

Queens

BAR BULLETIN

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Incoming President's Message

Celebrating Our Sesquicentennial!

By Joshua R. Katz

Welcome to the 150th anniversary of the Queens County Bar Association! This glorious organization held its first meeting at the Garden City Hotel on July 19, 1876. We are the third oldest Bar Association in New York State, trailing only the New York City and the Onondaga County Bar Association, and among the 15-20 oldest in the country. It is my honor and privilege to serve as the President during this historic year.

As a practicing attorney, I've always felt that membership in the Bar Association was important. It's made me feel like I am part of the legal community and has provided networking and education that helped me grow my law firm. Being a member of QCBA is voluntary, but for me, it was a necessity. As I became active with QCBA committees, I immediately recognized

the value provided. As a member of the Board of Managers, and then as an officer, my perspective changed. My appreciation of the very important work done by the Bar Association increased exponentially.

QCBA is a not-for-profit, volunteer organization that shapes the practice of law in Queens. We help ensure access to justice in our Courts. We improve collaboration between bench and bar. We have a voice in the enactment of new laws in Albany, and in the appointment of qualified judges within our Borough. We fight for inclusion, and against discrimination. We have accomplished great things over the course of the last 150 years!

Bar associations across the United States, as with all organizations, are struggling with membership retention and recruitment. Of the

8,000 lawyers registered to practice law in Queens County, only about 10% are members of this great association. We need to change that! Every one of us must get the message out. Tell your colleagues about QCBA. Promote the fantastic committees, programs, CLEs and community events, and get each and every lawyer to join us.

I am excited for the upcoming year as your president. I look forward to celebrating our historic anniversary throughout the year with you and the community at large (although unlike in 1876, Turtle Soup will not be on the menu!). Please plan to join us at our many wonderful events, including in-person and virtual CLE programs, our annual Golf and Tennis Outing (once again at the Woodside Club, this year on September 15), celebratory events at many of our

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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. Updated and additional information will be made available to members via written notice and brochures. Questions? Please call 718-291-4500.

CLE Seminar & Event listings

JUNE 2026

- Tuesday, June 2

Wednesday, June 3

Tuesday, June 9
- CLE:** Search & Seizure Update – 1:00 pm

Event: Family Law Committee Annual Dinner

CLE: Guardianship Series – Pt 3: Death to Discharge – 5: 30 pm
- Wednesday, June 10

Wednesday, June 17
- CLE:** Transfer on Death Deeds Law Under NY Real Property Law – 1:00 pm

CLE: Protecting Your Business When Employees Leave: Making Noncompetes, Nonsolicits & Confidentiality Agreements Work in NY – 1:00 pm
- Friday, June 19

Wednesday, June 24
- Juneteenth – Office Closed*

CLE: The Legal Ethics Concerning the Use of AI – 1:00 pm

JULY 2026

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

SEPTEMBER 2026

- Tuesday, September 15
- EVENT:** Golf Outing at the Woodside Club

OCTOBER 2026

- Monday, October 12
- Thursday, October 29
- Columbus Day – Office Closed*
- CLE:** Recent Significant Developments and Decisions from Our Highest Appellate Courts – 5:30 pm

*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.

More on upcoming seminars, CLEs and events, go to qcba.org/CLE-Courses

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Necrology

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Editor's Note

The War Powers Act of 1973 is Working Partially as Intended

By Paul E. Kerson

The newspapers call it “a Vietnam Era” legacy. See 50 U.S. Code Sections 1541-1548. They don’t even begin to understand how this all came to pass. The 60-day limit for Congressional action on wars has a proud story behind it.

I was 18 years old in 1969-1970.

All of you who are younger or older than me cannot even have any idea what it meant to have been 18 years old in 1969-1970. It means I received a draft card from your “friendly” Federal Government. In that fateful year it meant my college years were threatened.

My life itself was threatened by our own Federal Government.

At first we all had “2-S” deferments. The Federal Government in its infinite wisdom, thought college students should be exempt from the command of the Pentagon to take an M-16 rifle to the other side of the world and shoot at people who were no threat to us.

Then, in their wisdom, Washington changed its mind. No more “2-S”. With few exceptions, we were all “1-A” Cannon fodder called upon to be ready to shoot to kill at any moment.

We met all night in our dormitories. How can our Federal Government betray us in this way? What can we do about it? Student Mobilization Committees (SMC) were organized on every major university campus. We were the only sane leaders of our country at age 18. The Student Governments and student newspapers were reverse-drafted by our consciences to pledge that we would not ever shoot at anyone who was no immediate threat to us.

In August 1969, a major anti-war gathering masquerading as a three-day series of concerts was held on a farm in Bethel, New York, known as “Woodstock”. Our leader was Country Joe McDonald (1942-2026) of the band Country Joe and the Fish. He wrote the song “I Feel Like I’m Fixin To Die Rag” and he led 300,000 of us singing it together at Woodstock:

*“Come on all of you big strong men
Uncle Sam needs your help again
Got himself in a terrible jam
Way down yonder in Vietnam
Put down your books and pick up a gun
We’re going to have a whole lot of fun
And it’s 1, 2, 3
What are we fighting for?”*

*Don’t ask me, I don’t give a damn
Next stop is Vietnam
And it’s 5, 6, 7
Open up the pearly gates
Well, there ain’t no time to wonder why
Whoopie!
We’re all going to die
Come on generals let’s move fast
Your big chance has come at last
Now you can go out and get those reds
The only good Commie is the one that’s dead
And you know that peace can only be won
When we’ve blown them all to kingdom
come
And it’s 1, 2, 3
What are we fighting for?
Don’t ask me, I don’t give a damn
Next stop is Vietnam
And it’s 5, 6, 7
Open up the pearly gates
Well, there ain’t no time to wonder why
Whoopie!
We’re all going to die
Come on Wall Street don’t be slow
Why man, this is a war-a-go-go
There’s plenty good money to be made
Supplying the Army with the tools of the
trade
Just hope and pray that if they drop the
bomb
They drop it on the Viet Cong
And it’s 1, 2, 3
What are we fighting for?
Don’t ask me, I don’t give a damn
Next stop is Vietnam
And it’s 5, 6, 7
Open up the pearly gates
Well, there ain’t no time to wonder why
Whoopie!
We’re all going to die
Now come on mothers throughout the land
Pack your boys off to Vietnam
Come on fathers don’t hesitate
Send your sons off before it’s too late
And you can be the first one on your block
To have your boy come home in a box
And it’s 1, 2, 3
What are we fighting for?
Don’t ask me, I don’t give a damn*

*Next stop is Vietnam
El Salvador, Nicaragua, Lebanon, Angora!
Oh yeah, there ain’t no time to wonder why
Whoopie!
We’re all going to die
Hey!
Oh yeah” (Emphasis added)*
You can listen to this song by Googling Country Joe McDonald, Fixin’ to Die Rag.



