The Next New Subject - Internet Collision Law

BY PAUL E. KERSON

From the founding of the current United States Government in 1789 until the middle of the 19th Century, lawyers were preoccupied with boat accidents. Shipping was largely conducted on ships without adequate navigational tools. The nation’s rivers, harbors, bays and inlets were the scenes of numerous boat accidents. The field of admiralty dominated our profession.

By the middle of the 19th Century, it was railroad accidents which took priority. From that point until the early 20th Century, railroad accidents took up much of the time of our courts. Cases concerned collisions between on-coming trains and horses and wagons; between on-coming trains and domestic animals; and between on-coming trains and pedestrians.

Then came the 20th Century and the automobile. Automobile collision law became a major subject for lawyers and our court system. Of course, automobile collision law is still with us. However, increased use of seat belts, drivers’ education, the no-fault system and advanced automotive engineering has cut down on the number of automobile accident cases.

We are now entering the fourth major era of collision law. We have gone through admiralty, railroad accidents and we are in the closing period of automobile accidents. We are now in the age of Internet Collision Law.

The most important statute in the future will be the Federal Computer Fraud and Abuse Act (CFAA), 18 U.S.C. Section 1030. Primarily, this statute criminalizes fraud and abuse using a computer. It forbids “intentionally accessing(a) computer without authorization or exceeding authorized access.” See 18 U.S.C. Section 1030(a)(2).

However, despite its placement in Volume 18 of the United States Code, it contains a civil remedy. Today the internet is everywhere. Banking transactions, book orders, stock and bond transactions, airplane tickets, real estate listings, insurance transactions, department store purchases, and even the most personal of communications are now conducted via personal computer using the internet. Where fraud or abuse were formerly problems limited by pen, paper, telephone, and physical transportation, the possibilities for fraud and abuse over the internet are unlimited, except by human imagination.

It is thus predicted that 18 U.S.C. Section 1030(g) will be the most important law in the future. This section allows a private civil action for any kind of computer fraud or abuse: “Any person who suffers damage or loss by reason of a violation of this section may maintain a civil action against the defendant to recover the actual damages suffered by such person and...”

Probation – The New Enemy

BY STEPHEN J. SINGER* For as long as I can recall the Department of Probation was pretty much a benign entity. We rarely, if ever, came into direct conflict with them and at further effort to avoid any potential confrontations, even their recommendations for sentencing were on a separate page of the pre-sentence report that we were not permitted to see. The sources for their information were always anonymous, they merely mimicked the language of the initial Criminal Court complaint as their “fact pattern”, and rarely did anything of moment in terms of truly examining the family background of the offender or attempting to ascertain the motivations for his or her offense. Their reports were brief, usually too brief, added little to sentencing discussions and seemed to be copied from stock reports which were kept in some central index for such purposes. In short, they were essentially superfluous. Even when they filed violations of probation, they rarely had their act together on the facts, normally made no recommendations on re-sentence or for additional treatment, and stood silently while the lawyers and the Court worked everything out. That was then……….as…

Some arguments in support of this change were that case law in New York recognized same sex marriages consummated in other States are recognized in New York, and the numerous legal problems that arise in the area of trusts and estates when parties are not deemed to be married.

After the motion was made, much to everyone’s surprise, there was almost no debate and the motion carried. Anyone interested in more specifics can contact me and I will be happy to provide you with as much information as you want.

Most of the rest of the meeting was taken up with various reports prepared by Committees and Task Forces of the State Bar. The house approved a comprehensive Report from the Special Committee on Solo and Small firm Practice. This report highlighted many of the concerns that most of us who practice in Queens have. The State Bar...
**THE QUEENS BAR BULLETIN – MAY 2009**

**2009 FALL CLE Seminar & Event Listing**

**October 2009**

- **Tuesday, October 20**: The ‘Frye’ Hearing – A Civil Perspective 1:00 - 2:00 p.m.
- **Tuesday, October 20**: Election Day - Office Closed
- **Tuesday, October 21**: Summary Jury Trials & Trial Preparation 4-Part Luncheon Series
- **Tuesday, October 21**: Advanced Criminal Law Series - Pt 1 6:00 - 9:00 p.m.
- **Tuesday, October 21**: Unemployment Hearings & Appeals - Co-Sponsored by QVLP 12:30 - 3:30 p.m.
- **Tuesday, October 27**: Civil Court Pro Se Debtor Assistance & the CLARO Project - Co-Sponsored by QVLP 6:00 - 9:00 p.m.
- **Tuesday, October 27**: Summary Jury Trials & Trial Preparation 4-Part Luncheon Series
- **Wednesday, October 28**: Summary Jury Trials - A View from the Bench 1:00 - 2:00 p.m.
- **Wednesday, October 28**: Advanced Criminal Law Series - Pt 2 6:00 - 9:00 p.m.

**November 2009**

- **Tuesday, November 3**: Election Day - Office Closed
- **Wednesday, November 4**: Summary Jury Trials & Trial Preparation 4-Part Luncheon Series
- **Tuesday, November 10**: Summary Jury Trials & Trial Preparation 4-Part Luncheon Series
- **Tuesday, November 17**: Veteran’s Day - Office Closed
- **Tuesday, November 17**: Ethics Seminar 6:00 - 9:00 p.m.
- **Thursday, November 19**: Landlord & Tenant Update 6:00 - 9:00 p.m.
- **Thursday, November 26**: Thanksgiving Day - Office Closed
- **Friday, November 27**: Thanksgiving Holiday - Office Closed
- **Monday, November 30**: Stated Meeting - Screening Process for Appt to the Criminal & Matrimonial Bench - Mayor’s Advisory Committee 7:00 - 8:00 p.m.

