



ONONDAGA COUNTY BAR ASSOCIATION BAR REPORTER



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1000 State Tower Building | 109 South Warren Street | Syracuse, NY 13202 | 315.471.2667

The Winning Advocate: Persuasive Writing & Oral Skills

Bruce Bryan | *Bryan Appeals*

As a young lawyer, I wondered what made great advocates great. Were the skills of an effective advocate innate to them or could they be learned?

John W. Davis was a skilled advocate in the early twentieth century. He rode circuit through the mountains of West Virginia and rose to become Solicitor General of the United States. After forming Davis Polk, the New York City Bar Association asked him to tell their members how to become effective advocates. His answer was disappointing in its simplicity, yet complex in its application. He said the winning advocate understands that his object is to persuade.

“Whatever tends to attract judicial favor to the advocate’s claim is useful. Whatever repels it is useless or worse.” To Davis, “the whole art of the advocate consists of choosing the one and avoiding the other.” Most importantly, the skills of an effective advocate could be learned.

In the past twenty-five years I have learned how to make effective written and oral arguments to trial and appellate judges. I have researched and applied the advice of the great lawyers and judges. As an Adjunct Professor at Cornell Law School, I teach a course on Advanced Persuasive Writing and Oral Advocacy. It has honed my skills and taught me how to teach others. There are many skills possessed by effective advocates. I will mention three.

First, effective advocates know their audience. You must understand how judges think. Like an archer who pulls back a bow and aims an arrow at a target, you must have one aim – to persuade the judge to rule in your favor. Measure all you say and do by this standard. Judges think analytically but are also human. They are persuaded by logic and reasoning yet can be affected by sympathetic or adverse facts. Focus judges on the best reasons to win. Accurately emphasize strengths and explain weaknesses in your position.

Second, effective advocates understand principles of

psychology. Among other things, apply the rule of primacy which holds that what is said first has great power. Employ the rule of recency which holds that what is said last is most memorable. Use the rule of repetition in moderation. Repeat a memorable phrase to make a lasting impression.



Third, effective advocates make the complex simple. You can’t persuade if you’re not understood. Judges are busy and their time is limited. Arguments must have a “blue line.” I call it the “blue line” because it comes from a story I was told by a local pastor. His wife had a brain tumor and the best chance to save her was an operation performed by a renowned neurosurgeon in Boston. Among other things, the couple was afraid they wouldn’t find the neurosurgeon’s office in the complex of buildings where the surgery was to be performed. The day came and they traveled to Boston. With trepidation, they entered the hospital’s main doors, went to the receptionist’s desk, and asked how to find his office. The receptionist replied: “It’s very simple. You see the elevators over there,” she said as she pointed. “Take an elevator to the fifth floor, get off, look down at the floor and you’ll see a painted blue line. Follow the blue line and it will take you right there.” They did as she said and easily found his office. A legal argument must be that simple to follow.

We each have the ability to be great advocates, whether to judges or others. To persuade judges, learn how they think – what attracts and what repels. Logic and reason play a key role but so does psychology. Because the chance to persuade is brief, make the complex simple and show judges the “blue line” to winning.

Beginning this April, Bruce will teach a series of CLE classes for the OCBA entitled “The Winning Advocate | Persuasive Writing and Oral Skills in Trial and Appellate Courts.”

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 2014 EVENTS :

- Meet & Greet for Newly Admitted Thursday | April 3rd
- Bruce Bryan | CLE Writing Series Wednesdays | April 30 thru May 28
- Annual Law Day Luncheon Friday | May 2



from THE PRESIDENT

WANTED: NEW MEMBERS

In my first President's Message in January, I wrote that "My ideal was to have an organization that everyone wants to be a part of." Although I realize that perhaps that ideal might be a bit unrealistic, it is not unrealistic to strive to create as many relevant opportunities as we possibly can for local attorneys to encourage them to become involved, or more involved, in the OCBA.

Toward that end, the OCBA Board of Directors recently approved the creation of the Young Lawyer's Section, the Law School Section and the Litigation Section.

The Young Lawyer's Section replaces the former New Lawyer's Section and will hopefully provide newly admitted attorneys, as well as attorneys who are relatively new to the practice, with social, educational, networking and mentoring opportunities that will both benefit and enhance their practice of law. I fully appreciate that the definition of a "young lawyer" is a relative term. Having just completed my 28th year of practicing law, I still consider myself a "young lawyer." That being said, this section welcomes anyone who approaches the practice with enthusiasm, a continued desire to learn and exchange new ideas, and a willingness to always strive to improve the quality of our profession. If you are interested in becoming a member of the Young Lawyer's Section, or if you have any questions about the section, please contact me or the bar office at 471-2667.

