

Special Law  
Day Edition

ONONDAGA COUNTY BAR ASSOCIATION

# BAR REPORTER

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

## Hon. Martha Walsh Hood is Recipient of The 2014 Distinguished Jurist Award

The Honorable James C. Tormey III, is pleased to announce the recipient of the 2014 Distinguished Jurist Award.

**The Hon. Martha Walsh Hood** was chosen as this year's recipient of the New York State Distinguished Jurist Award, given annually to a jurist who demonstrates excellence in the administration of justice in the New York State Unified Court System. In choosing the recipient, certain criteria must be met, including but not limited to the highest standards of judicial excellence, unquestionable integrity, high ideals, personal character, respect by and confidence of the public, judges, court staff and lawyers.

What set Judge Hood apart from other candidates was her display of leadership in advancing the quality of justice, judicial education, innovative programs and community service. In taking these criteria into consideration, Justice James C. Tormey, Fifth Judicial District Administrative Judge, nominated Judge Hood for this award.

Judge Hood has been instrumental as Supervising Judge of the Family Courts in the Fifth Judicial District with innovative ideas and programs. The Office of Court Administration in the State of New York has recognized her outstanding service as invaluable.

On April 30, 2014 at the Law Day ceremony at the Court of Appeals, Chief Administrative Judge A. Gail Prudenti formally presented this prestigious award to the Hon. Martha Walsh Hood. Her remarks are as follows:

A Syracuse native and former Onondaga County legislator and senior attorney at the Frank H. Hiscock Legal Aid Society, Hon. Martha Walsh Hood is widely respected for her fairness, integrity and exceptional work ethic. This lifelong public servant and champion of children's rights was appointed to Onondaga County Family Court in

February 2000, subsequently elected to the Family Court bench and designated an acting Supreme Court Justice. Today, she serves as Supervising Judge of Family Courts in New York's Fifth Judicial District, comprising the counties of Herkimer, Jefferson, Lewis, Oneida, Onondaga and Oswego. Over the course of her judicial career, she has presided over several nontraditional "problem-solving" courts including Onondaga County's Integrated Domestic Violence Court, which she helped launch.

Judge Walsh Hood's formidable leadership qualities shine through each year as the District prepares for the annual Adoption Day celebration at Syracuse's

OnCenter, where judges and staff from courts in Onondaga and neighboring counties volunteer their time on behalf of local families, finalizing dozens of adoptions in a single day. Judge Walsh Hood is an inspirational force to all involved in this celebration, typically held in November to help raise awareness about the thousands of youngsters in foster care nationwide in need of loving, permanent homes. Last year, she helped take the Syracuse event to the national stage, appearing in a "Today" show segment underscoring the joys of adoption. Even with her demanding schedule as supervising judge and numerous Adoption Day activities, she makes time for other "extra-judicial" duties, including participating on the Statewide Advisory Committee on Counsel for Children and the National Council of Juvenile and Family Court Judges.

Judge Walsh Hood gives generously of her time and talents in support of the best interests of the children and families served by the Fifth Judicial District, exemplifying the highest standards of judicial excellence. It is a privilege to honor her with a 2014 Distinguished Jurist Award for her outstanding service.



*Hon. A. Gail Prudenti (left); Hon. James C. Tormey; Hon. Martha Walsh Hood (right)*

### 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:

Annual CPLR Update

Friday | June 20

Annual Dan Mathews Golf Tournament

Thursday | August 14



## from the President

In April, the OCBA created an Ad Hoc Committee to address the recent amendments to Part 118 of the Rules of the Chief Administrative Judge requiring attorneys to report their voluntary pro bono service as well as their voluntary financial contributions to organizations providing civil legal services. The committee was comprised of members of the OCBA, local representatives of the New York State Bar Association, Board members of the Onondaga County Volunteer Lawyers Project, and Board members of the OCBA. As you know, I invited membership input and comment regarding this issue in both the February and April OCBA Bar Reporter. After considerable discussion and a great deal of hard work, the committee drafted a position letter regarding the Part 118 Amendments which is set forth below. This letter was approved by resolution of the OCBA Board of Directors on Wednesday, May 15, 2014. My thanks to those who offered input and who served on the committee.

Dear President Schraver:

The Onondaga County Bar Association (“OCBA”) has a rich tradition in providing pro bono legal services to benefit poor persons under Rule 6.1 of the Rules of Professional Conduct. Each year, hundreds of our members volunteer their time to further the mission to “do the public good” and assist individuals who cannot afford legal representation. Our members take their responsibility to provide these services very seriously.

The Onondaga County Volunteer Lawyers Project (“VLP”) is a shining example of the continuing efforts in our county to provide such pro bono services. In 2013 the VLP was the recipient of the American Bar Association’s prestigious Harrison Tweed Award for its excellence in providing pro bono services.

As a result, when the OCBA was asked to comment on the recent amendments to Part 118 of the Rules of the Chief Administrative Judge requiring attorneys to report on their biennial registration forms their voluntary pro bono service as well as voluntary financial contributions to organizations providing civil legal services, we discussed this matter with other county bar associations, and more importantly, we sought input from our own membership.

With that said, the OCBA opposes the Part 118 amendments in their current form. As a result, it is the consensus of our membership that the rule be changed.

The OCBA believes that such mandatory reporting is an invasion of our members’ privacy, and of their rights, as any entry could potentially be subject to public disclosure. One particular concern is that if responses were made public, the fact that an attorney did not report any qualifying pro bono work, as currently defined, could be misleading and could lead to incorrect assumptions. The rule in its current form fails to recognize our members’ additional volunteer activities and charitable contributions, as well as their free or discounted legal services which do not fall within the “definition” of pro bono service. Our solo and small firm practitioners – who make up about 60 % of our membership – feel especially adversely affected by this rule.

Lastly, the OCBA is concerned that this particular rule was announced without any opportunity for the organized bar to provide comment or input. It is our hope that in the future, comment, input and substantive participation will be afforded to our membership before any such rule changes are, and can be made.

The OCBA supports the creation of a task force composed of lawyers, judges, academics, etc., to work out the details of the implementation of pro bono reporting in a manner that would safeguard confidentiality for individual attorneys and determine the best ways to gather and report aggregate data. One such way is through the creation of a separate independent survey which would be completed anonymously by each member and returned to the Office of Court Administration.

Thank you for your attention to this most important issue and for your anticipated consideration of our members’ requests.

Approved by Resolution of the Onondaga County Bar Association Board of Directors on Wednesday, May 15, 2014.