20th-century philosopher-country musician Joe McDonald (1942–2026), one of the inspirations behind the War Powers Act of 1973, shown here singing at Woodstock in August 1969

In November 1969, the largest demonstration in American History was held on the Mall in Washington. Washington, do you want us to go out and kill Vietnamese? “Hell no, we won’t go” We all shouted at them in unison.
Arlo Guthrie sang to capacity crowds his nationally renowned ballad “Alice’s Restaurant” about his encounter with his Draft Board where he tried to convince them that he was crazier than they were and thus could not possibly serve because he was happy to kill people for no reason. You can listen to this song by Googling: Arlo Guthrie, Alice’s Restaurant.

We held a national convention at Case Western Reserve University (CWRU) in Cleveland, Ohio in February 1970. Delegates from every major university in the country attended. We held “teach-ins” all over the campus on how to stop the war. From San Francisco to Boston and every city and town in between, every aware college student in America came to Cleveland to learn how to stop the war.

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QUEENS COUNTY BAR ASSOCIATION
Criminal Court Committee
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PRESIDENT-ELECT: JOSHUA R. KATZ, ESQ.

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VIA ZOOM

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QUEENS COUNTY BAR ASSOCIATION
President: Kristen J. Dubowski Barba, Esq.
President-Elect: Joshua R. Katz, Esq.

ANNUAL "MIKE DIKMAN" FAMILY LAW DINNER
Social evening for the members of our Family Law Committee and members of the Judiciary, Law Secretaries, Clerks, Referees and Support Magistrates of the Supreme and Family Courts.

Honoring
Neil M. McNee
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Outgoing President’s Message

A Year of Service, Growth, and Community at the Queens County Bar Association

By Kristen J. Dubowski Barba

It has been my honor and privilege to serve the Queens County Bar Association as president this past year. As the Queens County Bar Association marks its historic 150th anniversary year, the past year has been one of remarkable engagement, collaboration, and achievement for the organization and its members.

Throughout the year, the Association continued its mission of serving the legal profession and the community by offering an extensive array of educational, professional, and social programming. More than 150 continuing legal education programs, networking events, community initiatives, and special programs were presented, providing opportunities for attorneys, judges, law students, and community members to connect, learn, and grow.

Some of our programming this year included Law Day celebrations, Veterans Day programs, Friendsgiving, Pride Month programming, happy hours, breast cancer awareness events and a Past Presidents dinner. The Association’s popular “Meet the Judges” series allowed members to engage with members of the judiciary in a more personal and meaningful way, fostering stronger relationships within the legal community.

The year also saw the expansion of several important initiatives. The newly established Social Media Committee significantly enhanced the Association’s outreach efforts through a robust online presence showcasing programs,

accomplishments, and member achievements on our Facebook, Instagram and LinkedIn social media platforms.

At the same time, the revitalized Women in the Law Committee successfully launched multiple “Motions and Motherhood” programs, creating valuable opportunities for discussion and support among legal professionals balancing career and family responsibilities.

Community service continued to be a part of QCBA’s mission. Members, law students, and even our future lawyers (and our Pre-K students) contributed to projects benefiting veterans and local nursing home residents. These efforts reflected the Association’s longstanding commitment to public service and civic engagement.

The Queens County Bar Association was also honored by the New York State Bar Association with the Bar Leaders Innovation Award for its Martin Luther King Jr. Day of Service project, recognizing the creativity and impact of the program developed through the efforts of dedicated volunteers and leaders.

All this programming is due to the hard work and dedication you, our members, put into this bar association, and I thank you.

The Association also benefited from the support and guidance of its Board of Managers, com-



mittee leaders, past presidents, affinity bar associations and of course QCBA staff who continue to invest their time, energy, and expertise in strengthening the organization. Their leadership and commitment helped

ensure that the Queens County Bar Association remained a vibrant and welcoming professional home for attorneys at every stage of their careers.

As this chapter closes, another begins under the leadership of our new president Josh Katz. The Association looks forward to building upon the momentum of this anniversary year. With a strong foundation, dedicated volunteers, and engaged membership, the future remains bright for the Queens County Bar Association as it continues its legacy of service to the legal profession and the residents of Queens.

The first half of the 150th anniversary celebration has demonstrated the strength and vitality of the Association. The excitement surrounding this milestone serves as a reminder not only of the organization’s rich history, but also of the opportunities that lie ahead as it prepares for the next 150 years of service, leadership, and community impact.

**Thank you for allowing me
the honor to serve!**





Incoming President's Message

Celebrating Our Sesquicentennial!

By Joshua R. Katz

CONTINUED FROM PAGE 1

courthouses throughout the year, our annual Judiciary Night, Friendsgiving, happy hour mixers, and so much more.

It is particularly thrilling that my term will culminate with a swearing in ceremony at the United States Supreme Court next May. It is the first time in nearly a quarter century that a delegation of attorneys from QCBA will participate in this monumental career achievement, and I look forward to sharing the experience with so many of you. A special thank you to Hon. Valerie Brathwaite-Nelson for all her efforts to make this happen.

As I begin my presidency, I reflect on those men and women who have held this office before me, an extraordinary collection of smart, dedicated and committed individuals. Many have already reached out to pledge their support and assistance, and I intend to seek their guidance as we chart our course forward. And I congratulate the newest member of the Past Presidents Club, Kristen Dubowski Barba. You devoted all of your energy to ensuring QCBA was successful and on behalf of a grateful Board and membership, I say thank you.

It is an honor to have as talented and dedicated an Executive Board and Board of Managers to

work with me this year. We are all committed to delivering the best and most relevant association possible and I know the future of QCBA is in good hands. If you have any thoughts or suggestions, I would love to hear from you.

As we embark on this journey, I say thank you for the opportunity to serve as President...and cheers to the next 150!

**Discuss ideas and needs or
to get involved, contact Joshua
at president@qcba.org**

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The Practice Page

Motions to Renew and Reargue

BY HON. MARK C. DILLON

Serves on the Appellate Division, Second Department

Motions are frequently made to “renew and reargue” in the collective, but the two forms of motion are actually separate and distinct. They are lumped together, perhaps, because they both seek to undo a prior decision/order under the common umbrella of CPLR 2221. But that is where their cosmetic similarity ends. CPLR 2221(d)(1) for motions to reargue and 2221(e)(1) for motions to renew each expressly require that the motions “be identified specifically as such,” to separate one from the other. And the motions involve different purposes, issues, legal standards, time limits, and appealability.

If a court renders an unsatisfying decision and order, the aggrieved party may move to reargue the determination. The burden of proof on a reargument motion is upon the moving party. The party must establish that the court, in rendering the prior decision/order, misapprehended relevant facts or misapplied controlling principles of law (*AWR Group, Inc. v 240 Echo Place Housing Development Fund Corporation*, 230 AD3d 456 [2d Dep’t. 2024]). Meaning, that reargument focuses strictly upon the court’s conclusions drawn from the earlier motion papers which led to the court’s decision and order. CPLR 2221(d)(2) specifically provides that the motion to reargue “shall not include any matters of fact not offered in the prior motion.” Since new facts are prohibited, reargument motions should not be viewed as a do-over de novo, but rather, as a re-visit to the facts and law of the earlier papers.

