Is the CIA the NYPD of a Globalized World?

BY PAUL E. KERSON

Is the CIA the NYPD of a Globalized World? Can a Federal Police Department go anywhere in the world arresting suspects who may or may not have plans to attack the United States? And what if they find individuals who have actually attacked the United States? Can such a person be held indefinitely without trial? Certainly Foreign Government soldiers who have attacked us in a war can be killed in a battle with the U.S. Army. But what if there is no army, no battle and no foreign government soldiers, but the threat is just as real? What does our law say then?

These are the frontiers of Constitutional Law in our time. There was no right answer until June 12, 2008, when Justice Anthony M. Kennedy of the U.S. Supreme Court announced his opinion for the 5-4 majority in Boumediene v. Bush, 2008 WL 2369628 (U.S. Sup. Ct. 2008). This is perhaps the most significant judicial opinion from any United States Court in generations. Justice Kennedy was appointed by President Ronald Reagan in 1987. First some background. The United States was viciously attacked with its own hijacked domestic airplanes on September 11, 2001. One was flown into the Pentagon in a war can be killed in a battle with the U.S. Army. The Army accepted the world’s first military airplane from the Wright Brothers on August 2, 1909.

By Walter Karling

Changing Of The Guard

New Queens Bar Association President Steve Orlow (L.) replaced outgoing President David Cohen. See pictures from the Annual Dinner and Installation of Officers, May 1, 2008, on pages 10 & 11.

Photo by Walter Karling

Boumediene v. Bush

Boumediene did not occur in our World History with this invention. The Wright Brothers designed the world’s first successful airplane in their bicycle shop in Dayton, Ohio. The Wright Brothers changed the hero of most liberals; not the hero of most liberals; Eugene McCarthy was. The Minnesota Senator had entered the presidential contest in early 1968 as the ideologically “pure” candidate of the left. He opposed Lyndon Johnson and his conduct of the Vietnam War at a time when no other anti-war Democrat, Kennedy included, dared to challenge the President for the party nomination. Many on the left, in fact, viewed Robert Kennedy’s later entry into that race, only after McCarthy had bloodied President Johnson in the New Hampshire primary, as opportunistic and ruthless, or worse. Their enmity would not diminish until his assassination.

Looking back at Senator Kennedy’s eighty-one day campaign that spring, it reflected neither liberal orthodoxy nor public opinion polls. By today’s benchmarks of litmus tests and nuanced sound bites, it was nothing short of extraordinary in its honesty and candor. RFK viscerally understood that the problems confronting a nation are never homogeneous. They require individual...
Dear members, this issue is the first of what will be a great year for the Bar Bulletin.

As always, I welcome your letters, poems, articles of interest and comments for publication in the Bulletin. Kindly send all of your material to my attention care of the Bar Association, info@qcba.org, or to my e-mail address LNizin@gmail.com.

The Queens Bar Association has been certified by the NYS Continuing Legal Education Board as an Accredited Legal Education Provider in the State of New York.

2008 FALL CLE Seminar & Event Listing

October 2008
Wednesday, October 22 Advanced Criminal Law Series, Part 1
Thursday, October 29 Advanced Criminal Law Series, Part 2
Thursday, October 30 Fee Dispute Arbitration Training - All day course

November 2008
Wednesday, November 5 How to Start a Law Practice at St. John’s Law School
Thursday, November 6 CLARO
Wednesday, November 12 Human Rights Committee Seminar
Thursday, November 13 Finding Hidden Assets
Monday, November 17 Stated Meeting - Update on Foreclosures
Wednesday, November 19 Landlord & Tenant Seminar
Thursday, November 20 Basic Dispute Federal Criminal Law Seminar

December 2008
Thursday, December 4 Holiday Party

Elder Law • Labor Law • Real Property Law • Taxation Law

New Members

Irene Angelakis
Daniel D. Baek
Lyle Bakst
Peter W. Beaddle
Anne Behk
Ray Beckerman
John Anthony Bonina
Harry H. Burstein
Anne Donnelly Bush
John T. Chang
Bryan J. Coakley
John Eugene Coats
Michael Davidov
John Francis Diffley
Thomas J. Finn
Stanley H. Fischer
Michael Fitzpatrick
Robert Nathaniel Freeman
Chana Frid
David Gantz
Stephen Anthony Gargiulo
Christie Gelo
Marguerite A. Grays
John T. Grumin
Herman P. Gruber
Jacob Gross
Kathryn A. Donnelly Gur-Arie

Steven Herschkowitz
John Michael Jeannou
Avrum S. Kaniel
Cary David Kessler
Jeffrey G. Kuhlman
William J. Lavalle
Paul Lee
Lisa Anne Leimbach-Gutman
Denise Rochelle Lekowski
Robert Litwack
Gerardo Elias Mejia
Marc Joseph Monte
Ashok Nihalani
Thomas Medardo Oliva
Laura Soledad Outeda
Elen Parra
Angelo R. Picerno
Tania Jo-An Redman
Michael Robb
Jorge Luis Rodriguez
Neal Simkovic
Robert B. Steinberg
Monica Courtney Trombly
Anna Tzakas
Wendy Whei-Jai Wang
Clark Whitsett
Cynthia N. Zamminger

Necrology

Hon. Joseph P. Dorsa
Sylvester J. Garamella (Clerk to Hon. Agate)

James O’Connor
Frederick Solinger
Donald J. Sheehan
Victor Zager

W A R N I N G Are your escrow deposits insured?

by Samuel Freed

Your master trust account, maintaining deposits of $100,000.00 or more, even for multiple clients, will only be protected to $100,000.00. However, each subaccount, not exceeding $100,000.00, will be separately insured. Accounts in multiple banks may be your solution.

Get all of the facts 1 877 ASK FDIC (1 877 275 3342) 1 800 925 4618 for the hearing impaired

Read about FDIC insurance coverage www.fdic.gov/deposit/deposits

Calculate insurance coverage at the FDIC online electronic guide, www2.fdic.gov/edie.

You can visit your local banking institution for an FDIC depositor’s guide.

2008-2009 Officers and Board of Managers of the Queens County Bar Association

STEVEN S. ORLOW - President
GUY R. VITACCO, JR. - President-Elect
CHANWOO LEE - Vice President
JOSEPH JOHN RISI, JR. - Secretary
RICHARD MICHAEL GUTIERREZ - Treasurer

Class of 2009
Joseph F. DeFelice
Gary Francis Miret
George J. Nashuk, Jr
Jerome D. Patterson
Nelson E. Timken

Class of 2010
Gregory J. Brown
Joseph Carola, III
John Robert Dietz
Mona Haas
Carmen Velasquez

Class of 2011
David L. Cohen
Paul E. Kerson
Timothy B. Rountree
Zenith T. Taylor
James J. Wrynn

2008-2009 Board of Directors of the Queens County Bar Association

Class of 2009
Joseph F. DeFelice
Gary Francis Miret
George J. Nashuk, Jr
Jerome D. Patterson
Nelson E. Timken

Class of 2010
Gregory J. Brown
Joseph Carola, III
John Robert Dietz
Mona Haas
Carmen Velasquez

Class of 2011
David L. Cohen
Paul E. Kerson
Timothy B. Rountree
Zenith T. Taylor
James J. Wrynn

2008-2009

Officers and Board of Managers of the Queens County Bar Association

STEVEN S. ORLOW - President
GUY R. VITACCO, JR. - President-Elect
CHANWOO LEE - Vice President
JOSEPH JOHN RISI, JR. - Secretary
RICHARD MICHAEL GUTIERREZ - Treasurer

Class of 2009
Joseph F. DeFelice
Gary Francis Miret
George J. Nashuk, Jr
Jerome D. Patterson
Nelson E. Timken

Class of 2010
Gregory J. Brown
Joseph Carola, III
John Robert Dietz
Mona Haas
Carmen Velasquez

Class of 2011
David L. Cohen
Paul E. Kerson
Timothy B. Rountree
Zenith T. Taylor
James J. Wrynn

2008-2009 Officers and Board of Managers of the Queens County Bar Association

STEVEN S. ORLOW - President
GUY R. VITACCO, JR. - President-Elect
CHANWOO LEE - Vice President
JOSEPH JOHN RISI, JR. - Secretary
RICHARD MICHAEL GUTIERREZ - Treasurer

Class of 2009
Joseph F. DeFelice
Gary Francis Miret
George J. Nashuk, Jr
Jerome D. Patterson
Nelson E. Timken

Class of 2010
Gregory J. Brown
Joseph Carola, III
John Robert Dietz
Mona Haas
Carmen Velasquez

Class of 2011
David L. Cohen
Paul E. Kerson
Timothy B. Rountree
Zenith T. Taylor
James J. Wrynn

2008-2009 Officers and Board of Managers of the Queens County Bar Association

STEVEN S. ORLOW - President
GUY R. VITACCO, JR. - President-Elect
CHANWOO LEE - Vice President
JOSEPH JOHN RISI, JR. - Secretary
RICHARD MICHAEL GUTIERREZ - Treasurer

Class of 2009
Joseph F. DeFelice
Gary Francis Miret
George J. Nashuk, Jr
Jerome D. Patterson
Nelson E. Timken

Class of 2010
Gregory J. Brown
Joseph Carola, III
John Robert Dietz
Mona Haas
Carmen Velasquez

Class of 2011
David L. Cohen
Paul E. Kerson
Timothy B. Rountree
Zenith T. Taylor
James J. Wrynn

2008-2009 Officers and Board of Managers of the Queens County Bar Association

STEVEN S. ORLOW - President
GUY R. VITACCO, JR. - President-Elect
CHANWOO LEE - Vice President
JOSEPH JOHN RISI, JR. - Secretary
RICHARD MICHAEL GUTIERREZ - Treasurer

Class of 2009
Joseph F. DeFelice
Gary Francis Miret
George J. Nashuk, Jr
Jerome D. Patterson
Nelson E. Timken

Class of 2010
Gregory J. Brown
Joseph Carola, III
John Robert Dietz
Mona Haas
Carmen Velasquez

Class of 2011
David L. Cohen
Paul E. Kerson
Timothy B. Rountree
Zenith T. Taylor
James J. Wrynn

2008-2009 Officers and Board of Managers of the Queens County Bar Association

STEVEN S. ORLOW - President
GUY R. VITACCO, JR. - President-Elect
CHANWOO LEE - Vice President
JOSEPH JOHN RISI, JR. - Secretary
RICHARD MICHAEL GUTIERREZ - Treasurer

Class of 2009
Joseph F. DeFelice
Gary Francis Miret
George J. Nashuk, Jr
Jerome D. Patterson
Nelson E. Timken

Class of 2010
Gregory J. Brown
Joseph Carola, III
John Robert Dietz
Mona Haas
Carmen Velasquez

Class of 2011
David L. Cohen
Paul E. Kerson
Timothy B. Rountree
Zenith T. Taylor
James J. Wrynn

2008-2009 Officers and Board of Managers of the Queens County Bar Association

STEVEN S. ORLOW - President
GUY R. VITACCO, JR. - President-Elect
CHANWOO LEE - Vice President
JOSEPH JOHN RISI, JR. - Secretary
RICHARD MICHAEL GUTIERREZ - Treasurer

Class of 2009
Joseph F. DeFelice
Gary Francis Miret
George J. Nashuk, Jr
Jerome D. Patterson
Nelson E. Timken

Class of 2010
Gregory J. Brown
Joseph Carola, III
John Robert Dietz
Mona Haas
Carmen Velasquez

Class of 2011
David L. Cohen
Paul E. Kerson
Timothy B. Rountree
Zenith T. Taylor
James J. Wrynn

2008-2009 Officers and Board of Managers of the Queens County Bar Association

STEVEN S. ORLOW - President
GUY R. VITACCO, JR. - President-Elect
CHANWOO LEE - Vice President
JOSEPH JOHN RISI, JR. - Secretary
RICHARD MICHAEL GUTIERREZ - Treasurer

Class of 2009
Joseph F. DeFelice
Gary Francis Miret
George J. Nashuk, Jr
Jerome D. Patterson
Nelson E. Timken

Class of 2010
Gregory J. Brown
Joseph Carola, III
John Robert Dietz
Mona Haas
Carmen Velasquez

Class of 2011
David L. Cohen
Paul E. Kerson
Timothy B. Rountree
Zenith T. Taylor
James J. Wrynn
As the newly installed president of the Queens County Bar Association, I see this position as both a challenge and an opportunity.

