1876
Was A Very Special Year!
by STEPHEN J. SINGER

For those of you who have ever taken the trouble to scrutinize our bar association seal, you will recall that our founding date was in the year 1876. It would seem that the fact this was America’s first centennial would make it special enough when that group of gentleman lawyers met in Garden City to form the Q.C.B.A., but that was hardly the case. This was also a year in which many of the most exciting historical events of an adolescent nation, just recovering from the Civil War, would occur.

I thought that it would be fun to outline just some of the truly exciting things that took place in that same time frame. With that end in mind, I have chosen to particularly highlight events which happened during that year in the “American West” because I have always been an avid fan of the Old West, and in particular, those of a criminal nature, because I have always been a criminal lawyer (as most of you know) and before that, a lawman.

On June 25th of the same year as our founding, George Armstrong Custer and 261 of his men from the now infamous 7th Cavalry met their doom at the Little Big Horn. At the time, it was termed the “Custer Massacre”, (which it really wasn’t) because it served the interests of most Westerners, who were rabidly anti-American Indian, to create a country-wide hysteria in the hope that same would encourage the rapid extinction

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Article 730
Mental Disease or Defect Excluding Fitness to Proceed: Part II
by ANDREW J. SCHATKIN

In a previous article, entitled, “Article 730/Mental Disease or Defect Excluding Fitness to Proceed”, I considered and analyzed the issues, ramifications, and import of the first section in Article 730, Sec. 730.10, “Fitness to Proceed; Definitions”. This second article will consider Section 730.20 of that statute, entitled, “Fitness to Proceed; Generally”. That Section sets forth the parameters and schemata of the examination procedure to determine whether a criminal defendant is fit to proceed to trial, or better put, is incapacitated or lacks capacity, to stand trial. This Section overall has seven sections.

The first topic to be considered in this article’s interpretation and analysis of this particular section is, the purpose of the statute. It has been held that the imbalance created by the official nature of a psychiatrist’s report on a defendant’s mental capacity to stand trial was the main effect, which former CCP Sec. 662 (now this section) prohibiting receipt of such report in evidence, sought to avoid.

It has also been held that the purpose of CCP Sec. 669 (now this section) was to substitute a new form of determining sanity, which would eliminate the expense to the county, incident to the

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Editor's Note:

On behalf of the Bar Association, I welcome all members to participate in the many upcoming events that are planned for this month. As always, I encourage articles from members and news about our members. In that vein, I am of the Bar Association congratulate Stephanie Zaro on her appointment by Mayor Bloomberg to the Criminal Court. Stephanie has been an active member of our Association, as Co-Chair of the Criminal Courts committee and as a member of the Board of Managers.

Lawyers Assistance Committee

All communication with QCBA LAC staff and volunteers are completely confidential. Confidentiality is privileged and assured under Section 499 of the Judiciary laws as amended by the Chapter 327 of the laws of 1993.

If you or someone you know is having a problem, we can help. To learn more, contact QCBA LAC for a confidential conversation.

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Queens County Bar Association
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THE DOCKET...

being the official notice of the meetings and programs listed below, which, unless otherwise noted, will be held at the Bar Association Building, 90-35 148 Street, Jamaica, New York. More information and any changes will be made available to members via written notices and brochures. Questions? Please call (718) 291-4500

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

2008 Spring CLE Seminar & Event Listing

March 2008
Wednesday, March 5 Practice of Matrimonial Law Sponsored by MatLaw 6:00-9:00 pm
Wednesday, March 12 Article 81/Guardianship Training 2:30-5:00 pm
Wednesday, March 26 Criminal Law Series, Part I 6:00-9:00 pm
Monday, March 31 Past President’s & Golden Jubilarians Night 5:30-8:30 pm

April 2008
Wednesday, April 2 Criminal Law Series, Part II 6:00-9:00 pm
Wednesday, April 9 Civil Court Seminar 6:00-9:00 pm
Wednesday, April 14 Judiciary Night 5:30-8:30 pm
Wednesday, April 16 Equitable Distribution Law Update 6:00-9:00 pm

May 2008
Thursday, May 1 Annual Dinner & Installation of Officers 6:00-10:00 pm
Wednesday, May 7 Ethics Considerations 6:00-9:00 pm

CLE Dates to be Announced
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QCBA recently selected a credit card program that is specifically designed for law firms and sole practitioners. QCBA members receive reduced processing rates and multiple features built to properly process client-attorney transactions. Opening a Law Firm Merchant Account is easy and helps your practice.

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If you have any questions or comments about the CLE program, please contact the Office of Continuing Legal Education at (718) 291-4510 or email Cle@qcba.org

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As we are all aware there is a precipitous decline in the housing market. Foreclosures are at all time high. One statistic I recently became aware of stated that ten percent of homeowners owe more on their mortgage than the current market value of their home. In Queens County, all one has to do is visit the fore-closure auctions conducted every Friday and see the large number of auctions with no bidders. The upset prices are so high that there is no equity left in most of the houses up for auction.