**December 2009**

- **Tuesday, December 1**: Family Law Seminar 6:00 - 8:00 p.m.
- **Thursday, December 3**: Labor Law Seminar 6:00 - 9:00 p.m.
- **Monday, December 7**: Article MHL 81/Guardianship Training Seminar 2:30 - 5:00 p.m.
- **Friday, December 10**: Holiday Party at Floral Terrace 6:30 - 10:30 p.m.
- **Friday, December 25**: Christmas Day, Office Closed

**CLE Dates to be Announced**

- Elder Law
- Real Property Law
- Taxation Law

**2009-2010 Officers and Board of Managers of the Queens County Bar Association**

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- Class of 2011
- Class of 2012

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**Poetic Justice**

**BRAD LAWRENCE WOLK**

**A Thoroughly Decent Man**

Brad Wolk is gone
And we hardly had time to say “Goodbye”
So I think of him
With a broken heart, and a tear in my eye
For this is a man
In all ways unique
Of his life and loves
I’ll briefly speak
A man of faith
A valued friend
Where began his journey
To fearless advocate
With an intellect to match
In all ways, Brad,
You’re a joy to watch!
And one quality
That always comes through
And one quality
That will never end,
You’ll be part of our lives
A loving son
A valued friend
But, most of all
Whenever we’d chat
The love of your family

- Kevin Michael O’Sullivan
- Yaser Refaat Otman
- Edmee Park
- Seni Popat
- Patricia A. Powis
- Joanne Rattansingh
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**Arthur N. Terranova . . . Executive Director**

**QUEENS BAR BULLETIN**

**EDITOR - LESLIE S. NIZIN**

Associate Editors - Paul E. Kerson and Michael Goldsmith

**PUBLISHER**

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**Robert E. Sparrow**
Our Program Chairman, Joseph Carola, III, is working on our Stated Meeting for November and I hope to see all in attendance. Don’t forget our Annual Holiday Party will be held on December 8, 2009 at the Floral Terrace in Floral Park run by our Chair, George Nicholas.

Our Academy of Law, Chaired by our resident Justice Arthur Storholtz, has a host of CLE seminars in store for you all year long. It is a great way to earn your MCLE credits and support your Bar Association.

Again, I am looking forward to a rewarding and successful year and if any one has any questions or concerns, please do not hesitate to contact me.

I look forward to seeing you all at our various events.

President's Message

Guy R. Vitacco, Jr.

Well, my year as President of the Queens County Bar Association has come to an end. I assume the office of the President on June 1, 2009. However, my year started well before that with a trip to the Bar Leadership Institute Convention in Chicago, Illinois in March, 2009. Arthur Terranova, our Executive Director, and I flew to Chicago for the convention. Arthur acted as a tour guide since he spent his law school days in Chicago. I truly had a wonderful experience and would like to thank Arthur for his guidance and companionship.

Our Annual Dinner and Installation of Officers was held on May 7, 2009 and I would like to thank all those who attended for making it a success. As always, Justice Sidney Strauss, our Chairman, did a wonderful job. With over 400 attendees it was truly a joy to attend the first Queens County Bar Association.

This being my first President’s Message you will be receiving this issue of the Bar Bulletin sometime in October, 2009. Our Bar Association will be off and running. On September 10, 2009, our Annual Golf and Tennis Outing will have been held at the North Hills Country Club run by our Outing Chair Guy Vitacco, Jr.

On 9/11 I was asked to speak at a commemorative ceremony for the fallen heroes of 9/11, especially court officers. Captain Harry Thompson, Sergeant Mitchell Wallace and Sergeant Thomas Murphy. I would like to thank the Office of Court Administration and our Administrative Justice Frank S. Reinstein as well as Fernando M. Camacho for this tribute, which was attended by more than 300 people and webcast on our County Court.

Also, in September we will have had our Annual Frank Polesino Court of Appeals Update as our first Stated Meeting. Our thanks, every year, goes out to Spirios Tsimbinos who always puts together our Court Update of Appeals in fine fashion.

Our Annual Frank Polesino Court of Appeals Update will be held on September 10, 2009. Our Bar Association will be off and running. On September 10, 2009, our Annual Golf and Tennis Outing will have been held at the North Hills Country Club run by our Outing Chair Guy Vitacco, Jr.

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Legal Career Night & Internship Opportunities Columbia University

BY SOLOMON KIM

In October, the Columbia Undergraduate Law Review (CULR) will be hosting an event at Columbia University for its undergraduate students entitled, “Legal Career Night: A discussion and networking event with legal professionals.” The purpose of the event is to give students interested in law the opportunity to learn and gain exposure to the experience of working in the legal field from various professionals, including attorneys and judges, who will be speaking about their career experiences. “Legal Career Night” will be held in the form of an informal discussion panel so that during the night students will be free to ask questions that are most relevant to them and have the opportunity to meet individually with the panelists. Legal professionals will be also speaking about potential internships that may be available to undergraduate students. This is the first time CULR has hosted this type of event, but it has received much positive feedback so far. Many students have been interested in working in the legal field and have approached with an eagerness for the event. The seminar will be held at CULR’s location on the Columbia University campus on October 1, 2009. Students are encouraged to attend the event and ask questions about working in the legal field.

CULR is a student publication at Columbia University, and its mission is to provide a forum for students to discuss issues related to the legal profession. CULR is also dedicated to providing a platform for students to explore various career options and to network with professionals in the legal field. The seminar will feature a variety of professionals from different backgrounds, including a law professor, judge and court referee.

Solomon Kim CC’11 and Madeleine Goldstein CC’10 are the current Co-Editors-in-Chief of CULR.

Leading the planning, organization and execution of this event along with the Editors-in-Chief of CULR is Honorable Elizabeth Yablon, Hon.

