



VISHNICK
MCGOVERN
MILIZIO LLP
ATTORNEYS AT LAW

50TH ANNIVERSARY ISSUE!

Sidebar

Fall 2019/Winter 2020

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WHATSAPP
CHATS**

MAY BE LEGALLY BINDING

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**VMM NAMED
TOP BOUTIQUE
LAW FIRM
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About Vishnick McGovern Milizio LLP

For fifty years, the law firm of Vishnick McGovern Milizio LLP has helped private and business clients ensure their wellbeing, plan for their future, and protect their interests.

A full-service firm with offices in New York City, Long Island, and Oakhurst, NJ, VMM proudly maintains long-lasting relationships with clients over decades and generations.

Main areas of practice: Trusts and Estates • Business and Transactional Law • Exit Planning for Business Owners • Commercial Litigation • Elder Law • Family Law • Alternate Dispute Resolution • Employment Law • Real Estate Law • Personal Injury • LGBTQ Representation.

For more information visit vmmlegal.com.




Vishnick McGovern Milizio LLP Attorneys at Law | vmmlegal.com

3000 Marcus Avenue, Suite 1E9
Lake Success, NY 11042
(516) 437-4385

570 Lexington Ave, Suite 1600
New York, NY 10022
(212) 759-3500

255 Monmouth Road, Second Floor
Oakhurst, NJ 07755
(732) 531-8900



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Why You Need a Will

Regardless of Age and Wealth

By **James F. Burdi, Esq.**



Five things you need to outline in your estate plan to protect your children

You may think estate planning is just for the very rich or the very old. It's not.

Whether you have young children or aging parents, a traditional or non-traditional family, a large house or a small car, you should have an estate plan.

An estate plan does more than just direct the distribution of your assets upon your death. It can protect young or vulnerable beneficiaries from bad decision-making, minimize taxes, preserve eligibility for government benefits, and appoint agents to manage your affairs in the event of your disability.

Despite its importance, only 4 in 10 adults in the U.S. have Wills, according to AARP—and the excuses are understandable:

- It is something you intend to do but simply have not gotten around to yet.
- You are young and have plenty of time before any of this will apply to you.
- You don't have a lot of valuable assets.
- Death is an unpleasant subject.

Why You Need a Will

Without an estate plan, your family may be left unprotected and experience unexpected and undesired outcomes. Without an estate plan, state law will direct what happens to your property and

a court will decide who will be in charge.

Without a Will or a Trust, your estate will be divided according to the laws of intestate distribution. The court will name an Administrator to settle the estate as well as Guardians for your minor children. The Administrator and Guardians chosen may not be the persons you would prefer. And without directions laid out in a Will or Trust to the contrary, minors will receive their inheritances at the age of 18, which can lead to disastrous results.

A good estate plan ensures:

- Your assets are distributed in the manner you direct.
- Young children will be cared for by people you select.
- If you are incapacitated, decisions affecting your personal and financial well-being will be made by someone you trust.

What to Include in a Will

An estate plan doesn't have to be complex or expensive, but it should:

1. *Designate beneficiaries* to receive assets upon your death and appoint an Executor to carry out your directions.
2. *Create Trusts, when appropriate*, to manage and protect the inheritance of minors or persons with disabilities. The trust can be created in a Will or by a separate document. You and your

attorney can discuss which is most advantageous for you.

3. *Appoint Guardians*, both in your Will and with a standby designation, to assure that your minor children will be raised and cared for by persons you trust in the event of your death, incapacity, or absence.

4. *Designate a Health Care Agent* to make medical decisions for you in the event you are unable to make them yourself, and to provide your family with directions regarding extraordinary medical care.

5. *Designate an agent under a Power of Attorney* to make legal, financial, and business decisions for you. This will help avoid the cost and delay of court proceedings in the event you are incapacitated.

Whether you are creating a million-dollar trust for your children's education or just making sure your favorite nephew gets your comic book collection, don't put off planning your estate. Don't let the courts and the default provisions in the law determine outcomes for you and your family. Be proactive and create a good estate plan. The peace of mind and security for your loved ones will be worth the time and expense.

** A version of this article was originally published in NY Metro Parents on Oct. 4, 2019. This article was written for publication in New York. Laws vary from state to state and not all of the statements made may be applicable in other jurisdictions. For any legal issue, local counsel should be consulted.*



James Burdi is a partner in Vishnick McGovern Milizio LLP's Trusts and Estates and Elder Law Practices. He is the former counsel to the State of New York EPTL-SCPA Legislative Advisory Committee. He frequently lectures in continuing legal education at St. John's School of Law and before various community organizations.

He can be reached at jburi@vmmlegal.com and 516.437.4385 x130.





Elder Law Planning

Protect Yourself and Your Assets, for Your Peace of Mind

By **Constantina S. Papageorgiou, Esq.**

October 1 was International Day for Older Persons.

Established by the U.N. in 1990, Oct. 1 of each year is used to recognize and celebrate the senior members of society and to raise awareness about the social, medical, and legal issues affecting them.

What is Elder Law?

