



ONONDAGA COUNTY BAR ASSOCIATION BAR REPORTER



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1000 State Tower Building | 109 South Warren Street | Syracuse, NY 13202 | 315.471-2667

Bar Association Wins National ABA Award for VLP Pro Bono Program

The Onondaga County Bar Association is this year's sole recipient of the prestigious **Harrison Tweed Award from the American Bar Association** for the work of its Volunteer Lawyers Project. Since 1956 the ABA annually has given this award to local and state bar associations that have made extraordinary efforts to develop or significantly expand programs to increase access to civil legal services for the poor.

Founded over twenty years ago, our Volunteer Lawyers Project is the premiere provider of pro bono legal services in Onondaga County, with over 200 volunteer lawyers assisting over 1,500 clients a year through Eviction Defense Clinics, a Pro Se Uncontested Divorce Clinic, neighborhood clinics located at community centers, churches, the local courts, a health center, schools, and the Veteran's Center. The VLP clinics are designed to fill the gaps and meet the critical legal needs of the poor that the other local civil legal services providers currently are unable to meet, thereby helping to make the promise of access to justice in Onondaga County a reality for more members of the low-income community.

We are being recognized not only for this ongoing work, but also for greatly expanding its service delivery in the past year which included the decision to provide the legal support component for "Say Yes to Education – Syracuse," which is part of a holistic approach that is critical to providing stability in the home to enable students to succeed. VLP also developed a new immigration clinic and a pro se assistance clinic at the Surrogate's Court, expanded its existing drop-in neighborhood clinics and LGBT legal offerings, and took major steps towards becoming an independent 501(c)(3), all of which was made possible by the fundraising effort led by Bill Bergan. VLP is now in the process of expanding its services in critical areas including family law and housing law, and is actively recruiting attorneys for all programs.

We wish to thank the hundreds of volunteers from the Onondaga County legal community who have given their time and money to help VLP meet the unmet civil legal



Members of the Executive Committees / OCBA & VLP and Staff:

Front row: Deb O'Shea, Sally Curran, Nancy Pontius, Anne Burak Dotzler, Jean-Marie Westlake.

Back row: Tony Gigliotti, George Lowe, Jim Williams, Hon. Michael Hanuszcak, Jim Messenger, Jeff Unaitis, John McCann.

services needs in our county. You are the ones who make this program stand out nationally.

In the 2012-13 year, VLP:

- closed 1,515 cases, which benefited over 3,000 people;
- provided community legal education to 634 people;
- provided hotline help to 900 people;
- distributed 1,000 self-help materials.

The Onondaga County Bar Association will receive this award at the National Conference of Bar Presidents on Friday, August 9th in San Francisco during the ABA Annual Meeting.

If you are interested in learning more about volunteer opportunities please contact Sally Curran, Legal Director, at 315-579-2576 or scurran@onbar.org.

More about the Harrison Tweed Award at: http://www.americanbar.org/groups/legal_aid_indigent_defendants/awards/harrison_tweed_award.html

MISSION :
...to inspire excellence in the legal profession, to foster the fair administration of justice, to promote equal access to the legal system, and to serve and support our members.

INSIDE THIS ISSUE :

Dan Mathews Golf Outing.....	3	View from the Bench	8
VLP Spin Off	5	Northern District Case Notes ...	10
Law Day Recap	6	CLE News	11

From the President . . .

The OCBA *Bar Reporter* is officially back in business! Beginning with this issue, we will be resuming the Association's long-time practice of publishing on a monthly basis, except for a single issue for July and August. The *Bar Reporter* will be in electronic format, with paper copies available for those of our members who need them. We anticipate adding two new regular columns to our traditional content. One is "spotlight," a column highlighting local attorneys who are either up and coming or have already enjoyed successful legal careers. The other is "view from the bench," in which local judges will offer their insights and advice to attorneys who may practice before them. As in the past, we welcome your announcements and classifieds and encourage you to advertise in the *Bar Reporter*.

We want to reassure you that the OCBA staff will continue to keep you up to date on Bar Association CLEs, events, and other matters of interest and importance to our members through the email blasts you have grown accustomed to receiving from us. If you are interested in working on the *Bar Reporter* or have suggestions for improvements or additional features, please let us know. Also, if you know of any of our members who need paper copies of the *Bar Reporter* and are not receiving them, please contact the Bar office.

In addition to resuming publication of the *Bar Reporter* and continuing to keep you up to date with regular email blasts, the OCBA is in the process of bringing you a new and improved website. After receiving proposals from, and meeting with, a number of website designers, the OCBA has chosen to work with local web consultancy Bentley Hoke. Our goal is to roll out the new website this fall. I would like to thank OCBA Board members Bruce Bryan, and John McCann, and former OCBA President, Gioia Gensini, members of our Website Committee, for their time and effort in moving us forward on this long overdue project. Stuart LaRose, another Past President and currently serving on the Bar Foundation's Board of Trustees, also served on this committee.

We believe that having a monthly *Bar Reporter* and a new and improved website will help the OCBA leadership carry out plans now in the works to breathe new life into OCBA Sections that have become inactive over the past several years. The OCBA will be looking to our members for help in rebuilding the Sections and active participation in Sections of interest to you.

You will see an article in this issue of the *Bar Reporter* announcing that the OCBA has been selected as this year's sole recipient of the American Bar Association's Harrison Tweed Award. This is a tremendous honor for the OCBA and its Volunteer Lawyers Project. The award was created in 1956 to recognize bar associations that have made extraordinary efforts to improve the availability of legal services to poor persons. The credit for this prestigious award goes in large part to our attorney and paralegal members who have provided countless hours of pro bono services to those in our community for whom desperately needed legal services would otherwise be out of reach. We want to take this opportunity to thank all of you for your service and encourage you to continue your involvement in the VLP. We also want to congratulate and thank VLP/Say Yes Legal Director, Sally Curran, VLP program coordinator, Deb O'Shea, and the members of the OCBA Pro Bono Practice Committee for their hard work and dedication.

Congratulations are also in order for well-known and highly regarded appellate counsel, mentor of countless young attorneys, and Editor *Emeritus* of the OCBA *Bar Reporter*, John A. Cirando, who has been selected as recipient of the 2013 OCBA Distinguished Lawyer Award. John received overwhelming support for this well-deserved honor, and we hope to see all of you at the OCBA Annual Dinner on October 17th at Traditions on the Links (Erie Village) when the award is presented to John.

The OCBA has had a great year thus far, and since this is the first issue of the *Bar Reporter*, I want to touch briefly on the highlights.

On February 7, 2013, the OCBA held its annual Memorial Observance with the Hon. Anthony J. Paris presiding. Fran Ciardullo and Mark Ventrone, Co-Chairs for the Memorial Observance, presented moving remembrances of the twenty-one attorneys who passed on in 2012. Our special thanks go out to Fran and Mark for their hard work, to Judge Paris for presiding, and to Judge Peebles for his as always flawless presentation of Taps.

