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## **Brooklyn Lawyers Working Nights**

BROOKLYN - Brooklyn lawyers have been working nights to keep up-to-date on the latest developments in their legal practice areas, and earn their (required) credits of continuing legal education.

Almost every night this week and throughout the past month, the Brooklyn Bar Association has been hopping with programs in diverse areas ranging from criminal practice to predatory lending, from family law and child custody, to elder law.

### **Criminal Law**

Anthony Annucci, deputy commissioner and counsel of the New York State Department of Correctional Services spoke about sentencing and post-sentencing issues at the Brooklyn Bar Association, Monday. That program was sponsored by the Kings County Criminal Bar Association and attended by many leading criminal attorneys, including Roger Adler and Barry Kamins, and many asked questions about how to better help their clients through the system. Gary Farrell, KCCBA president, considered the program a success.

### **Elder Law**

Earlier this month, Howard Krooks and Bernard Krooks, of Littman Krooks, LLP, discussed proposed changes to elder law statutes.

They explained why the New York State Bar Association has taken the unusual step of hiring a lobbyist to block proposed changes to Medicaid that would virtually eliminate spousal refusal and effectively change the "look-back" period from three years to five years, among other things.

Bernard Krooks then described potentially helpful amendments to Article 81 of the Mental Hygiene Law and measures that would strengthen powers of attorney, such as a state law requiring banking institutions to recognize the short form POA, and another law that would grant the attorney-in-fact the ability to pay medical bills.

### **Ethics**

Lawyers are required to zealously advocate for their clients; they are also forbidden from perpetrating a fraud on the court. This tension in the ethical rules can cause a crisis of conscience for a diligent lawyer with strong reason to believe that his or her client is lying.

An attorney who fails the client could be charged with malpractice, and one who disregards New York's ethical rules could face disciplinary action.

Michael S. Ross, Esq., a practicing attorney and ethics expert, and Professor Bruce A. Green, of Fordham Law School, discussed how a lawyer should handle attorney-client confidences and when to correct the record, at a Brooklyn Bar Association seminar.

Though such situations are invariably fact-specific, an attorney with actual knowledge that his or her client is lying must attempt to correct the record, Green said.

### **Family Law**

Attorney Cheryl Solomon, who has practiced family law for over 15 years, and Philip Segal, a former Kings County Family Court judge now practicing with the firm of Segal & Greenberg, LLP, presented a seminar that focused on child custody issues in family court.

They reviewed the public policy applied in New York, and how judges evaluate the “totality of the circumstances” to determine what’s best for the children in a custody dispute.

“Know thy client” seems to be a key watchword in these cases. The well-informed attorneys knows about his or her client’s personal character and habits and sensitivity to the child’s special needs - as well as the child’s circumstances - so that there are no unpleasant surprises in court.

### **Predatory Lending**

Predatory lending is a national problem, and Brooklyn homeowners - especially those least able to protect themselves - are frequent targets of the insidious practice.

Josh Zinner, director of South Brooklyn Legal Services’ Foreclosure Prevention Project and a recognized expert on the subject, presented a legal seminar that - combined theory and the practice in a very elegant fashion. He brought these two elements together,” said Ernesto-Rosado Rivera, legal counsel in the SBA Department of Banco Popular North America.

Rivera said his lending institution does not engage in predatory practices, but helps to guide potential borrowers through the process.

“This was one of the best programs I’ve ever been at,” said James A. Lynch, Esq., of Bedford Avenue, Brooklyn, who has had clients that were victims of predatory lending. “Now lots of intermediaries are benefiting as well,” he observed.

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Attorneys licensed to practice in New York State are now required to fulfill a certain number of continuing legal education (CLE) credits in categories like Professional Practice, Skills, and Ethics. Most attorneys seem to appreciate the opportunity to hear about the latest case decisions and legislative amendments affecting their practice.