

## INCOMING PRESIDENT'S MESSAGE



Ronald V. Zezima

My Dear Colleagues and Friends:

I am honored to have the opportunity to serve as President of the NEW ROCHELLE BAR Association, now in its 97<sup>th</sup> year of existence, and to share with you my program initiatives for the coming year.

When I joined the New Rochelle Bar Association nearly twenty years ago, it was a very local entity which held dinner meetings several times a year. The inception of continuing legal education requirements initiated a period of growth for the Association, and thanks to the efforts of my predecessors, efforts over the past fifteen years, our once small, local bar has become a statewide presence, recognized for our pro bono programs as well as our free monthly CLE programs.

For several months now, I and the members of the Board of Directors have been hard at work developing plans for the 2018-2019 Bar year. I am pleased to be working with a team of dedicated lawyers who have helped me shape my programs for this year and who have committed to assist me with the implementation of those plans. I thank each of them for all of the time and energy that they have provided toward this effort.

The emphasis of the bar association's activities for the coming year will be community involvement and service. The practice of law is not a right. It is a privilege! Along with this privilege comes a moral obligation to give back to the community in which we practice law. Even though the rules don't actually REQUIRE us to perform pro bono work, we ARE required to report bi-annually the number of hours that we have spent on pro bono activities. As members of the NRBA, you have the opportunity to fulfill that obligation by participating in our four pro bono projects:

1. **LAW CLUB** - Our year-old collaboration with the Boys & Girls Club of New Rochelle has given us the opportunity to meet young women and men who have been identified by the BGC Director as having "leadership potential", who want to do something important with their lives. Many of these teenagers from our local high schools have never met a lawyer; our monthly seminars, held at the Boys & Girls Club Mascaro Center on 7<sup>th</sup> Street, on various legal subjects give them a window into our profession and the application of law to their daily lives.

2. **LAWYER IN THE CLASSROOM** - Our collaboration with the New Rochelle Board of Education has resulted in our award-winning Lawyer in the Classroom Program. Civics instruction in our schools has been severely cut, and in some cases eliminated. We use an interactive computer-based civics instruction program called *iCivics*, which was created by Justice Sandra Day O'Connor to help social studies teachers throughout the country address the void created by the elimination of civics instruction in schools. We teach fifth graders the roles and duties of each of the three branches of government, their rights under the constitution, and perhaps begin to plant the seeds in some young people to become lawyers.

3. **LAW AT THE LIBRARY** - In collaboration with the NR Public Library and the NRPL

Foundation, we present public panel discussions in the library theatre four times a year. Our panel on September 22<sup>nd</sup> was our most ambitious yet – a “Senior Day” involving five separate presentations over the course of a Saturday afternoon, and was a great success.

4. SMALL CLAIMS COURT – our members serve as Arbitrators, processing hundreds of cases each year. If it were not for volunteer arbitrators, the Small Claims Court would have a backlog of thousands of cases.

I invite all of you to volunteer your time to any of these projects by contacting our Association’s Vice-President, David Lacher, who many of you know as past president of the New Rochelle Board of Education.

I realize that the main reason attorneys join NRBA is because of our free monthly CLE programs. We are pleased to announce that during the coming year, thanks to the efforts of our member City Councilman Barry Fertel, we will be holding our monthly CLE meetings inside the Council Chamber at New Rochelle City Hall.

In addition to our CLE programs and pro bono projects, we have exciting new events planned for the coming year, including our first ever Judges Night on October 16th, where we will honor Westchester County judges, and our Holiday Party, which will be held inside the Rye home of John Jay, the first Chief Judge of the State of New York and the first Chief Justice of the United States.

We look forward your participation in the NRBA’s programs and to seeing you at the CLEs.

Yours,

*Ronal V. Zezima*



### Message from Editor

It seems that with the beginning of fall and children back in school, the end of summer has arrived, which means that CLEs, networking events and court calendars are back in full swing. Don’t forget to renew your membership and mark your calendars with all the upcoming CLEs and events offered by our great organization. We hope you enjoy this fall’s Newsletter and we welcome any recommendations for what information we can provide to our members in the future. As we all know, the legal field is an ever changing landscape and therefore we are always seeking articles for publication. We encourage members to submit articles that will provide your fellow attorneys with relevant updates in your area of practice (please refer to the last page on how to submit articles for publication). As the new editor, I hope you enjoy this issue as much as I enjoyed working on creating it.

