



## Why Did NYC Cancel \$37.4M in Parking Fines?

By: Dennis Boshnack\*

Why has the Department of Finance cancelled what reportedly amounts to \$37.4 million in fines for parking tickets—\$11.4 million for parking tickets dismissed at Parking Violations Bureau hearings and \$26 million for tickets dismissed by DOF administratively (see Danielle Furfaro, “City didn’t notice error that got millions in parking tickets dismissed,” New York Post, Nov. 20, 2017, at <https://nypost.com/2017/11/19/city-didnt-notice-error-that-got-millions-in-parking-tickets-dismissed/> (accessed Dec. 6, 2017)?

DOF did not issue those tickets (see generally, on authorized issuing agents: VTL 237[9]; NYC Charter 2903[a][14]; 19 RCNY 39-01), but is charged with operating and controlling the Parking Violations Bureau (NYC Charter 1504[4]). The Bureau is an administrative tribunal empowered to adjudicate charges of parking violation (see VTL 155; VTL Article 2-B; NYC Administrative Code, Title 19, Ch. 2; 19 RCNY Ch. 39).

The tickets, which issued to vehicles for either failing to display a parking meter receipt or displaying an expired parking meter receipt while parked in a parking meter zone, describe the charged violation correctly in words and cite the correct section and subdivision of the applicable traffic rule. However, those tickets misdescribe the paragraph of that subdivision—citing NYC Traffic Rule §4-08(h)(10) instead of §4-08(h)(1), which had replaced §4-08(h)(10) effective April 20, 2017 (see NYC Rules, “DOT Amendment to Traffic Rules,” at <http://rules.cityofnewyork.us/content/dot-amendment-traffic-rules-0> (accessed Dec. 6, 2017)).

In cancelling fines for the tickets, DOF must rely on section 238 of the Vehicle and Traffic Law, which requires that parking tickets contain, among other information, “a description of the charged violation, including but not limited to a reference to the applicable traffic rule” (VTL 238[2]), and that, “[i]f any information which is required to be inserted on a [parking

ticket] is omitted from the [ticket], misdescribed or illegible, the violation shall be dismissed upon application of the person charged with the violation” (VTL 238[2-a] [b]).

Putting VTL 238 aside for a moment, it would seem that misdescription of the applicable traffic rule may be disregarded absent prejudice from that misdescription (c.f. *People v Love*, 306 NY 18, 23 [1953] [upholding conviction for a traffic infraction]). “It has been held that where an information charges a violation of the wrong section of a statute, this may be disregarded as surplusage if the information fully advises the defendant of the acts relied upon to constitute the alleged violation, and if the acts charged are clearly referable to the offense of which the defendant has been convicted” (id.).

Instead of volunteering cancelation of fines totaling \$37.4 million, should DOF have taken the position that, absent a court’s deciding otherwise, the tickets comply with VTL 238(2) by containing a description of

## EB-5 Investor Visas

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



Dev B. Viswanath

The EB-5 visa program was created by Congress to enhance the U.S. economy through job creation and capital investment by foreign investors. It is a fast track path to a green card for people who invest in America. Entrepreneurs from foreign countries can apply for an EB-5 visa if they invest in a commercial enterprise in the U.S. and plan to create or sustain ten permanent full-time jobs for qualified U.S. workers. These jobs need to be created within two years after the investor has received their conditional permanent residency. The commercial enterprise must be a new commercial enterprise. Commercial enterprise is defined as any for-profit activity formed for the continuing conduct of lawful business. An individual who wants to apply for an EB-5 visa is required to invest the needed amount of capital in a new commercial enterprise that will produce at least 10 full time positions for qualifying employees. The required minimum investment is \$1 million.

There are also Targeted Employment Areas (TEA) which are areas with high unemployment rates or rural areas, and in those places the investment minimum is reduced to \$500,000 investment. Targeted employment areas also must have experienced unemployment of at least 150 percent of the national average rate.

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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

### March 2018

Tuesday, March 6	Ask the Right Questions at Your Deposition - Pt 1 - 1:00 pm
Wednesday, March 7	Present Day Issues in Civil Rights & Human Rights Law
Thursday, March 8	Balancing & Empowering Yourself in the Legal Profession - Body, Mind and Spirit
Tuesday, March 13	Ask the Right Questions at Your Deposition - Pt 2 - 1:00 pm
Wednesday, March 14	Meet the New Supervising Judge of the Civil Court, Queens County - Hon. Donna-Marie E. Golia - 1:00 pm
Thursday, March 15	Managing Money and Aging
Tuesday, March 20	Ask the Right Questions at Your Deposition - Pt 3 - 1:00 pm
Wednesday, March 21	Criminal Law Update IX
Monday, March 26	Judiciary, Past Presidents & Golden Jubilarian Night
Tuesday, March 27	Ask the Right Questions at Your Deposition - Pt 4 - 1:00 pm
Wednesday, March 28	Issues Facing Transgender Athletes
Friday, March 30	Good Friday - Office Closed

### April 2018

Tuesday, April 17	Stated Meeting - Tentative
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 • Elder Law Seminar • Ethics Seminar • Surrogate's Court Seminar



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## On a Personal Note

Congratulations to Justice Bernice Siegal on being appointed an Associate Justice of the Appellate Term of the Supreme Court for the Second Department.