Yablon has had much experience in establishing and participating in many legal education programs for various bar associations, including the Queens County Bar Association at which she serves as the Chairperson of the Mentor Committee. Most recently, she has been selected by the Judicial Academy of the National Association of Women Judges. Through the President’s and General Counsel’s Office of the New York City Bar Association, Hon. Yablon created a program entitled, “My Rights, My Nation, Constitutional Freedoms Now and into the Future,” which has been a tremendous success.
Queens Bar Hosts Annual Trip To Albany

BY MORGAN SMITH*

Last year I had the privilege of accompanying Justice Daniel Lewis and several of my peers on a trip to Albany. This was done in continuation of the Queens County Bar Association’s forty year tradition of teaching and enlightening high school students about the New York State government. For twenty years Justice Lewis has been an active participant in the Bar Association’s youth outreach mission, collaborating with Justice Peter O’Donoghue in the past to help make these trips possible. In addition to this, he has contributed his time and knowledge to The New York City Bar’s Thurgood Marshall Law Internship, of which I am an alumnus and is currently replacing James Wynn, Esq. as Chair of the Queens Bar’s American Principles Committee by appointment of President Guy R. Vitacco, Jr.

On May 20, 2008, I was one of approximately twenty-five students selected from a myriad of Queens high schools given the chance to both see and experience how the Court and discussed how it has addressed by their public relations expert. It was a young man Judge Viscovich worked in World War II that region became part of Istria, which was then part of Italy. After

President of the Queens Bar Association, David Cohen and Executive Director, Arthur Terranova. During the course of the two-hour trip we watched a DVD entitled “Chateau on the Hill,” which gave us the legislative chambers and the “Million Dollar” state case. The documentary reviewed the events surrounding the construction of these two legislative landmarks and further fueled our excitement to see them firsthand.

The first stop on our tour was to the Court of Appeals, where we were seated in the spectator section of a court room and addressed by their public relations expert. He answered all of our questions concerning the Court and discussed how it has developed and diversified over time. Among the walls were portraits of Chief Justices and Associate Judges, two of which were African-American. It was revealed that further changes would be made to the panel, with the addition of Chief Judge Judith Kaye’s portrait following her retirement.

We then broke for lunch in the legislation building where we were treated to pizza and the opportunity to hear from several legislators. Among these were Senators Toby Ann Stavisky, Shirley Huntley, Frank Padavan, Serpin Maltese, and Malcolm Smith, as well as Assembleypersons Mark Weprin, Ellen Young, Barbara Clark, Vivian Cook, Jefferson L. Aubry, Michael N. Gianaris and

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William Viscovich

I was given the privilege by our Bar Association to interview Judge Viscovich and his kind and civic-minded Honorable Judge William Viscovich. His office, a corner one in the old Court building on Sutphin Boulevard, reflects the presence of our good Judge - awesome.

For a little biographical information about Judge Viscovich. His civic involvement first as a citizen, and later as a lawyer, spans decades.

William Viscovich was born in Astoria in 1961, and has been a Queens County resident his entire life. His parents’ credit in raising their children was “hard work, honesty, good food and good wine.” Judge Viscovich thoroughly enjoys the diversity of Queens County.

While Judge Viscovich is a Civil Court Judge, he is the first Croatian-American in New York City to reach that position, he is equally proud of his Italian heritage. His father was born an Italian citizen in Istria, which was part of Italy. After World War II that region became part of Yugoslavia and his father escaped back to Italy as the first step towards America. As a young man Judge Viscovich worked in his father’s two Italian restaurants, on Long Island and in New York City.

Judge Viscovich’s work in law work in law began during his college years at the State University in Albany and continued through his years at Albany Law School. He first worked as an intern for Congressman Gary Ackerman, who was then a State Senator. He then worked for and with Assemblywoman Nettie Mayersohn, and in fact managed her office during those years. In working with Assemblywoman Mayersohn, Bill helped shape public law and policy. Together they wrote the law that guarantees that HIV-infected new borns receive treatment. In 1991 he drafted the law that requires food handlers to wear gloves when handling food. Later, on behalf of Assemblywoman Mayer-sohn, he drafted legislation, which became law that provides for a victim impact statement, wherein a victim may speak at the sentencing hearing of a criminal and make a recommendation as to sentencing.

From 1986 to 1988 Judge Viscovich was an Assistant District Attorney in Bronx County, prosecuting mostly misunderstood and felons. Subsequently, he was an Assistant Special Narcotics Prosecutor for the City of New York from 1988 to 1989.

Before ascending to the bench, Judge Viscovich was a solo practitioner in Queens for 19 years, concentrating on real estate, family law and criminal defense matters. He did trial work in Family Court as part of the “1SB” panel; appeared as counsel in numerous parole revocation proceedings and presented several not-for-profit organizations on a pro bono basis. He is able to frame issues quickly and effectively. As an adjunct to his law practice, Judge Viscovich had the requisite skills and good fortune to serve as counsel to Queens County Clerk Gloria D’Amico in a part-time capacity where he concentrated on a wide variety of employment issues within the County Clerk’s office. “Between Gloria D’Amico and Nettie Mayersohn, I spent most of my career learning from two of the toughest and nicest people in politics.” Judge Viscovich’s current caseload includes mostly no-fault cases. He is constantly in the courtroom trying cases, and feels very fortunate to have Jay Abrahams, Esq. as his court attorney. Mr. Abrahams has extensive experience as a court attorney in the courthouses in Queens, and he makes Judge Viscovich’s life as a rookie judge “100 times easier than it might otherwise have been.”

