



ONONDAGA COUNTY BAR ASSOCIATION BAR REPORTER



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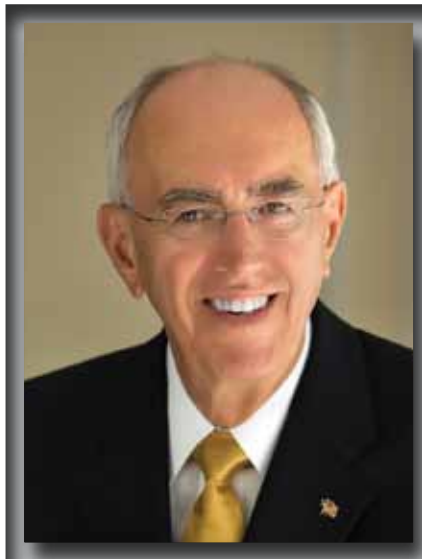
John Cirando is 2013 Distinguished Lawyer To be Honored at Annual Dinner October 17th

John A. Cirando is the 2013 Onondaga County Bar Association's Distinguished Lawyer of the Year. He will be honored at OCBA's 138th Annual Dinner on October 17, 2013 at Traditions at the Links. Cirando is widely known for his lengthy and distinguished service in the Onondaga County District Attorney's Office, and his expertise in appellate practice. John P. Langan, managing partner of Hiscock & Barclay said this of Cirando: "John is, by all accounts, a 'lawyer's lawyer.' He is a consummate professional and has achieved an incredible record of success for his clients, while tirelessly serving the bar and larger community."

Cirando is a 1959 graduate of Christian Brothers Academy, a 1963 graduate of St. Bonaventure University, and a 1966 graduate of Buffalo Law School. His dedication to public service started early. Upon graduation from St. Bonaventure, Cirando was commissioned a 2nd Lieutenant in the U.S. Army. After law school, John engaged in the private practice of law with his father, Daniel J. Cirando, in the firm of D.J. & J.A. Cirando, Esqs. Also at that time, he transferred to the U.S. Army JAGC and dutifully served as a Claims Judge Advocate. Upon his Honorable Discharge from the U.S. Army in 1971, Captain Cirando was awarded the Army Commendation Medal.

After completing military service, Cirando embarked on a lengthy and distinguished career with the Onondaga County District Attorney's Office rising from Assistant District Attorney to Chief Assistant District Attorney. Of his work in that office, United States Magistrate Judge David E. Peebles said this: "John mentored many lawyers

and law clerks, including myself, instilling in each of us the skills and dedication necessary to serve the People by emphasizing, first and foremost, the overarching duty of a prosecutor to do justice."



In 1988, Cirando returned to private practice with D.J. & J.A. Cirando, Esqs. Since then, John has carried an active caseload with a primary focus on appellate practice. Over the past 46 years, John has appeared in more than 1,720 appeals before the Appellate Division, Fourth Department; 290 appeals before the other three Appellate Division Departments; 65 appeals before the New York Court of Appeals; and 60 appeals before the U.S. Court of Appeals for the Second Circuit. His prodigious appellate practice is unmatched by any other lawyer in Onondaga County.

John's consistent high level of focus and preparedness, and his commitment to excellence in the papers he prepares and the arguments he makes, long ago earned him an AV rating with Martindale.com and recognition as a New York Super Lawyer.

Throughout his legal career, Cirando has practiced, lectured, taught, privately supported and worked in affiliation with many membership and community organizations. He also was regularly appointed to serve the legal profession in a fiduciary capacity. In the fall of 1988, Cirando became an adjunct Law Professor at Syracuse University College of Law. In 1990, the Appellate Division, Fourth Department, appointed John as an Examiner of Accounts of Conservators and

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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.

UPCOMING EVENTS :

50-Year Luncheon

Commercial Litigation CLE

138th Annual Dinner

Thursday, September 12

Thursday, October 10

Thursday, October 17

From the President . . .

In my August message I mentioned that we are working on a plan to reinvigorate our dormant OCBA Sections. Toward that end, I have looked at many city and county bar association, and bar association related, websites for ideas on how our sections can best serve the needs of our members. As expected, I found that the three primary functions of bar association sections across the country are to: (1) offer members formal and informal continuing legal education opportunities in the section area of practice; (2) allow members the opportunity to tap into the expertise of lawyers who share the same legal specialty and to cooperate, encourage and assist each other in the resolution of problems and practice issues; and (3) hold events where members have a chance to socialize and get to know one another. The purpose of this message is to give you some idea of where we stand and where we want to go.

Legal Education

Our Criminal and Family Law Sections, chaired by OCBA President-Elect Nick DeMartino and retired Family Court Hearing Examiner Bob Jenkins, have done well in offering formal CLEs to their members. In addition, Bob recently sent an email blast to Family Law Section members and provided a legal update in our August Bar Reporter. The Environmental Law Section, chaired by Thomas Fucillo, held a luncheon with a speaker at Anthony's in May. Our goal is for each of our practice sections to become actively involved in providing educational opportunities to its members through at least one formal CLE each year, less formal means such as lunch and learn programs, email blasts, legal updates in the Bar Reporter, and eventually through our new website which is now in the design stage. We hope not only to benefit our section members through ongoing legal education, but to play a role in improving the overall quality of legal representation throughout Onondaga County.

Sharing Legal Expertise

When our Real Property Section, chaired by Gil Hoffman met recently, members discussed the lack of a current standard OCBA approved purchase and sale agreement for residential real property and decided to take action. A sub-committee was formed to work on an updated standard agreement for use in Onondaga County. The combined expertise and cooperation of Real Property Section members in developing an updated agreement will inure to the benefit of not only section members and other local lawyers engaged in residential real estate transactions, but to those buying and selling residential property. We plan to encourage other sections to work together in similar fashion and to set up an oversight structure for sections that will allow the OCBA to facilitate that kind of cooperation and sharing of legal expertise.

Many city and county bar association sections are now making it possible for members to ask questions and share pertinent information and legal expertise with one another through listservs much like those operated by the various sections in the New York State Bar Association. OCBA leadership has discussed and envisions the use of listservs by our sections to facilitate communications and the sharing of legal and practical knowledge among members. In addition, we anticipate that once our new website is up and running, it will also improve section communications.

Socializing

“Do as adversaries do in law, strive mightily, but eat and drink as friends.”

William Shakespeare, *The Taming of the Shrew*, Act. 1, sc.2

Recently, members of the Senior Lawyers Section and guests greatly enjoyed a jazz cruise on the canal. I am senior enough to remember the days when civility, camaraderie, and mutual respect among lawyers was generally a given and lawyers getting together socially was commonplace. In court, lawyers always fought the good fight for their clients, but when court was over, opposing counsel could be found chatting in the hall or, depending on the time of day, heading to the local coffee shop or pub. Back then, lawyers and judges didn't think twice about taking the afternoon off from work to go to the annual OCBA Clambake, where fun, sometimes too much fun, was had by all. If you were a member of the OCBA, you attended the OCBA Annual Dinner. Lawyers truly enjoyed and benefitted from one another's company.

