



HON. JOHN M. LEVENTHAL

*Associate Justice, Supreme Court of the State of New York, Appellate Division,
Second Judicial Department (Ret.)*

Honorable John M. Leventhal was appointed as Associate Justice of the Appellate Division, Second Department in 2008. His distinguished career as an appellate and trial judge includes significant experience handling a diverse and robust caseload that included commercial, construction, employment, negligence, personal injury, product liability and real estate matters. He has authored numerous appellate decisions that involve complex legal issues in many different areas of the law including employment, commercial/ contract law, business dissolution, medical malpractice and personal injury.

While a Justice of the Supreme Court, Kings County, he presided over the nation's first felony Domestic Violence Court. The DV Court was cited for its best practices at the Northeast States Domestic Violence Registry Conference and has been observed by jurists and court administrators from other courts in New York State, and other states and countries. Judge Leventhal also presided over the guardianship part for alleged incapacitated persons where he worked closely with parties and representatives/guardians to settle disputed issues, and when settlement was not possible, conducted numerous trials.

Justice Leventhal is well respected by both sides of the bar. He is known for his ability to thoroughly listen to all sides and then assist with crafting a mutually acceptable resolution. According to the New York Judge Reviews, attorneys who have appeared before Justice Leventhal have praised him for being "a professional, high-caliber judge"; "even-tempered, very fair"; "predictable and reasonable"; "If you know the law, he'll respect you more for it."; "His decisions are respected and considered well-reasoned."

Justice Leventhal has authored or co-authored twenty-four articles relating to criminal and civil law. In 2016, he wrote a book titled, *My Partner, My Enemy*, about his experiences presiding over the Domestic Violence Court. Judge Leventhal has been featured in a number of newspapers, magazine articles and television and radio programs including a profile in the Public Lives column of the New York Times. He was also in a featured article in the Village Voice, as well as on Brian Williams and Reheema Ellis on MSNBC, Fox and Friends, National Public Radio's Brian Lehrer Show and Public Television's MetroFocus.

He is a frequent lecturer on evidence, domestic violence, elder abuse, actual innocence and wrongful convictions, guardianship, foreclosures, junk science versus real science, appellate practice and other legal topics before Bar Associations, law schools, civic groups, court administrators and governmental agencies.

Justice Leventhal has been the recipient of numerous awards for his service in addressing and preventing domestic violence. They include the Special Commendation from the U.S. Department of Justice in recognition for his extraordinary contribution to the prevention of violence against women and for his groundbreaking work and leadership on the role of judicial reviews in the supervision and accountability of domestic violence offenders; he was a recipient of the *Ruth Moscowitz Gender Fairness Award* presented by the Second Judicial District; he was recognized by the Brooklyn Women's Bar Association for his continuous support of and commitment to women in law and society and he received the *Fordham University School of Law in The Trenches Award* for his work in the Domestic Violence Court.

Additional awards Justice Leventhal has received include the *Vincent E. Doyle Award for Outstanding Judicial Contribution in the Criminal System* by the New York State Bar Association's Criminal Justice Section which honors "outstanding judicial effort to improve the administration of the criminal justice system."; the Brooklyn Bar Association's Annual Award "For Outstanding Achievement in the Science of Jurisprudence and Public Service"; the *Brooklyn Law School Alumni of the Year Award*; the *Distinguished Achievement Medal* from the New York State Free and Accepted Masons; the *Brooklyn Women's Bar Association Beatrice M. Judge Recognition Award* for outstanding service to the women of the Bar, to the community and the law; the New York Board of Rabbis and Dayenu, *Voices of Valor Elijah Award*, for male leadership in ending Domestic Violence; and the National College of District Attorneys *Stephen L. Von Riesen Lecturer of Merit Award* in recognition of exceptional service in the continuing professional education of all individuals who work on behalf of domestic violence survivors, their families and communities.

Justice Leventhal is available to arbitrate and mediate cases throughout the United States.

