You are invited to attend the WCBA’s

ANNUAL MEETING
and Past Presidents’ Dinner

Tuesday, March 14, 2017

Cast your vote for the Slate of Officers & Directors for 2017-2018

Honor our Past Presidents for their service to our Bar Association

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The Nominating Committee of the WCBA announces the **2017 SLATE OF DIRECTORS AND OFFICERS**

The following slate of officers and directors will be voted on by the membership at the Annual Meeting of the Westchester County Bar Association on Wednesday, March 8, 2017.

**TO SERVE AS OFFICERS**
- President: Stephanie L. Burns
- President-Elect: Richard S. Vecchio
- Vice President: Hon. Linda S. Jamieson
- Vice President: James L. Hyer
- Treasurer: Wendy M. Weathers
- Asst. Treasurer: Hon. Michael J. McDermott
- Secretary: Dolores Gebhardt
- Asst. Secretary: Jessica Thaler-Parker
- Representative: Denise Ward
- Director:

**TO SERVE AS DIRECTORS**
- Michael Friedman
- Paul Millman
- John Pappalardo

**TO SERVE ON THE 2017 NOMINATING COMMITTEE**
- Kelly Welch
- P. Daniel Hollis
- Dawn Kirby
- Julie Curley
- Atheeb Khateeb
- Steven Waldinger
- Diana Bunin Kolev

**PROXY**

KNOW ALL PERSONS BY THESE PRESENTS, that the undersigned, an active member in good standing of THE WESTCHESTER COUNTY BAR ASSOCIATION, hereby acknowledges receipt of NOTICE OF ANNUAL MEETING OF THE WESTCHESTER COUNTY BAR ASSOCIATION to be held Tuesday, March 14, 2017, and by these presents does constitute and appoint President and Immediate Past President as alternate and each of them, attorneys and agents with power of substitution, as his or her proxy to attend the Annual Meeting of the WESTCHESTER COUNTY BAR ASSOCIATION to be held at seven o’clock in the evening on that date at the ELMWOOD COUNTRY CLUB, WHITE PLAINS, NY, or any adjournment thereof, with full and complete power to vote and act in the undersigned’s name and stead in the manner and with the same power and effect as if the undersigned were personally present at such meeting, hereby revoking any and all other proxies heretofore given by me to any persons whatsoever.

________________________________________
Sign Full Name

________________________________________
Print Full Name

Date ______________________, 2017

Please RETURN signed PROXY by March 1, 2017 via email to info@wcbany.org or Fax (914) 761-9402

**ATTENTION ALL CHAIRS AND CO-CHAIRS**

Annual Section and Committee Reports are due January 30, 2017.

Please send your reports as a PDF or WORD document to ExecutiveDirector@wcbany.org as soon as possible! Thank you!
We invite you to join us … for our cocktail reception and dinner honoring our Past Presidents and conducting our Annual Meeting and Election of Officers and Directors.

Tuesday, March 14, 2017
Elmwood Country Club
850 Dobbs Ferry Road, White Plains, NY
Cocktail Reception: 6:00 pm
Dinner Meeting: 7:00 pm

Tickets
$80 on or before March 7
$95 after March 7

Table of Ten
$700 on or before March 7
$800 after February March 7

Sponsorship opportunities are available.

All sponsorships include pre- and post-event publicity in the Westchester Lawyer magazine, in e-news and on the website.

PLATINUM: $5,000: 10 tickets plus full page ad in Magazine; exclusive to your industry
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SILVER: $1,000: 2 tickets plus quarter page ad in the Magazine
BRONZE: $ 500: 1 ticket plus business card ad in the Magazine

RESERVATION AND PAYMENT INFORMATION

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☐ I would like to be a sponsor. (For information: sponsor@wcbany.org)

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Happy New Year WCBA members!

Another year has come and gone and I continue to be amazed at how quickly time passes. It is hard to believe that my term as President is more than halfway done. I am not necessarily inclined to making New Year’s resolutions (they don’t seem to stick) but I believe a new year brings a renewed spirit of commitment and is a good time to take stock and reevaluate your goals. For me, the next five months of my Presidency will bring more opportunities to serve this organization, and for members, opportunities to continue to be or to become involved.

We will continue to fill our calendar with CLEs to serve our members and are working to develop new programs reflecting current practice needs and changes. In January, our Brown Bag Lunch series, co-sponsored by our New Lawyers Section and the Westchester Womens Bar Association, continues. This monthly round table open forum is led by WCBA Vice President, Hon. Linda Jamieson, together with a new special guest Judge each month, and is a chance for practitioners to have lunch with the Judges to discuss current issues in a casual setting. The next event in the series, with guest Judge Hon. Gretchen Walsh, will be held on January 11, 2017, at 12:30 p.m. in the Attorney Lounge on the Second Floor of the Westchester County Courthouse and is free of charge. I hope you can bring your lunch and pull up a seat to join in this unique opportunity!

Next month we will kick off a brand new Mardi Gras event to help liven up the winter. This is a fun and relaxing way to meet and mingle with fellow members and, as they say in The Big Easy, laissez les bons temps rouler! The event will be held at Brother Jimmy’s BBQ in White Plains on February 28. Watch our website for details and see page 7 for registration information. I look forward to seeing you all there.

On March 14, 2017, we will hold our Annual Meeting and Past Presidents’ Dinner at the Elmwood Country Club in Ardsley. In addition to conducting our annual business meeting, we will elect the new officers and directors for 2017-2018 and honor our outgoing Section and Committee Chairs for their service to the WCBA. This will be a great evening to welcome the spring thaw, conduct a bit of business, network and honor our Past Presidents.

With the arrival of spring, I will pass the WCBA Presidency into the extraordinarily capable hands of Stephanie Burns on May 11, 2017, at the Westchester Hilton in Rye. Stephanie’s tireless devotion to the WCBA is matched only by her endless support and friendship and I look forward to celebrating with her as she takes the reins.

