



# ONONDAGA COUNTY BAR ASSOCIATION BAR REPORTER

VOLUME 61 NUMBER 6 | November/December 2016

CNY Philanthropy Center | 431 East Fayette St. | Syracuse, NY 13202 | Phone: 315-471-2667

## OCBA Celebrates 141 Years: Annual Dinner Returns to Marriott Syracuse Downtown



The Bar Ripsters turn out a jazzy tune in Empire Room.



Susan Horn accepts the Distinguished Lawyer Award.



Guests enjoy dinner in the Grand Ballroom.



Honoree Judge Mordue with OCBA & NYSBA Presidents.

*All photos taken by the Hon. James E. Hughes, a partner at Hancock Estabrook*

### UPCOMING EVENTS:

Events	Dates
CLE   Surrogate's Court New E-Filing	1/12
Annual Memorial Ceremony	2/2
County Mock Trial Championships	4/12
Law Day	5/2

### 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

Many of us use the last days of the year to reflect on the events of the prior year as we make plans for the year ahead. It is likely that for one reason or another each of us will remember 2016 as particularly unforgettable as we look to and plan for the future.

At the OCBA, we have continued our efforts to meet the needs of our members by providing CLEs, social events and

regular communication with each of you. This is made possible by our hardworking staff -- Jeff Unaitis, Peggy Walker, Maggie James, Carrie Chantler and Michele Maciejewski -- and our many volunteers. Many thanks to you all for everything you have done this year.

Hopefully you received your membership renewal form – if you haven't, please contact Peggy Walker [pwalker@onbar.org](mailto:pwalker@onbar.org). You will see that we are gathering demographic data in our ongoing effort to know and meet the needs of our members. We hope that you will decide to share this information. In addition, we invite you to participate in our many committees and sections. You'll also see that we ask about your involvement in community activities. Our Community Engagement Committee is working to identify ways that the OCBA can recognize, support and promote our members' efforts.

And speaking of recognition for community work – congratulations to former OCBA President Nick DiMartino. Nick was recently recognized by the local chapter of the Red Cross at its 18<sup>th</sup> Annual Real Heroes Breakfast where he received the Animal Rescue Award for his work organizing the Volunteer Lawyer for Animal Abuse Project.

Please take time to enjoy this Holiday Season!



Williams w/ Susan Horn, NYSBA Pres. Claire Gutekunst and Judge Rosemary Pooler.



# NEWSMAKERS NEWSMAKERS NEWSMAKERS

## John Cirando in Top 5% for Upstate NY Attorneys

John A. Cirando, a Syracuse attorney, has been included as one of the top 5 percent of outstanding attorneys in Upstate New York in the 2016 edition of New York Super Lawyers. Cirando concentrates his practice on appellate advocacy.

## Barclay Damon Named a "Best Law Firm" in U.S.

Barclay Damon, LLP has received Tier 1 ranking from U.S. News - Best Lawyers "Best Law Firms" for 2017. The Tier 1 Metropolitan ranking includes practice areas across its Upstate New York and Boston offices in Real Estate, Bank & Finance, Corporate, Employment, Environmental, Health Care, Trust & Estates and many other areas of law.

## Smith Sovik Ranked as Top Law Firm by U.S. News

Smith Sovik Kendrick & Sugnet PC is proud to announce that for the seventh consecutive year the firm has been named to U.S. News - Best Lawyers "Best Law Firms." Smith Sovik has been named to the list every year since the first edition in 2010. The firm received rankings for practice areas of Insurance, Malpractice, Employment and other areas of law.

## Hancock Estabrook Ranked as a "Best Law Firm"

U.S. News and Best Lawyers have awarded Hancock Estabrook with First-Tier "Best Law Firms" rankings in 9 practice areas including Elder, Trust & Estates, Environmental and Health Care Law. These awards go to firms who excelled in U.S. News - Best Lawyers'

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cchantler@onbar.org.**

research relating to particular legal specialties. Hancock Estabrook has offices throughout New York.

## DASNY Approves Scalfone Law to Serve as Counsel

The Dormitory Authority of New York State (DASNY) has recently selected Scalfone Law PLLC to serve as its counsel. DASNY is a public benefit corporation authorized to finance and build higher education, health care, mental health, court and other public purpose facilities across New York State. Specializing in areas of real estate, environmental law, business law and litigation, Scalfone Law PLLC is uniquely positioned and capable of assisting DASNY.

