New York Lawyer's Formbook

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PREFACE

The *New York Lawyer's Formbook* (*Formbook*) is intended to familiarize practitioners with the various forms and materials used in areas of practice they may not have encountered before. The material is compiled and written by experienced practitioners and offers a wide array of information, including sample forms and letters.

While it is our hope that the information will be extremely helpful to new attorneys, it cannot be stressed enough that all forms should be considered only as a starting point. All forms must be tailored to meet the needs of your client for a particular transaction.

The *Formbook* is a companion publication to the *New York Lawyer's Deskbook* (*Deskbook*). Many of the forms and exhibits included in the *Formbook* are discussed in the *Deskbook*, which provides an overview of the steps involved in handling a basic transaction or in understanding a particular subject area. While the *Formbook* is a helpful reference source by itself, combined with the *Deskbook* it becomes an invaluable practice aid.

The *New York Lawyer's Formbook* is an ongoing service of the General Practice Section and the Committee on Continuing Legal Education of the New York State Bar Association. In addition to updated material, future supplements may also contain new sections. Any comments or suggestions you may have regarding this publication are welcomed.

ABOUT THE AUTHORS

NORMAN D. ALVY, ESQ.

Mr. Alvy is head of the commercial litigation and construction law group at the law firm of Ficara & Associates, P.C., in Melville, NY. He is a graduate of Cornell University, School of Industrial and Labor Relations, and the State University of New York at Buffalo, School of Law. For over 35 years, he has primarily been practicing in the construction law, government contracts and surety fields. He is a member of the New York State Bar Association, its Municipal Law Section and its Torts, Insurance and Compensation Law Section. He has written numerous articles concerning the construction law field and is a member of several contractor and building associations in the New York metropolitan area. He is also counsel to the Queens and Bronx Building Association.

JESSICA R. AMELAR, ESQ.

Ms. Amelar is a principal court attorney in the New York County Surrogate's Court. A member of the Trusts and Estates Law Section of the New York State Bar Association, she has chaired its Continuing Legal Education Committee and served on the Association's Committee on Continuing Legal Education.

PROFESSOR LEONA BEANE

Leona Beane is Professor Emeritus of Law at Baruch College (City University) in New York City, where she taught for 21 years. Professor Beane received her B.B.A. and M.B.A. from the City College of New York, M.S. from Columbia University and J.D. from New York Law School. She has been a practicing attorney involved in the closely held business, estates and guardians, and is an active member of several bar associations. She has chaired and/or lectured at several programs over the years for the New York State Bar Association: "Drafting Corporate Documents for the Close Corporation," "Forming and Advising Businesses" and others. She chaired and lectured at programs on guardians and Article 81 of the Mental Hygiene Law, having lectured in different parts of the state for the several different Bar Associations. In 1998 and 1999, Ms. Beane lectured at several judicial seminars on guardianship topics. She has also lectured at the Judicial Institute in April 2003 and the Guardianship Roundtable in May 2011. She serves on the Board of Advisors to the Vera Guardianship Project and assisted in the initial training of its staff.

She is a past president of both the National Association of Women Lawyers and the Association of Small Claim Arbitrators, and she is an arbitrator and mediator for the U.S. District Court, Eastern and Southern Districts. She is also an arbitrator for the Financial Industry Regulatory Agency (FINRA). She is a mediator in the Commercial Division of the Supreme Court, New York County; the Bankruptcy Court, Eastern and Southern Districts; the EEOC and Safe Horizon, in addition to several other forums. She is also a Mediator/Special Master in the Appellate Division. She had been Chair of the Arbitration and ADR Committee of the New York County Lawyers' Association for four years. She was Vice-Chair of the Dispute Resolution Section of the New York State Bar Association for two years, is currently Website Chair of the Section and continues to serve on its Executive Committee. She is a member of the New York Chapter of the National Academy of Distinguished Neutrals.

She has published several articles on various legal topics, including partnership law, contracts, guardians, guardians *ad litem* and mediation relating to estate matters and guardianship. She also is a chapter author and an Associate Editor of *Guardianship Practice in New York State* (NYSBA 1998).

In recent years she has been devoting more of her practice to ADR matters. In 2012, she organized a program on "The Basics of Mediating Trusts and Estates Disputes" for the NYSBA.

CHARLES E. BINDER, ESQ.

Mr. Binder, of the Law Offices of Harry J. Binder and Charles E. Binder, P.C., works almost exclusively on Social Security disability cases at both the administrative and federal court levels. A graduate of Georgetown University Law School, Mr. Binder was an officer and member of the Executive Committee of the National Organization of Social Security Claimants' Representatives (NOSSCR) for many years, as well as a past president of the New York Social Security Bar Association. He has regularly lectured on behalf of the New York State Bar Association for its Continuing Legal Education programs, covering Social Security disability, as well as at many NOSSCR conventions, conferences on Social Security disability organized by the Practising Law Institute, before hospital staffs, vocational rehabilitation specialists and various foundations dealing with the problems of the elderly and disabled. He has twice lectured for the pro bono panel of the Eastern District of New York concerning Social Security disability cases from the plaintiff's perspective. He has also testified before the U.S. House of Representatives Committee on Ways and Means Social Security Subcommittee about the Social Security Disability Program.

