

# Queens

## BAR BULLETIN

Queens County Bar Association | qcba.org | 88-14 Sutphin Blvd., 3rd Floor, Jamaica, NY 11435 | 718-291-4500

February-March 2026 | Volume 93, No. 5

## Fact Sheet: FinCEN Issues Final Rule to Increase Transparency in Residential Real Estate Transfers

In August 2024, the Financial Crimes Enforcement Network (FinCEN) announced a final rule that is designed to combat and deter money laundering by increasing transparency in the U.S. residential real estate sector. The rule requires, on a nationwide basis, certain persons involved in real estate closings and settlements to report information to FinCEN about specified transfers of residential real estate that are a high risk for illicit finance. The final rule, originally scheduled to take effect last December, will take effect on March 1, 2026.

Illicit actors often favor non-financed transfers (including “all-cash” sales) of residential real estate to avoid scrutiny from financial institutions that have anti-money laundering and countering the financing of terrorism (AML/CFT) program and Suspicious Activity Report (SAR) filing requirements under the Bank Secrecy Act. Illicit

actors also often hold residential real estate in the name of a legal entity or trust, in an effort to obscure their identities and their ownership interests in the property. Transfers that are both non-financed and involve a transferee that is a legal entity or trust are of higher risk for money laundering and make the proceeds of crime and their owners more difficult to track and identify. The reporting of these transfers will help curtail the anonymous laundering of illicit proceeds through the purchase of residential real property which threatens U.S. economic and national security.

Building on FinCEN’s long-running Residential Real Estate Geographic Targeting Orders (GTOs)-which required title insurance companies to file reports identifying the beneficial owners of legal entities that make certain non-financed purchases of residential real

estate in select jurisdictions in the United States- this rule will address the demonstrated need for increased transparency and work to deter illicit use of the U.S. residential real estate market.

The final rule reflects FinCEN’s consideration of the comments it received in response to the notice of proposed rulemaking that was published in February 2024. Commenters included a broad array of individuals, businesses, and organizations, including trade associations, transparency groups, law enforcement representatives, and other interested parties. In response to the commenters and in order to reduce potential compliance burden, FinCEN made several amendments to the proposed rule, such as the adoption of a reasonable reliance standard with respect to information provided by others. Additionally, in order to provide flexibility for real estate professionals in complying with the

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## The Docket

Being the official notice of the meetings and programs listed below. 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 2026

- Wednesday, March 4 **Event:** Judiciary, Past Presidents & Golden Jubilarian Night at St. John's Law School – 5:30 to 8:00 pm
- Friday, March 12 **Event:** NY Islanders v LA Kings Hockey Game – UBS Arena, 7:00 pm
- Tuesday, March 17 Meet the Judge – Pt 9 – Hon. Gigi N. Parris – 1:00 pm
- Thursday, March 19 LGBTQ+ Committee Mtg – 1:05 pm  
<https://us02web.zoom.us/j/81943530604?pwd=TU4bDYwlg6LdgToOn9sheby0rQ5JxuD.1>  
 Meeting ID: 819 4353 0604; Passcode: 874083
- Tuesday, March 24 Motions & Motherhood - Pt 3 – Surrogate Hilary Gingold – 1:00 pm
- Thursday, March 26 **CLE:** The Business of Law: Thinking Like a CEO, Not Just a Lawyer – 1:00 pm

### APRIL 2026

- Friday, April 3 *Good Friday – Office Closed*
- Wednesday, April 15 **CLE:** Equitable Distribution Update 2026 – Pt 1 – 5:30 pm
- Thursday, April 16 LGBTQ+ Holocaust Program – 5:30 pm
- Tuesday, April 21 Meet the Judge – Pt 10 – Hon. Karen Lin
- Wednesday, April 22 Lunch & Learn: Soberlink at Family Court - 1:00 pm
- Wednesday, April 22 **CLE:** Equitable Distribution Update 2026 – Pt 2 – 5:30 pm
- Thursday, April 23 Academy of Law Committee Meeting – 1:00 pm
- Thursday, April 23 **Event:** LGBTQ+ Social Mixer at The Gantry Bar – 5:30 pm
- Tuesday, April 28 Motions & Motherhood – Pt 4 – District Attorney Melinda Katz - 1:00 pm at QCBA Office, 88-14 Sutphin Blvd, Jamaica
- Wednesday, April 29 **CLE:** Ethics Update 2026 – Pt 1 – 5:00 pm

### MAY 2026

- Wednesday, May 6 **CLE:** Ethics Update 2026 – Pt 2 – 5:00 pm
- Thursday, May 14 Annual Dinner & Installation of Officers at Terrace on the Park – 5:30 pm
- Thursday, May 28 **CLE:** Bankruptcy Seminar – 5:30 pm
- Monday, May 30 *Memorial Day – Office Closed*

### JUNE 2026

- Tuesday, June 2 **CLE:** Search & Seizure Update – 1:00 pm
- Wednesday, June 3 Event: Family Law Committee Annual Dinner
- Friday, June 19 *Juneteenth – Office Closed*

### JULY 2026

- Friday, July 3 *Independence Day Observed – Office Closed*

\*If you are unable to attend a CLE that you are interested in, you may purchase it to view at home by contacting Sasha at [cle@qcba.org](mailto:cle@qcba.org).

More on upcoming seminars, CLE's and events, go to [qcba.org/CLE-Courses](http://qcba.org/CLE-Courses)

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## Editor's Note

# The 150-Year-Old Origin of the QCBA

By Paul E. Kerson

The Queens County Bar Association (QCBA) is 150 years old this year. Our founding can be traced to a 150-year-old letter dated June 30, 1876 setting the first QCBA Meeting for July 19, 1876 at the Garden City Hotel at "5 1/2 pm" sent by the five leading lawyers of Queens County in 1876, 150 years ago: James W. Covert, G. J. Garretson, L. Bradford Prince, George W. Van Siclen and H.W. Eastman.

