



ONONDAGA COUNTY BAR ASSOCIATION **BAR REPORTER**

FEATURED ARTICLES

Your Journey Does Not Stop Here **PAGE 7**

Paralegals Section 2018 Review **PAGES 8-9**

DECEMBER 2018
Volume 63 Number 11



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:

Memorial Observance - February 7th

Onondaga County Courthouse, Legislative Chambers Room 407

Annual Meeting - April 4th

Onondaga County Courthouse

50-Year Luncheon - June 13th

Pascale's at Drumlins

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

Retirement **ANNOUNCEMENT**

Thomas G. Murphy, Esq.

Inquiries may be made to: tgmurphy@law.aol.com



In Memoriam...

Robert J. Lis

December 2nd, 2018

Hon. William J. Burke

December 18th, 2018

Letter from the PRESIDENT



The Holidays. Hustle and bustle, happiness and cheer. With New Year's Eve approaching, we look back on the year with an eye to the future. But it is not always a nice end to another year. For some, the holiday blues can be overwhelming, as existing feelings of loss, depression or anxiety are only accentuated. If this is you or another attorney with whom you are close, you can reach out to the service providers in our Lawyers Assistance Program.

The Lawyers Assistance Program is a confidential service provided by the Onondaga County Bar Foundation and Bar Association, with support from the New York State Bar Association. It is there to provide someone to listen and to help you help yourself. The program activities include telephone information and referral, confidential one-on-one counseling (at no cost for the initial consultation period), and regular group support meetings.

You can talk to someone who will put you in touch with professionals who can assist you in finding solutions to:

- Problems in your marriage or family life
- Problems with stress management
- Problems with alcohol or substance abuse
- Depression
- Anger
- Anxiety
- Other personal concerns or problems

The program has been designed by the Onondaga County Bar Foundation and Family Services Associates with lawyers in mind. It is confidential, private and here for your use. It is using the most experienced members of the FSA clinical staff, all of whom have at least a Master's degree in mental health discipline. To further insure confidentiality, it is possible in many cases to arrange for an appointment at your office or some other neutral location.

You will have the benefit of an initial telephone consultation with an experienced counselor. You may then schedule a face-to-face session with a counselor to decide what further help may be of benefit. Your counselor will help you clarify your concerns and assist you in identifying strategies to address them. A referral may be made to other programs or to medical, legal or counseling programs in the community to meet your specific needs.

For further information or to make a confidential and private counseling appointment in Central New York, call Family Services Associates at (315) 451-3866.

For information about monthly support groups held in Onondaga County, contact in confidence OCBA Executive Director Jeff Unaitis at (315) 579-2581.

For general information about available services, contact the NYSBA Lawyer Assistance Program information and intake line at (800) 255-0569.

President, John T. McCann



President

John T. McCann

President-Elect

Aaron J. Ryder

Vice President

Paula Mallory Engel

Treasurer

Scott A. Lickstein

Secretary

Danielle M. Fogel

Immediate Past President

Hon. James P. Murphy

Directors

John H. Callahan

Thomas J. Cerio

Lanessa L. Chaplin

Sally F. Curran

Crystal M. Doody

M. Eric Galvez

Anthony L. Germano

Laura H. Harshbarger

Jeffrey G. Leibo

Martin A. Lynn

Lauren M. Miller

Sarah C. Reckess

Anastasia M. Semel

Graeme Spicer

Laura L. Spring

Ex-Officio

Dean Craig M. Boise

Jean Marie Westlake

Staff

Jeffrey A. Unaitis

Executive Director

Peggy Walker

Membership Coordinator

Carrie Chantler

Marketing & Communications Director

Maggie James

Administrative Professional

& Lawyer Referral Service Manager

Nicole Rossi

Graphic Designer & Marketing Assistant

Scenes from OCBA's Holiday Reception





BARCLAY DAMON^{LLP}

"It's okay when life's a struggle." - Tim Green

In support of our friend and business partner Tim Green and everyone battling ALS, the Barclay Damon Tower in Syracuse will be lit red, the color of ALS awareness, every Sunday through December 31.

While confronting ALS with his signature fortitude, Tim will continue in the same critical role he has had at Barclay Damon for years, which includes serving as the primary contact for many of our largest clients and providing his trademark responsiveness and dedication to client service. Our commitment is to stand with him in every way.

To support Tim's fight against ALS, the firm has formed a Team Barclay Damon fundraising page through Tim's not-for-profit, Tackle ALS, and is on track to exceed our six-figure goal.

Working together, we can find a cure.

Help us get there by donating at: tackleals.com/team/barclay-damon.



Barclay Damon attorneys team across offices and practices to provide customized, targeted solutions grounded in industry knowledge and a deep understanding of our clients' businesses. With nearly 300 attorneys, Barclay Damon is a leading regional law firm that operates from a strategic platform of offices located in the Northeastern United States and Toronto.

BARCLAYDAMON.COM

ALBANY BUFFALO ROCHESTER SYRACUSE NEW YORK CITY BOSTON NEWARK WASHINGTON DC TORONTO

Barclay Damon Tower, 125 East Jefferson Street, Syracuse, NY 13202 | 315.425.2700

BAR REPORTER |



Mark and Karla Hall stand on the porch of their home in Jamesville.

One of the things that has been critical to us as we age is living by example. Our common threads of love for family, devotion to faith and dedication to improving our community led us to establish a donor-advised fund at the Community Foundation.

Through our giving, we hope to provide opportunities for people to better themselves and know that somebody else cares. With the help of our fund, we will enrich the local community that we care so passionately about.

