



June 2015

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

## **PRESIDENT'S MESSAGE:**



Dear Colleagues and Friends;

As my first year as your President ends, I want to reflect back on the wonderful experience it has been for me and the great year it has been for our Bar Association. Since September we have provided our members with informative and interesting CLEs on current and relevant topics. We have learned about museum practices and stolen art in art law, how to write successful legal briefs, how to handle assets for international clients, protecting our elders from abuse, pre- and post-nuptial agreements, getting your client through the mortgage process, and recent developments in mental health laws regarding the post-incarceration handling of convicted sex offenders. The Bar has been fortunate to have such judicial presenters as the Hon. Colleen Duffy, Hon. Barbara Jaffe and Hon. Gerald Lebovits. We have also had such renowned and knowledgeable legal presenters as Raymond Dowd, John Dalli, Steve Blau, Dale Robyn Siegel, and our own Ben Schub and Richard Grayson. We have also been very fortunate to have as sponsors of our CLEs Monroe College, Hudson Valley Bank, HSBC, Record and Return Title Agency, Inc., The Great American Title Agency, Inc., and had desserts supplied by Silversons Realty LLC. It is only with the help of these sponsors that we were able to provide these great CLEs at no cost to our members.

Please consider this and use the sponsors' services whenever possible. The CLE Committee is already busy setting up equally timely and informative CLEs for this fall. Look for the email flyers, and in the NY Law Journal, for the notices. We will start our fall schedule on Tuesday, September 15, 2015, with a Real Estate law related CLE sponsored by a new sponsor, TitleVest.

Our Bar has also held a number of enjoyable and well attended dinner events during this past year. We commenced the Bar's year with our Installation Dinner in September, where the Hon. Daniel Angiolillo once again swore in the officers and directors, followed by our fabulous Holiday Gala at the Fountainhead in December. This calendar year our dinner programs commenced in January with our Annual Surrogates' Dinner where we honored Hon. Anthony A. Scarpino, Jr., who had just announced his retirement as Westchester County Surrogate. In April we held our Eighth Annual Court of Appeals Dinner where we honored the Hon. Jonathan Lippman, who is retiring in December from Chief Judge of the New York Court of Appeals. Last but not least was our Annual Meeting and Picnic on June 9<sup>th</sup>, where we elected officers and directors for the next year, presented our scholarships awards to graduates from New Rochelle High School, Iona College, Monroe College and Pace Law School and gave Certificates of Appreciation to our members who generously volunteered their time to teach New Rochelle public school 5<sup>th</sup> graders the Bill of Rights in our award winning *Lawyer in the Classroom* Program.

Thanks to the generosity of Frank A. Micelli and Minuteman Press, who prepared and provided at no cost to the Bar the Certificates of Completion, this year we were also able to award Certificates to the more than 800 fifth graders who completed our *Lawyer in the Classroom* Program. Thanks Frank! The kids loved their awards.

I am also very pleased that our Bar was twice recognized this term for the great work we do. In January we received the 2014 Bar Leaders Innovation Award for Small Bars for our *Lawyer in the Classroom* Program. Many thanks go to Ron Zezima for his continued hard work and dedication in coordinating and managing this program. Our NRBA was also chosen to be highlighted as the “Bar Around The Corner” by the New York State Bar Association Conference of Bar Leaders in its June edition. We will soon be uploading to our website a copy of the article for our members to enjoy.

With the end of our year we, inevitably, have to say good-bye to Board members whose terms have ended. This time it is Board members Marc Rowin, our Membership Chairman, and Ben Schub. Thanks to you both for all your assistance during your terms. Also, we say good-bye to Thomas Kajubi who has been our Second Vice-President for the last two years, assistant to the CLE chair and a volunteer teacher in the *Lawyer in the Classroom* Program. Thanks for everything Tom. Lastly, we say good-bye to Immediate Past-President Richard Sosis who leaves the Board after approximately twenty years of service! What can I say but offer our unwavering thanks for all you have done and all you have given throughout the years. You shall be missed on the Board! We hope all of you will continue to be active participants in this organization.

