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Rewrite of USCIS Mission Statement Cannot Change America's Identity as a Nation of Immigrants

By: Allen E. Kaye and Joseph F. DeFelice, Co-Chairs of the Immigration and Naturalization Committee



WASHINGTON, D.C. - The American Immigration Lawyers Association (AILA) expresses its deep disappointment at the Trump administration's rewrite of the United States Citizenship and Immigration Service (USCIS) mission statement to, among other things, remove the phrase "a nation of immigrants."

"Removing words in the USCIS mission statement cannot change the proud history of our country

whose success is owed to the immigrants who have contributed immensely to our society and have made America home," said Annaluisa Padilla, AILA President. She continued, "I am a proud American citizen. I am an immigrant. I am an immigration attorney, dedicated to upholding our most cherished principles. This latest insidious attempt by the Trump administration to diminish the valuable contributions that immigrants have made to our nation and our local communities

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The Docket

Being the official notice of the meetings and programs listed below, which, unless otherwise noted, will be held at the Bar Association Building, 90-35 148th Street, Jamaica, NY. Due to unforeseen events, please note that dates listed in this schedule are subject to change. More information and changes will be made available to members via written notice and brochures. Questions? Please call 718-291-4500.

CLE Seminar & Event listings

April 2018

Tuesday, April 10	Criminal Update IX - Rescheduled Date
Tuesday, April 17	Stated Meeting
Wednesday, April 18	Equitable Distribution Update

May 2018

Thursday, May 3	Annual Dinner & Installation of Officers
Monday, May 28	Memorial Day Observed - Office Closed

CLE Dates to be Announced

CPLR & Evidence Update
Ethics Seminar
Surrogate's Court Seminar

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President's Message



"One of my goals this year was to get some of the younger attorneys more involved in our organization."

March was a very busy month for our organization. On March 26 we held our annual Judiciary, Past President & Golden Jubilarian Night. At that time we all enjoyed a delicious dinner followed by the roll call of our Judges. We were honored to have the new presiding Justice of the Appellate Division, Second Department, the Hon. Alan D. Scheinkman attend and say a few words to those in attendance. We learned that he has roots in our borough as he was born in Queens. We also honored our Golden Jubilarians, all of whom have been in practice for 50!!! years. The Academy of Law then presented their award to our long serving and beloved executive director, Arthur Terranova. Finally, we gave the Court Appreciation award to recently retired Supreme Court Officer Nadine Coates. Justice Weinstein presented her with the honor and said some very kind words. The President's scroll was given to our immediate past president, Gregory J. Brown, and the evening closed with the remarks of the incoming president of the New York State Bar Association, Michael Miller.

One of my goals this year was to get some of the younger attorneys more involved in our organization. I am extremely proud that one such attorney, Denisse Y. Gomez, took me up on this challenge. She only recently joined our Association and just this past week moderated a 2 hour CLE on issues facing transgender students/athletes. She, along with the LGBT Committee, arranged for four fascinating speakers to discuss this topic. This CLE satisfied the new requirement that attorneys need regarding Diversity, Inclusion and Elimination of Bias. Way to go Denisse! I hope that others will step up and follow her path. Please visit our Facebook page to see all the pictures.

I wish you all a wonderful Spring.

Best regards,
Gregory J. Newman

Editor's Note:

ICE is Lawless

By Paul E. Kerson



We live in very strange times. Agents of the Federal Government's Immigration and Customs Enforcement (ICE) arm of the Department of Homeland Security regularly barge into people's homes and businesses and cart them away to jails for alleged violation of immigration laws.

Many States, Cities and Counties will not put up with this maltreatment of our residents and neighbors. Some, including New York, have declared ourselves "sanctuary cities and states" and have instructed our Police Department, Department of Education and Health and Hospitals Corp. personnel not to cooperate with ICE in ICE's roundups, reminiscent of the worst kind of European dictatorship.

The Federal Justice Department is suing the State of California on this point, aiming to put an end to States, Cities and Counties declaring themselves sanctuaries.

The Federal Government is most certainly acting unlawfully in the case of Mexican nationals resident in the United States, the target of much of ICE's illegal activity.

In 1845, the Federal Government conquered

a large portion of the Mexican Government's sovereign territory in the Mexican War. See Samuel Eliot Morison, *The Oxford History of the American People*, New York, Oxford University Press, 1965, pages 550-565.

Thus, our Federal Government became the Government of most of Mexico. This makes our relationship to Mexico and Mexicans quite different than our relationship with any other country. We became most of Mexico.

So what is the law on that? Well, it is all spelled out in the *Treaty of Guadalupe Hidalgo*, adopted by the U.S. Congress and approved by President James K. Polk in 1848. See 9 Stat. 922.

Reading the Treaty carefully shows just how lawless ICE has become in rounding up and jailing Mexican nationals living in the United States. Recall that the States of Texas (1845), California (1850), Nevada (1864), Colorado (1876), Utah (1896), New Mexico (1912) and Arizona (1912) became states of the United States in the years named above having been part of Mexico before 1845.

Article I of the Treaty states that: "Upon a solid basis relations of *peace and friendship*, which shall *confer reciprocal benefits* upon the citizens of both, and assure the *concord, harmony and mutual confidence* wherein the two people should live, *as good neighbors...*" (emphasis added)

Article VIII of the Treaty provides that all the inhabitants of the Mexican territory that later became the American States of Texas, California, Nevada, Colorado, Utah, New Mexico and Arizona could decide *for themselves* whether they wanted to be Mexican citizens or American citizens. If they did not make the choice within one year, they would be considered American citizens.

Article VIII of the Treaty goes on to provide specific guarantees with regard to real property in that part of Mexico that became the above listed seven American states: "The present owners, *the heirs of these and all Mexicans who may thereafter acquire said property by contract, shall enjoy with respect to it guarantees equally ample as if the same belonged to citizens of the United States.*" (Emphasis added).

Article XXI of the Treaty further provides that if there is "any disagreement" that may "arise between the Governments of the two republics" each will "endeavour, in the most sincere and earnest

manner, to settle the differences so arising (by) pacific negotiations."

There can be no doubt whatsoever that the Treaty of Guadalupe Hidalgo was, is and remains the law of the United States.