The Community Foundation staff has always been there to support us. They are a part of our family. It's gratifying to share in our vision with them.

Inspirational Giving: Mark & Karla Hall



CENTRAL NEW YORK
COMMUNITY
FOUNDATION, INC.

SINCE 1927



Read more of the Halls' story at
CNYCF.org/Hall

CNYCF.ORG
(315) 422-9538



Your Journey Does Not Stop Here

By: Carrie Chantler

Onondaga County Family Court Judge Michael Hanuszcak presides over naturalization ceremonies every year. His official welcome to new citizens comes from a personal place.

"I am the son of immigrant parents," he said December 6th during a ceremony at the Everson Museum as he discussed with roughly 40 new Americans the "great opportunities this country affords" those who adopt it and its laws.

Representatives from Syracuse's mayoral, law enforcement, and cultural institutions also marked this next chapter in the lives of those whose previous homeland included Bhutan, Burma, Canada, The Congo, Cuba, Ecuador, Egypt, Iraq, Mexico, Pakistan, Sudan, Thailand, Venezuela, and Yemen.

Everson's President and CEO Elizabeth Dunbar said she hoped for the "exchange of ideas, open-mindedness, and the creativity" the new residents

would provide their community. To assure they'd have a place to do so she offered each candidate a free yearlong household museum membership.

"So we can learn from one another and celebrate what makes us humans together," she said.

Others, like Commissioner of Health Dr. Indu Gupta, who recalled her own naturalization ceremony 20 years previous, implored the new residents to bring their expertise forward "in making this community better every day."

According to recent U.S. Census data, 12.5 percent of Syracuse's 143,396 population is foreign born. Still, fewer folks have made Syracuse their home since 2016 when, according to media reports, more than 1,400 people found refuge and/or permanent residence in Onondaga County. Slightly more than 400 foreigners were received in the county in 2017.

In the museum's recently renovated Hosmer Auditorium, before a large audience of friends and family, the December citizen-candidates stood, raised their right hands and responded positively to Judge Hanuszcak as he recited the Oath of Renunciation and Allegiance.

These new Americans renounced and abjured any fidelity to a foreign power and pledged their allegiance to the United States of America. They agreed to support and defend the Constitution and bear arms against all enemies, foreign or domestic, if requested by law.

Before concluding the ceremony and allowing loved ones to rush the stage to congratulate them and commence a celebration, Judge Hanuszcak shared well wishes with the new citizens, "Good luck and may God bless you, your family, and our nation."



Paralegals *Holiday* LUNCHEON

Happy Holidays, everyone! My name is Maria Cinti Stayer and I am the chair of the Onondaga County Bar Association Paralegals Section. When I took over as chair of the committee in January 2018, membership had dwindled significantly. With the help of my fantastic co-chair Linda Lerch (of Vanguard Research & Title) and our Executive Committee (Jean Swanger of Barclay Damon, Heidi Miller of Rocco Mangano Law, Wendy VanderDerWater of St. Joseph's Hospital and Ranette Releford of The City of Syracuse) we have been able to revitalize the Paralegals Section to become one of the most active committees in the Onondaga County Bar Association.

An incredibly important piece of our success this year has been the support of our sponsors. With their donations, we were able to offer catered luncheons at no cost to the paralegal and legal assistant Bar Association members. A special thank you to the following sponsors for recognizing our Section and for believing in the value of paralegals and legal assistants: *Rocco Mangano Law, Mackenzie Hughes LLP, Hinman, Howard & Katell LLP, Bousquet Holstein PLLC, Sugarman Law Firm LLP, Bond, Schoeneck & King, LegalMed, Avalon Document Services, Precision Reporting, DeFrancisco & Falgiatano Personal Injury Lawyers, CounselPress and Vanguard Research & Title.*

We also strove to book guest speakers who we thought we draw a crowd (which they did!) and would offer presentations that were not only relevant and informative but insightful and inspiring. Our luncheon speakers in 2018 included Hon. James P. Murphy, Rocco Mangano, Esq., Lisa Alexander, Esq., County Clerk Lisa Dell and Recording Deputy Chris Plochocki

and Hon. Mary Keib Smith and Chief Clerk of the Surrogate's Court Ella S. Weinstein, Esq.

Another vital piece our success this year has been the unwavering support and assistance from the Bar Association staff – Jeff Unaitis, Carrie Chantler, Peggy Walker, Maggie James and Nicole Rossi. The countless things they did to assist us this year are simply too big to list and for that, we cannot thank them enough.

Each year, the Paralegals Section adopts a family for the holidays through P.E.A.C.E., Inc. This year, our adopted family consisted of a grandmother raising her three grandchildren ages 2, 9 and 11. The donations and gifts we received from members of the Paralegals Section, the Bar Association and employees of local firms were overwhelming. On behalf of the Paralegals Section, I want to offer a huge thank you to everyone involved in making this year's Adopt-A-Family drive a HUGE success!

And last, but most certainly not least, I want to thank my employer Mackenzie Hughes LLP for their constant support, encouragement and flexibility which has allowed me to take on the responsibility and time commitment to chair the Paralegals Section. When I took on the chairwoman position, I immediately received an email from the Mackenzie Hughes Executive Committee congratulating me on my appointment and letting me know that they were here to help with whatever I needed. Without them, none of this would be possible.

Maria Cinti Stayer
Chair, Onondaga County Bar Association Paralegals Section





Onondaga County Bar Association's

Memorial Observance

Onondaga County Courthouse
Legislative Chambers, Room 407
Thursday, February 7, 2019, 9-10:00 a.m.

