



# ONONDAGA COUNTY BAR ASSOCIATION **BAR REPORTER**

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JANUARY 2018  
Volume 63 Number 1



Onondaga County Bar Association  
CNY Philanthropy Center  
431 East Fayette Street, Suite 300  
Syracuse, NY 13202  
315-471-2667

## *Our 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.



## *Upcoming Events:*

**Bench and Bar Buffet** - January 30th  
CNY Philanthropy Center, Second Floor Ballroom

**Memorial Observance** - February 8th  
Onondaga County Courthouse, Legislative Chambers

**CLE | Appellate Court** - February 13th  
CNY Philanthropy Center, Second Floor Ballroom

**Paralegals Luncheon** - February 14th  
CNY Philanthropy Center, Third Floor Conference Room

**CPR Training** - February 20th  
CNY Philanthropy Center, Second Floor Ballroom

Visit our [website](#) for more information.



## *In Memoriam...*

**John B. Vita**  
**January 14th, 2018**



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# Letter from the PRESIDENT



Happy New Year! With the end of the past year always comes the inevitable review and introspective analysis of personal and professional goals and objectives. The long, cold nights of Winter, following the hustle and bustle of the Holiday season, are especially suited for this sort of reflection. How do we measure up?

I find myself looking for answers in my memories of and past experiences with beloved family, friends and colleagues who now serve as the inspiration for new/renewed goals and resolutions. Robert Burns captured that sense of nostalgia and friendship in his poem "Auld Lang Syne." Their best seems to represent the ideals I strive to obtain.

This notion is underscored when I review the list of extraordinary and talented colleagues that we lost last year. I have many fond memories and life lessons attributable to many of them. One of the absolute best events that the Bar Association sponsors is our Annual Memorial Ceremony at which we invite the families of the departed to join us in celebrating the lives of these remarkable individuals. The names of those to be honored are located on page 10.

This year's remembrance will be held at 9:00 a.m. on February 8th in the Onondaga County Legislative Chambers. Please join us, even if for only a few minutes. It is a wonderful event. Their life paths were remarkable and will leave you inspired.

President, James P. Murphy

# Did you know?



Dr. Michael &  
Rissa Ratner

- If your clients remember The Upstate Foundation in their estate plans, they will...
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# There's a New CLE Credit Category in Town

By: Carrie Chantler



It's a new CLE year! And it's an ideal time to review what's new in the world of Mandatory Continuing Legal Education.

As of January 1, accredited CLE providers across the state began issuing credit in a new MCLE category – Diversity, Inclusion and the Elimination of Bias.

OCBA was among the first in the region to do so. On January 11th, in a happy collaboration, the Central New York Women's Bar Association and OCBA's Family Law Section sponsored the CLE Advanced Topics in Family Law: LGBTQ Parentage and Advocating for Clients Experiencing Poverty and Domestic Violence, which offered one credit in the new MCLE category.

We look forward to offering this new credit in future seminars. Following is specific information, per the NYS CLE Program Rules, that both experienced and newly admitted attorneys need to know about gaining this new MCLE credit.

## Experienced Attorneys

### **What is the new Diversity, Inclusion and Elimination of Bias CLE requirement?**

Experienced attorneys (those admitted to the New York Bar for more than 2 years) must complete at least 1 CLE credit hour in the Diversity, Inclusion and Elimination of Bias CLE category of credit as part of their biennial CLE requirement.

### **Does the new Diversity, Inclusion and Elimination of Bias requirement increase the total number of CLE credit hours that experienced attorneys must complete during each biennial reporting period?**

No, you will continue to be required to earn a total of twenty-four (24) CLE credit hours in each biennial reporting period, with at least four (4) CLE credit hours in Ethics and Professionalism; and, effective July 1, 2018, with at least one (1) CLE credit hour in Diversity, Inclusion and Elimination of Bias.

### **When must I begin to comply with the new Diversity, Inclusion and Elimination of Bias CLE requirement?**

The new requirement becomes effective July 1, 2018. Experienced attorneys due to re-register on or after July 1, 2018 (birthday is on or after July 1st) must comply.

### **May I carry over CLE credits from one biennial reporting cycle to the next?**

Once an experienced attorney has completed the 24 CLE credit requirement, a maximum of 6 additional credits earned may be applied toward the next reporting cycle. Experienced attorneys may carry over credits in any category, including Ethics and Professionalism and Diversity, Inclusion and Elimination of Bias credits from one cycle to the next.

## Newly Admitted Attorneys

### **Am I required to earn Diversity, Inclusion and Elimination of Bias CLE credit hours as part of my newly admitted attorney CLE requirement?**

Although you are encouraged to participate in such programs, the transitional CLE requirement for new attorneys (those admitted to the New York Bar for 2 years or less) remains unchanged. It does not include a Diversity, Inclusion and Elimination of Bias CLE credit component.

### **Can I earn credit in the Diversity, Inclusion and Elimination of Bias CLE category of credit for attending diversity programs in order to apply the credit toward my first experienced attorney CLE requirement?**

No, only experienced attorneys may earn credit in the Diversity, Inclusion and Elimination of Bias category of CLE credit for diversity programs.

[Source: <https://www.nycourts.gov/attorneys/cle/clenews.shtml>]

# What You Need to Know:

## Definition:

22 NYCRR 1500.2(g) - Diversity, Inclusion and Elimination of Bias (g) Diversity, Inclusion and Elimination of Bias courses, programs and activities must relate to the practice of law and may include, among other things, implicit and explicit bias, equal access to justice, serving a diverse population, diversity and inclusion initiatives in the legal profession, and sensitivity to cultural and other differences when interacting with members of the public, judges, jurors, litigants, attorneys and court personnel. [Effective January 1, 2018].

## Shout Out:

CLE presenters receive triplicate MCLE credit. Did you know that? Do you have an idea for an engaging CLE? Work with OCBA to bring your brainy seminar to your colleagues and get those extra credits.

Call **Carrie Chantler** at **(315) 579-2578** or email her at **cchantler@onbar.org** to get the CLE ball rolling.

## Partial Credit and Repeat Attendance:

(From the NYS CLE Rules and Regulations)

**THE RULE:** (C) Limitations on CLE Credit Awards (1) Partial Credit – Credit shall be awarded only for attendance at an entire course or program, or for attendance at an entire session of a course or program. No credit shall be awarded for attending a portion of a course or a portion of a session. (2) Repeat Attendance – No CLE credit hours may be earned for repeating the same course or program, in any format, even if the course or program is repeated in a subsequent reporting cycle.

