Morality versus legal justification

by STEPHEN J. SINGER*

After more than forty years in the practice of law there are still issues that I observe on a regular basis that trouble me, not only because I am not always certain of the right answer when others ask me, but because sometimes I am the attorney in question. These are problems dealing not with strict matters of legal ethics, something for which you might get into trouble with the grievance people, but matters of conscience that linger long after the case is closed and the file stored away. I don't know if this is an old man's disease, this serious introspection about the profession and one's practice of it, or merely that I have more time to ponder such things now. Nevertheless, they bear some thought, even if the perusal of this article only stirs your interest until the last line is read.

Some of these questions only arise within my own area of practice, criminal law, while others stray across all types of legal endeavors. I am speaking of those decisions that all of us make while doing what we do, that make you really wonder if it truly is all about the money, or perhaps, for some, something to do with the love of the law, the hardships we all endured to become lawyers, the significance of the legal profession to society at large and the great loss of respect we have all suffered over a generation or two in the eyes of the public.

I first thought about these issues when I heard the famous Monroe Friedman deliver a lecture concerning the proper way to deal with a client who you know intends to commit...
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.

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

Editor's Note:
As always, I welcome members old and new to send articles, poems, articles of interest and your comments for our newspaper. Kindly send all of your material to the undersigned care of the Queens County Bar Association or to my e-mail address, lnizin@aol.com.

Lawyers Assistance Committee (LAC) offers consultation, education, referral and peer support.

2007 Fall CLE Seminar & Event Listing

November 2007
Thursday, November 1
Commercial Leasing - Presented & Sponsored by Judicial Title

November 2007
Tuesday, November 5
CLARG Volunteer Seminar

November 2007
Tuesday, November 13
Academy of Law Series Part 4

November 2007
Wednesday, November 14
Landlord & Tenant Update

November 2007
Wednesday, November 19
Stated Meeting

November 2007
Wednesday, November 26
Ground Fault Update

December 2007
Thursday, December 12
UMSUM Update

December 2007
Thursday, December 19
Holiday Party Terrace on the Park

January 2008
Monday, January 28
Stated Meeting - Tentative

February 2008
Monday, February 25
CPLR Evidence Update

March 2008
Wednesday, March 5
Family Law Seminar

March 2008
Tuesday, March 11
Basic Criminal Law Part 1

March 2008
Wednesday, March 26
Stated Meeting - Tentative

March 2008
Monday, March 31
Past Presidents and Golden Jubilarians Night

April 2008
Wednesday, April 2
Basic Criminal Law Part 2

April 2008
Wednesday, April 9
Civil Court Seminar

April 2008
Monday, April 14
Judiciary Night

April 2008
Wednesday, April 16
Equitable Distribution Update

May 2008
Thursday, May 1
Annual Dinner and Installation of Officers

New Members

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Frank Guzman
Elizabeth A. Hastings
Robert David Kalish
Thomas Arthur Kenniff
Faith Sarah Loyd
Darius Adam Marzec

Michael Mouzakitis
Joseph N. Obiora
Steven Marc Raiser
Susan E. Rizos
Dhriti Kumar Sinha
Adofio Villita
Dafna Ziss

Necrology

Francis J. O'Donnell

A New Member Benefit from Queens County Bar Association

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,

- Safeguard and segregate client funds.
- Properly process retainers.
- Attract clients and win business.
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With a Law Firm Merchant Account credit cards that are accepted for retainers are deposited into your trust account while processing fees are paid from the operating account to avoid the commingling of client funds.

If you are considering or already accept credit cards in your practice, we encourage you to confirm that your program is competitive and can properly process transactions. Call for a no obligation consultation with our partner Affinscape Merchant Solutions, (800) 376-0950 or click here for more information!

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2007 - 2008

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The QBCA year has gotten off to a lively start. Our first Meeting - The Annual Court of Appeals Update - was an outstanding success. More than 200 lawyers and judges attended and we all listened to an engaging lecture on Recent Developments in the Law. Those of us who stayed for dinner had a wonderful time, eating, drinking and “schmoozing.” In the future, I highly recommend that you attend the “fun” part of our meetings. The opportunity to socialize with members of the bench and bar is one of the most important aspects of bar association membership. We all can benefit from this networking opportunity.

As was noted in our last bulletin our CLE coordinator, Catherine Dinkin, left us for California. Our CLE liaison to the New York Bar, Margaret Terranova and the office staff, especially Susan Mumm, are keeping the void and our CLE calendar as full as ever. We have a number of evening and lunch time programs available on a wide range of topics. If you have resources to utilize this resource to satisfy your mandatory CLE requirements. If you are not receiving our email notifications as to upcoming programs, please contact the office and provide your current email address. If you are still electronically challenged, we will mail you the flyers.

