



The New York State Judicial Institute

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NEW YORK STATE  
**JUDICIAL**  
**SUMMER SEMINARS**

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**AGENDA**

JUNE 24, 2019 - JUNE 26, 2019

*Judicial Education in Support of the Excellence Initiative*

**Hon. Janet DiFiore**

Chief Judge of the State of New York

**Hon. Lawrence K. Marks**

Chief Administrative Judge

**Hon. Juanita Bing Newton**

Dean of the New York State Judicial Institute

Doral Arrowwood, Rye Brook, New York

# NEW YORK STATE JUDICIAL INSTITUTE



Dear Colleagues,

Welcome to the 2019 Judicial Summer Seminar: Judicial Education in Support of the Excellence Initiative. I know that you again join with me in extending thanks to Chief Judge Janet DiFiore and Chief Administrative Judge Lawrence Marks for their demonstrated commitment to judicial education and their support of this annual event. I am excited about this year's programming which contains courses that range from skills-based core competencies, to mandatory ADR and Sexual Harassment plenary sessions, to thought provoking fare like artificial intelligence that is increasingly relevant and helpful to our work.

This year we continue in the implementation of the Unified Court System's Green Initiative. To this end, we have posted all the seminar materials on the Judicial Institute website.

To assist in your seminar selections, we have provided a full Agenda; course announcements, as well as an information packet describing special services, meetings, Continuing Judicial Education forms and travel vouchers. There will also be an opportunity for advanced sign-up for private consultations with experts in deferred compensation, financial planning, retirement, wellness and ethics.

We are honored to have the knowledge, support and generosity of an outstanding faculty of judges, lawyers, professors and social scientists. I extend my heartfelt thanks to them and to the extraordinary staff of the Judicial Institute and many others whose work greatly contributed to this program.

Finally, I ask for your cooperation and help in meeting certain Comptroller requirements:

- Sign in each morning at the seminar registration desk
- Classes start on time; please be prompt in joining the classes
- Meals are for judges, faculty and staff only. Family and friends may not eat unless they have purchased a per diem meal package. You must wear and present your daily wrist band in order to eat.

The pedagogical value of judges being together cannot be overstated. Enjoy the next few days learning together, both from each other and from the informative sessions.

Thank you and best regards,

A handwritten signature in black ink, appearing to read 'JB Newton', written over a horizontal line.

Juanita Bing Newton  
Dean, New York State Judicial Institute

*State of New York  
Unified Court System*



*Lawrence K. Marks  
Chief Administrative Judge*

*25 Beaver Street  
New York, N.Y. 10004  
(212) 428-2100*

Summer 2019

Dear Colleague:

Welcome to the 2019 Judicial Seminar. Chief Judge Janet DiFiore and I are pleased to be able to continue this program again this year, so that judges from across the state can gather, face-to-face with their colleagues, to share their experiences and wisdom.

The seminar agenda offers a full range of programming that includes legal updates and skill-based seminars, as well as broader-based, thought-provoking courses particularly relevant to our work. Among the many important topics addressed this year are the State's new and far-reaching criminal justice legislation, and a plenary session focusing on the Chief Judge's ADR initiative.

Planning a comprehensive educational seminar for over 1,000 judges is no simple undertaking. I want to thank Dean Juanita Bing Newton and her outstanding staff at the Judicial Institute, as well as the program faculty and the many others who have contributed to this seminar.

The Chief Judge and I hope you enjoy the seminar, and we look forward to receiving your feedback.

Best wishes,

A handwritten signature in cursive script, reading "Lawrence K. Marks".

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# NEW JUDGES PART 2

**Sunday, June 23, 2019**

## NEW JUDGES SEMINAR PLENARY SESSIONS

**4:00 pm - 5:00 pm**

### **Implicit Bias in the Courtroom**

A description of the ways in which implicit bias affects the administration of justice.

*Faculty: David Horowitz, Esq.*

**E.C. Amphitheater  
1000**

**5:30 pm - 7:00 pm**

### **New Judges Part Two - Dinner and a Program Recognizing and Managing Judicial Stress**

The presenters will discuss proven methods of the optimal ways of addressing the challenges faced by new judges.

*Faculty: Hon. Kathleen Waterman, Deborah A. Scalise, Esq., Eileen Travis*

**Overlook**

**Monday, June 24, 2019**

**7:00 am - 8:30 am**

*Breakfast for New Judges in the Atrium*

**8:30 am - 10:15 am**

### **Controlling The Courtroom**

This interactive session will provide judges with a framework for managing the myriad issues they may face on and off the bench, including handling their workload, dealing with difficult litigants and attorneys, and working with interpreters. The faculty will also provide tips for handling cases involving self-represented litigants

*Faculty: Hon. Henry Nowak, Hon. Lisa Ottley, Hon. Raja Rajeswari*

**Amphitheatre**

2019  
New Judges  
Seminar Part 2



# MONDAY, JUNE 24, 2019

<b>8:30 am - 10:15 am</b>	<b>REGISTRATION</b>	<b>Hotel Lobby</b>
<b>10:30 am - 12:30 pm</b>	<b>CASE LAW UPDATES</b>	
	<b>CPLR and Appellate Case Law Update - Civil</b> This session will provide a review of recent developments in civil practice and substantive civil law. <i>Faculty: Burt Lipshie, Esq., Brian Shoot, Esq.</i>	<b>Arrowwood Ballroom B</b>
	<b>Appellate Case Law Update - Criminal</b> This session will analyze recent appellate cases which impact substantive and procedural issues in criminal trials. <i>Faculty: Hon. Mark Cohen, Hon. Jill Konwiser</i>	<b>Amphitheatre</b>
	<b>Family Court Legal Update</b> This session will present an overview of recent developments in child welfare law. <i>Faculty: Margaret Burt, Esq.</i>	<b>Bedford</b>
	<b>Landlord-Tenant Case Law Update</b> This session will examine recent decisions impacting substantive and procedural issues in landlord-tenant cases. <i>Faculty: Victor Faleck, Esq.</i>	<b>E.C. 2040</b>
	<b>Matrimonial Case Law Update</b> This session will examine recent decisions affecting matrimonial law and practice. <i>Faculty: Hon. Bruce Wagner (Ret.)</i>	<b>Briarcliff</b>
<b>12:30 pm - 2:00 pm</b>	<b>Lunch in the Atrium</b>	
<b>2:00 pm - 3:15 pm</b>	<b>ADR CIVIL PLENARY</b> As part of the Chief Judge's Excellence Initiative, the New York State courts will soon be adopting early, presumptive alternative disposition resolution for civil cases across the state. This plenary session provides an overview of the extensive planning underway to develop and implement this initiative, and includes discussion with judges from the New Jersey Superior Court on that state's comprehensive court-sponsored ADR program. <i>Faculty: Hon. Lawrence Marks, Chief Administrative Judge, Hon. George J. Silver (DCAJ), Hon. Vito Caruso (DCAJ), Hon. Mary Costello, New Jersey Superior Court, Hon. Jeffrey Jablonski, Presiding Judge General Equity, New Jersey Superior Court</i>	<b>Arrowwood Ballroom A &amp; B</b>