Of these five, L. Bradford Prince was the most prominent. The Prince family were among the original European settlers of Queens County. They owned much of Flushing which they kept under cultivation for the growth of street trees.

These street trees were harvested and sold to real estate developers in adjacent Manhattan and Brooklyn for use as street trees on the newly constructed streets of these adjacent counties.

In addition to managing the family agricultural business, L. Bradford Prince, Esq. had a law practice in Flushing and served as a member of the New York State Assembly and later as a member of the New York State Senate.

L. Bradford Prince graduated from the Columbia Law School in 1866. The Prince family were Mayflower descendants and L. Bradford Prince's

given name, Bradford came from Governor William Bradford one of the early Governors of Massachusetts, his ancestor.

In those days the Republicans were the liberal progressive party of their Past President, Abraham Lincoln. It was the Democrats who were the conservatives.

The party of Lincoln nominated L. Bradford Prince to serve as Chief Justice of New Mexico in 1879 because of his outstanding service as a member of the New York State Legislature and his Columbia Law degree.

Chief Justice Prince served in that capacity from 1879 until 1882 when he ran for the New Mexico territorial delegate to the U.S. Congress. In 1882 to 1883, L. Bradford Prince served as Vice President of the Santa Fe Exposition which drew 12,000 people to a street pageant to promote the economic fortunes of New Mexico territory.

Chief Justice of New Mexico is a much more prestigious title than it was at that time. In the 19th century Chief Justice of New Mexico meant L. Bradford Prince had to actually start the Courts

of New Mexico as there were very few Courts at that time. He had to ride circuit on horseback to various isolated county makeshift Courthouses and serve as a Trial Court as well as an Appellate Court with two other equally unprepared Justices.

Chief Justice of New Mexico territory in the 19th century was not the exalted position at the head of a State Court system that it is today. Reading about this makes us understand how very young our country is. Chief Justice Prince started Volume One of the New Mexico Reports.

During this period of time, L. Bradford Prince spent considerable time as Vice President and President of the New Mexico Historical Society and increased its collections. He was a charter member of the New Mexico Bar Association. He ran again for the post of territorial delegate to the U.S. Congress in 1884, again losing.



**Gov. L. Bradford Prince.**  
Photo by Prince. Courtesy Museum of New Mexico.

In 1888, U.S. President Grover Cleveland lost the national election for U.S. President to Benjamin Harrison. Thus, the post of Governor of New Mexico territory was up for appointment by President Harrison. L. Bradford Prince campaigned for the

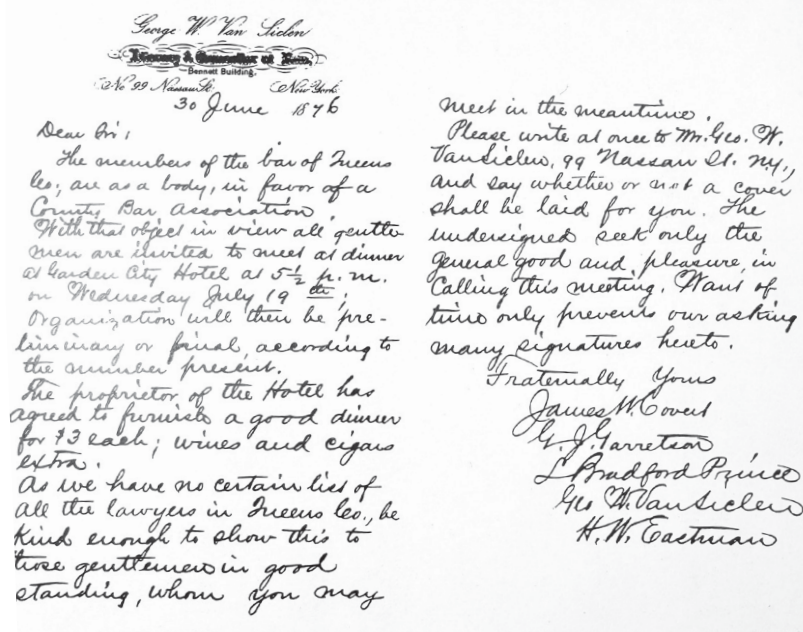
post and was nominated and confirmed by the U.S. Senate. He then served as Governor of New Mexico from 1889 to 1893.

In 1995, more than 100 years later, I took my wife and then-young children on a car trip across the United States to show my children the country. We stopped in Santa Fe, New Mexico. Upon entering the Museum of New Mexico in Santa Fe, we discovered a large oil painting entitled "Governor L. Bradford Prince of Flushing, Long Island." I was astounded. I was then and am now the counsel to the Queens Historical Society founded as the Flushing Historical Society by L. Bradford Prince, but I had never heard of him at that point.

I resolved to look him up just as soon as I got home. I searched through the records of the Queens Borough Public Library's (QBPL) local history collection then called the Long Island Room at the Central Library Main Branch at 89-11 Merrick Boulevard in Jamaica.

There I found all of the information listed above. I wrote it up as an article in 1995 for, you guessed it, this Queens Bar Bulletin. I sent my Queens Bar Bulletin article about Governor Prince to the Museum of New Mexico and explained that I would like to write the biography of Governor L. Bradford Prince as he started his career with the Queens County Bar Association.

### Original Call to Organize



Original Letter Inviting the Members of the Bar of Queens County to Organize the Bar Association.