## Gina Glover Joins Scolaro, Fetter, Grizanti, McGough & King

Gina M. Glover joined Scolaro, Fetter, Grizanti, McGough & King, P.C. as an attorney in the firm's Family Law and Litigation Practice Group. Her practice areas focus on divorce, custody, child support, maintenance, adoption, prenuptial agreements, and guardianships. Gina is a graduate of Siena College and Syracuse University College of Law. She is a member of Onondaga County and New York State Bar Associations.



## 2016 OCBA BOARD OF DIRECTORS

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# Photos from an Unforgettable Annual Dinner Honoring Susan R. Horn, Esq. & Judge Mordue



Deb O'Shea, Jim Sonneborn and Judge Murphy



Friends catch up at the pre-dinner reception.



Judge Peebles plays National Anthem.



John Cirando intros Judge Mordue.



A centerpiece on the honorees' tables.



Don Doerr with Claire Gutekunst and Michael O'Connor



The OCBA staff and volunteers relax during dinner.



The view from the balcony in the Grand Ballroom overlooking more than 325 dinner guests.



Current and former OCBA Board Members (from left): Judge Murphy, John McCann, Anne Dotzler and Frank Pelosi

# Photos from the 141<sup>st</sup> Annual Dinner (continued)

Photo taken by Michele Maciejewski, OCBA



Susan Horn and wife Sue Gorton before the evening starts.

Judge Mordue accepts the Centennial Ruger Award

## Celebrating at the OCBA Annual Holiday Open House

At our Holiday Party, we welcomed several judges, current and newly elected, and presented a plaque to retiring Justice Anthony Aloï.



# Second Parent Adoption: NY's Expanded Definition of Parent Still Leaves Many Out in the Cold

By: Donald VanStry, Esq.

**N**on-biological parents, such as step parents and same sex couples face some interesting legal questions when it comes to protecting their parent-child relationship. This August, non-biological parents of children who play a parental role in a child's life won a partial victory when New York's highest court redefined the relationship between a child and certain non-biological "second parents".

Prior to the right to marry, same-sex couples often conceived children via artificial insemination, surrogacy, or adopted as single-parents. If a breakup occurred, non-biological parents were left without legal recourse, even in the event the couple had intended to raise their children together into adulthood.

Despite the option of a second parent adoption, many same-sex couples were still "in the closet" so to speak, and often uncomfortable bringing their relationship into a public forum by filing for adoption.

Step-parents who raised their step child from birth or a young age face a similar dilemma. Even after years of acting as the second parent, bitter breakups leave them with no legal recourse absent a second parent adoption.

In New York State, prior to August of this year, any petition filed by these non-biological parents was dismissed outright because the petitioning parent had no biological or adoptive relationship to the child, and thus had no legal standing. This was heart-breaking to both the parent and the child.

Although same-sex couples gained the right to be legally married in New York State with the Marriage Equality Act in July of 2011, and nation-wide in 2015 upon the Supreme Court's ruling in Obergefell v. Hodges, those changes in the law did not clarify the standing of non-biological parents to petition for custody and visitation for these children post-divorce.

A definitive 1991 case, *Alison D. v. Virginia M.*, defined "standing" to petition the Court for custody and visitation as requiring an adoptive or biological connection to the child. Although the New York Courts presumed that children born during the marriage (often called of the marriage) were the biological parents of those children, that presumption is rebuttable by evidence such as DNA testing. Once paternity

is established, the biological parent gains legal standing in court to petition for custody, resulting in the non-biological parent of the marriage being disqualified as the parent of the child. Thus, the only way to protect the relationship between the non-biological parent and the child was to have the non-biological parent legally adopt the child after birth – even when the couple was married.

Finally, in August of this year, New York's highest court decided to overturn the definition of the parental relationship established in *Alison D. v. Virginia M.* by looking at the "intent of the parties at the time the child was planned for and conceived." Two similar cases cited as *Brook S.B.* and *Elizabeth A.C.C.* were the cases of two same-sex female couples where one mother conceived the child and then after the couple broke up, the biological mother blocked the non-biological parent from establishing custody or visitation. Although initially successful based on the definitions made in the *Alison D. v. Virginia M.* case, these cases were appealed to the New York Court of Appeals, where the new definition was established. The Court expanded the definition of parenthood to include non-biological parents who can establish that the parties agreed to conceive a child and to raise the child together. Where this occurs, the non-biological, non-adoptive partner has standing to seek visitation and custody.