No longer at a stage in my career where I am seeking embellishment of my resume, I look forward to contributing in some small way to a profession that has been such an important part of my life, and to the colleagues that participate with me in that profession.

I believe the single most important role of our Bar Association is to enhance the practice of law, in every possible way, for our members. As a starting point in that effort and grateful to be lead by a truly wonderful one at that, these are the recommendations of the Castellano Commission established by Chief Judge Judith Kaye. The Commission was established to make proposals to improve the practice of law for small firm and solo practitioners. Queens is, after all, a microcosm of the legal professionals’ demographics in New York State, where over 83% of practicing attorneys are in solo practice with an additional 15% practicing in firms of two to nine attorneys.

The Commission examined, analyzed and proposed suggestions involving the streamlining of court procedures, the greater utilization of technology in our courts, the lessening of the ever increasing costs of litigation, and the tempering of the burdens of current rules and regulations on the solo and small firm practitioner.

Our intention is to work and coordinate our efforts with Judges Jeremy Weinstein and Bernice Siegal, Administrative Judge of the Supreme Court and Supervisory Judge of the Civil Court, respectively, in identifying which suggestions are most susceptible to early application, and how we can eventually implement other suggestions that may be more difficult, yet very beneficial to the attorneys in Queens County. We intend to hold meetings with our membership with Judges Weinstein and Siegal, and others associated with the office of Court Administration, to raise the issues of greatest concern, and to delve into the programs that exist for implementing sought after changes.

These are difficult times for many in our profession. However, means presently exist to ameliorate many of the causes of the difficulties we face as small firm practitioners. It is your new administration’s intent to make it very top priority the realization of these reforms.

If any of you should wish to either comment on the substance of this article, or to participate in developing the actions envisioned in this article, please feel free to contact me personally (e-mail: hiorlo@aol.com and note “QCBA Bulletin Article” in the “subject” line).

New York Parent Education and Awareness Program:

How the Court System is Succeeding in Protecting Children Whose Parents are Going Through Divorce, Separation or Other Child-Centered Litigation

You do not have to know someone who is undergoing a separation, divorce or other child-centered litigation, and you do not have to experience it yourself, to recognize that putting children in the middle of the adult conflict can be detrimental to their health and well-being.

In 2001, in New York State, the Chief Judge, Judith Kaye, in her State of the Judiciary Address, announced an initiative to institutionalize parent education and awareness programs in New York State, and the creation of an advisory board to oversee this process. The Hon. Evelyn Frazee, A Supreme Court Justice in Rochester, is the Chair. This program is called the New York State Parent Education and Awareness Program.

What is the New York State Parent Education and Awareness Program? It is a program designed to educate divorcing or separating parents about the impact of their breakup on their children. The primary goal is to teach parents ways they can reduce the stress of family changes and protect their children from the negative effects of ongoing parental conflict in order to foster and promote their children’s healthy adjustment and development.

What does the court system do?

Following the guidelines developed by the Advisory Board, the Office of Court Administration certifies and monitors local providers of such services who wish to accept court-referred participants. The New York State Parent Education and Awareness Program has a website at www.nycourts.gov/ip/parent. It contains all of the guidelines and procedures for certification, and all of the forms that the providers of the program must use. There are currently 49 certified parent education providers in 61 counties offering classes in 91 locations. Judges may, in their discretion, order parents to attend these classes, parents may self-refer and agencies can refer parents.

Conclusion

This is just a brief overview of the current status of The New York State Parent Education and Awareness Program.

Our intention is to work and coordinate our efforts with Judges Jeremy Weinstein and Bernice Siegal, Administrative Judge of the Supreme Court and Supervisory Judge of the Civil Court, respectively, in identifying which suggestions are most susceptible to early application, and how we can eventually implement other suggestions that may be more difficult, yet very beneficial to the attorneys in Queens County. We intend to hold meetings with our membership with Judges Weinstein and Siegal, and others associated with the office of Court Administration, to raise the issues of greatest concern, and to delve into the programs that exist for implementing sought after changes.

These are difficult times for many in our profession. However, means presently exist to ameliorate many of the causes of the difficulties we face as small firm practitioners. It is your new administration’s intent to make it very top priority the realization of these reforms.

If any of you should wish to either comment on the substance of this article, or to participate in developing the actions envisioned in this article, please feel free to contact me personally (e-mail: hiorlo@aol.com and note “QCBA Bulletin Article” in the “subject” line).
Tribute To The Honorable Joseph Dorsa

An Eminent Judge

I came to know Joe Dorsa in 1970 when, as a young Assistant District Attorney, I was about to venture into private practice. Joe was running a two-attorney practice by himself as his cousin, now retired Justice Philip J. Chetta, had been recently appointed to the Criminal Court Bench.

I was introduced to Joe; we “made our deal” with a hand shake and so began twenty-seven years of practice by the law firm of Dorsa & Villoni.

Practicing law was a professional endeavor, but more than that, it was a family experience. My wife, Pam, and our children became a part of his family and his wife, MaryAnn, and his two children became a part of our family.

Joe was born in Corona and was a true son of his community. Student and alter boy at St. Leo’s, the local parish school, he distinguished himself at an early age.

But life was not to be easy for him. At ten years of age, his young father was taken from the family. His mother was left to care for her four children by using her most marketable skills as a sewing machine operator. Joe, as an only son, would soon assume the father’s role and from then on, he knew only hard work and achievement.

A scholarship was earned from St. Francis College. With accustomed diligence, he graduated Cum Laude. St. John’s University Law School beckoned with another scholar-ship where he continued to achieve as a law review scholar.

Never one to let others set his goals, Joe went into private practice with his cousin, Phil. Thus began a remarkable legal and civic career unsurpassed only, as Joe would say, by marrying his wife, MaryAnn, and having two wonderful sons, Joseph and John.

In rapid succession, he became President of the Corona Lions Club, the Corona Lawyers Association and the Columbian Lawyers Association. He then moved through community and religious leadership roles as President of the Boulevard-Plushing Homeowners Association, Chairman of the St. Andrew Avellino Board of Education, Member of the Parish Council and Member of the Consumer Protection Council Board.

When life as an attorney and community leader settled in, he turned his attention to his love of politics. He ran for and was elected to the Office of Democratic District Leader in the 25th Assembly District. In that office, he engaged in the daily rituals of politics and of advancing the political process. This culminated in his ascending to the bench in 1997 where he still serves as a Supreme Court Justice at the time of his passing.

On the bench, as well as off, Joe was noted for his warmth and sincerity. He brought his considerable legal skills and humanity to every case he presided over. His judicial trademark and legacy is that he treated each case as if he would want to be treated if it were he who was the litigant or the litigant’s attorney.

Joe passed through this life with a simple vision and goal of doing good. He was an enormously successful. He will be missed by his family, friends and the legal community in a way that cannot be expressed in words.

May you rest in peace, dear friend.

-Late Hon. Peter Kelly

Like Family

I worked for Judge Dorsa as his secretary, along with his law secretary, Elizabeth Anderson, for almost nine years. We began in the Matrimonial Term in the year 2000 and eventually moved to Civil Term in 2004. What struck me most about Judge Dorsa right from the outset, was his memory, particularly with numbers. He was able to remember complex cases and months later remember exactly what numbers were put on the table. Lauren Quondamatteo, his secretary of twenty years while he was in private practice, always said that he was a “walking calculator.” With street smarts, shrewdness, a large dose of common sense and the uncanny ability to read people, Judge Dorsa was the master of the art of negotiation.

His dedication to his family, his kindness, generosity, and larger-than-life jovial personality were known and admired by all who knew him, particularly by Liz, Lauren and myself, who were so lucky to have worked with him. Although we worked hard, boy did we laugh. There was never a time trying to keep it all together. I just knew that everyone in that elevator was holding their breath wondering when those files were going to start falling in every direction.

People always stopped by chambers. Thinking about it now, there were always three or four people standing in chambers and, more often than not, they would hear any one of the Judge’s stories. “I can hear the laughter all the way down the hall,” they would say. That’s what it was like working for Judge Dorsa - constantly laughing. Whether it be a story from his practicing days as an attorney or a story of a scene that played out in open court, Judge Dorsa could find something funny in just about everything.

I remember one particular time, the Judge and I were riding in a jam-packed elevator in the courthouse. One of the riders was an attorney who appeared regularly in front of the Judge. He must have had twenty files in his hands piled up precari-ously, one on top of the other, all the way up to his chin. Sweating profusely, hair falling in his eyes, he was having a tough time trying to keep it all together. I just knew that everyone in that elevator was holding their breath wondering when those files were going to start falling in every direction.

Joe was uniquely able to do this because he had the talent of coming from a working class background with strong familial ties. Joe worked hard to become an attorney and judge and knew what pitfalls and successes where involved in the effort. He was a devoted father and husband who understood the importance of being present for your family regardless of their age or situation, was too short.

The fulfillment that came from the ability to be of assistance to others was ultimately his greatest joy and the most significant lesson I obtained from him. To know at the end of a day or week that an effort on your part has helped a person is the not just a rewarding experience, but also the only way to ensure your own satisfaction and happiness, and something that will be repaid tenfold.

And Joe was a story teller. The room next to his has been quiet and my chambers has lost some of its charm. But, in quiet moments, Joe still brings a smile not just to me, but I am sure to anyone who pauses to remember him. That is a most significant lesson I learned from Joe Dorsa, and everyone learned something simply from knowing him. My only regret is that, from my perspective, the lessons were too short.

And no Joe, that was not a shot......

Hon. Peter Kelly
Man of the People

When the Hon. Joe Dorsa passed away on the 12th day of August 2008, the bench lost a gifted jurist; the Bar, an experienced and knowledgeable attorney; the world, a giving and loving man; and I, a special friend and neighbor.

Joe Dorsa was above all else, a member of that innumerable class known as the common man and one who, having achieved great success in practice and universal respect as a judge, held that membership in the highest esteem; it was, after all, that which set him apart from most others. Joe knew life well and could readily understand the plight of people; he could see through a ruse as easily as he could view the plight of one not quite so facile in conveying the underlying circumstances of his or her predicament.

Justice Dorsa, having come to the bench after 36 years of private practice, brought with him that degree of legal pragmatism that can only be distilled from respect for clients, fellow attorneys, time factors, expenses, and paramount to all else, knowledge and love of the law.

Joe Dorsa while sitting in the matrimonial part, would never under any circumstances short of an emergency, take a lunch or other break, in the middle of settlement negotiations. After all, he reasoned, such interruptions would only lead to changes of mind or second-guessing by the parties. It is impossible to separate the personal and professional facets of Joe Dorsa, so tightly were the threads of each aspect woven into the fabric of his career. Joe was a devout Catholic, being a Eucharistic Minister of St. Andrew Avellino Parish in North Flushing, where he also served as a Parish Trustee, Member of the Education Committee, and the Parish Council. He distributed ashes, the lenten symbol of repentance, reflection, and mortality, to thousands of Christians, non-Catholic and Catholic, every Ash Wednesday, and was an active participant in ecumenical dialogue with all religions. Respect for all was the keystone of the life of Joe Dorsa.