One of the QBCA’s most important functions is keeping the lines of communication open between the bench and the bar. This was accomplished during meetings with the Administrative Judges of the Criminal and Civil Terms of the Court. Supervising Judges of the Criminal and Civil Courts. Your presence and participation in these events goes a very long way to help ensure that a lot of the practicing lawyers in Queens is as good as it can be. In addition, if specific problems are brought to our attention, we can refer them to the Judicial Relations Committee or raise them in my regularly scheduled meetings with our Administrative and Supervising Judges.

Our Elder Law Committee, under the leadership of John Dietz, is working on the creation of a Family Fiduciary Registry. This would be a list of highly qualified fiduciaries who have not only completed OCAs minimum requirements, but have also obtained any higher education that the QCBA and the OCAs deem necessary. These people would then be eligible to be selected from the family of an individual who has been involved in some type of fiduciary action. As soon as this program is finalized, details will be sent to our members published in our bulletin.

I am sure that we all were quite pleased with the new format of our bulletin. For one, we shocked that not only we were much more than a publishing house who was in the photos. Our Editor, Les Nizin, and our Executive Director, Arthur Terranova, deserve our thanks for all the hard work that went into the selection of our new publisher. Our Directory will be out in January. In addition to the print version, we are working hard to have it available on our website.

As always, you can reach me at dizzlelaw@aol.com, or by calling the QBCA.

“No-Match rule” implementation blocked

Most USCIS processing delays result from so-called “background checks.” These delays are detailed from admission to a background check for a criminal history, match up names and dates of births of applicants with Federal Bureau of Investigation (FBI) databases, which, in turn, lock up cases pending regulation. Often the background check will reveal the existence of a government record or “felony” which can not be investigated to determine if it presents information relevant to the adjudication of a case. These delays are sometimes caused for other reasons, including misplaced or simply neglected files. During this time, the USCIS informs the applicant that his or her case is pending background checks, or offers excuses, and advises that nothing can be done.

Something can, however, be done. Many applicants are turning to the federal courts to assert their right to a reasonable period of adjudication through a writ of mandamus, a type of lawsuit to compel government officials to act on their case. Many adjustment of status and naturalization applicants have succeeded in forcing the USCIS to adjudicate long pending cases. USCIS is not required to receipt an adjustment application, but simply that the application be adjudicated. Approvable cases often are approved after backlogged. More than 280,000 adjustment of status applications alone were filed this summer, and in addition to huge numbers of other applications filed in advance of the July 13th fee increase, USCIS is experiencing tremendous “inventory overload.” Consequently and significantly, USCIS has been unable to keep pace with receipting. Wide variations exist, and it is uncommon for applicants who submitted cases early in July to have not yet received formal USCIS notification that their case has been received. Because USCIS is required by regulation to adjudicate employment authorization applications within 90 days, it will prioritize receipting. USCIS is required to certify that the processing and receipting of naturalization applications will be delayed, among others. Reportedly, hundreds of thousands of naturalization applications alone were filed this summer to avoid the higher fees.

Going forward, what changes will USCIS make to avoid a repeat of the summer’s chain of events? For starters, USCIS has informally announced that it is now not in any great hurry to finalize and roll out its planned green card replacement program, realizing that it must be in a better position to handle the volume, as well as tackle in advance issues addressing expiration of cards, validity periods, LPR eligibility and other concerns. It is estimated that some more people are applying for the green card. USCIS is longer expected to be three times as many applications as they were in early 2006, or a far-fetched, in regulation to eliminate the requirement that an H-1B application be in position of an adjustment receipt notice in order to travel and be readmitted.

Maggio & Kattar’s litigation practice has filed 144(b) actions to compel adjudications for our clients, with excellent results. For example, in one recent article on writs of mandamus and Section 1447(b) actions by Andrew Benach posted on our website, “Massive Adjunct of Status Filings Means Mass-Processing Volatility.”

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NOTE: IMMIGRANT VISAS UNDER THE EMPLOYMENT-DEFINED VISAS SHOW NO MOVEMENT FROM OCTOBER

Citing the need to determine what the impact of the summer’s horded movement of cut-off dates will have on demand, the Department of State’s December bulletin in fact shows no forward movement of the employment- defined immigrant visas from October 1, 2007, to November 1, 2007. The Philippines have been backlogged continue to have long wait periods historically “curtailed” by the Department of State. It is now quite clear that the Department of State is not able to adequately qualify as priority workers (first preference) and members of the professions holding advanced degrees or exceptional ability foreign workers (second preference) are able to file employment-based immigrant visa applications and adjust their status, as they were in October. In some cases more effectively in September that these too may become backlogged. Nationals from China and India in the second preference category, however, with priority dates later than January 1, 2006 and April 1, 2004, respectively, still must wait. Immigrant visas for investors also are available. The cut-off date for investors is December 1, 2006 for all countries. The cut-off date for the Philippines, however, is August 1, 2002, and the cut-off date for the Philippines is June 1, 2002. The cut-off date for the Philippines is October 1, 2002. The cut-off date for the Philippines is November 1, 2002. Other employers will still have a long stay, six-year wait, as the priority date remains October 1, 2002.

