



HON. JOHN M. LEVENTHAL (Ret.)

Associate Justice of the Appellate Division, 2nd Judicial Department

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

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

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

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

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

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

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

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

AREAS of EXPERIENCE

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

REPRESENTATIVE MATTERS

Noteworthy Civil Appellate Opinions:

- Joseph v Nyack Hospital, _AD3d_ * (2020)
- 211-12 N. Blvd. Corp. v LIC Contr., Inc., 186 AD3d 69 [2020]
- State of New York Mtge. Agency v Braun, 182 AD3d 63 [2020]
- Matter of Ferrante v Stanford, 172 AD3d 31 [2019]
- Gomez v Cabatic, 159 AD3d 62 [2018] The court held that a plaintiff may recover punitive damages for a medical professional's act of altering or destroying medical records in an effort to evade potential medical malpractice liability.
- Matter of New Cr. Bluebelt, Phase 3 (Baycrest Manor, Inc.-City of New York), 156 AD3d 163 [2017]
- Wikiert v City of New York, 128 AD3d 128 [2015]
- Chiara v Town of New Castle, 126 AD3d 111 [2015]
- Matter of Better World Real Estate Group v New York City Dept. of Fin., 122 AD3d 27 [2014]
- US Bank N.A. v Sarmiento, 121 AD3d 187 [2014]
- Rosenblatt v St. George Health & Racquetball Assoc., LLC, 119 AD3d 45 [2014]
- Gammons v City of New York, 109 AD3d 189 [2013] affirmed 24 NY3d 562 [2014]

- QK Healthcare, Inc. v Insource, Inc., 108 AD3d 56 [2013]
- Rodriguez v Rodriguez, 103 AD3d 117 [2012]
- Matter of Perosi v LiGreci, 98 AD3d 230 [2012]
- Cudar v Cudar, 98 AD3d 27 [2012]
- Village Taxi Corp. v Beltre, 91 AD3d 92 [2011]
- Ratner v McNeil-PPC, Inc., 91 AD3d 63 [2011]
- Matter of Berrios v Board of Educ. of Yonkers City School Dist., 87 AD3d 329 [2011]
- Matter of Gilmore, 87 AD3d 145 [2011]
- Bank of N.Y. v Silverberg, 86 AD3d 274 [2011]
- Matter of Bernfeld, 86 AD3d 244 [2011]
- Stukas v Streiter, 83 AD3d 18 [2011]
- Englington Med., P.C. v Motor Veh. Acc. Indem. Corp., 81 AD3d 223 [2011]
- Corsello v Verizon N.Y., Inc., 77 AD3d 344 [2010], affirmed as modified 18 NY3d 777 [2012]
- Matter of Stoffer v Department of Pub. Safety of the Town of Huntington, 77 AD3d 305 [2010]
- Wells Fargo Bank, N.A. v Marchione, 69 AD3d 204 [2009]

PUBLICATIONS

- Co-Author, *Judges' Forecast and Preferences for Managing Scientific Evidence in Complex Cases*, National Courts and Sciences Institute, 2020
- Author, *My Partner, My Enemy*, a book about presiding over the nation's First Felony Domestic Violence Court, 2016
- Author, *Is Bruton On Life Support in the Aftermath of Crawford v. Washington?*, 2015
- Author, *The Trials, Tribulations, and Rewards of Being the First Felony Domestic Violence Court*, American Bar Association Judges' Journal, Vol. 53 No. 2, 2014
- Author, *A Survey of Federal and State Courts' Approaches to a Constitutional Right of Actual Innocence: Is There A Need for a state Constitutional Right in New York in the Aftermath of CPL §440.10(g-1)?*, 76 Albany L. Rev. 1454, 2013
- Author, *Punitive Damages: Public Wrong or Egregious Conduct?: A Survey of New York Law*, 76 Albany L. Rev. 961, 2013
- Co-Author, *New York State Consumer Law and Class Actions: 2011-2012*, 84 New York State Bar Association Journal 41, 2012
- Author, *Perspective: John Adams: His Relevance, Then and Now*, New York Law Journal, 2011
- Co-Author, *New York State Consumer Protection Law and Class Actions in 2010*, New York State Bar Association Journal, 2011
- Author, *Spousal Rights or Spousal Crimes: When and Where Are the Lines To Be Drawn?*, Utah L. Rev. 351, 2006 (Cited by the Special Rapporteur on Violence Against Women as a resource as the United Nations 2013 Women & Justice Conference)
- Co-Author, *The Admission of Evidence in Domestic Violence Cases after Crawford v. Washington: A National Survey*, 11 Berkeley J. of Crim. Law 77, 2006
- Author, *Do Not Open Unless... Review of Civil Rights Law §50-1*, New York Law Journal, 2005
- Author, *Observations of a New Country In An Old World and A New Way of Dealing With An Old World Problem*, The Jurist, 2004
- Author, *Perspective: State's Bail Statute Must Be Amended*, New York Law Journal, 2004
- Author, *Judicial Selection System Under Attack: An Overview of France v. Pataki*, The Jurist, 1996
- Author, *Burden of Proof and Defenses in Drug Related Forfeiture Proceedings*, Kings County Criminal Bar Journal, 1996

