On June 11, 2014, Rebecca Rose Woodland was inducted as the Ninety Ninth President of the Brooklyn Bar Association. The event was held in the Ceremonial Courtroom of the Brooklyn Borough Hall. This architectural masterpiece was a fitting setting for this event and was filled to capacity with friends, colleagues and distinguished members of the judiciary and legislature.

The evening was hosted by Brooklyn Bar Association Immediate Past President Andrew M. Fallek, who managed to pay tribute to the many dignitaries in attendance while moving the event along efficiently and with a fine sense of humor.

After the invocation by Rabbi Joseph Ptasnik and the presentation of the Citation of the Borough President of Brooklyn by Andrew Gounardes, Counsel to the Brooklyn Borough President, the first speaker was Glenn Lau-Kee, President of the New York State Bar Association. President Lau-Kee acknowledged the many accomplishments of the Brooklyn Bar Association, which he noted was formed four years before the State Bar Association. In particular, he praised the work of the Volunteer Lawyers Project.

BBA Past President Steven D. Cohen introduced the many judges, elected officials and bar leaders who were in attendance for this wonderful event. Next, Hon. Marsha Steinhardt, the newly inducted President of the Brooklyn Woman’s Bar Association, spoke and praised President Woodland as a good friend and a person always willing to help others. She vowed to work together with President Woodland to present joint continuing legal education programs in conjunction with her organization.

Administrative Justice of the Civil Term, Kings Supreme, Lawrence Knipel, spoke next followed by Hon. Frank R. Seddio. Both men spoke highly of President Woodland as a person and as a lawyer. In particular, Frank Seddio remarked that Rebecca was one of the nicest people he has ever known. He said she was, “smart, well spoken and determined — in a
THE DOCKET

Included below are events which have been scheduled for the period July 4, 2014 through December 31, 2014
Compiled by Louise Feldman

July 4, 2014
Friday
In observance of Independence Day the Brooklyn Bar Association Building including the Volunteer Lawyer Project, the Lawyer Referral Service, and the Foundation Library will be closed.

September 1, 2014
Monday
In observance of Labor Day the Brooklyn Bar Association Building including the Volunteer Lawyer Project, the Lawyer Referral Service, and the Foundation Library will be closed.

September 9, 2014
Tuesday
VLP Board Meeting
Board of Trustees Room, 5:30 PM
CLE Bankruptcy Part I
Auditorium, 6:00 PM

September 10, 2014
Wednesday
Brooklyn Bar Association Board & Foundation Meetings
Board of Trustees Room, 5:15 PM

September 16, 2014
Tuesday
CLE Bankruptcy Part II
Auditorium, 6:00 PM

September 17, 2014
Wednesday
CLE Sports Law & Mets Game
Citifield, 5:30 PM

September 23, 2014
Tuesday
CLE Bankruptcy Part III
Auditorium, 6:00 PM

October 8, 2014
Wednesday
Brooklyn Bar Association Board & Foundation Meetings
Board of Trustees Room, 5:15 PM

October 13, 2014
Monday
In observance of Columbus Day the Brooklyn Bar Association Building including the Volunteer Lawyer Project, the Lawyer Referral Service, and the Foundation Library will be closed.

November 11, 2014
Tuesday
In observance of Veterans Day the Brooklyn Bar Association Building including the Volunteer Lawyer Project, the Lawyer Referral Service, and the Foundation Library will be closed.

November 12, 2014
Wednesday
Brooklyn Bar Association Board & Foundation Meetings
Board of Trustees Room, 5:15 PM

November 27 & 28, 2014
Thursday/Friday
In observance of Thanksgiving the Brooklyn Bar Association Building including the Volunteer Lawyer Project, the Lawyer Referral Service, and the Foundation Library will be closed.

December 2, 2014
Tuesday
VLP Board Meeting
Board of Trustees Room, 5:30 PM

December 8, 2014
Monday
Brooklyn Bar Association Foundation Dinner
Marriott at the Brooklyn Bridge Hotel, 6:00 PM

December 25, 2014
Thursday
In observance of Christmas Day the Brooklyn Bar Association Building including the Volunteer Lawyer Project, the Lawyer Referral Service, and the Foundation Library will be closed.