The Law School Section will attempt to achieve the same goals as the Young Lawyer's Section by working cooperatively with the Syracuse University College of Law as well as with other area law schools. Law students can become members of the OCBA at no cost, and will be encouraged to participate in OCBA activities, particularly in social, networking, and CLE events, and with the Volunteer Lawyers Project.

On April 3, 2014, the OCBA and the CNY Women's Bar Association are co - sponsoring a reception at the Bull & Bear Pub in Hanover Square from 5:00 p.m. - 7:00 p.m. welcoming local newly admitted attorneys and attorneys interested in becoming involved in the Young Lawyer's Section. The event is free of charge and refreshments will be served. As always, all are welcome and encouraged to attend.

The Litigation Section hopes to organize the vast talents of the fine trial attorneys and litigators - both civil and criminal - who practice in Onondaga County. Again, through social, networking and more topic specific CLE events, it is our hope that this section will serve to enhance the quality of our practice.

If you are not currently a member of the OCBA, I hope that these efforts will at least begin to spark your interest in becoming a member. If you are already a member, I hope that these efforts will encourage you to become more involved in the OCBA.

We are only as strong and vibrant as our membership. More efforts are on the way.

Thank you for being a part of the OCBA. Thank you for your continuing support of the OCBA. Thank you for what you do.

Nicholas J. DeMartino | OCBA *President*

SUPREME COURT OF THE STATE OF NEW YORK

Appellate Division, Fourth Judicial Department

Pursuant to the authority conferred by law upon the Appellate Division of the Supreme Court of the State of New York for the Fourth Judicial Department, it is



ORDERED that, effective immediately, the Rules of the Supreme Court, Appellate Division, Fourth Judicial Department (22 NYCRR part1000) are hereby amended to read as follows (amendments are indicated in bold and either material in brackets is deleted or material underlined is added):

(1022.31)

CONTINGENT FEES IN CLAIMS AND ACTIONS FOR PERSONAL INJURY AND WRONGFUL DEATH

(c) Such percentage shall be computed **by one of the following two methods, to be selected by the client in the retainer agreement or letter of engagement:** (i) on the net sum recovered after deducting from the amount recovered expenses and disbursements for expert testimony and investigative or other services properly chargeable to the enforcement of the claim

or prosecution of the action; or (ii) **in the event that the attorney agrees to pay costs and expenses of the action pursuant to Judiciary Law § 488(2)(d), on the gross sum recovered before deducting expenses and disbursements. The retainer agreement or letter of engagement shall describe these alternative methods, explain the financial consequences of each, and clearly indicate the client's selection.** In computing the fee, the costs as taxed, including interest upon a judgment, shall be deemed part of the amount recovered. For the following or similar items there shall be no deduction in computing such percentages: liens, assignments or claims in favor of hospitals, for medical care and treatment by doctors and nurses, or of self-insurers or insurance carriers.

Entered:
March 4, 2014



FOR THE COURT:
Hon Henry J. Scudder
Presiding Justice

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Spotlight on Problem Solving ONONDAGA COUNTY FAMILY TREATMENT COURT

This year marks the 10-year anniversary of the Onondaga County Family Treatment Court, a specialized problem-solving court that seeks to preserve families impacted by substance abuse. Since 2004, the court has served a total of 126 families in crisis. Nearly half of these families have successfully completed the program, resulting in parent-child reunification or the prevention of child placement outside the family. The Family Treatment Court (FTC) also curtails the financially costly revolving door of future substance abuse rehabilitation admissions, incarceration, and social service expenditures.

The FTC handles child neglect cases filed in Onondaga County Family Court in which parental substance abuse is a significant contributing factor. Respondents in these cases are evaluated to confirm chemical dependency and determine their suitability for the FTC program. Interested respondents must enter an admission to the neglect petition before entering the program.

Building on the criminal drug court model pioneered in the 1990s, the FTC uses a team approach to link participants with substance abuse treatment and other needed services, such as parenting education, trauma counseling, adult education programs, and employment assistance. At the same time the court holds participants accountable through rigorous court monitoring, random drug screens, and case management by the FTC Coordinator.

