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**Domus is closed
from December 24
to January 1.**

**Have a Happy
Holiday and
Healthy New Year!**

SAVE THE DATE

**ANNUAL
HOLIDAY
CELEBRATION**

**THURSDAY,
DECEMBER 5**

Cover

**LAW DAY
2025**

**THURSDAY,
MAY 1**

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Expand Your Practice with the Lawyer Referral Information Service

The Nassau County Bar Association (NCBA) offers a unique opportunity for attorneys to grow their practice and connect with potential clients through its Lawyer Referral Information Service (LRIS). This service not only introduces individuals facing legal challenges to experienced attorneys but also serves as an excellent platform for lawyers to expand their client base.

Why Join the LRIS?

The LRIS is designed to match clients with attorneys who have the necessary expertise in specific legal areas. The Referral Service is beneficial for attorneys from all practice areas and firm size looking to increase their exposure.

"The program has been a good source of frequent referrals of negligence and medical malpractice cases from local residents," says Rockville Centre attorney Michael Goldberg. "Being a part of the Nassau County Bar panel has been a great marketing tool for prospective clients. When I interview new clients, I tell them that I am on the New York City and Nassau County Bar referral panels, which is highly selective about the attorneys that they refer cases to. This seems to reassure them about my strong qualifications. Given the huge cost of attorney advertising and/or large referral fees paid to other attorneys, joining the Nassau County Lawyer Referral Program is a no brainer!"

"In my over 30 years of practice, I have received more clients from the NCBA Lawyer Referral Service than

any other source," adds NCBA Past President Gregory S. Lisi, head of the Forchelli Deegan Terrana LLP Employment & Labor practice group, and Chair of the LRIS Committee. "It is just another example of how this Bar Association has helped me to build my practice."

Satisfied Panel Members

Many attorneys who have joined the LRIS have experienced significant benefits. Daniel S. Drucker appreciates the business growth facilitated by the LRIS after opening a new office in Nassau County. "I joined the lawyer referral panel a few years ago after opening a satellite office in Syosset. I am an immigration attorney who also handles general litigation and wanted to attract new clients from Nassau County. So far, I am very happy with the program and recommend it to any practitioners looking to expand their practice."

Veteran personal injury attorney Robert Rovegno, who was recognized by the NCBA in 2023 for his fifty years' admission to the practice of law, notes, "All during this time, I have been a participant in the Legal Referral panel and have been glad to render legal services to various members of the lay public of our community, sometimes be it simple legal advice over the phone and on some occasions have been retained to assist them in legal matters.

"I have found, however, that a number of referrals pertained to matters out of my field—like labor law,

civil rights, and immigration, to name a few. This circumstance would seem to present an opportunity for others in such disciplines to not only assist our Nassau County clientele but to obtain cases and build a client base, especially Spanish speaking and young attorneys, and reach out to our constituents."

Join the Panel

Membership on the LRIS Panel is open exclusively to active members of the NCBA. Professional insurance coverage is required. The annual registration fee is \$250, with additional costs for select panels such as Matrimonial, Torts, and Trusts and Estates. When a panel member is retained by a client, the attorney pays the LRIS 10% of the fees received in excess of \$1,000.

There is currently a need for additional LRIS panel members who practice labor law, immigration, civil rights, education law, reduced-fee matrimonial, and workers' compensation. Additionally, attorneys who are bilingual—particularly in English and Spanish—find the LRIS to be an invaluable marketing tool, attracting a diverse client base. The LRIS could be particularly beneficial to attorneys who are bilingual or specialize in one of the high-demand areas of law.

To join the LRIS, download the application and agreement at www.nassaubar.org/lawyer-referral-application. For assistance, contact LRIS Coordinators Carolyn Bonino at cbonino@nassaubar.org or (516) 666-4852, or Stephanie Rodriguez at SRodriguez@nassaubar.org or (516) 747-4146. ⚖️



ANNUAL HOLIDAY CELEBRATION
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Bring to the party or drop off by Dec. 5 an unwrapped new toy to be given to children in need.

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2024 Nassau County Bar Association

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This is, and always has been, my favorite time of the year. For me and my family, the holiday season kicks off around November 1 and while I try to keep it going for as long as possible, it usually ends when my head hits the pillow on New Year's night. There are so many things to love about the holiday season—the change in weather that equals sweaters and jeans on the weekends; the good food all around; the festive parties and gatherings; the classic holiday movies and music... the list goes on and on. But what I love most about the holiday season are the traditions shared with my family, friends and community.

Traditions, in the general sense, act as a bridge between the past and the present. Most of the ones we continue to celebrate today are positive ones from the past that bring people together to celebrate a heritage, a set of values, or simply something festive that remains too important to let go. My traditions provide me with a very real level of comfort knowing that at the same time every year I will watch that holiday classic, I will eat those holiday cookies, and I am going to have lunch with that group of friends I see every year at this time. These events, however big or small, bring with them a feeling of sentiment and warmth unmatched at any other time during the year.

My favorite holiday tradition is always the day we decorate our house with Christmas lights. "Lights Day," as it is cleverly known, began when I was just a kid, and my father finally asked me to help him hang the Christmas lights. I don't remember my exact age, maybe seven or eight, but it meant that, in Dad's eyes, I was old enough to help and not be a nuisance. For me, it changed Christmas forever. From that first day, and for every Christmas until he passed away, we hung the lights together, and it was my favorite day of the year.

Lights Day started at my parents' house where I grew up, and even when I no longer lived there, I always came home to hang the lights with Dad. When I bought my own house nearby, we would start Lights Day by hanging the lights on my parents' house first and then head over to decorate my house.



FROM THE PRESIDENT

Daniel W. Russo

Some years those lights went up without an issue but most years we would run into some problem, usually a section in the middle not working, or finishing the job with both of us holding the same end to the light strand and no way to plug it in. When that happened, it was always the other guy's fault, and we'd laugh all the way through the solution. I distinctly remember the years we would complain the weather was too warm to be hanging Christmas lights. "This is New York, it's supposed to be cold at Christmas time," Dad would say. He was right, and I now find myself saying that same thing almost every year. No matter the complaints, no matter the arguments, Lights Day always ended the same way: pizza, beer, Nat King Cole on vinyl, and a ton of laughs.

As the holidays approach, I hope all of you have your traditions ready. Whether it is something to be calendared or something that must happen spontaneously, with the same people every year or different ones, it's these traditions that make this time of year just ... different in the best possible way. Of course, one of our great NCBA traditions happens this time of year at our beloved Domus. On December 5, Domus will host the NCBA's Annual Holiday Celebration with music, great food, libations, and the most anticipated tradition of the season, President-Elect James Joseph delivering the true tale of Wassail. I hope all of you can be there to celebrate the holidays with your NCBA family. It is truly a special night and a wonderful holiday tradition for all.

As for Lights Day, the tradition continues with my wife and my daughter. First, we hang the lights at our house, then head to my parents' house and decorate there, too. Sure, it's different without Dad holding the ladder and yelling instructions at me, but I know every time I wind up with two of the same ends of the light strand, he is looking down and laughing all the way! The day ends with pizza, beer, Nat King Cole (on Spotify), and a ton of laughs.

From my family to you and yours, I hope you have the happiest and healthiest holiday season. 🍷



LAW DAY 2025 AWARD NOMINATIONS REQUEST

Liberty Bell Award

The Liberty Bell Award is presented to a non-lawyer in Nassau County who has strengthened the American system of freedom under the law by heightening public awareness, understanding and respect for the law.

Peter T. Affatato Court Employee of the Year Award

NCBA invites nominations for the Court Employee of the Year Award named in honor of Past President Peter T. Affatato, "Dean of the Bar." The award recognizes a non-judicial employee of any court located in Nassau County.

Awards will be presented at the Law Day Celebration on May 1, 2025, at Domus.

Nominations should be submitted with supporting documents no later than Friday, December 13, 2025.

Mail nominations to:

Hon. Ira B. Warshawsky
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Nominations



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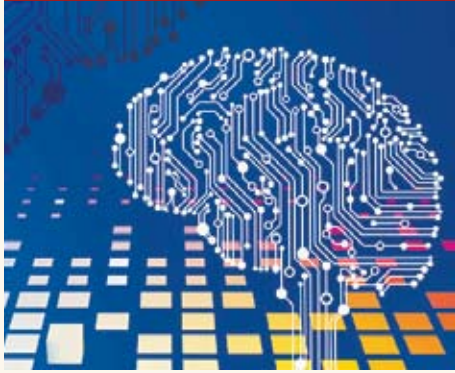
Welcome to your annual clean slate! Whether you will miss it or cannot wait to see it go, 2024 is nearly over and there is a brand new year waiting at the end of it!

Here are a few things you can do this month to set yourself up for a successful 2025:

- **Set Realistic Goals:** Establish achievable and realistic long-term goals for the new year. Set yourself up for success now by breaking them down into small, manageable tasks to sustain your interest and avoid becoming overwhelmed.
- **Learn Something New:** Begin to set aside regular time, even if you can only spare a few minutes per week, for personal development. Choose an intriguing new hobby or skill to focus on and let yourself enjoy the sense of accomplishment that comes from exploring and mastering a new frontier.
- **Practice Gratitude:** Keeping a gratitude journal is a terrific way to stay focused on the positive aspects of your life. It is a constantly evolving reminder to smile that can only enhance your overall well-being and mindset.
- **Schedule Regular Health Check-ups and Screenings:** Take control of your physical health by making all your 2025 appointments before the year even starts! Early detection and prevention are essential to maintaining good health, so ease your mind and ensure that you actually will prioritize them by having these steps already in place.
- **Nurture Your Mental Well-Being:** Recognize current stressors in your life and seek out enjoyable mindfulness techniques to incorporate into your daily routine. With some early effort, you can develop them into powerful, healthy coping mechanisms to use throughout the year (and beyond).