Remembering

Daniel B. "Danno" Altwarg
Hon. Robert J. Bertrand
Hon. William J. Burke
Michael R. Canestrano
C. Edwin "Ed" Close
John J. Dee
Gregory B. Flynn
Robert J. Lis

John Anthony LoFaro
Hon. Verner Richard Love
James N. Lutz
Gordon MacArthur
John M. Shannon
Laurence "Fritz" Sovik
Hon. Sandra L. Townes
John Bartholomew Vita

If you know any other members of our profession whom we have lost in the year of 2018, please advise Peggy Walker at pwalker@onbar.org.

The Monthly Newsmakers

VOLUME 63 NUMBER 11

DECEMBER 2018

50 CENTS

COUNTY NEWS

BARCLAY DAMON LLP

Women of Barclay Damon Recognized for Exceptional Leadership



Sharon Brown and **Sheila Gaddis**, partners, and **Bridget Steele** and **Hoda Rifai-Bashjawish**, associates, all received awards for their industry and community leadership over the past two weeks.

Brown was recognized by Northeast Women in Public Finance and Bond Buyer as a 2018 Trailblazing Woman in Public Finance. Recipients were selected for their "outstanding commitment to the industry as a whole and the role of women within it" as well as serving as a "trailblazer, leader, innovator, and mentor." Brown accepted her award at the Bond Buyer Deal of the Year gala in New York City on December 6.

Gaddis was a recipient of the Rochester Business Journal 2018 Icon Honors award, which celebrates individuals over the age of 60 who "have achieved significant professional accomplishments through innovation and leadership." Recipients are also honored as "champions of their industries who demonstrate a sustained commitment to community service." Gaddis accepted her award yesterday at the RBJ reception in Rochester.

Steele was selected by the Erie County Bar Association Volunteer Lawyers Project to receive its Say Yes Legal Clinic Award, which honors "volunteer attorneys and community advocates who have demonstrated their dedication to social justice for people in the Western New York community." Steele accepted her award during the organization's annual Champions for Justice Bash in Buffalo on November 29.

Rifai-Bashjawish was honored by the US District Court for the Northern District of New York with its Pro Bono Service Award for her dedication to pro bono service in 2017. She accepted the award from Chief Judge Glenn Suddaby at the Northern District of New York Federal Court Bar Association Annual Dinner on December 6.

"Our Women's Forum initiative is designed to encourage our women attorneys in actively pursuing opportunities that further cultivate their leadership skills in and out of the office, so it is wonderful to see Sharon, Sheila, Bridget, and Hoda being recognized for their notable contributions to both the legal industry and their communities," Connie Cahill, the firm's deputy managing

partner, said. Cahill is slated to take over as managing partner within two years.

"These four have set the bar high for all firm members as both excellent attorneys and engaged citizens who have been deservedly honored for their professional accomplishments and community service," John Langan, the firm's managing partner, said. "We are proud to support them and all our talented women attorneys through our longstanding commitment to fostering an environment where every individual has equitable access to resources and opportunities to attain their greatest potential."

Barclay Damon attorneys team across offices and practices to provide customized, targeted solutions grounded in industry knowledge and a deep understanding of our clients' businesses. With nearly 300 attorneys, Barclay Damon is a leading regional law firm that operates from a strategic platform of offices located in the Northeastern United States and Toronto.

(Pictured left to right: Sharon Brown, Sheila Gaddis, Bridget Steele and Hoda Rifai-Bashjawish).

Thomas Joins Bond's Syracuse Office STEWART JOINS SMITH SOVIK



Bond, Schoeneck & King is pleased to announce that **Megan K. Thomas** has joined its Syracuse office as an attorney in their School Districts practice. Before joining Bond, Megan focused on litigation and appellate work,

arguing before the First Department, Fourth Department and Second Circuit.

Megan advocates for school districts in addressing their legal issues and providing

counsel so they can best serve their student populations. Megan was a veteran classroom teacher, as well as a 2008 Teach for America Corps member and taught special education and general education at both traditional public and charter schools prior to attending law school.

Megan received degrees from Syracuse University Maxwell School of Citizenship and Public Affairs (M.P.A. 2017) and Syracuse University College of Law (J.D. 2017), as well as the University of Nevada at Las Vegas (M.A. Education 2010) and Marist College (B.A. 2008).



Smith Sovik Kendrick & Sugnet PC welcomes **Katherine Stewart, Esq.** as an Associate Attorney to its Syracuse office.

Katherine is a Rochester native

who graduated from Syracuse University. Katherine attended Brooklyn Law School where she was a member of the Executive Board for the Moot Court Honor Society, and a Notes & Comments Editor for the Brooklyn Journal of International Law. Prior to joining Smith Sovik, Katherine was an Associate at Harris Beach PLLC, focusing on commercial and intellectual property litigation.

Katherine has returned to Syracuse to focus her practice in all areas of litigation, including contract disputes, commercial, labor law, construction, employment, premises liability, product liability, and professional malpractice.

****BROOME DSS ATTORNEY POSITION AVAILABLE****

Assistant County Attorney II Position, Broome County Department of Social Services' Legal Unit. Available December 2018.

Responsibilities include representing Department of Social Services in Family Court proceedings, including child support, paternity establishment, child abuse and neglect cases.

Starting salary is \$66,843. Position is full time with full benefit package.

Interested candidates should mail or e-mail resume to: **Howard Schultz**, Deputy County Attorney, Broome County Department of Social Services, 36-42 Main Street, Binghamton, NY 13905 (hshultz@co.broome.ny.us).