This spring, representatives from the Tri-County Bar (Erie, Monroe, and Onondaga County Bar Associations) were given the opportunity to meet with and evaluate the nominees to replace retiring Court of Appeals Judge Carmen Beauchamp Ciparick. We believe it may well be the first time the Tri-County Bar has had a roll in the Court of Appeals judicial screening process. In June, the OCBA joined with Monroe and Erie Counties in sponsoring a reception held in Rochester for newly appointed Court of Appeals Judges, Jenny Rivera and Sheila Abdus-Salaam.

The OCBA not only hosted the annual Onondaga County Mock Trial Competition for our local high school students, we were host to the regional competition which was held at the Federal Courthouse. Thanks to the efforts of Lawrence Baerman, Clerk of the U.S District Court, N.D.N.Y., and members of the Clerk's Office staff; the Court Security Officers; the federal building cafeteria staff; the attorneys and judges who volunteered their time; and the great organizational skills and hard work of our own Jeff Unaitis, thing went off without a hitch. For the second year in a row, Jamesville DeWitt won Onondaga County Competition and went on to win the regional.

Thank you to all who were involved in this year's Mock Trial Competition.

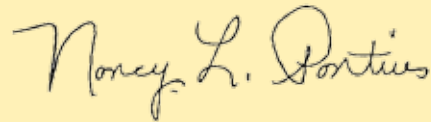
This year's Law Week celebration and Career Fair were a monumental success, with more than 250 high school students involved in the traditional Law Day ceremony and activities and a record attendance of nearly 450 people at the Law Day luncheon on May 2nd. Our thanks go out to the Hon. Anthony J. Paris, who presided over the morning ceremonies. We also want to thank members of the state and federal judiciary and their staffs, and the attorneys in the Onondaga County District Attorney's Office, who were involved in courthouse tours and presentations. Special thanks goes out to OCBA Secretary Anne Dotzler, who chaired the Law Week Committee, and her Committee members for the unbelievable job they did in making this year's Law Week one that will not soon be forgotten.

Following on the heels of Law Week was the 11th annual Elder Law Fair on May 8th at the OnCenter Convention Center, a collaborative effort by the VLP, local legal service providers, local and state governmental agencies, and the AARP, to present informational seminars and free legal consultations. The VLP's Deb O'Shea, as always, did a tremendous job in organizing and coordinating efforts for the Fair.

OCBA has held numerous CLEs this year and will hold many more before the year end. The 17th annual Bridge the Gap Program was held on March 14th. There have also been CLEs on various aspects of criminal practice, real property related topics, family law, ethics, and commercial law, personal injury, and more. Our thanks go out to the Hon. Therese Wiley Dancks, who gave an inspiring keynote address at Bridge the Gap; our CLE presenters; the Co-Chairs of our CLE Committee, Joe Callery and Blaine Bettinger, and members of the CLE Committee; and OCBA staff member, Chele Stirpe. Don't forget that we have many CLE CDs available for purchase.

Please don't forget the 12th Annual Dan Mathews Golf Outing to support the OCBF and VLP on August 15th, the OCBF 50 Year Luncheon on September 12th at Drumlins, and the OCBA Annual Dinner on October 17th at Traditions at the Links.

Nancy L. Pontius, *President*



Annual Dan Mathews Golf Outing on August 15th Supports Volunteer Lawyers Project and Bar Foundation

The Volunteer Lawyers Project (VLP) and the Bar Foundation are excited to announce the 12th annual Dan Mathews Golf Outing on Thursday, August 15th at the Pompey Club. The funds raised by this wonderful event will be important for the VLP mission to assist the indigent and the Bar Foundation's Lawyers Assistance Program. Player attendance and sponsorship support are key to helping both organizations have a successful fundraiser.

The Onondaga County Bar Foundation, VLP and the Onondaga County Bar Association would like to thank Geddes Federal Savings and Loan as the Event Platinum Level Sponsor. The Golf Outing is played in the memory of Dan Mathews Jr. who was an avid golfer who strongly supported the event and advocacy toward legal programs that support the poor. Dan's family has continued this same commitment since his death in 2001.

The Golf Outing Committee is Lance Cimino as Chair, Anthony Gigliotti, George Lowe, David Hayes, Nancy Caple and Paul Mullin and supported by VLP staff Deborah O'Shea and Sally Curran.

The Golf Outing continues to prove to be a cherished annual tradition. The Outing provides a day with the fun of shared camaraderie at the beautiful scenic greens at the Pompey Club, a great lunch, the free beverage cart throughout the course, the Pompey Club's famous grilled steak dinner and wonderful prizes and awards. The annual event has also proven to be a great occasion for lawyers and judges to get together outside of work. Several judges have offered to join other teams to make a foursome – if this would be of interest to you, please let VLP know.

To enhance the revelry of play, the Outing awards prizes for best teams and for various feats of excellence. The 8th hole of the Pompey Club has a hole-in-one incentive of a \$5,000 vacation at



the five star golf resort "Torrey Pines" in San Diego, provided by Lance Cimino and Stuart LaRose. No player in 2012 was able to spur a ball into the hole but the prize will be offered again in 2013. Awards were also given for most accurate drive and for the putting contest. This year we have added a new team competition for best law firm team.

Congratulations go out to our top teams in 2012.

Men's Division Team:

Lance Cimino, Jake Lovier, Tom Hoey and Matt Hoey

Judges and Lawyers mixed team:

Bob Jokl, Tony LaValle, Cliff Cardin and Seth Azria

Championship Cup Team (consisting of all lawyers) and Men's and Women's Mixed Division:

Gus Nordone, Tom Ryan, Lisa Gilels and Jack Kinsella

For more information on the Outing or if you wish to sign up to play or be a sponsor for the event, please contact Deb O'Shea at 579-2577 or email at vlp@onbar.org.

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LAW DAY 2013

2013 marks the 150th anniversary of the issuance of the Emancipation Proclamation. In recognition of that historical achievement in our nation's history, Onondaga County celebrated this year's Law Day theme, "Realizing the Dream: Equality for All," during the first week of May 2013.

The Onondaga County Bar Foundation and Association kicked off its annual Law Week activities by holding a Law Day Career Fair, at the Syracuse City School Institute of Technology. In partnership with MACNY affiliate, Partners for Education and Business ("PEB"), the Career Fair attracted more than 22 exhibitors, including law-related companies, law firms, Assemblyman Al Stirpe, Sen. David J. Valesky, and numerous Federal and State administrative agencies, and gave hundreds of high school students an opportunity to learn the many career paths that impact the law. Nearly all of the exhibitors and schools expressed a great interest in holding the Career Fair again next year, and the OCBA was the recipient of PEB's 2013 Strategic Sector Award as a result of its newly formed partnership with PEB, which focused on the advancement of students in law.