And finally, with summer comes golf! We will host another fantastic outing on July 11, 2017, at Fenway Golf Club in Scarsdale. So start thinking about who to pack your winning foursome with and mark your calendars so you can come out and swing the sticks!

These are just a few of the highlights of what I am certain will be another great year for the Association. If you haven’t already done so, remember to renew your WCBA membership or you might miss out on all the fun. With that, I wish you all a very Happy, Healthy and Prosperous New Year.
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The court observation with Judge John P. Colangelo was a big deal for me. As an aspiring attorney, and student of the law, it felt great being in a courtroom and observe how things are done. I gained insight on how everyday court proceedings work and the rationale used to decide on a ruling. This was the first time that I have spoken candidly with—and asked questions of—a sitting Judge. During our visit the judge presided over a very interesting and dynamic family case (with so many parts and elements!).

I am glad to have watched someone with as much experience as Judge Colangelo and I appreciate his insight and career advice. I must say, there is something eye-opening about talking to someone in a position to which you aspire. The observation was much needed and I will certainly recommend it to anyone thinking of joining the legal profession.

—Jonathan Abu
Pennsylvania State University

I enjoyed attending the court observation with Judge Colangelo, it was a very informative and rewarding experience. Judge Colangelo answered all of our questions and gave us insight into the role of a Supreme Court Judge in Westchester. As someone who hopes to attend law school in the future it is important to see how legal proceedings unfold firsthand.

I appreciated being given the opportunity by the WCBA and of course Judge Colangelo to have been a part of this court observation. It was very interesting to see how Judge Colangelo decided his ruling and the reasoning behind it.

—Carolyn Groccia
Pennsylvania State University and Westchester Community College Paralegal Studies Certificate Program

I greatly appreciate being given the opportunity by the WCBA and Judge Colangelo to have been a part of this court observation. Judge Colangelo is a very warm person who was willing to spend as much time as necessary to advise me on how to become a judge in the future. It was also interesting to observe the family case on the docket that day because when I was younger I was in a similar case. It is interesting to see how a Judge’s decision can impact someone’s life like it was once did for me.

Overall, this observation helps me be more familiar with the court system. Also, it helps me gain confidence and understanding of how the law is applied to cases. Furthermore, this experience will benefit me in my New York State Internship Program.

—Karlin Tapia
Mercy College
Presented by the Elder Law Committee, the New Lawyers Section and Elisabeth Haub Law School’s Office of Development and Alumni Relations

Lawyers, Affiliates and Professionals ...
The Elder Law Committee & New Lawyers Section invite you to join us for their seventh annual networking event and dinner.

You recently passed the Bar!
The WCBA’s New Lawyers Section & Elisabeth Haub Law School invite you to celebrate your achievement with us.

Tickets: (includes dinner)
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Enjoy Southern-style BBQ including pulled pork & dry-rub ribs
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ONLINE: go to the Calendar on our website, www.wcbany.org
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THE JUGGERNAUT, UBER TECHNOLOGIES, INC., may have reached the end of its worldwide efforts to dominate new transportation markets with its unique and popular ride-hailing app. Although Uber has met opposition in the past in both the marketplace and in court, particularly in California, new developments in China and in New York City may have brought Uber’s nearly unstoppable advance to a halt.

Uber Surrenders In China

It is fair to state that Uber and its co-founder Travis Kalanick wanted very much to succeed in China. “Despite intense local competition, the market was one of Uber’s largest by total number of rides. A Chinese operation was the personal project of the Uber co-founder Travis Kalanick, who traveled regularly to the country and gave speeches that borrowed the jargon of Chinese Communist Party officials. His interest was backed up by billions of dollars in investment.” But Uber “known globally for competing ruthlessly against all comers” waived the white flag and surrendered by selling Uber China to Didi Chuxing, its toughest rival. Uber thereby joins other American economic armadas such as Facebook, Google and Amazon that have sailed to China on their quest for “world domination” only to eventually withdraw. “Like an imperial armada rolling out from North America’s West Coast, these companies would try
to establish beachheads on every other continent. But when American giants tried to enter the waters of China, the world’s largest internet market, the armada invariably ran aground.  

Price-Fixing Conspiracy

Uber is very popular in New York City and elsewhere having captured a significant portion of the taxis, cars for hire and mobile-app generated ride-share services markets. However, a recently filed lawsuit, *Meyer v. Kalanick,* presently before federal Judge Jed Rakoff of the Southern District of New York, alleging that Travis Kalanick and Uber are stifling price competition amongst Uber drivers to the detriment of Uber riders in violation of Section 1 of the Sherman Antitrust Act and New York’s antitrust statute, General Business Law 340 (Donnelly Act), may present a real challenge to Uber.

The Uber Algorithm

In a technologically modern variation of resale price maintenance, the Court noted in denying defendants’ motion to dismiss [and sustaining the causes of action based upon both horizontal and vertical price restraints] that drivers using the Uber app do not compete on price and cannot negotiate fares with drivers for rides. Instead, drivers charge the fares set by the Uber algorithm. Though Uber claims to allow drivers to depart downward from the fare set by the algorithm, there is no practical mechanism by which drivers can do so. The Court also noted “Plaintiff alleges that the drivers have a ‘common motive to conspire’ because adhering to Uber’s pricing algorithm can yield supra-competitive prices...and that if the drivers were acting independently instead of in concert, ‘some significant portion’ would not agree to follow the Uber pricing algorithm.”

Remember Ralph Nader?

Defendants, evidently, attempted to discover information with which to discredit the plaintiff Spencer Meyer and his attorney. This effort, reminiscent of General Motors’ attempt to discredit Ralph Nader after the publication of his bestselling book, *Unsafe at Any Speed,* in 1965, backfired and led to Judge Rakoff’s order enjoining defendants, Uber and Kalanick, from using any information gathered by the private investigator they hired, in any manner whatsoever. “It is a sad day when, in response to the filing of a commercial lawsuit, a corporate defendant feels compelled to hire unlicensed private investigators to conduct secret personal background investigations of both the plaintiff and his counsel. It is sadder yet when these investigators flagrantly lie to friends and acquaintances of the plaintiff and his counsel in an (ultimately unsuccessful) attempt to obtain derogatory information about them.”