Employee Benefits and Executive Compensation Attorney

Bond, Schoeneck & King PLLC is seeking an attorney to join the Employee Benefits and Executive Compensation Practice Group in our Syracuse, New York office. Candidates must have outstanding academic credentials, excellent communication skills, and a commitment to professional development. Although experience in employee benefits, executive compensation and/or tax law is preferred, it is not required. We are an EEO Employer. Please send a letter of application, resume and law school transcript to hrrbsk@bsk.com

**BOND****SCHOENECK
& KING** ATTORNEYS

NEED TO REFER A CASE DOWN SOUTH?

On Time, Hassle-Free Referral Fee

I am a **LeMoyne College** graduate (Class of 1980). My firm handles cases throughout the southeast and we have the resources and experience to litigate any size or type of PI case. Contact me and I will personally discuss your case with you.

- Auto Accidents
- Medical Malpractice
- Nursing Home Abuse
- Slip & Fall Claims
- Premises Liability
- Workers' Liability
- Product Liability
- Class Actions
- Mass Torts
- Commercial Disputes



PERSONAL INJURY ATTORNEYS
KELLEHER FIRM
JIMFORJUSTICE.COM

*Jim Kelleher, ESQ.
Managing Partner
The Kelleher Firm*

1100 Fifth Avenue South
Suite 307
Naples, FL 34102
Jim@jimforjustice.com

CALL
239-404-1775

Martindale-Hubbell



James J. Kelleher



OSWEGO COUNTY ASSISTANT COUNTY ATTORNEY

The Oswego County Attorney's Office is seeking to fill a new Assistant County Attorney position to commence employment in January of 2019. Applicants must be admitted to practice law in the State of New York. United States citizenship is required. The person hired must be a resident of the County of Oswego at the time of appointment and during same. This position is contingent upon approval of the 2019 budget.

This position will be primarily responsible for handling Family Court matters. Familiarity/experience with Articles 3, 4, 5, 6 and 7 of the Family Court Act and a working knowledge of the CPLR, Criminal Procedure Law and Penal Law are preferred. This title may be required to handle appeals from Family Court or non-Family Court/municipal matters and other duties on an intermittent basis. The duties for this title may be reassigned, as needed.

A Certificate of Good Standing from the Supreme Court, Appellate Division will be required to be furnished prior to commencing employment.

Qualifications: Graduation from an ABA accredited law school and admitted to practice in NYS.

Salary: This is a full-time, salaried position with benefits per the County's Management Plan and including NYS retirement. The 2019 budgeted salary is \$68,839.

To Apply: Review of applications will begin in December of 2018. Please mail a resume, a letter of interest and writing sample on or before December 21, 2018, in confidence, to:

Richard C. Mitchell, County Attorney
Office of the Oswego County Attorney
Legislative Office Building
46 East Bridge Street
Oswego, New York 13126
(315) 349-8296 / Fax: (315) 349-8298
www.oswegocounty.com
or email same to LEllis@OswegoCounty.com

Affirmative Action/Equal Opportunity Employer

GROWING TRIAL FIRM



HIRING

ATTORNEYS AND LEGAL STAFF

WE HAVE BEEN HONORED BY:

Top 100 verdicts in New York in 2016
BEST companies to work for in 2017 & 2018
One of the top 25 MVA 2016 verdicts in NY

Visit williammattar.com/syracuse to learn more



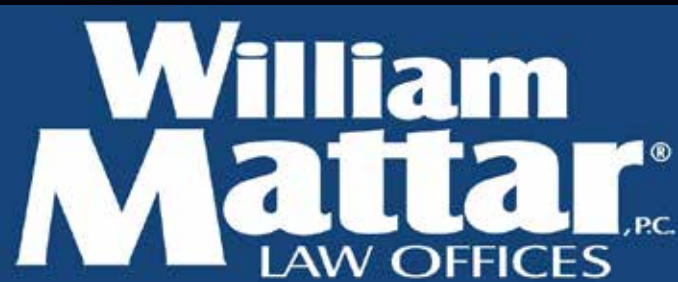
BAR BOARDS:

PARALEGAL WANTED FOR PART TIME WORK IN DOWNTOWN PRACTICE

Part Time Paralegal wanted to augment staff of established attorney's downtown practice. Week-to-week schedule is flexible as your personal commitments warrant, but roughly 20 hours per week. Must have prior experience, discretion of utmost priority, and references requested at interview. Please send cover letter, including compensation requirements, and resume to cchantler@onbar.org.

COMPLEX COMMERCIAL DISPUTES ASSOCIATE IN OUR ROCHESTER OFFICE – NIXON PEABODY LLP

Nixon Peabody is seeking an associate to join our Complex Commercial Disputes Group in our Rochester office. To learn more, and to apply online, please visit our website at <http://www.nixonpeabody.com/careers>.



ATTORNEY FOR WILLIAM MATTAR, P.C.

We are seeking Attorneys with different levels of experience to handle client cases from initial client meeting through resolution.

Top100 verdicts in New York in 2016; Top 25 MVA 2016 verdicts in New York

Best Companies to work for in 2017, 2018

Apply at: <https://www.williammattar.com/syracuse>

APPEALS

Civil, Criminal, Administrative
Referrals Welcome
(315) 474-1285

John A.

CIRANDO

Attorney at Law

Suite 101
M&T Bank Building
101 South Salina Street
Syracuse, New York 13202

TERENCE A. LANGAN, P.C.