In *U.S. v. States of Louisiana, Texas, Mississippi, Alabama and Florida*, 363 U.S. 1, 80 S.Ct. 961 (1960), the U.S. Supreme Court relied on the Treaty of Guadalupe Hidalgo to determine ownership rights in riparian land in the Gulf of Mexico off the coasts of the States listed in the caption of the case.

In *State of Texas v. Indio Cattle Co.*, 154 S.W. 2d 308 (Tex. Ct. of Civ. Appeals 1941), the Texas Court of Civil Appeals relied on the Treaty of Guadalupe Hidalgo to adjudicate certain land claims in Maverick, Webb and Dimmit Counties, Texas.

In *Shelley v. Hurwitz*, 33 Cal. App. 2d 658 (Dist. Ct. of Appeal, 4th Dist. 1939), the California District Court of Appeal, 4th District relied on the Treaty of Guadalupe Hidalgo to determine a land dispute in the City of San Diego.

In 1979, the Nevada State Legislature relied on the Treaty of Guadalupe Hidalgo to pass N.R.S. 321.596, calling on the Federal Government to return all of the Nevada land it owned to the State of Nevada.

In *Boquillas Land & Cattle Co. v. Curtis*, 11 Ariz. 128 (1907), the Supreme Court of the Territory of Arizona relied on the Treaty of Guadalupe Hidalgo to determine an Arizona land dispute.

The New Mexico State Constitution, in Article 2, Section 5 is entitled: *Treaty of Guadalupe Hidalgo Rights*, and provides: "The rights, privileges and immunities, civil, political and religious guaranteed to the people of New Mexico by the Treaty of Guadalupe Hidalgo *shall be preserved inviolate.*" (Emphasis added).

This is a Super-Supremacy Clause – a Federal Treaty enshrined and made permanent in a State Constitution, a treaty that can only be modified with the consent of a "foreign" government (Mexico) and our Federal Government. This puts the Treaty of Guadalupe Hidalgo in a legal class all by itself – a law above all other laws.

In *New Mexico Gamefowl Assn. v. State of New Mexico*, 146 N.M. 758, 215 P. 3d 67 (2009), the

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Rewrite of USCIS Mission Statement... | continued from p.1...

will not turn Americans away from our most fundamental values."

Benjamin Johnson, AILA Executive Director added, "USCIS was created with a distinct purpose - the adjudication of naturalization applications, immigrant and nonimmigrant visa petitions, and asylum and refugee applications - enshrining in law our rich tradition as a nation of immigrants. America is a place that honors the contributions of immigrants and secures their place in our society. The Trump administration is bent on turning USCIS away from its core mission, and the core values that guide that mission. It is sad to see this attempt to rewrite that history and close our doors to the world. We will not let this change go unnoticed or ignored."

I noticed that the new "omission" statement deletes providing information to the public. I suppose we can expect to see more deterioration in the quality of the phone customer service line; the accuracy of information on the USCIS website regarding forms, fees and policies; and updates on processing times. Not to mention even more errors on the case status online service and non-availability of InfoPass appointments. I think this is already happening. If providing information to the public is not part of the mission, why would USCIS fund it?

USCIS Director L. Francis Cissna of New Agency Mission Statement

"In my short time as director of USCIS, I continue to be impressed by the commitment and dedication that employees throughout the agency have shown toward our common goals. USCIS employees are passionate about upholding the rule of law and ensuring the integrity of our immigration

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system. I've always known this and have seen it confirmed again and again in my meetings with you during visits I have made to field offices and service centers. To reflect these principles, and to guide us in the years ahead, I am pleased to share with you our agency's new mission statement:

U.S. Citizenship and Immigration Services administers the nation's lawful immigration system, safeguarding its integrity and promise by efficiently and fairly adjudicating requests for immigration benefits while protecting Americans, securing the homeland, and honoring our values.

I believe this simple, straightforward statement clearly defines the agency's role in our country's lawful immigration system and the commitment we have to the American people.

The American people, through Congress, have entrusted USCIS with the stewardship of our legal immigration programs that allow foreign nationals to visit, work, live, and seek refuge in the United States. We are also responsible for ensuring that those who naturalize are dedicated to this country, share our values, assimilate into our communities, and understand their responsibility to help preserve our freedom and liberty.

What we do at USCIS is so important to our nation,

so meaningful to the applicants and petitioners, and the nature of the work is often so complicated, that we should never allow our work to be regarded as a mere production line or even described in business or commercial terms. In particular, referring to applicants and petitioners for immigration benefits, and the beneficiaries of such applications and petitions, as "customers" promotes an institutional culture that emphasizes the ultimate satisfaction of applicants and petitioners, rather than the correct adjudication of such applications and petitions according to the law. Use of the term leads to the erroneous belief that applicants and petitioners, rather than the American people, are whom we ultimately serve. All applicants and petitioners should, of course, always be treated with the greatest respect and courtesy, but we can't forget that we serve the American people.

USCIS employees take pride in helping prospective immigrants who desire to be part of our country, but they are also dedicated to ensuring we have an immigration system of which we can be proud. We answer to the American people who look to us to ensure that people who are eligible for immigration benefits receive them and those who are not eligible – either because they don't qualify or because they attempt to qualify by fraud – don't receive them, and that those who would do us harm are not granted immigration benefits. Thus, as we begin our work under the banner of our new mission statement,

we will also go forward by ending use of the term "customer" as an agency when referring to applicants or petitioners – a reminder that we are always working for the American people.

It is a pleasure serving with you as we continue to faithfully administer and protect the integrity of our nation's lawful immigration system."

Allen E. Kaye, a Phi Beta Kappa graduate of Queens College and the City of New York, Columbia Law School (JD) and New York University Law School (LLM), is the President of the Law Offices of Allen E. Kaye and Associates, P.C. and Of Counsel to Pollack, Pollack, Isaac & DeCicco, LLP. He is a past National President of the American Immigration Lawyers Association and Co-Chair of the Immigration Committee of the Queens County Bar Association. Since 2006, Mr. Kaye has received the Super Lawyers award. He was also recognized as among the 2018 Best Lawyers and 2018 Best Law Firm by "U.S. News & World Report - Best Lawyers."

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Raise The Age

By Ronna Gordon-Galchus, Esq.



“extraordinary circumstances” for the matters to remain in the youth part.

