



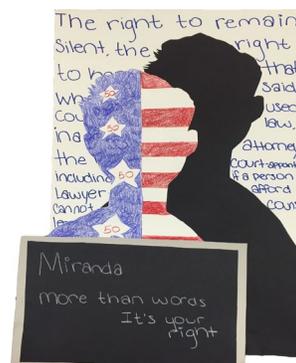
ONONDAGA COUNTY BAR ASSOCIATION BAR REPORTER

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Law Day 2016 Brings OCBA Back to Hotel Syracuse

Law Day 2016 was one for the bar association's record books. Terrific attendance, recognition of individual accomplishment and copious press attention paid to this year's theme "Miranda: More than Words" were hallmarks of the annual event. *To read more, turn to page 3.*



UPCOMING EVENTS:

- | | |
|---------------------------------------------|----------|
| Young Lawyers Trivia Night at World of Beer | June 27 |
| CLE- Crimmigration Law | June 28 |
| CLE- Top Myths of the Adoption Proces | June 30 |
| 50 Year Luncheon | Sept. 29 |

MISSION:

To maintain the honor and dignity of the profession of law, to cultivate social discourse among its members, and to increase its significance in promoting the due administration of Justice.

From the President:

Dear Friends,

For those of you who don't know me, I'm a Staff Attorney at Legal Services of Central New York – one of the free civil legal services programs in our area that provides assistance to low-income people. Prior to returning to CNY in 2004, I was Executive Director of the National Employment Law Project and prior to that an AAG in the Labor Bureau of the NYS Attorney General's Office. For most of my professional life, I have practiced employment law on behalf of workers.

I've been active in bar associations since 1983 when I was a law student at Brooklyn Law School. It was then that I first became involved with what is now known as LGBT Law Association of Greater New York and served as its president in 1992 and 1993, helping to create the LGBT Law Association Foundation. In New York, I was also very active in the Association of the Bar of the City of New York. For me, participation in bar associations has been a way to get to know lawyers in different practice areas and to work together to benefit our profession and our community.



I hope you were able to attend OCBA's Law Day 2016 Celebration. Our Law Day Committee, led by Joe Bufano and Anastasia Semel, did an outstanding job. Many thanks to everyone who helped make the celebration memorable. Our return to the Hotel Syracuse -- aka Marriott Syracuse Downtown -- for our May 3rd Law Day Breakfast was a preview of other events coming throughout the year. The Breakfast proved to be a successful effort to engage our members in the celebration while continuing to engage the community through the school-based mock trial program offering opportunities for students to talk to our members about the legal profession. Judge John J. Brunetti's remarks about this year's theme "Miranda: More than Words" were informative and engrossing, despite the construction noise in the hotel. The event also afforded us with the opportunity to present our first annual Service to the Association award to Barclay Damon attorney Anne Burak Dotzler. Later that morning, on the courthouse steps, OCBA board members were sworn in for the 2016-17 term and the bar association presented its Liberty Bell award to Helen Hudson for her work with Mothers Against Gun Violence.

In the coming year as OCBA President, I will continue the work of my predecessors in helping to make OCBA more useful and more meaningful to our members and to reach out to those lawyers in our community who have yet to join us. Bar associations throughout the U.S. are struggling to do this. Here at the OCBA we are lucky to have some very active Committees and Sections and I look forward to working to promote this work as a way of increasing our visibility and value.

In particular, I want to continue to participate in and promote the work of our Diversity and Inclusion (D&I) Committee, created in 2014. On Wednesday, June 15, from 4 to 7 p.m. at the Syracuse University College of Law, the D&I Committee hosted OCBA's 2nd Annual Welcome to Syracuse event for summer interns, summer associates and new lawyers. The first part of the program featured a panel discussion on Diversity and Inclusion Best Practices, followed by a reception at which we presented the Central NY Women's Bar Association with our First Annual Diversity and Inclusion Award. The purpose of the Welcome to Syracuse event is to promote our region as an environment where new lawyers and lawyers new to the area want to remain.



I also plan to help revitalize our Community Service Committee to support our members' community service activities. Formerly called the Pro Bono Practice Committee, the CSC will offer support and promote attention to the wide range of community service activities in which our members engage, including pro bono. Finally, let's reinvigorate our Solo Practice Small Firm Section. This Section represents a significant part of our membership and there are many networking and collaborating opportunities we can help develop and nurture. Watch your e-mail for further info.

Regards,

Jim Williams

James M. Williams | OCBA President
E-mail: jwilliams@lscny.org
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YOUR RIGHT TO REMAIN SILENT: MIRANDA THEME MARKS LAW DAY 2016

By: Carrie Chantler, Dir. of Marketing & Communications

Honoring the 50th anniversary of arguably the nation's best-known U.S. Supreme Court case, *Miranda v. Arizona*, this year's May 3 Law Day events reached a variety of audiences from students at Fowler High School during the Law Day Career Fair to fans of NewsChannel9's "Bridge Street," when Law Day Committee members the Hon. Langston McKinney and co-chair Anastasia Semel appeared on the daily talk show.

Aiming to spread awareness of the landmark case's influence, a panel comprised of McKinney, committee co-chair Joseph Bufano, First Chief Assistant District Attorney Rick Trunfio and Executive Director of Legal Services of Central New York Dennis Kaufman also met with the Post-Standard Editorial Board and P-S Legal Affairs Reporter Douglass Dowty. The meeting set off a publicity flurry that put the Law Day theme in front of Syracuse residents by way of several newspaper articles, including a live Q&A with Law Day's featured speaker the Hon. John J. Brunetti.

The Law Day Committee hosted the morning event at both the Marriott Syracuse Downtown and on the steps of the Onondaga County Courthouse. A favorite meeting spot in OCBA's history, more than 250 legal professionals met in the Persian Terrace at the former Hotel Syracuse, ducking construction dust and noise, colleagues convened surrounded

Dotzler was commended for her many contributions to the legal community. From the time she began as an OCBA intern in 2000, her colleagues understood she was a force of energy whose goal was to better their profession. Elected to OCBA's Board of Directors in 2011, she's chaired several



committees, including Law Week, Annual Dinner and has served as a member of its Executive and Finance Committees, the Trial Lawyers Section and the Young Lawyers Section as well as on the Bar Reporter Editorial Board. She is also a founding member of the Diversity & Inclusion Committee. Dotzler received the award by unanimous nomination of the Board of Directors in recognition of her past accomplishments, but also "for what her future leadership potential promises for our profession and the legal community." In an induction ceremony held on the Onondaga County Courthouse steps, with Judge Martha E. Mulroy presiding, OCBA's new Board of Directors was welcomed into a new year of service.



by the venue's gracious grandeur. During the breakfast, the young lawyers of the New York State Championship Mock Trial team from Fayetteville-Manlius High School received accolades from their OCBA counterparts as the adults in the room warmly applauded the students' winning efforts.

Anne Burak Dotzler, a Barclay Damon associate, also received recognition during the celebratory breakfast. As recipient of OCBA's inaugural Outstanding Service Award,

In one of the event's finest moments, the assembled lawyers and judges, honored local activist and Syracuse Common Councilor At-Large Helen Hudson with the Liberty Bell Award. Bestowed upon a non-lawyer, the award recognizes a citizen whose selfless contributions to the community strengthen the effectiveness of the American system of justice and instills a better understanding of the law. Hudson, a 47-year resident, is well known for her unending commitment to Syracuse. She is the co-founder and president of Mothers Against Gun Violence. Among her many accomplishments is the creation of the Trauma Response Team, which assists individuals and families affected by violent acts. Arriving at crime scenes, teams offer support, counseling and encouragement.

REMARKS BY JUDGE JOHN J. BRUNETTI CONVEY MEANING OF MIRANDA THEME FOR LAW DAY 2016

Why is the Miranda decision important to a room full of people who will never hear Miranda warnings for real?

The Miranda rule is based upon the Fifth Amendment to the U.S. Constitution which provides, “Nor shall any person be compelled in a criminal case to be a witness against himself.”

The rationale for the ruling was that custodial interrogation is inherently coercive and results in compelled self-incrimination in violation of the Fifth Amendment, unless warnings are issued to dissipate the coercive environment.

As the Miranda Court said in 1966: “The current practice of incommunicado interrogation is at odds with one of our nations most cherished principles — that the individual may not be compelled to incriminate himself.”

We all know that Miranda is a critical part of the day-to-day operations of the criminal justice system for law enforcement, prosecutors, defense lawyers and judges. Many of us know the nuts and bolts of Miranda.

I am going to talk about the road to and through Miranda in an attempt to answer the question I posed earlier: Why is the Miranda decision important to a room full of people who will never hear Miranda warnings for real?

The road to Miranda travels through European History, the adoption of the U.S. Constitution, and the Supreme Court’s treatment of the Bill of Rights in general, and confessions in particular.

European History. Two of the major crimes were heresy/blasphemy (espousing a religion other than that of the king) and seditious libel (criticizing the king).

Rooting out blasphemy was the goal of the Spanish inquisition in the 1500s where people suspected of blasphemy were locked away in a dungeon, held incommunicado and sometimes tortured in order to get evidence of blasphemy out of their own mouths. The torture included such measures as the rack and an early form of water-boarding.

A Century later, it was the King of England, the crime was seditious libel and the dungeon’s place was taken by the Court of the Star Chamber. People suspected of criticizing the King were interrogated to enable the King to get evidence of seditious libel out of their own mouths.

The Supreme Court referred to both the Spanish Inquisition and the Court of Star Chamber in the Miranda decision.

The Bill of Rights. While the colonists who fought the Revolutionary War were not born until after the Spanish Inquisition and the Court of Star Chamber ceased, protection from such abuses is evident in the Bill of Rights ratified by the states in 1791: Freedom of Speech, Freedom of Religion, Freedom

from compelled Self-Incrimination, the Right to a Public Trial and the prohibition on Cruel and Unusual Punishment.