Part of the work of judges is to move cases along. Plaintiffs wishing to recover money or equitable relief, and defendants with counterclaims, likewise have an incentive for cases to not languish. Decisions and orders rendered by courts therefore need a degree of finality for litigations to move to a new stage. CPLR 2221(d)(3) assists that effort by directing that motions to reargue trial-level orders be made within 30 days from the prior order’s service with notice of entry, otherwise they will be denied as untimely (*Williams v Annucci*, 175 AD3d 1677 [3d Dep’t. 2019]; *Selletti v Liotti*, 45 AD3d 668 [2d Dep’t. 2007]).

When a court receives a motion to reargue, it has three choices: 1) deny reargument outright without entertaining the specifics, 2) grant reargument, but upon reargument adhere to

the court’s earlier determination on the merits, or 3) grant reargument, and upon reargument change its earlier determination based upon a reconsideration of misapprehended facts or the controlling principles of law. If argument is denied outright, as sometimes occurs, the denial is not appealable (*Aloi v Tobal*, 236 AD3d 618 [2d Dep’t. 2025]). The earlier decision/order may be appealed, but a notice of appeal must be timely filed for it and the appeal timely perfected, as the mere filing of a motion to reargue does not extend any appellate deadlines. If the reargument motion is granted and the court re-examines the factual and legal issues on the merits, and then either adheres to the prior determination or changes it, that decision/order is independently appealable because merits have been re-examined (e.g. *Isaly v Garde*, 216 AD3d 594 [1st Dep’t. 2023]). Courts should therefore be clear, when determining reargument motions, which of the three possible resolutions is being followed. A determination which denies reargument, but which then provides a detailed explanation of the denial, muddies the water and may unintentionally convert a non-appealable “1” into an appealable “2.” When a court grants reargument and there are parallel appeals of the original order and the reargument order, the appellate divisions will dismiss the appeal of the original order as superseded by the order which granted reargument (*Id.*).

Motions to renew are a different animal. With renewal, the moving party may present new facts, but in doing so has a double burden of proof. First, according to case law, the facts must typically be “new” in that they did not exist at the time of the earlier motion, or if in existence then, could not have been discovered through the exercise of due diligence (*Holtz v Blackstone Builders Holding Co., LLC*, 235 AD3d 1207 [3d Dep’t. 2025]; *Seror v Clearview Operation Co., LLC*, 235 AD3d 1023 [2d Dep’t. 2025]). Indeed, CPLR 2221(e)(3) directs that the moving party reasonably justify the failure to present the new facts in the prior motion papers, which is a statutory standard which sounds a little more relaxed than that set forth in most of the case law (*In re Defendini*, 142 AD3d 500 [2d Dep’t. 2016]). Renewal motions will be denied when they rely upon facts or

evidence which could reasonably have been presented at the time of the earlier motion but, for whatever reason, were not earlier presented (*Millennium Development & Construction, LLC v Pick*, 235 AD3d 737 [2d Dep’t. 2025]). The second burden that a moving party must meet is that the new evidence would have changed the prior determination had it been known by the court at the earlier time (*125 Court Street, LLC v Nicholson*, 214 AD3d 723 [2d Dep’t. 2023]). If the new facts would make no difference to the prior decision/order, renewal will be denied (e.g. *Barnaman v Bishop Hucles Episcopal Nursing Home*, 213 AD3d 896 [2d Dep’t. 2023]).

Motions to renew may also be based upon a change in the law (CPLR 2221[e][2]). The case must, of course, still be pending for this provision to apply. Cases which have gone to final judgment, with the appeal time having expired, can get no benefit from a subsequent change in the law (*Dinallo v DAL Elec.*, 60 AD3d 620 [2d Dep’t. 2009]). The change in law must be such that it would have, in fact, changed the result reached in the prior motion for the renewal to be successful (*Trustco Bank v Preserve Development Group Co., LLC*, 212 AD3d 934 [3d Dep’t. 2023]).

Unlike motions to reargue which are subject to a 30-day time limit, there is no time limit upon active-case motions to renew. The reason is that there is no telling when new relevant facts are discovered or when there might be a change in applicable law. The grant or denial of motions to renew are always appealable, as they represent new determinations which take into account new facts or law not before the court at the earlier time.

What if a moving party’s motion is denied because of some procedural defect with the motion papers themselves, such as the failure to present evidence in admissible form? May the problem be cured by a motion to renew with the same evidence presented in a proper form? There is a narrow line of cases in the First, Second, and Third judicial departments that if the initial moving papers suffer from some form of excusable law office failure, CPLR 2221(e)(3) is flexible enough that a motion to renew may be presented and the court may

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QUEENS COUNTY BAR ASSOCIATION
Real Property Committee

PRESIDENT: KRISTEN J. DUBOWSKI BARBA, ESQ.

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Transfer on Death Deeds Law Under NY Real Property Law

Wednesday, June 10, 2026 1:00 pm - 2:00 pm

VIA ZOOM

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The Practice Page

Motions To Renew And Reargue

BY HON. MARK C. DILLON

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entertain it, if it chooses to, in the exercise of judicial discretion (*Tollinchi v Jamaica Hospital Medical Center*, 216 AD3d 842 [2d Dep't. 2023]; *Feuerman v Marriott International, Inc.*, 201 AD3d 566 [1st Dep't. 2023]; *Wilcox v Winter*, 282 AD2d 862 [3d Dep't. 2001]. But see *Paduano v Boland*, 277 AD2d 979 [4th Dep't. 2000]). Moreover, courts may always deny a motion and *sua sponte* grant the losing party leave to renew for any host of reasons — and sometimes do — rendering the later motion proper. Anecdotal, the most common example of this is when a party moves for summary judgment before the completion of discovery, and the court denies the motion as premature with leave to renew upon the parties' performance of the remaining discovery.

Happy upcoming summer.

Mark C. Dillon is a Justice of the Appellate Division, 2nd Department, an Adjunct Professor of New York Practice at Fordham law School, and a contributing author of the CPLR Practice Commentaries in McKinney's.



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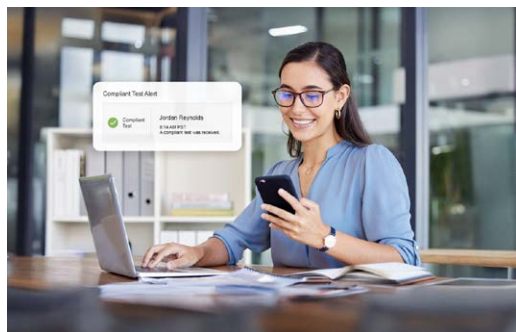


When alcohol use becomes a factor in a custody case, attorneys need more than a client's word to prove parental fitness. They need verified documentation that holds up in court, tells a clear story, and can't easily be challenged. That's where Soberlink comes in.

Soberlink is a remote alcohol monitoring system built specifically for turning sobriety into verifiable evidence, and family law is one of the clearest examples of where that matters. Here's what makes it the Gold Standard for family law attorneys across the country.