These non-biological parents are often the only parent the child has ever known. When relationships come to a bitter end, a second parent can legally be precluded from that child's life until adulthood – leaving the child and the second parent's relationship devoid of any rights. From the perspective of the child and the second parent, the Court's recent re-definition of those rights was a baby-step in the right direction.

Where does this leave step-parents, parents that marry shortly after a child is born, or any blended family? Unless you are willing to risk years of parenting a child, only to find yourself blocked from contact with the child after a breakup or divorce, second parent adoption is still the only solution.

***Donald VanStry is Senior Counsel in the Family and Matrimonial Law Department at Tully Rinckey PLLC. He lectures on adoption issues and represents clients in adoptions and other family matters across NY State. Donald is the proud father of five adopted children.***



# National Adoption Day Brings Together Families



Judges stand for the Pledge of Allegiance at the National Adoption Day Ceremony

By: Carrie Chantler

Some of the guest stars at a November 18<sup>th</sup> party had little idea they were the center of the universe on National Adoption Day. Families, large and small, attended a special morning event in Syracuse held in their honor with many of their littlest members not understanding the fun and fuss was all about them.

On that Friday, the OnCenter was filled with balloons, music and a dancing Otto the Orange plus 20 judges from six counties who joined together sons and daughters and moms and dads in 58 official adoptions.

National Adoption Day is a highlight on the county's family court calendar and it was easy to see why.

"For me, this is one of the best days of my year," said repeat attendee U.S. Rep. John Katko

(R-Camillus). "But for these families it's one of the best days of their lives."

With breakfast plates cleared and special guests finished telling warm stories of how their families came to be, the event morphed into one big court proceeding where foster parents become adoptive parents and forever families were formed.

Cameron Reinhardt, in blue plaid, awaits adoption ceremony with his family.





“Obviously you have a lawyer to do this,” said Steve Reinhardt, of Clay. “They’re a necessity for the process to happen.”

At Adoption Day for the second time in two years, Reinhardt, and his wife Marlo, welcomed their second adopted son to the family. Too young to fully grasp the event’s intent, new sibling Cameron, age 2, joined his brother Zachary, age 4, in some balloon-sword play as their parents, aunts, uncles, and grandparents waited their turn before the judge.

## *For these families, it’s one of the best days of their lives.*

The Reinhardts were one of 22 clients of the Harrigan & Dolan law firm at the OnCenter that day, said the family’s attorney Kevin Harrigan.

Specializing for the last 20-plus years in this practice area, Harrigan understood after a clerkship aligning the paperwork for Onondaga County Family Court Judges Raymond Barth and Morris Schneider that his career path would follow family law.

Representing agencies, foster families and birth mothers, Harrigan’s firm annually handles 125 adoptions.

“I said ‘Gee, I know this stuff why don’t I do this’,” he said. “My career got a real boost from working with those judges.”

Celebrating 16 years in Onondaga County, the National Adoption Day event gets bigger and better every year. In 2011 the organizing committee won the NYS Department of Health and Human Services Adoption Excellence Award.

Gift bags full of day passes to community events along with toys and games are given to each adoptive family and the judges donate books for the kids, Harrigan said.

As the morning ceremonies progressed, the sound of chiming bells and warm applause rose over the families facing a judge who signed court documents officially joining the families.

“It’s a lot of work,” Harrigan said of the large event, “but it’s that unbelievable, family thing that makes it so beautiful.”



**Onondaga County Family Court Judge Julie Cecile affirms a new addition to this family.**

## Profile: Daniel J. Fetter Joined Scolaro, Fetter, Grizanti, McGough & King, P.C.

Daniel J. Fetter joined Scolaro, Fetter, Grizanti, McGough & King, P.C. as an attorney in the firm's Estate Planning and Wealth Preservation, Agricultural Services and Business and Tax Practice Group.

His practice areas focus on business transactions, succession and estate planning.

Previously, Dan worked at a law firm in East Syracuse practicing employment and education law.

