

Queens

BAR BULLETIN

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Resolve to do an Estate Plan

By Frank Bruno, Jr.

Welcome to 2022! Most of us will leave 2021 without hesitation – I for one am glad to put it in the rear-view mirror - many had high hopes that the past year would bring the end of COVID-19 and a return to normalcy and yet we face another variant as we usher in the new year. While things may not have gone the way we hoped in 2021, we can start 2022 prepared for anything by getting our estate plans in order.

The events that plagued 2021 demonstrate the importance of a complete estate plan. Millions became seriously ill from coronavirus. All too many of them died and even those who lived may be suffering long-term consequences. When they became ill, those who had their estate plan in order could focus on more important things, such as spending precious time with loved ones.

While we hope 2022 will be much better than 2021, it's important to begin the year by creating an estate plan if you do not yet have one or reviewing the plan that you already have in place to ensure it accomplishes your goals. This will provide you and your loved ones with peace of mind for anything that this year brings.

Simply put, an estate plan serves as a set of instructions regarding how you want your affairs handled if something happens to you. The plan sends a message to your loved ones that you care and do not want to burden them with unclear or unstated plans. A basic estate plan consists of documents that provide instructions for what happens both during your life and at death. Those documents consist of a Durable Power of Attorney, a Healthcare Proxy, a HIPAA Authorization, a Will, and typically a Living Trust, also known as a Revocable Trust (a "Trust"). Additional advanced planning might be necessary for Medicaid planning.

First, the Power of Attorney allows you to appoint someone as your "Agent" to act on your behalf with respect to your financial affairs. If that Agent is unwilling or unable to act, you can appoint one or more successor Agents. Through the Power of Attorney, you give someone else (the Agent) powers you inherently already have yourself. The Power would be drafted to vest immediately meaning that the Agent would have the power to make decisions regarding your financial assets right away and without regard to your ability to make those decisions for yourself. The term "durable" in relation with the Power of Attorney means that the Power of Attorney continues to be effective notwithstanding your incapacity. A Power of Attorney that is not durable does not allow your Agent to act during your incapacity.

A Healthcare Proxy allows you to appoint an agent to make medical decisions for you if you are unable to do so for yourself. If you can make these decisions, then your agent cannot veto any medical decision you make. A HIPAA Authorization allows you to appoint an agent to access or receive protected health information.

It's important to keep your Power of Attorney and Health Care Proxy updated. Reviewing them often ensures that you always have trusted and capable individuals in those important roles and that you do not leave your loved ones wondering what to do upon your incapacity. The agents you select under your Power of Attorney play a vital role in your incapacity plan and may have broad power during your life. Make sure you keep the right people in these roles.

A Will determines the distribution of your assets upon your death and allows you to select an individual or company to make the disbursements. If you do

not have a Will, then New York State's intestacy laws will govern asset allocation at your death. Often, the state's division would not match your own. In addition, state intestacy laws may appoint a stranger to handle these important decisions. Finally, the Will also permits you to nominate guardians to care for any minor children.

Regardless of whether you have a Will or intestacy laws determine property division at your death, the individual in charge will need to petition the court for permission to transact the business of your estate through an estate probate proceeding. Probate is a Court proceeding in the Surrogates' Court and can be a lengthy, costly, process and it is public. If you want to avoid probate and maintain your privacy, a Trust provides you the opportunity to do that. With a Trust, you transfer the assets to the Trust during your lifetime and manage them as the Trustee. You avoid probate altogether by using a Trust because the Trust contains provisions regarding what happens upon your death and vests a successor Trustee with power to make distributions from the Trust. The Trust also protects against incapacity by giving a successor Trustee the power to make distributions from the Trust for your benefit should you become incapacitated. An additional feature is that due to cases of fraud, institutions more readily recognize a successor Trustee acting on your behalf than an agent under your power of attorney.

Hopefully, 2022 will be better than 2021, and 2020 for that matter! Even a basic estate plan provides peace of mind regarding what's in store for this year. Resolve now to get your estate planning done this year, sooner rather than later.



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The Docket

Being the official notice of the meetings and programs listed below. Due to unforeseen events, please note that dates listed in this schedule are subject to change. More information and changes will be made available to members via written notice and brochures. Questions? Please call 718-291-4500.

CLE Seminar & Event listings

JANUARY 2022

Wednesday, January 5 CLE: Real Property Series 2022 - Pt 1 - 1:00 pm
 Friday, January 7 Meditation Friday with Diana The Happy Lawyer 1:10 pm
 Meeting ID: 817 2134 3753, Passcode: 734189

Friday, January 14 Meditation Friday with Diana The Happy Lawyer 1:10 pm
 Meeting ID: 817 2134 3753, Passcode: 734189

Monday, January 17 Martin Luther King, Jr. Day - Office Closed

Wednesday, January 19 CLE: Real Property Series 2022 - Pt 2 - 1:00 pm
 Friday, January 21 Meditation Friday with Diana The Happy Lawyer 1:10 pm
 Meeting ID: 817 2134 3753, Passcode: 734189

Friday, January 28 Meditation Friday with Diana The Happy Lawyer 1:10 pm
 Meeting ID: 817 2134 3753, Passcode: 734189

FEBRUARY 2022

Wednesday, February 2 CLE: Real Property Series 2022 - Pt 3 - 1:00 pm
 Friday, February 4 Meditation Friday with Diana The Happy Lawyer 1:10 pm
 Meeting ID: 817 2134 3753, Passcode: 734189

Friday, February 11 Lincoln's Birthday Observed - Office Closed

Wednesday, February 16 CLE: Real Property Series 2022 - Pt 4 - 1:00 pm

Wednesday, February 16 CLE: Coop/Condo Update
 Friday, February 18 Meditation Friday with Diana The Happy Lawyer 1:10 pm
 Meeting ID: 817 2134 3753, Passcode: 734189

Monday, February 21 Presidents' Day - Office Closed

Friday, February 25 Meditation Friday with Diana The Happy Lawyer 1:10 pm
 Meeting ID: 817 2134 3753, Passcode: 734189

MARCH 2022

Wednesday, March 2 CLE: Real Property Series 2022 - Pt 5 - 1:00 pm

Thursday, March 10 CLE: ABC's of Divorce - 5:00 pm

Friday, March 11 Meditation Friday with Diana The Happy Lawyer 1:10 pm
 Meeting ID: 817 2134 3753, Passcode: 734189

Tuesday, March 15 CLE: LGBTQ+ Program on Trans Seniors - 6:00 pm
 Friday, March 18 Meditation Friday with Diana The Happy Lawyer 1:10 pm
 Meeting ID: 817 2134 3753, Passcode: 734189

Friday, March 25 Meditation Friday with Diana The Happy Lawyer 1:10 pm
 Meeting ID: 817 2134 3753, Passcode: 734189

Tuesday, March 29 Judiciary Night, Past Presidents & Golden Jubilarian Night

APRIL 2022

Friday, April 1 Meditation Friday with Diana The Happy Lawyer 1:10 pm
 Meeting ID: 817 2134 3753, Passcode: 734189

Tuesday, April 5 CLE: Equitable Distribution Update
 Friday, April 8 Meditation Friday with Diana The Happy Lawyer 1:10 pm
 Meeting ID: 817 2134 3753, Passcode: 734189

Tuesday, April 12 CLE: Equitable Distribution Update

Friday, April 15 Good Friday - Office Closed

Friday, April 22 Meditation Friday with Diana The Happy Lawyer 1:10 pm
 Meeting ID: 817 2134 3753, Passcode: 734189

Wednesday, April 27 CLE: Search & Seizure - 1:00 pm

MAY 2022

Thursday, May 5 Annual Dinner & Installation of Officers - Terrace on the Park

Friday, May 6 Meditation Friday with Diana The Happy Lawyer 1:10 pm
 Meeting ID: 817 2134 3753, Passcode: 734189

Wednesday, May 18 CLE: Update on 30.30 - 1:00 pm

Friday, May 20 Meditation Friday with Diana The Happy Lawyer 1:10 pm
 Meeting ID: 817 2134 3753, Passcode: 734189

Friday, May 27 Meditation Friday with Diana The Happy Lawyer 1:10 pm
 Meeting ID: 817 2134 3753, Passcode: 734189

Monday, May 30 Memorial Day - Office Closed

JUNE 2022

Monday, June 20 Juneteenth - Office Closed

JULY 2022

Monday, July 4 Independence Day - Office Closed

UPCOMING SEMINARS

Ethics Update

2021-2022 Officers and Board of Managers of the Queens County Bar Association

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Editor's Note

Proof of G-d

By Paul E. Kerson

For thousands of years, since the dawn of humanity, theologians and scholars have debated G-d's existence. Reasonable people differ, and it is all thought to be a matter of faith.

But is it? Can the reality of G-d be proved?

While watching a well-played baseball game with family and friends this past 4th of July, I was able to do so. While our families ate ice cream and cheered the home team, and the mascot entertained the fans, and the players did their best, I debated this point with a leading scholar at a major university.

It is all in the numbers, I said. The numbers 2, 4, 8, 16, 32.... Never 3 or 7 or 9, never in the entire history of humanity.

All human-made machines eventually break. Computer repair, auto repair, photocopier repair, air conditioning repair, furnace repair, elevator repair – these are all essential occupations that everyone in the modern world must call upon from time to time.

Let us imagine all of humanity from the beginning of time as one machine. IT NEVER BREAKS. Every person ever born has two natural parents, four grandparents, eight great-grandparents, 16 great-great grandparents, 32 great-great-great grandparents, and so on back to the beginning.

These numbers have never changed. No one ever had 3, 7 or 9 natural parents.

Oh, you say, humankind can do all kind of damage to this Plan: failure to control war, famine, pestilence, disease, climate change, poverty, and ignorance. You name the failure, individual people and groups of people have tried it.

But all of this foolish failure to respect the Plan has never gone anywhere. The physical and emotional desire for children, grandchildren and great-grandchildren keeps on beating in the collective human heart and mind on this completely unalterable series of numbers: 2, 4, 8, 16, 32... Never 3 or 7 or 9 or any other number, ever, since the day the Humanity

Machine started thousands of years ago.

As we watched our children and grandchildren enjoy the sight of baseball players working together to help their team prevail over the other team while following the elaborate rules of sportsmanship, my Scholar friend challenged me:

"No, you are wrong," he said. "It was all an accident."

Well, I am no Scholar at a major university. I come from a very different kind of wisdom. I am a county courthouse lawyer for 45 years. That means I have seen virtually every kind of human mistake over and over again: crimes, divorces, contested estates, broken companies, financial failure, lying, cheating, stealing, greed, and yes, accidents.

County courthouse lawyers know all about accidents. The trip did not go as planned. Someone made a right turn instead of a left turn and – bang, pow – metal is crushed, bones are broken, ambulances, police and firefighters are called. Gas tanks are in danger of exploding. Drivers and passengers are in danger of dying. Paramedics rush to stop the bleeding and get the injured to hospitals.

Litigation commences. Insurance companies try to minimize the damage. Serious money changes hands.

That is an accident.

2, 4, 8, 16, 32...since the beginning of humanity uninterrupted despite human failure to prevent or avoid earthquakes, hurricanes, building collapses, wars of infinite destruction, famine, disease, poverty and ignorance?

2, 4, 8, 16, 32...never 3 or 7 or 9 for thousands years through millions of human births. THIS IS NO ACCIDENT.

"Well," said my Scholar friend, "it was random".

Random? "You mean 1000 monkeys typing on 1000 typewriters for 1000 years would produce the works of Shakespeare?"

"Yes," he said, "particularly if you made it a million

monkeys on a million typewriters for a million years".

This is where the wisdom of the county courthouse is far wiser than the thoughts of the overly skeptical scholarly community.

Here is the summary of our county courthouse Law of Evidence, as set forth in Volume 58A, New York Jurisprudence 2d, Section 972, Evidence and Witnesses:

"The party having the burden of proof must prove all contentions by the greater weight of the evidence.