Following the Career Fair, Supreme Court Justice Anthony J. Paris presided over the traditional Law Day Courthouse Ceremony, and addressed Judges, attorneys, and more than 250 high school students in the Ceremonial Courtroom. After the Ceremony, students participated in tours and attended presentations at the County Courthouse, the Criminal Courts building and the Federal Building. The presentations/tours were led by: Hon. Michael Hanuszczak, Family Court Judge; Sandra Holihan, Esq., Law Clerk to Justice Paris, J.S.C.; Assistant District Attorney Romana Lavalas; Chief Assistant District Attorney Rick Trunfio; former OCBA President and current Law Clerk to Magistrate Judge Andrew T. Baxter Gioia Gensini, Esq.; and Magistrate Judge Andrew T. Baxter.

We had a record attendance of nearly 450 members of the Bar, Bench, and high school students, teachers and mock trial coaches at a Law Day Luncheon hosted by the Syracuse University College of Law at the Schine Student Center's Goldstein Auditorium. The luncheon featured keynote speaker Paula Johnson, JD LL.M., a distinguished Professor of Law at Syracuse University College of Law and co-founder of the Cold Case Justice Initiative. Before a full house, awards were presented to this year's recipients.

Closing out our Law Week activities this year, were presentations by Rev. LeRoy Glenn Wright, who participated in the 1962 Freedom Ride movement and shared his story that inspired the movement

Congratulations to the following award winners...

NYS President's Pro Bono Service Awards:

Anthony R. Marshall, Esq., 5th Judicial District Award
Cady Sinnwell Gerlach, Law School Student Award

OCBA Pro Bono Service Awards:

Kathrine Cook, Matthew Kerwin, Esq., Walter D. Kogut, Esq.,
Mary M. Miner, Esq., Thomas E. Myers, Esq.

CLE Achievement Awards:

Hon. John J. Brunetti, Michael E. O'Connor, Esq.

Onondaga County Mock Trial Champion:

Jamesville-Dewitt High School, Coach: Leo Brown

Syracuse University Law Clinic Awards:

Jason Feldman, Illianov Lopez

of change in America for freedom and justice for all; and by Janis McDonald, co-Founder of Syracuse University College of Law's Cold Case Justice Initiative, who described how the Initiative continues today to bring racially motivated crimes of the 1960s to justice.

Thanks to everyone for such tremendous support and tribute to Law Day this year. We hope you will join us next year in our celebration of the rule of law here in Onondaga County!

A special thank you also to our 2013 Law Day sponsors:

Onondaga County Bar Foundation
Hiscock & Barclay, LLP
Syracuse University College of Law
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Anne Burak Dotzler, Esq.
2013 OCBA Law Day Chairperson
Hiscock & Barclay LLP

LAW DAY 2013



Clockwise from top left: Judge Brunetti receives his CLE Achievement Award from CLE Committee Co-Chair Blaine Bettinger; Judge Paris presided over the formal morning ceremony at the Onondaga County Court-house; Tom Myers, Pro Bono Service Award recipient, poses with Pro Bono Practice Committee Chair Chris Wiles, VLP Pro Bono Coordinator Deb O'Shea and VLP Legal Director Sally Curran; Law Day speakers Professor Paula Johnson and the Rev. LeRoy Glenn Wright; the OCBA Pro Bono Service Award winners; one of the many Career Fair Exhibitors; students appreciated the opportunity to learn about careers in law and justice-related fields; the Jamesville-DeWitt winning Mock Trial Team; and in the center, a crowd of more than 450 packed the room at S.U.'s Goldstein Auditorium.

Northern District Case Notes



By Mike Langan, Law Clerk to Hon. Glenn T. Suddaby, USDJ

Attorney's Fees

RCB Equities No. 3, LLC v. Skyline Woods Realty, 10-CV-1182(MAD) (6/7/13) – action for claim of foreclosure on mortgaged property; granting plaintiff's motion for attorneys' fees in amount of \$31,103.61 and costs and disbursements in the amount of \$2,340.63.

M.C. v. Lake George Cent. School Dist., 10-CV-1068(LEK) (4/29/13) – action for free appropriate public education under IDEA; granting in part, and denying in part, plaintiff's motion for attorney's fees and expenses under 20 U.S.C. § 1415(i)(3); awarding plaintiff \$30,798.34 in attorney's fees and expenses.

Negron v. Ulster Cnty., 08-CV-0692(FJS) (3/20/13) – action for employment discrimination based on gender under Title VII and 42 U.S.C. § 1983; granting in part, and denying in part, plaintiff's motion for attorney's fees and costs; and awarding plaintiff \$260,389.29 in attorney's fees and \$24,616.42 in costs.

S.M. v. Taconic Hills Cent. Sch. Dist., 11-CV-1085(LEK) (3/20/13) – action for free appropriate public education under IDEA; granting in part, and denying in part, plaintiff's motion for attorney's fees and expenses under 20 U.S.C. § 1415(i)(3); awarding plaintiff \$76,852.50 in attorney's fees and \$8,466.28 in expenses; and denying defendant's cross-motion for attorney's fees.

JWJ Indus., Inc., v. Oswego Cnty., 09-CV-0740(TJM) (3/4/13) – action claiming, inter alia, that county's "flow control law" regarding recycling and solid waste was unconstitutionally vague; granting in part, and denying in part, plaintiffs' motion for attorney's fees pursuant to 42 U.S.C. § 1988(b), Fed. R. Civ. P. 54(d)(2), and Local Rule 54.4; and awarding plaintiffs \$10,951.48 in attorney's fees.

Bankruptcy

Brenenstuhl v. Amica Mut. Ins. Co., 10-CV-1365(CFH) (7/1/13) – action by homeowners for breach of contract arising from conflict over insurance coverage following fire; granting defendant's motion to have district court withdraw reference of action to bankruptcy court pursuant to 28 U.S.C. § 157(d), on ground that claims for breach of the contract, which was entered into before plaintiffs filed bankruptcy petition, could proceed in a court without bankruptcy jurisdiction.

Breach of Contract

Research Found. of SUNY v. Nektar Therapeutics, 09-CV-1292(GLS) (5/15/13) – diversity action against defendant seeking specific performance, damages, and declaratory relief; granting defendant's motion for summary judgment to the extent it seeks dismissal of claim for specific performance as moot, but otherwise denying that motion; and granting plaintiff's motion for partial summary judgment on claim of breach of contract regarding second "milestone payment," but otherwise denying that motion.

GlobalRock Networks, Inc. v. MCI Commc'ns, 09-CV-1284(MAD) (5/6/13) – action by buyer of wholesale long-distance telecommunications services against seller for breach of contract, fraud, and gross negligence; granting in part, and denying in part, defendant's motion for summary judgment; dismissing plaintiff's fraud claims; dismissing plaintiff's breach of contract and gross negligence claims relating to gross revenue and New York State taxes; but otherwise denying defendant's motion for summary judgment.

Buckley v. Slocum Dickson Med. Group, PLLC, 10-CV-0974(DNH) (4/23/13) – action by orthopedic physician for breach

of contract arising from denial of severance benefits; granting in part, and denying in part, plaintiff's motion for summary judgment; dismissing plaintiff's second and third causes of action; granting plaintiff's first cause of action and awarding damages of \$615,855 plus interest; and dismissing defendant's first and sixth counterclaims, leaving defendant's other counterclaims for trial.