# MONDAY, JUNE 24, 2019

**2:00 pm - 3:15 pm**  
*continued*

## **CRIMINAL JUSTICE LEGISLATION 2020**

**Amphitheatre**

This session will examine the pretrial reform legislation that takes effect in January 2020. After attending, judges will be able to identify and discuss the increased role of the court in mediating and supervising discovery, overseeing bail conditions and monitoring trial readiness under the new Bail, Discovery and Speedy Trial statutes.

*Faculty: Hon. Daniel Conviser, Hon. Matthew Murphy,  
Hon. Dineen Riviezzo, Paul McDonnell, Esq.*

**3:15 pm - 3:30 pm**

***Break***

**3:30 pm - 5:00 pm**

## **Electronically Stored Information (ESI) and Protocol for Discovery**

**E.C. 2028**

The discovery of ESI is now an integral part of all discovery. The speakers examine court rules and recent cases concerning the discovery of ESI, and present best practices for early identification, preservation, and production.

*Faculty: Hon. Saliann Scarpulla, Hon. Ronald J. Hedges (Ret.), Sarah M. Cole, Esq.*

## **Recent Developments in Labor Law**

**E.C. Amphitheater**

This session will review recent cases concerning construction accidents within the scope of Labor Law §§ 200, 240(1) and 241(6).

*Faculty: Brian Shoot, Esq.*

## **The Art of the 1027 Hearing**

**Bedford**

Whether made at the time of arraignment or by order to show cause during the pendency of an Article 10 case, ruling on removal applications requires making life-altering decisions. In this session, judges will examine the “art” of making sound removal decisions without a full-blown hearing. Afterwards, judges will be able to employ the practices discussed to make these decisions in a compressed timeframe and without sacrificing accuracy or the right to due process.

*Faculty: Hon. Erik Pitchal, Hon. Sarah Cooper*

## **Analyzing Conflicting Appellate Precedent**

**E.C. 2032**

During this interactive session, the faculty will examine contradictory appellate and lower court decisions on the law governing rent regulated apartments in New York City, succession rights and guardian ad litem-related issues. The main objective of this session is to provide Housing Court Judges an analytical approach for effective case law application.

*Faculty: Hon. Timmie Elsner; Hon. Sabrina Kraus*

## **Technology and Cyberviolence for Matrimonial Judges**

**Briarcliff**

Using videos, discussions, exercises, and brief lectures, this program will identify commonly used technologies and will evaluate how the personal context of litigants can impact the use and misuse of technology. Issues of reliability and authentication of digital evidence will also be addressed so that judges will be better able to evaluate the reliability of technology evidence, identify strengths and weaknesses of such evidence, and assess proper authentication in matrimonial proceedings.

*Faculty: Hon. Andrew Crecca, Audace Garnett, Esq.*

*continued on next page*

# MONDAY, JUNE 24, 2019

**3:30 pm - 5:00 pm**  
*continued*

## **Special Immigrant Juvenile Status Applications**

**E.C. 2040**

Special Immigrant Juvenile Status (SIJS) is an avenue for undocumented children to obtain legal status when they cannot be reunified with one or both parents due to abuse, neglect, or abandonment and it is not in their best interest to return to their home country. During this session, the faculty will provide family court judges and surrogates an analytical framework for addressing SIJS applications. The faculty will examine topics, including, but not limited to, the legal bases for SIJS eligibility; Special Findings Orders and contexts in which such orders can be issued; and standards in custody and guardianship cases.

*Faculty: Deborah Kearns, Esq., Cristina Romero, Esq.*

## **On the Road to Presumptive Mediation**

**E.C. 1025**

This session presents best practices for mediating settlements between insurers and counsel.

*Faculty: Hon. George J. Silver, Hon. Vito Caruso, Brian Noonan, Esq., Bryce Moses, Esq.*

*John Hopwood, Esq., Kieran Conlon, Esq., Krista Glenn, Peter Cace, Esq.*

**3:30 pm - 5:30 pm**

## **CRIMINAL JUSTICE LEGISLATION 2020 Continued**

**Amphitheatre**

### **RTA: Differences in Juvenile Practices in Superior and Family Courts and the Alternate Role of Probation in Each Court**

**E.C. 1019**

This session will provide an overview of Youth Part and juvenile delinquency court practices and procedures, compare the two systems, and review the role of the Department of Probation in both courts.

*Moderator: Hon. Edwina G. Mendelson,*

*Faculty: Hon. Richard Rivera, Hon. Craig Walker, Ana M. Bermudez, Esq.*

**5:30 pm - 7:30 pm**

## ***Dinner & A Movie***

**Arrowwood  
Ballroom A & B**

The Honorable Troy Webber, Co-Chair, of the Franklin Williams Commission will discuss its history, operation and mission, as well as present the documentary film entitled

*“Franklin H. Williams Documentary: A Film Celebrating His Life and Contributions”*