Family Court Judge Michael Hanuszcak presides over the FTC and receives reports from Coordinator Terri Gooley, attorneys, treatment providers, and the Onondaga County Department of Children and Family Services in order to make informed decisions in each case. Participants typically spend 12-18 months in the program, during which time they progress through several phases of treatment and other requirements before becoming eligible for graduation. The graduation ceremony includes guest and FTC alumni speakers who recognize the achievement of the graduates.

For many of the graduates, it is their first successful completion of any type of educational or substance abuse prevention program.

FTC gives participants the opportunity to increase parenting time with their children as they establish sobriety and become more stable in treatment. A system of incentives helps reward participants for making progress in the program.



Terri Gooley | Hon. Michael L. Hanuszcak

The FTC holds an annual Holiday party for participants and their families. Santa Claus attends the party and gives each child a small gift. Children in foster care are brought to the party by their caseworkers or family members (in relative placement cases). The Holiday party provides a healthy family interaction and gives the children an enjoyable experience. Gifts have included clothing, toys, books, diapers, and other essential items. All gifts are donated to the FTC by Holy Cross Church of Dewitt.

Ultimately, FTC aims to help parents achieve sobriety and develop the capacity to be effective parents. Successful participants can break the cycle of addiction, achieve family reunification, and prepare themselves for long-term family stability. The court addresses some of the most challenging cases in the court system and has successfully helped reunify dozens of families.

**FOR MORE INFORMATION ABOUT
FAMILY TREATMENT COURTS PLEASE VISIT:**

www.nycourts.gov/courts/nyc/family/faqs_familytreatment.shtml OR
www.nadcp.org | www.courtinnovation.org.

Northern District Case Notes



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

Attorney's Fees

Deferio v. Bd. of Tr. of State Univ. of New York, 111-CV-0563(GTS) (1/27/14) – civil rights action by traveling evangelist asserting free-speech claim under First Amendment; granting in part, and denying in part, plaintiff's motion for attorney's fees and cost, and awarding him \$34,772; finding that plaintiff was prevailing party in the settled action despite that he did not prevail on his motion for preliminary injunction, which was rendered moot only because it prompted a change in the challenged policy.

Breach of Contract

DS Parent, Inc. v. Teich, 113-CV-1489(LEK) (2/10/14) – action for breach of contract against former employee based on noncompete, nonsolicitation and nondisclosure agreements; denying plaintiffs' motion for preliminary injunction enjoining former employee from working for his current employer, based on failure to demonstrate that noncompete agreements bound former employee or that plaintiffs have protectable interests; and dissolving temporary restraining order.

Civil Rights

Sullivan v. WSWHE BOCES, 13-CV-0715(TJM) (1/17/14) – action by teacher suffering from Tourette Syndrome asserting claims of disability discrimination under ADA and 42 U.S.C. § 1983; granting defendant's motion to dismiss claims brought under 42 U.S.C. § 1983, and claims based on discrete acts occurring before May 3, 2011; but denying defendant's motion to dismiss based on insufficient service of process and lack of personal jurisdiction.

Copyright Infringement

Buttner v. RD Palmer Enter., Inc 13-CV-0342(LEK) (11/27/13) – action for copyright infringement, breach of contract, unjust enrichment and unfair competition arising from creation of architectural drawings for renovation of gas station; granting defendant's motion for judgment on pleadings regarding (a) plaintiff's claims for unjust enrichment and unfair competition, because they are preempted by Copyright Act, and (b) plaintiff's request for punitive damages, because they are not available on his remaining claims.

Discovery

M.B. v. CSX Transp., Inc., 12-CV-0825(GTS/RFT) (1/31/14) – diversity action by parent against train owner/operator arising from striking of infant on railroad tracks by crossing train; granting defendant's motion, pursuant to Fed. R. Civ. P. 16(f) and 37(b), to preclude plaintiff's experts based on plaintiff's failure to timely serve expert reports, pursuant to Fed. R. Civ. P. 26(a)(2).

Employment Discrimination

Kemp v. CSX Transp., Inc., 11-CV-0706(DNH) (1/27/14) – action by Black railroad employees against employer under 42 U.S.C. § 1981 and New York Human Rights Law, alleging they were subjected to disparate treatment by being terminated and/or disciplined more harshly than non-minority colleagues, and subjected to hostile work environment; granting in part, and denying in part, defendant's motion for summary judgment.

Lelio v. Verizon Servs. Corp., 13-CV-0245(LEK) (12/18/13) – action for wrongful termination under ADA and New York Human Rights Law; granting motion to dismiss plaintiff's New York State Human Rights Law claim because, by filing a complaint with New

York State Department of Human Rights, plaintiff is precluded from re-alleging his state law claims in federal court.

