

YOUTH & GOVERNMENT™

We build strong kids, strong families, strong communities.

2010

Seventy-Fourth Session Record Report

PROGRAM SPONSORED BY:

YMCA of Greater Rochester
YMCA of Long Island
YMCA of Greater New York

NY State YMCA Foundation
Capital District YMCA
Program Alumni

Legislative Sponsor

Senator Malcolm Smith, President Pro Tem

Collaborative support - Assembly Speaker Sheldon Silver

April 2010

Dear Reader,

You hold in your hands the cumulating completed by more than six hundred and forty (640) teens from across New York State who convened in Albany March 12-14, 2010 for the seventy-fourth (74) annual YMCA Youth and Government Conference. Over the years several pieces of New York legislation have been modified from these teens' concerns becoming laws enhancing the quality of life for all New York residents, the most recent was the seat belt law for motor vehicle drivers.

Of the one-hundred twenty different bills presented by the teens, sixteen were signed and approved by the Youth Governor that included debate with his eighteen teen cabinet members. Within these pages you have an opportunity to hear the concerns they deem most important. While select Bills were considered for Judicial Review based upon their writing, one passed and one failed.

Other delegates participated in a judicial program component, where they argued four contrived cases built around previous circumstances of actual litigation. Teen attorneys are responsible for developing a brief, arguing their case before an Appellant Court bench of teen justices. Using four courtrooms the eighteen Justices heard each case rendering their decisions. Enclosed is a copy of each case, an addendum that includes the justice decisions and the Brief they deemed to be "the best." The teen's case assignment contained their select case references.

During the weekend thirty-four chose to participate as lobbyists researching topics and bills of their interest which included a deviation from traditional government where they were afforded opportunities to speak for or against a bill on the chamber floor promoting their speaking/presentation skills. Dependent upon the persuasive arguments of the lobbyist one was recognized by their peers as "the best" lobbyist in the Senate and in each of the two Assembly's.

Integral to government is the reporting of issues, opinions of Bill Sponsors and an overall review of the program. Inserted you will find a copy of The Dialectic newspaper that was developed by twenty journalism students. Included as well are copies of the pre and post conference newspaper (The Posti).

This program is sponsored by the YMCA's in New York State affording a special leadership opportunity for young people where they nurture their appreciation for the diversity of others while engaging in civic issues that may include collaborative working relationships with local high schools. In reviewing just one positive impact this program has on young people a 2002 Indiana University Study concluded that Youth and Government graduates when compared with the general population were much more engaged in civic issues:

- 96 % are Registered voters vs.66 % General Population
- 35 % Contribute to a campaign vs.24 % General Population
- 43% Worked on community issues vs. 17% General Population
- 15 % are Members' of a local community board vs. 3% General Population

To learn more about this program we welcome you to visit our web site: www.nystateymcayag.org, to contact your local YMCA or the programs State Director Mark Rutkowski at the host association: YMCA of Greater Rochester, 444 East Main Street, Rochester, NY 14604 or 585-341-3235.

2010 New York State YMCA Youth & Government YMCA Representation

District 1 Represents the YMCA's of Greater Rochester including clubs at:
Lady of Mercy High School School Without Walls
McQuaid High School Southwest Y Branch
District Coordinator and State Director Mark Rutkowski, Association Office YMCA of Greater Rochester.

District 2 Represents the YMCA's of the Capital District with clubs affiliated with the:
Troy Branch Bethlehem Branch
North Albany Branch
District Coordinator: Curtis Hovey, Bethlehem Y Branch.

District 3 Represents the following YMCA's and High School Clubs:
Glen's Falls YMCA, Johnsbury High School
Glens Falls High School Newcomb High School
Bolton and Minerva High School Ticonderoga High School
Consortium
District Coordinator Jackie Palandrani, Silver Bay Association YMCA Conference Center of the Adirondacks

District 4 Represents the following YMCA's and High School Clubs
White Plains YMCA, Rockland County YMCA, with school clubs in:
White Plains High School Pearl River HS, North River HS, Nyack HS
Yonkers YMCA
District Coordinator: Maintained by Charles Maze, CEO Rockland County YMCA

District 5 Represents the YMCA's of Greater New York and School Clubs:
Bedford Stuyvesant Y Branch Harlem Y Branch
Bronx Y Branch Long Island City Y Branch
Archimedes Academy North Brooklyn Y Branch
Chinatown Y Branch Prospect Park Y Branch
Cross Island Y Branch Staten Island Y Branch
Dodge Y Branch Vanderbilt Y Branch
Flushing Beacon Y Branch
District Coordinator: Lauren Tucker-Barr, Association Office YMCA of Greater New York

District 6 Represents the Cortland and Syracuse YMCA's and High School Clubs:
Homer High School North Area Syracuse Y Branch
Cortland High School East Area Syracuse Y Branch
District Coordinator: Janine Giordano, Cortland YMCA volunteer and Social Studies teacher at Homer High School

District 7 Represents the Long Island YMCA's and High School Club:
Mastic Y Branch,
William Floyd High School
District Coordinator: Helene Purdoski, Mastic YMC, supported by Robert Feeney Principal William Floyd High School

2010 New York State YMCA Youth & Government State Conference

Friends of Youth & Government

- The Honorable David Paterson, Governor, New York State
- Honorable Malcolm Smith, Senate Majority Leader
- Honorable Sheldon Silver, Speaker of the Assembly
- New York State YMCA Foundation, Charles Clark, Chairperson
- Kyle Stewart, Director of YMCAs of NYS Inc. Public Policy
- YMCA of Greater Rochester
 - George Romell, President and CEO
- YMCA of Greater New York
 - Jack Lund, President and CEO
- YMCA of Long Island
 - Michael T. Famiglietti, President and CEO
- Capital District YMCA
 - David Brown, President and CEO
- John Rappaport, Executive Director, McBurney YMCA
- Youth & Government Conference Staff
 - Mark Rutkowski, State Director
 - Volunteer Connie Angeles, Conference Assistant
 - Volunteer Michele Palandrani, Conference Assistant
 - Volunteer John Catto, Program Consultant
 - Volunteer Jackie LaNoir, Program Consultant
 - Volunteer Federal Prosecutor Joseph Depadilla, Judicial Program Director
 - Numerous other program delivery volunteers:
 - School advisors
 - Flynn Jebb, Lobbyist program advisor
 - Atrion Raimundi, Deidra Greeley, Alex Bowerman, Kathryn Harvey
 - Judicial Volunteers
 - Allison Burgenis, Mike Couzens, Kelsie Reed, Matthew Dowgiallo
 - Collegiate Volunteers

New York State YMCA Foundation

Whose financial supportive commitment creates an opportunity for every participant to grow in spirit, mind, and body.