AREAS of EXPERIENCE

- Appellate
- Business/Commercial/Corporate
- Construction
- Education
- Employment
- Guardianship proceedings
- Insurance
- Negligence
- Real Estate
- Personal Injury

REPRESENTATIVE MATTERS

Noteworthy Civil Appellate Opinions:

- *Joseph v Nyack Hospital, _AD3d_ ** (2020) Answering a question of first impression for appellate review, namely, whether plaintiff had a private right action for alleged violation of Social Services Law Article 11. Holding that there is not.
- *211-12 N. Blvd. Corp. v LIC Contr., Inc.*, 186 AD3d 69 [2020] Clarifying what a plaintiff moving for summary judgment must demonstrate to establish its prima facie entitlement to judgment as a matter of law on the issue of liability on a cause of action alleging a violation of New York City Building Code section BC 3309. That section imposes strict liability for excavation work that causes damage to adjoining property. Holding that where, as there, a plaintiff presented evidence showing, prima facie, that no request for a license was made to the plaintiff in accordance with section BC 3309 before the excavation work began, a plaintiff moving for summary judgment on the issue of liability on a cause of action alleging a violation of section BC 3309.4 need not demonstrate, prima facie, that the plaintiff granted the requisite license, or, in the absence of a license, what, if any, actions it took to protect its premises.
- *State of New York Mtge. Agency v Braun*, 182 AD3d 63 [2020] Agreeing with the plaintiff that an extension of time to serve a certain defendant was warranted in the interest of justice. Rejecting the view that the motion pursuant to CPLR 306-b to extend the time for service, made in a pending action but after the Supreme Court issued an order granting a motion to dismiss based on lack of personal jurisdiction, should have been denied without consideration of its merits.

- Matter of Ferrante v Stanford, 172 AD3d 31 [2019] Agreeing with the Supreme Court's determination granting the petitioner's motion to hold the Chair of the New York State Parole Board in civil contempt, marking the first time the Appellate Division upheld a finding of civil contempt that was based on the manner in which the Parole Board conducted a de novo determination of a petitioner's parole release application.
- Gomez v Cabatic, 159 AD3d 62 [2018] The main question before the Court was whether a plaintiff may recover punitive damages for a medical professional's act of altering or destroying medical records in an effort to evade potential medical malpractice liability. The Second Department answered this question in the affirmative.
- Matter of New Cr. Bluebelt, Phase 3 (Baycrest Manor, Inc.-City of New York), 156 AD3d 163 [2017] At issue on the appeal was how to determine just compensation when the property at issue was subject to wetlands regulations that restricted its development. In Chase Manhattan Bank v State of New York (103 AD2d 211 [1984]), the Second Department held that property taken in condemnation must be valued as restricted in use by wetlands regulations, but that an owner who could prove a reasonable probability of successfully challenging the application of the regulations as an unconstitutional taking of its property would be entitled to an increment, representing the premium that a knowledgeable buyer would be willing to pay for a potential change to a more valuable use. On appeal, the City of New York, the condemnor of the subject property, contended that an owner of wetlands property taken in condemnation was no longer entitled to such an increment because Chase Manhattan Bank had been implicitly overruled by Court of Appeals cases that effectively barred a buyer of regulated property from ever bringing a successful takings claim. Thus, the City maintained that no knowledgeable buyer would be willing to pay a premium for the probability of a successful judicial determination that the regulations were confiscatory. The Second Department held that Chase Manhattan Bank remained good law, and that a "reasonable probability" increment may be included in valuing regulated wetlands properties where an owner made an evidentiary showing of entitlement to it.
- Wikiert v City of New York, 128 AD3d 128 [2015] The Second Department was asked to determine the statute of limitations applicable to the plaintiff's claim that the City of New York breached an implied bailment arising from the confiscation of the plaintiff's personal property following the plaintiff's arrest. The plaintiff contended that his claim was subject to the six-year statute of limitations applicable to contract claims, while the City contended that it was subject to the one-year-and-90-day statute of limitations applicable to negligence claims against municipalities. The Second Department agreed with the City.
- Chiara v Town of New Castle, 126 AD3d 111 [2015] In a case of first impression for it, the Second Department was primarily asked to determine whether a plaintiff alleging discrimination in employment on the basis of religion in violation of Executive Law § 296 could establish a prima facie case by alleging that he was discriminated against because of the religion of his spouse. The Second Department answered this question in the affirmative.
- Matter of Better World Real Estate Group v New York City Dept. of Fin., 122 AD3d 27 [2014] The primary issues raised on the appeal were whether the petitioner's claim that the New York City Department of Finance (DOF) mistakenly classified its property for the tax year 2008/2009 constituted a clerical error or an error in description within the scope of Administrative Code § 11-206, and whether the petitioner's challenge to the DOF's determination refusing to correct the assessment for the tax year 2008/2009 was time-barred. The Second Department majority held that the alleged mistaken classification of the petitioner's property constituted a clerical error or error in description and, thus, the petitioner had stated a valid cause of action to review the DOF's determination that was not time-barred.