ERISA

Baackes v. Kaiser Found. Health Plan, Inc 12-CV-0583(FJS) (1/3/14) – action by participant against employer and retirement plan alleging violations of ERISA and breach of contract; granting defendant's motion for judgment on pleadings on plaintiff's breach of contract claim, which was preempted by ERISA; and granting defendant's motion for summary judgment on plaintiff's remaining claims.

Patent Infringement

PPC Broadband, Inc. v. Corning Gilbert Inc, 11-CV-0761(GLS) (1/31/14) – patent infringement action by manufacturer of coaxial cable connectors against competitor; granting plaintiff's motion for summary judgment to extent it seeks preclusion of relitigation of validity of patent related to coaxial cable connectors based on collateral estoppel; but denying plaintiff's motion for summary judgment to extent it seeks preclusion of litigation of validity of later patent based on collateral estoppel.

Rensselaer Polytech. Inst. v. Apple Inc., 13-CV-0633(DEP) (1/15/14) – patent infringement action regarding Siri personal assistant available on certain Apple iPhones, iPads, and iPods; denying defendant's request to stay action during pendency of Inter Parties Review of all claims contained within patent at issue, without prejudice to renewal once Patent and Trademark Office has decided whether to accept the matter for review.

Products Liability

Burnett v. Damon Corp, 10-CV-1336(DNH) (12/2/13) – diversity action by owner of recreational motor home against its designer and manufacturer asserting state claims for strict products liability, negligence, and failure to warn arising from personal injuries allegedly caused by harmful mold that grew in motor home; granting in part, and denying in part, defendant's motion for summary judgment, such that plaintiff's failure-to-warn claim is dismissed, and she is barred from seeking money damages related to the loss in economic value of the motor home itself, but her strict liability and negligence claims remain for trial.

Removal / Remand

Gates v. A.O. Smith Water Prods. Co, 13-CV-1435(DNH) (1/9/14) – asbestos-related tort action removed by defendant-private government contractor to federal court pursuant to federal officer removal statute, 28 U.S.C. § 1442(a)(1), based on allegations in discovery responses that plaintiff had been exposed to asbestos during his service as Seaman in U.S. Navy from 1953 to 1955; denying plaintiff's motion to remand action to state court based on lack of subject-matter jurisdiction.

Voting Rights

Pope v. Cnty. of Albany, 11-CV-0736(LEK) (1/28/14) – action challenging redistricting of Albany County Legislature under Section 2 of Voting Rights Act of 1965; granting in part plaintiffs' motion for partial summary judgment on ground that there is no genuine issue of fact as to assertion that "the Black community in the County of Albany is sufficiently large and geographically compact to form five majority-minority districts," but otherwise denying that motion; and denying defendant's motion for summary judgment.

Volunteers Needed for Unemployment Insurance Hearings

Sally Curran, Executive Director

Volunteer Lawyers Project

The Volunteer Lawyers Project is seeking volunteers to join its panel of attorneys representing workers in unemployment insurance administrative hearings. As part of this recruitment effort, on April 10, 2014 from 1:00pm – 4:00pm VLP will provide a CLE training on Representing Claimants in Unemployment Insurance Hearings. This training is free and available to all who commit to taking one pro bono unemployment insurance case in 2014. The presenters are Jim Williams of LSCNY and Nat Lambright of Blitman & King.

Many workers are unable to find representation in unemployment insurance (UI) administrative hearings and UI serves several important functions. UI helps to keep

workers connected to the job market by providing temporary, partial replacement of wages for workers who are:

- involuntarily unemployed through no fault of their own;
- ready, willing, able to and actively seeking suitable work;
- who had sufficient wages in covered employment

Unemployment insurance enables workers to undertake job search activities seeking optimal employment. By providing steady, reliable income UI helps to maintain the dignity of working people and helps to maintain economic stability of families and communities. Despite the loss of wages, UI means that unemployed workers can still meet expenses of daily living, rent, mortgage, food, insurance, utilities, commuting without resorting to savings or public assistance. UI provides economic stimulus to communities by injecting money into local economy.

Whether you are an experienced lawyer or just beginning your career UI hearings are great opportunities to share your skills with community members in need of assistance.