MARGARET ANN BOMBA, ESQ.

The late Margaret Ann Bomba was a graduate of Brooklyn Law School and St. Francis College. She studied on the post-graduate level at Columbia University.

Ms. Bomba was admitted to the United States Supreme Court and to the federal and state bars of New York and New Jersey. She was a biographee of *Who's Who in the World*, *in the East*, *in Finance and Industry*, *of American Women* and *in American Law*; an inductee of the Catherine McAuley High School Hall of Fame; and the recipient of a citation from the president of the Borough of Brooklyn for her work representing the elderly. She was a member of the American Bar Association, the Trusts and Estates and Elder Law Sections of the New York State Bar Association, the National Academy of Elder Law Attorneys, the Columbian Lawyers Association and the New York County Lawyers' Association. Ms. Bomba was chairperson of the Fraud and Abuse Subcommittee of the Elder Law Section of the NYSBA and sat on the Executive and Nominating Committees of the Elder Law Section; she was a director of the Columbian Lawyers Association of the First Department.

She was a faculty member of the New York State Judicial Seminars; various OCA-approved Mental Hygiene Law Article 81 mandatory education programs for Court Examiners, Court Evaluators and Guardians; the Practising Law Institute; the New York State Bar Association Continuing Legal Education program; Association of the Bar of the City of New York/New York County Lawyers' Association Continuing Legal Education program; and the Court Examiner education programs of the Appellate Division, First and Third Departments. She also sat as an arbitrator on the New York Stock Exchange. Her practice was limited to representing estates of decedents and incapacitated persons, with specific emphasis on litigation on behalf of the elderly who have been financially victimized.

HONORABLE ALEX M. CALABRESE

Alex M. Calabrese is an Acting Supreme Court Justice of the State of New York and the Presiding Judge of the Red Hook Community Justice Center. As one of the most comprehensive community courts in the United States, the Justice Center hosts national and international visitors on a regular basis.

Judge Calabrese has lectured nationally and internationally on community justice, speaking to government officials, judges, probation officers and social work professionals throughout the United Kingdom and in New Zealand.

He began his legal career as a trial attorney with the Legal Aid Society's Criminal Defense Division in Manhattan, where he served from 1979 to 1986. For the next 11 years, he served as a principal law assistant to the Honorable Leslie Crocker Snyder, assisting the court with organized crime narcotics cases and gang-related homicide cases. In 1997, he was appointed as a judge to the Criminal Court for the City of New York by Mayor Rudolph Giuliani.

Judge Calabrese is an Adjunct Professor at the New York University Graduate School of Social Work where he teaches a course in Therapeutic Jurisprudence. He and the Red Hook Community Justice Center received the 2006 Problem-Solver Award from the American Bar Association, the first courthouse to receive this prestigious award.

RICHARD V. D'ALESSANDRO, ESQ.

Mr. D'Alessandro, of the Richard V. D'Alessandro Professional Corporation in Albany, practices taxation law. He is a graduate of Albany Law School and a member of the New York State Bar Association, American Bar Association, American Institute of Certified Public Accountants and New York Society of Certified Public Accountants. He is listed in *The Best Lawyers in America*. Mr. D'Alessandro has lectured on taxation for various associations, including the New York State Bar Association and the New York State Bankers Association. He is editor-in-chief of *Taxation for the General Practitioner* (NYSBA 1999). He has published articles in *Estate Planning*, a national bi-monthly journal for lawyers, accountants, trustees and other practitioners, and in the New York State Bar Association's *State Bar News*, among others.

CHRISTOPHER P. DALY, ESQ.

Mr. Daly is a partner in the Real Estate Department of Farrell Fritz, P.C. Mr. Daly practices primarily in the area of commercial real estate finance. He is a 1992 graduate of St. John's University School of Law and is admitted to practice in the State of New York.

WILLARD H. DASILVA, ESQ.

Willard H. DaSilva, senior member of the "AV"-rated DaSilva, Hilowitz & McEvily LLP, is a veteran matrimonial law practitioner with offices in Garden City and New City, New York. He is one of fewer than 100 attorneys in the United States invited to be a Diplomate of the American College of Family Trial Lawyers. His biography appears in *Who's Who in America*, and for 25 years he has been listed in *The Best Lawyers in America*. He is currently listed in *New York Magazine's Best Lawyers in the New York Metropolitan Area* and in the *New York Times* as a "Super Lawyer." He is a past President of the American Academy of Matrimonial Lawyers, New York Chapter, and he is editor emeritus

of the ABA's *Family Advocate* magazine; editor emeritus of the New York State Bar Association *Journal*; Chairman of the Board of Editors of the nationally published *The Matrimonial Strategist*; and author of *New York Matrimonial Practice*, published by The West Group. He is a former Council Member of the American Bar Association's Section of Family Law, a Master and Past President of the New York Family Law American Inn of Court, a former member of the New York State Bar Association's House of Delegates, and past Chair of the Association's General Practice Section. His extensive lecturing schedule to judges and lawyers includes seminars sponsored by bar associations and civic organizations throughout the United States, Canada and Europe.