Unfortunately, in today's highly competitive legal environment, lawyers are operating under the kind of pressure to increase billable hours and billings that would have been unimaginable when I was a young lawyer in Syracuse. Competition for clients is high, and clients, burdened by pressures of their own, demand ever greater efficiency and reduced legal fees from their counsel. The civility, camaraderie, and mutual respect that made practicing law so great are frequent casualties of the dramatically changed legal environment. Lawyers often forego and sometimes intentionally avoid social connections with other lawyers at a time when the pressure filled environment in which we work arguably makes the need for those connections greater than ever. Even though in recent years our Annual Dinner and other bar functions have not been as well attended, as I observe those who are there, it is obvious that lawyers still enjoy, even relish, one another's company.

During my web search, I was encouraged by the activities of the young lawyers sections of many city and county bar associations. The Young Lawyers Section in the Monroe County Bar Association, for instance, not only has continuing legal

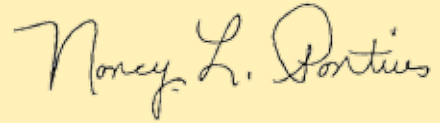
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education programs, it hosts regular social events and activities such as a boat cruise and holiday happy hours and even has volleyball and kickball teams. In addition, the section performs organized community service and volunteer work.

Providing our members with opportunities to socialize and get to know one another on a personal level, not just as adversaries and competitors, is one of the OCBA's most important functions. We recognize that sections can and should play an important role in bringing lawyers together and plan to make opportunities for socialization an important part of our revitalized sections.

The OCBA sections exist for the benefit of our members. We value, or better put, we need your suggestions and active participation in making them the best they can possibly be for you. Please join us in our efforts. If you have suggestions or are willing to participate in rebuilding our sections, please email Jeff Unaitis at junaitis@onbar.org or give Jeff a call at the Bar Office at 471-2667. Thank you.

Nancy L. Pontius, *President*



John Cirando *...from page 1*

Guardians. In 1996, Cirando became an instructor for the Appellate Division, Fourth Department, and the Assigned Counsels Appeals Training. In 2004 and 2005, Cirando authored the Survey of New York Criminal Law for the Syracuse University College of Law Law Review. In 2006, Cirando began service as the Commissioner of the New York State Law Revision Commission. In 2009, Cirando served as Chairperson of the Public Safety Committee for the Mayoral Transition Team for the Hon. Stephanie A. Miner. Also in 2009, John began service as a Trustee for the Interest on Lawyer Account (IOLA) Fund for the State of New York. Cirando also has served with distinction on several judicial qualification committees and commissions including the Independent Judicial Elections' Qualification Committee for the 5th Judicial District, the New York State Governor's Judicial Screening Committee for the Fourth Judicial Department, and the New York State Commission on Judicial Nomination which selects, interviews and recommends candidates for the New York Court of Appeals.

John's dedication and commitment to others extends beyond the legal community. For decades he served as pro bono Counsel for Vera House and the Asian Apostolate. He has been a contributing member of the Blind Men and Criers, Catholic Lawyers' Guild Diocese of Syracuse, Central New York Alumni Chapter of St.

Bonaventure University, Knights of Columbus, New York Bar Foundation, Onondaga County Bar Association and many other bar associations. For OCBA, John was Editor of the Bar Reporter from 1972 to 1997 and he remains the Editor Emeritus.

One of Cirando's greatest accomplishments is the work he has done to give law students and newly admitted attorneys their legal start. The list of attorneys who received their early training from John is impressive, an estimated 120 plus in total. Some notable "alumni" among them include: Hon. Michelle Pirro Bailey, Hon. John V. Centra, Hon. William J. Fitzpatrick, Hon. Rory A. McMahon, Hon. J. Kevin Mulroy, Hon. David Peebles, Hon. Glenn Suddaby, Hon. Sandra Townes, and Hon. James P. Murphy.

John has been married for 46 years to the love of his life, the former Carolyn J. Lacey. Together they have three daughters and four grandchildren. John and Carolyn's daughters are: Lisa Marie, an attorney with the law firm of Jones Day in New York City, Julie Lynn Piazza, a personal chef, and Jennifer Mary Cirando-Zulak, a contracts negotiator.

As Hon. David E. Peebles remarked of his former mentor and venerable friend, "John consistently has epitomized the level of dedication, professionalism, and civility to which all lawyers should aspire." ■

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Golf Outing Raises a Record \$10,000 for Bar Foundation and Volunteer Lawyers Project

The August 15th Daniel Mathews Jr. Memorial Golf Outing was a tremendous success, raising \$10,000 for the Volunteer Lawyers Project and the Onondaga County Bar Foundation. It was a glorious summer sunny day with a refreshing breeze, which made each of the twenty competitive teams enjoy the camaraderie in getting together at the Pompey Club to support the important missions of the Volunteer Lawyers Project and the Onondaga County Bar Foundation. The Golf Outing has proven to be a cherished annual tradition in the memory of Daniel F. Mathews Jr., which continues to grow.

Congratulations go out to our top teams. The Central NY Lawyer Cup trophy was awarded to the top Bar Association foursome of Judge James C. Tormey III; Bob Jokl, Tony LaValle; and Seth Azria, who also won the Judges and Lawyers Division with their 55 stroke score for 18 holes. In the Mixed Division it was wonderful to celebrate the consistently top team of Lisa Gilels, Gus Nordone, Tom Ryan and Judge Jack Kinsella with a score of 63. The Championship Low Net was won by Lance Cimino, Jake Lovier, Tom Hoey and Matt Hoey with a score of 57. The Women's Division was won by Jennifer Williams, Ami Longstreet, Megan Fallon and Sheila Fallon with a score of 64.

Playing in the tournament were eleven members of our esteemed judiciary, Judges: John Centra; Therese Dancks; Joseph Fahey; Robert Jokl; Jack Kinsella; Anthony LaValle; Dan Mathews; Norman Mordue; James Murphy; Anthony Paris and James C. Tormey III.

A hole-in-one incentive of a \$5,000 golf vacation of your choice was provided by Lance Cimino and Stuart LaRose. Unfortunately not one of the players was able to spur a ball into the cup on the 8th;

although, Matt Hoey hit a shot that landed 17 inches from the pin. The putting contest did provided a win for Judge Jokl who won a Keurig Coffee Maker provided by W. B Mason. Dr. Ken Reagles provided a Callaway Hybrid 3 club which elicited a lively auction.

The Golf Outing Committee: Lance Cimino as Chair, Nancy Caple, Katherine Cook, Sally Curran, Anthony Gigliotti, George Lowe, Paul Mullin and Deborah O'Shea -- were a terrific team in planning this year's outing and in making many significant changes and improvements.

The Onondaga County Bar Foundation, the Onondaga County Bar Association, and the Volunteer Lawyers Project jointly sponsored this event and would like to thank Geddes Federal Savings and Loan as the Event Platinum Level Sponsor; the Mathews Law Firm and the Mathews Family for their Gold Level sponsorship; Hole sponsors: Blitman & King LLP, Bond Schoeneck & King, Chicago Title Company, Cramer, Smith & Miller PC, Empower Federal Credit Union, Fallon, Fallon & Bigsby, Hiscock & Barclay LLP, Justice John Centra Election Committee, Robert Jenkins, Esq., on behalf of Judge Roy, Stewart Title Company; Tee Level sponsors: Hugh Gregg, Esq., David Hayes, Esq., Re Elect Supreme Court Justice Anthony J. Paris, George Lowe, Esq. for the Volunteer Lawyers Project of Onondaga County, Inc., Edward Z. Menkin, Esq., David Pellow, Esq., for the OCBA staff, and Ellen Weinstein, Esq., for their generous donations and support of this annual event. Additionally, we give a special thank you to all golfers, event volunteers and those who donated prizes. Hope to see you all next year!