Dan is a graduate of the State University of New York at Oswego and a cum laude graduate of Ohio Northern University, Claude W. Pettit College of Law. During law school, Dan was the President of the Ohio Northern Agricultural Law Association. He also received the achievement award in Gratuitous Transfers



and was named the 2014-2015 Moot Court Board of Advocates Member of the Year.

He is a member of the American, Onondaga County and New York State Bar Associations.

### DID YOU KNOW ...

The CLE Committee is an essential resource for the local law community. This important OCBA panel reviews, approves and generates continuing legal education seminars in a wide variety of legal topics. If you are interested in becoming a member of the committee, contact

Carrie Chantler at 579-2578  
or email [cchantler@onbar.org](mailto:cchantler@onbar.org)



# From the Hill: SUCoL Ranks #4 in New York State Bar Exam Passing Rate



Syracuse University College of Law is excited to announce that graduates achieved a 89.5% Pass Rate on New York Bar Exam to Rank #4 in the State this year.

The 105 Syracuse University College of Law graduates who took the New York State Bar Exam for the first time in July, 2016 achieved an 89.5% pass rate, an increase of more than six percentage points from last year and well above the statewide median pass rate of 83%. The College of Law's solid performance improved its rank to fourth among New York's 15 ABA accredited law schools behind only Columbia, New York University and Cornell.

"We are proud of our graduates' strong performance on the 2016 New York State Bar Exam," said Dean Craig M. Boise. "The continued

upward trajectory in the College of Law's New York bar pass rate is a credit to their hard work, our exceptional faculty and fully supportive staff, and a well-conceived curriculum that prepares our graduates for bar exam and professional success."

Boise continued, "While these results are positive, our faculty and staff will continue to evaluate our bar preparation methods and seek ways to further support our students on this critical test. Student-focused engagement is our top priority and we remain committed to the success of our students from orientation through the bar exam and their careers as legal professionals."

## DID YOU KNOW ...

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 email [pwalker@onbar.org](mailto:pwalker@onbar.org)**

# APPEALS

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# Family Court Case Notes

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



## Adoption

**Nickie M.A., Fourth Department, CAF 14-01867, 11/10/16**

The failure of an incarcerated parent to communicate with his or her child for seven months and to pay child support resulted in the loss of consent parent status in an adoption proceeding. A parent is not automatically relieved of a support obligation without proof of insufficient income or resources.

## Attorneys For the Child

**Brian S., Fourth Department, CAF 15-00314, 7/8/16**

The child was deprived of the effective assistance or counsel when the Attorney For the Child (AFC) failed to advocate for the child's position. The Rules of the Chief Judge provide that an AFC must zealously advocate for the child's position (22 NYCRR 7.2 [d]), even when the AFC believes what the child wants is not in the child's best interest (22 NYCRR 7.2 [d] [2]).

In this case, the trial AFC took a position contrary to two of the subject children, but the record established that neither of the exceptions to the Chief Judge's rules applied. The Court found that because all three children were teenagers, there was no basis for the AFC to conclude they lacked the capacity for knowing, voluntary and considered judgment. There was also no evidence in the record that following the child's wishes was likely to result in substantial risk of imminent, serious harm.

Furthermore, because one child's position concerning the neglect proceedings differed from those of her siblings, it was impossible for the trial AFC to advocate zealously

for the children's "inharmonious positions". The children were entitled to the appointment of separate attorneys to represent their conflicting interests.

## Custody and Visitation

**Chyreck v Swift, Fourth Department, CAF 15-00282, 11/10/16**

Although custody arrangements that allow for a parent's direct care of the children are preferred, the more fit parent should not be deprived of custody simply because the parent assigns daycare responsibilities to a relative due to work obligations.

Claims of domestic violence must be proven by a preponderance of the evidence to have an impact upon the outcome of a custody case.

## Change of Circumstances

**Cramer v Cramer, Fourth Department, CAF 15-00091, 10/7/16**

An order that lists compliance with mental health counseling as a basis for a change of circumstances does not impermissibly state a prerequisite for applying to modify an order to allow unsupervised visits.

**Esposito v Magill, Fourth Department, CAF 15-00264, 6/17/16**

Medical restrictions placed upon the petitioner's driving did not constitute a change of circumstances requiring the court to change transportation arrangements.