We are told that this crisis was caused by the widespread use of "sub-prime" adjustable rate mortgages. These loans had very low initial rates, but once they reached the initial adjustment period, the rate increases to an unaffordable level. There has also been a dramatic increase in mortgage fraud. Phony appraisals, altered certificates of occupancy, inaccurate income and assets statements—name it and it is being done.

Then these loans were packaged and used as collateral to secure the sale of billions of dollars of securities to investors. Obviously, as the defaults on the mortgages increase, the security decreases and the value of the bonds declines to almost worthless level. This has caused the financial and credit markets to decline, thus causing a financial crisis of epic proportions. I am troubled by the role that the legal profession has played in this crisis to reach the dangerous point that it has.

At this point, I, as sure as you are, as a member of the association president is writing an article on the economy. Well here is why - I am troubled by the role that the legal profession has played in enabling this crisis to reach the point that it has.

What is the lawyer's role when it comes to discussing with a client to explain the details of the mortgage to a client? What is the lawyer's role in protecting our clients? We must go that extra mile to protect our clients. We must go that extra mile to insure that the client is our number one priority.

As always, I welcome your comments.

Dennis J. Disch
President
Judge Bernice Siegal was elected Judge of the Queens County Civil Court in 2002. Bernice Siegal was elected Judge of the Queens County Civil Court in the year 2007. In prior centuries, international law visionaries could not possibly have come up with such a positive result.

Now that 225,000 cases in 38 languages adjudicated in one county in one year? Well, that appears to be what happened here in the Queens County Civil Court in the year 2007.

In prior centuries, international law visionaries could not possibly have come up with such a positive result.

Nevertheless, this is the system presently used to adjudicate 225,000 cases in 38 languages using only 23 Judges? Well, Judge Bernice Siegal certainly has the background for a job like this.

Supervising Judge of the Civil Court, Bernice Siegal was elected Judge of the Civil Court of the City of New York in November 2001 and took the bench January 2002 in Civil Court, Queens County. In 2006, she was appointed Deputy Supervising Judge of that Court and in March, 2007, she was appointed to her current position. Since taking the bench, Judge Siegal has published dozens of opinions. Her first decision, Macerich Queens Ltd. Partnership v. MIE Hospitality, 192 Misc 2d 276, has been cited in McKinney's Cmrs Law of NY, 2003 Pocket Part, Book 7B, CPLR 3111, for its approach on jurisdiction for money judgments in non-payment proceedings involving defaulting corporate tenants. A frequent lecturer for Continuing Legal Education courses at the Queens Bar Association and Women's Bar Association, she has lectured on enforcement of money judgments, no fault insurance litigation, motor vehicle jury trials and the significance of establishing the military status of defaulting litigants at continuing education forums sponsored by Queens Bar Association and for the NJA officers of the New York Guard. Judge Siegal's presentation on military status of litigants culminated in the publication of "Non-Military Affidavits: Providing Civil Relief at Home" (Queens County Bar Bulletin, March 2003 & Landlord Tenant Practice Reporter, March 2003). Commencing in October, she will also be presiding with Justice Martin E. Ritholtz over the new summary jury trial part of Queens Supreme Court.

Previously, in the public sector, Judge Siegal was Counsel to a New York City Council Member, former chair of the Public Safety Committee. With extensive knowledge of zoning and land use, educational issues, housing matters and the legislative process, she crafted legislation and strategies to win significant legal and political battles. She also has special expertise in health care policy with a Masters in Public Administration from New York University and extensive experience overseeing the use of government funds at medical centers.

Judge Siegal graduated with honors from New York Law School as a member of its Law Review and National Moet Court Board Order of Barristers. In recognition, she received an Amjur Award for Excellence and the Alexander D. Forger Award for Distinguished Service to the Profession. As an attorney in her practice, Judge Siegal provided legal services to members of several labor unions as the director of the locals' legal services plans and distinguished herself by providing pro bono services, particularly in the field of landlord tenant matters. Prior to her election, she lectured on legal issues and legislative initiatives to communities and civic groups. She has been honored by the former Queens Borough President Claire Shulman, Assemblyman Mark Weprin, Services Now for Adult Persons ("SNAP"), and the Former Manhattan Borough President Ruth Messinger.

She is a member of the board of directors of the Queens Women's Bar Association and of the National Association of Women Judges; member of the Queens County Bar Association; Treasurer of the New York City Board of Civil Court Judges and President of the Brandeis Association. She is married to Kevin Patrick Lynch and their family includes two wonderful daughters, Rebecca, who is a junior at Colby College and Co-President of its Hililid, and Sara, a freshman at Fordham University. She is Co-President of the Colby College and Co-President of its Hililid, and Sara, a freshman at Fordham University.

