



2006
OUR 51ST YEAR

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Richard M. Biaggi
+ *Life Member*
**Deceased*

COLUMBIAN LAWYERS ASSOCIATION

First Judicial Department

An Association Of Attorneys Of Italian American Descent

8 East 69th Street, New York, NY 10021 • Tel: (212) -486-0011 • Fax: (718) 921-3292 • www.columbianlawyers.com

★ MONTHLY CLE MEETING ★

“Great Lawyers in Their Own Words:
The Art of Opening and Closing Statements”
Manhattan ADA Joel J. Seidemann

Discussion Panel Participants Jay Goldberg, Esq.,
Benjamin Brafman, Esq., Ron Kuby, Esq. and
Professor Thane Rosenbaum (see page 2)

Wednesday, November 1, 2006 at 6:00 p.m.

The Columbus Club – 8 East 69th Street, NY, NY

Attendees receive 2 CLE Credits (1/2 credit for Ethics) -

YOU MUST RSVP TO (212) 502-0114, seating is limited

Members/Friends*: Dinner & Credits: \$90.00;

Dinner Only: \$60.00; Credits Only: \$40.00;

Non-Members: Dinner & Credits: \$115.00;

Dinner Only: \$65.00; Credits Only: \$50.00.

Please, Turn Off All Cell Phones & Beepers During the Program.

* If your dues are not current, you will be charged the Non-Member rate for attendance at the CLE Dinner Programs.

★ **Don't Miss This Outstanding CLE Program!** ★

★ BIG FUN ★

AT THE COLUMBUS DAY PARADE

We had a wonderful turnout of members, friends and family as more than 50 people marched and waved our way down Fifth Avenue in the annual Columbus Day Parade. The sun shone brightly as we strutted our way passed the Grandstand where the crowd was delighted by our large turnout and displays of enthusiasm. Our march ended at Per Lei Restaurant where we enjoyed a fantastic lunch. A fun-filled day was had by all and we thank everyone who came out to make this another special Association event.

THANK YOU

STUART M. SAFT

On October 4, 2006 we were treated to an informative seminar presented by the very educated and much published Stuart M. Saft. The lecture, dealing with the issue of condominium conversions from the perspective of both the landlord and the tenant, was not only enlightening but entertaining as well. We thank Mr. Saft for taking time out of his busy schedule to share his knowledge with us.

★ SAVE THE DATE ★

THURSDAY, DECEMBER 14, 2006

Annual Christmas Party/Presidents' Night

★★★ MONTHLY MEETINGS, CLE & SPECIAL PROGRAMS ★★★

JANUARY 10, 2007 - CLE: Judge Michael Corriero's "Juvenile Justice"

APRIL 28, 2007 - Rapallo Award Luncheon

The Columbian Lawyers Association has been certified by the New York State Continuing Legal Education Board as an accredited Provider of Continuing Legal Education in the State of New York, for the period April 9, 2004 through April 8, 2007. Any participant in a CLE Program sponsored by the Columbian Lawyers Association, First Judicial Department, who has an authentic financial hardship may request, in writing, accompanied by proper documentation and a sworn statement under oath, a Hardship Tuition Reduction of 20%. All CLE Programs are nontransitional unless otherwise indicated.

PRESIDENT'S CORNER

First, I would like to thank everyone who came out and marched with us up Fifth Avenue in the Columbus Day Parade. Each year's experience is better than the last! Of course, this year was tremendously special because for the first time my son, Luca Joseph, was around to accompany his dad and granddad up the Avenue. It was a very proud day in my and my wife, Danielle's, life.

I am very excited about the general meeting scheduled for November 1, 2006. We have a stellar panel of top criminal defense litigators scheduled to speak as well as many in our audience who will pepper them with questions. We expect a large turnout so please call as soon as possible to reserve your seat.

Unlike one of our formal installation dinners, this year's Christmas Party will be a cocktail reception held at the Italian owned Jolly Hotel Madison Towers. In addition to celebrating the season, we are also going to take the time to acknowledge the Past Presidents of our Association who continue to support us in all of our endeavours. I encourage all to join us in what is sure to be a festive and joyous event.

Finally, I am extremely pleased to see how many Italian-American attorneys have chosen to become members of our organization in the past couple of months. This new show of support bodes well for the future of the Association.

As always, I am grateful for your support.

Arthur L. Aidala
President
(212) 486-0011

NOVEMBER 1, 2006 CLE LECTURE

The CLE will be moderated by New York County Assistant District Attorney Joel J. Seidemann, author of the book, "In the Interest of Justice: Great Opening and Closing Arguments of the Last 100 Years". The panelists will include well renowned attorneys Jay Goldberg, Benjamin Brafman and Ron Kuby. Additionally, Fordham University Law School Professor Thane Rosenbaum, who teaches Ethics, will also be on the panel. After a brief introduction there will be a discussion of opening and closing statements by each panelist followed by a panel discussion moderated by ADA Seidemann. As part of the CLE materials, each attendee who pays for the CLE credits will receive a copy of the book.

CONGRATULATIONS

The American-Italian Coalition of Organizations, Inc. (AMICO) will be awarding President Arthur L. Aidala with the distinguished honor of "Man of the Year". The event will be held at Sirico's on November 16, 2006. If you are interested in attending, you can contact Mr. Aidala's office at (212) 486-0111.