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**FOCUS:
INTELLECTUAL PROPERTY**

Frederick J. Dorchak

Artificial Intelligence (AI) is an area where we can expect to see increasing regulation throughout the world. China has had a set of administrative AI guidelines for the industry since 2022 and a draft general AI law is intended to be submitted for review to the legislature in 2024.¹ In a July 2024 report, the U.S. Copyright Office concluded that a new federal law is necessary to protect individuals from unauthorized digital replication of an individual's voice and appearance,² and the U.S. Congress is debating the need for legislation.³

In August 2024, King Charles signaled that the United Kingdom would seek "to establish the appropriate legislation to place requirements on those working to develop the most powerful artificial intelligence models."⁴ In Europe, the "AI Act" went into force on August 1, 2024 and becomes fully applicable with some exceptions in 2026, with prohibitions taking effect in February 2025 and obligations for general-purpose AI models applying in August 2025.⁵

The July 2024 U.S. Copyright Office Report is the first ("Part 1") of a series of intended reports, each of which addresses a different topic related to AI and copyright.⁶ The Part 1 Report addresses "digital replicas—the use of digital technology to realistically replicate an individual's voice or appearance."⁷ Issues concerning the ability of college athletes to receive compensation for their name, image, and likeness (NIL) were beyond the scope of the Report and not examined.⁸

One of the issues of the 2023 SAG-AFTRA strike was control over and compensation for images and voices of actors generated by artificial intelligence.⁹ The concern was not just the potential to see a digitally-created Harrison Ford perform in *Indiana Jones XVII*;¹⁰ artificial intelligence techniques also have the ability to digitally replicate and replace background actors and thereby cut talent costs.¹¹

Without control over their images and voices, actors are at risk that studios or their assignees will use artificial intelligence to create computerized replicas to advertise products that the actors do not endorse, appear in scenes

Artificial Intelligence—The Call for Federal Legislation

they do not approve, or promote politicians they disagree with—all without further compensation and years after their death.

The 2023 SAG-AFTRA strike ended with a tentative agreement that was subsequently ratified and established guidelines for the use of AI, including a provision that the creation of a digital replica requires consent from the performer.¹²

Suppose, however, that the strike had ended in an agreement (or a future agreement is entered into) where the studios gain the right to generate using artificial intelligence future works without further payment to or consent by the actor? One issue the studios may face is whether they can use the copyright laws to prevent others from copying the movie containing the AI generated work, or at least the AI generated portion that appears in the movie.¹³

Aside from the concerns of Hollywood, unauthorized digital replicas cause harm that fall in at least three categories: (1) sexually explicit deepfake imagery produced by generative AI systems; (2) replicated images and voices of a CEO or of a loved one or of a celebrity to perpetuate fraudulent activities, such as wrongly obtaining funds, demanding a ransom, or falsely endorsing products; and (3) misinformation impossible to discern, that undermines our political system and news reporting, such as a robocall of President Biden's voice or AI-generated images of former President Trump appearing with Dr. Anthony Fauci apparently used in Governor DeSantis's campaign.¹⁴

The new federal law advocated by the U.S. Copyright Office in the July 2024 report would establish a new federal right that governed replicas that convincingly appear to be the actual individual being replicated.¹⁵ The law would cover all individuals, not just those who can demonstrate that they are famous or that their identities have commercial value.¹⁶ The protection would end upon death, or if the new federal law does grant postmortem rights, the initial term would be shorter than twenty years, perhaps with the option of extending if the persona continues to be commercially exploited.¹⁷

State law protection would not be preempted and would continue to constitute an available remedy, if applicable.¹⁸

The U.S. Copyright Office in the July 2024 report recommended

that the new law proscribe at least the acts of distribution, publication, public performance, display, or making available, whether commercial or non-commercial, but not the creation, in itself, of a digital replica.¹⁹ Direct liability would require actual knowledge both that the representation in question was a digital replica of a real person and that it was unauthorized, irrespective of whether intent to deceive is established.²⁰ One, including online service providers, may be vicariously liable through contributory or induced infringement, but online service providers would have a "safe harbor" if the digital replica is removed expeditiously when the online service provider has actual knowledge or has received a sufficiently reliable notification that the replica is infringing.²¹

The July 2024 report also recommended that individuals be able to license their images and voices for use in digital replicas for a limited, renewable period of five or ten years, but not to fully assign all rights.²² Licenses involving minors would automatically expire when they reach the age of 18 years and be subject to procedural safeguards.²³ First Amendment concerns would be subject to a balancing test considering factors such as the purpose of the use, its expressive or political nature, the relevance of the digital replica to the purpose of the use, whether the use is intentionally deceptive, whether the replica was labeled, the extent of the harm caused, and the good faith of the user.²⁴

Monetary and injunctive relief would be available, including special or statutory damages and prevailing party attorneys' fees enabling recovery by those who may not be able to show economic harm or afford the cost of an attorney.²⁵

Whether these or other recommendations get implemented into federal legislation is uncertain at this time. It seems inevitable, however, that Congress will act in some way to address the ever-increasing concerns raised by digital replicas. ⚡

1. Dylan Loh and Cissy Zhou, *From China to Singapore, Asia's AI policy 'gaps' pose headaches for business*, at asia.nikkei.com (August 8, 2024).

2. *Copyright and Artificial Intelligence – Part 1: Digital Replicas, A Report of the Register of Copyrights*, iii-iv, 7, 22, 29-30, 57 (July 2024), at copyright.gov.

3. *Id.* at 24-28, 48; *Foreword from the Register of Copyrights, Copyright and Artificial Intelligence*

– *Part 1: Digital Replicas, A Report of the Register of Copyrights* (July 2024), at copyright.gov.

4. Emma Graham, *King's speech: AI implications for IP*, patentlawyermagazine.com (August 5, 2024).

5. European Commission, *AI Act, Shaping Europe's digital future*, at digital-strategy.ec.europa.eu (August 8, 2024).

6. About This Report, *Copyright and Artificial Intelligence – Part 1: Digital Replicas, A Report of the Register of Copyrights* (July 2024), at copyright.gov. For purposes of the Report, AI "is a general classification of automated systems designed to perform tasks typically associated with human intelligence or cognitive functions." *Copyright and Artificial Intelligence – Part 1: Digital Replicas, A Report of the Register of Copyrights*, iii n.1 (July 2024), at copyright.gov.

7. *Id.*

8. *Copyright and Artificial Intelligence – Part 1: Digital Replicas, A Report of the Register of Copyrights*, 25 n.153 (July 2024), at copyright.gov. For a discussion of NIL issues concerning college athletes, see Emily Margolin, *From March Madness to Postgame Sadness: Leveling the Playing Field in Collegiate Athletics by Establishing a National Name, Image, and Likeness Policy*, 52 *AIPLA Quarterly Journal* 313 (2024).

9. See, e.g., "2023 SAG-AFTRA strike", WIKIPEDIA, (October 13, 2024).

10. The movie *Indiana Jones and the Dial of Destiny* de-aged Harrison Ford to appear as Indy in his mid-40s using a combination of special effects that incorporated "onset data, traditional reference material, archival footage, digital painting an animation, a full CG head, and even some machine learning to swap the face for an alternate that's more scene appropriate." "Inside the VFX of *Indiana Jones and the Dial of Destiny* | lucasfilm.com: Magic Show: The Visual effects Wizardry of *Indiana Jones and the Dial of Destiny*, Production Visual effects Supervisor Andrew Whitehurst Speaks to lucasfilm.com About the Summer Blockbuster's Biggest Sequences," (July 20, 2023), at lucasfilm.com/news.

11. See Sean Piccoli, "Dispatches from The Picket Lines: Striking Actors Dump On Bill Maher & Decry AI During NYC Rallies," *DEADLINE*, (September 5, 2023), at deadline.com.

12. Klar, Rebecca (November 13, 2023),

"SAG-AFTRA releases agreement, details AI protections," at thehill.com/policy/technology.

13. See Sara M. Dorchak and Bridget M. Ryan, "Artificial Intelligence Ushers in a Brave New world for Copyright," *Nassau Lawyer*, September 2023, pages 6-7, discussing the U.S. Copyright Office's decision to deny a copyright for images appearing in a comic book created using the AI program Midjourney.

14. *Copyright and Artificial Intelligence – Part 1: Digital Replicas, A Report of the Register of Copyrights*, 4-6 (July 2024), at copyright.gov.

15. *Id.* at 29.

16. *Id.* at 29-30.

17. *Id.* at 32-33.

18. *Id.* at 50.

19. *Id.* at 33-35.

20. *Id.* at 35.

21. *Id.* at 36-40.

22. *Id.* at 41.

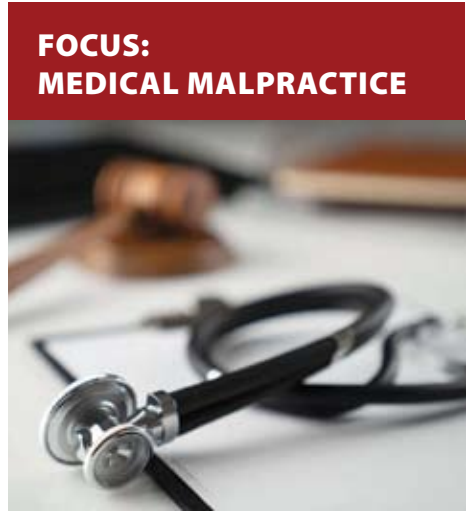
23. *Id.* at 42.

24. *Id.* at 46-47.

25. *Id.* at 47-48.



Frederick J. Dorchak is a principal in the intellectual property law firm of Collard & Roe P.C., in Roslyn and a former chair of the NCBA Intellectual Property Law Committee. He can be contacted at fdorchak@collardroe.com.



Christopher J. DelliCarpini

In *Yi v. New York State Board for Professional Medical Conduct*, the Third Department recently affirmed a medical expert’s reliance on clinical guidelines in forming his opinions.¹ The panel was split 3–2, however, and the dissent argued that the expert erred in taking clinical guidelines as defining the standard of care.

The majority and dissent each offer insights into the role that clinical guidelines can play in expert opinions in medical-malpractice cases. Attorneys for both sides in medical malpractice litigation can use these insights to ensure that our experts’ opinions are supported by clinical guidelines rather than undermined by them.

How Much Guidance Can Medical Experts Take from Clinical Guidelines?

