

**CREDENTIALS OF
PANELISTS AND CONTRIBUTORS**

NYCOURTS.GOV**Appellate Division** *First Judicial Department*
*Supreme Court of the State of New York***Justices of the Court****Associate Justice David B. Saxe**

EMPLOYMENT HISTORY | PAST EVALUATIONS BY SCREENING PANELS | PUBLICATIONS | NON-LAW REVIEW PUBLICATIONS | JUDICIAL OPINIONS | TEACHING AND LECTURING | PROFESSIONAL MEMBERSHIPS | PRIZES AND HONORS

EDUCATION:

Bronx High School of Science, Bronx, New York (1959)
B.A. - Columbia College, New York, New York (1963)
J.D. - Case Western Reserve University School of Law, Cleveland, Ohio (1966)
LL.M. - New York University School of Law (1972)

ADMISSIONS TO PRACTICE:

Ohio (1966); New York (1967); Various Federal Courts.

EMPLOYMENT HISTORY:

JUDICIAL: (a) Associate Justice, Supreme Court, Appellate Division, First Department, 27 Madison Avenue, New York, NY 10010, January 27, 1998 to present. In connection with my designation to the Appellate Division, First Department, I was found "Qualified" by the Committee chaired by former Chief Judge Cooke of the New York State Court of Appeals and the Appellate Division, First Department Screening Committee.

(b) Justice of the Supreme Court, First Judicial District, 80 Centre Street, New York, New York 10007, January 1991 to present; In connection with my reelection to a second Supreme Court Term, I was recently (2004) found "Most Highly Qualified" by the Independent Democratic Party Judicial Screening Panel for the Supreme Court, First Judicial District and found "Approved" by the Committee on the Judiciary of the Association of the Bar of the City of New York. I was elected in November 1990 to a fourteen (14) year term as a Justice of the Supreme Court. I was endorsed by the Democratic, Republican, Liberal and Conservative Parties. As a candidate I was found "Most Highly Qualified" by the Independent Democratic Party Judicial Screening Panel for the Supreme Court, First Judicial District (1990); "Approved" by the New York Women's Bar Association and "Approved as Qualified" by the Committee on the Judiciary of the Association of the Bar of the City of New York. Since May 1997, I have been assigned to the Supreme Court/Criminal Term, Part 84. Prior to May 1997, I served in the Supreme Court/Civil Term, most recently in a General Trial Part and before that in a Matrimonial Part.

(c) Justice of the Supreme Court, First Judicial District, 80 Centre Street, New York, New York 10007 (February 28, 1990 to December 31, 1990; I was appointed to an interim vacancy on the Supreme Court by Governor Mario M. Cuomo on January 10, 1990 and was confirmed by the New York State Senate on February 27, 1990).

(d) Acting Justice of the Supreme Court, New York County, IAS Part 18 (January, 1988 to February 27, 1990). I served as an Acting Justice since the inception of the IAS System, first in a New York City Part and thereafter (November 4, 1988) in a General Part.

(e) Judge of the Civil Court of the City of New York, 111 Centre Street, New York, N.Y. 10013 (January, 1982 through December 1985). During this time period, I also served by interim appointment as an Acting Criminal Court Judge and before being designated as a full-time Acting Justice of the Supreme Court, I served in per diem assignments in such capacity.

(f) I served as Law Secretary to the Honorable Shanley N. Egeth, Acting Justice of the State Supreme Court and Judge of the Civil Court of the City of New York (January, 1973 - February, 1974). Judge Egeth was, for a short time before his death, Administrative Judge of the Civil Court of the City of New York.

PAST EVALUATIONS BY SCREENING PANELS:

In 1989, I was rated "Well Qualified" by Governor Mario M. Cuomo's First Department Judicial Screening Committee and was subsequently appointed by Governor Cuomo to an interim Supreme Court vacancy.

In 1988, 1989 and 1990, I was selected by the Independent Judicial Screening Panel for the Supreme Court, New York County as "Most Highly Qualified." I was also rated "Highly Qualified" by the Metropolitan Black Bar Association (1988) and (1989) and "Exceptionally Well Qualified" by the New York State Trial Lawyers Association (NYSTLA) (1988) and (1989).

During the course of my campaign for election to the Civil Court (1981), I was "Endorsed" by The New York Times, found "Qualified" by the Association of the Bar of the City of New York (Committee on the Judiciary), rated "Preferred" by the Citizens Union and found "Exceptionally Well Qualified" by the New York State Trial Lawyers Association.

I was informed by the former Administrative Judge of the Civil Court of the City of New York (Honorable Israel Rubin) in 1984 that I was found "Qualified" by the panel chaired by Dean Prince of Brooklyn Law School that had been empowered to vote upon candidates for extended rotation to the Supreme Court. In connection with that designation, I was "Approved" by the Committee on the Judiciary of the Association of the Bar of the City of New York (June 25, 1984).

PRIVATE PRACTICE OF LAW: From February, 1978 through December, 1981, I was involved in the private practice of law. Starting in early February of 1978 and continuing to almost the end of June of that year, I was associated with the firm of Krakower & Weissman, 477 Madison Avenue, New York, New York (751-3990). I was not employed for the balance of that year. In January, 1979, I began a private practice of law at a small office located at 30 East 40th Street, New York, New York 10018. In May of 1979 or thereabouts, I joined, as a partner, the firm of Salon, Marrow & Dyckman, 41 East 42nd Street, New York, New York (contact Leo Salon, Esq., 661-7100). I remained there until the end of 1979. At that point, I resumed the status of a single practitioner from that address (41 East 42nd Street), for a short time. Then I moved my practice in the first few months of 1980 to the law offices of Brett, Apfelberg & Epstein at 275 Madison Avenue, New York, New York 10016 (679-8900). For a short time, I practiced there as a solo practitioner and in the capacity of counsel to that firm. Thereafter, I was named a partner and the firm name was changed to Brett, Apfelberg, Epstein & Saxe. The firm specialized in representing tenants in co-op and condominium conversions and landlord-tenant matters. Prior to becoming a partner with this firm, I was involved in a general civil practice with an emphasis on civil litigation, educational law and the rights of handicapped children, family court representation, consumer law and appellate work.