**THE EXCEPTION:** Sections 2(D)(1) and 3(C)(1) of the Regulations and Guidelines permit the issuance of appropriate credit in circumstances where the attendee has missed a portion of a presentation due to unforeseen events, provided the attendee received the full educational benefit of the portions of the presentation actually attended. Examples of unforeseen events might include unanticipated weather or traffic situations or a family health emergency that delay an attendee's arrival at the course, or require an attendee to leave the course early. Common sense should be used by the provider; missing two or three minutes of the introductory portion of a presentation would not provide sufficient grounds, for example, to deny full credit to an attendee where the attendee has received the full educational benefit of the presentation. Conversely, however, full credit should not be awarded where an attendee's absence precluded the attendee from receiving the full educational benefit of a presentation. The second issue relates to CLE credit for attending the same program on more than one occasion. (Sections 2(D)(2) & 3(C)(2), Regulations and Guidelines) The Board recognizes that many continuing education courses will be somewhat redundant and repetitive. Where a CLE program has new content, such as revised or updated materials reflecting recent changes in the law, the attendee should receive CLE credit. It is the intent of the CLE Board to deny CLE credit only in situations where attendees seek CLE credit for repeat attendance at the same program where the content is unchanged.



Family Law Section

Central New York  
Women's Bar Association



Photo: CNYWBA President, Bryn Lovejoy-Grinnell introduces speakers at a January 11 CLE.

# New Clients Come By Way of Lawyer Referral Service

By: Carrie Chantler



**MAGGIE JAMES,**  
**LAWYER REFERRAL SERVICE DIRECTOR**

**T**ype “I need an attorney in Syracuse” into any search engine and you’ll be overwhelmed by the results.

If your next client is that Google searcher he or she might find you if they’re patient enough to wade through all the links ahead of yours before becoming intimidated by the process and chucking it altogether.

Or, to help find the right fit, maybe your phone number is more easily found if that potential client first speaks to someone with knowledge of local legal professionals, their practice areas and specialties.

The OCBA Lawyer Referral Service fills this need.

Stuart J. LaRose, LRS Committee Chairman, explains:

“Members who become LRS panelists receive referrals from paying clients who have been pre-screened as to type of legal matter and who understand it is not a free service,” he said. “Clients receive a referral to an attorney in the area of their need with an assurance from the Bar that the lawyer is insured and meets standards of practice in that legal area allowing them to accept a referral.”

The LRS has been an added feature of bar association membership for more than 20 years. In 2017, the LRS answered more than 3,000 calls,

making more than 1,500 referrals to 72 panelists who earned a total of \$685,634 from these new clients.

Callers are pre-screened to determine the particulars of their possible case. Referrals are made on a rotating basis so the next available attorney listed per requested category is offered to a caller. The first brief consultation is free. If the attorney takes on the case, he or she agrees to remit to the LRS 10 percent of the referred case’s total fee upon its resolution.

“In most cases, someone calls for, say, an uncontested divorce. They may be quoted \$500. Our LRS requires a 10 percent referral fee



of all cases that close. That divorce case would owe the LRS \$50 – and that attorney has cleared their initial investment by half,” said LRS Director Maggie James.

Those for whom referrals cannot be made are redirected to one of several local legal aid services, a Talk-to-a-Lawyer site, or to a governmental agency.

“Even though we don’t offer pro bono services here, we do fill quite a gap for people who are not familiar with the law,” said James. “Some don’t even know what kind of case they have.”

As a former small business owner, whose work with attorneys for the last five years has exposed her to a wide variety of legal subject matter, James has taken to the role of managing the LRS. With only the lessons life can teach a

person, she listens to callers whose issues range from mild queries to frantic emergencies as she searches through her LRS roster for an attorney to help them.

This human interaction is what sets this bar association service apart from online legal technology services, said LaRose.

“People choose us over Legal Zoom because of the assurance that this is a local service, not an out-of-town corporation,” he said. “There is an assurance the client has that the bar association vetted the attorney in keeping with LRS and American Bar Association standards.”

Becoming an LRS panelist is simple. For an additional annual \$100 on top of standard OCBA membership dues, lawyers complete an enrollment form, select practice areas and sub-categories, sign an

attorney affirmation, and provide a current copy of their Malpractice Insurance Policy to the LRS.

Longtime LRS panelist and former LRS Committee member Melody Westfall, of Scalfone Law, has a unique perspective of the effectiveness of this program, her strong link to it has netted her dozens of clients.

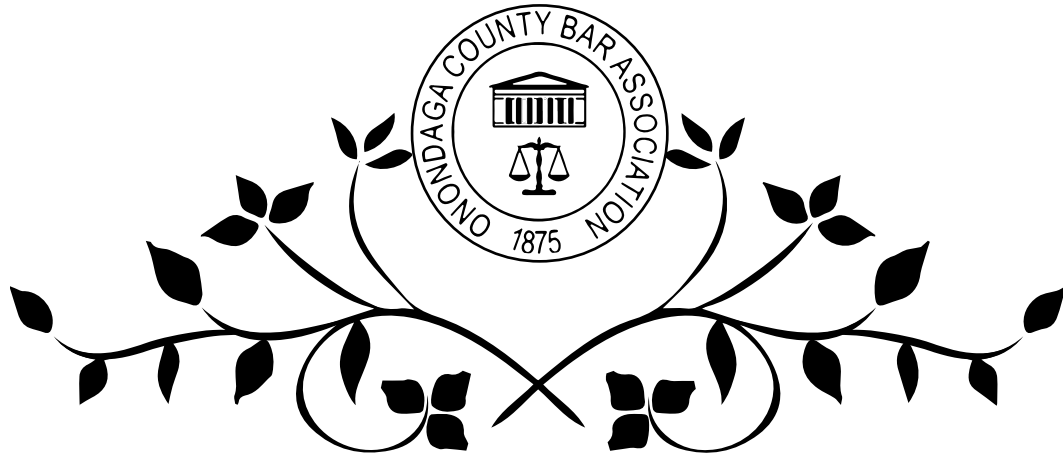
“It goes without saying that once those contacts have become clients, they have become longtime clients, and come back to us time and time again when they are in need of legal advice,” she said. “For those I cannot assist because my firm does not practice in those areas of law, I am able to refer them back to the LRS to get the appropriate legal representation that they need.”