No doctrine of law is more firmly settled than that which authorizes issues of fact in civil cases to be determined in accordance with the preponderance of the evidence.

The fair preponderance of the evidence standard requires the finder of fact to weigh conflicting evidence and is intended to protect against rulings based on the subjective values of the fact finder..." (emphasis added).

Accident?

Random?

2, 4, 8, 16, 32...for thousands upon thousands of years uninterrupted by every calamity a misguided Humanity Machine could possibly throw at it by neglect, mistake or purposeful stupidity?

Who wins this argument by the Preponderance of Evidence Standard that every civil jury is instructed to follow?

G-d wins it.

Perhaps if we now understand the Plan, we can stop acting against the Plan, embrace the Plan, and live far happier and longer lives.

2, 4, 8, 16, 32... At the end of the game, the Home Team players shook hands with the Visiting Team.

There were no injuries, only a game well played.

BY PAUL E. KERSON, ESQ
EDITOR



QUEENS COUNTY BAR ASSOCIATION

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The Nominating Committee is accepting applications to serve on the Queens County Bar Association Board of Managers

Please take notice that those members who wish to be considered for nomination as Members of the Board of Managers of the Queens County Bar Association should submit written requests and resumes highlighting your activities in the Association prior to January 14, 2022.

A virtual meeting of the Committee will take place on February 2, 2022. Said meeting is scheduled for 5:00 P.M.

You may present the names of the persons whom you desire to have considered by the Nominating Committee for nomination to offices to be filled at the Annual Meeting. A hearing will be held as indicated above for that purpose pursuant to the by-laws.

Zenith T. Taylor
Secretary

Please submit your requests in writing to the attention of the:

Nominating Committee
Queens County Bar Association
90-35 148 Street
Jamaica, N.Y. 11435

The Annual Election of Officers and Managers will be held on March 4, 2022. The newly elected Officers and Managers will assume their duties on June 1, 2022.

Dated: December 9, 2021
Jamaica, NY

Get involved! Can't commit to the Board as yet...join a committee! Call for more info.



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President's Message

By Frank Bruno, Jr.

It is said that Vincent van Gogh sometimes ate yellow paint, because he thought yellow was the happiest color, and eating it might make him happy. It didn't work. All he got from the sting of lead and turpentine down his throat was physical degeneration, along with the acceleration of his mental illness. Vincent is an inspiration. I don't paint, but like Vincent my heart longs to create art: I write, I draw, I speak and put on my very own podcast. Sometimes I scratch the surface.

In the wake of his emotional suffering, psychotic breakdowns, and squalid living, Vincent graced us with works of art that enrapture the mind's eye and enchant the artistic sensibilities inherent in all of us -- it was only after his tragic suicide, however, that anyone noticed. During quarantine I read about his life: the plight of his mental anguish and crippling loneliness. I thought about how it relates to me. How it relates to the human condition. I thought about how hardly anyone cared about his well-being, except for his brother Theo, who wrote letters to Vincent, urging him to expand his diet outside of bread, coffee, tobacco, and strong liquor. I thought about the time he severed part of his left ear when his housemate, Paul Gauguin, left Vincent to live alone. I thought about him and felt sick to my stomach, as if I were the one imbibing poison or paint as it were.

I want to avoid banal remarks about how the Covid-19 pandemic changed everyone's lives forever. We know that. But during this time of isolation, I made revelations about what I wanted to be and do; how Vincent is a crucial part of that. In a cold, shadowy room at 2:08 AM, I discovered that the lonely glow of a television screen somehow makes the room feel colder. In the midst of the pandemic I felt like an automaton, feeding off WiFi signals and the light that emits from a phone -- like a bastardized photosynthesis, post-Digital Revolution. I remember the vicious cycle of negative thoughts, while an uncertain, unhappy me sat in an empty snow globe, unable to contact the grotesquely warped world outside. I often wondered, and still do, if this is how Vincent saw the world. Feverishly I read about him, scrutinized his art, wrote about the lifelong pain that ate away his hollow inside. In a way I was processing the pain I felt, digesting it and changing it into something better.

The more I thought about Vincent and me, the more I understood myself and others, until I faced an initially comforting, but ultimately agonizing realization: my experiences, and Vincent's, are far from unique, and recent events have solidified that fact. Initially comforting because it affects us all and we aren't alone in this suffering, ultimately agonizing because it is widespread and comforting again because it is a universal deficit in the collective unconscious.

The time we all spent quarantined -- intoxicated by dopamine-spiking content punctuated with news stories of sometimes senseless violence, sometimes necessary protests, engaging in harmful habits -- took a toll on all of us. We're in emotional and spiritual debt, and we've hardly begun to pay it off.

My son Joseph, who is smarter than me, tells me that all it takes is one character, or one poem, or one song to change the world. He shared these words; helped shape these thoughts. Perhaps one day, someone will hear me shout until my throat stings, or feel moved by my words, or affected by my actions and they'll feel less alone. That would be enough for me.

Through my zeal for Vincent van Gogh, I slowly recognized how I can use my own talents and interests to benefit the people around me. On my path of personal expression, a long and winding road on which I'm traveling, I've immersed myself in the fields of personal development, writing, art, and mental health. This is where my passion lies -- at the interdisciplinary crossing of creative expression and mental health awareness. This way, maybe I can help the future Vincents of the world. I can teach them not to eat their yellow paint, but to put it to canvas, because that is how to truly nourish the soul.

Healthy and happy new year to all! Forevermore I am starting with the word healthy. Even Poor Ricard got it right way back when by starting with the most important- Healthy. Let's strive for all three in their further refined proper order. For 2022, let's try to be Healthy, Wise and Wealthy, maybe it will catch on. Health is more important than wealth because without health there is no wealth. Mental health will continue to be spoken about by the Bar with programs to address these important issues. Please join our Monday Challenge and meditation session every Friday afternoon.

Happy to report that 2021 went swimmingly, tongue firmly in cheek. We had our ups and downs and some turnarounds but we marched on. Committees met; the Board met; the Academy of Law met and CLE programs were run and held; the good work of the Bar Association continued on. The Bar itself opened up and the referral service has been accepting many calls and has been referring members routinely. The Holiday Party was exceedingly well attended and once we get past this spike, there will be a hunger for in person events. We have only two in person events presently scheduled for the next six months and if you can make them that would be great. Our March 29 Judiciary Night and our May 4 Installation Dinner. Please place in your calendars and provided the events can be safely held in person that is our intention.

I want to address resolutions 2022 before I end this

month's message to hit them from a different angle. Let's resolve to do more, be more and have more in the following ways. Add more of the things that you enjoy or want to enjoy or that lights you up. More family time. More time for quiet contemplation. More time working on our own mental health. More mindfulness. More quality food and more time for health and fitness. More music. More plants and greenery. More comedy. More art. More sleep. More sunshine-we all need Vitamin D. More coloring books. More pets and animals. More outdoors generally. More self-care. More self-compassion. More good deeds and more kindness.

Update Assigned Counsel Litigation. QCBA together with eight area bar associations are litigating the State's failure to increase the 18b rates for eighteen years. In July 2021, QCBA was the first to join the Assigned Counsel NYS Association as co-plaintiffs to file an action against the State of New York and the City of New York. Our partners in the litigation are the New York County Lawyers Assn, the Bronx County Bar Assn, the Richmond County Bar Assn, the Macon B. Allen Black Bar Assn, the Latino Lawyers Assn of Queens County, the Brooklyn Bar Assn, and the Metropolitan Black Bar Assn. In the action, the plaintiffs requested a rate increase to \$155 per hour for Assigned Counsel and AFC (Attorneys for Children) work and a Cost-of-Living Provision to ensure that future litigation will not be needed to ensure that indigent litigants have equal access to justice. The rate increase is necessary to stem the tide of Assigned Counsel and AFC attrition and inability to recruit new assigned counsel attorneys that has resulted in an access to justice crisis. The Defendants have answered the Amended Complaint and litigation is moving forward. As we press on, preparation for litigation and settlement discussions are taking place.

Criminal Court Update. The Hon. George Grosso, Criminal Term Administrative Judge, along with the Hon. Ira Margulis, Chief Clerk Bill Reyes and a support team, gave the QCBA Criminal Courts Committee leadership a private tour of a newly outfitted trial courtroom. We were impressed by his commitment to giving detained inmates their day in court. The Criminal Term is ready, willing and able to hold in person trials. Please read the complete update in this month's Bar Bulletin.

We stand ready now and, in the future, to move the Bar Association forward, and we look forward to your support and ongoing membership. I ask that members continue to participate in committees, participate in planning and programming CLE events and write on the topic of your interest for the Bar Bulletin.

As always, live in the magic.



The SB-1 Returning Resident Visa- 1 year out is all it takes!

Once an individual is granted permanent residence they are allowed to travel in and out of the U.S. without any problem as long as they are not relinquishing permanent residence or residing abroad which may indicate abandoning Lawful Permanent Residence. Permanent residents who wish to reenter the U.S need to present their green card and passport from their country of citizenship to reenter, as long as the duration of the trip is less than 6 months. Within 6 months, people are generally considered to have taken a vacation or short trip abroad and are returning home to the US.

If the trip is longer than 6 months but shorter than 1 year, the person is considered to be seeking readmission and may be asked questions regarding the trip to see whether or not they have abandoned their residence while abroad. If the duration of the trip is more than one year, and the applicant knew before departing that they would be out of the United States for more than one year, then they may consider applying for a Re-entry permit which will allow them to stay out of the United States for up to two years with the ability to reenter multiple times if needed or just one time within the two year period. However, there are some people, who get caught outside the US and just cannot return before the 1 year is completed. These people generally had no idea that they would need to

be out as long as they are or cannot help it to return with one year. Technically speaking, being outside the US for one year or more effectively abandons once green card status.

A permanent resident of the U.S. remained outside of the U.S. for more than one year without obtaining a reentry permit can either go through the entire green card process all over again or they may apply for a returning resident visa also known as a SB-1 visa. With an SB-1 Visa, issued by a consular post, the individual will be able to retain their residence and return to the United States as a Permanent Residence without interruption. To apply for SB-1 visa a returning resident must show proof of the resident's continued unbroken ties to the U.S. and that the trip was extended as a result of events beyond their control. Some examples for reasons why an extended stay abroad was necessary are: illness, death, pregnancy, or permission was not granted to leave the foreign country.

A permanent resident who wants to enter the U.S. after staying abroad for an extended period of time can be eligible for a SB-1 visa if:

- At the time of departure from the U.S. the individual was a lawful permanent resident;
- When leaving the U.S., the individual did not leave with the intention of not coming back;

• When an individual returns to the U.S. after an extended stay abroad, the extended stay was due to circumstances beyond their control and for which they are not responsible for; and

• The individual is eligible for the SB-1 visa in all other aspects.

There are a few individuals who do not need the SB-1 visa even if they have been outside of the U.S for more than two years. They are spouses and children of a member of the U.S. Armed Forces or civilian employees of the U.S. government stationed abroad. If an individual falls within those two categories, then they may use their Permanent Resident Card to enter the U.S. even if it expired.

The processing time for the SB-1 is usually quite quick and decision is given at interview. More recently, in a "covid world", additional steps are required by consular posts which can be done before interview or after interview if the SB-1 is granted. Namely, a new DS-260 and new Police Clearance Certificates, and Possibly a new Immigration Medical. If an individual's application for the SB-1 visa is denied, then they will not be allowed to enter the U.S. again without another valid visa.

BY DEV B. VISWANATH, ESQ.

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Doing Good in The Neighborhood

Attendees at the QCBA Holiday Party donated money, which was used to purchase items off the wish list for female veterans and their children serviced by Patriot First Colonial House II. Members of the legal community were able to drop off additional donations at the QCBA office or the Queens Criminal Court. Judge Marcia

Hirsch spearheaded the effort, which was supported by the Queens County Women's Bar Association and the Queens County Bar Association.

Thank you to all who contributed cash and products to the efforts to help our deserving military veterans!