While waiting of five and ten or more years in some categories on the family-based side are considered relatively short especially when compared to 15 plus years wait for certain nationals of the Philippines, there has been some steady movement, and the Department of State has predicted that more visas will be made available during the next couple of months.

Overall, however, with immigrant visas scarce and new H-1B specialty visas unavailable until next October, the Department of State has promised that the H-1B system will become complex, laborious, and challenging for American business and foreign nationals alike.

LABOR CERTIFICATION UPDATE

The Department of Labor (DOL) recently decided that all Applicants who filed labor certification applications on October 1, 2007, have not been adjudicated and that remaining cases are expected to be completed by the end of this fiscal year. Applicants were notified of this decision in a letter which was sent out in February 2008, it expects to review cases more thoroughly both in terms of the quality and quantity of the decision. Further, there are also plans to review the DOL’s policies and procedures to ensure that the application is properly handled.

Employers and employees are reminded to review labor applications that were certified prior to July 16, 2007 for which a visa petition has not yet been filed. For example, for which a visa petition has not yet been filed. Employers and employees are reminded to review labor applications that were certified prior to July 16, 2007 for which a visa petition has not yet been filed.

For those who are interested in DOL case law trends, the Board of Alien Labor Certification Appeals (BALCA) recently addressed a number of issues in three binding decisions. These cases highlight issues that should be authoritatively approached when preparing labor certifications. In one case, BALCA instructed that the so-called “Kellogg” doctrine governs PERM labor certification applications. In the other case, BALCA instructed that the so-called “Kellogg” doctrine governs PERM labor certification applications. In the other case, BALCA instructed that the so-called “Kellogg” doctrine governs PERM labor certification applications.

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New Sentencing Commission Issues Preliminary Recommendations

By SPIROS A. TSIMBINOS*

With the passage of the Sentencing Reform Act in 1995 and Jennings's Law in 1998 many sentences in New York State were changed from indeterminate terms to determinate terms. In addition, many new concepts were introduced into New York sentencing structure including the requirement of post-release supervision. In the enabling legislation with respect to the 1995 bill it was specifically contemplated that a Sentencing Commission would monitor the effects of the sentencing changes and would make recommendations for improvements. Although the creation of a Sentencing Commission was attempted during Governor Pataki's administration, the Commission never really functioned and no report or recommendations were ever issued.

The chief recommendations of this issue and will report developments of the Sentencing Commission as issued as they occur. The chief recommendations of the Sentencing Commission as issued in its preliminary report are summarized as follows:

- Streamline the current "hybrid" system of indeterminate and determinate sentences by creating new determinate sentences for more than 200 non-violent offenses.
- Permit the diversion of non-violent, drug-addicted felony offenders to community-based treatment facilities instead of state prison if the court, defense and prosecution agree.
- Improve availability of community-based drug treatment centers.
- Use curfews, home confinement, electronic monitoring and other means to sanction parolees for violations of parole rules in lieu of returning them to prison.
- Expand prison-based educational and vocational programs.
- Give crime victims a more significant role in the criminal justice process.
- Establish a permanent commission to advise the Governor and Legislature on future sentencing decisions.

The Commission which was established an eleven-member group headed by his Commissioner of the Division of Criminal Justice Services, Denise O'Donnell. The Commission which was established in April, 2007 by an executive order from Governor Spitzer has held several public hearings during the last few months and has begun issuing its recommendations for changes in New York's sentencing structure. Several members of the defense community who have so far testified before the Commission have called for mendations for changes and would make recommendations for improvements. Although the creation of a Sentencing Commission was attempted during Governor Pataki's administration, the Commission never really functioned and no report or recommendations were ever issued.

When Governor Spitzer took office, however, he immediately resurrected the concept of a Sentencing Commission and established an eleven-member group headed by his Commissioner of the Division of Criminal Justice Services, Denise O'Donnell. The Commission which was established in April, 2007 by an executive order from Governor Spitzer has held several public hearings during the last few months and has begun issuing its recommendations for changes in New York's sentencing structure. Several members of the defense community who have so far testified before the Commission have called for greater judicial discretion in the imposition of sentences. Some members of law enforcement organizations have raised concerns that the recent changes in the Rockefeller drug laws have made sentences too lenient and have again led to an increase in crime. The Commission issued its first draft report with recommendations in late October with a final report to be completed by March 1, 2008. The Commission has stated that it hopes to have legislative proposals available for consideration by the State Legislature before it concludes its session in June of 2008. The sentencing structure in New York has grown increasingly complex over the last several years and any proposed changes should be of interest and concern to members of our Association. We will keep on top of this issue and will report developments as they occur. The chief recommendations of the Sentencing Commission as issued in its preliminary report are summarized as follows:

- Streamline the current "hybrid" system of indeterminate and determinate sentences by creating new determinate sentences for more than 200 non-violent offenses.
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OUR TROOPS STILL NEED YOUR SUPPORT!