To learn more about LRS, click [here](#).



*“Even though we don’t offer pro bono services here, we do fill quite a gap for people who are not familiar with the law.”*

**-Maggie James**



# Memorial Observance

## Onondaga County Courthouse

Legislative Chambers, Room 407

Thursday, February 8, 2018, 9-10:00 a.m.

*The Honorable James P. Murphy,  
New York State Supreme Court Justice, Presiding*

## *In Memoriam*

**Richard N. Ames**

**Patricia Campbell**

**Kristie M. Carter-Knapp**

**Donald P. Colella**

**Charles J. Cronin**

**Francis Roland D'Addario**

**Linda Anne Damiano**

**Hon. John J. Elliott**

**Mary J. Fahey**

**Anthony Fazio**

**James D. FitzPatrick**

**Edward S. Green**

**Mary Jane Harrington**

**Ronile Lawrence**

**Owen D. Marjama**

**Edward Clarke Schepp**

**Donald Schoenwald**

**John R. Varney**

**James K. Weeks**

*and*

**Helen B. Druce**

Retired Executive Director of the Onondaga County Bar Association

*Please advise Peggy Walker at [pwalker@onbar.org](mailto:pwalker@onbar.org) if there are any other members of our profession whom we have lost in the year of 2017.*

# Congratulations

## OCBA Congratulates Newly Admitted Attorneys in the 5th Judicial District

The New York State Supreme Court Appellate Division, Fourth Department held its Admission Ceremony in Rochester on January 10, 2018. Upon this achievement, OCBA extends its heartiest congratulations to these new officers of the court. The following persons represent those newly admitted attorneys in the 5th Judicial District:

Taylor Lee Baker  
Sarah Ashley Ballard  
Joseph Betar  
Craig F. Cordes  
William Putnam Davies  
Bruce C. Entelisano  
Stephanie Hoppe Fedorka  
Natassia Marie Fodor  
Mariam Anta Gaye  
Wesley Lorne Gerrie  
Samuel James Getman  
Colleen Marie Gibbons  
Kaitlyn Marie Gupstill  
David M. G. Katz  
Christine N. Khamis  
Andrew Lee Lessig  
James Everett MacKay  
Abigail Elizabeth Marion  
Michael George Marrero  
Matthew R. McGarry  
Shannon Christine McGlew  
Ashley Kristine Menard  
Emily Ann Middlebrook  
Alison Ann Oropallo  
Kelly Joseph Pare  
Jenna R. Peppenelli  
Christopher Alan Powers  
Darienn Marie Powers  
Justin Paul St. Louis  
Genevieve Phelps Schmidt  
Matthew Blair Schutte  
David Christopher Sieling  
Megan Katherine Thomas  
Theodore Augustus Trespasz, III

# The Monthly Newsmakers

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## COUNTY NEWS

### *Cheney & Blair Make Announcement*



#### ***Richard J. Graham Joins Firm***

Mr. Graham is Of Counsel to Cheney & Blair, LLP and joined the firm in 2017. His practice areas include representing municipalities, individuals and corporations in both transactional and litigated matters, including municipal law, public employment, land use and zoning, environmental law, real estate and civil litigation. With over 30 years of experience as both general and special counsel to municipalities, Rich brings with him a high level of expertise in advising towns, villages and counties in an ever changing and complex legal environment. His experience includes serving as town attorney, counsel to planning boards and zoning boards of appeal, and a five-term tenure as county attorney. As county attorney, Rich served as the chief legal advisor to elected officials and county department heads in all aspects of government operations, municipal finances and intergovernmental relations. That experience, coupled with his many years serving local

communities gives Rich a unique perspective that melds on-point legal analysis, creative problem solving and insightful business acumen in order to achieve the client's objectives. Mr. Graham has assisted his municipal clients with a variety of employment and human resource matters, including employee handbooks, employment contracts, civil service designations, collective bargaining, arbitrations, and employee disciplinary matters up to and including terminations under Section 75 of the Civil Service Law. He has handled employment claims regarding sexual harassment, sexual discrimination, and disability discrimination including appearances before the EEOC and NYS Division of Human Rights. Rich served two terms as president of the County Attorney Association of State of New York, was the founding editor of their quarterly newsletter and appointed twice to the Governor's Judicial Screening Committee for the Fourth Department.

#### **STEPHEN W. FANTUZZO JOINS FIRM**

Mr. Fantuzzo is an Associate attorney at Cheney & Blair, LLP. He concentrates his practice in corporate/business law, commercial law, land use, municipal law and real estate law. Prior to joining Cheney & Blair, he worked for a Rochester firm specializing in residential real estate and bankruptcy. Mr. Fantuzzo is a graduate of the Villanova University Law School (2013), the University of Rochester, Simon Business School's full-time MBA program (2016), and Penn State University (2009). Mr. Fantuzzo joined the firm in early 2017, and is admitted to practice in New York, Pennsylvania, and the Northern and Western District Courts of New York.

#### **Kristin M. Ryder Joins Firm**

Kristin is a paralegal in the firm's Skaneateles, New York office, concentrating on municipal services, land use, residential and commercial real estate, title matters, and lending/bank services. She has over a decade of experience in fields of real estate and commercial services and assists the firm with all aspects of real estate contract formation, title and UCC matters, closings and bank document preparation through to execution, as well as assisting in the preparation of municipal agreements, resolutions and filings. She has earned her paralegal

designation through her work in the legal industry with mid-sized firms and development companies in Syracuse, New York, and obtained a Bachelor of Arts degree from Sage College in Albany in legal studies. She is a notary public and joined the firm in 2017.

***Amber C. Nadeau Joins Firm***

Amber is a paralegal in the firm's Skaneateles, New York office, concentrating municipal services, development applications, entity formations and due diligence, vehicle and traffic, and general business matters. She also assists with real estate and lending matters in both residential and commercial loan settings. She earned her paralegal certificate from Bryant & Stratton College in 2015 and worked in a mid-sized Syracuse, New York law firm prior to joining Cheney & Blair, LLP in 2017.