CONTINUED ON PAGE 17



Kristen J. Dubowski Barba, Esq.  
President

# ANNUAL JUDICIARY, PAST PRESIDENTS AND GOLDEN JUBILARIAN NIGHT

Wednesday, March 4, 2026  
5:30 pm - 8:00 pm

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St. John's University School of Law  
8000 Utopia Pkwy, Jamaica, NY 11439

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Queens Supreme Court, Civil Term  
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Ceremony Only \$ 60.00  
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Please register by Monday, March 2.  
Kosher dinner available (\$25 additional)  
Additional \$20 for registrations received after March 2.  
No refunds or credits for cancellations after Sunday, March 1.

\*Please check your email for guest registration link.

**REGISTER**



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## President's Message

# Importance of Service

By Kristen J. Dubowski Barba

The Queens County Bar Association was honored to be a part of the Martin Luther King Day of Service this year. The program was created by our past president, Zenith Taylor, last year in honor of Dr. Martin Luther King Jr. and his passion for service. The program has grown even more this year, connecting JD and LLM students with pro se litigants to assist them with housing and consumer debt issues, name change, divorce, child support and custody issues.

Dr. Martin Luther King Jr. stated "Injustice anywhere is a threat to justice everywhere." Dr. King taught us that greatness is found in service—and that each of us has a role to play in advancing justice and equality.

On the heels of Martin Luther King Day, I want to speak about the importance of service to the public.

Coming out of law school, there are so many options for law graduates. New attorneys are often drawn to the jobs where they are offered a great salary. As experienced attorneys will tell you, there is so much more to the legal profession than making money. When you see the difference you can make in a person's life, you are truly rewarded.

The economic downturn has left even middle-class families without the ability to pay for legal representation. There is a need now more than ever for attorneys to do pro bono work. By providing free legal assistance to a person in need, you are placing them on an equal playing field. You are not only providing legal representation, but you are also providing the emotional and psychological support that these distressed families sorely need.

The Queens County Bar Association's Volunteer Lawyers Project provides opportunities for both

newly admitted attorneys and law students, as well as experienced practitioners, to volunteer their time to advise pro se litigants in the areas of foreclosure, consumer debt and divorce to name a few. The volunteers are eligible to obtain pro bono credit hours for their time. The Queens Volunteer Lawyers Project also provides training in several practice areas to refresh attorneys on the area of interest.

Come volunteer at the Queens Volunteers Lawyers Project for that rewarding experience!

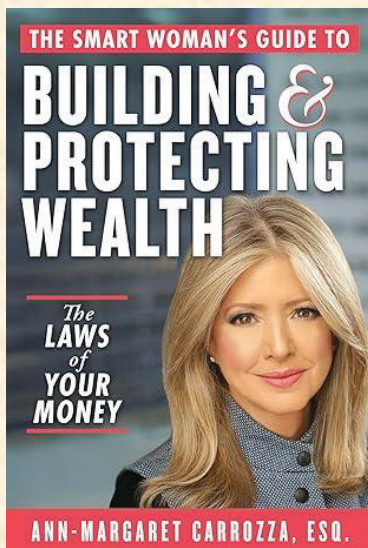
**To discuss ideas and needs or to get involved, you can reach Kristen through [president@qcba.org](mailto:president@qcba.org)**

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# A Brief Overview On Executive Orders

BY ISIRIS ISAAC

Last year, there was a lot of discussion in the news about Executive Orders. Although it got significant media coverage, it is not a typical subject area in legal studies. A brief history on Executive Orders, however, offers valuable insight into our form of government and the scope of authority vested in the federal executive.

## Source of Authority

Article II, Sections 1 and 2 of the United States Constitution grant the President broad powers to execute the duties of the office and to direct the work of federal agencies without requiring congressional approval (U.S. Const. art. II, §§ 1–2). Although the Constitution does not explicitly mention executive orders, Section 2 is often cited as the legal basis for this power, designating the President as Commander in Chief and granting discretion to issue pardons for federal crimes. Executive orders must be consistent with the Constitution and federal law and have the force of law once signed. For example, in *National Wildlife Fed’n v. Babbitt*, 1993 U.S. Dist. LEXIS 10689, the court held that an executive order is “to be accorded the force and effect of a statute” when it has a “distinct statutory foundation,” citing *Ass’n for Women in Science v. Califano*, 566 F.2d 339, 344 (D.C. Cir. 1977). Executive orders are official, legally binding mandates that are numbered and published in the Federal Register pursuant to the Federal Register Act of 1935 (44 U.S.C. § 1505 et seq.).

## Format

Aside from the authority granted by the Constitution, no specific law originally governed how executive orders were issued, formatted, or recorded. The first executive order was issued by George Washington on June 8, 1789, directing the heads of federal agencies

to provide him with reports in order to gain “a full, precise, and distinct general idea of the affairs of the United States.” Executive orders could take various forms, typically directing federal agency heads to carry out specific policies or actions. There was no formal system for numbering or organizing these orders until 1907, when the Department of State began assigning numbers retroactively to all orders dating back to 1862 (see [presidency.ucsb.edu/statistics/data/executive-orders](http://presidency.ucsb.edu/statistics/data/executive-orders)).

## Landmarks

Executive Order No. 1, issued by President Abraham Lincoln on October 20, 1862, established a provisional court in Louisiana to administer justice during the Civil War. The Emancipation Proclamation, another executive order issued by Lincoln in two parts—now officially recorded as Proclamations 93 and 95—declared the freedom of all enslaved people in the Confederate states effective January 1, 1863. This landmark executive order, which effectively ended chattel slavery in the confederacy, laid the foundation for the ratification of the 13th Amendment. Similarly, President Harry Truman desegregated the armed forces through an executive order issued on July 26, 1948.