Historical Treatment of the Bill of Rights by the United States Supreme Court. From 1791 to 1925, the Bill of Rights restricted only the actions of the Federal Government. While



many states, including New York, adopted their own constitutions with provisions that mirrored the Bill of Rights, the states were theoretically free to pass laws that prohibited free speech and freedom of religion, allowed unreasonable searches, forced people to incriminate themselves, and allowed the infliction of cruel and unusual punishment.

It wasn’t until 1925, that the Supreme Court used the Fourteenth Amendment’s due process clause as a basis to require the states to follow selected provisions of the Bill of Rights. So, in 1925, the First Amendment Rights of Freedom of Speech and Freedom of the Press were made binding on the states because they were fundamental rights of Americans. But it was not until the 1960’s that the following provisions of the Bill of Rights were made binding on the states in separate cases decided over a period of nine years: the Fourth Amendment’s exclusionary rule; the Eighth Amendment’s ban on cruel and unusual punishment; the Fifth Amendment’s ban on self-incrimination and double jeopardy; and the Sixth Amendment’s rights to counsel and to confront witnesses.

Supreme Court’s History in Confession Cases. Since the Fifth Amendment prohibition on compelled self-incrimination was not binding on the state officers until the mid-60’s, over the thirty years preceding Miranda, the only constitutional provision the Supreme Court could rely upon to review confessions in state criminal cases was the 14th Amendment’s due process clause that prohibits states from depriving a citizen “of life, liberty or property without due process of law.” And, in most of those state confession cases reviewed by the Court the claimed deprivation was life.

So, prior to Miranda, in reviewing confessions used in state criminal prosecutions, the Supreme Court would applied what was known as the “totality of circumstances test” to determine

JUDGE JOHN J. BRUNETTI ON MIRANDA (CONTINUED)

whether a confession was voluntary. This two-pronged test considered the individual characteristics of the suspect together with the interrogation methods used by the police in the case under review. The Court applied this test to invalidate confessions in death sentences in cases like:

1936 - *Brown v. Mississippi*: Defendants were whipped and tortured until they confessed. Mississippi's highest court upheld their death sentences.

1945 - *Malinski v. New York*: Defendant was arrested and taken to a hotel in Brooklyn, where he was kept and interrogated on and off for four days. His death sentence was upheld by our state's highest court.

1959 - *Spano v. New York*: Defendant was sentenced to death based upon his confession which was upheld by our state's highest court. The United States Supreme Court described Spano's interrogation as a "kangaroo court procedure."

The initial rationale for ordering suppression of confessions as involuntary based upon the totality of circumstances was that they were unreliable. However, as time went on, the Court began to change the emphasis from unreliability to this: Regardless of reliability, the methods used to extract confessions were unacceptable because they were inconsistent "with the fundamental principles of liberty and justice which lie at the base of all our civil and political institutions"

Why *Miranda*? The Supreme Court realized that the totality of circumstances test did not guide the police as to what was and was not a proper interrogation technique. The Court wanted to establish a set of rules to guide state law enforcement officers. Interrogation in federal criminal cases was not a problem for two reasons: "The McNabb-Mallory rule", later codified in Rule 5-a of the Federal Rules of Criminal Procedure, required a prompt arraignment after arrest, and the FBI was already warning suspects of some rights.

When the *Miranda* decision was issued, some critics blamed the police for bringing about *Miranda*. That is wrong in my view. The people who were responsible for the Supreme Court's issuance of the *Miranda* decree were the judges of the highest courts of the states, including New York, who condoned police interrogation methods like those used in *Brown*, *Malinski* and *Spano*, by upholding death sentences based on confessions produced by

those methods.

Some said the Supreme Court was so fed up with the rulings of state high courts that it "reached out" to create the *Miranda* rule. They were right because Ernesto *Miranda's* confession was made after only two hours of interrogation! By rights, the warnings should be called the "Stuart warnings" because Stuart's interrogation was the longest of the four cases that were ordered consolidated by the Supreme Court. In preparing for today's remarks, I did some research on articles written ten years ago on the 40th anniversary of *Miranda* and found that two suggested reforms have become common place today: video-taping of interrogations and admissibility of expert testimony on false confessions. The third suggested reform was that *Miranda* rights should include an advisement that the suspect be told that his silence cannot be used against him. In *Doyle v. Ohio*, decided ten years after *Miranda*, the Court stated, "While it is true that the *Miranda* warnings contain no express assurance that silence will carry no penalty, such assurance is implicit to any person who receives the warnings." Yet, in *Miranda* itself, the Supreme Court was critical of a police interrogation manual script that included the following: "If you remain silent, everybody is going to think you have something to hide."

So let's go back to where we started. Why should the *Miranda* decision be of import to a room full of people who will never hear *Miranda* warnings for real? One reason is that when you hear a news report that the Chairman of the Joint Chiefs of Staff has called water-boarding "Un-American," you can better appreciate why that term was used. Another reason is one of the propositions the *Miranda* Court quoted from an article authored by Judge Schaefer of Illinois ten years earlier [70 Harv. L. Rev. 1, 26 (1956)]. That proposition was this: "The quality of a nation's civilization can be largely measured by the methods it uses in the enforcement of its criminal laws." What the Supreme Court left out was the context in which that proposition was asserted. Judge Schaefer's point was that what other countries think of us is influenced by the methods we use to enforce our criminal laws. America set examples for the people of the world as to the quality of our civilization in this country in the Bill of Rights in 1791, and then again in the *Miranda* decree in 1966. I leave you to ponder whether and to what extent Judge Schaefer's proposition still has meaning today. Thank you and have a great Law Day!

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Fayetteville-Manlius High School Mock Trial Team Wins New York State Bar Association Mock Trial Championship



By: Carrie Chantler

The teenaged defense and prosecution teams from Fayetteville-Manlius High School both prevailed May 17 as the legal Hornets were named New York State Champions at the statewide Mock Trial Tournament finals.

Undefeated throughout this spring's local and regional Mock Trial competitions, the students' diligent study of the law and courtroom procedure meant committing to weekly practices and foregoing special events and weekends hanging out with friends to study the facts of the fictional case *People v. Kelly Roberts*, said Social Studies teacher and coach Joseph Worm.

"We were just so proud," he said. "After all the hours and hours and hours they put in, this is complete validation of their hard work."

Such dedication bore fruit when, in the midst of competing against the High School of American Studies at Lehman College in the Bronx, rated by U.S. News and World Report as New York's top public school and ranked 15th in the nation, the Hornets stung their opponents with their on-target objections to invention of facts.

State Supreme Court Justice Michael C. Lynch presided over the final match in Albany's James T. Foley Federal Courthouse and awarded the F-M team with high marks for its professionalism, noting the absence of cross-talking at the counsel's table and the team's laser-like focus.

The state champions were assisted this year by OCBA member Danielle M. Fogel, a partner at the Sugarman Law Firm.

During a June 14 dinner at the Drumlins Country Club, the F-M students were honored with distinctive certificates recognizing their legal mastery signed by the Hon. Deborah H. Karalunas and the Hon. James C. Tormey, III.

OCBA extends hearty congratulations to the following student lawyers: Payton Brewer, Mathieson Byer, Sophia Byer, Patrice Calancie, Matthew Crovella, Song Tao Guo, Connor Hargrove, David Huang, Julie Howard, John Hrbac, Lauren Koss, Jordan Krouse, Nathan Montgomery, Zain Nichols, Grant Olick-Sutphen, Sarah Percoski, Sucheer Rao, Tyler VanBeveren, Richard Wang, Agatha Woodbury and Shawn Wu.

Special thanks to the following OCBA members for volunteering to be judges (twice, in some cases!) during the Onondaga County competition:

Kristen M. Benson, Hon. Vanessa E. Bogan, Paula R. Conan, Hon. Thérèse Wiley Dancks, Nicholas J. DeMartino, Hon. Stephen J. Dougherty, Evan B. Hannay, Hon. Michael L. Hanuszczak, Laura Huffman, Hon. Deborah H. Karalunas, David S. Kimpel, Brandon R. King, Jim C. McCurdy, Edward Z. Menkin, Lorraine R. Mertell, Shekeba Morrad, Hon. James P. Murphy, Daniel J. Pautz, Hon. David E. Peebles, David M. Pellow, Philip Rothschild, David B. Snyder, James L. Sonneborn, Kathleen A. Stevenson, Erin M. Tyreman, Hon. Karen M. Uplinger, Donald P. VanStry and Larry Vozzo.

REVIEW: COMMERCIAL LITIGATION IN NEW YORK STATE COURTS, 4TH EDITION

By: Jonathan B. Fellows, Bond, Schoeneck & King, PLLC

One of the chief goals of our outgoing Chief Judge Jonathan Lippman, and of his predecessor, the late Chief Judge Judith Kaye, has been to restore the role of the Supreme Court of the State of New York as the world's leading forum for the adjudication of commercial disputes. To assist in this task, Chief Judge Kaye appointed noted attorney Robert L. Haig as co-chair of the Commercial Courts Task Force and Haig is now Chair of the Commercial Division Advisory Council established by Chief Judge Lippman.

In 1995, Mr. Haig helped all commercial litigators in New York by serving as Editor-in-Chief of the first edition of *Commercial Litigation in New York State Courts*. Mr. Haig has again served as Editor-in-Chief of the recently released Fourth Edition of this useful treatise. The sheer size of the treatise is a testament to the success of the New York judiciary in its quest to be the leading forum for adjudication of commercial cases: the Fourth Edition has grown to eight volumes, plus an appendix that is to be updated annually.

Mr. Haig has used his stature in the commercial litigation bar to recruit an impressive list of 182 different authors for the Fourth Edition. The authors include 29 distinguished judges, including Chief Judge Lippman, who is the author of the opening chapter. Chief Judge Lippman includes an interesting history of commercial litigation in our state's courts, from the time when Alexander Hamilton was New York's leading commercial litigator through the birth and success of today's Commercial Division of the Supreme Court. Locally, the Honorable Deborah H. Karalunas, Presiding Justice of the Commercial Division in Onondaga County, authored a chapter on "Bills of Particulars" and attorney Janet D. Callahan, Managing Partner of Hancock Estabrook, LLP, was appropriately chosen to author the update of the chapter on "Compensatory Damages" originally authored by the late Honorable Stewart F. Hancock, Jr.