Real-Time Results, Not Retroactive Guessing

One of the biggest limitations of traditional alcohol testing is timing. A urine test can confirm past use, but it doesn't tell you what's happening right now or on a routine basis. Soberlink tests in real time, at scheduled intervals, with results delivered immediately to whoever needs to see them: attorneys, co-parents, or the court.



That means if a parent is required to test every day at 8 a.m., 2 p.m., and 9 p.m., there's a documented record of compliance or non-compliance for every single test. There are no gaps, no ambiguity.

The Technology Behind the Trust

Soberlink uses a professional-grade fuel cell sensor, the same technology used in law enforcement breathalyzers, to measure blood alcohol content. But what separates it from a standard breathalyzer is the identity verification layer.

Every test includes a facial recognition scan. The device confirms the person blowing into it is actually the person required to test. That matters enormously in a legal context. A standard result and a verified result are two very different things. Unlike other monitoring tools that rely on video verification, there's no footage for attorneys to manually review or present in court. The facial recognition confirmation is built into the result itself, keeping the evidence clean and simple to use.

Tamper detection is built in as well. The device flags irregular test patterns, and any attempt to manipulate the test is documented automatically. That documentation can be presented in court without needing extensive expert testimony to explain it.

Reports That Work in Court

Attorneys don't have time to dig through raw data. Soberlink generates clean, formatted compliance reports ('Advanced Reporting') that are easy to read and straightforward to submit as evidence. The reports show test history, results, timing, and any flagged irregularities, organized in a way that makes sense to a judge.

When you're building a case around a parent's sobriety or lack thereof, having a professional, timestamped record rather than a stack of anecdotal claims is a significant advantage. Courts respond to clear, consistent documentation. Soberlink is designed to produce exactly that.

Designed for the Ongoing Nature of Custody Cases

Most custody matters aren't resolved in a single hearing. Sobriety concerns often persist across months or years of modification requests, parenting plan reviews, and enforcement proceedings. Soberlink is built for that long-term monitoring reality.

It gives attorneys a tool they can recommend to clients at any stage of a case. Some use it as a proactive measure to demonstrate a parent's commitment to sobriety ahead of any allegations. For parents working to regain custody, consistent monitoring results can be one of the most compelling things an attorney presents to the court. Others introduce it as a condition of visitation after a concern arises. Either way, the monitoring continues in the background without requiring attorneys to manage it.

Parents receive real-time alerts when a test is missed or non-compliant, allowing for swift intervention. That visibility reduces the need for emergency court filings just to find out what's going on.

Reducing Hearsay

For attorneys researching how to prove alcoholism in divorce, the core challenge is almost always the same: competing claims with no objective record to rely on. Alcohol-related custody disputes often come down to competing claims. One parent says the other was drinking during a visit. The other denies it. Without documentation, the court is left trying to assess credibility.

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The Evidence Attorneys Trust: Why Soberlink Is #1 for Proving Sobriety in Family Law

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Soberlink removes that dynamic from the equation. Results are objective, timestamped, and generated by the device, not by either party. When a parent has been monitoring consistently and producing compliant results, that record speaks clearly. When results show a pattern of non-compliance, that record speaks just as clearly.

For attorneys, that shift from contested testimony to documented evidence makes a real difference in how cases move forward.

Widely Recognized in Family Law

Soberlink has been used in family law cases across the country for over a



decade. Many family courts are already familiar with the technology, which shortens the time spent explaining or validating it in proceedings.

The company also provides resources specifically for legal professionals, including support for incorporating Soberlink into parenting plans, stipulated agreements, and court orders. For attorneys who recommend it to clients,

the onboarding process is streamlined.

The Practical Bottom Line

If you're working a case where alcohol use is a contested issue, Soberlink gives you something concrete to work with. The results are defensible, the reports are court-ready, and the system is designed to keep working throughout the life of a case.

For attorneys who want reliable evidence without the complexity of coordinating in-person testing or waiting on lab results, Soberlink has become the standard for good reason.

Soberlink offers free Lunch & Learn sessions designed specifically for family law practitioners. Schedule one for your firm at: www.soberlink.com/lunch-and-learn

QCBA ANNUAL DINNER

MAY 14, 2026

PHOTOS BY WALTER KARLING



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6 Reasons Why Lawyers Should Get Help For Their Mental Health

BY STAN POPOVICH

Many lawyers underestimate the impact that mental illness can have on an individual or family. It can be difficult to admit that you have a mental health problem in your life. Secondly, it can be just as difficult in getting the people you know to understand your situation without making any kinds of judgments.

As a result, here are six reasons why you should make your mental health an important priority in your life.

1. Your situation will improve if you get help: Your anxieties and fears can be challenging to manage and more than likely you will need some help. Just as you talk to your doctor about your regular health, you should not be hesitant in seeking help for your mental health. If left untreated, your anxieties and fears may not go away.

2. Drugs and alcohol are not the answer: Drugs and alcohol can make your problems more complicated. Many people have said that drugs and alcohol will only add more problems to your situation. Be smart and learn how to cope with your mental health issues by talking to a qualified professional. There are many health professionals in your area that can give you some ideas on where you can go for assistance.

3. You will save time and money: Eventually, you will have to confront your fears and mental health issues. Save yourself the time and heartache and confront your problems now rather than later. You will save months of struggling by getting help right away. The sooner you get assistance the faster you will start getting some relief.

4. You are not alone: Everyone deals with fear, stress, and anxiety in life, whether or not they care to admit it. In addition, do not be embarrassed that you are getting help. We all learn new things from others on a daily basis and learning how to manage your anxieties is no different. In addition, your goal is to get your life back on track and not to get everyone's approval. If people start asking you questions, just say you're dealing with stress. Most people can relate to dealing with stress and anxiety!

5. Do not make the mistake of doing nothing: There are many people who struggled with anxiety and other mental health related issues, and they tried to ignore their problems. As a result, some of these people struggled on a daily basis and eventually things became more difficult. It can be scary asking for assistance, but the key is to take things one day at a time.

6. You have a variety of options: There are many mental health support groups, organizations, and counselors in your area that can help get your life back on track. Talk to your doctor to get more details on where you can go for some assistance. Help is available but you must be willing to make the choice of getting better. Remember that every problem has a solution. You just have to make the effort to find the answers.

Stan is the author of "A Layman's Guide to Managing Fear" which covers a variety of techniques that can drastically improve your mental health. For more information, please visit Stan's website at www.managingfear.com

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Small Actions Create Major Outcomes

BY FRANK BRUNO, JR.

"The first weapon I ever held was my mother's hand." – Let Us Descend by Jesmyn Ward. The most damaging weapon was her mouth. – FB

As we near the halfway point of 2026, let us reset, renew and begin again. First, we do more of what energizes us and less of what drains us. We are all tired, perhaps because life is hard but probably because we are overcommitted to things that do not matter. Take an inventory of your life and make two columns going about halfway down the page and make a line straight across below that. The Energy column and the Drain column will be on the left and right side and below the line will be necessary but neutral tasks. The task you dread...draining. The stretching session you skip...energizing. The long slow deep breath that never gets taken...energizing. Saying yes...draining. Saying no...energizing. I read a blog post years ago about energy vampires and there was a cartoon at the top where people were stuck with syringes. Some people sucked the life out of you and others injected you with euphoric drugs. While I vaguely remember that article, the syringe imagery stuck with me. I can recommend an article in Psychology Today by Judith Orloff, M.D. that discusses the 5 Types of Emotional Vampires. The Narcissist (Me first), the Victim (poor me), the Controller, the Constant Talker, and the Drama Queen.