Every March 19th, Courtroom 45 was inundated with a flood of people gathered to celebrate Joe’s annual observance of the Feast of St. Joseph, reflective of his ethnic pride as an Italian-American and maybe not quite so coincidentally, also the occasion of his birthday. Joe’s generosity was never so apparent as with the amount of food and dessert that he so happily served. The more that was eaten, the broader was his smile. It was for Joe, yet another opportunity to bring people together.

It is difficult to write in retrospect of a friend’s life and impossible to include all of which should be included. Notwithstanding his love of life, law, and people in general, paramount to all was Joe’s love of his Maryann, who stood by his side as a true and equal partner for over forty years, and within whom, he often said, “I wouldn’t know what I’d do.” Joe and Maryann were the parents of Joseph and John and vicariously of John’s wife, Beth. Joe watched over their welfare with the eyes of a hawk and the pride of an eagle as they achieved their own successes in life.

An extremely wealthy person I once was acquainted with, when asked for investment advice, responded simply that her most successful investments in life were “my memories, for after all,” she stated, “they do pay the highest dividends, you know.” Joe Dorsa has provided us all a substantial annuity upon which to draw, until we all meet again.

A Remembrance

The other day my secretary Lauren (who worked for Joe for twenty years when he was in private practice) and I were making our Friday lunch calls when we came upon Joe Dorsa’s name. I didn’t have the heart to cross him off our list.

Joe and I were friends for over thirty years, and though I did not see him every day, every time I did, it was with a laugh, a joke or a comment about the comings and goings of mutual friends and acquaintances.

When Joe passed away, I was personally surprised how much I felt the loss. He just seemed like a guy who would always be there. Lawyers loved him because he was fair, reasonable, and above all, practical in his application of the law. His colleagues admired him because he was always there with a word of advice when someone came knocking on his door.

He has left a huge hole in the heart and soul of the judiciary. He will be missed.

– Hon. Jeffrey D. Lebowitz

My Friend And Neighbor

Joe Dorsa was my friend and neighbor, maybe not in the traditional sense, but nevertheless, that is the way I will always remember him. Let me explain.

First, I consider a person a “friend” if he or she is the kind of person whom you know will always be there for you in good times and bad. Certainly, we were not friends in the so-called traditional way as our families never socialized. We hardly shared much of our own personal lives yet anytime I needed some sage advice or a little bolstering to get me through one of the rough moments in the matrimonial part, I always knew he was there for me. Since I succeeded him in Part 51, it was obvious that many of the cases I had been first worked on by Joe and his staff. So, to that extent, we did have a lot in common and often I would discuss some of these matters with him, the substance or just the quips.

Joe practiced law for many years, had a thirst for knowledge, and was a voracious reader. He always seemed to have the time for me. On the spur of the moment, I could walk right in, sit down and discuss things with him and he always seemed to have the time for me. What a loss!

All of us have our own recollection of our involvement with Joe, from our annual get together for St. Joseph’s Day, which he sponsored (and paid for) ever since he came on the bench, to his sense of humor and his enjoyment in being a judge, just to name a few, and as different as they may be, there is one common thread that connects us all – we knew a terrific guy and he will be remembered always.

– Hon. Sidney F. Strauss

Your Business and Our Bank. We’re The Business Bank—our job is to help you grow. Sterling delivers what’s really important in a business banking relationship: direct access to decision makers, customized solutions and the personal attention your business deserves. Let’s get together. To schedule an appointment call (212) 757-1100.

Visit SterlingNationalBank.com/biz

STERLING NATIONAL BANK

Est. 1929

The Business Bank

Member FDIC
A Kind And Generous Man

I am honored to be able to write a few words about my friend, the Hon. Joseph P. Dorsa. Of course, among his friends, I am a relative newcomer - I only knew him for around thirty years. Of all the words one could use to describe Joe: warm, kind, loveable, funny, loyal...the word that I think of is generous. And, though he was financially generous, it was the giving of himself that most struck me.

I first met Joe when I was in law school. After a few years as a judge’s law secretary, I began to practice law. Joe was always kind to young lawyers. He would refer clients and then - in the days prior to continuing legal education - he’d provide all of the needed forms, and explain their use. Although he had a busy law practice (his office was always filled with Corona residents waiting to see him for advice), throughout the years Joe always made himself available and would never say no. I just felt badly that there was little I could do to reciprocate - what can you do for a man who didn’t need a thing!

Joseph P. Dorsa was a kind, compassionate and generous man. A family man. A lawyer’s lawyer. A judge’s judge. I am proud to have been his friend. And for all that he has done for me, I’d like to take this opportunity to say: Thanks, Joe.

- Hon. David Elliot

Remembrance

Q. Eleanor?
A. If you’re Judge Dorsa, then I’m Elizabeth Anderson. Thus began an almost nine year working relationship (and a continual running joke) with one of the most insightful, resourceful and humane individuals I’ve ever known. Judge Dorsa taught me many things over the years that I served as his principal law clerk; about the law, about offering solutions to problems for the people they brought before him, and most of all how to find humor and enjoyment in life.

He worked hard and accomplished much in his life, chief among these winning the respect and friendship of so many people from all walks of life. He treated everyone fairly, giving all who came before him a full chance to air their grievances.

He had a terrible memory for names, though, often referring to someone by the wrong name for years. No one ever seemed to really mind. But it was never wise to test his memory of the facts of a case, or the last offer and counter-offer on a settlement. If you bet against his memory, you’d lose.

He was a consummate storyteller, using the story as parable to settle disputes, and he told some of the funniest stories ever, with perfect timing. As good speakers often are, he was equally appreciative when someone else told a good story or delivered a good speech.

For a man of rather small physical stature, he was a very large presence in my life, and I’ll miss him always.

- Elizabeth (Eleanor) Anderson

Gruenberg & Kelly, PC

ATTORNEYS AND COUNSELORS AT LAW

TAKE GREAT PLEASURE IN ANNOUNCING THAT

GLEN AULETTA

HAS JOINED THE FIRM AS SENIOR TRIAL COUNSEL

FORMERLY SENIOR TRIAL ATTORNEY AT LEASHEY & JOHNSON, P.C., GLENN WILL LEAD THE FIRM’S TRIAL PRACTICE AND ESTABLISH THE FIRM’S OUTSIDE TRIAL PRACTICE AVAILABLE TO THE PLANTER’S BAR.

THIS YEAR ALONE, GLENN HAS TRIED 15 LIABILITY AND DAMAGE CASES AND DURING THE PAST 8 YEARS HAS TRIED APPROXIMATELY 100 CASES IN NEW YORK, KINGS, BRONX, QUEENS, NASSAU & SUFFOLK COUNTIES.

FOR MORE INFORMATION, PLEASE CALL:

GRUENBERG & KELLY, PC
3275 VETERANS HIGHWAY, B-9
RONKONKOMA, NEW YORK 11779
631-737-4110

Need help with a case? Involved with a matter in which you are unfamiliar? Need some hearing/trial experience?

Call us at: The Q.C.B.A. Mentor Committee’s Mentor Volunteer Program for free assistance!! 718-291-4500 or email us at: info@qcba.org

We answer questions for free........ We offer assistance in practice and procedures......... We allow you to second seat us or join us for a day to gain practical trial/courtroom/law office experience.... We cover all areas of practice.........

Who are we???
The QCBA Mentor Committee’s Mentor Volunteer Program. Contact us at 718-291-4500 or info@qcba.org.
BY RICHARD M. GUTIERREZ

At the behest of Leslie Nizin, Past President of our Association, I am writing this article. I had no choice, just do it, he said. In this article, I will report on the New York State Bar Association House of Delegates summer meeting, held in Cooperstown, New York, on June 21, 2008. Before reporting on the meeting, I would like to give a special thanks to Steven Wimpfheimer, also a past President of the QCBA for his insightful articles on subjects covered at the QCBA Delegates.

For those of you who do not know, the House of Delegates of the New York State Bar Association consists of 287 members from all across the state, plus, I along with Guy Vitacco, Jr., are the newest delegates from Queens County. Our new Secretary, Joseph Risi, Jr., is an alternate delegate. He and I, as the alternate delegates, meeting is held at the Otesaga Hotel, in Cooperstown, New York, about three blocks away from the baseball Hall of Fame Museum. This is a five star hotel nestled near the Adirondack Mountains, a majestic location for a summer meeting. As you walk out from the lobby onto the veranda you are treated to a spectacular panoramic view of the mountains and Lake Otsego and the fairway and green of the 18th hole of the Leather Stocking championship golf course running right through the lake. The entire hour ride was well worth it. My only regret is that I stayed one night and did not spend the weekend at this idyllic setting.

The other QCBA attendees at the meeting, were Arthur Terranova, our Executive Director, and his family, John Ditz, past President and his wife, Leslie Nizin and his wife, and David Cohen, immediate past President.

Now it’s time to report on the 132nd meeting. The meeting commenced at 8:30 a.m., by a call to order and introduction of new members by Michael E. Getnick, the Chair of the House of Delegates. April 5, 2008 meeting were approved and the first report was delivered by the Treasurer, our very own Seymour James, past President of the QCBA. He reported, and look to the current year through May 31, 2008, the total revenue is $18 million an increase of 1.2 million from the previous year, and the total expense is 9.9 million, a decrease of $281,000.00 from this point in 2007, while CLE revenue increased by $461,000.00.

The next order of business was the presentation of the ROOT- STIMSON Award. Michael Hassett the chair of the ROOT- STIMSON Subcommittee reported that this Annual Award honors members of the legal profession for their outstanding community service. President Leber and Mr. Hassett presented the award to Charles C. Russo, Esq., of Hauppauge. Mr. Russo is a member of the firm of Russo, Karl, Widmaier & Cordano, PLLC, was honored for his efforts as the general counsel of Christmas Magic, as well as a lawyer. It was emotional, passionate, caring and inspirational. Mr. Russo brought the House to their feet. It was a special moment for him.

The next topic of interest was the report and recommendations of the Committee on membership. A proposal by the Chair, Justice Dorsa, to fill a seat for the addition of two seats to the House of Delegates, for non-resident members, to be appointed by the President, was outlined. After discussion, the increase in membership, a motion in favor of the Committee’s recommendation was approved.

Mr. Russo then presented the budget and the Administrative Judge in Queens Civil Court and his Administrative Judge in Queens Supreme Court. The word “now” was not in his vocabulary, as he accepted every difficult assignment and case when requested, and assisted his colleagues when needed.

Those of us in Queens Supreme Court will miss his guidance and experience, but most of all, we will miss his affability, good counsel and friendship.

- Hon. Jeremy S. Weinstein

Supervising Judge in Queens Civil Court and his Administrative Judge in Queens Supreme Court.

He treated them with the utmost respect, made them feel at ease and assured them that he would do his best to handle their legal issues.

When he left to take the bench in 1997, I continued working with his law partner, Dominic A. Viloni, for the next six years. I then attained a position with the Honorable Jeffrey D. Lebowitz in the very same court where Justice Dorsa presided. I considered myself fortunate to again be able to interact with him every day for the next four and a half years. During his tenure on the bench, he earned great admiration from his colleagues, court personnel and attorneys because of his gracious demeanor.

Needless to say, I have a very long history with Justice Dorsa and all of those years will be memorable ones to me. I will always remember his jokes and his stories and the way he made me laugh every day. He had the gift to make light of every situation and made everyone he touched smile. On those rare occasions when he got angry, he never stayed angry. He was just a joy to be around.

I do not have to tell anyone who has had the good fortune of knowing Judge Dorsa what a wonderful, kind and selfless person he was. He was one of the “good ones.” His passing is a great loss to all and he will be truly missed.

We will never forget you, Judge. - Lauren Quonmadatto

Remembering A Friend

What more can be said about a man who was universally loved and respected. Joe Dorsa was an outstanding lawyer, a superb judge and, most importantly, a genuinely human being and friend.