The Fourth Edition includes 22 new chapters, reflecting developments in commercial law since the publication of the Third Edition in 2010. Indeed, the rapid development of commercial law in the five years since the publication of the Third Edition made the Fourth Edition a necessity: the pocket parts for the Third Edition had grown to an unwieldy 1,400 pages. The new chapters cover one of the most swiftly growing areas of commercial law, Alternative Dispute Resolution, with chapters on "Mediation and Other Nonbinding ADR" and "Arbitration." The new chapters also reflect one of the goals of the judiciary in establishing the Commercial Division: the effective management of commercial cases, as there is now a chapter on "Preliminary and Compliance Conferences and Orders" authored by a Commercial Division Justice. Of course, in light of the explosion in the use of social media in our society, there is also a highly useful new chapter on "Social Media



and its use, and potential abuse, in litigation.

Although the size of the treatise (10,188 pages), may seem overwhelming at first, the chapters are effectively organized through the stages of litigation, concluding with 53 chapters on the substantive areas of law attorneys regularly confront in commercial litigation. The Appendix includes an index, a table of cases and a statutory table to help the practitioner navigate the treatise. The treatise is highly useful as a research tool: the statements in the text are supported by footnotes with citations to New York cases that are actually on point. A great example is the chapter on "Document Discovery", which includes a useful discussion of how to manage the discovery of electronically stored information, and covers the history of the now familiar federal court decisions in *Zubulake* and its progeny, but also the less well known, but vital, story of how justices in New York Supreme Court have responded to the explosion in discovery issues related to ESI. Like all of the chapters, in addition to providing citations to the leading cases on point, the chapter on Document Discovery is interspersed with "Practice Tips" to help the practitioner, and concludes with a series of "Practice Checklists" and Forms.

The publication of the Fourth Edition in 2015 coincided with the twentieth anniversary of the establishment of the Commercial Division in New York County. Here in Onondaga County, we have been privileged to have a Commercial Division since 2007, ably led by Presiding Justice Karalunas and Justice Donald A. Greenwood. Interest in the Commercial Division in our local bar appears high, as a recent CLE in which Justices Karalunas and Greenwood discussed the new rules for the Commercial Division, was well-attended. I recommend the Fourth Edition of *Commercial Litigation in New York State Courts* to all practitioners who intend to appear in our Commercial Division as a highly efficient way to keep abreast of this swiftly changing area of the law.

NEW LEGAL SERVICES ORGANIZATION ON THE BLOCK: THE PUBLIC UTILITY LAW PROJECT OF NY

By: Lisabeth Jorgensen, PULP Staff Attorney

The Public Utility Law Project of NY (PULP) is a legal services organization dedicated to the representation of persons unable to afford counsel in matters affecting affordability, consumer protection, and rates for energy and other utility services. Our mission is to advocate, educate, and litigate on behalf of low-income and fixed-income utility customers all across New York.

This year marks the organization's 35th year of service. Our headquarters are in Albany, and we have a satellite office in New York City. Additionally, as of October 2015, we opened an office in the George H. Lowe Center for Justice, at 221 South Warren St., 3rd floor, Syracuse, NY 13202, where we are in proud proximity with three other legal services organizations: the Offices of Legal Services

their utility providers. We are also engaged as a party in five utility rate case proceedings concerning gas, electricity, and water in different service areas of New York. There are no current rate changes proposed to the Syracuse service area.

In non-rate case litigation, PULP provides advice and representation to individuals in matters affecting access to utility service, continuation of service, and restoration of utility services on just and reasonable terms and conditions.

For example, in 2010, PULP was prevailing plaintiff's counsel in *Pilchen v. City of Auburn*, 728 F. Supp.2d 192, 202-04 (N.D.N.Y. 2010), a case that decided that the City's water ordinance established plaintiff's property interest and legitimate claim of entitlement in water service as a tenant.



The Court further found, in a manner akin to the seminal case *Mathews v. Eldridge*, 424 U.S. 319 (1976), that the City's failure to provide written notice to the plaintiff of her right to a hearing prior to termination of water service on three separate occasions, as well as the City's failure to provide a written explanation for why the plaintiff could not apply for service in her name were violations of the Due Process Clause of the Fourteenth

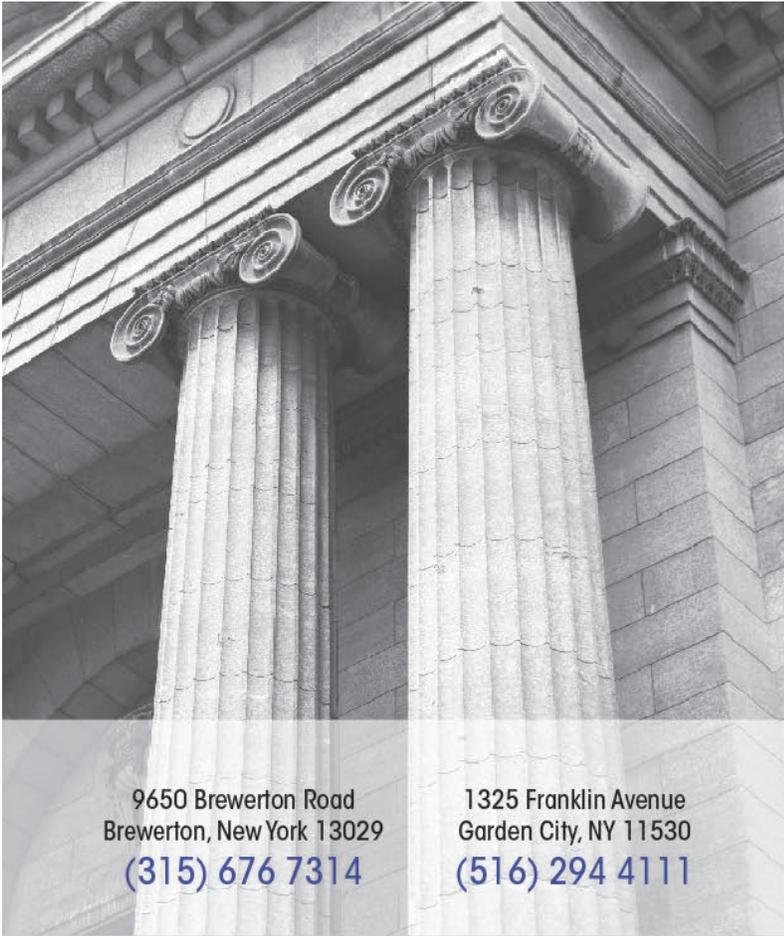
of Central New York, Legal Aid Society of Mid-New York, and Volunteer Lawyers Project of Onondaga County. As PULP's Staff Attorney, I help the organization advocate at the NY Public Service Commission (PSC) by commenting on generic proceedings, at public hearings statewide, and by joining task forces that help develop the state's utility policies.

My colleagues and I also educate the community by giving presentations to interest groups, community organizations, elected officials' staffs, and public interest law firms to explain what consumer protections exist for utility customers in New York. I also field individual questions from utility customers who call our telephone hotline for help resolving specific service issues they are having with

Amendment, and that the City's coercion in requiring the plaintiff to pay for the financial negligence of her landlord was not a "rational method of collecting a delinquent water bill" and violated her right to substantive due process.

PULP is looking forward to engaging with the Central New York community.

If you have a utility issue or policy agenda, please do not hesitate to contact the Syracuse office at: (518) 308-8208, or e-mail Lisabeth Jorgensen, Staff Attorney, at ljorgensen@utilityproject.org to start a dialogue. Utility consumers seeking help on service issues can contact PULP's toll-free helpline at: (877) 699-2572.



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Bousquet Holstein PLLC Welcomes Many to the Firm

Bousquet Holstein PLLC is pleased to welcome **Colleen M. Gibbons** to the firm's Summer Associate program. A Syracuse native, Colleen is entering her third year at Syracuse University College of Law. She is interested in all areas of civil practice, and is completing curricular programs in Disability Law and Policy and Estate Planning.

Colleen is an honorary member of Moot Court Honor Society and competed with the National Trial Team in Santa Monica and Brooklyn. She is the incoming president of Syracuse's Student Bar Association, and acts as a mentor for international students completing the LL.M. program in American law. Colleen earned a Ph.D. in Human and Community Development from the University of Illinois at Urbana-Champaign, and is an adjunct professor at Le Moyne College, where she teaches a course in psychology. Last summer, Colleen worked with the Volunteer Lawyers Project of Onondaga County, Inc., and continues to volunteer her time in their legal clinics. A lifelong animal lover, Colleen enjoys volunteering with the Onondaga County Bar Association's animal law guardian program.

Earlier this year, the firm announced **Anas Saleh** joined the firm as Of Counsel in the Business Practice Group. Experienced in Employment Law, Immigration Law, Corporate Law, buying and selling businesses and Health Care Law he was a partner at his own firm prior to joining Bousquet Holstein. He is currently serving as a Pro Bono Immigration Coordinator at Volunteer Lawyers Project of Onondaga County.

A magna cum laude graduate of the Syracuse University College of Law, Mr. Saleh served as Executive Editor of the Syracuse Law Review, was a member of the Justinian Honorary Law Society, Order of the Coif, and the Moot Court Honor Society. He is also a summa cum laude graduate from SUNY at Buffalo.

The law firm also elected new firm members and welcomed several new associates to its practice. Newly elected members include **Eva K. Wojtalewski** and **Aaron D. Frishman**. Ms. Wojtalewski joined the firm in 2013 in the Business Practice Group and works with clients addressing business planning needs such as enterprise structure development, succession planning, mergers and acquisitions, commercial transactions, intellectual property protection and licensing matters. She is a graduate of the University of San Diego School of Law and the State University of New York at Binghamton.