About The Bench... Judge William Viscovich

BY STEPHANIE S. GOLDSTONE

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The Annual Golf and Tennis Outing was held on September 10, 2009. Almost 100 golfers, tennis players and dinner guests enjoyed a wonderful day of fun and food. While the turn out was less than usual, due to economic realities, the QCBA still managed to provide to all who attended a great day - yes - in the sun. We owe a great deal of gratitude to those who sponsored the Outing. They make it possible for the event to take place. Without their support we could not provide the amenities that we do. BIG APPLE ABSTRACT (Larry Litwack), EMPIRE BAIL BONDS sponsored our dinner and banquet. Sterling National Bank (Liz Forgione and Rosannare Henry), Signature Bank (Tom Grippa), HSBC (Norman Burak), Ridge Abstract (Louis Spano), Flushing Savings Bank (Frank Pelliccione), Bianco and Dooley, Scott Kaufman, Esq., Louis Laurino, Esq., Orlow, Orlow & Orlow, Esqs., sponsored tee's. Please patronize our sponsors to show your appreciation. Thanks to all those who donate raffle prizes - Joe Baum, George Nashak, Jr, Lou Laurino, HSBC, Signature Bank, CBS Insurance, and Big Apple Abstract. Congratulations to the winners.

Gross
Member - Drew Wasserman - 77
Guest - Peter Gorycki - 79
Net
Member - Joe DiBlasi
Guest - Kevin Berry

Golf Outing

Long Drive
Men - Peter Gorycki
Women - P. Collella

Closest to Pin
Men - Scott Kaufman
Women - P. Collella

As always, our Executive Director deserves a thank you for all his efforts to make this event the enjoyable day that it was. Thanks to Spiros for running the tennis. Last but not least, thanks to all who came to play. See you next year.

David Cohen
Golf Committee Chair.
Barton R. Resnicoff, an attorney in Great Neck, New York, has been re-elected to a second term as a member of the Council of the Section of Family Law of the American Bar Association, its governing body, which also promulgates policy on Family Law issues nationwide. He has been designated as a Board Certified Family Law Trial Specialist, certified by the National Board of Trial Advocacy\(^1\), May, 1996; recertified, May 2001 and May, 2006. He is currently a member of the Section’s CLE Committee and has been on the faculty of its Trial Advocacy Institute and is past Chair of the SCOPE and Correlations, Child Support, Marital Property Committees, and an executive member of the section’s Custody and Alimony Committees; as well as a member of the Family Law Section of the New York State Bar Association and its Committee on Substantive Law Related to the Family; as well as a member of the Queens, Nassau and Suffolk County Bar Associations and their matrimonial and family law committees. He is a past Chair and Vice Chair of the Committee in Queens; and a past Co-Chair of the Custody Sub-Committee in Nassau. He has written articles and/or authored chapters for publications of the American, New York State, Queens and Nassau County Bar Associations, as well as lecturing to the American, Queens and Nassau County Bar Associations and other organizations concerning matrimonial and family law.

Note: Any members having items they wish to inform the membership about should forward same to me for future publications.

\(^1\) The National Board of Trial Advocacy is approved by the American Bar Association to offer certification in Family Law, Civil and Criminal Trial Advocacy. Pursuant to 22 NYCRR §1220.10(c)(1), the National Board of Trial Advocacy is not affiliated with any governmental authority. Certification is not a requirement for the practice of law in the State of New York and does not necessarily indicate greater competence than other attorneys experienced in this field of law.

Congratulations to James J. Wrynn on being appointed as the Superintendent of the New York State Insurance Department on September 10, 2009, by Governor David Paterson. We wish him well in his new endeavor.

Our condolences go out to the members’ families that have passed away during the summer. We will miss them greatly.

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Parties & Interest

BY ARTHUR N. TERRANNOVA, EXECUTIVE DIRECTOR

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Note:

Barbara Birnbigel spoke at the Newtown Civic Association in Elmsford, New York. The talk was given at the local senior’s center and was appreciated by all who attended including the Directors and Board Members of the organization. The topic was Will, Trusts and Elder Law.

Presidents-Elect Chaewon Lee represented the Bar Association at the career day meeting of the Holmes School, 36-41 39th Street, Long Island City. The topic was everyday lawyer’s duties and how to pursue a law degree.

The Honorable Justice Peggy Hart, of the Supreme Court, spoke at the career day of Public School 52, 148 Terrace, Jamaica, New York. The topic among other things was how to prepare yourself for a career in the Legal System. Justice Hart’s presentation was well received by the students and teachers at the event.

The Honorable Martin Ribile, Justice of the Supreme Court, spoke at Jamaica High School on Law Day at the school. He presented various opportunities that are available to students who are looking toward a legal career. He also spoke on the contributions of the legal system and the courts, and the role of lawyers in the common good of the country.

Jason Stern spoke at the Friendship Club of Samuel Field Y in Great Neck, New York, on accidents and negligence law in general. Mr. Stern’s presentation was well received by those who attended the meeting.

Respectfully submitted,

Gay R. Vlosco, Sr.
Chief Speaker’s Bureau

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Speaker’s Bureau Report
by Gay R. Vlosco, Sr.

August 21, 2009

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Although we were unable to include their ads in our 2009 QCBA Annual Dinner Journal we would like to acknowledge the generous contribution to the Queens Volunteer Lawyers Project by

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Part of my role as a culture critic is to comment on the culture of our times. The pornography of our times is not to be expected from the rest of us? Three publicized outbursts by public figures - unhappy that things didn't go their way - serve as recent examples: those of Congressman Joe Wilson [R-S.C.], tennis player Serena Williams, and singer Kanye West. All three persons apologized for their outburst, but none of them does not erase the degrading spectacle from the minds of conscientious adults and impressionable children who witnessed these events on television and radio or read about them in the press that leaves them on the national conscience.