LEGAL BRIEFS

LEGAL BRIEFS
JUDICIAL RECOGNITION
Congratulations to Brooklyn Bar Association member Nina Marie Steinhardt, who was installed as the President of the Brooklyn Women’s Bar Association at an induction ceremony held on Tuesday June 10, 2014 in the Central Jury Room of 360 Adams Street. Other BBA Judicial members installed that evening included Hon. Ellen Spodek as Vice President and Hon. Sylvia Ash, Hon. Nancy Bannon, Hon. Geenne Edwards, Hon. Sylvia O. Hinds-Radix, Hon. Shawndaya Simpson and Hon. Lillian Weiss. Selected and installed as Delegates to the Women’s Bar Association of the State of New York that same evening were Hon. Theresa Cicciotto, Hon. Deborah Kaplan and Hon. Joanne Quinnon.

KUDOS AND PROFESSIONAL RECOGNITION

Congratulations to the following individuals who were sworn in on June 10, 2014 as officers of the Brooklyn Women’s Bar Association. They include Helene Blunk, Sue Novick, Wasko and Joanne Minsky Cohen as Vice President, BB Lin as Treasurer, Sara Gorn as Recording Secretary and Tanaya McGah as Corresponding Secretary. Also installed as Directors of the BWA’s were Carrie Anne Cavallo, John Coffey, Barbara Grevice, Deborah Johnson, Anjelique Moore, Deirdre Nekles, Harriet Polinsky, Lisa Schreibersdorf, and Joy Thompson.

Brooklyn Bar Association Trustee Elaine Avery, a past president of the Women’s Bar Association of the State of New York was also selected to be a delegate to the WBASSNY.

Word has reached the Brooklyn Bar Association that Barbara Kowalski T. Russo was elected in May and was installed on Friday evening June 13, 2014 as the President of the Columbian Lawyers Association of Brooklyn at a dinner held at the El Carile Country Club. Also selected for the CLA Executive Board were Brooklyn Bar Association Past President Rose Ann C. Brands as First Vice President, Dean Deliani as Second Vice President, Linda LaCascio as Third Vice President, BBA Past President Mark A. Longo as Treasurer, BBA Trustee Joseph S. Rosato as Secretary. Hon. Frank R. Seddio of Recording Secretary and George J. Siracusa as Historian. Selected and installed as members of the Board of Directors of the Columbian Lawyers Association were BBA Trustee Lara Genovesi, Maria Aragona, Christopher Caputo and Salvatore J. Sliaculaga.

BEREAVEMENTS

The Brooklyn Bar Association extends its deepest sympathy to the Pepe Family on the passing of long time member Thomas A. Pepe on February 14, 2014.

The Brooklyn Bar Association extends its deepest sympathy to former Trustee Leardio Luis Lopez on the passing of his mother Martha Luna Lopez on June 6, 2014 at the age of 85.

The Brooklyn Bar Association extends its deepest sympathy to the family of Judge Louis A. Sottile on the passing of his son Matthew T. Sottile on June 7, 2014.

Legal Briefs is compiled and written by Avery Eli Olin, Esq., CFE, the Executive Director of the Brooklyn Bar Association and its Foundation. Items for inclusion in Legal Briefs should be sent to asoki@brooklynbar.org facsimile 718-978-1113 or mailed to 123 Remsen Street, Brooklyn, New York 11201-4212.