Deb O'Shea | VLP Pro Bono Coordinator



VIEW FROM THE BENCH

WHAT MAKES A GREAT LAWYER

Hon. Deborah H. Karalunas



Greetings! My name is Deborah Karalunas. On January 1, 2003, I took office as a Supreme Court Justice in the 5th Judicial District. It seems like only yesterday. As a child, I enjoyed putting together puzzles and I suppose that explains why I love my job so much. Every day I come to work a new opportunity awaits me to analyze conflicting stories or positions and creatively piece together a potential solution. Of course, I do that all within the confines of existing law and with the help of a dedicated, professional and amiable staff including judicial law clerk, Tania Anderson, Esq., secretary, Janice Korzyp, and court clerk, Beth Barner. We all work for you!

Let me share a bit of my personal history. I was raised in Ithaca, New York, the product of a distinguished Cornell University professor and an intelligent and loving mother. After graduating from Cornell, I backpacked through Europe for a few months with several of my Cornell classmates. When I returned stateside, I worked as a paralegal in Rochester, New York. One year later, I married George Karalunas and entered Syracuse University College of Law. George and I have three children. Our oldest, Sarah, was born in my third year of law school. Evan and Brian were born while I was in private practice. After graduating from law school, I clerked for United States District Court Judge Howard G. Munson in the Northern District of New York. Thereafter, I joined the law firm of Bond, Schoeneck & King where I represented a variety of corporate, municipal and individual clients in the state and federal courts of New York and other states. Twenty years later, I took the bench. Although I now serve as presiding justice of Supreme Court, Commercial Division, Onondaga County, because "variety is the spice of life," I remain "on the wheel" for the full panoply

of civil cases. New this year, I teach New York Civil Practice at the law school. I really enjoy teaching; it's a lot of fun but also a lot of work. I now better appreciate the toil of my father. In my free time, among other things, I richly spoil my adorable grandchildren, Julian and Alina, and serve as an Elder and Youth Group leader of my church.

The practice of law has changed since I was admitted in 1983. Our clients and the courts rely heavily on technology: cell phones make us accessible 24/7, documents easily can be revised on personal computers, new lawyers conduct legal research electronically, and court papers can be e-filed. There no longer are trials by ambush, but Discovery and Motion Practice are costly making settlement now the norm rather than the exception. Notwithstanding these changes, some constants remain and I'd like to remind you of a few things that distinguish great lawyers from the rest.

GREAT LAWYERS:

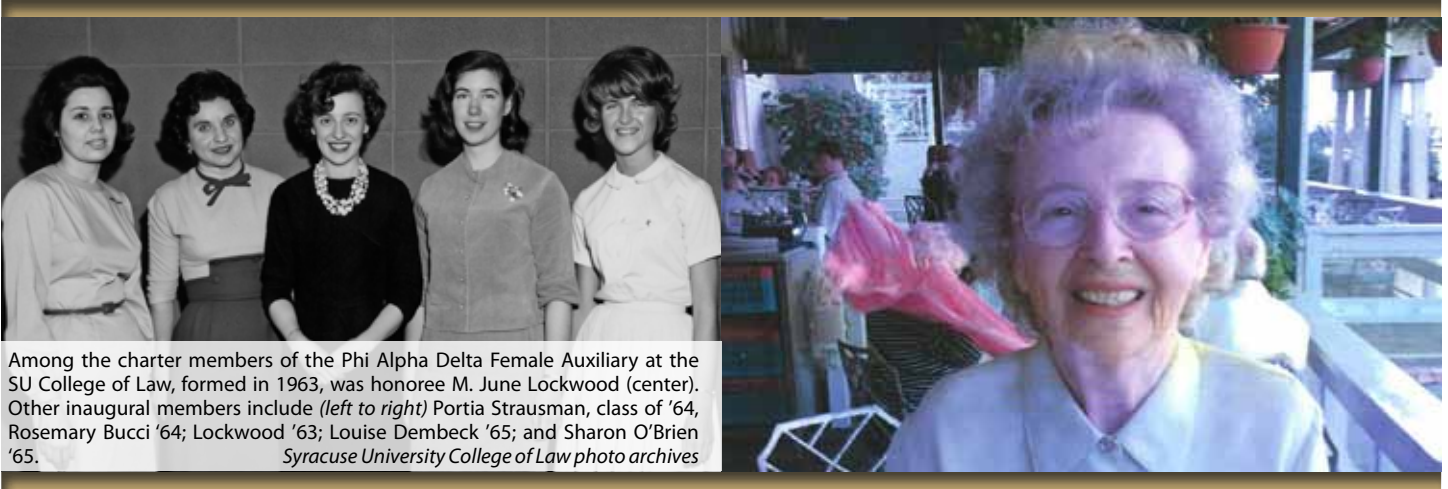
- 1 Value and guard their reputation
- 2 Always tell the truth
- 3 Play nice
- 4 Learn from their mistakes
- 5 Know their goal
- 6 Are always prepared, timely and respectful
- 7 Respond well to constructive criticism
- 8 Get involved in their Bar Association and serve their community
- 9 Have fun and
- 10 Never tell lawyer jokes!

I love the legal community in which I work. I am surrounded by good lawyers doing great things and by talented, caring jurists. Together, we must continue to work to maintain the integrity of the judicial system that helps make our country so great.



ATTORNEY SPOTLIGHT

A Woman of Firsts: 50-Year Honoree M. June Lockwood



Among the charter members of the Phi Alpha Delta Female Auxiliary at the SU College of Law, formed in 1963, was honoree M. June Lockwood (center). Other inaugural members include (left to right) Portia Strausman, class of '64, Rosemary Bucci '64; Lockwood '63; Louise Dembeck '65; and Sharon O'Brien '65. Syracuse University College of Law photo archives

NOTE: Fourteen attorneys are being honored at the Bar Foundation's Annual 50-Year Luncheon on September 12, recognized for their 50 years in the practice of law. A few are unable to attend due to previous commitments or travel plans and one of those is this year's sole female honoree, M. June Lockwood. We therefore choose to launch this new Attorney Spotlight feature by sharing Ms. Lockwood's story with you.

The practice of Law was my calling. It was the Lord's guidance in my life that made it possible to become an attorney.

I worked my way through High School and graduated 1st in my class. I worked my way through undergraduate school by pursuing all my courses at Syracuse University night classes, and graduated 1st in my class.

I attended Syracuse University College of Law and graduated 1st in my class. I was fortunate to receive a full 3-year tuition scholarship in law school.

I was the law clerk for County Court Judges Gale and Orenstein. When Donald H. Mead was elected Supreme Court Justice, I was

his law clerk.

I formed a partnership with Rosemary E. Bucci and we were the first female partnership in Onondaga County. I was the first female director of the Onondaga County Bar Association.