Sincerely,

*Artem Djukic*



### NRBA INDUCTION DINNER

On September 6, 2018, the NRBA hosted its annual Induction Dinner at Posto 22 restaurant, located at 22 Division St, New Rochelle, NY 10801 thanks to the generous Sponsorship of **Michael Lisk of Record and Return Title Agency, Inc.** (7 Dempsey Place, Eastchester, NY 10709, Tel: (914) 395-2285). The Dinner was well attended and the new Officers: Ronald Zezima President, Michelle Tombini, Vice President, and Frank DiMarco Treasurer (David Lacher, Vice President, and

Andrew W. Buder, Secretary were unable to attend), and the Board of Directors: Warren Agatston, Richard Sosis, Mark Griffin, Hon. Barbara Zambelli, Frank D'Onofrio, Jr., Artem Djukic and Laurie Dallos were sworn in by the Hon. Carmen Beauchamp Ciparick, retired Senior Judge of the Court of Appeals.



*NRBA President Ron Zezima with the Hon. Carmen Beauchamp Ciparick, retired Senior Judge of the Court of Appeals and former NRBA President Jeffrey Levin.*



*Former NRBA Treasurer Julie Zgoda and newly sworn in Director Artem Djukic.*



*NRBA Director Frank D'Onofrio, Jr. and his wife Linda D'Onofrio.*



*From left to right, Members Alison Orlando, Teresa Stilo, Paul Korngold and Douglas Stone*

For more photos from the event please go to the [NRBAR.ORG](http://NRBAR.ORG) website.



**Arbitrators Help Resolve Wide Range of Matters  
in Small Claims Court  
By Ronald V. Zezima**

In terms of public perception and public trust, the Small Claims Court is the most important of all State Courts, because it is the court to which the largest number of litigants are exposed. A very small number of persons will ever appear in a federal court. The state and city courts of general jurisdiction have wider usage, but, again, the majority of the population will not ever see the inside of a courtroom. As we move down the jurisdictional ladder, the general usage becomes greater, but the largest number of people are served by the small claims courts throughout the city and state of New York.

Various popular television programs, while certainly not realistic in their depiction of small claims litigation, have raised popular awareness of the availability of the forum. In New York City alone, 20,000 cases a year are processed through the system; as many as 40,000 litigants, often accompanied by family members, witnesses and friends, are exposed to the small claims process each year, either firsthand or vicariously through the litigants. Multiply this by the number of small claims courts that operate in virtually every city, town and village, and the number of cases increases exponentially. For the majority of these people, this experience is their only exposure to the court system.

Arbitrators decide most cases in Small Claims Court. Not only do the arbitrators serve the system and insure that it can process its enormous caseload,

but they do so on a pro bono basis. Small Claims Court literally could not operate without the volunteer service of members of our and other bar associations. Arbitrators come from every area of practice, from corporate attorneys, to personal injury litigators, from partners in the largest law firms in the world to court attorneys and solo practitioners.

Some arbitrators are prominent members of other bar associations, and some are former city and state court judges; others work for The Legal Aid Society, the Corporation Counsel or some other public agency. Each of them brings his or her own unique perspective and experience to our Small Claims Court, giving unselfishly of their time on a volunteer basis. Some arbitrators sit three or four times a year, others serve on a monthly basis.

The standard to which arbitrators are held by the statute (consolidated laws section 1800) is “to do substantial justice.” Utilizing his or her legal education, work experience, and practical life experience, the arbitrator initially attempts to resolve the dispute by mutual agreement of the parties. If settlement negotiations are not successful, the arbitrator will conduct a trial, listening to the testimony of parties and witnesses, examining documentary and physical evidence, and applying the law to the facts, reaching a decision. The litigants are not advised of the decision but the court clerk will mail the decision to the parties, usually within three to five days.