Board Members

Charles Clark

David Roman

John Barber

Peter Pink

Randy Grant

Peggy LoPresti

John MacDougall

Chuck Maze

Norman Moore

Jack Young

John C. Travers

Carla Vossler

Chair

Vice Chair

Secretary

Treasurer

Honorary Board Members

Michael Grammatico

Michael J. Fogarty

John D. Murray

John Alan Ramsdell, MD

Mary E. Lane

George Romell

New York State YMCA Foundation Trustees

Robert J. Daly

Chairman

William A. Roos, IV

Legal Counsel & Secretary

William P. Epke

Charles Clark, Ex Officio

William Mausert

Brent Stephans

Trustees Emeritus

Richard E. Kaeyer

Frank J. Keeler

Nancy W. Lester

Arthur B. McComb

Advisors Continued

DISTRICT 6 **Janine Giordano – District Coordinator**

Yakey	Cayla	Reed	Kelsie
Kenney	Tess	Young	Kate
Dowgiallo	Matthew	Buttino	Christopher

DISTRICT 7 **Helene Purdoski - District Coordinator**

Feeney	Robert	Hansen	Matthew
Costell	Patricia	Coudrey	Kerri
Kosloski	Nancy	Purdoski	Helene
Tator	Charles	Reformato	Kathy
Collins	Erin	Reinzo-Stack	John
Shapiro	Eric		

State Office

Jacqueline LaNoir
Mark Rutkowski
Connie Angeles
John Catto
Flynn Jebb
Michele Palandrani
Jessica Kloss

Judicial Team

Joseph DePadilla
Alex Bowerman
Deidra Greeley
Kathryn Harvey
Atrion Raimundi

Safety Team

Christopher Buttino
Mike Garcia
Jackie Palandrani
Helene Purdoski

College Advisor's (Judicial)

Allison Bugenis
Mike Couzens

2010 PRESIDING OFFICERS

Governor.....	Nicholas Collins	District 7
Lieutenant Governor.....	Kathryn Maxwell	District 1
President Pro Temp.....	Malea Otranto	District 7
Speaker of the Assembly A.....	James Evans	District
7Speaker of the Assembly B.....	Kerri-Anne Pliego	District 7
Deputy Speaker Assembly A...	Jesse Montanye	District 3
Deputy Speaker Assembly B...	Amy Popper	District 7
Chief Justice.....	Robert Brett	District 7
Editor-in-Chief.....	Elizabeth Maze	District 4
Head Lobbyist.....	Kimberly Molfetto	District 7

2010 COMMITTEE CHAIR'S

SENATE

Senate 1	David Vigliotta	District 7
Senate 2	Maria Henry	District 4
Senate 3	Zoe Hraska	District 4
Senate 4	Luz Paulino	District 5
Senate 5	Ellen Wixted	District 6

ASSEMBLY A

Committee 1	Kyle Imperatore	District 7
Committee 2	Scott Blue	District 1
Committee 3	Molly McGrath	District 1
Committee 4	Kevin Densmore	District 3
Committee 5	Melissa Camargo	District 5
Committee 6	Abdul Hafiz	District 5
Committee 7	Aaron Gufitason	District 6

ASSEMBLY B

Committee 8	Jillian Andersen	District 7
Committee 9	Jalen Chapman	District 4
Committee 10	Regina Mathai	District 4
Committee 11	Rebecca Bolan	District 3
Committee 12	Elizabeth Parker	District 3
Committee 13	Kate Kirwan	District 4

New York State YMCA Youth and Government Program

2010 EXECUTIVE CABINET

Governor	Nick Collins	District 7
Lt. Governor	Kate Maxwell	District 1
Secretary of State	Raul Sanchez	District 5
Chief of Staff	Anthony Hernandez	District 7
Press Secretary	Ayla Homer	District 3
Executive Clerk	Kelli Barnes	District 1
Liaisons (SENATE)	Charlotte Caldwell	District 3
	Michele Chisolm	District 6
Liaisons (ASSEMBLY)	Lindsay Nathan	District 7
	Matt Swenson	District 6
	Greg Richards	District 6
Attorney General	Michael Dubois	District 7
Comptroller	Timothy Cruz	District 3
TR House Liaison	Sophia Marshall	District 4

DEPARTMENT HEADS

Consumer Protection	Paige Hughes	District 3
Health	Heather Ryan	District 6
Environmental Protection	James Penna	District 7
Labor	Mark Greek	District 7
Office of Children & Family Services	Maclynn Kornreich	District 5
Transportation	Michael Gregg	District 2
Commissioner of Education	Daniel Gorman Jr.	District 4

***Fosdick - San Antonio
Memorial Scholarship***

In late January 1992, Megan Fosdick and Shannon San Antonio from the Silver Bay Association, YMCA Conference and Training Center tragically lost their lives in a car accident.

These active participants in the New York State YMCA Youth & Government Program demonstrated qualities that all young people should emulate: they were involved in other community activities/ organizations, school and/or YMCA activities, coupled with a demonstrated passion of serving others.

In memory of their spirit and enthusiasm, the New York State Youth and Government established a memorial scholarship fund. Proceeds from the fund are used to award annual scholarships to the YMCA Youth & Government Albany Conference defraying a teens State Program fee expense.

Recipients in 2009 for the 2010 Conference:

Kelli Barnes	District 1	Michele Chisholm	District 6
Kate Maxwell	District 1	Heather Ryan	District 6
Rachel Shey	District 1	James Penna	District 7
Darrien Doig	District 5	Anthony Hernandez	District 7

Recipients in 2010 for the 2011 Conference:

Erin East	District 1	Kareem Howard	District 5
Lily Cichanowich	District 1	Luz Paulino	District 5
Benjamin Richards	District 3	Raul Sanchez	District 5
Jerry Nieves	District 5	Ryan Whelan	District 7

***Clement A. Duran
Delegate Scholarship Award***

- A scholarship program supported by the New York State YMCA Executive Committee honoring the vision and tireless commitment of YMCA Director Clement A. Duran to the purpose of affording teenagers an opportunity to have a voice in their community.
 - A senior in High School
 - Participation in the Youth & Government program for a minimum of two years
 - A participant who has exemplified the conduct expected as spelled out in the Code of Conduct
 - Leadership involvement in local community and the Youth & Government program
 - Qualify as a participant to the Youth & Government Spring Leadership Conference
 - Assure the State Executive Committee that the award will be used for educational expenses.
- The \$1,000 cash award is presented at the closing banquet of the State Conference.

Past Recipients Include:

Alaina Ryan	2009	Emilie Kershaw	2004
Michaela Jebb	2009	Jerry Castillo	2003
Emma Corey	2008	Leigh Arsenault	2002
Kristen Rafferty	2007	Lazaro Chavez	2001
Newton Kwan	2006	Ellie Gardner	2000
LaRelle Gee	2005		

2010 Recipient: Kathryn Maxwell District 1

***Cleveland E. Dodge
Collegiate Advisor Award***

Collegiate Advisor Leadership (Cleveland E. Dodge Memorial Award)

- A scholarship program supported by the New York State YMCA Executive Committee redesigned in 2006 to support volunteer collegiate students instrumental in sustaining the vision of this civic engagement program in memory of the dedicated voluntary commitment rendered by Mr. Cleveland E. Dodge to the YMCA's of New York.
- A former delegate that has participated in a Youth & Government State Conference.
- A college volunteer who exemplifies servant leadership to the Youth & Government program in areas of program implementation, program development, or leadership development.
- Demonstrated leadership with the local or State program endorsed by a YMCA Director.
- The \$1,000 cash award is intended to assist with educational expenses being presented at the closing banquet of the State Conference.

Past Recipients Include:

Raphael Ortega (Indiana University School of Law)	2009
Mike Couzens (Syracuse University)	2008
Kate Harvey (Seton Hall Law School)	2007
Leigh Arsenault (Middlebury College)	2006

2010 Recipient: Michele Palandrani HVCC dental hygienist program

YMCA Youth Conference on National Affairs

Purpose

The purpose of sending a delegation of teens from the New York State YMCA Youth & Government program to National Affairs is to allow outstanding student leaders from New York to share in an extraordinary national teen leadership experience. From the more than 55,000 teens annually participating in this program across the country 600 gather for a week of debate and learning where they present proposals they deem of National importance. Through this experience delegates gain a respectful appreciation for others, the issues presented, and nurture their commitment to be civically engaged citizens.

Philosophy

The State office of the New York State YMCA Youth & Government program believes it is a great honor to attend the National Affairs conference. The committee of advisors that choose the delegates strive to send from New York only the most committed teen leaders who exemplify the values upon which the New York YMCA Youth & Government program is based. It is the intention to send delegates to National Affairs who want to be there and who are willing to put forth the effort necessary to demonstrate their leadership abilities at the North Carolina conference.