Thus, these cases involve insurers and doctors who appear in the Queens County Civil Court is rooted. Nevertheless, these cases involve insurers and doctors who appear in the Queens County Civil Court.

The 38 languages in use in the Queens County Civil Court are: Albanian, American Sign Language, Arabic, Bengali, Cambodian, Cantonese, Croatian (including Serbo-Croatian, Czech, Hungarian, Igbo (Ibo), Spanish, Japanese, Korean, Macedonian, Mandarin, Polish, Portuguese, Punjabi, Romulan, Russian, Shanghainese, Tagalog, Ukrainian, Vietnamese, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, Turkish, 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another during their attempted flight out of Minnesota. Three more were severely wounded, captured and sentenced to 25 years in Stillwell Prison. These three were in fact the Younger Gang (Cole, Bob and Jim) who had joined up with the James brothers for this raid. Jesse and Frank were the only ones of the eight robbers who got away. This was one of those rare times when the James brother’s actual deeds did not match up to the myth.

Interestingly, this same Younger Gang were the first cousins of the equally infamous Dalton Gang, four of whom were killed a few years later in Coffeyville, Kansas while attempting to rob two banks simultaneously. As with many of these American icons of that period, the Daltons alternatively served as U.S. Marshals, train robbers and bank robbers. Even the famous Wyatt Earp was both a U.S. Deputy Marshal and the defendant in a murder case. It is not widely known that Wyatt, two of his brothers and “Doc” Holiday were in fact arrested and subjected to a coroner’s inquest, which was the equivalent of a pre-trial hearing, for their part in the O.K. Corral incident. The inquest lasted for weeks, dozens of witnesses were called, including character witnesses (but not for “Doc” Holiday) and the charges were dropped. Incredibly, the corral shoot-out stemmed in part from a last political contest between Wyatt and the local sheriff.

These were indeed rugged times. While the Northeast was progressing in a far more civilized fashion, the Western frontier retained its well deserved reputation as a highly dangerous and speculative place to live. The Philadelphia Exposition, by stark contrast, was held in 1876 as a tribute to the centennial. The telephone and typewriter were unveiled as new and exciting inventions as visitors munched on popcorn.

At the same time, gunman, outlaw, and the surviving members of the O.K. Corral incident. The inquest lasted for weeks, dozens of witnesses were called, including character witnesses (but not for “Doc” Holiday) and the charges were dropped. Incredibly, the corral shoot-out stemmed in part from a last political contest between Wyatt and the local sheriff.

The law at that time was also peculiar as respects the gunfight and other violence of the day. In 1876 an Ohio court held that a “true man” had no duty to “fly” if threatened. In other words, there was no duty to retreat in the face of danger before using deadly force. Even shooting an aggressor in the back or after the threat had abated was not looked upon as murder. For quite a while, this remained the code of the West. Curiously, the State of Florida passed similar “no duty to retreat” legislation in 2005. This was also the year that William/Henry McCarty/Antrim/Bonney – later known as “Billy the Kid” – turned 17 years of age. He committed his first felony that year and killed his first man the next. Although the Dime Novelists, many of whom were situated in the East, attempted to link Billy with New York and make it his birthplace, all apparent efforts by serious historians to do so has met with naught. Billy the Kid or Kid Antrim, like so many other local criminals called “the Kid” – which in reality was merely the nickname given to juvenile criminals of the time … was a boy raised in a single parent home, whose father was unknown, whose mother died at an early age of consumption (tuberculosis) when he was a teenager. Borden, who thereafter resorted to criminal activities out of a combination of necessity, simplicity and excitement. Not two different from our local criminals in Queens County today.

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The next issue to be considered in this article is what constitutes the contents of the report. Thus, in People v. Lows, the Appellate Court held that the examination reports of the examining psychiatrist must be made available to the trial court and the defendant, and that the examination reports shall be made available in a rational and concise fashion, cooperatively, and in a readable form. The report must include, at a minimum, the following:

1. The name, address, and telephone number of the examining psychiatrist.
2. The date and time of the examination.
3. The examination results, including any conclusions made by the examining psychiatrist.
4. The examination notes, including any observations made during the examination.
5. Any medications prescribed by the examining psychiatrist.

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5. Any medications prescribed by the examining psychiatrist.

The next issue to be considered in this article is what constitutes the contents of the report. Thus, in People v. Lows, the Appellate Court held that the examination reports of the examining psychiatrist must be made available to the trial court and the defendant, and that the examination reports shall be made available in a rational and concise fashion, cooperatively, and in a readable form. The report must include, at a minimum, the following:

1. The name, address, and telephone number of the examining psychiatrist.
2. The date and time of the examination.
3. The examination results, including any conclusions made by the examining psychiatrist.
4. The examination notes, including any observations made during the examination.
5. Any medications prescribed by the examining psychiatrist.
6. When a defendant is subjected to examination pursuant to an order issued by a criminal court in accordance with this article, any statement made by him for the purpose of the examination or treatment shall be inadmissible in evidence against him in any criminal action on any issue other than that of his mental condition, but such statement is admissible upon that issue whether or not it would otherwise be deemed a privileged communication.