Congratulations to Board member, Frank L. Bruno, being appointed as a member of the Committee on Character & Fitness for the 2nd, 10th, 11th & 13th Judicial Districts.

Congratulations to Michael J. Hartofilis on his appointment as a NYC Interim Civil Court Judge by Mayor Bill de Blasio on February 8, 2018. Judge Hartofilis will sit in the Bronx County Criminal Court.

Congratulations to Violet E. Samuels on her appointment as the Chair of the Trial Lawyers Section of the New York State Bar Association.

\*If there is any news that you would like to impart to the membership, please send to Arthur N. Terranova at aterranova@qcba.org.

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# President's Message



*"This significant  
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throughout  
Supreme Court."*

AARON BURR:

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The room where it happens  
The room where it happens  
I wanna be in  
The room where it happens  
The room where it happens.

These are the words sung by Aaron Burr in the musical 'Hamilton.'

In 1790, an agreement was reached between Alexander Hamilton and Thomas Jefferson wherein the Federal government took over the debts of the States in exchange for the Nation's capital being moved out of New York to the District of Columbia.

In 2018, the Queens County Bar Association was 'in the room where it happens' upon learning that the Centralized Motion Part [CMP] in Supreme Court was ending. Justice Weinstein, along with Chief Clerk, Tamara Kersh and two top clerks met with members of the Supreme Court Committee to discuss ways to transition forward. During the meeting we discussed numerous ways to assist the court and the practicing attorneys as we move out of a centralized part and back to individual parts. The motions will now be spread out over three days in Jamaica [Monday-Wednesday], and on Thursdays in Long Island City. According to the official Court website, CMP will end on April 20, 2018. This significant change will affect all motion practice throughout Supreme Court. We are very grateful that Justice Weinstein invited us to give our recommendations in 'the room where it happens.' Please check the NY Law Journal and the official court web page, [www.nycourts.gov/courts/11jd/supreme/civilterm/](http://www.nycourts.gov/courts/11jd/supreme/civilterm/) for the most recent updates.

Please check the QCBA web site and Facebook page for all of the upcoming CLE events throughout the Spring.

Best regards,  
Gregory J. Newman



## Editor's Note

# The Most Important Law of the past half century: The Panama Canal Treaty

By Paul E. Kerson



A visit to Panama City, Panama, this past December reveals a skyline of dozens of brand new tall office buildings, apartment houses and hotels, many exceeding 75 stories in height. In short, if you can believe it, Panama City makes Manhattan look old and tired.

How in the world did this happen?

To understand the answer, we must carefully study my nominee for the most important American law of the past 50 years: 22 U.S.C. Section 3784, entitled (in a modest understatement) "Transfer of property to the Republic of Panama."

This federal statute enacts the Panama Canal Treaty of 1977, the real accomplishment of President Jimmy Carter. Looking back at 1977 from the point of view of 2018, 41 years ago, we can now see that President Carter was a visionary far beyond any of our other Presidents of the past 50 years.

To comprehend the breathtaking nature of his achievement, we must briefly look at a wide variety of subjects: Geography, Economics, Military Preparedness, Biology, Medicine, Public Health, Engineering, Technology, Politics, Government, World Trade and the History of each.

**Geography** – Panama is an isthmus, that is, a narrow strip of land with ocean on each side. Panama connects the Pacific Ocean with the Caribbean Sea and the Atlantic Ocean. At this point, both the North and South American continents are only 48 miles wide. Indigenous Peoples, the Spanish, the French, the British and we Americans searched for centuries for an efficient way to cross these 48 miles.

All knew that commerce and trade depended on a solution. All failed because of Yellow Fever and Malaria blocking very much human settlement and development. The French, under Ferdinand de Lesseps, builder of the Suez Canal in Egypt, actually started building a Panama Canal in 1880, but gave up in 1902. See David McCullough, *The Path Between the Seas*, Simon & Schuster, NY, 1977, pages 124-127, 182-203.

**Economics I** – Those 48 miles between Atlantic and Pacific in Panama stretch to 3000 miles between the Atlantic Coast of New York and the Pacific Coast of California. Until the Transcontinental Railroad

of 1869, New York to California commerce had to go by ship around the tip of South America. But the Railroads proved insufficient to carry all the goods across the growing United States. A shorter sea route was needed.

A Panama Railroad was built in 1855, but this involved unloading ships at one ocean, loading the goods on the train, and reloading a ship on the other ocean. This was very inefficient. See McCullough at pages 33-40.