**Machado v Tanoury, Fourth Department, CAF 15-01139, 9/30/16**

An allegation that the custodial parent repeatedly refused to allow overnight parenting time is sufficient to withstand a motion to dismiss for lack of a change in circumstances.

## Interference

**Amrane v Belkhir, Fourth Department, CAF 15-01246, 7/1/16**

A long-term custodial arrangement should continue unless it is proven that the custodial parent is unfit. The concerted effort by one parent to interfere with the

# Family Court Case Notes

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

other parent's contact with the children raises a strong probability that the interfering parent is unfit to act as the custodial parent.

In this case, the evidence showed that the mother instructed the children to be uncooperative and disrespectful when in the father's care and to refuse to recognize him as father. The mother required the father to involve the police before she would allow him to pick the children up for visitation; made derogatory remarks about him and his wife in front of the children; and did not inform him that one of the children had undergone surgery for appendicitis. The Court determined that the father had proven a change of circumstances and that it was in the best interests of the children to award him custody. To do otherwise would be tantamount to severing the children's relationship with their father.

## **Cramer v Cramer, Fourth Department, CAF 15-00091, 10/7/16**

A concerted effort by one parent to interfere with the other parent's contact with the child "is so inimical to the best interests of the child" that it creates a strong probability that the interfering parent is unfit to act as custodial parent.

### Restricted Visitation

## **Guillermo v Agramonte, Fourth Department, CAF 14-01002, 3/25/16**

The Court found that an order limiting the mother to supervised telephone access one day per week for a maximum of 20 minutes and a minimum of three hours of supervised visitation per month was unduly restrictive, even though she had obstructed law enforcement efforts to investigate a sexual assault against one of her children and sabotaged their relationship with their father.

In addition, it was considered an improper delegation of the court's authority to let the father determine the location and supervisors for the restricted visitation.

### Standing

## **Brooke S.S., Court of Appeals, 2016 NY Slip Op 05903, 8/30/16**

A person who is not a biological or adoptive parent may obtain standing to petition for custody or visitation

pursuant to Domestic Relations Law § 70(a) either under a theory of judicial estoppel or through clear and convincing evidence that a pre-conception agreement existed.

### Prerequisites

## **Mickie v. Mickie, Fourth Department, CAF 14-02047, 10/7/16**

A prerequisite in the order of visitation that required the parent to actively engage in counseling before seeking visitation was improper. Although a court may include a directive to obtain counseling as part of a custody or visitation order, the court cannot order such counseling as a prerequisite.

### Default, Family Offense

## **Daniels v Davis, Fourth Department, CAF 13-02185, 6/10/16**

The entry of an Order of Protection granting the petitioner temporary custody was improper upon a mere "re-verification" of the allegations in the petition in the absence of the respondent who appeared by counsel. The fact that the order had expired by its terms did not render the appeal moot because of the significant enduring consequences of the order.

*In Memoriam ...*

**Richard V. Lang, Esq.**

October 6

**Carl F. Dobe, Esq.**

November 10

**Dennis G. O'Hara, Esq.**

November 21

**Bruce Bolton, Esq.**

December 6

# Family Court Case Notes

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

## Neglect

### **Amy C., Fourth Department, CAF 15-00167, 11/18/16**

A determination of derivative neglect based upon a prior adjudication of neglect made two days before the subject child was so proximate in time that it could reasonably be concluded that the mother's mental health issues that led to that prior determination still exists.

### **Anthony L., Jr., Fourth Department, CAF 14-01933, 11/18/16**

A challenge to a neglect disposition of placement is rendered moot by a subsequent permanency hearing order.

### **Hunter K., Fourth Department, CAF 15-00037, 9/30/16**

The mother admitted she drank vodka for days at a time and felt guilty because of the effect that her drinking had on the children. The children made statements that they had to care for each other while their parents were drinking. The evidence showed that the mother did not protect the children from the father's physical abuse while he was drinking. The Court found sufficient proof to support a presumption of neglect under FCA § 1046 [a] [iii].

## Default

### **Thomas B., Fourth Department, CAF 14-00906, 5/6/16**

The trial court abused its discretion by denying the respondent's request to appear from Florida by telephone pursuant to Domestic Relations Law § 75-j. She had moved to Florida with the financial assistance of the presentment agency. While the statute does not require courts to allow testimony by electronic means in all cases, here the court failed to consider the impact of the mother's limited financial resources on her ability to travel to New York.