Elder Law is a practice aimed at assisting individuals approaching the age of retirement or older with relevant legal issues. This includes long-term care planning, guardianship, age discrimination, public benefits, housing, and financial and health care decision making.

The two most important aspects of Elder Law are planning for long-term care and asset preservation. Given the variety of circumstances and needs, this planning must be tailored to each individual.

Doesn't Medicare cover everything?

Many people mistakenly believe that Medicare covers long-term care, but this isn't the case. Medicare is health insurance for individuals 65 and older. It covers different treatments such as

doctors, hospitals, and prescriptions, but usually leaves a copay which is paid through supplemental insurance or out-of-pocket.

Medicare temporarily pays for rehabilitation for individuals who've received inpatient hospital treatment, but it doesn't cover long-term care. Once Medicare coverage ends, people are left to pay privately for costs, which can reach upwards of \$12,000 a month. Alternatively, if they qualify, they can apply for Medicaid.

How about Medicaid?

People often confuse Medicare and Medicaid, even though they're two very different programs that serve different purposes. **Medicare** is designed to cover care for those 65 and older, while **Medicaid** provides aid to indigent persons who cannot otherwise afford insurance. For recipients, Medicaid supplements Medicare to cover all costs of long-term care.

As of January 1, 2019, to qualify for Medicaid, the monthly income threshold for a single individual over the age of 65 is \$859 and resource threshold is \$15,450.

Importantly, eligibility differs between home care (community Medicaid) and skilled nursing home care (institutional Medicaid). While home

care has a no "lookback" period, eligibility for institutional Medicaid involves a review of finances dating back up to five years.

When formulating a plan for long-term care, each person's specific facts, comfort, and circumstances must be considered.

What does Elder Law planning involve?

Having a will is essential, but it's only helpful after death. Elder Law planning includes advance directives such as a power of attorney, health care proxy, living will, and revocable or irrevocable trusts, which can be used during one's life to enable family or other trusted agents to provide care in case of incapacity or need for long-term assistance.

The primary goal is to ensure that a person is protected and cared for in the event that they're unable to manage their own finances or health care decisions.

It's crucial that these documents be executed while one is of sound mind and good health.

Comprehensive Elder Law planning provides life-long protection of hard-earned assets for oneself and one's family, as well as peace of mind.



Constantina Papageorgiou is a partner in Vishnick McGovern Milizio LLP's Trust and Estate and Elder Law Practices, focusing on estate planning and administration and elder law. Ms. Papageorgiou assists individuals and their families with asset protection and long-term care planning with the use of advance directives and various planning techniques. She also provides legal counsel to individuals and families with the administration of estates and the liquidation of assets after one's death.

She can be reached at cpapageorgiou@vmmlegal.com and 516.437.4385 x141.



Precedent

WhatsApp Chat Considered Legally Binding Contract

By Avrohom Gefen, Esq.

Before you agree or commit to something in a mobile or online chat, know that it may be legally binding.

WhatsApp is a freeware messaging app that supports sending and receiving texts, photos, videos, documents, locations, voice messages, and calls. The company is owned by Facebook and has more than 1 billion users in over 180 countries worldwide.

Now, in what seems to be a first, a New York court has held that a WhatsApp conversation in which the sender's and recipient's names appear is also considered a signed writing, meaning a legally binding document.

Under the New York Statute of Frauds, certain types of agreements are not enforceable unless they're in writing and signed by the party obligated to perform under the agreement. These include:

- Contracts which cannot be completed within 1 year

- Contracts involving real property
- Contracts assuming responsibility for the financial obligations of another individual or entity
- A promise by a debtor to pay a debt that was discharged in bankruptcy
- Contracts for testamentary disposition (transfer of property upon death)

New York courts have long held that emails with an electronic signature are considered a written, signed agreement for purposes of satisfying the Statute of Frauds.

In October, the Kings County Supreme Court ruled in *Spilman v. Matyas* (515144/17) that

a WhatsApp text conversation displaying the parties' names likewise satisfies the Statute.

The plaintiff was seeking payment of debt that may have been discharged in bankruptcy. The defendant had acknowledged the debt and promised the plaintiff that he would pay in a WhatsApp conversation that took place after the bankruptcy. However, the defendant attempted to renege on the agreement by arguing that a WhatsApp chat is not enforceable because of the Statute of Frauds.

The court compared this to an email agreement and held that, "Although defendant did not type his name since this was a WhatsApp chat, as opposed to an email, the WhatsApp chat contained defendant's electronically printed name, and defendant does not deny that he made these statements." The court therefore found that the agreement to repay the debt was not barred by the Statute of Frauds and ruled that the text exchange constituted a legally binding agreement.

The takeaway is that even an informal exchange on WhatsApp or other chat or messaging service may have serious legal consequences and even be considered a binding contract. Always use caution and foresight in business and personal conversations online and on your phone.



Avrohom Gefen is a partner in Vishnick McGovern Milizio LLP's Commercial Litigation and Employment Law Practices.

He can be reached at agefen@vmmlegal.com and 516.437.4385 x119.





