

Committee News

Education Laws

At its November 13, 1990 meeting, the Education Law Committee was joined by Ralph H. Susskind, Regional Director of the State Division of Human Rights. Mr. Susskind discussed the topic of "Reasonable Accommodation" that must be provided to handicapped employees. The Committee also received information on other rights of individuals and restrictions on employees handicapped and perceived handicapped persons.

Plaintiff's Round Table

On October 3, 1990, the Plaintiff's Round Table held its initial meeting for the 1990/91 term. The Committee decided to continue the format of engaging guest speakers on topics of interest to our members, and to discuss recent cases, law changes, and problems commonly confronted by our members at each meeting. It was also agreed that we would occasionally analyze a complete trial which a committee member had litigated. Finally, Corey Kaye updated the Committee on recent changes in the law regarding Wrongful Death and Municipalities. At our next meeting, on November 7, 1990, a guest speaker will review structured settlements.

Corporation Law

For its November meeting, the Corporation Law Committee conducted a stimulating round-table discussion of corporate housekeeping matters. Peter Newman and Paul Wrubel guided the dialogue through issues of incomplete minute books, whether back-dating minutes and stock certificates is ethical, liability for opinions of counsel, piercing the corporate law with a New York license. Various members were counseled on pressing problems they face in daily practice. Additionally, the Committee prepared to present a Nassau Academy of Law Seminar in the spring regarding the sale or acquisition of a small business.

David Thomas will lead the next corporation Law Committee meeting on December 11, 1990 at Domus, where loan workouts and contract defaults will be discussed. The balance of the Committee's monthly meetings will be held at the Association on Wednesdays at 6:30 p.m. The topics will be selected at the preceding meeting until March and April, when the Committee will focus its attention on conducting the Academy of Law Seminar.

Immigration Law

This year's first meeting of the Immigration Law Committee was held on October 16, 1990. The Committee discussed whether certain legislation pending in Congress will pass before this session ends. If so, an emergency Committee meeting will be called. House and Senate bills to once again reform immigration laws have been passed, but a joint conference Committee has not been formed and Congress adjourns at the end of October.

The Committee also discussed current challenges to the Department of Labor's handling of labor certifications, changes in employer sanction regulations, and the procedure for gaining residence for agricultural workers. Members suggested planning a joint meeting with another Committee, and our chair will inquire as to whether the Tax Law Committee is interested.

Matrimonial Law Committee

At our initial meeting, subcommittee chairs Alexander Potruch (Appellate Practice), Charles Holster (Child Custody) and Howard Jurist (Legislative), reported on their respective subcommittees and encouraged further participation by our members. Vice chair Keith Rieger then reviewed recent decisions affecting matrimonial law, on which he distributed a comprehensive written report. We were also privileged to have Association President Donald J. White address the Committee.

Our Principal speaker, who was well received, was Ronald Fischetti. Mr. Fischetti discussed the pending challenge in the federal courts to present IRS requirements that attorneys report and thereby identify clients who have paid \$10,000 or more in the aggregate. Following his talk, numerous questions were posed and answered. The subject of our next meeting will be bankruptcy as it affects matrimonial law.

Unlawful Practice Committee

When we talk of unlawful practice, we are

and corporations unlicensed to practice law are seen beyond a pale. Take, for example, the DWI Defense League, which appears to a fee-sharing scheme by non-lawyers in the guise of legal advertising. So also goes the Personal Injury Trial Lawyers Association (PITLA), whose advertising campaign appears to have garnered more complaints from participating lawyers than the public. Our President, Donald J. White, attended a real estate closing where legal fees were paid to a business corporation. U.S. Bankruptcy Court Judge Dorothy D.T. Eisenberg has complained of individuals appearing before her *pro se* after having consulted a non-lawyers' firm known as HUB Financial Services in Hempstead. Could it be that a layman is practicing law?

On October 17, 1990, our Committee met with Steven Itrace, Chief of the Nassau County District Attorney's Commercial Frauds Bureau, and Elizabeth Bradford, Esq., of the New York State Attorney General's Office. Budgeting and other constraints have seriously limited their ability to investigate and/or prosecute individuals and firms who are either practicing law without a license or profiting in their sharing of legal fees. From the meeting, Chair Victor Levin concluded that neither agency will spring into action unless we, at the Committee level, conduct exhaustive investigations and demonstrate to the appropriate authority that this problem is sufficiently serious and widespread to be addressed. Accordingly, Mr. Levin will be calling upon Committee members to do just that, as did John Marshall, who was commended for actually going undercover in the DWI Defense League. It is hoped that our Committee will have been heard by the end of this fiscal year, and that the lack of governmental response thus far will be reversed.