# TUESDAY, JUNE 25, 2019

6:30 am - 8:00 am	<i>Breakfast in the Atrium</i>	
7:00 am - 7:45 am	<b>WELLNESS PROGRAMS</b> <i>Yoga - Instructor: Anita Rodriguez</i> <i>Zumba Gold - Instructor: Mary Stevenson</i>	Hudson Patio Scarborough
8:00 am - 8:50 am	<b>AMERICANS WITH DISABILITIES ACT: AVOIDING PITFALLS Accommodations for Lawyers, and Litigants with Disabilities</b> The panelists present various case scenarios, using them to challenge the audience and explain the relevant considerations under the ADA. <i>Faculty: Hon. Carol Sharpe, Jennifer Monthie, Esq., Dan Weitz, Esq.</i>	Arrowwood Ballroom A & B
8:50 am - 9:00 am	<i>Break</i>	
9:00 am - 10:15 am	<b>PLENARY SESSION: The Nexus Between Artificial Intelligence and The Law</b> AI is the catchphrase of the day and is increasingly being used as a tool in the legal realm. A retired District Court Judge, now a partner at Cravath, Swain and Moore, explains the nexus of AI and the law, the way in which it is transforming the practice of law, and its many present and potential uses and misuses. <i>Faculty: Hon. Katherine Forrest (Ret.)</i>	Arrowwood Ballroom A & B
10:15 am - 10:30 am	<i>Break</i>	
10:30 am - 11:20 am	<b>Fostering Stamina &amp; Concentration for a Demanding Workload</b> Each of us know what habits, regularly done, would help us enhance our physical stamina at work. But why do so many of us keep pushing off adopting the habits we need? Come learn the secrets to successful habit change, why willpower is overrated, and what to rely on instead. Next we'll examine the growing difficulties of concentrating (sustaining attention) on a discrete task in a world of continuous and ever-escalating distractions, many of which are digital. Learning to proactively manage your attention and preventing it from being hijacked by others' agendas protects your autonomy and ability to focus squarely on the most important tasks at hand. Followed by Individual Consultations from 11:40 am to 6:00 pm in E.C. 1029. <i>Faculty: Ahnna Lake, MD</i>	E.C. 1025
	<b>We All Speak Justice Here! A Skills-Based Approach to Working with Court Interpreters</b> During this interactive session, the faculty will provide tips and best practices for working effectively with court interpreters. By participating in a variety of exercises based on real-world scenarios, the attendees will have an opportunity to work through challenging interpreter-related issues that may arise in court. <i>Faculty: Hon. Raja Rajeswari, Ann Ryan</i>	Briarcliff

# TUESDAY, JUNE 25, 2019

10:30 am - 11:20 am  
*continued*

## **PJI, Civil Instructions and Verdict Sheets, A Primer, an Update and A Workshop**

**E.C. Amphitheater  
1000**

This session will provide an overview of the PJI, jury charges and verdict sheets; examine best practices in the use of the PJI; analyze jury issues and inconsistent verdicts and the court's role in addressing these issues; and review recent additions and modifications to the PJI.

*Faculty: Hon. Doris M. Gonzalez, Hon. William G. Ford, Hon. John Higgitt*

## **Mining the Mixture – A DNA Analyst Explains**

**Amphitheatre**

More and more, crime laboratories are tasked with analyzing DNA samples involving two or more donors. To aid in the analysis of these hard-to-interpret samples, forensic scientists are using specialized software that evaluates samples in a way that would otherwise be prohibitively labor-intensive. But how do the programs work and what can an expert really say about the results? Using the expertise of scientists involved in the development of these programs, this session will enable judges to examine the reliability of DNA mixture evidence and testimony.

*Faculty: Mark W. Perlin, PhD, MD*

## **Admissibility of Expert Opinion for Matrimonial and Family Court Judges**

**Bedford**

Judges will learn how to handle issues as to admissibility of expert witness opinions in matrimonial and family court cases, including proper use by counsel of hypotheticals in questioning experts. Discussion will cover the Frye standard.

*Faculty: Hon. Ellen Gesmer, Stephen Gassman, Esq.*

10:30 am - 12:30 pm

## **Fundamental Topics in Surrogate's Court Practice**

**E.C. 2019 A & B**

### **1. Limited Letters of Administration (10:30 - 11:45)**

This session will explore the use and rationale of limited and restricted letters of administration in various settings. Their procedural and practical aspects, from the perspective of both bench and bar, will be examined in settings including foreclosures, cash poor or other "bond-challenged" estates, insolvent estates, discovery and turnover proceedings, and wrongful death proceedings.

*Faculty: Hon. David Guy*

### **2. Surrogate's Court Procedure Act (SCPA) § 1406 (12:00 - 12:30)**

This session will address the statutory requirements that must be met when petitioners seek to establish the validity of a will solely by witnesses' affidavits. Topics will include the historical background of the enactment of SCPA 1406, current best practices, procedures employed by various Surrogate's courts, as well as potential amendments to the statute.

*Faculty: Hon. David Guy*

11:20 am - 11:40 am

***Break***

11:40 am - 12:30 pm

## **We All Speak Justice Here! A Skills-Based Approach to Working with Court Interpreters Continued**

**Briarcliff**

*continued on next page*

# TUESDAY, JUNE 25, 2019

11:40 am - 12:30 pm  
*continued*

## **PJI, Civil Instructions and Verdict Sheets, A Primer, an Update and A Workshop Continued**

**E.C. Amphitheater  
1000**

Using hypotheticals, judges will gain hands-on experience in addressing common problems associated with charges and verdict sheets.

## **Mining the Mixture – A DNA Analyst Explains Continued**

**Amphitheatre**

## **Admissibility of Expert Opinion for Matrimonial and Family Court Judges Continued**

**Bedford**

12:30 pm - 2:30 pm

## ***BBQ Lunch on the Atrium Patio***

2:30 pm - 3:45 pm

## **Civil Case Management Strategies for New York City Courts**

**E.C. Amphitheater  
1000**

Judges share thoughts, tips, and proven techniques for managing your case load and your courtroom and making the most efficient use of court staff and resources.  
*Faculty: Hon. George J. Silver, Hon. Anthony Cannataro, Hon. Betty Weinberg Ellerin (Ret.)*

## **Expert Affidavits in Serious Injury Cases**

**E.C. 1019**

The presenter reviews affidavits taken from appellate cases and leads an interactive discussion as to whether they are sufficient to establish or rebut a prima facie case.  
*Faculty: Professor Michael Hutter, Albany Law School*

## **Mortgage Foreclosures: The World After *Bank of N.Y. Mellon v Gordon***

**E.C. 1025**

Mortgage foreclosure jurisprudence presents a test for the jurist of the sometimes arcane application of hearsay rules and the proof of facts on motion practice. Recent cases such as *Bank of NY Mellon v. Gordon* provide guidance for employing evidentiary rules to determine the issues of standing and the mailing of pre-foreclosure notices. This interactive program teaches substantive evidentiary principles through fact patterns, scenarios and excerpts from appellate cases.  
*Faculty: Hon. Alan D. Scheinkman*

## **Questioning Forensic Science Techniques**

**Amphitheatre**

Which forensic scientific techniques commonly admitted in courtrooms across the USA are now being challenged as unreliable? What is a court to do when confronted with techniques that have passed the Frye analysis but are now in question? This session will prepare judges to evaluate non-DNA forensic evidence including bitemark evidence, fingerprint analysis, bloodstain evidence, footprint analysis and hair comparisons.  
*Faculty: Hon. Dineen Riviezzo, Hon. Barry Kamins (Ret.)*

## **A Practical Approach to Custody and Parenting Time**

**E.C 2028**

Creating an environment conducive to gathering evidence and making thoughtful decisions in child custody cases can challenge even the most experienced judge. How, then, can courts ensure the well-being of children under the best interest standard? After attending this session, judges will be able to define the law applicable to making a “best interests of the child” determination. Judges will also be able to demonstrate practical strategies for addressing the complex issues that arise in custody disputes.  
*Faculty: Hon. Phillip Cortese*

# TUESDAY, JUNE 25, 2019

2:30 pm - 3:45 pm  
*continued*

## **PINS Legislation and its Effect on Family Court Practice**

**Bedford**

A family court judge will be joined by representatives from OCFS and the Department of Probation to discuss the PINS reform enacted in this year's budget. After this session, judges will be able to identify and explain the recently enacted changes. Topics included in the discussion will be: prohibiting detention, imposing limits on the type and duration of placements of PINS youth and providing community-based services to address PINS behavior and keeping at-risk youth out of the juvenile and adult justice systems.

