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The First Amendment and Limitations upon Local Regulation of Picketing

by Jeffrey Eichner

(Part Three of a Three-Part Article)

Editor's Note: Parts I and II of this article, published in the March/April and May/June 2000 issues, reviewed First Amendment principles relating to municipal regulation of parades and demonstrations. In Part III, case law pertaining to municipal regulation of picketing of residences, churches, clinics and shopping malls is examined.

Residential Picketing

The Supreme Court upheld restrictions upon residential picketing in *Frisby v. Schultz*.[1] The ordinance at issue banned "picketing before or about the residence or dwelling of any individual."[2] Residential streets were found to constitute the same traditional public fora as any other streets,[3] and the standards set forth in *Perry Education Association v. Perry Local Educators' Association*[4] were applied.[5] The ordinance was found to be content-neutral, as it did not contain an exemption for peaceful labor picketing which resulted in invalidation of an ordinance in *Carey v. Brown*,[6] and state law had not been interpreted by the courts below to provide such an exemption.[7] The Court narrowly interpreted the ordinance so as "to prohibit only picketing focused on, and taking place in front of, a particular residence."[8] This narrow interpretation made it easy to determine that there were ample alternative channels of communication open. The ordinance was found to serve a significant governmental interest in "the protection of residential privacy" and, more specifically, the "protection of the unwilling listener" or the "captive" audience in the home which would be a target of focused picketing in residential areas.[9]

Because the ordinance in *Frisby* had been interpreted to only prohibit focused residential picketing, the Supreme Court was able to find that it did not impose a complete ban upon a certain type of communication in a residential neighborhood. Instead, "the 'evil' of targeted residential picketing, 'the very presence of an unwelcomed visitor at the home,' is 'created by the medium of expression itself,'"[10] and thus the ban on the focused picketing is narrowly tailored. While the residential picketing ordinance was upheld, the narrowing by the Supreme Court severely limits its impact. "General marching through residential neighborhoods, or even walking a route in front of an entire block of houses, is not prohibited by this ordinance."[11]

Since *Frisby* upheld a ban on picketing "focused on" and "directed at" a particular residence, or "only focused picketing taking place solely in front of a particular residence,"[12] municipalities and lower courts have been left to determine how far from a particular residence picketing can be restricted. Justice Stevens, dissenting in *Frisby*, offered that "it is a simple matter for the town to amend its ordinance and to limit the ban to conduct that unreasonably interferes with the privacy of the home and does not serve a reasonable communicative purpose."[13] Ordinances with language identical or virtually identical to the ordinance in *Frisby* have met with mixed results when challenged.

A 300 foot buffer zone around residences of the staff of an abortion clinic was held unconstitutional as overbroad in *Madsen*. "The record before us does not contain sufficient justification for this broad a ban on picketing; it appears that a limitation on the time, duration of picketing, and number of pickets outside a smaller zone could have accomplished the desired result."[14]

In *Douglas v. Brownell*,[15] the Eighth Circuit upheld an ordinance which prohibited picketing "before, about or immediately adjacent to, the residence or dwelling of any individual in the City."[16] The Court found that *Frisby* did not establish a "bright-line rule" requiring "a limit on picketing only in the area directly in front of the targeted residence," but instead required a review of "the impact the ban had on protected activity."[17] The Court found the ban on picketing in front of the targeted house and in front of the houses on either side of the targeted house to be narrowly tailored and to leave open ample alternative avenues of communication.[18]

In *Vittitow v. City of Upper Arlington*,[19] the Sixth Circuit found overbroad an ordinance prohibiting "picketing before or about the residence or dwelling of any individual in this City,"[20] because "any linear extension beyond the area solely in front of a particular residence is at best suspect, if not prohibited outright."[21] The Court refused to adopt a limiting construction as the Supreme Court did in *Frisby*.[22]