- Author, *Renunciation of Property Interests Under EPTL §2-1.11*, New York Law Journal, 1994
- Author, *Public Trial: Keeping the Undercover 'Undercover'*, New York Law Journal, 1992
- Author, *Courtroom Show-Ups: Identification of the Worst Kind*, New York Law Journal, 1990
- Author, *Verdict Sheets – Objection and Appeal*, Kings County Criminal Bar Journal, 1990
- Author, *A Recipe of Understanding a Defendant's Speedy Trial Rights: Worley, Anderson, and a Touch of Gaggi*, 37 *Barrister* 101, 1986
- Author, *Standing of a Passenger to Suppress Evidence and the New York Presumption*, 5 *Barrister* 145, 1984
- Author, *Alibi Witness' Failure to Come Forward: The New York Rule*, 34 *Barrister* 104, 1983
- Editor-in-Chief, *Barrister*, the legal quarterly publication of the Brooklyn Bar Association, 1982 – 1994
- Editor-in-Chief, *Veritas*, the legal publication of the Brooklyn Law School Alumni Association, 1982 – 1983
- Author, *Photographs, Fingerprints and Suppression: Failure to Comply with 160.50 of the Criminal Procedure Law*, *Veritas*, 1981
- Co-Author, *Crime Prevention in New York City*, Rand Institute Working Paper, 1974

LECTURES and APPEARANCES (Selected)

- Speaker, *Domestic Violence & Lethality*, New York Social Workers' Association, 2019
- Panelist, *Judicial Round Table on Cases Involving Brain Function*, and *Adjudicating Brain Function Evidence*, Judges Workshop on Developmental Neurobiology, Brain Function and Risk Measures, 2019
- Panelist, *Critical Conversation 2019: Genetically Modified Mosquitos*, Institute for Sustainability, Energy and Environment of the University of Illinois at Urbana-Champaign, 2019
- Panelist, CrimeCONN 2019, *Lawyers, Guns and Money!* "Disorder in the House of Law: Lawyers who fight for justice and fair process for all," Mystery Writers of America, 2019
- Presenter, *Civil Case Adjudication Clinic: Gene Drive Scenario of Genetically Modified Mosquitos*, Genomics for National Courts and Sciences Institute: Genetic Engineering Technical Workshop, 2019
- Speaker, *How Judges Decide*, Fordham University School of Law, 2018
- Panelist, *Domestic Violence: The Hidden Crime*, Intervention Strategies, John Jay College of Criminal Justice-Center on Media and Justice, 2018
- Presenter, *Issues Pertaining to Foreclosures, Residential Mortgage Foreclosure Seminar for Judges*, Judicial Hearing Officers and Court Attorneys, Brooklyn Law School, 2018
- Presenter, *The Privilege Against Incrimination*, and *Spoilation and Admissibility of Electronic Information*, New York State Bar Association CLE on Electronic Stored Information in Criminal Investigations and Proceedings, 2018
- Speaker, *Sports and Domestic Violence*, Nathan R. Sobel Inns of Court, 2017
- Speaker, Domestic Violence Awareness Month Program, *New Ways to Protect Victims*, Pace University Law School, 2017
- Speaker, Supreme Court Justices Annual Fall Conference, *Domestic Violence*, 2017
- Presenter, CLE at the Appellate Division, 2nd Department, *My Partner, My Enemy: An Unflinching View of Domestic Violence and New Ways to Protect Victims*, 2017
- Speaker, New York City Family Court Judges Association Master Class, Appellate Practice—Making A Record/Memorializing It In A Decision, 2017
- Speaker, *The First Felony Domestic Violence Court*, book signing of *My Partner, My Enemy*, Brooklyn Women's Bar Association and Brooklyn Bar Association, 2017

