



March 31, 2014

www.nrbar.org

PRESIDENT'S MESSAGE:



Richard A. Sosis

Dear Colleagues:

My past messages, without exception, have been positive and upbeat. I have used this space to inform you about the many great activities we had, and many more that were planned. But this message is decidedly different.

Our Bar has a membership of about 250 lawyers, judges, and associates, all wonderful people of substantial accomplishment and learning who on a daily basis bring honor and pride to themselves, their associates and their Bar. However, we have an on-going problem - getting our members to be supportive of our programs and events.

For example, we have our gala Court of Appeals dinner coming up on April 10th. As of this writing, and with only ten days to go before dinnertime, we have only 28 people signed up and paid. I know that our experience is that we put off to the last moment signing up for dinners and events, and most of our programs are reasonably well attended. But I am sad that at this date, so few of us have responded.

Our Bar has had a commitment going back at least 20 years to give back to our community. The Board routinely approves cash contributions to law-related organizations and groups (we give about \$2,000.00 a year in scholarships to students in our local high school, local colleges, and Pace Law School and we sponsor the Youth Court program), and to various organizations in our community that have been supportive of the needs of those in our community and our Bar. But when it comes time to ask our members to offer their time in support of our

programs, it becomes difficult to get a 'yes'. Our most important program is our partnership with the New Rochelle public schools – called the “Lawyer-in-the-Classroom” program. We have committed to providing one or more lawyers to participate in programs at every public school in New Rochelle. Despite urgent appeals to our members, we have had an inadequate response to our requests for volunteers. If we are unable to follow through with our commitment to our children, it is an embarrassment to our Bar.

In contrast, however, our experience with the CLE program is quite different. When I put out a notice for a monthly CLE program, it is oversubscribed in a remarkably short time- usually the same day. When we offer something free (a great program, credit, and a light dinner) to our members, the response is immediate and overwhelming. But when we ask for your support of our community-outreach programs, getting participation can be like pulling teeth.

Membership in any organization should require more than passive attendance, like at a CLE to fulfil a legal requirement.

I have been asked by several Board members to place a discussion item on the April agenda to address this issue. Several ideas have been floated, and we will carefully consider what is best for our Bar in the future. I look forward to reporting to you in June on the resolutions the Board makes to deal with this.

With best wishes for a happy Easter and Passover.

Collegially yours,
Richard A. Sosis



AS OUR CLE YEAR CONTINUES

Our anticipated January 21, 2014 CLE on Mediation was the victim of Mother Nature's third major snowstorm of this past winter, which dropped between 9 and 13 inches of snow in our area. But we shall not be undone by the weather. The CLE has been rescheduled for Tuesday, April 22, 2014. Those who were confirmed still have their places. However, if you have a confirmed spot, but cannot attend the rescheduled date, please contact Jeff Levin so your spot can be given to someone on the waiting list.

Our NRBA continued its quality monthly CLEs free to our members in good standing on February 25, 2014, with a family law program entitled *Signed & Hermetically Sealed: Drafting Airtight Matrimonial Agreements* by speaker **Benjamin E. Schub, Esq.**, of Berman Frucco Gouz Mitchel & Schub, PC. Held and sponsored by our friends at TD Bank, 107 Chatsworth Avenue, Larchmont, NY, the lively two credit CLE, as usual, also offered a lite dinner to the full house of member attendees. Thanks TD Bank.



Benjamin Schub, Esq.

Tuesday, March 24, 2014 brought us our next ethics program, entitled *Ethics 2014: Professionalism, Following The Rules is Healthy For Your Law License, and Thefts (or to Borrow a Phrase from Woody Allen-Don't Take The Money And Don't Run)* with the one and only **Richard Grayson, Esq.** as the speaker. Held at and sponsored by our friends at Hudson Valley Bank, 21 Scarsdale Road, Yonkers, NY, the two credit CLE offered to the full house of member attendees a lite and tasteful dinner. Love the brownies!



Richard Sosis, Richard Grayson and Joseph Ruhl, Esqs.

Our special thanks to member **Joseph A. Ruhl, Esq.** and Hudson Valley Bank who, once again, sponsored this event.