In *Kirkeby v. Furness*,[23] the Eighth Circuit refused to extend its *Douglas* decision to allow restrictions on picketing beyond a zone which included the targeted home and the home on each side of the targeted home. The Court first found that the ordinance's definition of picketing as including various actions "for the purpose of persuading the public or an occupant of such premises or to protest some action, attitude or belief" was content-based.[24] The city's interest, protecting residential privacy and tranquility, was a "substantial" but not a "compelling" interest.[25] Even if the ordinance was content-neutral, various provisions restricting picketing that identifies an occupant within 200 feet of a dwelling, prohibiting a person from maintaining a presence within 75 feet of a dwelling for longer than 5 minutes at a time, or providing for limitations or prohibition of picketing on the resident's block at the request of a complaining resident, were all found to be too burdensome upon speech and not in compliance with the content-neutral standard set forth in *Ward v. Rock Against Racism*.[26] A one-hour per day picketing limitation and a ban on weekend picketing were also invalidated. The Eighth Circuit did find reasonable the limitations allowing weekday picketing only between the hours of 9:00 a.m. and noon, 1:00 p.m. to 4:00 p.m., and 7:00 p.m. to 8:00 p.m. Finally, the Court also found unconstitutional a limitation upon the total number of pickets per residential block to five.[27]

In *Veneklase v. City of Fargo*,[28] the Court granted qualified immunity to police officers for arrests of persons picketing houses adjacent to the targeted dwelling. Such picketing may be found to be "focused" when "at

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Inside...

Arbitration, Civil Rights and Adult Entertainment Regulations to Highlight Fall Meeting

The Municipal Law Section of the New York State Bar Association will hold its Fall Meeting on September 15-17, 2000 at the Gideon Putnam Hotel in Saratoga Springs, New York. The New York State Associations of School Attorneys and County Attorneys are cosponsoring this conference. Under New York's Mandatory Continuing Legal Education rules, the program has been approved for between 6.5 and 7 credit hours in practice management and/or areas of professional practice.

On Saturday morning, the Municipal Law Section will hold a joint program with the School Attorneys Association. The program will begin with "SEQRA Review of School Construction Projects." Alan J. Knauf, Esq., Knauf, Koegel & Shaw, LLP, Rochester and Mark Schachner, Esq., Miller Mannix and Pratt, Glens Falls, will discuss the procedural requirements, the role of the State Education Department as lead agency, referenda, availability of administrative remedies, and Article 78 proceedings, from the point of view of attorneys for school districts and citizens.

The Saturday morning session will continue with a presentation entitled "Arbitration Tactics and Strategies." The speakers for this program will be Howard C. Edelman, Esq., Rockville Center and Dana E. Eischen, Esq., Spencer, both arbitrators and mediators. The Saturday morning program will conclude with a presentation by Henry Hocherman, Esq., Shamberg, Marwell, Hocherman, Davis & Hollis, P.C., Mount Kisco on the subject of "Section 1983 Civil Litigation Update."

On Sunday morning, the Municipal Law Section's program will begin with a presentation on "Municipal Regulation of Sexually-Oriented Business and Nude Dancing," by Jeffrey Eichner, Esq., an attorney with the City of Rochester Law Department. The Sunday program will also feature presentations on "Sign Ordinances" by Adam L. Wekstein, Esq., Shamberg, Marwell, Hocherman, Davis, & Hollis, P.C., Mount Kisco, and on "Free Speech in the Workplace by Rosemary A. Townley, Esq., an arbitrator/mediator from Larchmont and

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Picketing

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least one protester remains in front of the targeted residence at all times."[29] In *Veneklase v. City of Fargo*,[30] the Court upheld an earlier version of the Fargo residential picketing ordinance that had been struck down in *Kirkeby*. The Court distinguished the *Veneklase* version of the ordinance from the *Kirkeby* version on the basis that the *Veneklase* version focused on picketing "for the purpose of persuading an occupant" while the *Kirkeby* version focused on picketing "for the purpose of persuading the public or an occupant." It was the inclusion of the public that caused the *Kirkeby* version to be found unconstitutional, for it lessened the focus on the privacy or sanctity of the home.[31] The ordinance prohibits picketing "inside of, in front, or about any premises."[32]

Clinic and Church Picketing

The United States Supreme Court, in *Hill v. Colorado*,[33] upheld a Colorado statute which makes it unlawful for any person within 100 feet of a health care facility entrance to knowingly approach within 8 feet of another person, without that person's consent, to pass a leaflet or handbill to, display a sign to, or engage in oral protest, education or counseling with that person. The Court applied the standards set forth in *Ward* in determining that the Colorado statute did not violate the First Amendment. The Colorado statute was found to be content neutral because it regulates the place where speech occurs and not the speech itself, it was not adopted due to disagreement with any particular message, and the state interests were unrelated to the content of the speech.[34] The Court found that the statute applies to all persons at the entrance to health care facilities, regardless of the viewpoint which they espouse.[35]