On the other hand, a new term means new officers and welcoming new members to our Board. At the Annual Meeting in June members approved the new slate for 2015-2016. I am honored that you have re-elected me as President and I hope to continue the tremendous strides made by our Bar to help our members, our organization, and our community. We welcome back Jeffrey Levin as Vice-President and Laurie Korngold as Secretary. We welcome Patricia Bave as Treasurer. The newly elected Board members are attorneys Lori A. Corini, Andrew Spatz and Richard Weiss. Welcome to the Board! We look forward to your insight, assistance, energies, suggestions and participation.

Please enjoy your summer, and look out for our monthly updating flyers on events. We look forward to seeing you in September.

Collegially yours,

Paula Johnson Kelly  
President



### **FAMILY LAW SECTION UPDATE**

**By Benjamin E. Schub, Esq.**

On March 26, 2015, the New Rochelle Bar Association's Family Law Section held a meeting where I led a discussion of the new maintenance guidelines bill pending before the New York State Legislature. That bill, A7645/S5678 was passed by the State Assembly on June 15, 2015 and by the State Senate on June 24, 2015. It will now make its way to Governor Cuomo's desk. If it is signed into law, it will become effective 120 days later, except that the provisions regarding temporary maintenance will become effective 30 days after being signed by Governor Cuomo. One of the most important provisions of this bill has nothing to do with maintenance; that is, the bill eliminates the concept of enhanced earnings (e.g., value of an educational degree or license) as a marital asset, thereby repealing the O'Brien case; however, the court can consider the non-titled spouse's contributions to his or her spouse's enhanced earning capacity in awarding equitable distribution.

Under the bill, the income cap for the temporary maintenance formula will be lowered from \$500,000 to \$175,000 of the payor's income. The same \$175,000 cap will apply to final maintenance awards. There will be two formulas for both temporary and final maintenance: one where the payor is also paying child support to his or her

spouse and one where child support is not being paid. Those formulas are as follows:

- a. With children: i) subtract 25% of the payee's income from 20% of the payor's income; ii) multiply the sum of the payor's income and the payee's income by 40% and subtract the payee's income from the result; iii) the lower of the two amounts will be the guideline amount of maintenance;
- b. Without children: i) subtract 20% of the payee's income from 30% of the payor's income; ii) multiply the sum of the payor's income and the payee's income by 40% and subtract the payee's income from the result; iii) the lower of the two amounts will be the guideline amount of maintenance;

Where there is income over the cap, the court may award additional maintenance after consideration of one or more of 15 factors, which must be set forth in the court's decision or on the record. Temporary maintenance will terminate upon entry of a judgment of divorce or the death of either party, whichever first occurs. The court has the power to limit the duration of temporary maintenance. Final maintenance awards (called "Post-divorce Maintenance") will terminate on the death of either party or the remarriage of the payee former spouse.

There is an advisory durational formula as well, as follows:

<u>Length of the Marriage</u>	<u>% of Length of Marriage for Which Maintenance Payable</u>
0-15 years	15%-30%
15-20 years	30%-40%
20 years plus	35%-50%

The court is not required to follow the advisory formula, but in its determination of the duration of a maintenance award, it must consider anticipated retirement assets, benefits and retirement eligibility

age. Actual or partial retirement will be a ground for modification assuming it results in a substantial diminution of income. Finally, under the bill, Domestic Relations Law Section 248 has been made gender neutral. A copy of the entire bill may be found on the State Assembly's web site, <http://assembly.state.ny.us>

*Benjamin E. Schub is a member of Berman Frucco Gouz Mitchel & Schub, P.C., where he concentrates his practice in the areas of matrimonial and family law. Mr. Schub is a Fellow of the American Academy of Matrimonial Lawyers and has been recognized as a top attorney in the area of matrimonial law by Super Lawyers for the years 2007 to date.*



## **ELDER LAW AND GUARDIANSHIP SECTION UPDATE**

**By Patricia Bave, Esq.**

The Elder Law and Guardianship Committee of the New Rochelle Bar Association is calling all members who are interested in being involved in the Committee in Fall, 2015 to contact Patty Bave (914-633-7400) or Ed Loughman (914-636-5051) for more information. We are seeking active members to attend a study group and other committee events focused on sharing ideas and a flow of information helpful and supportive to elder law practitioners.