CALENDAR OF UPCOMING CLEs:

To end the season, the NRBA will offer the following CLE topic programs:

1. *Mediation*, on Tuesday, April 22, 2014;
2. *TBD*, on Tuesday, May 27, 2014; and
3. Judge Thomas Dickerson on *travel law*, on Tuesday, June 17, 2014.

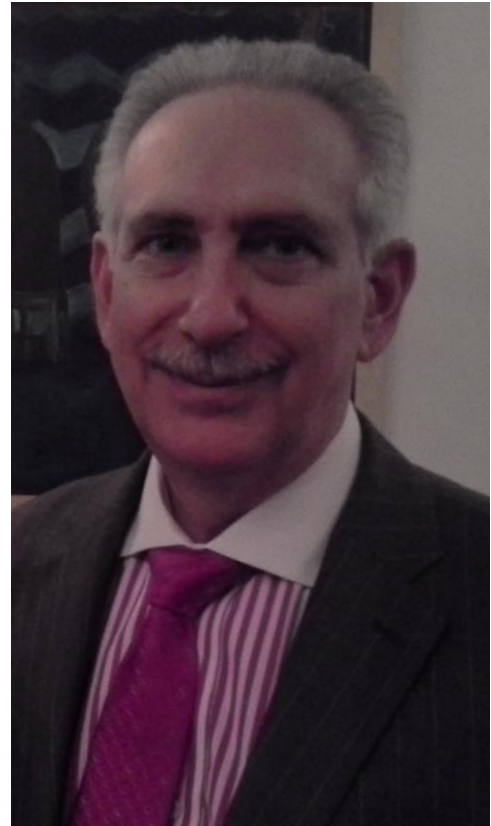
Expect to receive advance notices with particulars by e-mail of these and future CLEs.

UPCOMING CLES:

For information on and reservations for our CLEs please contact **Jeffrey L. Levin, Esq.** at jeffrey.levin.law@gmail.com

**SURROGATE'S COURT DINNER with
HON. ANTHONY A. SCARPINO, JR.**

We started our dinner meeting activities this year on January 16, 2014, with our annual Surrogate's Court Dinner at the new Alvin & Friends Restaurant, now located at 14 Memorial Highway, New Rochelle. The very well attended event began with cocktails in the front room and bar followed by a delicious buffet dinner in the back private dining room, with its own bar.



Hon. Anthony A. Scarpino, Jr.

We were again honored to have the Honorable Anthony A. Scarpino, Jr., Westchester County Surrogate and Supervising Justice of the Ninth Judicial Department Article 81 Proceedings, as our Special Guest Speaker. Justice Scarpino's informative topic to members of our Bar and guests was "A View from the Bench".



Robert W. Romano, Esq. and Hon. Anthony A. Scarpino, Jr.



New York Makes a Big Change In the Treatment of HUMAN TRAFFICKING VICTIMS

(Signed-January, 2014)

By Assemblywoman Amy Paulin



New York State took a significant step toward ensuring that sexually exploited children are treated as victims not criminals.

Effective January 10, 2014, in any case in which a youth is arrested for prostitution or loitering for purposes of prostitution and is 16 or 17 years old at the time of the alleged offense, the criminal

court, upon the defendant's consent after consultation with counsel, may convert the charge to a Person in Need of Supervision (PINS) proceeding. New Section 170.80 to the Criminal Procedure Law allows the court to retain the case and have the authority to grant any relief available under Article 7 of the Family Court Act.

The new law (Chapter 555 of 2013), which I authored, builds on the groundbreaking Safe Harbour for Exploited Youth Act (the "Safe Harbor Act," Chapter 569 of 2008). With the Safe Harbour Act, the State took the lead in recognizing that commercially sexually exploited youth are victims, not criminals, and provided youth under age 16 with specialized services rather than prosecute them for a crime. The Act did not, however, provide the legal framework to extend those vital services to 16- and 17-year olds, which resulted in 16- and 17-year olds being held criminally responsible for being sexually exploited. With this new law, 16- and 17-year olds charged in criminal court with prostitution or loitering for purposes of prostitution can obtain the same services made available under the Safe Harbour Act to younger children charged with

juvenile delinquency in Family Court for engaging in the same acts.