Second, we identify one area to improve upon. Health or money, creative work or spiritual life. Pick one and then make an effort to improve that area. A small percentage improvement would change your entire life trajectory. Personally, I have tried to tackle so many areas at once but I know one at a time is the best method for long term success. I happen to be stubborn and I figure most of you are stubborn as well, so that is why I list some ideas that the reader may be able to incorporate into your own life. For health-walk daily, drink water, move more; for finances-track your spending, cut your credit cards; for your career-send out monthly resumes, network; for creative outlets-get back to the book-write or read daily; for your professional side-post on LinkedIn and your blog monthly. For my health, referencing the last year, I now drink at least one glass of water every morning before I drink coffee. I stand on a vibration plate for ten minutes and do lymphatic drainage exercises. Mobility and weightlifting are back in the mix and so is dunking my head in ice water. Has there been

improvement? Truthfully not as much as the effort would suggest but what else is there to do?

Small actions can create major outcomes. One percent daily improvement compounds over time. Mathematically improving 1% daily would make you about 37 times better after a year. Earl Nightingale offered in talks that "If you study your chosen field one hour a day, in five years you'll be an expert in that field. In ten years, you'll be a national expert. In fifteen years, you'll be an international expert." One hour a day of study may seem insignificant, but over years it compounds into expertise. How about Gene Wolfe, engineer turned author. At 40 years old, he started and writes a page a day. A page is about 300 words. A paragraph or two. Can you do that? Sit down and think of the worst thing that happened to you in the past week. That's at least a paragraph or two. Gene ended up writing 50 published novels, including many bestsellers and award winners.

Then, plan the task. Create-write daily. Make a specific target. "I will write for 30 minutes daily" or "I will write 300 words per day." Shouting out loud that you will write daily will not work if you do not specify what that actually means. You can time block "I will write every morning at 7AM." Now it is a designed task and has a much better chance of success. A different goal "I want to read more." Fat chance. "I will read ten pages every morning at the kitchen table." Probable success. "I read ten pages before bed." Success assured. "I want to be healthy" a laudable goal but elusive. "I will drink a glass of water before I drink a cup of coffee", a step that can be taken. "I will not buy potato chips, Pringles or Munchos" very successful if potato products are your downfall.

Next, make it easy or at least form a glide path. For health and diet remove the snacks from the cabinet, stop buying binge-worthy food, buy healthy, stock the fridge, meal prep weekly, keep fruit handy, wash and cut your vegetables at the beginning of the week. For the reading hobby, have the book on your nightstand; for exercise have your socks and sneakers at the side of your bed ready to go.

From there, drain the drain. Stop tolerating the draining task-figure out a way to avoid the task while still getting it done, outsource it completely or hire someone to do it. After that, be bored. Sit in silence, delay the phone, prevent dopamine fatigue. Boredom will give way to creativity. When we were kids and played in the backyard;

we had war and peace, Cops and Robbers, galaxies and 9th Inning World Series walk off home runs. The re-set results in getting creative.

Finally, assess what is going on. What worked, what did not work? What did not get done? Walking daily-too hard. (I know...ridiculous but true. I have not been able to walk further than from my car to my front door or car to office) What needs adjusting? Data. KPI's. We track and measure to assess results. Tweak the system until you get the results you want in the area that you want it in.

I recommend reading a blog post from James Altucher called The Simple Daily Practice. "Do one thing a day, That's it. It compounds. One thing becomes two. Two becomes Four. And so on. That's how you climb up. Life compounds. For me it started to compound when I did just one small thing a day. Then those small things would turn into opportunities. Then they would turn into actions. Then they would turn into executions." He writes choose one small action each day and do it consistently. Sustained small wins. Here are some examples: Sleep eight hours. Eat two meals instead of three. No TV for the day. No junk food. No complaining for a full day. Return an email from five years ago. Express thanks to a friend. Watch a funny movie or stand-up. Write down a list of ideas. Read a spiritual text. Say to yourself when you wake up, "I'm going to save a life today." Take up a hobby (e.g., learn piano, chess, stand-up comedy, write a novel). He wrote about this multiple times with variations on the theme including a PDF chart where the daily practice incorporates a physical, emotional, mental and spiritual habit. His one thing a day became one small discipline in four domains of life and it became the Simple Daily Practice.

"I accumulated small but consistent habits that ultimately led to results that were unimaginable when I started." – James Clear.

"Success is the sum of small efforts, repeated day in and day out." – Robert Collier. "

It's not what we do once in a while that shapes our lives. It's what we do consistently." – Tony Robbins

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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Reflections On Fifty Years Of Law Practice By A Golden Jubilarian

Second in a three-part series.

BY JAMES S. KAPLAN

For the next two years until the passage of the 1986 Tax Act, I was, in effect, the Law Department's representative on an interagency task force directing the City's enhanced tax lobbying efforts. Unlike the competitiveness in the private firms that I had worked, I found that most of my colleagues worked cooperatively in our common goal and were, like myself, deeply committed to the success of the City and its mission of serving the public. I also obtained a broad-based knowledge of various city activities, and in my own mind broad visibility for my newly created position as Consulting Special Tax Counsel.

In a way, this was an unusual time in the City's history. After the economic disaster of the early 1970s and the pessimism of the early and mid-70s, the City under Mayor Ed Koch was just beginning to recover and there was a sense, at least for newly hired senior people in the Koch administration, that its decline was not inevitable. For the first time in 10 years, the City was beginning to have some access to borrow in the bond market. Buildings in significant parts of Brooklyn, the Bronx and Queens had deteriorated to the point where many residential buildings had actually been abandoned and taken over by the City in foreclosure, and the Reagan administration had eliminated traditional low-income federal housing programs. However, the Koch administration embarked on an ambitious \$5 billion low-income housing program of its own. This program, financed by the City's newly found borrowing capacity, involved renovating the buildings the City had received in foreclosure, and selling them at bargain prices (perhaps \$50,000 to \$100,000 to lower middle income civil servants and other "urban homesteaders" (primarily minorities). The hope was that these once slum neighborhoods such as Bedford Stuyvesant or East New York would be revived economically. The success of this program would become evident to me 30 years later when, as an estates lawyer, I would be dealing with families in these neighborhoods whose houses were worth \$1-3 million. This was very exciting and exactly the kind of work I had hoped to find when I entered law school but had eluded me in my first ten years of law practice. As the City's in-house federal tax lawyer, I had an important role in structuring the City's bond financings to avoid the adverse impact of the Reagan administration's private activity loan bond rules which would have precluded its low-income housing programs from being financed

with tax exempt financing. In fact, I was the architect of an ultimately unsuccessful lawsuit in the U.S. Tax Court in which the City would have saved in excess of \$100,000,000 by showing that time value of money concepts should be applied to the City's below interest housing loans.

