

# Bay Ridge Lawyers View Social Media, Criminal Law

When members of the Bay Ridge Lawyers Association, led by President Joann Monaco, get together for their next-CLE accredited dinner meeting, they will explore what has become a leading topic of our times: "Social Media Issues You Should Be Aware Of."

This session gets underway promptly at 6 p.m. at Hunter's Steak & Ale House near 94<sup>th</sup> Street in Bay Ridge.

Since the guest lecturer is Kings Criminal Court Judge Matthew Sciarino, the participating barristers will be able to discuss various connections between the free-wielding World Wide Web and associated criminal behavior.

They could hear about the misdeeds, and possible punishment of, web stalkers or the ominously

The most polite lawyer I know thought these requirements could be "onerous and embarrassing and even worse!"

Some bar leaders feel they have little choice but to sit back and watch the potentially demoralizing initiative unfold, refraining from any public comment even though they seriously question the wisdom of these new ideas.

This is not so for Brooklyn Bar Association President Andy Fallek. *Pro Bono Barrister* recently presented some of President Fallek's views offered in the February issue of the *Brooklyn Barrister*. Actually, he had more to say more in a moderate tone than the biting critiques offered by many engaged in an active legal practice.

"For some time" he noted, "Rule

Mr. Fallek's presentation of the new rules, "If the lawyer's work is performed on a contingency basis, the amount [to be contributed is that which is] typically billed by lawyers in the community for one hour of time ... [or] the amount typically paid by the organization employing the lawyer for one hour of the lawyer's income."

Considering that the legal profession is in the midst of one of its greatest existential crises in the last half century, how would attorneys with dwindling practices determine their expected contribution? Here, Fallek cites part of the applicable rule which says that "...if the lawyer is underemployed ... [they should pay] ... an amount not to exceed one-tenth of one percent of the

## Pro Bono Barrister

By Charles F. Otey, Esq.



### Benefits of 'Mandated Mediation' On BBA's CLE Agenda

The pros and cons of court-mandated mediation will be discussed on March 31 when an expert panel explores it in detail at the Brooklyn Bar, 123 Remsen St. starting at 6 p.m.

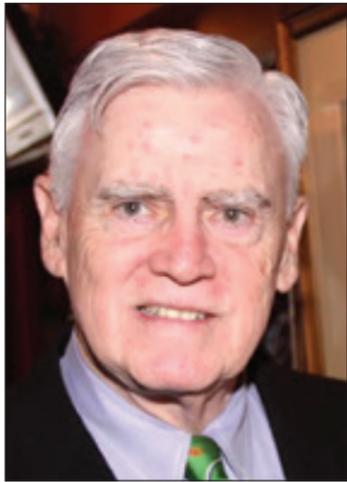
Participants will review various proceedings and functions of various court-sponsored mediation

effort to stop texting while driving," he said, adding that "the social and collateral consequences may be less clear."

What also got the goat of our commenting colleagues was Lederer's observation that recent surveys revealed that "a number of our student 'lawyers' were highly annoyed that they were expected to be available to their 'clients' by phone!!" (emphasis ours).



Bay Ridge Lawyers Association President Joann Monaco



Brooklyn Supreme Court Justice John Ingram



Brooklyn Bar Association President Andrew Fallek



Brooklyn Supreme Court Justice Arthur Schack



Steve Harkavy, Esq.

growing arena of identify theft and worse. Or they could discuss the role of web technology — Droids, iPads, etc. — in courtrooms.

Many here will remember the controversy a year or so back when a supporter of the defendant surreptitiously used a cell camera to take the photo of a rape victim complainant while she was on the witness stand and sent it out on the internet!

Justice John Ingram was presiding and dealt effectively with the miscreant whose foolish behavior was learned to be part of an intimidation effort being carried out against the complaining witness and her husband.

In the interests of justice and avoiding a mistrial, the Hon. Ingram avoided a possible calamity and continued the trial to its end. The jury rendered a very long 103-year sentence.

Other BRLA officers include Vice President Lisa Becker, Secretary Grace Borrino, Treasurer Stephen Spinelli and Corresponding Secretary Margaret Stanton. Immediate past president is Pasqualino Russo.