Know Your Obligations

Avoid a Wage Lawsuit

By **Andrew A. Kimler, Esq.**

The continuous expansion of federal and state laws aimed at protecting the rights of workers has become a thorny trap for unwary employers. Lawsuits involving wage and hour violations are so frequent that they're one of the most common matters occupying the courts' dockets. Below are some of the common errors committed by employers that can trigger a lawsuit or labor department audit. Hopefully these points will help you avoid such costly interruptions of your business.

As most employers know, non-exempt employees must be paid overtime for hours of work in excess of 40 a week, at a rate of 1½ times their pay. One frequent problem is that employers fail to maintain accurate records, making it difficult to determine appropriate overtime compensation. In case of a dispute, the onus of proof falls on the employer. Your records should be detailed and ideally entered on a daily basis, providing you with a clear defense against a claim of unpaid overtime. New York State law also generally requires you to keep all time and compensation records for a minimum of six years.

Another recurring issue in wage and hour disputes is the definition of "hours worked." To be clear, "hours worked" include all job-related

activity. Depending on the circumstances, this usually includes "unauthorized working time"; you must compensate employees if you knew or had reason to believe they were performing work outside normal business hours, like coming to work earlier than required. Likewise, an employee must be compensated for being "on call" if they're required to remain on the work premises or are prevented from using the time effectively for their own purposes (for example, they can't attend an event). Travel time during the workday is also compensable, as are meal periods, unless they're at least 30 minutes long and the employee is completely relieved of duties.

Another error involves the failure of employers to provide written notice to employees of their wage rates at the time of hire. The New York State Wage Theft Prevention Act requires that such notice be given to all new employees, detailing the rate or rates of pay and the overtime rate of pay, if applicable. Any allowance deductions that are taken as part of the minimum wage—tips, meals, lodging, etc.—must also be reflected in the written notice. Make sure each of your employees signs and dates the completed notice, and that each receives a copy. If any information in the notice changes, you

should issue a new notice and have them sign it. Likewise, you should be issuing your employees a wage statement or pay stub listing, among other things, the hours worked, including overtime; rate(s) of pay; how the employee is paid; the employee's gross and net wages; itemized deductions; and allowances and credits claimed by you. Failure to provide employees with a written notice of wage rates and/or detailed pay stubs can result in up to \$10,000 in liability—per employee.

It's important to note that the law provides for "liquidated damages" on up to 100% of unpaid wages, meaning that the court or the Department of Labor may impose penalties doubling any unpaid wages owed.

Finally, another frequently overlooked obligation involves the payment of what's referred to as "spread of hours". Generally speaking, you must pay an employee an additional hour at the minimum wage if their total shift is ten hours or more.

Clearly, as an employer you must be very careful in how you address your obligations under federal and state wage and hour laws. Indifference can result in very costly consequences.





Department of Labor Changes Overtime Pay

By **Andrew A. Kimler, Esq.**

On September 24, 2019, the U.S. Department of Labor (DOL) announced a final overtime rule, making 1.3 million American workers eligible for overtime pay under the Fair Labor Standards Act (FLSA). The rule takes effect January 1, 2020.

The final rule updates the federal earnings thresholds for exempting an executive, administrative, or professional employee from FLSA minimum wage and overtime pay requirements. It further allows employers to count a portion of certain bonuses and/or commissions toward meeting the salary level.

The DOL stated that the new thresholds account for growth in employee earnings since the currently enforced thresholds were set in 2004.

In the final rule, the DOL is:

1. Raising the "standard salary level" from the currently enforced level of \$455 to \$684 per week—equivalent to \$35,568 per year for a full-year worker.
2. Raising the total annual compensation level for "highly compensated employees" from the currently enforced level of \$100,000 to \$107,432 per year.
3. Allowing employers to use nondiscretionary bonuses and incentive payments—including commissions—that are paid at least annually to satisfy up to 10% of the standard salary level, in recognition of evolving pay practices.
4. Revising the special salary levels for workers in U.S. territories and in the motion picture industry.

New York State thresholds

While the new federal thresholds represent a significant increase, please note that the New York State law exemption applies to such individuals who are paid as follows:

NYC: Large employers (11 or more employees)

- \$1,125.00 per week on and after Dec. 31, 2018

NYC: Small employers (10 or fewer employees)

- \$1,012.50 per week on and after Dec. 31, 2018
- \$1,125.00 per week on and after Dec. 31, 2019

Nassau, Suffolk, and Westchester

- \$900.00 per week on and after Dec. 31, 2018
- \$975.00 per week on and after Dec. 31, 2019
- \$1,050.00 per week on and after Dec. 31, 2020
- \$1,125.00 per week on and after Dec. 31, 2021

Remainder of NYS (outside NYC, Nassau, Suffolk, and Westchester)

- \$832.00 per week on and after Dec. 31, 2018
- \$885.00 per week on and after Dec. 31, 2019
- \$937.50 per week on and after Dec. 31, 2020

We'll continue to update you with developments.