- Panelist, *The Document Speaks for Itself... Or Does It? Fake Evidence in the Era of Fake News* (the challenges of authenticating evidence, and in particular, electronically stored information), New York State Bar Association Commercial and Federal Litigation Section, 2017
- Keynote Speaker, Domestic Violence Training Program, Catholic Charities, 2017
- Speaker, Domestic Violence Awareness Program, Family Services, Inc., 2017
- Lecturer, *Confrontation after Crawford v. Washington*, CLE sponsored by the Dutchess County Bar Association, 2017
- Speaker, *Domestic Violence Awareness Program* sponsored by Congregation B'nai Avraham, 2017
- Panelist, *Can Media Actions Impair Justice?* sponsored by Stroock & Stroock & Lavan, 2016
- Speaker, *A Conversation (about domestic violence)* with Hon. John M. Leventhal and Professor Elizabeth Schneider," Brooklyn Law School, 2016
- Keynote Speaker, *Domestic Violence Awareness Program* sponsored by the Civil Rights and Diversity Office and the Office of Human Capital Strategic Planning of the U.S. Treasury Department, Washington, D.C., 2016
- Speaker, *The Reality of Domestic Violence*, New York State Committee on Women In the Courts, 2016
- Lecturer, *Confrontation after Crawford v. Washington*, Robert M. Pitler CLE Program on Criminal Law, Procedure, Evidence & Ethics, Brooklyn Law School, 2016
- Presenter, *Domestic Violence and Why Specialized Courts Are Important*, National Training Institute sponsored by New York Model for Batterer Programs, 2016
- Speaker, Domestic Violence Issues and Best Practices of a Domestic Violence Court, CLE sponsored by the Richmond County Bar Association, 2016
- Panelist, *Wrongful Convictions and Actual Innocence*, CLE sponsored by the Brooklyn Bar Association, 2016
- Lecturer, *The Evolution of the Laws Relating to Women and Domestic Violence*, Women's History Month Program sponsored by the Brooklyn Women's Bar Association and The Brooklyn Brandeis Society, 2016
- Lecturer, *Confrontation After Crawford*, CLE sponsored by the Brooklyn Bar Association, 2016
- Lecturer, *Perspectives from the Appellate Division*, Residential Mortgage Foreclosure Seminar for Judges, NYS Judicial Institute, 2015
- Moderator, *Faith in the Law: An Analysis of Wrongful Convictions*, Catholic Lawyers' Guild of Kings County and The Brooklyn Brandeis Society, 2015
- Panelist, *The Judicial Response to Claims of Actual Innocence*, Judicial Institute, 2015
- Lecturer, *Confrontation After Crawford*, Domestic Violence Awareness Month Program, DV STOP TA Grant sponsored by the Berks County Bar Association and the Berks County District Attorney's Office, 2014
- Lecturer, *Wrongful Convictions and Actual Innocence and Confrontation After Crawford*, Association of the Judges of the Criminal Court of the City of New York, 2014
- Presenter and Panelist, *Wrongful Convictions and Actual Innocence*, Joint Seminar for the Justices of the Appellate Divisions of the First and Second Judicial Departments, 2014
- Lecturer, *Confrontation After Crawford*, CLE sponsored by the Criminal Justice Section of New York State Bar Association, 2014
- Planner and Presenter, Kristalnacht Programs, *German Resisters to the Nazis*, 2014; Commemorating the 75th Anniversary, Hitler's Courts: *Betrayal of the Rule of Law in Nazi Germany -The Night of the Broken Glass and the Legal Community*, 2013
- Lecturer, *Confrontation: Webinar*, *Pennsylvania Coalition Against Domestic Violence*, 2013
- Lecturer, *Everything You Wanted to Know about Crawford v. Washington*, Hitting the Mark, National District Attorneys Association, 2013
- Speaker, *Criminal Elder Abuse and Article 81 Guardianship Proceedings under the Mental Hygiene Law*, Brooklyn Unidos Elder Law Legal Conference, 2013

- Lecturer, *Everything You Wanted to Know about Crawford v. Washington*, CLE sponsored by the New York State Association of Criminal Defense Lawyers, 2013
- Panelist, *How Judges Decide: The Impact of One's Experience*, Jewish Lawyers Guild, 2013
- Speaker, *Discussion on Domestic Violence*, Brooklyn Unidos Legal Conference, 2013
- Lecturer, *Everything You Wanted to Know about Crawford v. Washington*, CLE sponsored by the Nassau Academy of Law, Criminal Court Bar Association and Assigned Counsel Defender Plan Program, 2013
- Panelist, *Evolution of Frye*, Conference of New York State Supreme Court Justices, Saratoga Springs, NY, 2012
- Presenter, Criminal Law, *Crawford and Confrontation*, Statewide webcast CLE for Judges and Court Attorneys, NYS Judicial Institute, 2012
- Presenter, Criminal Law, *Crawford and Confrontation*, CLE for Court Attorneys of Appellate Division, Second Department, 2012
- Presenter, *Evidence and Criminal Law, Crawford and Confrontation*, Joint Seminar for the Justices of the Appellate Divisions of the First and Second Judicial Departments, 2012
- Panelist, *Judicial Symposium on Domestic Violence*, Garden City, NY, 2011
- Presenter, *Elder Abuse Victims in the Courts*, 74th Annual Conference of National Council of Juvenile and Family Court Judges, 2011
- Keynote Speaker, Law Day In Brooklyn, *John Adams: His Relevance Then and Now*, 2011