GOVERNMENT: Consumer Advocate for The City of New York and Director of Law Enforcement, Department of Consumer Affairs, City of New York. Special Assistant Corporation Counsel, New York City, 80 Lafayette Street, New York, New York 10013 (February, 1974 - February, 1978) (overall legal and administrative responsibilities. I was engaged in general litigation in the field of trade regulation, products liability, consumer law and advertising law. I appeared in all state and federal courts.)

LITIGATION EXPERIENCE AS ASSOCIATE ATTORNEY: I was associated with the firm of Phillips, Nizer, Benjamin, Krim & Bailon, 40 West 57th Street, New York, New York 10022 (977-9700): from about January 1972 to about the end of October, 1972 (contact Eugene Kline, Esq., or Julia Perles, Esq.). For the remainder of that year, I was with Otterbourg, Steindler, Houston & Rosen, Esqs., 230 Park Avenue, New York, New York 10017 (Daniel Guterman, Esq., 661-9100). Also from 1968 through 1969, I was associated with the firm of Berman & Frost (disbanded for some time) at 110 William Street, New York, New York.

CORPORATE/COMMERCIAL: Associate Counsel, James Talcott, Inc., 1290 Avenue of the Americas, New York, New York 10019; from February 1970 through January 1972. Contact Frank Rinaldi, Esq., 673-9723 (evenings). I was involved in all areas of corporate law, factoring, commercial finance, U.C.C., leasing and negotiation.

TEACHING: Lecturer in Law and Assistant Professor of Law - City University of New York (September 1966 - December 1969). I taught courses in Contracts, Business Organizations, Negotiable Instruments and a Survey Course in law.

PUBLICATIONS (LAW REVIEW AND LEGAL JOURNALS):

- (1) "An Exemplary Life," *New York Law Journal (Perspective)*, February 20, 2003, p. 2.
- (2) "The Ties that Bind," *New York Law Journal*, July 16, 1997, p. 2, col. 3.
- (3) "Divorce, New York Style," (Perspective), *New York Law Journal*, March 19, 1997, p. 2, col. 3.
- (4) "Improving Matrimonial Litigation," *New York Law Journal*, May 20, 1996, p. 2, col. 3.
- (5) "Tips to New Judges," 34 *The Judges' Journal*, No. 1 38 (Winter 1995).
- (6) "Increased Visitation," *New York Law Journal*, October 24, 1994, p. 2, col. 3.
- (7) "Reconciliation," *New York Law Journal*, January 28, 1994, p. 2, col. 3.
- (8) "Dinosaur Tales," *ABA Journal/January 1994*, p. 52.
- (9) "Reducing Support Obligations By Voluntarily Reducing Income," *New York Law Journal*, October 26, 1993, p. 1, col. 1 (Outside Counsel).
- (10) "Fee Arbitration Can Work in Matrimonial Cases," *New York Law Journal*, August 12, 1993, p. 1, col. 1 (Outside Counsel).
- (11) "An Anatomy of a Settlement - Jockeying for Position," *ABA Journal/July 1993*, p. 52.
- (12) "Shylock, Portia and a Case of Literary Oppression," Vol. 5 *Cardozo Studies in Law and Literature* No. 1, 115 (Spring 1993) - a symposium issue on Shakespeare's "The Merchant of Venice."
- (13) "Reflections on Matrimonial Lawyers, Judges and Practice - Part I (Perspective), *New York Law Journal*, January 8, 1993, p. 2 - Part II (Perspective), *New York Law Journal*, January 11, 1993, p. 2.
- (14) "Too Young To Be His Wife, Too Old To Be His Daughter," (Corrected Title) *New York Law Journal*, July 10, 1992, p. 2 (Essay).
- (15) "Delay," Vol. 22, Nos. 2 & 3, *Trial Lawyers Quarterly*, p. 19 (Winter/Spring 1992).
- (16) "Goals and Standards," Vol. 64, *New York Bar Association Journal*, No. 1, p. 30-33 (January 1992).
- (17) "An Afternoon in a City Part," *N.Y.L.J.*, 10/29/90, p. 2.; reprinted in Volume 17, No. 2 *LITIGATION, The Journal of the Section of Litigation (ABA)*, p. 1 ("Opening Statement").
- (18) "False Starts," Vol. 77, *American Bar Association Journal*, (June 1991), p. 70.
- (19) "The Joys of Judging," 75 *American Bar Association Journal*, p. 92 (November, 1989); cited in Moynihan, "Ghostwriters in the Courts," *LITIGATION*, Vol. 17, No. 3 (Spring 1991) p. 37.
- (20) "The Oldest Case in the IAS," *New York Law Journal*, October 16, 1989, p. 2.
- (21) "Flummery," *New York Law Journal*, October 3, 1989, p. 2.
- (22) "A Judge's Lot: Sleep, Perchance to Dream?" *New York Law Journal*, September 19, 1989, p. 2; reprinted as "Sleep," *New York State Bar Journal*, January 1993, p. 48.
- (23) "The Expert Witness," *New York Law Journal*, September 1, 1989, p. 2.

