



Aprilanne Agostino, Esq.
NYS Supreme Court
Appellate Division, Second Department
45 Monroe Place
Brooklyn, NY 11201
(718) 722-6314
aagostin@nycourts.gov

Aprilanne Agostino received a Bachelor of Arts degree in Mathematics from New York University in 1981, and a Juris Doctor from Fordham University School of Law in 1984. The following year she began working at the Appellate Division, Second Department, first as a Court Attorney and then as Law Secretary to Associate Justice Richard A. Brown. In 1991, Ms. Agostino went to the Queens County District Attorney's office with newly-appointed DA Brown to serve as his Counsel. Ms. Agostino returned to the Second Department two years later, as Law Secretary to Associate Justice Charles B. Lawrence. She subsequently served in the court's Motions Department, and then as Deputy Chief Court Attorney. In 1999 she was appointed Chief Court Attorney, and in late 2003 she was promoted to the position of Associate Deputy Clerk. Ms. Agostino served as the Acting Chief Clerk of the Appellate Term for the Second Judicial Department from December of 2005 until the Spring of 2007, when she returned to the Appellate Division to continue her tenure as Associate Deputy Clerk. In 2010 she was appointed Deputy Clerk, and on December 1, 2011, she assumed the role of Clerk of the Court.



John P. Asiello, Esq.
Chief Clerk and Legal Counsel
New York State Court of Appeals
20 Eagle Street
Albany, NY 12207
(518) 455-7700
jasiello@nycourts.gov

John P. Asiello was appointed Clerk of the New York State Court of Appeals in September 2015. His prior positions at the Court of Appeals between 1985 and 2015 include Deputy Clerk, Consultation Clerk, Assistant Consultation Clerk and Chief Motion Clerk. He was also a Clerk's Office staff attorney for the Court from 1977 to 1981. Between 1981 and 1985, he was a litigation associate at Bouck, Holloway, Kiernan and Casey in Albany, New York. He received his J.D. from Cornell Law School in 1977 and his B.A. from Harpur College, State University of New York at Binghamton in 1974.



Heather A. Davis, Esq.
New York State Court of Appeals
20 Eagle Street
Albany, NY 12207
(518) 455-7812
hdavis@nycourts.gov

Heather Davis is the Deputy Clerk at the New York State Court of Appeals (2016-present). She previously served as the Chief Motion Clerk (2005 to 2016), and as a Principal Court Attorney, Senior Court Attorney, and Court Attorney on the Court's Central Legal Research Staff. She is a graduate of Albany Law School (J.D., 2001, magna cum laude) where she served as the Editor-in-Chief of Albany Law Review.



Robert S. Herbst, Esq.
76 North Chatsworth Avenue
Larchmont, NY 10538
(914) 275-2143
herbst_robert@yahoo.com

Robert Herbst has been called "New York's most powerful lawyer" by the New York Law Journal because of his exploits as a World Champion and Hall of Fame powerlifter. He has been Senior Vice President, General Counsel, and Secretary of Health Systems Solutions, Inc. and Vice President, General Counsel, and Secretary of Town Sports International Holdings, Inc. While in private practice, he was a partner at the firm of Beller & Keller and an associate at White & Case. He also supervised the drug testing at the Rio 2016 Olympics and was a semi-finalist for the 2013 Sullivan Award given to the nation's outstanding amateur athlete. He is a past Chair of the New York State Bar Association (NYSBA) Committee on Courts of Appellate Jurisdiction and is a contributing author to New York Appellate Practice published by Matthew Bender.

Along with the NYSBA General Practice Section, Mr. Herbst has created a video on attorney wellness as part of an effort to improve the health and wellbeing of members.

Mr. Herbst is a graduate of Columbia Law School and Trinity College, where he was elected to Phi Beta Kappa and was Salutatorian of his class.

Henry F. Mascia Esq.
Rivkin Radler LLP
926 RXR Plaza
Uniondale, NY 11556
(516) 357-3018
henry.mascia@rivkin.com



Henry M. Mascia is a civil litigator and immigration attorney. As a litigator, Henry drafts and argues appeals, and litigates a variety of civil matters in federal and state courts. Henry's appellate advocacy has resulted in seminal decisions from New York State's highest court:

- *Government Empls. Ins. Co. v. Avanguard Med. Group, PLLC*, 27 NY3d 22 (2016) (holding that the No-Fault law does not require insurers to pay office-based surgery practices a "facility fee").
- *State Farm v. Fitzgerald*, 25 NY3d 960 (2015) (holding that the mandatory supplementary uninsured/underinsured motorist endorsement, prescribed by Insurance Law § 3420 (f) (2) (A), exempts "police vehicles" from the definition of the term "motor vehicle" in the endorsement and the policy)
- *Nesmith v. Allstate*, 24 NY3d 520 (2014) (holding that that the non-cumulation language in Allstate's policy limited Allstate's liability to a single policy).

As an immigration attorney, Henry helps corporations and individuals navigate the labyrinth of U.S. immigration law. Henry represents clients seeking H-1B Visas for highly skilled workers in specialty occupations, L Visas for intra-company transfers engaged in specialized employment, O Visas foreign nationals with extraordinary ability, E Visas for treaty traders and investors, P Visas for entertainers and athletes, and TN Visas for highly skilled Mexican and Canadian professionals. Henry also represents individuals seeking to sponsor family members to become lawful permanent residents and advises corporate clients on compliance with E-Verify and Employment Eligibility Verification, Form I-9.