QUEENS COUNTY BAR ASSOCIATION

90-35 148th Street, Jamaica, NY 11435 Tel 718-291-4500 Fax 718-657-1789 www.QCBA.org CLE@QCBA.ORG

REPLAYED BY POPULAR DEMAND!!!

Presented by the Appellate Practice Committee and the Academy of Law

RECENT SIGNIFICANT DEVELOPMENTS AND DECISIONS FROM OUR HIGHEST NYS APPELLATE COURTS

Virtual Stated Meeting - Recorded October 2021

Thursday, January 27, 2022 5:30 PM - 7:30 PM

PRESIDENT: Frank Bruno, Jr., Esq.

ACADEMY OF LAW

DEAN: Michael D. Abneri, Esq.

ASSOCIATE DEANS:

Kristen J. Dubowski Barba, Esq.

Hon. Darrell L. Gavrin

Leslie S. Nizin, Esq.

Violet E. Samuels, Esq.

Hamid M. Siddiqui, Esq.

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- Brandeis Association
- Catholic Lawyers Guild of Queens County
- Columbian Lawyers Assn, Inc.
- Hellenic Lawyers Association
- Latino Lawyers Association
- Macon B. Allen Black Bar Association
- Queens County Women's Bar Association
- South Asian Indo-Caribbean Bar Association of Queens

PRESENTERS:

Moderated by: Hon. Valerie Brathwaite Nelson, Associate Justice, Appellate Division, Second Department

NYS Court of Appeals

Hon. Janet DiFiore, Chief Judge (Welcome Video Remarks)

Hon. Eugene M. Fahey, Associate Judge (since retired)

Hon. Rowan D. Wilson, Associate Judge

Appellate Division, Second Department

Hon. Hector D. LaSalle, Presiding Justice

Hon. Valerie Brathwaite Nelson, Associate Justice

REGISTRATION FORM

FREE FOR MEMBERS in good standing of the Queens County Bar Association or any of the Sponsoring Associations:

Name: _____

Telephone: _____

Email: _____

\$50: Non-Members

Pay by: Check Credit Card Auth. Signature _____ Amt: \$ _____

Card #: _____ Exp. Date ____/____/____

CLE CREDIT:

2.0 in Professional Practice

Transitional Seminar. Valid for All Attorneys

ACCREDITATION: QCBA has been certified by the NYS CLE Board as an Accredited CLE Provider in NYS, 10/2019 - 10/2022.

PRE-REGISTRATION REQUIRED by January 24th to receive access.

EMAIL: CLE@QCBA.ORG



Friendsgiving

Participants and sponsors at the second annual QCBA Friendsgiving event on November 23 contributed over \$3,700 to benefit St. Mary's Children's Hospital in Bayside. 100% of the proceeds were used to purchase items off of St. Mary's Amazon wish list and American Express gift cards that hospital staff could give to the families of those in treatment. Sydney Spinner, a member of the QCBA Board of Managers and chair of the Young Lawyers Committee, and QCBA Executive Director Jonathan Riegel delivered the AMEX gift cards to St. Mary's on

December 22. Thank you to all who participated and to our sponsors: Property Tax Reduction Consultants, made in memory of Margaret "Vera" Acosta, Big Apple Abstract, Mitra Hakimi Realty, One Station Plaza, Austin's Ale House and Bourbon Street.



QUEENS COUNTY BAR ASSOCIATION

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PRESIDENT: Frank Bruno, Jr.

ACADEMY OF LAW DEAN: Michael D. Abneri, Esq.

ACADEMY OF LAW ASSOCIATE DEANS: Kristen J. Dubowski Barba, Esq. • Hon. Darrell L. Gavrin, • Leslie S. Nizin, Esq. • Violet E. Samuels, Esq. • Hamid M. Siddiqui, Esq.

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CLE Credit: 1.0 in Professional Practice for each session

Transitional Course – Valid for All Attorneys
ACCREDITATION: QCBA has been certified by the NYS CLE Board as an Accredited CLE Provider in NYS, 10/2019 - 10/2022.

Great for Newly Admitted Attorneys!

Young Lawyers Committee and Real Estate Committee present

ZOOM CLE

ABCs of REAL ESTATE CLOSINGS

All the Basics of Closings

- Part 1: January 5th, 1:00 pm: Pre-Contract
- Part 2: January 19th, 1:00 pm: Contract drafting
- Part 3: February 2nd, 1:00 pm: Title Report & Survey
- Part 4: February 16th, 1:00 pm: Between Contract & Closing
- Part 5: March 1st, 1:00 pm: The Closing

PRESENTERS:

Frank Bruno, Jr., Esq.
Samuel B. Freed, Esq.
Etan Hakimi, Esq.
Alan C. Kestenbaum, Esq.
Lawrence M. Litwack, Esq.
Sydney A. Spinner, Esq.
...(more to come)

PROGRAM:

This lunchtime series will provide the steps necessary to complete a real estate closing. It will take you from the moment your client says "I want to sell my house," through the closing itself. Whether you have never done a closing before, or need a refresher, this series will give you a crash course. Sessions are free to members in good standing.

Registration Form

- QCBA Member in Good Standing - \$0
- Non-Member - \$35.00 each session

Pay by: Check Credit Card Auth. Signature _____ Tel. _____

Card #: _____ Exp. Date ____/____/____ Amt: \$ _____

Name: _____ Email: _____

**Must Register with Zoom & Pay by January 2nd to receive access. [Registration Link Here](#) or EMAIL: CLE@QCBA.ORG
No Refunds/credits if registration is not canceled by January 2, 2022.**



December 28, 2021

Mr. Jonathan Riegel, CAE
Executive Director
Queens County Bar Association
90-35 148th Street
Jamaica, NY 11435

Dear Mr. Riegel and Queens County Bar Association Members:

On behalf of St. Mary's Healthcare System for Children, I am writing to express our sincere gratitude for your generous donation of AMEX gift cards this holiday season, made in loving memory of Margaret "Vera" Acosta. I would also like to thank everyone involved in your recent Queens County Bar Association Friendsgiving event, including the following sponsors: Property Tax Reduction Consultants, Mitra Hakimi Realty Group, Big Apple Abstract Corporation, One Station Plaza, Austin's Ale House and Bourbon Street. With your help, numerous critically ill and injured children will continue to receive the extraordinary care they need to heal and thrive.

Each year, thousands of families turn to St. Mary's to help their children – kids with complex and potentially life-limiting medical conditions, such as severe asthma, diabetes, spinal cord injury, cerebral palsy, and many others. Your gift will help St. Mary's provide these vulnerable children with an array of much-needed programs and services of the highest quality. Services that are carried out by our dedicated team of skilled nurses, physical therapists, speech therapists, nutritionists, and many other pediatric specialists. With your ongoing support, St. Mary's Kids will continue to get the care they deserve and achieve all that is possible!

Wishing you and everyone at the Queens County Bar Association happy holidays and a healthy and prosperous New Year! Thank you for being there for St. Mary's Kids. Stay safe and well!

Sincerely,

Edwin F. Simpson, MD
President and Chief Executive Officer

For tax purposes, this letter acknowledges that no goods or services were received for your donation. St. Mary's Foundation for Children's Federal tax ID# is 11-2728734. St. Mary's Foundation for Children is a not-for-profit, charitable organization as described under section 501 (c) (3) of the Internal Revenue Code.

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29-01 216th Street
Bayside, NY 11360

Long Island
5 Dakota Drive, Suite 200
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CLE Programs on Demand

Queens County Bar Association										
FORMAT AVAILABLE		SEMINAR TITLE	CLE CREDITS					PRICE		ORIGINAL DATE
MP4 (Video)	MP3 (Audio)		Total Credits	Ethics	Skills	Prof Practice	Diversity	Members	Non-Members	
MP4		What Judges Expect You to Know About Distribution of Retirement Assets/QDROS	1.5			1.5		\$ 23	\$ 75	11/18/2021
MP4		Judicial Accountings in Surrogate's Court: A Primer	3		3			\$ 45	\$ 150	11/18/2021
MP4		Landlord & Tenant Update 2021	2			2		\$ 30	\$ 100	11/17/2021
MP4		SOS: Sufficiency of and Controverting Search Warrants, Orders, and Subpoenas	2			2		\$ 30	\$ 100	11/16/2021
MP4		Successfully Handling A Consumer Chapter 7 Case: Beginning To End	2			2		\$ 30	\$ 100	11/15/2021
MP4		NO-FAULT LITIGATION - 2021 Update	1			1		\$ 15	\$ 50	11/4/2021
MP4		HAPPY LAWYER? Using Your Mental Skills to Deal with The Busy Life of An Attorney	1	1				\$ 15	\$ 50	10/21/2021
MP4		U Visas	1			1		\$ 15	\$ 50	10/13/2021
MP4		Judicial Review of Immigration Benefits Under the Administrative Procedure Act	1			1		\$ 15	\$ 50	10/6/2021
MP4		PART 36 Training- Guardian, Ct Evaluator, Atty For An Alleged Incapacitated Person 2/2	3.5	1		2.5		\$ 123	\$ 245	9/30/2021
MP4		PART 36 Training- Guardian, Ct Evaluator, Atty For An Alleged Incapacitated Person 1/2	3.5			3.5		\$ 123	\$ 245	9/23/2021
MP4		Nuts and Bolts of the Acquisition and Financing of Commercial Property	2		1	1		\$ 30	\$ 100	6/10/2021
MP4		Search and Seizure Update 2021	1			1		\$ 15	\$ 50	5/18/2021
MP4		Ethics Update 2021, Part 2	2	2				\$ 30	\$ 100	5/13/2021
MP4		Ethics Update 2021, Part 1	2	2				\$ 30	\$ 100	5/6/2021
MP4		Child-Parent Security Act - NY's Legalization of Gestational Surrogacy	2			1	1	\$ 30	\$ 100	5/4/2021
MP4		New York's Raise the Age Legislation: A Two-Year Retrospective	2			2		\$ 30	\$ 100	4/28/2021
MP4		Equitable Distribution Update 2021, Pt 2	1.5			1.5		\$ 23	\$ 75	4/22/2021
MP4		Equitable Distribution Update 2021, Pt 1	1.5			1.5		\$ 23	\$ 75	4/15/2021
MP4		Update On Discovery In New York 2020 to 2021	1			1		\$ 15	\$ 50	4/8/2021
MP4		The New Power of Attorney Statute	1		1			\$ 15	\$ 50	2/10/2021
MP4		Remote Depositions: Reflections on What Works and What Does Not	1		1			\$ 15	\$ 50	2/2/2021
MP4		Asset Protection Laws	1			1		\$ 15	\$ 50	1/13/2021
MP4		Representing LGBTQ+ People In Immigration and Deportation Proceedings	2			1	1	\$ 30	\$ 100	1/12/2021
MP4		NO-FAULT LITIGATION - 2020 Update	1			1		\$ 15	\$ 50	11/16/2020
MP4		Issues Relating to Equal Access to Justice and Serving A Diverse Population	1				1	\$ 15	\$ 50	11/5/2020
MP4		Biomechanical Expert Testimony in the Courtroom	1		1			\$ 15	\$ 50	10/9/2020
MP4		Estate Update 2020 The New Normal Surrogate's Ct Operations Retirement Plan Chgs	2		2			\$ 30	\$ 100	10/1/2020
MP4		Landlord & Tenant Update 2020	1			1		\$ 15	\$ 50	9/17/2020
MP4		QDRO-Webinar	1.5		1.5			\$ 23	\$ 75	8/20/2020
MP4		BREAKIN' UP IS HARD TO DO: Basics of Business Dissolution	2			2		\$ 30	\$ 100	7/23/2020
MP4		Judicial Review of the Denial of Visa Petitions- Administrative Procedure Act	1.5			1.5		\$ 23	\$ 75	7/16/2020
MP4		Search and Seizure Update	1			1		\$ 15	\$ 50	7/15/2020
MP4		Equitable Distribution Law Update 2020 Pt 2	1.5			1.5		\$ 23	\$ 75	6/17/2020
MP4		Equitable Distribution Law Update 2020 Pt 1	1.5			1.5		\$ 23	\$ 75	6/10/2020
MP4	MP3	Ethics Update 2020	4	4				\$ 60	\$ 200	3/11/2020
MP4	MP3	Landlord & Tenant Update 2019	3			3		\$ 45	\$ 150	11/20/2019
MP4	MP3	Probate & Administration of Estates: A Primer	3		3			\$ 45	\$ 150	11/15/2019
MP4	MP3	CYBER SECURITY: The Law, How It Impacts the Operation, Small-Medium Size Firms	2			2		\$ 30	\$ 100	9/26/2019
MP4	MP3	CPLR & Evidence Update 2019	3			3		\$ 45	\$ 150	5/30/2019
MP4	MP3	Litigating LGBT Civil Rights in Military Service	2	1			1	\$ 30	\$ 100	5/16/2019
MP4	MP3	Equitable Distribution Law Update 2019	2			2		\$ 30	\$ 100	4/17/2019
MP4	MP3	Let the Bench Tell You: Increasing the Effectiveness of Your Presentation	2		2			\$ 30	\$ 100	4/11/2019
MP4		Summary Jury Trials in Queens Supreme-Why They Might Be Right for Your Firm	2		2			\$ 30	\$ 100	4/9/2019
MP4	MP3	Criminal Law Update X	2			2		\$ 30	\$ 100	4/3/2019
MP4		Litigating with USCIS and other Government Agencies on Immigration Cases	1			1		\$ 15	\$ 50	3/14/2019
	MP3	Real Estate Transactions and Litigation	2			2		\$ 30	\$ 100	3/7/2019
MP4	MP3	Ethics Update 2019	4	4				\$ 60	\$ 200	2/27/2019
MP4	MP3	ELECTRONIC SURVEILLANCE	2			2		\$ 30	\$ 100	2/5/2019
	MP3	Landlord & Tenant Update 2018	3			3		\$ 45	\$ 150	11/13/2018
	MP3	Recent Significant Decisions & Developments From Our Highest Appellate Cts 2018	2.5			2.5		\$ 38	\$ 125	10/30/2018
MP4		Name Change/Birth Certificate Changes	2		1		1	\$ 30	\$ 100	10/11/2018
	MP3	Ethical Considerations in Representing Your Clients-Criminal Defense Attys	1	1				\$ 15	\$ 50	6/27/2018
	MP3	Present Day Issues in Civil Rights and Human Rights Law	3			3		\$ 45	\$ 150	5/9/2018