### **Varied Cases**

The type of disputes that are litigated in Small Claims Court are limitless; some claims are mundane, some unique and fascinating. The jurisdiction of the court was raised to \$5,000.00 on Jan 1, 2004, so that many of these “small claims” may not be considered “small” any longer. From the litigant who claims the dry cleaner ruined his new

suit, to lost baggage claims against airlines, to claims for automobile damage and personal injury in car accidents, to cases where former lovers sue each other over their proportionate obligations to pay a commonly utilized cell phone bill, the cases are varied and interesting.

Litigants in the court can expect a swift, fair hearing. The cost of filing a case is minimal. The claimant fills out a very simple form with a one-sentence statement of the claim, and receives a hearing date along with his receipt. In New Rochelle the hearing is usually scheduled within weeks. The Small Claims Court operates from 2:00 p.m. each Wednesday. On the day of the hearing, litigants are given the choice of having their case heard by a civil court judge or an arbitrator. Litigants are treated with courtesy and respect by the clerks, court officers, judges and arbitrators, all of whom are keenly aware that the Small Claims Court is highly representative of the court system and their appearance in Small Claims Court may be the only contact that most litigants will have with the court system.

The decision of a city court Judge is appealable but since the judge can only hear a very small number of cases each session, litigants are told they will most likely have to return on a subsequent day of for a hearing, and are encouraged to submit their case to an arbitrator. Approximately 95 percent of all litigants opt for an immediate trial by an arbitrator. The decision of the arbitrator is final and absolute, and can only be set aside on limited ground, including a showing of fraud or bias; vacating a decision is extremely rare. On the other hand, while the judge's decision is appealable, the relative cost of an appeal makes such appeals infrequent.

The people who utilize the New York City Small Claims Court can be assured of true, fair and timely justice, based in part on the efforts of the members

of our bar associations.

The NRBA will conduct a CLE training session for new arbitrators on November 29<sup>th</sup>, 2018. We invite attorneys admitted to practice more than five years to join us and experience the satisfaction of helping ordinary people resolve everyday disputes in the real "People's Court."



### **SMALL CLAIMS COURT UPDATE**

**By Mike Faust, Esq.**

The New Rochelle Small Claims Court meets either once or twice a month on Wednesdays, starting at 2:00 P.M. until approximately 4:30 P.M. If you want to volunteer your time as an Arbitrator to help in Small Claims Court on any one, or all, of the below dates at 2:00 P.M., please contact Jennifer Pasquantonio at [jpasquantonio@optonline.net](mailto:jpasquantonio@optonline.net).

**October 17, 2018**

**November 14, 2018**

**December 12, 2018**

Volunteering as an Arbitrator is a worthwhile opportunity for members of the NRBA!



## COLLABORATION BETWEEN THE NRBA AND THE NEW ROCHELLE PUBLIC LIBRARY FOUNDATION UPDATE

On September 22, 2018, the NRBA in collaboration with the New Rochelle Public Library Foundation held a Law at the Library event for Seniors: "Legal & Life Matters for Seniors. Speakers included: Jamie E. Fair, Esq. of the Westchester County Assistant District Attorney, Patricia Micek, Esq., Artem Djukic, Esq., of Riker Danzig, LLP and Ed Loughman, III, Esq.

We look forward to future collaborations with the New Rochelle Public Library Foundation, and invite any members interested in conducting a workshop for the public at the Library to contact David Lacher at [dlacher@lacherlaw.com](mailto:dlacher@lacherlaw.com).



## A REMINDER ABOUT OUR SPONSORS

The following individuals and institutions have sponsored our CLEs and events in the past. We thank them for their support and ask our members to seriously consider engaging them for their services.

### Appellate Printers

**Helen Mezger of Appellate Innovations,**  
3 Barker Avenue, 2nd Floor, White Plains, NY  
10601. Cell: (203) 232-1764.

### Banks

**Adam Kintish of TD Bank,** 107 Chatsworth  
Avenue, Larchmont, NY 10538. Cell: (914) 960-  
4243.

**Anthony J. Forgione of Sterling National Bank,**  
21 Scarsdale Road, Yonkers, NY 10707. Cell: (914)  
922-9429.

**Joseph A. Ruhl, Esq. of Orange Bank & Trust,**  
42 Waller Avenue, White Plains, NY 10601. Cell:  
(914) 260-3475.

**Lola Gazivoda, of M&T Bank Business Banking,**  
120 White Plains Road, Suite 300, Tarrytown, NY  
10591. Phone: 914-366-8591 Cell: 914-268-7975  
Fax: 914-366-8501 & Email: [lgazivoda@mtb.com](mailto:lgazivoda@mtb.com).