**ATTORNEYS CIARDULLO AND BARONE JOIN BARCLAY DAMON**



Frances Ciardullo is special counsel in the Health Care & Human Services Practice Area. She advises clients on health care and risk management issues, counseling hospitals and health systems, nursing homes, physicians, physician groups, dentists, and other providers on professional misconduct, professional liability, medical staff issues, scope of practice, mandated reporting, peer review, and medical device matters. She handles consent for treatment and surrogate decision making, patient care, EMTALA, and health information privacy issues. Ciardullo also litigates medical staff and other health care controversies.



Kevin Barone is an associate in the Real Estate and Financial Institutions & Lending Practice Areas. He focuses his practice on real estate law and institutional lending. He negotiates and handles real estate acquisitions, sale transactions, and financing of commercial and agricultural properties on behalf of a wide array of clients. Barone also represents landlords and tenants in commercial leasing. He has worked closely with defense, environmental, and intelligence industries and has extensive experience in a variety of contract negotiations.

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**John A.**  
**CIRANDO**  
**Attorney at Law**

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# SANDERS AND SMITH ELECTED PARTNERS AT BARCLAY DAMON

*Barclay Damon announces Paul Sanders and Renato Smith have been elected to the law firm's partnership*



Paul Sanders is a member of the Professional Liability, Torts & Products Liability Defense, and Commercial Litigation Practice Areas and

is based in the firm's Rochester office. His primary focus is on professional liability defense. He represents medical professionals and municipalities in inadequate medical treatment claims, attorneys in legal malpractice claims, debt-collection companies in Fair Debt Collection Practices Act and Telephone Consumer Protection Act claims, accounting professionals in accounting malpractice and fraud claims, and law enforcement professionals in claims for violations of US Constitutional provisions. He is experienced in defending standard tort, toxic tort, personal injury, and products liability claims. Sanders also handles disputes involving contracts and transactions, business partners, real estate and commercial leasing, and employment.



Renato Smith is a member of the Patents & Prosecution and Corporate Practice Areas and is based in the firm's Syracuse office. He assists

technology companies and start-ups in the areas of patent portfolio strategy and infringement, licensing, and business transactions. Smith works with other Barclay Damon attorneys on intellectual property aspects of transactional matters that include mergers and acquisitions, due diligence, and drafting agreements. In addition to managing his own clients' intellectual property portfolios, Smith manages the portfolios of other Barclay Damon attorneys' clients. He takes an interest in supporting the launch of new businesses, product lines, helping companies build and commercialize their intellectual property.



Heather L. Sunser, the firm's pro bono partner, said, "After our associates achieved 100-percent pro bono service in 2016, we celebrated this

accomplishment—but we didn't stop there. For all of us at Barclay Damon, the challenge was on." She continued, "We were elated this year to attain a goal that some of us thought might not be possible for a firm like ours with more than 275 attorneys and countless client commitments: 100-percent pro bono service across all attorney levels and our full 11-office platform." John P. Langan, the firm's managing partner, noted, "We've set the bar high, and we would like nothing better than to see every law firm follow in our footsteps. We're hoping this degree of commitment will become the new four-minute mile of pro bono work." "As a firm with a long history and deep roots in our communities, a strong commitment to pro bono service has been a priority for Barclay Damon at every stage of our development," Langan continued. "As the leading Northeast regional firm in the United States, we have more reason than ever to give generously of our time, talent, and passion for pro bono service—and we are proud to have every one of our attorneys committed to doing just that." Barclay Damon dedicated more than 3,500 hours of time valued at nearly \$1 million to pro bono efforts in 2017. This assistance helped beneficiaries deal with many of today's critical issues, including immigration, housing, women's rights, prisoners' rights, and community building and economic development. Barclay Damon has a long history of giving

## BARCLAY DAMON ATTORNEYS ACHIEVE 100% PRO BONO PARTICIPATION



Barclay Damon announces a new achievement for its vibrant and multi-award-winning pro bono program: in 2017, every one of the law firm's full-time attorneys

provided pro bono legal services to low-income individuals in need of legal assistance and organizations serving those seeking access to justice. This accomplishment tops the milestone reached by the firm in 2016 of 100-percent participation in the firm's pro bono program by Barclay Damon attorneys at the associate level.

back to the communities served by the firm, with an emphasis on using attorneys' skills, time, and ingenuity to assist those in need who seek legal counsel. This commitment to pro bono work is a critical part of the firm's core culture and has been recognized with numerous honors, including being named an Empire State Counsel Honoree by the New York State Bar Association for exemplary pro bono work. On

January 25, Barclay Damon will be named one of two Free Legal Answers™ Firm Honorees by NYSBA at its annual Justice for All Luncheon. Among other accolades, Barclay Damon has also been ranked the number one firm for pro bono service in Western New York by Buffalo Law Journal. Barclay Damon LLP, listed as a "Top 250 Firm" by National Law Journal, is a full-service law firm with offices

throughout the major cities of New York State and in Toronto, Boston, Washington, DC, and Newark. At 275-lawyers, Barclay Damon is the largest law firm in the Northeastern United States that is not centered in a major market. Barclay Damon provides comprehensive legal and business counsel to a diverse client base. Learn more about our award-winning pro bono program here.

## BOUSQUET HOLSTEIN ELECTS NEW MEMBERS

*J.P. Paraschos and Ryan S. Suser, have been elected members of the law firm.*



Paraschos is an attorney in the firm's Business Law Practice Group. J.P. provides legal services and strategic

business consulting to public and private companies, as well as individual entrepreneurs. J.P. works closely with clients in all aspects of business planning, including entity formation, mergers and acquisitions, intellectual property, contract negotiation, asset protection, regulatory issues and public and private securities issuances. He is a graduate of The University of Michigan Law School and Le Moyne College in Syracuse. J.P. was also a Fulbright Scholar in Economics in Lesotho and South Africa. He has served as an Adjunct Professor in the MBA Program at Le Moyne College, teaching Business Law and International Business Law. He resides near Lafayette, NY.



Suser is an attorney in the firm's Litigation and Family Law Practice Groups. He represents

institutional and individual clients in commercial matters; involving real property including landlord and tenant issues; construction litigation; labor and employment litigation and investigation; personal injury; and elder law and guardianship matters. His matrimonial and family law practice focuses on resolving disputes concerning the equitable distribution of small business, complex investment, and retirement assets. He is a summa cum laude graduate of Albany Law School where he served as Senior Editor of the Albany Law Review. He is also a magna cum laude graduate of Syracuse University. He resides in the Town of Onondaga.