*Faculty: Hon. Michele Pirro Bailey*

## **Evidentiary Issues in Landlord-Tenant Cases**

**E.C. 2040**

This interactive session will provide judges a framework for identifying and resolving evidentiary issues that frequently come up in landlord-tenant cases during motion practice, hearings and at trial. Among other areas, the faculty will examine issues that arise when dealing with unrepresented litigants.

*Faculty: Hon. Jack Stoller*

## **Fiduciary Self-Dealing and Related Topics**

**E.C. 2032**

This session will focus upon the circumstances which may be considered fiduciary self-dealing, the standards to apply, the "no further inquiry" rule, as well as a review of attempts to exonerate fiduciaries and the potential relief to be granted. As a corollary, the session will also focus upon litigation linked to gifts which is a particularly ripe area for litigation concerning self-dealing fiduciaries.

*Faculty: Jennifer Hillman, Esq.*

## **Intersection of Bankruptcy and Matrimonial Law for Matrimonial Judges Part 1**

**Briarcliff**

Matrimonial judges will learn about the basics of the Chapters 7, 11, and 13 of the Federal Bankruptcy Code with the goal of understanding how bankruptcy impacts litigants in divorce.

*Moderator: Hon. Jeffrey Sunshine*

*Faculty: Hon. Robert Littlefield, David Doyaga, Esq.*

3:45 pm - 4:00 pm

**Break**

4:00 pm - 5:00 pm

## **Intersection of Bankruptcy and Matrimonial Law for Matrimonial Judges Part 2**

**Briarcliff**

Matrimonial judges will learn how they can work together with bankruptcy judges to protect children and families.

*Moderator: Hon. Jeffrey Sunshine*

*Faculty: Hon. Robert Littlefield, David Doyaga, Esq.*

4:00 pm - 6:00 pm

## **Emerging Tech and the Law: Here Comes the White Elephant**

**E.C. Amphitheater  
1000**

An overview of social media evidence, what it is and how to deal with it.

*Faculty: Dan Lust, Esq., Payal S. Shah, Esq.*

## **What Every Judge Needs to Know About Issues in Medical Malpractice and Personal Injury Cases**

**E.C. 2040**

The presenters will discuss recent cases recurring trial issues in medical malpractice cases.

*Faculty: Hon. Lewis J. Lubell, Ben Rubinowitz, Esq.*

*continued on next page*

# TUESDAY, JUNE 25, 2019

4:00 pm - 6:00 pm  
*continued*

## **Introduction to the Child Victims Act**

**E.C. 1025**

This session will explain the legislation known as the Child Victims Act (CVA), and the manner in which it impacts the civil statute of limitations for sexual assaults against children. The revival of certain cases under the CVA which were previously time-barred is also discussed. The discussion will also include a review of frequently encountered issues at the trial of a civil action arising out of the sexual abuse of a child.

*Faculty: Hon. Deborah Chimes, Hon. John Higgitt, Hon. Deborah Kaplan, Hon. Paul Marx*

## **Engaging Young Parents**

**Bedford**

Because young parents are still developing while simultaneously learning to be parents, getting these individuals to engage in the court process can be extremely difficult. In this session, judges will examine the role development plays in the behaviors of young parents and will outline strategies for working with young parents and their families.

*Faculty: Richard Kreipe, MD, Elaine Spaul, Ph.D., JD*

## **Problematic Sexual Behaviors in Children**

**E.C. 2032**

At times, the sexual behavior of children can become harmful to themselves and to other children. In this session, judges will explore what is normal and what is problematic when it comes to sexual development in children.

*Faculty: Thomas R. Andriola, Sean Lennon, LMHC*

## **A Warrant for What? Evidence in the Digital Era**

**Amphitheatre**

### ***Know the Language* (4:00 pm - 4:45 pm)**

With new crimes come new forms of policing, new forms of surveillance and applications for court action that are teeming with new or unfamiliar terms. From this primer on the language of cybercrime and digital searches, judges will be able to recognize and discuss the terms and concepts most likely to be part of warrant applications or admissibility determinations.

*Faculty: Special Agent Peter Casson, FBI*

### ***Big Brother is Watching, but Not Without a Warrant* (4:45 pm - 6:00 pm)**

The rules that regulate digital investigations are evolving and digital storage devices are the focus of new developments in Fourth Amendment law. In this session, judges will examine recent cases which address the storage, transmission or processing of digital evidence. At the end of this presentation, judges will know the law and the correct procedures to properly rule on applications for the acquisition of digital evidence and social media information.

*Faculty: Hon. Mark Cohen, Hon. Raja Rajeswari*

5:00 pm - 6:00 pm

## **Courtroom Facilitation Skills for Matrimonial Judges**

**Briarcliff**

Matrimonial judges will discuss techniques and best practices they have used successfully in their courtrooms to promote settlement. Discussion will cover not only what has worked but also, what has not worked to better guide judges in deciding which techniques they may wish to employ in their cases.