When President Obama recently addressed a nationally televised and internationally followed joint session of Congress on his pioneering package of health care reforms and said truthfully that no illegal aliens could recover benefits under the proposed federal program, no illegal aliens could recover benefits under the proposed federal program, no illegal aliens could recover benefits under the proposed federal program.

The large ensemble of actors keeps in character as they mingle and interact convincingly, and with a recital by Hungarian pianist Csaba Menyhért, part of both 92Y’s Hungarian Accents series. With this concert, Denes Varjón makes his New York City recital debut.

The reception cascades to dramatic revelations.

Solemnly Swear: The Inaugural
Addresses of the Presidents of the United States 1789-2001
p. 352, at p. 357 [Chelsea House Publishers 2001].

THE BOYCHICK AFFAIR

Family iniquity or dysfunc-
tion? Unlikely disorders on the
family level, with the conclusion that family, community, is the thesis of “The Boychick Affair.”

So, let us start again.

Second prize winner in three competitions, Denes Varjón has also been awarded the Ferenc Liszt Prize, the highest cultural dis-

Denez Varjón

YOUR CALL

Hollywood and excellent!

Hungarian Accents is part of Extrem-
ely Hungary, a year-long festival showcasing contemporary Hungarian visual, performing, and literary arts in New York and Washington, D.C., throughout 2009. The festival is sponsored by the Hungarian Cultural Center in New York, which spon-


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The Culture Corner

Continued From Page 6

Opera began its 2009-2010 season with an entirely new production of the crowd favorite “Tosca.” By Puccini, with beautiful and talented KARITA MATTILA in the title role. The web site of the Met Opera is user friendly and more information on each of the operas can be found at either www.metopera.org or www.metopera.com. You don’t have to buy season subscriptions; single tickets for individual operas are also available. I heartily recommend the Met Opera!

MAGGIE’S LITTLE THEATER: ALL SHOOK UP

“All Shook Up” is a musical inspired by and featuring the music of Elvis Presley. It enjoyed a revival at St. Margaret Parish Hall’s Maggie’s Little Theater, right near Metropolitan Avenue in Middle Village in Queens County. The show was a fine form of community theater. The cast featured many fine performers. I especially enjoyed the performance of SCARLETT AHMED in the key supporting role of conservative, prudish Mayor Matilda Hyde. SCARLETT AHMED is a gifted actress and fine, talented singer. The next event at Maggie’s Little Theater is the Christmas show. For more information, consult maggieslittletheater@gmail.com.

NO SEX PLEASE, WE’RE BRITISH

“No Sex Please, We’re British” had an Off-Off-Broadway revival this summer at the Chernuchin Theatre on West 54th Street in Manhattan. “No Sex Please, We’re British” is a British comedic play written by Alistair Foot and Anthony Marriott. The show ran for about a decade, beginning in 1971, in London, to packed audiences, although universally disliked by the critics. Hitting Broadway in 1973, the show closed after only 16 performances. For some reason, unknown to me, the show, even in America, remains a favorite on the revival and community theater circuits.

“No Sex Please, We’re British” is a farce where a young, conservative banker and his wife suddenly start receiving repeated shipments of Scandinavian pornographic materials, when all they ordered was glassware. By some glitch, the flood of pornographic shipments cannot be stopped despite the best, but unsuccessful, attempts to get someone at the company to respond. Of course, the banker’s mother has decided to move in with the couple when the unwanted materials start arriving, and the embarrassment grows when the bank’s top boss arrives frequently at the apartment, since he has taken a romantic liking to his employee’s mother. The mayhem that ensues is the rush to hide the never-ceasing delivery of the pornographic materials from being seen by mother, boss, and a visiting cop. Of course, there would be no comedy if someone would simply explain that the materials being delivered were not requested or solicited.

Audiences to early television in the 1950s will recall, as I do at least in reruns, the same basic plot line of comedic mayhem in a conservative environment. Leo G. Carroll, in “Topper,” for example, played Cosmo Topper, the dapper, elegant, and serious vice-president of a bank. Since only he can see and thus communicates with the ghosts of the former occupants of his house, fun-loving, jet-setting George and Marian Kirby, killed in a ski avalanche, the otherwise conservative Topper’s sanity is always questioned by the household help and a source of exaggeration for his boss at the bank, Mr. Schuyler (played by Thurston Hall).

Another television sit-com of the early 1950s, “My Little Margie,” starring the recently deceased Gale Storm as Margie Albright, was similar in structure. Margie would constantly get into trouble as she tried to provide well-intentioned, but unsolicited, aid to her father Vernon Albright (played by Charles Farrell), a widowed executive at the financial investment-counseling firm of Honeywell & Todd, to the annoyance of his top boss George Honeywell (played by Clarence Kolb). In those shows, the lunacy ensued from the juxtaposition of the antics of wacky and lovable characters in a conservative environment with curmudgeon or old-fashioned characters. A similar plot line was developed several years later in the television hit “Bewitched,” where the husband Darrin Stephens was constrained to explain to his boss at a big advertising firm the byproducts or results of the occasional sorcery of Darrin’s wife Samantha (played by Elizabeth Montgomery), a lovable witch.

While I recall with glee and thoroughly enjoyed those aforementioned television classic hits, “No Sex Please, We’re British” - - as a play, and not because of this revival’s director or cast - - was boring. Again, the material is not the fault of director CHRISTINE VINH WEEMS who kept the pace of this production brisk and lively.