I had the privilege of being his paraprofessional, at the law office, Dorsa & Villoni, as a secretary. He continued working with his law partner, Mr. Viloni, until 1997, when he left to take the bench in the state Supreme Court. Joe and Mr. Viloni taught me everything I knew about the law; in essence, I received a free legal education. With their encouragement, I then graduated from law school and became a paralegal and the office manager. The office clientele was basically comprised of the same neighborhood people who kept returning year after year. The clients absolutely loved Judge Dorsa. He had a never ending supply of good counsel and friendship.

His passing is a great loss to all and he will be truly missed.

We will never forget you, Judge. - Lauren Quonmadatto

My Fondest Memories

By: Lauren Quonmadatto

I have had the privilege of knowing the Honorable Joseph P. Dorsa for most of my life. Both of our families were born and raised in Corona. He attended St. Leo’s School with my mother since the first grade and remained friends with her and our family since that time.

When I was about fourteen years old, I would babysit for his two sons, Joseph and John. Afterward, he would drive me home and tell me jokes and stories. I remember looking up at him and saying to myself “what is wrong with this guy?” I guess at fourteen, I did not appreciate his wonderful sense of humor.

When he was eighteen and right out of high school, he hired me to work in his law office, Dorsa & Villoni, as a secretary. I remained an employee of the firm for the next twenty years. He and Mr. Viloni taught me everything I knew about the law; in essence, I received a free legal education. With their encouragement, I then graduated from law school and became a paralegal and the office manager. The office clientele was basically comprised of the same neighborhood people who kept returning year after year. The clients absolutely loved Judge Dorsa. He had a never ending supply of good counsel and friendship.

His passing is a great loss to all and he will be truly missed.

We will never forget you, Judge. - Lauren Quonmadatto
So Long, Farewell, Auf Wiedersehen...

By Lester Shick

“Hello, I must be going,” these words uttered by one of the most famous social commentators of the 20th century, Groucho Marx, just about sums up my feelings on my upcoming retirement, at the end of January 2009. It is hard to believe that three and a half decades have gone by since I was a green court officer working the courtrooms of 12 Schenectady Street, Brooklyn.

My whole court career has been working on the criminal side. One may state that I have been lucky to make my way through the high profile cases of this city since the mid-1970’s. That would be a perfectly correct deduction. As an example; I stood in the courtroom when Judge Richard B. Jones arraigned “Son of Sam,” David Berkowitz in Brooklyn Criminal Court; I worked the “lobster shift” with Judge William Booth arraigning defendants in Kings County, right after the blackout in ’77; I stood on the bench right next to Justice Thomas Demakos while the person was reading the verdicts in the Howard Beach case; I worked the Black Liberation Army York-Laborde murder case with Justice Kenneth Browne, while William Kunstler was holding court, in an out of the courtroom.

It is interesting and exciting being involved in a high profile case. In the case of “Outrageous,” the minituae of the work day really makes it interesting. I’ve seen countless special moments in the courtroom. For example; I’ve been a Danny Runkymoustache witness asking a judge if he could light up a cigarette while testifying. I’ve also seen a witness during a fortunate telling case involving Santeria, talk in one voice and then a totally different voice starts spewing invectives. Obviously, the jurors and all in the courtroom were stupefied. I’ve witnessed the sensationalism of an Assistant District Attorney give a magnificently succinct summation next to a barrel of 100 bricks of cocaine, putting on rubber gloves and exhibiting the drugs to the jurors in the box. I guess you can say, “All in a day’s work for a Part Clerk.”

Over these past two decades I have been a Part Clerk for four different judges. I have worked with Justice H. Mitchell Aronoff and Justice Thomas Demakos while the case with Justice Kenneth Browne, while William Kunstler was holding court, in an out of the courtroom.

The life of WEN HO LEE, an American nuclear scientist, was ripped apart when he was falsely accused of espionage of handing secrets to China. Articles in THE NEW YORK TIMES, a great paper generally respected for its commitment to the truth, portrayed Lee as a guilty traitor. The fact was that WEN HO LEE was innocent. He was a loyal American. He, however, spent months in solitary confinement when he was finally exonerated of an espionage charge with the federal district court judge, a conservative Reagan-appointee, apologetic, to the United States, to Dr. Lee for the injustice and degrading confinement he suffered. Cardozo, once the great, rightfully and eloquently recognized: “Remorse cannot etch the worm of tender growth, and its bloom, once lost, is not easily restored.” People ex rel. Karlin v. Civil, 248 NY 465, 478, 162 NE 487 (1930).

In “YELLOW FACE,” the above, hypotheticals, while seeming to be ridiculous, was not at all absurd for the Chinese-American community. Specifically, in the late 1990’s, THE NEW YORK TIMES and Congressional committees spearheaded investigations of many Chinese Americans, as the title of the article “Chinese-Americans who basks in attaining “the American Dream” is being worked on in the courtroom environment of the courtroom. However, when the verdict was pronounced, the public was shocked. The verdict was that it was a complete failure.


THE QUEENS BAR BULLETIN – OCTOBER 2008

Editor's Note: Lester Shick is an Assistant Court Clerk in Part K-2 in Kew Gardens, which part is presided over by Justice Barry Kron.
The Culture Corner

Continued From Page 8 –

The events depicted in “YELLOW FACE” are true, and the characters are based on real persons. The hilarity of Act I, involving the playwright-protagonist’s predicament, caused by his own self-deception, stands in contrast to the serious undertones of the second act of the play, an overzealous NEW YORK TIMES reporter, described as “NAME WITHHELD ON ADVICE OF COUNSEL” (NWOAOC). The identity of HYH [the late successful banker Henry Y. Hwang], convinced of his “theory” that HYH is a financial soldier aiming to help China’s alleged planned infiltration and domination of the United States. Researching the role of NWOAOC, it becomes evident that the character is based on Jeff Gerth, a Pulitzer Prize-winning journalist, whose latest work is a controversial and not critically well-regarded biography concerning Senator Hillary Rodham Clinton. Jeff Gerth has been criticized as a “cornercutting reporter, whose “convoluted tales” and “over-the-top accusations” were presented to readers “without a hint of skepticism.” See discussion of “Meet Judith Miller.” Media Matters for America, May 30, 2007, at Before his several stories were questioned and scrutinized, Gerth was repeatedly auded and rewarded by THE NEW YORK TIMES, whose credibility suffered a serious set-back, as a result. See discussion of “A Mark of Quality.”

Tickets to Outrageous’ production of “YELLOW FACE” this November are going to sell fast. Not only is producer RONALD HELLMAN an attorney, but two lawyers, including this columnist, are in the supporting cast. Playwright/protagonist HELLMAN is contemplating stretching the run of “YELLOW FACE” to eight performances, thereby enabling this forthcoming production to be eligible for consideration by the jury of judges of the NEW YORK INNOVATIVE THEATRE AWARDS, for nominations and awards for best production, performance, ensemble acting, and directing by an Off-Off-Broadway production. This production is directed by SOFIA LAW, a director, writer, professor of drama, and director, Advisors. The eight members of the ensemble cast are: FENTON L. 1, a graduate of a prestigious dramatic academy, in the role of Marcus G. C. 1, and “as the white man mistakenly cast as an Asian,” ANTONIO MORA-SUCCI, a formidable black actress who plays both a devoted Chinese wife and a white motor for the young man to sit with who gives a hysterical, priceless, and poignant performance of Henry Y. Hwang, the playwright-protagonist’s Chinese-born father, JENNIFER GEGAN, wildly funny in a variety of roles, JACOB G. 2, deadeyed as girl friend first to DHH and later to Marcus, SCARLETT AHMED in multiple roles, and ME, I play the Announcer and NWOAOC, the Jeff Gerth-inspired New York Times reporter, who actually wrote dozens of articles in the late 1990’s depicting China, as a threat to the United States. I make my acting debut at age 55. Producer RONALD HELLMAN, proud of the casting, states that the eight “cast members’ ethnic backgrounds mirror the diversity of New York City and, in particular, Queens County.” Several of the performances will be followed by an audience-generated Question-and-Answer session moderated by a prominent Chinese-American.

Tickets are $22 with an advance purchase, and $25 the door if any are available, by donation. The theater’s capacity, however, is strictly limited to 90 seats. Tickets may be purchased by sending checks directly to: THE OUTRAGEOUS FORTUNE COMPANY 42-24 Douglaston Parkway Douglaston, NY 11363, tel. 718-428-2500, ext. 20 “YELLOW FACE” will be performed on: Friday, November 14, 8 P.M.; Saturday, November 15, 8 P.M.; Sunday, November 16, MAY. 20, 8 P.M., Fri., November 21, 8 P.M.; Sat., November 22, 8 P.M., and Sun., November 23, 3 P.M. A Saturday matinee, on Nov. 22, at 2 P.M., might be added. Many of the performances, except for the opening [Nov. 14] and forthcoming production. This production will be followed by an audience-generated Question-and-Answer (“Q&A”) session moderated by a distinguished Chinese-American. Already agreeing to moderate a Q&A session are: MARGARET FUNG, ESQ., the Executive Director of the Asian American Legal Defense and Education Fund [who is portrayed in David Henry Hwang’s play], who was also my classmate at N.U., School of Law, Class of 1977. DOROTHY CHIN-BRANDT, an Acting Justice of State Supreme Court in Queens County, and GRACE MENG, ESQ., who is the Democratic Party’s candidate for the Assembly from Flushing, Queens.

Free parking is available at the theater. Free shuttle trolleys will be running from the #7 train at Shea Stadium/Willett Point to the theater, running one hour before and after all performances. THE QUEENS THEATER IN THE PARK is located in the heart of Flushing Meadow’s World’s Fair Park and can be found at Exit 9-P from Long Island and Exit 9-E from Manhattan.

HUGH M. WALTERS, who reads both “THE CULTURE CORNER” and the “BOOKS AT THE BAR” columns in THE QUEENS BAR BULLETIN, is the Law Secretary to State Supreme Court Judge Charles J. Markery.

Why Bar Association?

BY STEPHEN J. SINGER

One of the most serious predicaments facing almost all bar associations is the lack of a growing membership. This problem is debated endlessly, committees are formed to inspire new membership, and hands are offered to graduating students. However, the majority of these proceedings usually with few rewards. The result is the loss of revenue as older members retire or pass on and the inability to fund new projects or to keep costs down on current programs.

When younger lawyers are queried as to their lack of participation in their local bar associations many explanations are offered, beginning with a refusal to attend meetings or functions that occur after five in the afternoon. Frankly, many committee meetings are now conducted by phone, the lunch hour solely because members will not show up after work. Attendance at stated meetings and even other functions is falling and more attorneys are getting their CLE, from rented or purchased tapes. The most frequent explanation however, regardless of how far we lower the cost of various functions, is that younger lawyers don’t recognize the importance of supporting the association or see themselves as deriving any personal benefit from membership.

One of the most beneficial and easily enumerated: group rates on all kinds of personal and professional insurance plans, reduced cost CLE, rotating legal seminars on free from local conferences and computer for legal research, etc. The more esoteric reasons for continuing bar association membership and support are not as easily recon- nized. I am constantly reminded of these benefits because as the co-chair of an important committee I am often directly involved. However, they normally go unpublicized and it is worthwhile to point out some very recent examples.

When a ten-year old “tapped phone call” from a young attorney who had just been ordered to “show cause” why he should not be held in contempt and sanctioned, by a Judge in Queens Family Court. We immediately sprang into action and arranged for the young man to sit with one of our senior lawyers who spent literally two hours drafting a written response and faxing it to the Judge’s chambers, just in time to beat the deadline. Contact was made with the President when the Vice-President to appear with the lawyer in court the next day, as a representative of the bar association. Whether it was the haste driving the need to respond or the quality of the two, the Judge backed off and no punishment of any kind was imposed. That young lawyer will be grateful for years to come.