** A version of this article appeared in the November 2019 issue of This is Queensborough, the Queens Chamber of Commerce trade magazine.*



Andrew Kimler is a partner at Vishnick McGovern Milizio LLP, where he heads the Alternate Dispute Resolution Practice and is a key member of the firm's Commercial Litigation, Employment Law, and LGBTQ Representation Practices. He regularly writes and lectures on employment law matters.

He can be reached at akimler@vmmlegal.com and 516-437-4385 x122.





What is Parental Alienation? 10 Things to Watch For

Turning Your Children Against Your
Ex Can Cause You to Lose Custody

By Joseph Trotti, Esq.



Divorce or separation can be traumatizing. Nearly every aspect of your life can change in a short amount of time—financial, emotional, social, and, of course, your relationship with your former partner.

Then there are elements that can make divorce or separation even harder, like such as infidelity, abuse or domestic violence, marital debt, adverse effects on your finances or lifestyle (especially if caused by a partner's waste), or just the need to support two households with the same income that supported one.

To complicate matters further, if your ex has a new partner, a whole new set of issues can arise, including concerns (justified or not) for the mental and physical well-being of your children.

What is Parental Alienation?

An all-too-common byproduct of divorce is the denigration of one parent by the other. It's

an understandable, human fault. You may be angry. You may want to get back at your ex. You may feel like you're left with no choice, you're acting in self-defense, or you're protecting your children or preparing them for inevitable disappointment.

Attempting to turn your children against their other parent is called Parental Alienation. As a practicing matrimonial attorney, I continually come across it, even as inattentive or unconscious behavior. It usually manifests as:

1. Reacting negatively if a child recounts positive feelings or activities with the other parent
2. Unnecessarily sharing of intimate and financial details of the marriage and blaming problems on the other parent
3. Encouraging ill feelings toward the other parent
4. Advising the children against listening to or obeying the other parent



5. Unreasonably contradicting the other parent
6. Frequent verbal altercations during pickups and drop-offs
7. Badmouthing the other parent's significant other
8. Scheduling events, parties, and other activities during the other parent's time
9. Prohibiting a child from contacting the other parent at any time
10. Withholding information about the children from the other parent

If any of this describes your behavior, or if you're in any way considering behaving this way, I

strongly advise that you don't. It's harmful to your children and, legally, harmful to you.

Negative Outcomes of Alienating Your Ex

Family courts are guided by one principle in resolving issues of custody: What is in the best interest of the children? Parental Alienation is considered so antithetical to their best interest that an offending parent may likely be deemed unfit to be their custodian.

The courts are keenly aware that when one parent manipulates their children against the other parent, it can have long-term, catastrophic psychological effects on the children. In severe

cases, it can be regarded as child abuse.

A court can impose remedies and deterrents such as financial punishment and charges of contempt. It can also award custody to the other spouse, including changing custody from a previously ordered arrangement.

Your children always come first. Leave your issues with your ex between the two of you. Involving your children can backfire and cause you to lose them legally and, ultimately, emotionally.

**A version of this article was originally published in NY Metro Parents on Oct. 8, 2019.*



Joseph Trotti Trotti is the founding partner of the VMM Family InstituteSM, the firm's Matrimonial and Family Law Practice, and a leader of the LGBTQ Representation Practice. With 35 years of trial experience in custody, divorce, and support matters, including several landmark cases, he has carved a reputation as an innovative litigator and compassionate counsel. He is a *New York Law Journal* "2019 Trailblazer" and *LI Herald* "2019 Family Law Top Lawyer of Long Island."

He can be reached at jtrotti@vmmlegal.com and 516.437.4385 x140.





Can Title VII Stop Workplace Discrimination?

By Andrew A. Kimler, Esq.

Fifty years after Stonewall, there is still no federal law providing workplace protection to LGBT people, notwithstanding the fact that 22 states and many municipalities have enacted laws that bar discrimination on the basis of sexual orientation. Legislative efforts to provide federal protection have not been successful, though some protections exist due to judicial rulings or other legislation.

Title VII of the Civil Rights Act bars employment discrimination because of an individual's "race, color, religion, sex, or national origin." Federal courts, however, have interpreted the meaning of "sex discrimination" inconsistently. Some courts have held that Title VII's prohibition on sex discrimination includes sexual orientation and gender identity, while some federal courts have held that these are not protected classes, since they are not listed as specific protected categories.

In an effort to address this issue, in May 2019 the U.S. House of Representatives passed the Equality Act, which bars discrimination based on sex, sexual orientation, and gender identity in employment. However, it appears unlikely that the Senate will approve the bill. This issue will now come to a head before the U.S. Supreme Court, which agreed to hear three landmark cases in October concerning the employment rights of gay and transgender individuals. Regarding Title VII, the question before the Court is whether the prohibition against workplace discrimination based on sex also prohibits discrimination based on sexual orientation or gender identity.

Uncharacteristically, federal agencies have argued against each other in the courts. The Trump Administration has contended that Title VII does not apply to sexual orientation or transgender status, while the Equal Employment Opportunity Commission has maintained that it does, since discrimination based on sexual orientation or gender identity is inexorably rooted in expecta-

tions about a person's sex. The interpretation of Title VII in this regard has been a cause célèbre in appellate courts in recent years, with most interpreting it to exclude sexual orientation and gender identity.