Case Law on Clinical Guidelines

The Court of Appeals restated the law on the admissibility of clinical guidelines in *Hinlicky v. Dreyfus*.² The plaintiff’s decedent had undergone a successful endarterectomy but afterward suffered a heart attack and died days later.³ The plaintiff alleged that the defendants were negligent in not obtaining a preoperative cardiac evaluation.

The defendant anesthesiologist testified that in deciding against an evaluation, he had used a flowchart or algorithm from clinical guidelines published in 1996 by the American Heart Association (AHA) in association with the American College of Cardiology (ACC). The trial court admitted the algorithm under the professional reliability exception to the hearsay rule.⁴ The plaintiff’s experts opined that the guidelines were never meant to set the standard of care, while the defense experts testified that the algorithm was “an important tool” that they used in caring for their own patients.

The Appellate Division held that the trial court properly admitted

the algorithm, and the Court of Appeals affirmed. “While it is true that the algorithm is an extrajudicial statement,” the court held, “it would only be ‘classic’ hearsay if offered to prove the truth of the matter asserted therein.”⁵ Counsel had offered the algorithm as a demonstrative aid for the jury in understanding the process his client had followed. On appeal the plaintiff argued that, to all appearances, the algorithm had been admitted for truth of the matter asserted, that is, the standard of care. The court pointed out, however, that the plaintiff had raised no such objection at trial. Indeed, the absence of objection led the court to not even consider the algorithm’s admissibility under the professional reliability rule.

The Second Department has followed *Hinlicky* with results that are not obviously reconcilable. In *Ellis v. Eng*, the court held that a plaintiff failed to raise an issue of fact when he failed to put into evidence the clinical guidelines on which his expert relied.⁶ But in *Saccone v. Gross*, the court held that the plaintiff was properly precluded from offering the Physicians’ Desk Reference into evidence because the proffered evidence constituted inadmissible hearsay.⁷

The distinction appears to be that in *Ellis* the expert was offering an opinion outside his specialty, therefore the guidelines on which he relied needed to be in evidence to provide a foundation for his opinions. In *Saccone*, however, the court relied on the Court of Appeals’ decision in *Spenseri v. Lasky* that the PDR, an “encyclopedia of medications, written and compiled by drug manufacturers,” can never constitute prima facie evidence the standard of care because “The testimony of an expert is necessary to interpret whether the drug in question presented an unacceptable risk for the patient in either its administration or the monitoring of its use.”⁸

Yi: Who (or What) Defines the Standard of Care?

In *Yi*, a physician petitioned for review under CPLR article 78 of the revocation of his license. In 2018 the Bureau of Professional Medical Conduct charged Dr. Won Yi with negligence, incompetence, gross negligence, gross incompetence, and failure to maintain accurate records for seven patients who received radiation treatment that was excessive and, in some cases, unnecessary. The

Hearing Committee sustained all but the record-keeping charge and revoked Dr. Yi’s license.

Dr. Yi argued that the Bureau’s medical expert witness improperly relied on clinical guidelines. Dr. Isamettin Aral testified that guidelines published by the National Comprehensive Cancer Network and the American College of Radiology “defined the standard of care” and had been “considered gospel for decades,” and that ten-year-old data from the Quantitative Analysis of Normal Tissue Effects in the Clinic, or QUANTEC, were a standard of care in radiation oncology.⁹ Dr. Yi’s expert also considered these sources, but he did not find a deviation from the standard of care in the circumstances of these seven patients.

The Third Department affirmed the Committee’s decision as supported by substantial evidence. The guidelines were not in the record, but the court took judicial notice of qualifying language in the documents disavowing that they defined an authoritative standard of care. The court also overlooked “Dr. Aral’s express identification of these guidelines as the standard of care,” concluding that “it is evident from his detailed testimony as to each patient that he utilized the guidelines as ‘one link in the chain’ of his evaluation process.”¹⁰ And though Dr. Yi’s expert disagreed with Dr. Aral’s “oversimplification of [the] practice of medicine,” the court held that the Committee was free to credit his opinions over those of Dr. Yi’s expert.¹¹

The panel was split 3–2, however, and the dissent could not construe Dr. Aral’s testimony as anything but erroneously over-relying on the guidelines. The dissent distinguished between “the standard of care established within the medical community” and “professional practice materials intended to be only used as educational tools.”¹² “[T]he findings of the Committee,” the dissent found, “were premised entirely on the erroneous understanding of [Dr. Aral], that professional societies establish the accepted standard of care.”¹³ With no other evidentiary basis, the Committee’s determination was “fatally flawed, fundamentally unfair and affected by an error of law.”¹⁴

“One Link in the Chain”

Yi reaffirms that clinical guidelines are never “gospel”; they can inform the standard of



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care for a patient but not define it. Indeed, most guidelines will expressly advise that they “provide contemporary informed treatment recommendations that are flexible and subject to adjustment—but do not purport to define an authoritative standard of care.”¹⁵ The court pointed out that it was Dr. Aral’s experience and review of the patients’ records that provided the factual basis for his opinions, even though he expressly referred to the guidelines “as defining the ‘standard of care.’”¹⁶

Accordingly, expert testimony should make clear that clinical guidelines do not define the standard of care but merely inform it. It should be easy to avoid overreliance where the guidelines expressly deny that they are authoritative. But experts should show that their opinion rests on their experience and their application of the guidelines to a particular patient with a particular history. Indeed, as the Court of Appeals held in *Hinlicky*, “in general, evidence of guidelines is not

conclusive, and such evidence is not a necessary element of a plaintiff’s proof.”¹⁷

But *Yi* does not require parties to offer guidelines into evidence when they are merely a link in the expert’s chain of reasoning. The court noted that “None of the referenced guidelines are in the record,” though it then took judicial notice of those guidelines, which were available online, to show that they denied offering an authoritative standard of care.¹⁸ In *Ellis*, however, where the expert lacked the experience to offer opinion without the guidelines, their opinion was inadmissible without those guidelines also being in evidence. Yet *Hinlicky* suggests that, under some circumstances, the prejudicial impact of guidelines might substantially outweigh their probativeness, and an objection to their admission might be sustained.

Yi also warns that private litigants should not expect the forgiving treatment that the Committee received on Article 78 review. The standard of

review was merely whether the Committee’s determination was supported by substantial evidence, and the majority not only took judicial notice of the guidelines but also overlooked “Aral’s express identification of these guidelines as the standard of care” and reviewed his “detailed testimony as to each patient” to conclude “that he used these guidelines as ‘one link in the chain’ of his evaluation process.”¹⁹ The dissent, however, found that “the findings of the Committee were premised entirely on the erroneous understanding of [Dr. Aral] that professional societies establish the accepted standard of care.”²⁰

It may seem tactically advantageous to treat as authoritative clinical guidelines that appear to support your position. But that argument may be expressly refuted by the guidelines themselves, and it likely cannot save an opinion unsupported by an expert’s experience and the record. ⚖️

- 1. 226 A.D.3d 1167 (3d Dep’t 2024).
- 2. 6 N.Y.3d 636 (2006).
- 3. 6 N.Y.3d at 639. An endarterectomy is a

- surgical procedure to remove plaque buildup from the lining of an artery.
- 4. See *People v. Goldstein*, 6 N.Y.3d 119, 124–25 (2005).
- 5. 6 N.Y.3d at 645–46.
- 6. 70 A.D.3d 887 (2d Dep’t 2010).
- 7. 84 A.D.3d 1208 (2d Dep’t 2011).
- 8. 94 N.Y.2d 231, 239, 237 (1999).
- 9. 226 A.D.3d at 794.
- 10. 226 A.D.3d at 1170 (quoting *Hinlicky*, 6 N.Y.3d at 647).
- 11. 226 A.D.3d at 1170.
- 12. 226 A.D.3d at 1175–76 (Powers, J., dissenting).
- 13. 226 A.D.3d at 1176 (Powers, J., dissenting).
- 14. 226 A.D.3d at 1176 (Powers, J., dissenting).
- 15. 226 A.D.3d at 1170.
- 16. 226 A.D.3d at 1169.
- 17. 6 N.Y.3d at 645 n.5, cited in *Ellis*, 70 A.D.3d at 891.
- 18. 226 A.D.3d at 1169–70.
- 19. 226 A.D.3d at 1170.
- 20. 226 A.D.3d at 1176 (Powers, J., dissenting).



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**FOCUS:
LAW AND AMERICAN
CULTURE**

Rudy Carmenaty

Thomas E. Dewey is an intriguing “What If” from our collective past. A nearly forgotten figure, he was an incorruptible prosecutor who took on organized crime. In so doing, he not only advanced his own political fortunes, but he entered the popular lore of the day.

Dewey cut quite a dashing figure as a “Racket Buster.” His muscular enforcement of the law and his courage in the face of mob intimidation, made him a cultural luminary of sorts. His renown was well deserved—the crusading attorney as folk hero.

Dewey frequently was featured in newspapers and on newsreels. Dewey was even depicted in comic books. There was a popular radio drama *Gangbusters* and a movie *Marked Woman*, with Humphrey Bogart and Bette Davis, that offered audiences sanitized versions of Dewey’s exploits.¹

An apocryphal story shows the extent of Dewey’s penetration of the zeitgeist of his times. A little girl tells her father she going to sue God. When her father tells her “You can’t sue God and win,” the girl responds by noting “I can if Dewey is my lawyer.”²

Dewey translated his courtroom triumphs and reputation for honesty into an entrée to high office. He rode his successes to the governor’s mansion in Albany for three terms and almost became the President of the United States—not once, but twice. Dewey captured the people’s imagination, but not enough of their votes.

There is a considerable consensus that he could have made a fine president. Had Dewey captured the White House, the whole course of American history would have been different. Dewey deserves a better fate

The Racket Buster Who Could Have Been President

than to be relegated to the dust bin of “also rans” among presidential contenders.

Dewey first came to the public’s attention due to the laxity shown by Manhattan District Attorney William C. Dodge when it came to gambling. Palpably, the fix was in.³ Charged with rooting out this corruption, Dewey, a Republican, was appointed by Democratic Governor Herbert Lehman as a Special Prosecutor in 1935.