With the exception of North Carolina, New York had been the only state to prosecute 16 year olds in the adult system. Teenagers far and large do not have the maturation or same brain development as adults. In fact, scientific research indicates that the brain does not fully develop until 25 years of age. In adolescents, the back of the brain, the amygdala, develops first. This is the part of the brain which controls emotions. However, the front of the brain, the prefrontal cortex, is the part of the brain which controls reasoning and judgment, and does not typically develop until 25 years of age. As can be seen, what seems to be a common notion that teens do not have the same maturity and reasoning skills as adults, is backed by scientific research. Impulsivity control is often lacking in teens, and thus to treat youths in the adult criminal justice system is contrary to scientific findings and not in their best interest. In the landmark US Supreme Court case of *Roper v. Simmons*, 543 U.S. 551 (2005), the United States Supreme Court held that it was cruel and unusual punishment to execute individuals under the age of 18. Writing for the majority, Justice Kennedy discussed how youths lack the maturity and impulsivity control as adults do and cited various sociological and scientific support. *Roper* at 569-70.

With the implementation of Raise the Age, youths will be able to benefit from the in- depth therapeutic intervention which Family Court is more apt to provide. Cases which might typically result in a disposition out of arraignments in Criminal Court will now take on a new approach in Family Court. Now, a charge such as Petit Larceny or Possession of Stolen Property might often get resolved with an adjournment in contemplation of dismissal at arraignment in Criminal Court. This will no longer happen under the new law. Such a case will be transferred to Family Court, where it might be adjusted by the Department of Probation, and the youths would be required to participate in services and counseling. Under these circumstances, the case is never put in front of a Family Court judge. No petition is filed.

Even if these cases were prosecuted and sent to a judge, counseling, probation and various therapeutic services could be a likely disposition. Although the matter may not be treated as quickly as it could in Criminal Court, and an argument can be made that these defendants, now turned respondents in Family Court, will now be put under the microscope, the goal is to ultimately benefit youths, redirect them, and reduce rearrests.

Raise the Age is about alternatives and how treating youths away from the adult system is an appropriate and successful approach. Statistics have shown that youths who are prosecuted in the adult system are “34% more likely to be re-arrested for violent and other crimes than youth(s) retained in the youth justice system.” Similarly, non-violent felony cases and some violent felony matters will also be heard in Family Court, where youths could likely be offered services to assist them. This ultimately reduces the rate of recidivism. Raise the Age, in separating youths from the adult system, will focus on their needs. Even those cases which remain in adult court will be heard in a special designated youth part which is overseen by a Family Court judge. See CPL §722.10(1). These youths will be referred to as “adolescent offenders.”

Parental involvement is also a part of this legislation and parents must be notified when their children are arrested. By October 1, 2018, Rikers Island will no longer house any youths under the age of 18. Adolescents are not adults and New York has finally recognized this distinction. Raise the Age responds to the need to provide teens with services in an environment which is best suited to offer assistance and address their needs.

Starting October 1, 2018 Raise the age will go into effect for 16 year olds. Seventeen year olds will come under the law on October 1, 2019. Raise the Age will take some time until its implementation evolves. Judges, lawyers, police and all those working in the criminal justice system will have to be trained in these cases. Such issues as bail will have a new interpretation, since CPL §722.23 (1)(f) states that “there shall be a presumption against custody and case planning services shall be made available to the defendant.” Those cases which appear in court when the designated youth part is not in session will be heard by an “accessible magistrate” who has special training in juvenile justice and other youth and adolescent matters. See CPL §722.10(2).

Raise the Age will certainly be a new learning experience for everyone. However, the goal to treat adolescents with appropriate intervention, and away from adult court will ultimately be a positive outcome for youths and the community. “Childhood is a journey, not a race.” New York has now recognized that older adolescents charged with crimes should not be treated as adults. Raise The Age offers a response to adolescent crime which is developmentally fitting.

On October 1, 2018, Raise the Age will go into effect in New York State and will be fully implemented by October 1, 2019. This means that 16 and 17 year olds will no longer be prosecuted in adult criminal courts. Rather, their cases will be transferred to Family Court or the designated youth part in adult criminal court.

New Article 722 of the Criminal Procedure Law, which will become effective October 1, 2018, governs these proceedings against juvenile and adolescent offenders. All misdemeanors cases, except vehicle and traffic offenses, will be prosecuted in Family Court. All non-violent felonies will start out in the youth part in adult criminal court, but will be transferred to Family Court unless the District Attorney files a motion within 30 days showing “extraordinary circumstances” for the matter to remain in the youth court. Some violent felonies can also be transferred to Family Court, but ineligible are such offenses where a dangerous weapon is alleged to be displayed, significant physical has resulted, or unlawful sexual conduct as defined in Penal Law §130, has occurred, unless the District Attorney consents to the removal. In some instances, even if the district attorney consents to the removal of certain violent felonies, removal can only occur if the Court finds certain factors such as the defendant’s minor participation (see CPL §722.21[5]). Remaining violent felonies can also be transferred to Family Court, unless the District Attorney can show

i. North Carolina has now enacted the Juvenile Justice Reinvestment Act, and beginning December 1, 2019 most 16 and 17 year olds will be prosecuted in Juvenile Court.

ii. American Academy of Child & Adolescent Psychiatry, No.95, September 2016; <https://www.urmc.rochester.edu/encyclopedia/content.aspx?ContentTypeID=1&ContentID=3051>.

iii. RaiseTheAgeNY.com.

iiii. Author unknown.

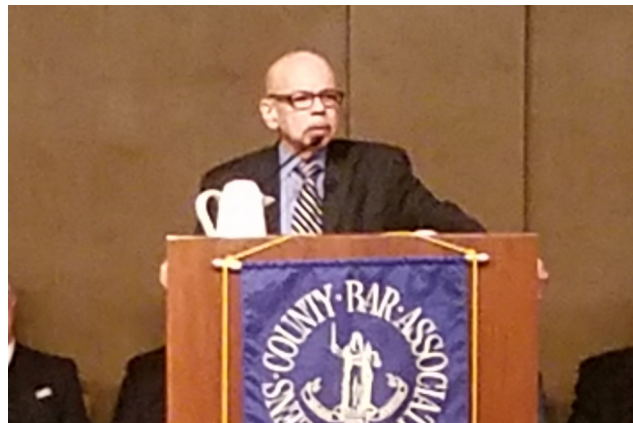


Judiciary, Past Presidents, & Golden Jubilarian Night

Photos by Walter Karling



Academy of Law Chair Gary Miret presenting award winner Arthur Terranova with the Academy of Law plaque.