**Military Preparedness I** – President Theodore Roosevelt served from 1901-1909. He had been Assistant Secretary of the Navy in 1897-1898. As President, he wanted the United States to have a Navy capable of operating in both the Pacific and Atlantic Oceans at the same time, and he saw the construction of a Canal in Panama as essential to that goal, as well as to promoting the growing commerce between the East and West Coasts of the United States. See McCullough, pages 245-386.

Biology, Medicine and Public Health – Teddy Roosevelt believed that nothing was impossible. "Bully," he would say, meaning "full speed ahead." In 1904, he sent Dr. William Crawford Gorgas to Panama with the express instruction of conquering disease. Dr. Gorgas determined that Yellow Fever and Malaria were carried by mosquitos, so he sent U.S. Army medical personnel house to house throughout Panama to eliminate mosquitos by covering, screening or oiling all places where mosquitos might breed. Yellow Fever in Panama was ended by 1905 and Malaria nearly eliminated by 1906. See Noel Maurer & Carlos Yu, *The Big Ditch*, Princeton University Press, Princeton, NJ, 2011, pages 122-126.

**Engineering and Technology** – Rather than the sea-to-sea level route favored by de Lesseps, U.S. Army Colonel George W. Goethals (yes, the Staten Island Goethals Bridge namesake), led an American team to connect 21 rivers and one large Panamanian lake with a series of locks, engineering marvels that raised the boats up and down to meet the rivers and lake. Following Dr. Gorgas's conquest of Yellow Fever and Malaria, the U.S. Army Corps of Engineers built the Panama Canal in 1904-14. Workers from 97 countries showed up to build the greatest engineering project of all time.

**Military Preparedness II** – On Dec. 7, 1941 Imperial Japan bombed Pearl Harbor, Hawaii, forcing



Old Spanish Panama City ruins with modern Panama City skyscrapers in the background.



This is part of today's Panama City skyline made possible in the past 10 years by the wise transfer of the Panama Canal in 1999.

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Why Did NYC Cancel \$37.4M in Parking Fines? | continued from p.1...

the charged violation, including a reference to the applicable traffic rule? As noted, the tickets describe the charged violation correctly in words and cite the correct section and subdivision of the applicable traffic rule, but misdescribe the paragraph of that subdivision.

What is puzzling about DOF's volunteering cancelation of the fines is not just that the fines total tens of millions of dollars but that DOF routinely treats misdescription of information required by VTL 238(2) as an affirmative defense, not a jurisdictional defect (see Dennis Boshnack, "First Department Supports Dismissing Parking Tickets" [NYLJ], Outside Counsel, Sept. 11, 2014)).

Yet, in dismissing tickets for misdescription here, DOF elected to dismiss tickets administratively on a technicality regardless of whether the alleged parking violator claimed prejudice from any error, made an application for dismissal of the charged violation, or paid the parking ticket without contesting it (cf. NYC Dept. of Finance, Fines, "Alert: Incorrectly Issued Parkings Tickets," <http://www1.nyc.gov/site/finance/vehicles/vehicles.page> [accessed Dec. 6, 2017]).

Dennis Boshnack\*

\*The writer is an attorney in Bayside, New York, and was an administrative law judge for the New York City Parking Violations Bureau.



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the United States into World War II, in a "day that shall live in infamy" and change the world forever. This happened when the Panama Canal was only 27 years old.

Prof. Maurer of the Harvard Business School and his research associate Mr. Yu, take us where professional historians will not go, into counterfactual historical analysis. They argue that the Japanese (from their Imperial point of view), actually picked the wrong target. They should have sent an ordinary Japanese freighter and blown it up in the Panama Canal, thus closing the Canal and making it very difficult to get American naval vessels from the Atlantic to the Pacific, thus giving the Japanese a tactical advantage in the balance of World War II to come. (They conclude that the U.S. would have won World War II anyway, but how can they be so sure?)

President Franklin Roosevelt also served as Assistant Secretary of the Navy from 1913-1920. He undoubtedly figured this out when he determined that the United States would, henceforth, maintain a five-ocean Navy at all times, thus making transfer of ships from one ocean to another irrelevant, and making the Panama Canal militarily obsolete. See Maurer & Yu, pages 218-227.

**Economics II and Military Preparedness III** – Enter General Dwight D. Eisenhower, commander of our U.S. Army in Europe in World War II, and President, 1953 to 1961. He pushed for the Interstate Highway System as a matter of national defense, to allow the U.S. Army easy access to the entire country. This also eliminates the domestic economic need for the Panama Canal, as goods can now travel very easily between New York and California by truck. See Maurer & Yu, pages 212, 241 and 315-316.

**Politics and Government** – When the United States wanted to build the

Panama Canal back in 1902, Panama was a province of neighboring Colombia. The Colombian Government declined to approve a treaty with the United States to build the canal, so President Teddy Roosevelt quickly gave a Panamanian independence movement his backing. The first Panama Canal Treaty was then signed with the brand new Panamanian Government. It provided for a "Canal Zone" on five miles of land on either side of the new Canal to belong to the United States. See McCullough at pages 360-397, 334.