## Limits

There are limits to the authority of presidential executive orders. In the seminal case *Youngstown Sheet & Tube Co. v. Sawyer*, the Supreme Court for the first time restricted the president’s power to issue an executive order by prohibiting President Truman’s order directing the federal government to seize control of private steel mills during the Korean War (343 U.S. 579 [1952]). This principle was similarly followed in *Printz v. United States*, which curtailed the power of Congress to

compel state officials to conduct background checks on prospective gun purchasers (521 U.S. 898 [1997]).

Additionally, Congress has the authority to limit executive orders, as demonstrated in *United States v. R.I. Dep’t of Corr.*, 81 F. Supp. 3d 182, 183 (D.R.I. 2015), finding “if an executive order conflicts with an existing statute, the executive order must fall.” The other two branches of government can therefore check the president’s use of executive orders. However, most often, the authority of an executive order expires with the election of a new president. Executive orders have been used by every president except William Henry Harrison, who served only thirty days—the shortest presidency—highlighting that the broad power of executive orders is ultimately limited by the president’s term in office.

In sum, exploring the origins, evolution, and practical implications of Executive Orders, provides a clearer understanding not only of how presidents can shape policy, but also of the constitutional boundaries that guide them. An examination of this history reveals the ongoing tension between efficiency and oversight in our system of separated powers. Ultimately, understanding Executive Orders allows us to better evaluate modern political debates and appreciate the delicate balance that defines American governance.

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*Isiris I. Isaac is a member of the Board of Managers of the Queens County Bar Association and serves on its Diversity & Inclusion Committee. The article was originally prepared for the 2025 Federal Bar Council Fall Retreat CLE program titled “The History & Current Application of Presidential Executive Orders.”*

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## The Practice Page

# CPLR 4404(a): Sufficiency Versus Weight Of The Evidence

BY HON. MARK C. DILLON

*Serves on the Appellate Division, Second Department*

Courts are authorized to set aside jury verdicts for reasons set forth in CPLR 4404(a), either upon motion of a party or at its own initiative. The statute identifies three grounds for doing so. The first is when a different party is entitled to “judgment as a matter of law,” which is interpreted as involving the legal sufficiency of the evidence. The second basis to set aside a verdict is the weight of the evidence. The third is in the interests of justice. Sufficiency and weight are the grounds seen most often. They are concepts distinct from one another.

The standard applied to determining sufficiency is whether there is a valid line of reasoning and permissible inferences by which a rational trier of fact could find in favor of the party (*Killon v Parrotta*, 28 NY3d 101, 107-08 [2016]; *Cohen v Hallmark Cards*, 45 NY2d 493, 499 [1978]). While this ground is commonly referred to as involving the “sufficiency” of the evidence, the actual task is to determine whether the evidence supporting the verdict is “insufficient,” in order for the verdict to be set aside. If the legal standard is met, the court replaces the jury’s verdict with a verdict and judgment in favor of another party, and the case concludes on that basis (*Id.*). Sufficiency should be thought of as involving an objective determination of whether there was an absence of evidence establishing a claim or a defense in an action, or at least one element thereof.

Weight is different. The examination of evidentiary weight is less of an objective exercise, and more of a subjective evaluation of the evidence in relation to the jury’s verdict. Whereas sufficiency might be loosely thought of as quantitative, weight is more qualitative in nature. The legal standard which must be applied to any motion to set aside a verdict as against the weight of the evidence is whether the evidence so preponderates in favor of a party that a contrary verdict could not have been reached on any fair interpretation of the evidence (*Lolik v Big V Supermarkets*, 86 NY2d 744, 746 [1995]). If a verdict is set aside on this ground, the result is not a judgment in favor of another party, but an entirely new trial (*Killon v Parrotta*, 28 NY3d at 107-08).

Since the result of a sufficiency set-aside is a judgment and the result of a weight set-aside is a new trial, attorneys and courts must differentiate between the two grounds, assess

whether an argument for setting aside the verdict is objectively “at law” for sufficiency or factually qualitative for weight, apply the proper legal standard, and proceed accordingly (*Khron v Schultz Ford Lincoln, Inc.*, \_\_\_ AD2d \_\_\_, 243 NYS3d 110 [2d Dep’t. 2025]).

**Sufficiency and weight are grounds seen most often — and they are concepts distinct from one another.**

**Sufficiency replaces the jury’s verdict with judgment; weight results in an entirely new trial.**

There is another difference between weight and sufficiency. Sufficiency must be preserved at the trial level to be appealed (*Matter of Angel ZZ*, 220 A.D.3d 1097 [3d Dep’t. 2023]; *U.S. Bank National Association v Moschetta*, 216 A.D.3d 848, [2d Dep’t. 2023]). In contrast, weight need not be preserved at trial to be appealable (*Evans v New York City Transit Authority*, 179 A.D.3d 105, 113 N.Y.S.3d 127 [2d Dep’t. 2016] [opinion by Connolly, J.]; see also *Fitzpatrick v Tvetenstrand*, 228 AD3d 7 [3d Dep’t. 2024]; *DeFisher v PPZ Supermarkets, Inc.*, 186 AD3d 1062 [4th Dep’t. 2020]).

A set-aside motion may be presented orally in the courtroom after the verdict, or in writing with a return date. A written motion must be made within 15 days of the jury’s verdict or from the filing of a court’s non-jury decision (CPLR 4405; *Balough v H.R.B. Caterers, Inc.*, 88 AD2d 136 [2d Dep’t. 1982]). The time can be extended by permission of

the court (CPLR 2004), such as if a party needs more time to acquire the trial transcript in support of the motion.