The one fault that I found with this production was the lack of attention to detail. It takes only one mistake to break the audience’s willing suspension of reality. One of the characters referred by name to the British newspaper he was reading, despite conspicuously holding to the audience’s view THE WALL STREET JOURNAL, with the masthead title positioned for everyone in the audience to see. It would not have taken a lot of money for the producer or someone to have purchased from a newspaper stand or store the British paper or to have copied its masthead from its web site and paste it onto another paper. Also, when Peter Hunter played by TOM HODGSKIN was asked by an elderly character for a glass of water to take a pill, he ran into the kitchen and carelessly brought out a glass of whiskey

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Annual Dinner & Installation Of Officers
Thursday May 7, 2009

Hon. Jeremy Weinstein installing members of QCBA Board of Managers

Hon. Jeremy Weinstein swearing in Guy R. Vitacco, Jr. as the new President of the QCBA

Hon. Marguerite Grays, Amanda J. Goun, recipient of QCBA Law Student Scholarship and Hon. Sidney Strauss

Photos by Walter Karling
Annual Dinner & Installation Of Officers
Thursday May 7, 2009

Hon. Martin Schulman, Steve Orlow and Hon. Martin Ritholtz

Mark Weliky with Matthew Lupoli, the QVLP Floyd Alan Sheeger Pro Bono Family Law Award Winner

Joseph Risi, Jr., Treasurer, Joseph DeFelice, Secretary, Richard Gutierrez, Vice President, and Chaanwo Lee, President-Elect - All being sworn in to

Kathryn Donnelly Gur-Arie, Hon. Jeff Lebowitz, Hon. George Heymann and Estelle Roond

Jim O'Connor, Dave Wasserman and Bob Bellone

Mark Weliky, Pro Bono Coordinator with Nicholas De Cesare, NYSBA President's Pro Bono Award Winner

Nestor Diaz, Hon. Jeff Lebowitz, Hon. Joe Risi, Hon. Phyllis Orlikoff Flug and Ralph Pliskin

Spirou Tsimbinos, Hon. Evelyn Braun and Hon. Fred Santucci

Steve Goldenberg, Hon. Carmen Velasquez, Hon. Fernando Camacho and Gary Miret

Photos by Walter Karling
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Despite the humidity on a summer Sunday West Side, I attended a performance by KERDERSHA VAL, Director of the national pianist, is the Founder and RIS, TOM HODGSKIN, GRETCHEN FER note and eventually became wearing.

MENGINE mother, Eleanor Hunter.

BRELSFORD the very funny and talented pitched capacity. Of the cast, I particular- ence's sense of suspended reality. despite the furious pace, breaks the audi- who asked for it drank it without com- 

Corner comfortable giving a judge their opinions exceeding before him, to ask for their com- ments and critique believing in their being comfortable giving a judge their opinions about his performance. "I appreciate the positive compliments but I learn more from the critical ones", he says. He is on the bench around 15 months and acknowledg- es that he has a lot to learn.

The Judge is a people's judge and a lawyer's judge. He is always mindful of the concerns of lawyers and tries to move his calendar as efficiently as possible. He understands the business of law practice and the need for lawyers to make a living. Judge Viscovich suggests to all of us, young lawyers and others who practice here, to get involved in the Queens County Bar Association's activities. The QCBA offers Continuing Legal Education, and it has committees addressing every possible aspect of law practice. He feels that the Queens County Bar Association offers a good way to communicate with the judiciary about issues pertaining to practitioners and their clients, and that the QCBA can provide a buffer between lawyers and the judges before whom they practice. Judge Viscovich is very proud to be married to his lawyer/wife, Felicia Varlense-Viscovich, with whom he has two young children that they adore. In fact the Judge told me that he is the second best lawyer in their house: his wife is the first. His father-in-law, Rocco Varlense, has practiced law in Queens for over 50 years, and the Judge considers him a role model as to ethics and professionalism.

This writer noted that as soon as the Judge completed his duties on the bench on the day that I met with him in his cham- bers, the first thing he did was to call his children to inquire about how their day at school was, and what they were planning for the balance of the day until their par- ents returned home and relieved their kind and capable neighbor who provides them with excellent childcare. Judge Viscovich is an involved and activist parent. In the year 2000 the Judge was photographed on the cover of the Queens Chronicle newspaper among others expressing cell phone antenna towers near St. Mel's School because of the dan- ger the towers might cause to young chil- dren's development.

Judge Viscovich makes time to go to the gym up to three times each week. His hobb- ies include listening to his CD collection of 60's and 70's music, folk music and alterna- tive country music, and a computer music channel introduced to him by the Honorable Supreme Court Justice Lee Mayersohn, a friend and colleague for years.

In conclusion, this writer acknowledges with gratitude the opportunity she was given to interview the very accomplished and equally cordial Judge William Viscovich, and wishes him continued health and satis- faction in his many endeavors.

Editor's Note: Stephanie S. Goldstone is a member of the Queens County Bar Association and a solo practitioner in Queens County.

The Culture Corner

Continued From Page 7 –

used in a previous scene, and the character who asked for it drank it without com- ments. My point is inattentive to details, despite the furious pace, breaks the audi- ence's sense of suspended reality.

The talented ensemble worked at fever- pitched capacity. Of the cast, I particular- ly enjoyed the supporting performances of the very funny and talented KAREN BRELFORD playing prostitute Susan and PEGGY QUEENER as the visiting mother, Eleanor Hunter. CHARLIE MENGINE was funny as the hysterical, timorous, frantic, and scared bank clerk, but sometimes his repeated hysterical panic attacks kept repeating the same one note and eventually became wearing.

TOM HODGSKIN, GRETCHEN FERRIS, and EDWARD MONTEROSSO also gave fine performances.