One of the members of our Criminal Courts Committee was in contact after observing that a defendant’s methodology for language interpretation was being initiated in our Kew Gardens facility. O.C.I.A. had repeatedly demanded a Grant for a “Parse” and SOFIA LAW, our local interpreter staff with some new gadgets. The reporting lawyer observed a trial with three Hispanic defendants, who were seated apart from their three non-Hispanic lawyers, all defendants wearing headphones and the Spanish language interpreter sitting ten rows behind the audience. For the several hours that the reporter sat and observed, there was literally no communication between the lawyer and the interpreter or their clients.

Could there be? To speak to their clients they would have to stop the trial. They requested that the interpreter leave her place in the audience and come to the front, disable the audio and transcribe between the two parties. How often could the lawyer or client do this without creating a serious nuisance? And would this not dampen the desire of either party to communicate because of the trouble it would cause?

Clearly, this was a terrible idea... technical advances run amok. When questioned, the interpreters could only marvel at how the deaf have always been able to go unpublicized and it is worthwhile to point out some very recent examples. The deaf have always been able to communicate with each other, face to face.

It is obvious then that there are significant personal and professional reasons to continue to be part of a bar association. There is no other organization as the personal touch of our Judicial Relations Committee, the social aspects, etc. Personally, I always advise young lawyers that if they have limited financial resources they should save the membership dues money for their local bar association rather than spend them on the A.B.A. or some other distant organization.

Can you picture Queens County without a Queens County Bar Association?

Editor’s Note: Stephen J. Singer is a Past President of the Queens County Bar Association, Co-Chair of the Criminal Court Committee and a partner in the firm Sparrow, Singer and Schleser.
Annual Dinner & Installation Of Officers - May 1, 2008

Alexander Rosado and Hon. Jeffrey Lebowitz

Amanda Beltz, recipient of Law School Student Scholarship from Leslie Nizin

Bernard Vishnick, Paul Pavlides and Joseph DeFelice

Borough President Helen Marshall and Steven Orlow

Brian, Adam and Rivky Orlow and Judy and Howard Hahn

David Adler, Nora Marino and Arthur Terranova

David Adler, Richard Ortiz and Kenneth Brown

David Cohen, Hon. Randall Eng and Janet Cohen

Denise Foster, Hon. Bernice Siegal, Hon. Cheryl Chambers and Janet Cohen

District Attorney Brown swearing in new President, Steven Orlow

District Attorney Brown swearing in the Board of Managers

District Attorney Brown swearing in the new officers

District Attorney Brown with Steven and Susan Orlow

Hon. Cheree Buggs, George Nashak and Hon. Phyllis Orlikoff Flug

Hon. David Weprin, Stephen Singer, Joseph Risi, Jr., Paul Goldstein, David Adler and Nelson Timken

Photos by Walter Karling
Annual Dinner & Installation Of Officers - May 1, 2008

Hon. Jeffrey Lebowitz and Hon. Bernice Siegal
with award recipient Steven Orlow

Hon. Martin Ritholtz, Steven Orlow and Arthur Terranova

Hon. Maureen Healy, Helmut Borchert and Robert Frommer

Timothy Rountree, Seymour James, David Cohen, Hon. William Erbbaum and Bernard Vishnick

Hon. Peter Vallone, Hon. Leroy Comrie and Hon. Daniel Jay

Janet Cohen, Yvette and Richard Gutierrez and Seymour James

Jerome Patterson, Steven Wimpfheimer and Chanwoo Lee

Hon. Peter Vallone, Sr., Helen Marshall, Gloria D’Amico, Mark Gelfand, Hon. Peter Vallone, Jr. and Paul Vallone

Leslie Nisin, DA Richard Brown, Hon. Seymour Boyers and Jay Abrahams

Mark Weliky with Dorothy Atchison, recipient of the QVLP ProBono Award

Joseph Baum, Hon. Robert Nahman, and Stephen Hans

Steven Smith, Kenneth Brown, Hon. Charles Markey and Thaddeus Gorycki

Steven Wimpfheimer, Gary Darche, Allan Botter, Paul Goldblum and Michael Dikman

Photos by Walter Karling
The Following Attorneys Were Disbarred By Order Of The Appellate Division, Second Judicial Department:

Steven Lipton, admitted as Steven Alan Lipton (March 25, 2008)

On June 25, 2007, the respondent pleaded guilty in the United States District Court for the Southern District of New York to one count of Possession of Child Pornography Transmitted in Interstate or Foreign Commerce, a B 1 class C felony. Inasmuch as the elements of the federal offense are essentially similar to the New York State felony of Possessing a Sexual Performance by a Child, the respondent’s name was stricken from the roll of attorneys in New York.

Jason Cohen, admitted as Jason Alan Cohen (April 8, 2008)

On November 14, 2003, the respondent pleaded guilty in the United States District Court for the Southern District of New York to Conspiracy to Commit Securities Fraud and Conspiracy to Commit Money Laundering. Inasmuch as the federal felony of money laundering is essentially similar to the New York State felony of Conspiracy to Commit Money Laundering, the respondent’s name was stricken from the roll of attorneys in New York.

Anthony L. Chin-Quee, admitted as Anthony Lloyd Chin-Quee (April 29, 2008)

The respondent tendered a resignation wherein he acknowledged that he could not successfully defend himself on the merits against allegations that checks drawn on his attorney trust account at Citibank were dis- honored due to insufficient funds.

Joseph La Mattina, a suspended attorney (April 29, 2008)

By Decision and Order of the Appellate Division dated November 27, 2006, the respondent was found guilty of engaging in conduct prejudicial to the administration of justice by failing to cooperate with the Office of Court Administration (OCA); engaging in conduct prejudicial to the administration of justice and/or adverse reflection on his fitness as a lawyer by failing to cooperate with the Grievance Committee of the Court; failing to cooperate with the Grievance Committee in the respondent to determine whether he was incapacitated from continuing to practice law, and that the proceeding was held in abeyance pending receipt of a report from a qualified medical expert assigned to examine the respondent to determine whether he was incapacitated from continuing to practice law.

Terrence P. Tormey, admitted as Terrence Patrick Tormey (March 25, 2008)

By Order of the Supreme Court of New Jersey dated May 9, 2007, the respondent was suspended from the practice of law for a period of two years, effective June 11, 2007, for gross neglect; lack of diligence; failure to communicate with a client; conflict of interest; failure to safeguard funds; and conduct involving dishonesty, fraud, deceit, or misrepresentation. Upon the respondent to determine whether he was incapacitated from continuing to practice law, and that the proceeding was held in abeyance pending receipt of a report from a qualified medical expert assigned to examine the respondent to determine whether he was incapacitated from continuing to practice law.

Donahue G. George (March 27, 2008)

The respondent was immediately suspended from the practice of law, pending further proceedings, upon a finding that he was guilty of professional misconduct immediately threatening the public interest as a result of his failure to cooperate with the Grievance Committee, his own admissions under oath, and other uncontroverted evidence of professional misconduct. After a disciplinary hearing, the respondent was found guilty of engaging in conduct prejudicial to the administration of justice and/or adversely reflecting on his fitness as a lawyer, by failing to cooperate with the Grievance Committee.

Barry Stephen Zornberg (April 29, 2008)

On December 22, 2006, the respondent entered a plea of guilty in the County Court, Suffolk County, to a violation of the Penal Law. Inasmuch as the respondent was the co-tenant of Grand Larcy in the second degree, a C 5 felony, and one count of criminal possession of a forged instrument with the intent to defraud in the second degree, a D 2 felony. On July 27, 2007, the respondent was sentenced to a term of probation of five years, restitution in the sum of $534,462 and a mandatory DNA fee in the sum of $50. By virtue of his felony conviction, the respondent ceased to be an attorney upon his plea of guilty, and was automatically disbarred on December 22, 2006.

Edward W. Donnelly, admitted as Edward Warren Donnelly, a suspended attorney (April 7, 2004)

By Decision and Order of the Appellate Division dated December 28, 2007 (amended January 3, 2008), the respondent was suspended from the practice of law, pending further proceedings, upon a finding that he was guilty of professional misconduct immediately threatening the public interest based on his conduct involving dishonesty, fraud, deceit or misrepresentation; failing to cooperate with the Grievance Committee, his own admissions under oath, and other uncontroverted evidence of professional misconduct. The respondent was thereafter disbarred, on default, upon charges that he failed to cooperate with the Grievance Committee; neglected a legal matter entrusted to him; made false and misleading statements to a client concerning court filings allegedly submitted, and work allegedly performed, when submitted or performed; failed to refund a fee paid by a client that was not earned; and failed to provide a Statement of Client’s Rights and Responsibilities and a written retainer agreement to a client in a domestic relations matter.

The Following Attorneys Were Suspended From The Practice Of Law By Order Of The Appellate Division, Second Judicial Department:

Darryl Boyd Jones (April 1, 2008)

The respondent was found guilty, after a disciplinary hearing, of 11 charges of professional misconduct, including multiple acts of conversion, commingling, failure to maintain escrow records, making cash withdrawals from his escrow account, and engaging in a lack of candor. Although initially disbarred, the respondent sought leave to reargue, resulting in his resumption of his practice of law for a period of five years, commencing 30 days from service upon him of the order of suspension, and continuing until further order of the Court.

John G. Broestsky, admitted as John Gerard Broestsky (April 8, 2008)

On June 25, 2007, the respondent pleaded guilty in the United States District Court for the District of New Jersey to one count of criminal possession of child pornography, a federal felony, a class A 1 misdemeanor. On the Appellate Division’s own motion, the respondent was immediately suspended from the practice of law, pending further proceedings, as a result of his conviction of a serious crime pursuant to Judiciary Law §§904(k).

William L. Nettus (April 29, 2008)

By Decision and Order of the Appellate Division dated March 9, 2007, the respondent was immediately suspended from the practice, pending further proceedings, upon a finding that he was guilty of professional misconduct immediately threatening the public interest in that he failed to answer a complaint of professional misconduct, including failure to cooperate with the Grievance Committee; negotiating a legal matter entrusted to him; engaging in conduct adversely reflecting on his fitness as a lawyer by failing to cooperate with the Grievance Committee of the Court; failing to cooperate with the Grievance Committee; failing to maintain and produce required bookkeeping records for his escrow account; engaging in conduct adversely reflecting on his fitness as a lawyer by failing to cooperate with the Office of Court Administration (OCA); engaging in conduct prejudicial to the administration of justice, which adversely reflects on his fitness as a lawyer, by failing to appear with a client for scheduled court proceedings; and failing to obtain permission of the Court to withdraw from the representation of a client in a disciplinary proceeding. The respondent was thereupon suspended from the practice of law for an additional two years, commencing immediately, and continuing until further order of the Court.

Daniel D. Tartaglia, admitted as Daniel David Tartaglia (April 15, 2008)

The respondent was convicted on January 29, 2008, upon a plea of guilty, of a single count of failing to file a New York State Tax Return, a class A misdemeanor. On the Appellate Division’s own motion, the respondent was immediately suspended from the practice of law, pending further proceedings, as a result of his conviction of a serious crime pursuant to Judiciary Law §§904(k).