Nicholas J. DeMartino | OCBA *President*

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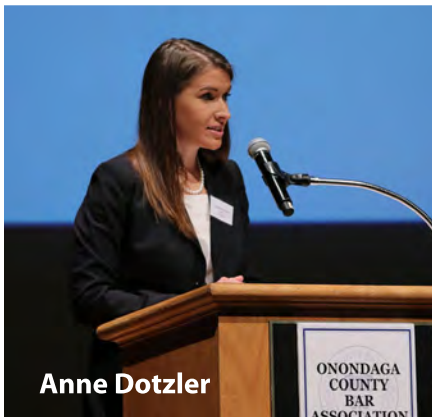
# Law Day 2014 | Celebrating Why Every Vote Matters

More than 300 guests, including 100 area high school students, participated in the OCBA's annual Law Day activities on Friday, May 2, which culminated at the Law Day Luncheon held once again at Syracuse University's Goldstein Auditorium, hosted by the S.U. College of Law and presented by the Onondaga County Bar Foundation. Anne Burak Dotzler, of Hiscock & Barclay LLP, served as chair of the Law Day committee for the third consecutive year and credits the volunteers, the community partners and the sponsors for the continued growth and success of this year's program.

The theme for this year's American Bar Association celebration of the law and justice was "American Democracy and the Rule of Law: Why Every Vote Matters." OCBA was pleased to partner this year with the League of Women Voters and the Onondaga County Board of Elections to help deliver programming and content in support of that theme,

The formal Law Day ceremony was held at the Onondaga County Courthouse the morning of May 2, presided over by the Hon. Michael Hanuszcak (see his remarks on page 5.) After that, tours and presentations were offered to students at the Onondaga County Courthouse, the Criminal Courts building and the Federal Courthouse. Special thanks to the Hon. James Murphy; Sandy Holihan, Law Clerk to the Hon. Anthony Paris; Assistant District Attorney Romana Lavalas; retired City Court Judge Langston McKinney; Gioia Gensini, former OCBA President and Law Clerk to Magistrate Judge Andrew Baxter; and U.S. Magistrate Judge Therese Wiley Dancks, for their leadership in organizing and hosting those presentations for students.

The Law Day Luncheon featured a special student debate with four students from Marcellus High School moderated by NewsChannel 9's Dan Cummings, and offered the audience a chance to have a "voice" in the debate results



Anne Dotzler



Dan Cummings

including voter registration, classroom presentations and a mock ballot on issues related to voting rights, with electronic scan voting machines on-site at the luncheon.

OCBA's Law Day activities actually began earlier with the 2<sup>nd</sup> Annual Law Week Career Fair, held at Nottingham High School on April 15. Once again working with Partners for Education and Business, several hundred high school students visited displays from more than 20 law firms, state and county agencies, and other organizations who shared the many career paths that impact the law.

through real-time text voting. Special thanks to Lanessa Owens, with Assemblyman Sam Roberts office, for her help in planning and organizing that student debate, and Hon. Deborah Karalunas and retired Judge Langston McKinney for participating in a preliminary debate round. Fourth Department Appellate Division Justices John Centra, Edward Carni and Brian DeJoseph graciously offered to judge the debate, which asked the question: "Should secure online voting that maintains the anonymity of the voter be permitted?"

*Continued on page 4*



Marcellus High School Student Debaters





**Jack Mannion**



**Kevin Kuehner & Joe Callery**



**Pro Bono Honorees**

The Luncheon also featured the presentation of the OCBA Liberty Bell Award which recognizes an outstanding non-lawyer citizen who has made selfless contributions to the community by strengthening the effectiveness of the American system of justice, and by instilling a better understanding and appreciation of the law. John F.X. (Jack) Mannion was selected as this year's recipient for his recent volunteer efforts as an instructor and tutor at the Newland Center where he teaches English, U.S. History and our system of government to more than 100 refugees drawn from 38 countries. Mannion has taught those students about individual rights and responsibilities, talked about voting rights and how we choose elected officials, and also assists refugees in studying to pass their Citizenship tests.

Last year, the CLE Committee introduced a new award to recognize individuals who make a significant contribution to the continuing education of OCBA members and the legal community. Kevin Kuehner, this year's recipient, has been a frequent – and consistently praised – presenter for OCBA's programs. In the past three years, he has delivered 5 such quality programs, and his enthusiasm for presenting and teaching is clear to any who have attended his sessions.

The Law Day Luncheon concluded with the presentation to the Pro Bono honorees selected by the Volunteer Lawyers Project, who were highlighted in last month's Bar Reporter. They are: Emilee Lawson Hatch, Esq., Bousquet Holstein, ; Joseph E. Lamendola, Esq. ; Frederick S. Marty, Esq., Retired, Hiscock & Barclay; Jillian L. McGuire, Esq., Mackenzie Hughes; and the Syracuse University College of Law VISION

program (Veterans Issues, Support Initiative and Outreach Network). VLP also acknowledged the local winners of the 2014 NYSBA President's Pro Bono Service Awards: Thomas E. Myers, Esq., Bond, Schoeneck & King, who received the 5<sup>th</sup> Judicial District Individual Attorney Pro Bono Award; and Tracy L. Sullivan, Esq., recipient of the Young Lawyer Pro Bono Award.

Diane R. Chappell-Daly, Esq. was recognized for receiving a national award from the American Immigration Lawyers Association, the Michael Maggio Memorial Pro Bono Award.

The Law Week committee chaired by Anne Burak Dotzler of Hiscock & Barclay included: Michael J. Balestra, Esq., Elisabeth A. Barker, Esq., Kathy Birmingham, Joseph J. Bufano, Esq., Kathrine J. Cook, Pamela Corpora, Gioia A. Gensini, Esq., Bruce Hamm, JD, Karen Hawkins, Nodesia Hernandez, Hon. Deborah H. Karalunas, Romana Lavalas, Esq., Hon. Langston C. McKinney, Lori I. McRobbie, Courtney M. Merriman, Esq, John M. Nichols, Esq., Lanessa Owens, Esq., Nancy L. Pontius, Esq., Joseph Vargo and Jean Marie Westlake, Esq.

Special thanks to our sponsors: the Onondaga County Bar Foundation, Presenting Sponsor; Syracuse University College of Law, Venue Sponsor; Hiscock & Barclay, and Action Reporting, Platinum Sponsors; Lehr Land Surveyors, Mackenzie Hughes, Ferrara, Fiorenza, Larrison, Barrett & Reiss, Hancock Estabrook, and the Law Offices of Hugh C. Gregg II, Event Sponsors; and Onondaga County Legislator Peggy Chase and Bond, Schoeneck & King, Supporters.



# Law Day Ceremony at the County Courthouse

## Keynote Delivered by Hon. Michael J. Hanuszczak

It is truly an honor to preside over this year's ceremony and I would like to thank Mr. Jeffrey Unaitis, Executive Director of the OCBA and Attorney Anne Dotzler, the Chair of the Law Week Committee for all their efforts in organizing today's ceremony.

Law Day was first recognized and proclaimed in 1958 by President Dwight D. Eisenhower as a day of national dedication to the principle of government under law.

Just as today, our nation faced many challenges back in 1958. We were nearing the height of the

"Cold War" with the Soviet Union and racial desegregation efforts in the southern United States were making headlines on an almost daily basis. As a result of President Eisenhower's proclamation, we gather today as one of thousands of Law Day programs conducted across the country to celebrate the legal system in the United States.