**Michael Padilla, of M&T Bank,** 300 Mamaroneck  
Avenue, Mamaroneck, New York 10543. Phone:  
914-698-6400 & Email: [mpadilla@mtb.com](mailto:mpadilla@mtb.com).

### Financial Advisors

**James Alperin, Financial Advisor at Morgan  
Stanley Wealth Management,** One Fawcett Place,  
3rd Floor, Greenwich, CT 06830. Cell: (917) 697-  
1581.

### Mortgage Brokers

**Ralph J. Berardi, Jr. of Pepe/Berard Capital,  
LLC and Quantum Mortgage Corp.,**  
211 South Ridge Street, Second Floor,  
Rye Brook, New York 10573. Cell: (914) 329-6375.

### Real Estate Brokers

**Michele Silverman Bedell, of Silversons Realty  
LLC,** 6 Palmer Avenue, Scarsdale, NY 10583. Cell:  
(914) 906-4376.

**Miriam "Lori" Morrow of Keller Williams  
Realty,** 120 Bloomingdale Road, White Plains, NY  
10804. Cell: (914) 260-5349. Email:  
[lorimorrow@kw.com](mailto:lorimorrow@kw.com).

### Title Insurance Companies

**David Baron and Daniel Bokol of TitleVest,**  
44 Wall Street, New York, NY 10005. Tel: (212)  
757-5800.

**Christine Gagliardi of TitleVest,**  
235 Mamaroneck Avenue, Suite 303, White Plains,  
NY 10605. Tel: (914) 304-8100 ext. 382.

**Alison Orlando and Maria Murphy of Judicial Title.** 800 Westchester Ave, Suite S-340  
Rye Brook, NY 10573 Tel: (914) 381-6700.

**Brett Forman of First Nationwide Title (an AmTrust Financial Company),**  
220 East 42<sup>nd</sup> Street, Suite 3105, New York, NY  
10017. Cell: (917) 837-6358.

**Michael Lisk of Record and Return Title Agency, Inc.,** 7 Dempsey Place, Eastchester, NY  
10709. Tel: (914) 395-2285.

**Nancy A. Scovotti of The Great American Title Agency Inc.,** 170 Hamilton Avenue, Suite 207  
White Plains, NY 10601. Cell: (914) 841-6229.

**Holly Hasbrouck of Stewart Title Insurance Company,** 707 Westchester Ave., Suite 302,  
White Plains, NY 10604. Cell: (914) 552-0756.

**Roseanne Picone of Benchmark Title Agency, LLC,** 222 Bloomingdale Road, Suite 102  
White Plains, NY 10605. Cell: (914) 422-1550.

### **Others**

**Kommer Bave & Ollman LLP,**  
145 Huguenot Street, Suite 402, New Rochelle, NY  
10801. Tel: (914) 633-7400.

**Sam Pierce, New Rochelle City Marshall,**  
475 North Avenue, New Rochelle, NY 10801.

**Westchester Family Care, Inc.,**  
1 Depot Plaza, Mamaroneck, NY 10543. [Tel:\(914\)  
764-7500.](tel:9147647500)



## **MEMBERSHIP APPLICATIONS AND RENEWALS REMINDER**

The NRBA transitioned to a new membership software system in 2017, where membership is from January 1<sup>st</sup> through December 31<sup>st</sup> of the calendar year. The annual dues are \$100. Members who renew, and prospective members seeking to join the NRBA, should do so through the website. All renewing members must update their contact information, practice areas and other information online at <http://www.nrbar.org/> (by registering as a “new” member, once initially registered in the new system, annual renewals will be less cumbersome). When you load the website, enter the email address at which you currently receive NRBA notices as your login-in ID and click on the “Forgot Password” button to begin the registration process. If you have technical difficulties renewing online, please contact Hon. Jeffrey Levin at: [jeffrey.levin.law@gmail.com](mailto:jeffrey.levin.law@gmail.com) and we will assist you.