The “third” basis for setting aside a jury’s verdict is to do so in the “interests of justice.” CPLR 4404(a) does not define the phrase. The interests of justice sounds like a catch-all phrase and perhaps can be thought of that way. Under case law, the court is to decide “whether substantial justice has been done, and must look to common sense, experience, and [the] sense of fairness in arriving at a decision” about whether a new trial should be granted (*Ali v City of New York*, 122 AD3d 888 [2d Dep’t. 2014]). The interests of justice includes a wide net of errors that may arise during a trial such erroneous rulings on the admissibility of evidence, jury charges, attorney misconduct, newly-discovered evidence, and prejudicial surprise (*Alonzo v City of New York*, 188 AD3d 1223 [2d Dep’t. 2020]). Of course, the trial infirmities which warrant a new trial in the interests of justice have to be more than harmless errors (*LaMorte v CFG Profile, Inc.*, 154 AD3d 700 [2d Dep’t. 2017]). These forms of trial error must typically be preserved to be included in a subsequent appeal, unless they fall into the small class of fundamental mode of proceeding errors (e.g. *Curanovic v New York Cent. Mut. Fire Ins. Co.*, 22 AD3d 975, 976 [3d Dep’t. 2005]).

CPLR 4404(a) also references hung juries, which necessitate new trials as well. Where there is a hung jury, there is of course no verdict for the court to set aside on any ground. New York courts have borrowed for civil trials the criminal concept of the *Allen* charge (*Allen v United States*, 164 US 492 [1896]) where deadlocked juries are encouraged by the court to continue deliberations, listen to fellow jurors, be open-minded to other opinions, but not surrender conscientiously-held views. The idea is to be constructive but not coercive, in the hope that some gently-encouraged further deliberation may lead to a verdict and avoid the necessity of a new trial.

*Mark C. Dillon is a Justice of the Appellate Division, 2nd Dep’t., an Adjunct Professor of New York Practice at Fordham Law School, and is a contributing author to the CPLR Practice Commentaries in McKinney’s.*

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# Waiting Is Not A Strategy

BY FRANK BRUNO, JR.

“How many unkind people have you been kind to?” Marcus Aurelius inquired, examining his life. “Consider all that you’ve gone through, all that you’ve survived and that the story of your life is done, your assignment complete.” What matters, he asks? What to be proud of? Not pleasure or achievement, we should pride ourselves on our patience and tolerance. We should pride ourselves on our ability to put up with jerks, to be able to be nice to people who are not nice, to be able to turn the other cheek and not be made bitter and cynical.

In a small village, a farmer planned a big feast to get to know his neighbors. He gathered food, lit his grill and told his daughter, “Go around and invite all our neighbors to come over and join us!” Instead of announcing a feast, his daughter went down the street and shouted, “Help! Help! There’s a fire at our house! Please come and help us put it out!” One by one, a handful of people opened their doors and came out ready to help. The rest of the neighborhood ignored her plea. She brought the helpful neighbors into their home and explained that there was no fire, just a feast that her father wanted to share. The neighbors ate and drank until late in the night and went home thanking the farmer for his generosity. After they left the farmer asked, “Who were those people? I barely recognized any of them.” The daughter smiled and said, “Those are the people who were willing to come to your aid when you needed help. They are your true friends.”

Aristotle viewed friendship among the highest virtues. It was an essential element in a full, virtuous and worthwhile life. He identified three kinds of friendship: Friendship of pleasure – two people wonderfully happy in each other’s company; Friendship of utility – two people assisting one another in everyday aspects of life; and Friendship of virtue – two people who mutually admire one another and will be on best behavior in order not to jeopardize their relationship. It makes sense to have all three kinds of friends.

Anne Lamott shared a story. I used to tell my Sunday School kids the story of a young girl whose mother had died, and who, in her grief and confusion, went down to the beach every day, pried octopuses off the pilings

farthest from the shore and took them back down to the water. One day her grandmother found her doing this, and said, “This really won’t help with what you’re going through. It really doesn’t matter.” The girl replied, “It matters to the octopus.” In our pain, our grief and confusion, each small act of goodness, love and non-violent resistance helps dilute the toxins that are dumped daily into the common well. Each matter to the octopus.

Feeling short on time? Try giving a little away this week and see what happens. This may sound counter intuitive but here is the science behind it: Across four experiments researchers show that spending time on others (e.g., volunteering, helping) makes people feel like they have more time (time affluence), compared with wasting time and spending time on yourself; even receiving extra free time to use however you want. When people volunteered their time, they were more willing to commit to future engagements despite their busy schedules. Volunteering in this study was short, just 5 minutes, writing a letter to a sick child. Some ideas: Write a letter or email of encouragement to someone who needs it. Run an errand for a neighbor or elderly friend. Slow down and really listen in your next conversation.

Referencing time and having more of it, I tend to collect productivity advice like other people collect baseball cards or figurines or books they’ll never read. I subscribe to Shelf help. The self-help book is firmly planted on the shelf. Get the class or book and through osmosis improve, increase, learn. Based on sheer proximity, I am an expert in many fields. From trial practice to personal development to comedy and writing with enough how-to books to build a cabinet, pitch a tent and fix a carburetor. I have saved recipes up the wazoo. If I used all of the ten-minute morning exercise routines I have saved, I would be exercising all day. I have saved posts, YouTube videos, screenshots, and a notes app full of “systems” I never try. Most are abandoned without an attempt or forgetting about them before I even try. Podcasts with “founders” and authors with just the right morning routine. “Yes! that’s it! That’s the thing that’ll fix me!”

Nothing “fixed” me. Not sure I even need to be fixed but maybe? The problem is not that

I don’t know what to do (sometimes) possibly even often, I do not exactly know what to do. However, the problem is deep down, I do not trust myself to actually do it to begin with. The new software, the new dictation system, the new efficient system, the new program. Do I really want to move away from what I have and what works already? How about other areas? Take exercise, for example. Trying to force myself into being “a gym bro” or “a yoga dude” because that is what everyone on social media was doing. Weights or calisthenics? Running or swimming? My thinking is that if I just found the right workout program, I would magically become consistent. I do have some magic in my life although apparently not enough to keep with an exercise routine. (Yes, finding the right form of exercise does make a difference, but not enough for consistent follow through). I do stand daily on a vibration plate but hardly ever use the mini-trampoline in my living room behind the couch. I do stick my face into ice water bucket every day but still can’t touch my toes without great effort.