Uber’s Arbitration Clauses

In response to several class action lawsuits filed against it, Uber has sought to enforce mandatory arbitration clauses and class action waivers appearing in its driver agreements. Such clauses have become quite common in consumer and employee contracts since the U.S. Supreme Court’s decision in *AT&T Mobility v. Concepcion* and in subsequent decisions. Initially Uber’s efforts were rejected by federal Judge Edward M. Chen of the Northern District of California in *Mohamed v. Uber Technologies, Inc.* and *Gillette v. Uber Technologies, Inc.*, finding unenforceable Uber’s earlier version of its mandatory arbitration clause. However, after some modifications by Uber, a new driver agreement containing a mandatory arbitration clause was approved by federal Judge James S. Moody of the Middle District of Florida in *Suarez v. Uber Technologies, Inc.* and by federal Judge Marvin J. Garbis of the District of Maryland in *Varon v. Uber Technologies, Inc.*

Internet Arbitration Clauses

One of the more ominous developments for e-commerce consumers and employees agreeing to be hired through the Internet involves the increasing enforcement by the courts of onerous contractual terms and conditions, such as mandatory arbitration, forum selection and choice of law clauses, class action waivers and liability disclaimers, often lurking in hyper-links. As noted by Judge Rakoff “[s]ince the late eighteenth century, the Constitution of the United States (has) guaranteed U.S. citizens the right to a jury trial. This most precious and fundamental right can be waived only if the waiver is knowing and voluntary … But in the world of the Internet, ordinary consumers are deemed to have regularly waived this right, and, indeed, to have given up their access to the courts altogether, because they supposedly agreed to lengthy ‘terms and conditions’ that they had no realistic power to negotiate or contest and often were not even aware of. This liberal fiction is sometimes justified, at least where mandatory arbitration is concerned, by reference to the ‘liberal federal policy favoring arbitration.’”

Inadequate Notice

Relying upon California law and applying the reasoning of then-Circuit Judge Sonia Sotomayor writing for the majority in *Sprect v. Netscape Communications Corp.*, Judge Rakoff stated: “[a]pplying [California] law, the *Sprect* court found that certain plaintiffs had not assented to a license agreement containing a mandatory arbitration clause because adequate notice and assent were not present on
After carefully reviewing cases analyzing “clickwrap” and “browserwrap” agreements, Judge Rakoff distinguished Mohamed v. Uber and Cullinane v. Uber and held that “plaintiff Meyer did not have ‘[r]easonably conspicuous notice’ of Uber’s User Agreement, including its arbitration clause or evince ‘unambiguous manifestation of assent to those terms.’”

ENDNOTES

1. We have been reporting on Uber for two years now. See Dickerson & Hinds-Radix, Apartments and Car Sharing: A Disruptive Internet Revolution, N.Y.L.J. (8/12/2014); Dickerson & Cohen, “Taxis and Ride-Sharing: Meeting New York City’s Car Service Needs,” N.Y.L.J. (7/30/2015); Dickerson & Hinds-Radix, “Airbnb and Uber: From Revolution to Institution,” N.Y.L.J. (4/22/2016).

2. In some cities, Uber has been banned. For example, Uber is banned in St. Louis, Missouri. As a result Uber filed an “antitrust lawsuit [Wallen v. St. Louis Metropolitan Taxicab Commission (E.D. Mo. 2015)] against the St. Louis Metropolitan Taxicab Commission (MTC)...alleging defendants conduct constitutes an illegal combination in violation of Section 1 of the Sherman Antitrust Act”[Goldfein & Keyte, “Uber Seeks Antitrust Scrutiny of Taxicab Commission,” N.Y.L.J. (11/10/2015)]. In other cities, Uber is tolerated but subjected to an occasional riot. See Steinmetz, “Violent massive street fighting in Jakarta over Uber and Grab taxi services,” www.eturbonews.com (3/22/2016); “Nairob’s taxi drivers turn to violence to halt Uber,” www.eturbonews.com (1/28/2016).


5. Id.

6. Id.


8. See Meyer v. Kalanick, 174 F. Supp. 3d 817 (S.D.N.Y. 2016) (“Plaintiff alleges that Uber competes in the ‘relatively new mobile app-generated ride-share service market’ of which Uber has an approximately 80 percent market share...Lyft has only a 20 percent market share...Although, plaintiff contends, neither taxis nor traditional cars for hire are reasonable substitutes for mobile app-generated ride-share service, Uber’s own experts have suggested that in certain cities in the U.S., Uber captures 50 percent to 70 percent of business customers in the combined market of taxis, cars for hire and mobile-app generated ride-share services.”


12. *See:* http://en.wikipedia.org/wiki/Ralph_Nader. (“The book became an immediate best-seller but also prompted a vicious backlash from General Motors (GM) who attempted to discredit Nader by tapping his phone in an attempt to uncover salacious information and, when that failed, hiring prostitutes in an attempt to catch him in a compromising situation...GM CEO James Roche who admitted, when placed under oath, that the company had hired a private detective agency to investigate Nader.”)


23. *Sprect v. Netscape Communications Corp.*, 306 F. 3d 17, 35 (2d Cir. 2002) (“reasonably conspicuous notice of the existence of contract terms and unambiguous manifestations of consent to those terms by customers are essential if electronic bargaining is to have integrity and credibility”). *See also:* Berkson v. GOGO LLC, 97 F. Supp. 3d 359 (E.D.N.Y. 2015).


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We are pleased to report that the WCBF’s 6th Annual Benefit and Silent Auction was a great success, thanks to the generosity of our sponsors, contributors and attendees! Profits will go towards the salary of a new lawyer’s pro bono legal services at a local non-profit.