- (24) "Not a Time for Humor," *The National Law Journal*, August 14, 1989, p. 13 (Podium).
- (25) "A Foley Square 'Regular' Sighs As Corner Dells Yield to Sushi Bars," (Commentary), *Manhattan Lawyer*, February 21 - February 27, 1989, p. 13.
- (26) "Billy Budd, Law Teacher," *The National Law Journal*, April 11, 1988, p. 13 (Podium).
- (27) "Law and Literature," *New York Law Journal*, February 8, 1988, p. 2.
- (28) "Tips on Writing for Trial Lawyers," *New York Law Journal*, July 6, 1987, p.2, col. 3. (with Gallet, J.).
- (29) "Summer's Endings," *New York Law Journal*, September 4, 1987, p.2.
- (30) "Safe Havens In the Bronx Long Ago," *New York Law Journal*, June 16, 1987, p.2, col.3.
- (31) "Verdict of a Manhattan Jury," *New York Law Journal*, April 28, 1987, p.2, col.3.
- (32) "Opening Day," *New York Law Journal*, April 9, 1986, p.2.
- (33) "New Loft Law: Commentary on the Emerging Case Law," *New York Law Journal*, May 11, 1983, p 1. et seq (with Ralph Gerstein and Janis Beaver).
- (34) "Five Days! Next!," *New York Law Journal*, January 13, 1983, p.2
- (35) "Developments in Law of Co-op, Condominium Conversion," *New York Law Journal*, a three part series of articles (Co-op Law, November 3, 4, 5, (1982).
- (36) "Are 'No-Buy' Tenants Safe in Co-Op Conversion Plans?," *New York Law Journal*, August 19, 1981, p.1 (Co-op Law).
- (37) "The Worst-Kept Co-Op Secret in Town," *New York Law Journal*, July 2, 1980, page 1; referred to in *New York Magazine*, August 11, 1980, page 7 ("Intelligence") (Co-op Law, Tax Law).
- (38) "The Federal Warranty Act: Progress and Pitfalls," (with David Blejwas) 22 *New York Law School Law Review* 1 (1976), cited in: Lord, *Some Thoughts About Warranty Law in North Dakota, Part One: The Warranty of Title*, 53 *North Dakota L. Rev.* 537, 538 (1977); Brickley, *The Magnuson-Moss Act - An Analysis of The Efficacy of Federal Warranty Regulation as a Consumer Protection Tool*, 18 *Santa Clara L. Rev.* 73, 78, 102, 103, (1978); Hammer, *FTC Knights and Consumer Daze: The Regulation of Deceptive or Unfair Advertising*, 32 *Ark. L. Rev.* 446, 450 (1978); (Warranty law, Legislation, Consumer law).
- (39) "Some Reflections on the Interface of Law and Psychiatry in Child Custody Cases," *The Journal of Psychiatry and Law* 501 (Winter, 1975 (Family Law, Psychiatry & Law)
- (40) "Family Support Obligations: The Equal Protection Problem," with Mitchell Salem Fischer, Esq., 46 *New York State Bar Journal* 441 (1974); cited in *Note: Sex-Based Discrimination In New York Statutory Law, A Roadmap for Legislative Reform*, 50 *St.John's L. Rev.* 152, 158 (1975); *Note: The Impact of the Equal Rights Amendment on the New York State Alimony Statute*, 24 *Buff. L. Rev.* 395, 403, 404 (1975) (Constitutional law, Domestic Relations).
- (41) "Notes on the Attorney-Client Relationship: A Psycholegal Overview," with Seymour F. Kuvin, M.D., 2 *The Journal of Psychiatry and Law* (1974); (Counter-transference between Attorney and Client); revised and published as the *Attorney-Client Relationship: A Psychoanalytic Overview*, 9 *New England Law Review* 395 (Spring, 1974), cited in *Elkins: A Counseling Model for Lawyering in Divorce Cases*, 53 *Notre Dame Lawyer*, No. 2, p. 113. (1973).
- (42) "Psychotherapeutic Treatment and Malpractice," 58 *Kentucky Law Journal* 467 (1970); reprinted by the Institute of Continuing Legal Education of the University of Michigan for a seminar held on October 24, 25, 1970 at Detroit, Michigan (Psychiatry and the Law, Torts); cited in *Feldman and Ward, Psychotherapeutic Injury: Reshaping the Implied Contract as an Alternative to Malpractice*, 58 *Univ. of N. Carolina L. Rev.* 63, 85 (1979).
- (43) "Psychiatry, Sociopathy and XYY Chromosome Syndrome," 6 *University of Tulsa Law Journal* 243 (1970); reviewed in 8 *Criminal Law Reporter* 2032 (October 14, 1970); reprinted in *Journal of Forensic Medicine, Johannesburg, South Africa, Vol. 18, No. 3 July-September, 1971*; cited in *Gardner, Criminal Responsibility and Exculpation by Medical Category - An Instance of not Taking Hart to Heart*, 27 *Afa. L. R.* 55, 107 (1975) (Psychiatry and the Law, Criminal Law).
- (44) "Psychiatry, Psychoanalysis and the Credibility of Witnesses," 45 *Notre Dame Lawyer* 238 (1970); quoted in *Asch, Mental Disability in Civil Practice* (1973), 11.2; cited in *Brooks, Law, Psychiatry and the Mental Health System* (1974 at p. 1017); cited in *Spector & Foster, Admissibility of Hypnotic Statements: Is the Law of Evidence Susceptible*, 38 *Ohio St. L. J.* 567 583, (1977); O'Neale, *Court Ordered Psychiatric Examination of a Rape Victim in a Criminal Rape Prosecution - or How Many Times Must a Woman Be Raped*, 18 *Santa Clara L. Rev.* 119, 121 (1978); *Foster, Present Sense Impressions: An Analysis and a Proposal* 10 *Loyola Chi. L. J.* 299, 327 (1979) (Psychiatry and the Law, Evidence).
- (45) "Psychiatric Treatment and Malpractice," 37 *The Medico-Legal Journal*, 187 (Part 4, 1969) (London, England); cited in *Asch, Mental Disability in Civil Practice* (1973), 18.1, cited in *Fishalow, The Tort Liability of the Psychiatrist*, 3 *The Bulletin of the American Academy of Psychiatry and the Law* 181 (Nov. 4, 1975) fn. 15, 188.
- (46) "The Second Amendment: The Right to Bear Arms," 7 *Houston Law Review* 1 (1969); cited in *Note: The Impact of State Constitutional Right to Bear Arms Provisions on State Gun Control Legislation*, 38 *U. of Chicago L.R.* 185, 190, 191 (1970); *Hardy & Stompoly: Of Arms and the Law*, 51 *Chicago - Kent L. Rev.* 62, 87 (1974); *Note: Prior Convictions and The Gun Control Act of 1968*, 78 *Col. L. Rev.* 328 (1976); *Whisker, Historical Development and Subsequent Erosion of the Right to Keep and Bear Arms*, 78 *West Virginia L. Rev.* 171, 178 (1976); *Committee Report, Gun Control Legislation 31 (The Record of the Association of the Bar of the City of New York, No. 4 (April, 1976); Jackson, Jr., Handgun Control: Constitutional and Critically Needed*, 8 *N. Carolina Central L. J.* 189, 190 (1976); *Hardy, Firearm Ownership and Regulation: Tackling an Old Problem with Renewed Vigor*, 20 *Wm. & Mary L. Rev.* 235 (1978); *Baschie, "Reconsidering The Second Amendment: Constitutional Protection For A Right of Security,"* 9 *Hamline L. Rev.* 89, 82 (1986); *Hardy, "Armed Citizens, Citizen Armies: Toward A Jurisprudence of the Second Amendment,"* 9 *Harvard Journal of Law & Public Policy, No. 3, p. 4, fn. 4 (Summer, 1986) (Constitutional Law (with Ronald Levine)).*
- (47) "A Visit to Portland: After-Acquired Property Clauses in Bankruptcy," Lead article in 1968 *American Business Law Journal*, Winter, 1968 issue, pages 627-639; cited in 2 *CCH Bankruptcy Law Review, Sections 6001-6107, p. 30, 205 (Bankruptcy, Secured Transactions).*

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NON-LAW REVIEW PUBLICATIONS:

- (1) "Discrimination After Death," *Newsday (Viewpoints)*, 11/25/91, p. 38; reprinted *Bill of Particulars (February 1992, p. 11).*
- (2) "Joey," *The Sag Harbor Herald*, 10/3/91, p. 2 (Reflections).
- (3) "Marriage-Common Style," *Daily News, Urban Gazette*, 10/3/91, p.37.