For exercising, it would be nice to look like I exercised. Is that completely wrong? Chasing an external image (trying to look a certain way, fit into what everyone else was doing). How about feeling better cause the vitamins, minerals, salt water and discipline has not kicked in yet? No wonder I could not stick with it and mostly still cannot. After some reflection, my why shifted: move freely, flexible as I get older. Stay young as my children get older. Stay healthy. That is closer but still not quite enough. Even with a meaningful reason, I’m still waiting around for motivation. Internalizing, I will feel like it and surprise, inspiration never hit. I almost never feel like exercising. I enjoy the feeling afterward but never feel like doing or going beforehand. Then I read this quote: “nothing changes if nothing changes.” Obvious. In retrospect all great quotes are obvious. Wisdom distilled in small phrases.

I cannot wait for change to happen TO me. No magical burst of motivation. I cannot wait for future-me to show up and do the work. I must BE the change. Now, even when I do not feel like it. Waiting is not a strategy.

CONTINUED ON PAGE 13

# Waiting Is Not A Strategy

BY FRANK BRUNO, JR.

CONTINUED FROM PAGE 12

It is avoidance. The whole thing is internal and I mean that literally. The entire thing—my thoughts, my feelings, hormones, my breath, my cholesterol, my blood flow, the universe—it is all internal. All of the “my stuff” is inside of me. The entirety of the world is inside of me. As well as proving to myself, through action, that I am someone who follows through. Yes, sometimes the effort is half. Yes, sometimes a self-imposed deadline is required to actually get it done. Yes, I have days where I skip the thing altogether. I return to it. I come back to it. I show up, even if miserably. That’s the real practice: not perfection, but returning. Not never missing, but not letting one miss become permanent. (Even a few weeks of misses is ok because life is long and after a few months of consistent effort again, it is like the misses never happened.) Prove to yourself, again and again, that you are someone who comes back.

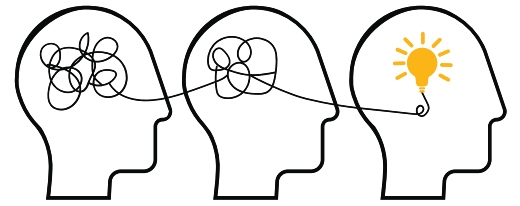
*Frank Bruno, Jr. is Past President of the QCBA, a Member of the Board of Managers, a regular contributor to the Bar Bulletin and a practicing attorney for more than 26 years.*



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# Fact Sheet: FinCEN Issues Final Rule to Increase Transparency in Residential Real Estate Transfers

## CONTINUED FROM PAGE 1

rule, the rule continues to contain a “cascade” system for determining which professional has primary filing responsibility, but with a flexible option for industry professionals to designate compliance responsibilities. FinCEN believes that the requirements set out in the rule reflect the appropriate balance between ensuring that reports filed under the rule have a high degree of usefulness to law enforcement and minimizing the compliance burden incurred by businesses, including small businesses.

The following provides a general overview of the key elements of the rule (for example, when a report is required to be filed, who must file, and when) and related administrative details. Please refer to the actual text of the final rule for further details, including important definitions.

## Overview of the Final Rule

The final rule requires “reporting persons” performing specified closing or settlement functions in certain reportable transfers of residential real property to report specified information to FinCEN about the transfer. As explained in greater detail below, this includes information about the parties to the transfer and the property itself.

## Reportable Transfers of Residential Real Property

Transfers are reportable when they meet the following criteria: (1) the property is residential real property; (2) the transfer is non-financed; (3) the property is transferred to a legal entity or trust, and (4) an exemption does not apply.

Transfers meeting the rule’s requirements

must be reported regardless of purchase price or the value of the property. Gift transfers are thus subject to the rule.

However, transfers made directly to an individual are not covered by this rule.

### *Definition of Residential Real Property*

The rule applies only to residential real property located in the United States. Reportable property includes single-family houses, townhouses, condominiums, and cooperatives, including condominiums and cooperatives in large buildings containing many such units, as well as entire apartment buildings designed for occupancy by one to four families. The rule also requires reporting on transfers of land, such as vacant or unimproved land, on which the transferee intends to build a structure designed for occupancy by one to four families. Furthermore, a transfer of property may be reportable even if the property is mixed use, such as a single-family residence that is located above a commercial enterprise.

### *Definition of Non-Financed Transfer*

For a transfer to be reportable, it must be non-financed, meaning that it does not involve an extension of credit to all transferees that is both (1) secured by the transferred property and (2) extended by a financial institution subject to an AML program and Suspicious Activity Report (SAR) obligations. Transfers that are financed only by a lender without an obligation to maintain an AML program and file SARs, such as a non-bank private lender, are treated as non-financed transfers that potentially must be reported.

## EDITOR’S NOTES:

- QCBA produced a one-hour CLE on this subject in January 2026, offering one CLE credit in Professional Practice. This program is included in our CLE-On-Demand library and is available for download for \$15 for QCBA members/\$50 for nonmembers. Email [cle@qcba.org](mailto:cle@qcba.org) or call Sasha Khan at 718-291-4500 x232 for more details.
- More information can be found on the U.S. Department of Treasury Financial Crimes Reporting Network website at <https://www.fincen.gov/rre>. A sample report is also included on the “Attorney News” section of the QCBA website at <https://www.qcba.org/attorney-news/>

Real Estate Report

FOR REFERENCE PURPOSES ONLY

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Reporting Person & Property Information
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OMB No. 1506-0080

Version number: READ-ONLY  
Release Date: 12/01/2025

**Report Preparation & Submission Instructions:**

Instructions	1. Complete the report in its entirety with all required information. Click <b>Instructions</b> for help.
Validate	2. Click <b>Validate</b> to ensure all entered data is properly formatted and that all required fields are completed.
Finalize	3. Click <b>Finalize</b> to sign with your PIN and lock the entries in the report in preparation for submission. Click <b>Edit Report</b> to unlock and make edits as needed.
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Print	5. (Optional) Click <b>Print</b> to print a hard copy of your finalized report.
Ready to File	6. Click <b>Ready to File</b> (activated after the report is finalized and saved locally) to <u>begin the submission process</u> .