7. A psychiatric examiner is entitled to his reasonable traveling expenses, a fee of fifty dollars for each examination of a defendant and a fee of fifty dollars for each appearance at a court hearing or trial but not exceeding two hundred dollars in fees for examination and testimony in any one case; except that if such psychiatric examiner be an employee of the state of New York he shall be entitled only to reasonable traveling expenses, unless such psychiatric examiner makes the examination or appears at a court hearing or trial outside his hours of state employment in a county in which the director of community mental health services certifies to the fiscal officer thereof that there is a shortage of qualified psychiatrists available to conduct examinations under the criminal procedure law in such county, in which event he shall be entitled to the foregoing fees and reasonable traveling expenses. Such fees and traveling expenses and the costs of sending a defendant to another place of detention or to a hospital for examination, of his maintenance therein and of returning him shall, when approved by the court, be a charge of the county in which the defendant is being tried.

For other cases considering this issue, See, People v. Forgione, 134 AD2d 514, 521 NYS2d 501 (2nd Dept. 1987); People v. Wise, 47 AD2d 969, 368 NYS2d 178 (2nd Dept 1975); People v. Szwalla, 31 AD2d 979, 297 NYS2d 843 (3rd Dept. 1969); People v. Colacruz, 11 AD2d 161, 202 NYS2d 119 (4th Dept. 1960); People v. McGuinness, 145 Misc.2d 187, 547 NYS2d 519 (S. Ct. NY Co. 1989); People v. Leach, 42 Misc.2d 143, 247 NYS2d 198 (Erie Co. 1964).
The month of March offers an assort- ment of concerts for both music lovers and lawyers who want to be well-rounded. AsAlways, I arrange these dates on your calendar: March 9, April 5, April 13, and May 10. Let me elaborate:

**29th Street Y**

Found in 1874 by a group of vision- ary Jewish leaders, the 29th Street Y has grown into a wide-ranging cultural, educational and community center serving people of all races, faiths and back- grounds. The 29th Street Y mission is to enrich the lives of the over 300,000 people who visit each year. The 29th St. Y is located at the intersection of Lexington Avenue and 29th Street in Manhattan’s Upper East Side.

On February 9, I attended, the 92nd St. Y’s concert by the TOKYO STRING QUARTET. The performance was in 29th Street Quartet in C Major, an avant garde quartet string quartet by Japanese composer Toshi Hoshikawa (born 1955), which received its New York premiere that evening, and a thrilling account of Brahms’s String Quartet in C Major, Op. 3. The concert will be held on the 29th St. Y’s new subscription, 92nd Street Y’s Acclaimed Piano Series, in the 92nd Street Y’s Performance Hall.

Audience favorite Emanuel Ax kicks off a new season of the 92nd Street Y with The Masters of the Keyboard, on March 9, 2008. Ax returns for his first appearance at the Y in 15 years to perform chamber music with members of the New York Philharmonic. Renowned for his poetic temperament and unsurpassed virtuosity, Ax’s ensemble performances are unusually excep- tionally, and this not-to-be-missed per- formance features Mozart’s String Quartet in E-flat Major, K. 563 and Schumann's Quintet in E-flat major, Op. 44, both of which are rather recent interpretations of Brahms’s Piano Concerto No. 1 by Emanuel Ax, with his long-standing relationship. Scherzo for Piano is a commission by the 29th Street Y.

On April 13, Lang Lang makes his 92nd Street Y debut with members of the New York Philharmonic in an after- noon chamber music. Lang Lang is a Chinese pianist that has been delighting the New York Philharmonic for several years, and this performance will be held on the Frick Collection's room of the mansion, whose acoustics are extraordinary! The concert series at the Frick collection is only $25 a seat. The concerts are played in a beautiful, intimate setting of the mansion, whose acoustics are superb. Tickets may be purchased for the three remaining concerts of this series at www.frick.org and then hitting the CONCERTS button on the website.

**THE NEW YORK CITY OPERA**

Now is the time to buy tickets for the NEW YORK CITY OPERA. The Spring season features Tosca, Falstaff, and Candide. New York City residents are blessed to have the Metropolitan Opera for major opera, and the New York City Opera, both at Lincoln Center and at other venues, for major opera and the AMATO OPERA on the Bowery and bleeker street for opera of other styles.