The three cases pending before the Supreme Court are the first LGBT cases since the retirement of Justice Anthony Kennedy, a strong proponent of LGBT rights. It was Justice Kennedy who wrote the 2015 opinion in *Obergefell v. Hodges*, which legalized same-sex marriage. His replacement, Justice Brett M. Kavanaugh, is one of five conservatives on the Court. The three cases would therefore be the first to test the new Court's approach to LGBT rights.

Two cases before the Supreme Court involve claims of workplace discrimination based on sexual orientation: *Altitude Express Inc. v. Zarda* (No. 17-1623), which went in favor of the plaintiff in New York and is now on appeal, and *Bostock v. Clayton County* (No. 17-1618), a decision in Georgia that went the opposite way and is now on appeal. The third case, *R.G. & G.R. Harris Funeral Homes v. Equal Employment Opportunity Commission* (No. 18-107), is a workplace discrimination suit brought by a transgender woman in Ohio, on appeal by the defendants. It involves an additional question of discrimination against workers based on conformity to gender stereotypes, which the Supreme Court ruled in 1989 was a form of sex discrimination.

Until the Supreme Court decides these issues, members of the LGBT community will have no choice but to continue to struggle with the patchwork of conflicting court decisions and statutes, which provide limited protection to those who reside in some states and cities. How the Court answers the question as to what constitutes "sex discrimination" is anyone's guess.

**A version of this article appeared in the November-December 2019 issue of The Gay & Lesbian Review/Worldwide (G&LR), formerly a Harvard publication.*



Andrew Kimler is a partner at Vishnick McGovern Milizio LLP, where he heads the Alternate Dispute Resolution Practice and is a key member of the firm's Commercial Litigation, Employment Law, and LGBTQ Representation Practices. He regularly writes and lectures on employment law matters. He regularly writes and lectures on LGBTQ legal issues.

He can be reached at akimler@vmmlegal.com and 516-437-4385 x122.



Firm News



VMM Celebrates 50 Years of Success

2019 marks VMM's 50th anniversary.

Established in May 1969 as Weidenbaum Krane Capell & Vishnick LLP, the firm started out as a general practice law firm with one office in Elmhurst, NY.

Founding partner Bernard Vishnick, at the time only 29 years old, quickly gained a reputation for trust & estate planning and administration as well as litigation, a relatively niche discipline. Since then, the firm has counted lawyers and judges among its clients.

Bernard McGovern was named partner in 1990, followed by Joseph Milizio in 1993, forming "Vishnick McGovern Milizio LLP."

In 1991 the firm relocated to the aptly named Lake Success, where the main office is still located. In 2015, it opened two more offices, one in Midtown Manhattan and one in Oakhurst, New Jersey.

VMM currently includes 17 attorneys, each carefully selected for their intelligence, ingenuity, and tenacity, the same skillset that has allowed the firm to grow and to successfully represent private and business clients in a wide variety of matters.

The firm continues to expand and to proudly maintain long-lasting relationships with clients over decades and generations.

Here's to the next fifty years!



Vishnick McGovern Milizio LLP Welcomes Richard H. Apat

In August, VMM announced that Richard H. Apat, Esq. has joined the firm as the head of its new Personal Injury Practice, as well as a key member of the Litigation Practice.

Mr. Apat is a seasoned attorney with over 30 years of experience in plaintiff personal injury litigation, real estate litigation, and commercial litigation.

His personal injury work encompasses all aspects of assisting injured clients as a result of construction accidents, truck, bus, and car accidents, premises accidents, slip & falls, and wrongful death cases.

His real estate litigation practice includes boundary disputes, adverse possession easements, partition actions, real estate contract, specific performance, fraud disputes, and other commercial real estate litigation.

"I'm thrilled to be joining the VMM team," Mr. Apat said. "The firm has an impressive track record and a reputation for excellent client service. I look forward to being part of their success and helping build on it."

Managing Partner Joseph G. Milizio commented, "We are equally excited to have Richard join us. He's an outstanding lawyer with decades of knowledge and experience that will help us grow and better serve our clients."

A native New Yorker, Mr. Apat received his B.A. in Communications from the State University of New York at Albany and his J.D. from the Touro College Jacob D. Fuchsberg Law Center.

He is a member of the New York State Bar Association; New York State Trial Lawyers Association; Queens County Bar Association; Nassau County Bar Association; and American Association for Justice. He is a New York Super Lawyer and a 5-star reviewed Avvo member.

He can be reached at rapat@vmmlegal.com and 516.437.4385 x152.

VMM Discusses LGBTQ Rights at Queens College

VMM is a proud supporter of CUNY's Queens College and is involved with several ongoing academic and student life endeavors at the school.

On November 13, LGBTQ Representation Practice partners Joseph Milizio, Andrew Kimler, and Joseph Trotti were invited to speak about their work as part of QC's "Professionals on Campus" lecture series. The lecture was also part of the syllabus for the Women and Gender Studies' minor in LGBT+ Studies, taught by Prof. JV Fuqua.