\* Filing name

**Filing Information**

1. \* Type of filing  a. Initial report  
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     Prior report BSA Identifier (BSA ID)   
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2. Date prepared   
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3. Note to FinCEN

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# New York State Constitution V United States Constitution: A Historic Battle Unfortunately Forgotten

BY STEPHEN R. MAHLER, ESQ.

Once upon a time there was a case entitled *People v. Joseph Burger*, 67 N.Y. 2d 338 (1986) which I argued before the New York Court of Appeals. It concerned a so-called administrative police inspection of my client's auto parts yard, which produced stolen goods and led to his arrest.

I took the position that the police had the right to come into my client's office and inspect his business records but required a search warrant to go into his storage yard to examine his auto parts, and eventually the New York Court of Appeals agreed with me in a 7-0 opinion, reversing the conviction.

But the matter did not end there, as I was shocked to learn that District Attorney Elizabeth Holtzman had succeeded in having the United States Supreme Court grant her petition for certiorari under the title *New York v. Burger*, 482 U.S. 691 (1987), and I was headed for Washington, D.C. to argue on behalf of the little local business owner.

Two Columbia Law School professors, one of whom was Gerard E. Lynch, who later became and is still a Judge of the Second Circuit Court of Appeals, apparently appreciating the importance of the case and apparently worried about my inexperience with the highest court of the land, called and offered me practice argument sessions. I gratefully accepted, and it was fortunate that I did.

As things turned out, the Supreme Court, in a 6-3 decision decided in favor of the prosecution, much to my chagrin (Justice Byron White, somewhat hostile, for the majority, and Judge Sandra Day O'Connor surprisingly joining the dissent), but once again the story was not fully over.

A United States Supreme Court case involving New York is remanded to the New York Court of Appeals because the Supreme Court makes rulings under federal law but leaves the final judgment to the State court to apply that federal ruling or reconsider issues under state law, especially when the case involves both federal and state issues. My case was scheduled for argument on the Court of Appeals calendar on a Monday.

However, the previous Thursday morning I was awakened by a call from a New York Law Journal reporter who informed me that my case had been removed from the Court of Appeals calendar because it was discovered that there was an arrest warrant out for my client, who had failed to appear in court for some other criminal case in which he was a defendant, and the Court of Appeals would not consider his case under such circumstances.

Interestingly, though, during the next couple of years when I attended bar association events and was greeted by Judge Judith Kaye, she reminded me that if I produced my client in court for his open case the Court of Appeals

matter could be restored to their calendar, but I never heard from Burger again.

Then, a few further years later, a fellow named George Keta, who owned a small auto repair shop in Queens, showed up in my office, having been arrested for possessing stolen auto parts. After listening to his story, I told him I was waiting a long time for a client with just such a tale about a police search of his yard inspecting auto parts and that I predicted that his case would reach the highest New York court. He listened with amazement, and my expectation came true; I was eventually back in the Court of Appeals with *People v. Keta*, 79 N.Y. 2d 474 (1992) (the argument was tape recorded).

During my argument Judge Joseph W. Bellacosa, who wrote a three Judge dissent, actually yelled at me and banged his fist on his bench, almost shouting now, "Are you telling me the Supreme Court can go one way and we can go another?"

Looking out of the corner of my eye toward the two who would be the majority opinion authors, Judges Titone and Kaye (it became a 4-3 decision), who were broadly smiling, I simply said, softly, "I guess so", to Bellacosa's severe indignation.

At that point in legal history it was perhaps the first time a State's highest court disagreed with the United States Supreme Court and went its own way down the road.

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## Editor's Note

## The 150-Year-Old Origin of the QCBA

## CONTINUED FROM PAGE 4

I received a positive response. An Executive at the museum telephoned me and told me that Governor Prince's grandchildren and great-grandchildren were still alive and living in New Mexico and Utah. He suggested that I contact them. I did so, and in 1996 I returned to New Mexico and interviewed all of the people then alive named William Prince. There are eight William Princes who covered the entire United States history.

The first William Prince founded the tree nursery in Flushing in 1737 with his father, Robert Prince.

The second William Prince inherited the tree nursery and served as a vestryman of St. George's Church on Main Street in Flushing from 1798 to 1802. The Prince Family helped build that Church, still standing and functioning today. They built a nearly identical church in Santa Fe, New Mexico.

The third William Prince (1795-1869) was the father of L. Bradford Prince (the L stands LeBaron, although L. Bradford Prince was not fond of using his given first name). He was much prouder of the name Bradford because of its origin with an early governor of Massachusetts. The third William Prince also inherited the family tree nursery and operated it successfully.

The fourth William Prince (1833-1880) served in the Civil War. He became lost and L. Bradford Prince got on a train and went into the war itself looking for him, finally finding him in a makeshift military hospital.

L. Bradford Prince left his diary of his involuntary entry into the Civil War. I was privileged to be given a copy by L. Bradford Prince's grandchildren in New Mexico in 1996.

The fifth William Prince, William Bradford Prince (1882-1968) was the only son of L. Bradford Prince, the father of the sixth William Prince.