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1. WCBF Vice President Mary Ellen Manley (of platinum sponsor Bleakley Platt & Schmidt) with WCBF Honoree Mona Shapiro and Stephen Waldinger (both of Gold Sponsor Shapiro, Getttinger & Waldinger, LLP)

2. Sophie Ruhl, WCBF Honoree Joseph Ruhl (of Platinum Sponsor Orange Bank & Trust), Matthew Ruhl with WCBF President Anthony Enea (of Platinum Sponsor Enea, Scanlan & Sirignano, LLP)

3. Retiring WCBF Directors: Professor Jay Carlisle, Jack Geoghegan and Frank Streng

4. WCBA Treasurer Wendy Weathers (of Silver Sponsor Cabanillas & Associates, P.C.), WCBA President Kelly Welch (of Platinum Sponsor Bertine, Hufnagel, Headley, Zeltner, Drummond & Dohn, LLP), NYSBA President Claire Gutekunst, WCBA Past President Carol Van Scoyoc and WCBA President-elect Stephanie Burns (of Gold Sponsor Keane & Beane, P.C.)

5. WCBF Vice President Mary Ellen Manley (of Platinum Sponsor Bleakley Platt & Schmidt, LLP) with WCBF current Fellow Jennifer Pacheco

6. WCBA Past Presidents: Peter Zeltner, Frank Headley and Jack Geoghegan (all of Platinum Sponsor Bertine, Hufnagel, Headley, Zeltner, Drummond & Dohn, LLP) and John Marwell (of Platinum Sponsor Shamberg, Marwell, Hollis, Andreycak & Laidlaw, P.C.)

7. Harris Markhoff and Hon. Terry Jane Ruderman with Jerold Ruderman (of Silver Sponsor Wilson, Elser, Moskowitz, Edelman & Dicker, LLP)

8. Nancy Rudolph (of Platinum Sponsor Bleakley Platt & Schmidt, LLP) with Katherine Lynch (of Silver Sponsor O’Connor, McGuinness, Conte, Doyle, Oleson, Watson & Loftus, LLP)

9. Lucille Fontana (homemade cookies!) and WCBA Past President Jody Fay (of Silver Sponsor The Kelsey Company)

10. WCBA Immediate Past President P. Daniel Hollis III (of Platinum Sponsor Shamberg, Marwell, Hollis, Andreycak & Laidlaw, P.C.) with his daughter Lucy Hollis (of Platinum Sponsor Atlantic Philanthropies)
First, I am grateful to be honored this evening by my peers and friends. The work of the Westchester County Bar Foundation is important and very dear to my heart. I am thrilled to be recognized for my role in conceiving and establishing its fellowship program. Thank you Tony Enea, Mary Ellen Manley, and the other members of the Foundation board for choosing me. And congratulations also to Joe Ruhl who has made so many contributions to the local legal community.

I would also like to acknowledge and thank my endlessly supportive family. My husband, Chris Parke, and my son, Max, who are here, and my daughter Molly and her husband Rob who are home tending to their new baby, my granddaughter Ella. And my partners, John Gettinger and Steven Waldinger, and my former partner, Chuck Banks, who are my second family. And thank you as well to my friends for being here and contributing to the Foundation.

I decided to become a lawyer in 1970, when I was finishing college. It was a crazy time, the university was in an uproar, and I went through a difficult process to figure out where my place was in the world. When I finally decided to go to law school, I felt in my gut that this was the right choice for me. I knew that I could be an advocate, that I could use my analytic skills and attention to detail to help others, that I had a loud voice, and that I was dogged, and that these traits, which might not have made me suitable for other professions, would enable me to be a good, competent lawyer. I also believed that the profession was ready to welcome young women into the practice. That last belief was not 100% true, but overall my thought process was correct.

I understood even then, when I decided to become a lawyer, how competent advocacy is the bedrock of our work. We all know that being a competent lawyer is very difficult. If we are litigators, we must deal with the needs and personalities of our clients, adversaries, judges, and clerks, cite correct law and try to get paid for our work.

To achieve competency, I try to use my intelligence and my knowledge to solve my clients’ problems. While it may be a cliché, for me the key is preparation. It is a painful truth that, for many reasons, large segments of our society do not have access to competent legal representation. — Mona D. Shapiro

It is a painful truth that, for many reasons, large segments of our society do not have access to competent legal representation. — Mona D. Shapiro

PREPARATION IS THE KEY TO COMPETENCE
By Mona D. Shapiro

WCBF Honorees Praise the Foundation for Its Commitment to the Underserved

BY MONA D. SHAPIRO, ESQ. AND JOSEPH A. RUHL, ESQ.
2016 WCBF Co-honorees
Arps sponsors two year fellowships for lawyers to do public interest law work. I had the crazy idea that the Foundation could do the same thing. We could use our funds to pay for a lawyer to practice public interest law at a non-profit agency in Westchester County.

Even though we had no idea how to make this happen, the Foundation Board agreed this was a worthy use of our funds and a remarkable opportunity to expand the availability of legal services to disadvantaged communities. We worked together—Dan Hollis, Ray Planell, Jerry Ruderman, Peter Zeltner, and the other members of the Board—to create the fellowship program literally from scratch. We decided that we would find worthy nonprofit agencies where new lawyers would be able to practice public interest law but always with appropriate supervision and training. We decided that we would choose gifted new lawyers with a passion and talent for the work. And we did it, and through the efforts of all of the members of the Board over the years and the members of the Westchester legal community who have contributed to the program, it has continued and thrived.

There have been five Foundation fellows to date. Because of your ongoing support, there has been nearly ten years of legal services provided by talented new lawyers working with local nonprofits. This is a remarkable achievement. I don’t know how many county bar associations can point to such tangible results. I am very proud to have been there at the beginning of this program. I thank you for recognizing my role and for your continuing monetary support of the program. I hope it continues for many, many years.