On November 18, Messrs. Kimler and Trotti led a workshop for faculty, administration, staff, and students titled "Power Up! Know Your Rights." The focus was on the recent cases pending before the Supreme Court regarding workplace protection to LGBTQ people (see pgs. 10-11), as well as the legal rights of non-biological parents in the New York Family Court.

Below are some pictures from the events.



POLICY, POLITICS & PROGRESS

**Do New York State Progressive Reforms Protect
Against Federal Attacks on Basic Human Rights?**

4.11.19 | Discussion Panel | Food & Wine



On April 11, 2019, VMM cohosted with Planned Parenthood an evening discussion at our Lake Success offices about the new laws in New York advancing women, healthcare, reproductive, voter, LGBTQ, and immigrant rights, how these laws interact with and counter rollbacks at the federal level, and what we can expect in the future. The event was broadcast via Facebook Live, ultimately viewed by 4,400 people.

Speakers included:

- Joseph Milizio, VMM's managing partner and head of the Business and Transactional Law, Exit Planning for Business Owners, and LGBTQ Representation Practices.
- Charles Lavine, NYS Assemblyman, District 13.
- JoAnn D. Smith, President & CEO of Planned Parenthood of Nassau County Action Fund.
- Peter Carrozzo, Esq., Constitutional Law Professor at John Jay College of Criminal Justice.

You can watch or listen to the discussion in its entirety on our YouTube channel (simply search our name).



LICM

On September 15, 2019, VMM participated in the Kidz Zone Expo at the Long Island Children's Museum in Garden City. Partners Bernard McGovern and Constantina Papageorgiou were on hand to talk to parents and answer questions about the importance of protecting their and their children's future.

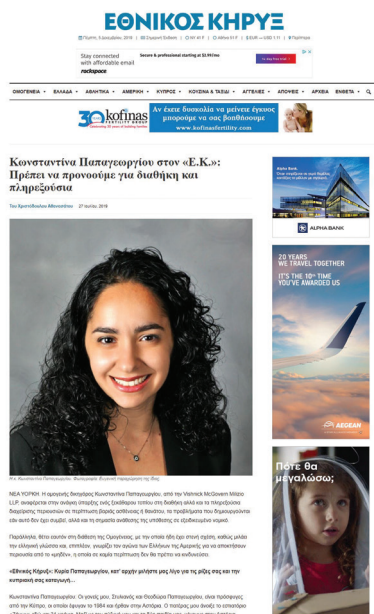
An unexpected guest even stopped by our table—and he knows how important family is....



On November 3, 2019, VMM partners Bernard McGovern and Constantina Papageorgiou participated in the Senior Health & Beyond Expo, held at the Friedberg JCC in Oceanside.

Ms. Papageorgiou conducted a short seminar on "The Importance of Planning," discussing the whys and hows of trust & estate planning, wills, guardianships, healthcare and financial proxies, and Medicare and Medicaid.

You can read her article "Elder Law Planning: Protect Yourself and Your Assets, for Your Peace of Mind" on page 4.



On July 27, 2019 VMM partner Constantina Papageorgiou was featured on the front page of the *Εθνικός Κήρυξ* (National Herald) weekend edition.

The article discusses her professional and charitable work with the Greek-American community in New York and the need for people with families to have wills and other life-planning documents in order.

You can find the full article on our Facebook page, facebook.com/vmmlegal.



1010 WINS

In honor of the 50th anniversary of the Stonewall riots and the gay rights movement, in June VMM sponsored 1010 WINS Radio's "50 Years of Pride" programming, which included coverage of the New York Pride Parade and discussions on the history of the movement and the current legal and social issues facing the LGBTQ community.

You can listen to a few of our segments on YouTube (search our name) and see our video at vmmlegal.com/lgbtq.



Awards & Recognitions

Partner Joseph Trotti Named New York Law Journal Trailblazer

In May, partner Joseph Trotti was named one of *New York Law Journal's* 2019 Trailblazers. He is one of only a handful of attorneys statewide selected for the distinguished recognition.

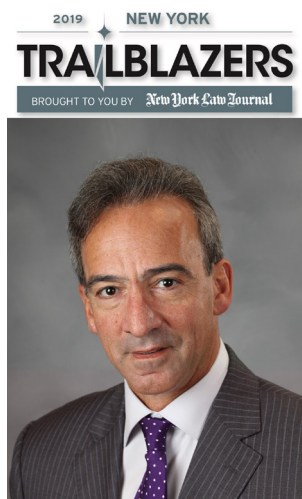
Mr. Trotti is the founder and head partner of the VMM Family InstituteSM, the firm's Matrimonial & Family Law Practice, as well as a leader of the LGBTQ Representation Practice.

The Journal named Mr. Trotti a Trailblazer in recognition of his pioneering work applying Collaborative Law, an approach generally used in corporate dispute resolution, to domestic cases.