Mr. Frishman is an attorney in the Trusts and Estates Practice Group and counsels clients on estate and tax planning solutions as well as trust and estate administration. His Elder Law practice allows him to work with the families of his disabled and elderly clients regarding guardianship matters, Medicaid and public benefits planning, and protection of assets. He is a graduate of the George Mason University School of Law and Hobart and William Smith Colleges.

Prior to joining the law firm's Litigation Practice Group in January, **Kavitha Janardhan** was an attorney in the Chicago

and New York offices of Seyfarth Shaw LLP. There, she practiced commercial litigation and worked with clients on labor and employment, trade secrets and non-compete litigation matters. Her previous experience includes franchise and motor vehicle dealer laws and consumer fraud class action matters. She has also served as Associate Director of the Office of Career Services at Syracuse University College of Law. Ms. Janardhan received her juris doctor, cum laude, from Boston College Law School and an undergraduate degree from the University of Michigan.

Lynn Law Firm Announces New Partner

The partners of the Lynn Law Firm are pleased to announce that **Martin A. Lynn** has become a partner of the firm. He is a graduate of St. John's School of Law and the College of the Holy Cross.

Mr. Lynn has extensive experience litigating matters including a wide variety of personal injury claims, negligence, product liability, insurance coverage disputes, and other commercial matters. He has recently been awarded the Sheldon Hurwitz Young Lawyer Award by the New York State Bar Association, Torts Insurance and Compensation Law Section. He has authored the "Claims-Made Policy Coverage Issues" Chapter of the New York State Bar Association's Insurance Law Practice as well as co-authored the Syracuse University Law Review Evidence Survey published 2013 and 2014. He was recognized by the CNY Business Journal as one of the "40 under 40" award recipients for the year 2014. He has also received acknowledgment from Super Lawyers as an Upstate New York rising star for the years 2014 and 2015.

Mr. Lynn is a certified interior structural firefighter and Vice President of the Skaneateles Fire Department. He serves as Secretary of the Executive Board as well as co-chair of the Judicial Screening Committee of the Central New York Women's Bar Association. He is dedicated to pro bono service and is listed on the "Honor Roll" of the Pro Bono Attorneys for the Northern District of New York.

Hancock Estabrook Ranked by U.S. News & World Report

Hancock Estabrook, LLP has received first-tier "Best Law Firms" rankings for 2016 in nine practice areas by U.S. News & World Report and Best Lawyers. These areas are: Commercial Litigation, Elder Law, Environmental Law, Health Care Law, Litigation – Labor and Employment, Litigation – Trusts & Estates, Personal Injury Litigation – Defendants, Product Liability Litigation – Defendants, Trusts & Estates.

Additionally, the law firm announces **Marion Hancock Fish**, a partner, will co-lead a joint committee of the New York State Bar Association and the New York Bar Foundation with an aim to raise resources to support statewide pro bono cases. She will serve the committee along with the Hon. Barry Kamins, retired. Ms. Fish is the current chair of the NYSBA Trusts & Estates Section and a Fellow and Board of Directors member of the NYSBF. Her practice is focused on matters involving estate planning, family business planning and succession, charitable giving, not-for-profit law, elder law and special needs administration.

LEGAL BRIEFS BRIEFS BRIEFS LEGAL

Barclay Damon Promotes Two of its Own to Partner

Earlier this year, the firm elected **Courtney M. Merriman** as partner. A member of the Real Estate and Financial Institutions & Lending areas, she focuses on negotiating real estate acquisitions and sale transactions plus financing for a range of clients from multinational real estate developers to privately held companies and individuals. Her extensive background in commercial lease negotiations provides guidance on land use matters, environmental easements and deed restrictions. She is a member of the firm's Women's Forum. Ms. Merriman is a magna cum laude graduate of Le Moyne College and received her juris doctor from Albany Law School of Union University.

The firm also promoted to partner, **John S. Zollo**, who is a member of the Labor & Employment practice area. A significant portion of his practice is devoted to employee stock ownership plans (ESOPs), including transactions, compliance and fiduciary counseling. He also practices employee benefits, retirement plans, nonqualified deferred compensation plans and health and welfare plans. He counsels clients on Employee Retirement Income Security Act (ERISA) compliance, benefit plan tax-qualification issues and investment matters. Mr. Zollo is a graduate of Columbia University, received a master's degree in psychology from Ohio University and his J.D. from the University of California, Davis School of Law.

Menter, Rudin & Trivelpiece, PC Changes Financial Structure

Menter, Rudin & Trivelpiece, PC has made **Teresa M. Bennett** a firm shareholder. A member of the Litigation practice group, her work concentrates on commercial litigation, including contract disputes, employment disputes concerning non-competition agreements, commercial loan disputes, judgment enforcement and commercial foreclosure matters. Ms. Bennett is a 2007 graduate of the Syracuse University College of Law.

Additionally, earlier this year, **Jeffrey D. Eaton** joined the firm's Business Restructuring & Bankruptcy plus its Creditors' Rights practice groups. Mr. Eaton has experience in representing bankruptcy trustees, indenture trustees, bondholders, lenders and creditors nationwide. Mr. Eaton is a 2010 graduate of the Thomas Jefferson School of Law.

Do you have a legal brief?

Send your legal news and press releases to Carrie Chantler at cchantler@onbar.org.

SOCIAL SECURITY ADMINISTRATION

By: Everett M. Lo, Regional Public Affairs Officer, SSA

The Social Security Administration listened to customer feedback and made the online appeals process even better. Now, people who disagree with a disability decision can complete an appeal using our improved online appeals process.

More than 90,000 people use the online appeals application each month. We've certainly come a long way since introducing the online appeal option in September 2007. Throughout the nation, applicants, their representatives, third parties, groups, and organizations use the online appeal process to request review of disability decisions.

Responding to feedback from our employees and the public, the new online appeals process is easier to use and improves the speed and quality of our disability and non-disability decisions. Users told us that the program needed to be streamlined for easier navigation and that it needed to ask for less duplicate information. They also told us that they wanted to be able to complete both the appeal form and the medical report together, and be able to submit supporting documents as part of the electronic appeal request.

Our enhanced online appeals application incorporates those suggestions and more. People can now submit both the appeal form and the medical report in just one online session and electronically submit supporting documents with the appeal request. The screen messages are clear and concise, the navigation has been improved, and we've beefed up our on-screen help. Additionally, users who live outside of the United States are now able to find appeals online.



As a reminder, representatives who request, and are eligible for, direct fee payments must electronically file reconsiderations or request for hearings on medically denied Social Security and Supplemental Security Income (SSI) disability or blindness claims.

The next time you need to file an appeal, be sure to complete it online at www.socialsecurity.gov/disabilityssi/appeal.html.



We're back! Due to administrative changes in the Bar Association office and OCBA Paralegals Committee luncheon cancellations because of inclement weather in January and February, it has been a while since the Paralegals Committee Bar Reporter article has been circulated.

Past Luncheon Meetings



March 2016 Luncheon

Marie Norkett, Certified Financial Planner with ONEGROUP Financial Planning at ONEGROUP Center, 706 N. Clinton Street was our guest speaker on Thursday, March 10, 2016. Her presentation, "Building Today for a Successful Tomorrow" focused on comprehensive financial planning in the areas of insurance, investments, income taxes, retirement and estate planning to increase the probability of a financially sound future. She shared ideas on how to minimize risk and maximize protection of assets and investments.

Prior to joining ONEGROUP in 2013, Marie worked in fiduciary and income tax accounting, and trust and estate planning and administration for many years. She is a graduate of Le Moyne College with a Bachelor of Science in Accounting.

While working as a Paralegal in Estate Administration, she was an active member of the Onondaga County Bar Association Paralegals Committee, Paralegal Executive Committee member, and served as Liaison to the OCBA Pro Bono Practice Committee. Marie has been actively involved with the Junior League of Syracuse for many years, committed to enriching the quality of life for women, children, and their families in the Central New York community.

During the luncheon, we also unveiled our March Madness SU Raffle Basket, an estimated value of \$125.

Congratulations to Karen Hawkins, winner of the OCBA Paralegals Committee SU Raffle Basket! The drawing was held at the OCBA offices on April 19th – check out the OCBA Facebook page for pictures. We raised over \$250 to benefit Vera House and our adopted family at the Holidays through P.E.A.C.E. Inc.

Thank you to everyone who purchased tickets to help us support these two very important causes!

April 2016 Luncheon

On April 14, 2016, our monthly luncheon was held on location at the Onondaga County Criminal Courts Building. Guest speaker was the Honorable Theodore H. Limpert, City Court Judge, who oversees prostitution cases in Syracuse's human trafficking court. The Human Trafficking Intervention Initiative was launched by the New York Judiciary and Chief Judge Jonathan Lippman in 2013. The program started out over 10 years ago with three pilot trafficking courts in Queens, mid-Manhattan and Nassau County. As of August 1, 2014, that number grew to eleven human trafficking courts statewide. The Human Trafficking Intervention Initiative recognizes that people charged with prostitution are often the exploited and abused victims of the heinous and destructive crime of human trafficking.



All cases charging prostitution or related offenses that continue past arraignment are transferred to the human trafficking court. The participants meet with the court's dedicated counselor and their progress is tracked by the judge, defense attorney and prosecutor. If there is a consensus that the case involves a victim in need of resources, the court will connect the defendant to tailored services, which may range from shelter and healthcare to immigration assistance and drug treatment. Human trafficking courts will also link participants to education and job training programs to help prevent their return to the commercial sex industry. A defendant's charges may be dismissed or reduced contingent upon compliance with court-mandated services and programs.

Judge Limpert was appointed to Syracuse City Court by Mayor Matt Driscoll in 2009. He was elected in 2011 to serve until 2020. He served as a fighter pilot in the 174th Fighter Wing, Syracuse, New York Air National Guard from 1984 to 2008. Judge Limpert earned a Bachelor of Science degree from Bucknell University in 1981. He received his Juris Doctor (J.D.) from Syracuse University School of Law in 1988.