In 2017, Henry received the New York State Bar Association's President's Pro Bono Award and was named Pro Bono Attorney of the Year by Touro College Jacob D. Fuchsberg Law Center.

Before joining Rivkin Radler, Henry worked as an attorney advisor at the U.S. Department of Justice's Executive Office for Immigration Review, colloquially known as



the “Immigration Court.” As an attorney advisor, Henry drafted opinions and memoranda for all three immigration judges at the Varick Street Immigration Court and for the immigration judge of the Institutional Removal Program. He provided in-hearing advice on issues related to removability and statutory eligibility for relief. Henry also trained immigration judges, law clerks, and interns on the immigration consequences of criminal convictions.

From 2009 to 2011, Henry served as a law clerk at the New York Court of Appeals. In this capacity, Henry wrote motion reports for civil motions for leave to appeal, recommending whether to grant, deny, or dismiss leave. He also drafted memorandum opinions for civil appeals selected for alternative procedure.

Henry has written several legal articles, including, “A Reconsideration of Haitian Claims for Withholding of Removal under the Convention Against Torture,” 19 *Pace Int’l L. Rev.* 287 (2007), and “Book Note,” 1 *J. Ct. Innovation* 169 (Winter 2008) (reviewing Franklin Zimring, *The Great American Crime Decline* (2007)).

Active in the New York State Bar Association, Henry serves on the Committee on Courts of Appellate Jurisdiction.

Super Lawyers named Henry a Rising Star in the Metropolitan New York area for 2017 and 2018. Henry also received the 2017 Leadership in Law Award at the Associate level from Long Island Business News.

Henry graduated magna cum laude from Pace Law School. During law school, he served as articles editor for the *Pace International Law Review* and as senior student editor for the *Journal of Court Innovation*. He received the Dean’s Award for academic excellence, leadership, and service to the law school and community.

JAMES EDWARD PELZER
ATTORNEY AND COUNSELOR-AT-LAW
91 Dennis Street
Manhasset, New York 11030-3009
Telephone: (917) 842-3228
JEPappeals@outlook.com

Experience

Private practice, specializing in appeals – September 2010 to present.

Clerk of the Court, Appellate Division, Second Judicial Department (Retired) - November 1999 to August 2010.

General supervisory responsibility for the operation of the court and its non-judicial personnel.

Supervisor of Decision Department, Appellate Division, Second Department – October 1985 to November 1999.

Supervised a staff of editors, clerks, and typists that edited, printed, and released approximately 5,000 appeal decisions and 12,000 motion decisions per year. Co-designer of the court's computer database of case records. Monitored and reported on court statistical information. Developed court caseload management plan. Presented orders to show cause to duty Justice for signature. Advised attorneys and *pro se* litigants on court procedure.

Decision Department Editor, Appellate Division, Second Judicial Department – October 1983 to October 1985.

Edited draft memorandum decisions and opinions of the Justices for conformity with the court's style, for grammatical and legal correctness, and for consistency with prior decisions of the court.

Principal Law Clerk to Appellate Division Justice Vincent D. Damiani. – September 1978 to October 1983.

Drafted opinions and memorandum decisions, performed assigned research tasks, and wrote confidential reports.

Law Assistant, Appellate Division, Second Judicial Department – March 1971 to September 1978.

Wrote internal reports for the Justices on civil and criminal cases. In 1978, served as the first reporter of motions. Worked in the Decision Department editing motion decisions.

Education

Saint John's University School of Law. Juris Doctor, June 1970.

University of California at Santa Barbara, Bachelor of Arts in Political Science, June 1967.

Publications

Justice Delayed: A Status Report on the Condition of the Court (Brooklyn: Appellate Division, Second Judicial Department, 1993) (co-author with Martin H. Brownstein & Alan Chevat).

“The Basics of Appellate Jurisdiction: The Concepts of Aggrievement, Appealability and Reviewability in New York Civil Appellate Practice” and “Taking and Perfecting an Appeal to the Appellate Division, Second Judicial Department” in *New York Appellate Practice* (Albany: New York State Bar Association, 2009).

Guide to Civil Practice: With Forms (Brooklyn: Appellate Division, Second Judicial Department, rev. ed. 2004) (co-author with Martin H. Brownstein).

Bar Admissions

New York, 1971; United States District Courts for the Southern and Eastern Districts of New York, 1976; United States Court of Appeals for the Second Circuit, 1976; Supreme Court of the United States, 1976.



Margaret N. Wood, Esq.
New York State Court of Appeals
20 Eagle Street
Albany, NY 12207
(518) 455-7702
mnyland@nycourts.gov

Margaret N. Wood is an Assistant Deputy Clerk at the New York State Court of Appeals (2017-present). She previously served as the Court Attorney for Professional Matters (2010-2017), Senior Law Clerk to Chief Judge Jonathan Lippman (2009-2010), and as a Senior Court Attorney (2008-2009) and Court Attorney (2007-2008) on the Court's Central Legal Research Staff. She is a graduate of Cornell University (B.S. 2004) and Albany Law School (J.D. 2007, magna cum laude).