## COLLEEN GIBBONS ADMITTED AS NEW YORK STATE ATTORNEY



Bousquet Holstein PLLC is proud to announce that Colleen M. Gibbons has been admitted to practice law

in New York State. She participated in the Bousquet Holstein Law Student Associate Program in 2016, and joined the firm's Trusts and Estates Practice in September 2017. Colleen is a 2017 cum laude alumna of the Syracuse University College of Law, and completed her M.S. and Ph.D. in Human and Community Development at the University of Illinois at Urbana-Champaign. She earned her B.S. degree in Exceptional Education at Buffalo State College. Colleen is a Syracuse native and resides in the Tipperary Hill neighborhood of Syracuse.

# SMITH SOVIK WELCOMES FOUR ASSOCIATE ATTORNEYS

*Smith Sovik welcomes Joseph M. Betar, David M. Katz, Kevin M. Sayles and Justin P. St. Louis as Associate Attorneys in its Syracuse office.*



Smith Sovik continues to expand its Syracuse and satellite offices all over the state to serve the increased needs of new and existing clients. The Central New York office has hired four new recently admitted lawyers and our Buffalo and downstate offices are hiring to accommodate our clients' needs statewide. The firm has steadily grown at a reasonable pace having doubled in size over the past ten years and expect to continue to grow at that pace in the future. We anticipate opening a White Plains office sometime this year as our downstate practice

grows and expect to continue to add offices to our statewide footprint over the next several years. **Joe Betar** graduated magna cum laude from Syracuse University College of Law (J.D.) and cum laude from Saint Michael's College (B.A.). At Syracuse, Joe received the 2017 Award for Moot Court Team of the Year and is a member of the National Order of the Coif. **Kevin Sayles** graduated from George Washington University Law School with honors (J.D.) and magna cum laude from Colgate University (B.A.). Kevin previously interned with

the Honorable Susan G. Braden, Chief Judge of the Court of Federal Claims in Washington, D.C. and with Honorable Heidi M. Pasichow of the Superior Court of the District of Columbia. **Dave Katz** graduated magna cum laude from Syracuse University College of Law (J.D.) and summa cum laude from Cornell University (B.A.). At Syracuse, Dave served on the Executive Board of the Syracuse Law Review and is a member of the National Order of the Coif. **Justin St. Louis** graduated from Syracuse University College of Law (J.D.) and State University of New York at Cortland (B.A.). At Syracuse, Justin was a member of the National Trial Team and he also received the International Academy of Trial Lawyers Award for Excellence in Trial Advocacy. At the firm, Joe, Dave, Kevin and Justin will work in all areas of litigation including medical malpractice, premises liability, motor vehicle accidents, products liability, construction site accidents, contract disputes and labor employment matters. **(Pictured left to right: Joe Betar, Kevin Sayles, Dave Katz and Justin St. Louis).**

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## BRADY O'MALLEY ELECTED PARTNER



Smith Sovik Kendrick & Sugnet, PC is pleased to announce that Brady O'Malley has been elected a partner. Brady is a trial lawyer who concentrates his practice in personal injury and civil litigation. He has won favorable verdicts in a

variety of cases, including products liability, professional malpractice, premises liability, intentional tort, and Labor Law/Construction Accident litigation. He has been named to the Upstate New York Super Lawyers "Rising Stars" list annually since 2014. Brady is magna cum laude graduate of Syracuse University College of Law, where he was awarded best overall advocate in his graduating class.



# KUMMEROW, MINER PROMOTED TO HANCOCK PARTNERSHIP



Whitney M. Kummerow is a member of the Firm's Labor & Employment, Education, Municipal and Startup & Emerging Business Practice Areas. She counsels both public and private sector employers in all types of labor and employment-related matters including employee litigation; compliance with applicable labor laws; labor-management relations; development and implementation of employment practices, policies and handbooks; and managing employee performance issues. Ms. Kummerow is a regular lecturer on topics including transgender issues, Family Medical Leave Act (FMLA), Americans with Disabilities Act (ADA) and employment liability. Ms. Kummerow is admitted to practice in New York, New Jersey and Pennsylvania. She is a graduate of Syracuse University and Drexel University School of Law.



Mary M. Miner focuses her practice on providing regulatory compliance counsel to health care and human services entities under various New York State and federal laws, including the Anti-Kickback Statute, Stark Law, Civil Monetary Penalties Law and HIPAA. She is a member of the Firm's Health Care Practice Area and regularly assists clients with

formation and operating approvals, governance documents and other compliance and licensure issues. Ms. Miner is admitted to practice in New York State, and is a graduate of Bowdoin College, University of Texas at Austin and University at Buffalo School of Law. "We are excited to welcome Whitney and Mary to our partnership" said Janet Callahan, the Firm's Managing Partner. "Our clients will benefit from the experience, innovation and knowledge these great attorneys bring to their work at Hancock Estabrook. Our clients know they can expect the very best from us, and adding these talented and innovative attorneys to our partnership furthers our commitment to advocating excellence for our clients."

## ***RENEE G. BENDA JOINS HANCOCK ESTABROOK***



Renee G. Benda, an experienced digital brand and business development professional, has joined

Hancock Estabrook as Marketing Director in the Firm's Syracuse office. Ms. Benda has over a decade of experience in the development and execution of digital branding, advertising, business development, events, public relations, marketing strategy and analytics for various international, regional and mid-market entities. "With the benefit of Renee's background and experience, we look forward to enhancing the quality of the communication and service we provide to our clients"

said Janet Callahan, the Firm's Managing Partner. "It's an exciting time for the Firm. As we continue to grow, we are developing additional avenues to deliver our very best, which is what our clients know they can expect from us." Prior to joining Hancock Estabrook, Ms. Benda was the marketing manager of Barclay Damon LLP, a law firm based in Syracuse, New York. She holds a bachelor's degree from the State University of New York at Oswego.

## **OUTSTANDING YOUNG LAWYER**



Lanessa Chaplin of Syracuse (Volunteer Lawyers Project of Onondaga County) has been awarded the New York State Bar Association's Outstanding Young

Lawyer Award for 2018. The award honors attorneys in practice for fewer than 10 years who have demonstrated outstanding service to both the community and the legal profession. She received the award on January 24 during the Bar Association's Annual Meeting. Chaplin founded the first African American bar association in Central New York - the William Herbert Johnson Bar Association - where she still serves as volunteer executive director. She founded her local NAACP Legal Committee and also co-founded the Onondaga County Bar Association's Diversity and Inclusion Committee. In 2017, she was part of a small sub-committee that created a minority intern/fellowship program. When not busy volunteering, Chaplin is the director of the New Start Reentry Program at the VLP of Onondaga County. She works to remove criminal barriers to employment, opening up pathways out of poverty for individuals from disadvantaged communities. Chaplin has reached out to local employers to help create more job opportunities in the community.