G. Warren A. Cohen, admitted as Warren Alan Cohen, a suspended attorney (May 7, 2008)

By Decision and Order of the Appellate Division dated March 9, 2007, the respondent was immediately suspended from the practice, pending further proceedings, upon a finding that he was guilty of professional misconduct immediately threatening the public interest in that he failed to answer a complaint of professional misconduct, including failure to cooperate with the Grievance Committee; negotiating a legal matter entrusted to him; engaging in conduct adversely reflecting on his fitness as a lawyer by failing to cooperate with the Grievance Committee of the Court; failing to answer a complaint of professional misconduct, and other uncontroverted evidence of professional misconduct immediately threatening the public interest based on his conduct involving dishonesty, fraud, deceit or misrepresentation; failing to cooperate with the Grievance Committee, his own admissions under oath, and other uncontroverted evidence of professional misconduct. After a disciplinary hearing, the respondent was found guilty of engaging in conduct prejudicial to the administration of justice and/or adversely reflecting on his fitness as a lawyer, by failing to cooperate with the Grievance Committee; failing to maintain and produce required bookkeeping records for his escrow account; engaging in conduct adversely reflecting on his fitness as a lawyer by failing to cooperate with the Office of Court Administration (OCA); engaging in conduct prejudicial to the administration of justice, which adversely reflects on his fitness as a lawyer, by failing to appear with a client for scheduled court proceedings; and failing to obtain permission of the Court to withdraw from the representation of a client in a disciplinary proceeding. The respondent was thereupon suspended from the practice of law for an additional two years, commencing immediately, and continuing until further order of the Court.

Joseph Foglia, admitted as Joseph A. Foglia (May 9, 2008)

On November 27, 2007, the respondent entered a plea of guilty in the United States District Court for the District of New Jersey to one count of tax evasion and one count of making false statements. On the Appellate Division’s own motion, the respondent was immediately suspended from the practice of law in New York (following his suspension in New Jersey) as a result of his conviction of a serious crime pursuant to the New Jersey disciplinary authorities

---Continued On Page 18---
Is the CIA the NYPD of a Globalized World?

Thereafter, the United States began to control the world’s sky, winning World Wars I and II with Air Power that did not exist in 1903.

And after that, the entire world became dotted with airports in every major city. Jet airplanes linked the entire planet. Anywhere could be reached from any-where else in less than one day. Air Traffic Control became a brand new sci-ence and technology. Highways were erected, and the U.S. Military built runways for airplanes to follow. Over all the world—except in Quebec, airplanes must be landed in American English, and every airplane pilot and air traffic controller in the world must, by necessity, speak American English and be part of the American airline culture.

An excerpt from a book, titled, The U.S. States, home to that bicycle shop in Dayton, Ohio, run by two inventive brothers named Wilbur and Orville, came to dominate Earth in a way no tribe, nation, or empire ever had before. The United States literally shrunk the whole planet Earth into an entity the size of a large city.

Before Wilbur and Orville Wright, a journey to the other side of the world meant weeks and months of travel by rail-road and steamship. The implications were overwhelming. No culture on this planet was untouched. No one could keep his or her tradition and culture and language uninfluenced by those giant American machines bringing people from every country together every day, 365 days per year, every year in and year out.

There was an amazing integration of this planet was bound to come apart some time. Someone was bound to resent the complete dilution of every culture that came before by those two fantastically imaginative inventors in their bicycle shop in Dayton, Ohio. No one since the unnamed inventor of the wheel in pre-literate times, who invented this kind of influence on humanity.

And that some time came on Sept. 11, 2001. Wilbur and Orville’s invention was turned into a weapon of mass destruction. We invented a new way to dominate the world that has caused on every country and culture on Planet Earth.

It is said that the Law is always ten years behind developments in science, technology and culture. Well, here is where it has been seven years behind. Let us recap the developments.

The Administration of President George W. Bush was deeply embarrassed at the events of Sept. 11, 2001. The President was reading to school children in a Florida elementary school at the moment of the attack. Vice President Dick Cheney in Washington gave an order to the U.S. Air Force to shoot down the hijacked airplanes that had already done their damage. The Air Force never fired a shot. So much for paying taxes for the world’s strongest military.

Cubans had hijacked airplanes in the United States to conclude that we were trying to hit a flea with a sledge-hammer. Nuclear weapons and large armed forces are addictive and are an ideologue with a box cutter deter-mined to commit suicide by hijacking a civilian airplane.

The Transportation Security Administration was established. Airplane travel for the general public was made hellish. The Fourth Amendment ban against unreasonable searches and seizures was gone at the moment the plane getting on an airplane was forced to submit to an unreasonable search and seizure of, you guessed it, nail clippers and safety-ty scissors. The reason was that someone might use their nail clippers to hijack an airplane, said our Government.

Then the Department of Homeland Security was established. The main job of the Defense Department. Well, I guess they forgot that defending the United States from foreign attack was why they were set up in the first place. Now that we have a Department of Homeland Security to give “security” grants to inland states such as Kansas and Wyoming, we are certainly all a lot “safer,” whatever that may mean.

It turned out the 9-11 hijackers were members of a loose fraternity of madmen who called their organization the “Al Qaeda” and had come to Afghanistan as guests of the fundament-alist Muslim governing party known as the Taliban. President Bush dispatched military forces to Afghanistan and the Taliban were completely uprooted. However, Al Qaeda’s leader, Osama Bin Ladin, a disgraced relative of the Saudi Arabian royal family, was never located. He is rumored to be in hiding in the sparsely populated forbidding mountains between Afghanistan and Pakistan.

Then a very strange thing happened. Despite the fact that the ‘enemy’ was located and thrashed in Afghanistan, the Bush Administration insisted they were still in Iraq. This was false. Nevertheless, we are still trying to be in hiding in the sparsely populated forbidding mountains between Afghanistan and Pakistan.

Along the way, numerous individuals alleged to be part of Al Qaeda were arrested by the Central Intelligence Agency (CIA) and the U.S. Government entities in Afghanistan, Iraq and other parts unknown. For reasons that escape any kind of reality, the Bush Administration used terrorist tactics against people at the U.S. Naval Base in Guantanamo, Cuba.

Cuba is an unfriendly foreign country with no diplomatic relations with the U.S. In another U.S. Government fiasco, an attempt was made to overthrow the Government of Cuba in 1962. This was known as the “Bay of Pigs,” and has pos-soned U.S.-Cuba relations ever since. However, in 1898, after winning the Spanish American War, the U.S. Government assigned Cuba its borders, its powers are not ‘absolute and unlimited’ but are subject to ‘such restrictions as are expressed in the Constitution’...See 28 U.S. Code Section 2241(e).”

The Congress acted. Led by Senator John McCain, the Congress created the Military Commissions, to try the Guantanamo prisoners, and specifically deprived the federal courts of all jurisdic-tion over them. See 28 U.S. Code Section 2241(e).

And this test of wills among all three branches of Government led us to the Courtrooms in Guantanamo, Cuba, known as “Al Qaeda” and hanging out in the U.S. military to Afghanistan and the Taliban. President Bush dispatched military forces to Afghanistan and the Taliban were completely uprooted. However, Al Qaeda’s leader, Osama Bin Ladin, a disgraced relative of the Saudi Arabian royal family, was never located. He is rumored to be in hiding in the sparsely populated forbidding mountains between Afghanistan and Pakistan.

It is most important to understand what the U.S. Supreme Court did not do in its historic opinion in Boumediene v. Bush, cited above. No prisoner was freed. However, 28 U.S. Code Section 2241(e) was written into law by the U.S. Supreme Court held that Congress and the President cannot deprive the federal courts of jurisdiction to hear Guantanamo prisoners’ habeas corpus petitions challenging their confinement.

In a very real sense, the U.S. Supreme Court’s decision in Boumediene v. Bush recognizes the U.S. inspired airports ringing the world has made the CIA into the NYPD. There real-ly is now a Federal Police Department, Bureaucracy and the personal liberty that is secured by adherence to the separation of powers. It is from this princi-ple that the judicial authority to consider petitions for habeas corpus relief derives.” See 2008 WL 2369628 at 43.

So, were they Prisoners of War? What War? The U.S. Government neglected to declare war on Saudi Arabia in 2001. It is simply one of our allies, and sells us much of our gasoline. So, despite the Saudi Arabian citizenship of the 9-11 hijackers, this would never occur. The Governments of Afghanistan and Iraq were using the U.S. Military in a matter of months. We certainly were no longer at war with any foreign governments in Afghanistan or Iraq. Were we at war with ourselves?

So, these prisoners in Guantanamo? What law applies? Despite the sore temp-eration to ask Inspector Clouseau, Officers Toody and Muldoon or a Keystone Cop,
how important it was that everyone be advised African-American audiences that 1960's. Instead, Kennedy repeatedly left who justified and excused the racial.

He did not, however, join the many on the supported the cause of equal rights and little squirming when he bluntly - and play to that opposition, even though it mir-

Nor did RFK stop there on Vietnam. By 1968, ideological pur- pose of the war demanded support of an immediate American withdraw- al from that conflict. While Kennedy stood by his position, RFK's involvement in Vietnam from 1966 onward, he was equally against our im- mediate withdrawal (ought one hear an echo here in the current debate on exit strategy in Iraq?). He supported instead a

Another aspect of Robert Kennedy's personal reorganization many liberals was his comfort level with, and even affini- ty for, the party “b osses” who epitomized the “old politics” in the late 1960's. He had, like his brother, been had, be-

For, he never lost sight for the “ruth- lessness” label he had assumed, was dis- cerned as a cloak for the constitutional safe- guards, and did not try to circumvent them. As Attorney General, he authored a major

Robert Kennedy focused on employment as the 1960's, the Kennedy Justice Department won indictments against one hundred and raised the priority of the Justice

Kennedy employed a multi-faceted strategy in this effort. He began by enlight- ening the nation to the danger posed by the nation to the danger posed by the function. He enhanced the status and raised the priority of the Justice Department's Organized Crime Section. He enlisted the active cooperation of other agen- cies and even converted several of his oppo- nents to (with an enthusiasm and pas- sion that discomfited certain circles, his fervor was well-grounded. By the time he stood up and spoke in public to continue

The assessment of RFK as ruthless orig- inated during his time as Counsel to the Rackets Committee when he harshly examined several witnesses who appeared to be less than forthcoming in testifying before the Committee. The unpleasant
tial nomination that year, RFK gained the

Robert Kennedy was, in fact, equally as at home with workers: as with, for example, procured indictments RFK's ‘law and order’ stance, when

As Attorney General, he introduced personal accessibility and visibility to thestalk cor- ridors of his department. Justice Department historian Victor S. Navasky

wealthy capitalists were generally sympa- thetic to the left. Yet RFK embraced the private sector as the key to his bold anti-poverty initiative in the Bedford-Stuyvesant community in Brooklyn. He pursuaded local businessmen to help 1000 small business owners in this unique program. Biographer Jack Newfield char- acterized it as an “unorthodox mixing of [social] and capitalism with black power.”

Kennedy focused on employment as the one essential way for people living in poverty to escape their circumstances. He founded the Community Action Program to invest in this community-based venture. He also insisted, as a key component, that the control of the corporation remain with the corporation, not the government.

It was daring; it was risky; and it worked. Of course, RFK's ingenuity was not hurt by the fact that he could enlist the help of business leaders, like Thomas Watson, Jr., IBM who were personal friends. But he wasn’t too timid to recruit them, either. The bottom line remains that the efforts continued to be a productive undertaking today, and served as a working model for various “enterprise zones” that were created in other urban areas several years later. Such long-stopped both RFK's vision and his ability to bring it to fruition.

Kennedy inherently recognized that the game of national politics plays out on many levels, and that the old-style leaders had their place in the process. And if this process was not always democratic, the results often were, at least to the bosses' local constituents, who tangibly benefited from the basic services the leaders made certain to always provide. While RFK undoubtedly did not prefer the old system, he both acknowledged and accepted its reality. And when he met with the chili-

Kennedy's vision and his ability to bring it
to fruition.

Another aspect of Robert Kennedy's personal reorganization many liberals was his comfort level with, and even affini- ty for, the party “b osses” who epitomized the “old politics” in the late 1960's. He had, like his brother, been had, be-

nor RFK was, in fact, equally as at home with workers: as with, for example, procured indictments RFK's ‘law and order’ stance, when

If RFK was a politician liberal, declared Robert F. Kennedy, Jr., in the February 12, 2007 issue of New York maga- zine. That assessment is both candid and correct. His father was defined by phi- losophy, but by superb political and moral instinct, and an ability to think outside the box (now an even more admired quality than five decades ago when it was so innovative and open-minded to be restrained by a single ideology. Historians have not fully appreciated this aspect of his personal philosophy. Indeed, the timeless time as a "liberal," or by use of any other label, is simply too limiting.