PAY IT FORWARD

By Joseph A. Ruhl

I thank my colleagues at OBT, Michael Gilfeather, John Bartolotta, Greg Souse, Kim Griffith and all of the members of our OBT team for their highest professionalism and vast experience. They make it all work.

I am privileged to be an honoree tonight and delighted to share the evening with my friend and co-honoree Mona Shapiro, to whom I extend my sincerest congratulations.

I’d like to tell you a brief story that had a definitive impact on my life. Many years ago when I was in college, I worked part time on Wall Street and commuted there several days a week from Fordham University in the Bronx. On one cold and wintry day when I was returning to Fordham, I realized that I did not have any money to ride Metro North to the Fordham station. Figuring that I could charm the conductor or at least avoid him or her, I boarded an early evening train. Just before arriving at 125th Street the conductor asked for my ticket or the appropriate fare. When I explained my dilemma to him, he directed me to exit the train at 125th Street.

I walked down the platform and onto the street not knowing how I was going to get back to Fordham. A scruffy looking cab driver noticed me and could see that I had a problem. When he asked me what I was doing there, I told him that I had been asked to leave the Metro North train because I do not have any money to pay for the fare to Fordham. Unexpectedly, he volunteered to take me to Fordham in his cab. Having no alternative to get home, I took him up on his offer. During my cab ride, we discussed politics, sports, religion, and current events, to pass the time. When we got to Fordham, I asked the cab driver for his name and address so I could forward to him the fare for my ride. He refused to give me his information and told me to go and make something of myself, and to pay it forward by doing a similar act for someone else. I learned a valuable lesson that day with the advice from my cab driver friend, which I have never forgotten.

Pay it forward—which is exactly what we are doing here tonight by raising money for the WCBF.

Pay it forward—by funding a two year fellowship for an attorney who otherwise might not have the opportunity to do public interest work.

Pay it forward—through that fellowship by providing needed legal services to the underserved residents of Westchester County for organizations like My Sister’s Place and Legal Services of the Hudson Valley.

I have recently been appointed to the Board of Directors of the WCBF and look forward to paying it forward by continuing to support the important work the Foundation does here in Westchester County.

I sincerely thank you all for attending tonight and for supporting this event. Please remember to Pay it Forward!!
During my last year of law school, and after having worked in the area of public interest law for two and a half years, I was determined and eager to find a position through which I could explore my career direction, while making a significant contribution to addressing issues of public concern. The Westchester County Bar Foundation Fellowship has made that possible for me.

Through the fellowship, I started my position as Staff Attorney at the Hudson Valley Justice Center (HVJC), a Yonkers-based nonprofit organization and affiliate of Legal Services of the Hudson Valley, which provides free legal services to immigrants in Westchester County and the lower Hudson Valley region. At HVJC, I have improved my knowledge and lawyering skills, enabling me to better serve each client. I have become a member of a hard-working team and together, we have served over 400 clients since I started in September 2015.

Currently, I provide advice and counsel and/or direct representation in immigration cases and housing matters. I also collaborate with other nonprofit organizations and with community-based organizations in Westchester to help underserved populations. For example, I give presentations and workshops to help educate communities on what their rights are and how to protect themselves from unscrupulous individuals who present themselves as attorneys but are not authorized to practice law. All the work I have done this past year as a fellow has allowed me to further my goal of advocating for my clients while providing competent, conscientious and compassionate legal representation.

“One of my first clients, Veronica, came to HVJC looking for help, because her landlord was threatening to throw her out of her apartment. Veronica owed one month’s rent because the landlord had refused to make repairs or do anything about the mold and bed bug infestation in the apartment. The landlord told her that she had two weeks to leave the apartment. Meanwhile, Veronica didn’t know what to do or where to go with her three children ages 4, 6 and 10. Veronica’s abusive husband had abandoned her and the children, and she was the children’s only caretaker.

When Veronica explained what was happening and the terrible living conditions in her apartment, I helped her to file a complaint with the department of buildings and advised that she should take photographs of the conditions in her apartment. I explained the law and her options so that she didn’t leave the apartment and give in to her fear of being evicted. Eventually, Veronica confronted the landlord and was then taken to court where the judge ruled in her favor upon seeing all of the evidence.

Veronica was extremely thankful for the help and guidance she received. She was able to continue living in her apartment with her children and to focus on caring for them, especially her youngest child, Gaby, who suffers from autism. She told me, “Without your help, my children would have lost their home.” Her words are what motivate me to work hard each day and to welcome anyone who needs my help.

Thanks to the Westchester County Bar Foundation fellowship, I have been able to continue working in the area of public interest law to give aid to those who need it the most. I am truly grateful to all of the fellowship’s supporters because together, we’re making a difference in the lives of so many clients.

Thank you.

Jennifer Pacheco, Esq., was born in Queens, NY. She graduated from Pace University with a major in Biology and earned her J.D. from Pace Law School. During law school, Jennifer volunteered with Empire Justice Center and was a student attorney at the school’s Immigration Justice Clinic. Currently, she is the staff attorney at the Hudson Valley Justice Center.
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WESTCHESTER LAWYER | JANUARY 2017 | 17
Number of Years as a Member of the WCBA, positions held and awards received: Approximately 13 years as a WCBA member. I received the WCBA New Lawyers Leadership Award in 2013 for attorneys practicing 10 years or under. I was named a “Super Lawyer” from 2013-2016 and was a recipient of the Rising Star award from the Business Council of Westchester.

My current job and practice area: Partner at Cuddy & Feder LLP. Transactional Practice Group which includes real estate, financing, leasing, corporate and industrial development agency financing.

How I decided to become a Real Estate Attorney: I got lucky. Cuddy & Feder had an opening in their real estate department and I needed a job so I took the offer. Have not looked back since.

One of my favorite legal success stories: Closing a complicated quarter of a billion dollar development project in downtown White Plains where I was one of the lead attorneys on the transactional side of things (I was only out four years from law school). It involved acquisition of land from the City of White Plains and getting IDA approval.