Arthur Terranova giving speech after having received the Academy of Law Award.



Chanwoo Lee, Hon. Bernice Siegal and Tom Principe



Councilmember Rory Lancman addressing our members.



Debbie Garibaldi, Josh Katz and Hon. Jonathan Shim



Golden Jubilarians James Pieret, Spiros Tsimbinos, Hon. Robert Kohm, Albert Gaudelli, Denis Carroll and James De Franco, Jr.



Hon. Augustus Agate, Hon. Tracy Catapano Fox, Hon. Jeremy Weinstein and Hon. Larry Love



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Judiciary, Past Presidents, & Golden Jubilarian Night

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Hon. Richard Latin, Hon. Joseph Risi, Mike Serres and David Adler



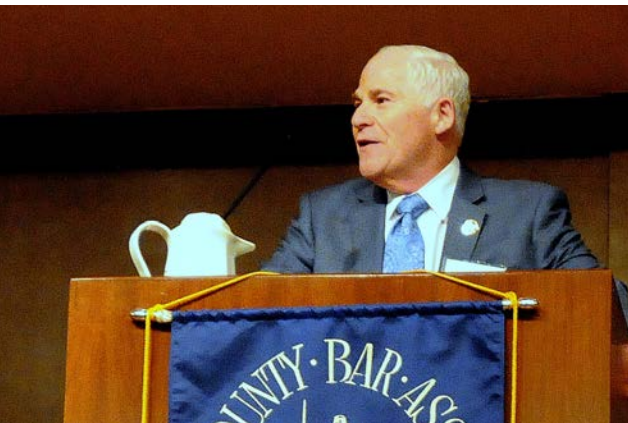
NYSBA President Elect Michael Miller with QCBA President Elect Hilary Gingold



Past President Gregory Brown receiving his President's Scroll from current President Gregory Newman.



Perry Sklarin, Hon. Phyllis Orlikoff Flug and Herbert Rubin



Presiding Justice of the Appellate Division, 2nd Dept, Alan Scheinkman saying a few words to our members.



Retired Supreme Court Officer Nadine Coates being presented with the Employee Court Appreciation Award by Administrative Judge Jeremy Weinstein.



Hon. Jonathan Shim, Hon. Ade Fasanya and Hon. Ulysses Leverett

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ICE is Lawless | continued from p.5...

New Mexico State Court of Appeals relied upon the Treaty of Guadalupe Hidalgo to determine whether or not the State's statutory ban on cockfights violated Mexican cultural heritage. (It didn't).

For all who respect our American heritage of freedom and opportunity, the path is clear: Private landowners who trace their land titles to Mexican nationals in Texas, California, Nevada, Colorado, Utah, New Mexico and Arizona should offer for sale at very modest prices one square foot or more of their land to any Mexican who wants to live in that part of Mexico now administered by the Federal Government in Washington, D.C.

If this plan is accomplished, a Mexican national who owns any size parcel of land in that part of Mexico that is now U.S. territory can stay here, ICE or no ICE. Article VIII of the Treaty provides that "all Mexicans who may hereafter acquire said property by contract shall enjoy with respect to it guarantees equally ample as if the same belonged to citizens of the United States".

Article VIII of the Treaty of Guadalupe Hidalgo is *still good law* throughout the United States, as the Courts in the above listed cases have clearly stated.

Also, the Nevada State Legislature and the New Mexico State Constitution rely on the still valid Treaty of Guadalupe Hidalgo.

And if every Mexican national who wants to live in the United States is sold a square foot of that part of Mexico now part of the United States then can remain in the United States, doesn't the basic Federal Constitutional right of *Equal Protection of the Laws* for all citizens and residents apply not just to Mexicans, but to people from every country who want to grace us with their time, their energy and their aspirations?

And isn't that result what America is all about?

To every immigration lawyer who reads this: Show this article to every judge who will read it. Remind them they sit in the United States, not in some European backwater repressive wasteland. And if they won't clearly follow the law as indicated above, appeal up the chain, until our true law is finally enforced, and ICE roundups of innocent people pursuing the American Dream is a thing of the past.

And tell them the Past President of the Queens County Bar Association sent you – Queens County, City and State of New York, where residents from every nation in the world have built a peaceful, prosperous city and county with nothing but their grit and determination to make United States citizenship the goal of every ambitious person the world over.

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Paul E. Kerson is a Past President of the Queens County Bar Association, the Editor of the *Queens Bar Bulletin*, and a partner in the law firm of Leavitt & Kerson.

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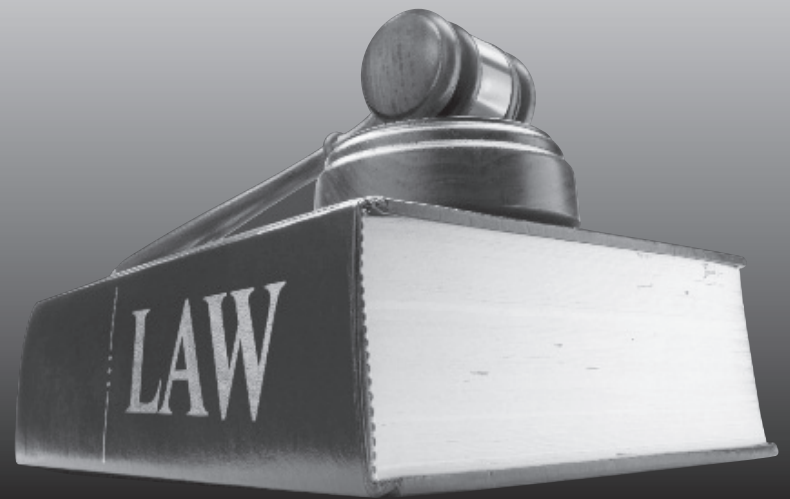
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The O-1 Visa The Cream of the Crop, Rise to the Top!

By: Dev B. Viswanath, Esq. & Michael Phulwani, Esq.