The registration form can be found at the following link:

<http://www.onbar.org/cle/courseschedule.htm>

Syracuse University College of Law COLD CASE JUSTICE INITIATIVE

Looking Back, Moving Forward

50th Anniversary Conference on the Civil Rights Movement 1964-2014

Friday | March 21 thru Sunday | March 23

The Cold Case Justice Initiative (CCJI), at Syracuse University College of Law, is spearheading a conference to commemorate the civil rights movement and era. The conference, "Looking Back, Moving Forward: 50th Anniversary Commemoration of the Civil Rights Movement 1964-2014," will be held at Syracuse University, March 21-23, 2014. The conference is free and the public is welcome to attend.

Major events that occurred during 1964 include Freedom Summer; the murders of civil rights activists; passage of the 1964 Civil Rights Act; launching of the War on Poverty; and Dr. Martin Luther King, Jr.'s acceptance of the Nobel Peace Prize. Family members of victims of civil rights era cold cases will attend and the conference will provide educational awareness about the Civil Rights Movement and Era and will include presentations, workshops, cultural performances, and intergenerational dialogue with students, faculty members, community activists, and grassroots leaders on social justice issues.



In addition to the panels and workshops, the dinner on Saturday, March 22nd, will honor Civil Rights Movement icons such as Rev. C.T. Vivian and Diane Nash, as well as local social justice activists. Dr. Bernice Johnson Reagon and her daughter Toshi Reagon will perform together at the dinner. Dr. Reagon is a founder of the Freedom Singers and the a capella group Sweet Honey in the Rock. Toshi Reagon is a socially-conscious artist in her own right. We invite all members of college campuses and local communities to join us at Looking Back, Moving Forward in March 2014. Educators at all levels should encourage their students to attend Looking Back, Moving Forward, and consider providing course credit to students who attend these events. There will not be a fee to attend the conference; however, registration is required so that we can plan for meals and session rooms.

To register, visit <http://www.syr.edu/coldcaselaw/form.html>.

Conference co-sponsors include SU College of Law Office of Student Life Diversity Programs, Democratizing Knowledge Collective, Office of Advancement and External Affairs, Office of Multicultural Affairs, Office of Enrollment Management, Imagining America, School of Information Studies, S.I. Newhouse School of Public Communications, Falk College of Sport and Human

Dynamics, Department of Women's and Gender Studies, Community Folk Art Center- Department of African American Studies, Light Work, Black Law Students Association, National Association of Black Journalists; and area universities, including SUNY Oswego and SUNY Cortland. The Onondaga County Bar Foundation also lent financial support in the form of a grant.

OCBA SALUTES ITS SUSTAINERS

Nick DeMartino, OCBA President

The following members have shown their support for the Onondaga County Bar Association by renewing or upgrading their memberships at the "Sustaining" level for 2014. We appreciate their support and encourage any member to consider joining at this level in this or future years. (List will be updated at the completion of the membership campaign.)

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* Denotes new Sustainer in 2014

List current as of 3/10/14

Thank you thank you thank you

NEW YORK STATE BAR ASSOCIATION



Attorneys Needed for Special Referral Panel to Help Veterans

The State Bar's Lawyer Referral Service is recruiting attorneys statewide to participate in a reduced rate referral panel to assist Veterans. This special program will run from Nov. 12th 2013 through Memorial Day 2014.

Attorneys interested in receiving referrals from our service for this special Veterans Referral Panel are required to:

- Offer free consultations to Vets in your chosen areas of practice
- Reduce attorney fee by 25%
- Carry malpractice insurance

If you are interested in joining, go to www.nysba.org/VetVolunteer for an application.

Questions about the program? Contact Lawyer Referral Coordinator, Eva Valentin-Espinal at lr@nysba.org.



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LEGAL BRIEFS



Kelepurovski Promoted to Partner at Hiscock & Barclay, LLP

Hiscock & Barclay, LLP announces the promotion of attorney John Kelepurovski, Jr. to the position of Partner in the Syracuse office.

Kelepurovski, a resident of Clay, is a member of the firm's Corporate, Health Care & Human Services, Telecommunications, and Lobbying & Election Law Compliance practice areas.

He graduated cum laude from the State University of New York at Binghamton and from Syracuse University College of Law.

Kelepurovski has extensive experience handling business transactions including entity formations, acquisitions and mergers, restructurings and dissolutions and drafting and negotiating agreements. He has formed, represented and advised numerous not-for-profit corporations on corporate governance and tax-exemption issues on a pro bono basis.