"I've spent virtually my entire professional career assisting families as they're forced to deal with issues surrounding divorce, custody, support, and domestic violence," Mr. Trotti said. "The truth is that the current legal system's reliance on adversity, on litigation, is not only often inefficient, it can be harmful to families."

Offering an alternative, Mr. Trotti's practice empowers families to make informed decisions regarding their future while avoiding the steep legal fees associated with courtroom battles.

The *New York Law Journal* featured a profile of Mr. Trotti in the "2019 Trailblazers" special edition. It can be found through his bio at vmmlegal.com.



VMM Awarded Citation by Nassau County

On September 25, 2019 Nassau County Executive Laura Curran presented VMM with a County Citation, recognizing that the firm "has worked diligently on behalf of causes and ideals which uphold the principles of human decency and brotherhood, and through the years has demonstrated a selfless commitment to the community that warrants attention and gratitude."

We are humbled and grateful for the recognition.

New York Law Journal | *NEW YORK*
New York Top Rated Lawyers

The New York Law Journal Names VMM "New York Top Rated Lawyers"

On December 9, 2019, the authoritative *New York Law Journal* included Vishnick McGovern Milizio LLP in its prestigious list of "New York Top Rated Lawyers."

The list was featured in a special edition the *New York Law Journal*, also included in *New York Magazine*, reaching a combined print readership of 1.3 million and digital readership of 17.4 million.

Awards & Recognitions



LtR: Roy Schwartz, Bernard Vishnick, Bernard McGovern, Joseph Trotti, John Gordon, Joseph Milizio, Dennis Lyons, Constantia Papageorgiou.

VMM Named Top Boutique Firm of Long Island

In September, the *LI Herald* (*Herald Community Newspapers*) announced their 2019 Top Lawyers of Long Island. VMM received the award in five different categories, including **Top Boutique Firm**.

In addition, VMM attorneys received four individual honors:

- Partner Joseph Milizio was named Top Lawyer of Long Island in the **Civil Rights** category.
- Mr. Milizio was also named Top Lawyer of Long Island in the **Pro Bono Project of the Year** category.
- Partner Joseph Trotti was named Top Lawyer of Long Island in the **Family Law** category.

- Partner Constantina Papageorgiou was named Top Lawyer of Long Island in the **Rising Stars Under 40** category.

We're thrilled to have received 14 additional nominations.

The Top Lawyers award is given annually to "Long Island's best and brightest legal professionals" who have demonstrated excellence and dedication in their practice.

Our attorneys and staff work tirelessly to provide our clients with the very best legal representation, and we are proud and humbled to be recognized for our work. These awards are a testament to our success and an inspiration to continually improve our uncompromising level of service.

HERALD Top Lawyers OF LONG ISLAND

2019 TOP BOUTIQUE FIRM

HERALD
Top Lawyers
OF LONG ISLAND



**Joseph
Milizio**

CIVIL RIGHTS

HERALD
Top Lawyers
OF LONG ISLAND



**Joseph
Trotti**

FAMILY LAW

HERALD
Top Lawyers
OF LONG ISLAND



**Joseph
Milizio**

*PRO BONO
PROJECT OF THE YEAR*

HERALD
Top Lawyers
OF LONG ISLAND



**Constantina
Papageorgiou**

*RISING STARS
UNDER 40*



Also Nominated

Andrew Kimler
LABOR & EMPLOYMENT
Avrohom Gefen
LABOR & EMPLOYMENT
Joseph Milizio
REAL ESTATE
John Gordon
REAL ESTATE

Bernard McGovern
ESTATES & TRUSTS
James Burdi
ESTATES & TRUSTS
Constantina Papageorgiou
ESTATES & TRUSTS
Michael Humphrey
ESTATES & TRUSTS

Richard Apat
PERSONAL INJURY
Joseph Trotti
DIVORCE / MEDIATION
Michael Humphrey
NOT-FOR-PROFIT
Joseph Milizio
PHILANTHROPIST OF THE YEAR

Joseph Milizio
LIFETIME ACHIEVEMENT AWARD
Dennis Lyons
RISING STARS UNDER 40

For fifty years, the law firm of Vishnick McGovern Milizio LLP has helped private and business clients ensure their wellbeing, plan for their future, and protect their interests.

A full-service firm with offices on Long Island, New York City, and Oakhurst, NJ, VMM proudly maintains long-lasting relationships with clients over decades and generations.

Trusts and Estates • Business and Transactional Law • Exit Planning for Business Owners • Commercial Litigation • Elder Law • Family Law • Alternate Dispute Resolution • Employment Law • Real Estate Law • Personal Injury • LGBTQ Representation.