My Legal Mentor: Joseph P. Carlucci is a senior partner at Cuddy & Feder. I refer to him as Grandpa Joe. When I first started at the firm, he took me everywhere he went (client intake meetings, closings, business transactions) and showed me the ropes. He helped develop my practice at the Firm. I learned everything I know about the IDA from him.

If I were not practicing law I would be: dead or retired. I can’t see myself doing anything else.

People may be surprised to learn: that I was born in Guyana and spent the first 8 years of my life there.

The best thing I did to improve my skill set as an attorney: work hard and listen. Effective listening is a such an important skill. I pride myself on not making the same mistake twice.

The best thing I did to improve marketing my practice and me: getting involved in the Community. I have been on the Board of Directors of the African-American Men of Westchester, Inc. and have been a Member of the Board of Governors for the YMCA of Central and Northern Westchester since 2015.

What I splurge on: I love dining out. Some of my favorite restaurants include River Market (Tarrytown), Purdy’s Farmer’s Fish (Purdy’s) and Le Bernardin in New York City.

The best hour of my day is: the quiet time in the evening with my wife especially now since she is over 9 months pregnant with our first child!

Favorite movies: I am a big time movie buff—so too many to list.
name—but love science fiction (Star Wars, Matrix) and gangster movies (City of God, The Godfather, Scarface).

Favorite Books: I love science fiction books (anything by Ray Bradbury) and history books. I recently read The Rise and Fall of the Third Reich.

Favorite songs: I am a big time music lover especially reggae music. Some of my favorites include Natural Mystic by Bob Marley and Alton Ellis’ songs.

Favorite meal: Big Eye Tuna at Purdy’s Farmer and Fish. Rare Tuna over a shrimp fried rice—heavenly. I can’t forget good Korean BBQ at Korea Garden in Yonkers.

My favorite vacation spots: I try to never go to the same place twice but if I had to pick, I would say Guyana—my original home. Some of my favorites places visited include Amsterdam, Napa Valley and Turks and Caicos.

Three things I can’t live without: Food, alcohol, music and good company. That’s four things but that combination is what is my driving force in life.

One of my favorite things to do in Westchester: Sit on my deck for hours and just meditate and do nothing.

Best advice I ever got: My mom told me that organization is the key to success.

My advice to new lawyers: Focus on finding out what’s your niche. Put in the time and learn what skill set suits you the best.

Last time I was out of my comfort zone: Right now—my wife is expecting in mid-December and no matter how organized I am or how much I plan—I think I am in for the unexpected.

One of my future ambitions is to: I would love to be involved in the reggae music industry.

My favorite part of being involved with the WCBA: The Bar keeps me well informed as to the legal profession and the legal community in Westchester.

Contact editor@wcbany.org for details.
What’s... GOING ON

Enea, Scanlan & Sirignano, LLP Named “Best Law Firm” by U.S. News Media Group and Best Lawyers

The law firm of Enea, Scanlan & Sirignano, LLP has received a Tier 1 ranking for Elder Law in the New York metropolitan region by U.S. News — Best Lawyers® “Best Law Firms” 2017. This marks the seventh consecutive year that the firm has been recognized for its professional excellence.

The firm has also attained Martindale-Hubbell’s highest rating, AV Preeminent, for superior ethical standards and legal ability.

Brown Bag LUNCH SERIES
Wednesday, January 11, 2017
12:30 pm

LOCATION: WESTCHESTER COUNTY COURTHOUSE
Attorney Lounge, 2nd Floor
111 Dr. Martin Luther King Jr. Blvd.
White Plains, New York

Featuring: Hon. Linda S. Jamieson and this month’s special guest the Honorable Gretchen Walsh.

Join fellow members for this unique opportunity to have lunch with Judges Jamieson and Walsh in a casual setting with no formal agenda.

RSVP: ExecutiveDirector@wcbany.org
Thank you for your continued support of the WCBA!

What’s... GOING ON

2016 WCBA Veteran’s Bingo Party

The WCBA hosted our 4th Annual Veteran’s Bingo Party at the Montrose Veteran’s Administration Hospital. Surrounded by veterans from World War II, Korea and Vietnam, our member’s enjoyed a nice evening helping and talking with the veterans as WCBA Treasurer Wendy Weathers called out the Bingo numbers and WCBA President Kelly Welch helped hand out gifts to the winners. The veterans enjoyed the refreshments we brought and were very happy to receive blankets, slippers, healthy snacks and other gifts donated by our members. Following the party, our members were happy to see that the television donated by the WCBA to the hospital last year was installed in the family visiting room and were informed by the staff that it gets a lot of use. Many thanks to the WCBA members who support this event!

WCBA’s Lawyer Assistance Committee presents a FREE ONGOING WELLNESS SERIES...

MINDFULNESS FOR LAWYERS
A SIMPLE PATH TO STRESS RELIEF
Wednesdays
12:30 pm–1:15 pm

WCBA Conference Room
One North Broadway, Suite 512,
White Plains, NY

This weekly meeting will provide a space for reflection, connection and guided meditation with an eye to assisting individuals in discovering their own mindfulness practice.

For more information contact:
Ben Felcher-Leavitt at benleavitt@leavittlegal.com
On Monday, December 5, 2016, the annual *Holiday Party* cocktail reception and buffet was held at the Westchester Hills Golf Club in White Plains, NY.