## CLE NEWS-A RECAP OF A GREAT YEAR

By Hon. Jeffrey Levin

The New Rochelle Bar Association, at no charge to the attendees, presented eleven successful Continuing Legal Education programs from September 2014 through June 2015. The NRBA members not only did not pay any fees to attend the programs, but they were also well fed. A dinner consisting of sandwiches and baked goods was served at each of the CLEs. In total 156 NRBA attorney members attended at least one of the eleven CLEs. The total attendance of NRBA attorneys at the 2014/2015 CLEs, the equivalent of ticket sales, was 495.

The CLE season commenced with Steven Bennett Blau, of Blau Leonard Law Group, LLC, presenting a CLE on “Overtime Class and Collective Actions” on September 23, 2014.

The October 21, 2014 CLE was a return appearance by Benjamin E. Schub of Berman, Frusco, Gouz, Mitchel & Schub. Schub presented Part Two of his Matrimonial Law CLE on drafting matrimonial documents. Part Two was on “Drafting Tips for Prenuptial and Postnuptial Agreements.”

Judge Gerald Lebovits of the NYC Civil Court explained the “Secrets of Successful Legal Writing” on November 13, 2014.

Our own Richard Grayson presented an ethics CLE entitled “Are Ethics and Real Estate Attorneys Like Oil and Water?” on December 16, 2014.

On January 20, 2015, HSBC sponsored the CLE and dinner at Alvin & Friends. The speakers Philip DiGennaro and Arianna Faucetta, both attorneys at Withers Bergman, spoke on the topic, “My Countries: Tax & Estate Planning Issues for Our Clients with Contacts Outside of the U.S.A.”

Justice Colleen D. Duffy, Appellate Division, Second Department, was the speaker on February

17, 2015 and spoke about the “Mental Hygiene Law – Article 10 and Its Interplay with Criminal Law.”

The March 17<sup>th</sup> CLE was presented by the dynamic Joseph A. Sena, Jr. on “Immigration Law” and it was very well received by the NRBA members. I received many positive comments regarding his presentation.

On April 20<sup>th</sup> at Ward School “The *Lawyer in the Classroom*” CLE was presented by former NRBA president Richard Sosis and teacher Corey Andrews.

The CLE program on April 28<sup>th</sup> was “Nursing Homes Litigation-Part II: Elder Abuse and Neglect” presented by John Dalli, Esq.

The May 14<sup>th</sup> program was a smash hit. It was the best attended CLE this year and the program evaluations rated it as being superb. The topic was “From Murder to Museums”. It covered the legal rights of the victims of the Nazis’ forced art sales and outright theft of their art and other assets. The presenters were Justice Barbara Jaffe and Raymond Dowd, Esq. Paula Johnson Kelly had secured the larger Gaddy Hall at Monroe College for the program.

Dale Robyn Siegel was the final speaker of 2014/2015 presenting a CLE on June 16<sup>th</sup> entitled “Getting Your Client Through the Mortgage Process in 2015, with a Bonus Overview on FICO Scores.”

The Bar’s 2014/2015 CLEs have been generously supported by our sponsors: Michael Lisk of Record and Return Title Agency, Michele Silverman Bedell of Silversons Realty, architect and home inspector Richard H. Haber, Hudson Valley Bank, Amy Ramnanan-Roberts of HSBC, John Haughey of the United Nations Federal Credit Union, Nancy Scovotti of The Great American Title Agency, Inc., and the New Rochelle Bar Association. Special thanks go to Monroe College for the use its facilities.

The management and presentation of the CLE programs have continued to be a NRBA team effort. It would not be possible to offer the NRBA members so many CLEs without the efforts of Paula Johnson Kelly, Richard Sosis, Ron Zezima, Thomas Kajubi, Michele Tombini, Julie Kattan, Milton Kreppel, Julie Zgoda and others, including Alina Nazari at Monroe College and AJ Forgione at Hudson Valley Bank.