I met the sixth William Prince in New Mexico in 1996. He told me about his father, the fifth William Prince. The fifth William Prince was a stutterer, and had great difficulty speaking English. However, he became quite fluent in Spanish, a major New Mexico language.

The seventh William Prince is my contemporary. I met him in Utah in 1996. He practices mining law in Salt Lake City. Of his five children, one is the eighth William Prince and one is the second L. Bradford Prince. "We did our part to make certain we didn't run out of William Princes and Bradford Princes."

Because of our meeting he journeyed to New York to visit the graves of his ancestors in the Flushing Cemetery in 1997.

I was proud to be his guide on that trip. He had never visited these graves before and he was very moved by the experience. Most of the Prince family from the 18th and 19th centuries are buried in Flushing Cemetery, including Gov. L. Bradford Prince, co-founder of the QCBA. He came home to his "beloved Long Island" to live out his final years.



"Gov. Mary" C. Prince, 1890.  
Photo by Mr. Albright's Art Parlors.  
Courtesy Museum of New Mexico.

I was also privileged to meet with Bradford Prince in 1996, then 77 years of age, the father of the seventh William Prince.

He was the brother of the sixth William Prince and the grandson of L. Bradford Prince. He remembered his grandfather's house. He remembered its beautiful porcelain, rosewood

furniture and thick imported rugs.

He remembered the ranch of his grandfather L. Bradford Prince planted with 40 acres of apple and pear trees just as L. Bradford Prince had planted these trees in Flushing, NY, decades before.

I also met with Bert Prince, the brother of William and Bradford Prince and the grandson of L. Bradford Prince who had a distinguished legal career in New Mexico as a district attorney and private practitioner.

I found this entire experience to be very ironic. It would have been very unlikely for a Mayflower descendant living in New York to want to visit with your Editor, a lawyer from Queens County.

However, the New Mexico descendants of L. Bradford Prince were overjoyed to meet a lawyer from Queens County because that is the description of the person who founded the New Mexico branch of their family.

Since 1996, I have been scratching my head about the sociology of the United States as related above. I did write Governor Prince's biography and published it myself. His descendants loved it. Copies are in the permanent collections of the QCBA, QBPL, Queens Historical Society (QHS)

New Mexico State Museum, Columbian Collection of Columbia University and the UCLA Law Library.

In any event at 150 years old, it is beyond interesting to understand that our polyglot bar association with members whose origins are all over the world came from the efforts of a Mayflower descendant.

It makes one remember that all of the people on the Mayflower did not have a green card and were all undocumented. They had permission to settle in Virginia, but the Atlantic Ocean got too dangerous, and they chose Massachusetts instead where they had no permission to land. (See Google, Did the Mayflower have any official permission to come to America?) This history also makes one realize how shockingly young our country is. The entire American history fits within the lifespans of eight William Princes or eight generations of people. The vast majority of countries on this earth go back hundreds of generations. Perhaps that explains the reason for our success: we are a nation of nations and as long as we continue to be so, that will be our essential strength.

Just ask Governor L. Bradford Prince of New Mexico, originally from Queens County, NY, whose ancestors came to Massachusetts on the Mayflower without any official permission.

In researching the life of Governor Prince, I spent considerable time in the New Mexico State Archives. There I found advertisements wherein various American companies, railroads, State and Local Governments and even the Federal Government issued flyers for posting around Europe looking for new immigrants to build our country.

The need for new blood was great in 1879. It is even greater today given our aging population and the need to fill jobs resulting from the natural retirement of a population which is only getting older.



William Byron Prince, of the Utah Bar, visiting the Memorial of his great-grandfather, Gov. L. Bradford Prince, at Flushing Cemetery on 46th Avenue in Flushing, NY in february, 1997. (Photo by the author).

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**TODD BOGANSKY**  
771 Arthur Street  
Freeland, PA 18224,

**Plaintiff**

vs.

**DEMETRIO ARCHILA RAMIREZ**  
430 South 7<sup>th</sup> Street  
Harrison, NJ 07029

and

**RODMAL LOGISTICS CORP.**  
430 South 7<sup>th</sup> Street  
Harrison, NJ 07029,

**Defendants**

**JURY TRIAL DEMANDED**

**CIVIL ACTION NO: 3:25-CV-02085-JFS**

**(SAPORITO, J)**

**NOTICE**

**TO: DEMETRIO ARCHILA RAMIREZ and RODMAL LOGISTICS CORP.**

**Nature of the Action:** You are being sued by the Plaintiff by means of a Federal Complaint filed on November 4, 2025, in the United States District Court for the Middle District of Pennsylvania. The nature of this action is a civil lawsuit seeking damages for personal injuries arising from a motor vehicle crash that occurred on November 28, 2024, on Interstate 80 in Pocono Township, Monroe County, Pennsylvania. Plaintiff alleges that Defendant Demetrio Archila Ramirez, while operating a tractor-trailer owned by Defendant Rodmal Logistics Corp., negligently, carelessly, and recklessly collided with Plaintiff’s vehicle. The Complaint asserts claims for negligence, negligent hiring, vicarious liability, negligent entrustment, negligent training, and negligent supervision.

**Relief Sought:** Plaintiff seeks judgment in an amount in excess of seventy-five thousand dollars (\$75,000.00), plus punitive damages, costs, and delay damages.

**Notice to Defend:** If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the Court within 21 days of this publication. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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Free legal assistance may be available to eligible individuals. Residents of Hudson or Union Counties, New Jersey, may contact Legal Services of New Jersey at 1-888-576-5529 or the appropriate regional office. Residents of Queens County, New York, may contact the Legal Aid Society – Queens at 718-286-2450 or New York Legal Assistance Group at 212-613-5000.

**Thomas W. Munley, Esquire**

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