In addition, the potential damage to the City of New York and its employees from federal tax policy continued. In 1991, the Bush administration enacted a provision that imposed social security taxes on a broad base of management City employees who were previously exempt from such taxes unless they were subject to a pension or deferred compensation plan. This caused great consternation among such employees and the City budget department (which had to make a matching payment of such taxes). I, with Bill Daly (an excellent young tax lawyer who had been hired by the City's Washington Office), discovered that the regulations implementing such legislation permitted employees who made a more than 7.5 percent payment to the City's Section 457 deferred compensation plan could in effect avoid this tax. The result was that more than 10,000 employees signed up for the 457 Plan at that level, and the City and its employees saved more than \$30 million dollars.

I thus became expert on the arcane subject of the application of social security taxes to New York City employees. This became very useful in advising the City's Office of Payroll Administration as to such matters. When an issue came up as to allowing City part-time City employees to participate in City pension systems, I was responsible for filing a successful claim of approximately \$500 million in social taxes for the City and its employees. I also subsequently had the City file an ultimately successful claim for approximately \$250 million in social security tax refunds for line of duty injury claims.

All of this was done as a part-time employee making between \$34,000 and ultimately \$45,000 a year. It did, however, give me a ringside seat on the operations of three mayoral administrations—Koch, Dinkins and Giuliani. I also had the strong support of the five Corporation Counsels—Fritz Schwartz, Peter Zimroth, Victor Kovner, Peter Sherwood and Paul Crotty—in these endeavors. However, after 12 years in this part-time quasi pro bono arrangement, the financial strains on me became somewhat greater as I now had four children soon approaching college age and a house in New Rochelle as well as an apartment on the west side of Manhattan.

At first, I was fortunate in 1985 to join the firm Ashinoff Ross & Goldman as Counsel, which was a highly lucrative boutique firm primarily of lawyers my age that had spun off from the Skadden Arps firm that specialized in contested corporate takeovers. The major client of the Ashinoff firm was Alan Bond, a former house painter in Perth Australia, who became one of Australia's major international entrepreneurs. The Bond organization apparently preferred to be represented by a young entrepreneurial firm that was a spinoff from an established New York firm. Backed by the financier Mike Milliken and later major banks, the Bond organization aggressively undertook a series of corporate take overs in the United States, which at one time made him the largest corporation in Australia. I was initially the firm's sole tax and estate counsel was heavily involved in these transactions, and although because of my part-time status did not fully participate in the riches of these transactions (the named partners made amounts comparable to their contemporaries as partners at Skadden Arps), I was compensated in the best years at approximately three or four times what I was making at the City. Unfortunately, the Bond organization's tendency to engage all funds from each prior deal on the next larger one, ultimately proved to be its undoing. Finally, after acquiring G. Heilman Brewing Company in Wisconsin, it attempted unsuccessfully to take over a larger international company called Lonrho. I understand that Bond Corporation later failed in Australia in Bankruptcy and Alan Bond went to jail in Australia.

A little before this time, I encountered again the occupational hazard of having the Ashinoff firm engage in a merger with a firm of other tax lawyers who allegedly had more independent business than I did. As a result, my own position was somewhat marginalized and I was obliged to leave the firm. (This merger, like the one at my prior private firm failed, and shortly thereafter, the Ashinoff firm broke up as the majority of lawyers joined Andrews & Kurth, a Texas firm).

I then was hired by a tax lawyer named Jack Wilk of Siller Wilk & Mencher (today Wilk Alkaly), a boutique firm that was a spinoff of Feit & Ahrens, largely of Fried Frank alumni. Unfortunately, there was not enough business to sustain two tax lawyers at the same time and two years later, I joined as tax counsel Spector Scher & Feldman, headed by Joel Spector, a real estate litigator who was an alumnus

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Reflections On Fifty Years Of Law Practice By A Golden Jubilarian

BY JAMES S. KAPLAN

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of Demov Morris.

Two and a half years later I met Burt Gordon, a highly credentialed (Columbia Law Review) securities and corporate lawyer five years older than me who had spent ten years at Cravath Swaine Moore and had been a partner at a Hartford firm called Reid & Reiga. Our hope was to create a boutique tax and corporate firm named Gordon & Kaplan that would replicate the economic success of the Ashinoff Ross firm. Unfortunately, Mr. Gordon did not have any significant ability to attract his own business (although I was beginning to hold my own and had the City as a base). He heard that a firm called Herzfeld & Rubin, an established midsize Wall Street firm had just lost its securities and tax and estates Departments and was looking to rebuild immediately. He informed me that he had accepted a position as the new head of the Firm's corporate securities department and I might want to interview there as well. This would presumably require my leaving my City position, which though very exciting and enjoyable, was after 12 and a half years was beginning to wear somewhat thin. Furthermore, the prospect of having a full-time job and presumably partner as the head of a department at an established Wall Street firm at the age of almost fifty had a certain attraction as it was an opportunity which might not come again. Also, unlike my stay at Ashinoff Ross, I was barely making enough from private practice to support my growing family in Westchester.

17 Years as Head of the Tax and Estates Department at Herzfeld & Rubin

Burt Gordon and I were hired by Len Polisar, the head of the Firm's corporate department who had

a certain base of corporate clients and apparently knew Herbert Rubin, the head of the firm, from his connections with the New York Liberal party. Approximately three months after we arrived, Polisar lost one of his major corporate clients, J. Crew, and Burt Gordon announced to my surprise that he was leaving to go to a firm called Cooper Winikoff that he viewed as having a stronger corporate department. I stayed with Herzfeld & Rubin for the next seventeen years. (A few months later, Gordon was fired by Cooper Winikoff and later died as a result of a bicycle accident).

Herzfeld & Rubin was an interesting firm in that it was a professional corporation largely controlled by one man Herbert Rubin. Its major and by far most important client was Volkswagen, the German automobile manufacturer for whom it did all product liability work. Apparently, Walter Herzfeld had been a prominent Jewish lawyer in Weimar Germany, and Volkswagen, which had been Hitler's "people's car", was apparently interested in being represented by a largely Jewish law firm.

Rubin was approximately 80 when I was hired by the firm but had no sense of retiring or the need for mandatory retirement. In fact, there were a number of senior lawyers at the firm, retired judges and others who were actively practicing law in their 80s or 90s on their clients or, those of the firm. (Rubin later allegedly was actively appearing in court at the age of 100 and died at 105). He also, unfortunately perhaps because he grew up in the depression in the Bronx, was not very generous with payments to legal or non-legal staff. Thus, my initial expectation that I would have a lucrative stay as the head of the Firm's tax and estates Department was not fully realized. (In fact, although as a so-called member of the firm, for the entire 17 years I was there I was always paid a salary plus a bonus based on my production of business).