From 1904 on, the Canal Zone was populated by U.S. citizens, mostly employees of the U.S. Army, working at the Canal, and guarding it. They had subsidized rents in U.S. Government housing, and subsidized purchases at U.S. Government commissaries. Thus, their salaries went a lot further than they would have in the continental U.S., and the "Zonians" as they were called, did not want to move. See Maurer & Yu, pages 248-255, 258, 260,

But the world had moved on. The five-ocean U.S. Navy and the Interstate Highway system made the Panama Canal unnecessary to the U.S. Government by 1961. Successive U.S. Presidents tried to give some of the administration of the Canal back to the Panamanians, only to run smack into the Zonians and their allies in the U.S. Congress and the U.S. Defense Department. The Panamanians were quite angry with the arrogance of the Zonians. A protest march was staged on November 3, 1959, and a Riot occurred at Balboa High School in the Canal Zone on January 13, 1964. See Maurer & Yu pages 236-237 and 240.

Enter President Jimmy Carter and his vision. The Panama Canal Treaty of 1977 can be found on Google. It is a fascinating read. The Canal Zone was immediately returned to the Government of Panama. (Article XI-1) The Canal itself was subject to a 22 year transition period. (Article II-2, III-3).

Continued on p.13...

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# Holiday Party

## 12-7-2017

Photos by Walter Karling



Arthur Terranova and David Adler



Attendees looking pretty for the camera.



Brian and Maureen Heitner with Cliff Welden



Estelle Roond and Arthur Mosley



Greg Brown with Paula and Paul Pavlides



Greg Newman, Richie Gutierrez and Greg Brown





# Holiday Party

## 12-7-2017

Photos by Walter Karling



Joe DeFelice, Denise Gomez, Norma Garcia-Miret and Tom Principe



Joe DeFelice, Marie-Eleana First, Denise Gomez, Claudia Carbone and Tom Principe



Richard and James Debrosse and Rosa Bramble



Wendy Giakoumas and Dmitri Kotzamanis



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**BEST OF THE BOROUGH**  
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2017



During the period 1977 to 1999, the Canal was to be governed by a new Panama Canal Commission, consisting of five Americans and four Panamanians. Then the Government of Panama would assume full ownership of the Canal. They did so, with a Port Authority clone, the Autoridad del Canal de Panama (Panama Canal Authority) (ACP).

In Article IV, both countries "commit themselves to protect and defend the Panama Canal."

**World Trade** – In 2006, the Government of Panama and the ACP sponsored a referendum. Should Panama borrow money to expand the Panama Canal to accommodate "Panamax" and "New Panamax" giant ships to allow increased trade between and among Asia, the Americas and Europe? The Referendum passed. \$17 billion is scheduled to be spent. See Reuters, "Panama Canal sets sights on new \$17 billion expansion project," March 26, 2015.

Six companies from around the world were selected to build on Teddy Roosevelt's 1902 Vision and Jimmy Carter's 1977 Larger Vision: the Grupo Unidos por el Canal (GUPC), Sacyr Vellenti of Spain, Impreglio Spa of Italy, Jan Del NV of Belgium, Constan Urbina of Panama and Const Method Mero St of Costa Rica. See Rizzoli International Publications, Inc., The New Panama Canal, NY 2017 and the Exhibit of the Interoceanic Canal Museum, Panama City, Panama, 2017.

In 2004, a new highway crossing, the Centennial Bridge, was built over the Canal, adding to the Bridge of the Americas, built by the U.S. Government in 1962. Both bridges constitute the crossroads of the world, where the Pan American Highway connecting North and South America cross the Panama Canal connecting Europe with Asia and the Americas by ship.

We went to the Miraflores Locks of the New Panama Canal and saw the large ships going through it. We saw the Centennial Bridge and Pan American Highway crossing the New Panama Canal. We understood that we were truly standing in the Crossroads of the Whole World at that moment.

So now we can understand why the Panama City skyline now rivals New York's. The Government of Panama has an interest in keeping itself as the Center of World Trade for the next forever. The United States Government did not and could not have that vision. President Carter understood all this in his 1977 Treaty. In Article XII, he anticipated the possible need for a new Panama Canal and planned for it with the consent of both Governments from 1977 to 1999. The meaning behind the words is this: Panama could expand the Canal after 1999 if the United States Government did not do so during the 22 year transition period.

President Carter is now 93 years old. I hope he can squeeze in a trip to Panama City and the Panama Canal. Few men who have ever lived can witness the success of a Vision like the one he had for Panama, the United States and the whole idea of increased World Trade, and thus a better world for us all here in the distant future of 2018.



The actual crossroads of Planet Earth. This is the spot where the Panama Canal crosses the Pan American Highway that runs from Alaska to Argentina. The pictured Centennial Bridge takes the Highway over the Canal, where very large ships go from China to Europe and everywhere in between and back again.