CLE Programs on Demand

Queens County Bar Association										
FORMAT AVAILABLE		SEMINAR TITLE	CLE CREDITS					PRICE		ORIGINAL DATE
MP4 (Video)	MP3 (Audio)		Total Credits	Ethics	Skills	Prof Practice	Diversity	Members	Non-Members	
	MP3	NYC DSS Lien Recovery	2	1		1		\$ 30	\$ 100	4/30/2018
	MP3	Issues Facing Transgender Student/Athletes	2				2	\$ 30	\$ 100	3/28/2018
	MP3	Managing Money and Aging	2		2			\$ 30	\$ 100	3/15/2018
	MP3	The Art of Arbitration: Best Practices and Tips from the Arbitrators	2		2			\$ 30	\$ 100	11/28/2017
	MP3	Landlord & Tenant Update 2017	3			3		\$ 45	\$ 150	11/15/2017
	MP3	Alternatives to Sentencing in Today's Criminal Court	1.5			1.5		\$ 23	\$ 75	11/8/2017
	MP3	Selling the S Corporation	2		1	1		\$ 30	\$ 100	10/26/2017
	MP3	Recent Significant Decisions & Developments From Our Highest Appellate Cts 2017	2.5			2.5		\$ 38	\$ 125	10/24/2017
	MP3	Nuts & Bolts of Selling & Buying Residential Real Estate and Related Title Issue	3		1.5	1.5		\$ 45	\$ 150	10/19/2017
	MP3	Trusts: Basics & Balance	3		3			\$ 45	\$ 150	10/13/2017
	MP3	A "Trip" Through Premises Liability: Perspective from Plaintiff, Defense & Bench	3		2	1		\$ 45	\$ 150	6/6/2017
	MP3	Cooperative and Condominium Legal Update 2017	2			2		\$ 30	\$ 100	5/22/2017
MP4	MP3	Ethics Update 2017	3.5	3.5				\$ 53	\$ 175	5/10/2017
	MP3	Equitable Distribution Law Update 2017	1.5			1.5		\$ 23	\$ 75	4/5/2017
	MP3	Role of the Court Examiner -A View from the Court	2	1	1			\$ 30	\$ 100	3/9/2017
MP4		Guardian Ad Litem	4	1	3			\$ 140	\$ 300	11/18/2011

Contact: CLE@QCBA.ORG; 718-291-4500 ext 232



QUEENS COUNTY BAR ASSOCIATION

90-35 148th Street, Jamaica, New York 11435 • (718) 291-4500 • Fax: (718) 657-1789 • WWW.QCBA.ORG

January 2022

Dear Members:

I am excited to announce a bold new initiative being launched this week by your bar association. By carefully examining our assets and opportunities, we have developed the most comprehensive sponsorship plan we have ever offered. These benefits will help you stand out from the crowd, leading to more referrals, more clients and more opportunities. Your sponsorship will allow us to be more effective, do more programming and provide more education and networking opportunities for you and our other members.

The Platinum Sponsorship Program combines elements of each aspect of QCBA into one comprehensive package – from event tickets to print and digital marketing, from signage and recognition to social media posts, and from emails to expert content bylines in the Queens Bar Bulletin. And as a special bonus to inaugural Platinum Sponsors, if you register by January 31, you will receive an extra 10% off any CLE programs you may choose to sponsor during 2022!

The package of benefits detailed on the next page can be enhanced and tailored to your needs, including CLE presentation opportunities, sponsorships and more. Please reach out to Jonathan Riegel at 718-291-4500, x224 or by email at jriegel@qcba.org to discuss additional opportunities.

Thank you for considering this exciting new opportunity and for your ongoing membership in the Queens County Bar Association.

**Yours truly,
Frank Bruno, Jr.
President**

The Queens County Bar Association invites all Lawyers and/or Law Firms to participate in our new Platinum Sponsorship Program

- Two tickets to Annual Holiday Party.....(est. value: \$200)
- Two tickets to Judiciary Night.....(est. value: \$100)
- Two tickets to Installation Dinner.....(est. value: \$300)
- Tee Box sponsorship at annual Golf Outing.....(est. value: \$300)
- Gold full page ad in installation journal.....(est. value: \$1,000)
- Full page ad in QCBA Member Directory.....(est. value: \$550)
- Quarter page ad in each issue of the Queens Bar Bulletin.....(est. value: \$1,200)
- Inclusion on "Platinum Sponsor Honor Roll" page in select editions of the Queens Bar Bulletin
- Inclusion on social media posts at least once per month
- Rotating banner ad on redesigned QCBA website through December 31 (when new website is launched)
- Special recognition/ribbon on name tags at all in-person events

- Company logo on Platinum Sponsor signage at all in person events
- Recognition from podium at all Stated Meetings, Judiciary Night and Installation Dinner
- Inclusion on special recognition page on the QCBA website
- Inclusion below the signature line of all QCBA employee emails
- Announced at least once during all CLE programs
- Guaranteed placement of any article with relevant legal related content authored by/on behalf of the Platinum Sponsor in the Queens Bar Bulletin
- Up to four email blasts to all members (you provide the ad and/or video link, we deploy it)

• *Optional add-on: Title sponsorship of all CLE programs..... Additional \$5,000 "QCBA Academy of Law, presented by ABC Company"*
Can be multiple sponsors but each sponsor will have practice area exclusivity

All-Inclusive Platinum Sponsor Price: \$5,000

Register as an inaugural Platinum Sponsor by January 31, 2022 and receive 10% off all individual CLE program sponsorships in 2022

Terms:

- At least one member of a sponsoring law firm must be a QCBA member in good standing.
 - Companies that do business with lawyers/law firms (i.e. title companies, court reporting services) but are not lawyers/law firms may register for the QCBA Corporate Partners Program. Such companies are ineligible for the Platinum Sponsorship Program.
 - Sponsorship benefits begin upon registration and end on December 31, 2022.
 - The same ad will be run in the Queens Bar Bulletin each month unless you submit a new ad by the 25th of the preceding month. The Queens Bar Bulletin is published monthly from October thru May. Ads may be black-and-white or full color and measure 4.75" wide x 6.75" tall.
 - Email blasts must be scheduled at least two weeks in advance of desired distribution date.
- Please call Jonathan Riegel at 718-291-4500, ext. 224 or email jriegel@qcba.org for additional information or to customize your sponsorship package.

Holiday Party December 16, 2021



Dina Bruno, Frank Bruno, President of QCBA, Adam Orlow & Jonathan Riegel, Executive Director of QCBA.



Colleen Babb, Queens County District Attorney Melinda Katz & Sohail Rana.



Heidi Henle, Russ Rodriguez & Leo Evelyn



Hon. George Grasso Administrative Judge, Criminal Term, Queens County, Frank Bruno President of QCBA & Hon. Bernice Siegal



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Holiday Party December 16, 2021



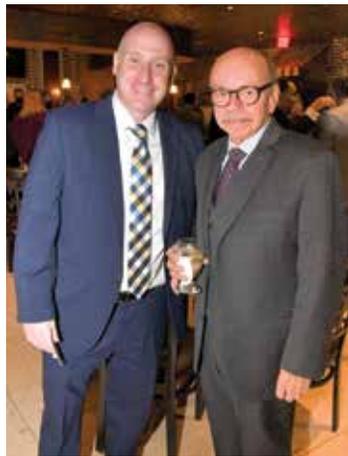
Hon. Gary Miret, Hon. Edwin Novillo, Hon. Nestor Diaz, Hon. David Kirschner, Diego Freire and Ricardo Rengifo.



Hon. David Elliot, Maureen Heitner & Tom Principe



Hon. Karina E. Alomar & Diana Gianturco



Adam Orlow & Arthur Terranova



Dina Bruno, Frank Bruno President of QCBA, Claudia Lanzetta, Ida Como & Rebecca Sodhi



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- SPECIAL NEEDS
- REAL ESTATE

Donna received her law degree from St. John's University of Law. She is currently the Chairperson of the Board of Directors of the Catholic Lawyers Guild of Queens and was past President of the Queens County Women's Bar Association, the Astoria Kiwanis Club, East River Kiwanis Club, and the Catholic Lawyers Guild of Queens. Co-Chair of the Elder Law Section of Queens County Bar Assn. 2012-2019



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Allen E. Kaye

WASHINGTON— Today, U.S. Citizenship and Immigration Services is releasing preliminary fiscal year (FY) 2021 agency statistics and accomplishments. These preliminary statistics highlight important immigration trends and illustrate the work accomplished by USCIS in FY 2021. The agency will publish final, verified FY 2021 statistics in January 2022.

“I’m immensely proud of the USCIS workforce and for their achievements in a year of many challenges and rebuilding. From responding to the COVID-19 pandemic and addressing processing delays to enacting numerous operational and policy changes in response to executive orders from the Biden-Harris Administration, FY 2021 marks a year of growth and renewed vision for our agency,” said USCIS Director Ur M. Jaddou.

“In the upcoming year, we will continue to serve the public with compassion and reflect America’s promise as a nation of welcome and possibilities for all. As we administer our nation’s immigration system as an engine of American strength, we will adjudicate requests with fairness, efficiency and integrity.”

Addressing Challenges

- **Fiscal Health:** USCIS fiscal health has improved significantly during FY 2021 as a result of measures the agency implemented to reduce spending, as well as an increase in Immigration Examinations Fee Account revenue receipts, which have exceeded projections.

- **Temporary Flexibilities in Response to COVID-19:** The health and safety of our workforce and those we serve remained a top priority. USCIS continued temporary flexibilities related to COVID-19, including allowing more time for responses to certain USCIS requests and notices.