Mr. DaSilva, a *magna cum laude* graduate of New York University and a member of Phi Beta Kappa, received his law degree at Columbia University Law School. He is a widely quoted commentator in the *New York Times, Newsday, USA Today, Newsweek, U.S. News & World Report* and the *New York Law Journal*, which has referred to him as the "Dean of Matrimonial Lawyers." He has appeared on both network and syndicated television programs such as *The Today Show, The Phil Donahue Show, The Regis Philbin Show*, CNN's *Sonya Live* and NBC's *Network News*, as well as radio programs throughout the United States.

JOSEPH DIBENEDETTO, ESQ.

Mr. DiBenedetto is a partner in the New York City law firm of Winston & Strawn. He graduated from St. John's University School of Law in 1970, and was managing editor of its Law Review (1969–1970). Mr. DiBenedetto is a member of several national, state and local bar associations, and is a member of various committees of the American Bar Association and the New York State Bar Association. In addition, he has lectured on civil practice for various associations. He focuses on commercial, corporate and securities litigation, and has published various articles relating to those areas of his practice.

LAWRENCE N. GRAY, ESQ.

Lawrence Gray is a former Special Assistant Attorney General in the appellate section of the Attorney General's Medicaid Fraud Control Unit. He was previously a Special Assistant Attorney General in the Office of the Special State Prosecutor for the Investigation of the New York City Criminal Justice System; prior to that he was an Assistant Attorney General in the Bureau of Real Estate, Securities Fraud and Theatrical Syndications. He began his career as an Assistant District Attorney in Bronx County. Mr. Gray is a 1969 graduate of St. John's University School of Law, where he was an associate editor of the *St. John's Law Review*. His other publications include *Criminal and Civil Contempt*, Second Edition (NYSBA, 2012); *Evidentiary Privileges—Grand Jury, Criminal and Civil Trials*, Fifth Edition (NYSBA, 2012); *Contempt and the Courtroom* (NYSBA, 1996); *A Practice Commentary to Judiciary Law Article 19*, 1 Cardozo Public Law, Policy & Ethics Journal 61 (2003); *Criminal and Civil Contempt: Some Sense of a Hodgepodge*, 72 St. John's Law Review 337 (1998); and *Judiciary and Penal Law Contempt in New York: A Critical Analysis*, Brooklyn Law School Journal of Law and Policy, Vol. III, No. 1 (1994). He is Editor-in-Chief of NYSBA's *New York Criminal Practice, Third Edition,* and its Supplements. He continues practicing law by representing indigent criminal defendants pro bono.

PROFESSOR RONALD DAVID GREENBERG

Ronald David Greenberg has been a professor at Columbia University for over 25 years, as a member of the full-time faculty until 1982 and as an adjunct full professor from 1983 to 1997, dividing his time between academia and the practice of law. He was a Visiting Professor at Stanford University in 1978 and at Harvard University in 1981. He attended Harvard University, earning both an M.B.A. and a J.D. degree. He was counsel to Delson & Gordon from 1973 to 1987. His practice focuses on business law and taxation and has included working with close corporations, large multinationals and limited liability companies. He is completing a textbook on international business law and taxation. He has been a lecturer and consultant in training programs for commercial banks, investment banks and other organizations. He is a member of the American, New York State and New York City bar associations and has served as Chair of various committees for the ABA and NYSBA. Professor Greenberg has published articles and other materials in such journals as the *Business Lawyer*, *California Law Review* and *Urban Lawyer.*

ARLENE HARRIS, ESQ.

Ms. Harris is Special Counsel and Co-Chair of the Trusts and Estates Department of the New York City firm of Kaye Scholer LLP. Previously, she was a member of Shea & Gould; was the chief law assistant for the New York County Surrogate's Court; and served as Assistant Attorney General, New York State Department of Law. Ms. Harris is the former Chair of the OCA Advisory Committee on the Surrogate's Courts. She is a Fellow of The American College of Trust and Estate Counsel, where she is the former Chair of its Subcommittee on Construction and Instruction Law. She is a former member of the Surrogate's Court Committee of the Association of the Bar of the City of New York. An active member of the New York State Bar Association, Ms. Harris is a former Chair of the Executive Committee of the Trusts and Estates Law Section. She is a former First District Representative and a former Chairperson of the Legislation and Estate and Trust Administration Committees. In addition to being a former Adjunct Professor of law at St. John's University School of Law, she is a frequent lecturer at continuing legal education programs and panels. Ms. Harris is the author of articles on estates and estate planning. She is listed in *The Best Lawyers in America*, Chambers USA, 2012 *America's Best Lawyers* and in 2012 *Top 100 Super Lawyers* and *Top 50 Women Super Lawyers*.