*Moderator: Hon. Andrew Crecca*

*Faculty: Hon. Matthew Cooper, Hon. Mary Slisz*

6:30 pm - 8:30 pm

## ***Dinner & A Movie***

**Arrowwood Ballroom A & B**

Hon. Toko Serita, *Blowin' Up*

An HBO documentary on Queens Sex Trafficking Court

**Amphitheatre**



# WEDNESDAY, JUNE 26, 2019

6:30 am - 8:00 am	<i>Breakfast in the Atrium</i>	
7:00 am - 7:45 am	<b>WELLNESS PROGRAMS</b> <i>Yoga - Instructor: Anita Rodriguez</i> <i>Zumba Gold - Instructor: Mary Stevenson</i>	Hudson Patio Scarborough
8:00 am - 8:50 am	<b>NEW YORK CITY MAYOR'S OFFICE OF CRIMINAL JUSTICE: The New CJA Release Assessment</b> An examination of the redesigned New York City Criminal Justice Agency risk assessment system, long used in New York City courts to make recommendations regarding release and bail. <i>Faculty: Karen Shaer, Esq., Susan Sommer, Esq., Miriam Popper</i>	Amphitheatre
	<b>Library Resources for Surrogate's Court Practice</b> During this session, which features a series of exercises, the faculty will examine techniques used to conduct efficient research of legislative history materials available through Lexis, Westlaw and free Internet services. The faculty will also demonstrate how Lexis and Westlaw provide tools and workflow aids that improve the Surrogate's on-line reading experience. <i>Faculty: Jacqueline Cantwell, Zoya Golban</i>	Briarcliff
8:50 am - 9:00 am	<i>Break</i>	
9:00 am - 10:15 am	<b>PLENARY SESSION: Sexual Harassment Legal, Ethical and Managerial Considerations for Judges</b> In this mandatory plenary session, the moderator will lead a discussion on sexual harassment in the workplace with an emphasis on the unique role of the judge as employer, manager and leader. The panelists will address the court system's historical response to sexual harassment and its current policies, after which it will employ hypotheticals based on actual case findings involving judges' conduct to offer concrete suggestions on providing a bias free work environment in the courthouse, the courtroom and in chambers. <i>Moderator: Hon. Juanita Bing Newton</i> <i>Faculty: Hon. Betty Weinberg Ellerin (Ret.), Robert Tembeckjian, Esq., Sherrill Spatz, Esq., Kaye-Ann Porter, Esq.</i>	Arrowwood Ballroom A & B
10:15 am - 10:30 am	<i>Break</i>	
10:30 am - 11:20 am	<b>Judicial Ethics</b> A panel of representatives from the Advisory Committee on Judicial Ethics will engage the audience in a discussion on fact patterns based on recent Advisory Committee opinions. <i>Faculty: Hon. Daniel Angiolillo, Hon. Edward Borrelli, Hon. Robert Mandelbaum, Hon. Margaret Walsh, Laura Smith</i>	E.C. 2040
	<b>Conundrum in the Courtroom: Grappling with Emojis and the Law</b> 🤔 Emojis are a popular and way for people to express themselves, and they are increasingly showing up in litigation. This interactive session will explore the complicated interpretation, evidentiary and IP issues raised by emojis. <i>Faculty: Diana C. Manning, Esq.</i>	Bedford

# WEDNESDAY, JUNE 26, 2019

10:30 am - 11:20 am

*Continued*

## **NY Bench: Judicial Access to Case Information Gets a Modern Facelift**

**E.C. 1025**

A demonstration of a new website (NYBench) designed for jurists which provides access to information required in a modern court system.

*Faculty: Hon. Erik Pitchal, Christine Sisario, Steven Hicks*

## **Interactive Fundamentals of Evidence**

**E.C. Amphitheater**

**1000**

Using the audience response system, the presenters will review recent cases rating evidentiary issues, and request the audience to make a ruling. After the poll is completed, the presenters will discuss the applicable legal doctrines and reveal the actual holdings.

*Faculty: Hon. Barbara Jaffe, David Horowitz, Esq.*

## **Ineffective Assistance of Counsel and Prosecutorial Misconduct**

**Amphitheatre**

What happens when the court observes possible prosecutorial misconduct or ineffective assistance of counsel during a criminal trial? In this session, judges will analyze when and how to take sua sponte action under a variety of circumstances. Judges will also review the status of the creation of the State Commission on Prosecutorial Conduct.

*Faculty: Hon. John Brunetti (Ret.)*

## **Best Practices for Criminal Case Management**

**E.C. 2032**

Judges share thoughts, tips, and proven techniques for managing your case load and your courtroom, and making the most efficient use of court staff and resources.

*Faculty: Hon. Tamiko Amaker, Hon. Michael V. Coccoma*

## **Memories, ACEs, Frye, Anonymity – An Examination of Procedural and Substantive Challenges under New York’s Child Victims Act**

**E.C. 2028**

In August 2019, New York re-opens the Statute of Limitations for certain civil actions to be brought by survivors of child sexual abuse. This session will explore both procedural and substantive issues relating to such claims, examining the law regarding memory evidence, the science of witness memories and the impact of abuse on later life; expert testimony; other evidentiary issues; and anticipated defenses, including notice issues and bankruptcy.

*Faculty: Hon. Richard Dollinger*

## **RTA: Case Law Review and Judicial Roundtable Discussions**

**E.C. 1019**

This session will provide an overview and analysis of statewide Raise the Age-related decisions. Following the overview, Youth Part Judges will participate in roundtable discussions focusing on key legal issues and sharing insights into their decision making.

*Moderator: Hon. Edwina G. Mendelson*

*Faculty: Hon. Efrain Alvarado*

## **The Impact of the 2017 Federal Tax Cuts and Jobs Act on Maintenance Determinations in Divorce**

**Briarcliff**

This session is designed to teach matrimonial judges what type of proof to expect from counsel and litigants requesting deviations from guideline maintenance based on the major change in tax treatment of maintenance under the new in the Federal Tax Law. This session will include attorney/judge role play in a hearing followed by a panel discussion.

*Faculty: Hon. Cheryl Joseph, Hon. Lewis Lubell, Elena Karabatos, Esq., Eric Tepper, Esq.*

# WEDNESDAY, JUNE 26, 2019

11:20 am - 11:40 am	<b>Break</b>	
11:40 am - 12:30 pm	<b>Judicial Ethics Continued</b> <i>Individual Consultations 12:30 pm - 2:00 pm, sign up at Information desk.</i>	<b>E.C. 2040</b>
	<b>Conundrum in the Courtroom: Grappling with Emojis and the Law Continued</b> 🤖	<b>Bedford</b>
	<b>Interactive Fundamentals of Evidence Continued</b>	<b>E.C. Amphitheater 1000</b>
	<b>Memories, ACEs, Frye, Anonymity – An Examination of Procedural and Substantive Challenges under New York’s Child Victims Act Continued</b>	<b>E.C. 2028</b>
	<b>RTA: Case Law Review and Judicial Roundtable Discussions</b>	<b>E.C. 1019</b>
	<b>Immigration Consequences of Criminal Convictions</b> After this session, judges will be able to outline the court’s obligations regarding immigration consequences following the Court of Appeals’ decision in <i>People v. Suazo</i> . <i>Faculty: David Satnarine, Esq.</i>	<b>Amphitheatre</b>
	<b>Dashboard Skills for Matrimonial Judges</b> Matrimonial Judges will learn how to make use of the Dashboard as a valuable tool in tracking and managing their cases. <i>Faculty: Ashley Busing</i>	<b>Briarcliff</b>
12:30 pm - 1:30 pm	<b>Lunch in the Atrium</b>	
	<b>Working Lunch Programs</b> <i>Grab your lunch “to go” and bring it with you to class</i>	
12:30 pm - 1:30 pm	<b>Family First Prevention Services Act: Judicial Role in Effective Implementation</b> The Family First Prevention Services Act positively impacts many areas of child welfare by providing for residential treatment placements with parents, effective residential treatment for youth, extended reunification services, support for kinship caregivers, and Chafee older youth service expansions. This session will provide an overview of the Act and recommendations for how judges can use it as a tool to improve family stability and safety and to achieve lasting permanency for children. <i>Introduction: Hon. Edwina G. Mendelson</i> <i>Faculty: Thomas Brooks, Esq.</i>	<b>E.C. 2028</b>