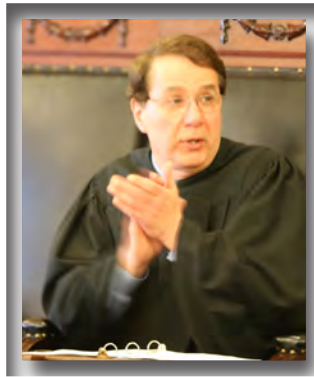
Each year a theme is selected to spotlight a particular aspect of our legal system and the theme of Law Day this year is "Why Every Vote Matters."

This is certainly a very appropriate theme as this year will mark the 50th anniversary of the Civil Rights Act of 1964 and next year, we will commemorate the 50th anniversary of the Voting Rights Act of 1965. These two laws have become cornerstones of our democracy.

Yes, every vote does matter. We have all heard or read about elections that were decided by a one hundred vote margin or by a fifty vote margin, or perhaps even an election that ends in a tie.

In some states the winning candidate in a tied election is selected by the flip of a coin.

We are also very familiar with ballot recounts and the recanvassing of results, as well as the re-inspection of voting machines. The election results and the announcement of an ultimate winner may take weeks as the employees of the Board of Elections work carefully and diligently in order to ensure an accurate count. Quite often, judges are involved in resolving these cases in court if a lawsuit is filed.



However, the theme of "Why Every Vote Matters" is not only important to determine the numerical winner of an election, it is also important as an affirmation of who we are as Americans and as citizens of the United States of America.

Just consider for a moment that it was only a little more than 40 years ago that the 26th Amendment to the Constitution lowered the voting age from 21 to 18 years of age. And it was only about 90 years ago, that the 19th Amendment eliminated restrictions on the right of women to vote.

The importance of voting cannot be overstated, especially if you are a young adult. I know that many of the high school students here this morning are already 18 years old or will be turning 18 before Election Day this year.

If you fall into that category, you can vote this year for the first time in your life, but only if you register. The two Election Commissioners of Onondaga County, Ms. Helen Walsh and Mr. Dustin Czarny, and the League of Women Voters have arranged to have voter registration forms available at today's Law Day Luncheon at Syracuse University. They also have provided voting machines that may be used to cast votes to select the winner of the debate regarding online voting that will be held at the luncheon.

Voting is the voice of "we the people" in our democracy, and the leaders that we elect will make, enforce, and interpret the laws that have a direct impact on our freedoms, our rights, our finances, and our general well-being. I am sure that those of you who are young adults are concerned about not only protecting the environment or working for global peace but also about whether the minimum wage should be raised, or concerned about the availability of loans to finance a college education. Young adults may also want legislation passed that would enable voters to cast ballots online or may have concerns about voter ID laws. However, unless you register and vote, those decisions will be made without your input or position being considered.

*Continued on page 7*



# Fourth Department Family Court Case Notes

By Sara Langan | Law Clerk to Hon. Julie A. Cecile, Family Court Judge

## CUSTODY AND VISITATION

### Failure to Hold Hearing Requires Reversal

*Bly v Hoffman*, 114 AD3d 1275 (Fourth Department, February 14, 2014) Mother was denied the right to counsel when Family Court sua sponte dismissed her petition to modify custody in the absence of her attorney. “The deprivation of a party’s fundamental right to counsel in a custody or visitation proceeding is a denial of due process and requires reversal, without regard to the merits of the unrepresented party’s position.” Counsel: Wagner & Hart, LLP, Olean (Janine Fodor of Counsel), for Mother; Wendy G. Peterson, Olean, Attorney for the Children.

### Failure to Hold Hearing Does Not Require Reversal

*Consilio v Terrigino*, 114 AD3d 1248 (Fourth Department, February 14, 2014) The Family Court properly granted the father’s motion to dismiss the petition without a hearing. A hearing is not automatically required whenever a parent seeks modification of a custody or visitation order, and mother failed to make a sufficient evidentiary showing of a change in circumstances to require a hearing (citing to *Wurmlinger v Freer*, 256 AD2d 1069 [4th Dept 1998] [holding that where the changed circumstances alleged by petitioner, even if established, are insufficient to show that a change in the child’s primary residence would be in the child’s best interests, no hearing is required]). Counsel: Timothy P. Donaher, Public Defender, Rochester (David R. Juergens of Counsel), for Mother; Trevett Cristo Salzer & Andolina P.C., Rochester (Eric M. Dolan of Counsel), for Father; Tanya J. Conley, Rochester, Attorney for the Child.

### Role of Attorney for the Child

*Lopez v Lugo*, 115 AD3d 1237 (Fourth Department, March 21, 2014) The Attorney for the Child properly substituted her judgment and advocated against the child’s wish to be placed in her mother’s custody, where there was substantial risk of imminent, serious harm if the child was placed with mother. Mother had been arrested for possession of drugs in the children’s presence, there were numerous weapons seized from the mother’s house, and mother’s husband assaulted one of the subject children who attempted to intervene when the husband attacked the mother with an electrical cord. Counsel: Koslosky & Koslosky, Utica (William L. Koslosky of Counsel), for Mother; Steven R. Fortnam, Westmoreland, for the Child; A.J. Bosman, Rome, Attorney for the Child.

### Delegation of Authority for Supervised Visitation

*Camacho v Camacho*, 115 AD3d 1327 (Fourth Department, March 28, 2014) By ordering that father could not have visitation until the child’s counselor agreed that it would be appropriate, the Family Court improperly delegated its authority, and the matter must be remitted to Family Court for a hearing on whether such visits would be in the child’s best interest. Counsel: Venzon Law Firm PC, Buffalo (Catharine M. Venzon of Counsel) for Father; Timothy J. Pawarski, Elma, for Mother; Gayle T. Murphy, Hamburg, Attorney for The Child.

## Burden of Proof in Custody

### Dispute Between Parent & Non-Parent

*Campbell v January*, 114 AD3d 1176 (Fourth Department, February 7, 2014) In a custody dispute with a non-parent, where the non-parent is required to prove extraordinary circumstances, father contended that the court improperly shifted the burden of proof to him to establish extraordinary circumstances when it ordered him to present his proof first. While this issue was not preserved for review, the Fourth Department noted that there is no error where the Family Court’s determination establishes that it was aware that non-parent bore the burden of proof, regardless of the order of presentation of the proof. Counsel: Mark D. Funk, Rochester, for Father; Sercu & Sercu LLP, Pittsford (Lara R. Badain of Counsel), for Non-Parent; M. Thomas Scott & Associates, Grand Island (Mary Thomas Scott of Counsel), for Mother; Sanford A. Church, Albion, Attorney for the Child.