The O-1 nonimmigrant visa is a temporary work visa available for an individual who has an extraordinary ability or achievement. The O nonimmigrant visa can be divided into four different categories:

- O-1A: individuals with a special ability in the sciences, education, business, or athletics
- O-1B: individuals with a special ability in the arts or special achievement in the motion picture or television industry
- O-2: individuals who will join an O-1 nonimmigrant visa holder to assist in a specific event or performance. If an O-2 is assisting an O-1A visa holder their assistance must be an "integral part" of the O-1A's activity. If an O-2 is assisting an O-1B visa holder their assistance must be "essential" to the completion of the O-1B's production.
- O-3: dependents, spouse and children under the age of 21, of O-1's and O-2's.

To meet the requirements for an O-1 visa, an individual must show an extraordinary ability and the receipt of national or international acclaim for it. This visa is

a temporary visa allowing an individual to continue work in the U.S. in the area of extraordinary ability. If an individual is applying for an O-1 visa in the motion picture or television industry, they must show some sort of special achievement coupled together with a degree of skill and recognition above that of an ordinary individual in the same field.

To apply for an O-1 visa the petitioner must file documentary evidence such as the contract between petitioner and beneficiary, an advisory opinion from a peer group or person with expertise in the beneficiary's area of ability, and other supporting documents should also be submitted. An O-1 visa petition can also be filed by an agent who may be the actual employer of the beneficiary, the representative of both the employer and the beneficiary, or the person or entity authorized by the employer to act for, or in place of, the employer as its agent. And, an O-1 Visa Holder may apply on their own, depending on the circumstances as a self petition.

Under this visa individual's may live and work in the United States for an initial period of up to three years and then apply for an extension. USCIS will determine the time necessary for the extension to accomplish the initial event or activity in increments of up to one year. Any dependents of O-1 nonimmigrants, spouse and children under the age of 21, may be eligible for O-3

nonimmigrant status. However, dependents are not allowed to work but they may participate in full or part time study. O-3 status is granted for no longer than the period of time granted to the principal O-1/O-2 nonimmigrant.

After an O visa holder has completed their stay in the U.S. the employer is responsible for the reasonable cost of return transportation to the O nonimmigrant's last place of residence. If an agent filed the petition for the employer, then the agent and the employer would be equally responsible for paying the return transportation cost. However, if the O nonimmigrant voluntarily resigned from their employment then they will have to pay for their own cost of transportation back home.

The O-1 Visa is a fantastic type of visa to have and utilize for work and temporarily living in the United States for a person who qualifies. Moreover, a person who qualifies for an O-1 Visa will likely also qualify for an EB-1 Visa should they ever want to live permanently in the United States. If you or someone you know have gained widespread recognition in a particular field of study which you think fits into what we have described above, and are interested in finding out more, please consult with an experienced attorney.

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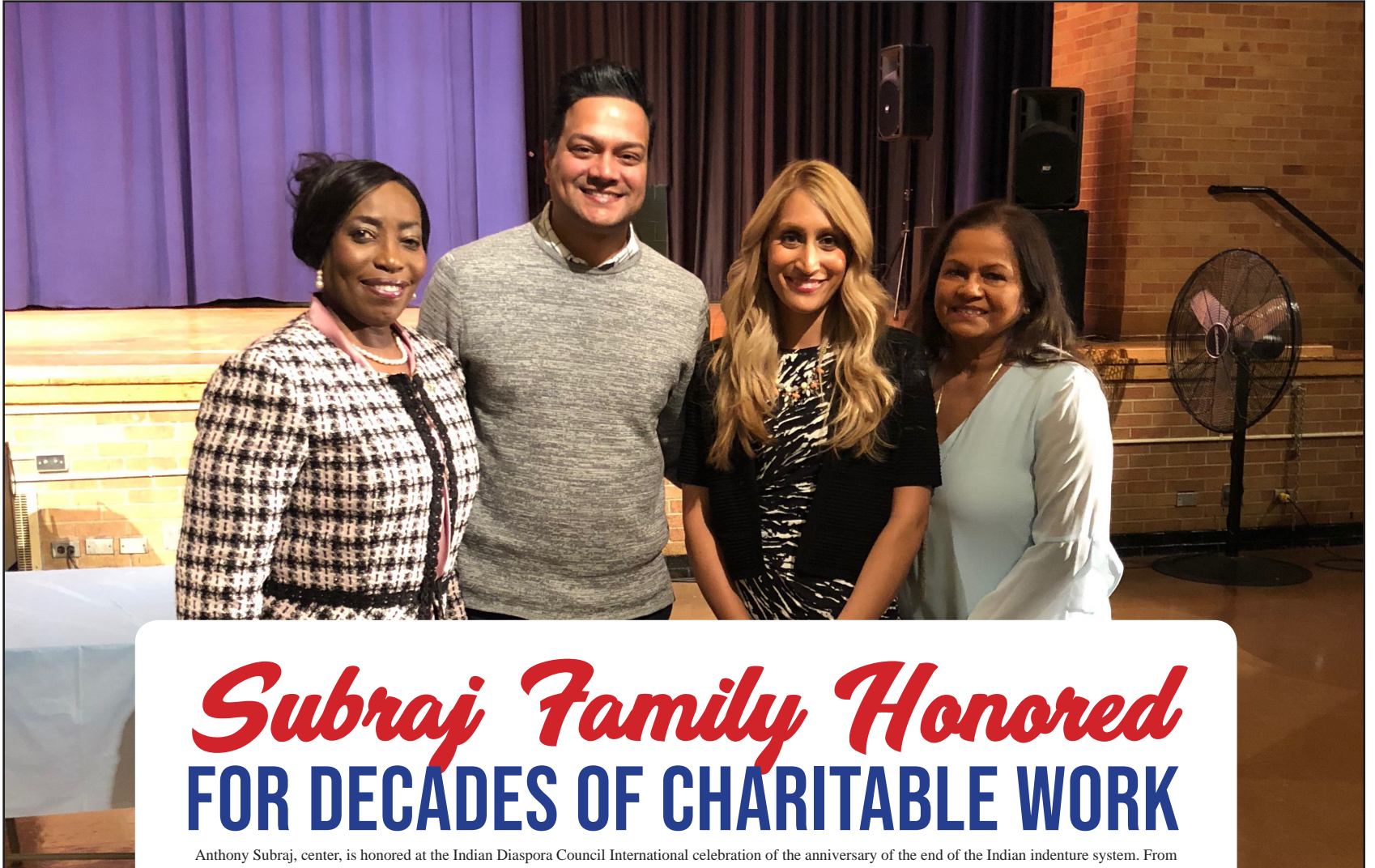
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Subraj Family Honored FOR DECADES OF CHARITABLE WORK

Anthony Subraj, center, is honored at the Indian Diaspora Council International celebration of the anniversary of the end of the Indian indenture system. From left to right: Consul General of Guyana Barbara Atherly, Vrinda S. Jagan, (granddaughter of Cheddi B. Jagan) and Gloria Subraj (widow of George Subraj)

A school for 200 children opened in a rural village in India, thanks in large part to a philanthropic family in Queens.