Alternative Dispute Resolution

The Committee met on October 22, 1990. Our guest speaker was Jerry Lippman of the National Academy of Conciliators, which is affiliated with the Detroit-based National center for Dispute Settlement. Mr. Lippman outlined N.A.C. panels that are available, the procedures used, and distributed literature from that ten year old organization.

Consumer Affairs Law

At its October 18, 1990 meeting, the Committee resolved to continue in its efforts to participate in public relations and community education programs at the Bar Association. As one of its goals, the Committee will target avoiding litigation by educating consumers on protective legislation.

Criminal Court Law & Procedure

The Committee's November 14, 1990 meeting was devoted to discussion of the report from the Subcommittee on Defense Function.

Social Services and Health Advocacy

During its October meeting, the Committee addressed concern about the issue of retransfers. All agreed that the law was unclear as to where assets transferred from an ill spouse to a well spouse could then be transferred by that well spouse either to children or to a trust for the spouse. In discussing the latter, it was argued that such may be acceptable since the law clearly permits transfers "to or for the benefit of the spouse."

Next, Sonya Crannage discussed her experience in the Queens Surrogate Court with special needs trusts. Ms. Crannage explained that where a person has become disabled by accident and there is a large settlement pending for that person, it is important to consider their medical needs and the possibility of setting up a special needs trust to provide luxuries beyond what government benefits would provide. She also emphasized the need to educate the personal injury bar as to the use of such trusts, as opposed to simple flat settlements under which the plaintiff's money would be quickly dissipated by medical expenses. The meeting concluded with an update on the Adopt a Nursing Home program by Charles Robert, who distributed a list of guidelines for participating attorneys.

At the November meeting of the Social Services and Health Advocacy Committee, there was lively discussion of crucial issues affecting the elderly and the disabled, including the use of health care proxies. Our speakers were Martha Krisel, Legislative Counsel to the Health and Welfare Council

Committee member and private practitioner who is also the administrator of two nursing homes. Ms. Krisel reviewed the Legislative history of the Health Care Proxy statute, and Mr. Kotler addressed some issues that nursing homes will be confronted with when these proxies are presented. Samuel Levine suggested that the Committee make a presentation to the Bar Association regarding the Health Care Proxy Statute. Mr. Levine, the only opponent to changing our Committee's name to the Disability and Elder Law Committee, will be heard by the Executive Committee now considering that application.

Supreme Court

At our well attended October meeting, Steven P. Markus, subchair for "Jury Process Selection", discussed areas that the Committee might develop to improve that process. His suggestions will be reduced to writing for our next meeting. Judge Becker's recent rule in T.A.P., *i.e.*, first twelve cases, etc., has been well received as assisting litigation attorneys and should be made permanent. Subchair Eliot Winograd reviewed "Sanctions," and the Committee will endeavor to formulate a questionnaire for the General Bar to obtain a consensus as to how our members view sanctions. There is a new report of the State Bar which will be the subject of heated debate in the upcoming State Bar Session.

Of course, our Committee will request authority to circulate such a questionnaire, which will be submitted to President White and the appropriate governing body for final approval. However, it is essential that our delegates to the State Bar have an understanding of our membership's stand on the lateral question of sanctions, how Rule 130 is being embraced and whether the procedures comport with due process. Whether the actual use of sanctions has exceeded that originally intended is subject to debate, considering the potential impact on the individual with respect to malpractice insurance, sanction to other bodies governing the conduct of an attorney, etc. The Committee will take no position until more information is gathered and considered. Any Association member interested in joining the Committee in this task should contact Mr. Winograd at (516) 357-0300.

Subchair Robert Kroll is compiling a menu of topics under "Cameras in the Courtroom". The Committee will discuss this further at future meetings. Steven R. Taub, Subchair of "Rules in the Supreme Court," will present his area of concern for discussion at our next meeting. The Committee's goal for the year is to submit our work in these four areas to the Board of Directors. All Committee members are invited to join any one of the subcommittees.