The Full Winter season of the NEW YORK CITY OPERA was a major trium- ph, especially with that company to secure another site to per- form in. The city is fortunate to have this opera company, which is continuing to score one major critically acclaimed coup after another, and the Spring season is no different. Spring is a time for major opera and the AMATO OPERA on the Bowery and Bleeker Street will begin their season with the Spring Season of the NEW YORK CITY OPERA.

On March 9, 2008, at 8PM, Paul Lewis, Piano (ONLY NEW YORK RESIDENCE) and German pianist Peter Serkin (in his only New York recital this season), which features a World Premiere by composer Charles Wuorinen, with whom Serkin has had a long-standing relationship. Scherzo for Piano is a commission by the 29th Street Y.

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**THE QUEENS BAR BULLETIN – MARCH 2008**

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er in its season, which concludes in mid-May. Please don’t get caught as being so work-consuming that you are forced to be a one-dimensional, uncultured, and soul-less human. Cultural riches abound at the Metropolitan Opera.

51. In 1996, attended, at the METROPOLITAN OPERA, Franco Zeffirelli’s breathtaking and colorful production of “Carmen.” The Zeffirelli production returned to the MET OPERA in February 2008, starring OLGA BORODINA, perhaps the world’s greatest mezzo-soprano in the title role as the gypsy vamp temptress and Russian soprano MALIA KOVLEVA as the sweet, loyal Micaela. BORODINA and KOVLEVA delivered a memorable, knock-out performance. In the 2008 season, KOVLEVA was brilliant in the starring role of Mimi in “La Bohème” in 2006 at the Met, and BORODINA, who always gives a commanding performance, was vocally exquisite in “Don Carlos.” Seeing BORODINA and KOVLEVA perform in the same opera was a treat.

A Zeffirelli production is fraught with detail allows Threshold to provide the best possible service to its clients. The staff at Threshold Land Inc. is experienced, dedicated and efficient. Their sense of urgency, responsiveness and commitment to detail allows Threshold to provide the best possible service to its clients.

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tunes are usually written by operatic com-
posers in supporting roles, thus making it
darker for a great talent to be recognized.

Dmitri Hvorostovsky has an impres-
sive discography, and I urge you to buy
any of his recordings. Among the great
operas DVDs featuring his per-
formances are IL TROVATORE, where
Hvorostovsky plays the malvolent
Count di Luna whose obsession for
revenge homesizes to his honor, to Tcha-
ckovsky's opera's denouement and EUGENE
ONE-
GIN, where Dmitri Hvorostovsky
gives a not-to-be-missed performance as
the title character whose narcissism man-
ages to destroy the lives of an admiring
girlfriend and a best friend. You will not
be disappointed by these DVDs and CDs.

This is a promise you can count on!

Hvorostovsky was born in the
central Siberian city of Krasnoyarsk. As a
teen singing "rock 'n' roll," he discovered
his voice was far too rich and complex
for rock and began to study music, piano, and
conducting while living in Communist-
controlled Russia. In 1987, he won first
prize at a national singing competition
and again first prize at the Toulouse
Singing Competition in 1988. He won
the Cardiff Singer of the World Competition
in 1995.

From the moment he won the Cardiff
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Dmitri Hvorostovsky has been likened
to the great voices of the century.
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the Cardiff Singer of the World Competition
in 1995.
The Following Attorneys Were Disbarred By Order Of The Appellate Division, Second Judicial Department:

John M. Claydon, Jr., admitted as John Mitchell Claydon, Jr. (December 18, 2007)
On March 30, 2007, following a plea of guilty, the respondent was sentenced to 2 years’ imprisonment by the Superior Court of the State of Connecticut for multiple counts of larceny in the first degree, multiple counts of larceny in the second degree, and multiple counts of larceny in the third degree. The Appellate Division found that the Connecticut offenses of larceny in the first and second degree are essentially similar to the New York felony of grand larceny in the third degree, and that the Connecticut offense of larceny in the third degree is essentially similar to the New York felony of grand larceny in the fourth degree. Pursuant to Judiciary Law §90(4), the respondent automatically ceased to be an attorney and counselor-at-law upon his felony convictions.

Kevin J. Shortall (December 18, 2007)
The respondent tendered a resignation wherein he acknowledged that he could not defend himself on the merits against allegations that he handled a legal matter without adequate preparation and, in the course of a proceeding by virtue of his felony conviction, the respondent automatically ceased to be an attorney and counselor-at-law upon his felony convictions.

The Following Attorney Was Disbarred By Order Of The Appellate Division, Second Judicial Department:

Dennis Emul Vourderis, a suspended attorney (December 18, 2007)
On March 3, 2007, the respondent appeared in the Supreme Court, Richmond County (Rienzi, J.) and pleaded guilty to grand larceny in the second degree, a class C felony, and the practice of law by an attorney who has been disbarred, suspended, or convicted of a felony, a class A misdemeanor.
By virtue of his felony conviction, the respondent automatically ceased to be an attorney and counselor-at-law pursuant to Judiciary Law §90(4).