The school, in the village of Napaniya khijadiya in the Indian State of Gujarat, was built with a \$100,000 donation made by the late Champalakshmi Narottamdas Lakhani. The school, which opened in February 2018, is housed in a brand new three-story building and is named for its benefactor, serving Grades 1 through 8.

Students at the school will be able to learn using the latest technology, purchased with a \$5,000 grant from the Subraj Foundation, a charitable organization based in Queens, and run by Anthony Subraj (VP of Zara Realty), whose wife, Vibha Subraj, is Lakhani's granddaughter.

Gujarat was the home of Mahatma Gandhi, who spearheaded the Indian independence movement against British colonial rule.

The Subraj Foundation was recently honored for decades worth of charitable work by the Indian Diaspora Council International, which recognized the medical missions it has sponsored in Guyana, including the country's first-ever kidney transplant.

Since 1992, the Subraj Foundation has also brought pioneering doctors and technology from leading American hospitals to conduct corneal transplants for impoverished people in Guyana who have little or no access to this type of medical care.

"Whether it is building schools, so tomorrow's future leaders can be educated for the world they will inherit or bringing vital medical treatment to parts of the world where people can't afford life-saving care, it is so important for those blessed with good fortune to give back," said Mr. Subraj.

"That is what my father taught me and what Vibha learned from generations of her own family." The Subraj Foundation was started by the late George Subraj, who founded Zara Realty in 1982. The firm, based in Jamaica, Queens, manages more than 2.7 million square feet of residential property and is one of the city's premiere providers of affordable housing.

On March 18, at a ceremony in Queens Village, the Indian Diaspora Council International honored the late George Subraj and his family alongside luminaries such as the late Cheddi B. Jagan, a leading figure in Guyana's independence from Great Britain and that country's President from 1992 to 1997.

That event was held to mark the 100th anniversary of the end of the Indian indenture system, in which people from India were sent to various locations throughout the British Empire, including Guyana, as debt-bonded servants. The practice existed in Guyana from about 1838 to 1917.

The Champalakshmi Narottamdas Lakhani School was dedicated Feb. 17 and was built in partnership with Project Life, a global humanitarian organization. Three generations of the Lakhani family were present for the opening.



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Practice Alert From The Supreme Court Committee

To All Members of the QCBA:

As many of you know by now the Centralized Motion Part (CMP) is closing on Friday, April 20, 2018. Starting on April 23, 2018, all motions will be heard in each judge's part in their respective buildings. There are certain things that you need to be aware of.

1. Through April 20, 2018 all motions will continue to be heard in CMP. Any motions currently pending that are adjourned to after April 20, 2018, will be referred to the individual IAS judge on their new date and motion time that you will see in the accompanying document. Current briefing schedules will be adhered to until CMP ends. After April 20th, the individual IAS judge will control all applications for adjournment during their calendar call
2. There will be no more afternoon motions.
3. Motions will be heard in Jamaica from Monday through Wednesday. All judges in Long Island City will have their motion calendars on Thursday.
4. The IAS parts will have staggered calendar calls with some starting at 9:30 AM, some at 10:00 AM and some at 10:30 AM. **Please keep in mind that after April 20, 2018, all motions must be noticed for the correct day and time for that particular IAS Part. Otherwise they may not be calendared, or they will be marked off the motion calendar as being jurisdictionally defective and improperly noticed. The accompanying schedule has the dates and times.**
5. While not yet complete, each IAS is to issue their own motion part rules. You will have to review these rules to see whether each particular judge holds oral argument, requires personal appearances for all motions, or just for discovery motions, and whether they require working copies of e-filed motions.

Members of the Supreme Court committee did meet with Justice Weinstein, the Administrative Judge of Queens County, and his staff about the implementation of the changes after the announcement was made. Some of our ideas to ease the transition back to individual calendar calls were accepted while some were not. We do appreciate having had the opportunity to give some input. We wish you good luck in adapting to the changes. Please examine the following links as well.

http://nycourts.gov/courts/11jd/supreme/civilterm/CH-FORMS/cmp_march_closure.pdf;

http://nycourts.gov/courts/11jd/supreme/civilterm/CH-FORMS/motion_day_calendars.pdf

REVISED **MOTION DAY CALENDARS** **JAMAICA**

<u>JUDGE</u>	<u>MOTION DAY</u>	<u>CALENDAR TIME</u>	<u>COURTROOM</u>
KERRIGAN	MONDAY	9:30	63
LANCMAN	MONDAY	9:30	45
JACKMAN BROWN	MONDAY	9:30	44A
VELASQUEZ	MONDAY	9:30	116
HART	MONDAY	10:00	24
MODICA	MONDAY	10:00	44
ESPOSITO	MONDAY	10:00	313
BUTLER	TUESDAY	9:30	42
LIVOTE	TUESDAY	9:30	122
MAYERSOHN	TUESDAY	9:30	22
SIEGAL	TUESDAY	9:30	48
TAYLOR	TUESDAY	9:30	41
ELLIOT	TUESDAY	10:00	5001
GRAYS	TUESDAY	10:00	66
DUFFICY	TUESDAY	10:30	43
GAVRIN	TUESDAY	10:30	68
RISI	TUESDAY	10:30	505
O'DONOGHUE	WEDNESDAY	9:30	47
SCHULMAN	WEDNESDAY	9:30	25
WEISS	WEDNESDAY	9:30	46
BUGGS	WEDNESDAY	10:00	67
RAFFAELE	WEDNESDAY	10:00	26
<u>LIC:</u>			
GRECO	THURSDAY	9:30	G-40
PURIFICACION	THURSDAY	9:30	140
SAMPSON	THURSDAY	9:30	208
LATIN	THURSDAY	10:00	B-10
LEVERETT	THURSDAY	10:00	106
Mc DONALD	THURSDAY	10:00	304
PINEDA-KIRWAN	THURSDAY	10:30	233