The strait-laced Dewey appeared an odd choice at first. He proved himself every inch a racket buster. And he went after not only bootleggers like Waxey Gordon, or hit men like Lepke Buchalter, but he managed to secure convictions against the president of the New York Stock Exchange and American Nazi leader Fritz Kuhn as well.

As much as anything, Dewey’s reputation rested on his conviction of Charles “Lucky” Luciano. Interestingly enough, Luciano probably spared Dewey’s life. The notorious Dutch Schultz wanted to assassinate the prosecutor. Fearing reprisals from the authorities, Luciano ordered that Schultz be killed instead.⁴

The “rackets,” whether it was gambling or protection or the numbers, exacted a heavy toll. By one estimate, these illicit activities in their various forms cost New Yorkers half-a-billion dollars annually.⁵ And this figure does not take into account crime’s impact in terms of vice, death, and malfeasance.

Eunice Carter, the first African American woman ADA in New York State, initiated the investigations that snared Luciano. The legal strategy behind Dewey’s efforts was derived from information Carter had coaxed from madams and prostitutes whose confidence she had gained.

In 1936, Dewey authorized a series of raids on brothels throughout the city. Luciano was arraigned and eventually convicted. Dewey handled the case himself. He charged Luciano with overseeing a massive prostitution racket. Dewey pressed Luciano on his arrest record, underworld ties, and his taxes.

It was a masterful prosecution as Luciano was sentenced to thirty to fifty years. Behind bars, Luciano still controlled a vast criminal empire. So much so, that Luciano was able to cut a deal with the U.S. Navy. In return for his war-time cooperation, Dewey commuted Luciano’s sentence, and he agreed to be deported to Italy.⁶

Regardless of how it ultimately turned out, it was the Luciano case that launched Dewey’s political career. By 1938, Dewey was challenging



Lehmann at the polls and almost won the statehouse. Four years later in 1942, Dewey won the governorship and created a template that future prosecutors would emulate.

His philosophy was, by today’s standards, almost unimaginable—a pragmatic combination of elements both left and right. Dewey championed “fiscally responsible liberalism” or “a more politically viable progressive conservatism.”⁷ It could be said Dewey used conservative means to achieve liberal aims.

By any measure, Dewey’s tenure left the state better-off for his being there. He augmented education spending, provided a decent modicum of social services, built the NYS Thruway, and founded the State University of New York, all while balancing the state’s budget and strongly favoring and implementing the death penalty.⁸

Exemplary on the issue of race, two decades before the civil rights legislation of the 1960s, Dewey signed the Ives-Quinn Act of 1945. At the time, this law was the most wide-ranging prohibition of racial discrimination anywhere in the United States, and it established the predecessor to the NYS Division of Human Rights.⁹

Dewey was nominated for president in 1944 and 1948. The first time he lost to Franklin Roosevelt. The country was in no mood to switch presidents as World War II was coming to a victorious conclusion. In 1948, it was Harry Truman who bested him. This defeat is ranked as the most spectacular reversal of fortune in American politics.

A pillar of the eastern establishment, Dewey led the moderate faction of the Republican Party, the professional and business community situated in the northeast. Dewey could readily be distinguished from his more conservative brethren, the mid-western wing of the GOP led by Ohio Senator Robert Taft.

This divide was as much philosophical as it was geographical. Taft, the son of former president and Chief Justice William Howard

Taft, was a doctrinaire conservative.

It became a replay of the intraparty Republican fissure of 1912 between the elder Taft and New York’s native son Theodore Roosevelt.

Dewey, for his part, did not necessarily object on principle to progressive policies. He just felt that he could manage them more responsibly and efficiently. Dewey made his peace with FDR’s New Deal programs, and he espoused internationalist Cold War stratagems on a par with those advocated by the Truman administration.

Taft’s conservative bloc refused to go along with either proposition. Ostensibly, Dewey led a divided party. It was also an organization that was out of power for what turned out to be twenty long years, and which lost five presidential elections in a row. The GOP would not coalesce and again win until the coming of General Eisenhower.

Dewey could take justifiable credit for Eisenhower’s victory. In fact, over the course of a dozen years at four successive national conventions, Dewey and Taft would clash over the direction of the Republican party. Dewey would deny Taft the presidential nomination on every occasion, either personally or by proxy.

In the off-year elections of 1946, the Democrats lost badly. Dewey was easily reelected governor, and the GOP took control of Congress. Truman was written-off as an all but certain loser, with all indications pointing to a Republican landslide in 1948. Dewey must have thought he was politically invulnerable.

No one, however, told Truman that the outcome of the election had been preordained. The President embarked on his legendary whistle stop tour aboard his train. The 1948 campaign was the last of its kind, before the advent of the mass media came to dominate American elections.

Truman managed to stitch together FDR’s winning coalition by resorting to demagoguery. Truman openly mocked Dewey and likened the GOP to fascists, warning of another depression if the Republicans won.

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Being from Missouri, his earthy appeal cost the urbane Dewey mightily in rural precincts.

More than that, he went after the 80th Congress with a vengeance, calling it a “do-nothing, good-for-nothing Republican Congress.”¹⁰ Dewey, by contrast and to his later chagrin, ran a well-behaved, well-financed, well-orchestrated operation that did not respond in kind to Truman’s hard-hitting “Give ‘Em Hell Harry” barbs.

Dewey, adopting an overly cautious approach that sought to avoid risk, offered a positive vision. An appeal that voters often say they want, but which in all actuality has little visceral appeal among average Americans. Dewey’s was far too courtly, and his speeches, lacking any red meat, were clichéd.

On election day, the President took an early lead which he never relinquished. Dewey carried New York State, but by nowhere near the margin he anticipated. It was a harbinger of things to come. By Wednesday morning, it became evident Dewey had literally “snatched defeat from the jaws of victory.”¹¹

Dewey’s collapse must go down as more than a colossal letdown. The final results were not even close. Truman received 303 electoral votes to Dewey’s 189.¹² The *Chicago Tribune’s* banner headline declaring DEWEY DEFEATS TRUMAN afforded Truman his crowning moment as president.

As with any failed candidacy, the fault ultimately rests with the candidate. In private, before family and friends, Dewey was gracious and, if it could be believed, rather gregarious. The voters seldom if ever saw this side of him. Dewey inspired respect, but very little in the way of affection.

Alice Roosevelt Longworth, T.R.’s daughter and a Washington dowager, described Dewey as “the little man on the wedding cake.”¹³ She later added after his defeat in 1948, “We [the GOP] should have known he couldn’t win—a soufflé never rises twice.”¹⁴ To put it plainly, Dewey came off as stiff and standoffish.

Would Dewey have made a good or even a great president? Certainly, all the requisites were there. Instead, he became at age 46 the youngest has-been in all of politics. He simply lost one too many times to be given another bite of the apple.

Dewey’s public service ended at the conclusion of his third gubernatorial term in 1954. After leaving office, he engaged in a lucrative law practice with the since defunct white-shoe firm of Dewey, Ballantine, Bushby, Palmer & Wood. Dewey is reputed to have twice turned

down a seat on the U.S. Supreme Court.

Dewey would never run for the presidency again, nevertheless his engagement with national politics was not quite over. His greatest influence was yet to come. In 1952, Dewey played a decisive role as the party pinned its hopes for the White House on Dwight Eisenhower for president and Richard Nixon for vice president.

Behind the scenes, Dewey played the role of kingmaker. It was Dewey who convinced Eisenhower to run, using his organization to land the General the nomination. Ike inherited Dewey’s campaign team and a virtual Republican cabinet in waiting. Dewey had the added satisfaction of foiling Taft once more.

Eisenhower’s ascension was paved by Dewey. Much the same can be said of Nixon. Dewey was decisive in Nixon’s being named as Ike’s running mate. And it was Dewey who made sure Nixon was kept on the ticket after the latter was accused of having a secret slush fund during the general election.

In 1956, when Eisenhower sought a second term, Dewey again counseled against replacing Nixon. For Nixon, the vice presidency was his steppingstone as the Republican heir apparent. If not for Dewey, Nixon would not have become vice president or later president. Nixon owed everything to Dewey.

Also, if Dewey had won in 1948, Earl Warren would have been his vice president. Warren would never have become the fourteenth Chief Justice of the United States. As Chief Justice from 1953 to 1969, Warren ushered in a new era in constitutional adjudication beginning with *Brown v Board of Education* in 1954.

Even though Taft was thwarted by Dewey repeatedly, Taft posthumously won the party over as conservatives in time captured the machinery of the GOP. By 1964, Barry Goldwater was nominated over Dewey’s preferred pick Nelson Rockefeller, the then Governor of New York. Dewey skipped that year’s convention.

How does one begin to characterize Dewey the politician? In today’s polarized climate, he seems inconceivable. Socially liberal, but fiscally restrained, his policies perfectly incarnated the upright, good government consensus that elected him time and again in New York.

It was also significant that Dewey died when he did. He perhaps had one final duty to perform, a duty which death kept him from carrying out. Dewey served as a trusted advisor to the Nixon White House. Dewey was much respected by his former protégé.

In 1971, members of Nixon’s cabinet concluded Chief of Staff H.R. Haldeman and Chief Domestic Policy Advisor John Ehrlichman were “poisoning the atmosphere around the President.”¹⁵ It was decided that “[s]omeone was needed ... to tell Nixon that he was risking his presidency out of misguided loyalty.”¹⁶

Dewey was the only man with the stature whose advice Nixon might have heeded. Before Dewey could be solicited for this function, he died of a heart attack. Who knows, Nixon might have listened. If successful, Dewey might have circumvented the constitutional crisis known as Watergate.

The key to understanding Dewey is as a lawyer’s lawyer. His integrity and abiding sense of right and wrong structured the way he approached matters of law and governance. The tradition which he represented, once a hallmark in Albany and in Washington, bears remembering and recapturing.