The OCBA Paralegals Committee would like to thank Judge Limpert for his time and informative presentation.

Final Luncheon Meeting Until September

On Thursday, June 9, 2016, our guest speaker was Daniel McAllister, Chief Deputy of Operations at the United States District Court for the Northern District of New York. He spoke about recent updates and programs at the District Court and how paralegals might get involved.

If you have suggestions for guest speakers and/or presentation topics, please do not hesitate to contact any member of the Executive Committee. We value your input!

Executive Committee Contacts

Kathrine Cook	kathrinecook0@gmail.com
Kristin Doner	donerk@bsk.com
Karen Hawkins	khawkins@gilbertilaw.com
Angelique Kraus	akraus.paralegal@gmail.com
Ranette Releford	ranettereleford@gmail.com
Jean Swanger	jswanger@gilbertilaw.com
Debra Turner	dturner@hiscocklegalaid.org

Volunteer Opportunity

Paralegals are needed on Wednesdays from noon until 3:00PM at the Family Court Clinic. Please contact Ranette Releford at ranettereleford@gmail.com if you can help.

Our Paralegals in the Field

Are you doing pro bono work or otherwise volunteering in our community? If so, let us know and we will include your important work in our next article. Please contact Debra Turner at dturner@hiscocklegalaid.org

The Executive Committee Could Use Your Help

The EC meetings are held 12:00-1:00PM the first Wednesday of the month 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 and planning events throughout the year. (If you have thought about joining the Executive Committee but the meeting day and time doesn't work for you, let us know. We may change the meeting time for our Executive Committee meetings, or some of the meetings, if it would work for more volunteers). 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? The Listserv can help! This service is free to employers and could help you fill your next position. Employers can email Paralegals Committee Chair, Kathrine Cook, at kathrinecook0@gmail.com to have their job provided to OCBA Paralegal members via the Listserv. The Listserv is open to all OCBA Paralegal members (including student members) as a benefit of paid OCBA membership. Members are added to the Listserv when membership 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.

Executive Committee Involvement

Hello Everyone:

I have taken great pleasure in serving on the Onondaga County Bar Association's (OCBA) Paralegals Executive Committee (EC) for the past several years.

In early 2009, shortly after joining the EC, I became the Pro Bono Subcommittee Chair, alerting OCBA's paralegal members about volunteer opportunities to serve our legal community which included among others, the Pro Se Divorce Clinic and the Food Stamps Assessment Program. I held that position until 2012.

In December 2011, I succeeded Gail Ahern as the Paralegals Committee Reporter for OCBA's Bar Reporter, continuing in that capacity until my recent retirement.

I have enjoyed working with the EC members to schedule programming and events of interest to our membership. I encourage anyone interested in pursuing a leadership role to join the EC and share your ideas for the betterment of the paralegal profession locally and statewide.

Best Regards,
Karen Hawkins

In Memoriam ...

Raymond W. Hackbarth, Esq.
May 17, 2016

Carl A. Marino, Esq.
May 27, 2016

Patrick Joseph Pedro, Esq.
May 28, 2016

Steven W. Snyder, Esq.
June 2, 2016

Beverly A. Michaels, Esq.
June 16, 2016

Save the Date!

50 Year Luncheon
Thursday, September 29th
Marriott Syracuse Downtown
Persian Terrace

DETAILS TO FOLLOW

WHY I CARE... VOLUNTEER STORIES



Todd Long, who works as an Assistant Corporation Counsel for the City of Syracuse, is putting his passion for helping the homeless into action during his free time in the evenings. [Here is Todd's story in his own words:](#)

Shortly after I moved back to Syracuse about four years ago, I had the wonderful opportunity to get involved in the homeless outreach ministry of Sheila Austin at St. James' Parish. Spending time with the men and women in this City who deal with problems related to insecure housing opened me up to a world of people in crisis that I had previously been numb or ignorant to.

Feeling I had no "hard skills" to help those I encountered (like a doctor who heals), or financial resources to solve their problems, I felt useless. As I progressed through law school, it became clear to me I wanted to be able to use my new skills to help. But I didn't know of any opportunities to do so. This was until I learned about the Volunteer Lawyers Project of Onondaga

County (OnVLP). I made it clear to OnVLP staff that I and my friends would like to volunteer at the Men's Shelter, and the timing was perfect. OnVLP was just starting to work on developing a new Homeless Advocacy and Prevention (HAP) Program, which provided me the perfect opportunity to give the only resource I have that is worth anything: time. More specifically, my time as a lawyer-providing assistance, as OnVLP describes, "addressing legal needs that often are barriers to rising out of homelessness," or are impediments from moving out of a homeless state.

I now volunteer at the Catholic Charities Men's Shelter (the former Oxford Inn), which has an "Talk to A Lawyer" clinic twice a month. It has been such a rewarding experience, helping those in need. Rather than pointing to a particular client or experience, I can say with sincerity that the joy of being a regular face to men who see HAP and me as a resource, and providing them a sense of hope that they have options to resolving what seem to be intractable issues, is truly a providential gift beyond my own understanding.

**VOLUNTEER
LAWYERS PROJECT
OF ONONDAGA COUNTY, INC.**

Providing Equal Access to Justice to Those in Need

Volunteer Lawyers Project of Onondaga County, Inc.

Suite 320 | 221 South Warren St.

Syracuse, NY 13202 | P. 315-579-2577 | F. 315-939-1466

doshea@onvlp.org

FROM THE EDITORIAL BOARD

To advertise in the Bar Reporter, call the Onondaga County Bar Association at 315.579.2578.

The Editorial Board encourages members to submit articles for publication concerning issues presented in each edition or other issues related to the legal community. Submissions should be sent to OCBA, Attention Bar Reporter or Email cchantler@onbar.org. Editor Emeritus: John A. Cirando, Esq. Editorial Board Members:

Hon. John J. Brunetti
Lisabeth Jorgensen, Esq.
Michele Maciejewski
Nicole Scialabba, Esq.
Debra Turner

Jeffrey A. Unaitis
Peggy Walker
James M. Williams, Esq.
Carrie Chantler- Managing Editor
cchantler@onbar.org

BAR BOARDS:

Opening for Associate Attorney at Jackson Bergman, LLP

Jackson Bergman, LLP seeks to hire an associate attorney to handle family court, matrimonial and criminal defense cases. Must be admitted to practice law in the State of New York. Salary commensurate with experience. Interested applicants can send email to ben@jacksonbergman.com.

Law Practice for Sale

Established Liverpool law firm (general practice) seeking buyer for law practice. Only serious inquiries at: mlikon@yahoo.com

Associate/Of Counsel Opportunity at Ventre Law Office

Invaluable lawyer to lawyer networking opportunities based on your particular areas of interest. Inquiries to Frank Ventre, 5112 Taft Road, Liverpool, NY 13088. Phone: (315) 472-4313, Fax: (315) 472-4314.

Opening for Software/Business Administrator at Melvin & Melvin, PLLC

- Melvin & Melvin, PLLC, a 20-attorney law firm in Syracuse, NY, seeks to hire a Business Administrator to administer a firm highly leveraged by automation. An ideal candidate will have 10 years experience in one or more of the fields below, including some experience managing (a "buck stops here" experience). Candidate should be an avid learner, comfortable with stepping into an organized but technical position. Programming capability a must, along with demonstrated ability to work collaboratively at all levels of staffing and management.
- This is a rich environment for the right person. See full posting at the Contacts / Careers link at the top of melvinlaw.com. Resumes to hiringpartner@melvinlaw.com

Opening for Litigation Attorney at Nixon & Richter PLLC

- Very busy plaintiff's personal injury law practice is seeking a detail-oriented and highly motivated litigation attorney who works well independently and with others. The applicant must be able to travel and attend appearances throughout upstate New York and between the firm's offices in Utica and Albany.
- Duties will include drafting pleadings and discovery, attending depositions and conferences, trial preparation as well as general office management. Applicants must be admitted to practice in New York State and be in good standing. No experience is necessary, but compensation will be commensurate with applicant's experience level. Resumes may be sent to cspoon@nr-law.com.

Opening for Commerical Litigation Attorney at Barclay Damon, LLP

- Barclay Damon, LLP, a 275-attorney law firm, with 33 practice offerings and 11 offices throughout New York State and the Northeast, is seeking an Associate for its Syracuse office to join its Commercial Litigation Practice Group. The Associate should have 4-6 years of litigation experience, and prior experience in complex commercial litigation will be highly regarded.
- Candidate must be licensed to practice in the state of New York, possess superior verbal, written and interpersonal skills as well as have demonstrated abilities to work directly with clients and develop and execute service strategies.
- Qualified applicants should submit a cover letter, resume, writing sample and law school transcript in confidence to:
Recruitment Coordinator, Barclay Damon, LLP, One Park Place, 300 South State Street, Syracuse, NY 13202.
Phone: 315.425.2721, Fax: 315.703.6266, Email: jobs@barclaydamon.com
- LOCATION(s): Syracuse. Barclay Damon is an Equal Opportunity Employer. EEO M/F/V/H:

FROM THE COURTS

Dear Friends,

Over the next several weeks you will notice our Judges will not be as generous with adjourned dates on your various cases in all our courthouses. At the direction of our new Chief Judge, Hon. Janet DiFiore and her team, we have embarked on an excellence initiative, involving among other things, a closer examination of our standards and goals concerning the timely dispositions of our cases. We have enthusiastically embraced this new focus and are taking steps to develop new practices to implement this approach. This is along the lines of "Justice delayed is justice denied."

The first thing you may notice is that adjournments will be more difficult to obtain. My Family Court staff and Judges have met this week with the Family Court Bar Committees to explain this new focus and to solicit the input from the attorneys practicing in this court.

We would be pleased and happy to meet with any subset of your various organizations to answer any questions your membership may have, as well as to address any concerns you may have.