## CHILD PROTECTION

### Motion Practice

*In re Brianna C.*, 114 AD3d 1149 (Fourth Department, February 7, 2014) On appeal from an order dismissing his petition seeking modification of an order of protection, father contended that Family Court erred in dismissing his petition because the Attorney for the Children and mother

*Continued on page 9*



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# Remarks from Law Day Court Ceremony

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Just this past Sunday our local newspaper, The Post Standard, or as it may be known to some of you as Syracuse.com, published an editorial about this year's local Congressional race. The editorial stated that this race will garner much national attention and noted, quite correctly, that this attention (and I) quote: "puts the lie to the common belief that the vote of one person doesn't matter."

Another facet of our Law Day theme that I would like to address is the crucial need that those of us who are older adults educate and involve our young people in the election process, for they will be the voters of tomorrow.

Think back to the time of your first vote. Was it in a presidential race? In a local election? Did you accompany a parent or older friend to the polling place? Were you nervous? Were you proud?

I certainly recall my first vote. It was cast through the US Mail by means of an absentee ballot. I also have had the honor of running for elective office. What has always intrigued me about voting was that after any of the elections that I was involved in as a candidate, I never, ever met a person who told me that they did not vote for me. However, the results from the Board of Elections would show my opponent receiving thousands of votes. I have never been able to figure out that discrepancy.

Those of us who vote, present a great role model to our children and students, but we must do more.

Therefore, I urge you to talk to young people about the voting



Voting gives every citizen a say about what happens in our country. It is not only a privilege but a civic responsibility.

When you exercise your civic duty and cast your ballot, whether in a Congressional race or a Village Board election, you join together with all of your fellow citizens to actively participate in our democracy.



process. Discuss the candidates, the issues, and the overall election process. Take the time to explain why voting matters to you.

Inform our young adults that many people have sacrificed - and even died - so that in our country all citizens can vote.

Make sure that everyone remembers that the murder of three young civil rights workers, Michael Schwerner, Earl Chaney, and Andrew Goodman, that occurred in rural Mississippi in 1964, was due to their efforts to register African-Americans as voters.

Thus on this Law Day 2014, let us focus our efforts on the youth of this nation - the next generation of voters, to ensure not only a bright future for us as a nation, but to ensure that the sacrifices of past Americans have not been in vain.

Let me close my remarks with a quote from President Eisenhower:

**"The future of this Republic is in the hands of the American voter".**



# A GROWING PRACTICE



*Michael J. Sciotti*



*Edward G. Melvin, II*

Hiscock & Barclay welcomes two new well-known Labor & Employment attorneys, Michael J. Sciotti and Edward G. "Buster" Melvin, II, as partners in the firm.

Mike and Buster bring a combined 37 years working in the labor and employment field, and will be based in the firm's Syracuse office, but will play significant roles in assisting with the continual development and expansion of the firm's growing 23-lawyer Labor & Employment group across all of the offices.

In addition to bringing well-established practices, Mike is a regular presenter and speaker at seminars and conferences relating to labor and employment law and Buster is a frequent lecturer on a variety of labor and employment issues and has conducted training sessions and seminars covering a wide array of labor and employment topics.

We are proud to welcome Mike and Buster to the firm.

Mike may be contacted directly at:  
(315) 425.2774 / [msciotti@hblaw.com](mailto:msciotti@hblaw.com)

Buster may be contacted directly at:  
(315) 425.2783 / [emelvin@hblaw.com](mailto:emelvin@hblaw.com)

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## Fourth Department Case Notes

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failed to make written motions to dismiss. Having failed to object to the motions on this ground, father did not preserve his contentions for appellate review. Counsel: Charles J. Greenberg, Amherst, for Father; Joseph T. Jarzembek, Buffalo, for Erie County Department of Social Services; David C. Schopp, Attorney for the Children, The Legal Aid Bureau of Buffalo, Inc., Buffalo (Charles D. Halvorsen of Counsel).

### Child's Out-of-Court Statements

*In re Hannah L.*, 113 AD3d 1137 (Fourth Department, January 3, 2014), lv to appeal denied, 2014-140, 2014 WL 1316226 (Ct App Apr. 3, 2014) While neither the out-of-court repetition by each child of his or her own account of abuse or neglect, nor the strong inference drawn against the parents for failing to testify, can establish corroboration where it otherwise does not exist, the out-of-court statements of two or more children can adequately cross-corroborated one another. Counsel: David J. Pajak, Alden, for Father; Joseph T. Jarzembek, Buffalo, for Erie County Department of Social Services; David C. Schopp, Attorney for the Children, The Legal Aid Bureau of Buffalo, Inc., Buffalo (Charles D. Halvorsen of Counsel).

### DIVORCE Counsel Fees

*Gelia v Gelia*, 114 AD3d 1263 (Fourth Department, February 14, 2014) In light of all the circumstances of the case, including the parties' relative financial circumstances and

the merits of their positions during settlement negotiations, an award in the amount of \$20,475 for attorney's fees and \$11,115 in accountant's fees were reasonable and did not constitute an abuse or improvident exercise of the court's discretion. Counsel: John P. Pieri, Buffalo, for Defendant-Appellant; Palmer, Murphy & Tripi, Buffalo (Thomas A. Palmer of Counsel), for Plaintiff-Respondent.

### Marital Property

*Foti v Foti*, 114 AD3d 1207 (Fourth Department, February 7, 2014)

Supreme Court erred in granting wife's motion for partial summary judgment determining that various real estate entities and management companies were her separate property. Although wife established that her father gifted the entities to her as separate property, there was an issue of fact whether she thereafter commingled her interests in the entities with marital property, because the parties had filed a joint federal tax return in which wife reported her interest in the entities as tax losses, and "[a] party to litigation may not take a position contrary to a position taken in an income tax return."

Counsel: Joan de R. O'Byrne, Rochester (Michael Steinberg of Counsel), for husband; Kaman, Berlove, Marafioti, Jacobstein & Goldman LLP, Rochester (Michael Paul of Counsel), for wife.

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# Notice of Judicial Vacancies Fifth Judicial District

In accordance with Part 150 of the Rules of the Chief Administrator of the New York State Courts, please be advised that the following judicial vacancies in the Fifth Judicial District will be filled by election in November 2014:

**New York State Supreme Court, 1 vacancy**  
**Jefferson County Family Court, 1 vacancy**  
**Rome City Court, 1 vacancy**  
**Syracuse City Court, 1 vacancy**

Pursuant to Part 150 of the Rules of the Chief Administrator of the Courts, Independent Judicial Election Qualification Commissions ("IJEQC") have been established in each of the judicial districts of New York State. The IJEQCs are a statewide network of independent screening panels for judicial candidates. Each IJEQC is charged with the responsibility of reviewing the qualifications of candidates, within its respective judicial district, who submit a questionnaire and are seeking election to the following New York State Courts: Supreme, County, Surrogate's, Family, New York City Civil, District and City. Each commission has 15 members, comprised of both lawyers and non-lawyers, named by the Chief Judge, the Presiding Justices of the Appellate Divisions, the New York State Bar Association, and local bar associations.