The law further provides that where the criminal charge has been converted to a PINS, any adverse finding and all records of the investigation and proceedings relating to the charge must be promptly expunged on the later of the defendant's 18th birthday or the conclusion of the proceedings on the charge before the court. Where a charge has not been converted to a PINS but the defendant has entered a plea of guilty to, or has been convicted of, a charge of prostitution or loitering for the purposes of prostitution, the court must substitute a Youthful Offender finding under Article 720 of the Criminal Procedure Law. By expunging the records and requiring a Youthful Offender finding in these circumstances, the law ensures that sexually exploited youth will not be stigmatized with a criminal record for the rest of their lives. Note that if the conviction for which the Youthful Offender finding has been substituted is on a charge of loitering for the purposes of prostitution, the sentence must be no more than 15 days in jail, a conditional discharge of up to one year or a fine of up to \$250, the available sentences for a violation.

The law applies to offenses that occurred on and after January 10, 2014 and to any offenses pending for which sentence had not been imposed as of that date.

According to the federal Administration for Children and Families, human trafficking is the second-largest criminal industry after drug dealing. The U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention estimates that as many as 300,000 children each year are at risk of sexual exploitation, with the average age of commercial sexual exploitation starting at age 13 or 14.

Although we have made important strides in our fight to end human trafficking, including with this new law to stop the re-victimization of sexually exploited youth, there is more work to be done. I will continue to push for the enactment of a

comprehensive bill I am sponsoring, the Trafficking Victims Protection and Justice Act (A.2240C/S.5879), to increase the accountability of traffickers and buyers who fuel the growth of this massive underground industry.

Assemblywoman Amy Paulin has served the 88th New York State Assembly District (Scarsdale, Eastchester, Tuckahoe, Bronxville, Pelham, Pelham Manor, and parts of New Rochelle and White Plains) since 2001. She chairs the Assembly Committee on Energy, and serves on the Committees on Education, Higher Education, and Health.



THE CENTER FOR AGING IN PLACE
Building Age-Friendly Communities Together

Every day 10,000 Baby Boomers turn 65 years old. Most Americans prefer to stay in their homes as they get older rather than move. This is called “Aging in Place”. *Aging in Place* is a national movement that enables older adults to stay in their own homes by making available the social support, health care and home maintenance services they require to live happy, productive lives in the community. People all around the country have banded together and created their own *Aging in Place* organizations. Westchester County is home to 10 *Aging in Place* programs serving more than 850 residents age 55 and over located in communities from Yonkers to Somers.

While each *Aging in Place* program is different, among the services that can be provided are: transportation to shopping and medical visits; assistance to people unable to leave their homes; opportunities for social contacts like luncheons, trips, educational sessions and organizations of clubs; referral to services provided by agencies or local government.

The Center for Aging in Place is a not-for-profit organization established in 2008 to promote the growing movement to age in place in Westchester County. It provides assistance, support, and resources to community-led groups seeking to establish aging in place membership programs in Westchester County. It is the only organization dedicated to helping grassroots groups develop and sustain new aging in place membership programs to provide services decided upon and funded by members to meet the needs of older residents living in those communities.

For more information, or to volunteer, contact The Center for Aging in Place, 17 Marble Avenue, Pleasantville, NY 10570, (914) 357-8511 ext. 100, www.centerforaginginplace.org

Big Changes:
NEWS FROM THE NEW ROCHELLE
CITY COURT

By Hon. Susan Kettner

This spring ushers in big changes in the New Rochelle City Court. On April 1, Judge Anthony Carbone will assume the bench on a full-time basis, joining Judges Gail Rice and Susan Kettner. Now that we will have three full-time judges and two courtrooms, the three judges sat down to figure out a schedule that would be fair and easy to understand for all those who appear in our court. Basically, we kept the current system largely intact, adding a third conference part for both civil and criminal conferences and for signing orders to show cause. The judges will rotate at the end of each term, ensuring that each judge will have the same opportunity to preside over all parts. The proposed new schedule can be found on the court’s website.