Please call my office to schedule same.

Best,
Jim

James C. Torney

Justice of Supreme Court
District Administrative Judge
Fifth Judicial District



NOTICE TO THE BAR

The Appellate Division, Fourth Department has scheduled the following terms of Court for 2017.

January Term:	Monday, January 9, 2017 to Friday, January 20, 2017
February/March Term:	Monday, February 27, 2017 to Friday, March 10, 2017
April Term:	Monday, April 3, 2017 to Friday, April 14, 2017
May Term:	Monday, May 5, 2017 to Friday, May 26, 2017
June Term:*	Monday, June 19, 2017 to Friday, June 21, 2017
September Term:	Tuesday, September 5, 2017 to Friday, September 15, 2017
October Term:	Monday, October 16, 2017 to Friday, October 27, 2017
November/December Term:	Monday, November 27, 2017 to Friday, December 8, 2017

* submitted cases only

Fourth Department Family Court Case Notes

Contributed by Linda Gehron, Esq. | Supervising Attorney, Family Court Program, Frank H. Hiscock Legal Aid Society



ATTORNEYS FOR THE CHILD

Conflict of Interest

Matter of Aaliyah H., 2015 NY Slip Op 09761 [4th Dept 12/31/15]

The father claimed that the different parentage of the subject children resulted in various interests, and therefore created a conflict of interest for the Attorney for the Children, who represented both children at the same hearing.

The Court found that this issue was not preserved for review because the father did not file a motion to remove the AFC.

Stephen L. Cimino, Syracuse, For Respondent-Appellant,
Mary H.

D.J. & J.A. Cirando, Esqs., Syracuse (Elizabeth deV. Moeller Of Counsel), For Respondent-Appellant Isaiah H.

Robert A. Durr, County Attorney, Syracuse (Catherine Z. Gilmore Of Counsel), For Petitioner-Respondent.

Christopher E. Burke, Attorney For The Child, Syracuse.

CHILD CUSTODY & PARENTING TIME

“Alienation”

Ladd v. Krupp, 2016 NY Slip Opinion _____ [4th Dept 2/11/16]

The father’s concerted effort to interfere with the mother’s contact with the child resulted in a finding of a change of circumstances and an award of custody to the mother in the child’s best interests. The record established that the mother had attempted to foster a relationship between the father and the child, while the father blatantly and repeatedly violated the court’s directive not to discuss the litigation with the child; repeatedly told the child that the mother was irresponsible and unintelligent; limited the mother’s access to the child; and placed absurd restrictions upon her parenting time.

D.J. & J.A. Cirando, Esqs., Syracuse (John A. Cirando of Counsel), for Respondent-Appellant.

Michael G. Cianfarano, Oswego, for Petitioner-Respondent.

Kristin A. Shanley, Attorney For the Child, Oswego.

Appeal Not Moot Upon Entry of Subsequent Order

Trombley v Payne, 2015 NY Slip Op 08296 [4th Dept 11/13/15]

The mother appealed from an order dismissing her cross-petition that requested a modification of an order of custody. The Court determined that the appeal of the order of dismissal became moot when a new petition for modification of the custody order was filed and a modified order of

custody awarding the father custody was made following a trial.

Keliann M. Argy, Orchard Park, for Respondent-Appellant and

Petitioner-Appellant.

Michael Steinberg, Rochester, for Petitioner-Respondent and Respondent-Respondent.

Fares a. Rumi, Attorney For the Child, Rochester.

Child’s Out of Court Statements

East v Giles, 2015 NY Slip Op 09466 [4th Dept 12/23/15]

The trial court did not abuse its discretion by refusing to admit the child’s out-of-court statements about alleged sexual abuse because they were not reliably corroborated. The petitioner sought to corroborate these statements through an expert witness who testified about sexualized behavior exhibited by the child. While testimony concerning such behavior can serve as sufficient corroboration, the respondent’s expert was deemed to be more credible in this case. The Family Court has great discretion in deciding whether a child’s out-of-court statements alleging incidents of abuse have been reliably corroborated, and its findings are accorded great deference.

Gerald J. Vella, Springville, for Respondent-Appellant and Petitioner-Appellant.

Travis J. Barry, Attorney For the Child, Hammondsport.

Domestic Violence

Saunders v Stull, 2015 NY Slip Op 08601 [4th Dept 11/20/15]

Proof of the father’s domestic violence against the mother was not enough to deprive the father of custody. The record established that the trial court fully considered the father’s history of domestic violence as required by DRL § 240 [1] [a] before making its determination.

Jennifer M. Stull, Respondent-Appellant.

Law Office of Wendy Lee Gould, Bath (Ruth A. Chaffee of Counsel), for Respondent-Appellant.

Shults and Shults, Hornell (Joan Merry of counsel), for Petitioner-Respondent.

Lyle T. Hajdu, Attorney For the Child, Lakewood.

Excessive Corporal Punishment

DeJesus v Gonzalez, 2016 NY Slip Op 01059 [4th Dept 2/11/16]

The trial court erred in determining that the mother failed to establish a sufficient change in circumstances to justify an inquiry into the best interests of the children. The record established that the father had asked the mother to pick up the parties’ three-year-old daughter from his out of state residence because he was unable to handle her “misbehavior”;

Continued on page 18

Court of Appeals & Fourth Department Case Notes

Continued from page 17

the child was discovered to have extensive bruising and scrapes on her knees and disclosed to the CPS investigator that the father had struck her with a belt and that the scrapes on her knees were from kneeling on a “cat scratcher” as a form of punishment; the son corroborated the daughter’s account of the corporal punishment; the father admitted that he once spanked the daughter with a belt and made her kneel on the “cat scratcher”; and the records of the daughter’s medical examination showed that she had “multiple bruises all over her body in different stages of healing”.

On review, the Court concluded that the father had repeatedly inflicted excessive corporal punishment upon the daughter which supported the finding of a change of circumstances and an award of sole custody of the children to the mother.

Davison Law Office PLLC, Canandaigua (Mary P. Davison of Counsel), for Petitioner-Appellant.

Marybeth D. Barnet, Attorney for the Child, Canandaigua, Appellant, pro se.

Susan Gray Jones, Canandaigua, for Respondent-Respondent.

Kimberly White Weisbeck, Attorney For the Child, Rochester.

Conditions For Filing of Modification Petition

Matter of Waite v Clancy, 2016 NY Slip Op 00793 [2/5/16]

The Court modified the Family Court’s order awarding the father sole custody and suspending the mother’s visitation “until she engages successfully in mental health and drug and alcohol evaluations, and . . . recommended treatment, and upon successful completion of the same.” While the trial court’s determination to suspend the mother’s visitation was supported by evidence that it would be detrimental to the child’s welfare, the court lacked the authority to condition the resumption of visitation upon her completion of mental health and drug and alcohol evaluations and compliance with all treatment recommendations.

Michelle A. Cooke, Corning, for Respondent-Appellant.

Christine M. Valkenburgh, Attorney For the Child, Bath.

Extraordinary Circumstances

Suarez v Williams, 2015 NY Slip Op 09708 [4th Dept 12/31/15]

The 4th Department previously held that the grandparents failed to establish extraordinary circumstances to deprive the mother of custody, despite many years of interruption of the mother’s physical custody. The Court reasoned that DRL § 72 (2) (b) does not ease a grandparent’s burden of showing extraordinary circumstances and found that proof of the mother’s consistent contact with the child, the grandparents constant communication with her and their reliance on her permission to make decisions defeated their claim of extraordinary circumstances. The Court of Appeals reversed, holding that the grandparents had sustained their burden of proving extraordinary circumstances and remitted the matter for a determination of the child’s best interests. (Suarez v Williams, 2015 NY Slip Op 09231 [12/16/15].) The 4th Department then affirmed the trial court’s determination that

it was in the child’s best interests to remain in the primary physical custody of the grandparents.

Melvin & Melvin, PLLC, Syracuse (Christopher M. Judge of Counsel), for Respondent-Appellant.

Linda M. Campbell, Syracuse, for Petitioners-Respondents.

Patrick J. Haber, Attorney For the Child, Syracuse.

Stent v Schwartz, 2015 NY Slip Op 08535 [4th Dept 11/20/15]

The Court upheld an extraordinary circumstances finding and an award of custody of the child to an adult sibling. The parents had changed residences frequently over a period of 18 months. During that time they were evicted from one residence and then remained homeless for several months (living in a tent or their vehicle). The child had poor hygiene, missed a significant number of days in school and changed school districts five times. The Court found that the evidence of excessive school absences was sufficient to establish educational neglect. The Dissent opposed the decision, stating that “the child’s school absences and hygiene do not rise to the level of extraordinary circumstances, and petitioner’s testimony that the child would be better off living with him also does not establish extraordinary circumstances”.

Bridget L. Field, Rochester, for Respondent-Appellant Dan Schwartz.

Keliann M. Argy, Orchard Park, for Respondent-Appellant Mary Schwartz.

Jacqueline M. Grasso, Attorney For the Child, Batavia.

Grandparent Visitation

Miller v McCown-Hall, 2015 NY Slip Op 09234 [4th Dept 12/16/15]

The Family Court abused its discretion by awarding the paternal grandmother excessive visitation. The Court found that an order giving her Thanksgiving in odd years, “each and every Christmas Day” and other visitation deprived the mother of significant quality time with the children. The order was modified to reduce the holiday and summer visitation time.

Deborah J. Scinta, Orchard Park, for Respondent-Appellant.

Ronald M. Cinelli, Attorney For the Children, Buffalo.

Motion to Dismiss Modification Petition

Fowler v VanGee, 2016 NY Slip Op 00832 [2/5/16]

A hearing is not required whenever a parent seeks modification of a prior order. When a parent fails to make a sufficient evidentiary showing of a change in circumstances, no hearing is required, and the petition may be dismissed upon motion.

Robert A. Dinieri, Clyde, for Petitioner-Appellant.