Over four years ago the Queens County Bar Association formed a Volunteer Military Panel to provide in-court pro bono or reduced fee legal assistance to deployed soldiers and their eligible dependents. We had no idea that the need for this program would continue over such a lengthy period of time. However, our troops are still deployed overseas fighting a war and they still need the help of members of the Bar.

Mobilization and deployment puts a great financial and emotional strain not only on the concerned soldier but on their families as well. Legal problems arise for deployed soldiers and they need in-court assistance. The soldiers and family members seeking assistance must show proof that their legal problem somehow arises out of the deployment/mobilization. Cases in point include a landlord seeking to evict the family of a deployed soldier who has been unable to keep up with the rent, or a bank refusing to lower the interest rate on a home loan pursuant to the Soldiers and Sailors Civil Relief Act.

Accordingly, the areas of law requiring the most attention are in the areas of landlord-tenant and debtor-creditor law. In addition, many soldiers need assistance with matrimonial and family law issues.

If you are willing to devote some of your valuable legal skills and time to help a deployed soldier and his/her family with a legal problem, this may be your opportunity to not only do some valuable volunteer legal work but also to show your appreciation to those who risk their lives so we can all continue to live in a safe and free nation.

Join the Volunteer Military Legal Panel!

Return completed form by fax or mail to QCBA

☐ Yes, I can volunteer for the Volunteer Military Legal Panel and help deployed soldiers and their families.

Types of cases I can accept

☐ Family Law ☐ LL&T ☐ Foreclosure ☐ Matrimonial

☐ Consumer Law ☐ Other

Name ___________________________ Phone# ___________________________
Address ___________________________ FAX# ___________________________
E-mail ___________________________

VOLUNTEER MILITARY LEGAL PANEL
QUEENS COUNTY BAR ASSOCIATION
ATTN: MILITARY LAW COMMITTEE
90-35 148th STREET, JAMAICA, NY 11435
PHONE (718) 291-4500 FAX (718) 657-1789

* Editor's Note: Spiros A. Tsimbinos is a Past President of the Queens County Bar Association and the Editor of the New York State Bar Association Criminal Newsletter.
Re redeeming probate

Undeservedly, probate has taken on a negative reputation. Many people have a fear of probate, which is based upon the misconception that the process is too slow, too expensive, and too controversial. Procrastination in the face of this overrated phobia is truly disgraceful.

Filing under PERM will result in denial, but rather pass by operation of law. You will see why and what next.

What exactly is probate? Probate is the process by which the Surrogate's Court, a specialized Court dealing in their probate estate, but are included in their gross estate. Property owned jointly with another person, in the event the testator/decedent owned property in their own name but did not own it jointly with someone else, a periodic review and, if necessary, a tax return will be due.

What flows from the above distinction between a probate and an intestacy-based proceeding is a reexamination of the old and myth of probate, that the process is extremely expensive.

Myth #2: Probate is Exceptionally Time Consuming

The process of probate, or declaring a Will valid and having a person's nominated executor appointed by the Court, can take a matter of weeks provided the situation is harmonious. Undoubtedly, most probate cases, even if handled in a relatively straightforward situation, can take a matter of months. What is important is that there is no single, universal way to handle a probate situation, and there is no such thing as a "standard" probate case. Each case is unique, and the time it takes to complete probate will vary depending on a number of factors, including the complexity of the estate, the existence of disputes, and the availability of funds.

Myth #3: Probate Costs Too Much

Probate costs vary depending on the size and complexity of the estate, the existence of disputes, and the availability of funds. Probate fees are generally a percentage of the value of the estate, and can range from a few percent to several percent. Additionally, there may be other costs associated with probate, such as attorney fees, court costs, and the cost of estate tax returns. However, these costs are generally much lower than the cost of avoidance planning, which can often result in significantly higher costs for estate taxes and other taxes.

Myth #4: Probate is a Painful Process

Probate can be a difficult and emotional process for many families. However, it is important to recognize that probate is a necessary process to ensure that the estate is distributed according to the wishes of the testator. While probate may be a lengthy and stressful process, it is important to understand that it is necessary and that there are steps that can be taken to minimize the impact of probate.

Myth #5: Probate is a Public Process

Probate is a public process, which means that the proceedings are open to the public and can be accessed by anyone. This can be a concern for those who wish to keep their family affairs private. However, probate is a necessary process to ensure that the estate is distributed according to the wishes of the testator. While probate may be a lengthy and stressful process, it is important to understand that it is necessary and that there are steps that can be taken to minimize the impact of probate.