For more information regarding the evaluation process and the candidate's questionnaire and instructions on completing and filing, go to <http://nycourts.gov/ad4> and follow the link to the IJEQC.

Candidates seeking to be evaluated by the IJEQC for the Fifth Judicial District must submit an original and 15 copies of the completed candidate's questionnaire to Mary Gehl Doyle, Director, New York State Supreme Court Appellate Division Fourth Department Independent Judicial Election Qualification Commissions, M. Dolores Denman Courthouse, 50 East Avenue, 5th Floor, Rochester, New York 14604-2206 . All questionnaires for candidates seeking election to the above-referenced judicial offices should be submitted by June 23, 2014. However, if a candidate submits a questionnaire within a sufficient period of time before the election, the Commission will make every effort to accommodate the rating of the candidate.

**For further information contact:**  
**Mary Gehl Doyle, Esq., Director, IJEQC,**  
**M. Dolores Denman Courthouse**  
**50 East Avenue**  
**Rochester, New York, 14604**

**(585) 530-3225**

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Attorney at Law

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Oneida Nation Enterprises, LLC is an equal opportunity employer. Qualified American Indians are encouraged to apply.

# LEGAL BRIEFS

## Sassani Joins Sugarman Law Firm

The Sugarman Law Firm, is proud to announce that Kathleen Sassani, Esq. has joined the firm. Sassani was the founder and managing attorney at Sassani & Schenck, P.C.



Throughout her over twenty years of practice, Ms. Sassani has distinguished herself as a skilled trial lawyer, concentrating in civil litigation, with an emphasis on construction law, products liability, legal malpractice and insurance law.

Sassani is a member of the New York State Bar Association, Onondaga County Bar Association, New York State Trial Lawyers Association and the Association of Trial Lawyers of America. She has given numerous lectures and seminars through the New York State Bar Association and other legal educational programs. Based on a peer review process, Martindale-Hubbell awarded her with the highest rating attainable (an AV rating), signifying the highest level of professional excellence.

## Donald Kelly Named "Top 100 Trial Lawyer"

After practicing criminal defense in Central New York for over 18 years, Tully Rinckey PLLC Partner Donald E. Kelly has been invited to join the National Trial Lawyers: Top 100 Lawyers for the year 2014. He was selected based on his stellar qualifications, trial results, and leadership in the practice area of criminal defense law.



Mr. Kelly has been lead counsel in several high-profile homicide and narcotics cases.

He has successfully secured the outright dismissal of cases for clients charged with murder and class A drug felonies as well as lower-level felonies and misdemeanors. Mr. Kelly is highly knowledgeable in every aspect of criminal law, including sex crimes, drug crimes, property crimes, and violent crimes.

Before joining Tully Rinckey PLLC in 2012, Mr. Kelly spent a decade running his own criminal defense practice. By then he had served as lead attorney in over 50 jury trials. He also served for six years on the board of directors for the Onondaga County Bar Association's Assigned Counsel Program. He was Vice President of the board for three of those years. He is also a senior hearing examiner in the Syracuse Parking Violations Bureau.

## New Rules Governing Contingent Fees

As you may know, all four of the Appellate Divisions recently adopted a new rule governing contingent fees in claims and actions for personal injury and wrongful death. The new rule is mandatory.

The difficulty faced by Academy Members is that the Academy is not aware of any court decision, court statement or definitive bar opinion which addresses or clarifies the

scope, reach or even intent of the new rules. Accordingly, the Academy's Executive Committee believes it is in the interests of the Academy Membership to suggest language for insertion into retainers which is concededly conservative, but which is believed to satisfy the new rules in the four Appellate Divisions. Nonetheless, every lawyer who reads the below linked document must consider the issues; review the applicable rules; and make his or her own informed decision concerning what to insert into his or her retainer agreements. In other words, because of the lack of authority, each lawyer proceeds at his or her own risk.

We look forward to hearing your (and your bar's members) thoughts and comments - please e-mail us at [info@trialacademy.org](mailto:info@trialacademy.org).

Should you need any additional information, don't hesitate to call or e-mail Michelle J. Stern, Esq., Executive Director NYS Academy of Trial Lawyers [mstern@trialacademy.org](mailto:mstern@trialacademy.org)

## Gilberti Stinziano Heintz & Smith Welcomes Ms. Porter

Gilberti Stinziano Heintz & Smith, P.C. is pleased to announce that Ms. Annaleigh E. Porter joined the Firm's Litigation Practice Group focusing on criminal and civil matters.

Ms. Porter graduated from Syracuse University College of Law with a J.D., cum laude, in May, 2010. While at SU, Ms. Porter served as President of the National Woman's Law Student Association; Grossman Trial Competition Director and Executive Member for Moot Court Honor Society; Student Representative, Faculty Appointment and Leaves Committee. She received a Chancellor's Scholarship and Dittmar Scholarship. She also received the Robert W. Miller Award for Moot Court Honor Society Contributions; CALI Award for Excellent Achievement in Study of Legal Communication and Research; and SUCOL Award Recognizing Exemplary Commitment to Public Service and Pro Bono.



Most recently, Ms. Porter was an Associate of McGraw Law Office under the late James McGraw. Ms. Porter's experience extends to appellate practice and administrative proceedings before the NYS Dept. of Transportation, the NYS Dept. of Health and the NYS Unemployment Board.

## Central New York Women's Bar Association Accepting Applications for Judicial Candidates

The Judicial Screening Committee of the Central New York Women's Bar Association is accepting applications for review and rating by the Committee from judicial candidates within the 5th Judicial District. The deadline for submission of applications is July 16, 2014. For further information, contact committee co-chairs:

**Lisa DiPoala Haber**, [lhaber@gilbertilaw.com](mailto:lhaber@gilbertilaw.com), or  
**Danielle Mikalajunas Fogel**, [dfogel@sugarmanlaw.com](mailto:dfogel@sugarmanlaw.com).

# CELEBRATING 10 YEARS OF GRANTMAKING FOR SENIORS AND 65 YEARS OF LOCAL HISTORY

For more than 50 years, senior citizens from all over Onondaga County gathered in Syracuse at the Carriage House Community Center, formally known as the Wagon Wheel Senior Center, on Burnet Avenue to socialize, exercise, and even to prepare their taxes. The meal service, one of the most popular programs, provided thousands of meals daily to seniors who paid as little as \$2.00 a day.

In 2003, the Center was forced to close because operating it had become too expensive. The leadership was determined to continue its mission despite its challenges, seeking a partner who could carry their mission into the future. The Carriage House Foundation found that partner in the Central New York Community Foundation and transferred its remaining assets to the Community Foundation for long-term stewardship. The Community Foundation was charged with carrying on the Carriage House's mission:

"To provide food, services and supports to the elderly population of Syracuse and surrounding neighborhoods."