## Due Process

### **Dominic B., Fourth Department, CAF 15-00142, 4/29/16**

The trial court erred by finding neglect in reliance upon a psychological evaluation that was not received into evidence. "[I]t is a fundamental requirement of due process that the decision-maker's conclusions must rest solely on legal rules and evidence adduced at the hearing." Although the parties had expressly agreed that the evaluation would not be used as evidence at any fact-finding and that it would not be used as a basis to amend the petition, the trial court in fact relied heavily upon it to reach its decision. In addition, the court erred by not allowing the respondent to cross-examine the caseworker, a denial of the right to due process.

### **Tyler M., Fourth Department, CAF 14-01822, 5/6/16**

The petitioner failed to prove by a preponderance of the evidence that the respondent had neglected the subject child through competent, material and relevant evidence. The proof consisted of a co-respondent's out of court statements and a police report making reference to those same statements. The co-respondent's statements were not admissible against the other respondent under any statutory or common law exception to the hearsay rule.

### **Jaime J., Fourth Department, CAF 16-00175, 11/10/16**

The majority ruled that the presentment agency has the authority to retain a child in placement and the Family Court has the jurisdiction to conduct a permanency hearing under Family Court Act Article 10-A, even though the Article 10 petition alleging neglect has been dismissed. The dissent argued that the plain language of Article 10-A does not allow for placement without a

## 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](mailto:cchantler@onbar.org). Editor Emeritus: John A. Cirando, Esq. Editorial Board Members:

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# Family Court Case Notes

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

finding under Article 10 § 1022. To interpret the statute otherwise would “render it unconstitutional” and would effectively allow the use of a temporary order issued in an ex parte proceeding to serve as the jurisdictional basis for a presentment agency’s “ongoing, open-ended intervention in the parent-child relationship *after* the neglect petition was dismissed on its merits.”

## Support

### **Gerhardt v Baker, Fourth Department, CAF 15-00901, 06/10/16**

A support order made upon a hearing that did not give the petitioner an opportunity to testify or present the sworn testimony of other witnesses was reversed as “inherently flawed”. Although a hearing upon the filing of a support modification petition need not follow any particular format, a “ cursory handling” of the matter does not provide a substitute for a meaningful hearing.

## Termination of Parental Rights

### **Omia M., Fourth Department, CAF 15-00684, 11/18/16**

A motion to vacate an order approving a conditional judicial surrender of parental rights must either allege fraud, duress or coercion in the inducement, or that the court’s voir dire did not substantially comply with the requirements of §383-c (3)(b) of the Social Services Law.

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Onondaga  
County



Bar  
Association

## 2017 Memorial Observance

**9 a.m. Thursday, February 2<sup>nd</sup>  
Onondaga County Courthouse  
Legislative Chambers**

Join the Onondaga County Bar Association as we reflect on the lives of more than 20 colleagues and friends we lost in 2016.



# OnVLP Programs Help 3,000+ People in 2016

**By: Sally Curran, Director, OnVLP**

The Volunteer Lawyers Project of Onondaga County had a successful year engaging the legal community to provide free legal assistance to those in need in our community.

By year end, our agency will have served over 3,000 individuals, benefiting over 7,500 community members. This work was done by the dedicated pro bono attorneys, like yourself, who work tirelessly to provide access to justice to those in need.

In 2016 we have been able to implement several new initiatives to meet unmet needs in our community. We are thrilled about the impact these programs are having and we hope that you will consider volunteering. New programs in 2016 are:

The Homeless Advocacy and Prevention (HAP) clinics focus on addressing legal needs that often are barriers to rising out of homelessness, such as child support modification, divorce and employment issues related to past criminal convictions, while at the same time providing general advice and referrals for other essentials of life such as access to health care and subsistence income. Located at four local homeless shelters and a soup kitchen, these free, walk-in clinics provide much needed legal assistance to some of our most vulnerable community members. The HAP clinics served over 200 clients in 2016.