34 Years Experience

Florida and New York Estate Administration

New York Commercial Real Estate

(315) 445-9761 terry@langanlaw.us

REFERRALS WELCOME

892 E. Brighton Ave.

Syracuse, NY 13205

LYNN LAW FIRM, LLP

The Lynn Law Firm, LLP accepts referrals of civil appeals and dispositive motions. Over 30 years of appellate experience in all appellate courts throughout New York State.

Contact: Patricia A. Lynn-Ford, Esq.
pford@lynnlaw.com

M & T Bank Bldg • Suite 750
101 S. Salina Street
Syracuse, NY 13202
T: 315.474.1267



www.lynnlaw.com

We APPEAL To You®



OSWEGO COUNTY SOCIAL SERVICES ATTORNEY & SENIOR SOCIAL SERVICES ATTORNEY

The Oswego County Department of Social Services seeks to form a new Legal Services team consisting of two Social Services Attorneys and one Senior Social Services Attorney. These professional positions are responsible for the handling of legal matters and providing counsel to the Oswego County Department of Social Services. In accordance with agency policies and procedures, as well as New York State Laws, rules and regulations, the incumbents will prepare and review legal documents and legal actions, provide legal advice, and drafts legal opinions in connection with various social services programs. The Senior Social Services Attorney will manage and supervise the above duties.

Qualifications for Social Services Attorney: Graduation from an American Bar Association accredited law school, admission to the NYS Bar, and one (1) year of experience, or it's part-time equivalent, in the practice of social services law, or closely related field. **Starting Salary:** \$68,839.

Qualifications for Senior Social Services Attorney: Graduation from an American Bar Association accredited law school, admission to the NYS Bar, and three (3) years of experience, or it's part-time equivalent, in the practice of law, one (1) year of which must have been in social services law, or closely related field. **Starting Salary:** \$78,674.

Special Requirement: NYS license to practice law. Current registration with the NYS Office of Court Administration at time of appointment.

Oswego County offers a competitive benefit package including: health insurance, life insurance, and NYS retirement. Candidates may be eligible for the Public Service Loan Forgiveness program. Salaries negotiable to be commensurate with experience and qualifications.

To Apply: Review of applications will begin immediately and continue until position is filled. Send application and resume with letter of interest to:

Oswego County Human Resources Department
46 East Bridge Street
Oswego, New York 13126
(315) 349-8209 Fax: (315) 349-8254

Email: humanresources@oswegocounty.com

Web: www.oswegocounty.com/humanresources/openings.html

Affirmative Action/Equal Opportunity Employer

County Attorney

County Attorney
KEVIN D. EARL

Old Courthouse
7 Main Street
Batavia, New York 14020-3199
(585) 344-2550 Ext. 2205
Fax: (585) 345-3071

Assistant County Attorneys
DURIN B. ROGERS
COLLEEN S. HEAD
PAULA A. CAMPBELL
TINA KASPEREK
ANDREA CLATTENBURG

CAREER OPPORTUNITY NOTICE COUNTY OF GENESEE ASSISTANT COUNTY ATTORNEY

This position involves responsibility for assisting the County Attorney in representing Genesee County and performing all duties pertaining to the County Attorney's office as may be directed by the County Attorney with the vast majority of the responsibilities involving representing the Genesee County Department of Social Services (DSS)

AVAILABILITY: Hiring Date April 1, 2019

SALARY: \$60,851-\$76,976, depending upon experience, with retirement and health benefits

MINIMUM QUALIFICATIONS:

1. License to practice law in the State of New York.
2. 2 years of full time experience as an Attorney with developed skills commensurate with the duties listed below; preference given to Attorney's with prior court and work-related experience representing county social services agencies.

DUTIES INCLUDE THE FOLLOWING:

1. Represent DSS in proceedings and actions involving child abuse, child neglect, child support, foster care and termination of parental rights.
2. Process adult protective proceedings
3. Process claims against estates and individuals financially responsible for public assistance recipients
4. Provide legal guidance, petition and present Article 81 Guardianship proceedings on behalf of Commissioner of Social Services and County
5. Medicaid Lien recovery
6. Provide legal advice and consultation to DSS Personnel for matters relating to children's services, family services, adult services, programs; paternity and financial assistance
7. Provide legal advice and participate in fair hearings associated with child protective, adult protective, programs and services hearings.
8. Prosecute and defend all appeals as assigned
9. Prosecute Juvenile delinquents and persons in need of supervision in Family Court
10. Advise County departments regarding pistol permit issues and represent the County at pistol suspension/revocations proceedings.
11. Represent Petitioner's in assigned family offense matters before Family Court
12. Provide ongoing legal advice and initiate legal actions as required by the County Attorney and the DSS Commissioner
13. Assist the County Attorney and other Departments as assigned by the County Attorney

SUBMIT RESUME ON OR BEFORE February 1, 2019 TO:

Kevin D. Earl, Esq.
Genesee County Attorney
7 Main Street
Batavia, NY 14020

Ethics Hotline

New York lawyers faced with ethical questions regarding their own prospective conduct can reach the Ethics Hotline through Customer Service, **Victor Hershdorfer** at **315-913-4087** or **Paula Mallory Engel** at **315-727-7901**.

The Ethics Hotline is operated and staffed by members of the Onondaga County Bar Association's Committee on Professional Ethics (the "Committee"). These volunteers respond to inquiries made by lawyers admitted in New York who face ethical questions regarding their own prospective conduct. The purpose of the Hotline is to provide informal guidance to callers in accordance with the New York Rules of Professional Conduct (the "New York Rules"). Any information provided in response to a Hotline inquiry is merely the opinion of the Committee member answering the call. It is not the opinion of the Committee as a whole. The information provided in response to a Hotline inquiry does not constitute legal advice. If the matter involves complex issues, or implicates a substantive area of law, you may wish to retain professional ethics counsel.