# WEDNESDAY, JUNE 26, 2019

12:45 pm - 3:15 pm

**Working Lunch for Surrogates:**

**Briarcliff**

## **1. Using Mediation in Surrogate's Court: Options and Techniques to Enhance Your Role as a Surrogate (12:45 pm - 2:00 pm)**

This session will examine how mediation can be used for negotiating resolutions and fostering settlement in Surrogate's Court matters. The faculty will discuss, among other areas, screening/triage for mediation purposes, timing of the mediation referral, and how judges need not give up control when referring a matter to mediation. This session will also address how Community Dispute Resolution Centers (CDRCs) can be used to help Surrogates effectively manage their caseloads. Session attendees will also participate in an interactive exercise where a mediation approach is demonstrated and taught.

*Faculty: Hon. Rita Mella, JoAn Pangilinan-Taylor, Esq., Nancy J. Rudolf, Esq., Daniel Kos*

## **2. Determining Legal Fee Applications and Disputes in Surrogate's Court (2:00 pm - 3:15 pm)**

This session will provide an overview of the relevant statutes, rules, and case law concerning attorney's fees in the Surrogate's Courts. In addition, the faculty will examine the procedural considerations that attend fee disputes, including the various contexts and proceedings in which fee disputes and applications most commonly arise.

*Faculty: Hon. James Pagones (Ret.), Eric Penzer, Esq.*

1:30 pm - 3:00 pm

**Prerequisites for Granting and Vacating Default Judgments**

**Amphitheatre**

The numerous procedural requirements for granting a default judgment are examined in this session, including additional service by mail, the use of verified complaints in lieu of affidavits, and other requirements. The session will then turn to the law underlying applications to vacate default judgments.

*Faculty: Burt Lipshie, Esq.*

## **DWI Law: The Changing Landscape**

**E.C. Amphitheater  
1000**

This session examines recent decisions that have significantly changed both procedures and evidentiary requirements in DWI law. The presenter will also discuss the potential impact of Marijuana Legalization on DWI law and the new DWI discovery provisions contained in the recently passed budget.

*Faculty: Hon. Joseph McCormack*

## **What is the Court required to do? New Sealing Laws and Certificates of Relief from Civil Disabilities**

**E.C. 2028**

With the enactment of recent sealing provisions courts can expect a significant increase in the number of applications for post-conviction sealings and certificates of relief from civil disabilities. This session will provide an overview of the current state of the law and will discuss necessary decision points for judges.

*Faculty: Hon. Milton Tingling, Anthe Maria Bova, Esq.*

*continued on next page*

# WEDNESDAY, JUNE 26, 2019

**1:30 pm - 3:00 pm**  
*continued*

## **Current Issues in Alternate Entity Litigation**

**E.C. 1025**

This course will cover three commonly encountered issues in litigation involving Limited Liability entities. The first topic addresses valuation of membership interests in LLC and issues that arise when a creditor seeks to enforce a money judgment against a judgment debtor's membership interest in an LLC. The second topic addresses the standing of deceased LLC member's estate to pursue derivative claims. The final topic addresses the issues/roadblocks that arise when a partner/member seeks dissolution upon deadlock.

*Faculty: Hon. Deborah H. Karalunas, Mitchell J. Katz, Esq., Jonathan B. Fellows, Esq.*

## **Custody and Co-Parenting - Is There an App For That?**

**Bedford**

With the frequent use of technology for communication among adults, it follows that technology is also being used to facilitate co-parent and parent-child communication. In this session, judges will investigate some of the categories of apps developed to assist with the challenges of communication and co-parenting, including: apps for improving communication, apps for coordinating schedules, apps for paying child support, and apps for monitoring the use of alcohol.

*Faculty: Bryan M. Goldstein, Esq.*

## **Housing Stability and Tenant Protection Act of 2019**

**E.C. 2032**

This session will explore the implications of this major new legislation for the work of the Housing Court.