Thomas E. Dewey was always a great deal more than a celebrated crime fighter, a would-be president, or the little man on top of the wedding cake. ⚖️

I. Russell Fowler, Thomas E. Dewey: America’s

- Greatest Prosecutor, Tennessee Bar Association (November 1, 2017) at <https://www.tba.org>.
2. Richard Norton Smith, *Thomas Dewey & His Times* 18 (1st Edition, 1974).
3. Dodge himself was never charged criminally. It was later revealed that Dutch Schultz paid \$15,000 to finance Dodge’s campaign for Manhattan District Attorney in 1933.
4. Elizabeth Friedman, *Thomas Dewey, The Mob Museum* at <https://themobmuseum.org>.
5. Historynet Staff, *Thomas E. Dewey Defeats Dutch Schultz*, (June 6, 2006) at <https://historynet.com>.
6. Editors of the Encyclopedia Britannica, *Lucky Luciano American Crime Boss*, Britannica at <https://www.britanica.com>.
7. See “Thomas E. Dewey” at <https://empirestateplaza.ny.gov>.
8. Smith, *supra*, 31.
9. See Agency History, Division of Human Rights-NY.gov at <https://dhr.ny.gov>.
10. Michael Levy, *Campaign in the United States presidential election of 1948*, Britannica, at <https://www.britanica.com>.
11. New York Times, *Thomas E. Dewey Is Dead at 68*, March 17, 1971, at <https://www.nytimes.com>.
12. Levy, *supra*.
13. New York Times, *supra*.
14. *Id.*
15. Fowler, *supra*.
16. *Id.*



Rudy Carmenaty is Deputy Commissioner of the Nassau County Department of Social Services. He is the President-Elect of the Long Island Hispanic Bar Association. Rudy can be reached at Rudolph.Carmenaty@hnsnassaucountyny.us.

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NASSAU ACADEMY OF LAW

December 3 (Hybrid)

Public Information Session: Becoming a Foster Care or Adoptive Parent to Children in Foster Care

Co-Sponsored by NCBA Community Relations & Public Education and the Family Court Law, Procedure and Adoption Committees

5:30PM—7:30PM

2.0 CLE Credits in Professional Practice

FREE for the Public and All Attorneys

This public information session outlines how to become a foster care or adoptive parent to children in foster care. This program will begin with opening remarks by the Hon. Robin M. Kent, Judge of the Nassau County Family Court. The Nassau County Department of Social Services Home Finding Unit will give an overview of how to become a foster care or adoptive parent and attorney Faith Getz Rousso will give a legal overview of foster parents' rights and responsibilities.

Moderator:

Charlene J. Thompson, Esq., Deputy County Attorney, Office of the Nassau County Attorney, Family Court Bureau Nassau County Family Court

Guest Speakers:

Hon. Robin M. Kent, Judge, Nassau County Family Court

Faith Getz Rousso, Esq., The Law Office of Faith Getz Rousso, P.C., representing adoptive and foster parents seeking to adopt a child

December 12 (Hybrid)

Dean's Hour: Fact, Fiction and the French Connection

Co-Sponsored by NCBA Intellectual Property Committee

12:30PM

1.0 CLE Credit in Professional Practice

NCBA Member FREE; Non-Member Attorney \$35

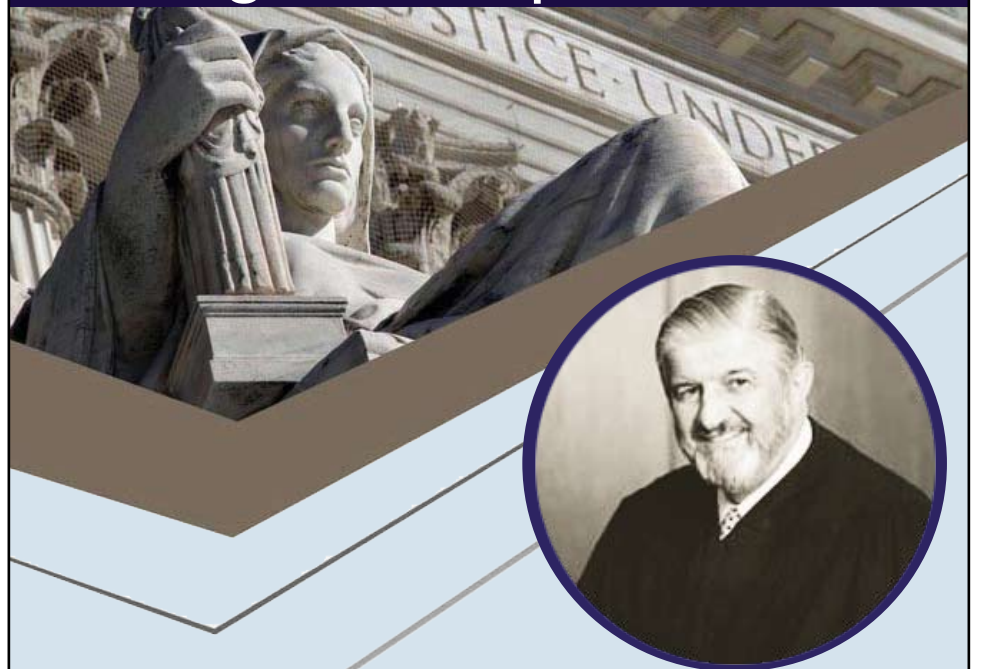
The 1971 Academy Award-winning film *The French Connection*—and Robin Moore's best-selling non-fiction account of the same name—was based on the real-life exploits of NYPD detective Eddie Egan and his partner Sonny Grosso. In 1962, Egan and Grosso made a spectacular drug bust that resulted in the seizure of 120 pounds of pure heroin with a street value of \$32 million. The cunning French godfather who masterminds the scheme to import the narcotics from Marseilles to New York, Jean Jehan, escaped justice. And months before the Academy Awards ceremony, a hundred pounds of the heroin that had been seized a decade earlier were taken from an NYPD property clerk's office, never to be seen again.

This program chronicles the history of the underlying crime, the legal machinations behind the scenes to get the book published and the film made, and the rather ambiguous legal and cultural legacy surrounding the French Connection case and its resulting literary properties.

Guest Speaker:

Rudy Carmenaty, Esq., Deputy Commissioner of the Nassau County Department of Social Services and the Nassau County Department of Human Services

Hon. Joseph Goldstein Bridge-the-Gap Weekend



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Bridge-the-Gap Chair Christopher J. DelliCarpini, Esq.
Nassau Academy of Law Associate Dean Sullivan Papain
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PROGRAM CALENDAR

In person only

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MARCH 2, 2025

Touro University Jacob D. Fuchsberg Law Center, 225 Eastview Drive, Central Islip, NY

Sign-in begins 8:00AM

Program 9:00AM—2:30PM

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PART 36 CERTIFIED TRAINING PROGRAMS ON DEMAND

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2025 NASSAU COUNTY MOCK TRIAL TOURNAMENT

The New York State High School Mock Trial Program is a joint venture of The New York Bar Foundation, the New York State Bar Association, and the Law, Youth and Citizenship Program. In this educational program, thousands of high school students gain first-hand knowledge of civil/criminal law and courtroom procedures.

Objectives of the tournament are to teach students ethics, civility, and professionalism; further students' understanding of the law, court procedures and the legal system; improve proficiency in basic life skills, such as listening, speaking, reading and reasoning; promote better communication and cooperation among the school community, teachers and students and members of the legal profession; and heighten appreciation for academic studies and stimulate interest in law-related careers.

Jericho High School was the winner of the 2024 Nassau County tournament after competing against 50 local public, private and parochial schools. View an interview with the Jericho High School team at <https://www.youtube.com/watch?v=qkXYPgTd4lk>.

The 2025 Nassau County Mock Trial Tournament will run from February to April. Trials are held at the Nassau County Supreme Court from 4:30 PM to 7:00 PM. This year's schedule is as follows:

February 5	Preliminary Round 1
February 12	Preliminary Round 2
March 4	Intermediate Round
March 12	Sweet 16
March 18	Quarter Finals
April 2	Semi Finals
April 9	Nassau County Final

The state finals take place in Albany May 18–20, 2025.

To volunteer as a Mock Trial judge, contact Nassau Academy of Law Director Stephanie Ball at sball@nassaubar.org or (516) 747-4077.

**FOCUS:
APPELLATE LAW**


Chet Lukaszewski

The New York State Court of Appeals—with its decision in *Matter of Rawlins v. Teachers' Retirement System of the City of New York*, 2024 WL 23317142024 N.Y. Slip Op. 02840 (May 2024)—made clear that purposeful acts committed against city and state workers in the line of duty can be “accidents” for disability pension purposes. In presenting this case to the courts, school shootings were referenced at length over the course of the Article 78 proceeding and appellate process. Other hypotheticals presented included an EMS worker or nurse in a city or state hospital lured to a location under a false pretense and sexually assaulted, or a young prosecutor or public defender brutally

A Momentous, But Bittersweet, Pension Law Court of Appeals ‘Victory’

attacked outside a courthouse by the dissatisfied family of a client they’d been assigned to represent. These and countless others, thankfully rare, but very real and possible situations and scenarios, now unquestionably can be deemed “accidents” for pension purposes by the New York State and City Retirement Systems and Pension Funds, and if need be, the courts.

Rawlins is a tremendous victory for municipal and civil service workers. The *Rawlins* ruling will protect the pension rights of New York City and State workers injured in the most heinous of manners in the line of duty. Sadly, Ms. Rawlins, a former New York City public school principal, who became psychologically disabled for that position as the result of a stalker whose criminal efforts were perpetrated upon her whilst in the performance of her job duties, was found not to have been disabled by an “accident” by the justices of the Court of Appeals (“COA”). Thus, while perhaps the ‘war’ was won, and a momentous pension law decision secured, the ‘battle’ was lost, making the decision a bittersweet success.

With the *Rawlins* decision, a rule of law was established that will provide pension safeguards for others, but not compensate Ms. Rawlins, the person whose fortitude and funding brought it to fruition. Securing a positive COA decision is a feather in the cap of any lawyer. For a disability pension attorney, to bring about the holding in *Rawlins*, is a great personal achievement, knowing that good hard-working people who have very bad things happen to them while simply doing their jobs will be financially protected as a result of your efforts and advocacy. However, to succeed for many others, but not the person you were directly advocating on behalf of, is difficult to come to grips with.