SAVE THE DATE - DECEMBER 14, 2006

Our annual Christmas Party will double as Presidents' Night, when we gather on Thursday, December 14, 2006 at the Italian based Jolly Hotel located at 22 East 38th Street, New York, New York for our holiday event. We will be honoring all of our Past Presidents in a brief ceremony during the evening. The cost of the cocktail party will be \$125.00. Please mark your calendars to save this date.

COLUMBUS DAY



Columbian Lawyers at the beginning of the march



At the end of the march on the steps of the museum



Ready to walk down the Avenue



NYC Mayor Michael Bloomberg joins the Columbian Lawyers



Arthur L. Aidala, President of the Col. Lawyers Assoc., 1st Judicial Dept., Gregory LaSpina, President of the Conf. of Col. Lawyers and Domenick Napoletano, President of the Bklyn Col. Lawyers Assoc.



Columbian Lawyers with NYC Police Commissioner Raymond Kelly

COLUMBUS DAY



Sigismondo Renda toasting to another fun-filled Columbus Day



Judge Giamboi and Lorraine Corsa



Frank Carone and his daughter Gabriella



Patricia Manzo and new member Gary Redente



State Senator Martin J. Golden and Arthur L. Aidala



Friends of the Columbian Lawyers Frank Naccarato and Gerald Bertuna



Marianne Bertuna and Michael Santulli

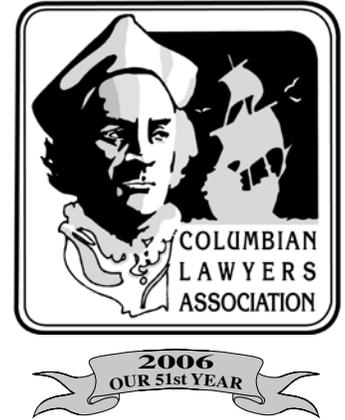


Eleanor Capogrosso, Susanna Iafrate and Maria Guccione

MORE JUDGES' NIGHT PHOTOS



OCTOBER 4TH GENERAL MEMBERSHIP MEETING



Pres. Arthur L. Aidala and Guest Speaker Stuart M. Saft



Proposed Slate of 2007 Officers & Board of Directors

Arthur L. Aidala - President
Lorraine Corsa - First Vice President
Andrew J. Maggio - Second Vice President
Katherine A. Kinkela - Treasurer
Eric Pilotti - Executive Secretary
Irma Clemente - Corresponding Secretary
Victoria A. Lombardi - Recording Secretary
Maria Guccione - Financial Secretary
Joseph Longo - Parliamentarian

Nominees To Fill Vacancies:

Joseph R. DeMatteo, 2009
Sigismondo Renda, 2009
Michael Mercanti, 2009

The above members have been nominated by the Board of Directors, however, any person may run for office under proscribed conditions. Pursuant to the Constitution, Article VII-Election, Paragraph A, "Candidates for any office may be nominated other than the Nominating Committee, by petition in writing, signed by at least five (5) members of the Association in good standing. Said petition must be delivered to the Executive Secretary of the Association not later than ten (10) days following the general membership meeting in October. A request for nominations pursuant to this clause shall be included in the October notice of meeting of the Association. A request for nominations which shall be considered by the Nominating Committee shall be included in the September notice of meeting of the Association. A candidate may be requested for consideration of the Nominating Committee by any member of the Association in good standing."

Appellate Division First Department Update

In People v Harrison (8006), the Appellate Division reversed and remanded a conviction for attempted robbery on the ground that the trial court, in answering a jury note, had erroneously conveyed the impression that the defendant's belief as to the true ownership rights of the property was irrelevant. Such error was not harmless, even though the defendant's actions during the incident tended to discredit his claim that he truly believed the property to be his.

Although a defendant normally should be warned that his continued disruptive behavior will result in his removal from a courtroom, certain conduct, such as violence toward another person, warrants immediate removal; defendants are not permitted "one free swing" (People v Wilkins, 9233).

To fall within the protection of the common interest doctrine, which affords a conditional, or qualified, privilege, to a communication by one person to another on a subject in which both have an interest, "the communication must have been made for the purpose of facilitating the rendition of legal advice or services in the course of a professional relationship and have been primarily or predominantly of a legal rather than a commercial nature" (U.S. Bank Natl. Assn. v APP Intl. Fin. Co., 8534N) (emphasis in original). Information shared between persons or entities to coordinate litigation strategy satisfies that burden.

A commercial tenant's expenditures on non-permanent fixtures do not constitute a forfeiture justifying equitable relief from the consequences of the tenant's failure to exercise its lease renewal option in a timely fashion (Oriental Buffet & Grill Inc. v Vornado Gun Hill Road LLC, 9243).

While traditional grouping-of-contacts analysis applies to all choice-of-law situations, where a real property transaction is involved, the heaviest weight is given to the location of the property being transferred (TDH-Berkshire Inc. v Korff, 9246).

In an opinion authored by our own Justice Eugene Nardelli, the Appellate Division voided as against public policy a provision in a lawyer's retainer agreement holding the client liable for attorneys' fees incurred in the collection of fees generated under the retainer agreement (Ween v Dow, 7754). The very nature of such a provision, without a reciprocal allowance for attorneys' fees should the client prevail, was declared to be unfair and unreasonable. The quote of Sir Francis Bacon on the essence of the attorney-client relationship, alone, warrants a reading.

Emphasizing the importance of attorneys' obligation to file a biennial registration statement and pay a \$350 fee, the Appellate Division suspended 815 delinquent lawyers whose last name begins with the letters A through D (Matter of Attorneys Who Are in Violation of Judiciary Law Section 468-a, M-3061). Look out E through Z.