Continued On Page 10
Sidney Leviss, Former supreme court justice and Queens borough president dies

By WALLACE L. LEINHEARDT

On September 7, 2007, Hon. Sidney Leviss passed away at age 90. Born on July 21, 1917 in Flushing, Judge Leviss had a long and distinguished career of public service. He attended New York University undergraduate and then NYU Law, from which he graduated in June 1941. He was admitted to the Bar in January 1942, and the day after his admission, he joined the Army Air Corps to fight in World War II. While in the service, he rose from Corporal to Captain.

Following the War, he became an Assistant Queens County District Attorney, an Assistant Commissioner in the Queens Borough Works, and subsequently Queens Deputy Borough President. He served in that position until he was elected and took office as Queens Borough President in January 1969.

He took the Supreme Court Bench in 1971 and served in that capacity for 22 years when he reached the mandatory retirement age of 76.

He was then appointed as a Judicial Hearing Officer and continued to serve in that capacity until his death.

Three of his closest colleagues were speakers at his funeral service.

District Attorney Richard A. Brown remembered how it was Judge Leviss who got the Supreme Court Judges together every Friday for lunch and who organized and ran the annual dinner of the Queens County Supreme Court Judges at La Baraka Restaurant in Little Neck.

Retired Appellate Division Presiding Justice Alfred D. Lerner, another speaker, told of Judge Leviss “hard work and productivity” even when dealing with “very complicated cases.” Judge Lerner noted that in the last two and a half years alone, JHD Leviss had disposed of some 200 civil cases sent to him for trial...94 by settlement and the balance by decision after trial.

My own high opinion of Judge Leviss was formed following a favorable verdict I received in a non-jury case I tried before him many years ago. The case involved provisions of the UCC dealing with forged endorsements - a somewhat esoteric area of the law that was not the usual case tried in Queens County. Not only did I (obviously) find the decision well researched and correct, but so did the Appellate Division, which affirmed “upon the opinion below.” Judge Leviss will be missed by his daughters Jeanne and Nancy, his colleagues, the members of the bar and especially by the litigants to whom he dispensed justice.

Sidney Leviss, Former supreme court justice and Queens borough president dies
Annual Frank S. Polestino Memorial Lecture:
Recent Significant Decisions from our Appellate Courts

Photos by Walter Karling
Gregory Brown, George Nashak, Michael Hartofilis, John Saketos, Ronald Melnyk, and Dominick Masiello

Jeffrey Kim, Jerome Patterson, Susan Beberfall, and Hon. Bernice Siegal

Don Zimmer, Susan Beberfall, Edward Ledogar, Mona Haas, and Hon. Thomas Raffaele


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Hon. Charles Lopresto, Hon. Leslie Purificacion, Hon. Bernice Siegal, and Bernard Vishnick

Hon. Thomas Raffaele, Hon. Stephen Knopf, Jerry Patterson, and Jeffrey Kim

Hon. Denis Butler and David Cohen

Spiros Tsimbinos, Alan Chevat, and Morton Povman

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John Castellano, Thomas McCullough, and Ronald Rubinstein

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Spiros Tsimbinos, Alan Chevat, and Morton Povman

Ted Gorycki, Bernard Vishnick, and Spiros Tsimbinos

Steven Orlow, Hon. Martin Ritholtz, Hon. Herbert Posner, Warren Hecht, and Abraham Hecht

Jeffrey Kim, Jerome Patterson, Susan Beberfall, and Hon. Bernice Siegal

Hon. Thomas Raffaele, Hon. Stephen Knopf, Jerry Patterson, and Jeffrey Kim

John Castellano, Thomas McCullough, and Ronald Rubinstein

Hon. Denis Butler and David Cohen
1. INTERNATIONALLY RENOWNED TRIAL PRACTICE.

a break from the routine of motion and taking one performance. I can offer only a few all the many venues in one monthly col-

York's cultural life season. Following a interpreter of Debussy since legendary pianist, whose performing and recording pianist, whose performing and recording

77 years old on November 9, began with a recital that earned a standing ovation in Haydn's Sonata in D Major. His virtuoso and vibrant rendition of two major piano works by Debussy, Estampes and Pour le Piano, earned a standing ovation right before the intermission break. In my opinion and those of other music affi-
den, the testator/decedent did not know they were objects of undue influence, that the decedent drafted a Will favoring one individual over another in con-

However, if there is little information affi-
den, the testator/decedent did not have

The decedent was unduly influenced by a person objecting to the Will succeeds in

Continued From Page 6

Redeeming Probate

Continued From Page 6

note the rational behind this notification requirement before discussing ways to rem-

can be opted out of by using language in your Will to that effect.