INTERNATIONAL KEYBOARD INSTITUTE & FESTIVAL

JEROME ROSE, accomplished inter- national pianist, is the Founder and Director of the INTERNATIONAL KEYBOARD INSTITUTE & FESTI- VAL. The Festival Director is JULIE KERDERSHA. This summer, at MANNES COLLEGE THE NEW SCHOOL FOR MUSIC, on the Upper West Side, I attended a performance by BYRON JANIS. I was not alone. Despite the humidity on a sunny Sunday afternoon, the auditorium was packed, with many persons standing.

BYRON JANIS lives in Manhattan with his wife Maria, the daughter of leg- endary film star Gary Cooper. I have many appearances by BYRON JANIS in my collection. JANIS is one of the great clas- sical pianists. He combines power and poetry at the keyboard. The life story of Aronowitz's performance is one of the decades. For those of us who are unfamiliar with Janis, you must buy the CDs and DVDs of his per- formances available at ACADEMY RECORDS on West 18th Street near Fifth Avenue in Manhattan.

THE OUTRAGEOUS FORTUNE COMPANY

RON HELLMAN, ESQ., a member of the QCBA, has another exciting season of plays with the Off-Off-Broadway produc- tions of THE OUTRAGEOUS FOR- TUNE COMPANY, performed at the ren- ovated Queens Theatre in the Park in the heart of the Flushing World's Fair Park right near the Unisphere. This season's plays are:

1. DEAD MAN'S CELL PHONE, by Sarah Ruhl: an incessantly ringing cell phone in a quiet café – a dead man with a lot of loose ends – a woman at the next table answers the phone. A poetic and quirky comedy.

   November 13, 14, 20 & 21, at 8pm; November 15 & 22, at 3pm

2. SPALDING GRAF: STORIES LEFT TO TELL, concept by Kathleen Russo and Lucy Sexton: the hilarious, provocative and heartbreaking life and words from the late master of monologues, delivered by live five different performers.

   March 19, 20, 26 & 27, at 8pm; March 21 & 28, at 3pm

   THE BLUE ROOM, adapted by David Hare, from La Ronde: by Arthur Schnitzler: a sensation in London and on Broadway – a daisy chain of ten sexual encounters. Witty, satirical and erotic.

   May 14, 15, 21 & 22, at 8pm; May 16 & 23, at 3pm

3. SUBSCRIBE to all three plays for only $57. Single tickets are $22 by advance purchase -- $25 at the door. Group rates available. 90 comfortable seats, all close to the action. Free parking at the theatre, and City public and private high schools annually. Hon. Yablon was also instrumental in organizing the program on the judicial system for the Columbia Undergraduate Law Review last spring.

Currently Hon.Yablon serves as Referee of the New York State Supreme Court, Queens County where she supervi- ses the Preliminary Conference Part for all civil cases of the Supreme Court and presides over non-jury commercial and civil trials.

For those interested in participating in the event or who would like to offer any available internships please contact Hon. Elizabeth Yablon at eyablon@courts .state.ny.us.

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HOWARD L. WIEDER is the writer of both “THE CULTURE CORNER” and the “BOOKS AT THE BAR” columns, appearing regularly in THE QUEENS BAR BULLETIN. He is also Principal Law Clerk to Justice Charles J. Markey in Supreme Court, Queens County, Part 32, in Long Island City, New York.
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dence, they might opt for a moderate jail sentence instead.

The conditions of probation are to be found in Article 40 of the New York Civil Procedure Law 410. Upon read-

ing these conditions, a wish list submitted by extremist probation people with an agenda of reducing crime and improving the family situation is struck by the similarity to conditions of parole. There is one major distinction between the two (probation and parole) that seems to have escaped the notice of the New York State Legislature who voted in these new conditions. Parole is for offenders who have completed upstate prison terms, often for some violent offenses, who then repeat offenders and some who still constitute a potential danger to society at large. Probation is usually given to non-violent, first offenders, who are viewed as reclaiming individuals who should be supervised while achieving assistance in dealing with substance abuse problems, educational needs or job training and who are not necessarily a potential danger to society at large.

The conditions of probation are now so numerous and all encompassing that they are set forth on two overlarge, typed pages of paper. First, they include a recitation of any fines imposed, a mandatory surcharge, a manda-
tory crime victims compensation fee, a DNA Databank fee, a Sex Offender Registration fee, a Supplemental Sex Offender Victim fee, and “other fee/sur-
charges”. If the defendant has no money left he or she may apply to the Legal Aid Society at large. But the defendant may have been found indigent, the plethora of the defendants are represented by one of the public defender offices because they have no funds. Using these fines, the plethora of fees, fines and surcharges would seem particularly ironic.

Next, they include those items which are intended to anticipate finding them “abusive of vicious or habitual” do “not consort with disreputable people”, “refrain from frequenting unlawful or disreputable places” or places where the defendant is likely to meet them like. Certainly, one cannot take issue with such concepts, although a bit vague and perhaps pedantic for our clients who can barely read. I have seen clients list all the clients they hang out with. The rules which say that the probationer must notify the Department if they are re-arrest-
ed or change their address or employment. After these mundane requirements include the equivalent of waiving Miranda rights. The Probation Officer, for example, may notify the Department if they are re-arrested, even for a minor arrest, and then he must notify the Department if they are re-arrested, even for a serious offense, they normally hold off requesting additional bail or a jail sentence until the new offense results in a conviction. Not so in Queens County, once viewed as the Gestapo East branch of probation, they hold off judgment until conviction is had on the new offense. Queens County and the other New York City branch offices have taken on a completely new character, and not for the better. They have become abusive, arbitrary and often mean spirited in the application of the new regulations.

Probation was never meant to be the equivalent of parole. Probation is for the repeat offender under supervision when he or she doesn’t deserve to be abused for having been granted that privilege. Probation Officers should be attempting to establish a positive rapport with their charges, not a confrontational or hostile relationship. It is certainly much more productive to conduct rehabilitation in a supportive context than in one where the P.O. is viewed as the enemy. Sadly, in many instances today, probation is merely perfunctory or has become substan-
tially hostile. There has to be a complete re-
proach with their goal orientation and their approach.