If paying by physical check, please make it out to “New Rochelle Bar Association” and mail it to The New Rochelle Bar Association, P.O. Box 1863, New Rochelle, NY 10802. Even if you pay by check, you should log in and update your contact information to ensure that this information is current. If you need help with this, please contact the NRBA and we will assist you.



## **MEMBER NEWS AND ANNOUNCEMENTS**

We congratulate NRBA member **Richard Grayson** on being named Westchester’s Best Lawyer for

2018 for Ethics and Professional Responsibility Law.

We wish **David Lacher** a quick and speedy recovery.

## UPCOMING EVENTS & CLEs

### October 2018

**October 2<sup>nd</sup>:** Board meeting at offices of Frank DiMarco, Esq.

**October 4<sup>th</sup>:** CLE “Foreclosure Part 2” at City Hall, in the Counsel Chamber, presented by the Hon. Mark C. Dillon and Hon. Paul Marx.

**October 16<sup>th</sup>:** First Annual Judges’ Night at Juliano’s Caterers at 700 Main Street, at 6:00 p.m.

**October 25<sup>th</sup>:** CLE on “Immigration in the Age of Trump” at City Hall, in the Counsel Chamber. Joseph Sena, Esq. is the speaker.

**October 27<sup>th</sup>:** The John Jay Center, which hosted our June Art Law CLE as well as our Law Club, and will host our Holiday Party, is holding a Halloween Ball on Saturday night, October 27th. This is a fundraiser for the Center, which does not receive any government support. Millions of dollars in renovations are funded solely through private donations. See their website for details [www.jayheritagecenter.org](http://www.jayheritagecenter.org).

### November 2018

**November 6<sup>th</sup>:** Board meeting at offices of Frank DiMarco, Esq.

**November 29<sup>th</sup>:** CLE on Mediation and Arbitration at City Hall, in the Counsel Chamber. Judge Daniel Angiolillo is the speaker.

### December 2018

**December 11<sup>th</sup>:** Annual Holiday Party at John Jay Mansion and Heritage Center in Rye, NY.

### January 2019

**January 8<sup>th</sup>:** Board meeting at offices of Frank DiMarco, Esq.

**January 8<sup>th</sup>:** Annual Surrogate's Dinner at Juliano's Caterers.

### April 2019

**April 10<sup>th</sup>:** Court of Appeals Dinner, Glen Island Harbor Club.

The NRBA would encourage each of you to send us your suggestions for programs and speakers. Information regarding upcoming CLEs may be found in the “Upcoming Events” section of this newsletter

After each CLE the NRBA has continued to donate the surplus dinners to the Open Arms Men’s Shelter in White Plains.

Expect to receive advance notices with particulars by e-mail of these and future CLEs. Information will also be posted at [www.nrbar.org](http://www.nrbar.org).

For information on and reservations for our CLEs, or suggestions for future CLE topics, please contact **Jeffrey L. Levin, Esq.** at [jeffrey.levin.law@gmail.com](mailto:jeffrey.levin.law@gmail.com)

OUR WEBSITE: [www.nrbar.org](http://www.nrbar.org)

With our website members can obtain information concerning our Bar, its activities, and general legal and community news. We welcome feedback. This Newsletter can be downloaded from our website. Thanks for helping keep NRBA green.

### UPCOMING EVENTS:

For an up-to-date listing of scheduled events, including CLEs and dinner meetings, kindly view existing event postings on our website: [www.nrbar.org](http://www.nrbar.org)

For reservations for any of our upcoming dinners or events please contact Treasurer **Frank DiMarco, Esq.**, New Rochelle Bar Association, P.O. Box 1863, New Rochelle, NY 10802.

#### Getting Published

We welcome your submissions! All submissions should be sent to Artem Djukic, Editor, at [adjukic@riker.com](mailto:adjukic@riker.com). Please mark the subject as NRBA news. Articles between 500 to 1200 words should be sent in Word format. Photographs should be sent as jpeg attachments. Authors should include a short biographical statement with their articles, which must be spell checked, cite checked and in blue book form. Opinions expressed in any article printed in the NRBA newsletter are solely those of the author(s) and are not positions taken by the NRBA. Materials submitted allow NRBA limited copyright and full permission to reprint the article in the NRBA newsletter without additional consent.