Education – Individuals with Disabilities

V.M. v. North Colonie Cent. Sch. Dist., 11-CV-1335(MAD) (6/20/13) – action for right of child diagnosed with Down Syndrome to free appropriate public education ("FAPE") under IDEA; granting defendant's motion for summary judgment; and denying plaintiff's cross-motion for summary judgment.

M.V. v. Shenendehow Cent. Sch. Dist., 11-CV-0701(GTS) (3/8/13) – action for violation of speech-impaired child's right to FAPE under IDEA; granting defendant's motion for summary judgment; and denying plaintiff's cross-motion for summary judgment.

S.M. v. Taconic Hills Cent. Sch. Dist., 11-CV-1419(LEK) (2/28/13) – action for violation of autistic child's right to FAPE under IDEA; granting defendant's motion for summary judgment; denying plaintiff's cross-motion for summary judgment; and denying parties' cross-motions for attorney's fees.

Employment Discrimination

DeJohn v. Wal-Mart Stores East, LP, 09-CV-1315(GTS) (3/20/13) – action for employment discrimination based on gender, asserting disparate compensation claim under Title VII and N.Y.S. Human Rights Law, and unequal pay claim under Equal Pay Act; granting defendant's motion for judgment as a matter of law pursuant to Fed. R. Civ. P. 50(a) based on applicable statutes of limitations and, in the alternative, on merits.

Damarville v. Syracuse City Sch. Dist., 11-CV-1050(NAM) (3/13/13) – pro se action by African-American teacher's assistant in city middle school, asserting claims of (1) hostile work environment in violation of Title VII and the N.Y.S. Human Rights Law, (2) disparate treatment and discrimination in violation of Title VII, 42 U.S.C. § 1981 and the N.Y.S. Human Rights Law, and (3) retaliation in violation of Title VII and the N.Y.S. Human Rights Law; granting defendants' motion for summary judgment; denying plaintiff's motion for appointment of counsel; and dismissing plaintiff's complaint with prejudice.

Indian Land Claims

Canadian St. Regis Band of Mohawk Indians v. New York, 82-CV-1114(LEK) (7/8/13) – action to recover possession of land, and trespass damages, for allegedly unlawful taking of land; adopting in part, and rejecting in part, magistrate judge's report-recommendation; granting Defendant New York Power Authority's motion for judgment on the pleadings; and granting in part, and denying in part, remaining defendants' motion for judgment on pleadings.

Intellectual Property

PPC Broadband, Inc. v. PerfectVision Mfg., Inc., 13-CV-0134(GTS) (6/25/13) – patent-infringement action; granting defendant's motion to dismiss action pursuant to the first-to-file rule; and denying as moot defendant's alternative motion to transfer venue to Eastern District of Arkansas or stay action until Arkansas court has made venue determination.

Continued on page 10

Volunteer Lawyers Project Spin Off from Bar Association Nearly Complete

The Volunteer Lawyers Project and the Onondaga County Bar Association are pleased to announce that the Spin Off of the pro bono program into an independent 501(c)(3) legal services organization is nearly complete. The new organization, the Volunteer Lawyers Project of Onondaga County, Inc., continues to reside within OCBA's offices, receiving OCBA's support for VLP's mission to expand access to justice by identifying and meeting the unmet civil legal services needs of low-income people in Onondaga County through increasing the pro bono participation of the legal community. "This is a positive development for both organizations," says OCBA President Nancy Pontius, "freeing OCBA from the administrative burdens of operating a legal services organization and allowing VLP more autonomy in governance and fundraising into the future."

After VLP's successful fundraising campaign led by Bill Bergan from 2006 through 2010, OCBA's Pro Bono Practices Committee looked at how best to increase VLP's capacity to meet its mission and serve the low-income community in Onondaga County. "Recognizing the benefit of ongoing fundraising and independent governance, we began to plan for a VLP spin off," said longtime VLP supporter, George Lowe. In September 2012, OCBA hired Sally Curran as the Legal Director of the VLP to help lead this transition. In November 2012, the new Volunteer Lawyers Project of Onondaga County, Inc. incorporated in New York State. In May 2013, the new VLP received 501(c)(3) exempt status, making the possibility of increased charitable

giving to VLP a reality. The final steps are now being taken to allow all aspects of the pro bono program to transition to the new entity.

The new VLP board is led by President Christopher Wiles, Assistant Attorney General in the Syracuse Office; Secretary James Williams, Staff Attorney at Legal Services of Central New York; and Treasurer Anthony Gigliotti, Principal Counsel of the Attorney Grievance Committee in the Fourth Appellate Division. Other members of the board include: George Lowe, Of Counsel at Bond, Schoeneck & King; William Bergan, retired partner of Bond, Schoeneck & King; Laurence Bousquet, Member of Bousquet Holstein; Gordon Cuffy, County Attorney for Onondaga County; Honorable Thérèse Wiley Dancks, Magistrate Judge of the Northern District of New York U.S. District Court; Don Doerr, Of Counsel at POMCO Group; Peter Dunn, President and CEO at Central New York Community Foundation; Richard Hole, Managing Partner at Bond Schoeneck & King; Mitchell Katz, Shareholder of Menter, Rudin & Trivelpiece; Susan Katzoff, Partner of Hiscock & Barclay; Michael Klein, District Executive for the 5th Judicial District; Nathaniel Lambright, Partner of Blitman & King; Bryn Lovejoy-Grinnell, representative for the Central New York Women's Bar Association and Senior Attorney at Hiscock Legal Aid Society; Anthony Marshall, Member of Harris Beach; Honorable Anthony Paris, Onondaga County Supreme Court Justice; Nancy Pontius, President of OCBA; Ann Rooney, Deputy County Executive for Human Services for Onondaga County; and Suzanne Williams, Executive Director of Syracuse Habitat for Humanity.

[Sally Curran is the new Executive Director and Deborah O'Shea continues as the Pro Bono Coordinator.](#)

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OCBA Family Law Section Update

Bob Jenkins, *Family Law Section Chair*

I want to thank the members of the Family Law Section for their attendance at our first meeting and for the great response to the recent information email blast.

In that email, I included a copy of the Law Revision Commission's May 15, 2013 Final Report on maintenance and a copy of a State Assembly maintenance bill, no. 6728. Although the Law Revision Commission made no recommendation of a duration formula, the pre-report April 17, 2013 Assembly bill contained one. The State Senate came up with its own version, also prior to the Law Revision Commission Report on May 13, 2013, bill number 5168. The Senate version also contains a duration formula. Since the Commission Report, the Assembly, after its bill was sent to committee, amended the bill, no. 6728-B.

