. *Philbrook v. Ansonia Bd. of Educ.*, 757 F.2d 476, 481 (2d Cir. 1985), aff'd and remanded on other grounds, 479 U.S. 60 (1986); see also *Knight v. Conn. Dep't of Pub. Health*, 275 F.3d 156, 167 (2d Cir. 2001); *Baker v. Home Depot*, 445 F.3d 541, 546 (2d Cir. 2006).
2. *Bergin v. New York State Unified Court System*, No. 25-721 (2d Cir. July 15, 2026), amended Sept. 15, 2026.
3. *EEOC v. Abercrombie & Fitch Stores, Inc.*, 575 U.S. 768, 772-74 (2015).
4. *Bergin v. N.Y. State Unified Ct. Sys.*, No. 25-721, slip op. (2d Cir. July 15, 2026), amended by *Bergin v. N.Y. State Unified Ct. Sys.*, No. 25-721, slip op. (2d Cir. Sept. 15, 2026).
5. *Bergin v. N.Y. State Unified Ct. Sys.*, No. 25-721, slip op. at 4 (2d Cir. Sept. 15, 2026) (amended opinion).
6. *Philbrook v. Ansonia Board of Education*, 757 F.2d 476, 481 (2d Cir. 1985), aff'd and remanded, 479 U.S. 60 (1986).
7. *Knight v. Connecticut Department of Public Health*, 275 F.3d 156, 167 (2d Cir. 2001).
8. *Id.*
9. *EEOC v. Abercrombie & Fitch Stores, Inc.*, 575 U.S. 768, 772-74 (2015).
10. *Bergin v. New York State Unified Court System, supra.*
11. *Id.* at 14, 17.
12. *Id.* at 14, 16-17.
13. *Groff v. DeJoy*, 600 U.S. 447, 468 (2023).
14. *Id.* at 14-17.



Cynthia A. Augello is the Managing Partner of Augello Law Group, P.C. Her practice includes employment law, education law, and commercial litigation, and she represents employers, educational institutions, and businesses in New York, New Jersey and California. She can be contacted at caugello@augellolaw.com.

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Mental Health Law	Jamie A. Rosen
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New Lawyers	Andrew B. Bandini and Bridget Ryan
Nominating	Daniell W. Russo
Paralegal	
Plaintiff's Personal Injury	Steve Z. Gokberk
Publications	Christopher J. DelliCarpini
Real Property Law	Deep Chopra
Senior Attorneys	Peter J. Mancuso
Sports, Entertainment & Media Law	Kadian Townsend
Supreme Court	Clifford S. Robert
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, NOVEMBER 4
Real Property Law
12:30 p.m.

THURSDAY, NOVEMBER 5
Legal Administrators
12:30 p.m.

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

Publications
12:45 p.m.

MONDAY, NOVEMBER 9
Alternative Dispute Resolution
12:30 p.m.

TUESDAY, NOVEMBER 10
Labor & Employment Law
12:30 p.m.

THURSDAY, NOVEMBER 12
LGBTQ
12:30 p.m.

MONDAY, NOVEMBER 16
Surrogate's Court Estates & Trusts
5:30 p.m.

TUESDAY, NOVEMBER 17
Diversity & Inclusion Potluck Dinner
5:30 p.m.

WEDNESDAY, NOVEMBER 18
Association Membership
12:30 p.m.

Judicial Section
12:30 p.m.

Civil Rights
12:30 p.m.

Government Relations
1:00 p.m.

Matrimonial Law
5:30 p.m.
James P. Joseph and LAP Director Elizabeth Eckhardt, LCSW, PhD present Better Lawyers, Better Lives, Better Outcomes: Rethinking Matrimonial Practice.

THURSDAY, NOVEMBER 19
District Court
12:30 p.m.

TUESDAY, NOVEMBER 24
Commercial Litigation
12:30 p.m.

Access to Justice
12:30 p.m.

Women in the Law
12:30 p.m.

WEDNESDAY, DECEMBER 2
Real Property
12:30 p.m.

THURSDAY, DECEMBER 3
Community Relations & Public Education
12:45 p.m.

Publications
12:45 p.m.

FRIDAY, DECEMBER 4
Appellate Practice
12:30 p.m.



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