Delegate Selection

The National Affairs selection committee shall select the New York State delegation to the YMCA Youth Conference on National Affairs held in North Carolina. The committee will be comprised of adult advisors selected by the State Director and the district coordinators, with one representative from each District. The committee will select delegates upon merit and diversity to represent the State of New York realistically. The delegates will be observed at the State conference and recommendations are received from all youth committee chairpersons, Adult committee advisors, chamber participants and Presiding officers in the selection consideration process.

Conference Dates: July 2-9, 2010 at the YMCA Blue Ridge Assembly Conference Center in Black Mountain North Carolina

Criteria for selection

1. Knowledge of topic
2. Knowledge and use of parliamentary procedure
3. Ability to speak in public
4. Contribution to political process and interaction with other delegates
5. Evidence of preparation for State Conference
6. Decorum during sessions
7. Strict adherence to the Code of Conduct during the entire conference (Teens who cannot conduct themselves properly during social hours will not be considered).
8. Self motivation and enthusiasm for YMCA programs, specifically Youth and Government.
9. Leadership ability and potential

Selected delegates to represent New York State at the National
YMCA teen Conference On National Affairs in North Carolina
July 2 – July 9, 2010

Delegates in 2010 include:

Scott Blue	District 1	Raul Sanchez	District 5
Kelli Barnes	District 1	Maclynn Kornreich	District 5
Kate Maxwell	District 1	Andrew Snow	District 5
Adam Murray	District 2	Ellen Wixted	District 6
Paige Hughes	District 3	Dan Burkett	District 6
Charlotte Caldwell	District 3	Matt Swenson	District 6
Kevin Densmore	District 3	Nick Collins	District 7
Sophia Marshall	District 4	Emily Vigliotta	District 7
Joe Howard	District 4	James Evans	District 7
Jalen Chapman	District 4	Logan Murphy	District 7

Alternate Delegates in 2010 include:

Rabbil Jackson-Harris	District 1	Maria Henry	District 4
Dalton Blue	District 1	Melissa Camargo	District 5
Erin East	District 1	Luz Paulino	District 5
Lily Cichanowicz	District 1	Rebecca Kelly-Lyons	District 5
Timothy Cruz	District 3	Victoria Fernandez	District 5
Benjamin Richards	District 3	Aaron Gustafson	District 6
Tara Galusha	District 3	James Penna	District 7
Dan Gorman	District 4	Chelsey Smart	District 7
Danica Brown	District 4	Kelsey Mensch	District 7
Zoe Hranska	District 4	Kerri-Anne Pliego	District 7

Officer Candidates for 2010 - 2011

GOVERNOR

Kae Sean Glover	District 1	Maclynn Kornreich	District 5
Jalen Chapman	District 4	James Evans	District 7

LIEUTENANT GOVERNOR

Raul Sanchez	District 5	Matt Swenson	District 6
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PRESIDENT PRO TEMPORE

Charlotte Caldwell	District 3	Ellen Wixted	District 6
Sophia Marshall	District 4	David Vigliotta	District 7

SPEAKER OF THE ASSEMBLY - A

Molly McGrath	District 1	Helen Dillingham	District 6
Paige Hughes	District 3	Kyle Imperatore	District 7

SPEAKER OF THE ASSEMBLY - B

Rebecca Bolan	District 3	Jillian Andersen	District 7
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DEPUTY SPEAKER OF THE ASSEMBLY - A

Lily Cichanowicz	District 1	Kelsey Mensch	District 7
Kevin Densmore	District 3		

DEPUTY SPEAKER OF THE ASSEMBLY - B

Benjamin Richards	District 3	Emily Vigliotta	District 7
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CHIEF JUSTICE

Rabbil Jackson-Harris	District 1	Andrew Snow	District 5
Tara Galusha	District 3	Keefe Garrett	District 6
Joe Howard	District 4	Logan Murphy	District 7

EDITOR-IN-CHIEF

Kate Amuso	District 1	Victoria Fernandez	District 5
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HEAD LOBBYIST

Delilah Seda	District 5	Hans Lueders	District 4
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Delegates elected by their teen peers as:

BEST DEBATER – ASSEMBLY A

James Penna District 7

BEST DEBATER – ASSEMBLY B

Matt Toumie

BEST SPEAKER – SENATE

Cory Zegel District 7

BEST BILL IN ASSEMBLY – A

01-03-01 “Limit the Fiscal Cuts To The NYS Education Budget”

Scott Blue, Khi-Asia Wilson, Kahadyah Wilson

BEST BILL IN ASSEMBLY – B

04-03-01 “Label GMO (Genetically Modified Organism) Products”

Sammy Ahmed, Dylan Staub, John DeLorenzo

BEST BILL IN SENATE

05-03-03 “Deny All Illegal Immigrants Access To An Form of Public Education”

Raul Sanchez, Luz Paulino, Kiara Sanchez, Whitney Ridguard

BEST LOBBYIST – ASSEMBLY A

Samantha Burns District 3

BEST LOBBYIST – ASSEMBLY B

Cassandra Stank District 7

BEST LOBBYIST SENATE

Kelli Barnes District 1

OUTSTANDING TEDDY ROOSEVELT (Jr. High/First Year) DELEGATE

Emily Stepper District 5

Andrew Santos District 4

Sadie Mae Burns District 4

Nicholas Sideris District 5

Ashanti Barrett District 5

BEST PRESS DELEGATE

Ben Chapman District 1

BEST ATTORNEY

Court 1 Erin Englmann District 7

Court 3 Addie Fox District 6

Court 2 Evin Feldman District 4

Court 4 Mary Skeele District 6

BEST BRIEF

Team 6 Lauren Dole and Ashley Domagola District 1

JUDICIAL EXEMPLAR

Rabbil Jackson-Harris	District 1	Nariele Santana	District 5
Halle-Anne Orr	District 1	Mikjail Lindsay	District 5
Adrianna Wurster	District 1	Andrew Snow	District 5
Michelle Maurer	District 1	Keefe Garrett	District 6
Chelsea Bromley	District 3	Addie Fox	District 6
Evan Malone	District 3	Becca Dewitt	District 6
Tara Galusha	District 3	Manserat Dhami	District 6
Danica Brown	District 4	Mary Skeele	District 6
Kathleen O'Mera	District 4	Lachonne Reese	District 7
Brittany Sutton	District 4	Destiny Sullivan	District 7
Evin Feldman	District 4	Erin Engelman	District 7
Tynisha Brice	District 4	Britanny Baudier	District 7
Kevin Chen	District 4	Gary Blanco	District 7
Nia England	District 4	Carissa Cancel	District 7
Joe Howard	District 4	Logan Murphy	District 7

2010-2011 ELECTED OFFICERS

Governor.....	James Evans	District 7
Lieutenant Governor.....	Raul Sanchez	District 5
President Pro Temp.....	Sophia Marshall	District 4
Speaker of the Assembly A.....	Kyle Imperatore	District 7
Speaker of the Assembly B.....	Jillian Andersen	District 7
Deputy Speaker Assembly A...	Kelsey Mensch	District 7
Deputy Speaker Assembly B...	Emily Vigliotta	District 7
Chief Justice.....	Logan Murphy	District 7
Editor-in-Chief.....	Kate Amuso	District 1
Head Lobbyist.....	Hans Lueders	District 4

Legislative Branch Activity

Assembly B Results

Unavailable

Assembly A Results

Passed

01-03-01
04-02-11
07-01-05
07-01-04
04-01-05
03-06-01
07-01-21
07-01-08
07-01-16
01-01-01
07-01-19
07-01-15
03-05-03

Failed

04-01-04
03-01-03
07-01-10
04-02-06
05-07-02
07-01-01
05-07-01
01-01-09
03-03-07
05-02-01
03-01-02
07-01-17
03-04-02
05-17-02
03-06-03