Panama's contribution to modern skyscraper architecture: the "Corkscrew" building



This is the Administration Building of the Panama Canal that we gave back to Panama in 1999. Note the McDonald's across the street. We did not give the Panama City McDonald's back. What does that say about the United States' place in the world?



## Appellate Division Electronic Filing

On February 6, 2018, Chief Judge Janet DiFiore announced in the State of Our Judiciary address that the four Departments of the Appellate Division will commence electronic filing in certain appellate matters and original proceedings, through the New York State Courts Electronic Filing (NYSCEF) system, commencing on March 1, 2018.

=====

The joint rules of the Appellate Division on electronic filing (22 NYCRR Part 1245) may be found at [www.nycourts.gov/RULES/jointappellate/22NYCRRPart1245-03-01-2018A.pdf](http://www.nycourts.gov/RULES/jointappellate/22NYCRRPart1245-03-01-2018A.pdf).

=====

The cases and case types subject to electronic filing on March 1, 2018 in each Department are as follows:

- First Department: All appeals in commercial matters originating in the Supreme Court, Bronx and New York Counties.
- Second Department: All appeals in matters originating and electronically filed in Supreme and Surrogate's Courts in Westchester County.
- Third Department: All appeals in civil actions commenced by summons and complaint in Supreme Court originating in the Third Judicial District.
- Fourth Department: All appeals in matters originating in, or transferred to, the Commercial Division of Supreme Court in the Fourth Judicial Department.

**This list of cases and case types will be enlarged in each Department in the coming months as the e-filing program expands.**

Additional information about e-filing in each Department of the Appellate Division may be found at the following web locations:

- First Department: <http://www.nycourts.gov/courts/ad1/efiling>
- Second Department: <http://www.nycourts.gov/courts/AD2/efiling>
- Third Department: <http://www.nycourts.gov/ad3/>
- Fourth Department: <http://ad4.nycourts.gov/efile>

*For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at [www.nycourts.gov/efile](http://www.nycourts.gov/efile) or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: [efile@nycourts.gov](mailto:efile@nycourts.gov)).*

*For information on how to participate in e-filing, unrepresented litigants should contact the appropriate clerk in the court where the matter was filed or visit [www.nycourts.gov/efile-unrepresented](http://www.nycourts.gov/efile-unrepresented). Unrepresented litigants also are encouraged to visit [www.nycourthelp.gov](http://www.nycourthelp.gov).*



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## Queens County Bar Association

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### REPORT OF THE NOMINATING COMMITTEE

The Nominating Committee of the Queens County Bar Association, after due and timely notice, in accordance with the provisions of the By-Laws of the Queens County Bar Association, have nominated the following list of members for the positions to be filed at the coming election at the Annual Meeting of the Association on March 2, 2018.

TO THE QUEENS COUNTY BAR ASSOCIATION:

We, the undersigned, members of the Nominating Committee do hereby respectfully report that pursuant to the provisions of Article VI, Section 3, of the By-Laws of the Queens County Bar Association, we have nominated for the respective offices the following named members:

#### OFFICERS 2018-2019

For President	HILARY GINGOLD
For President-Elect	MARIE-ELEANA FIRST
For Vice President	CLIFFORD M. WELDEN
For Secretary	KARINA E. ALOMAR
For Treasurer	RICHARD HARRIS LAZARUS

FOR FOUR MEMBERS OF THE BOARD OF MANAGERS FOR A TERM OF THREE YEARS (expiring May 31, 2021)

DEBORAH MARIE GARIBALDI  
JEFFREY D. LEBOWITZ  
MICHAEL SERRES  
ELIZABETH YABLON

FOR ONE MEMBER OF THE BOARD OF MANAGERS FOR A TERM OF THREE YEARS AS IMMEDIATE PAST PRESIDENT (expiring May 31, 2021)

GREGORY J. NEWMAN

#### NOMINATING COMMITTEE

Richard Michael Gutierrez	David L. Cohen	David Neil Adler
Gary Francis Miret	Joseph Risi	Joseph F. DeFelice
James R. Pieret	Elisabeth A. Vreeburg	Paula Pavlides

The following members have been designated by petition, pursuant to the By-Laws of the Association, as candidates for election to the office of members of the Nominating Committee to serve for a period of three years (expiring May 31, 2021)

JOSEPH CAROLA III                      CHANWOO LEE                      GUY R. VITACCO, JR.

THE ANNUAL MEETING of the Queens County Bar Association will be held in the Bar Headquarters Building, 90-35 148th Street, Jamaica, New York on FRIDAY, MARCH 2, 2018, at 4:00 P.M. The election of officers will take place at that time, together with such other business as may regularly come before the meeting. **SINCE NO INDEPENDENT NOMINATIONS HAVE BEEN FILED WITHIN THE TIME LIMITED BY THE BY-LAWS, THE ELECTION WILL BE PRO FORMA.**

Dated: Jamaica, N.Y.  
February 7, 2018

# Queens Court Softball League

By Michael Stea

Spring Training has started, which means that another season of softball is around the corner. After 32 years, the Queens County Softball League (QCSL) continues to be a unifying force, bringing attorneys, Judges, court officers, court clerks and other people in the legal community together for several months of friendly competition.