Another significant milestone was that the application for the renewal of the New Rochelle Bar Association's authorization as a CLE Accredited Provider was approved by the NYS CLE Board on April 10, 2015 for the period of March 2, 2015 to March 1, 2018.

Please feel free to e-mail me at [jeffrey.levin.law@gmail.com](mailto:jeffrey.levin.law@gmail.com) with your suggestions for topics, speakers and dinner suggestions for future CLE programs which will start in September. Enjoy a leisurely summer break.

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).

*[P.S. We also want to express our thanks to Jeff for all his hard work and dedication as CLE Chairman, in seeing that our CLE programs are diverse, timely, interesting and successful. Thanks Jeff, PJK]*

#### UPCOMING CLES:

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)



### THE 8<sup>TH</sup> ANNUAL COURT OF APPEALS DINNER

On April 23<sup>rd</sup>, the NRBA hosted its Eighth Annual Court of Appeals Dinner at the Grand Ballroom of the Radisson Hotel in New Rochelle. The Honored guest was *Jonathan Lippman, Chief Judge of the New York State Court of Appeals* who will be retiring on December 31, 2015 given he reached the mandatory retirement age of 70 in May 2015. Judge Lippman has served as Chief Judge of New York State's highest court since appointed in 2009 by Governor David Paterson. Also present as the honored guest speaker was *Hon. Robert S. Smith*, who retired as Associate Judge from the Court of Appeals last December 2014. Honored guests from that Court included *Hon. Sheila Abdus-Salaam*, who was appointed in 2013 as Associate Judge of the Court of Appeals, and *Hon. Carmen Beauchamp Ciparick*, retired Senior Judge of the Court of Appeals. Other honored guests included *Hon. Janet DiFiore*, Westchester County District Attorney and former Justice of the NY State Supreme Court, *Hon. Daniel A. Angiolillo*, retired Judge, Appellate Division, 2d Dept., and New Rochelle Mayor *Noam Bramson*. Attendees also included judges from the NY Supreme Court, Westchester County Family Court and New Rochelle City Court, as well as attorneys from across Westchester County.

Judge Lippman, a New York City resident and avid NY Yankees fan, was presented by Paula Johnson Kelly, President of NRBA, with a framed photo of the United States showing the cities in which the Yankees play, containing discs of soil from each stadium, and a pen containing dirt from Yankee Stadium.

All in all, the audience of 70 plus enjoyed a relaxing evening of cocktails and hor d'oeuvres, piano music, dinner, dessert and networking in a charming environment.



*Board member Ron Zezima, Hon. Carmen Beauchamp Ciparick, Hon. Jonathan Lippmann, Chief Judge NYS Court of Appeals, and NRBA President Paula Johnson Kelly..*



*Hon. Carmen Beauchamp Ciparick, Hon. Robert Smith, Hon. Jonathan Lippman, Hon. Janet DiFiore – Westchester County District Attorney.*



*Hon. Sheila Abdus Salaam – NYS Court of Appeals, Hon. Daniel Angiolillo – formerly NYS Supreme Court, Appellate Division – Second Department.*



*Hon. Jonathan Lippman receiving his gift from the NRBA, presented by Paula Johnson Kelly.*



*New Rochelle Mayor Noam Bramson, Hon. Jonathan Lippmann, Hon. Robert Smith and Hon. Carmen Beauchamp Ciparick.*



*The event Sponsor Joseph A. Ruhl, Esq. and Director John Giacobbe, Esq.*

## NRBA ANNUAL MEETING & PICNIC

On June 9<sup>th</sup>, the NRBA held its Annual Meeting and Picnic at Five Islands Park, during which the members voted to approve the presented slate of next term's Officers and incoming class of Board of Directors. The Bar continued our tradition and awarded scholarships to graduates from New Rochelle High School, Iona College, Monroe College and Pace Law School who had been selected by their schools. This year's recipients were Marley Strauss (Pace Law School), Angelique Blake (Iona College), Todd Hunte (Monroe College), Nikki Lin (NRHS), and Benjamin Weiner (NRHS).