This amended bill goes further by making the amount formula apply to Family Court proceedings and by repealing DRL §248. This amendment makes clear what the first Assembly bill did not where in one part it made the payee's remarriage a factor to be considered in a maintenance modification proceeding while it also retained DRL §248's termination of maintenance upon payee's remarriage. The amended Assembly bill does remove from the definition of marital property "the value of a spouse's enhanced earning capacity arising from a license, degree, celebrity goodwill, or career enhancement." This is in line with the Law Revision Commission recommendations, and also from the humble offerings of the Chair in the recent NYSBA Family Law Section's Spring 2013 Family

Law Review, entitled "The Future of Maintenance: Waiting for the Other Shoe to Drop."

However, in the next sentence, the amended Assembly bill states: "However, in arriving at an equitable division of marital property, the court shall consider the direct or indirect contributions to the development during the marriage of the enhanced earning capacity of the other spouse". So, on the one hand enhancements are removed, and then added back in? Luckily, as the State Legislature is in recess, we have some time to discuss this and perhaps seek to offer a suggestion or two ourselves. I cannot stress enough that you all should read these. If I hear from enough of you, I will try to schedule a meeting about this in August.

Also, under the category of "YOU MUST READ THIS!!" is the Court of Appeals decision in *Galetta v. Galetta*, 2013 NY Slip Op 3871 (Argued April 23, 2013, decided May 30, 2013) I also strongly suggest you take the time to listen to the argument, on archive at the Court of Appeals section of UCS website. This case concerns the form of certificates of the acknowledgment of signatures to all form of matrimonial agreements. The oral argument contained many questions as to the basic fairness of the agreement, but the decision is all about form and what is not sufficient proof when the form is defective. The Court of Appeals also left some breadcrumbs for future litigation. Very scary stuff.

Please contact me with any questions or concerns,

Keep the faith!



The University Building

Attorney Office Space Available! The University Building which is located at **120 E. Washington St.** currently has office spaces available ranging from **410sq.ft. to 4,000sq.ft.** We offer leasing **incentives**, on-site management, furnished office suites with **hardwood floors and historic finishes.** Building is conveniently located in the **Central Business District.**

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VIEW FROM THE BENCH EVIDENTIARY ISSUES Hon. John J. Brunetti



Most trial lawyers have been there. You are cross-examining John Smith, a non-party witness in a civil or criminal case. You hold in your hand a typewritten or handwritten statement signed by Mr. Smith after having been interviewed by the investigator who prepared it. Smith's direct testimony is, in your view, inconsistent with several factual assertions made in the statement. The following exchange ensues:

“Q. I am handing you what's been marked as Exhibit ‘3’. Do you recognize that as a statement that you signed?

A. Yes, but I did not read the statement, nor was the statement read to me. The investigator just put it in front of me and told me to sign it, which I did.”

Let us assume the answer is true. It presents two dilemmas for the cross-examiner: (1) What questions may be asked based upon the contents of the signed statement?; and (2) if the witness denies having made those prior statements with which he is confronted, is extrinsic evidence of his having made them admissible to rebut his denial? Discussion begins with dilemma number one.

Since it is reasonable to infer that the factual assertions contained in the written statement were made verbally to the interviewing investigator before they were included in the written statement, two types of questions as to each factual assertion within the statement (that appear inconsistent with the answers given on direct) would seem proper, e.g.:

[1] “Did you verbally tell Investigator Jones that the light was yellow?”; and

[2] “Did you sign a statement [which includes the assertion / which says] that the light was yellow?”

If the witness answers “No” to both questions, that sets the stage (i.e., lays the foundation) for the introduction of extrinsic evidence to rebut the witness' denial of having made the prior statements.

The extrinsic evidence required to rebut Smith's denial of having made the verbal statements is the live testimony of the investigator

who interviewed Smith. The extrinsic evidence required to rebut the witness' denial that the assertion is contained in his written statement is the statement itself.

As for authentication, the witness' admission that he signed the statement is enough. No further foundation is necessary. But what about the fact that the witness says that he did not read the statement and that it was not read to him, and there is no proof otherwise at that point in the cross?

That very scenario occurred in a case a century ago and resulted in a Court of Appeals rule that every trial lawyer should know: “*The subscription of the witness is some evidence that he made the statements or authorized them to be made for him, and testimony by him that he did not read the statements or hear them read or make them is to be given such force and effect, in connection with the subscription and other relevant evidence, as the jury see (sic) fit to accord it.*” In other words, the witness' denial of having read or been read the statement goes to its weight, not its admissibility, and it is up to the jury to decide what weight, if any, it will give the prior statement.

i. *Shoupe v. 2525 Amsterdam Avenue Corp.*, 261 A.D. 393, 25 N.Y.S.2d 584 (1st Dep't 1941)[“As the statements contradicted the testimony of the witnesses and were properly proved by the admissions of the witnesses themselves on cross examination, they should have been admitted in evidence and it was reversible error to exclude them.... While no witnesses were called by defendant, the statements, signed ten days after the occurrence of the accident and contradicting testimony of plaintiffs' witnesses, were material on the issue of their credibility and should have been before the jury when called upon to pass upon the truth of their testimony.”]

ii. *Larkin v. Nassau Electric R. Co.*, 205 N.Y. 267, 268-271 (1912); *accord, Cuccia v. Surface Transp. Corp. of N.Y.*, 236 A.D. 105, 258 N.Y.S. 46 (1st Dep't 1932)[“Even if it had not been read to the witness by his brother, the fact that it had been signed by the witness was sufficient to warrant its admission in evidence. It may be that the plaintiff could thereafter have established that the witness did not understand English or that he did not know the contents thereof. That of course would not prevent the defendant from placing the statement in evidence.”].

NEW PRO SE ASSISTANCE CLINIC AT SURROGATE'S COURT



In 2012, **Ellen Weinstein, Esq., Chief Clerk of the Surrogate's Court**, approached the Volunteer Lawyers Project to seek help in providing legal counsel and assistance to unrepresented low-income people who access Surrogate's Court, simply because there are not enough resources in the community to assist them. In May 2013, Surrogate Ava Raphael and her staff welcomed 20 **pro bono** attorneys in the court and provided a free CLE training on the online **pro se** assistance program. VLP is proud to announce that the new VLP Surrogate's Court Clinic began assisting clients in June 2013.

At the clinic, volunteer attorneys experienced in trust, estates and elder law matters provide assistance with pro se filings for 17-A guardianships, small estates and safe deposit boxes, as well as consultations regarding any other trusts, estates and elder law issues. The clinic, which takes place at the Surrogate's Court, is by appointment only and takes place the second and fourth Wednesdays of every month from 11am – 1pm.

Since the debut of the VLP Surrogate's Court Clinic, the Volunteer Lawyers Project, with the assistance of the Surrogate Court, have held three clinics and assisted six families. Pro bono attorneys have assisted with filing a 17-A guardianship, executing a power of attorney and health care proxy form, and helped other clients understand their rights in the probate process.

The community has quickly recognized this clinic as an invaluable asset which can assist them during difficult times. Currently, VLP already has clients scheduled for appointments throughout August. Looking to the future, we hope to continue to provide clients with the same excellent service that the past clinics have provided. For a full list of current volunteers, please see our Honor Roll. If you are interested in becoming a volunteer for this clinic, please call: **Sally Curran at 315-579-2576 or email scurran@onbar.org**.