- US Bank N.A. v Sarmiento, 121 AD3d 187 [2014] On appeal in a mortgage foreclosure action, the plaintiff contended that the Supreme Court erred in determining that it failed to negotiate in good faith during mandatory settlement conferences conducted pursuant to CPLR 3408, and that, in any event, the Supreme Court lacked the authority to impose any sanctions against it on the ground that it violated the “good faith” requirement of CPLR 3408(f). In addressing these contentions, the Second Department set forth the proper standard for determining whether a party acted in good faith pursuant to CPLR 3408(f). Further, the Second Department held that the Supreme Court properly concluded that the plaintiff failed to negotiate in good faith and that the Supreme Court had the authority to sanction the plaintiff for that failure.
- Rosenblatt v St. George Health & Racquetball Assoc., LLC, 119 AD3d 45 [2014] In reversing the Supreme Court’s order and granting a defendant’s motion for summary judgment dismissing the complaint insofar as asserted against it, the Second Department held, inter alia, that the Supreme Court erred in denying that defendant’s motion for summary judgment by deciding that the plaintiff’s deposition transcript was uncertified and, therefore, inadmissible, where that ground of admissibility was not raised by the plaintiff herself.
- Gammons v City of New York, 109 AD3d 189 [2013] affirmed 24 NY3d 562 [2014] The Second Department considered, among other things, whether the decision of the Court of Appeals in Williams v City of New York (2 NY3d 352 [2004]) warranted a departure from the Second Department’s holding in Balsamo v City of New York (287 AD2d 22 [2001]). Stated differently, the Second Department primarily addressed the issue of whether Labor Law § 27-a(3)(a)(1) constituted a sufficient statutory predicate for a police officer’s cause of action to recover damages pursuant to General Municipal Law § 205-e even though Labor Law § 27-a did not provide for a private right of action. The Second Department adhered to its determination in Balsamo, and concluded that Labor Law § 27-a(3)(a)(1) could constitute a sufficient statutory predicate for a police officer’s cause of action to recover damages pursuant to General Municipal Law § 205-e.
- QK Healthcare Inc. v. Insource, Inc., 108 AD3d 56 [2013] In an action where the plaintiff contended that the conduct of the defendants, in refusing to accept the return of unsold units of a prescription drug, constituted an anticipatory repudiation of the contracts between the parties, the principal issues addressed on the appeal were whether the Supreme Court should have granted the defendants’ motion to dismiss the first cause of action, which was to recover damages for anticipatory repudiation, pursuant to CPLR 3211(a)(7) for failure to state a cause of action, and pursuant to CPLR 3211(a)(5) as time-barred. The Second Department modified the order appealed from, and concluded that, while the complaint stated a cause of action to recover damages for anticipatory repudiation, it was time-barred insofar as asserted against the defendant InSource because InSource was contractually obligated to accept returns only until June 2006, and the plaintiff commenced the action more than four years beyond that date.
- Rodriguez v Rodriguez, 103 AD3d 117 [2012] The Second Department was asked to decide whether the 20-day time period to file proof of service of process, when service was made upon a person of suitable age and discretion pursuant to CPLR 308(2), applied to an action commenced in the Civil Court of the City of New York. The Second Department found that the 20-day time period did not apply.
- Matter of Perosi v LiGreci, 98 AD3d 230 [2012] The Second Department was asked to decide whether an irrevocable trust, which could be amended or revoked by the creator of such a trust with the written consent of the trust beneficiaries, could also be amended by the creator’s attorney-in-fact. Under the facts presented, the Second Department answered that question in the affirmative.
- 19. Cudar v Cudar, 98 AD3d 27 [2012] The principal issue raised on the appeal was whether the subject former marital residence — a rental apartment subject to rent control — constituted either marital or separate property pursuant to the Domestic Relations Law, or neither separate property nor marital property. The Second Department concluded that the leasehold constituting the former marital residence was not property distributable pursuant to Domestic Relations Law § 236(B)(1). In addition, the Second Department was required to determine whether the Supreme Court had the authority to decide which party in a matrimonial action was entitled to possess nondistributable property. The Second Department answered that question in the affirmative.