- **Employment-Based Adjustments:** USCIS faced the unprecedented challenge of processing over 237,000 employment-based Green Card applications—not only the agency’s usual 115,000, but an additional 122,000 immigrant visa numbers that the Department of State was unable to process in FY 2020 due to the COVID-19 pandemic. By the end of FY 2021, USCIS approved over 172,000 employment-based adjustment of status applications, an increase of 50% above the typical baseline.

- **Processing Delays:** Across the agency, the volume of pending cases increased as well as the associated processing times. USCIS has made significant strides in addressing processing delays caused by COVID-19 and other factors while responding to new executive orders. USCIS made significant strides in addressing processing delays in the following ways: reusing biometrics for 2.5 million applicants since March 2020; reducing the number of pending biometrics appointments from 1.4 million in January 2021 to 155,000 as of the end of September; and fully eliminating the “front-log” of cases awaiting intake processing (which was more than 1 million receipts in January 2021 and was eliminated in July) by expanding staffing and overtime at our Lockbox facilities.

Response to Executive Orders

- **Breaking Down Barriers:** USCIS continues to identify efficiencies and remove barriers to benefits and services pursuant to executive orders (EO) 14012 and 13985 and received over 7,400 comments to its Request for Public Input, “Identifying Barriers Across U.S. Citizenship and Immigration Services (USCIS) Benefits and Services,” which closed on May 19, 2021. USCIS has already announced a number of updates responsive to comments received, including reverting to prior criteria for interviewing petitioners requesting derivative refugee and asylee status for family members, clarifying that it will consider E and L dependent spouses to be employment authorized incident to status and that H-4, E, and L dependent spouses may qualify for the automatic extension of their employment authorization,

Immigration Questions



Joseph DeFelice

and providing deferred action and work authorization for petitioners living in the U.S. with pending, bona fide U nonimmigrant status petitions and who merit a favorable exercise of discretion. USCIS continues to review and consider comments received in response to the Request for Public Input, alongside other feedback received, such as in stakeholder engagements.

- **Promoting Naturalization:** During FY 2021, USCIS welcomed 855,000 new U.S. citizens, including derivative citizens. Despite the challenges posed by the COVID-19 pandemic, with the help of video-facilitated interviews and pandemic-safe interview procedures, USCIS continued to process naturalization cases at pre-pandemic levels during FY 2021 and completed approximately 895,000 naturalization applications, conducted more than 52,000 video-facilitated interviews, and hosted more than 40,000 naturalization ceremonies. USCIS continues to promote and improve access to naturalization pursuant to EO 14012 and the Interagency Strategy for Promoting Naturalization, which was released publicly on July 2, 2021. USCIS has taken a number of steps to reduce barriers to naturalization and promote citizenship, including phasing out the 2020 version of the Naturalization Civics Test and reverting back to the 2008 Test on March 1; decreasing the pending naturalization case queue by approximately 14% from January to September 2021; conducting video interviews of overseas military members and qualifying family members, as well as video naturalization ceremonies, with the assistance of the Department of Defense; reusing approximately 838,000 naturalization applicants’ biometrics since March 1; relaunching the Outstanding Americans by Choice initiative; and releasing \$10 million to 40 citizenship grantees for FY 2022.

- **Public Charge:** DHS published the Public Charge Vacatur Final Rule in the Federal Register on March 15, 2021, which removed the regulatory provisions promulgated by the 2019 Public Charge Final Rule that the Seventh Circuit Court of Appeals vacated on March 9. USCIS released a letter to interagency partners on April 12, seeking their support in communicating to the public that the 2019 Public Charge Rule is no longer in effect. On Aug. 23, USCIS published an Advance Notice of Proposed Rulemaking (ANPRM) to seek broad public feedback on key considerations associated with the public charge ground of inadmissibility that will help with the development of a future regulatory proposal. As announced in the ANPRM, USCIS conducted a listening session for the general public on public charge on Sept. 14. Resources on public charge, including questions and answers, are available on our website. USCIS hopes to issue its Notice of Proposed Rulemaking on public charge in the near future.

- **U.S. Refugee Admissions Program (USRAP) Improvements:** USCIS continues to work with the Department of State (DOS) to take steps to improve the efficacy, integrity, security and transparency of the USRAP pursuant to EO 14013.

- **Family Reunification Task Force:** USCIS continues to serve on the Family Reunification Task Force and established a parole process and approved approximately 100 individuals for parole during FY 2021 to help reunify families separated by the prior administration’s Zero-Tolerance and related policies.

- **Expansion of Lawful Pathways from Central America:** USCIS and DOS reinstated and expanded the Central American Minors Refugee and Parole Program (CAM), including the resumption of interviews. In Phase One, USCIS and DOS began processing eligible applications that were closed when the CAM program was terminated in January 2018. In Phase Two, eligibility criteria were expanded for certain U.S. based individuals—to include legal guardians in qual-

ifying categories (such as lawful permanent residence, Temporary Protected Status (TPS), parolees, deferred action, Deferred Enforced Departure, or withholding of removal), and parents or legal guardians with a pending asylum application or petition for U nonimmigrant status—to apply for their children to access the CAM program.

Humanitarian Programs

- **Operation Allies Welcome:** USCIS set up temporary field offices and mobile biometrics processing stations in eight federally approved facilities to process arriving Afghan nationals and family members who assisted the United States in Afghanistan. At these facilities, Afghan nationals applied for employment authorization and have been referred to resettlement services, if they are eligible. USCIS personnel are adjudicating applications for employment authorization and conducting other immigration processing. During FY 2021, USCIS collected biometrics for more than 52,000 individuals and adjudicated more than 28,000 applications for employment authorization.

- **Asylum Processing:** This past year, USCIS completed approximately 39,000 affirmative asylum cases, 44,000 credible fear determinations, and more than 4,400 reasonable fear determinations. On Aug. 2, 2021, USCIS opened a new asylum office in Tampa, Fla., in response to an increasing asylum workload in Florida.

- **Adjudication by Asylum Officers of Protection Claims after Positive Credible Fear Determinations:** On Aug. 20, 2021, a Notice of Proposed Rulemaking was published that would amend regulations so that individuals in expedited removal who are found to have a credible fear of persecution or torture could have their claims for asylum, withholding of removal, or protection under the Convention Against Torture initially adjudicated by a USCIS asylum officer through a nonadversarial proceeding, rather than in immigration court by an immigration judge. If implemented, this rule would allow for more efficient adjudication of the protection claims of individuals who establish a credible fear while in the expedited removal process, while ensuring fairness and safeguarding due process. The 60-day public comment period ended on Oct. 19.

- **Refugee Interviews:** USCIS expanded its capacity to conduct certain refugee applicant interviews remotely using video-teleconferencing, which enabled USCIS to mitigate the impact of COVID-19-related restrictions on international travel for much of the year. USCIS also deployed officers to 12 overseas locations to conduct in-person initial refugee interviews or to provide support for video interviews conducted remotely from the United States. USCIS interviewed approximately 6,600 refugee applicants in person and over 3,300 refugee applicants remotely in 23 countries.

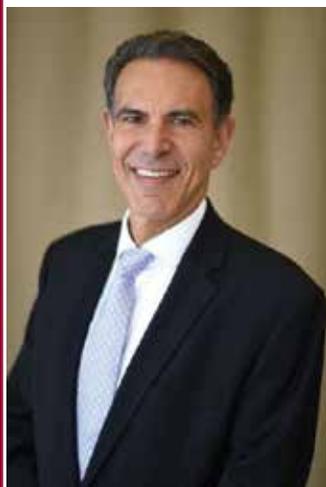
- **Temporary Protected Status:** In FY 2021, USCIS began accepting applications and renewals for TPS under new and/or extended designations for South Sudan, Burma, Somalia, Syria, Venezuela, Yemen and Haiti. On July 21, 2021, USCIS publicly launched online filing for initial TPS registration applications for Burma, Somalia, Syria, Venezuela and Yemen. On Aug. 3, when DHS published the designation of Haiti for TPS for 18 months in the Federal Register, USCIS made online filing available for initial TPS registrations. On Aug. 4, DHS announced the extension of the initial registration periods from 180 days to 18 months for initial applicants under the TPS designations for Venezuela, Syria and Burma, similar to the same-length initial registration periods in place regarding applicants from other countries, such as Haiti.

- **Deferred Action for Childhood Arrivals (DACA):** Since DACA began in 2012, USCIS has approved approximately 835,000 requests for initial

CONTINUED ON PAGE 16



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Immigration Questions

CONTINUED FROM PAGE 14

DACA and over 2.3 million requests for renewal of DACA, as of Sept. 30, 2021. The median processing time for DACA renewals and related employment authorization applications through Sept. 30, was approximately 54 days. On Sept. 28, DHS published a Notice of Proposed Rulemaking that would preserve and fortify the DACA policy, with a 60-day public comment period that closed on Nov. 29. If finalized as proposed, the rule would codify the existing DACA policy with a few limited changes.

• **U Nonimmigrant Bona Fide Determination Process:** USCIS announced the U Nonimmigrant Bona Fide Determination Process on June 14, 2021, to address increases in the volume of U nonimmigrant petitions and a growing number of cases awaiting placement on the waiting list or final adjudication. With this initiative, USCIS will be able to provide efficient reviews of U visa petitions and provide work authorization and deferred action to victims of crime in a more timely manner.

Increased Public Engagement

USCIS hosts public engagements on local and national levels involving our community relations officers and subject matter experts. In March 2021, we conducted an agency-wide review of public engagement to reinvigorate our outreach efforts. The review identified key priorities and ways to increase engagement opportunities.

• During FY 2021, USCIS adapted to a virtual engagement environment and had record numbers of attendees for these events.

• USCIS held more than 2,000 virtual engagements with approximately 74,000 attendees, including 2,069

local engagements and 47 engagements at the national level.

• USCIS hosts engagements in English, Spanish, and other languages including Arabic, Haitian Creole, Mandarin, Dari, and Urdu.

• We covered more than 20 topics, including citizenship/naturalization, online filing, TPS, public charge, avoiding immigration scams, Liberian Refugee Immigration Fairness (LRIF), family-based petitions, business immigration, and COVID-19 visitor procedures for local offices.

Online Filing and Tools

The agency's transition from paper applications to a fully digital filing and adjudication experience continues to be an important priority for USCIS. Consequently, USCIS continues to expand our online filing capabilities.

• USCIS has continued to expand and enhance the self-help tools available to applicants online and through the agency's Contact Center with the goal of providing more efficient, timely service.

• Through continued outreach and promotion, the number of myUSCIS online accounts grew from 6.1 million in FY 2020 to 9 million in FY 2021, a growth rate of 48%.

• In FY 2021, approximately 1,210,700 applications were filed online, a 2.3% increase from the 1,184,000 filed in FY 2020.

• In FY 2021, USCIS added two forms for electronic filing:

o Form I-821, Application for Temporary Protected Status; and

o Form I-765, Application for Employment Authorization, for:

o Temporary Protected Status applicants seeking

employment authorization who have an approved form I-821 (a)(12) or a pending form I-821 (c)(19); and

o F-1 students seeking optional practical training (OPT) if they request employment authorization under one of these categories: (c)(3)(A) – Pre-Completion OPT; (c)(3)(B) – Post-Completion OPT; and (c)(3)(C) – 24-Month Extension of OPT for science, technology, engineering and mathematics (STEM) students.

Increased Data Transparency

USCIS has increased data transparency and availability of new and expanded quarterly reports continues to be an important priority for the agency.

• USCIS has created new quarterly reports for benefit programs, including LRIF that include reporting on receipts broken down by state, gender, as well as fee waiver information.

• For FY 2022, USCIS will be launching a new quarterly report for TPS that includes receipts and approvals for all countries, including new designations from 2021 such as Venezuela and Haiti.

• As part of the efforts to increase naturalization promotion and outreach, USCIS also launched a new webpage outlining key statistics around naturalization highlighting citizenship accomplishment over the last few fiscal years.