HONORS and AWARDS

- *Vincent E. Doyle Award* for Outstanding Judicial Contribution in the Criminal Justice System, New York State Bar Association's Criminal Justice Section, 2017
- *Outstanding Achievement in the Science of Jurisprudence and Public Service Award*, Brooklyn Bar Association, 2015
- *Alumni of the Year Award*, Brooklyn Law School, 2009
- *Distinguished Achievement Medal*, New York State Free and Accepted Masons, 2008
- *Beatrice M. Judge Recognition Award for Outstanding Service to the Women of the Bar, to the Community and the Law*, Brooklyn Women's Bar Association, 2008
- *Voices Elijah Award* for male meadership in ending domestic violence, New York Board of Rabbis and Dayenu, 2008
- *Stephen L. Von Riesen Lecturer of Merit Award* in recognition of exceptional service in the continuing professional education of all individuals who work on behalf of domestic violence survivors, their families and our communities, National College of District Attorneys, 2008
- Special Commendation, in recognition of his extraordinary contribution to the prevention of violence against women and for his groundbreaking work and leadership on the role of judicial reviews in the supervision and accountability of domestic violence offenders, U.S. Department of Justice, 2005
- *Ruth Moscowitz Gender Fairness Award*, Second Judicial District, 2003
- Recognized by the Brooklyn Women's Bar Association for continuous support of and commitment to women in law and society, 2001
- *In The Trenches Award* for work in Domestic Violence Court, Fordham University School of Law, 2000

JUDICIAL EXPERIENCE

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

LEGAL EXPERIENCE

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

PROFESSIONAL LICENSES and ADMISSIONS

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

PROFESSIONAL AFFILIATIONS and ASSOCIATIONS

- Member, National Advisory Board for the University of North Carolina Bryson Center for Judicial Science Education, 2018 – Present
- Member, Chief Judge's Committee on New York Evidence, 2016 – Present
- Ex officio Director, Resource Judge and Co-Chair in Genetic Engineering Concentration, National Courts and Science Institute for Judges, 2014 – Present
- Chair, Second Judicial Department 18b Oversight Committee, 2018 – 2020
- ASTAR Fellow, completed 120 hours of science and technology education for Judges, 2013
- Member, Judicial Advisory Group (Appellate), New York State Judicial Task Force on Wrongful Convictions, 2009 – 2020
- Chair, Gender Fairness Committee, Second Judicial District, 1999 – 2002
- Delegate, The National Conference of Specialty Court Judges, American Bar Association, 1999 – 2003
- Member, Assigned Counsel Committee for Appellate Division, Second Department, 2nd and 11th Judicial Districts, 1999 – 2008
- Member, Oversight Committee for Criminal Defense Organizations for the Appellate Division, Second Department, 1997 – 1999
- Member, Second Judicial District Task Force on Reducing Litigation Cost and Delay, 1996 – 1997
- Member, Evidence Curriculum Committee, Judicial Seminars, 1996 – 2005
- Editor-in-Chief, Barrister, the legal quarterly publication of the Brooklyn Bar Association, 1982 – 1994
- Editor-in-Chief, Veritas, the legal publication of Brooklyn Law School Alumni Association, 1982 – 1984

- Brooklyn Law School Alumni Association
 - Member, 1980 – Present
 - Director, 1983 – 2004
- Brooklyn Bar Association
 - Member, 1980 – Present
 - Trustee, 1987 – 1994
- Member, Brooklyn Bar Association Grievance Committee, 1991 – 1994
- Member, Association of the bar of the City of New York, 2006 – 2007
- Association. Of the Justices of the Supreme Court of the City of New York
 - Member, 1995 – Present
 - President, 2012
- Commissioner of Appeals of the Grand Lodge of the State of New York, 1997 – 2016
- Grand Representative of the Grand Lodge of South Carolina, A.F.M., 1997 – Present

EDUCATION

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