Callers should be aware of the following guidelines before calling the Ethics Hotline:

1. The Hotline only provides guidance to lawyers admitted to practice in New York about the New York Rules.
2. The Hotline only provides guidance concerning the caller's own prospective conduct. We do not answer questions about past conduct or the conduct of other lawyers.
3. The Hotline does not provide legal advice or answer questions of law.
4. The Hotline does not provide answers to hypothetical questions nor inquiries which have also been submitted to another bar association's ethics committee.
5. The Hotline does not answer questions about the unlicensed practice of law (UPL). UPL is governed by statutory law, not the New York Rules and is, therefore, outside the Committee's jurisdiction.
6. The Hotline provides general guidance. Due to the limited information we can obtain during a brief and informal telephone conversation, we cannot provide a definitive answer to Hotline questions.
7. The Hotline does not answer questions where the issue itself is the matter of a pending legal proceeding or is before a grievance committee.
8. Although it is the Committee's policy to maintain confidentiality of all Hotline inquiries, callers should be aware that the information is not protected by the attorney-client privilege or RPC 1.6.
9. The Ethics Hotline does not respond to complaints or inquiries regarding unethical conduct of other lawyers. Any such complaints or inquiries should be addressed to the Grievance or Disciplinary Committee for the county in which the lawyer practices (see <http://www.nycourts.gov/attorneys/grievance/>).
10. Lawyers who call the Ethics Hotline are required to provide their full name and telephone numbers.

If, after speaking with someone on the Hotline, a New York lawyer wishes to obtain a written Informal Opinion from the Committee, he or she may submit a written request. Please review the guidelines for requesting an Informal Opinion here (See the attached guidelines [here](#)). As with Hotline questions, the Committee's Informal Opinions are limited to interpreting the New York Rules. Please be aware that the Committee cannot provide a concrete timeline for responding to written requests. If your matter is urgent, you may wish to retain professional ethics counsel.

The mission of the Onondaga County Bar Foundation, the philanthropic arm of the Onondaga County Bar Association, is to aid members of the legal profession in Onondaga County who may be ill, incapacitated, indigent or otherwise in need, and to improve and promote:

- The administration of justice;
- Service to the public and the legal community;
 - Equal access to the legal system for all;
 - Professional ethics and responsibility;
 - Legal research and education; and
- Dissemination to the public of information about the legal system and the rule of law.

Established in 1975, the Foundation is a 501(c)(3) tax-exempt corporation. To fulfill its mission, the Foundation depends on individual donations (which are tax deductible as charitable contributions) and grants from other funding sources. The Foundation welcomes grant applications for projects consistent with this mission statement.

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

From the Courts



Appellate Division 4th Department Terms for 2019:

January	Monday, January 7, 2019 – Thursday, January 17, 2019
Feb/March	Monday, February 19, 2019 – Friday, March 1, 2019
April	Monday, April 1, 2019 – Thursday, April 11, 2019
May	Monday, May 13, 2019 – Thursday, May 23, 2019
June	Monday, June 17, 2019 – Wednesday, June 19, 2019
August	ELECTION TERM
September	Wednesday, September 4, 2019 – Friday, September 13, 2019
October	Tuesday, October 15, 2019 – Friday, October 25, 2019
Nov/Dec	Monday, November 18, 2019 – Friday, November 22, 2019
	Monday, December 2, 2019 – Thursday, December 5, 2019

*State of New York
Unified Court System*



*Lawrence K. Marks
Chief Administrative Judge*

*25 Beaver Street
New York, N.Y. 10004
(212) 428-2100*

December 7, 2018

To: Bar Associations, Legal Service Providers,
Other Interested Organizations, and Attorneys

Re: New York State Courts Electronic Filing Program

Dear Counsel:

As you may know, the Office of Court Administration submits a report each February 1 to the Legislature, the Governor, and the Chief Judge evaluating the State's experience with the Unified Court System's electronic filing system. I write to invite your comments on electronic filing for inclusion in that annual report in 2019.

I write as well to solicit your observations, for inclusion in the February report, on proposed amendments to CPLR Article 21A and other relevant statutes to do the following:

1. authorize the commencement of mandatory e-filing in matrimonial actions.

Currently, e-filing in matrimonial cases on a consensual basis is authorized in 31 counties throughout New York State. Across these counties more than 12,000 matrimonial cases have been e-filed to date. Comments from members of the bar with experience in consensual e-filing in matrimonial cases are particularly welcome.

2. extend the time to develop and test e-filing programs in Family Court and Criminal Court (currently due to expire on September 1, 2019).
3. authorize the continuation of mandatory e-filing programs in residential foreclosure actions and consumer credit actions in certain counties (CPLR 2111[2-a]).

These proposals would not alter requirements of consultation with the Bar, legal services providers, and other groups (as well as the consent of the County Clerk in affected counties outside New York City in Supreme Court matters) in advance of any future expansion of

unrepresented persons from e-filing (unless they affirmatively choose to participate). Moreover, attorneys would continue to be able to opt out of e-filing if they lack the equipment or knowledge to participate. Finally, the proposal would not alter current requirements of confidentiality in the treatment of matrimonial actions.

In order that we may have the time needed to prepare the report, I ask that you as a group or any of your individual members submit any comments by January 4, 2019. All comments received will be included in the Annual Report. Comments should be sent by e-mail or regular mail to either of the following addresses:

Jeffrey Carucci
Statewide Coordinator for
Electronic Filing
NYS Unified Court System
New York County Courthouse
60 Centre Street, Room 119 M
New York, New York 10007

efilingcomments@nycourts.gov

We look forward to your comments on this program and these proposals.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeffrey Carucci", written in a cursive style.