Much of the strength of the Central New York Community Foundation lies in the permanence of its funds. Specifically, there is great power in endowment funds, which preserve and invest the principal, and use a portion of the earnings for charitable giving. Over time, and through diligent management, the fund grows to exceed the original gift even after grants are made to support community programs. The Community Foundation offers an endowment calculator on its website at [www.cnycf.org/endowment](http://www.cnycf.org/endowment) to help demonstrate how an endowment gift can support good work now while growing for the future.

"This is a perfect example of the power an endowment can have on a community when it follows a strict spending and investment policy," said Peter Dunn, President and CEO of the Central New York Community Foundation. "Since it was established ten years ago, a total of \$650,000 has been contributed to the fund. More than \$200,000 in grants have been awarded from it and the fund still retains more than \$700,000 for future projects."



Peter Dunn

Original Carriage House Foundation members chose to be a part of the grantmaking decision process for this fund in its early days, and to this day enjoy hearing stories of the grants that are made from the fund. Today, the committee entrusts the needs assessment and grantmaking decisions to the Community Foundation. The fund continues to support grants for projects that support the needs of seniors through the Community Foundation's community grantmaking process. Projects have included those that provide:

- Basic needs such as food and shelter;
- Access to affordable, quality health care; and
- Entertainment programming that enhances quality of life.

Just a few of the many grant recipients from the past 10 years have included:

- \$3,500 for the Canton Woods Senior Center to purchase computers and a video magnification system to help seniors

access library information;

- \$7,500 for the Francis House to purchase new oxygen manifold and patient beds;

- \$18,000 to the Alzheimer's Association of CNY to renovate the kitchen facilities in the Kirkpatrick Day Program, and to provide a classical music program for persons with dementia residing in long-term care facilities;

- \$10,500 for the Home Aides of CNY to automate record keeping and allow health aides to access information via cell phone; and

- \$28,000 to the Jewish Family Services Bureau, Inc. for a community-based program to help seniors overcome depression and improve quality of life.

"For the past ten years, not-for-profit organizations that provide social and health issues to the elderly have benefited from the fund's grantmaking," said Constance Foote, Carriage House Fund committee member. "This has enabled many, many groups to meet their needs in working with the seniors in our community. I feel that it has been a wonderful way of continuing on with our mission now and into the future."



## The University Building

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

# Business & Commercial Litigation in Federal Courts Third Edition | The Expert Down the Hall and Practical Toolkit

John P. Langan, Esq. | Hiscock & Barclay, LLP.

We hear of access to justice initiatives all the time, but what about lawyers in our community who feel uncomfortable accessing the federal court system because it is unfamiliar and intimidating? Many local practitioners are top notch at pursuing litigation for their clients in state court, but give up lucrative engagements when it requires them to enter the federal building. What if you had a law partner in the office next to yours with extensive experience in federal litigation—someone who kept abreast of the most recent changes in law, and who maintained impeccable forms, samples, check lists, and other documented practical advice on the ins and outs of litigating commercial cases in federal court? With that partner nearby, even the uninitiated could be comfortable stepping into the new forum.



John Langan

Enter Robert L. Haig's *Business and Commercial Litigation in Federal Courts (Third Edition)*. This eleven-volume compilation provides the resources of an experienced federal trial lawyer—a law partner of sorts—that can instantly level the playing field against the most intimidating opponent. Armed with this comprehensive treatise, there is no excuse for any lawyer in our community with a general litigation background feeling uncomfortable in federal court. The treatise's 130 chapters—addressing nuts and bolts topics such as case evaluation, discovery strategy, and trials—include later sections that discuss litigating specific claims in almost every imaginable area of law. Each topic is discussed by leading practitioners and jurists in their field, and each ends with helpful check lists, sample forms, and jury instructions. No library should go without this goldmine of information and practical toolkit.

And for the seasoned practitioner, the book has equal value. The Third Edition includes 34 new chapters and many that are refreshed (e.g., chapters on internal investigations, information technology, and the False Claims Act are welcome new additions; and litigation technology and e-discovery are equally helpful among the refreshed chapters). There is nothing more undermining to your credibility as a federal litigator than citing an outdated rule or standard. Ordering the annual pocket part ensures that you remain current on practice rules and case law updates.

Despite best efforts in our district to keep practitioners current (e.g., 17 practice-specific CLE's held last year by our Federal Court Bar Association), the judiciary still grapple with motions for leave to amend from parties enjoying the privilege as a matter of right (amendment

to Rule 15(a) in 2009); miscited paragraphs in motions for summary judgment (amendment to Rule 56 in 2010); expert disclosure problems at trial (amendment to Rule 26 in 2010); and misstated legal standards for motions to dismiss (conceivability standard changed to plausibility standard following *Bell Atlantic Corp. v. Twombly* in 2007). Haig's compilation ensures that you are current and up-to-date in both the procedural and substantive areas of federal practice.

The book is a joint venture between Thomson Reuters and ABA's Section of Litigation with all royalties from sales going to the Section of Litigation. The eleven-volume set sells for \$434 and comes with a CD-ROM containing many of the forms, jury instructions, and check lists that appear in the printed treatise. It is a bargain at this price and can be the partner down the hall that expands your practice and keeps you current.



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Inquiries will be kept confidential and should be submitted via email to: [excellence@bhlawpllc.com](mailto:excellence@bhlawpllc.com) or to

**Bousquet Holstein PLLC**  
**Suite 900, 110 West Fayette Street**  
**Syracuse, NY 13202**

## Commission on Judicial Nomination Seeking Recommendations

The New York State Commission on Judicial Nomination ("the Commission") announced last month that it is seeking recommendations and applications of persons who may be qualified to serve as an Associate Judge of the State's highest Court, the Court of Appeals of the State of New York. On November 29, 2014, a first vacancy will exist on the Court due to the expiration of the term of office of Senior Associate Judge Victoria A. Graffeo.

Candidates for this vacancy may download an application from the Commission's website ([www.nysegov.com/cjn](http://www.nysegov.com/cjn)) or contact the Commission's Counsel, Henry M. Greenberg,

**Henry M. Greenberg | c/o Greenberg Traurig, LLP**

**54 State Street, 6th Floor | Albany, New York 12208**

**Tel.: (518) 689-1492 | e-mail: [greenbergh@gtlaw.com](mailto:greenbergh@gtlaw.com) | Fax: (518) 689-1499**

Applications may be filed electronically by e-mailing them to [CJN\\_Applications@gtlaw.com](mailto:CJN_Applications@gtlaw.com) or submitted by mail to the Commission's Counsel. Applications must be submitted to the Commission no later than June 15, 2014.

In addition to the first vacancy, a second vacancy on the Court of Appeals will occur on January 1, 2015 due to Associate Judge Robert S. Smith's mandatory retirement for age. (Under the Constitution of the State of New York, Judges of the Court must retire at the end of the year in which they turn age seventy.) The Commission will begin to accept applications for Judge Smith's vacancy later this year.