NEW MEMBERS

MONTH OF MAY 2014

ABIGAIL BACON
JESSICA BERNSTEIN
RICHARD BORS
SACHA BOROWICZ
GAIL BOROWICZ
JOSEPH BUELL
EUGENE BUELL
DANIEL BURKE
EILEEN BURKE
ANGELICA BUTLER
DONALD CAMPBELL
LUISA CARCIPONE
DEBRA CHAMBERLAIN
BART M. CHAPIN
ELAINE CHAPIN
SUSAN CHAYES
ANGELICA CHICHI
HELENA CHILDBERG
JUDITH CHILDS
SAMANTHA CHIODO
DAVID CHMIElewski
LINDA CHIN
GLENN CHINKIN
STEVEN CHIRAS
KATHARINE CHISHOLM
SHEILA CLAYTON
JUDITH CLAYTON
CHANAY CLAYTON
JANICE COBURN
KIM COBIT
JAMI COHEN
MICHAEL COHEN
FAYE COHEN
LUIS COHEN
ERLE COHEN
MARGARET COHEN
NORMAN COHEN
SUSAN COHEN
ROBERT COHEN
JOHNNY COHEN
JOHN COHEN
PATRICIA COHEN
SCOTT COHEN
DARWIN COHN
CORIN COHN
PAUL COHN
ROBERT COHN
GERALD COON
ANTHONY COPPOLA
DIOCESE COPY
TIM CORBET
LUCAS CORNET
MARC CORPET
ERIN CORRELL
PEGGY CORRELL
THOMAS CORRIGAN
KATIE CORRIS
JUDITH CORSA
MARC CORSA
DEBBIE CORSA
JORDAN CORSA
DAN CORSA
CAROL CORSA
LINDA CORSA
LUIS CORSA
ERIN CORSO
TARA CORSO
SHERI CORSON
JOHN CORST</p>
RESPECTFULLY SUBMITTED

By: Rebecca Rose Woodland, Esq.

I welcome you all to my first column as President of the Brooklyn Bar Association. I hope this issue of the Barrister finds you well.

On June 11, 2014 I had the privilege and honor of taking part in the Brooklyn Bar Association Installation of Officers and Trustees in the ceremonial courtroom of Brooklyn Borough Hall. Congratulations are in order to my fellow officers who were installed: Frank Carone, Treasurer, David Chidekel, Secretary, Aimee Richter, Second Vice President, Hon. Frank Seddio, First Vice President, and Arthur Aidala, President-Elect. What an amazing team of bar leaders I will have the pleasure of working with this coming year.

I was so humbled and touched by your warm reception and the fact that so many of you came out to celebrate with us. The incredible turnout we had is a testament to the health and vitality of this Association. It was truly a great night and we had is a testament to the health and vitality of this Association. It was truly a great night and we had

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Our Installation Dais consisted of eleven very distinguished speakers, all of whom I owe a debt of gratitude for taking the time out of their busy schedules to help make the event spectacular. Andy Fallek, Immediate Past President of the Brooklyn Bar Association served as our master of ceremonies. Rabbi Joseph Potasnik delivered heartfelt remarks. Andrew Guorardes Counsel to the Borough President, presented a citation on behalf of the Borough President. Kings-County Administrative Judge Lawrence Knipel, Justice Marsha Steinhardt, Justice George J. Silver, County Leader Frank Seddio, NYSBA President Glenn Lau-Kee and Past President Steven Cohn all delivered kind remarks. Appellate Division Justice Cheryl Chambers delivered remarks and installed all officers and trustees. A special “thank you” is in order first and foremost to Immediate Past President Andrew Fallek. He is owed a debt of gratitude for the hard work he did this past year as President of the Brooklyn Bar Association. Andy worked tirelessly to make sure that the transition from his term to mine would be seamless and that all loose ends were tied up before I took office. Andy’s hard work allowed me to start my term with a clean slate so I could focus on new matters. Andy brought a masterful emcee — his wit and humor set the tone for the evening.

My dear friend and mentor, Past President Steven Cohn was gracious enough to do us the honor of recognizing all of the dignitaries and special guests in attendance. Steve also delivered lovely and heartfelt remarks that will be forever cherished. I can’t thank Steve enough for being such an important part of our Installation ceremony. Rabbi Potasnik entertained us all with his wit and charm before delivering a beautiful non-denominational blessing to all in attendance. We were all touched that Glen Lau-Kee, who was recently installed as the first Asian-American President of the New York State Bar Association, took the time from his incredibly busy schedule to help us install our officers and directors. Having a chance to first meet and spend some time with President Lau-Kee in Chicago at the Bar Leadership Institute, I can assure you that we will be working closely together this year to promote the interests of the members of our respective associations.