This is not to suggest that RFK lacked signifi- cant support from the left. Liberals, as a “liberal”, or by use of any other label, was comfortable with

While he was an idealist, he was one clear- ly comfortable with the political reality that their defer- ments were causing poor and

The lingering unhappiness with Robert Kennedy was most clearly on display in active hostility toward his appointment as Attorney General in 1961. RFK’s relative inexperience and the obvious appearance of nepotism that emanated from his nomination for that office by his brother While the nepotism charge, undoubt- edly had some merit, Kennedy's performance as Attorney General silenced and even converted several of his oppo- nents. Indeed, his doggedness to the point that

Robert Kennedy’s “law and order” stance, when

Who justified and excused the racial.

Robert Kennedy resigned from the Cabinet in August 1964, to seek and win a Senate seat from New York. While serving in the Senate, he bought into and raised the priority of the Justice Department's Organized Crime Section. He enlisted the active cooperation of other agen- cies and even converted several of his oppo- nents to (with an enthusiasm and pas- sion that discomfited certain circles, his fervor was well-grounded. By the time he stood up and spoke in public to continue

Another aspect of Robert Kennedy's personal reorganization many liberals was his comfort level with, and even affini- ty for, the party “b osses” who epitomized the “old politics” in the late 1960's. He had, like his brother, been had, be-

Nor did RFK stop there on Vietnam. College students in the mid-1960's were among the most vocal opponents of the war. Kennedy did not simply (and safely) play to that opposition, even though it mir- rered his own. He challenged college audi- ences over their deferments from the mili- tary service draft. He caused more than a little squirming when he bluntly - and accurately - confronted student groups with the unsettling reality that their defer- ments were causing poor and minority American youths to bear the blunt of the fighting and dying in Vietnam. In a similar vein, RFK enthusiastically

Another aspect of Robert Kennedy's personal reorganization many liberals was his comfort level with, and even affini- ty for, the party “b osses” who epitomized the “old politics” in the late 1960's. He had, like his brother, been had, be-

Kennedy's vision and his ability to bring it
to fruition.

Kennedy inherently recognized that the game of national politics plays out on many levels, and that the old-style leaders had their place in the process. And if this process was not always democratic, the results often were, at least to the bosses' local constituents, who tangibly benefited from the basic services the leaders made certain to always provide. While RFK undoubtedly did not prefer the old system, he both acknowledged and accepted its reality. And when he met with the chili-
Presidential Candidates Then & Now: Robert Kennedy Reconsidered

Continued From Page 14

bridge between the traditional politics of the 1950’s and early 1960’s and the emerging “new politics” of the late 1960’s and beyond.

Robert Kennedy also exuded empathy to a degree uncharacteristic of most public figures. This quality defined the last five years of his life and his quest for the presidency. He identified with the plight of Chavez’s migrant farm workers in California long before it was fashionable to do so. His first-hand look at the effects of poverty inspired him to defy the status quo in Mississippi and in Kentucky fundamental-ly impacted his public positions. RFK also visited Native American reservations and was equally moved by the pervasive sense of hopelessness he observed. He was clearly “ahead of the curve” in identifying and suggesting solutions to these prob-lems. All three became recurrent themes in his presidential campaign, even though few voters were to be gained by focusing on Native Americans and migrant farm workers - certainly not in the deplorable conditions in which African-Americans lived in rural Mississippi placed Kennedy in the liberal mainstream, his equivalent of a “coalition of astonishing diversity: minorities, blue-collar workers, women, students by and large were opposed to the Vietnam War and favored ongoing day. Students by and large were opposed to the Vietnam War and favored ongoing

...were not too close to meet his criteria. In any event, as a result of these steps, President Kennedy instead took an intermediate step to avoid the serious possibility of a pre-emptive air strike to destroy those missiles before they became operational. Robert Kennedy came to ardently oppose such a strike, characterizing it as “Pearl Harbor in reverse” and his argument ultimately prevailed. In the end, the few new weapons of Soviet soldiers and technicians would have been killed in such an attack. Escalating responses and counter- responses could easily have propelled both countries into nuclear holocaust.

...a degree uncharacteristic of most public figures. This quality defined the last five years of his life and his quest for the presidency. He identified with the plight of Chavez’s migrant farm workers in California long before it was fashionable to do so. His first-hand look at the effects of poverty inspired him to defy the status quo in Mississippi and in Kentucky fundamental-ly impacted his public positions. RFK also visited Native American reservations and was equally moved by the pervasive sense of hopelessness he observed. He was clearly “ahead of the curve” in identifying and suggesting solutions to these prob-lems. All three became recurrent themes in his presidential campaign, even though few voters were to be gained by focusing on Native Americans and migrant farm workers - certainly not in the deplorable conditions in which African-Americans lived in rural Mississippi placed Kennedy in the liberal mainstream, his equivalent of a “coalition of astonishing diversity: minorities, blue-collar workers, women, students by and large were opposed to the Vietnam War and favored ongoing day. Students by and large were opposed to the Vietnam War and favored ongoing
Continued From Page 15

did not always follow them. Perhaps the sound and on the mark,17 being human, he ing and looting that took place in the wake centers, only Indianapolis escaped the rioting.18 King and calming the crowd by sharing his speech. He instead heeded his advice (even initially by RFK himself), advised (even initially by RFK himself), Kennedy ultimately relied on his sense of evidence and restraint being universally election hanging in the balance, and pru-

dimension: 792.0x1080.0

Continued From Page 15 ________________

While RFK's instincts were usually most often take soundings and employ polls control candidates' positions, when litmus tests on key issues determine tion polls control candidates' positions, but remaining powerful and full-bodied government. He was not without his faults, embodied this approach to politics and political courage. When engaged in responsibility, of course, it also engenders trust from the electorate. It’s most unfortu-

tations offered a glimmer of hope of restoring RFK-style honesty and integrity to this year’s presidential campaign. Barack Obama presented himself as the candidate of genuine change, unaffiliated with the “Washington way” of conducting business. John McCain run the “original maverick.” Each of them initially took unorthodox positions on a few issues that underscored the apparent freshness of his candidacy. Yet, as the nominations were sealed, the nominating process had soured, each subtly - and sometimes not so subtly - changed his stance, so as to more safely appeal to the center of the electorate. And somewhere, Richard Nixon’s now legendary mastery of such tactics, was smiling.

We, the people, are entitled by birthright to the best thinking of our elected officials. It’s the sad truth that we rarely receive it nowadays. Independent thought might sometimes lead to radical ideas or solu-

tions that might deviate from “appropri-

ite losing his bid for the Republican nomination.

Today’s politicians also refuse to ever admit having made a mistake. Senator Clinton stressed how she was “mised” by President Bush on Iraq. Contrast that with Robert Kennedy’s candid acknowledg-

ment of the errors he, and his brother, made in deepening our nation’s involve-

ment in Vietnam. He accepted his fair share of responsibility when he began his opposition to that war. Such public self-

sacrifice, however, was rare, even for Robert Kennedy. His reviews remain essentially favor-

istic of history must not consign him to an unwarred status as nothing more than a stereotypical liberal; let alone as the liber-

al of history. He has been remembered simply as the prisoner of an ideology that he so readily transcended in reality.

JFK Kennedy remains a glowing figure in the American pageant. Historians con-
tinue to mine his life, presidency and death for the few nuggets that remain undiscovered.

Robert Kennedy, on the other hand, appears to be slipping into relative oblivion as nothing more than his brother’s sec-

Robert Kennedy was of arguably greater historical import than his brother, even though he never attained the high office he died seeking. John Kennedy was in large measure a product of his era. RFK, on the other hand, helped to actually define his times. He offered hope to a troubled and fragmented nation, and innovation, sincerity and commitment. Much like the 1870’s, had Abraham Lincoln survived, the 1970’s would have unfolded in fundamentally dif-

ferent ways had Robert Kennedy lived and achieved the presidency. That in turn would have influenced subsequent decades in ways that defy prophecy. The effect of RFK’s assassination upon subsequent history is undeniable. As is the impact of the actual events of those forty years upon Robert Kennedy’s place in that history. We are now in the tenth presiden-

tional election season since his passing. We have yet to see a candidate even remotely approaching his stature.


5. Navasky, p. 43.


8. Kennedy, p. 41.


11. Shannon, p. 64.


15. Schlesinger, p. 344.


17. During the period between the final primary election and the Democratic convention in 1968, Senator Kennedy intended to embark on a then contemplated, mid-campaign trip to Europe that would have included stops in Poland and West Germany, along with a visit to East Berlin.  

The nation, of course, suffers immeasurable from such trivialization of both the foreign to Robert Kennedy, yet it is now

FLORIDA

ATTORNEY

Law Offices of Randy C. Botwinick

Formerly of Pazer & Epstein

Concentrating in Personal Injury

24 Years Experience

Co-Counsel and Participation Fees Paid

Miami Office
One Biscayne Place
11098 Biscayne Blvd.
Suite 405
Miami, FL 33161
P: 305 895.5700
F: 305 892.1107

Palm Beach Office
Peninsula Executive Center
2383 NW Executive Center Dr.
Suite 100
Boca Raton, FL 33431
P: 561 995.5001
F: 561 962.2710

Toll FREE: 1-877-FLA-ATTY (352-2889)
www.personalinjurylawyer.ws
Since 1991, providing Health Insurance for all size Law Firms, Including one person Groups who are Queens County Bar Association Members.

Group Life, Dental and LTD as well as Individual Insurance Plans available!

Tom Dooley  516-885-0184  tdooley43@verizon.net
Bob Bianco  631-979-5339

Oxford Healthcare is now offering GROUP RATES for ONE EMPLOYEE groups (the attorney can be the only employee). Some plans have Health Saving Accounts.

ATTENTION MEDICARE PARTICIPANTS
Empire Health care and First United have new low cost supplements, some requiring no co-pays.

CALL US NOW FOR A PERSONALIZED QUOTE

PO BOX 605, Islip, NY 11757
Report of New York State Bar Association Meeting

Continued From Page 7 – as a result of his plea of guilty to a serious crime.

Philip Dale Russell (May 9, 2008) By Order of the Supreme Court of New Jersey dated July 14, 2005, the respondent was suspended from the practice of law in that state for a period of six months, and continuing until further order of that court, for failing to safeguard client funds; failing to deliver funds; failing to comply with record-keeping requirements; failing to keep an accounting; failing to engage in requisite truthful and justifiable conduct in a business transaction; and failing to exercise adequate supervision, upon her honesty, trustworthiness or fitness as a lawyer; engaging in conduct involving dishonesty, fraud, deceit or misrepresentation; and failing to comply with the rules of the administration of justice. Upon service of the Grievance Committee’s motion for reciprocal discipline, pursuant to 22 NYCRR §691.3, the respondent demanded a hearing. Following said hearing, the respondent was suspended from the practice of law in New York for a period of one year, commencing June 13, 2008, and continuing until further order of the Appellate Division.

Donna A. Campbell, admitted as Donna Antoinette Campbell (May 19, 2008) The respondent was immediately suspended from the practice of law, pending further proceedings, upon a finding that she was guilty of professional misconduct immediately threatening the public interest as a result of substantial admissions under oath that she committed acts of professional misconduct and other uncontroverted evidence of professional misconduct.