*Faculty: Hon. Ann Katz, Hon. John Lansden*

## **What Matrimonial Judges Should Know About Parent Education Programs**

**E.C. 2040**

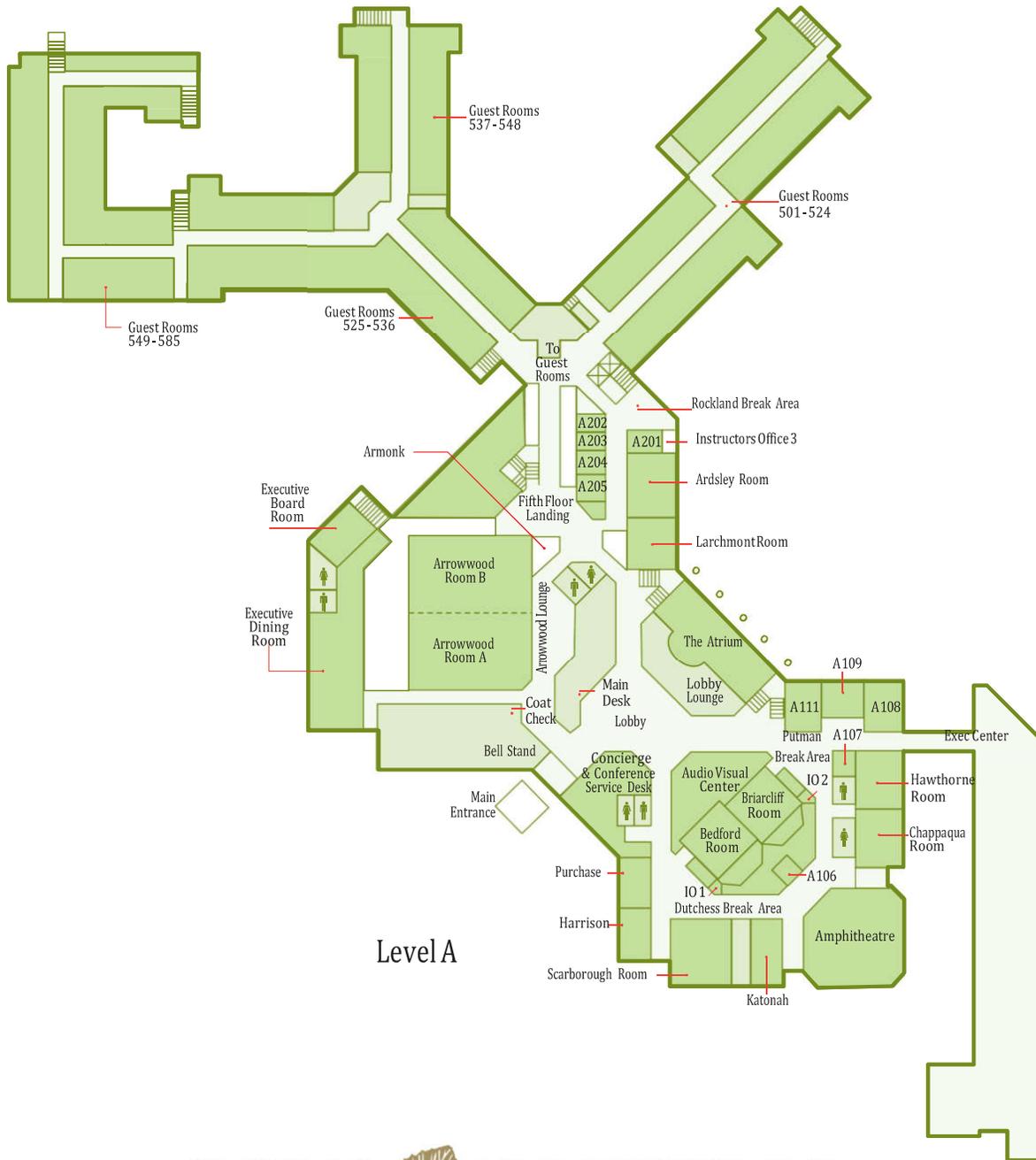
Parent Education Coordinators who actually run the parent education programs will describe the programs in their counties so that judges can explain to litigants why they should attend these programs. Coordinators will be selected from the seven counties where there are existing Parent Education Pilot programs.

*Faculty: Hon. Sondra Miller (Ret.), Hon. Jeffrey Goodstein, Sheila Sproule, and Parent Education Coordinators*



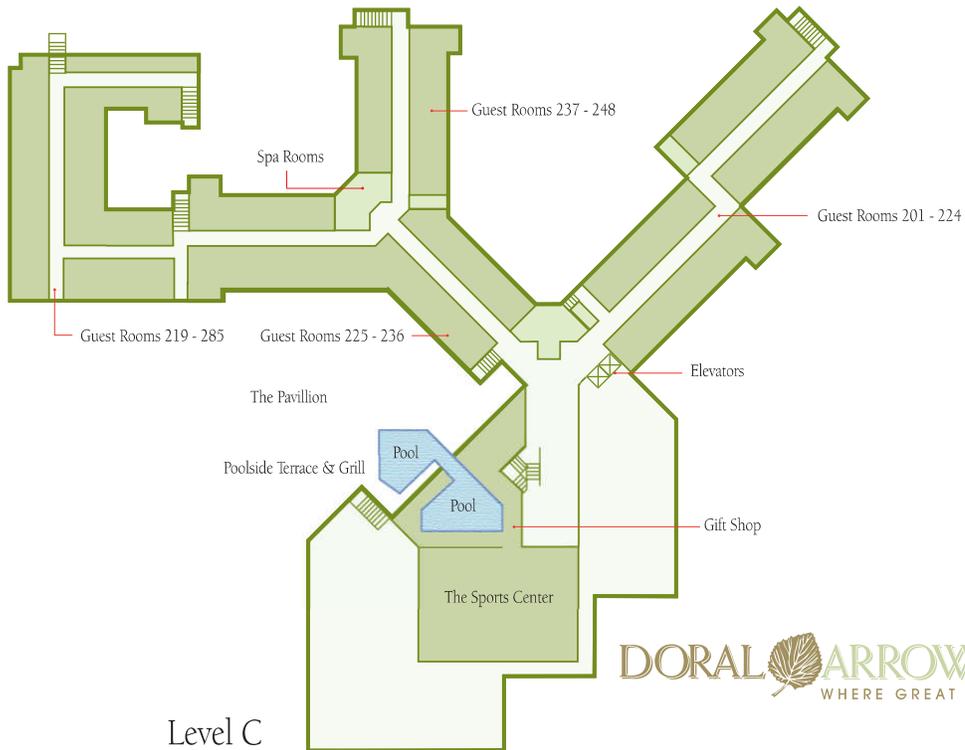
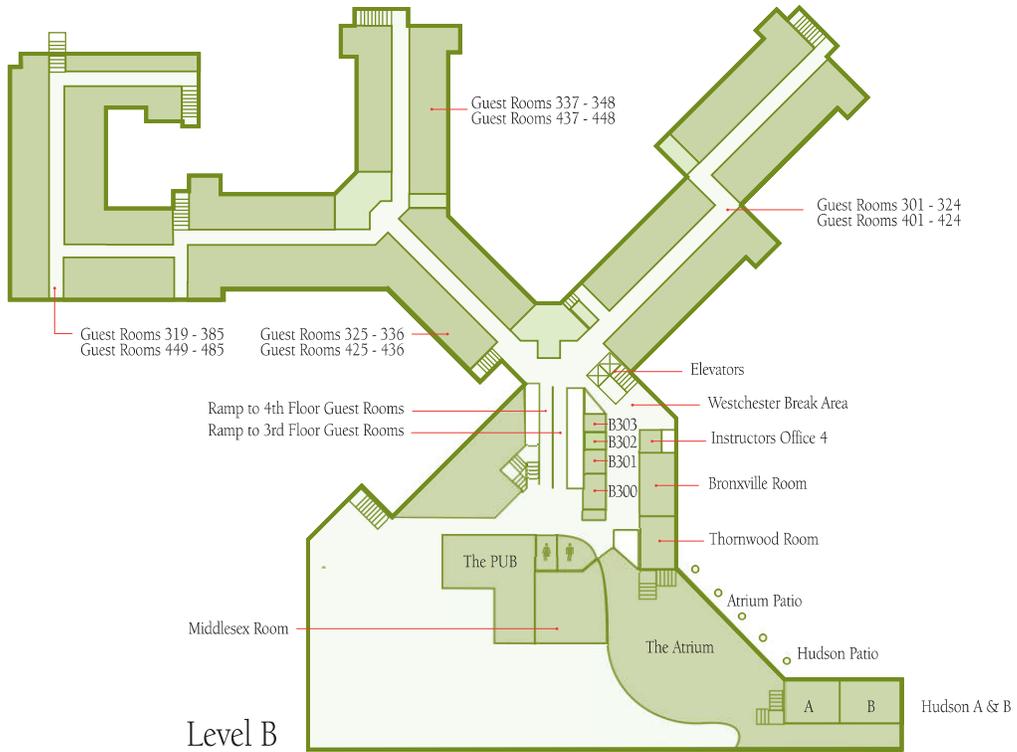