“The New Enemy

Continued From Page 1

Probation – The New Enemy

Continued From Page 1

Profile Of Guy Vitacco, Jr. – The Man

Continued From Page 3

Chairman for the Bar from 2002 until the present (a major obligation, by the way), was the Co-Chair of the Supreme Court Committee until he became President, is a member of the Q.C.B.A. Grievance Committee and a member of the real one as well.

Guy and his father are the third in a unique family tradition of Presidents for the Q.C.B.A. … The other two are the Dikmans (Leo & Mike) and the Strauss’s (Harold & Sid). He’s a terribly nice man, a genuine kind of guy with old school val-
ues (which I personally admire) … and will do his Dad proud as our newest President, I am quite sure. It is a pleasure to introduce him to those of you who don’t know him yet … when you attend the next Q.C.B.A. function walk up to him and say “Hello”, he’s a bit shy … you will be pleased that you made his acquaintance.

New York State Bar Association Summer Meeting Report

Continued From Page 1
Thank you to the following members and friends of the Queens County Bar Association for their generous support of our Annual Dinner Journal

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Women's Bar Assn. of Queens
The Next New Subject Internet Collision Law

Continued From Page 1 –

violer to obtain compensatory damages and injunctive relief or other equitable relief.

A civil action for a violation of this section may be brought only if the conduct involves 1 of the following: (I), (II), (III), (IV), or (V) of subsection (c)(4)(A)(i) damages. A violation involving only conduct described in subsection (c)(4)(A)(i) is limited to economic damages.

No action may be brought under this subsection unless such action is begun within two years of the date of filing the complaint or of the date act complained of or of the discovery of the damage.

No action may be brought under this subsection for the negligent design or explanation of or the date of the discovery of the damage unless such action is begun within one year from the date that such action is discovered.

A civil action for a violation of this section and injunctive relief or other equitable relief.

It is hereby predicted that there are thousands of CFAA cases about to come down the pike, or should I more accurately say, over the net.

In any event, this would appear to be the next tidal wave of litigation about to hit us. It is hereby predicted that CFAA cases will soon supersede all of the automobile collision cases, railroad accidents and admiralty cases on our docket.

There is no time to waste. Investigating a computer fraud and abuse when one spouse starts raiding the other spouse’s private financial information kept in his or her personal computer. It looks like the Matrimonial Bar will now have to get up on speed to federal power.

Patrick Patterson Custom Homes, Inc., v. Bach, 865 F. Supp. 2d 1026 (N.D. Ill. 2008) took place in the context of the use of the internet in the trucking industry. Before the internet, tractor-trailers would frequently “dead-head” back from their destination. In other words, a tractor-trailer would go fully loaded from a manufacturer’s facility to a warehouse, or to a warehouse to a state, unload the truck, and return empty. Of course, this wasted gasoline and wasted the trucker’s time.

The U.S. Court of Appeals for the Circuit was not pleased, and summed up a complaint under the CFAA.

And then there is the world of computer technology itself.

In Perdyne Technology Solutions, LLC v. Matheson Fast Freight, Inc., 177 F. Supp. 2d 1366 (N.D. Ga. 2000), the defendant was sued by a company who claimed that hired the corporate plaintiff as a computer consultant.

The individual defendant helped the plaintiff on various projects, downloaded files, directory listings, proprietary source code, software, financial books and records, and development materials, white papers, and personal directory listings to the plaintiff’s employer.

The U.S. District Court for the Northern District of Georgia was not pleased.

U.S. District Courts now have mandatory electronic filing. Perhaps this explains why they are so sensitive to CFAA claims.

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Queens Bar Hosts Annual Trip to Albany

Continued From Page 4 –

several others. In the past, groups have been greeted by such esteemed legislators as Audrey L. Pheffer, Nettie Myersohn, Martin W. Markley, Catherine Nolan and William Scarborough among others.

When we were finished eating, we continued the tour in the respective chambers. As the Assembly Staff and the Legislative Tour group watched as bills were addressed and voted upon.

We were acknowledged in the Assembly chamber by the person sitting in the Assembly Speaker’s seat. As Speaker Sheldon Silver and addressed both by the Sergeant-at-Arms and James Wyrum, Esq.

Afterwards the group paused to take pictures of the Assembly Staff and the Legislative Tour group. These photos serve as proof of how actively supportive legislators have been towards Queens Bar Association’s Annual Legislative Day.

As the tour was stretching as far as the New York Assemblyman Denis Butler and now Assemblywoman Ann Carozza assisted the Bar in organizing these trips.

Our final stop was to the Legislative branch. We met with the Associate Counsel for Legislative Affairs. The cent than the warring spouses in Becker and Bailey, or the Administrative Assistant in Patrick Patterson, or the trackers in Creative Computing, or the tech support engineer in Perdynaire?

While the CFAA may be technically different, the underlying human emotion remains the same - people looking to cut corners and to go too fast through life. However, the method of so doing is now much more technologically sophisticated. It is predicted that there will now be a new cottage industry in CFAA computer consultants. Fortunately, this writer already has a very capable one in Morgan Smith.

But whether it is speeding by boat, train, car or internet, the advice to the client must be the same: slow down, take your time, enjoy what is yours. Don’t crash into someone else’s ideas. Instead, you would run them down with your boat, train or car.

Paul E. Kerson is a member of the Board of Managers of the Queens County Bar Association and a partner in the firm of Leavitt, Kerson & Duane, with law offices in Midtown Manhattan, Woodside and Forest Hills, New York.
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