• Credit-trust trusts are very useful estate planning tools. The discussion in this article and in my article in the Queens Bar Reports, 179, is still

• Although utilizing a trust addresses credit concerns, it also nullifies the notice requirement of probate, leaving the de-

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Alternatively, the surviving spouse can

fixed by statute, and can be opted out of by

giving, awesome, and brilliant talents to

Tiberghien concluded his program with

October represents the spring of New York's cultural life season. Following a long summer, the arts return throughout the City open their doors to the public in late September and October. It is a reminder of the many venues in one monthly col-

he is justly acclaimed, the Chopin Nocturnes. His rendition of the theme of the Mozart, Vogt's interpretation of the Schubert, Tiberghien's performance at the Frick, it

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Redeeming Probate
GUIDE TO THE 100 MOST IMPORTANT OPERA - A CRITIC'S GUIDE TO THE 100 MOST IMPORTANT WORKS AND THE BEST RECORDINGS [2004 Henry Holt & Co. $18.00], chief classical music critic for The New York Times. Anthony Tommasini discusses opera without a trace of elitism. Tommasini, a gifted pianist and biographer, devotes an essay on the opera of Luisa di Lammermoor and marks it with reminiscences from his childhood of watching a Looney Tunes Elmer Fudd cartoon featuring a famous sextet from the New York Philharmonic. "He was just getting going," [page 28]. If you think you hate opera, please read Tommasini’s book; you'll be convinced by his wit, charm, and insights. If you love opera, you need to order this book before you read the rest of my column!


Upon reading the aforementioned books by Kozinn, Lebrecht, Turner, Titian, and other, the aim is to assist you in your selections, not pitch a sale.

2. BOOKS ON CLASSICAL MUSIC AND OPERA BY ALLAN KOZINN, NORMAN LEBRECHT, AND ANTHONY TOMMASINI

How do you start a classical music collection, especially for the novice listener? The first step is the purchase of ALLAN KOZINN’S excellent book THE NEW YORK TIMES ESSENTIAL LIBRARY: MUSIC AND OPERA - A CRITIC’S GUIDE TO THE 100 MOST IMPORTANT RECORDINGS [2004 Times Books] for $18.00. This title is not grandstanding or immodest. Kozinn’s book is 15 CDs and costs only $18.00, which means that his book is NOT meant to be the definitive guide, but as I reviewed this product, I couldn’t disagree with one!! Kozinn’s book is strictly limited to classical music and it does not cover operatic recordings.

With so many recordings available of today’s most brilliant 4th, 5th, and 6th Symphonies, he soundly steers buyers to the Leningrad Philharmonic, but warns that the cruelest loss to opera was the untimely death of Carmen’s composer Georges Bizet, who died at age 36, not realizing the success of his work, "He was just getting going," [page 28]. If you think you hate opera, please read Tommasini’s book; you’ll be convinced by his wit, charm, and insights. If you love opera, you need to order this book before you read the rest of my column!

A more comprehensive guide to the world of opera is available in the aforementioned ACRONYM’S book. Lebrecht’s book THE SONG OF NAMES has written an essay on the opera of Luisa di Lammermoor and marks it with reminiscences from his childhood of watching a Looney Tunes Elmer Fudd cartoon featuring a famous sextet from the New York Philharmonic. "He was just getting going," [page 28]. If you think you hate opera, please read Tommasini’s book; you’ll be convinced by his wit, charm, and insights. If you love opera, you need to order this book before you read the rest of my column!

The Brooklyn Academy of Music - The Brooklyn Academy of Music

The Brooklyn Academy of Music offers a cultural season of music, dance, and film that is simply superb. Thanks to a friend’s invitation, I attended a performance of the Madrid Troupe Compania Nacional de Danza. The Compania Nacional de Danza

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The Frick is a wonderful place to enjoy concerts at very reasonable prices. Just check its schedule at www.frick.org. Right before concert time, tour the museum of American art with the purchase of ACRONYM’S book for an interesting and very vital for your collection. Lebrecht’s book also makes recommendations on operatic works, mixed with interesting commentary. In describing a recording of conductor Lorin Maazel, Lebrecht writes of Maazel’s temperament: “The Vienna Philharmonic played through gritted teeth and intrigued against Maazel behind a facade of imperial courtesies. . . . Maazel succeeded the English conductor Brian dusty to the genius of Spanish Chopin, Schubert, and Mozart, all of which conductor’s Beethoven cycle of Nine Symphonies to buy? Mystery is the spice of life, and you’ll have to read Kozinn’s well-written reviews page 86 of this indispensable, superbly writ- ten, and easily understandable book. So if you’re overwhelmed by different books on classical music, and don’t have time to test different interpreta- tions or to spend a lot of time poring over the Penguin Guide to Classical Music, you will find it at www.bnm.com or www.magnzon.com.

To most devotees of classical music, Aliberto, Fred, Greene, Berna, Alberico, Fred, and others, the aim is to assist you in your selections, not pitch a sale.