## BAR BOARDS:

### FAMILY PRACTICE ATTORNEY SEEKS PARALEGAL/LEGAL SECRETARY

Paralegal/Legal Secretary position available with a prominent Family Practice firm located in downtown Syracuse. Experience required. Must have excellent communication skills and ability to work in a fast-paced environment. Salary commensurate with experience. Forward letter of interest with salary requirements and resume to Box A, Onondaga County Bar Association, 431 E. Fayette St., Syracuse, NY 13202.

### OFFICE SPACE AVAILABLE

Office immediately available in newly remodeled Liverpool Office Suite. Easy location, near the Thruway. Space includes: Office, internet, copier, receptionist, conference room. Please call 315-243-3282 or email equineesq@me.com for details and/or view space.

### COSTELLO, COONEY & FEARON, PLLC SEEKS ATTORNEY

Costello, Cooney & Fearon, PLLC seeks to add an attorney to its Franklin Square office to work in the areas of Trust, Estates, Administration and Elder Law. Applicants should have at least 5 years of experience in those areas, be comfortable with client contact on a daily basis and be prepared to make appearances in Surrogate's Courts. Please submit resumes to Alicia S. Calagiovanni, Costello, Cooney & Fearon, asc@ccf-law.com

### ONVLP IN SEARCH OF PARALEGAL

The Volunteer Lawyers Project of Onondaga County announces a search to fill a six-month temporary paralegal position.

Qualifications and salary specifications can be found [here](#).

### NIXON PEABODY LLP SEEKS TRADEMARK ASSOCIATE

Nixon Peabody is seeking an associate to join our IP Counseling and Transactions Practice Group in our Rochester or Buffalo office. To learn more, and to apply online, please visit our website at:

<http://www.nixonpeabody.com/careers>.

# BAR BOARDS SERVICES

#### Members

- \$30 for each monthly edition
- Maximum of 5 lines/50 words
- One ad per entity

#### Non-Members

- \$60 for each monthly edition
- Maximum of 5 lines/50 words
- One ad per entity

Want to post a Bar Boards ad?  
Contact **Carrie Chantler** at [cchantler@onbar.org](mailto:cchantler@onbar.org).

## UPSTATE FOUNDATION SEEKS DIRECTOR OF PLANNED GIVING

### **Ideal Candidate**

The ideal candidate is a passionate, experienced and successful planned giving officer looking for a leadership position. Candidate possesses a desire to expand the future direction of this vital program.

### **Desired Qualifications**

- Bachelor's Degree is required. An MBA, MPA, JD or professional certification (CAP, CFP, FSCP, ChFC, WMCP highly desirable.
- A minimum of three years of development experience with documented success in cultivating and securing major planned gifts.
- Five or more years as a Planned Giving Officer/ an organization's primary Planned Giving expert.
- Prior experience with estate planning from a legal, accounting, tax, or financial perspective.

### **Duties and Responsibilities**

The Director of Planned Giving for the Upstate Foundation will have primary responsibility for the management and growth of a comprehensive gift planning program. Plus, assisting with and participating in other Foundation fundraising programs, as needed.

### **Specific Responsibilities include:**

- Developing and documenting an understanding of institutional priorities suitable for planned gifts.
- Developing succinct case statements for planned gift opportunities.
- Managing updated and prioritized lists of planned gift prospects.
- Maintaining and updating the marketing program w/appropriate collateral materials and effective awareness, solicitation and stewardship events.
- Nurturing strong relationships with CNY financial, legal and tax advisors.
- Meeting the ongoing training needs of Upstate Foundation Development Officers and volunteers.
- Managing the Upstate Legacy Society and overseeing all Planned Giving stewardship activities.
- Serving as the Foundation's planned giving expert on cultivation and solicitation calls with Development Officers and volunteers.
- Providing Foundation staff leadership to the Foundation Board's Planned Giving Committee.
- Position requires some travel within, and limited travel outside, CNY. A valid NYS Driver's License is required plus access to a reliable vehicle usable for business-related travel.

### **Compensation**

Commensurate with qualifications. Excellent benefits package.

### **To Apply**

For additional information and to apply for this position (Job#050092) please go to Upstate's Human Resources website: <http://www.upstate.edu/hr/jobs/>.

# BARCLAY DAMON

## **Torts & Insurance Attorney (Elmira)**

Barclay Damon LLP, a 275-attorney law firm, with 33 practice offerings and eleven offices throughout New York State and the Northeast, is seeking a full-time Associate for its Elmira office to join its Torts & Products Liability Defense Practice Area. The Associate should have 2-4 years of torts defense experience.

Candidate must be licensed to practice in the state of New York; have superior verbal, written, and interpersonal skills; and have demonstrated abilities to work directly with clients and develop and execute service strategies.

Interested candidates are encouraged to submit a resume, cover letter, transcript, and writing sample in confidence to:

**Recruitment Coordinator**

**Barclay Damon, LLP**

**Barclay Damon Tower**

**125 East Jefferson Street**

**Syracuse, NY 13202**

**Contact: Recruitment Coordinator**

**Email: [jobs@barclaydamon.com](mailto:jobs@barclaydamon.com)**

**LOCATION(S): Elmira**

*Barclay Damon is an Equal Opportunity Employer. EEO M/F/V/H*

## The Lawyers' Assistance Project Of Onondaga County

### **What is the Lawyers' Assistance Project?**

The Lawyers' Assistance Project of Onondaga County is a confidential service providing information, referrals, access to professional counseling and peer support.

### **What Kind of Assistance is Available?**

You are entitled to a confidential telephone consultation, free counseling sessions with a professional counselor, and participation in peer support groups.

### **What Can I Expect When I Call for an Appointment?**

You will talk to an intake coordinator who may refer you to an experienced counselor. Family Services Associates serves as the Project's counseling agency.