*The Commission was created by Article 6, § 2 of the New York State Constitution. Consistent with its mandate, the Commission is entrusted with responsibility for evaluating, and then recommending to the Governor, candidates to fill vacancies on the Court of Appeals. The Commission vigorously seeks out, carefully evaluates and then nominates to the Governor three to seven well-qualified candidates from the extraordinary, diverse community of lawyers admitted to practice in New York State for at least ten years. The Governor's appointment is subject to confirmation by the New York Senate.*

### 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, after that attorney has moved, stopped practicing or passed away.

**If you know where your files will go after you're gone,**  
Contact Membership Coordinator:

**Peggy Walker at 579-2582 or  
via email, [pwalker@onbar.org](mailto:pwalker@onbar.org).**



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### FROM THE EDITORIAL BOARD

To advertise in the Bar Reporter, call the Onondaga County Bar Association at 315.579.2578 or check our website at [www.onbar.org](http://www.onbar.org).

Letters to the Editor: The Editorial Board accepts letters or comments for publication concerning issues presented in each edition or other issues related to the legal community. Submissions should be limited to a few paragraphs and mailed to OCBA, Attention Bar Reporter. or Email [cstirpe@onbar.org](mailto:cstirpe@onbar.org).

*John A. Cirando, Editor Emeritus*

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# BAR BOARDS:

## Lemery Greisler seeks Associate Attorney

Lemery Greisler LLC seeks an Associate Attorney with 3-5 years real estate and/or commercial transaction experience to work in its Albany office. Qualified candidates must be admitted to the New York bar and have a strong desire to make the Capital District home and become part of the community. Email cover letter and resume to Ms. Karin Burch: [KBurch@lemerygreisler.com](mailto:KBurch@lemerygreisler.com).

## Newly Renovated Office Space | Prime Courthouse Location

Recently renovated individual office space available, including receptionist, copier, fax and phone lines, in the Monroe Building located directly across from the Courthouse. Additional space is also available up to 5,000 square feet. Please contact Kris at 479-6445.

## 2014 Pride Reception

### Q Law celebrates **LGBT Pride Month**

**Thursday | June 12 | 5:00 - 6:30 pm**

All are invited to join Q Law for an after-work reception to celebrate LGBT Pride month.

Q Law is the LGBTQ Law Association of CNY, made up of legal professionals who support its mission: to eliminate homophobia and transphobia in the justice system; promote LGBTQ legal professionals in central New York; educate the legal community and the public on LGBTQ-specific legal issues; and support judges who support equal civil rights for



LGBTQ persons.

Q Law also operates a pro bono legal support program for low-income people seeking assistance with LGBTQ legal matters including name change, second-parent adoptions, harassment and discrimination.

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# OCBA Paralegals Committee

Contributors | OCBA Paralegals Executive Committee

## May Paralegals Luncheon Meeting

The May Paralegals Luncheon Meeting was held Thursday, May 8, 2014 at Spaghetti Warehouse. We were delighted to have Jeff Unaitis, Executive Director of the Onondaga County Bar Association and several members of OCBA's staff join us to discuss what they do "behind the scenes" (and what these dedicated people accomplish is nothing short of astounding!).

Jeff spoke about the Onondaga County Bar Foundation, the philanthropic arm of the OCBA which hosts several annual activities; The Volunteer Lawyers Project whose primary purpose is to serve the low-income community; and the launch of OCBA's new website which includes a Paralegals Section (go to [www.onbar.org](http://www.onbar.org), click on Member Information, go to the drop down menu under About Us and you'll see Paralegals Section).

Michele "Chele" Stirpe is a Graphics Specialist and the CLE Coordinator for OCBA. She designs, formats and distributes the monthly Bar Reporter; creates and sends the OCBA email blasts; updates the website and creates graphics for OCBA special events and programs. She manages the CLE program from planning, scheduling and marketing to registration and certification. There were over 40 CLE programs presented in 2013.

Maggie James and Dolores Hnat are Lawyer Referral Specialists. They prescreen callers and refer them to attorneys familiar with their type of legal issue. Approximately 3,000 calls are handled annually through the Lawyer Referral Service.

Peggy Walker is the "veteran" on OCBA's staff, having been there holding down the fort for many years. Peggy is in charge of OCBA membership and handles countless calls and voluminous correspondence, especially regarding continuous changes to the membership directory. She also assists in coordinating OCBA special events such as the annual Law Day festivities, the 50-Year Luncheon and the Annual Dinner.

Jeff provided accolades for all the OCBA Staff's dedication, expertise and professionalism. The members of the OCBA Paralegals Committee whole-heartedly agree!

## SAVE THE DATE!

**June 12, 2014, 12:00-1:00PM at Spaghetti Warehouse. Jennifer L. Rosenberg, Esq. will be presenting on Attorney for the Child (no longer referred to as Law Guardian). This will be our last luncheon meeting until September.**

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 Jean Swanger at [jswanger@gilbertlaw.com](mailto:jswanger@gilbertlaw.com) or call 442-0174. Please keep in mind that your reservation is binding unless you cancel on or before the reservation deadline.

## THE EXECUTIVE COMMITTEE COULD USE YOUR HELP

*EC Chair Kathrine Cook extends an invitation to paralegals who would like to find out more about serving on the Executive Committee.*

If you are interested in attending the EC meetings to share your ideas for upcoming programs and ways to better serve the paralegal members, please contact Kathrine Cook at [kathrinecook0@gmail.com](mailto: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](mailto:kathrinecook0@gmail.com) to have your job provided to OCBA Paralegal members. The Listserv is open to all OCBA Paralegal members (including student members).

*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.



## Save the Date



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

**September 11, 2014  
DRUMLINS COUNTRY CLUB**



# Continuing Legal Education

## 2014 CPLR Update | Friday, June 20<sup>th</sup>

Professor Patrick Connors | Albany Law School

Central New York Community Foundation  
Philanthropy Center | 431 East Fayette St | 13202  
Parking Map: <http://www.cnyphilanthropycenter.org/parking map>

MCLE 2.5 Professional Practice + 0.5 Ethics

Registration: 12:30 pm | Program: 1:00 to 4:00 pm

\$125 Members | \$85 Paralegal | \$45 Agency Lifetime Student | \$160 Non-Member



### Topics to be covered this year . . .

- US Supreme Court decisions significantly alter the **law of personal jurisdiction** in New York
- **CPLR 5015** used to vacate final judgment in related matter
- review of recent Court of Appeals decisions addressing **statute of limitations** issues
- new **Uniform Notice of Claim Act**
- issues arising with **electronic filing**
- is a lawyer representing a nonparty at a deposition a **"potted plant"**?
- can CPLR 2004 authorize **extension of time periods** not contained in the CPLR?
- using **verified pleadings** on a motion
- use of **electronic signatures**
- new monetary thresholds in the **Commercial Division**
- recent **CPLR Amendments** concerning protective orders, alternate jurors and mortgage foreclosure actions
- agreements calling for **arbitration** in New York
- Court of Appeals addresses **CPLR 5222-a**, designed to protect exempt funds from restraint or execution
- Court of Appeals reviews options for parties challenging an **additur or remittitur**
- is **expert disclosure** required for a treating doctor?
- Court of Appeals addresses sufficiency of papers on application for **default judgment**
- Court of Appeals addresses debts and property against which a **money judgment** can be enforced
- can a New York bank be compelled to deliver property held by its foreign subsidiary in a **turnover proceeding**?
- Court of Appeals once again adopts a generous view of whether an order **"necessarily affects"** a final judgment and can be reviewed on appeal
- proper procedure for motion to **quash a subpoena**
- can a lawyer **pay for evidence**?
- the CPLR Celebrates its **50th Anniversary!**