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Danza presented three ballets choreographed by its artistic director, Nacho Duato: "Por Vos Muero ("Castaway") and "White Darkness." Though I am not a ballet aficionado, I enjoyed the evening immensely. The choreography of Mr. Duato, born in Spain, did not provide for the dancers to lie in the manner of the Bolshoi Ballet, but their grace, suppleness of movement, energy, preparation, and artistry were absorbing, captivating, and breathtaking.

A common denominator of the three ballets was the constant movement and pairings of the entire company. Unlike other ballets featuring a principal with a corps de ballet in the background, Mr. Duato clearly involves the entire company in his creative and deft choreography. The sound engineering, lighting, and costumes were also stunning. When I left that evening, I knew that I would return to BAM again.

For those judges and lawyers who don't drive, BAM is located within short walking distance of the international subway stops of the 2, 3, 4, 5 trains, and the LIRR. There are several delicious dining establishments within short walking distance of blocks of BAM. Please consult your schedule for the starting time of the performance, because, as with all performances, like the one I attended, began at 7:30 PM, not 8 PM.

6. THE METROPOLITAN OPERA

Among the excellent operas offered by The Metropolitan Opera, under the management of Peter Gelb, were Aida, Madama Butterfly, and Lucia di Lammermoor. The three operas are big hits largely owing to the three gifted sopranos who play the title characters: Angela Brown (Aida), Patricia Racette (Butterfly), and Natalia Dessay (Lucia).

I has been reliably informed that the Metropolitan Opera's season booklet featured superb sets and the voice of gifted soprano Angela Brown in the title role. Madama Butterfly had several noteworthy performances by Patricia Racette in the title role in an intense, near-fatal affair, tour de force performance. Check out www.operaworld.com for more details.

7. THE JOYCE HATTO and LAWRENCE DANYLO

Continued From Page 11

Law Clerk in IAS Part 32 [Civil Term] in Long Island Bulletin and is Justice Charles J. Markey's Principal Law Clerk in IAS Part 32 (Civil Term) in Long Island City, New York.

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"Don’t Be Left Out – Fight!"

By MARK WELIKY*

"Don’t Be Left Out – Fight!" was the motto for the 7th Annual Queens Fair Housing Conference. The Queens County Bar Association again was a cosponsor of the conference which was held on June 23rd at the The Tabernacle of Prayer in Jamaica. Other sponsors were the Queens Legal Services Corporation, New York Urban League/HPD and the Jamaica branch of the NAACP. QCBA President David L. Cohen provided welcoming remarks for the conference and the keynote speaker was Assistant Attorney General Lás M. Booker-Williams.

The conference which was free and open to the public featured representatives from various community service organizations and governmental agencies providing information on a wide range of information important to residents of Queens County. Issues relevant to both homeowners and renters were addressed. Topics covered included, housing for seniors, predatory lending, consumer fraud, housing discrimination and various loan programs available. Free refreshments were provided and there were drawings for free prizes, such as DVD players and television sets. There was an enormous turnout for the Saturday afternoon conference and attendees were very appreciative for the valuable information they received. Carl Callender, the Director of Queens Legal Services and his staff, including staff attorney Cindy Katz did a great job of organizing this event.

*Mark Weliky is Pro Bono Coordinator for the Queens County Bar Association

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The Following Attorneys Were Disbarred By Order Of The Appellate Division, Second Judicial Department:

Denise D. Cooper, admitted as Denise D. Rosenberg (June 26, 2007)

The respondent tendered a resignation wherein she acknowledged that she could not successfully defend herself on the merits against charges that she, inter alia, converted $45,000 of her escrow account in relation to one matter and $92,592.38 in relation to another matter.

Joseph C. Levine, admitted as John C. Levine (June 26, 2007)

The respondent tendered a resignation wherein he acknowledged that he could not successfully defend himself on the merits against charges that he, inter alia, engaged in an impermissible conflict of interest against a client matter and/or funds of multiple clients and/or supplied information in connection to the investigation of multiple complaints of professional misconduct lodged against him.

Ellen Cohen, a suspended attorney (August 7, 2007)

The respondent was disbarred in New York, effective immediately.

Nancy E. Cohen, admitted as Nancy E. Cohen, admitted as Nancy E. O'Brien (September 11, 2007)

The respondent, a former attorney admitted in New York, effective immediately.

Robert A. Heghmann (August 7, 2007)

The respondent was disbarred in New York, effective immediately.

Kevin John Cummings, a suspended attorney (September 18, 2007)

The respondent was suspended in New York, effective immediately.

Luis A. Medina (September 11, 2007)

The respondent was disbarred in New York, effective immediately.