I was awarded a Soroptimist Fellowship and a scholarship from The Business & Professional Women of Syracuse, which made it possible to complete my last year of Law School as at that time one could not work during the school term and have a scholarship. I assisted Professor Richard Anderson in the preparation of his treatise on Zoning.

My law practice has made it possible for me to help many people during my 50 years whether they could afford to pay me or not, which was my expression of thanks and appreciation. It is impossible to thank all the helping hands in my life, but must not omit my husband, Donn J. Panzino, whose unselfish support and loving encouragement and patience have made my career successful.

M. JUNE LOCKWOOD, ESQ.

OCBA Real Property Law Section

Gilbert M. Hoffman, Esq., *Section Chair*

At the OCBA Real Property Law Section meeting on August 21, a sub-committee was created to review and update the form residential contract. Attorneys who have suggestions for ways to improve the contract form currently being used for most residential Onondaga County transactions (the Instanet form), or who have specific ideas to address particular issues that typically come up in residential transactions are urged to send them to one (or more) of the following sub-committee members:

Hugh C. Gregg II	gregg_law_cny@yahoo.com;
Gilbert M. Hoffman	ghoffman@bhlawpllc.com;
Michael J. Hrab	michael.hrab@ctt.com;
Richard H. Sargent	rsargent@1888law4life.com; or
Barbara T. Walzer	bwalzer.law@gmail.com



Pictured from left to right: Mike Hrab, Richard Sargent, Gil Hoffman, Chair, Hugh Gregg II and Barbara Walzer.

WELCOME NEW LAWYERS

Keynote Delivered at Bridge the Gap Luncheon by NDNY Magistrate Judge Dancks

Thank you to the Onondaga County Bar Association for inviting me to speak here today. And thank you to my law clerk and OCBA President Nancy Pontius for your kind introduction. This is a great honor for me and a challenge to hopefully impart a pearl or two of wisdom to you as you begin your career practicing law.

First of all, congratulations and welcome to the next phase of your life. Welcome to the real application of what you learned in law school. Welcome to the brotherhood and sisterhood of the wonderful bench and bar in Central New York. Welcome to the Onondaga County Bar Association. I hope you are all members, or will soon become members. I'll tell you why I think that is so important for your career in a moment.

As I thought about what to say here today, I recalled an essay by author, journalist and columnist Anna Quindlan called *A Short Guide to a Happy Life*. The essay came from a commencement speech she gave at a college and she later published it as a small book. If you've never read it, I encourage you to get a copy of it and take a look. In giving career advice, she writes more about the importance of doing things you love in and outside your work, of being with family and people you love in and outside of your work, of being aware of your surroundings and taking time to notice the view, of keeping it all in perspective.

So, to borrow from Anna Quindlan, here is my short guide to a happy life as a lawyer. And here's the spoiler alert: it isn't always going to be happy. But you can make it happy most of the time. It does take some work, though. I firmly believe you can and will find a sense of purpose in the practice of law, which certainly contributes greatly to the happiness factor. So with that, here I go.

Always practice with integrity, civility and diligence. On integrity, be honest with your supervisors, your peers, opposing counsel, the court. You can hold your client's cards close to the vest and still be truthful. Don't ever forget that your reputation is your greatest asset as a lawyer. Build it as a good one and protect it. Sometimes, you have to advise a client that the law prohibits the course of action they hope to follow. You will have an unhappy client. Do it anyway. Sometimes, you have to advocate your client's position even though you personally disagree with it. That will be unhappy for you. Do it anyway. Sometimes, you might think cutting a corner will make your job easier or help you win. But don't do it. Don't lose your perspective, or your good reputation and good judgment will soon be lost too. The rule of law only works, and justice is served, when lawyers represent their clients zealously and ethically. No case, no client or fee, no advantage in litigation, no escape from a mistake or predicament is ever worth compromising your integrity. Remember that lost trust and a lost good reputation are often impossible to regain.

On civility, all it comes down to is this: be nice. Just be

nice — to everyone. You can be a good advocate for your client without being a jerk. Don't ever take a personal pot shot at opposing counsel in your papers or in legal argument of any kind. Other counsel, adversaries as well as associates and supervisors, deserve your respect. So do all of your clients, and you may not like some of them; so do your co-workers from paralegals, to the legal assistants, to the mail room clerk, the building guard, the janitor. You get the idea. Everyone at the court, not just the judge, deserves your respect too, from the jurors, to the law clerks, to the court clerks, to the county clerks, to the law enforcement personnel, etc. No judge can do their job without a whole bunch of other people helping us, making the court machine work smoothly. If you are rotten to one of them, you are rotten to the judge. And believe me the judge will hear about it. So whether in court or out, you can't go wrong being nice. Never, ever underestimate the power of the schmooze, the power of just being nice.

On diligence, one of my favorite two part sayings is: first, "I'd rather be lucky than good" but more importantly, "the harder I work, the luckier I get." When I was talking about integrity, I spoke of building and protecting your reputation. If you have a strong work ethic, and you practice with integrity and civility, your good reputation will be easy to build. If you are a litigator, become very familiar with the rules of court procedure and evidence. Know the deadlines and abide by them. If you need an extension, ask for it in a timely manner rather than on the day something was due. You'll get a bad reputation that way. Simple things like knowing where the courthouse is, where to park, etc., are very important too. You'll get a bad reputation if you are always late. If you are a transactional lawyer, know the documents and the information needed for every deal and draft the documents and chase all the information down. Be prepared.

Whatever your practice area, take the time and effort necessary to get it right. Get help, take continuing education classes. If you are thinking of branching out into a new practice area, get yourself an education and work with a more experienced practitioner before jumping in alone. Closely watch other lawyers work. I have learned so much over the years watching other lawyers work. If you want to be a litigator, watch trials. We have brilliant trial lawyers in this community.

When it comes to legal communication, whether orally or in writing, get to the point, make the point and move on. Never use a long word where a short one will do. Acknowledge weaknesses, distinguish your case and spin it in the best light possible. If you litigate, remember that judges will disappoint you. If you are in my court, I will disappoint you someday.



Thérèse Wiley Dancks

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Northern District Case Notes



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

Constitutional Law

Dorsett-Felicelli, Inc. v. Cnty. of Clinton, 04-CV-1141(LEK) (7/29/13) – action by providers of early-intervention and pre-school services, asserting claims of retaliation and denial of free speech under First Amendment, arising from county having given independent-contractor status to individual service providers, depriving plaintiff of hundreds of thousands of dollars in yearly gross revenue, in violation of agreement; granting defendants’ motion to dismiss for failure to state a claim.

Employment Discrimination

Pimental v. Magin, 10-CV-0616(GTS) (8/13/13) – action asserting claims of sexual harassment, gender discrimination, and retaliation, filed against N.Y. State Department of Health and one of its employees; granting in part, and denying in part, defendants’ motion for judgment on pleadings; and granting in part, and denying in part, plaintiffs’ cross-motion for leave to file a Third Amended Complaint.

ERISA

Dubee v. Scammell, 12-CV-1213(LEK) (8/12/13) – employee-benefits action alleging that defendants violated terms of Employee Stock Accumulation and Retention Plan by not allocating plaintiff sufficient shares of company stock and by undervaluing those shares that plaintiff was awarded; denying defendants’ first motion to dismiss; denying defendants’ second motion to dismiss to the extent that it seeks to have plaintiff’s amended complaint stricken; and permitting further briefing as to whether six claims of amended complaint should be dismissed.