1. WCBA Past President Jody Fay, Julie Kattan, Milton Kreppel and WCBA Director Representative Denise Ward
3. Natalie Felsenfeld and WCBA Past President Richard Gardella
4. Tom Welby and Nancy Rudolph
5. James Landau, Katherine Lynch, Helen Mezger, Lisa Rispoli and MaryAnn Schugman
6. WCBA Vice President Richard Vecchio, WCBA Treasurer Wendy Weathers and New Lawyers Committee Sr. Chair Athieeb Khateeb
7. WCBA Past President Dawn Kirby, Michele Lazzara and George Kontogiannis
8. Fred Childs, Karinta DiMartino and Donald Braun
ENVIRONMENTAL LAW SECTION

Regulations of Dams in New York State and Other Considerations

Speakers
Diana Bunin Kolev, Esq.
Shamberg Marwell Hollis Andreycak & Laidlaw, P.C.
Keith R. Betensky, Esq.
McCullough, Goldberger & Staudt, LLP
Co-chair, WCBA Environmental Law Committee
Seth M. Mandelbaum, Esq.
McCullough, Goldberger & Staudt, LLP,
Co-chair, WCBA Environmental Law Committee

Location
WCBA Headquarters
One North Broadway, Suite 512
White Plains, NY

Date/Time
Thursday, January 19, 2017
11:30 am–12:00 pm Registration, Networking and Light Lunch
12:00 pm–1:00 pm CLE Presentation

Price
Early Bird discount through Jan. 12
Members: $30/$50 after Jan. 12
Non-members: $50/$75 after Jan. 12
Pace Alum Non-members: $40/$60 after Jan. 12

CLE
1 credit: Professional Practice

To Register
See “Registration Form” below.

DOMESTIC RELATIONS & FAMILY LAW SECTION

Parental Interstate and International Abduction

Moderator
Robin Carton, Esq.
Carton & Rosoff, P.C.

Speakers
Bruce May, Federal Bureau of Investigation
Philip Segal, Esq., Segal & Greenberg, LLP

Location
La Bocca Ristorante
8 Church Street
White Plains, NY

Date/Time
Tuesday, January 24, 2017
5:30 pm–6:00 pm Registration, Networking and Dinner
6:00 pm–8:00 pm CLE Presentation

Price
Early Bird discount through Jan. 17
Members: $80/$120 after Jan. 17
Non-members: $120/$160 after Jan. 17
Pace Alum Non-members: $100/$140 after Jan. 17

CLE
2 credits: Professional Practice

To Register
See “Registration Form” below.

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CLE and EVENT REGISTRATION FORM

Please register in advance whenever possible. Registration later than 12 pm 24 hours PRIOR to the CLE will incur a $10 late fee, and applicants will be seated and provided written materials ONLY if space permits.

ONLINE: go to the Calendar on our website at http://www.wcbany.org/events/event_list.asp
MAIL form and check made out to “WCBA” to: WCBA, One North Broadway, Suite 512, White Plains, NY 10601
EMAIL this scanned form to cle@wcbany.org.
FAX form to 914-761-9402

CLE/EVENT TITLE Date Fee
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Copies of the WCBA CLE Rules and Procedures and the Hardship Policy may be obtained by emailing cle@wcbany.org or calling 914-761-3707, ext. 20. Your knowledge of the CLE rules and procedures is presumed when you register for a CLE.

CANCELLATION, REFUND AND INCLEMENT WEATHER POLICY

Full credit will be applied to a future program to those who cancel at least two business days prior to a CLE or other Event, in writing, to cle@wcbany.org. The WCBA retains the right to cancel CLE programs and other Events and will provide notification to all registrants who provide their email address. INCLEMENT WEATHER: Please refer to the website home page (www.wcbany.org) on the day of the CLE/Event by 10:00 am for cancellation announcements.
CALL FOR SUBMISSIONS
WESTCHESTER BAR JOURNAL 2017
Deadline: February 20, 2017

The editors of the Westchester Bar Journal (WBJ) encourage the submission of manuscripts for publication by our members!

The WBJ focuses on providing original content that is timely and relevant to the legal community both nationally and locally in all areas of the law. Articles should be between 1500-4000 words in length.

Submission: Please email manuscripts to: editor@wcbany.org with “Westchester Bar Journal submission” in the subject line. Articles should be in Microsoft Word and be free from formatting such as page headers, footers or all caps.

Citations: Citations should be in accordance with the Uniform System of Citation published by The Harvard Law Review Association (“Blue Book”), and accuracy verified by the author.

Reprint policy: Generally, we do not accept reprinted articles. An author who submits a previously published article MUST advise the WCBA of the prior publication name and issue date and obtain from the original publisher a written letter granting the WCBA permission to reprint the article.

Copyright: Material accepted for publication becomes the property of the Association. The Association may republish on the WCBA website, Westlaw, Lexis-Nexis or in other print or electronic publications.

Author information: All articles should be accompanied by a brief biography and a high resolution headshot of the author(s).

Submission deadline: Articles must be received by February 20, 2017, to be eligible for inclusion in the 2017 issue.

The editors reserve the right to accept or reject all manuscripts and to request changes if necessary.

For more information please contact: editor@wcbany.org or (914) 761-3707, ext. 40.

LAWYER ASSISTANCE PROGRAM

The WCBA Now Offers Free Confidential Help For the Problems Lawyers, Judges and Law Students Face

The demands of the legal profession are known to contribute to the substantially greater risk for alcoholism and depression suffered by lawyers over that of the general population.

Shame, fear and stigma often make it difficult to seek help, but it is important to act when the signs of impairment begin.

Contact WCBA’s Lawyer Assistance Committee Chair Daniel Seymour:
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dseymouresq@aol.com

All LAP services are confidential and protected under Section 499 of the Judiciary Law as amended by Chapter 327 of the Laws of 1993.
Your Time is Valuable—Let Us Help You by Prescreening Calls

It’s time to renew your 2016 WCBA Lawyer Referral Service membership.
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- Qualified screening!
- Receive referrals in multiple areas of the law!

For more than 40 years, the Westchester County Bar Association Lawyer Referral Service (LRS) has been referring thousands of clients annually to LRS attorneys in Westchester. Each year thousands of potential clients from all over the country seek attorneys in Westchester by contacting the Lawyer Referral Service. Consider as part of your business plan being a member of WCBA’s Lawyer Referral Service.

How the Service Works

Clients contact the LRS office and explain the nature of their legal needs. The clients are then referred to an attorney based upon the field of law and geographic preference; referrals are made on a rotation basis. Membership in the WCBA LRS can serve as a profitable investment in your future.