*Bills not heard due to bill rank and time
Constraints:*

01-01-04
04-02-19
03-02-02
05-04-01
06-01-05
05-15-01
02-02-01
02-02-03
03-02-05
04-01-03
06-04-02
04-02-10

Bills sent to the Senate for action:

05-11-01
06-01-06
01-01-08

06-01-04
04-02-03

Senate Results

Passed

07-01-14
03-03-01
01-01-02
04-02-16
07-01-18
01-01-03
04-02-01
01-03-02
04-02-07

Failed

07-01-13
07-01-07
06-03-04
04-03-02
05-03-03
03-06-02
03-02-03
06-01-03
04-01-02
05-08-01
02-01-01

2010 Youth and Government Governor's Cabinet Legislative Activity

2010 Bills reviewed by the Cabinet subsequently Signed or Vetoed by Youth
Governor Nick Collins

Signed

07-01-03
07-01-21
04-03-01
07-01-05
07-01-14
01-03-01
07-01-20
01-01-02
07-01-04
07-01-19
07-01-08
05-16-01
01-01-01
04-02-09
07-01-15
07-01-19

Vetoed

04-02-01
07-01-18
04-02-16
04-01-05
06-03-02
07-01-23
04-02-11
03-03-01
03-03-03
07-01-12
07-01-09
07-01-22
03-06-01
05-05-01
04-02-15
03-05-03
03-03-06

2010 Bills passed by legislative chambers and signed by the Youth Governor

See the completed bill at the end of the book

- 07-01-03 To amend section 70.15 of the New York State Penal law in relation To sentences of imprisonment for certain Class A misdemeanor offenses
- 07-01-21 Create a Consumer Vehicle Rebate Program for the State of New York as an incentive for the purchase of environmentally-friendly consumer vehicles
- 04-03-01 An Act to: Label GMO (Genetically Modified Organism) Products
- 07-01-05 Amend Section 2500-e of the Public Health Law to test pregnant women for Chlamydia to prevent future health complications of newborns
- 07-01-14 Amend Section 132 of the New York State Social Services law, to mandate drug screenings for social service applicants.
- 01-03-01 Limit the fiscal cuts to the NYS education budget
- 07-01-20 Add section 220-h to the labor law, in relation to requiring contractors and subcontractors who perform public work contracts to file certain documentation with the department of labor.
- 01-01-02 Eliminate State Funded Chaplains
- 07-01-04 Amend Public Health Law article 43-A to prohibit organ donations and blood transfusions from genetically engineered humans under 16 years of age
- 07-01-19 Amend section 601 of the Correction Law, in order to mandate payment from prisoners for their prison sentence
- 05-16-01 Amend Section 265.03 of the New York Penal Law to increase the penalty for the illegal possession of a firearm
- 01-01-01 Place a cap amount on award received from non-economic damages in medical liability cases
- 04-02-09 Ban plastic shopping bags in retail and grocery stores in New York State and require all stores to sell reusable bags or offer paper bags.
- 07-01-15 Amend Section 2509 of The New York State Education Law to extend the time to be eligible for tenure.
- 07-01-08 Amend Section 4310 of the New York State Public Health Law to mandate choice on organ donation.
- 07-01-19 Amend section 601 of the Correction Law, in order to mandate payment from prisoners for their prison sentence

2010 Passed Legislative bills vetoed by the Youth Governor

See the completed bill at the end of the book

- 04-02-01 To ban the cosmetic testing on animals in the state of New York
- 07-01-18 Ban the use of animal testing and animal testing data on cosmetic products sold and manufactured in New York State.
- 04-02-16 Legalize Physician-Assisted Suicide In New York State For The Terminally Ill
- 04-01-05 Give prisoners with life sentences (without parole) the right to undergo a voluntary brain death, and have their organs harvested
- 06-03-02 Mandate a recycling system for all publicly and privately owned buildings in New York State.
- 07-01-23 Add Section 168-1a to the Correction Law to Register Domestic Violence Offenders to create a registry for domestic violence offenders
- 04-02-11 Terminate the use of racial and ethnic quota systems in NYS colleges. Effectively ending the use of race or ethnicity as a factor in the college acceptance process.
- 03-03-01 Introduce the Compassionate Use Act of 2010
- 30-03-03 To allow Inmates to Donate Organs
- 07-01-12 Add subsection 10 of Section 252 of the New York States Domestic Relation law to mandate GPS tracking systems on all domestic violence offenders.
- 07-01-09 Amend Section 349 of the New York Social Service Law to lower the amount of years new dependents can receive welfare benefits.
- 07-01-22 Amend section 170 and 171 of the New York State Labor Law to mandate New York state prisons to institute and facilitate an industry in which prisoners can work.
- 03-06-01 Amend Section 1198, Article 31, Title 7 of New York State Vehicle and Traffic Law to mandate the installation of Ignition Interlock Devices in Repeat DWI Offenders Vehicles.
- 05-05-01 Amend Article 34 “New York State Lottery for Education Law” in order to provide Non-Profit Organizations 501(c)(3) and the Department of Education with additional funding through the State Fairness Fund, which will regulate and disperse funds from the New York State Lottery through grants.
- 04-02-15 Prevent The Misuse Of State Government Funds By Not For Profit Organizations
- 03-05-03 Amend the election law, in relation to the residential classification of certain incarcerated persons
- 03-03-06 To mandate the incarceration of any level three sex offender who has committed an additional sex crime within the first three years following their release from their previous sentence to life in prison.

2010 JUDICIAL LEADERSHIP TEAM

Chief Justice

Robert Brett **District 7**

Associate Justices

Rachel Schey	District 1	2nd year Justice <i>Principal</i>
Aaron Taggart	District 1	2nd year Justice
Rabbil Jackson Harris	District 1	
Halle-Anne Orr	District 1	
Kelsey Williford	District 3	2nd year Justice <i>Principal</i>
Tara Galusha	District 3	
Karen DeLeon	District 4	2nd year Justice <i>Principal for White Plains</i>
Maureen Degnan	District 4	
Joe Howard	District 4	<i>Principal for Rockland County Y</i>
Nia England	District 4	
Alan Gomez	District 5	2nd year Justice <i>Principal</i>
Andrew Snow	District 5	
Emma Capps	District 6	3rd year Justice <i>Principal for Cortland</i>
Fletcher Whyland	District 6	2nd year Justice <i>Principal for Syracuse</i>
Cayla Hartnett	District 6	2nd year Justice
Logan Murphy	District 7	2nd year Justice <i>Principal</i>
Courtney Coudrey	District 7	
Carissa Cancel	District 7	
Manpreet Parmar	District 7	

Attorney General

Michael Dubois District 7

Assistant Attorney General

Kate Weiner District 4

Attorney General Respondent

Karina Edouard District 4

Assistant Attorney General Respondent

Maria Kohlbrenner District 4

BEST 2010 ATTORNEY BRIEF

IN THE COURT OF APPEALS

In the Matter of Atrion Raimundi represented by the N.F.L. Players Association,

Appellant, Respondent

v.

The New York Jets and the National Football League, Respondent, Appellant

On Appeal from the First Department

BRIEF FOR THE APPELLANT, RESPONDENT (TEAM 6)

Lauren Dole District 1

Ashley Domagola District 1

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Port Authority Police Benevolent Association v. Port Authority of New York, 652 N.Y. S.2d 741 (1st Dept. 1997)

United Federation of Teachers v. Board of Education, 1 N.Y. 3d 72 (Ct App. 2003)

Maross Construction Inc. v. Central New York Regional Transportation Authority, 66 N.Y. 2d 341 (Ct. App. 1985)

QUESTIONS PRESENTED

1. Was the arbitrator's decision to take one quarter of the Appellant, Respondent's signing bonus and disqualify him for one game in violation of public policy.
2. Is the fact that the Jets' lawyer signed the changed contract binding and was the arbitrator's decision was unfair and irrational.