False Claims Act

U.S. v. Empire Educ. Corp., 11-CV-0035(DNH) (8/13/13) – qui tam action against educational institution asserting claims under False Claims Act, arising out of claims presented by defendant to obtain amounts from U.S. Department of Education pursuant to Title IV of Higher Education Act; granting in part, and denying in part, defendant’s motion to dismiss for failure to state a claim under Fed. R. Civ. P. 12(b)(6) and 9(b); dismissing six of plaintiff’s seven causes of action without prejudice under Fed. R. Civ. P. 9(b), and granting plaintiff leave to file an amended complaint.

Indian Land Claim

Stockbridge-Munsee Cmty. v. New York, 86-CV-1140(LEK) (7/23/13) – action asserting claims under federal common law, Nonintercourse Act, and 1794 Treaty of Canandaigua, seeking possession of thirty-six square miles of land in State of New York, and related damages; granting government-defendants’ motions

to dismiss; granting defendant-intervenor’s motion to dismiss for lack of subject-matter jurisdiction and failure to state a claim; and dismissing plaintiffs’ amended complaint.

Intellectual Property

Briggs & Stratton Corp. v. Chongqing Rato Power Co., Ltd., 13-CV-0316(LEK) (7/23/13) – patent-infringement action by manufacturer of “Ferris”-branded lawn mower against manufacturer of “Raven”-branded lawn mower; denying plaintiffs’ motion for an order preliminarily enjoining alleged patent infringement.

Lending

McLean-Laprade v. HSBC, 12-CV-1774(LEK) (7/30/13) – action under Truth in Lending Act, Estate Settlement Procedures Act, Fair Credit Reporting Act, Fair Debt Collection Practices Act, and state law, asserting claims for, inter alia, breach of contract, predatory lending, and deceptive trade practices; granting defendant’s motion to dismiss for failure to state a claim.

Negligence

Phila. Indem. Ins. Co. v. Jerome Fire Equip. Co., 09-CV-1104(GTS) (8/12/13) – insurance subrogation action arising from fire in kitchen of clubhouse of Highland Park Golf Course, asserting claims of negligence, breach of contract, and breach of express and implied warranties against four entities; granting in part, and denying in part, defendants’ four motions for summary judgment.

Procedure – Motion for Default Judgment

U.S. v. Kelly, 12-CV-1204(LEK) (7/30/13) – action alleging default on promissory note; denying without prejudice plaintiff’s motion for default judgment pursuant to Fed. R. Civ. P. 55(b), because plaintiff failed to comply with Local Rule 55.2(b) of District’s Local Rules of Practice by not including a copy of its complaint with its motion for default judgment.

Racketeering

Denny v. Ford Motor Co., 11-CV-1239(DNH) (8/13/13) – action by two former-products-liability litigants asserting claims sounding in fraud and violations of RICO, alleging that but for defendant’s fraud and conspiracy during pre-trial and trial phases of prior action, plaintiffs would have recovered more damages because jury would not have found plaintiffs comparatively negligent and would have awarded punitive damages; granting defendant’s motion to dismiss plaintiffs’ amended complaint for failure to state a claim.

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The program will feature a screening of the Spike Lee documentary, *Four Little Girls*, and a discussion by Judge Helen Shores Lee, 9th Judicial Circuit, Jefferson County, Alabama, and author of *The Gentle Giant of Dynamite Hill: The Untold Story of Arthur Shores and His Family's Fight for Civil Rights*.

Judge Helen Shores Lee personally experienced the racial violence which gripped Alabama in 1963. Judge Lee's father, Arthur Shores, was a local African American civil rights attorney in Birmingham. His clients included Dr. Martin Luther King; Autherine Lucy, the first African American to seek admission to the University of Alabama; and Vivian Malone and James Hood, whose entry to the University of Alabama was blocked by Gov. George Wallace. Attorney Shores and his family were targeted by the Klan. The Shores' home was bombed in August and early September 1963. Just over a week after the bombing of the Sixteenth Street Baptist Church, another bomb exploded on the street near the Shores' home.

The Cold Case Justice Initiative, advocates on behalf of families of the victims of unsolved racially-motivated crimes during the civil rights era to hold perpetrators accountable for their crimes. CCJI also works in collaboration with communities and multidisciplinary departments to raise public awareness about the extent and effect of racial violence on individuals and families and society at large. The program, *FOUR LITTLE GIRLS* is co-sponsored by the Office of the Chancellor, the Office of the Vice Chancellor, the Office of Multi-cultural Affairs, the Department of African American Studies, the Department of Women's and Gender Studies, the Democratizing Knowledge Project, and the Black Law Students Association at Syracuse University.

Syracuse University College of Law Cold Case Justice Initiative

Grant Auditorium, SU College of Law
Sunday, September 15, 2013
4:00 pm - 6:30 pm

The Cold Case Justice Initiative at Syracuse University College of Law presents a program to remember the 50th anniversary of the bombing of the Sixteenth Street Baptist Church, in Birmingham, Alabama, that occurred on Sunday, September 15, 1963. The Program is free and the public is welcome to attend. Free parking is available at Irving Garage, Syracuse University Campus.



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OCBA Senior Lawyers Section Update

Neil Gingold, *Section Chair*



Nearly 20 OCBA members and their guests enjoyed a beautiful 3-hour Jazz Dinner Cruise on the Erie Canal on August 7, hosted by OCBA's Senior Lawyers Section. This cruise followed a similar cruise held in 2011 and looks to become an annual event, open to all members of the Association who enjoy the opportunity to visit with colleagues in an informal setting. Thanks to Senior Lawyers Section chair Neil Gingold for coordinating the evening, and to Mid-Lakes Navigation for providing the excellent meal and music aboard the Emita II.

SAVE THE DATE

ONONDAGA CASA | **Light of Hope Breakfast 2013**

Tuesday | **SEPTEMBER 24, 2013** | Drumlins
Registration 7:30 am | Breakfast at 8:00 am

2013 Honorees | Karen Docter, Esq. and Karen Dygert, N.P. at ENHANCE

For more information contact Betty Carroll at 422-5638 ext. 223
bcarroll@communityalternatives.org

VLP Seeks Volunteers for New Family Court Clinic

Sally Curran, Executive Director Volunteer Lawyers Project

The Volunteer Lawyers Project is excited to announce the formation of a new VLP Family Court Clinic that will open in October to help Pro Se litigants with preparing custody, visitation and child support petitions. We are looking both for experienced family law attorneys and attorneys new to the area of family law who are interested in learning the process. There will be a free CLE Family Law Training for volunteers of the clinic that will take place Wednesday, October 2, 2013 from 12:00 – 4:00 p.m. at the Onondaga County Courthouse.

