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Law Of The Land

By Jeremy Harrell

Lawyer scores rare custody win for father

To hear fathers' rights advocates, New York state family laws stack up in such a way that it's very difficult, nigh on impossible, for a divorced father, no matter the circumstances, to gain full custody of his child.

It's rarer still if the parents were never married. The degree of difficulty ratchets up even more when the law guardian - the child's attorney - and the court-appointed forensic psychologist both favor full custody for the mother.

This is the situation Melville attorney Joseph R. Maddalone found himself in recently when he took up the case of a father seeking custody - any kind, joint or full - of his 3-year-old son born out of wedlock. It's the kind of case that most lawyers wouldn't touch, Maddalone said, and it's the kind of expensive case that few fathers are also willing take up. Maddalone said he felt compelled to be honest with his client about the chances of success.

"There were no promises or guarantees made in this case," he said, adding that "it was a civil war from the beginning."

It turns out Maddalone could have made guarantees. Suffolk County Supreme Court William R. Rebolini last month awarded Maddalone's client full custody, an outcome the lawyer called "a grand slam."

"There were so many things alleged against [the father] that we were able to disprove," he said, with the allegations

including domestic violence. "[Judge Rebolini] had the guts to do the right thing."

Judge Rebolini agreed, writing in his 38-page decision that the "court had the authority to change the residence of the child when the totality of the circumstances warrants that the best interest of the child will be better served."

Maddalone said he hopes the case will serve as proof that fathers can mount a credible claim to custody, whatever the odds.

"That's why this case needs to be out there: to show them that they don't have to shy away," Maddalone.

Under new management

Moritt Hock Hamroff & Horowitz in Garden City got a little bigger, and more diversified, last week. Moritt Hock acquired the firm of Stein & Schonfeld, specialists in not-for-profit representation, and that firm's four attorneys.

Seth Stein has since 1988 been the executive director of the New York State Psychiatric Association and serves as the counsel to the Alliance of Long Island Agencies Inc. He specializes in helping not-for-profits with their formation, guiding them through site selection, construction and state certification.

Robert L. Schonfeld, meanwhile, focuses his practice on litigating fair-housing discrimination cases. He won a landmark verdict, *Jennings vs. City of Albany*, in the state's Court of Appeals. Schonfeld is a former assis-

tant attorney general in New York. Stein & Schonfeld bring with them an associate, Rachel A. Fernbach, and a counsel, Nancy H. Hampton.

"We look forward to working with them as we continue to expand and diversify our practice to better service the needs of our growing client base," managing partner Marc Hamroff said.

In the robe

The Eastern District of New York, Long Island's federal court jurisdiction, has a new judge. The U.S. Senate earlier this month unanimously confirmed Brian M. Cogan, 52, to replace Judge Frederic Block, who retired in September.

President Bush plucked Cogan from the white-shoe Manhattan firm of Stroock & Stroock & Lavan, where Cogan was an experienced litigator and creditors' rights attorney. He's worked on some big cases, including the bankruptcies of WorldCom, Enron and Britain's Bank of Credit and Commerce International. He's even represented the Netherlands in the nation's efforts to reclaim artwork pilfered by Nazis.

He graduated from Cornell Law School.