For more information on USCIS and its programs, please visit uscis.gov or follow it on Twitter (@uscis), Instagram (/uscis), YouTube (/uscis) and Facebook (/uscis).

BY ALLEN E. KAYE AND JOSEPH DEFELICE

Allen E. Kaye and Joseph DeFelice are the Co-Chairs of the Immigration and Naturalization Committee of the Queens County Bar Association.



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Becoming Conscious of Your Subconscious Mind

BY DIANA C. GIANTURCO*

Chair, Lawyers' Assistance Committee

Consciousness is awareness. It includes our thoughts, feelings, and actions which are at hand. Our subconscious mind consists of things that exist but that we are not presently aware of, but which can be brought to the surface when needed. Because our brain takes in so many stimuli every moment, we need to be selective about what we are aware of or else our heads would explode. For example, you read that last sentence, but you didn't consciously become aware of every letter in every word or the punctuation. You didn't consider the contrast of the color of the dark type against the white page, but those things did go through your mind. There may have even been a typographical error that your brain picked up, but your subconscious mind just archived it and filled in with the correct word. We need the subconscious mind to filter out necessary from unnecessary information to keep our brain performing effectively. Scientific research on habitual behavior provides evidence that 90% of our thinking goes on in our subconscious mind. (There is also the unconscious mind which houses deep seated ideas and phobias which may not be easily accessed – like why you are afraid of spiders or flying in a plane even if you have never left the ground. The unconscious mind is not part of this discussion herein.)

Our subconscious mind is the story we tell ourselves daily of who we are, where we came from and where we are likely to go. It holds the beliefs and attitudes we have collected from various sources of all the days gone by and the expectations of our future based on the known outcomes of past experiences. Our subconscious mind allows us to move through the day with a sense of predictability and routine behaviors. This "autopilot" works to our benefit when our subconscious programming includes good eating habits, regular exercise, and a copacetic well-being.

But if our subconscious formulations are based on low self-esteem, anxiety, and stress, we could be running 90% of our mind on gloom and doom and a dismal outlook for the future. The good news is that we can use the remaining 10% - our conscious mind - to recondition our subconscious and shift to a more pleasing state of being. Are you ready for a "subconscious makeover?"

Any effort to change must be preceded by a recognition of who we are and what we need to address. This is where most people stop. Right at the beginning. It can be uncomfortable to move out of our predictable mind even if it is not serving us. It's like still wearing those old torn ratty slippers even though you got a new pair for Christmas. It's easier to just stick within our comfort zone. It may take considerable effort to modify or reverse long held beliefs and attitudes and who wants to do that? Sounds like a pain in the neck. In some cases, you may be challenging your own identity. Who will you be if you don't have that? Well, who do you want to be? Let's start there.

Do you want to be a person who jumps out of bed full of energy after a good night's sleep, happy and inspired for the day? Do you want to be a person who eats healthy foods and walks an hour a day in the sunlight and smiles at people walking by? Do you want to give up addictions like fast foods, alcohol and your cell phone and instead read a few pages in an informative book before you go to sleep? If you are not that person now, you can become that person by taking a hard look at your behaviors and questioning whether it is better to stay there or make an effort to change. You must become consciously aware of your subconscious before you can start your makeover. You must take a critical look at YOU. Put yourself on the witness stand and cross examine the ideas you live with that don't serve you. Look

for loopholes and contradictions in your thinking and question your logic when reasoning why to stay in an old behavior that may be doing you a disservice. If your answer is, "Well I've just always been that way," is that a good enough reason to stay there? Are there other options? (Of course, there are) Are they easily available? If they are not easy, is it worth the effort? The amount of effort you put in is directly related to how badly you want change. If your answer is, "I'll never change," then you're right – you never will.

You know yourself better than I do but here are some general statements I commonly find programmed into the subconscious mind.

I always wake up in a bad mood.

Traffic is always a hassle.

**Editor's Note: Diana Gianturco is a native New Yorker born and raised in Brooklyn with childhood ambitions of being an attorney after watching many episodes of Perry Mason with her Mom. She graduated from SUNY Stony Brook in 1984 and received her JD from St John's University School of Law in 1988. After working for several personal injury firms, Diana hung out the shingle and started solo practice supplementing her plaintiff's cases with court appearances. Before long, the court appearances grew into a successful business and she became well known in many counties, finally focusing on Queens County where she could be seen daily answering calendars and helping lawyers and pro se litigants maneuver the courthouse but never too busy for a wave and a smile. Her happy disposition is contagious and she is always ready to cheer up anyone who needs it. She is pursuing her interest in motivational speaking as "Diana The Happy Lawyer" can be found on Facebook, LinkedIn and Youtube or at her website Dianathehappy lawyer.com.*



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BY HON. GEORGE HEYMANN

Book Review:

'The Man I Knew: The Amazing Story Of George H. W. Bush's Post-Presidency'

Ms. Becker's book is a love story between herself, the former First Lady, Barbara Bush and President Bush. It describes a relationship of mutual respect and admiration for the First Couple that spanned more than a quarter century.

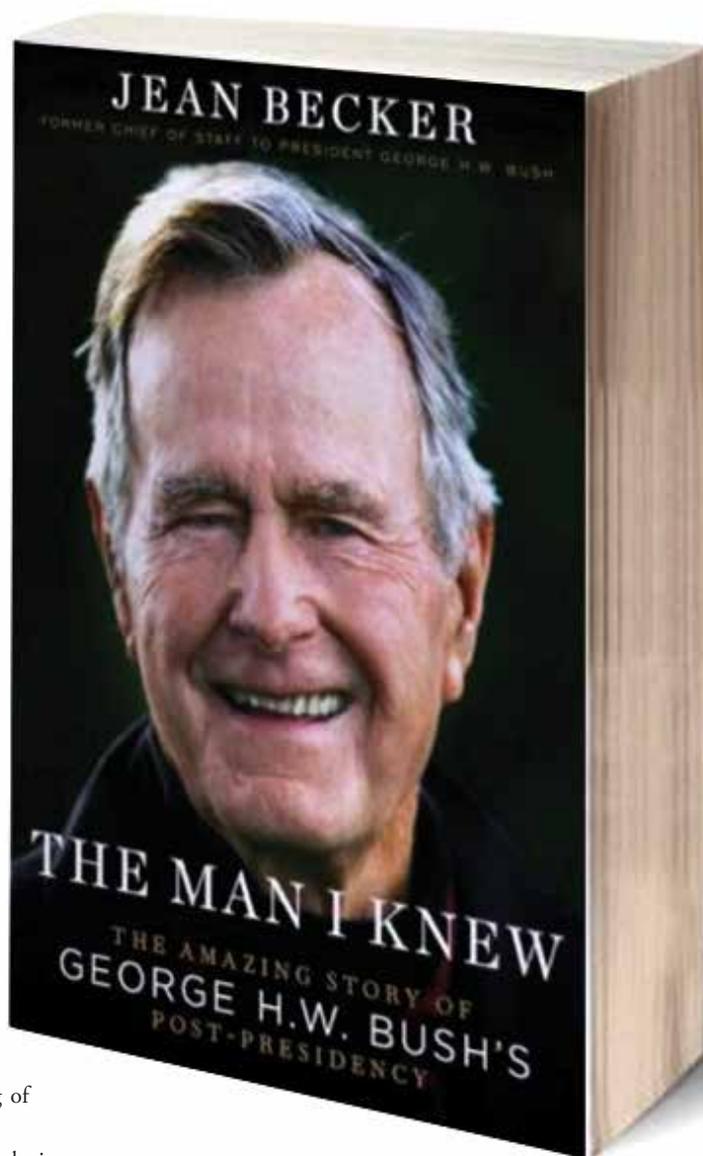
George H. W. Bush, America's 41st President, out of 46 to date, was only the ninth incumbent president who failed to be re-elected at the end of his first term since John Adams in 1800. He was preceded in that ignominious position by Jimmy Carter in 1980, and subsequently followed by Donald Trump in 2020. As Bush put it, "I was fired by the American people. It hurt. [But] it will be okay."

As this marvelous book by Jean Becker reveals, Bush's sudden life change from being the most powerful man on Earth to just a regular citizen, virtually overnight, although painful in the beginning, not only for himself but his wife, former First Lady Barbara Bush, ultimately turned out to be far better than just "okay."

Ms. Becker's book is a love story between herself, the former First Lady, Barbara Bush and President Bush. It describes a relationship of mutual respect and admiration for the First Couple that spanned more than a quarter century. She begins with the last day of the President's life as he lay in bed and the two of them were alone for a few hours before he died. He was not in a coma, but his eyes were closed and "he seemed far away." As she held his hand, she had a tickle in her throat and began to cough "ever so slightly. His eyes opened and he squeezed my hand and asked, 'Are you okay?'" This was the essence of George H. W. Bush, always thinking of others.

As the youngest fighter pilot in the Navy during WWII, a graduate of Yale, Phi Beta Kappa, captain of his baseball team, founder of his own oil company in Texas, serving in Congress, as an ambassador to the U.N., an emissary to China, director of the C.I.A. [whose headquarters, in Langley, Virginia, is named in his honor], chair of the Republican National Committee, eight years as Vice President and four as President of the United States, Bush 41 had a remarkable life. As the author succinctly states, "a life well lived." Of course, to him his greatest achievement was his marriage to Barbara and the six children they brought into this world. [Their daughter Robin died in 1953 of leukemia, at age three, and is now buried along side her parents at their gravesite on the grounds of the George H. W. Bush Library Center at Texas A&M University.]

Ms. Becker's relationship with Bush senior and becoming his post-White House chief of staff was pure happenstance. During his presidency, she was one of



Mrs. Bush's deputy press secretaries, "low on the totem pole," as she puts it, and "never interacted with the president except in photo receiving lines at the annual Christmas Party."

In the summer of 1993, after the Bushes had vacated the White House, the author went to Kennebunkport, Maine, to continue helping Mrs. Bush complete the book she was writing. She observed how much both Bushes were still hurting from the President's electoral defeat.

Overnight, in an instant, he lost his house, household staff, and his authority to make major decisions that impacted on the nation and around the world [his biggest regret, as he loved making important decisions]. When "the last strains of 'Hail to the Chief' faded away" he was "devastat[ed]."

The first year after leaving the White House was the toughest. Bush's mom died shortly after the elec-

tion, then his dog, Ranger, an offspring of Millie who had lived in the White House, died, and thereafter, his favorite boat was destroyed when it crashed into the rocks during a storm. From her personal journal, the author quotes the President saying "I lost the election, my mother died, my dog died, and my boat crashed. There's not much else left that can happen to me this year." He admitted that he cried more when he lost Ranger than at any other time because "all his collective grief came pouring out."

1994 was a new year and the Bushes were determined to make a new start. That March, when Mrs. Bush completed her book, Ms. Becker was prepared to return to her career in journalism when she was unexpectedly called into the President's office. He informed her that his current chief of staff, who had work with him for decades, was retiring and asked her to take the position. When she informed him that she had no idea how to be a chief of staff, he responded that it was Barbara's idea and that she would merely be a "seat warmer" until a permanent replacement could be found. His convincing argument was that she'd get to spend another summer at Kennebunkport.

For the next 20-plus years she remained by his side as his "consigliere," friend and confidante. By now his "malaise" had worn off and almost every day he would come up with a new idea for his post-presidency life.

Mrs. Bush gave up her Secret Service protection and after 12 years of being chauffeured everywhere, began driving a car again that her husband had bought her. They started shopping at Sam's Club, and had "a love affair" with the experience. When surprised shoppers would approach the former First Lady and inquire if she was Barbara Bush she would reply: "No I am much younger and prettier." The author's favorite story about Mrs. Bush and Sam's Club is the time she went there to purchase additional copies of her recently published book "Barbara Bush: A Memoir," as she had given all her personal copies away. Finding none in the book section, a clerk offered to check in the stock room. Much to Mrs. Bush's embarrassment, he then got on the loudspeaker and said "Mrs. Bush is here and

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Book Review:

‘The Man I Knew: The Amazing Story Of George H. W. Bush’s Post-Presidency’

CONTINUED FROM PAGE 18

wants to buy her own book. Do we have any left?”.