Eugene A. Cordaro, admitted as Eugene Anthony Cordaro, a suspended attorney (December 26, 2007)
The respondent was deemed guilty, in default, of 20 charges of professional misconduct predicated upon his failure to respond to the Grievance Committee’s numerous requests for information with respect to six matters; his failure to comply with a judicial subpoena and two judicial subpoenas duces tecum; uncontroverted evidence that he failed to maintain and preserve client funds in his escrow account; misappropriation of client funds entrusted to him as a fiduciary; testifying falsely under oath; and submitting a document to the Grievance Committee which he knew, or should have known, to be fraudulent.

Richard L. Gleichman, admitted as Richard Louis Gleichman (December 28, 2007)
By order of the Supreme Court of Florida dated January 27, 2005, the respondent was disbarred in that State, effective immediately. The order directed that restoration be made to one Fred Weinstein in the amount of $2,265.50. Based upon the Grievance Committee’s motion for reciprocal discipline pursuant to 22 NYCRR §691.3, the respondent was disbarred in New York.

Christopher W. Meyers, admitted as Christopher William Meyers (January 16, 2008)
The respondent tendered a resignation wherein he acknowledged that he could not successfully defend himself on the merits against allegations of, inter alia, neglect of legal matters and/or conduct involving dishonesty, fraud, deceit or misrepresentation.

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

Michael Jay Smith (December 26, 2007)
By order of the Indiana Supreme Court dated July 24, 2006, the respondent was suspended from the practice of law in that State for 60 days, effective September 11, 2006, and placed on probation for 12 months, upon a finding that he failed to have a written contingency fee agreement signed by his client; failed to have an identified attorney trust account for his client’s funds; commingled his own funds with those of his client; and failed to appropriately safeguard his client’s funds. Upon the Grievance Committee’s motion for reciprocal discipline, the respondent was suspended from the practice of law in New York for a period of two years, commencing January 28, 2006, and continuing until the further order of the Court. Previously, the respondent was publicly censured in New York based upon charges of failing to cooperate with the Grievance Committee, failing to re-register as an attorney with the Office of Court Administration (OCA); and failing to notify OCA of his change of address.

Edward W. Donnelly, admitted as Edward Warren Donnelly (December 28, 2007)
The respondent was immediately suspended from the practice of law, pending further proceedings, upon a prima facie finding that he was guilty of professional misconduct immediately threatening the public interest based upon his failure to comply with lawful demands of the Grievance Committee, his substantial admissions under oath and other uncontroverted evidence.

The Following Attorney Was Publicly Censured By Order Of The Appellate Division, Second Judicial Department:

Hector M. Roman, admitted as Hector Manuel Roman, Jr. (December 26, 2007)
The respondent was sanctioned $1,000 by the United States Court of Appeals for the Ninth Circuit and suspended from the practice of law before that Court for a period of one year, as a result of his failure to supervise a subordinate attorney and to have him adequately trained in and to place in monitor to do so. Upon the Grievance Committee’s motion for suspension for 90 days, the respondent was publicly censured in New York.

The Following Suspended Or Disbarred Attorneys Were Reinstated At A Client’s Signature Date, In Fact, Did Not By Order Of The Appellate Division, Second Judicial Department:

Mark Lewis Brecker, a suspended attorney (January 16, 2008)

Rebecca E. Carmen, a suspended attorney (January 16, 2008)

Daniel Paul Foster, a disbarred attorney (January 16, 2008)

Edward C. Katz, admitted as Edward Charles Katz, a suspended attorney (January 16, 2008)

At The Last Meeting Of The Grievance Committee For The Second And Eleventh Judicial Districts, The Committee Voted To Suspend The Following Attorneys For The Following Conduct:

● Negligently noting a general release outside of a client’s presence, which release purported to bear the client’s signature but, in fact, did not.

● Failing to appear in court as directed and failing to pay sanctions imposed by the court as a result.

● Surreptitiously taking and copying the work product of an adversary in the course of a proceeding.

● Failing to maintain adequate books and records of escrow transactions; commingling personal and fiduciary funds; and permitting automatic cash transfers out of the attorney’s escrow account.

● Improperly depositing a client’s settlement proceeds into the lawyer’s business account, improperly making ATM withdrawals from the lawyer’s escrow account, and failing to adequately supervise attorney and lay staff associated with and/or employed by the lawyer’s office.

● Maintaining earned fees on deposit in an escrow account, paying personal expenses against those fees; failing to maintain a ledger book or similar record of deposits into, and withdrawals from, escrow; and improperly drawing an escrow check to “cash.”

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

Annual Meeting and House of Delegates Meeting, New York, NY

This is the way I started my report last year. This year it was cold and raining. Not a pleasant way to go to a meeting of the State Bar.