PATRICK J. HIGGINS, ESQ.

Mr. Higgins practices in Albany, New York, where he represents the seriously and catastrophically injured and their families. He also litigates environmental matters. In 2014 Mr. Higgins was named to "Best Lawyers in America" in the field of plaintiff's medical malpractice and personal injury. In 2013, he was also listed as one of the top 25 lawyers in the Hudson Valley by *Super Lawyers*.™

Mr. Higgins is the Editor-in-Chief and contributing author to the New York State Bar Association two-volume treatise *The Plaintiff's Personal Injury Action in New York*, published in 2008, with an update issuing in 2014. He has also since 2003 been the state chair for the New York State Bar Association's seminars "Handling Tough Issues in Personal Injury Litigation." Mr. Higgins is board certified by the National Board of Trial Advocacy in Trial Practice and is a graduate of the National Institute of Trial Advocacy (NITA) Master Advocacy Program. He is a past President of the Albany County Bar Association and a past member of the New York State Bar Association House of Delegates. Mr. Higgins has frequently spoken to attorneys' groups on trial practice and representing plain-

tiffs in personal injury matters. In December 2013, the American Association of Justice (AAJ) *Trial* magazine published an article co-authored by Mr. Higgins on the illegal practice of corporate dentistry and its effects on young children.

Mr. Higgins has also spearheaded Albany County Bar Association programs held with fire, police and local hospitals to give free bike helmets to children and to educate children on safe biking. Mr. Higgins for six years until January 1, 2014, served on the Independent Judicial Elections Qualification Commission for the Third Judicial District.

DAMON P. HOWARD, ESQ.

Damon P. Howard is a founding partner of Ephron-Mandel & Howard, L.L.P., located in New York City. His experience ranges from commercial litigation, including actions for injunctive and declaratory relief, to residential and commercial landlord-tenant issues. Mr. Howard is a graduate of the University of Texas at Austin and Tulane University Law School and received his early training as a litigator as an intern for the U.S. Attorney's Office, Civil Division. He is admitted to practice in New York, the Southern District of New York, New Jersey and Louisiana.

WILLIAM ILECKI, ESQ.

William Ilecki is a partner in the firm of Chiari & Ilecki, practicing in the areas of commercial litigation, creditors' rights, bankruptcy and general practice. A 1989 graduate of the State University of New York at Buffalo School of Law, he received his undergraduate education at Canisius College, graduating in 1986 (*magna cum laude*, All-College Honors Program). Mr. Ilecki is admitted to practice law in all courts of the states of New York and Pennsylvania, as well as the United States District Court and Bankruptcy Court for the Western District of New York. He is a member of the American and the New York State Bar Associations, the Bar Association of Erie County (Banking and Commercial Law Committee), and is past president of the Erie County Bar Foundation. He has frequently lectured to various groups regarding collections and bankruptcy law.

DANIEL S. JONES, ESQ.

Daniel S. Jones serves of counsel to the law offices of Harry J. Binder and Charles E. Binder. He is a graduate of New York Law School, class of 2010, where he was admitted as part of the John Marshall Harlan Scholars Program. He was admitted to the New Jersey bar in 2010 and the New York State bar in February 2011. He currently practices exclusively in the area of federal court appeals of Social Security disability claims. Prior to becoming a member of the bar, Mr. Jones spent eight years working as a non-attorney representative of claimants appearing before the Social Security Administration at all levels of the administrative process. He is a member in good standing of the Eastern and Southern District Courts of New York as well as the District Court of New Jersey and the Sixth Circuit Court of Appeals. He is a member of the National Organization of Social Security Claims Representatives, the American Bar Association and the New York State Bar Association.

CHRISTINA KALLAS, ESQ.

Currently in private practice in New York City, Ms. Kallas has devoted a great deal of her career to commercial real estate, representing clients from individuals to businesses to commercial, investment and savings banks, and mortgage and insurance companies, and handling the sale, lease and financing of all types of commercial properties, including hotels, multi-family apartment complexes, shopping centers, restaurants and garages. On Wall Street, Ms. Kallas was instrumental in developing the new practice area resulting from the private sale of mortgage loans among different types of lenders and governmental agencies. For one investment banking client, long before the sub-prime mortgage crisis of 2008, she uncovered a mortgage sale fraud involving hundreds of institutions and $1 billion in loan sales, and helped assure the conviction of the perpetrator. Ms. Kallas also has been a Vice President at Smith Barney, Harris Upham & Co. Inc., where she obtained her Series 7 and Series 63 licenses and sat on the trading desk.

Active for many years in the New York Women's Bar Association, www.nywba.org, Ms. Kallas is a past president and former Executive Director, as well as Chair of the Real Estate, Technology and ADR committees. Ms. Kallas served for many years as co-chair of the Committee on International Women's Rights for the Women's Bar Association of the State of New York.

PHILIP C. KILIAN, ESQ.