- (4) "No Pet' Clause Can Spell Trouble," Vol. 76, DOG WORLD, No. 4 (April 1991), p. 46.
- (5) "A Failed Friendship," The Sag Harbor Herald, 10/11/90, p. 2.
- (6) "Should Prison Systems(s) be Operated Privately,?" THE ATLANTA JOURNAL AND CONSTITUTION pA-17, March 7, 1990.
- (7) "Justice Examines Dog Laws," DOG WORLD, (December, 1989), p. 25.
- (8) "Jailing Mothers Who Take Drugs Is Misguided Trend," THE ATLANTA JOURNAL AND CONSTITUTION, November 22, 1989, pA-19; reprinted as ". . . Addicted Mothers Charged With Child Abuse," The Miami Herald (Viewpoints), December 12, 1989, p. 23A.
- (9) "How Much is Your Dog Worth,?" DOG WORLD, (November, 1989), p. 122.
- (10) "When Law-breaking Is Negotiable," CHICAGO TRIBUNE, September 16, 1989, Section 1, p. 13.
- (11) "No Radio, Nothing in Trunk," THE WASHINGTON POST, Friday, September 22, 1989, Op-Ed, p. 27; also published as "And the Streets are Paved with Glass," The Cleveland Plain Dealer, September 12, 1989, p. 2.
- (12) "Who Keeps the Ring?" BRIDE'S, October/November, 1989, p. 285.
- (13) "Still a Gateway for Immigrants," NEWSDAY, August 1, 1989, (Viewpoints), p. 52.
- (14) "Dogs Caught in Divorce," DOG WORLD, (August, 1989), p. 23; excerpted in Harper's, (January, 1990) p. 26, ("Readings.")
- (15) "A Dog's Social Security," DOG WORLD, (June, 1989) p. 26.
- (16) "The Housing Courts And Homelessness," NEW YORK POST, Sunday, March 26, 1989, p. 27 (Commentary).
- (17) "Stretching The Weekend: The Predawn Monday Commute," THE NEW YORK TIMES, January 1, 1989, Sunday, Long Island Section, p. 16.
- (18) "Ice Cream Reminiscences," (Guestwords) THE EAST HAMPTON STAR, July 23, 1987, p.II-1.
- (19) "Risky Push to Protect the Dead," NEWSDAY, May 11, 1987 (Viewpoints), p.54
- (20) "Barnard Was Where the Girls Were," NEWSDAY, May 18, 1984, p.91 (Viewpoints).
- (21) "Making an Attempt to Connect," The BRIDGEHAMPTON SUN, July 22, 1982.
- (22) "A Stickball Diplomat," THE NEW YORK TIMES, July 10, 1982, p.23 (Op-Ed page).
- (23) "On Licensing Apartment Managers," THE NEW YORK TIMES, Op-Ed page, August 8, 1981, p.22 (with Jeffrey H. Gallet, Esq.).
- (24) "A Passover Gift," REFORM JUDAISM, March, 1981, p.18.
- (25) "Protection Against 'Co-oping'," THE NEW YORK TIMES, Op-ed page, December 20, 1980, p.25.
- (26) "The Other Christmas," THE JEWISH WEEK and THE AMERICAN EXAMINER, Vol. 193, No. 27, November 30, 1980, p.34; ("It's Christmas, So Sit Down and Don't Rock the Boat,") THE CLEVELAND PLAIN DEALER, Tuesday, November 18, 1980, p.17-A (Forum Page).
- (27) "The Story of Lenny Pool," THE BEACH HAMPTON (Dan's Papers) Vol. 1. XV, No. 17, August 1, 1980, p.6 (Fiction, Satire).
- (28) "Court Halts Conversion," THE NEW YORK TIMES, SUNDAY, Real Estate Section, June 8, 1980; "No-Buy Pledge Ruled No-Bar to Co-op Plan," THE NEW YORK TIMES SUNDAY Real Estate Section, May 11, 1980, REALTY NEWS, page 6; "Co-op Case Testing Pledge," THE NEW YORK TIMES, SUNDAY Real Estate Section, April 20, 1980, page 1. (This series of articles was the first on "no-buy pledges" in the cooperative conversion process.)
- (29) "Must Psychotherapists Warn About Released Patients?," THE NEW YORK TIMES, February 12, 1980, "SCIENCE TIMES:" (Tuesday), p.C3; cited in Comment, Reforming Insanity Defense Procedures in New York, 45 Albany L. Rev. 679, 76 n.113 (1981).
- (30) "Tenants Sue For Their Safety," THE NEW YORK TIMES, SUNDAY Real Estate Section, December 16, 1979, p.1.
- (31) "A Holiday at Home, A Widening Gulf," THE NEW YORK TIMES, September 27, 1979, The Home Section, p.C3.
- (32) "Going Westhampton, My Friends? Good!," THE NEW YORK TIMES, SUNDAY, August 5, 1979, The Long Island Sunday Section, p.16.
- (33) "Herbie Cried, 'Hit the Immie and Win 10!'," THE NEW YORK TIMES, April 7, 1979, The Op-Ed Page, p.23.
- (34) "Nuclear Liability: Victims Be Damned," NEWSDAY, April 11, 1979 (Viewpoints), p.54.
- (35) "Who Should Pay the Price for a Nuclear Accident?," DETROIT FREE PRESS, May 21, 1979, p.15A.
- (36) "Nuclear Liability Limited," CHICAGO TRIBUNE, Thursday, July 5, 1979, Section 3, p.4.
- (37) "A Separation Agreement Before the Wedding," NEWSDAY, Sunday, March 11, 1979 (Viewpoints), p.10.
- (38) "The Rape Loophole: a feudal insult then and now," THE BERGEN RECORD, October 10, 1978, p.B23.
- (39) "How to Avoid a Mess in a Group Rental," THE NEW YORK TIMES, Sunday Travel Section, May 14, 1978, Section 10, p.7.
- (40) "A Better Mousetrap for Red Tape?" (The case for a New York City Department of Inspection), THE NEW YORK DAILY NEWS, Sunday, April 30, 1978, p.55.
- (41) "Let's Put Some Limits on Limited Liability," THE BERGEN RECORD, April 27, 1978, p.C-17.
- (42) "Let's Bar All Children's TV Ads," NEWSDAY, March 3, 1978 (Viewpoints).
- (43) "Living and Dying by the Sword," (an analysis of the David Marsten affair), THE BERGEN RECORD, February 15, 1978, Op-Ed Page.
- (44) "The 'Cut of the Robe' and Other Nonsense," THE BERGEN RECORD, December 13, 1977, Op-Ed page, p.B-23.
- (45) "The Hidden Danger in Lawyer Advertising," NEWSDAY, Sunday, October 30, 1977, (Viewpoints), p.7.
- (46) "Help for Sports Fans? They Need Plenty of It," THE NEW YORK TIMES, Sunday, Sports Section, October 30, 1977, Views of Sports, p.2.
- (47) "Consumer Fraud: One Radical Antidote," THE BERGEN RECORD, September 21, 1977, Op-Ed page, p.C-17.