In *Rawlins*, the Supreme Court, New York County, and then the Appellate Division, First Department, both found for the New York City Teachers’ Retirement System (“TRS”), ruling that a purposeful act could not be an accident for pension purposes. The COA, though, definitively held there is no prohibition on purposeful acts being “accidents” for pension purposes. This ruling ensures that those disabled by such events who have different levels of pensions available to them, will receive the higher level of an Accident Disability Retirement (“ADR”) pension, as opposed to a lesser Ordinary Disability Retirement (“ODR”), should such a tragic occurrence befall them. This group includes principals and teachers, but is primarily comprised of emergency service occupations—like police officers and fire fighters, and EMS and corrections personnel (often referred to as a ‘uniformed job title’)—who generally receive a 2/3’s or 3/4’s final average salary (“FAS”), tax-free pension on ADR, versus 1/3 or 1/2 on ODR.

Rawlins also ensures that ‘non-uniformed’ job titles, which encompass most city and state civilian employees—who generally receive a 1/3 FAS disability pension on both ADR and ODR—will receive a pension if disabled by such a purposeful act in the line of duty event, with less than ten years of service time. Without that much time on the job, one must be disabled by an “accident” to receive a disability pension. Disability pensions also include medical benefits, making them that much more invaluable to a worker who is so badly injured that they are permanently disabled for doing their job.

The COA has come to define an “accident” for disability pension purposes as a “sudden, fortuitous mischance, out of the ordinary and injurious in impact,” with “sudden fortuitous mischance” being generally interpreted as “unexpected.”¹ However, there is unquestionable ambiguity as to what does and does not fit the accidental criteria. Chief Justice Rowan Wilson has repeatedly denounced the lack of clarity and has called upon the Legislature to act to remedy the situation. Statements by the Chief Justice as to the current problems with the accident disability pension laws that require legislative attention, include: “[m]uch of the problem is due to the structure and history of (accident disability pension statutes)... Our case law consistently documents this absurd unfairness.”; “[t]he results often defy common sense”; “[i]deally, the legislature would act to provide some clear rules”²; “[i]njured governmental employees and their employers would greatly benefit from a standard that produced clear, intelligible, predictable and fair results. In the wake of the courts’ inability to do so, that task falls to the legislature... Our precedents have failed to provide guidance allowing for predictability and consistency...”³

Examples of events which the courts have deemed to be “accidents,” after municipal retirement systems found them not to be, include falling as the result of a wet floor with no warning signs,⁴ an injury caused by piece of machinery or equipment malfunctioning,⁵ and a self-defense training exercise being held in an overly crowded location.⁶ Some events found not to be accidents by the courts which befall pensioners include getting a uniform or equipment snagged while exiting a vehicle,⁷ a chair suddenly sliding out whilst getting up,⁸ slipping on wet pavement after a rainstorm,⁹ and bearing witness to a gruesome accident scene when accident scene response is a standard job duty.¹⁰ Hopefully, one day, the Legislature will act to give more instruction and clarity as to what in fact and definitively constitutes an “accident” for disability pension purposes.

The TRS premised its denial of ADR to Ms. Rawlins on the COA’s *Walsh v. Board of Trustees* decision, in which it held that it was not an “accident” where a firefighter was disabled in a fight with another during an unsanctioned New Year’s celebration in the firehouse, while both were technically on duty.¹¹ However, as was argued at every level



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of *Rawlins*, the decision in *Walsh* was premised upon the injurious event not being germane to the disabled pensioner's actual job duties. The *Walsh* court specifically wrote: "Consequently, we need not consider and do not decide whether, or under what circumstances, injuries caused by the intentional act of a third party are accidental..." In *Rawlins* the COA held the TRS' basis for denying ADR was legally incorrect, making clear there is no rule that a purposeful act cannot be an "accident" for pension purposes.

The *Rawlins* decision was a tremendous victory for any worker, and their family, disabled in the future by the intentional act of another, in the line of duty. Unfortunately, the COA did not feel Ms. Rawlins' disabling event met its definition of an "accident." It found that she was disabled by a series of occurrences, over time, involving the man who she came to realize was stalking her, which included past dealings that involved his poor and erratic behavior as a school employee, despite her being unaffected by the same, and merely considering those to be normal job tasks at the time. The COA did not agree with the position that Ms. Rawlins' disability resulted from the singular event, when she came to realize she was being stalked—wherein her stalker, a former school cook, returned to her school, and in a crazed manner, sought her out individually, and gained near direct contact with her whilst trying to force his way past school security—causing her to flee the building and never return to work because of the resulting psychological trauma. Ms. Rawlins' stalker was arrested, and the New York City Criminal Court issued her a multi-year order of protection. Unfortunately, the COA felt the prior happenings contributed to Ms. Rawlins' disability, despite her having no psychological issues until the day in question. On that basis, it determined she was not disabled by an "accident" for disability pension purposes.

Ultimately, in *Rawlins*, the COA disagreed with the lower court's holding that Ms. Rawlins was not entitled to ADR because her disability was the result of a purposeful act, and thus not an "accident," but she nevertheless was denied ADR by the court. It has always seemed rather unfair that a person harassed and/or discriminated against by their coworkers to the point of a disability for full duty in their job title, is not eligible for ADR, but one who slips and falls because of something like water on a bathroom floor, is. Perhaps someday that too will change.

The COA's decision means Ms. Rawlins, as a divorced woman (the strain of this situation as a whole contributed to the end of her marriage), in her late 40s, with two children, permanently impaired by a psychological trauma, will be forced to live on a 1/3 ODR pension, rather than the 2/3's ADR would have provided. If Ms. Rawlins had had less than ten years of pensionable service time, she would have received no pension at all. The fact Ms. Rawlins herself won't benefit from the protections provided by the *Rawlins* decision seems like an injustice. When other events deemed to be "accidents" for pension purposes are considered, it seems that she too ought to be receiving the financial protections of ADR.

Rawlins is pursuing a 'one-person bill,' granting ADR via the enactment of a statute that applies only to her. It's a rare and difficult thing to secure, but the hope is her local elected officials can demonstrate to the Legislature that the small annual fiscal cost is justified by the equitable outcome it would provide, particularly in light of the protections that have been put in place by the *Rawlins* decision. Unless that happens, the *Rawlins* case will always feel like more of a loss, than a win, bittersweet indeed. ⚖️

1. *Matter of Lichtenstein v. Board of Trustees*, 57 N.Y.2d 1010 (1982); *Matter of McCambridge v. McGuire*, 62 N.Y.2d 563 (1984); *Matter of Starnella v. Bratton*, 92 N.Y.2d 836 (1998); *Matter of Kelly v. DiNapoli*, 30 N.Y.3d 674 (2018); *Matter of Rizzo v. DiNapoli*, 39 N.Y.3d 991 (2022).
2. *Matter of Kelly v. DiNapoli*, 30 N.Y.3d 674 (2018).
3. *Matter of Rizzo v. DiNapoli*, 39 N.Y.3d 991 (2022).
4. *Matter of Starnella v. Bratton*, 92 N.Y.2d 836 (1998).
5. *Matter of Gakhal v. Kelly*, 135 A.D.3d 406 (1st Dep't 2016); *Matter of Loia v. DiNapoli*, 164 A.D.3d 1513 (3rd Dep't 2018).
6. *Matter of Carr v. Ward*, 119 A.D.2d 163 (1st Dep't 1986).
7. *Matter of Cassarino v. New York City Employees' Retirement System*, 69 A.D.3d 713 (2nd Dep't 2010); *Matter of Dalton v. Kelly*, 16 A.D.3d 200 (1st Dep't 2005).
8. *Matter of Clarke v. Murray*, 85 A.D.3d 1536 (3rd Dep't 2011).
9. *Matter of Kenny v. DiNapoli*, 50 A.D.3d 1445 (3rd Dep't 2008).
10. *Matter of Whitton v. Spinnato*, 143 A.D.2d 274 (2nd Dep't 1988).
11. *Matter of Walsh v. Scoppetta*, 18 N.Y.3d 850 (2011).



Chet Lukaszewski, Ms. Rawlins's attorney, has 25 years of disability pension law experience. He formed Chet Lukaszewski, P.C. in 2008, assisting hundreds of civil

service and municipal workers to secure disability pensions. He's also consulted with federal and state government officials, media outlets, labor unions, and other groups, and published multiple articles on disability pension law topics. He can be reached at chet.l@chetlaw.com.



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**FOCUS:
LAW AND AMERICAN
CULTURE**

Rudy Carmenaty

Those who have never come across *Peyton Place* in any of its incarnations, either in print or on film, have at least an inkling of its salacious depiction of smalltown mores. The book proved to be so incendiary in 1956, its author Grace Metalious was promoted to the book-buying public as a “Pandora in blue jeans.”¹

Like Pandora from Greek mythology, Metalious unlocked a forbidden door with her provocative prose. *Peyton Place* ranks as one of the more audacious works in popular fiction. Its sultry spirit manages to resonate still in those dark crevices of the American psyche, no matter how jaded we have become in the ensuing years.

The world we live in, with its appetite for sensation and scandal, can trace its literary origins to cravings first aroused by *Peyton Place*. Its opening line “Indian summer is like a woman” proved to be a harbinger for the novel’s racy contents. Its publication also marked the beginning of the coarsening of our culture.²

To most Americans, “Peyton Place” remains synonymous with back-door decadence camouflaged by rank hypocrisy. Gossip and innuendo provided the grist for the grimy tales conveyed. These episodes find their genesis in the private lives of Metalious’ neighbors in Gilmanton, New Hampshire.

The book’s climax, the trial of a young woman for the murder of her stepfather, was premised on an actual prosecution held in Gilmanton. Recalled in local lore as “The Sheep Pen Murder,” the shocking facts behind the underlying crime were kept under wraps by the press, though many knew what really happened.

Metalious bought “The Sheep Pen Murder” to light, as well as other home-grown depravities. In doing so, she broke with convention. Women were presumed to be demure. They did not discuss, much less write about, such topics. Part of *Peyton Place*’s nasty appeal is that it was written by a woman, and a housewife at that.

Grace Metalious had recently moved to Gilmanton when the book came out. She was born in Manchester thirty-two

“Pandora in Blue Jeans” and “The Sheep Pen Murder”

years earlier and christened Marie Grace de Repentigny. Of French-Canadian stock, her people had immigrated from Quebec to work in the textile mills. Her life was marked by acrimony, alcohol, and penury.