### **Is Contact with the Lawyers' Assistance Project Confidential?**

YES. You can discuss the issue of confidentiality with the intake coordinator or counselor.

### **Why Was the Project Set Up?**

The Project was established to assist lawyers who have problems with alcohol, drugs, stress, anxiety, depression, gambling and other personal problems.

### **Who May Call?**

Attorneys, judges and law students in Onondaga County and these other neighboring counties: Oswego, Jefferson, Lewis, Herkimer, Oneida, Cortland, Cayuga and Madison counties.



### **For more information contact:**

**The New York State Bar Association Lawyer Assistance Program-- (800) 255-0569**

**Family Services Associates-- (315) 451-2161**

**Onondaga County Bar Association**

**Executive Director, Jeff Unaitis-- (315) 579-2581**

# ♥ We Love Our PARALEGALS ♥

## Valentine's Day Luncheon

WEDNESDAY, FEBRUARY 14TH

CNY Philanthropy Center  
Third Floor Conference Room  
431 East Fayette Street  
Syracuse, NY 13202



**GUEST SPEAKER:**  
Hon. James P. Murphy

LUNCH PROVIDED BY HINMAN, HOWARD & KATELL

To learn more, contact Maria Cinti at [mcinti@mackenziehughes.com](mailto:mcinti@mackenziehughes.com)

# GRAPHIC DESIGN SERVICES

**NEW!**

When only an eye-catching ad will do, OCBA now offers professional graphic design services! For only **\$50**, OCBA's graphic designer will create an ad for you to own in perpetuity to take with you and have at the ready when you need to let the world know who you are. We'll tack on this per-ad, one-time expense to your invoice. Your files will arrive in several formats for your use (.jpeg, .png, .pdf, .tif). This is ideal for solo practitioners who may advertise in a variety of publications. Contact our designer **Nicole Rossi** at [nicole@onbar.org](mailto:nicole@onbar.org) and have your ideas become real.

### Onondaga County Bar Association 2018 Bar Reporter Rates

Size of Ad	Width x Height	Open Rate	Yearly Rate
		Monthly	Via Written Agreement
Full Page	7.25" x 10"	\$660	\$600/Issue   \$6,600/Yr
Half Page	7.25" x 4.5"	\$390	\$350/Issue   \$3,850/Yr
Quarter Page	3.5" x 4.5"	\$200	\$180/Issue   \$1,980/Yr
One-Eighth Page	3.5" x 2.25"	\$110	\$100/Issue   \$1,110/Yr
One-Twelfth Page	3.5" x 1.75"	\$85	\$75/Issue   \$825/Yr

# From the Courts



RECEIVED  
1/23/17

## NOTICE TO THE BAR

The Appellate Division, Fourth Department has scheduled the following terms of Court for 2018:

JANUARY TERM:	MONDAY, JANUARY 8, 2018 - FRIDAY, JANUARY 19, 2018
FEBRUARY/MARCH TERM:	TUESDAY, FEBRUARY 20, 2018 - FRIDAY, MARCH 2, 2018
APRIL TERM:	TUESDAY, APRIL 3, 2018 - FRIDAY, APRIL 13, 2018
MAY TERM:	MONDAY, MAY 14, 2018 - FRIDAY, MAY 25, 2018
*JUNE TERM:	MONDAY, JUNE 18, 2018 - WEDNESDAY, JUNE 20, 2018
SEPTEMBER TERM:	MONDAY, SEPTEMBER 10, 2018 - FRIDAY, SEPTEMBER 21, 2018
OCTOBER/NOVEMBER TERM:	MONDAY, OCTOBER 22, 2018 - FRIDAY, NOVEMBER 2, 2018
DECEMBER TERM:	MONDAY, DECEMBER 3, 2018 - FRIDAY, DECEMBER 14, 2018

\* submitted cases only

# From the Courts

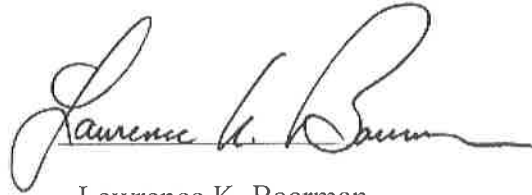
RE: Reappointment of Magistrate Judge

Dear Bar President:

Please find enclosed for your information a copy of the public notice for the Reappointment of Magistrate Judge Gary L. Favro in Plattsburgh, New York.

In accordance with the appointment guidelines, the public notice and an abbreviated public notice of the appointment announcement will be published in the newspapers within the Northern District. The notice has also been posted at each courthouse in the Northern District and on our external website.

Sincerely,



Lawrence K. Baerman  
Clerk of the Court

## **PUBLIC NOTICE FOR REAPPOINTMENT OF INCUMBENT MAGISTRATE JUDGE**

The current term of the office of United States Magistrate Judge Gary L. Favro at Plattsburgh, New York is due to expire on September 30, 2018. The United States District Court is required by law to establish a panel of citizens to consider the reappointment of the magistrate judge to a new four-year term.

### **The duties of a magistrate judge position in this court include the following:**

(1) conduct of most preliminary proceedings in criminal cases; (2) trial and disposition of misdemeanor cases; (3) conduct of various criminal pretrial matters and evidentiary proceedings on delegation from the judges of the district court;

Comments from members of the bar and the public are invited as to whether the incumbent magistrate judge should be recommended by the panel for reappointment by the court and should be directed to the attention of the **Committee Chair**; in care of: Lawrence K. Baerman, Clerk of Court, U.S. District Court, 100 S. Clinton Street, P.O. Box 7367, Syracuse, New York 13261-7367

Comments must be received by **April 20, 2018**.