Statement of Facts

Atrion Raimundi attended Syracuse University, and had trouble making weight as a kicker. Raimundi was drafted in the 3rd round of the NFL draft to the New York Jets. The contract that Raimundi signed included a \$3 million dollar signing bonus, and a \$75,000 per game salary. During the course of the season, he gained 100 pounds, and looked like a line backer rather than a kicker. He decided to take PX 90 Hydroxycut to lose this weight. A key ingredient in PX90 Hydroxycut is the gokomocha bean, which has a similar chemical makeup to methamphetamine. The properties of the gokomocha bean are removed from the blood stream after 35 hours. Typical illicit use of methamphetamine will leave the body in the 47th hour. Knowing that he would get a false positive on a drug test, and that he would also falsely fail any second drug test taken within 24 hours, he checked off 36 hours on his contract instead. The contract was then signed by the Jet's attorney after the modification had been made.

Raimundi's contract stated that any suspension would result in the forfeiture of his entire signing bonus. The contract also acknowledged that all arguments over contractual language would be resolved by an arbiter, and that their decision would be final. For the majority of the season, Raimundi played very well. However, before the tenth game, he had gained 100 pounds, and looked more like a line backer. He took PX 90 Hydroxycut to lose the weight. After the tenth game, he tested positive for methamphetamine, and failed the drug test. The New York Jets tried to reach him within 24 hours to collect a sample, but they were unable to contact him for 36 hours. Raimundi said that he had been practicing field goals at the Syracuse practice facility, a fact to which Jackie Palandrani, his old college football coach, later testified. Raimundi gave his second sample at the 36th hour, but the truck carrying the sample to the lab crashed, and the sample was destroyed. Raimundi then gave a third sample at the 48th hour, which was then tested, and was tested negative for methamphetamine. The New York Jets suspended Raimundi for the next four games, and as a result, Raimundi instituted the arbitration clause of his contract. The arbitrator wore a Giants lapel pin to the proceedings. With the consideration of the evidence given to him, he stated that Raimundi might have violated the league's drug policy, because though the first test was positive, the second test would have determined whether the positive reading was a result of PX 90 Hydroxycut, or illicit drug use, and that the final test was altogether useless, seeing as

whatever drugs Raimundi may have been using would have left his system at that point. The arbiter then suspended Raimundi for one game, which resulted in the loss of \$75,000, and ordered that Raimundi be suspended during the upcoming Giants game. He also ordered that Raimundi return \$750,000, or 1/4th of his signing bonus. In the Jets vs. Giants game, the Jets lost because of a missed field goal in the final seconds of the game. The Jets won all of the other three games in which Raimundi was the kicker.

Raimundi's papers declared that the arbiter's ruling was irrational, and violated public policy. Raimundi also argued that he did not fail the drug test, because the Jets did not follow the policy he had written in his contract of having a test at 36 hours. Raimundi stated that seeing as his second sample was destroyed, the sample given at the 48th hour should be substituted, and his full signing bonus and salary should be restored.

SUMMARY OF ARGUMENT

The arbitrator's decision to suspend Raimundi was irrational, and violated public policy. Raimundi had provided an alibi, and a witness, and acted in full cooperation with the request of a 2nd sample. The arbiter based his decision upon an unpredictable crash that destroyed the sample. Furthermore, the Jet's Attorney signed the contract, making it legally binding, and asserting that Raimundi's alteration from the 24 hour to the 36 hour drug test was acceptable. The arbiter also violated public policy in the fact that he only suspended Raimundi for the Giants game, the team towards which he clearly showed bias by wearing a Giant's lapel pin. The arbiter's decision was irrational, and was in violation of strong public policy, and should therefore be overturned.

ARGUMENT

1. THE ARBITRATOR'S DECISION TO SUSPEND RAIMUNDI WAS IRRATIONAL.

The arbitrator's suspension for one game cost Raimundi 75,000 in addition to the loss of one quarter of his signing bonus, 750,000. Raimundi provided an alibi and had a witness testify for him, presenting a reason as to why he could not be reached for the 2nd drug test. Raimundi was willing to cooperate and gave the 2nd sample, but due to unforeseeable circumstances, the truck carrying the sample exploded and therefore the sample was lost. Raimundi had no connection to the destruction of the sample and therefore is not at fault for the lost sample. In the case of *Chaindom Enterprises v. Furgang & Adwar* it states that "the award is not subject to vacatur unless the court concludes that it is totally irrational...and thus in excess of the arbitrator's powers". Also, the Jets' attorney signed the changed contract making the contract legally binding. Raimundi changed the 24 hour drug test to a 36 hour drug test and then the contract was signed. This change in the contract only applied to one place in the contract, making the change legally binding. This is unlike the case of *Maross Construction v. Central New York Regional Transportation Authority* because the contract in that case needed to be modified in more than one place in the contract, so it was not binding. Raimundi only needed to change his contract in one place for it to be binding. The Appellant, Respondent was suspended on insufficient grounds and therefore the arbitrator misused his power in suspending Raimundi.

2. THE ARBITRATOR VIOLATED PUBLIC POLICY WHILE MAKING HIS DECISION.

By the arbitrator wearing a Giants pin, he violated public policy because he was clearly biased in the favor of the Giants by suspending Raimundi for only the Giants game. Public policy is ignoring the law for personal benefit. The arbitrator suspended Raimundi for only one game, the Giants game. The previous decision was to suspend Raimundi for four games, but the arbiter changed it so that in the game against the Giants, the Jets would not have their star kicker. In the case of *The United Federation of Teachers v. The Board of Education of the City School District of the City of New York*, it states that "An arbitration award may be vacated on...narrow ground: 'it violates a strong public policy'". Similarly in the case of *Chaindom Enterprises v. Furgang & Adwar*, it states that "the award is not subject to vacatur

unless the court concludes that it is in violation of strong public policy and thus in excess of the arbitrator's powers". The arbitrator also stated that Raimundi may have violated the league drug policy, not knowing whether or not to fully punish him. The arbitrator's decision was clearly self-serving, therefore violating public policy.

CONCLUSION

The court's decision to suspend Raimundi for one game resulted in the loss of one quarter of his signing bonus. This decision is wrong on two grounds. The arbitrator's decision clearly violates public policy and shows bias in favor of the Giants. Secondly, Raimundi willingly gave his sample and should not be punished for the destruction of the second sample. An adequate review of the evidence would have shown that Raimundi did not violate his contract and should not be punished with the loss of one quarter of his signing bonus and the disqualification of one game.

Respectfully Submitted,

Lauren Dole, District 1

Ashley Domagola, District 1

Attorney General Judicial Review Case

Presented Friday March 13, 2010

This 2009 Bill was Passed by Assembly B, Approved by the Cabinet, Signed by Governor Hynes

STATE OF NEW YORK

YMCA YOUTH AND GOVERNMENT

BILL NUMBER 07-01-12

INTRODUCED BY:

Susanne Hutnick, Amanda Nieto, David Vigliotta, Corey Zegel

AN ACT

TO: Add section 2(a) of the Penal Law 70.8 to castrate repeat sex offenders who assault under the age of 18 years old.