She found a sanctuary in reading. From her earliest days, Grace wanted to be an author. Writing became a life-long passion. Marriage offered her still another means of escape. When Grace married George Metalious, she was seventeen and pregnant. That was 1942.

When George entered the military, Grace found herself alone with a child to raise. On George’s return from the army, they would have two more children as each would was unfaithful to the other. As with her mother before her, she turned to the bottle for comfort.

Grace, like many wives during those post-war years, suppressed her own ambitions to support her husband’s career. Even so, the family wound-up living paycheck-to-paycheck in less than genteel surroundings. George earned a meager salary as a school principal. Their household was chaotic and depressing.

Her day-to-day existence was the personification of what Betty Friedan later defined as the “feminine mystique”.³ Stymied by her circumstances and bored by an unsatisfying marriage, Grace’s life was in a downward spiral: “I am trapped in a cage of poverty and mediocrity, and if I don’t get out, I’ll die.”⁴

Angry words, and they came from someone who defied the niceties demanded of women during the 1950s. Grace refused to submit to standards of dress or deportment. She preferred men’s flannel shirts, dungarees, and wore her hair in a ponytail.⁵ A nonconformist, her demeanor was direct. Her language salty.

“I did not like being regarded as a freak because I spent time in front of a typewriter instead of a sink,” she once ruefully observed, adding “George did not like my not liking the things I was supposed to like.”⁶ A social outcast, writing provided Grace the means to convey her sentiments through her characters.

Grace wrote defiantly and explicitly about women’s desires. Her characters, particularly Constance MacKenzie and her daughter Allison, are assertive with active libidos, not meek housewives

or timid teen-agers. The women of Peyton Place grapple with abortion, perversions, suicide, and a great deal of sex.

Grace being new in town, much of the juicy tidbits contained in the novel came from Laurie Wilkens. Wilkens was a stringer for *The Laconia Evening Citizen*, a nearby newspaper.⁷ Wilkens got wind Grace was writing a book. They soon struck a friendship as Grace turned Laurie’s tittle-tattle into tantalizing fiction.

No doubt every town has its skeletons. Gilmanton was no different. And the locals were not keen to have their peccadillos exposed to the nation. Not a single copy of *Peyton Place* was sold in Gilmanton all through the book’s heyday, despite it topping the best-seller list.

Stores in town refused to carry it. A shop in Meredith, NH informed its customers: “*Peyton Place* is here—I don’t know why you want to read it, but we are selling it for \$3.95.”⁸ The library in Beverly, Massachusetts posted a notice reading: “This library does not carry *Peyton Place*. If you want it, go to Salem.”⁹

Salem was the site of the infamous witch trials in the 1690s. If they could, the good people of Gilmanton would have burned Grace at the stake. For what offended them most of all was that the characters in the novel had real-life counterparts whom townspeople could readily recognize.

Human nature being what it is, folks in other villages and hamlets, in just about every corner of the country, also saw themselves mirrored in the characters. This nearly universal reaction forever shattered the romantic ideal of small-town America, as captured, and as cherished, in say Thornton Wilder’s *Our Town*.

Grace herself noted: “To a tourist these towns look as peaceful as a postcard. But if you go beneath the picture, its like turning over a rock with your foot—all kinds of strange things crawl out.”¹⁰ Going further, “Everybody who lives in town knows what going on—there are no secrets—but they don’t want outsiders to know.”¹¹

Beyond the merely tawdry, Grace took the circumstances of a true-life crime for one of the book’s main story arcs. The killing of Sylvester Roberts at the hands of his twenty-year-old daughter Barbara took place in December of 1946.¹² A decade later, this incident would be immortalized in the tale of the fictional Selena Cross.

Barbara shot Sylvester, a merchant seaman, with his own

gun after he threatened her and her younger brother.¹³ As in the novel, the corpse is taken to a sheep pen on their farm. The earth is impenetrable during winter, yet the ground in the pen is kept warm by the sheep. Sylvester’s corpse was not found until the following summer.

Was it a case of self-defense or was it something more? Barbara pled guilty to second-degree murder. Upon additional information, the charges were reduced to manslaughter.¹⁴ She was sentenced to three-to-five-years, instead of the thirty she was initially facing.¹⁵ Barbara’s unspoken truth ... she had been sexually abused by Sylvester since childhood.¹⁶

Selena Cross was modeled after Barbara Roberts. Like Barbara, Selena is poor. She suffers in silence in an abusive home. Lucas Cross, Selena’s stepfather, is a vile character, much the same sort as Barbara’s father. Lucas rapes and impregnates Selena.

Selena’s pregnancy, and her subsequent abortion, are among of the more explosive elements in the novel. After all, the United States Supreme Court’s decision in *Roe v. Wade* was not issued until 1973, seventeen years later, and abortion was then illegal in New Hampshire.¹⁷

The town doctor, Matthew Swain, performs the abortion, and falsifies his records labeling the procedure an appendectomy. The doctor had first tried to encourage Selena to keep her baby, until he learns the awful truth. It is Dr. Swain who runs Lucas out of town by threatening to round up a lynch mob if he doesn’t leave.

When Lucas returns unexpectedly, after joining the navy, he once again tries to assault Selena, and she kills him. Selena’s freedom hinges on Swain’s testimony, and he risks his medical license on the witness stand. Dr. Swain reveals Selena’s anguish, and she is acquitted by a sympathetic jury.

Originally as written, Selena was Lucas’ natural child. This was changed, a concession Grace made at her editor’s request when the book was bought for publication. The behind-the-scenes story of getting *Peyton Place* in bookshops can serve as a primer for the securing and promoting of literary properties.

Originally entitled *The Tree and the Blossom*, Jacques Chambrun, Grace’s agent, began shopping the manuscript.¹⁸ At first, every publishing house in New York rejected it. Only one, Julian Messner,

Inc., was willing to take it on. Julian Messner, Inc. just happened to be owned by a woman.

Kitty Messner was as unconventional and outspoken as Grace. Kindred spirits, they shared many of the same yearnings, the difference being Kitty lived in Manhattan, not in Gilmanton. She had the money and the position to do pretty much as she pleased. Kitty had the added virtue of possessing considerable sophistication.

Kitty dressed in tailored jackets and slacks, not blue jeans and flannel shirts.¹⁹ She cursed, yet she did so with aplomb. She probably saw some of herself in the character of Constance MacKenzie. On reading the manuscript, Kitty exclaimed: "I have to have it!"²⁰

Kitty insisted on two changes only. The adding of a sex scene between Constance and her daughter's high school principal whom she falls in love with, and that the element of incest be toned down.²¹ Readers were not yet ready to handle such a disturbing plot device as incest.²² Grace reluctantly complied on both counts.

Another wrinkle was the marketing campaign. A reporter was hired to write a story on Grace. The upshot was a prediction by Grace that George would soon be fired from

his job as a principal on account of *Peyton Place*.²³ George did indeed lose his job. His contract was not renewed under public pressure.

By the time George was let go, the book became a cause célèbre. Indeed, the First Amendment played an integral part in promotional efforts as *Peyton Place* was banned in many jurisdictions. Canada and other countries refused to have the book imported, and American booksellers were fined for selling copies to minors.²⁴

Nonetheless, *Peyton Place* sold 60,000 hard copies in its first ten days, and by the following year had outsold Margret Mitchell's *Gone with the Wind*.²⁵ Still, it was as a paperback that it electrified the world of publishing. Paperback sales reached three million in its first year, six million by its second, and ten million in 1966.²⁶

The novel's success should have enabled Grace to start a new life and heal the recriminations from her troubled past. In addition to her royalties, Grace was paid \$250,000 by 20th Century Fox for the movie rights.²⁷ Grace made a point of gleefully going around Gilmanton trying to cash the check at local stores.²⁸

Yet hers was not an easy life. After she achieved fame and fortune,


her drinking became more acute. As for her marriage, Grace divorced George and married a disc jockey.²⁹ This second marriage also faltered. She then remarried George, only to separate from him a second time.

20th Century Fox reaped untold millions by turning *Peyton Place* into a lucrative media franchise, first as a hit-movie and later as a long-running primetime soap opera on ABC television. Grace, however, unwisely sold all her rights to Fox, and she was broke when she died.

So, what happened to Grace's money? Her agent, Chambrun, was unscrupulous and ripped her off. Grace attracted unsavory people who helped her spend her money and took off after it ran out. Mostly, she was delinquent in paying her taxes. Back taxes, penalties, and interest left her worse off than before she started.

Grace Metalious died at thirty-nine of chronic liver disease in 1964. She drunk herself to death.³⁰ Her oeuvre consisted of four published books, including a rushed sequel *Return to Peyton Place*. But nothing she ever wrote ever surpassed her original triumph.

Peyton Place endures, both as a work of fiction and as a metaphor. A metaphor for a time that was not as innocent as we care to remember it. A metaphor for our own time, which

sadly is degraded. And in Grace Metalious' case, a metaphor for a woman who paid the price for living her life on her own terms. 

1. Jane and Michael Stern, *Jane and Michael Stern's Encyclopedia of Pop Culture*, (1st Ed. 1992) 383.
2. David Halberstam, *The Fifties*, (1st Ed. 1993) 577.
3. *Id.* 596.
4. *Id.* 582.
5. Stern, 382.
6. Regina Arbeia, *Grace Metalious, Author of Peyton Place*, *Literary Ladies Guide* (July 4, 2017) at <https://www.literaryladiesguide.com>.
7. Cheryl Eddy, *This Scandalous 1946 Small-Town Murder Helped Inspire Peyton Place*, *Gizmodo.com* (July 28, 2015) at <https://gizmodo.com>.
8. Renee Mallet, *The 'Peyton Place' Murder: The True Story Behind the Best-Selling Novel* at <https://wildbluepress.com>.
9. Mallet, *supra*.
10. Halberstam, 578.
11. *Id.*
12. Mallet, *supra*.
13. Eddy, *supra*.
14. *Id.*
15. *Id.*
16. *Id.*
17. 410 U.S. 113 (1973).
18. Arbeia, *supra*.
19. Halberstam, 584.
20. *Id.*
21. Stern, 382.
22. Eddy, *supra*.
23. Halberstam, 584.
24. *Id.*
25. Mallet, *supra*.
26. Halberstam, 579.
27. Halberstam, 585.
28. *Id.*
29. Halberstam, 586.
30. *New York Times*, *Grace Metalious Is Dead at 39; Author of 'Peyton Place' Novel; Writer Shocked the Nation With Story of Lurid Life in New England*, (February 26, 1964) at <https://www.nytimes.com>.