Consistently the greatest need that we see for free legal assistance for low income people in Onondaga County is for custody, visitation and child support matters. While the Hiscock Legal Aid Society and the Onondaga County Assigned Counsel Program are able to meet much of this need, neither program is able to assist low-income community members with preparing petitions in these matters. This leaves a considerable number of people without legal advice or guidance when preparing the petitions. VLP has consulted with many stakeholders, including Judge Walsh Hood, Chief Clerk David Primo, Onondaga County Bar Association (OCBA) Family Law Section chair Robert Jenkins, OCBA past president Mary John, Hiscock Legal Aid Society attorneys Susan Griffith, Sharon Sorkin and Bryn Lovejoy-Grinnell and the Vera House Domestic Violence Clinic coordinator, to develop a program to address this

need. With their input, VLP is creating this clinic to meet a critical community need and in the process hopefully improve the overall quality of Pro Se petitions (thereby reducing the time spent by the court and court-appointed counsel on amending petitions).

Beginning in October, once a week (Wednesdays from 12:00 p.m. – 3:00 p.m.) for three (3) hours a volunteer attorney will provide pro bono legal assistance to low-income clients. The attorney will meet with each client one-on-one in the Family Court area, using private space provided by the Court. The attorney will provide advice, counsel and assistance preparing petitions and motions in custody, visitation, and child support matters. The representation of the clients will be limited to the consultation and assistance provided at the clinic, and all clients will sign an acknowledgment of the limited scope of the representation. All conferences will be on a drop-in basis.

If you are interested in volunteering for this new clinic, please contact Sally Curran at 579-2576 or scurran@onbar.org or simply download the CLE sign up form from the OCBA website. The CLE training is free and open to volunteers of the VLP Family Court Clinic and VLP Talk to a Lawyer programs and is co-sponsored with the CNYWBA. The purpose of the training is to prepare Pro Bono attorney volunteers for helping pro se litigants with preparing custody, visitation and child support petitions and advising clients on the family court process. You will receive 4.5 CLE credits for this training, including .5 of ethics.

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possible. If you litigate, remember that judges will disappoint you. If you are in my court, I will disappoint you someday. Don't take it personally. I've been disappointed by judges and it's hard not to take it personally, but try not to. Judges don't write the laws, but if we are doing our job following the law, there will definitely be some decisions you don't like.

This brings me to my next point. Don't be afraid of failure, and learn from it. When you make a mistake, own it, apologize, make amends if necessary and learn from it. In other words, get up when you fall down. Our greatest glory is not in never falling, but in rising every time we fall. Don't let fear paralyze you. Yes, you will be nervous in practice, especially when you do things you've never done before or when you don't have a comfort level yet. I try to prepare as much as possible, but the fear factor is always there to some small degree, keeping me on my toes. Also think about this: I'm a college basketball fan, and I don't really watch the pros, but I read somewhere that Michael Jordan has missed the basket 9,000 times. Love him or hate him, he is probably one of the greatest basketball players of our time. He lost almost 300 games. Twenty-six times he's been trusted to take the game winning shot — and missed. Yet Jordan has been quoted as saying, "Over and over again I have failed. And that is why I succeed." So don't be afraid of failing.

Now to help you succeed, I encourage you to find a mentor, and it may not be someone exactly where you work so keep your eyes and ears open. It may not always be the same person as you grow professionally through the years. A mentor can help you manage your career and reach your goals. Identify some criteria in what you want to learn, what you are seeking, and find a person with the specific skill set that you want to develop and improve. I was fortunate to find a mentor who became my business partner and dear friend, Cathy Gale, and I learned so much from her about the practice of law, being a litigator and trial attorney, and running a business. And what I miss most about practicing is practicing with her. But remember that a mentor is a coach, a guide on the side. The mentor will challenge your bad habits and blind spots. Cathy challenged mine all the time and I was better for it. Take the heat and learn from it. That's the point of the relationship — to learn, and to improve. To the more experienced lawyers in this room, be a mentor. Even if you only can take an hour or two here and there, share your knowledge. Then to you newbies, pay it forward when you get more experience. You might think you don't know anything, but a lawyer three or five years out of school knows way more than a rookie fresh out.

One place to find a mentor is through bar association involvement, which brings me to my next tip. Get involved in your communities. Join the bar association, but also actually get involved in a committee. When you know another lawyer from serving on a committee, you get to know something about them and their families. Then when you are sitting across the table from them in a deposition or a court proceeding or a deal, you are much more likely to

be civil to each other, to be nice. Bar association activities will enhance your practice and your reputation, but more importantly you will do good for your chosen profession. People make fun of us and tell a lot of jokes about lawyers, but the truth is we help people, and sometimes we need help. Do pro bono service which is so vital to our rule of law too. It isn't an even starting line when one party is unrepresented. In a moment of frustration I was having recently in that regard, my law clerk Courtenay McKeon reminded me that the true measure of a great society is how we treat the least among us. You have a talent, so use it. Your help is needed by the least among us.

If bar association activities don't interest you, find an organization in whose work and mission you believe and help out. Notwithstanding the jokes about lawyers, another truth is people look up to lawyers and you will be leaders in your communities. Anna Quindlan wrote, "All of us want to do well, but if we do not do good too, then doing well will never be enough." Use your time and talent to make a small corner of the world a bit better.

As you build your career, don't forget about your corner of the world outside the law too. You will be a much better lawyer if you have other interests. You won't be able to understand your clients' lives if you don't have a life of your own. Make time for your family. Remember that being a lawyer is what you do, it is only a part of who you are. You have to measure your success by what you had to give up to get it. If you give up your family, your friends, your spiritual life, things that give you joy outside the law like art or music or sports, then you have given up too much, and you will not find a happy life in the law no matter how big your paycheck. Finally, I challenge you to practice gratitude. You didn't get here alone. I didn't get here alone. People helped me all the time along the way; they still do. People helped you, made sacrifices for you. Thank them. A sense of appreciation for what we have — the gifts of gab, of education, of reason and logic, of championing justice for all — will go a long way to tip the happiness scale for you. It has been said, and I agree, that lawyering is the height of service — and being involved in this profession is a gift because no matter who we represent we are trying to help someone, whether an individual or a company (which is really just made up of people). As human beings, not just lawyers, I believe we are profoundly connected to one another. A simple word or two of appreciation, of reaching out to make that connection — with a sense of humor and proportion about life's journey in and outside the law — that connection is more powerful than anything you can ever do as a lawyer. Gratitude is what makes what is excellent in others belong to us as well.


With that, I thank you for listening to me. I wish you all happiness and success in your careers and more importantly in your lives. I look forward to sharing your excellence, watching you grow as lawyers. I look forward to seeing you in court, at bar association events, and at the ball game or the concert or the park or even the grocery store with your families. Thank you very much again. Now go out and make your own luck.



The Onondaga County Bar Association received the prestigious Harrison Tweed Award

from the American Bar Association at its Annual Meeting in San Francisco last month. The Award recognizes a bar association for extraordinary efforts to develop or significantly expand programs to increase access to civil legal services for the poor. OCBA and its Volunteer Lawyers Project (VLP) was recognized for its successful and growing pro bono programs in many areas. Honoring OCBA at the awards presentation were: I. to r.: David Schraver, President, New York State Bar Association; Sally Curran, Legal Director/Executive Director, OCBA Volunteer Lawyers Project; Don Saunders, Vice President for Civil Legal Services at the National Legal Aid & Defender Association; and Lisa Wood, Chair, ABA Standing Committee on Legal Aid and Indigent Defendants.