- (48) "Real Friends, Summer Friends," *NEWSDAY*, September 2, 1977, p.74 ("The Way I See It") (Viewpoints).
- (49) "Blowing the Whistle on the Boss," *NEWSDAY*, July 7, 1977, p.75 (Viewpoints); reprinted (*LOS ANGELES TIMES*), July 15, 1977, part II, p.7; reprinted (*ROCHESTER DEMOCRAT AND CHRONICLE*), July 31, 1977, Section F, p.1F (Viewpoints).
- (50) "Let's Let the Citizen Prosecute," *CHICAGO TRIBUNE*, June 3, 1977, Sec. 3, p.4 (Perspective).
- (51) "The Right to Know Their Roots," *NEWSDAY*, April 6, 1977, p. 6 (Viewpoints); cited in Note, *The Fundamental Right to Family Integrity and its Role in New York Foster Care Adjudication*, 44 *Brooklyn L. Rev.* 63, 68 fn. 24 (1977).
- (52) "We Need a National Small-Claims System," *THE BERGEN RECORD*, March 25, 1977, p.C29.
- (53) "Should Psychiatrists Ever Tell?," *NEWSDAY*, January 31, 1977, p.33 (Viewpoints).
- (54) "Malpractice in the Classroom," *NEWSDAY*, November 30, 1976, p. 45 (Viewpoints); quoted in Hentoff, "WHO TO BLAME? The Politics of Educational Malpractice," *LEARNING*, October, 1977, p.48.
- (55) "Psychiatric Examinations for Judges," *THE NEW YORK TIMES*, Sunday, December 21, 1975, Op-Ed Page, p.13, with Seymour Kuvin, M.D.
- (56) "There Was Once Money Wasn't There," *THE NEW YORK TIMES*, Sunday, August 1, 1976, Op-Ed page, p.15 (Electronic Banking and Consumerism).

JUDICIAL OPINIONS:

I have authored 670 decisions, many of which have appeared in the *New York Law Journal* and the *Official State Reporter*. They are listed in a separate portfolio which I will provide upon request. The *New York Times* once noted that I am the most widely published trial judge in the state.

TEACHING AND LECTURING:

- Panelist: New York State Judicial Institute,
"A View from the Appellate Division," July 19, 2004.
- Panelist: Association of the Bar of the City of New York,
"Modifying Jury Verdicts," March 22, 2004.
- Moderator: Supreme Court of the State of New York Appellate Division, First Department, "Matrimonial Update: A Discussion of Recent Cases and Current Issues," March 10, 2003; December 13, 2004.
- Panelist: Association of the Bar of the City of New York,
"The Construction of a Pre-Nuptial Agreement: Making it Worth the Paper (or Tape) It's Recorded On," September 17, 1998.
- Guest Speaker: Committee on Appellate Courts, of NYCLA, October 1, 1998.
- Panelist: Association of the Bar of the City New York
"The Taming of the Shrew (Shakespeare)" Mock Trial; October 29, 1998.
- Panelist: NYCLA Forum sponsored by its Committee on Child Advocacy and Mental Health, on the use of Psychological and Psychiatric Testimony in Child Custody Cases, June 1, 1994.
- Panelist: Forum entitled "When World's Collide: Issues in Custody Litigation," held on May 12, 1994, at the Association of the Bar of the City of New York.
- Lecturer: Judicial Writing Techniques—Seminar for Newly-Elected and Newly-Appointed Judges and Justices, sponsored by Office of Court Administration (December 13, 1993).
- Panelist: Association of the Bar of the City of New York/Program dealing with new Matrimonial Rules, November 1, 1993.
- Panelist: New York County Lawyers' Association (NYCLA) program sponsored by the Academy of Matrimonial Lawyers, New York Chapter, on the Impact of the new matrimonial rules, October 21, 1993.
- Lecturer: New York County Lawyers' Association (NYCLA), Young Lawyers Section; Program on "The Judge as Author; Judges Can be Good Workers Too," October 13, 1992.
- Moot Court Judge: Benjamin N. Cardozo School of Law/Paulyen Moot Court Competition Final Round, September 28, 1993.
- Panelist: The Legal Aspects of William Shakespeare's "Merchant of Venice," including a Dramatic Reading of Acts IV and V sponsored under the auspices of the Association of the Bar of the City of New York and the Law of Humanities Institute, December 11, 1992.
- Lecturer: The Brotherhood Synagogue, 6/15/90 on topic "Can You Burn the Flag and Get Away With It?"
- Panelist: American Judicature Society's Sidebar Program at Association of the Bar of the City of New York, (July 9, July 10, 1990).
- Lecturer: Office of Court Administration Program for New Judges, December, 1989 (Judicial Writing Skills).
- Panelist: Conference entitled "Legal Styles: Language, Rhetoric & Narrative in the Law," sponsored by the Law & Society Program of Ramapo College and the Law & Humanities Institute, May 19-20, 1989.
- Moderator: OCA 1989 Legal Update Program, held March 28, 1989 on Landlord-Tenant Law and Cooperative Conversion Law
- Moderator: New York County Lawyers' Association (NYCLA) forum dealing with the New York State Sanction Rule held on May 11, 1989.
- Panelist: Conference on Opportunities for Judicial Service, sponsored by the Committee to Encourage Judicial Service, Association of the Bar of the City of New York (December 31, 1988).
- Moderator: New York State Judicial Education Seminar, Rochester, New York (summer, 1988, 1989 and 1990), I moderated two separate Law and Literature courses in 1988. The first dealt with Tom Wolfe's, "The Bonfire of the Vanities" and Tom Wolfe, Justice Burton Roberts and Edward Hayes, Esq., were my panelists. The second Law and Literature course focused on Censorship and First Amendment issues and the special guest lecturer was Charles Rembar,