Scholarship recipients Angelique Blake (Iona College), Nikki Lin (NRHS), Benjamin Weiner (NRHS), NRBA Scholarship Chair Milton Kreppel, and Marley Strauss (Pace Law School).

The Bar also acknowledged those members who had volunteered their time this semester to teach New Rochelle 5<sup>th</sup> graders about the Bill of Rights. Certificates of Appreciation were presented by Ron Zezima to NRBA members who participated in the *Lawyer in the Classroom* program and members discussed their unique and rewarding experiences.



## NRBA LAWYER IN THE CLASSROOM UPDATE

By Ronald V. Zezima, Esq.



This year, the New Rochelle Bar Association adopted a formal curriculum for the *Lawyer in the Classroom* Program. The lesson plan was designed by Corey Andrews, a teacher at Ward School. Mr. Andrews conducted a 2 hour CLE seminar for the 23 lawyer volunteers in late April, and the sessions were conducted in all six New Rochelle elementary schools over four week periods during the month of May. A total of nearly 800 fifth graders learned about the United States Constitution and the Bill of Rights during the first two sessions; the third and fourth sessions focused on a U.S. Supreme Court case, *TLO vs. State of New Jersey*, involving students' Fourth Amendment rights. The program, which was enthusiastically received by the school administrators and teachers, recently received the New York State Bar Association "Innovation Award". The students were completely engaged in the weekly discussions and were given homework assignments designed by Mr. Andrews to sharpen their written and oral argument skills.

Schools Superintendent Dr. Brian Osborne thanked the volunteers for their generous donation of time, and Certificates of Appreciation were presented to volunteers at our annual picnic on June 9<sup>th</sup>.

A discussion with Chief Judge Jonathan Lippman at our annual Court of Appeals dinner in April resulted in a written determination from the Office of Court Administration advising us that our Lawyer in the Classroom Program qualified as Pro Bono work for purposes of 22 NYCRR Part 118, which mandates biennial reporting of pro bono hours for all attorneys. The determination also confirmed that Small Claims Court Arbitrators could report their hours in satisfaction of the requirement.

*[P.S. Again, many thanks to Frank A. Micelli and Minuteman Press, for preparing and providing the 800 beautiful Certificates of Completion we were able to award to the students who completed this year's Program. And a Special THANKS to Ron Zezima for all his hard work, tenacity and dedication to managing this worthwhile program! PJK]*



Board Vice President Hon. Jeffrey Levin presents certificates to 5th grade students at the Jefferson School who completed the Lawyers in the Classroom program.



We look forward to conducting the program again next spring. We thank all of the wonderful volunteer lawyers who gave freely of their time this year, and we invite participation from any members for next year's program.

To volunteer, or for additional information, please contact NRBA Board member Ron Zezima at [rvzesq@aol.com](mailto:rvzesq@aol.com).

## MEMBER NEWS AND ANNOUNCEMENTS

### CONGRATULATIONS!

We wish to congratulate Board member **John Giacobbe** and his wife Marissa on the pending arrival of their baby girl!

### GET WELL SOON:

We wish **Hon. Carole Levy** a speedy recovery from her accident.

### CONDOLENCES:

Our sincere condolences go to **James Generoso** and family on the death of his father, Salvatore T. Generoso, who passed away on June 20, 2015 at the age of 90. Salvatore served as chairman of the Civil Service Commission and was a member of the Planning Board and Board of Assessment. He was appointed as the City Clerk in 1987. Donations may be made in Salvatore's honor to St. Joseph's Church, 280 Washington Avenue, New Rochelle, NY 10801.

### WELCOME NEW MEMBERS:

Carol R. Mark, Esq.  
Mt. Vernon, New York

Myra L. Saul, Esq.  
Long Island City, New York

Julie Zgoda, Esq.  
New Rochelle, NY



### 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 **Patricia Bave, Esq.**, 145 Huguenot St., Suite 402, New Rochelle, NY 10801, (914) 633-7400.

### Getting Published

We welcome your submissions! All submissions should be sent to Mark Griffin, Editor, at [mark.griffin@gmail.com](mailto:mark.griffin@gmail.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.