Andrew Guorardes Counsel to the Borough President, presented a special citation on behalf of Borough President Eric Adams, who was delayed in arriving to the ceremony, but made it to Borough Hall well in time to celebrate with us at the reception in the rotunda. I look forward to building a strong relationship with Borough President Adams and his staff during my term so that we can promote and foster community outreach and the delivery of quality and affordable legal services to the people of Brooklyn. To this end, Executive Director Avery El-Okin and I already have a meeting scheduled with Borough President Adams for this summer.

I also have to thank Administrative Justice Lawrence Knipel for taking part in our Installation ceremony. It is extremely important to me that the bench and the bar in Brooklyn maintain a strong relationship. Since becoming AJ of the Civil Term of the Kings Supreme Court, Justice Knipel has gone out of his way to reach out to the Brooklyn Bar and seek our input on important issues. I look forward to working with Justice Knipel on a host of issues affecting the bench and

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By: Hon. Bruce M. Battle and Paul S. Forster, Esq.

Weather conditions continue to be confounding and we still expect a squaressing tomorrow. It is hoped that the forecast that the weather will cool and refuse in cool environs and will enjoy information about it in the Brooklyn Bar Association's public newsletter to certain parts of Saratoga's Court files and some interesting cases involving the liability of a plaintiff to a decedent's estate. The following documents may be viewed and filed in proceedings Limited in the Surrogate's Court that concerned the wrongful death action, additional attorney's fees and disbursements. The Court concluded that the decedent died at age 46 from blunt impact trauma, which happened when he was hit by a taxi as a pedestrian. He never regained consciousness after the incident and was declared dead.

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By: Hon. Gerald Lebovits & Michael B. Terk, Esq.

Gerald Lebovits is a New York City Civil Court judge and an adjunct professor of law at Brooklyn Law School. Michael B. Terk is an associate with David Rozenholc & Associates. The authors thank Shogik Ogamiyan, an associate at Cohen Hochman & Allen, and Todd M. Newhall, a student at the Cardozo S. Cardozo School of Law, for their generous contributions. Some research in this article comes from Gerald Lebovits, Damon P. Howard & Michael B. Terk, New York Resid.-Ten. Law, 2012-2013 (5th ed. 2013).

f. Defenses against Summary Proceedings

The foregoing requirements for summary process proceedings are a guide for land- lords’ attorneys seeking to commence and prose- cut summary process proceedings. But these require- ments can be subject to changing from case to case. When determining the validity of a notice, consideration must be given to the circumstances surrounding the notice, and the reasonableness of the conduct of the tenant.

Defective notice. The notice must be properly and timely served or (ii) is substantively defective or insufficient in its contents. Unlike a petition, notice defects are not amendable. Defects or omissions may not be corrected by amendment or otherwise. A defective notice is not only fatal to the proceeding, but the petitioner must start from scratch by issuing a new underlying notice.

Trials in Summary Proceedings

The court shall try summary proceedings without a jury. A plaintiff seeking a summary judgment shall have the burden of proving the existence of a prima facie case against the defendant. The judgment must be based on evidence that could be established at the time the summary judgment was granted.

Summary judgment shall be granted in any case where the plaintiff has established a prima facie case and the defendant has failed to present any evidence that could establish a genuine issue of material fact. The summary judgment must be supported by the evidence adduced at the trial.

The court shall try summary proceedings without a jury. A plaintiff seeking a summary judgment shall have the burden of proving the existence of a prima facie case against the defendant. The judgment must be based on evidence that could be established at the time the summary judgment was granted. The judgment must be supported by the evidence adduced at the trial.

The court shall try summary proceedings without a jury. A plaintiff seeking a summary judgment shall have the burden of proving the existence of a prima facie case against the defendant. The judgment must be based on evidence that could be established at the time the summary judgment was granted. The judgment must be supported by the evidence adduced at the trial.
BBA’s Induction Ceremony

New Trustee Michael A. Farkas.

Trustees taking oath of office: Jeffrey Miller, Hemalee Patel, Marianne Bertuna, Joseph R. Costello, Steven J. Harkavy and Stefano D. Filippazzo.

Induction participants: NYSBA President Glenn Lau Kee, President Rebecca Rose Woodland, Past President Steven D. Cohn, Hon. Lawrence Knipel and Hon. Frank R. Seddio.

Officers taking oath of office: Secretary David M. Chidekel, Second Vice President Aimee L. Richter, First Vice President Hon. Frank R. Seddio, President-elect Arthur L. Aidala.