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Northern District Case Notes *...from page 6*

Labor and Employment – ERISA

Delprado v. Sedgwick Claims Mgmt. Servs., Inc., 12-CV-0673(LEK) (3/20/13) – action for damages under ERISA, Family and Medical Leave Act, and state law; granting defendant's motion to dismiss Count IV of plaintiff's amended complaint (alleging that defendants failed to provide forms, documents and materials in fulfillment of their obligations to plaintiff under ERISA) for failure to state claim.

Labor and Employment – LMRA

Landon v. Ithaca College, 12-CV-1786(GTS) (5/28/13) – action by college police officer asserting claims of breach of collective bargaining agreement, intentional inference with contractual relationship, and breach of duty of fair representation, under LMRA; granting defendant's motion to dismiss first count of complaint (claiming breach of collective bargaining agreement) for failure to state claim.

Procedure – Amended Pleadings

Carter v. City of Syracuse Sch. Dis., 10-CV-0690(FJS) (3/18/13) – action by African-American female high school teacher asserting fifteen claims of employment discrimination based on race and gender; granting in part, and denying in part, defendants' motion to strike plaintiff's amended complaint pursuant to Fed. R. Civ. P. 12(f); dismissing twelve causes of action from amended complaint because they were reiterations of causes of action that Court had dismissed with prejudice from plaintiff's original complaint; but not dismissing two causes of action asserted in amended complaint, because they were dismissed from original complaint only without prejudice.

Procedure – Discovery Sanctions

Harvey v. C.O. Drake, 09-CV-0152(MAD) (3/6/13) – civil rights action asserting claim of excessive force against corrections officers; granting in part, and denied in part, plaintiff's motion

for spoliation sanctions arising from destruction of county jail's videotapes; denying request for adverse inference charge regarding failure to produce videotapes, but granting request for adverse inference charge regarding defendant's incident report.

Procedure – Remand

City of Schenectady v. Am. Tax Funding, LLC, 12-CV-1026(MAD) (3/22/13) – action to foreclose against owners of 700 properties with delinquent tax liens; denying without prejudice plaintiff's motion to remand action to state court for lack of diversity jurisdiction; and permitting plaintiff to renew motion within thirty days with proof of proper service upon non-diverse defendants or "more meaningful evidence" to dispute defendants' contentions regarding service.

Products Liability

Harrison v. Ford Motor Co., 11-CV-0840(MAD) (6/18/13) – action arising from motor vehicle accident, asserting claims of strict liability, negligence and breach of warranty; granting defendant's motion for summary judgment with regard to plaintiff's breach of warranty claims, but otherwise denying defendant's motion; and denying plaintiff's motion for partial summary judgment with regard to defendant's affirmative defense of comparative negligence.

Argonaut Ins. Co. v. Samsung Heavy Indus. Co., Ltd., 10-CV-1516(MAD) (3/11/13) – action arising from fire in garage, asserting claims of negligent design and manufacture, failure to warn, and strict liability; denying plaintiffs' motion to preclude defendants' experts from testifying at trial; denying defendants' motion to preclude plaintiffs' expert from testifying at trial; granting in part defendants' motion for summary judgment to extent that it requests dismissal of all of plaintiffs' failure-to-warn and manufacturing defect claims; and otherwise denying defendants' motion for summary judgment.

NEW PRO BONO IMMIGRATION CLINIC HELPS **38** CLIENTS IN **3** DAYS

Sally Curran

We were delighted when **Diane Chappell-Daly** approached the Volunteer Lawyers Project on behalf of a group of local immigration attorneys from the Upstate chapter of the American Immigration Lawyers Association with the desire to create a new pro bono immigration clinic. With thousands of refugees and other non-citizens settling in Syracuse, we have a growing immigrant and non-citizen population with often complex legal issues, but free legal service provision has not kept pace. Wanting to have a structured opportunity to help meet this need, the attorneys brought the idea of a clinic where they could provide critical legal advice on complicated immigration matters.

VLP teamed up with Catholic Charities Refugee Resettlement Program and offered the first immigration clinic at the CYO on Saturday, February 2, 2013. The clinic was a tremendous success: seven pro bono immigration attorneys assisted twenty-five clients over the course of four

hours. Five Syracuse University Law Students also assisted, conducting intakes and sitting in on interviews with clients. Building on the success, VLP has since held another clinic at the CYO and teamed up with the Spanish Action League of Onondaga County to provide a Spanish-language clinic. Overall, 10 attorneys have volunteered over 60 hours of their time to provide in-depth legal consultations to 38 clients with the assistance of nine law students.

VLP is planning another clinic for the fall. If you are interested in volunteering, please contact the VLP

315.579.2576



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OCBA Thanks Mock Trial Volunteer Judges

The Onondaga County Mock Trial Tournament, coordinated by OCBA, was a great success once again this year. Eighteen lawyers and judges gave generously of their time to serve as judges for both the County championship, as well as for the NYSBA Region II Regional Championship which returned to Onondaga County after several years.

COUNTY TOURNAMENT JUDGES

Craig M. Atlas, Esq.
Tamara Capone, Esq.
Nicholas J. DeMartino, Esq.
Hon. Stephen Dougherty
Hon. Deborah H. Karalunas
Brandon R. King, Esq.
Karen Kukla, Esq.
Travis Lewin, Esq.
Hon. James Murphy
Daniel Pautz, Esq.
Ben Rabin, Esq.
Samuel Tamburo, Esq.
Larry Vozzo, Esq.

NYSBA REGION II REGIONAL CHAMPIONSHIP

Hon. Vanessa L. Bogan
Gordon Cuffy, Esq.
Hon. Thérèse Wiley Dancks
Nicholas J. DeMartino, Esq.
Hon. James Hughes
Hon. Deborah Karalunas
Karen Kukla, Esq.
Hon. Ted Limpert

The County tournament will return in February, 2014. If you're interested in volunteering or serving as a judge, please contact [Jeff Unaitis at OCBA, 471-2667](mailto:Jeff.Unaitis@OCBA.org).



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VLP Collaboration with S.U. Law Students Leads to Expanded Veterans Program

Veterans and active military service members returning from service face a wide range of challenges reintegrating to civilian society including facing broken homes, unemployment, difficulty seeking benefits, etc. For the past four years VLP, under the leadership of attorney volunteer John G. Powers of Hancock Estabrook, has worked to address these legal needs by providing a free legal clinic for Veterans and Military

veterans in one day. Other organizations provided a Veterans' Information Fair, tax return preparation assistance, credit counseling, and the opportunity to meet with a veteran's benefits counselor.

Not only was the response to VALOR Day overwhelming, but the awareness about VLP's ongoing Veterans' Clinic has increased dramatically. Since March, VLP's monthly Veterans' clinic has consistently seen over 10 clients a night in only a two-hour period, making it necessary for multiple attorneys to be present at each clinic.