It also soon became clear to me that Len Polisar's corporate department was not as economically central a portion of the firm's portion as the litigation groups, which were more favored in bonuses and other benefits. I was generally authorized to hire one young associate to work with me. I found that initially young associates from non-Ivy League law firms were relatively eager to join the firm at relatively low starting salaries (approximately \$70,000) but after 2-3 years with a supposedly established Wall Street law firm like ours, they were able to obtain more lucrative positions earning \$30-40,000 more, which the firm was unable to match.

James S. Kaplan is one of the City's leading Tax, Estate and Guardianship Lawyers. He has practiced law in Manhattan for nearly 40 years. For 17 years prior to forming Greenberg & Kaplan, Mr. Kaplan was Head of the Tax & Estates Department at the Wall Street law firm Herzfeld & Rubin, P.C., where he had a diversified international practice representing individuals, closely held companies, governments and not for profit entities in tax, estate and employee benefit matters.

He is also a historian who has led over 200 walking tours over the past 25 years, including his annual all-night July 4th Revolutionary Heroes walking tour through Fraunces Tavern Museum. He has written prolifically on numerous figures in American history, with a special interest in "unsung heroes." He was recently awarded the Coin of Excellence by the U.S. Army's Regimental Association for his work in promoting knowledge about General Horatio Gates, the first Adjutant General of the U.S. Army. He is Chairman of the New York Lower Manhattan Historical Association.



2026 DIRECTORY

2026 Membership Directories were recently mailed out.

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2026 QCBA GOLF OUTING

Lunch and Registration beginning at 11:30 am

Shotgun start at 1:00 pm

***** Scramble Format *****

Long Drive Contest Closest to the Pin Contest

**** "Fun Par Five Hole" ****

We will have a professional long drive golfer at the tee on a par five. Each foursome will be able to "hire" the pro to hit the drive for the foursome. The foursome receives a score of 0, 1, 2, 3 or 4 on their scorecard depending on the donation and the foursome will then hit their next shot from wherever that long drive lands. The grand prize is a trip for two to Pebble Beach if any member of the foursome holes out that second shot.

TUESDAY, SEPTEMBER 15 WOODSIDE CLUB

225 Muttontown Eastwoods Road Muttontown, NY 11791

This championship course has a diverse layout that will challenge all golfers. The tees are at 6,250 yards and will make players use every club in their bag. The course, designed by renowned architect William Mitchell in 1962, has withstood the test of time, offering challenging doglegs, tree lined fairways, and very well manicured greens. Woodside's layout wraps around our beautiful clubhouse which was built over 100 years ago, the James Burden Estate. The immaculately kept course will deliver an incredible golf experience. With a slope of 141 and a course rating of 71.9, the Woodside Club offers 18 holes of challenging golf on over 100 acres of pristine land. The practice facility, featuring an 18 bay driving range, practice green and short game area, will help bring your game to the next level!

TENNIS AND PICKLEBALL OUTINGS

beginning at 2:00 pm

COCKTAILS, BUFFET DINNER & AWARDS

beginning at 6:00 pm

REGISTRATION:

Golf & Cart, Lunch, Cocktails and Dinner - \$375

Golf plus tee box sponsorship and all above - \$575

Golf Foursome with all above for each golfer - \$1,500

Golf Foursome plus tee box sponsorship and all above - \$1,700

Option: Add a Caddy for your foursome - \$150

Tennis or Pickleball, Cocktails and Dinner - \$250

Cocktails and Dinner only - \$195

****For those unfamiliar with a scramble format, everyone in the foursome hits a tee shot and then each golfer hits his/her next shot from the best tee shot. This continues until the ball goes into the cup. The score for the hole is a team score and no individual scores are recorded.****



2026 QCBA GOLF OUTING

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SPONSORSHIPS:

Title Sponsor (exclusive)

"2026 QCBA Golf Outing presented by ____"

Includes: Golf foursome sponsorship, Tee Box sponsorship, marketing display table, luncheon and/or dinner, recognition from the podium during dinner and the opportunity to welcome attendees from the podium during dinner

Dinner Sponsor - \$1,600

Lunch Sponsor - \$1,100

Golfer Swag Bag Sponsor - \$1,000

Driving Range Sponsor - \$600

On-Course Hospitality Station Sponsor - \$500

Tennis and Pickleball Outing Sponsor - \$500

Golf Cart Sponsor - \$400

Tee Box or Green Sponsor - \$350

"Whole Hole" (tee box and green) Sponsor - \$600

Sponsorships are non-exclusive except the title sponsorship. All sponsorships include signage and recognition at/during the golf outing, inclusion in event marketing, registration confirmations and reminders, press releases and elsewhere as possible and appropriate. All sponsors may include promotional materials/swag to be distributed to the attendees at the golf outing registration table. Swag bag sponsor's logo will be included on the golfer swag bag. Hospitality station sponsor(s) will be recognized at each on-course hospitality stations.

You may register for your preferred sponsorships as you register for the golf outing.

Not a golfer but want to sponsor? Contact Jonathan Riegel in the QCBA Office.

Questions?

Contact Golf Outing Chair David Louis Cohen
or QCBA Executive Director Jonathan Riegel



Editor's Note

The War Powers Act of 1973 is Working Partially as Intended

CONTINUED FROM PAGE 4

In retrospect, SMC was in actuality a third political party which overruled President Lyndon Johnson's Democrats and President Richard Nixon's Republicans.

That political triumph was accomplished through music as free speech and is still with us as the War Powers Act of 1973. Professional historians and politicians say that no third parties are possible in American politics and government. They should all revisit 1969-1970 and realize that a rag-tag group of 18, 19, and 20-year-old potential draftees turned the Federal Government around and the War Powers Act of 1973 continues to do so.

Has that ever happened in world history where a major military power was turned around by its teenagers from within?

Our Federal Government put us all in a lottery. Each birthday of 366 possible birthdays got a priority number. They drafted up to Priority Birthday 125 in my lottery year of 1971. I was 228 so I lived to write this essay. 58,250 of my classmates were not so lucky. They were killed in action along with three million Vietnamese and Cambodians FOR NO REASON WHATSOEVER. From that day to this, I have never bought a lottery ticket. I "won" my life in a lottery at age twenty. That was quite sufficient.

Robert McNamara, the U.S. Defense Secretary who designed the Vietnam War based on false intelligence admitted the whole thing was "wrong" in his 1995 book, *"In Retrospect: The Tragedy and Lessons of Vietnam"* (Vintage Books, New York, 1995). These are Robert McNamara in his own words:

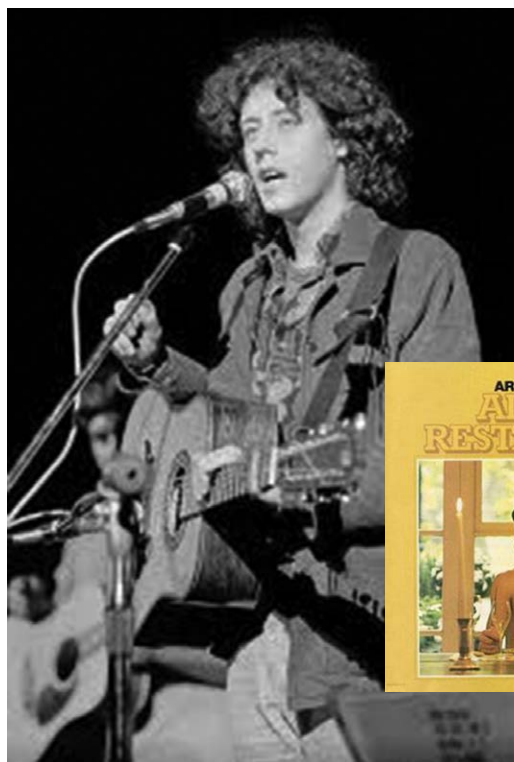
"But I also know that the war caused terrible damage to America...we yet we were wrong, terribly wrong. We owe it to future generations to explain why."