Ms. Becker passionately describes the President’s devotion to his family and how proud he was when his two eldest sons, George W. and Jeb, picked up the political mantle and ran for governor of their respective home states of Texas and Florida. On election eve, the elder Bushes were in Houston when the results came in. George won but Jeb lost by the narrowest margin in Florida’s history. It was a “bittersweet” night for the family. As the President stated to the press: “The joy is in Texas but our hearts are in Florida.”

When George W. decided to run for president and won the nomination, President Bush requested that he not follow the tradition of speaking at the convention so as not to place his son in his “shadow.” He wanted his son to be viewed by the electorate as his own man. When “W” became President, the only distinction between their two names was the “H” [for Herbert] in the elder’s name. The senior Bush hated that he had two middle initials and, of course, having two President Bushes alive at the same time could get confusing. The issue was resolved when it was suggested by Michigan Congressman John Dingell during an annual gala in D.C. that the two presidents be referred to as “41” and “43.” The elder Bush loved it and used that moniker for the remainder of his life.

Having adjusted to life outside the White House, the elder Bushes were determined to continue their “life as usual” after their son became President. The author provides the following anecdote of how the former First Lady [who was affectionately known to her family as the “enforcer”] kept things real and was not impressed by her son being the most powerful man on Earth when in her home: “President Bush loved telling the story about the first time the president [‘43’] came to Walker’s Point to visit his parents as—well, the president. After an early-morning run, the president came back to the house to collapse on the couch in his parents’ bedroom so he could visit with them while they read in bed. Mrs. Bush looked up and sternly told the president: ‘George, get your feet off my coffee table.’ To which President Bush said: ‘For God’s sake Bar. He is the president of the United States. You can’t talk to him like that.’ ‘I’m still his mother,’ came the reply. The feet came down.”

The author enthralled the reader with copies of letters the former president wrote to his children, political leaders around the world and ordinary citizens over the years. [“41” was a prolific writer and compiled hundreds of such letters in his book “All the Best, George Bush: My Life in Letters and Other Writings,” Updated ed. New York Scribner, 2013. An example of Bush’s human touch was experienced by my

younger brother Warren, a world-renowned dermatologist. While George was Vice-President, his picture appeared on the cover of the New York Times Sunday Magazine and Warren noticed some suspicious lesions that he thought to be cancerous. He wrote to the Vice President suggesting that he get his skin checked. Warren’s observation proved to be correct. To my brother’s surprise, he received a hand-written note from the Vice-President thanking him for the advice. My brother subsequently received another correspondence following Mr. Bush’s surgery for a basal cell skin cancer. To this day, Warren proudly displays these letters in his waiting room.]

The Bushes travelled the world extensively and were warmly greeted by heads of state as if he were still in office. When President Bush spoke at the dedication of the William J. Clinton Library and Museum on Nov. 18, 2004, he acknowledged a reproachment with his successor, Bill Clinton. His words were humorous in parts and candidly blunt in others. But he made it clear that there was an “inescapable bond that binds together all who have lived in the White House.”

Following the devastation of a tsunami in Indonesia, Thailand and the surrounding region in December 2004, President George W. Bush asked both his father and Clinton to tour the area together on behalf of the United States. The two were also called into service to visit and raise funds for those impacted by Hurricane Katrina. These unexpected events enabled this unlikely duo to further bond their newfound friendship which continued to grow right up to the end of the senior Bush’s life. The author devoted a whole chapter pertaining to this unusual relationship and referred to them as “The Odd Couple.” [“43” and his siblings often joked that Clinton became a member of the family as a brother from another mother.]

Naturally, the author highlights all the tireless charitable work the Bushes did to help others through their foundations such as the “Barbara Bush Foundation for Family Literacy” focusing on education and George’s “Thousand Points of Light,” for volunteerism.

As Ms. Becker points out, family always came first for the Bushes, especially when they spent their summers in Maine. Their compound became a magnet for all the Bushes, young and old, and a large contingent of their friends. President Bush made time for all who visited—“he had an open-gate policy for every relative who wanted to use the pool or tennis court at Walker’s Point: nieces and nephews, cousins, their children and their children’s children, and some people who fit in, though I never figured out exactly how. But they were all welcome.”

In her chapter “The Long Journey Home,” the author poignantly describes the final months and days

leading up to the death of Mrs. Bush, as she held the President’s hand, and a year later the President himself. “[T]here was a sense of sadness that hung over Walker’s Point that last summer. Barbara Bush was gone, and everyone knew George Bush’s time was coming. At least once a week, I found myself crying with visitors as they left the house and walked down the driveway. It almost became part of my job—comforter in chief.”

As the end approached, the President wanted to “go home” to Houston to die. During his last weekend in Maine, his granddaughter Barbara [W’s daughter] decided to forego a large wedding celebration and have a quiet family-only wedding “so her beloved Gampy could attend.”

Although widely publicized on the news media, we read about the arrival of “Sully,” a yellow Lab, which was a gift from America’s Vet Dogs as the President’s new companion. He always loved having him at his side. A photo of Sully “guarding” the President’s casket during the week of mourning, which also appears in the book, made Sully a “rockstar” with 200,000 followers on Instagram.

On his deathbed, “41” made one last phone call to his oldest son, “43.” His last words as he expired were “I love you too.”

Ms. Becker’s book is a wonderful tribute to both Barbara and George H. W. Bush. The devotion she had for them both can best be summed up in this portion of her Epilogue: “Working for George and Barbara Bush and being part of their lives was like unwrapping a big Christmas gift at least once a week. I was never disappointed. Yes, there were moments so huge that now I sometimes wonder if they even happened: meeting kings and queens and even a few dictators; traveling the world and visiting faraway places like Moscow and Hanoi; commissioning an aircraft carrier and opening the Olympics; and just once, spending a night in the Lincoln Bedroom. How lucky was I? Yet it was moments such as our trip to the grocery store that I treasure the most, little pieces of their lives that were simple, basic, and yet the most magical. They really had no idea what special people they were. Which of course is what made them so special.”

George M. Heymann, formerly a NYC Housing Court Judge, is of counsel at Finz & Finz PC; Adjunct Professor of Law, Maurice A. Deane School of Law at Hofstra University; and a Certified Supreme Court Mediator.

HON. GEORGE M. HEYMANN

NYC Housing Court Judge (Ret); “of Counsel”, Finz & Finz PC; Adjunct Professor of Law, Maurice A. Deane School of Law at Hofstra University



A Second Of Horror A Lifetime Of Pain

- a human interest story *

By Leonard L. Finz

Tragedy does not operate by appointment. It strikes without warning or preference. Age, sex, religion, skin color, wealth, or natural origin are absent in tragedy's cruel work. All of which takes me to an incredible story...

Joey (fictitious name) was 16 years old who had been attending an elite summer camp since he was 9 years of age. Based upon his loyalty and attendance, the camp owners decided to give him a gift-that for three weeks of his last summer at the camp, they would reward Joey with a trip to a number of national parks in the West at which time he would also be chaperoned by a senior counselor. The owners also arranged for their 17 year old grandson Freddy (fictitious name) to be his roommate throughout the excursion. A complete itinerary was planned that included the Grand Canyon, National Arches, Zion Canyon, Bryce Canyon, and other historic national parks.

Throughout the trip, Joey and Freddy shared the same motel room, the senior counselor being settled in an adjoining one. Each morning, the counselor would knock on the door and inform the boys to be "ready for breakfast in 15 minutes."

On the day in question, the counselor and his two teen-age charges were in New Mexico (fictitious) having just visited one of the parks. As night fell, the two boys were in their room, and the counselor as usual, was in the adjoining one. It was after dinner when Freddy told Joey that he was going to leave the motel for a while. He then knocked on the counselor's door and asked if he could borrow the car keys of the rental parked outside. Freddy told the counselor he wanted to listen to the car radio instead of watching TV in the room. Being agreeable, the counselor handed Freddy the keys. It was already 9:00 pm and they had an early morning trip planned to another national park. Joey went to sleep, as did the counselor. What occurred after that is a horror beyond belief, but unfortunately, true...

At about 10:00 pm Freddy returned to the room. Joey was fast asleep. Freddy quietly opened the top drawer of a dresser. He then removed a knife he had purchased at an Indian souvenir shop that afternoon. Holding the 6-inch knife in his right hand, he stepped without a sound to Joey's bedside. He was still fast asleep. Suddenly and without hesitation, Freddy raised the blade and thrust it several times into Joey's body. The only sounds that could be heard were the terrifying moans let out by Joey as the knife was plunged into him. Within seconds, Freddy gathered some clothes and quickly exited the room. Running down the one flight of stairs, he dashed hurriedly to the rental, got behind the wheel and gunned it off into the night, leaving tire marks on the pavement.

As was the custom, the counselor knocked on the door at 7:45 am the following morning to advise the boys to get ready for breakfast, after which they would be checking out of the motel. There was no response. He knocked repeatedly. Still, no response. "They're probably downstairs having breakfast," he thought. He then proceeded directly to the dining area. They were not there! Puzzled, he called the room on the house phone. No response! His concern rising, he sought out the

room clerk and asked that he accompany him with a master key after telling the clerk that he was baffled as to where the boys could have been.

Together, the counselor and room clerk went upstairs. They knocked loudly on the door of the boys' room. Receiving no response, the room clerk inserted his key into the lock and opened the door. What they witnessed was what one would be frightened to see in a horror movie. There were two beds in the room. One was still made and not slept in. As for the other, it was blood-soaked. They followed a trail of blood from the bed that led them to the bathroom. And there, draped over the sink, was Joey. He was dead!

The police were called and arrived within minutes. As hardened as they were, the police officers were horrified by the cold-blooded killing of the 16 year-old. Reporting to the precinct captain, an alarm was broadcast immediately to other police jurisdictions including the neighboring Western states. They supplied a description of Freddy and the color and make of the rental. Despite those measures, Freddy could not be found. Strangely however, within a few days, the New Mexico police received a phone call from someone who identified himself as Freddy's father. He said that his son was with him in a small town and that he would surrender Freddy so long as no harm would come to him.

After several hours, Freddy was handed over to the police. With his father at his side, Freddy made a full confession of the murder of Joey, but could offer no reason or excuse for the horrifying act he committed. Freddy's father had surrendered his son with the expectation that his cooperation would be considered favorably in treating Freddy as a juvenile and not as an adult since a 17 year old under the State's law would probably be sentenced to a juvenile prison. Thereafter, he would be released at age 21 under the supervision of a parole officer for a period of five years.

What Freddy's father did not process however, was that being treated either as a juvenile or as an adult was a decision that would be made by a criminal court judge based upon the circumstances of the crime. A hearing on the issue was scheduled at which time Freddy's father retained local counsel who argued that at age 17, Freddy should be treated as a juvenile offender. At the conclusion of the hearing, the judge rendered his decision. He ordered that Freddy be tried as an adult and as such, could face execution. Just prior to the trial, and faced with the possibility of capital punishment however, Freddy's father, together with counsel, agreed to a plea of guilty of murder with a sentence of life imprisonment.

Joey's distraught parents were living in a tragic state of shock, despair, and grief. They lost their loving son, and Freddy's punishment, regardless of its severity, could not bring back their beloved Joey who suffered such a horrifying death. In their despondence, they kept on questioning: how could the camp owners have placed their son in such danger by having their grandson Freddy join Joey as a roommate on this fateful trip?

Searching for answers, Joey's heartbroken parents contacted a prominent law firm. Was there anything that could be done to obtain some measure of justice

for them? The firm's partners had already heard of the terrible nightmare surrounding that night in New Mexico, since the sad story had been reported widely in the media. And after listening to two tear-filled emotional parents, the senior partner told them that the firm would do everything it could to provide them with that one-word, "justice."