2013 FAMILY MATTERS TRAINING SERIES: ONONDAGA FAMILY COURT
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- Family Support Center
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 - Hope Program
 - DSS
 - Visits For Incarcerated Parents
 - Visit Host Program

This program will increase the knowledge and understanding of how to responsibly and thoughtfully increase the frequency, duration and quality of visits for children placed out of the home as well as identification and engagement of relatives.

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This program has been approved by the New York State Judicial Institute in accordance with the requirements of the NYS CLE Board for a maximum of 2 MCLE credits Professional Practice.



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COMMERCIAL LITIGATION CLE OFFERS 19 DISTINGUISHED LECTURERS AND ACCLAIMED THOMSON REUTERS TREATISE, FOR BARGAIN PRICE

The Onondaga County Bar Association will present a very special CLE program Thursday, October 10, 2013: "Advice From the Experts: Successful Strategies for Winning Commercial Cases in New York State Courts."

The format is exciting, the speakers are superstars, and all registrants will 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, and a CD-ROM containing forms and jury instructions – a regular \$680.00 retail value. OCBA's total package price for both the program and the treatise is just \$250 for Onondaga County Bar Association members (\$300 for non-members).

At the program, an extraordinary panel of two distinguished judges, 15 well known commercial litigators, and two prominent in-house counsel for major corporations will provide practical advice and strategies for winning commercial cases in New York State courts. The program will begin with discussion of the strategic issues involved in case investigation and evaluation. The next topic will be deposition techniques. Also covered will be ethics for business litigators. Trial advocacy and appellate advocacy will be discussed in detail as well as settlement strategies. The program concludes with insights into the client's perspective of business litigation.

This program will use an exciting, interactive format. The speakers will focus on strategies and practical advice for maximizing the effectiveness of each stage of the litigation. In particular, they will discuss techniques for advancing a client's interests as well as potential pitfalls or traps for the unwary.

The program chairs are George H. Lowe of Bond Schoeneck & King PLLC, John L. Murad, Jr. of Hancock Estabrook, LLP, and Robert L. Haig of Kelley Drye & Warren LLP in New York City.

The speakers include Presiding Justice Henry J. Scudder of the Appellate Division for the Fourth Judicial Department and Onondaga County Commercial Division Justice Deborah H. Karalunas. Other speakers are the following leading litigators: Robert A. Barrer, Hiscock & Barclay LLP; A. Vincent Buzard, Harris Beach PLLC; Janet D. Callahan, Hancock Estabrook, LLP; Maureen G. Fatcheric, Costello, Cooney & Fearon, PLLC; Jonathan B. Fellows, Bond Schoeneck & King PLLC; Michael E. Getnick, Getnick Livingston Atkinson & Priore, LLP; Stephen T. Helmer, Mackenzie Hughes LLP; Mitchell J. Katz, Menter, Rudin & Trivelpiece, P.C; John P. Langan, Hiscock & Barclay LLP; John G. McGowan, Bond Schoeneck & King PLLC;

Julian B. Modesti, Menter, Rudin & Trivelpiece, P.C.; James R. Muldoon, Harris Beach PLLC; Doreen A. Simmons, Hancock Estabrook, LLP; Robert J. Smith, Costello, Cooney & Fearon, PLLC; and Samuel Vulcano, Sugarman Law Firm. Also speaking will be the following General Counsel of major corporations: George J. Getman, Executive Vice President and General Counsel, Community Bank System, Inc., and Daniel S. Jonas, Executive Vice President, Legal Affairs and General Counsel, ConMed Corporation.

This program is designed for both newly admitted attorneys seeking an overview of commercial litigation in New York State courts and experienced attorneys seeking to refine and update their litigation skills. The program will take place from 2:00 p.m. to 5:00 p.m. on October 10, 2013 at the SUNY Oswego Metro Center, 2 Clinton Square, in Syracuse. Attendees will receive 3.5 CLE credits (.5 Ethics; 2.0 Skills; 1.0 Professional Practice). For reservations, call 315-471-2667.

The Onondaga County Bar Association will host an **informal reception for Presiding Justice Scudder** immediately after the program.

As noted above, all registrants at the program will receive the critically acclaimed six-volume treatise *Commercial Litigation in New York State Courts*. This publication was written by 144 outstanding attorneys and judges throughout New York State and gives lawyers everything they 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.

Sample forms are provided as well as procedural checklists. In addition, there is comprehensive coverage of 38 areas of substantive law, including strategy, checklists, forms and jury charges. Covered as well are compensatory and punitive damages and other remedies. Hon. Stewart F. Hancock, Jr. and Hon. Deborah H. Karalunas are authors of chapters in this treatise.

The book review of this treatise in the November 2012 issue of the Bar Reporter, written by John L. Murad, Jr., of Hancock Estabrook, LLP in Syracuse, concludes: "I highly recommend *Commercial Litigation in New York State Courts* to the Bar. This treatise is the most authoritative and comprehensive coverage of procedural and substantive commercial litigation in New York State."

The six-volume, 7,769-page set comes with a CD-ROM containing hundreds of forms and jury instructions. All royalties from sales of this publication go to the New York County Lawyers' Association.



Justice Scudder

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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



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I would like to attend: **Successful Strategies for Winning Commercial Cases in NYS Courts** (commercial litigation)

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Firm _____ Email _____

Address _____ City _____ State _____ Zip _____

Check Enclosed Visa, MasterCard, or AmEx Card# _____ Exp. _____

All registrants will receive a copy of the six-volume Commercial Litigation in New York State Courts – a \$680.00 retail value!

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LEGAL BRIEFS

NOTICE TO THE BAR:

Appellate Division Announces 2014 Terms of Court

JANUARY TERM

Monday, January 13 – Friday, January 24

FEBRUARY/MARCH TERM

Monday, February 24 – Friday, March 7

APRIL TERM

Monday, April 7 – Friday, April 18

MAY TERM

Monday, May 19 – Friday, May 30

JUNE TERM (submitted cases only)

Monday, June 23 – Wednesday, June 25

SEPTEMBER TERM

Tuesday, September 2 – Friday, September 12

OCTOBER TERM

Monday, October 20 – Friday, October 31

DECEMBER TERM

Monday, December 1 – Friday, December 12

Judge Hayes Portrait Dedication Slated for September 25

Former Appellate Division Justice Leo F.X. Hayes' portrait will be dedicated Wednesday, September 25, 2013, at 12:30 p.m. in the Ceremonial Courtroom of the Onondaga County Courthouse. Light refreshments will follow the ceremony. All are invited to attend.



The University Building

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Annual Red Mass Scheduled for October 3

All attorneys are welcomed to attend this year's Red Mass, an annual tradition commemorating the opening of a new Court season and honoring those who have passed away from service to the bar as lawyers and judges, police and firefighters. The Red Mass will be held at the Cathedral of the Immaculate Conception (Columbus Circle) on Thursday, October 3 at 12:10 p.m.

Hiscock Legal Aid Society Announces New Staff

The Hiscock Legal Aid Society is pleased to announce the following promotions and three new additions to its growing staff:

Jody L. Agostinelli has been promoted to Senior Attorney in the Family Court Program where she handles cases involving abuse and neglect; custody and visitation; termination of parental rights; paternity; family offenses; and support violations. Ms. Agostinelli joined Hiscock Legal Aid in August 2010 as a Staff Attorney.