The People of the State of New York, represented in the Senate and Assembly, do enact as follows:

Section 1: Definitions

(a) For the purposes of this section, a "felony sex offense" means a conviction of any felony defined in article one hundred thirty of this chapter, including a sexually motivated felony, or patronizing a prostitute in the first degree as defined in section 230.06 of this chapter, incest in the second degree as defined in section 255.26 of this chapter, or incest in the first degree as defined in section 255.27 of this chapter, or a felony attempt or conspiracy to commit any of the above. (b) A felony sex offense shall be deemed a "violent felony sex offense" if it is for an offense defined as a violent felony offense in section 70.02 of this article, or for a sexually motivated felony as defined in section 130.91 of this chapter where the specified offense is a violent felony offense as defined in section 70.02 of this article. (c) For the purposes of this section, a "predicate felony sex offender" means a person who stands convicted of any felony sex offense as defined in paragraph (a) of this subdivision, other than a class A-I felony, after having previously been subjected to one or more predicate felony convictions as defined in subdivision one of section 70.06 or subdivision one of section 70.04 of this article. (d) For purposes of this section, a "violent felony offense" is any felony defined in subdivision one of section 70.02 of this article, and a "non-violent felony offense" is any felony not defined therein. (e) Depo Provera: A drug used to chemically castrate an individual. It is an injection of hormones that help to prevent a person from conceiving children and also to lower a person's sex drive. (f) For the purpose of this section, a "level 2" sex offender means that one has been convicted of a sexual offense and is at a medium risk for repeating the crime. (g) For the purpose of this section a "level 3" sex offender means that one has been convicted of a sexual offense and is at a high risk for repeating the crime.

Section 2: Provisions 2. In imposing a sentence within the authorized statutory range for any felony sex offense, the court may consider all relevant factors set forth in section 1.05 of this chapter, and in particular, may consider the defendant's criminal history, if any, including any history of sex offenses; any mental illness or mental abnormality from which the defendant may suffer; the defendant's ability or inability to control his sexual behavior; and, if the defendant has difficulty controlling such behavior, the extent to which that difficulty may pose a threat to society and(a) To require repeat sex offenders of risk level 2 and 3 to be placed on the drug, Depo Provera. In the cases of a sex offender being newly prosecuted, the judge will decide whether he/she will be placed on the Depo Provera drug. After five years, the sex offender will go back to court to be reevaluated to see if they still need to be on Depo Provera.

Section 3: Date Effective

This law shall go into effect one year after its passage.

Attorney General Judicial Review Con Law Case A 2010

Allison Bugenis, Appellant

v.

The Attorney General of the State of New York, Respondent

Facts of the Case:

In 2007, the Allison Bugenis had been a high school teacher in Long Island for three years after graduating high school. Bugenis had a normal social life for someone her age and had dated age appropriate people after college. In the Spring of 2007 Bugenis fell in love with Mark Sanchez a 17 year, 11 month old senior in her history class. The two began an inappropriate relationship which was unfortunately caught on video tape in the teacher's lounge. Bugenis was charged with a felony sex offense related to having sex with a minor. Pursuant to the Felony Sex Offender Act Bugenis was labeled a sex offender as part of her sentence. The judge sentenced Bugenis to 8 years in prison, but suspended all of the incarceration contingent on her complying with probation. Pursuant to Penal law Section 65.10(2)(1) the judge ordered Bugenis to be chemically sterilized with Depo Provera as part of her rehabilitation.

In 2008, while on probation, Bugenis married Sanchez who was now a freshman at SUNY Albany. In 2009 Bugenis contracted pancreatic cancer and found out she only had a projected life span of 2 years. Bugenis and Sanchez wanted to have a child so Sanchez would have something to remember her by after she passed away. Pursuant to the act Bugenis had to stay on Depo Provera until 2013 which would be long after she was dead.

Bugenis sued the state of New York citing the provisions of the Felony Sex Offender Act related to Depo Provera were unconstitutional for a variety of reasons. First she alleged her sterilization was not reasonably necessary to insure that she would lead law abiding life pursuant to Penal law 65.10[1]. Second she alleged this was a violation of her due process rights because she was being treated differently as a felon. Third she alleged this was a violation of her due process rights because her sentence was wholly unrelated to the objective of the statute. Finally, fourth, she alleged the sentence violated her constitutional right to procreate because the sentence totally barred her from having children in the time left she had to live.

The Honorable Robin Keleher ruled against Bugenis on all four grounds. She now appeals and has a projected lifespan of 11 months.

Team 1, Attorney General represents the State of New York

Team 2, Respondent represents Allison Bugenis

You may use only the following cases in your brief and argument. Cases cited within these cases may be used, but only to the extent they appear in the original cases.

People v. Griffith, 239 A.D.2d 705 (3rd Dept. 1997)

Richardson v. Ramirez, 418 U.S. 24 (1974)

Eisenstadt v Baird, 405 U.S. 438 (1972)

Wisconsin v. Oakley 629 N.W.2d 200 (Wis. 2001)

Justice Decision Follows

In the matter of Allison Bugenis, Appellant

v.

The Attorney General of the State of New York,
Respondent

March 12, 2010

Before: Brett, R., Murphy, L., Whyland, F.

APPEARANCES OF COUNSEL

Karina Edouard for appellant

Michael Dubois for respondent

OPINION OF THE COURT

If the bench is to make a decision in the case of Allison Bugenis v. The Attorney General of the state of New York, the court must determine the constitutionality of the Depo Provera amendment to the Felony Sex Offender Act. The case of Wisconsin v. Oakley states that the "Strict Scrutiny" test must be applied to determine whether the provision is in accord with a compelling state interest, and whether this provision is "narrowly tailored to serve that compelling interest." The court finds that the interest of the legislature to protect children from the predatory and depraved actions of sex offenders is an interest that is far beyond compelling. The depo provera drug significantly reduces the sex drive, and thus its use is narrowly tailored to serve the state interest and prevent recidivism in sex offenders.

In this specific instance, where the side effect of the drug sterilizes the offender, the court must decide whether or not it is within the law to deny anyone the right to procreate. Again, the case of Wisconsin v. Oakley establishes that although the right to procreate is indeed a fundamental right protected by the

constitution, the state does have a right to strip felons of such rights.

It is the state's duty, according to the case of the People v. Griffith, to provide a, "probationary condition which must be primarily rehabilitative in nature." Additionally, the Griffith case states the court's authority to place conditions on a sentence of probation "shall be such as the court, in its discretion, deems reasonably necessary to insure that the defendant will lead a law-abiding life or to assist him or her to do so." Considering the fact that a trusted educator violated the law and committed statutory rape with a student, we find that the judges decision in the lower court to administer the Depo Provera to Mrs. Bugenis was rehabilitative in nature and was intended to aid her live a law-abiding life and discourage her from taking advantage of any more young men.

Although the fourteenth amendment ensures equal protection under the law, according to the case of the People v. Eiesnstadt," The Fourteenth Amendment does not deny the states the right to treat different classes of persons in different ways...[unless] the basis of the criteria [is] wholly unrelated to the objective of the statute." An example of such a class of persons that may be treated differently, as sighted in the case of Richardson v. Ramirez, is convicted felons. In this case, it details the history of stripping convicted felons or fundamental rights, in that case the right to vote, and therefore justifies this court in finding that Mrs. Bugenis could indeed be stripped of her right to procreate as a condition of her probation as a felony sex offender. Furthermore, since the court finds that the Depo Provera amendment to the felony sex offender act represents a compelling state interest and is narrowly tailored to serve that compelling interest, the law does not violate the constitution and will not be struck down.

Case A - 2010

Supreme Court Appellate Division, Second Department New York

**In the Matter of the Claim of Molly Warren's Estate
Appellant**

v.

**The YMCA of Greater New York
Workers Compensation Board, Respondents:**

On July 19th, 2009, Molly Warren a long term YMCA employee assigned to the Bronx County YMCA was killed in an unwitnessed hit and run accident in Manhattan on the corner of 37th Street and Third Avenue. Ms. Warren's Estate applied to the Workers Compensation Board alleging her death arose out of her employment. The Workers Compensation Board took testimony from two other YMCA professionals and one student and relied solely on the combination of their testimony. The Board then ruled against Ms. Warren and denied benefits. Ms. Warren's Estate now appeals this ruling.