Briana Fundalinski Admitted To Practice In New York

Hancock Estabrook is pleased to announce that Briana K. Fundalinski was recently admitted to practice in New York. Ms. Fundalinski is an Associate working with several departments across the firm with a focus on business and litigation. She is a Graduate Of Albany Law School.



Karin Sloan Delaney Opens Trusts And Estates Law Firm



Karin Sloan DeLaney, Esq. opened Sloan Delaney P.C. located in Baldwinsville, New York and servicing all of Central New York and beyond.

Sloan Delaney P.C. is a boutique law firm providing advice and assistance with Trusts & Estates, Elder Law, Special Needs Planning and Tax Law. Its principal attorney is Karin Sloan DeLaney.

Ms. DeLaney is a graduate of the State University of New York Albany (B.A. 1992), Western New England College School of Law (J.D. 1995) and Syracuse University College of Law (LL.M. 1996). She is admitted to practice in New York State.

Ms. DeLaney was formerly a partner at Hancock Estabrook, LLP and DeLaney & O'Connor, LLP of Syracuse, New York.

Roerden Law Firm Moves To New Location

Thomas P. Roerden of Roerden Law Firm, PLLC is pleased to announce the relocation of the firm's offices to 141 First Street, Liverpool, New York 13088. The office telephone number remains the same (315)453-9900, as does our fax number (315)453-9909. Mr. Roerden will continue to focus his practice on representing injured workers and their families in Workers' Compensation and Social Security Disability matters, and welcomes referrals from members of the Bar.



Public Notice

Appointment Of Part-Time Magistrate Judge

The Judicial Conference of the United States has authorized the appointment of a part-time United States Magistrate Judge for the Northern District of New York at Plattsburgh, New York.

The duties of the position are demanding and wide-ranging:

- (1) conduct most preliminary proceedings in criminal cases;
- (2) trial and disposition of misdemeanor and petty offense cases;
- (3) Conduct of extradition proceedings; (4) and overseeing the functions of grand juries in Plattsburgh. The basic authority of a United States Magistrate Judge is specified in 28 U.S.C. §636.

To be qualified for appointment an applicant must

- (1) Be, and have been for at least five years, a member in good standing of the bar of the highest court of a state, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States, and have been engaged in the active practice of law for a period of at least five (5) years; (with some substitutes authorized);
- (2) Be competent to perform all the duties of the office; be of good moral character; be emotionally stable and mature; be committed to equal justice under the law; be in good health; be patient and courteous; and be capable of deliberation and decisiveness;
- (3) Be less than seventy years old; and
- (4) Not be related to a judge of the district court.

A Merit Selection Panel composed of attorneys and other members of the community will review all applicants and recommend to the judges of the district court in confidence the five (5) persons it considers best qualified. The Court will make the appointment, following an FBI full-field investigation and an IRS tax check of the applicant selected by the court for appointment. An affirmative effort will be made to give due consideration to all qualified applicants without regard to race, color, age (40 and over), gender, religion, national origin, or disability. The current annual salary of this part-time position is \$45,678. The term of office is four (4) years.

Application forms and more information on the Magistrate Judge position in this court may be obtained from the clerk of the district court at our staffed offices in Albany, Syracuse, Utica, Binghamton and Plattsburgh. Application forms are also available on the Northern District Internet Website at www.nynd.uscourts.gov **Applications must be submitted only by applicants personally and must be received by the Clerk of Court by Wednesday, April 30, 2014.**

Applications will be kept confidential, unless the applicant consents to disclosure, and all applications will be examined only by members of the Merit Selection Panel and the Judges of the District Court. The panel's deliberations will remain confidential.

**THE DISTRICT COURT
IS AN EQUAL OPPORTUNITY EMPLOYER**

Judge Stewart F. Hancock, Jr. Memorial Fund established at Hiscock Legal Aid Society



Syracuse, NY—

A memorial fund has been established in honor of the late Judge Stewart F. Hancock Jr. at Hiscock Legal Aid Society. The memorial fund will support the programs and services of the Society. In honor of Judge Hancock's commitment to appellate practice, one of the purposes of the fund will be to provide financial support for law student interns to work in the Society's Appeals Program.

Hiscock Legal Aid Society enjoys a rich history with the Hancock Family. Judge Hancock's father was a founding member of the organization.

Judge Hancock served on the Board of Directors of Hiscock Legal Aid Society for thirteen years. He also served as Chair of the Resource Development Committee.