Past President Domenick Napoletano, Trustees Steven J. Harkavy, Past President Manuel A. Romero.

President Rebecca Rose Woodland and Hon. Sylvia Ash


 immediately Past President Andrew M. Fallek.

Andrew Gounardis, General Counsel to Brooklyn Borough President Eric Adams.
BBA’s Induction Ceremony

Past President Lawrence F. DiGiovanna, Past President Rose Ann C. Branda, Gregory LaSpina, Trustee Dino Mastropietro.

Installing officer Hon. Cheryl Chambers and Supreme Court Justice Marsha Steinhardt.

Rabbi Joseph Potasnik, Hon. Donald Scott Kurtz, George Farkas, Hon. Ellen Spodek and Secretary David M. Chidekel.

President Rebecca Rose Woodland and Supreme Court Justice Carl Landicino.

Past President John Lonuzzi.

Past President Domenick Napoletano, Trustee Stefano Filippazzo and Trustee Richard Klass.

Trustee Marianne Bertuna, Past President Gregory T. Cerchione and President-elect Arthur L. Aidala.

Past President Mark A. Longo and Trustee Anthony J. Lamberti.

Immediate Past President and Master of Ceremonies Andrew M. Fallek and President Rebecca Rose Woodland.
Continued from page 4

"rejecting probate" which the Court treated as a

by the beneficiary. The value of the trust

doubt as to the existence of triable issues, and that

Court found that the decedent's affidavit of the

the transformation. Industry of every kind is

contractual duties. The Court pointed out

a narrow exception to the general rule that a testa-

the statutory duties. For the purposes of this case,

the representative is to be able to start this schol-

the decedent's will failed to make any provision for

the testator's deceased son. The trustees requested that the

shall be able to start this scholarship program during my

the Court in a construction proceeding is to discern

the Court stated that the obligation of the

the testator's property and that it takes effect at death. The

the Court supply a dispositive provision al-

the decedent's lawyer to him from the decedent,

the beneficiary with only the trust's

The will, as admitted to probate, left one-third of

The Court stated that the obligation of the

the testator's property and that it takes effect at death.

statement as to meaning of the word "wish" should be

the Court noted that the residuary lega-

The respondent's motion was de-

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By Anthony Lamberti, Esq.

The Court noted that the rule allowing pro se representation of one’s own interests should prevail because she was the only beneficiary of the estate. The Court stated that the objectant was the trust beneficiary’s estate, the objectant had fiduciary responsibilities to creditors of the estate, and the court did not represent only her own fiduciary interests, especially in view of the objectant’s admission that the estate was in deficit. Accordingly, the motion to dismiss was granted conditionally unless the objectant appeared by counsel within 30 days of the service of the Decision and Order upon her.

Matter of Van Patten, N.Y.L.J. 224/14, p. 17, c 2 (Sup. Ct., New York Co., Surrogate; Anderson)

An Heir of a “Parent” of an Alleged Equitable Adopter Not Permitted to File Petition to Obtain Letters of Administration to Commence a Suit for the Wrongful Death of the Alleged Adoptee.
The Court was asked to entertain a petition for letters of administration under the doctrine of equitable adoption. The decedent died as a result of an accident. As a child, the decedent resided at an orphanage. Petitioner’s mother worked at the facility. Petitioner alleged that at some point in time the decedent lived with his family as a foster child. He contended that the doctrine of equitable adoption should be applied to permit him to receive letters of administration for the purpose of commencing a wrongful death action on behalf of the estate. The Court declined to entertain the petition for letters of administration. The Court acknowledged that it could find an equitable adoption where there had been an agreement for adoption with an agency having the care and custody of a child, but pointed out that it was concealed by the petitioner that there had been no agreement for adoption. The Court found that petitioner lacked standing to receive letters of administration. The Court opined that an equitably adopted child lacks standing to receive letters in the parent’s estate. The Court added that an equitable adoption does not create a legal adoption of a child but merely is an exercise of the Court’s equitable powers to permit the child to acquire rights in intestacy based upon an agreement to adopt. The Court stated that the doctrine does not create a legal relationship between the equitably adopted child and the heirs of the adoptive parent. The Court added that inasmuch as the doctrine of equitable adoption is applied for the benefit of the child, the weight of authority is that the “parent” cannot commence a wrongful death action on behalf of the child. The Court concluded that consequently, the heirs of the deceased “parent” lack standing to commence a wrongful death action. Accordingly, the Court declined to entertain the petition for letters of administration.