Justice Souter in a concurrence joined by a majority of the Court, specifically addressed the issue of content neutrality. Just because the law was enacted due to concerns over actions by anti-abortion protesters does not mean it is content based. The Court must review whether the rule was "imposed because of the content of the speech" as opposed to being imposed "because of offensive behavior identified with its delivery."[36] Justice Kennedy, in dissent, took great offense to the application of the *Ward* content neutral standards to the Colorado statute. To Justice Kennedy, "Colorado's statute is a textbook example of a law which is content based."[37] Both Justice Kennedy and Justice Scalia, who also dissented, stressed that the statute is aimed at a specific type of speech at specific locations in a traditional public forum, and is clearly targeted at speech by anti-abortion protestors, and thus should not be considered content neutral.

The Supreme Court found that the state interest protected by the Colorado statue was the "right to be let alone."[38] Justice Scalia expressed serious concerns with this finding. Colorado did not even raise the "right to be let alone" justification, and instead had disclaimed it. Colorado asserted that the purpose of the statute was to allow persons to obtain medical counseling and treatment in an unobstructed manner.[39] The Colorado statute affects activities on a public street, where "[a]s a general matter, we have indicated that in public debate our own citizens must tolerate insulting, and even outrageous, speech in order to provide adequate breathing space to the freedoms protected by the First Amendment."[40] Indeed, cases involving a "right to be let alone" usually relate to infringements upon the privacy of the home.[41] To Justice Scalia, "[t]here is apparently no end to the distortion of our First Amendment law that the Court is willing to endure in order to sustain this restriction upon the free speech of abortion opponents."[42]

After finding the statute was content neutral and served a valid state purpose, the statute still had to meet the two *Ward* requirements that in order to be a valid time, place and manner regulation, it must be narrowly tailored and leave open ample alternative communication channels. Since the statute did not foreclose any means of communication, it did not have to be the least restrictive means of serving the statutory goal.[43] The Court found that the 8 foot separation as to the display of signs "did not have any adverse impact on the readers' ability to read signs displayed by demonstrators."[44] As to oral statements, the 8 foot zone "allows the speaker to communicate at a 'normal conversational distance'."[45] In addition, there is no limit upon the noise level and a speaker can remain stationary while talking without violating the statute. The statute has much more of an effect upon a person's ability to pass out handbills, but the Court found that an individual could remain still and pass out the handbills without violating the statute. The Court deferred to the Colorado legislature with respect to the issue of the appropriateness of the 8 foot interval.[46] The 8 foot restriction allows ample alternative communication channels, since the restriction itself does not prohibit communication, and it applies only within 100 feet of a health care facility. Communication in all other places is therefore not affected.

Finally, the Court found that the statute was not overbroad or vague. While the statute may cover more persons than just the patients at the health care facilities, it serves the governmental purpose in a non-discriminatory manner. In addition, the statute does not "'ban' any messages," but "merely regulates the places where communications may occur."[47] The Court further found that the key words of the statute such as "protest, education or counseling" were not vague, and that the private consent requirement did not impose an unconstitutional "prior restraint" on speech.[48]

The Supreme Court has also decided two recent cases involving the extent to which a court can enjoin picketing about a targeted location. In *Madsen*, the Court held that while an injunction is naturally aimed at a certain type of speech, it refused to find that the injunction was "viewpoint based" for First Amendment analysis, instead finding the injunction was based upon prior conduct of the subject party irrespective of its

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New Wetlands Requirements Likely to Impact Local Governments

By Stephanie P. Brown

Over strenuous objections from local governments and industry, the U.S. Army Corps of Engineers ("the Corps") has issued a final regulation that further limits development in wetlands. See 65 Fed. Reg. 12,818. The new rule reduces the scope of activities eligible for a general, rather than individual, dredge and fill permits. Consequently, the rule makes it more onerous and expensive to build and maintain roadways, schools, and other structures, or to conduct certain other activities, in regulated areas.

The rule, issued March 9, 2000, will replace "Nationwide Permit 26" ("NWP 26"), viewed by many as a virtual "rubber stamp" for construction projects. NWP 26 is set to expire June 5, 2000, on which date the new rule will become effective. NWP 26 authorizes discharge of dredged or fill material into "headwaters" and "isolated waters," as long as the discharge does not result in the loss of greater than three acres of "waters of the United States" or 500 linear feet of stream bed. Basically, "headwaters" are small nontidal waters (streams, lakes, and impoundments) that are part of a surface tributary system to interstate or navigable waters of the United States; "isolated waters" are nontidal waters that are not part of or adjacent to such a system.