VLP is preparing for another VALOR Day, which the VISION student group is planning for Saturday, September 28th from 10am-3pm. We are actively seeking additional attorney volunteers for this event and for the ongoing Veterans' Clinic Program. Lunch and parking are provided during VALOR Day to all volunteers.

Please contact Sally at 315-579-2576 or scurran@onbar.org for more information.



On July 10th VLP volunteers were honored by the Vet's Center for their pro bono service. Pictured Left to Right: Chris Todd, John Powers and Bob Whittaker.

Service Members staffed by volunteer attorneys, many of whom are Vets themselves.

VLP was approached by a student group called VISION at the Syracuse University College of Law interested in meeting the legal needs of Veterans through a day-long resource fair at the school for veterans. VLP enthusiastically responded and the result was VALOR Day, held Saturday, March 23, 2013.

The VALOR Day event featured a Talk to a Lawyer Program provided by VLP, with eight volunteer attorneys providing pro bono legal advice, information and referrals to 39



Pictured are law student pro bono volunteers from February's VALOR day.

OCBA Receives Award from Partners for Education and Business

OCBA was recognized by Partners for Education and Business with its "PEB Sector Strategy Award" at its annual awards ceremony held May 30 at the Palace Theatre. OCBA was recognized for "Promoting Careers in the Financial and Professional Services Sector."

OCBA teamed up with PEB to establish the new Law Day Career Fair to increase high school students' awareness of law-related careers and promote the growth of law-related businesses in the community. More than two dozen exhibitors presented before hundreds of



students at Syracuse's Institute of Technology (Central Tech) on Friday, April 26. Feedback from both exhibitors and students was extremely positive for this first-ever effort.

SPECIAL THANKS TO Joe Vargo, Kathy Birmingham and Bruce Hamm at PEB for their willingness to partner with OCBA to provide this important program to the community, and for this significant recognition.

Pictured from left to right: Joe Vargo, Executive Director, PEB; Chele Stirpe, CLE Coordinator, Anne Burak Dotzler, OCBA Secretary; Bruce Hamm, Director Business Engagement, MACNY.

OCBA Paralegals Committee

Karen Hawkins, *Paralegals Executive Committee*

Upcoming OCBA Paralegals Committee Events Fall 2013:

The Paralegals Committee Luncheons will be held at The Spaghetti Warehouse on the following dates:

September 12, 2013

Michael J. Hrab, Esq. from Chicago Title will present on Real Estate matters such as vacation homes, second properties, title searches and deeds.

October 10, 2013

Timothy P. Crisafulli, Esq. from Crisafulli Gorman, P.C. will speak about Medicaid planning and asset preservation.

November 14, 2013

There will be a special presentation from a Vera House representative. We will also complete a special service project that day on behalf of Vera House by collecting and donating items on their wish list.

December 12, 2013 Holiday Party at Spaghetti Warehouse

Details forthcoming.

Luncheon Information:

Each luncheon begins at noon. The cost for lunch is \$11 for members and \$12 for non-members. Reservation deadline will be noon the day before the luncheon. Please RSVP by e-mailing or calling **Jean Swanger** at jswanger@gilbertilaw.com or 442-0174

(E-mails are preferred.) Please keep in mind that your reservation is binding unless you cancel on or before the reservation deadline.

Next Executive Committee Meeting

The next Executive Committee ("EC") meeting is scheduled for Wednesday, September 4, 2013 beginning at noon at Gilberti Stinziano Heintz & Smith, P.C., 555 East Genesee Street, Syracuse, NY 13202 (parking is available in front of the building on East Genesee Street, at the rear of the building at 510 East Fayette Street, and the parking lot between the office and Hamilton White House). EC Chair Kathrine Cook extends an invitation to paralegals who would like to find out more about serving on the Executive Committee. If you are interested in attending the EC meeting, please contact **Kathrine Cook** at kathrinecook0@gmail.com.

ESAPA Fall Meeting

The Empire State Alliance of Paralegal Associations will hold its Fall 2013 meeting on Saturday, September 14, 2013, 9:00AM-3:00PM, North Star Fund, 520 Eighth Avenue, Suite 2203, New York, NY 10018. One of the agenda items will be ESAPA's position regarding involvement in the "Utilization of Non-Attorneys" initiative being led by Chief Judge Jonathan Lippman. ESAPA is looking for persons interested in being part of ESAPA's mini-task force in this regard. If you are interested, please contact **Cynthia Wade** at cwade@twcny.rr.com.

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Part-Time Attorney Position Available

Litigation attorneys seek a part-time associate attorney to perform research, prepare memoranda and motion/filing papers and make some court appearances. Half time; hours flexible. Send resume, references and three writing samples to Box D, Onondaga County Bar Association, 109 S. Warren St., Ste. 1000, Syracuse, NY, 13202.

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Wayne County Public Defender's Office seeks an Assistant Public Defender for client representation in Justice Courts and Parole Revocations with advancement to felony cases in Wayne County Court. Starting salary is \$57,000 with benefits. Applicants must be currently admitted to practice in NYS and have a strong demonstrated interest in indigent defense. 1-2 yrs. experience is preferred. Send resume to: James S. Kernan, Esq., 26 Church St., Lyons, NY 14489.



**Onondaga County Bar Foundation
ANNUAL 50-YEAR LUNCHEON**

SAVE the DATE!

**Thursday • September 12, 2013
Drumlins Country Club**

**11:45 am Registration/Cash Bar
12:45 Lunch**

2013 HONOREES

James G. DiStefano
Charles S. Edwards
Jan R. Farr
James D. FitzPatrick
Gerald A. Goldberg
Leonard C. Koldin
M. June Lockwood

J. Richard Lynch
Francis E. Maloney Jr.
Thomas J. Maroney
Gerald J. Mathews
Emanuel Neri
Taylor H. Obold
Kevin M. Reilly

Bruce G. Soden (posthumously)

Reservation information to Follow Sponsorships and tables available

SAVE THE DATE

**OCBA Annual Dinner | Honoring John A. Cirando, Esq.
2013 Distinguished Lawyer**

**Thursday | October 17 | The Links at Erie Village
Cocktails 5:30 pm | Dinner 7:00 pm**

OCBA CONTINUING LEGAL EDUCATION

MAUREEN MC GLYNN, ESQ. |

HIPAA OMNIBUS RULE | 12:00 - 1:00 p.m | MCLE 1.5 Professional Practice

Tuesday, August 20, 2013 | Helen Druce Education Center | Member \$30 | Paralegal \$20 | Agency, Lifetime \$0 | Non-Member \$40

J. SCOTT PORTER, ESQ. | CRIMINAL LAW SERIES PART 17

PRESERVING THE RECORD FOR APPEAL | 12:00 - 1:00 p.m | MCLE 1.5 Professional Practice

Wednesday, August 28, 2013 | Helen Druce Education Center | Member \$0 | Paralegal \$0 | Agency, Lifetime \$0 | Non-Member \$20