John Cotto testified as follows: On July 19th he and Desmond Rosa were in charge of leading a field trip to the United Nations with twenty students from the Bronx Public Schools. Each of the YMCA professionals was to arrive on the mall located in front of the United Nations by 9:00 to meet the students. Warren was scheduled for a vacation day. Cotto ran into Warren on the 51st street via the 6 line. Cotto told Warren that it would be a big help if she could come along. Warren stated she needed to run a quick personal errand and she would think about helping chaperone the trip. Cotto inquired about the nature of the errand and Warren stated Banana Republic was having a once in a lifetime sale on urban combat shoes. Cotto also remarkably noticed she was wearing Nikes at the time. Cotto stated that Ms. Warren often would do personal errands during work hours without informing her direct superiors. Cotto had no direct proof of this allegation other than his years of service with Warren. Cotto also stated Rosa and Warren were very close and had dated in the past. Cotto left Warren at approximately 8:00 am in the subway station and never saw her alive again.

Rosa testified as follows: On July 19th he was traveling cross town on the F Train from Queens when he ran into Warren. Warren told Rosa that Cotto had asked her to help on the trip, but she was conflicted because she really wanted the shoes. Rosa told Warren the same was everything so he understood, but he also told Warren that near the Banana Republic was a book store that specialized in books related to the U.N. and if she did decide to help she should pick up a guide to the UN. Warren said she would think about it, but she was leaning towards helping them. Rosa also stated Cotto really did not like Warren because Warren had dated Rosa previously. Rosa never saw Ms. Thomas alive again.

Michael Cousens testified as follows; Cousens was late as usual for the field trip. He had just exited the four train at Grand Central Station and was running up towards 37th street along 3rd Avenue at approximately 9:00 am. The traffic was stopped on both sides of the street and a crowd was forming in the center. As Raphael approached he could see someone had been hit and people were screaming for 911. Two guys were leaning over the person in the street and at first appeared to be helping the person, but then they took her wallet and a bag she had been holding. Cousens realized that the person who had been hit was his YMCA leader Warren. Cousens then witnessed several things. Warren was lying the dead center of 37th Street. On one side of the street was Banana Republic and on the other side of the street was the United Nations Book Store. Cousens could not tell what direction she had been traveling in when she was hit. (Neither could any other witness, nor was the driver or the looters ever caught). Cousens also noticed Ms. Warren was wearing new urban combat boots from Banana Republic and no book was found on the scene.

In the Matter of McClain v Buffalo News, 715 N.Y.S.2d 502

In the Matter of the Daccordo v Spare Wheels and Car Shoppe of Sayville, 684 N.Y.S.2d 343

In the Matter of Blanchard, v. Eagle Nest Tenancy in Common, 728 N.Y.S. 2d 296

Claim of Reva Slotnick v Howard Stores Corp., 397 N.Y.S.2d 179

You may only quote Workers Compensation Law Section 21 that states "an unwitnessed death that occurs in the course of employment is presumed to arise out of the employment absent substantial evidence to the contrary."

Case B - 2010

Kathryn Harvey, Appellant

v.

Robert Feeney, Respondent

Supreme Court, Appellate Division, Third Department, New York

Deidre Greeley moved into Seven Park Avenue in 1943 with her parents. The property at the time was rent controlled at \$110 per month. The owner of the property was Robert Feeney's father. Greeley lived in the apartment her entire life (even after her parents moved out) until her death in 2008. In 1998, Kathryn Harvey answered an advertisement in the paper placed by Greeley for a roommate. Harvey moved in that year into the spare bedroom which was previously furnished and lived with Greeley until her death. Harvey had no other residence.

During the time the Harvey lived in the apartment the two women alternated paying the \$110 rent each month. They shared the utilities, but if one of them was short of money the other always covered the entire bill. Each maintained their own bank accounts, credit cards and all other monetary instruments. Harvey never received mail at the residence opting for a post office box, and she never put her name above the buzzer for the door.

Over time Harvey and Greeley began going on joint vacations. At holidays Harvey's family and Greeley's would have joint celebrations where gifts were exchanged between the different families and their members. Harvey's mother called Greeley the daughter she had always wanted. Greeley's father called Harvey the daughter he never wanted. All of Greeley's friends became Harvey's friends and vice versa. Some of the mutual acquaintances referred to the two women as the sisters from Park Avenue as a joke because Harvey was 20 years younger. In 2007, Greeley became terminally ill with an extremely painful and debilitating affliction. Harvey cared for Greeley for nearly 18 months until her death. All of the legal papers Greeley signed including a do not resuscitate order gave power of attorney to Ms. Greeley's daughter Colleen Murtaugh. Harvey paid the entire expense for the funeral. She also paid all of Greeley's outstanding bills including those not related to the apartment. In Ms. Greeley's will there were two beneficiaries Ms. Harvey and Ms. Murtaugh. The will was notably silent on the issue of anything having to do with the apartment.

One month after the funeral Robert Feeney (who had inherited the building from his father) served notice of termination of license and notice to quit. All of Harvey's attempts to pay the rent were rejected. Feeney asserted that same apartment would now be renting at \$14,000 per month without rent control.

Harvey sued Feeney pursuant to the New York City Rent and Eviction Regulations Section 56(d) which provides: "No occupant of housing accommodations shall be evicted under this section where the occupant is either the surviving spouse of the deceased tenant or some other member of the deceased tenant's family who has been living with the tenant.

A trial was held and the Judge found that Harvey had failed in her Affirmative obligation to prove an emotional and financial commitment and interdependence between [herself] and the tenant such as would entitle her to succeed to the subject rent controlled as a non-traditional family member of the tenant.

Harvey now appeals this judgment and asserts she is entitled to succeed the rent control as a non-traditional family member of Deidre Greeley.

RHM Estates v. Alan Hamshire, 2004 N.Y. Slip Op. 24314 (1st Dept. 2004)
GSL Enterprises, Inc. v. Antonio Lopez, 656 N.Y.S.2d 637 (1st Dept. 1997)
829 Seventh Avenue Company v. Eve Reider, 502 N.Y.S.2d 715 (Ct. App. 1986)
Colon v. Frias, 615 N.Y.S.2d 618 (Civil Court Kings County 1994)

Case C - 2010

Atrion Ramundi represented by the N.F.L Players Association, Appellant, Respondent

v.

The New York Jets and the National Football League, Respondent, Appellant

Supreme Court, Appellate Division, First Department, New York

Atrion Raimundi graduated from Syracuse University as the top rated place kicker in the 2008 draft. Raimundi always had trouble making weight and was one of the heaviest kickers in college but regardless he was drafted in the third round by the New York Jets and signed a contract that included a three million dollar signing bonus. The contract bound Raimundi to all of the mandatory N.F.L rules including the substance abuse policies. Section 7.2 of the league substance abuse policy states any player who fails a drug test will have the opportunity to submit a second sample to be retested within 24 hours. If the player fails the second drug test he will be suspended for the next four games without pay. Section 7.2 is expressly stated in the contract.

Although the Jets did not know it, Raimundi had been using dietary supplements to keep his weight down during the season. He became a big fan of PX90 hydroxy cut and used it his entire senior year. PX90 hydroxy cut's secret ingredient was gokomocha bean which is chemically similar to methamphetamine but makes you shed weight in a few hours. Raimundi despite using PX90 never tested positive in college for methamphetamine and he was always the life of the party because he never slept. Gokomocha beans properties are flushed from the blood stream after 35 hours. Normal use of illicit drug methamphetamine leaves the body in the 47th hour. Raimundi knew that if he had a false positive on any drug test and the league tested him the second time in 24 hours, he would falsely fail the drug test. When he signed the contract he crossed out the 24 hour term and placed 36 hours instead. The Jet's attorney's also signed the contract after the modification and made no indication they had seen it.