In 2013, Judge Hancock was made an honorary lifetime member of the Board because of his untiring commitment to the organization, his visionary leadership in the community, and his steadfast belief in justice for all. In addition to his Board service, for many years, Judge Hancock gave his expertise by volunteering with the Appeals

Program, taking serious appellate cases on a pro bono basis.

"In establishing this fund, we seek to honor Judge Hancock's remarkable legacy in our community," said Susan Horn, President and C.E.O. of Hiscock Legal Aid Society. "We are grateful to have been one local organization that enjoyed the unwavering support of Judge Hancock."

People wishing to honor Judge Hancock by contributing to this fund can mail checks to 351 South Warren Street, Syracuse, NY, 13202. Donations can also be made online at hiscocklegalaid.org. The memo line should indicate it is for the "Judge Hancock Memorial Fund."

In the last year alone, Hiscock Legal Aid Society handled 4,568 cases. The Society works collaboratively with other legal assistance and human service providers to develop innovative ways to provide needed services to the maximum number of people in our community. More information is available at www.hiscocklegalaid.org, on Facebook or on Twitter @hiscocklegalaid.

Volunteer Lawyers Project and Central New York Women's Bar Association Partnership Bring New Volunteer Trainings and Opportunities

On Monday, April 28, 2014 from 12:00 to 1:00 p.m., the Volunteer Lawyers Project (VLP) and the Central New York Women's Bar Association (CNYWBA) will be co-sponsoring a CLE training, The Intersection of Family Law, Domestic Relations and Housing Law (i.e. How Do I Get My Client's Ex-Spouse or Ex-Boyfriend/Girlfriend out of the Home?). This training will be presented by Pat Stuart and Bryn Lovejoy-Grinnell, attorneys at the Hiscock Legal Aid Society. It is free and available to all volunteers of the Family Court Clinic and the Vera House Clinic, or anyone willing to take on family law matters pro bono.

This new training opportunity follows a very successful CLE training regarding family law basics that was co-sponsored by VLP and CNYWBA in October and the decision by both organizations that the time was right to begin a formal collaboration in programming in December. For many years, the CNYWBA has operated a Monday night legal clinic at Vera House to provide legal advice and information to survivors of domestic violence with family court matters, including custody, support and orders of

protection. VLP is now collaborating with CNYWBA in the administration of this program.

This collaboration brings benefits to the clients and the volunteers of the clinic. With VLP bringing on attorney Mary John to supervise its expanding family law program, VLP has the ability to follow up with cases that require ongoing pro bono assistance. The collaboration provides additional pro bono opportunities for CNYWBA members and volunteers, and we hope it will encourage other VLP volunteer to join the clinic.

If you would like to register for the upcoming CLE training, become a volunteer for the Vera House Clinic, or any other pro bono program administered by VLP, please contact Sally Curran at scurran@onbar.org or call (315) 579-2576.

OCBA Paralegals Committee

Karen Hawkins | Contributor

March Paralegals Luncheon Meeting

Roni Dickhaut from Department of Homeland Security (DHS) traveled all the way from Adams, NY to present at the luncheon meeting at Spaghetti Warehouse on March 13th. Roni spoke about the myths v. facts and the indicators regarding human trafficking. She also urged the paralegals to join in the fight to end human trafficking by getting involved in DHS' Blue Campaign.



What is the Blue Campaign?

The Blue Campaign is the unified voice for the U.S. Department of Homeland Security's efforts to combat human trafficking. Working in collaboration with law enforcement, government, non-governmental and private organizations, Blue Campaign strives to protect the basic right of freedom and to bring those who exploit human lives to justice. DHS is responsible for investigating human trafficking, arresting traffickers, and protecting victims. DHS also provides immigration relief to foreign-born victims of human trafficking. Increased awareness and training will lead to more tips to law enforcement, which results in more victims being identified.

To find out more about DHS' Blue Campaign and the fight to end human trafficking, please **check out the DHS website at: <http://www.dhs.gov/end-human-trafficking>**

SAVE THE DATE!

April 10, 2014 at Spaghetti Warehouse - Christie VanDuzer, Paralegal with the Domestic Violence Project at Frank H. Hiscock Legal Aid Society will join us to speak about Domestic Violence.

Please invite your bosses, legal administrators and co-workers. These luncheon meetings are not restricted to just Paralegals Committee members.

The cost for lunch is \$11 for members and \$12 for non-members. **Reservation deadline is noon the day before the luncheon.** Please RSVP by e-mailing or calling Jean Swanger at jswanger@gilbertlaw.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.