An NWP provides a simplified permitting process available in lieu of having to obtain an individual permit to conduct activities within the NWP's purview. According to industry sources, the cost of obtaining an NWP is about 10 percent that of an individual permit and takes about half as long. Perhaps the most controversial aspect of the new rule is that the regulatory scheme will set a maximum acreage for most of the new and modified NWPs at one-half acre—versus up to three acres under NWP 26. The rule "grandfathers" certain activities by providing that the Corps will review projects for which Pre-Construction Notification (PCN) was submitted to the Corps on or before March 9, 2000, under the terms and conditions of NWP 26 rather than the new requirements.

The new regulation establishes five new NWPs and modifies six existing ones. These NWPs authorize many of the same activities eligible for NWP 26 authorization, but the new and modified NWPs are activity-specific with terms and conditions to ensure that projects result in minimal adverse effects on the aquatic environment. Most of the new and modified NWPs require PCN submission for discharge of dredged or fill material resulting in the loss of greater than one-tenth acre of waters. Furthermore, Regional Corps authorities may lower notification thresholds. The new/modified NWPs apply to:

- Utility Line Activities;
- Linear Transportation Crossings (e.g., highways, railways, trails);
- Stream and Wetland Restoration Activities;
- Residential, Commercial, and Institutional Developments;
- Agricultural Activities;
- Reshaping Existing Drainage Ditches;
- Recreational Facilities;
- Stormwater Management Facilities;
- Mining Activities;
- Maintenance; and
- Outfall Structures and Maintenance.

The new rule also modifies nine, and adds two new, NWP general conditions. The Corps essentially controls specific actions associated with an NWP dredge and fill project through the general conditions set in the NWP. Those conditions relate to, among other things, water quality, navigation, maintenance, soil erosion, sediment control, Coastal Zone Management, endangered species, historic properties, mitigation, spawning areas, and removal of temporary fills. Furthermore, the new conditions will limit activities in designated critical resource waters and 100-year floodplains.

Local governments are not exempt from the Corps' permitting obligations. The case of one fast-growing southern California county is illustrative. The Corps and other agencies required a city and a local school district to create wetlands near the construction sites for a community center and high school, respectively, thereby adding millions to the building costs, according to published reports. Localities with dwindling nonregulated land available for development will be particularly affected.

The National Association of Counties and others have denounced the anticipated annual cost of compliance to the regulated community—estimated to exceed ten times the cost projected by the Corps. Critics also have claimed that the agency's effort represents "mission creep" to fill the gap created by a decreased emphasis on major Corps construction projects such as dams and bridges. The Corps concedes that the new requirements will increase both costs to applicants "to some degree" and funding needed by the agency. Yet, the agency maintains that its rule will substantially increase protection of the aquatic environment while efficiently authorizing activities with minimal adverse effects on that environment. Furthermore, the Corps submits that although the new and modified NWPs duplicate certain existing local government programs, the regulation is necessary because comparable legal protections and willingness to enforce such protections are lacking in many areas of the country. Even so, some environmental groups believe the Corps' new rule does not go far enough in halting the continuing loss of wetlands.

The actual cost of the new regulation to local governments is yet to be seen. Those costs, however, seem destined to escalate over time. As communities grow, they often need to expand into previously untouched lands, thus forcing development into areas subject to the expanded NWP rule. Furthermore, the Corps likely will

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viewpoint.[49] Prior restraint analysis was not applied.[50] Because an injunction and not a general ordinance was involved, the Supreme Court did not use the content-neutral standard applying to restrictions on expressive activities in traditional public fora. "Injunctions also carry greater risks of censorship and discriminatory application than do general ordinances."[51] "Accordingly, when evaluating a content-neutral injunction, we think that our standard time, place, and manner analysis is not sufficiently rigorous. We must ask instead whether the challenged provisions of the injunction burden no more speech than necessary to serve a significant government interest."[52] The government may have a substantial interest "in protecting a woman's freedom to seek lawful medical or counseling services in connection with her pregnancy,"[53] or in protecting the "captive" medical patient.[54] The Supreme Court in *Madsen* upheld portions of the injunction imposing noise restrictions around the clinic, and smaller buffer zones around the clinic, but found overbroad a prohibition on "images observable" to patients in the clinic and unwanted approaches to persons seeking the services of the clinic.