Bankruptcy Law

The Committee met on October 18, 1990. Plans were finalized for the Bankruptcy Lecture on November 15, 1990, and the "Hands-On" Bankruptcy Seminar for November 29, 1990. John Westerman, Craig Robbins and Gary Sachs volunteered to read our Pro Bono Bankruptcy program subcommittee. Miriam Pismeny, of the Nassau-Suffolk Law Services Committee, Inc., addressed the Committee regarding their pro bono program and that of the Suffolk County Bar Association. Our goal is to establish a panel of attorneys to screen eligible debtors, and to develop a network of lawyers to accept such pro bono cases. Ron Terexi and Jeff Morganstern agreed to head our subcommittee for speakers of interest, including Judges, U.S. trustees, accountants and attorneys skilled in special IRS Procedures and from other Bar Association Committees.

Association Insurance Plans

Since January 1990, there has been an increase of 214 insureds in the medical insurance program. We have now received the statistical data from Blue Cross regarding our insured and their claims experience. Based upon this information, permission will be sought from the Executive Committee to market the program to various carriers. Discussions were continued on the dual option plan offered by Oxford Insurance Company. Disability plan information was mailed to members with good response.

Women In The Courts

When the Committee met in October, we discussed in great detail the letter to be sent to President White concerning the position

discrimination. We also discussed the scheduling of our upcoming seminars for the Judges, and what more we could do to focus on women attorneys and court personnel.

At our November meeting, Barbara Paltrow reported on the Bar Association's actions regarding patronizing private clubs which discriminate in membership or availability of facilities because of gender. We also heard reports from our subcommittees on the judicial seminars, and voted to conduct the first one on February 25 or 27, 1991, depending upon the availability of the Hofstra University Club.

Young Lawyers

Young Lawyers luncheons are held on the first Friday of each month. On October 3, 1990, a roundtable discussion and demonstration entitled "How to Select a Jury" was jointly sponsored by the Committee and the General Practice, Professional Economics, Computer and Law Student Committees. The presentation was well attended and included a demonstration of the jury selection process with a mock jury panel. Robert F. Danzi, Esq., served as Plaintiff's counsel, and Ruth M. Pollack, Esq., represented the defense. Both attorneys effectively demonstrated jury selection techniques in their respective adversarial roles. The program concluded with an equally informative question and answer session.

A second meeting sponsored by the Young Lawyers Committee, in conjunction with the above Committees, was held on November 29, 1990. Entitled "How To Make An Effective Presentation In Any Courtroom," this presentation featured two well-respected attorneys from the civil and criminal bars. They discussed and demonstrated how, when and where to stand, sit, address the Judge and Jury, make objections, handle opposing counsel and project vocally in the courtroom. The program was specifically designed both for the lawyer with limited trial experience and to serve as a refresher course for the more experienced attorney wishing to polish his or her courtroom technique in civil and criminal cases to maximize advantages, minimize disadvantages and to "win" the Judge and Jury before trial even commences.

Law Office Economics

The Law Office Economics Committee and the Long Island Paralegal Association are co-sponsoring the program, "What Every Attorney And Paralegal Needs to Know About Foreclosure". This seminar will be held on Thursday, January 24, 1991, from 6:30-8:30 p.m., in the Great Hall at Domus. From 5:30-6:30 p.m., a light buffet will be available (at between \$10 and \$20 per person), and a networking function will be offered by the Paralegal Association.

The program itself will consist of three segments, during which an attorney and their paralegal will each speak for approximately 15 minutes. The first segment will cover Considerations Before a Foreclosure, including Possible Workouts, Elections, Tactics, Negotiations and other Prerequisites to Foreclosure. The second segment will address the statutory basis of the foreclosure, procedural requirements, the Preparation of Forms, Service, Notices, etc. The final segment will encompass the Actual Foreclosure Sale/Auction, Bidding Requirements, Ability of the Borrower and/or Bank to Bid, and the Aftermath of a Foreclosure.

The Banking Law, Bankruptcy Law, Consumers Affairs Law, General Practice, Real Property Law and Young Lawyers Committees will be asked to co-sponsor this program. It is also hoped that the lawyers on those Committees will be asked to co-sponsor this program. It is also hoped that the lawyers on those Committees will alert their paralegals to this seminar. The program will provide attorneys and paralegals with a general overview of foreclosure practice, a booming area presenting potential employment for both lawyers and paralegals.

The State Bar is presently considering revising their guidelines on the use of paralegals, originally prepared in 1974. The State Bar Law Office Economics Committee will convene in conjunction with the annual State Bar meeting on Friday, Jan. 25, 1991 in New York City. We are proposing that following that meeting, at 2:00 p.m., they meet for discussion, among those attorneys and paralegals attending from throughout the state, of the paralegal's role in the law of