Daisy Taylor, admitted as Daisy Gerard Taylor (July 10, 2007)

In or about August 2004, the respondent in his role as counsel for multiple counts of offering a false instrument for filing in the first degree, multiple counts of insurance fraud, multiple counts of grand larceny in the third degree, one count of scheme to defraud in the first degree, and one count of enterprise corruption. On September 29, 2005, the respondent was convicted, after a non-jury trial, of one count of scheme to defraud in the first degree, and four counts of enterprise corruption in the first degree. By virtue of his felony conviction, the respondent is required to be an attorney and counselor-at-law pursuant to Judiciary Law §904(a)(4) and was automatically disbarred.

Robert A. Hegmann (August 7, 2007)

By order of the Supreme Court of the J udicial District of Hartford County, the respondent was disbarred in the State of Connecticut—having failed to appear for trial, and Disciplinary Counsel having appeared with witnesses and ready for trial. "The disciplinary complaint in Connecticut charges that the respondent neglectfully pursue a client’s matter and failing to return an unearned fee of $10,000 after abandoning the client’s case and spending the money on himself. Upon the Grievance Committee’s motion for recusal discipline, pursuant to 22 NYCRR 691.3, the respondent was disbarred in New York, effective immediately.

Nancy E. Cohen, admitted as Ellen Cohen, a suspended attorney (August 21, 2007)

By decision and order of the Appellate Division, the respondent was disbarred in New York, effective immediately.
after a disciplinary hearing, of misappropriating funds entrusted to him as a fiduciary, engaging in the practice of law and failing to maintain required bookkeeping records. He was suspended from the practice of law for a period of one year, commencing August 31, 2007, and continuing until further order of the Court.

Clayton V. Blankston (September 11, 2007)

By order of the Supreme Court of Louisiana dated June 29, 2001, the respondent was suspended from the practice of law in that State for a period of one year, commencing January 2, 2002, followed by a one-year period of probation. By further order dated October 3, 2003, the respondent was suspended in Louisiana for a period of two years, with that suspension running concurrently with the prior suspension. Upon the Grievance Committee’s motion for reciprocal discipline pursuant to 22 NYCRR 691.3, the respondent was suspended from the practice of law in New York for a period of two years, effective October 11, 2003, and continuing until the further order of the Court.

Mark J. Nerenberg, admitted as an attorney (September 11, 2007)

By order of the Appellate Division dated December 1, 2003, the respondent was suspended from the practice of law for a period of two years, effective October 11, 2003, and continuing until the further order of the Court.

By order of the Supreme Court of New Jersey dated January 23, 2007, the respondent was suspended from the practice of law in that State for a period of three months, effective February 24, 2007, for, inter alia, failing to safeguard funds by impermissibly allowing the use of a signature stamp on trust account checks; failing to properly supervise law office assistants; sharing fees with a non-lawyer; and assisting a non-lawyer in the unauthorized practice of law. Subsequently, by order of the Supreme Court of New Jersey dated May 25, 2007, the respondent was restored to the practice of law in New Jersey and directed to practice under the supervision of an attorney approved by the Office of Attorney Ethics for a period of one year and until further order of the Court. Upon the Grievance Committee’s motion for reciprocal discipline pursuant to 22 NYCRR 691.3, the respondent was publicly censured in New York.

The Following Suspended or Disbarred Attorneys Were Reinstated As Attorneys And Counselors-At-Law By Order Of The Appellate Division, Second Judicial Department:

Sheldon Goldklang, a suspended attorney (October 1, 2007)

Sol Wachtler, admitted as Solomon Wachtler, a disbarred attorney (October 1, 2007)

Alan Zigman, admitted as Alan Scott Zigman, a suspended attorney (October 4, 2007)

At The Last Regular Meeting Of The State Of New York Grievance Committee For The Second And Eleventh Judicial Districts, The Committee Voted To Sanction Attorneys For The Following Conduct:

- Failing to timely re-register as an attorney with OCA (17)
- Neglecting a legal matter (18)
- Neglecting a legal matter and failing to keep the client apprised of developments (1)
- Neglecting a legal matter; failing to communicate with the client; intentionally misrepresenting the status of the matter; and failing to pay the client pursuant to a stipulation executed and filed in a court of law (11)
- Failing to communicate with a client and/or handle the client’s matter expeditiously absent Grievance Committee intervention (2)
- Failing to adequately supervise law office staff (1)
- Endorsing a client’s name on a settle ment check without authority to do so and failing to adequately supervise law office staff including but not limited to, non-lawyers (1)
- Knowingly taking an action and/or advancing a claim on behalf of a client that was unwarranted under the law and/or served merely to harass or maliciously injure another (4)
- Improperly communicating with a represented party without the knowledge or consent of that party’s attorney (3)
- Failing to maintain a proper ledger book for an escrow account (2)
- Engaging in various escrow account improprieties (3)
- Lacking candor before the Grievance Committee (1)

Diana J. Sochet, Assistant Counsel to the State of New York Grievance Committee for the Second and Eleventh Judicial Districts, has compiled this edition of COURT NOTES.

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Serious personal injury, seriously pursued.

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