APPLICATION FOR MEMBERSHIP

QUEENS COUNTY BAR ASSOCIATION

90-35 148 STREET ♦ JAMAICA, N.Y. 11435

Tel: (718) 291-4500 ♦ Fax: (718) 657-1789 ♦ Website: www.qcba.org

I hereby apply for membership to the Queens County Bar Association:

(Print Full Name)

(Date of Birth)

Residence:

(Street)

(City or Town)

(State)

(Zip + 4)

(Phone)

(Fax)

(E-Mail)

(Website)

Firm Affiliation:

(Street)

(City or Town)

(State)

(Zip + 4)

(Phone)

(Fax)

(E-Mail)

(Website)

Mailing Address: Residence ☐ Office ☐

Admitted to Practice on the _____ day of _____ in the year of _____

by the _____ Judicial Dept. _____

College:

(Name)

(Degree)

(Year)

Law School:

(Name)

(Degree)

(Year)

Have you ever applied for membership in this Bar Association? _____

Please indicate preference for committee participation, i.e. Torts, Surrogate's Court, Family Law, Criminal Court, etc.

Date

Signature of Applicant

\$350 per year for Sustaining Membership (optional); \$300 per year for applicants admitted more than 10 years; \$225 per year for applicants admitted 5 years but less than 10 years; \$135 per year for applicants admitted less than 5 years but more than 1 year; applicants admitted less than 1 year are free \$60 per year for Associate Membership - office in other than First or Second Department; free for student applicants. Applicants working for a city/state agency (Judges, Corporation Counsel, Legal Aid, Queens Legal Services, Law Secretaries, et. al.) take 30% off from regular rate. 18B Assigned Counsel Plan Members pay 20% less than their respective rate. Applicants that are members of another Queens bar group, that have never been members of the QCBA, dues are prorated 30% less for their first year's dues, 15% for their second year's dues and by the third year paying regular rate.

TO ALL MEMBERS**ADDRESS CHANGES**

In order to keep our listings up to date, please advise us of any changes in your address, telephone and fax numbers, email or website. Forward information to our office:

QUEENS COUNTY BAR ASSOCIATION

90-35 148th Street, Jamaica, N.Y. 11435 Attn: Mr. Arthur N. Terranova

Events & CLEs



QUEENS COUNTY BAR ASSOCIATION
90-35 148th Street, Jamaica, New York 11435 • Tel 718-291-4500 • Fax 718-657-1789 • WWW.QCBA.ORG

Gregory J. Newman, President

Program Committee Chair
Michael D. Abneri

STATED MEETING

WILL IT BE A "TAXING" EXPERIENCE?
AN UPDATE ON THE NEW FEDERAL TAX LAW AND HOW IT AFFECTS YOU

Tuesday, April 17, 2018 5:15 pm - 7:30 pm

GUEST SPEAKER:

Mark S. Gottlieb,
CPA/ABV/CFF, CVA, CBA, MST

SPONSORED BY:



MODERATOR:

Michael D. Abneri, Esq.,
Program Committee Chair

FREE CLE CREDIT: 1.0 Credit Professional Practice
Transitional Credit - Valid for All Attorneys

5:15 pm - 6:30 pm
Cocktails & Buffet Dinner - \$35.00

6:30 pm - 7:30 pm
CLE Presentation - **FREE to QCBA**
Members in Good Standing

HELD AT: Queens County Bar Association

FREE PARKING: Available on a first serve basis at 148-15 89th Ave. between 148th & 150th Streets.
ACCREDITATION: The Queens County Bar Association has been certified by the NYS Continuing Legal Education Board as an Accredited Continuing Legal Education Provider in NYS for the period of 10/8/2016 - 10/7/2019.

Reservation Form: STATED MEETING - APRIL 17, 2018

Fax or Mail this entire form to: Queens County Bar Association, 90-35 148th St., Jamaica, NY 11435 **Fax:** 718-657-1789

I will be attending: ☐ Cocktail Reception & Dinner: 5:15 pm - 6:30 pm (\$35.00)
☐ Program: 6:30 pm - 7:30 pm (Free)

Pay by: ☐ Check ☐ MC ☐ Visa ☐ AMEX ☐ Disc Authorized Signature _____
Card #: _____ Zip Code: _____ Exp. Date: ____/____/____ Amt: \$ _____
Name: _____ Tel. No.: _____

Ⓜ MUST PRE-REGISTER by April 13th. Ⓜ



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Gregory J. Newman, President

Academy of Law

Gary F. Miret, Esq., Dean
Michael D. Abneri, Esq., Associate Dean
Hon. Darrell L. Gavrin, Associate Dean
Leslie S. Nizin, Esq., Associate Dean

Elder Law Committee Presents

NYC, DSS: LIEN RECOVERY

Monday, April 30, 2018 6:00 pm - 8:00 pm
Light Dinner available after 5:00 PM

Sponsored by:



MODERATOR: Donna Furey, Esq., Co-Chair, Elder Law Committee

PRESENTER: Support & Lien Recovery Litigation Unit of the NYC Department of Social Services, Human Resources Administration, Office of Legal Affairs

DESCRIPTION: This CLE will discuss the ethical and procedural considerations regarding lien recovery in personal injury, real property, child support liens and Supplemental Needs Trust cases.

1.0 in Ethics & 1.0 Professional Practice *Transitional Seminar - Valid for All Attorneys*

Live Seminar:

\$ 70.00 - Members (in Good Standing)

\$ 120.00 - Non-Members

Free - Students

CD/ DVD will be available

+ \$15 for walk in/ day of registration.

Light Dinner available after 5:00 PM
for ONLY those that pre-register.