In *Schenck v. Pro-Choice Network of Western New York*,[55] the Supreme Court upheld a lower court injunction which prohibited demonstrations within a fixed buffer zone of 15 feet from doorways or doorway entrances, parking lot entrances, driveways, and driveway entrances to a clinic, but found unconstitutional a ban on demonstrations within 15 feet of any person or vehicle seeking access to or leaving the clinic.

The Freedom of Access to Clinic Entrances (FACE) Act,[56] prohibits physical obstruction or intimidation of persons attempting to enter clinics offering reproductive health services or places of religious worship. This Act has been upheld against First Amendment challenges.[57]

In a recent decision, the Eighth Circuit refused to extend the focused picketing restrictions from a street in front of a home to a sidewalk in front of a church in *Olmer v. City of Lincoln*.[58] While the City's asserted interests in the protection of children, the preservation of the right of citizens to exercise their religion freely, and the maintenance of public safety could all be substantial, the ordinance at issue was much broader than necessary to serve any of the stated interests.

Picketing on Private Property

In *Marsh v. Alabama*,[59] the Supreme Court found that the First Amendment protected freedom of expression on the streets of a private company town, because those streets serve the same purpose as traditional public streets. However, the *Marsh* decision was limited to its own facts and was not extended to private shopping centers in *Lloyd Corp., Ltd. v. Tanner*[60] and *Hudgens v. NLRB*.[61] State constitutions may be read more expansively than the Federal Constitution in order to provide protections even at privately owned shopping centers.[62] The New York State Constitution has at times been interpreted by the New York State Court of

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Appeals to provide more protections in the area of freedom of speech than the Federal Constitution.[63] However, the Court of Appeals declined to extend state constitutional protections to private shopping centers in *SHAD Alliance v. Smith Haven Mall*,[64] finding no significant government involvement in the private conduct limiting free speech.

Conclusion

Municipal lawyers routinely encounter issues that raise First Amendment concerns. They must be able to recognize such issues and provide guidance as to their appropriate resolution. Parades, protest demonstrations and picketing are all forms of speech that are protected by the First Amendment. As with any First Amendment activity, municipal regulation is not prohibited, but any actions must be carefully considered. Regulations need to be content neutral, clear, and without discretion in their application. They need to be narrowly tailored and regulate the time, place and manner of speech, as opposed to the speech itself. Complete prohibition of any form of speech should be avoided. The ability of a municipal lawyer to recognize and provide proper counsel on these matters will not only safeguard these important rights, but also protect the municipality from liability.

Mr. Eichner is an attorney in the law department of the City of Rochester, New York.

1. 487 U.S. 474 (1988).
2. *Id.* at 477.
3. *Id.* at 479-80.
4. 460 U.S. 37, 45 (1983).
5. 487 U.S. at 481.
6. 447 U.S. 455 (1980).
7. 487 U.S. at 481-82.
8. *Id.* at 482.
9. *Id.* at 484-485.
10. *Id.* at 487 (citations omitted).
11. *Id.* at 483.
12. *Id.* at 482-83. See, also, *Madsen v. Women's Health Center, Inc.*, 512 U.S. 753, 774, 775 (1994).
13. *Id.* at 499 (Stevens, J., dissenting).
14. 512 U.S. at 775.
15. 88 F.3d 1511 (8th Cir. 1996).
16. *Id.* at 1513.
17. *Id.* at 1519.
18. *Id.* at 1520-21.
19. 43 F.3d 1100 (6th Cir. 1995), cert. denied, 515 U.S. 1121 (1995).
20. *Id.* at 1101.
21. *Id.* at 1105 (internal quotation marks omitted).
22. *Id.* at 1106-07.
23. 92 F.3d 655 (8th Cir. 1996).
24. *Id.* at 659.
25. *Id.*
26. 491 U.S. 781 (1989).
27. 92 F.3d at 660-62.
28. 78 F.3d 1264, 1267-68 (8th Cir. 1996), cert. denied, 519 U.S. 867 (1996).
29. *Id.* at 1268.
30. 200 F.3d 1111 (8th Cir. 1999).
31. *Id.* at 1116-17.
32. Id. at 1114.
33. 68 U.S.L.W. 4643 (June 28, 2000).