Raimundi's contract specifically stated if he was suspended for any reason the entire signing bonus would be forfeited. Raimundi's salary was \$75,000 per game. The contract specifically stated that all disagreements over contractual language would be governed by arbitration and any remedy would be final and binding. The contract also expressly limited the arbiter's power to only apply the specified punishment clause of the substance abuse policy without any modifications once the arbiter determined the player had violated policy 7.2.

Raimundi played well for most of the season. Before the tenth game, he had gained 100 pounds and looked more like a line backer. He told PX 90 to slim down. After the tenth game against the Seahawks, Raimundi failed the drug test with a positive test for methamphetamine. The New York Jets attempted to reach him within 24 hours to give a second sample but they were unable to find him for 36 hours. Raimundi said he was practicing field goals at his alma mater to prepare for the next game. The New York Post published photos showing Raimundi at various clubs in Tribeca during much of the night of the day after the Seahawks game. He appeared to be a dancing machine, albeit a very heaving dancing machine. Raimundi gave the second sample at the 36th hour. As the sample was being transported to the lab the truck crashed and caught on fire. The sample was destroyed without ever being tested. Raimundi protested his innocence and gave a third sample at the 48th hour, which was tested and found to be negative.

The New York Jets at the N.F.L.'s direction suspended Raimundi for the next four games against the Cowboys, Redskins, Giants, and Eagles. The Jets instituted proceedings to recover the three million dollars and suspended Raimundi's salary for those games. Raimundi had his lawyer institute the arbitration clause and the matter proceeded to arbitration on the Friday before the Jets next game against the Cowboys. The arbitrator attended the proceedings wearing a Giants lapel pin. Raimundi offered his old college football coach Jackie Palandrani as a witness, who testified that on the day after the Seahawks game Raimundi was practicing field goals at the Syracuse practice facility during most of the day. He also brought the original contract with the modified term stating that his second sample had to be collected at the 36th hour because of weight problem and use of px90. The Jets offered the previously mentioned pictures and the original lawyers argued that Ortega had no right to modify the contract so the 24 hour term should apply. The arbiter considered all of the above information. He specifically Raimundi might have violated the league drug policy because although the first test had been positive, the second sample would have determined whether the opiate reading was caused by PX90s or illicit drugs and the final test was meaningless since even if Raimundi had used illicit drugs they would have left his system before that sample was given. Based on that

finding the arbiter suspended Raimundi for only one game (\$75,000) and stated the Raimundi would serve that suspension during the Giants game in three weeks. The arbiter also ordered Raimundi to return \$750,000 (1/4th) of the signing bonus. The Jets lost to the Giants on a missed field goal in the closing seconds 23-21. The Jets won the other three games all by field goals kicked by Raimundi. At the end of the season the Giants won the NFC East by one game over the other three teams.

The New York Jets and Raimundi both sued to have the arbitrator's decision overturned. The Jets papers stated the ruling was irrational, violated public policy concerning fair competition, and exceeded the arbiter's power concerning his modification of punishment clause under the substance abuse policy concerning the number of games suspended - (one instead of four) and the amount of forfeited bonus (750,000 instead of 3,000,000) once he found that Raimundi had violated the policy. The Jets also argued the arbiter improperly considered Raimundi's written in contract term of 36 hours for the second test. The Jets position is Raimundi should be suspended for the full four games and forfeit \$3,000,000 in signing bonus and 300,000 in salary.

Raimundi's papers stated the ruling was irrational and violated public policy. Raimundi argued he never actually failed the drug test because the Jets failed to follow the policy he had written into the contract of a test at 36th hours. Raimundi argued that since the Jets destroyed his sample given at the 36th hour, then the sample given at the 48th hour should be substituted (which was negative) and his full bonus and salary should be reinstated.

These cases are the only cases you may use in your brief. If other cases are cited in the supplied cases you may cite them but only for the paragraphs from the original cases. **Remember since both sides are suing you need to address your client's issues as well as your opponents issues.**

Chaindom Enterprises v Furgang and Adwar, 2004 N.Y. Slip Op 06465

Port Authority Police Benevolent Association v. Port Authority of New York, 652 N.Y.S.2d 741 (1st Dept. 1997).

United Federation of Teachers v Board of Education, 1 N.Y.3d 72 (Ct App. 2003)

Maross Construction Inc. v. Central New York Regional Transportation Authority, 66 N.Y.2d 341 (Ct. App. 1985)

Case D 2010

People of the State of New York, Respondent

v.

Alex Bowerman, Appellant

August 31, 2009

The following is the testimony of Officer Jane Henderson given at a suppression hearing held February 14, 2009: On December 22, 2008, Officer Henderson of the 23rd Precinct was performing a routine patrol in a marked radio call in the area of 44th Street and Broadway. Officer Henderson a new grey colored Corvette convertible make a left turn from 44th Street onto Broadway without a turn signal. The vehicle then switched lanes twice without signaling and caused another vehicle to slam on its breaks to avoid collision. The driver of the vehicle was wearing a bright red, white and blue Rangers jersey and a bright blue Yankees cap. Officer Henderson decided not to activate her lights and siren in order to stop the vehicle and then she received an urgent radio call directing her to travel in the other direction. Five minutes later the dispatcher broadcast an all clear sign and the officer continued her original patrol. As her patrol car entered the block just south of the last area she had earlier seen the Corvette a civilian waved her over.

The civilian stated five minutes earlier she had witnessed a grey convertible corvette with driver wearing a bright shirt stop at a red light. The driver then lifted up a bottle of vodka and drank a large amount. When the light turned green the witness observed the corvette weave several times between two lanes. Officer Henderson fearing that the corvette would cause an accident quickly left the scene, and continued down Broadway without getting the witness' name.

Officer Watts Williams caught up with the same corvette by 15th street. She observed that the driver, wearing the same clothes, was following the speed limit and was using turn signals when changing lanes. The two vehicles stopped side by side at a red light and the Officer did not observe the driver drink anything. The Officer noticed the right rear brake light was not working. Officer Watts-Williams then pulled the vehicle over and approached the car.

The driver of the car provided license and registration which identified him as Alex Bowerman of the Bronx. The officer indicated she had pulled the driver over for a cracked headlight and she began to observe the defendant and the inside of the convertible. The officer did not see any bottle of liquor but noticed Mr. Bowerman was shaking and appeared glassy eyed. Officer Henderson ordered the defendant out of the car to have him perform sobriety tests. Bowerman stepped out of the car than then fell heavily into the officer because he was very drunk. As Bowerman slammed against Officer Henderson, she felt a hard object in the Ranger Jersey pocket which she thought based on her training was a gun. She did not see the outline of the object and she was not in fear for her safety because Bowerman immediately proceeded to fall on his face and pass out. Officer Henderson then searched the Jersey and found a gun, searched the car and found a bottle of Vodka under the seat.

Alex was only charged with driving while intoxicated and possession of a weapon in the third degree. Alex filed a timely suppression motion which was denied on the basis of Officer Henderson's testimony. Alex was convicted of both charges.

Bowerman is now appealing both his convictions on the grounds that Officer Henderson did not have probable cause to stop his vehicle except for the broken brake light which was pretextual and that even if the stop was not pretextual she had no probable cause to search his jersey for something she described as a hard object..

The following cases are the only cases you may use in your brief. If other cases are cited in the supplied cases you may cite them but only for the paragraphs from the original cases.

People v Ynoa, 636 N.Y.S. 2d 888, (3rd Dept. 1996)

People v Wright, 2001 WL 869567

People v Prochilo, 41 N.Y.2d 759 (3rd Dept. 1977)

People v. Walters, 623 N.Y.S.2d 396 (3rd Dept. 1995)