Brief brief:
An Heir of a “Parent” of an Alleged Equitable Adopter Not Permitted to File Petition to Obtain Letters of Administration to Commence a Suit for the Wrongful Death of the Alleged Adoptee.

Compiled by Hon. Bruce M. Balter, Justice, of the Supreme Court, Kings County, Chair, Brooklyn Bar Association, Surrogate’s Court Committee, and Paul S. Forster, Esq., Chair, Brooklyn Bar Association, Decedent’s Estates Section.

By Anthony Lamberti, Esq.

Effective April 1, 2014, the 2014-2015 budget legislation (the “Executive Budget”) makes significant changes to New York’s basic exclusion amount (1 million per decedent prior to April 1, 2014) to $2.0625 Million per decedent as of April 1, 2014 with some. Effective April 1, 2014 the 2014-2015 Executive Budget increases New York’s basic exclusion amount (1 million per decedent prior to April 1, 2014) to $2.0625 Million per decedent as of April 1, 2014 with some.

The Executive Budget implements the exclusion by allowing a credit of the “Applicable Credit Amount”, which is the lesser of the applicable credit amount or the federal exclusion amount, to be taken against the tax imposed by the statute as follows:

• If the New York taxable estate is less than or equal to the basic exclusion amount, the Applicable Credit Amount will be the amount of the tax so computed and, therefore, serves as a wash.

• If the New York taxable estate is up to 5% greater than the basic exclusion amount, the Applicable Credit Amount will be limited to the amount of the tax resulting in no tax.

• If the New York taxable estate is greater than 105% of the basic exclusion amount, no credit is allowed.

By virtue of legislation passed in the fall of 2013, a New Article 83 of the Mental Hygiene Law became effective on April 21, 2014. This Act provides for resolution of jurisdictional issues in cases where an elderly person may be a snowbird and moves between New York and a southern state. It can also be something as simple as an elderly driving into an adjoining state or situation where an elderly person may be a snowbird and moves between New York and a southern state. It can also be something as simple as an elderly driving into an adjoining state or situation where an elderly person may be a snowbird and moves between New York and a southern state.

The Associate Justice (formerly the Association of Trial Lawyers of America) has been working to eliminate the provision.

Uniform Adult Guardian Jurisdiction and Protective Proceedings Act

Elder Law Update

The Fairness Act, which would have allowed Medicaid beneficiaries’ entire recoverables to go into effect on October 1, 2014, but now has been delayed until October 1, 2015.

In December 2013, Congress’ budget compromise unexpectedly contained language that amended the Social Security Act to give states the right to recover from Medicaid beneficiaries’ entire settlements and to place a lien on those settlements or awards. Last month Congress passed- and President Obama signed- HR 302, which postpones Medicare physician payment cuts by one year. But tucked into the legislation is a one sentence provision (Sec.221) that delays the effect of the AWP-Allowed provision for two years, until October 1, 2016. This means that Medicaid will continue to be able to recover only from the portion of a personal injury settlement or award that was allocated to medical expenses until then.

The original bill amendment was passed with notice and advocated by the proposed Medicaid recipients will receive less in personal injury settlements because their full recovery will be subject to a Medicaid lien. The American Association for Justice (formerly the Association of Trial Lawyers of America) has been working to eliminate the provision.

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Uniform Adult Guardian Jurisdiction and Protective Proceedings Act

By virtue of legislation passed in the fall of 2013, a New Article 83 of the Mental Hygiene Law became effective on April 21, 2014. This Act provides for resolution of jurisdictional issues in cases where an elderly person in need of a Guardian. courthouse contact in multiple states.