Until his retirement, Mr. Kilian was a partner in the firm of Farrell, Fritz, PC of Uniondale and New York City, where he concentrated his practice in banking (documentation of commercial loans, real estate construction loans and mortgages), loan restructuring and workout litigation related to foreclosure, lender liability and creditors' rights. He received his J.D. from St. John's University School of Law. His memberships included the New York State Bar Association and Court of Federal Claims Bar Association.

HERBERT A. KLINE, ESQ.

Herbert A. Kline was with the Binghamton, New York, firm of Pearis, Kline & Barber, LLP continuously from 1957 until 2007 when he became of Counsel to Coughlin & Gerhart, LLP. Mr. Kline received his bachelor of arts degree from Syracuse University and his law degree from Harvard Law School. From 1957 through 1968, he was Assistant District Attorney of Broome County. Mr. Kline has been active in municipal law for over 50 years, serving as Town Attorney of the Town of Kirkwood since 1958. From 1979 to 2008 he served as either the Town Attorney or the Deputy Town Attorney of the Town of Colesville, and has served as the Village Attorney of the Village of Port Dickinson since 1992 and Attorney for the Town of Sanford since 2005. From 1994 to 2008 he served as either the Town Attorney or the Deputy Town Attorney of the Town of Triangle. He was elected Chairman of the Municipal Law Section of the New York State Bar Association in 1970 and President of the Association of Towns of the State of New York in 1971. He is a member of the Broome County, New York State, and American Bar Associations.

Mr. Kline is the author of *New York Municipal Formbook*, 1st, 2nd, 3rd and 4th editions (NYSBA 2013). He is also the author of *Forms and Outlines of Criminal Procedure for Town Justices and Police,* published by the Association of Towns in 1962, 1965, 1971 and 1978, and the 1977 through 2009 editions of *Small Claims Guide for Town and Village Courts*.

BERNARD A. KROOKS, ESQ.

Bernard A. Krooks is a founding partner of the law firm Littman Krooks LLP and Chair of its Elder Law and Special Needs Department. He is past President of the Special Needs Alliance, a national, invitation-only, not-for-profit organization dedicated to assisting families with special needs planning. A Fellow and past President of the National Academy of Elder Law Attorneys (NAELA), Mr. Krooks is certified as an Elder Law Attorney by the National Elder Law Foundation. He is a past Chair of the NAELA Tax Section and past editor-in-chief of the *NAELA News*. He is a founding member and past President of NAELA's New York Chapter. In 2008, he received the Chapter's Outstanding Achievement Award for his lifelong work on behalf of seniors and those with disabilities. In 2007, his firm received the NYSARC employer of the year award for employing people with disabilities. In 2011, his firm received the Family Friendly Employment Policy Award from the Westchester Women's Bar Association.

Mr. Krooks is past Chair of the Elder Law Section of the New York State Bar Association and past Editor-in-Chief of the *Elder Law Attorney*, the Section's newsletter. He is a former member of the Association's House of Delegates, and he served on the Association's Special Committee on Multi-Disciplinary Practice. He is a member of the Association's Trusts and Estates Law and Tax Sections. Mr. Krooks is co-author of "Creative Advocacy in Guardianship Settings," a chapter in *Guardianship Practice in New York State* (NYSBA 1997 & supps.). He serves on the Editorial Boards of *Exceptional Parent Magazine*, *Trusts & Estates Magazine* and *Leimberg Information Services.*

Mr. Krooks's expertise is in elder law, special-needs planning and estate planning matters. He has been quoted in the *Wall Street Journal*, the *New York Times*, *Newsweek*, *Forbes*, *Investment News*, *Financial Times, Money* magazine, *Smart Money*, *Worth Magazine*, *Kiplinger's*, *Bloomberg*, *Consumer Reports*, *Wealth Manager*, CBSMarketwatch.com, *Lawyer's Weekly USA*, *Reader's Digest*, *Bottom Line*, the *Journal of Financial Planning*, the *New York Law Journal*, the *Daily News*, the *New York Post* and *Newsday*, among others. He has testified on long-term care issues before the U.S. House of Representatives and the New York City Council; and he has appeared on *Good Morning America Now*, National Public Radio, Sirius XM Radio, CNN, PBS, NBC, and *CBS Evening News*.

Mr. Krooks is past President of the Estate Planning Council of Westchester, a member of the Advisory Board of the National Association of Estate Planning Councils, and a member of the New York City and Hudson Valley Estate Planning Councils. Mr. Krooks received his AEP accreditation from the National Association of Estate Planners & Councils. He also is vice chair of the Long-term Care, Medicaid, and Special Needs Trusts Committee of the Real Property, Probate & Trust Law Section and a member of the Tax Section of the American Bar Association; a member of the Bar of the Supreme Court of the United States; and a member of the American Institute of CPAs. Mr. Krooks also is a Fellow of the American College of Trust and Estate Counsel (ACTEC) and serves on its Elder Law Committee. He is an Adjunct Professor at NYU Center for Finance, Law & Taxation and is a member of the NYU Institute on Federal Taxation Advisory Board. At the 46th Annual Heckerling Institute on Estate Planning, Mr. Krooks presented a general session titled "The Use of Irrevocable Income-Only Trusts in Elder Law Planning."