Relocation

Williams v. Luczynski, 2015 NY Slip Op 75851 [4th Dept

Court of Appeals & Fourth Department Case Notes

12/31/15]

The trial court properly denied the mother's request for permission to relocate to Corning when the primary motivation for relocating was to live with her fiancé. Although her standard of living would have improved if she were to live with him, her own income would not have increased.

There was no testimony that the mother's fiancé would not move to Clinton. In addition, the respondent father, the child's half sister and many relatives on both sides of the family resided in Clinton. If the mother were allowed to move to Corning, the father's ability to continue spending significant time with the child would be compromised.

Michael N. Kalil, Esq., LLC, Utica (Michael N. Kalil of Counsel), for Petitioner-Appellant.

Diane Martin-Grande, Rome (Lucille M. Rignanese of Counsel), for Respondent-Respondent.

Mark P. Malak, Attorney For the Child, Clinton.

Suspension of Parenting Time

Merkle v Henry, 2015 NY Slip Op 08317 [4th Dept 11/13/15]

The Family Court erred by granting the AFC's petition and ordering that parenting time with the child be "at such times as may be agreed and arranged between the [father] and child," and that the child "shall be expected to initiate contact with [the father] for visitation". The Court found that the order illegally delegated the court's authority to determine visitation rights; improperly allowed the child to dictate the terms of visitation; and had the practical effect of denying the parent's presumed right to visitation indefinitely without the requisite showing of detriment to the child.

Davison Law Office PLLC, Canandaigua (Mary P. Davison of Counsel), for Respondent-Appellant.

Paul B. Watkins, Attorney For the Child, Fairport.

CHILD PROTECTION

Admissibility of Prior Unfounded Reports of Neglect

Da'Shunna M.H., 2015 NY Slip Op 08600 [4th Dept 11/20/15]

Although Social Services Law § 422 (5) (b) (i) allows prior unfounded reports of neglect to be introduced into evidence in an Article Ten proceeding when the respondent was the subject of the report, the Court upheld the trial court's refusal to admit such a report to impeach the agency witness.

Delbert W.H., Respondent-Appellant, Pro Se.

Michael D. Werner, Watertown, for Petitioner-Respondent.

Ruthanne G. Sanchez, Attorney For the Child, Watertown.

Kimberly A. Wood, Attorney For the Child, Watertown.

Alienation

Matter of Isobella A. 2016 NY Slip Op 00831 [4th Dept 2/5/16]

The evidence established that the mother alienated the children from their fathers. She also interfered with the fathers' visitation and made false allegations against them or their significant others. As a result of the mother's conduct, Isobella was confused about who was her real father; was diagnosed with an adjustment disorder; and had poor behavior in school. The evidence also proved that the mother forced another subject child to lie, and taped him doing so. The Court approved a determination that the mother's conduct impaired the children's emotional condition or placed them in imminent danger of such impairment under Family Ct Act § 1012 [f] [i] [B].

Erickson Webb Scolton & Hajdu, Lakewood (Lyle T. Hajdu of Counsel), for Respondent-Appellant and Petitioner-Appellant.

Emily A. Vella, Springville, for Petitioner-Respondent Charles J.S., II and Respondent-Respondent.

Mary Anne Connell, Attorney For the Children, Buffalo.

Appeal and Motion to Vacate

Annabella B.C. , 2016 NY Slip Opinion 01064 [4th Dept 2/11/16]

It was error for the Family Court to deny the mother's motion to vacate her admission to neglect made upon consent on the sole basis that an appeal of the consent finding was pending.

Alan Birnholz, Lake Worth, Florida, for Respondent-Appellant.

Joseph T. Jarzembek, Buffalo, for Petitioner-Respondent.

David E. Blackley, Attorney For the Child, Lockport.

Derivative Neglect

Madison J.S. , 2016 Slip Opinion _____ [4th Dept 2/11/16]

The Family Court determined that the respondents neglected the subject child Bentley P.S., but declined to find derivative neglect as to the other subject children, because it was unclear whether they were nearby when the neglect occurred. The Court affirmed. While FCA § 1046 (a) (i) permits evidence of neglect of one subject child to be considered in determining whether other subject children were neglected, the statute does not mandate a finding of derivative neglect without additional evidence.

Casey E. Rogers, Bath, for Petitioner-Appellant.

Sally A. Madigan, Attorney For the Children, Bath.

DEFAULT

Makia S., 2015 NY Slip Op 09511 [4th Dept 12/31/15]

The Court dismissed the mother's appeal of the termination of her parental rights, finding that her refusal to appear at the dispositional hearing where her attorney appeared without participation constituted a default.

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Continued from page 19

Alan Birnholz, Lake Worth, Florida, for Respondent-Appellant.

Wendy S. Sisson, Geneseo, for Petitioner-Respondent.

Pamela Thibodeau, Attorney For the Child, Williamsville.

Strumpf v Avery, 2015 NY Slip Op 09531 [4th Dept 12/23/15]

The Court would not review whether the withdrawal of counsel without notice to the client constituted the ineffective assistance of counsel because it was not raised as part of a motion to vacate the entry of a default order.

Elizabeth Ciambone, Buffalo, for Respondent-Appellant.

Denis A. Kitchen, Jr., Williamsville, for Petitioner-Respondent.

David H. Frech, Attorney For the Children, Buffalo.

FAMILY OFFENSES

Martin v Flynn, 2015 NY Slip Op 08591 [4TH Dept 11/20/15]

The trial court properly admitted evidence of conduct though it was not alleged in the family offense petition through an exercise of its discretion to amend the petition to conform to the proof pursuant to CPLR 3025 [c]. It was not authorized, however, to order a mental health evaluation as part of the order of protection without a specific finding that it was necessary to further the purposes of the order.

Muscato & Shatkin, LLP, Buffalo (Marc Shatkin of Counsel), for Respondent-Appellant.

Zdarsky Sawicki & Agostinelli LLP, Buffalo (David E. Gutowski of Counsel), for Petitioner-Respondent.

CHILD SUPPORT

Modification

Figueroa v Figueroa, 2015 NY Slip Op 09776 [4th Dept 12/31/15]

The support magistrate erred by relying upon facts not in evidence to impute income to the respondent and deny a request for modification. The matter was remitted for a new hearing.

Legal Assistance of Western New York, Inc., Geneva (Mollie A. Dapolito of Counsel), for Petitioner-Appellant.

Cecily G. Molak, Lyons, for Respondent-Respondent.

Mancuso v Mancuso, 2015 NY Slip Op 09478 [4th Dept 12/23/15]

The termination of maintenance does not automatically require a recalculation of child support. A change of circumstances based on all relevant circumstances must first be proven. The factors to be considered in determining whether there has been a change in circumstances to allow an upward modification of support are: 1) The increased needs of the children; 2) The increased cost of living resulting in greater expenses for the children; 3) A loss of

income or assets by a parent or a substantial improvement in the financial condition of a parent; and 4) The current and prior lifestyles of the children. Although an increase in the noncustodial parent's income is a factor which may be considered when deciding whether to grant an upward modification of child support, this factor alone is not determinative.

Davidson Fink LLP, Rochester (Donald A. White of Counsel), for Defendant-Appellant.

Dentino, Cammarata & Fazio, LLC, Rochester (Michael Paul of Counsel), for Plaintiff-Respondent.

Mandile v Deshotel, 2016 NY Slip Op_____ [4th Dept 2/11/16]

The Court reinstated so much of the respondent's Objections to the support magistrate's findings as sought a review of the failure to adjudicate her modification petition. While the magistrate determined that she had willfully violated the support order, the respondent's modification petition was not fully addressed. The Court observed that a willful finding is not necessarily incompatible with a meritorious petition for a downward modification of the order, depending upon the facts of the case.

Timothy P. Donaher, Public Defender, Rochester (Kimberly F. Duguay of Counsel), for Respondent-Appellant.

Maureen A. Pineau, Rochester, for Petitioner-Respondent.

TERMINATION OF PARENTAL RIGHTS & ADOPTION

Diligent Efforts

Christopher D.S., 2016 NY Slip Op 00792 [4th Dept 2/5/16]

The trial court determined that diligent efforts by the agency to reunite the parent and child were not required, and the respondent's parental rights were terminated. The Court would not review this finding, because the record on appeal did not include the evidence on which the court below relied.

Keliann M. Argy, Orchard Park, for Respondent-Appellant.

Thomas A. Miner, County Attorney, Belmont (Leslie J. Haggstrom of counsel), for Petitioner-Respondent.

Joan Merry, Attorney For the Children, Hornell.

Michael D. Burke, Attorney For the Child, Olean.

Frye Hearing – Language Competency

Matter of Nadya S., 2015 NY Slip Op 08283 [4th Dept 11/13/15]

The Court found unpreserved for review the alleged failure of the Family Court to conduct a Frye hearing prior to admitting a psychological report into evidence. The parent sought to assert on appeal that the psychological examination should have been conducted with the use of a Spanish interpreter and that the pre-testing means to determine English competency were insufficient. The issue was not raised prior to the admission of the report at trial, however,

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and the psychologist testified that the parent said she was comfortable with the examination being conducted in English.

William D. Broderick, Jr., Elma, for Respondent-Appellant.

Joseph T. Jarzembek, Buffalo, for Petitioner-Respondent.

David C. Schopp, Attorney for the Child, The Legal Aid Bureau of Buffalo, Inc., Buffalo (Charles D. Halvorsen of Counsel).

Grandparent Visitation Following Adoption

Macri v Brown, 2015 NY Slip Op 08558 [4th Dept 11/20/15]

While the grandmother's visitation rights survived a surrender and adoption, her violations of the visitation order resulted in the loss of these rights. Upon expert testimony asserting that the repeated violations of the court order were harmful to the child's relationship with the adoptive parents, the trial court's finding of a change in circumstances and an order terminating visitation as contrary to the child's best interests was upheld.

John J. Raspante, Utica, for Respondent-Appellant.

Law Offices of Eisenhut & Eisenhut, Utica (Clifford C. Eisenhut of Counsel), for Petitioners-Respondents.