They may be complex cases like how to write a will, or situations where an elderly person may be a snowbird and moves between New York and a southern state. It can also be something as simple as an elderly driving into an adjoining state or situation where an elderly person may be a snowbird and moves between New York and a southern state. It can also be something as simple as an elderly driving into an adjoining state or situation where an elderly person may be a snowbird and moves between New York and a southern state.
IN WHICH THE CITY, TOWN, OR VILLAGE IS LOCATED.

In New York, appeals from the four courts are taken to an appellate part of the Supreme Court. These courts are typically in session during the same calendar as traffic tickets, violations, and most of Suffolk County (with the exception of the four east-end towns of Riverhead, Southold, and most of Suffolk County (with the exception of the outer boroughs, the entire disposition of the premises can be obtained by filing a Motion for Adjournment or Pendente Lite Use and the court will schedule a hearing. The hearing will be held on a date to be set by the court. If the tenant prevails, the court will issue a judgment of possession and vacate the premises. If the court finds that a tenant may prevent forfeiting a tenancy by curing the breach and wishes to continue the tenancy, the court will order the landlord to vacate the premises. If the court finds that a tenant may prevent forfeiting a tenancy by curing the breach and wishes to continue the tenancy, the court will order the landlord to vacate the premises. If the court finds that a tenant may prevent forfeiting a tenancy by

II. PLENARY ACTIONS BETWEEN COMMERCIAL LANDLORDS AND TENANTS

A. Ejectment Actions

Before the New York Legislature's codification of the summary proceedings in 1920, recovering possession of the leased premises was virtually impossible for the landlord. While rare, common-law ejectment actions are still available and commenced on occasion, usually based on the substantial evidence of facts. These include a plaintiff's desire to have the matter adjudicated before the New York Court of Appeals. If the plaintiff deems it a more favorable forum; a plaintiff seeking to file a complaint in a small claims court; or a defendant seeking to file a complaint in a civil court.

B. Actions for Rent or Use and Occupancy

When a tenant vacates with remaining rent arrearages, damages may be recovered in an ordinary proceeding against the tenant for the money due under the lease.
Rebecca Rose Woodland Inducted as The Ninety-Ninth President of The BBA

Continued from page 1

word, remarkable.”

Next up was President Woodland’s law partner and husband, Past President John Lonuzzi. Past President Lonuzzi opened his remarks with one of the funniest jokes I have ever heard in all my years of attending BBA events. It was too well received to repeat here effectively, but the punch line involved one of the BBA’s favorite Justices, Hon. George Silver, and it brought down the house with laughter. He then went on to praise his wife as one of the smartest people he has ever met, who helped him build a law practice from a one laptop operation to what it is today. He remarked that not only is she able to be a vital part of the leadership of the Brooklyn Bar Association, but she does so while still building a successful second career as a television personality (President Woodland regularly appears as a legal analyst and commentator on ESPN Radio, Fox News, as well as other networks). The President Lonuzzi’s are long time friends of recently deceased Hon. Thomas J. Gaspare and his family. John expressed his belief that “today Ted Jones would have been just as proud of you as I am.”

Certainly, it is no easy task to address a luminous crowd and speak about one’s wife and her accomplishments with objectivity, candor and style, but Past President Lonuzzi managed to do so eloquently. In addition, he expressed his appreciation for having Rebecca, not only as his wife and law partner, but also as the person on his dais on this occasion for the next twelve months.

Hon. Cheryl Chambers next said that President Woodland has vision and predicted that it will be a great year for the BBA. He praised our incoming President as being “kind, intelligent, brilliant and my good friend.” Hon. Cheryl Chambers BBA. He praised our incoming President as being, “kind, intelligent, brilliant and my good friend.” Hon. Cheryl Chambers

At the close of the ceremony, all retired to the Rotunda of the Borough Hall for food and drink. It was a wonderful evening and a great start to the Presidency of Rebecca Rose Woodland.
Brooklyn Bar Association President Rebecca Rose Woodland, at podium, addresses a rapt audience of legal professionals and guests in the rotunda of the Borough Hall courthouse.

Wish you could take a recess?

If you are doubting your decision to join the legal profession, the New York State Bar Association’s Lawyer Assistance Program can help. We understand the pressures, constant stress, and high expectations you face as a lawyer. Dealing with these demands and other issues can be overwhelming, which can lead to substance abuse and depression.

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