Mr. Krooks has served on the Board of Directors of the Alzheimer's Association Westchester/Putnam Chapter and the Bioethics Advisory Committee of New York Hospital. He is a member of the board of directors ARC of Westchester, a member of the Blythedale Children's Hospital Planned

Giving Professional Advisory Board, a member of the legal advisory committee of the Evelyn Frank Legal Resources Program of Selfhelp Community Services, Inc., and a board member of the Caregiver's Insights Foundation. He is listed in *Best Lawyers in America*; *New York Super Lawyers*; *Who's Who in America*; the "New York Area's Best Lawyers", *New York* magazine; the *New York Times*; and the *Top 25 Westchester New York Super Lawyers*.

HONORABLE GERALD LEBOVITS

Gerald Lebovits has been a New York City judge since 2001. He currently presides in New York City Civil Court, where he serves as the secretary of the Board of Judges. Previously, he presided in Criminal Court and Housing Court, where he served as the president of the Association of Housing Court Judges. A part-time teacher for 27 years, he is an Adjunct Professor of Law at Columbia Law School, Fordham University School of Law, New York Law School, and New York University School of Law. Previously, he was an adjunct professor at St. John's University School of Law. Active in the New York State Bar Association, for which he has lectured many Continuing Legal Education programs, he is a past Co-chair of the Association's Committee on Landlord and Tenant Proceedings, has authored the *Bar Journal*'s Legal Writer column since 2001, and has published 25 articles in the Association journals, 19 of them in the Association's *New York Real Property Law Journal*. He graduated from the Ottawa (LL.L.), Tulane (M.C.L.), and New York University (LL.M.) law schools.

GEORGE FOSTER MACKEY, ESQ.

George Mackey is of counsel to the law firm of Lewis & McKenna, with offices in Saddle River, New Jersey, and New York City, practicing in construction and engineering, public contract and surety law. He is a graduate of Trinity College and the New York University School of Law; and he is a member of the American Bar Association Section on Dispute Resolution. He is a former associate editor of *The Procurement Lawyer*, published by the Public Contract Law Section of the American Bar Association. Mr. Mackey also serves on the National Panel of Construction Industry Arbitrators, American Arbitration Association. He is also a member of the New Jersey Bar and the Florida Bar. Mr. Mackey has written and lectured on construction industry topics to bar groups, contractors and sureties.

CLAIRE SAMUELSON MEADOW, ESQ.

Mrs. Meadow is in the private practice of law, concentrating in real property transactions. She is the author of numerous real estate articles distributed to lawyers and has appeared on the General Practice "Hot Tips" panel at the New York State Bar Association's Annual Meeting. She has presented Continuing Legal Education credit programs on real estate and title matters at Pace Law School as well as to the Westchester Women's Bar Association, the Westchester County Bar Association, the New York County Bar Association and the National Law Foundation. Her most recent CLE presentation dealt with condo, co-op and HOA transactions. Mrs. Meadow authored the residential real property chapters of the *New York Lawyer's Deskbook* and *Formbook* for more than 10 years.

Before entering private practice, she was a staff attorney in the Enforcement Division of the Securities and Exchange Commission's New York regional office. She is a Phi Beta Kappa, cum laude graduate of Hunter College, Class of 1959, and a graduate of Columbia Law School, Class of 1962, where she was a recipient of a Moot Court scholarship.

She is listed in *Who's Who in American Women* and *Who's Who in American Law*. She is a 1989 recipient of a Westchester County Woman of Achievement Award and a Certificate of Special Congressional Recognition from Congresswoman Nita M. Lowey for "outstanding and invaluable service to the community."

A founding member of the New York State Women's Bar Association, Westchester County, Mrs. Meadow was its first recording secretary and created its annual golf outing which she chaired for six years. She welcomes inquiries by new lawyers and general practitioners concerning basic real estate or title matters. In addition to private legal practice she is an independent consultant to title agencies, through which she can assist you with title searches and title insurance applications. She can be reached at meadowclaire@gmail.com or by calling 914-834-6472.

MARTIN MINKOWITZ, ESQ.

Mr. Minkowitz is of counsel in the law firm of Stroock & Stroock & Lavan, concentrating in insurance regulation and workers' compensation regulatory practice. He was a partner from 1988 to 2009. He was Deputy Superintendent and General Counsel of the New York State Insurance Department for seven years; prior to that, he was General Counsel of the New York State Workers' Compensation Board for five years. He has a Master of Laws degree from Brooklyn Law School. He is a Fellow of the New York State Bar Association Foundation, and a member of its Board. He is a former chair of the General Practice Section and has chaired many NYSBA committees as well, including the Committee on Professional Discipline and the Committee on the Unlawful Practice of Law. He is a member of the NYSBA's House of Delegates.