Esq. For the 1989 program, I moderated a program with John Jay Osborn, author of "The Paper Chase," as the featured speaker. For the 1990 seminar, I hosted a discussion featuring Scott Turow as the principal speaker. I have also been a Member, Committee on Judicial Skills - 1986, 1987, 1988 and 1989.

Co-moderator and Lecturer: New York State Judicial Education Seminar, Rochester, New York (summer, 1988). Law and Literature - an examination of William Shakespeare's "Measure for Measure."

Moderator: Forum sponsored by the Association of the Bar of the City of New York - Committee on Judicial Ethics and Professional Responsibility - entitled "A Discussion of Law and Morality in Herman Melville's Billy Budd, Sailor." (with Hon. Richard A. Posner, Judge of the U. S. Court of Appeals for the Seventh Circuit and Prof. Richard Weisberg of Benjamin Cardozo School of Law) - May 31, 1988.

Co-moderator: New York County Lawyers' Association (NYCLA) forum, "How to Settle Your Case Effectively," May 5, 1988 (eve.).

Panelist: New York County Lawyers' Association (NYCLA) forum dealing with the New York City Parts in the Supreme Court/IAS System, February 3, 1988.

Lecturer: Appellate Term, 2nd Department; Spoke to Law Assistants on the topic, "Recent Developments and Trends in the Law of Cooperative and Condominium Conversion," March 1988.

Co-chairperson and Lecturer: New York County Lawyers' Association (NYCLA) course dealing with developments in the law of Co-operatives and Condominiums, 1988 and 1989. I lectured as part of the same NYCLA program during the Spring of 1986.

Faculty: Hofstra Law School, Trial Techniques Program, (January 1988).

Faculty: National Institute for Trial Advocacy (Summer, 1988).

Moderator: New York County Lawyers' Association (NYCLA) forum on topic Effective Writing Techniques for Young Lawyers (June 29, 1988).

Lecturer: New York State Trial Lawyers' Association (NYSTLA) course, "So you Want to Be a Trial Lawyer: Basics in Trying a Case," November 19, 1987, "Cross-Examination of a Defendant's Medical Expert."

Lecturer: Colloquium on Law and Literature sponsored by the Washington and Lee School of Law - Francis Lewis Law Center and the Law and Humanities Institute; held at Lexington, Virginia on October 23-24, 1987. The discussion focused on Melville's Billy Budd, Sailor.

Lecturer: Course in Professional Responsibility - at Benjamin Cardozo School of Law, New York, N.Y., Fall, 1987 (I spoke on Judicial Ethics).

Lecturer: Annual New York Law Journal Seminar, "Condominiums, Cooperatives and Conversions," held 1988, 1987 and 1986. My assigned topics have included Estates and Divorces in Co-op/Condominium Conversions; No-Buy Pledge Agreements and the Federal Condominium and Cooperative Conversion Protection and Abuse Relief Act of 1980.

Lecturer: Effective Judicial Opinion Writing to newly elected Civil Court Judges and Law Assistants, 1989, 1988 and 1987.

Lecturer: New York State Judicial Education Seminar, Rochester New York (Summer, 1987). I taught courses in Law and Literature and Psychiatry and the Law.

Lecturer: Legal Writing and Co-op and Condominium Conversion Law courses, Summer, 1984 and 1985, New York State Judicial Seminar at the University of Buffalo School of Law.

Panelist: New York County Lawyers' Association (NYCLA) course dealing with Landlord-Tenant Housing Court Practice - May 21, 1985. I spoke on the subject of non-primary residence, subletting, roommates and owner-occupancy.

Panelist: Symposium sponsored by National Emergency Civil Liberties Committee on topic "Is Housing a Civil Liberty?" on March 10, 1983 at Vista International Hotel, New York City.

Panelist: Conference of New York State Association of Renewal and Housing Officials, Inc., on October 25, 1983 at Vista International Hotel, New York City.

Lecturer and Assistant Professor of Law: The City University of New York (full-time) (September, 1986 - December, 1989). I taught courses in Contracts, Business Organizations, Negotiable Instruments and a Survey Course.

Adjunct Assistant Professor of Law: The City University of New York (Baruch College) 1988-1991; appointed Adjunct Associate Professor of Law, 9/81 to present.

Adjunct Professor of Law: Benjamin Cardozo School of Law, Yeshiva University (Summer 1992 Summer 1993, Summer 1994 and Summer 1995) (I taught a course entitled "Judicial Process and Ethics").

Clinical Instructor in Psychiatry (Adjunct): Cornell Medical College, New York, N.Y., (1972 -1976).

Lecturer in Forensic Psychiatry (Adjunct): Albert Einstein College of Medicine, Bronx, N.Y., 1972-1973.

Lecturer: New York University School of Continuing Education (Adjunct) - Para-Legal Program, 1973-1974.

Lecturer: Fordham University School of Law (Adjunct) - Course on Consumer Law (1974-1975).

PROFESSIONAL MEMBERSHIPS:

Anti-Defamation League New York Regional Board:
Member, Board of Directors, 2004 -

New York State Bar Association, 2003 - present

Association of the Bar of the City of New York:
Member, Committee on Medicine and the Law, 1974-1978

Association of the Bar of the City of New York:
Member, Committee on Real Property, 1987 - 1989.

Association of The Bar of the City of New York:
Member, Special Committee on Election Law, 1989 - 1991.

Association of the Bar of the City of New York:
Member, Committee on Bioethical Issues, 1991 - 1992.