- Village Taxi Corp. v Beltre, 91 AD3d 92 [2011] On the appeal, which arose from the sale of the outstanding capital stock and assets of certain taxi companies located within the Village of Port Chester, the Second Department considered, among other things, whether the Supreme Court correctly determined that so much of the subject contract as pertained to the sale of certain taxicab licenses was unenforceable and against public policy, mandating the summary dismissal of the fraud and breach of contract causes of action relating to those licenses. The Second Department answered that question in the affirmative.
- Ratner v McNeil-PPC, Inc., 91 AD3d 63 [2011] This case involved the admissibility, pursuant to Frye v United States (293 F 1013 [1923]), of a plaintiff's experts' assertion that there was a causal connection between the plaintiff's ingestion of a ubiquitous over-the-counter medication and her subsequent development of a disease. Specifically, the Second Department considered a novel theory of medical causation concerning the relationship between the long-term use of acetaminophen and the development of liver cirrhosis, where such theory was primarily, if not exclusively, supported by extrapolation from a few observational case studies. The Second Department concluded that the Supreme Court properly granted the defendant's motion to preclude the plaintiff's expert testimony relating to the plaintiff's theory of medical causation and for summary judgment dismissing the amended complaint.
- Matter of Berrios v Board of Educ. of Yonkers City School Dist., 87 AD3d 329 [2011] The narrow issue presented on the appeal, apparently one of first impression for an appellate court in New York, was whether a substitute teacher may accumulate tenure credit for time spent teaching pursuant to an intern certificate. The Second Department answered that question in the negative.
- Matter of Gilmore, 87 AD3d 145 [2011] The petitioners, who were nonparties in the probate proceeding, contended that they were the nonmarital, biological children of the deceased testator. They further contended that the testator only learned of their existence after he had executed his final will, and shortly before his death. The narrow issue presented on appeal was whether the biological children of a testator, born prior to the execution of a final will, were entitled to be treated as adopted children under the case-law-created exception to EPTL 5-3.2. The Second Department answered this question in the negative.
- Bank of N.Y. v Silverberg, 86 AD3d 274 [2011] This matter involved the enforcement of the rules that govern real property and whether such rules should be bent to accommodate a system that had taken on a life of its own. The issue presented on the appeal was whether a party had standing to commence a foreclosure action when that party's assignor—in that case, Mortgage Electronic Registration Systems, Inc.—was listed in the underlying mortgage instruments as a nominee and mortgagee for the purpose of recording, but was never the actual holder or assignee of the underlying notes. The Second Department answered that question in the negative.
- Matter of Bernfeld, 86 AD3d 244 [2011] The principal issue was whether a nonprofessional, who was the transferee of a majority of shares in a professional service corporation, may obtain judicial dissolution of the corporation pursuant to Business Corporation Law § 1103. The Second Department concluded that the nonprofessional lacked standing to seek such relief.
- Stukas v Streiter, 83 AD3d 18 [2011] The issue presented was whether, in a medical malpractice action where a defendant physician moved for summary judgment and made only a prima facie showing that he or she did not depart from good and accepted medical practice, the plaintiff, to defeat summary judgment, must raise a triable issue of fact not only as to this element of a medical malpractice cause of action, but as to causation as well. The Second Department stated that although decisions of that court had, on occasion, included language indicating an affirmative answer to that question, it now clarified the proper standard to be applied in determining motions for summary judgment, including those made in medical malpractice actions, and held that no such requirement existed.

- Englington Med., P.C. v Motor Veh. Acc. Indem. Corp., 81 AD3d 223 [2011] In an action to recover no-fault medical payments, the Second Department considered the nature of proof that the defendant, Motor Vehicle Accident Indemnification Corporation, must tender, on a motion for summary judgment, to support its contention that a person injured in a hit-and-run accident was not a “qualified person” under Insurance Law § 5202(b) because, at the time of the accident, that person owned, and allegedly was operating, an uninsured motorcycle.
- Corsetto v Verizon N.Y., Inc., 77 AD3d 344 [2010], affirmed as modified 18 NY3d 777 [2012] The Second Department considered, among other issues, whether the plaintiffs sufficiently stated a cause of action against the defendants to recover damages for inverse condemnation where, more than 20 years ago, the defendants attached a rear-wall terminal box and associated wiring to the plaintiffs’ building to service the defendants’ customers. The Second Department also considered whether that inverse condemnation cause of action was barred by the applicable statute of limitations. In addition, the Second Department addressed whether the plaintiffs’ cause of action to recover damages for a violation of General Business Law § 349 should have been dismissed for failure to state a cause of action and as barred by the statute of limitations. The Second Department found that the plaintiff stated causes of action to recover damages for inverse condemnation and for a violation of General Business Law § 349. However, the Second Department found the inverse condemnation cause of action to be time-barred and the General Business Law § 349 cause of action to be timely.
 - o The Court of Appeals, in affirming as modified, held that the plaintiffs had stated a valid “inverse condemnation” claim for just compensation, and that that claim was not time-barred. However, the Court of Appeals concluded, their claim for an alleged violation of General Business Law § 349 was barred by the statute of limitations, and their unjust enrichment claim was legally insufficient.
- Matter of Stoffer v Department of Pub. Safety of the Town of Huntington, 77 AD3d 305 [2010] The appeal raised two issues relating to the Accessory Apartment Law of the Town of Huntington (Town Code of Town of Huntington § 198-132 et seq.). The first issue was whether the Accessory Apartment Bureau of the Town of Huntington Department of Public Safety, a quasi-judicial tribunal, had jurisdiction to adjudicate a violation of the Town Code of the Town of Huntington and to revoke the petitioners’ accessory apartment permit. The second issue was whether the Town of Huntington could condition the use of an accessory apartment on the requirement that a homeowner consent to a warrantless search of his or her residence. For reasons discussed in the Opinion, the Second Department addressed the merits of the former issue, but not the latter.
- Wells Fargo Bank, N.A. v Marchione, 69 AD3d 204 [2009] The issue presented on the appeal was whether an assignee of a note and mortgage had standing to commence a foreclosure action prior to the date of the execution of the assignment. The Second Department held that an assignee in such a case had no standing.