Pro Bono Open House

More than 60 volunteer attorneys and legal professionals provided free assistance to about 150 Nassau County residents who attended the Nassau County Bar Association's Pro Bono Open House on October 29. The event was sponsored by the NCBA Access to Justice Committee, Legal Services of Long Island, and The Safe Center LI. Other community organizations were on hand to provide information and resources to the public, including Nassau County Supreme Court, Nassau County Library System, Appellate Term Second Judicial Department, Nassau County Department of Consumer Affairs, Nassau County Office of Crime Victim Advocate, The INN, and the NBCA Lawyer Referral Information Service.



Photos by Hector Herrera



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In Brief

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

<p>Capell Barnett Matalon and Schoenfeld LLP announced that Partners Robert S. Barnett, Gregory S. Matalon, Stuart H. Schoenfeld and Yvonne R. Cort have been selected as Super Lawyers for the New York Metro area, and Partner Erik Olson has been selected as a Rising Star. Barnett will present “Sale of Business: Select Pass-Thru Tax Issues” at the NYS Society of CPA’s (NYSSCPA) Tax Planning for Business Entities Conference on December 3 and a session on real estate work-outs for the NYSSCPA Nassau/Suffolk Chapter Tax Conference on December 5. Cort will lecture on New York State and New York City residency audits at the Nassau/Suffolk Chapter Tax Conference.</p> <p>Bond, Schoenck & King announced that Edward J. LoBello, Andrea Hyde and Terry O’Neil have been recognized as 2024 New York Metro Super Lawyers, and Jacqueline A. Giordano and Kelly Lynn McKinney have been recognized as 2024 <i>New York Metro Rising Stars</i>.</p> <p>Rivkin Radler LLP announced that Stuart I. Gordon, Joel M. Greenberg, Jean A. Hegler, Jennifer F. Hillman, Geoffrey R. Kaiser, Benjamin P. Malerba, Patricia C. Marcin, Kenneth C. Murphy, Jeffrey P. Rust, William M. Savino, Wendy H. Sheinberg and Matthew V. Spero</p>	<p>were named to the 2024 <i>New York Metro Super Lawyers</i> list, and Heather S. Milanese, Nicholas G. Moneta, Philip Nash, Catherine Savio, Sean N. Simensky and Elizabeth Sy were named 2024 New York Metro Rising Stars. Elizabeth Sy was selected as a winner of the 2024 Honorable Judith Kaye Commercial and Federal Litigation Scholarship.</p> <p>Forchelli Deegan Terrana LLP (“FDT”) congratulates Stephanie M. Alberts, Joseph P. Asselta, Douglas W. Atkins, Richard A. Blumberg, William F. Bonesso, Lorraine S. Boss, Frank W. Brennan, Myrna A. Cadet-Osse, Lisa M. Casa, Raymond A. Castronovo, John M. Comiskey, Joseph V. Cuomo, Andrea Tsoukalas Curto, Andrew E. Curto, Daniel P. Deegan, Kathleen Deegan Dickson, Jeffrey D. Forchelli, Nicole S. Forchelli, Keith J. Frank, Laureen Harris, Nathan R. Jones, Donald F. Leistman, Alexander Leong, Gregory S. Lisi, David A. Loglisci, Gerard R. Luckman, Mary E. Mongioi, Elbert F. Nasis, Jason M. Penighetti, James C. Ricca, Brian R. Sahn, Judy L. Simonicic, Peter B. Skelos, John V. Terrana, Russell G. Tisman and Danielle E. Tricolla for being selected to the 2024 <i>New York Metro Super Lawyers</i> list. Michael A. Berger, Gabriella E. Botticelli,</p>	<p>Danielle B. Gatto, Cheryl L. Katz, Julia J. Lee, Lindsay Mesh Lotito, Jeremy M. Musella and Robert L. Renda were selected to the 2024 <i>New York Metro Rising Stars</i> list. Laureen Harris, a partner in the firm’s Tax Certiorari practice group, was selected by <i>Long Island Business News</i> (LIBN) as one of the Most Influential Long Islanders of 2024. The firm received the 2025 Best Law Firms Rankings.</p> <p>Alan J. Schwartz was selected to the <i>New York Metro Super Lawyers</i> list.</p> <p>Douglas M. Lieberman, a partner at Markotsis & Lieberman, P.C., a general practice firm in Hicksville, was named a 2024 <i>New York Metro Super Lawyer</i>, his eleventh consecutive award.</p> <p>Michael E. Ratner and Jamie A. Rosen, Partners at Meister Seelig & Fein PLLC, were named as LIBN’s 2024 Leaders in Law.</p> <p>Thomas J. Garry, Long Island Office Managing Partner of Harris Beach PLLC, has been selected to the Long Island Power 100 List by <i>City & State</i> magazine and was profiled in LIBN’s Most Influential Long Islanders of 2024.</p> <p>Newfield Law Group announces that Jason Newfield has been named to the <i>New York</i></p>	<p><i>Metro Super Lawyer</i> list for 2024. He has been honored with this recognition since 2013.</p> <p>Vishnick McGovern Milizio (VMM) congratulates Andrew A. Kimler, head of the firm’s ADR Practice, on his court appointment as a Special Master in the New York Supreme Court Appellate Division—Second Department’s Mandatory Civil Appeals Mediation Program. VMM is proud that <i>Best Lawyers’</i> “Best Law Firms” directory has named it one of the “Best Law Firms in America” for the fourth consecutive year. VMM has been named a Tier 1 law firm in Elder Law and Trusts and Estates; Tier 2 Closely Held Companies and Family Businesses Law and Family Law; and Tier 3 in Employment Law—Individuals and Family Law Mediation. VMM congratulate Partners Richard Apat, Avrohom Gefen and Constantina Papageorgiou on being named to <i>New York Metro Super Lawyers 2024</i>; Papageorgiou and Associate Meredith Chesler on being named to LIBN’s “2024 Leaders in Law”; and Managing Partner Joseph Milizio on being named to LIBN’s “Long Island Business Most Influential Long Islanders.” VMM Associate Katherin Valdez-Lazo was featured in a <i>New York Post</i> Halloween-themed article, “Your dream home might be haunted—and in these states, sellers don’t have to tell you.”</p>
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Domus Through the Eras Anniversary Celebration

On November 14, 2024, NCBA Members, past presidents, judges, and Corporate Partners gathered at Domus to celebrate the Nassau County Bar Association's 125th anniversary with the Domus Through the Eras Event. The evening was filled with humorous skits, delicious food, lively music, and an action-packed auction to retire the mortgage. A heartfelt thank you to generous sponsors Forchelli Deegan Terrana LLP, Sullivan Papain Block McManus Coffinas & Cannavo P.C., Meister Seelig & Fein, NCBA Mortgage Foreclosure Assistance Project, Hon. Maxine S. Broderick, and Schlissel Ostrow Karabatos, PLLC.



Photos by Hector Herrera



NCBA Committee Chair Networking

On October 16, the NCBA hosted a cocktail reception that brought together committee chairs and valued Corporate Partners to network, share insights, and strengthen partnerships within the bar association. Thank you to Monica J. Vazquez of Corporate Partner Webster Bank for sponsoring the cocktail hour and Raj Wakhale (LexisNexis), Ellen P. Birch (Realtime Reporting, Inc.), and Thomas Turano and Joseph Valerio (Abstracts, Incorporated) for attending.



Photos by Hector Herrera



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Alternative Dispute Resolution

Animal Law

Appellate Practice

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Awards

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By-Laws

Civil Rights

Commercial Litigation

Committee Board Liaison

Community Relations & Public Education

Conciliation

Condemnation Law & Tax Certiorari

Construction Law

Criminal Court Law & Procedure

Cyber Law

Defendant's Personal Injury

District Court

Diversity & Inclusion

Education Law

Elder Law, Social Services & Health Advocacy

Environmental Law

Ethics

Family Court Law, Procedure and Adoption

Federal Courts

General, Solo & Small Law Practice Management

Grievance

Government Relations

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House (Domus)

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Insurance Law

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New Lawyers

Nominating

Paralegal

Plaintiff's Personal Injury

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TUESDAY, DECEMBER 3

Women in the Law

12:30 p.m.

WEDNESDAY, DECEMBER 4

Real Property Law

12:30 p.m.

Family Court Law, Procedure and Adoption

12:30 p.m.

Join the Committee for their annual holiday luncheon.

THURSDAY, DECEMBER 5

Hospital & Health Law

8:30 a.m.

Community Relations & Public Education

12:45 p.m.

Publications

12:45 p.m.

TUESDAY, DECEMBER 10

Civil Rights

12:30 p.m.

Labor & Employment Law

12:30 p.m.

WEDNESDAY, DECEMBER 11

Surrogate's Court Estates & Trusts

Elder Law, Social Services & Health Advocacy

Mental Health Law

Holiday Lunch

12:30 p.m.

Matrimonial Law

Holiday Party

5:30 p.m.

THURSDAY, DECEMBER 12

Law Student

6:00 p.m.

TUESDAY, DECEMBER 17

Grievance

12:30 p.m.

WEDNESDAY, DECEMBER 18

General, Solo & Small Law

Practice Management

12:30 p.m.

Ethics

5:30 p.m.

Insurance Law

6:00 p.m.

TUESDAY, JANUARY 7

Women in the Law

12:30 p.m.

WEDNESDAY, JANUARY 8

Asian American Section

12:30 p.m.

Real Property Law

12:30 p.m.

Matrimonial Law

5:30 p.m.

THURSDAY, JANUARY 9

Hospital & Health Law

8:30 a.m.

Publications

12:45 p.m.

Community Relations & Public Education

12:45 p.m.

Commercial Litigation

12:30 p.m.

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