THE DISTRICT COURT IS AN EQUAL OPPORTUNITY EMPLOYER

# From the Courts



STATE OF NEW YORK  
**UNIFIED COURT SYSTEM**  
**FIFTH JUDICIAL DISTRICT**  
ONONDAGA COUNTY OFFICE BUILDING  
600 S. STATE STREET, SUITE 300  
SYRACUSE, NEW YORK 13202-3099  
PHONE: (315) 671-2111  
FAX: (315) 671-1175

**LAWRENCE K. MARKS**  
Chief Administrative Judge

**MICHAEL V. COCCOMA**  
Deputy Chief Administrative Judge  
Courts Outside New York City

January 18, 2018

**JAMES C. TORMEY**  
Justice of Supreme Court  
District Administrative Judge  
Fifth Judicial District

**MICHAEL A. KLEIN, ESQ.**  
District Executive

**JAMES P. SHANAHAN**  
Principal Administrative Assistant

Hon. James P. Murphy, President  
Onondaga County Bar Association  
Supreme Court Chambers  
401 Montgomery St.  
Syracuse, NY 13202

Received Chambers  
Hon. James P. Murphy

JAN 19 2018

Supreme Court  
Onondaga County

RE: REAPPOINTMENT OF FAMILY COURT SUPPORT MAGISTRATE  
SUSAN HAMLIN NASCI

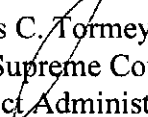
Dear Judge Murphy:

The evaluation and reappointment process for Support Magistrate Susan Hamlin Nasci has begun. As part of that process, I am soliciting your input and assessment of Support Magistrate Nasci. To assist you in this process, I am enclosing a Support Magistrate Performance Evaluation Form.

I would also request that you conduct a survey of your Bar Association to obtain comments from attorneys with respect to Ms. Nasci's demeanor, communication skills, treatment of litigants, knowledge of the law and reasonableness of decisions during her tenure as Support Magistrate. Please advise the attorneys that they are invited to write me directly with their comments concerning Support Magistrate Nasci. The information provided will be kept strictly confidential with access limited to the evaluation committee.

Please return your evaluation and the results of your survey to my office by March 15, 2018. I greatly appreciate your assistance in this extremely important process.

Very truly yours,

  
Hon. James C. Tormey  
Justice of Supreme Court  
Fifth District Administrative Judge



**CONFIDENTIAL**

**PERFORMANCE EVALUATION FORM  
SUPPORT MAGISTRATE SUSAN HAMLIN NASCI**

Assignment: Onondaga County (5JD)

<b>GENERAL RESPONSIBILITIES</b>	Not Relevant/ Not Observed	Unsatisfactory	Needs Improvement	Meets Expectations
1. Manages time effectively/completes hearings timely.				
2. Understands and applies relevant state and federal laws, case law, legal terminology, rules, procedures and programs.				
3. Effectively expresses ideas in writing.				
4. Decisions are well written and clear.				
5. Written work is thorough, accurate and well-reasoned.				
6. Follows directions upon remand.				
7. Findings of Fact are always completed.				
<b>Recommendations/Comments</b>				
<b>COURTROOM DEMEANOR</b>				
1. Greets the litigants courteously and responds to individuals seeking information or assistance.				
2. Informs the public and/or court users regarding court procedures or documents or other relevant information.				
3. Uses appropriate demeanor during hearing.				
<b>Recommendations/Comments</b>				

**CONFIDENTIAL**

**PERFORMANCE EVALUATION FORM  
SUPPORT MAGISTRATE SUSAN HAMLIN NASCI**

Assignment: Onondaga County (5JD)

**Overall Job Performance**

- Unsatisfactory
- Needs Improvement
- Meets Job Requirements
- Exceeds Job Requirements

**Overall Recommendation**

- Reappoint
- Reappoint-Needs Additional Training
- Reappoint-Needs Performance  
Monitoring for Specified Time
- Do Not Reappoint
- Other (Specify in Reviewer Comments)

**Overall Comments:**

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Print Name

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Title

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Date

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Signature



# OCBA CONTINUING LEGAL EDUCATION

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

## Handling Appeals in the Fourth Department: Insight into the Appellate Practice

### Presenters:

**Hon. John V. Centra**

Appellate Division Fourth Department

**Janet D. Callahan, Esq.**

Managing Partner, Hancock Estabrook, LLP

Selected Best Lawyers in America (2010-18)

**John A. Cirando, Esq.**

D.J. and J.A. Cirando, Esqs.

Top Rated Appellate Attorney in Upstate New York



Hon. John V. Centra

Receive insight into Appellate Court best practices from both sides of the bench in this seminar presented by our region's top appellate professionals.

### Topics covered include:

*Appellate Court Practices & Procedures • Brief Writing • Oral Arguments • Panel Discussion Include*

**2.5 MCLE (1.0 Law Practice Mgmt. + 1.5 Skills)**

Tuesday, February 13, 2018

CNY Philanthropy Center, 2nd Floor Ballroom

431 East Fayette St., Syracuse NY 13202

Register at Onbar.org or by mail using form below

**1:45 pm – 2 pm Registration**

**2 pm – 4:30 pm Program**

*This CLE is brought to you in proud partnership with*



**COUNSEL PRESS**

The Onondaga County Bar Association is committed to providing Mandatory Continuing Legal Education Programs at an affordable price to its members as well as the bar-at-large. Financial waiver forms are available upon request or may be downloaded when you visit [www.onbar.org](http://www.onbar.org).

**Central New York  
Women's Bar Association**

**Insight into the Appellate Practice | Tuesday, February 13, 2018 | RSVP by 5 pm Friday, February 9th**

**\$15 OCBA/CNYWBA Member, \$75 Non-Member, FREE Lifetime/Agency/Student**

*(checks payable to OCBA)*

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

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

Address \_\_\_\_\_

Check Enclosed     Will bring Check to CLE     CC Card# \_\_\_\_\_ Exp. \_\_\_\_\_



# OCBA CONTINUING LEGAL EDUCATION

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

## Have a Heart! Heartsaver CPR Training

Be prepared in an emergency.

Attend an afternoon training led by qualified health professionals and receive certification that you've been trained in CPR and AED use.

This two-hour class covers:

- Adult CPR and AED use
- Adult choking
- Child CPR and AED use
- Child choking
- Infant CPR
- Infant Choking



**Lunch** is provided by the following event sponsor:



TOMORROW'S HEALTHCARE TODAY

Tuesday, February 20, 2018  
CNY Philanthropy Center, 2nd Floor Ballroom  
431 East Fayette St., Syracuse NY 13202

Register at Onbar.org or by mail using form below  
**11:30 am**                      **Doors open, lunch offered**  
**Noon – 2:30 pm**            **Training**

**Have a Heart! Heartsaver CPR Training | Tuesday, February 20, 2018**

**Only \$50 | This is NOT a CLE | Lunch included | Space is limited – only 30 spots available**

*(Please circle one. | Checks payable to OCBA)*

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

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

Address \_\_\_\_\_

Check Enclosed     Will bring Check     CC Card# \_\_\_\_\_ Exp. \_\_\_\_\_

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