PUBLICATIONS

- Co-Author, *Judges’ Forecast and Preferences for Managing Scientific Evidence in Complex Cases*, National Courts and Sciences Institute, 2020
- Author, *My Partner, My Enemy*, a book about presiding over the nation’s First Felony Domestic Violence Court, 2016
- Author, *Is Bruton On Life Support in the Aftermath of Crawford v. Washington?*, 2015
- Author, *The Trials, Tribulations, and Rewards of Being the First Felony Domestic Violence Court*, American Bar Association Judges’ Journal, Vol. 53 No. 2, 2014
- Author, *A Survey of Federal and State Courts’ Approaches to a Constitutional Right of Actual Innocence: Is There A Need for a state Constitutional Right in New York in the Aftermath of CPL §440.10(g-1)?*, 76 Albany L. Rev. 1454, 2013
- Author, *Punitive Damages: Public Wrong or Egregious Conduct?: A Survey of New York Law*, 76 Albany L. Rev. 961, 2013

- Co-Author, *New York State Consumer Law and Class Actions: 2011-2012*, 84 New York State Bar Association Journal 41, 2012
- Author, *Perspective: John Adams: His Relevance, Then and Now*, New York Law Journal, 2011
- Co-Author, *New York State Consumer Protection Law and Class Actions in 2010*, New York State Bar Association Journal, 2011
- Author, *Spousal Rights or Spousal Crimes: When and Where Are the Lines To Be Drawn?*, Utah L. Rev. 351, 2006 (Cited by the Special Rapporteur on Violence Against Women as a resource as the United Nations 2013 Women & Justice Conference)
- Co-Author, *The Admission of Evidence in Domestic Violence Cases after Crawford v. Washington: A National Survey*, 11 Berkeley J. of Crim. Law 77, 2006
- Author, *Do Not Open Unless... Review of Civil Rights Law §50-1*, New York Law Journal, 2005
- Author, *Observations of a New Country In An Old World and A New Way of Dealing With An Old World Problem*, The Jurist, 2004
- Author, *Perspective: State's Bail Statute Must Be Amended*, New York Law Journal, 2004
- Author, *Judicial Selection System Under Attack: An Overview of France v. Pataki*, The Jurist, 1996
- Author, *Burden of Proof and Defenses in Drug Related Forfeiture Proceedings*, Kings County Criminal Bar Journal, 1996
- Author, *Renunciation of Property Interests Under EPTL §2-1.11*, New York Law Journal, 1994
- Author, *Public Trial: Keeping the Undercover 'Undercover'*, New York Law Journal, 1992
- Author, *Courtroom Show-Ups: Identification of the Worst Kind*, New York Law Journal, 1990
- Author, *Verdict Sheets – Objection and Appeal*, Kings County Criminal Bar Journal, 1990
- Author, *A Recipe of Understanding a Defendant's Speedy Trial Rights: Worley, Anderson, and a Touch of Gaggi*, 37 Barrister 101, 1986
- Author, *Standing of a Passenger to Suppress Evidence and the New York Presumption*, 5 Barrister 145, 1984
- Author, *Alibi Witness' Failure to Come Forward: The New York Rule*, 34 Barrister 104, 1983
- Editor-in-Chief, *Barrister, the legal quarterly publication of the Brooklyn Bar Association*, 1982 – 1994
- Editor-in-Chief, *Veritas, the legal publication of the Brooklyn Law School Alumni Association*, 1982 – 1983
- Author, *Photographs, Fingerprints and Suppression: Failure to Comply with 160.50 of the Criminal Procedure Law*, *Veritas*, 1981
- Co-Author, *Crime Prevention in New York City*, Rand Institute Working Paper, 1974