Mr. Minkowitz writes the Commentaries to McKinney's New York Workers' Compensation Law and has often been cited by the Appellate Division and the Court of Appeals in New York. He was a member of the Recodification of the New York Workers' Compensation Law Project. He has written extensively on a broad range of topics, and his articles have appeared in several American Bar Association, Practising Law Institute and New York State Bar Association publications. He is also the coauthor of several legal texts, including *Workers' Compensation Insurance Law and Practice: The Next Generation*, and he is the author of West's *New York Practice Series, New York Workers' Compensation*. He is an Adjunct Professor of law at New York Law School, where he teaches workers' compensation. He is a frequent lecturer on a variety of topics for the American Bar Association; Continuing Legal Education programs of the New York State Bar Association; the Practising Law Institute; and numerous professional, labor and industry organizations. He is listed in *Who's Who in America* and *Who's Who in American Law.*

PAUL A. PETERS, ESQ.

The late Paul Peters was Of Counsel to Bulan, Chiari, Horwitz & Ilecki, LLP, in Buffalo, NY. He attended the University of Buffalo Law School, completing his legal studies through an apprenticeship program and is a graduate of Canisius College. Prior to this, Mr. Peters had been with the law firms of Brizdle & Hankin, P.C.; Gross Shuman Brizdle & Gilfillan, P.C.; and was a partner with Saperston & Day, P.C. and Of Counsel to Hiscock & Barclay, LLP. He also served as an Officer in the United States Army. His area of concentration was creditor's rights, and he lectured for the National Business Institute on creditor's rights and for the New York State Bar Association on mort-

gage foreclosures and workouts. In addition, Mr. Peters served as chair and moderator for the New York State Bar Association's Continuing Legal Education program, "Collections and the Enforcement of Money Judgments." He was also a contributing editor and editor-in-chief of supplements to the New York State Bar Association publication of that name. He was a member of the Commercial Law League of America, the Erie County Bar Association and the Blackhorse Association.

PROFESSOR NICHOLAS A. ROBINSON

Nicholas A. Robinson is the Gilbert and Sarah Kerlin Distinguished Professor of Environmental Law Emeritus (and also holds the title University Professor for the Environment) at Pace University School of Law, where he has been on the faculty since 1978. A graduate of Columbia University Law School, he has focused on environmental law since 1969 when he was named to the Legal Advisory Committee on the President's Counsel on Environmental Quality. From 1976 to 1983, he chaired the New York State Freshwater Wetlands Appeals Board. From 1983 to 1985, he served as Deputy Commissioner and General Counsel of the New York State Department of Environmental Conservation, and from 1985 to 1994, he was chairman of the Environmental Advisory Board to the governor of New York State. He is past chairman of the Environmental Law Section of the New York State Bar Association and the Environmental Law Committee of The Association of the Bar of the City of New York. He is past chairman of the Greenway Conservancy for the Hudson River Valley. He has participated in numerous NYSBA Continuing Legal Education Environmental Law programs. He is author of the treatise *Environmental Regulation of Real Property* and is editor-in-chief of *The Treatise on New York Environmental Law* (NYSBA 1992, Supp. 1995).

IRA SALZMAN, ESQ.

Ira Salzman is a partner in Goldfarb Abrandt Salzman & Kutzin LLP, a law firm with offices in New York City and White Plains. The firm concentrates its practice in guardianships, elder law and estates. Mr. Salzman is a member of the National Academy of Elder Law Attorneys (NAELA) and a former editor of its quarterly publication. He is a member of the Elder Law Section of the New York State Bar Association, the current co-chair of its Medicaid Committee and a past vice chair of its Guardianship Committee. He is a member of the New York County Lawyers' Association and a past chair of its Elder Law Committee. Mr. Salzman has lectured at and chaired Office of Court Administration certified training programs for court evaluators and guardians. He has also lectured on elder law for numerous bar associations, not-for-profit corporations and *Fortune* 500 companies. His articles have appeared in *Elder Law Attorney* and in NAELA publications.

MICHELE A. SANTUCCI, ESQ.

Michele A. Santucci is considered one of the leading business and corporate attorneys in New York State. Ms. Santucci has more than 25 years' experience in the private practice area of business, partnership and corporate law and more than 18 years' experience in the legal practice of business and professional immigration law. In her corporate practice, Ms. Santucci provides counsel in the formation and operation of business organizations and limited liability companies, drafting organizational agreements and business contracts, and corporate dissolution matters and taxation, among other areas.

Ms. Santucci has authored more than 30 publications in the area of Business and Limited Liability Law distributed by such legal publishers as the New York State Bar Association, West Publications

and Matthew Bender/Lexis Nexis. Aside from her work on NYSBA's *Deskbook*, *Formbook* and *New York Practice Monograph* series, she is a contributing author to West's New York Practice Series *General Practice in New York*, and currently serves as an editor and revision author of *White's New York Corporations*, Volume 5 (Matthew Bender-LexisNexis).