Wetlands Requirements

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continue its effort to limit wetlands loss. Since 1977, the Corps has ratcheted down the acreage of wetlands available for unregulated development. Pressure from environmental and community groups to continue this trend is unlikely to diminish. Further information available at the Corps's homepage *www.usace.army.mil/inet/functions/cw/cecwreg/*.

Stephanie P. Brown is a Branch Chief in tl U.S. Environmental Protection Agency Office of Enforcement and Complian Assurance, Office of Site Remediatic Enforcement. The opinions expressed by tl author do not necessarily represent the vie of U.S. EPA.

34. 68 U.S.L.W. at 4647.
35. *Id.*
36. *Id.* at 4652.
37. *Id.* at 4660.
38. *Id.* at 4646.
39. *Id.* at 4655-56.
40. *Id.* at 4656, citing *Schenck*, 519 U.S. at 383 (internal quotation marks omitted).
41. See, for example, *Frisby*, 487 U.S. at 484; *Rowan v. U.S. Post Office Department*, 397 U.S. 728, 738 (1970).
42. *Id.* at 4657.
43. *Id.* at 4649.
44. Id.
45. *Id.*
46. *Id.*
47. *Id.* at 4650.
48. *Id.* at 4651.
49. 512 U.S. at 762-64.
50. *Id.* at 763, n. 2.
51. *Id.* at 764.
52. *Id.* at 765.
53. *Id.* at 767.
54. *Id.* at 768.
55. 519 U.S. 357 (1997).
56. 18 U.S.C.A. 248 (1999).
57. See *Hoffman v. Hunt*, 126 F.3d 575, 588-89 (4th Cir. 1997), cert. denied 118 S.Ct. 1838 (1998); Terry v. Reno, 101 F.3d 1412, 1418-22 (D.C. Cir. 1996), cert. denied 520 U.S. 1264 (1997); *United States v. Unterburger*, 97 F.3d 1413 (11th Cir. 1996), cert. denied 521 U.S. 1122 (1997); *United States v. Soderna*, 82 F.3d 1370, 1374-77 (7th Cir. 1996), cert. denied 519 U.S. 1006 (1996); *United States v. Dinwiddie*, 76 F.3d 913, 921-24 (8th Cir. 1996), cert. denied 519 U.S. 1043 (1996); *Cheffer v. Reno*, 55 F.3d 1517,1521-22 (11th Cir. 1995).
58. 192 F.3d 1176 (8th Cir. 1999).
59. 326 U.S. 501 (1946).
60. 407 U.S. 551 (1972).
61. 424 U.S. 507 (1976).
62. *Pruneyard Shopping Center v. Robins*, 447 U.S. 74 (1980).
63. See, for example, *People ex rel. Arcara v. Cloud Books, Inc.*, 68 N.Y.2d 553 (1986).
64. 66 N.Y.2d 496 (1985).

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Fall Meeting

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Richard K. Zuckerman, Esq., of Rains & Pogrebin, Mineola.

The School Attorneys will also be conducting their own program on Sunday morning. Featured presentations include "Free Speech in the Workplace" and "Institutional Liability vs. Individual Liability - The School Attorney's Dilemma."

Numerous social events have been planned throughout the weekend, including a dinner on Friday evening at the Saratoga Equine Sports Center, a volleyball game on Saturday afternoon and a cocktail reception sponsored by Orrick Herrington & Sutcliffe LLP on Saturday evening.

Officials instrumental in planning this conference include Municipal Law Section Chair Edward J. O'Connor, Esq. and School Attorney President, Paul W. Dolloff, Esq.. The Program Co-Chairs for the Fall Meeting for the Municipal Law Section are Robert B. Koegel, Esq., Knauf, Koegel & Shaw, LLP, Rochester and Thomas E. Myers, Esq., Orrick Herrington & Sutcliffe LLP, New York City. The Program Co-Chairs for the School Attorneys Association are Gregory J. Guercio, Esq., Guercio & Guercio, Farmingdale; Steven A. Perelson, Esq., Shaw & Perelson LLP, Poughkeepsie; and Lawrence Tennenbaum, Esq., Jaspan, Schlesinger & Hoffman LLP, Garden City.

For reservations and further information please contact the New York State Bar Association at (518) 463-3200.