Judicial Notice of Prior Proceedings

Matter of Brayden R. , 2016 NY Slip Op 00833 [2/5/16]

The agency established that the father's mental health had not changed since a previous order terminating his parental rights to another child was made on the ground of mental illness. In addition, the father agreed that the court could take judicial notice of those past proceedings. Upon this proof, the petitioner met its burden to demonstrate by clear and convincing evidence that the father was presently and for the foreseeable future unable by reason of mental illness to provide proper and adequate care for the child.

Evelyne A. O'Sullivan, East Amherst, for Respondent-Appellant.

Joseph T. Jarzembek, Buffalo, for Petitioner-Respondent.

David C. Schopp, Attorney For the Child, the Legal Aid Bureau of

Buffalo, Inc., Buffalo (Charles D. Halvorsen of Counsel).

Suspended Judgment and Return to Parent

Matter of Ramel H., 2015 NY Slip Op 09775 [4th Dept 12/31/15]

In this permanent neglect proceeding, the Family Court entered a suspended judgment following respondent mother's admission to permanent neglect of the subject child.

Prior to the scheduled termination of the suspended judgment, the court returned the child to the mother, but directed that the suspended judgment and order of supervision would continue and that the mother should comply with their terms until they expired. Following the return, the presentment agency alleged a violation of the

suspended judgment. The Court revoked the suspended judgment and a final order terminating the mother's parental rights was entered.

The Court rejected the mother's contention that, by terminating the child's placement in foster care and returning him to her custody, the court also terminated the suspended judgment and divested itself of jurisdiction over the petition to terminate her parental rights. The Court noted that FCA § 1088 provides: "The court shall maintain jurisdiction over the case until the child is discharged from placement and all orders regarding supervision, protection or services have expired." The Court found that the orders of supervision and suspended judgment had not expired, and therefore the court retained jurisdiction to revoke the suspended judgment and terminate parental rights.

Paul A. Norton, Clinton, for Respondent-Appellant.

John Herbowy, Utica, for Petitioner-Respondent.

William L. Koslosky, Attorney For the Child, Utica.

Violations of Order of Protection

Matter of Burke H. , 2015 NY Slip Op 09716 [4th Dept 12/31/15]

The Court affirmed a judgment terminating parental rights. The proof established that although the mother, a victim of domestic violence, expressed a strong desire to end her relationship with the father when first interviewed by presentment agency's expert psychologist, and was warned by the caseworker that violating the orders of protection would be detrimental to her interests, she repeatedly violated the orders of protection to stay away from the father; conceived another child with him while the neglect proceedings were ongoing; and was again living with him at the time of the fact-finding hearing.

Bernadette Hoppe, Buffalo, for Respondent-Appellant
Richard H. Colucci & Gallaher, P.C., Buffalo (Regina A. Delvecchio of Counsel), for Respondent-Appellant Tiffany H.

Joseph T. Jarzembek, Buffalo, for Petitioner-Respondent.

David C. Schopp, Attorney For the Children, The Legal Aid Bureau of Buffalo, Inc., Buffalo (Charles D. Halvorsen of Counsel).

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2016 MEMORIAL OBSERVANCE REMEMBERS 16 LAWYERS

By: Carrie Chantler

On Thursday, February 4th, amid the ornate Legislative Chambers of the Onondaga County Courthouse, the Hon. Deborah H. Karalunas presided over the Annual Memorial Observance Ceremony. There, as many as 150 family, friends, judges and colleagues attended the event where 16 lawyers who passed away in 2015 were remembered.

The occasion was an appropriate moment, Karalunas said, for the legal community – who are sometimes adversarial – to unite as a body of colleagues and mourn their comrades.

This year, co-chairs Frances Ciardullo, Esq. and Mark Ventrone, Esq. shared the lectern relaying the histories, achievements, amusing anecdotes, career-making cases and familial legacies of the departed lawyers.

Their distinguished careers were personalized in detailed tributes that drew knowing nods, warm sighs and chuckles from the audience. A variety of professional and casual photos of each deceased lawyer appeared across a screen as each attorney's story was shared.

In his invocation, Rabbi Daniel J. Fellman, of Temple Concord, referenced the laws of Scripture, which, ultimately, aim to render calm from chaos, he said, much like the objective of the legal profession.



At the ceremony's conclusion, as in years past, strains of "Taps," played by U.S. Magistrate Judge David Peebles, hung high over the chamber. Rev. Fred Mannara, of Most Holy Rosary Church, provided a closing prayer honoring the gifts of the late lawyers and together with the rabbi recited, in Yiddish, Psalm 33. Many in the audience joined them in the ancient tongue.

Those remembered were: William S. Andrews, Alan S. Burstein, William P. "Phil" Christy, Jr., John J. "Bud" Costello, Robert B. Cox, Leslie H. Deming, James F. Gaul, F. Robert Gilfoil, Jr., Daniel B. Hall, Donald A. Lux, John F. McDonough, Jr., Elijah A. Pearson, Zachary M. Primrose, Richard S. Scolaro, Faith Seidenberg and Stephen J. Vollmer.

"I'm Free" By: Janice Fair-Salters, Read by: Hon. Deborah H. Karalunas

Don't grieve for me, for now I'm free,
I'm following the path God laid for me.
I took his hand when I heard his call,
I turned my back and left it all.

I could not stay another day,
To laugh, to love, to work, to play.
Tasks left undone must stay that way,
I found that peace at the end of the day.

If my parting has left a void,
Then fill it with remembered joy.
A friendship shared, a laugh, a kiss,
Ah, yes, these things too I will miss.

Be not burdened with times of sorrow,
I wish you the sunshine of tomorrow.
My Life's been full, I savoured much,
Good friends, good times, a loved one' touch.

Perhaps my time seemed all too brief,
Don't lengthen it now with undue grief.
Lift up your heart and share with me,
God wanted me now, He set me free.

SUPPORTING YOUR COMMUNITY AND GROWING YOUR PRACTICE THROUGH WEALTH TRANSFER

By Thomas Griffith, CAP®, Director of Gift Planning, Central New York Community Foundation

The Central New York Community Foundation commissioned research to determine the amount of local wealth that is expected to transfer from one generation to the next in Central New York over the coming decades. Results showed a combined individual net worth of \$57 billion in five counties of Central New York and concluded that the region is poised to experience an unprecedented 39% transfer of wealth between generations, totaling \$22 billion, through 2020. If just 5% of this transferring wealth was left to charity, nonprofits would see an additional \$1.1 billion in funding. Furthermore, if this amount was stewarded through an endowment at the Community Foundation, an additional \$55 million would be available annually in support of Onondaga, Oswego, Cayuga, Cortland and Madison county nonprofit organizations.

So how does this relate to your practice? The research predicts a staggeringly large amount of your older clients' wealth will transfer in the next few years. This imminent movement of client assets is an opportunity to reflect on how these assets might be retained for broad community benefit. Here are some ideas to help augment your practice, make an impact on the community, and build strong client relationships:

Become Part of the Discussion: Your clients are considering how to distribute their assets whether you are involved with that discussion or not. You can join the discussion by simply asking the question of your clients, "How do you want to be remembered by your families, friends and communities?" Listening and asking follow-up questions can help you discern their core values. Also, revisit this discussion periodically as their plans evolve over time. As your clients' wealth changes, they may change their plans for benefitting family members. In fact, many people struggle with the concept of leaving "too much" to family members. By helping them discern their asset distribution plans, you can build a closer and more meaningful relationship with your clients.



Cover all the Assets: Your clients' assets are more than just financial. They include human, intellectual and social capital as well. How are they going to include their family or business in their plans, and make sure that their values and interests are passed on? Are there opportunities now or in the future for you to facilitate a positive outcome that benefits the community? By connecting them to resources like the Community Foundation, you can have a profound impact on both your clients and the community.

Discuss the Concept of Endowment: We've found that the idea of leaving a permanent, named charitable fund resonates with generous people looking for a way to have lasting community impact. An endowed fund at the Community Foundation



designated to support specified charities or charitable interests would allow for ongoing stewardship of your clients' gifted assets with the potential for growth – even as charities and needs change over time. We work hard to understand our donors' plans for giving so that we can properly steward their gifts for the long term. We have witnessed many changes in our community over the Community Foundation's 89-year history; we strive to ensure that gifts given in the past are applied today as our donors would have wanted, while also honoring changing times and community needs.

How We Can Help: We recognize that stewardship of the gifts entrusted to the Community Foundation is one of our most important responsibilities. Our donors' trust in us is based on our ability to invest these resources prudently and to use the income produced in accordance with their charitable wishes, today and in the future. As part of that stewardship, we seek to honor our donors' professional relationships as well.

When you choose to engage the Community Foundation as a resource on matters of charity, we respect the relationship you have with your clients. We can meet with you and your client to provide charitable planning documents and advice. Our volunteer board of community leaders, thoughtful and expert staff, knowledge of and commitment to the community, proven asset management, and grantmaking expertise all ensure that your clients' charitable gifts will be carefully invested and administered according to their wishes.

When working at any stage of legacy planning with your clients, we can be a resource to help you. We can work with you to prepare for client discussions, help review asset distribution plans, participate in client discernment conversations, and connect you and your clients as needed with other local resources.

We invite you to learn more and view resources you can utilize with your clients by visiting 5forcny.org.

To discuss a specific giving scenario, please contact us at 315-422-9538 or tgriffith@cnycf.org.

Thomas Griffith is Director of Gift Planning at the Central New York Community Foundation.



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Donald P. VanStry, Esq.
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Robert R. Reittinger, Esq.
Criminal Defense Director
Immigration Assistance Center-Region 2

Robert R. Reittinger was appointed Assistant County Attorney for the County of Oneida Department of Law as Kendra's Law attorney and as lead family court attorney. Robert has also worked as first assistant Oneida County Public Defender, criminal division as DWI defense counsel, assistant appellate counsel and chief appellate counsel.

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