Patricia L. Stuart has been promoted to Senior Attorney in the Civil Program. Ms. Stuart began her career as a Staff Attorney with the Society in 2010 and her main practice areas include matrimonial and landlord tenant law; representation of unemployment claimants; and legal services through the Society's Parent Success Initiative Program.

Cynthia M. Garrow has joined Hiscock Legal Aid's Civil Program as a Program Coordinator. She came to the organization from Partners In Parenting, Inc in Camillus where she worked as Assistant Director for six years.

Colleen Murphy joined the Civil Program as a Program Coordinator. Ms. Murphy has worked as an Administrative Assistant and Customer Service Representative at Just The Right Stuff in Syracuse and as an Office Assistant at Lifetouch in East Syracuse.

After completing a two month internship with Hiscock Legal Aid, **Joseph F. Schuss** has joined its Family Court Program as a Program Coordinator. Prior to joining the Society, Mr. Schuss spent 14 years as a Private Investigator at S.A. Showers Investigations, Inc. in Minoa.

To learn more about Hiscock Legal Aid Society or to donate visit:
www.hiscocklegalaid.org.

Retirement Party for Support Magistrate Kathryn Davies

Celebrate Kathryn Davies' retirement on October 25, 2013 from 12:00-2:00 p.m. The cost is \$20.00 per person which includes food and gift. Onondaga Family Court House, 401 Montgomery Street, Part 5, Judge Mulroy's courtroom. (2nd floor) Buffet catered by Gentiles includes the following Please RSVP to Sue Ottaviano 315-671-2017, Tonya Younis 315-671-2062 or Diane Taskovski 315-671-4273 by September 27.

P. Scott Micho Joins Tully Rinckey PLLC's

Tully Rinckey PLLC has added another prominent divorce attorney to its upstate-wide family and matrimonial team: Mr. Micho joined the firm as a partner. He will continue representing high net worth parents, spouses, and other parties in divorce, separation, child custody, child support, spousal maintenance, orders of protection, and equitable distribution matters. Mr. Micho received his juris doctorate from Albany Law School of Union University. He has been a member of the Onondaga and New York State Bar Associations as well as the National Association of Criminal Defense Lawyers, the New York State Defenders Association, and the American Trial Lawyers Association.

In Memoriam

Richard J.P. Hanlon
January 16, 2013

Bruce G. Soden
February 10, 2013

A. Victor Chini
March 28, 2013

Ronald J. Pelligra
June 23, 2013

Morris B. Swartz
August, 2, 2013

Donald A. Marshall
August 9, 2013

Please advise OCBA of any attorneys we many have missed

BAR BOARDS:

Mid-size Syracuse Law Firm has Opening

Mid-size Syracuse law firm has opening for business lawyer with 3-to-8 years experience in business formation, shareholder agreements, acquisitions, financing and negotiations. Please send responses in confidence to Box F, Onondaga County Bar Association, 1000 State Tower Building, 109 S. Warren St., Syracuse, NY, 13202-1860.

Office Relocation: Alario & Fischer, P.C.

Alario & Fischer, P.C. is pleased to announce the relocation of its law office to 5 Adler Drive, Suite 4, East Syracuse, NY 13057, effective September 6, 2013. There will be no change to the firm's phone number, fax number or email addresses.

Counsel to the SRAA at Hancock

The Syracuse Regional Airport Authority seeks to fill the full-time position of Counsel to the SRAA at the Syracuse Hancock International Airport. Applicants must have five (5) years of progressively responsible experience in the practice of law within New York State, two (2) years of which must have involved experience with municipal law or the Public Authorities Law. Salary range starts at \$80,000/yr plus excellent fringe benefits including membership in the NYS Employee Retirement System. Send resume and references by Friday, September 20, 2013 to: Christina R. Callahan, Syracuse Hancock International Airport, 1000 Col. Eileen Collins Blvd., Syracuse, NY 13212.

Legal Nurse Consultant seeking Full Time Position

Experienced legal nurse consultant (LNC) with successful independent practice seeks full time in-house LNC position with a busy medical malpractice law firm. Skilled behind the scenes case analysis for liability, causation and damages, organize medical records, chronologies, summaries, medical literature searches, cite standards, obtain and prepare experts, develop questions for deposition & trial, prepare charts & timelines. Attorney references provided.

Alumni Reception

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Tuesday | **September 24, 2013** | J. Ryan's Pub | 253 East Water St.
5 - 7:30 pm | Refreshments | Cash Bar

MEET THE CNY BUFFALO ALUMNI JUDICIARY GUESTS

Hon. Donald F. Cerio, Jr. | Syracuse | '83
Hon. Joseph E. Fahey | Syracuse | '03
Hon. Erin P. Gall | Utica | '96
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Hon. Michael L. Hanuszczak | Syracuse | '84
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Hon. Patrick F. MacRae | Rome | '79
Hon. James P. McClusky | Watertown | '88

RSVP Requested: info1@onbar.org | 315-471-2667 | BY FRIDAY, SEPTEMBER 20

APPEALS

Civil, Criminal, Administrative
Referrals Welcome
(315) 474-1285

John A.

CIRANDO

Attorney at Law

Suite 101
M&T Bank Building
101 South Salina Street
Syracuse, New York 13202

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OCBA CONTINUING LEGAL EDUCATION

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 | 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 | Druce Education Center | Member \$40 | Paralegal \$30 | Agency, Lifetime \$0 | Non-Member \$40

Volunteer Lawyers Project (VLP) & Central New York Women's Bar Association |

FAMILY COURT CLINIC TRAINING | 12:00 - 4:00 p.m. | MCLE 0.5 Ethics | 2.0 Skills | 2.0 Professional Practice

Wednesday, October 2, 2013 | Rm 400 | Onondaga County Court House | FREE to volunteers | pro bono legal service

DONALD C. DOERR | PAT NOLL

SUPREME COURT PRACTICE AND PROCEDURE - REALITY 101 | 12:00 - 2:00 p.m.

MCLE 0.5 Ethics | 0.5 Skills | 1.0 Professional Practice

Thursday October 24th | Druce Education Center | Member \$40 | Paralegal \$30 | Agency, Lifetime \$0 | Non-Member \$60

SEAN CARTER, ESQ. | ETHICS HUMORIST | New High Peaks Club 20th Floor State Tower Building

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 | Member \$70/\$120

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 | Druce Education Center | Member \$40 | Paralegal \$30 | Agency, Lifetime \$0 | Non-Member \$60



Seminar _____ Fee _____ Seminar _____ Fee _____

Seminar _____ Fee _____ Seminar _____ Fee _____

Seminar _____ Fee _____ Seminar _____ Fee _____

Attendee(s) _____ Phone _____

Firm _____ Email _____

Address _____

Check Enclosed Will bring Check to CLE CC Card# _____ Exp. _____

ONONDAGA COUNTY BAR ASSOCIATION | 1000 State Tower Building | 109 S. Warren St. Syracuse, NY 13202-1860 | Attention: Chele Stirpe

Phone: 315.579.2578 | Email: cstirpe@onbar.org | Fax: 315.471-0705