Last season began on a low note with the unfortunate passing of Tony Botta, a retired court officer and long-time Commissioner of the league. Every team observed a moment of silence in Tony's honor during the first week of the 2017 season. His enthusiasm and fervent dedication to the league will be sorely missed.

For those interested in playing, QCSL is a co-ed, high arc (6'-12') league which follows A.S.A. Softball rules. Roster members must work in the legal system (ie. attorneys, Judges, clerks, court officers, process servers). There are currently 11 teams in the league. The top 8 teams make the playoffs, which consists of a double-elimination tournament.

The 2018 season is scheduled to begin the week of April 16th. If anyone is interested in creating a new team, or would like to join one of the teams currently in the league, please send an e-mail to the Commissioner, Edward Lopez, Esq., at [elopez@bfglaw.net](mailto:elopez@bfglaw.net).



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# CLARO Celebration!



Friday January 26th was nothing special, just like any other Friday for the staff attorneys and volunteers of the Queens Volunteer Lawyers Project (QVLP) – it was time for another CLARO Consumer Debt Clinic session at Queens Civil Court. The day before, however, was a special day for the CLARO-Queens clinic. That day marked the Tenth Anniversary for CLARO-Queens! Since January 25, 2008 CLARO volunteers and staff attorneys have provided nearly 10,000 consultations at 490 clinic sessions to unrepresented defendants being sued for various consumer debt issues including alleged credit card debts, auto repossessions and student loans. CLARO-Queens lawyers are assisted each week by students from the St. John's University School of Law who help in the triaging of visitors to the clinic.

Consumer debt filings have historically constituted a significant portion of the Queens Civil Court docket with a majority of these cases filed by "debt buyers" who possess little or no evidence that a legitimate debt exists or that they have any legal right to collect it. Unfortunately, in recent years only one in a hundred of the defendants for these cases have been represented by counsel. Adding to the problem is that a majority of these cases are lost by default often based on improper or fraudulent service of process.

The CLARO (Civil Legal Advice and Resource Office) model which began in Brooklyn in 2005 and now has an office in all five boroughs, seeks to maximize the limited resources of legal service providers by leveraging short-term volunteer attorney and law student contributions through "limited scope" assistance. Clinic visitors may be helped in preparing an answer, opposing a motion or be given self-representation advice. Many clinic visitors are given a referral to the Queens Volunteer Lawyer for the Day Consumer Credit Program (VLFD-CCP) for additional free assistance for their next court appearance. VLFD-CCP is provided through a partnership between the New York Legal Assistance Group and the Office of Court Administration's Access to Justice Program. QVLP staff attorneys may also represent clinic visitors for certain motion calendar appearances.

CLARO clinics have had a great record of success, helping financially strapped residents save millions of dollars by vacating default judgments where consumers were never properly served with process and preventing debt buyers from obtaining judgments in frivolous "evidence-free" lawsuits. Clinic visitors may be assisted in successfully asserting substantive defenses where suits were brought that were time barred or due to some other type of creditor malfeasance such as sending improper UCC notices after an auto repossession.

The CLARO clinics owe thanks to the Office of Court Administration's Access to Justice Program which has supported CLARO since its inception. Queens Civil Court Supervising Judges have been very supportive through the years including then Supervising Judge Bernice Siegal who was there when the Queens CLARO clinic began. Judge Siegal along with April Newbauer (now Judge Newbauer) who was then supervising attorney for the Civil Division of the Queens Legal Aid Society office, were the prime movers in getting CLARO going in Queens. The Brooklyn Volunteer Lawyers Project was incredibly helpful in getting our CLARO-Queens clinic off the ground back in 2008 and they continue to be an active partner in advocating for this under-represented population of low-income New York residents. The Feerick Center for Social Justice of Fordham Law School is another great CLARO partner, coordinating the CLARO clinics in Manhattan, The Bronx and Staten Island.

Lawyers interested in volunteering for CLARO should contact QVLP Executive Director, Mark Weliky @ MWeliky@QCBA.org.

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EB-5 Investor Visas | continued from p.1...

In TEA's there are Regional Centers whereby Investors can invest the \$500,000 in another company whereby the 10 U.S. workers are hired through that entity. In this program an Investor should expect to spend around \$540,000-\$575,000 in total, which would include the govt fees, the EB-5 investment, the attorneys fees, and the administrative fees. This is a wonderful option for individuals who are unsure of what to invest in or they don't have any projects that would need that type of monetary investment. In this investment model, the investor has no control or responsibilities to the EB-5 regional center. The Investor, their spouse, and minor children can all emigrate to the United States, live wherever they want, and do any other work they would like.