### 50 Hours of Pro Bono? Lawyer Donations Publicized?

Few issues have rankled so broadly throughout the legal fraternity in New York state as the proposal that practicing barristers must perform 50 years of pro bono service to the indigent and should contribute financially to worthwhile legal services organizations.

Oh, I needn't remind readers that the ultimate goal of Chief Judge Jon Lippman is to make the amount of lawyers' contributions a matter of public record, and available to anyone who cares to look!



Hon. Elizabeth Bonina

6.1 of Title 22 NYCRR Part 1200 the Rules of Professional Conduct has told us that 'Lawyers are strongly encouraged to provide pro bono legal services to benefit poor persons' and suggested 20 hours of pro bono work. As of May 1, 2013, OCA has upped the encouragement considerably.

"Now, Rule 6.1 provides: a. Every lawyer should aspire to (1) Provide at least 50 hours legal services each year to poor persons; and (2) Contribute financially to organizations that provide legal services to poor persons."

In addition, noted the BBA leader, "Lawyers in private practice or employed by a for-profit entity should aspire to contribute annually in an amount at least equivalent to... the amount typically billed by the lawyer or the firm for which the lawyer is associated for one hour of time."

What about lawyers — especially the negligence bar — who work on contingency fees? According to



Brooklyn Supreme Court Justice Miriam Cyrulnik

lawyer's income."

### Brooklyn Bar Answering Call To Serve Needy

President Fallek emphasizes that there is a true need for lawyers to help the poor. He has long served as a board member of the BBA's highly regarded Volunteer Lawyers Project, which has aided tens of thousands in over two decades of service. He cites as well two other BBA programs that provide matrimonial legal support and counsel to pro se litigants.

Like many other concerned New York state attorneys, he is worried lest the "good feeling" attendant to helping needy "clients" is "dissipated when you are told how much [money] to give."

Appropriately, he observes that the "question at play is not whether the poor need help but rather whether we as lawyers should be singled out to solve the legal problems of the indigent?"



Brooklyn Supreme Court Justice Joanne Quinones

programs, in state & federal court. This program is sponsored by the BBA's ADR Committee with Hon. Elizabeth Bonina and Steven Harkavy, Esq. serving as co-chairs.

For more information, please contact Barrister Symonds, at the Brooklyn Bar at [msymonds@brooklynbar.org](mailto:msymonds@brooklynbar.org)

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### Veteran Barristers Incredulous at New Lawyers' Text 'Addiction'

Some barristers have expressed surprise and chagrin in response to a piece that appeared in a recent *Pro Bono Barrister*, quoting Prof. Fred Lederer, who offered "Some Thoughts on Technology and the Practice of Law" in an article appearing in *The Bencher*, the magazine of the American Inns of Court.

Here's the Lederer remark that stirred them the most: "The degree to which young people are addicted to texting is clear, if only from the

"That's plain scary" e-mailed one barrister. "They're carrying their texting addiction to extremes! And it looks like some firms might let them get away with it."

He then asked how he could obtain a full copy of Prof. Lederer's disturbing article, which appeared in the January/February issue of *The Bencher*. It's a very well-done journal published through the National American Inns of Court and is distributed to all members, including, locally, those who belong to the Nathan Sobel American Inn of Court, led by President Justice Ellen Spodek.

How do you gain access to the article? Simple, just Google "The Bencher." The rest is intuitive!

### New 'Stop & Frisk' Rule Topic of Inn CLE Session

How do lawyers and judges feel about the new anti-Stop & Frisk policies of the de Blasio Administration?

Members of the Kings Nathan R. Sobel American Inn of Court will probe this controversial issue on March 25, led by a panel consisting of Appellate Div. Justice Sylvia Hinds-Radix, Justice Joanne Quinones and attorney Lawrence DiGiovanna. It will take place at Brooklyn Bar Association headquarters, 123 Remsen St.

The agenda is titled "Stop & Frisk: From Jay Z to Judge Scheindlin."

Inn Administrator Lucy DiSalvo reminds people to arrive early and partake of a delicious buffet by showing up at 5:30, a half-hour before the session begins. Justice Ellen Spodek is Inn president. Other Inn leaders include President-elect Dave Chidekel, Counselor Justice Arthur Schack, Treasurer Justice Miriam Cyrulnik and Secretary Jon Besunder.