As a frequent lecturer in the area of business law, Ms. Santucci has served in the various capacities of overall state planning chair, program chair, moderator and speaker for more than 20 Continuing Legal Education programs. In 2008, she presented the CLE Section on "Limited Liability Companies" for the New York Attorney General/New York State Legislature, and served as program chair and moderator for the NYSBA CLE program titled "Preparing and Drafting Organizational Documents for LLCs and Corporations." In June 2001, Ms. Santucci was appointed to the 25-member Statewide New York State Bar Association Committee on Continuing Legal Education.

Ms. Santucci is admitted to practice in the District of Columbia, New York State, the U.S. District Court Northern District and the United States Tax Court and is a member of the American Immigration Lawyers Association and the Business Law Section of the NYSBA. She received her B.A. in political science from Manhattanville College in Purchase, New York, and her J.D. from George Mason University School of Law in Arlington, Virginia. Since 1997, Ms. Santucci has served as Immigration Legal Counsel to Rensselaer Polytechnic Institute. Formerly, she was a partner of the Troy law firm of Pattison Sampson Ginsberg and Griffin, P.C. and is currently Of Counsel to that firm.

KENNETH M. SCHWARTZ, ESQ.

Mr. Schwartz is a principal of Farer & Schwartz, PC, and principal of Worldwide Abstract Services, Inc. His primary area of practice is real estate. A graduate of Capital University School of Law, Mr. Schwartz is a member of the New York State and Albany County bar associations; the New York State Title Attorney Bar Association; and the Professional Abstractors Association of Upstate New York. He has lectured on topics such as residential real estate and contracts, title examination and title insurance issues for the New York State Bar Association, the New York State Land Title Association, the Albany County Bar Association, the New York State Legislature and Executive Staff, and Lorman Educational Services. He is author of the chapter "Residential Real Estate Practice" in *Pitfalls of Practice* (NYSBA).

FRANCIS J. SMITH, ESQ.

Mr. Smith joined McNamee, Lochner, Titus & Williams, P.C. in 1988 and has been a principal since 1994. Mr. Smith received a J.D. degree, *cum laude*, from the Albany Law School of Union University in 1980, and a B.A. degree, *cum laude*, from Siena College in 1977. Prior to joining the firm, Mr. Smith spent eight years with the New York State Supreme Court, Appellate Division, Third Department, the last six of which were spent as confidential law clerk to the Hon. A. Franklin Mahoney, Presiding Justice of that Court. Mr. Smith is a member of the Committee on Character and Fitness to Practice Law for the Third Department.

Mr. Smith's practice is concentrated in the area of appellate practice and administrative law as well as all forms of state and federal court litigation representing creditors and lenders. His practice also includes commercial mortgage foreclosures and representation of secured creditors in Chapter 11 commercial bankruptcies.

HONORABLE LESLIE CROCKER SNYDER

Judge Snyder is currently an Acting Supreme Court Justice for New York County, Special Narcotics Part. She has presided over A-I multiple-defendant narcotics cases. Judge Snyder was formerly Assistant District Attorney, New York County, and founded the first Sex Crimes Prosecution Unit in the country. She is a graduate of Case-Western Reserve Law School and received a certificate from Harvard Business School.

Judge Snyder is a member of the New York Women's Bar (President, 1982–1983), The Association of the Bar of the City of New York, the New York State Bar Association and the Criminal Procedure Law Advisory Committee to the Chief Judge. In addition to serving as chairperson for the NYSBA program, "Trial of a Drug Case" (1987), Judge Snyder has served as a lecturer on narcotics, sex crimes and criminal trial matters for various bar associations, professional associations and law enforcement. She also coauthored legislation in the sex crimes area, including Criminal Procedure Law section 60.42, limiting cross-examination of the victims of sex crimes.

PROFESSOR PHILIP WEINBERG

Philip Weinberg served as a professor of law at St. John's University School of Law in Jamaica, New York, for three decades, until his retirement in 2009. A graduate of Columbia University Law School, his primary area of practice is environmental law. Prior to teaching at St. John's University, Professor Weinberg was the Assistant Attorney General in charge of the Environmental Protection Bureau in the New York State Attorney General's Office from 1970 to 1978. He currently teaches environmental law at Pace Law School and at Columbia University's School of International and Public Affairs.

Professor Weinberg is a member of the New York State Bar Association (Chair, Environmental Law Section 1988–1989); the New York City Bar Association (Chair, Committee on Environmental Law 1981–1984, Committee on Transportation Law, 1994–1997; Committee on International Environmental Law, 2000–2003; Chair, Downtown Redevelopment Task Force, 2003–2004); and the Association of American Law Schools (Chair, Environmental Law Section, 1983). He has given numerous NYSBA/CLE lectures. His publications include *Environmental Law: Cases and Materials* (University Press of America, 2006); *Practice Commentary, New York Environmental Conservation Law* (McKinney's, 1984 and annual supplements); *Environmental Law and Regulation in New York* (West, 1996) (coauthor); *Environmental Impact Review in New York* (LexisNexis, 1990 and annual updates) (coauthor); *Understanding Environmental Law*, 2d Edition (LexisNexis 2007) (co-author); and numerous law review articles.