The EB-5 program can be utilized through gifted money from relatives or anyone else as long as the investment comes from abroad and comes from traceable legal sources. The "green card" is issued for an initial period of two years, whereby a conditional green card is issued, and then before the expiry of the two years an application of removal of this conditions is filed to show that the business is still functioning and all the requirements have been met. Investors are usually allowed to sell or receive the principal investment or whatever is left from it, after 8 years.

The program is set to expire in April 2018. And it is likely that Congress will extend this visa category, however, with some modifications, which include a likely increase in the investment amounts to \$1.5 to \$2 million for the straight investment and possibly \$800,000 for the TEA and Regional Center programs. For those interested and who would like to take advantage of the lower investment amounts, we suggest getting involved very soon.

In conclusion, the EB-5 Investment Immigrant Visa program is a wonderful option for those individuals with significant financial means and an interest in moving to America.



## APPLICATION FOR MEMBERSHIP

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## TO ALL MEMBERS

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## PRESENT DAY ISSUES IN CIVIL RIGHTS AND HUMAN RIGHTS LAW

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Alan D. Levine, Esq.,  
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Introductions of Past Presidents & Judiciary

Dinner is \$35.00. The presentation is free of charge.

PRE-REGISTRATION IS REQUIRED. Registrations received at the door are subject to an additional \$10.00 registration fee.

HELD AT QCBA. FREE PARKING: Available on a first serve basis at 148-15 89<sup>th</sup> Ave between 148<sup>th</sup> & 150<sup>th</sup> Streets.

Reservation Form: Annual Judiciary, Past Presidents & Golden Jubilarian Night - Monday, March 19, 2018  
Mail or Fax to: Queens County Bar Association, 90-35 148<sup>th</sup> St., Jamaica, NY 11435 Fax: 718-657-1789

I will be attending: ☐ DINNER (\$35) 5:30-7:00 PM ☐ PROGRAM ONLY (FREE) 7:00-8:00 PM

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

Gregory J. Newman, President

Elder Law Committee Presents

## MANAGING MONEY AND AGING

Thursday, March 15, 2018 6:00 pm – 8:00 pm

Light Dinner available after 5:00 PM

Sponsored by:



QUONTIC BANK

MyElderAdvocate

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

Dr. Herbert A. Medetsky

Clinical Psychologist

Laurie Woods, JD, LMSW

Elder Abuse Project Director, Queens District Attorney's Office

Neuro Psychology of Financial Capacity

Financial and Other Forms of Elder Abuse

2.0 CLE CREDIT in Skills 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, 90-35 148<sup>th</sup> St, Jamaica, NY 11435 FREE PARKING: Available on a first serve basis at 148-15 89<sup>th</sup> Ave between 148<sup>th</sup> & 150<sup>th</sup> 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 HARSHIP POLICY: Please contact Arthur N. Terranova, Executive Director at 718-291-4500 for information on financial alternatives.

RESERVATION FORM: MANAGING MONEY AND AGING: March 15, 2018  
Return to: QCBA, 90-35 148<sup>th</sup> 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: \$ \_\_\_\_\_

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Leslie S. Nizin, Esq., Associate Dean

Gregory J. Newman, President

Civil Court Committee and Supreme Court Committee presents

## MEET THE NEW SUPERVISING JUDGE OF THE CIVIL COURT, QUEENS COUNTY Hon. Donna-Marie E. Golia

Wednesday, March 14, 2018 1:00 PM - 2:00 PM

Light Lunch Will Be Available After 12:00 PM

SPONSORED BY:



MODERATOR: Hamid M. Siddiqui, Esq., Chair, Civil Court Committee

PROGRAM: How to Practice in The Civil Court, Queens County

1.0 CLE CREDIT in Professional Practice

Transitional Credit – Valid for All Attorneys

MEMBER: \$ 35.00 (Free – Student Members) NON-MEMBERS: \$ 70.00

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

HELD AT: QCBA, 90-35 148<sup>th</sup> St, Jamaica, NY 11435

FINANCIAL HARSHIP POLICY: Contact Arthur N. Terranova, Executive Director at 718-291-4500 for financial alternatives.  
ACCREDITATION: The Queens County Bar Association has been certified by the NYS Continuing Legal Education Board as an Accredited Continuing Legal Education Provider in the State of New York for the period of October 8, 2016 through October 7, 2019.