HON. JOHN J. BRUNETTI | THE WOOLWORTH SEMINAR | 12:00 - 1:00 p.m. | MCLE 1.0 Professional Practice
5 SUPPRESSION HEARING TIPS & 10 TRIAL TIPS FOR CRIMINAL LAW PRACTITIONERS

Friday, September 6, 2013 | Helen Druce Education Center | Member \$20 | Paralegal \$15 | Agency, Lifetime \$0 | Non-Member \$30

HON. JOSEPH E. FAHEY | CRIMINAL LAW SERIES PART 18

CLOSING STATEMENTS | 12:00 - 1:00 p.m | MCLE 1.0 Skills

Friday, September 13, 2013 | Helen Druce Education Center | Member \$0 | Paralegal \$0 | Agency, Lifetime \$0 | Non-Member \$20

BOWERS & CO. | LUNCH & LEARN | 2 PART SEMINAR

INTRODUCTIONS TO BUSINESS VALUATIONS | 12:00 - 1:00 p.m. | MCLE 1.0 Professional Practice

Rick A. Tidd, CPA/ABV/CGMA, CVA, CFF, CITP & Douglas J. Gorman, Esq.

CRITICAL FINANCIAL ERRORS IN DIVORCE | 1:00 - 2:00 p.m. | MCLE 1.0 Professional Practice

David G. Herring, CPA/CVA/CFF & Gregory Monashefsky, Esq.

Thursday, September 19, 2013 | Helen Druce Education Center | Member \$40 | Paralegal \$30 | Agency, Lifetime \$0 | Non-Member \$40

SEAN CARTER, ESQ. | ETHICS HUMORIST

THE ETHYS AWARDS: 1 | 2013 EDITION | 2 | LAWYER JOKES ARE NO LAUGHING MATTER

Friday October 18, 2013 | Part 1: 9:30 to 11:30 a.m. | Part 2: 1:00 to 3:00 pm. | Total MCLE 4.0 Ethics

HON. MICHAEL L. HANUSZCZAK

FAMILY COURT PRACTICE AND PROCEDURE - REALITY 101 | 12:00 - 2:00 p.m. | MCLE 2.0 Professional Practice

Tuesday October 29th | Helen Druce Education Center | Member \$40 | Paralegal \$30 | Agency, Lifetime \$0 | Non-Member \$60



Seminar _____ Fee _____ Seminar _____ Fee _____

Seminar _____ Fee _____ Seminar _____ Fee _____

Attendee(s) _____ Phone _____

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OCBA CONTINUING LEGAL EDUCATION

SUNY OSWEGO METRO CENTER | The Atrium | 2 Clinton Square | 100 S. Salina Street | Syracuse, NY 13202

ADVICE FROM THE EXPERTS | **Successful Strategies for Winning Commercial Cases in New York State Courts** | Thursday, October 10, 2013

Sign In: 1:30 p.m. | **Program 2:00 - 5:00 p.m.** | Reception for Presiding Justice Scudder 5:00 p.m.

This special program features an extraordinary panel including two distinguished judges, 15 well-known commercial litigators and two prominent in-house counsel for major corporations. All registrants receive a copy of the critically acclaimed six-volume treatise *Commercial Litigation in New York State Courts*, published by Thomson Reuters and the New York County Lawyers' Association. Written by 144 outstanding attorneys and judges throughout New York these books provide everything you need to handle commercial cases from initial assessment through pleadings, discovery, motions, trial, appeal and enforcement of judgment. Great emphasis is placed on strategic considerations specific to commercial cases, with sample forms provided, procedural checklists and comprehensive coverage of 38 areas of substantive law. Hon. Stewart F. Hancock, Jr. and Hon. Deborah H. Karalunas are among the authors of this treatise.

Co-Chairs | George H. Lowe, Esq. | John L. Murad, Jr., Esq. | Robert L. Haig, Esq.

Case Investigation and Evaluation | Maureen G. Fatcheric, Esq. | James R. Muldoon, Esq. | Samuel Vulcano, Esq.

Deposition Techniques | Jonathan B. Fellows, Esq. | Michael E. Getnick, Esq. | Robert J. Smith, Esq.

Ethics for Business Litigators | Robert A. Barrer, Esq. | Julian B. Modesti, Esq. | Doreen A. Simmons, Esq.

Trial Advocacy | Stephen T. Helmer, Esq. | Mitchell J. Katz, Esq. | John G. McGowan, Esq.

Settlement Strategies | Janet D. Callahan, Esq. | Hon. Deborah H. Karalunas

Appellate Advocacy | A. Vincent Buzard, Esq. | Hon. Henry J. Scudder

Client's Perspective of Business Litigation | George J. Getman, Esq. | Daniel S. Jonas, Esq. | John P. Langan, Esq.

Total of 3.5 MCLE | 1.5 Skills | 1.5 Professional Practice | 0.5 Ethics | This live program is transitional & **APPROVED** for **ALL** attorneys



Please complete this form and return to **OCBA** email: cstirpe@onbar.org or FAX: 315-471-0705

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Call: 315.579.2578 **or email:** cstirpe@onbar.org



Oneida County Bar Association End of Summer Golf Outing

Friday, September 6, 2013
Stonebridge Golf and Country Club
2430 Graffenburg Road, New Hartford
Captain and Crew

**PLEASE SUBMIT
REGISTRATION
FORM AND CHECK
NO LATER THAN
AUGUST 30, 2013**

Co-chairs: George C. Murad, Esq. and Sean Virkler, Esq.

- TIME:** 1:00 p.m. – Shot Gun Tee Time for those desiring to play 18 holes
2:30 p.m. – Tee Time for those desiring to play 9 holes
- LUNCH:** 12:00 noon - 1:00 p.m.
Hot Dogs, Burgers, Macaroni Salad available at the Club House adjacent to 1st Tee
- COCKTAILS:** 6:00 p.m.- 8:00 p.m. – Two Hour Open Bar
- DINNER:** 7:00 p.m.
- MENU:** Dinner Buffet - Carved Beef and Turkey, Baked Haddock, Pasta Station with Two Pastas, Antipasto Station, Stuffed Mushrooms, Cheese & Crackers, Pizza
- PRIZES:** Longest Drive, Closest to Pin, Raffles, 50/50 Drawing

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Please print:

Name(s): _____ Phone #: _____

Number Attending: _____ 18 Holes of Golf x \$ 50.00 = \$ _____

Number Attending: _____ 18 Holes of Golf w/Dinner & Open Bar x \$115.00 = \$ _____

Number Attending: _____ 9 Holes of Golf x \$ 25.00 = \$ _____

Number Attending: _____ 9 Holes of Golf w/Dinner & Open Bar x \$ 90.00 = \$ _____

Number Attending: _____ Dinner With Open Bar x \$ 60.00 = \$ _____

TOTAL ENCLOSED: \$ _____

If you have a foursome, please advise of the names of your foursome with your registration. Please print:



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NYSBA's LAP offers free, confidential help. All LAP services are confidential and protected under section 499 of the Judiciary Law.

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