Association of the Bar of the City of New York:
Member, Committee on Matrimonial Law, 1992 - 1995

Member, Anti-Bias Committee of The Supreme Court, New York County (1995 - 1998).

PRIZES AND HONORS:

Honored Guest and Speaker: Annual Reception of the Committee on Matrimonial Law at the New York County Lawyers Association, May 28, 2003 at the Columbus Club, 8 East 69th Street, New York, New York

Admitted to membership in The Society of Benchers on 9/27/02 in recognition of Judge Saxe's "Outstanding contribution to the profession of law and to the welfare of the School of Law of Case Western Reserve University"

Awarded Harlan Fiske Stone Memorial Award - New York County Trial Lawyers, 10/15/02, for "Outstanding contribution to American Jurisprudence"

Certificate of Appreciation - New York County Lawyers' Association (1990), in recognition of my contributions to CLE programs.

Meritorious Service Award - New York County Lawyers' Association (1988).

Our Town Award (OTTY Award) - In recognition of playing a role in making New York City a better place to live and work (1985).

Certificate of Appreciation from El Diario La Prensa "for personal interest, devotion and dedication which resulted in significant and meaningful contributions to the welfare of the Hispanic Community." Presented December 5, 1976.

First Prize, A. Van Bieema Essay Contest for Best Essay, 1968- 1969, on a phase of Commercial Financing; sponsored by National Commercial Finance Conference.

PERSONAL DATA

Date of Birth: December 30, 1942

Place of Birth: The Bronx, New York

Web page updated: April 29, 2014

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Appellate Division *First Judicial Department*
Supreme Court of the State of New York

Justices of the Court

Associate Justice Judith J. Gische

Supreme Court, Appellate Division
First Department
27 Madison Avenue
New York, New York 10010
(212) 340-0400

JUDICIAL EXPERIENCE

Designated Associate Justice of the Appellate Division of the Supreme Court, First Department, October 2012.

Elected Justice of the New York State Supreme Court, November, 2008. Sat In Civil Term of the Supreme Court.

Appointed Acting Justice of the New York State Supreme Court, May, 1997. Sat in Civil Term of the Supreme Court in New York and Bronx Counties.

Elected Judge of the Civil Court of the City of New York, November, 1993. Sat in the Civil and Small Claims Parts of the Civil Court.

Appointed Housing Court Judge of the Civil Court of the City of New York, May 1990. Sat in Kings County.

EDUCATION

Queens College, City University of New York, 1974-1975

B.A., State University of New York at Buffalo, 1977
Magna Cum laude, Phi Beta Kappa

J.D., State University of New York at Buffalo, 1980

OTHER LEGAL EXPERIENCE

11/80 to 1/82, Judicial Clerk at Appellate Division of the Supreme Court, Third Department

1/82 to 5/90, Associate Attorney with Richenthal, Abrams and Moss

2004 to present, Adjunct Professor, New York Law School



BERNARD E. CLAIR

Mr. Clair is a partner and co-chairperson of Cohen Clair Lans Greifer & Thorpe LLP ("CCLGT") formed in May 2011. CCLGT has been named one of the "Best" matrimonial firms by *U.S. News and World Report* in its 2011, 2012 and 2013 editions.

Mr. Clair has devoted himself nearly exclusively to the practice of matrimonial law for over 37 years. He has lectured and appeared before the Bar and on television and radio talk shows. He created, organized and chaired the June 2000 seminar "Anatomy of a Divorce Case" for the New York State Trial Lawyers Association. Mr. Clair authored an article entitled "Marital Property: Assets Are Hiding in Plain Site" in the special pull-out section of the July 23, 2001 *New York Law Journal*, and he has similarly authored articles for the *New York Law Journal's* family law pull-out editions in 2001, 2003, 2006, and 2007. From October 1999 to the present, Mr. Clair has served as Chairman of the Editorial Board of the *New York Family Law Monthly* published by the *New York Law Journal Press* (now ALM).

Mr. Clair has been professionally fortunate to have made or helped to develop case law, such as obtaining recognition of a cause of action based upon the wrongful transmission of an incurable sexual disease, a case of first impression in this State. *Maharam v. Maharam*, 123 A.D.2d 165 (1st Dep't 1986). In *Blisko v. Blisko*, 149 A.D.2d 127 (2d Dep't 1989), he successfully obtained a reversal by the Second Department of a trial court's time limitation on spousal maintenance, where the husband's desired divorce had been denied and the parties therefore continued to be deemed married. Mr. Clair also represented the wife, the prevailing party, in *Matisoff v. Dobl*, where he successfully argued before the Court of Appeals, resulting in a unanimous decision which created the "bright line" rule that now governs the execution of nuptial agreements in this State. *Matisoff v. Dobl*, 90 N.Y.2d 127 (1997). The *Matisoff* case

continues to be cited and relied upon in a multitude of reported decisions every year regarding the enforceability of pre and post-nuptial agreements.

Mr. Clair has been consistently voted by his peers as one of the "Best Lawyers In America;" a "Super Lawyer" since 2007; a *New York Magazine* "Best Lawyer," and he holds an "AV" rating in Martindale's. In 2012, Mr. Clair accepted the invitation to become a member of the exclusive, nationally recognized Haute Lawyer's Group.

In addition to his active practice, Mr. Clair has co-authored three books on the subject of family law for the general public: *LOVE PACT - A Layman's Complete Guide to Legal Living Together Agreements* (Grove Press, 1980); *CONSULTATION WITH A DIVORCE LAWYER* (Simon and Schuster, 1982); and *THE EX-FACTOR — The Complete Do-It-Yourself Post-Divorce Handbook* (Donald I. Fine, 1986; Warner Books, 1987).

Other Facts:

Adelphi University; BA 1973 ("Alumnus of the Year" award received in 2014)

St. John's University School of Law; J.D. 1977

Partner: Clair & Daniele; 1977-1998

Partner/Chairman of Family Law Department:

Rosenman & Colin (later, Katten Muchin); 1998-2004

Partner: Clair, Greifer LLP; 2004-2011

Partner/Co-Chairman: Cohen Clair Lans Greifer & Thorpe LLP; 2011-Present

Peter M. Nissman has a well-deserved reputation as a prominent matrimonial attorney in New York. He is experienced in all aspects of matrimonial and family law.