RSVP: Luncheon – March 14, 2018; 1-2 pm

MAIL: QCBA, 90-35 148<sup>th</sup> St, Jamaica, NY 11435 • FAX: (718) 657-1789/ TEL: (718) 291-4500 ext. 232 • EMAIL: CLE@QCBA.ORG

Pay by: ☐ Check ☐ MC ☐ Visa ☐ AMEX ☐ Disc Authorized Signature \_\_\_\_\_

Card #: \_\_\_\_\_ Exp. Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ CSC/CV# \_\_\_\_\_ Amt: \$ \_\_\_\_\_

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

Gregory J. Newman, President

The Torts Committee and Professional Development Committee presents

## ASK THE RIGHT QUESTIONS AT YOUR DEPOSITION: AUTO ACCIDENTS AND PREMISES CASES 4-PART LUNCHEON SERIES 2018

TUESDAYS: March 6<sup>th</sup>, March 13<sup>th</sup>, March 20<sup>th</sup> & March 27<sup>th</sup>, 2018

Program: 1:00 pm - 2:00 pm

Light Lunch will be available after 12:00 pm

Sponsored by:



MODERATORS:  
Michael D. Abneri, Co-Chair, Supreme Court Committee & Torts Section Committee  
Kristen Dubowski Barba, Co-Chair, Supreme Court Committee & Professional Development Committee

MARCH 6: Joseph Carola, III, Esq., –Richard T. Law and Associates

Questioning the Plaintiff in An Automobile Accident Case

MARCH 13: Seth Fields, Esq., –Bergman Bergman Fields & Laminoff

Questioning the Defendant in An Automobile Accident Case

MARCH 20: James R. Pieret, Esq., –Giallenardo Frankini Harms & Pieret

Questioning the Plaintiff in A Premises Liability Case

MARCH 27: Michael Manuossos, Esq., –Michael Manuossos & Co PLLC

Questioning the Defendant in A Premises Liability Case

\*Full Program/All 4-parts: \$120.00 – Members (Students-Free) \$160.00 – Non-Members

Single Session: \$ 40.00 – Members \$50.00 – Non-Members

\*Must RSVP before March 1<sup>st</sup> for full program or will be charged per single session.

HELD AT: QCBA, 90-35 148<sup>th</sup> St, Jamaica, NY 11435

FINANCIAL HARSHIP POLICY: Contact Arthur N. Terranova, Executive Director at 718-291-4500 for information on financial alternatives.

RSVP: 4-PART LUNCHEON SERIES - DEPOSITION - 2018: 1-2 pm  
MAIL: QCBA, 90-35 148<sup>th</sup> St, Jamaica, NY 11435 • FAX: (718) 657-1789/ TEL: (718) 291-4500 ext. 232 • EMAIL: CLE@QCBA.ORG

CLE Credit:

4.0 Total in Skills

(1.0 CLE Credit per Seminar)

Transitional Program –  
Valid for All Attorneys  
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.

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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

Gregory J. Newman, President

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, 90-35 148<sup>th</sup> 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 89<sup>th</sup> Ave between 148<sup>th</sup> & 150<sup>th</sup> Streets.

FINANCIAL HARSHIP 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, 90-35 148<sup>th</sup> Street, Jamaica, NY 11435 FAX: 718-657-1789 EMAIL: CLE@QCBA.ORG

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Leslie S. Nizin, Esq., Associate Dean

Gregory J. Newman, President

Queens County Bar Association Lawyers Assistance Committee presents

## BALANCING AND EMPOWERING YOURSELF IN THE LEGAL

PROFESSION – BODY, MIND AND SPIRIT

Thursday, March 8, 2018 6:00 pm – 9:00 pm

Free CLE Credit: 3.0 in ETHICS

### Moderator:

Marie-Eleana First, Esq.,  
Chair, Queens County Bar Association Lawyers Assistance Program  
Introduction of Program

### Presenter/Program:

• Ilene Cohn Reichman, Esq., N.H.C.  
Guided Meditation and On Reducing Stress

• Eileen Travis LCSW

Director, New York City Bar Association Lawyers Assistance Program

Overview of the Lawyers Assistance Program, including Diversionary Role

• Kevin Wadlavage, M.A., L.M.H.C., C.A.S.A.C., M.A.C., NCAC II

Training & Quality Consultant, Outreach Project

Legal Responses Amidst the Opioid Pandemic

• Hon. Linda Pons Lopez, Acting Justice, Supreme Court, Bronx County

Attorneys and Addiction

• Keynote Speaker

HELD AT: QCBA, 90-35 148<sup>th</sup> St, Jamaica, NY 11435 FREE PARKING: Available on a first serve basis at 148-15 89<sup>th</sup> Ave between 148<sup>th</sup> & 150<sup>th</sup> Sts.

FREE OF CHARGE TO QCBA Members in Good Standing.

Non-Members - \$ 20

MUST PRE-REGISTER by March 2<sup>nd</sup>. Light Dinner available for ONLY those that pre-register.

Reservation Form: BALANCING AND EMPOWERING YOURSELF IN THE LEGAL PROFESSION 2018  
Return to: QCBA, 90-35 148<sup>th</sup> Street, Jamaica, NY 11435 FAX: 718-657-1789 EMAIL: CLE@QCBA.ORG

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Light Dinner available after 5:00 pm

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CLE Credit: 3.0 in ETHICS

Transitional Credit –

Valid for All Attorneys

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.

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