As usual the meeting started with a report by the president of the New York Bar Foundation who extolled the virtues of becoming a member and donating money to a very worthwhile cause, the Bar Foundation. The Bar Foundation is the charitable arm of the state Bar Association. In fact our own association has in the past been a recipient of their largesse when we were setting up our pro bono panel.

After the Bar Foundation report and various housekeeping reports the next item on the agenda was an address by our Chief Justice Judith Kaye. This is Judith Kaye’s last report as she will reach mandatory retirement age (at least from the Court of Appeals) this year. As expected the major part of her report is criticism of the political process and its inability to provide for judicial pay raises. She has so far declined to schedule her “State of the Judiciary Address” to the state legislature until the salary increase is approved.

Hadh she given her address, she would have told them that the salary for our judges is the lowest of any state in the union. In fact she characterized it as the United States judiciary “poster child”. How sad.

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She then went on to state that the judges are dedicated to serving the public and have not taken any harmful action (strikes, slow downs, etc.) The disdain and humiliation imposed upon the judiciary is devastating to them and to the Court system. In order to remedy this situation, after the salary increase there must be an independent judiciary salary commission and to a rebuilding of the state judiciary’s morale.

She went on to say that had she given the speech her fantasy address would have been covered to the following issues:

Family Justice – last year there were 700,000 filings in the family courts of the State, more than double the previous year. In all, there were more than 2 million court appearances with only 153 Family Court Judges presiding. While the Legislature saw fit to add 21 new judges it only approved one new Family Court Judge. There must be reforms in the foster care system and defending the indigent.

The second initiative to be undertaken is court reform and she specifically addressed the family court system and the town and village justice court system. She referred to the Dunn commission report which is studying the town and village justice system. Their task will be completed shortly.

Finally, she spoke in glowing terms of this year’s Ruth G. Schapiro Memorial Award recipient, Justice Jacqueline Silberman.

Judge Kaye’s speech was followed by the award to Jacqueline Silberman. Judge Silberman was cited for her initiatives in mentoring women, providing alternative work arrangements for women, eradicating gender bias and innovative practices in family law.

President Kate Madigan presented her report, which included a discussion of her meetings with Judge KFau concerning issues of importance to the Association. She discussed the authorization of an amicus brief to be submitted on the hearing of the Lawyer Advertising case. Parenthetically the amicus brief is being submitted pro bono by Ahrens Fox, Esq., our president-elect’s law firm.

She referred to the Dunn commission report which is studying the town and village justice court system. Their task will be completed shortly.

The Bar Association’s Committee to study the Town and Village Justice Court system was passed. The substance of that report is: all Town and Village Justices should be attorneys; we must find ways of overcoming barriers to attorneys becoming village and town justices, the village and town justice system, as well as the Clerks and support personnel must be better trained to perform their duties and they must be given greater assistance by professionals at the State level.

Finally, there were reports by the special committee on a civil right’s agenda and medical malpractice.

The president seeks to increase the membership by 10%. I don’t recall over what period of time this was to occur.

The report of the Committee on Eminent Domain submitted its report. It passed unanimously. Essentially, the report proposed additional safeguards and transparency when the government proposes to take private property for ultimate private development (Think Atlantic Yards in Brooklyn or Willets Point in Queens). This report was initiated after the United States Supreme Court rendered its decision in the case of Kelo v. New London. The New York State Bar Association is the only Bar Association to undertake the task of forming a task force to review this area of law.

The report and recommendations of the Bar Association’s Committee to study the Town and Village Justice Court system was passed. The substance of that report is: all Town and Village Justices should be attorneys; we must find ways of overcoming barriers to attorneys becoming village and town justices, the village and town justice system, as well as the Clerks and support personnel must be better trained to perform their duties and they must be given greater assistance by professionals at the State level.

Finally, there were reports by the special committee on a civil right’s agenda and medical malpractice.

Okay, time to go back to work.

The next meeting will be in Albany on April 5, 2008.
With the official arrival of Spring, thoughts in March drift toward day excursions and exotic travel, leading to the following suggestions for book purchases.

**DK EYEWITNESS TRAVEL GUIDES**

Having read several guides, I confess my partiality to one brand that stands mountains over the competition. **DK EYEWITNESS TRAVEL GUIDES**. They are illustrated and photographed beautifully. Many other travel books lamely lack any photographs. Indeed, in recognition of their distinctive individuality of featuring numerous, color photographs, this year's editions of **DK EYEWITNESS TRAVEL GUIDES** state: "THE GUIDES THAT SHOW YOU WHAT OTHERS ONLY TELL YOU."

In my home library, I have one entire bookcase devoted to **DK EYEWITNESS TRAVEL GUIDES**. The descriptions of each of the tourist sites are written engagingly and accompanied by colorful photographs. Of the destinations I have visited, such as Provence, the Cote d'Azur, and Italy, the popular PBS reality series "Antiques Roadshow" appeals to all Americans, not a stereotypical demographic group.