Our New Start Reentry Program is off to an excellent start as well. Often job-seekers are denied a job or professional license as a result of prior, and often old, criminal record. The New Start removes barriers to employment by assisting individuals with correcting their criminal record, applying for certificates of relief from disability, and appealing denials of employment certifications. We are partnering closely with the Work Train program and others to ensure criminal records are addressed at the beginning of job readiness training, so that individuals are able and ready to be employed. Already 78 clients have received assistance to date.

In April of 2016, we were pleased to initiate our newest Talk-to-a-Lawyer clinic at the North Syracuse Library. Held on the 1st and 3rd Wednesday of each month, volunteer attorneys provided free legal advice to nearly 60 individuals this year alone – an impressive number that illustrates a previously unmet need.

In January, we began a formal collaboration in our immigration program with Hiscock Legal Aid Society. Together we provide immigration legal assistance and education as the regional legal counsel for the Office for New Americans. This partnership has vastly broadened our ability to provide legal advice, counsel and education to those with immigration questions.

Finally, our newest program expansion is our Community Economic Development Program, where we will be working with local entrepreneur development programs to encourage economic development. Our program will provide legal assistance to entrepreneurs and small business owners in areas including entity formation, tax, employment, and real estate. We will focus on serving low-income entrepreneurs, especially those who will be creating business in our neighborhoods with high concentrations of poverty. This program is part of our emphasis on creating pathways out of poverty. We are actively recruiting volunteers for this program.

To those who work tirelessly to ensure that those in need receive legal representation, information and assistance – thank you. We are so grateful for the positive impacts you are making in our community.

With all of this growth, your support is more important than ever. Interested in volunteering? Want to learn more about a specific program? Contact Sally Curran at [scurran@onvlp.org](mailto:scurran@onvlp.org) or (315) 579-2576. Visit us online at [www.onvlp.org](http://www.onvlp.org).



# OCBA's Real Hero: Nick DeMartino



By: Carrie Chantler

**O**CBA Past-President Nick DeMartino received grateful appreciation from the Central New York community during a breakfast hosted by the local chapter of the American Red Cross. At the 18th Annual Real Heroes Breakfast, DeMartino was among 12 area residents honored for their quick and compassionate life-saving response to a neighbor in need.



For his service to Onondaga County's abandoned and abused animal population, DeMartino received the Real Heroes Animal Rescue Award. The criminal defense attorney was recognized for organizing a volunteer animal advocacy program, the Volunteer Advocate Lawyer for Animal Abuse Court. VALAC's 30-member team of legal professionals assures victims of animal cruelty have a human voice seeking justice on the animal's behalf. We're proud of the work DeMartino has done for our furry friends in Central New York.

## BAR BOARDS:

### DOWNTOWN SYRACUSE OFFICE SPACE AVAILABLE

Downtown Syracuse office space available in the historic Nettleton Commons Building to share with established bankruptcy attorney. Functional 1800 square foot space with exposed brick and wood beams. Attorney office with room for support staff, conference room and break room. Easily accessible location with convenient tenant and client parking. Handicapped accessible. Rent \$811.00 monthly. Call 478-2020 for more information.

### INTELLECTUAL PROPERTY ASSOCIATE IN ROCHESTER, NY OFFICE

Nixon Peabody LLP is seeking a highly motivated associate to join our IP Counseling & Transactions Practice Group in the Rochester office. To learn more and apply online, visit our website at <http://www.nixonpeabody.com/careers>.

### OPENING FOR ATTORNEY AT KOWALCZYK, DEERY & BROADBENT, LLP

A Utica Law Firm is seeking to hire an attorney with preferred 3-5 years experience in business law, commercial law, real estate, estates, family law and general law. Strong legal research and writing skills necessary. Please forward resume to 315-724-3212 or [blh@ktdlaw.com](mailto:blh@ktdlaw.com)

### WANTED: OF COUNSEL WITH EDUCATION LAW EXPERIENCE

Experienced attorney with some background in Education Law and in business matters (e.g. contracts, by-laws, etc.) for occasional employment as of counsel. If interested, contact attorney Jim O'Connell at [jjo@oharalaw.com](mailto:jjo@oharalaw.com) and email resume. Thank you.

### OFFICE AVAILABLE: DOWNTOWN SYRACUSE LOCATION

Office suites available in downtown Syracuse. Close to Courthouse. Reasonable rent; receptionist; use of conference rooms, large waiting room and kitchen. Please contact Joanne at [mjvesq@aol.com](mailto:mjvesq@aol.com) or call (315) 383-3344.