VISHNICK MCGOVERN MILIZIO LLP
ATTORNEYS AT LAW

3000 Marcus Avenue, Suite 1E9
Lake Success, NY 11042
(516) 437-4385

570 Lexington Ave, Suite 1600
New York, NY 10022
(212) 759-3500

255 Monmouth Road, Second Floor
Oakhurst, NJ 07755
(732) 531-8900

Pro Bono & Community Involvement

VMM Cosponsors the Human Rights Campaign 16th Annual Greater NY Golf Outing & Dinner

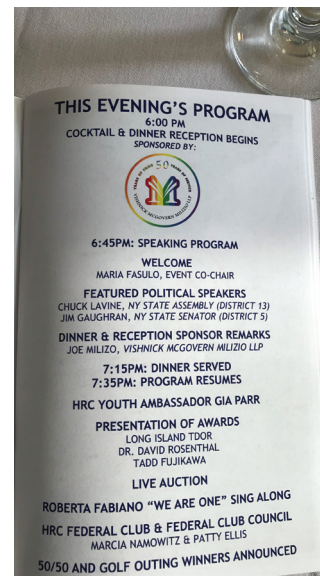
On July 29, 2019, VMM proudly cosponsored the Human Rights Campaign 16th Annual Greater NY Golf Outing & Dinner fundraiser, held at the Harbor Links Golf Course in Port Washington, NY.

HRC is the largest human rights organization advocating on behalf of LGBTQ Americans, representing over 3 million members and supporters nationwide.

VMM is a longtime supporter of HRC. Partner Joseph Milizio, head of the firm's LGBTQ Representation practice, serves on HRC's Greater New York Steering Committee. Fellow partner and LGBTQ Representation practice member Andrew Kimler also attended the event.

Mr. Milizio provided sponsor remarks, followed by New York State Senator Jim Gaughran and New York State Assemblyman Charles Lavine.







Pro Bono & Community Involvement

VMM Sponsors CUNY Pridefest

On June 20, 2019, VMM was the prime sponsor of the 2019 CUNY Pridefest, held at the Queens College campus. This year the celebratory event marked the 50th anniversary of Stonewall and the gay rights movement.

In addition to supporting Pridefest, VMM sponsors the Queen College GLASA (Gender, Love, and Sexuality Alliance) club and the "Train the Trainer" programming, which provides tolerance and counter-hate crime training to faculty, administration, staff, and students.

LGBTQ Representation Practice partners Joseph Milizio and Andrew Kimler greeted students at the event and handed out rainbow-colored VMM products, including backpacks, frisbees, screen cleaners, chocolates, folders and fliers.

Much fun was had by all, and an important cause was supported.





VMM Supports Island Harvest

Spearheaded by Trusts & Estates Practice associate Meredith Chesler, VMM proudly supports Island Harvest and their mission.

Part of Feeding America, Island Harvest provides food for families in need throughout Long Island. The organization grows food on farms, collects food from restaurants, accepts food donations from businesses and individuals, and buys food using donations, then distributes it to schools, food banks, and over 400 community partners.

On July 11, 2019, the VMM running team participated in the Island Harvest "5K Run/Walk to End Hunger" fundraising event at Eisenhower Park. We were not the first to cross the finish line, but we did raise funds for the worthy cause.

Ms. Chesler also served on the planning committee of Island Harvest's 26th Annual Taste of the Harvest fundraiser, held on October 15 at the Crest Hollow Country Club in Woodbury, New York. VMM supported the event.



Ronald McDonald House Charities®
New York Metro

VMM Supports Ronald McDonald House Charities

On October 16, 2019 VMM cosponsored the RMHC Comedy Night charity stand-up event, at the Governor's Comedy Club of Levittown.

The event was organized by VMM associate Dennis Lyons, a member of the firm's Commercial Litigation, Employment Law, and Family Institute Practices, who serves on Ronald McDonald House Charities-New York Metro's Board of Advisors.



LI Pride Parade

On June 23, 2019, LGBTQ Representation Practice head partner Joseph Milizio represented the firm at the 29th Annual Long Island Pride Parade, held at Long Beach.

Among other leadership positions in community and nonprofit organizations, Mr. Milizio is the cochair of the Nassau County Bar Association LGBTQ committee, which works to address equality and inclusion in Nassau County and beyond.



Free lectures and seminars

As part of our Pro Bono & Community Involvement work, Vishnick McGovern Milizio LLP offers free lectures, seminars, and workshops.

We regularly provide legal education programs to organizations, businesses, groups, and individuals in a variety of legal topics, unsolicited and free of charge.

Organizations we work with include CUNY's Queens College, St. John's University, the National Conference of CPA Practitioners (NCCPAP), Planned Parenthood, Sephardic Bikur Holim, Hellenic American Neighborhood Action Committee (HANAC), and others.

Topics can be tailored to specific interests, but broadly include:

- Trusts & estates planning and administration
- Business and transactional law
- Mergers & acquisitions
- Commercial litigation
- Alternate dispute resolution
- Employment law (incl. free compliance review for employers)
- Exit/succession planning for business owners
- Real estate law
- Elder law planning and administration and elder care
- Life documents planning for young parents (wills, guardianships, and proxies)
- Special needs planning and administration
- Matrimonial & family law
- LGBTQ matters
- Personal injury

If you are interested in inviting us to talk at your business, organization, or group, or would like to attend an event held at our offices, contact us at 516.437.4385 or info@vmmlegal.com.

To learn about upcoming events, sign up for our newsletters at vmmlegal.com/contact-us.



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