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Please **DOWNLOAD** and complete this form and return to **OCBA** | email: [cstirpe@onbar.org](mailto:cstirpe@onbar.org) | or FAX: 315.471-0705

I would like to attend:  CPLR Update 2014

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# 13TH ANNUAL DAN MATHEWS GOLF OUTING

THURSDAY | AUGUST 14, 2014 | POMPEY CLUB  
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# NEW YORK STATE SUPREME COURT

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Chambers Room 409. . . . . 671-1108

Hon. John V. Centra  
Chambers Room 401. . . . . 671-1105

Hon. Brian F. DeJoseph  
Chambers Room 403. . . . . 671-1107

### Fifth Judicial District Administrative Judge

Hon. James C. Tormey  
Chambers Room 400. . . . . 671-1100

### Supreme Court Justices and Acting Supreme Court Justices

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Hon. Donald A. Greenwood  
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Hon. Deborah H. Karalunas  
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Chambers Room 408. . . 671-1104

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Syracuse, New York 13202

Hon. Martha Walsh Hood  
Chambers 8th Floor. . . . 428-3256

Hon. Martha E. Mulroy  
Chambers 8th Floor. . . . 428-3215

Hon. Hugh A. Gilbert. . . . . 785-7918  
State Office Building  
317 Washington Street  
Watertown, NY 13601

Hon. Walter W. Hafner, Jr. . . . . 349-8666  
Public Safety Center  
39 Churchhill Road  
Oswego, NY 13126

Hon. Charles C. Merrell. . . . . 376-5366  
Lewis County Courthouse  
7660 North State Street  
Lowville, NY 13367

# 2014 SCHEDULE

Revised 04-30-14

Onondaga County  
Supreme Court Clerk's Office  
Onondaga County Courthouse Room 302  
401 Montgomery Street  
Syracuse, New York 13202  
Voice (315) 671-1030  
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**ONONDAGA COUNTY SUPREME COURT  
2014 SCHEDULE**

	Term 1 1/6 - 2/2	Term 2 2/3 - 3/2	Term 3 3/3 - 3/30	Term 4 3/31 - 4/27	Term 5 4/28 - 5/26	Term 6 5/27 - 6/22	Term 7 6/23 - 7/20	Term 8 7/21 - 8/17	Term 9 8/18 - 9/14
<b>All Purpose</b>	Greenwood	Karalunas	Paris	DeJoseph	Murphy	Cerio	Hafner	Cerio	Murphy
	1/16 1/30	2/13 2/27	3/13 3/27	4/10 4/24	5/8 5/22	6/5 6/19	7/3 7/17	7/31 8/14	8/28 9/11
						6/3 6/17	7/1 7/15	7/29 8/12	8/26 9/9
	1/7 1/21	2/4 2/18	3/4 3/18	4/1 4/15	4/29 5/13	5/27 6/10	6/24 7/8	7/22 8/5	8/19 9/2
						6/3 6/17	7/1 7/15	7/29 8/12	8/26 9/9
	1/6 1/23	2/3 2/20	3/3 3/17	3/31 4/14	4/28 5/12	5/29 6/9	6/23 7/7	7/21 8/4	8/18 9/4
	1/8 1/22	2/5 2/19	3/5 3/19	4/2 4/16	4/30 5/14	5/28 6/11	6/25 7/9	7/23 8/6	8/20 9/3
	1/13 1/27	2/10 2/13	3/10 3/24	4/7 4/21	5/5 5/19	6/2 6/16	6/30 7/14	7/28 8/11	8/25 9/8
	1/9 1/23	2/6 2/13	3/6 3/20	4/3 4/17	5/1 5/15	5/29 6/12	6/26 7/10	7/24 8/7	8/21 9/4
	1/15 1/29	2/13 2/26	3/12 3/26	4/9 4/23	5/7 5/21	6/4 6/18	7/2 7/16	7/30 8/13	8/27 9/10
<b>Naturalizations</b>	1/16 Karalunas	2/13 Greenwood	3/13 Cerio	4/17 Hanuszczak	5/15 Murphy	6/12 Fahey	7/17 Hood	8/14 Hanuszczak	
<b>Holidays</b>	1/20 Martin Luther King Day	2/12 Lincoln's Birthday 2/17 President's Day			5/26 Memorial Day		7/4 July 4th		9/1 Labor Day

**Motions in Supreme Court**  
Unless otherwise specified by the Court, Motions are heard at 10:00 a.m. in the Calendar Part Courtroom (Room 318).

**Motions in Dedicated Matrimonial Part**  
Unless otherwise specified by the Court, Motions are heard at 1:30 p.m. in the Dedicated Matrimonial Part Courtroom assigned to the Justice.

**Motions on Submission Only**  
Dates marked (s) are on submission only.

ALL of Judge Gilbert's Motions beginning May 20, 2014 are on Submission Only. If Oral Argument is required, please contact Judge Gilbert's Chambers to make arrangements with the Court.

**Naturalizations**  
Naturalizations are conducted at 2:00 p.m. in Room 400 of the Onondaga of the Onondaga County Courthouse.

	Term 10 9/15 - 10/13	Term 11 10/14 - 11/9	Term 12 11/10 - 12/7	Term 13 12/8 - 1/4
<b>All Purpose</b>	Greenwood	Karalunas	Paris	Cerio
	9/25 10/9	10/23 11/6	11/20 12/4	12/11
	9/23 10/7	10/21 11/5	11/18 12/2	12/16
	9/16 9/30	10/14 10/28	11/12 11/25	12/9
	9/23 10/7	10/21 11/5	11/18 12/2	12/16
	9/15 9/29	10/16 10/27	11/10 11/24	12/8
	9/17 10/1	10/15 10/29	11/12 11/26	12/10
	9/22 10/6	10/20 11/3	11/17 12/1	12/15
	9/18 10/2	10/16 10/30	11/13 11/20	12/11
	9/24 10/8	10/22 11/5	11/19 12/3	12/17
<b>Naturalizations</b>	9/18 Young	10/16 Raphael		12/11 Aloi
<b>Holidays</b>	10/13 Columbus Day	11/4 Election Day	11/11 Veteran's Day 11/27 Thanks-giving	12/25 Christmas Day 1/1 New Year's Day