Other television programs followed. Almost daily, \[Time Warner channel 106\] runs similar television shows, such as "Bargain Hunt" and "Cash in the Attic." In "Bargain Hunt," two teams are each given 200 British Pounds and let loose on a flea market, where they try to find each other's desired items. Those items are then auctioned, and the team with the greatest monetary profit or the least financial loss wins. In "Cash in the Attic," two experts go into a family's home and help the family members find objects that could be auctioned in the hope of funding a worthwhile objective. Those items are then auctioned, and the audience can be amused, disappointed, or thrilled to see how close the expert's prediction came to the actual sales price at auction, and whether the amount gained at auction was adequate to meet the objective.

The greatest "equalizer" in making "antiquing" appealing to mainstream America perhaps is eBay, the online auctioneer found at www.ebay.com. www.dk.com can be found at www.dk.com. The "antiquing" appealable to mainstream America probably is the objective.

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THE QUEENS BAR BULLETIN – MARCH 2008

**BOOKS AT THE BAR**

By HOWARD L. WIEDER

Antiques are a valuable and trusted investment. Many people turn to antique shows and stores to buy antiques, but do you know how to buy them wisely? In my home, I have a whole room dedicated to my collection of antiques and I can tell you that it's a lot of fun. But it can be overwhelming to try to find the best deals and make wise investments.

In this guide, I'll share my expertise on how to buy antiques, from selecting the right pieces to negotiating the best price. You'll learn about the history of antiques and how to identify rare and valuable pieces. I'll also show you how to avoid common mistakes and prevent fraud.

Whether you are a seasoned collector or a new investor, this book will help you make informed decisions and protect your investments. So, let's get started on your path to becoming a wise antique buyer!
CLARO-Queens, has opened at Queens Civil Court to rave reviews. CLARO-Queens is the newest program of the Queens Volunteer Lawyers Project, the pro bono arm of the Queens County Bar Association. CLARO, the Civil Legal Advice and Resource Office provides free legal assistance to Queens residents faced with consumer debt cases. The program which is staffed by volunteer lawyers and by volunteer law students from the St. John’s University School of Law advises these litigants on self-representation and negotiation strategies. The CLARO program was first initiated in Kings County and has been in operation there for over two years. Major kudos must go to April Newbauer, Attorney-in-Charge, of the Legal Aid Society; Queens Civil Practice the driving force behind the CLARO concept and Professor Ann Goldweber, Director, St. John’s University School of Law, Elder Law Clinic and Professor Gina Calabrese, Associate Director, St. John’s University School of Law, Elder Law Clinic for their invaluable assistance in making CLARO-Queens a reality. The cooperation of the Supervising Judge of Queens Civil Court, Bernice D. Siegal and her staff, has been crucial in facilitating the creation of this program.

Impending Consumer Debt Crisis

We are now well aware of the sub-prime mortgage crisis and the devastating effects it is having on the housing market in general and it is felt to be impacting the national economy. Although many had sounded the alarm on this impending crisis it only really made the headlines when the banking industry began to report huge multi-billion dollar write-downs caused by this “house of cards.” Similarly, warning signs are rampant that the next big economic crisis will really need help. The volunteer lawyers and law students at CLARO are also giving it “both” reviews. The law students are excited to be involved in interviewing and assisting people who really need help. The volunteer lawyers are happy to be useful in giving legal advice while not having an open-ended pro bono commitment (all legal assistance provided by CLARO takes place within the clinic session – volunteer attorneys do not represent the litigants in court). In addition, volunteer lawyers can earn Pro Bono CLE credits for their service.

Volunteer Lawyers Needed for CLARO-Queens

Lawyers who would like to volunteer and take part in the Friday afternoon CLARO-Queens clinic sessions still have an opportunity to sign-up for the program. The CLARO training seminar which was held in November was recorded and is available for CLE credit (2 credits in Skills and 1 credit in Ethics) on DVD, VHS or CD along with the written seminar handout. Seminar credits are awarded after the volunteer lawyer appears for two clinic sessions. Any lawyer wishing to participate in CLARO-Queens should please contact Mark Weliky at (718) 291-4500, MWeliky@QCBA.org or return the following form by mail or fax to QCBA, 90-35 Metropolitan Avenue, Long Island City, N.Y. 11106.

Public Response

Visitors to CLARO-Queens in the first weeks of the clinic’s operation have consistently expressed their appreciation for the help they received. In the words of one visitor “Who can we thank for this service? Thank is so wonderful!” Although Queens Civil Court personnel did a great job in helping litigants navigate through court procedures they are of course constrained from offering legal advice. CLARO can go further than merely offering information and can offer pro se representation strategies to these litigants.

Volunteer Praise

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