The team went to work. It was agreed that the only legal remedy rested with bringing an action against the camp owners and the parents of Freddy, whose mother was the daughter of the owners. In essence, the legal thrust against them was that they knew of the mental derangement of Freddy who had exhibited troubling behavior for years prior to the killing. Unfortunately, they just dismissed it as the growing pains of a young boy rather than face reality and deal with the underlying and obvious mental problems of their son who had very significant psychological problems. Thus, by hooking Freddy to Joey for the national park trip, knowing that the two boys would be sharing the same room at different motels placed Joey in the grip of potential danger. Overall, it was the firm's legal position that the parents and grandparent owners should be held responsible in a civil action for the horrendous crime committed by Freddy, and based upon the strategy employed, the liability theory spelled out a viable path to pursue-but with one giant exception.

No such case that charged the parents in a civil suit for the criminal conduct of one of their children, was ever adopted by any of the 50 states of the Union. But that did not stop them. Their singular mission was to deliver justice to Joey's bereaved parents! And to achieve it, they had to advance a legal theory that had never been accepted in any State of the nation.

Having reached a decision, an action was brought in the federal court since the named defendants were residents of a state different from that of Joey's parents. Multiple depositions were held. Scores of documents were exchanged. Motions upon motions were made by both sides. Long and countless legal arguments were a mainstay before the federal judge. And with determination and creativity, a settlement was finally reached just prior to trial. The court's decision not to dismiss the case on a motion brought on by the defendants, introduced the first and only case of its kind in the nation. (As an aside, it is noteworthy that at the present time, 30 years later, the parents of a 15-year old are being charged for the criminal acts committed by their juvenile son.)

In all, the case was steeped in tragedy, measured by Joey's second of horror, and premised upon a lifetime of a parent's endless pain!

END OF STORY

Leonard L. Finz age 97, is a former New York State Supreme Court Justice (Queens County), a decorated WWII Veteran (1st. Lt., Field Artillery, Philippines), inducted into the Army Artillery "Hall of Fame", the author of four published thriller novels, Peer-Reviewed as "One of America's Preminent Lawyers", an active member of the QCBA for 67 years, and the founder of Finz and Finz, P.C.

Guardianship Primer-Four Types Across Three Courthouses

By Frank Bruno, Jr.

One important value that people of all ages throughout our society hold (especially our seniors), is independence. Independence is engrained in our society and is arguably the one true common factor throughout our nation. But our definition of independence extends far beyond the broader concept of political self-governance to the desire for every individual to be able to make his or her own decisions and for our wishes to be honored. People want to make their own decisions for as long as they can while they can. Unfortunately, our individual independence can be limited through the loss of one's capacity. For those individuals who do not have advance directives, the inability to make personal and financial decisions can result in the need for a court-appointed guardian. The process of having a guardian appointed can be complicated and time consuming.

Types of Guardianship Proceedings

The appointment of a Guardian is a serious legal matter affecting the fundamental rights of another person. The various courts and types of guardianship proceedings available can be confusing. There are four types of Guardianship proceedings in New York governed by three separate bodies of law in three different Courthouses:

Article 81 Guardian

Article 81 Guardian is a term used to describe the appointment of a guardian in Supreme Court under Article 81 of the Mental Hygiene Law. This type of Guardianship is commonly utilized for the appointment of a Guardian for an adult alleged incapacitated person, but, depending on the circumstances, can also be suitable for a minor. An Article 81 Guardianship is commenced by filing a petition in the Supreme Court or County Court, typically in the county in which the individual resides.

This type of guardianship focuses on the abilities and rights of an individual, mandating that the Guardian's decision-making authority be limited to the specific needs of the individual. The Guardian can be appointed for the person or the property (money) or both. The ultimate goal is to allow the individual to have the freedom to make decisions for which he or she remains capable, despite the appointment of a guardian to make

those decisions for which he or she is no longer capable of making.

How the Court strikes such a balance requires a full understanding of Article 81 of the Mental Hygiene Law, including due process requirements, reporting and bonding considerations and the protections afforded the individual (the Alleged Incapacitated Person) who is the subject of the proceeding.

Article 17 Guardian

Article 17 Guardian is a term used to describe the appointment of guardian under Article 17 of the Surrogate's Court Procedure Act. This type of Guardianship is exclusively limited to the appointment of a Guardian for a person under the age of eighteen. An Article 17 Guardianship is commenced by filing a petition in the Surrogate's Court, in the county in which the subject individual resides.

This type of Guardianship is utilized for the appointment of guardian for a minor in situations where the minor is entitled to receive a sum of money over \$10,000.00 pursuant to a will, settlement, intestacy or a wrongful death proceeding. In such instances the law requires the appointment of a guardian over the property so that the monies are accounted for, protected and remain available for the minor until the age of majority, which is eighteen years old.

In addition, a guardian can also be appointed under Article 17 to make day to day decisions of a minor and assume such responsibilities that would normally be carried out by a natural parent. This type of appointment is considered a guardianship of the person or personal needs guardianship.

Determining whether an Article 17 Guardianship is appropriate can be confusing. As with all property guardianships there are annual reporting requirements to consider and deciding whether to seek a guardian for property and/or personal needs management should be considered from the beginning.

Article 17A

Article 17A Guardian is a term used herein to describe the appointment of a guardian under Article 17A of the Surrogate's Court Procedure Act. This type of Guardianship is limited to the appointment of a guard-

ian for an individual who is developmentally or mentally disabled. An Article 17A Guardianship is commenced in the Surrogate's Court, in the county in which the subject individual resides.

This type of Guardianship is commonly utilized by a parent for the appointment of a guardian when a developmentally or mentally disabled child is about to turn eighteen years old. At such age, with limited exceptions, parents no longer have the authority to make personal, medical and/or financial decisions for their child. A petition under Article 17A is not restricted to parents or family members, but may also be commenced by friends or other concerned adults.

As with an Article 81 or Article 17 Guardianship, an Article 17A guardian can be appointed for personal needs management, property management, or both.

Article 6

Article 6 Guardianship is a term used to describe the appointment of a guardian under Article 6 Part 4 of the Family Court Act (FCA). An Article 6 Guardianship is commenced in the Family Court in the county in which the subject minor resides and is very similar to the Article 17 Guardianship commenced in the Surrogate's Court except the Family Court Guardianship can only be for personal needs and can be commenced until the person turns twenty-one years of age. It does not involve handling money or property and the Guardian assumes a parental role and is responsible for the child's educational, medical and emotional well-being.

An Article 6 Guardian is appointed to make day to day decisions for the minor as well as to assume those responsibilities that would normally be carried out by a natural parent. Such a Guardianship is considered a Guardianship of the Person; unlike an Article 17 or 81 Guardian, there is no provision for the appointment of a property management Guardian.

This type of Guardianship is typically utilized by grandparents, adult siblings, aunts, uncles or other close relatives of a minor child to obtain the legal authority to make decisions for the child to obtain health insurance and to enroll in school. It is used for a minor child who is attending school in New York while their natural parents reside outside of the state or in the event that a parent is deceased, absent or otherwise unavailable.

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Videoconferences Now Permanent for NY Corporations, Including Co-ops

By Geoffrey Mazel

The Covid pandemic has created many new realities in our society and one of the more pervasive changes has been the proliferation of the use of videoconference platforms such as Zoom. It seems the whole world discovered the wonders of Zoom at the same time at the onset of the pandemic. Many sectors of society were permanently transformed as a result of this technology.

One area that was particularly effected were meetings of Co-op Board Meetings and the Annual Meetings of their shareholders. Prior to Covid, the New York State Business Corporation Law stated that all meetings of shareholders of a corporation must take place at a physical location. The law did allow for electronic meetings for the Board of Directors.

At the onset of the pandemic, the New York State Governor enacted an Executive Order allowing for the holding of both Board of Director Meetings and Annual Meetings of Shareholders to take place over electronic communication platforms such as Zoom or Google Meets.

The virtual meeting in the Co-op community quickly became commonplace. Many Co-op Corporations were finding their meetings over electronic platforms were more efficient, better attended, more productive and more convenient for its' Directors, shareholders and Professionals. What started out as intimidating, futuristic technology to many people became commonplace.

The New York State legislature responded to the enormous success of the virtual corporate meeting. In June 2021, they passed a law allowing virtual corporate meetings to be permanent. In November 2021, New York State Governor Hochul signed a bill which gives all Corporations, including Co-op Board's the option of holding their annual meetings and Board meetings by means of electronic communication. This bill effectively amends New York State Business Corporation Law to allow for electronic meetings at the Board's discretion.

It states in part regarding annual shareholder meetings that the board of directors may, in its sole discretion may determine that a meeting may be held by means of electronic communication. The only limitation recognized by the law is if the bylaws or certificate of incorporation restricts the use of electronic meetings. This would be highly unlikely since most corporate bylaws and certificates of incorporation did not contemplate electronic meetings and therefore would not contain any restrictions.

There are certain caveats of Board of Director meetings. They include the following: you must be able to verify each Director participating in the meeting; each Director must have a reasonable opportunity to participate in the meeting, including the ability to propose, object to and vote upon a specific action to be taken; each Director must be able to see and hear each other; and record and maintain a record of any votes or other actions taken by electronic communication at the meeting.

This legislation making electronic meetings permanent is and will continue to have a profound impact on how the Co-op community conducts its' business. Keep in mind, the electronic meeting is now an option for a Co-op corporation and Board's can implement it as it sees fit. The options are limitless. Board's can use a hybrid approach, where the in-person meeting is broadcast over an electronic platform and Board members and shareholders can choose whether to attend the meeting in person or electronically. The legislation recognizes this new reality in videoconferencing and Co-op Boards can now take advantage of it permanently.

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Criminal Court Committee Update

Recently, the Hon. George Grasso, Criminal Term Administrative Judge, along with the Hon. Ira Margulis Chief Clerk, Bill Reyes and a support team, gave the QCBA a private tour of one of three newly outfitted Criminal Term trial courtrooms. Judge Grasso invited Frank Bruno, Jr., Criminal Court Co-Chairs Anthony Battisti, Barbara Wilkanowski and Vice-Chair Diego Friere to attend a stakeholders meeting. The newly outfitted courtrooms were created to make Justice Grasso's commitment to giving long-term detained inmates their day in court, a reality. Under Justice Grasso's leadership, Queens County has now doubled its Covid-era criminal trial capacity.

These courtrooms include multiple wide-screen video monitors; an 85-inch large screen in the well of the Courtroom below the bench, and two 75-inch screens on either side of the Courtroom facing the audience. The presiding Judge will wear a wireless microphone and traditional microphones are at each Counsel table. The Courtroom has theatre-style sound systems with six speakers situated around the sides of Courtroom— particularly important while mask protocols are enforced. It was easy to hear the Judge address the audience. The support staff have received specialized training in the operation of these systems to facilitate the seamless presentation of evidence.

IT personnel are available to stream the Courtroom proceedings for viewing in another Courtroom and to assist. The Jurors will not sit in the Jury box rather they will socially distance to one side of the audience and any family members or observers may sit on the other side of the audience.

Justice Grasso's plan addresses three equally important and seemingly irreconcilable concerns: the accused constitutional right to a speedy trial; the accused's right to affective assistance of counsel; and, adequate protection from Covid-19 for every participant in the trial process.

The Court has the capacity to conduct six trials every day to first address the backlog of defendants presently incarcerated sitting in Rikers and then to whittle down the out and accused. In calendar year 2019 there were 171 trials, in calendar year 2020 only 17 trials were held and now in 2021 through the date of the meeting 22 trials were held. The six trials per day availability of the Court can quickly address the backlog.

Judge Grasso invited us to attend in person to observe the conditions and he commented, I could have done this meeting by zoom but that is not the message that I want to send. I wanted you here in person because I want people back in person in the Criminal Court building.

Safe, effective and speedy trials are now doubly available in Queens County and it is now up to the bar to utilize these important changes. The Queens Criminal Court-All participants – the accused, jurors, witnesses, support staff, and lawyers – now have a safe and effective place in which to bring our branch of government back to life.

The QCBA offers its unconditional support and thanks to Justice Grasso for crafting this important evolution in our trial capacity. It is now up to the Bar to put these important developments to work.

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