Mr. Nissman began his own law firm in 1993 focusing exclusively in matrimonial and family law. In addition to his regular matrimonial work, which includes litigation and drafting of various types of matrimonial agreements, Mr. Nissman has experience in complex international custody litigation under the Hague Convention, appellate work, domestic violence advocacy, and neglect and abuse cases in the family courts. Mr. Nissman is a skilled trial attorney with an extensive trial practice. However, he is also a strong advocate for the carefully negotiated settlement of cases as an alternative to litigation, and offers mediation services when appropriate. Mr. Nissman has been recognized as a top matrimonial attorney including being selected in this years edition of Superlawyers in the field of family law.

Mr. Nissman has volunteered his legal services for many women's organizations and shelters for victims of domestic violence, including My Sisters Place and inMotion which was formerly known as Network for Women's Services and is now known as Her Justice. He has received honors and awards for his services from these organizations including the award of Mentor of the Year from Network for Women's services presented to him by the Hon. Denny Chin, United States Circuit Court Judge for the 2nd Circuit. Mr. Nissman has lectured to various groups and bar associations.

One of Mr. Nissman's noteworthy achievement, was his success after a lengthy trial, in having an abducted child returned to his father in Denmark. More than just a legal victory, it was of special personal satisfaction to reunite this child with his loving father.

After receiving his law degree at the University of North Carolina at Chapel Hill School of Law, Mr. Nissman began his legal career as a prosecutor for the Kings County District Attorney's Office, where he began to develop his skills as a litigator. Following his tenure at the Kings County District Attorney's Office, Mr. Nissman worked as an associate for the boutique litigation firm, Pirro and Monsell, P.C., located in White Plains, New York, focusing on toxic tort litigation, real estate development and matrimonial matters which became of particular interest to him.

Virginia A. LoPreto

Virginia A. LoPreto is a principal in Virginia A. LoPreto, LLC. She graduated from Benjamin N. Cardozo School of Law in 1982 and was admitted to practice law in 1983. After working at several firms in the areas of commercial litigation, class actions and criminal defense, Ms. LoPreto opened her own practice in May, 1990. Her practice has been devoted largely to the representation of parties in matrimonial and family law matters representing both adults and children. Ms. LoPreto is certified by the Law Guardian Panel for the Supreme Court of the State of New York, Appellate Division, and First Department and receives appointments to represent children in custody disputes.

Ms. LoPreto is presently a member in good standing of the New York State Bar Association, The Association of the Bar of the City of New York and is a member of the Matrimonial Law Committee of the Association of the Bar of the City of New York (2013-), New York Woman's Bar Association ("NYWBA"), the Association of Family and Conciliation Courts ("AFCC") and the Interdisciplinary Forum on Mental Health and Family Law.

She is a Board Member of the NYWBA, and for the past three years has co-chaired the NYWBA Matrimonial and Family Law Committee with the Hon. Lori S. Sattler. She has made presentations concerning family and matrimonial law matters to the American Academy of Matrimonial Lawyers, the Association of the Bar of the City of New York and the NYWBA.

Early in her practice Ms. LoPreto was accepted to the Assigned Counsel Plan (18B) representing indigent defendants in misdemeanor and felony matters. She was

one of the first attorneys to be assigned to represent defendants arraigned in the Midtown Community Court when it opened in 1993. The Midtown Community Court the first community-based court in the City. She has a long-standing relationship with the United Federation of Teachers for the New York City School system and represents members in connection with criminal, and other related investigations.

As her matrimonial and family law practice grew, Ms. LoPreto ceased representing indigent criminal defendants under the Assigned Counsel Plan (18B). However, she remains on the Panel accepting appointments to represent adults and children in custody and visitation matters in the Supreme Court and in Family Court. She is also a participating attorney in the NYWBA Pro Bono Matrimonial Project and has accepted many referrals to represent litigants in divorce matters.

Ms. Dana Stutman a founding member of Preston Stutman & Partners, P.C. which is a boutique matrimonial and family law litigation firm. For nearly 20 years, she has handled divorce/equitable distribution matters and conducted a substantial number of custody and financial trials relating to all phases of matrimonial law.

Ms. Stutman was admitted to practice in this State in in 1996. Before forming Preston Stuman & Partners, P.C. in 2011, she was a partner at Mayerson Stutman Abramowitz, LLP, from 2006 - 2011. Ms. Stutman was previously a partner at Sheresky Aronson & Mayefsky, LLP from 1996 – 2006 where she also practiced almost exclusively in the areas of matrimonial and family law. Ms. Stutman was employed by the Office of Court Administration as Law Secretary to Justice Richard T. Andrias (1996) and as an intern to Justice David Saxe (1993), both while serving in the matrimonial part.

Ms. Stutman a Fellow of the American Academy of Matrimonial Lawyers, and Treasurer of the New York Chapter. She is a member of the American Bar Association and New York State Bar Association, Family Law Section. She served on the Association of the Bar of the City of New York Committee on Matrimonial Law from 2008-2011, and also served as a voting member of that committee from 1998 – 2001 and as secretary from 2005 - 2008.

Curriculum Vitae

Daniel G. Ecker specializes in the firm's professional liability and employment practices liability areas. He has represented lawyers, accountants, insurance agents and registered representatives in all phases of litigation in state and federal courts. He has also represented municipalities, including school districts, and religious institutions in employment discrimination and federal civil rights actions. Mr. Ecker has tried numerous legal malpractice and employment practices liability cases to verdict, in both state and federal courts. Mr. Ecker also handles appellate matters, and has argued appeals before the United States Court of Appeals for the Second Circuit and the First and Second Departments of the Appellate Division of the New York State Supreme Court. Mr. Ecker also lectures on legal malpractice issues, including advising attorneys as to risk management strategies.

Mr. Ecker also has significant experience as a medical malpractice litigator, having represented major metropolitan hospitals and physicians in a broad range of medical malpractice disputes.

Mr. Ecker received his Juris Doctor from Fordham University School of Law in 1996 and his Bachelors of Arts from Cornell University in 1993. He is admitted to practice before the courts of the State of New York, the United States District Court for the Southern and Eastern Districts of New York and the United States Court of Appeals for the Second Circuit.



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Education

J.D., Fordham University School of Law, 1996

B.A., Cornell University, 1993

Admissions

New York

U.S. Court of Appeals, Second Circuit

U.S. District Court, Eastern District of New York

U.S. District Court, Southern District of New York