The Following Attorney was Publicly Censured By Order of the Appellate Division, Second Judicial Department:

Janice L. Jessup, admitted as Janice Lorraine Jessup (March 25, 2008) By order of the Supreme Court of Ohio dated December 2, 2005, the respondent was directed to immediately cease and desist from the practice of law in that State due to her failure to file a Certificate of Registration for the 2005-2007 biennial period. In addition, the Ohio Supreme Court issued an order filed April 27, 2007, immediately suspending the respondent from the practice of law in that State for failing to comply with the applicable Continuing Legal Education provisions. Based upon the Grievance Committee’s motion for reciprocal discipline pursuant to 22 NYCRR §691.3, the respondent was publicly censured in New York.

Continuing From Page 12 _________________


At The Last Meeting Of The Grievance Committee For The Second and Eleventh Judicial Districts, The Committee Voted to Sanction Attorneys For The Following Conduct:

Failing to re-register as an attorney with the New York State Office of Court Administration (OCA) (7)

Engaging in a conflict of interest in a real estate matter; failing to maintain a ledger and other records for the attorney’s escrow account; and exhibiting a lack of candor with the Grievance Committee

Failing to communicate with clients; failing to specify in Retainer Agreements what the attorney was undertaking to do for clients; neglecting legal matters; failing to reduce important understandings with clients to writing; failing to timely refund an unearned fee; and repeatedly failing to timely cooperate with the Grievance Committee

Engaging frivolous conduct before a Court; engaging in conduct that served merely to harass or maliciously injure another; knowingly advancing claims that were unwarranted under existing law; and undignified or discourteous conduct which was degrading to a tribunal

Engaging in impermissible conflicts of interest

Violating the rules governing sexual relations with clients in matrimonial matters and lacking candor with the Grievance Committee

Failing to inform a client, in writing, that the attorney no longer wished to pursue the client’s matter and failing to file Retainer and Closing Statements with OCA in accordance with the Rules of the Appellate Division, Second Judicial Department

Improperly exercising notarial authority

Failing to take adequate steps to ensure that sufficient funds were on deposit in the attorney’s IOLA account before issuing checks

Representing clients with differing interests without advising them thereof and/or obtaining a waiver of the conflict

Engaging in conduct involving dishonesty, fraud, deceit or misrepresentation; engaging in business transactions with a client, absent the disclosure(s) required by Disciplinary Rule (DR) 5-104 of the Lawyer’s Code of Professional Responsibility [22 NYCRR §1200.23], which damaged said client; and engaging in conduct adversely reflecting on fitness as a lawyer

Failing to safeguard client funds; failing to maintain proper escrow accounts in accordance with DR 9-102(D) [22 NYCRR §1200.46(d)]; and engaging in improper conflicts of interest by simultaneously representing borrowers and lenders in the same transaction(s) and failing to disclose a personal interest in the abstract company participating in said closings

Neglecting a legal matter; attempting to limit malpractice liability to a client without advising the client to seek independent legal advice, and deliberately withholding material information from, and/or misrepresenting information to, a client

Neglecting a legal matter; failing to provide a written retainer agreement in a domestic relations matter; and failing to provide a refund to a client after acknowledging that a refund was due and advising the Grievance Committee that same would be forthcoming

Neglecting a legal matter; failing to reduce a fee agreement to writing and/or failing to provide a client with a Letter of Engagement where the legal fee was expected to be at least $3,000; and failing to return telephone calls from other attorneys, as well as the client

Failing to promptly pay or deliver funds, which a legal person was entitled to receive, as required by DR 9-102(C) [22 NYCRR §1200.46(c)]

Failing to obtain a client’s consent to transfer his/her matter to another attorney and failing to timely file Retainer and Closing Statements with OCA

Failing to maintain bookkeeping records in accordance with DR 9-102(D) [22 NYCRR §1200.46(d)] and failing to ensure that adequate funds were on deposit and available before issuing an IOLA check

Failing to provide a report recommending amendments to Article 31 of the CPLR, with respect to electronic discovery. Currently, the pertinent CPLR provisions refer to documents and do not resolve issues relating to materials stored in electronic form. The proposed amendment would incorporate some of the recent changes to the Federal Rules governing discovery into the CPLR.

Basically the changes to be made at the State level are to provide a uniform statewide practice for managing e-discovery. The amendments would be to CPLR 3210, 3212, 3226 and 3131. The changes would impact on the electronic discovery and storing of relevant, non-privileged information that is reasonably accessible. The standard would be one of good faith retention of documents unless production would be unduly burdensome. After discussion, a motion to amend the proposal by deleting the sanctions provision was defeated, as was a motion to table consideration of the report to the November 2008, meeting. A motion was then adopted to approve the report and recommendation as proposed.

For other noteworthy topics discussed at the meeting, contact the New York State Bar Association, for a copy of the minutes.

Finally, I would like to thank the New York State Bar Lawyer, Secretary of the New York State Bar Association, and our Executive Director, Antonio Terranova, for their assistance in the preparation of this article.

1 By Decision and Order on Motion of the Grievance Committee that same would be forthcoming

Diana J. Sochoet, Assistant Counsel to the State of New York Grievance Committee for the Second and Eleventh Judicial Districts and President-Elect of the Brooklyn Bar Association, has compiled this edition of COURT NOTES. The material herein is reprinted with permission of the Brooklyn Bar Association.
OFFICE SPACE

Storefront For Rent
$550 mo.
For General Practitioner
R.E. Attorney
Includes Storefront signage
Share with 1 CPA
Bayside / Whitestone Border
Off Francis Lewis Blvd
(917) 733-0649

OFFICE SPACE

Professional Office Space
Close to All Queens Courts
Up to four consecutive offices with up to two secretarial stations available for rent in very professional, attorneys’ office suite on lower Queens Blvd., close to all Courts and 2 blocks from F train.
Call David S. for more information.
(718) 725-9601.

Statement of Ownership, Management, and Circulation

Statement of Ownership, Management, and Circulation (All Periodicals Publications Except Reprint Publications) 1. Publication Title: Queens Bar Bulletin. 2. Publication No. 0048-3202. 3. Filing Date 10-08. 4. Issue Frequency: monthly, except June, July, Aug, Sep. 5. No. of Issues Published Annually: 12. 6. Annual Subscription Price Partly by Dues: Complete Mailing Address of Known Office of Publication (Not printer) (Street, city, county, state, and zip): 49-40 23rd St., Jamaica, N.Y. 14135. 7. Contact Person: Brian Rafferty Telephone 631-427-7000. 8. Complete Mailing Address of Headquarters or General Business Offices of the Publisher (Not printer) 149 Main St., Huntington, N.Y. 11743. 9. Full Names and Complete Mailing Addresses of Publisher, Editor, and Managing Editor (Do not leave blanks) Publisher (Name and complete mailing address): Long Islander LLC 149 Main St., Huntington, N.Y. 11743. Editor (Name and complete mailing address): Leader New 90-35 148th St., Jamaica, N.Y. 14135. Managing Editor (Name and complete mailing address): Brian Rafferty 149 Main St., Huntington, N.Y. 11743. 10. Owner (Do not leave blanks). If the publication is owned by a corporation, give the name and address of this corporation; if owned by an individual, give the names and address of all stockholders owning or holding 1 percent or more of the total amount of stock. If not owned by a corporation, give the names and addresses of the individual owners. If owned by a partnership or other unincorporated firm, give its name and address, as well as those of each individual owner. If the publication is published by a nonprofit organization, give its name and address.

Full Name: Queens County Bar Association
Complete Mailing Address: 90-35 148th St., Jamaica, N.Y. 11435.
11. Known Bondholders, Mortgagors, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages or Other Securities. If none, check No. None. Full Name: Complete Mailing Address: Home. 12. Tax Status (For completion by nonprofit organizations authorized to mail at nonprofit rates) (Check one) (a) Has been authorized for the preceding 12-month period for federal income tax purposes. x (b) Has Not Changed During Preceding 12 Months. (c) Has Changed During Preceding 12 Months. Publisher must submit explanation of change with this statement.

13. Publication Title: Queens Bar Bulletin. 14. Issue Date for Circulation Data Below May 2008. 15. Extent and Nature of Circulation. Data Below Include Copies 15a. Each Issue During Preceding 12 Months. No. Copies of Single Issue Published Nearest to Filing Date. 15b. Average No. Copies of Single Issue Published Nearest to Filing Date. 15c. Total Amount of Paid and Nominal Rate Copies Distributed Outside the Mail (Carriers or Other Means). 15d. Total Free or Nominal Rate Distribution Outside the Mail (Carriers or Other Means). 15e. Total Distribution (Sum of 15c and 15d). 15f. Paid Distribution (Sum of 15c divided by 15f times 100). g. Copies not Distributed (See Instructions to Publishers (4) page #3). 16. Publication of Statement of Ownership x If the publication is a general publication, publication of this statement is required. Will be printed in the October 2008 issue of this publication.

49-40 23rd St., Jamaica, N.Y. 14135 Date 10-08 Is certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal penalties (including fines and imprisonment) and/or civil sanctions (including civil penalties).

OFFICE FOR RENT

Wall Street Office
Phone & Mail $125/mo. Mail Service Only $79/mo.
• Beautiful corporate setting
• Atttended reception area
• Personalized phone services
• Fax or e-mail -
• Patching - Voice Mail
• Mail receiving, photocopy,
• fax, secretarial services
• Conference rooms;
• Furnished offices
at 110 Wall St., 11th Floor
(800) 205-7685
www.yourwallstreetoffice.com
info@yourwallstreetoffice.com

LEGAL SERVICES

Court Appearances
Brooklyn, Westchester,
Rockland & Orange
Referrals to other counties
JOEL ZUCKERBERG
Attorney at Law
Trial and conferences.
Experienced. Reasonable
914-762-5815
Cell 914-714-4354
FAX 914-945-7158

The official publication of the New York County Lawyers Association as well as the Bar Associations for Brooklyn, Queens and Nassau Counties. We also publish The Attorney of Nassau County for members of the bench and bar in Nassau County.

To Reach the Legal Profession From Manhattan to Montauk
Legal Media Publishing offers an unsurpassed opportunity to reach more than 27,000 attorneys in five counties with official law publications reaching members of the bench and bar from Manhattan to Montauk - and all points in between.

We publish the official publications of the New York County Lawyers Association as well as the Bar Associations for Brooklyn, Queens and Nassau Counties. We also publish The Attorney of Nassau County for members of the bench and bar in Nassau County.

Our readers comprise a group with significant buying power. In addition to purchasing goods and professional services vital to the practice of law, the readers of our legal publications are a lucrative market for high-end lifestyle advertising, including luxury cars, homes and vacations.

The official publication of the New York County Lawyers Association. New York County Lawyer is published monthly except for February and August.

The official membership publication of the Suffolk County Bar Association. The Suffolk Lawyer is published monthly from September through June.

The official publication of the Queens County Bar Association. Published monthly from October to May. Annual Directory published in January.

The official membership publication of the Brooklyn Bar Association. The Brooklyn Barrister is published monthly except for August and December.

Reaches members of the Nassau County Bar Association and other attorneys registered in Nassau County. Published monthly.

The QUEENS BAR BULLETIN – OCTOBER 2008
19
Serious personal injury, seriously pursued.

The Finz firm is a personal injury law firm devoted to aggressively representing the injured and recognized as a leader in advancing the rights of victims. The firm has a team of highly skilled attorneys, the desire to win, and a proven record of results.

- $5,000,000 verdict against a chemical company for an explosion victim
- $4,500,000 settlement with a hospital that failed to diagnose a cerebral bleed
- $6,000,000 settlement for a child exposed to lead paint
- $20,520,000 landmark product liability verdict for a smoker against Big Tobacco
- $8,000,000 settlement with New York State for a victim injured on a tube slide
- $22,575,000 verdict for a parent’s death and her childrens’ emotional suffering
And many more...

You can count on the Finz firm to fight hard on behalf of your clients and to offer them the highest level of respect, ethics, and a continuous commitment to achieve the fullest measure of justice.

Call Stuart Finz at (888) FinzFirm for all of your personal injury and medical malpractice referral needs or visit FinzFirm.com.