### OPENING FOR ATTORNEY AT MELVIN & MELVIN, PLLC

Mid-size Syracuse law firm seeks to hire a self-starting, energetic attorney with 2-5 years' experience for its commercial law and transactional practices. The successful candidate will have excellent verbal, interpersonal, and research and writing skills. Must be licensed to practice in New York. Please forward resume to [hiringpartner@melvinlaw.com](mailto:hiringpartner@melvinlaw.com).

### OPENING FOR MATRIMONIAL ATTORNEY AT MELVIN & MELVIN, PLLC

Mid-size Syracuse law firm seeks to hire a self-starting, energetic attorney with 2-5 years' experience for its matrimonial practice. Please forward resume to [hiringpartner@melvinlaw.com](mailto:hiringpartner@melvinlaw.com).

### Staff Attorney – Legal Aid Society of Mid-New York, Inc.

Legal Aid Society of Mid-New York, Inc. (LASMNY) seeks a staff attorney to perform Disability Advocacy Program (DAP) services throughout the geographic area it serves. The position is in the Syracuse office and some required travel is anticipated.

**Job Responsibilities:** This position will represent clients in administrative proceedings and hearings before Administrative Law Judges to obtain SSD/SSI benefits. The staff attorney will also provide comprehensive legal services including advice, negotiation and administrative advocacy and will carry a substantial caseload. The position also requires that the staff attorney satisfy grant and office reporting requirements while working under

the supervision of a managing attorney.

**Qualifications/Salary:** Prior experience preferred but not necessary. Salary dependent upon experience; excellent fringe benefits.

LASMNY seeks to be a well-balanced multi-cultural organization. People of color, LGBTQ, and people with disabilities are encouraged to apply. EOE/AEE.

Please send resume, cover letter and 3 references to:

Dan Altwarg, Senior Managing Attorney  
Legal Aid Society of Mid-New York, Inc.  
221 South Warren St., Suite 310  
Syracuse, NY 13202  
E-mail: [daltwarg@lasmny.org](mailto:daltwarg@lasmny.org)



# OCBA CONTINUING LEGAL EDUCATION

431 East Fayette St. | Syracuse, NY | Phone: 315-579-2578 | Fax: 315-471-0705 | cchantler@onbar.org

## Surrogate's Court New E-Filing Protocols

Get ready for upcoming changes to filing documents in Onondaga County Surrogate's Court when filing goes electronic in January 2017.

This **FREE** event is co-sponsored by the Onondaga County Surrogate's Court, OCBA and NYS Courts Electronic Filing.



**2.0 MCLE (1.0 Professional Practice + 1.0 Practice Management)**

Thursday, January 12th  
Onondaga County Courthouse, Ceremonial Courtroom 400  
401 Montgomery Street, Syracuse, NY 13202



Register at Onbar.org or by mail using the form below

1:45 pm - 2:00 pm Registration  
2:00 pm - 4:00 pm Program

### Can't Make the CLE? Take the training on Skype!

Final Session: Wednesday, January 11, 2017 at 11am

**Pre-Registration is REQUIRED**

**No CLE credit is available through this program. Go to [www.nycourts.gov/efile](http://www.nycourts.gov/efile)**

Surrogate's Court New E-Filing Protocols | Thursday, Jan. 12, 2016 | RSVP no later than Jan. 10

This Event is **FREE**

Attendee(s) \_\_\_\_\_ Phone \_\_\_\_\_

Firm \_\_\_\_\_ Email \_\_\_\_\_

Address \_\_\_\_\_

ONONDAGA COUNTY BAR ASSOCIATION | 431 East Fayette St. | Syracuse, NY | 13202  
Phone: 315-579-2578 | Fax: 315-471-0705 | cchantler@onbar.org



## ONONDAGA COUNTY BAR ASSOCIATION

Suite 300 | CNY Philanthropy Center  
431 East Fayette Street | Syracuse, NY 13202

# INSIDE THIS ISSUE, READ ABOUT:

- Pictures from the 141<sup>st</sup> Annual Dinner
- National Adoption Day
- SUGOL Achieves High Bar Exam Pass Rate
- Case Notes, Bar Boards, and more...

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