SURROGATE'S COURT
FILED

NOV 14 2018

COUNTY OF ONONDAGA
STATE OF NEW YORK

At a Surrogate's Court, held in and for the
County of Onondaga, at a Surrogate's office
in the City of Syracuse, New York on the 14th
day of November 2018.

PRESENT: Honorable Mary Keib Smith, Surrogate

IN THE MATTER OF THE ADOPTION OF A
RULE PERTAINING TO PRACTICE IN THE
ONONDAGA COUNTY SURROGATE'S COURT

Local Rule


Pursuant to the powers vested in me as Judge of the Surrogate's Court of the County of
Onondaga, it is

ORDERED, that a rule be, and hereby is, adopted regulating procedure and practice in
the Onondaga County Surrogate's Court as follows:

WHENEVER a Petition for Letters of Administration, a Petition for the Probate of a Will
or an Affidavit in Relation to Settlement of Estate under Article 13 is presented for filing in this
Court, and the distributees named on said Petition are other than a surviving spouse and/or
children of issue, there must be filed with the Petition a Family Tree table or diagram. Said table
or diagram shall, also, be supported by an affidavit of a disinterested person having knowledge
thereof and the basis for said knowledge.

This Rule shall be effective immediately.

Dated: November 14, 2018


Mary Keib Smith, Surrogate



New York State Bar Association Committee on Professional Ethics

Opinion 1157 (11/27/18)

Topic: Legal and Non-legal Services Offered by a Single Entity

Digest: A lawyer who is a licensed professional engineer may operate both a law practice and an engineering practice in a single entity from the same office. The name of the law firm may not include reference to the lawyer's engineering degree or practice, but the law firm may otherwise promote the lawyer's engineering degree in listing the lawyer's qualifications, as a branding device, or otherwise consistent with the rule governing lawyer advertising. Engineering is a non-legal service distinct from the rendition of legal services, and, as a result, the lawyer may overcome the presumption that the N.Y. Rules of Professional Conduct apply to the rendition of such services by advising the engineering client in writing that the services are not legal services and that the protections of the attorney-client relationship do not attach.

Rules: 5.7(a), 7.1, 7.5(b).

FACTS

1. The inquirer is a New York attorney and a licensed professional engineer. The inquirer wishes to establish a single-member professional entity – whether as a professional corporation or a professional limited liability company – to offer both legal and engineering services to the public. The inquirer would like to indicate the inquirer's professional status as a licensed professional engineer in the name of this entity, and asserts a current intention to offer only one service (legal or engineering) to each client.

QUESTIONS

2. The inquiry presents three issues for consideration:

(a) May a lawyer offer legal services and non-legal services through a single professional entity out of the same office?

(b) May a lawyer include reference to the non-legal service in the name of the professional entity?

(c) Does the lawyer owe duties to clients of the lawyer's non-legal services to clarify the lawyer's status as a non-legal service provider?

OPINION

3. The answer to the first question – whether the lawyer may use a single entity and office to provide both legal and non-legal services – is yes. Rule 5.7 of the New York Rules of

Professional Conduct (the “Rules”) expressly contemplates that a law firm may offer both legal and non-legal services “to clients or other persons.” “For many years, lawyers have provided non-legal services to their clients. By participating in the delivery of these services, lawyers can serve a broad range of economic and other interests of their clients.” Rule 5.7, Cmt. [1]; *see* N.Y. State 933 ¶ 4 (2012) (lawyer may operate real estate brokerage firm out of law office). Thus, the Rules permit a lawyer to conduct both a law office and an engineering practice in a single entity out of the same office.

4. The answer to the second question – whether the lawyer may refer to the non-legal service in the firm’s name – is no. The name of a law firm implicates Rule 7.5(b), which regulates the name(s) a lawyer may use to identify the lawyer’s firm. Rule 7.5(b) provides, in pertinent part, that a “lawyer in private practice shall not practice under a trade name, a name that is misleading as to the identity of the lawyer or lawyers practicing under such name, or a firm name containing names other than those of one or more of the lawyers in the firm.” “The prohibition against trade names is broad, permitting use of little beyond the names of lawyers presently or previously associated with the firm.” N.Y. State 869 (2011) (lawyer may not use practice area in the name of the law firm). In N.Y. State 861 ¶ 4 (2011), we considered the inclusion in a firm name of initials signifying the firm’s practice area to constitute an impermissible trade name. *See also* N.Y. State 1152 ¶ 6 (2018) (“[C]ustomary usage teaches us that the public in general and the legal profession in particular expect that the name of a law firm reflects the surnames of lawyers currently or formerly associated with the law firm.”)

5. That a lawyer may not use the lawyer’s engineering practice in the name of the professional entity that the lawyer uses to render legal services does not mean that the lawyer may not otherwise refer to the lawyer’s engineering qualifications in listings of the lawyer’s qualifications and areas of practice, as well as in advertising consistent with the standards on lawyer advertising set out in Rule 7.1. Subject always to those standards, nothing in the Rules prohibits a lawyer from using the lawyer’s engineering qualifications as a means of branding or other advertising.