March 2014-Annual H.S. Essay Contest for: Women's History Month

*By Dolores Gebhardt, Esq., Committee Member
and Paula Johnson Kelly, Esq.*

March has been designated as Women's History Month to highlight the contributions women have made to events in history and contemporary society. As President Obama stated in his March 1, 2014 Proclamation, "Let us remember that when women succeed, America succeeds."

Last month, the Gender Fairness Committee of the Ninth Judicial District once again conducted its Annual Essay Contest for high school students in celebration of Women's History Month. The contest, open to all high school students within the Ninth Judicial District, incorporating Dutchess, Orange, Putnam, Rockland and Westchester Counties, encourages the students to engage in thoughtful discussion of important issues of law, liberty, personal choice and personal responsibility.

Monetary prizes are to be awarded to first and second place winners from the junior-senior classes and freshman-sophomore classes. Prizes will be presented to the students at a breakfast ceremony on **May 2, 2014 at 9:00 a.m.** in the Appellate Division Courtroom, 140 Grant Street, White Plains, New York, hosted by Justice Alan Scheinkman, Chief Administrative Judge of the Ninth Judicial District. The winners in each division will read their essays aloud.

This year's topic related to the District Attorney's proposed program to let women prisoners finish serving their sentences at home. The students are to write a letter to the editor supporting or opposing the proposed program.

All are encouraged to attend this worthy event to support and encourage the students and their efforts. If you have any questions please contact Dolores Gebhardt, Esq., by phone at (914) 385-1016, or by email at dgebhardt@mccarthyfingar.com.

2014 Softball Season Starts: Will Jeter's Retirement Affect the NRBA Softball Team?

By Coach Richard Grayson, Esq.

Since 1985, the New Rochelle Bar Association has sponsored a competitive softball team in the City of New Rochelle softball league. All bar association members are encouraged to try out for the 2014 team, our 30th year in the league. As in the past, we will play one game per week, at night, from late April to mid-August. The NRBA has generously agreed to pay this year's team registration fee.

If you know of any high quality free agent softball players who happen to be lawyers, law students, law school deans, or judges, have them call me. (Legal competence and judicial temperament are irrelevant: ball-playing competence is highly relevant.) In order to play you must be a paid-up member of the NRBA.

Know of anyone who fits the glove? Have questions? Are you interested in playing? It's not too late. Call me, **Richard Grayson, Esq.**, at (914) 682-0037 or write me at 202 Mamaroneck Avenue, Third Floor, White Plains, New York 10601.

To answer the question, Derek Jeter's upcoming retirement means nothing to me. What means something to me is coaching the 2014 NRBA softball team.



MEMBER NEWS AND ANNOUNCEMENTS

Congratulations to **Charles McGoe**y on his recent marriage in Florida!

Congratulations to **David** and Dava **Lacher** on the birth of their first grandchild, Jonah Dov, born January 28, 2014 to daughter Samantha and her husband Joshua Lieberman, of New Rochelle.

Congratulations to **Jeffrey Levin** and wife Diane on the birth of their first grandchild, Isabella Brooke (Yaffa Bluma), on December 28, 2013, born to Samantha and Michael Levin in Clarksville, Tenn. where the new dad is a judge advocate general with the 101st Airborne, US Army.

WELCOME NEW MEMBERS:

Steven Blau, Esq.
Huntington, NY

Lisa R. Lipman, Esq.
New Rochelle, NY

Olga Berd  Muhl, Esq.
New Rochelle, NY

Daniel Plachta, Esq.
White Plains, NY

Daniel C. Walden, Esq.
New Rochelle, NY

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.

For reservations for any of our upcoming programs or events please contact Treasurer Frank DiMarco, Esq., 20 Cedar St., New Rochelle, NY 10801, (914) 633-5330.

SAVE THESE DATES:

(1)

**NEW ROCHELLE BAR ASSOCIATION
COURT OF APPEALS DINNER**

APRIL 10, 2014

AT

**THE RADISSON
NEW ROCHELLE, NY**

(2)

NEW ROCHELLE BAR ASSOCIATION

ANNUAL PICNIC

JUNE 12, 2014

Getting Published

We welcome your submissions! All submissions should be sent to Paula Johnson Kelly, Editor, at PJKelly_esq@hotmail.com. Please mark the subject as NRBA news. Photographs, and articles up to 600 words, 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.

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