ESAPA Meeting Scheduled

The Empire State Alliance of Paralegal Associations' next

meeting will be hosted by Paralegals Association of Rochester, Inc. The meeting will be held on Saturday, March 22, 2014, at Nixon Peabody LLP, 1300 Clinton Square, 14th Floor Conference Room, Rochester, New York. There will be a continental breakfast set up at 8:00 a.m. and a buffet luncheon set for noon. If you would like to attend, please contact Cynthia Wade at cewade@twcny.rr.com for further details.

The Executive Committee

Could Use Your Help

The next Paralegals Executive Committee ("EC") meeting is scheduled for April 2, 2014. The EC meetings are held the first Wednesday of each month except July and August 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 GSHS offices 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. We are currently looking for people who are interested in scheduling guest speakers, working on the membership subcommittee and researching pro bono opportunities for paralegals. If you are interested in attending the EC meetings to share your ideas for upcoming programs and ways to better serve the paralegal members, please contact Kathrine Cook at kathrinecook0@gmail.com.

Job Bank

Are you an employer with a job that needs to be filled? Listserv can help! This service is free to employers - Just email Paralegals Committee Chair, Kathrine Cook, at kathrinecook0@gmail.com to have your job provided to OCBA Paralegal members. The Listserv is open to all OCBA Paralegal members (including student members). Members are added when dues are paid each year. Job openings are submitted to the Listserv and members receive notification via e-mail. Paralegals should contact Peggy Walker at the OCBA offices (471-2667) to confirm current membership or to join the OCBA. Peggy and Kathrine work together to ensure Paralegal members are added to the Listserv. Employers and/or Paralegals can email Kathrine should they have any questions.

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NOTICE: MANDATORY FEE ARBITRATION PROCEDURES AMENDED

The statewide rules for attorney-client fee arbitrations were amended in January 2014. Accordingly, the procedures for the local fee arbitration program for the Fifth District have been updated. The most significant amendment is to increase the monetary threshold for fee disputes requiring a panel of three arbitrators from \$6,000 to \$10,000. The updated, local program rules and procedures can be accessed either at the OCBA website: www.onbar.org

or the OCA website: <http://nycourts.gov/adm/feedispute/localprograms.shtml>



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In Welcoming . . .

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TO LET US KNOW YOU'LL BE JOINING US!

In Memoriam

Irwin Birnbaum

Edward D. Brown Jr.

March 2014: Please advise OCBA of any attorneys we may have missed

OCBA IS SEEKING: 2014 DISTINGUISHED LAWYER AND RUGER AWARD NOMINATIONS

The Onondaga County Bar Association is seeking nominations for its 2014 Distinguished Lawyer Award. OCBA has been honoring a local lawyer for distinguished service to the profession since 1968. The Distinguished Lawyer Committee reviews written nominations, and recommends a candidate to the Board of Directors for its approval.

In order to qualify for nomination, the lawyer:

1. must have devoted a full-time professional career to the law;
2. must possess exceptional lawyering skills;
3. must display a devotion or dedication to the profession as evidenced by involvement or participation in projects or activities, reflecting an unselfish donation of time to the betterment of the profession; and
4. must possess ethics beyond reproach.

The Distinguished Lawyer Committee is also accepting nominations for the William C. Ruger Centennial Award, which was created during the OCBA Centennial in 1975.

The Ruger Award was named after the first president of the OCBA, who later served as Chief Judge of the New York State Court of Appeals. This award is given to a judicial officer and is “reserved for recognition of singularly outstanding achievement in devotion to the principles of our system of justice.” Since the creation of this award, only seven jurists have been its recipients.

The awards are presented at OCBA’s Annual Dinner, to be held at Traditions at the Links | at Erie Village | on Thursday, October 23, 2014. The Committee would like to receive nominations by Monday, June 2, 2014.

Nominations may be submitted to the OCBA office, attention: Gioia A. Gensini, Chairperson, Distinguished Lawyer Committee. Any OCBA member interested in more information about these awards or the nomination process may contact our office at 471-2667 or Gioia at 234-8604.

DID YOU KNOW ...

... that the Bar Association can keep track of where your files go after you are no longer in practice?

OCBA receives calls every week from clients who are trying to locate documents or files once held by their attorneys, but after that attorney has moved, stopped practicing or passed away.

If you know where your files will go after you’re gone, please consider sharing that information with us so we’ll be able to assist your clients in the future.

Contact Membership Coordinator Peggy Walker at: 579-2582 or via email, pwalker@onbar.org.

BAR BOARDS:

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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.

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