LECTURES and APPEARANCES (Selected)

- Speaker, *Domestic Violence & Lethality*, New York Social Workers' Association, 2019
- Panelist, *Judicial Round Table on Cases Involving Brain Function*, and *Adjudicating Brain Function Evidence*, Judges Workshop on Developmental Neurobiology, Brain Function and Risk Measures, 2019
- Panelist, *Critical Conversation 2019: Genetically Modified Mosquitos*, Institute for Sustainability, Energy and Environment of the University of Illinois at Urbana-Champaign, 2019
- Panelist, CrimeCONN 2019, *Lawyers, Guns and Money!* "Disorder in the House of Law: Lawyers who fight for justice and fair process for all," Mystery Writers of America, 2019
- Presenter, *Civil Case Adjudication Clinic: Gene Drive Scenario of Genetically Modified Mosquitos*, Genomics for National Courts and Sciences Institute: Genetic Engineering Technical Workshop, 2019
- Speaker, *How Judges Decide*, Fordham University School of Law, 2018
- Panelist, *Domestic Violence: The Hidden Crime*, Intervention Strategies, John Jay College of Criminal Justice-Center on Media and Justice, 2018

- Presenter, *Issues Pertaining to Foreclosures, Residential Mortgage Foreclosure Seminar for Judges*, Judicial Hearing Officers and Court Attorneys, Brooklyn Law School, 2018
- Presenter, *The Privilege Against Incrimination*, and *Spoilation and Admissibility of Electronic Information*, New York State Bar Association CLE on Electronic Stored Information in Criminal Investigations and Proceedings, 2018
- Speaker, *Sports and Domestic Violence*, Nathan R. Sobel Inns of Court, 2017
- Speaker, Domestic Violence Awareness Month Program, *New Ways to Protect Victims*, Pace University Law School, 2017
- Speaker, Supreme Court Justices Annual Fall Conference, *Domestic Violence*, 2017
- Presenter, CLE at the Appellate Division, 2nd Department, *My Partner, My Enemy: An Unflinching View of Domestic Violence and New Ways to Protect Victims*, 2017
- Speaker, New York City Family Court Judges Association Master Class, Appellate Practice—Making A Record/Memorializing It In A Decision, 2017
- Speaker, *The First Felony Domestic Violence Court*, book signing of *My Partner, My Enemy*, Brooklyn Women’s Bar Association and Brooklyn Bar Association, 2017
- Panelist, *The Document Speaks for Itself... Or Does It? Fake Evidence in the Era of Fake News* (the challenges of authenticating evidence, and in particular, electronically stored information), New York State Bar Association Commercial and Federal Litigation Section, 2017
- Keynote Speaker, Domestic Violence Training Program, Catholic Charities, 2017
- Speaker, Domestic Violence Awareness Program, Family Services, Inc., 2017
- Lecturer, *Confrontation after Crawford v. Washington*, CLE sponsored by the Dutchess County Bar Association, 2017
- Speaker, *Domestic Violence Awareness Program* sponsored by Congregation B’nai Avraham, 2017
- Panelist, *Can Media Actions Impair Justice?* sponsored by Stroock & Stroock & Lavan, 2016
- Speaker, *A Conversation (about domestic violence)* with Hon. John M. Leventhal and Professor Elizabeth Schneider,” Brooklyn Law School, 2016
- Keynote Speaker, *Domestic Violence Awareness Program* sponsored by the Civil Rights and Diversity Office and the Office of Human Capital Strategic Planning of the U.S. Treasury Department, Washington, D.C., 2016
- Speaker, *The Reality of Domestic Violence*, New York State Committee on Women In the Courts, 2016
- Lecturer, *Confrontation after Crawford v. Washington*, Robert M. Pitler CLE Program on Criminal Law, Procedure, Evidence & Ethics, Brooklyn Law School, 2016
- Presenter, *Domestic Violence and Why Specialized Courts Are Important*, National Training Institute sponsored by New York Model for Batterer Programs, 2016
- Speaker, Domestic Violence Issues and Best Practices of a Domestic Violence Court, CLE sponsored by the Richmond County Bar Association, 2016
- Panelist, *Wrongful Convictions and Actual Innocence*, CLE sponsored by the Brooklyn Bar Association, 2016
- Lecturer, *The Evolution of the Laws Relating to Women and Domestic Violence*, Women’s History Month Program sponsored by the Brooklyn Women’s Bar Association and The Brooklyn Brandeis Society, 2016
- Lecturer, *Confrontation After Crawford*, CLE sponsored by the Brooklyn Bar Association, 2016
- Lecturer, *Perspectives from the Appellate Division*, Residential Mortgage Foreclosure Seminar for Judges, NYS Judicial Institute, 2015
- Moderator, *Faith in the Law: An Analysis of Wrongful Convictions*, Catholic Lawyers’ Guild of Kings County and The Brooklyn Brandeis Society, 2015
- Panelist, *The Judicial Response to Claims of Actual Innocence*, Judicial Institute, 2015