6. The answer to the third question – whether a lawyer is obligated to clarify the lawyer’s status when rendering non-legal services – is yes if the recipient of those services could reasonably believe that the non-legal services are subject to an attorney-client relationship. Rule 5.7(a) sets forth the lawyer’s responsibilities when the lawyer or her law firm provides non-legal services to law clients or other persons:

(a) With respect to lawyers or law firms providing nonlegal services to clients or other persons:

(1) A lawyer or law firm that provides nonlegal services to a person that are not distinct from legal services being provided to that person by the lawyer or law firm is subject to these Rules with respect to the provision of both legal and nonlegal services.

(2) A lawyer or law firm that provides nonlegal services to a person that are distinct from legal services being provided to that person by the lawyer or law firm is

subject to these Rules with respect to the nonlegal services if the person receiving the services could reasonably believe that the nonlegal services are the subject of a client-lawyer relationship.

(3) A lawyer or law firm that is an owner, controlling party or agent of, or that is otherwise affiliated with, an entity that the lawyer or law firm knows to be providing nonlegal services to a person is subject to these Rules with respect to the nonlegal services if the person receiving the services could reasonably believe that the nonlegal services are the subject of a client-lawyer relationship.

(4) For purposes of paragraphs (a)(2) and (a)(3), it will be presumed that the person receiving nonlegal services believes the services to be the subject of a client-lawyer relationship unless the lawyer or law firm has advised the person receiving the services in writing that the services are not legal services and that the protection of a client-lawyer relationship does not exist with respect to the nonlegal services, or if the interest of the lawyer or law firm in the entity providing nonlegal services is *de minimis*.

7. Thus, under Rule 5.7(a)(1), non-legal services that are not distinct from legal services are always subject to the Rules, no matter what disclaimer or writing a lawyer may provide to clients of the lawyer's non-legal services. Under Rule 5.7(a)(2), however, when the non-legal services are distinct from legal services, then the non-legal services are subject to the Rules if the recipient could reasonably believe that they are the subject of a client-lawyer relationship. This same point is made in Rule 5.7(a)(3), applicable to this inquiry, when the lawyer is an owner, controlling party, or agent of the entity providing the non-legal service. Rule 5.7(a)(4) creates a presumption of reasonable belief in an attorney-client relationship, but permits the lawyer to overcome that presumption by advising the recipient of the non-legal services, in writing, that the protection of the client-lawyer relationship does not apply to the non-legal services. The initial consideration on the inquirer's third question turns, then, on whether legal services are distinct from engineering services.

8. We believe the two services are distinct. In N.Y. State 1135 ¶ 7 (2017), noting that the Rules do not define distinct, we relied on the ordinary and customary meaning of the word – namely, “not alike, different, not the same, separate, clearly marked off.” The “most important factor in determining distinctness is the degree of integration of the services.” N.Y. State 1155 ¶ 14 (listing other factors as well). In our view, the engineering profession differs from the legal profession in material ways, and involves the deployment of skills that are distinct from the application of legal principles to a set of facts. A clear demarcation exists between the scientific design and construction of tangible things and the use of legal knowledge and experience to advise a client on adherence to lawful behavior. This contrasts sharply with those services that we have deemed not distinct from legal services. *See, e.g.*, N.Y. State 1135 ¶ 8 (2017) (provision of state and local tax services); N.Y. State 1026 ¶ 10 (2014) (mediation in domestic relations matters); N.Y. State 1015 ¶ 14 (2014) (integrated real estate services).

9. Rule 5.7(a)(4) instructs that, when a legal service provider offers distinct non-legal services to clients which the parties do not intend to create an attorney-client relationship, then the lawyer may overcome the presumption for which that Rule provides by advising the recipient of (here) engineering services, in writing, that the services are not legal services and that the

protections attending an attorney-client relationship are inapposite. A lawyer who provides both legal and non-legal services “must take care that the clients are not confused about whether the lawyer is acting as a lawyer and must determine whether the provisions of the Rules apply to the non-legal services.” N.Y. State 1155 ¶ 9 (2018). “Whenever a lawyer directly provides non-legal services, the lawyer must avoid confusion on the part of the client as to the nature of the lawyer’s role,” for the recipient of the non-legal services may reasonably expect “that the protections of client confidences and secrets, prohibitions against representation of persons with conflicting interests, and obligations of a lawyer to maintain professional independence apply to the provision of non-legal services when that may not be the case.” Rule 5.7, Cmt. [1]. Thus, while a written disclaimer under Rule 5.7(b)(4) provides something of a safe harbor for a lawyer providing distinct non-legal services such as engineering, any lawyer providing non-legal services, distinct or indistinct, owes a duty to clarify whether an attorney-client relationship exists if a client could reasonably believe in the circumstances that there is such a relationship.

10. We are mindful that the degree of integration of legal and non-legal services may vary with the nature of the legal services; we can envision, for example, that a patent lawyer with an engineering degree may use engineering skills in rendering legal services to a client in a patent matter, and do so in the client’s reasonable belief that the protections of the attorney-client privilege apply. In such circumstances, Rule 5.7(a)(1) requires that the full panoply of the Rules apply to the lawyer’s conduct. This inquiry does not require us to delve into all the implications of those circumstances. For now, we say only that we regard engineering and legal services as distinct, and that a lawyer offering both services to a client may provide an appropriate written disclaimer to the recipient of distinct non-legal services that the lawyer’s rendition of solely engineering services does not give rise to all the attributes that an attorney-client relationship entails.

CONCLUSION

11. A lawyer may provide both legal and engineering services through a single entity provided that the entity complies with the Rule governing the name of law firms. Engineering services being distinct from legal services, a lawyer offering each service may provide a written notice to the recipient of the engineering services that no attorney-client relationship, with its attendant protections, is thereby established.

Inquiry No. 7-18