I truly believe that we made an error not of values and intentions but of judgment and capabilities. I say this warily since I know that if my comments appear to justify or rationalize what I and others did, they will lack credibility and only increase people's cynicism... (See the Preface).

The New York Times, in one of their most famous editorials, "Mr. McNamara's War" on April 12, 1995, had this to say:

"His regret cannot be huge enough to balance the books of our dead soldiers. The ghosts of those unlive lives circle close around Mr. McNamara. Surely, he must in every quiet and prosperous moment, hear the ceaseless

whispers of those poor boys in the infantry, dying in the tall grass, platoon by platoon, for no purpose. What he took from them cannot be repaid by prime-time apology and stale tears, three decades late... But another set of heroes - the thousands of students who returned the nation to sanity by chanting "hell, no, we won't go" - is under renewed attack from a band of politicians who sat out the war on student or family deferments. In that sense, we are still living in the wreckage created by the Cabinet on which Mr. McNamara served". (Emphasis added)



20th Century Philosopher-Musician Arlo Guthrie singing his ballad, "Alice's Restaurant" which inspired the War Powers Act of 1973

This fiasco caused the U.S. Congress to end the draft entirely and substitute the volunteer military we have today. The constant protests, the convention, the demonstrations, the music, country Joe McDonald, Arlo Guthrie – the U.S. Congress actually listened.

Over President Nixon's veto, they passed the War Powers Act of 1973 forcing any future President as deranged as Nixon to stop the killing after 60 days unless authorized by Congress.

Today we have a President who is trying to start World War III in Iran, in Venezuela, in Cuba and in Greenland. But he is in the process of being reined in by the War Powers Act of 1973 that came about because of the protests and the unconscionable sacrifice of 58,250 of my

classmates who never lived to see their 75th, 65th, 55th, 45th, 35th, or 25th birthdays.

When in Washington, I visit the Vietnam Veteran's Memorial and I grieve for these lost souls. We had no idea then that their sacrifice would lead to the War Powers Act of 1973 and the prevention of World War III by reining in a 2026 President who is actually more dangerous than Richard Nixon, if that is even possible.

On May 4, 1970, National Guardsmen shot and killed four of my fellow college students, Allison Krause, Jeffrey Miller, Sandra Lee Scheuer and William Schroeder, and wounded nine others when they opened fire on an anti-war demonstration at Kent State University in Kent, Ohio.

On May 15, 1970 City and State Police Officers killed my fellow college students, Phillip Lafayette Gibbs and James Earl Green at Jackson State College (now University) in Jackson, Mississippi. I grieve them as well.

This is not to say that the Ukrainians fighting the vicious effort of the Russians to take over their country do not deserve a helping hand from us in supplying military equipment to defend themselves against this sort of intentionally cruel, violent and dangerous aggression.

This is also not to say that the Israelis and Palestinians seeking to resist the unconscionable repeated bombing and land attacks of their countries by the Iranians and their proxies, Hezbollah, Hamas, and the Houthis do not also deserve a helping hand from us in supplying military equipment to defend themselves.

If we let democracy die in Ukraine and anti-Semitism triumph in Israel, Western civilization and Christianity itself will lose all its meaning. How to explain in the Sunday Schools of the Future that "the children of Israel" in the Old Testament were viciously executed in the Holocaust of 1934-1945 and again in the early 21st century. Where is the Christianity in that?

But in providing this support, we cannot act alone. We must persuade the other free nations of the world to act with us in the United Nations, the North Atlantic Treaty Organization, (NATO) and the European Union.

Today I live with the satisfaction that the actions of my 300,000 classmates at Woodstock, the Great Washington March, the SMC convention at CWRU, Kent State and Jackson State in 1969-1970 caused the U.S. Congress to

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Thomas J. Rossi
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Many years of experience working on behalf of the Plaintiff and/or Defense; has testified over 40 times in various venues; has helped to settle over 400 cases.

Editor's Note

The War Powers Act of 1973 is Working Partially as Intended

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vote into law the War Powers Act of 1973 which pulled back the Federal Government's wrongheaded decision to start World War III in 2026.

There is a "cease-fire" that appears to mean that the bombings of Tehran and Tel Aviv have stopped. But the United States and Iranian navies are exchanging minimal fire in the Gulf of Hormuz. The United States Defense Department claims the "cease-fire" stops the clock on the 60-day limit of the War Powers Act of 1973. What Court will rule on this point and when?

But the "cease-fire" has only toned down the war, not ended it. If there was a time when Congressional Hearings were needed, this is it.

But having lived through all this, I remain an optimist. The War Powers Act of 1973 however flawed in its execution this year, has slowed the President and Pentagon down and made them think about how to end it.

In the Vietnam War, the President and Pentagon kept increasing the number of troops and bombs and lying about it. Today we seem to be looking for a way out because of the War Powers Act of 1973. And for that we can be grateful to the painfully young college students of 1969 "who returned the nation to sanity". I remain proud to have been among them, all these years later.

The Iranians are using the Palestinians to exacerbate the tensions between them and the Israelis. Conversely, our Federal Government has used its good offices to bring about peace treaties between the Israelis, the Jordanians and the Egyptians.

We in the United States know how to lead peacemaking efforts if we wish to, depending on the results of our federal elections. The Iranians are insistent on fomenting division and conflict. That is not leadership.

If they are seeking to lead in the Middle East, they must resolve to join with us, the European Union, the North Atlantic Treaty Organization (NATO) and the United Nations to seek diplomatic solutions, not continual warfare from their proxies, Hamas, Hezbollah and the Houthis. A Country that seeks a leadership role does not fund armed proxies to pursue continuing warfare. While diplomacy proceeds, the shooting and blockades must stop.

It is said that our parents were "the greatest generation" because they stopped the Nazis and Imperial Japan from taking over the world. Perhaps it is their children who deserve to be part of that title, for convincing our parents' generation in Congress in 1973 to vote limits on the unlimited American military power of that time and this time period. Perhaps we should refer to "the greatest two generations".

We cannot and must not start World War III by using our own military to unilaterally police the world. As the Vietnam War has taught us, once our military takes the lead role, we become the bad guys and the very cause of continued warfare.

Yes, we had partners in Vietnam, but these were not significant. The Vietnamese call it the American War to this day.

Nobody likes a bully. Nobody. Ask Robert McNamara. Ask Country Joe McDonald. Ask Arlo Guthrie.



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