- Lecturer, *Confrontation After Crawford*, Domestic Violence Awareness Month Program, DV STOP TA Grant sponsored by the Berks County Bar Association and the Berks County District Attorney's Office, 2014
- Lecturer, *Wrongful Convictions and Actual Innocence and Confrontation After Crawford*, Association of the Judges of the Criminal Court of the City of New York, 2014
- Presenter and Panelist, *Wrongful Convictions and Actual Innocence*, Joint Seminar for the Justices of the Appellate Divisions of the First and Second Judicial Departments, 2014
- Lecturer, *Confrontation After Crawford*, CLE sponsored by the Criminal Justice Section of New York State Bar Association, 2014
- Planner and Presenter, Kristalnacht Programs, *German Resisters to the Nazis*, 2014; Commemorating the 75th Anniversary, Hitler's Courts: *Betrayal of the Rule of Law in Nazi Germany -The Night of the Broken Glass and the Legal Community*, 2013
- Lecturer, Confrontation: Webinar, *Pennsylvania Coalition Against Domestic Violence*, 2013
- Lecturer, *Everything You Wanted to Know about Crawford v. Washington*, Hitting the Mark, National District Attorneys Association, 2013
- Speaker, *Criminal Elder Abuse and Article 81 Guardianship Proceedings under the Mental Hygiene Law*, Brooklyn Unidos Elder Law Legal Conference, 2013
- Lecturer, *Everything You Wanted to Know about Crawford v. Washington*, CLE sponsored by the New York State Association of Criminal Defense Lawyers, 2013
- Panelist, *How Judges Decide: The Impact of One's Experience*, Jewish Lawyers Guild, 2013
- Speaker, *Discussion on Domestic Violence*, Brooklyn Unidos Legal Conference, 2013
- Lecturer, *Everything You Wanted to Know about Crawford v. Washington*, CLE sponsored by the Nassau Academy of Law, Criminal Court Bar Association and Assigned Counsel Defender Plan Program, 2013
- Panelist, Evolution of Frye, Conference of New York State Supreme Court Justices, Saratoga Springs, NY, 2012
- Presenter, Criminal Law, *Crawford and Confrontation*, Statewide webcast CLE for Judges and Court Attorneys, NYS Judicial Institute, 2012
- Presenter, Criminal Law, *Crawford and Confrontation*, CLE for Court Attorneys of Appellate Division, Second Department, 2012
- Presenter, *Evidence and Criminal Law, Crawford and Confrontation*, Joint Seminar for the Justices of the Appellate Divisions of the First and Second Judicial Departments, 2012
- Panelist, *Judicial Symposium on Domestic Violence*, Garden City, NY, 2011
- Presenter, *Elder Abuse Victims in the Courts*, 74th Annual Conference of National Council of Juvenile and Family Court Judges, 2011
- Keynote Speaker, Law Day In Brooklyn, *John Adams: His Relevance Then and Now*, 2011

HONORS and AWARDS

- *Vincent E. Doyle Award* for Outstanding Judicial Contribution in the Criminal Justice System, New York State Bar Association's Criminal Justice Section, 2017
- *Outstanding Achievement in the Science of Jurisprudence and Public Service Award*, Brooklyn Bar Association, 2015
- *Alumni of the Year Award*, Brooklyn Law School, 2009
- *Distinguished Achievement Medal*, New York State Free and Accepted Masons, 2008
- *Beatrice M. Judge Recognition Award for Outstanding Service to the Women of the Bar, to the Community and the Law*, Brooklyn Women's Bar Association, 2008