HELD AT: QCBA, 90-35 148th St. Jamaica NY 11435 **FREE PARKING:** Available on a first serve basis at 148-15 89th Ave between 148th & 150th Sts.
ACCREDITATION: The Queens County Bar Association has been certified by the NYS Continuing Legal Education Board as an Accredited Continuing Legal Education Provider in NYS for the period of 10/8/2016 to 10/7/2019.
FINANCIAL HARDSHIP POLICY: Please contact Arthur N. Terranova, Executive Director at 718-291-4500 for information on financial alternatives.

RESERVATION FORM: NYC, DSS: LIEN RECOVERY 4/30/2018

Return to: QCBA, 90-35 148th Street, Jamaica, NY 11435 **FAX:** 718-657-1789 **EMAIL:** CLE@QCBA.ORG

Pay by: ☐ Check ☐ MC ☐ Visa ☐ AMEX ☐ Disc Authorized Signature _____
Card #: _____ Exp. Date: ____/____/____ Amount: \$ _____
Name: _____ Tel. No.: _____



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Gregory J. Newman, President

Academy of Law
Gary F. Miret, Esq., Dean
Michael D. Abneri, Esq., Associate Dean
Hon. Darrell L. Gavrin, Associate Dean
Leslie S. Nizin, Esq., Associate Dean

Criminal Court Committee Presents

CRIMINAL LAW UPDATE IX

TUESDAY, APRIL 10, 2018 6:00 pm - 8:00 pm

Co-sponsored by:
Latino Lawyers Association of Queens County



MODERATOR:

Gary F. Miret Esq., Co-Chair, Criminal Law Committee

PANELISTS / TOPICS

Hon. Barry Kamins (Ret.) Recent Developments in Search and Seizure
Law Offices of Aidala, Bertuna & Kamins, P.C.

Jeffrey T. Schwartz, Esq. Challenging ALSCD/Lab and other Lab
Law Office of Jeffrey T. Schwartz, Esq. Certifications for Forensic Science Prosecutions

2.0 CLE CREDIT in Professional Practice, Transitional Seminar - Valid for All Attorneys

Cost for those that pre-register and pre-pay at least one day before the CLE:

Live Seminar: \$ 70.00 - Members \$ 120.00 - Non-Members Free - Student Members

CD/ DVD will be available

LIGHT DINNER WILL BE AVAILABLE AFTER 5:00 PM

HELD AT: QCBA, 90-35 148th St. Jamaica NY 11435 **FREE PARKING:** Available on a first serve basis at 148-15 89th Ave between 148th & 150th Sts.
ACCREDITATION: The Queens County Bar Association has been certified by the NYS Continuing Legal Education Board as an Accredited Continuing Legal Education Provider in NYS for the period of 10/8/2016 to 10/7/2019.
FINANCIAL HARDSHIP POLICY: Please contact Arthur N. Terranova, Executive Director at 718-291-4500 for information on financial alternatives.

RESERVATION FORM: Criminal Law Update IX 2018: ~~March 31, 2018~~ TUES., APRIL 10TH

Return to: QCBA, 90-35 148th Street, Jamaica, NY 11435 **FAX:** 718-657-1789 **EMAIL:** CLE@QCBA.ORG

Pay by: ☐ Check ☐ MC ☐ Visa ☐ AMEX ☐ Disc Authorized Signature _____
Card #: _____ Exp. Date: ____/____/____ Amount: \$ _____
Name: _____ Tel. No.: _____

+ \$15 for walk in/ day of registration.
Light Dinner available after 5:00 PM for ONLY those that pre-register.



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Hon. Darrell L. Gavrin, Associate Dean
Leslie S. Nizin, Esq., Associate Dean

NEW CLE CREDIT CATEGORY

The LGBT Committee presents

ISSUES FACING TRANSGENDER STUDENT/ATHLETES

Wednesday, March 28, 2018 6:00 pm - 8:00 pm

Light Dinner Sponsored by



2.0 in new CLE category of credit DIVERSITY, INCLUSION AND ELIMINATION OF BIAS
Held at: Queens County Bar Association, 90-35 148th St., Jamaica, NY 11435

PANELISTS:

Lauren Schnitzer, Esq. - **Lamb & Barnosky, LLP**
Presenter on The Legal Rights of Transgender Students/Athletes

Randa (Randy) Glasser, Esq. - **Guercio & Guercio, LLP**
Attorney & Speaker on Sexual Harassment, Bullying and Transgender Student Rights

Jay Simanovich, LMSW - **NYC Department of Education**
Transgender Male Social Work-Counselor, Organizer, and Advocate - Specializes in Working with Children & Adolescents and the LGBT Community
From North Carolina, transgender student athlete basketball player until the age of 22.

Charlie Arrowood, Esq. - **Transcend Legal's Director of Name & Gender Recognition**
Assists Trans Youth and Adults with Legal Name and Gender Changes in New York

Cost for those that pre-register and pre-pay at least one day before the CLE:

Live Seminar: \$ 70.00 - Members \$ 120.00 - Non-Members Free - Student Members

An additional \$10 will be charged to those that do not pre-register and pre-pay.

CD/ DVD will be available

NON-TRANSITIONAL CREDIT - Newly admitted attorneys cannot earn Diversity, Inclusion and Elimination of Bias credit. Only experienced attorneys due to re-register on or after July 1, 2018 must earn this credit for programs taken on or after January 1, 2018. **ACCREDITATION:** The Queens County Bar Association has been certified by the NYS Continuing Legal Education Board as an Accredited Continuing Legal Education Provider in NYS for the period of 10/8/2016 through 10/7/2019. **FREE PARKING:** Available on a first serve basis at 148-15 89th Avenue between 148th & 150th Streets. **FINANCIAL HARDSHIP POLICY:** Please contact Arthur N. Terranova, Executive Director at 718-291-4500 for information on financial alternatives.

RESERVATION FORM: ISSUES FACING TRANSGENDER STUDENT/ATHLETES - 3/28/2018

Return to: QCBA, 90-35 148th Street, Jamaica, NY 11435 **FAX:** 718-657-1789 **EMAIL:** CLE@QCBA.ORG

Pay by: ☐ Check ☐ MC ☐ Visa ☐ AMEX ☐ Disc Authorized Signature _____
Card #: _____ Exp. Date: ____/____/____ CSC/CV# _____ Amt: \$ _____
Name: _____ Tel. No.: _____

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