JOIN LRS NOW!

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Membership in the WCBA LRS is open to all licensed attorneys who are members in good standing of the New York State Bar and who meet the panel requirements as set forth in the LRS application and rules.

LRS attorneys must maintain an office for the practice of law in Westchester County and be physically available for consultation in that office, and must maintain an up-to-date professional liability insurance policy. We welcome individual attorneys and members of law firms.
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Speaking to his countrymen and women, the new leader called for civil discourse and exchange of viewpoints. Citizens were urged to listen to each other so the nation could work together. The speaker said:

“In these difficult years, America has suffered from a fever of words, from inflated rhetoric that promises more than it can deliver; from angry rhetoric that fans discontents into hatred; from bombastic rhetoric that postures instead of persuading. We cannot learn from one another until we stop shouting at one another, until we speak quietly enough so that our words can be heard as well as our voices…”

While those words seem designed to respond to today’s angry political cacophony, they were spoken nearly half a century ago this month at a presidential inauguration. Back then there seemed more reason for the discontent and the angry words.

There were life-and-death issues that appeared to threaten our system of government as a free society. Real or imagined bias phobias and perceived or actual terrorist threats as well as the availability of guns or gender neutral bathrooms were not at the core of the discontent five decades ago.

In 1969 when the inaugural speech was made, 200 American soldiers were dying every day in Vietnam. Within the year before those Washington, D.C., words, the nation’s iconic civil rights leader and a presidential candidate were both assassinated. People were not just threatening to flee to Canada 50 years ago. To many it seemed the only way to avoid the military draft and a trip to the war zone. The previous 1968 summer saw the widespread discontent boil over in Chicago as violent protests sought to disrupt the Democratic National Convention, drawing excessive police force to quell the unrest.

Richard Nixon, who spoke those sensible words in his first inaugural that long ago January, went on to be re-elected for a second term. He ended American involvement in the Vietnam War as well as the military draft and opened the diplomatic door to China, but he could not end the unrest or the threat to our governmental system. Unable to follow his own wise words, he exacerbated the discontent and threat, bringing on an unprecedented governmental crisis.

Faced with certain impeachment and probable conviction for his part in the silly Watergate burglary and cover up, he resigned from the presidency August 9, 1974, the first and only U.S. president to do so.

Gerald R. Ford took the oath of office as president on that day, making him the only president to assume the top job under such circumstances. Adding to the unprecedented nature of his role was the fact that he was the first vice president appointed under the terms of the Twenty Fifth Amendment to the U.S. Constitution. Ford was named vice president by Nixon with Congressional approval after Nixon’s 1972 running mate, Spiro Agnew, was forced to resign because of his involvement in corruption during his tenure as governor of Maryland. Those circumstances made Ford the only man to hold both top jobs without being elected to those posts.

On becoming the 38th U.S. President, Ford said:

Richard M. Gardella, Esq., is counsel to Bertine, Hufnagel, Headley, Zeltner, Drummond & Dohn LLP. He is a past president of the Westchester County Bar Association and the Westchester County Bar Foundation, the editor-in-chief of this Magazine, and a former WCBA delegate to the American Bar Association and the New York State Bar Association.
“I assume the Presidency under extraordinary circumstances ... This is an hour of history that troubles our minds and hurts our hearts.”

A month after assuming office, Ford granted Nixon a “full, free and absolute pardon.” At first reluctant to accept a pardon and utter the required words of contrition, the disgraced president eventually accepted and stated:

“I was wrong in not acting more decisively and more forthrightly in dealing with Watergate, particularly when it reached the stage of judicial proceedings and grew from a political scandal into a national tragedy. No words can describe the depth of my regret and pain at the anguish my mistakes over Watergate have caused the nation and the presidency, a nation I so deeply love, and an institution I so greatly respect.”

A sometimes unkind commentator, Lyndon Baines Johnson, a presidential predecessor, at one time said of the appointed GOP leader:

“Jerry Ford is so dumb he can’t walk and chew gum at the same time...He is a nice fellow, but he spent too much time playing football without a helmet.”

Despite those unflattering comments and the unpopularity of the Nixon pardon in some quarters, the nation healed under Ford. Wounds caused not only by Nixon’s actions, but by LBJ’s failed foreign policy and resulting “credibility gap” were addressed by Ford even though he wasn’t as smart as Johnson. Perhaps his honesty helped.

The man who defeated the appointed president in his 1976 election bid praised Ford for his efforts to bring the country together.

President Jimmy Carter’s first words of his inaugural address were these:

“For myself and for our nation, I want to thank my predecessor for all he has done to heal our land.”

As we approach another inaugural in a time of discontent and national division, we should remember that earlier time nearly half a century ago when the ship of state survived an unprecedented storm. As the new president speaks this month, we should listen with the hope that his words are well meant.

Nixon spoke the right words in 1969, but hampered by an outsider’s paranoid distrust, he apparently could not enforce them. Ironically, despite his assuming one of the world’s central seats of power, he was unable to overcome his outsider personality flaw. That flaw helped rob his 1969 words of meaning. All of which reminds me of prayerful Claudius’ following words in Act 3, Scene 3 of Shakespeare’s Hamlet:

“My words fly up, my thoughts remain below. Words without thoughts to Heaven never go.”

Endnotes
1 This quote was taken from the Nixon inaugural speech as printed in Presidents, All You Need to Know published in 2004 by Hylas Publishing.
2 WhiteHouse.gov (Gerald R. Ford).
3 Wikipedia, the free encyclopedia, on Richard Nixon.
4 Presidents, All You Need to Know, page 246. Ford, a standout lineman at Michigan University, later was an assistant football coach at Yale.
5 Taken from the Carter Inaugural Address as printed in Presidents, All You Need to Know.

PHOTO CREDIT
http://history-is-not-boring.com
Photo was taken on the day the first article of impeachment was drawn against Richard Nixon.
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