# FLOOR PLAN

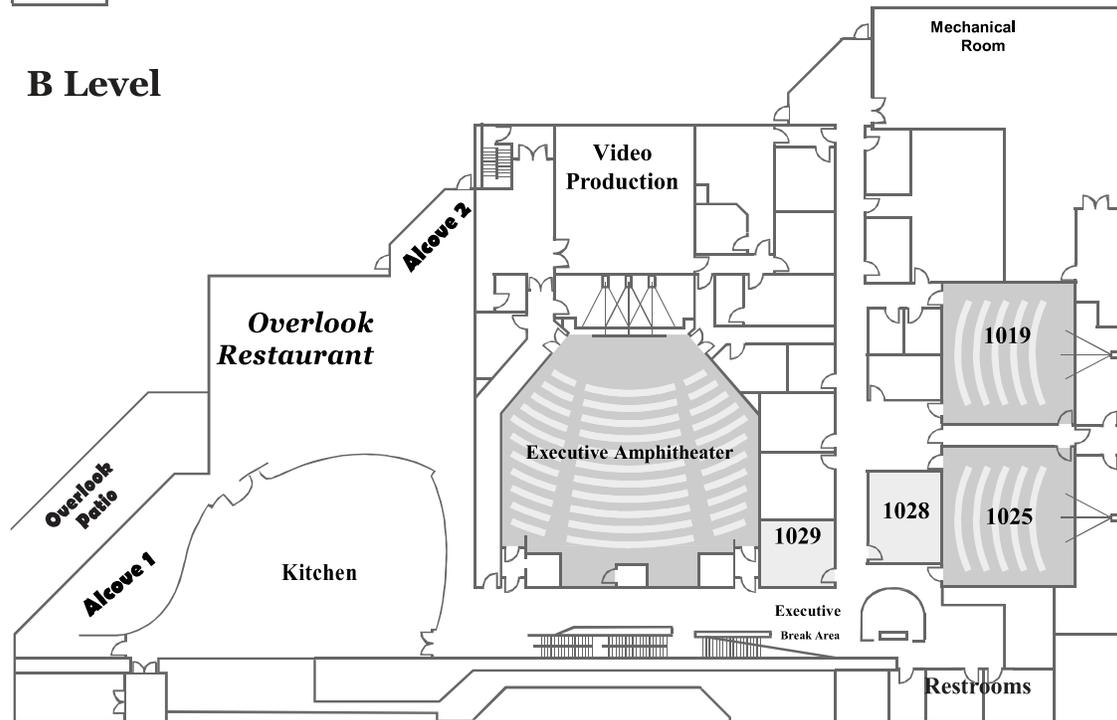
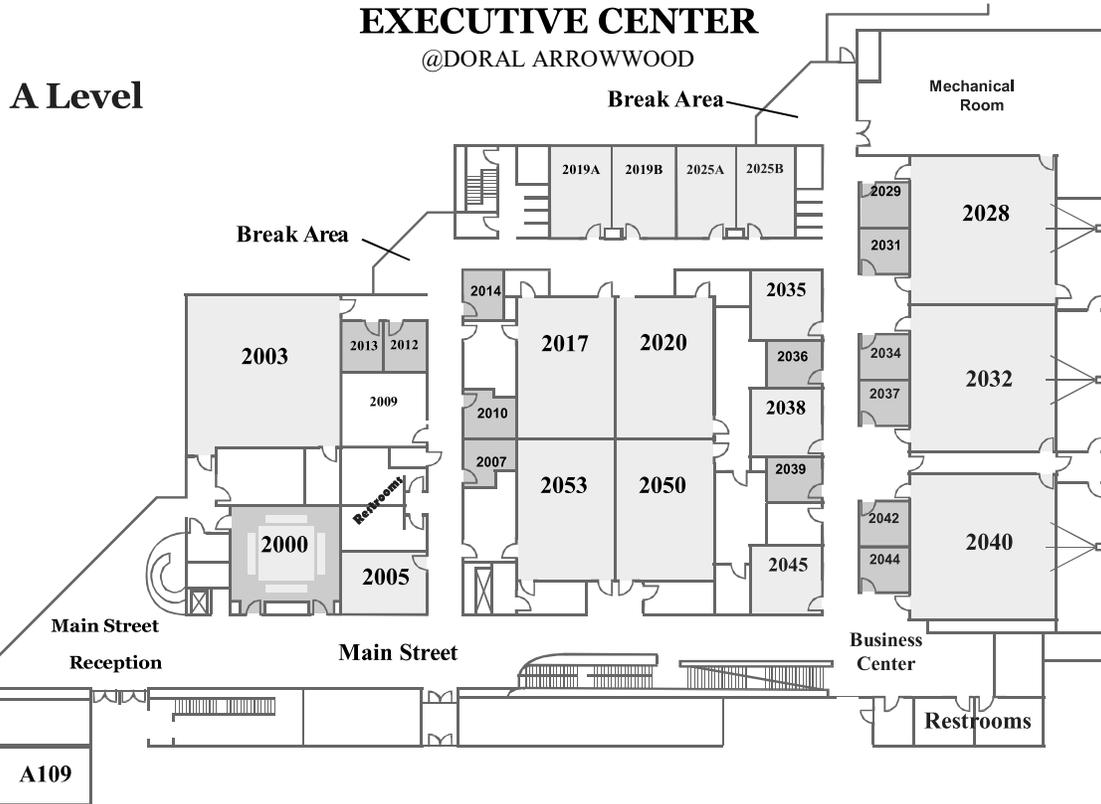


Level A

# FLOOR PLAN



# FLOOR PLAN





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