- *Voices Elijah Award* for male leadership in ending domestic violence, New York Board of Rabbis and Dayenu, 2008
- *Stephen L. Von Riesen Lecturer of Merit Award* in recognition of exceptional service in the continuing professional education of all individuals who work on behalf of domestic violence survivors, their families and our communities, National College of District Attorneys, 2008
- Special Commendation, in recognition of his extraordinary contribution to the prevention of violence against women and for his groundbreaking work and leadership on the role of judicial reviews in the supervision and accountability of domestic violence offenders, U.S. Department of Justice, 2005
- *Ruth Moscowitz Gender Fairness Award*, Second Judicial District, 2003
- Recognized by the Brooklyn Women's Bar Association for continuous support of and commitment to women in law and society, 2001
- *In The Trenches Award* for work in Domestic Violence Court, Fordham University School of Law, 2000

JUDICIAL EXPERIENCE

- Associate Justice, Appellate Division, Second Judicial Department, Brooklyn, NY, 2008 – 2020
- Supreme Court of the State of New York, Second Judicial District, Brooklyn, New York Justice, 1995 – 2008
 - Presiding Judge in the Domestic Violence Court - the first court part in the nation dedicated to Domestic Violence felonies 1996 – 2008
 - Presiding over Article 81 Mental Hygiene Law Guardianship proceedings, 2001 – 2008
 - Presided over cases in diverse criminal, matrimonial, and civil matters, 1995 – 1996

LEGAL EXPERIENCE

- Partner, Aidala, Bertuna & Kamins, 2021 – Present
- Partner, Rosenthal, Vallario, Leventhal & Coffinas, Esqs., 1989 – 1994
- Counsel (Part-time) to Assembly, New York State Assembly, 1991 – 1994
- Law Office of John M. Leventhal, 1982 – 1989
- Law Assistant to Civil Court Judge sitting in Criminal Court, Criminal Court, Kings County, Brooklyn, New York, 1980 – 1982
- Assistant Grievance Director, Council of Supervisors and Administrators, Local 1, AFSA, AFL-CIO, Brooklyn, New York, 1976 – 1980

PROFESSIONAL LICENSES and ADMISSIONS

- New York State Bar, 1980
- United States District Court, Eastern and Southern Districts of New York, 1980
- United States Court of Appeals, Second Circuit, 1988

PROFESSIONAL AFFILIATIONS and ASSOCIATIONS

- Member, National Advisory Board for the University of North Carolina Bryson Center for Judicial Science Education, 2018 – Present
- Member, Chief Judge's Committee on New York Evidence, 2016 – Present
- Ex officio Director, Resource Judge and Co-Chair in Genetic Engineering Concentration, National Courts and Science Institute for Judges, 2014 – Present
- Chair, Second Judicial Department 18b Oversight Committee, 2018 – 2020

- ASTAR Fellow, completed 120 hours of science and technology education for Judges, 2013
- Member, Judicial Advisory Group (Appellate), New York State Judicial Task Force on Wrongful Convictions, 2009 – 2020
- Chair, Gender Fairness Committee, Second Judicial District, 1999 – 2002
- Delegate, The National Conference of Specialty Court Judges, American Bar Association, 1999 – 2003
- Member, Assigned Counsel Committee for Appellate Division, Second Department, 2nd and 11th Judicial Districts, 1999 – 2008
- Member, Oversight Committee for Criminal Defense Organizations for the Appellate Division, Second Department, 1997 – 1999
- Member, Second Judicial District Task Force on Reducing Litigation Cost and Delay, 1996 – 1997
- Member, Evidence Curriculum Committee, Judicial Seminars, 1996 – 2005
- Editor-in-Chief, Barrister, the legal quarterly publication of the Brooklyn Bar Association, 1982 – 1994
- Editor-in-Chief, Veritas, the legal publication of Brooklyn Law School Alumni Association, 1982 – 1984
- Brooklyn Law School Alumni Association
 - Member, 1980 – Present
 - Director, 1983 – 2004
- Brooklyn Bar Association
 - Member, 1980 – Present
 - Trustee, 1987 – 1994
- Member, Brooklyn Bar Association Grievance Committee, 1991 – 1994
- Member, Association of the bar of the City of New York, 2006 – 2007
- Association. Of the Justices of the Supreme Court of the City of New York
 - Member, 1995 – Present
 - President, 2012
- Commissioner of Appeals of the Grand Lodge of the State of New York, 1997 – 2016
- Grand Representative of the Grand Lodge of South Carolina, A.F.M., 1997 – Present

EDUCATION

- Brooklyn Law School, J.D., 1979
- Hunter College of City University of New York, M.S., 1974
- Case Western Reserve University, B.A., 1970