



ONONDAGA COUNTY BAR ASSOCIATION  
**BAR REPORTER**

FEATURED ARTICLES

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FEBRUARY 2019  
Volume 64 Number 2



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:

**Women: Work, Life and the Law - March 11<sup>th</sup>**  
 CNY Philanthropy Center, Second Floor Ballroom

**CLE | OnVLP's Eviction Defense Basics - March 14<sup>th</sup>**  
 George H. Lowe Center for Justice, 1st Floor Education Room

**Bench & Bar Buffet - March 26<sup>th</sup>**  
 CNY Philanthropy Center, Second Floor Ballroom

**Annual Meeting - April 4<sup>th</sup>**  
 Onondaga County Courthouse

**CLE | New York State Civil Practice Laws and Rules - June 6<sup>th</sup>**

SUNY Oswego Metro Center, Syracuse

**50-Year Luncheon - June 13<sup>th</sup>**  
 Pascale's at Drumlins

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

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 YOUR BETS!

## CASINO NIGHT

••••

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 (315) 579-3991  
 bhemingway@onvlp.org

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**THURSDAY  
 MARCH 28, 2019  
 6:00 - 9:00 PM**

GENESEE GRANDE HOTEL

••••

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 BLACKJACK - CRAPS



Hors d'oeuvres,  
 music, prizes, cash  
 bar ... All in!

••••

# Letter from the PRESIDENT



As lawyers, we advocate for clients' rights, for societal causes, for principles of justice . . . and as needed, for our profession.

In the past month, your Bar Association has been asked to support a much needed and overdue increase in compensation to attorneys providing legal services to criminal defendants through the Assigned Counsel Program. We have also been called upon to oppose an effort set forth in the Governor's proposed budget to levy an additional surcharge on the biennial registration fee required of lawyers. The increase in the biennial fee is proposed in order to fund in part the State's constitutional obligation to provide legal representation to indigent defendants pursuant to the *Hurrell-Harring* settlement.



OCBA Assigned Counsel Program Executive Director Kathleen Dougherty set forth the many good reasons to support the increase in compensation to ACP attorneys in correspondence to NYS Legislators, a copy of which is included in this Bar Reporter on pages 4 and 5. The current rates are \$60.00 per hour for misdemeanor level cases and \$75.00 per hour for felony level cases, and have not been increased since 2004. As well articulated by Ms. Dougherty, these rates are substantially below market rates for attorneys, and actually are at or below approved rates for social workers and psychologists engaged to provide services in these same legal proceedings. The artificially low hourly rates set for attorneys act as a disincentive for experienced counsel to accept these cases, putting the existing payment structure at odds with the overall goal of the *Hurrell-Harring* settlement to provide effective representation to indigent defendants.

Governor Cuomo's proposed 2019-2020 Executive Budget includes additional state funding for indigent criminal defense services related to the settlement in the *Hurrell-Harring* case, to be used to bring those critically important services up to a constitutional level statewide. However, the Governor proposes to raise some of these additional funds by raising the biennial attorney registration fee from \$375 to \$425. We were asked to join with the New York State Bar Association in opposing this budget proposal as inappropriately seeking to fulfill the State's constitutional obligations through an additional attorney surcharge rather than through general funding.

The OCBA Board of Directors decided at its February meeting to support the increase in compensation to ACP attorneys and to oppose the increase in the biennial attorney registration fee.

President, John T. McCann

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***In this February 5, 2019 correspondence with state lawmakers, ACP Executive Director Kathleen Dougherty proposes increased compensation for ACP panelists.***

Dear Honorable Senators and Representatives:

I am the Executive Director of the Onondaga County Bar Association Assigned Counsel Program (OCBA ACP). As you likely know, Onondaga County was one of five counties named in the Hurrell-Harring lawsuit brought by the NYCLU on behalf of indigent clients who were at risk of receiving inadequate representation in criminal courts due to the lack of local funding, excessive caseloads, scarce resources, and inadequate participation by qualified attorneys. The lawsuit was settled in Onondaga County via a Settlement Agreement by which the State agreed to provide significant additional funding to support the OCBA ACP and the Hiscock Legal Aid Society. In exchange, the State, through Indigent Legal Services (ILS):

- increased financial eligibility standards;
- established caseload standards;
- mandated representation at all critical stages of representation, with an emphasis on arraignments;
- stimulated quality representation through use of attorney trainings, outside resources, and mentors; and
- significantly heightened the reporting requirements to ILS.

State funding for the OCBA ACP has been the catalyst for great improvements to our program. The clients have benefitted from increased representation at all critical stages of their cases. A significant issue, the lack of representation at arraignment, has virtually been eliminated in our county. Moreover, outside resources such as investigators, interpreters, and social workers have been made available to the attorneys to assist in the defense of their clients at vastly increased levels.

One noteworthy issue that remains, however, is the statutory hourly rate for attorneys who perform this much needed indigent defense. The current rates, which were established in 2004, are \$60.00 per hour for misdemeanor level cases and \$75.00 per hour for felony level cases. These rates are artificially low and do not reflect the cost of comparable services. For example, the Office of Court Administration issued an Order pursuant to County Law 722-c establishing expert rates, effective January 1, 2018. A copy of the OCA Expert Rate Order is attached. As you will note, certified social workers now earn the same hourly rate (\$75.00) as a panel attorney defending a homicide, while a certified psychologist earns twice that hourly rate (\$150.00).

At the same time, the federal court rates for indigent defense have been significantly increased. For work performed on or after March 23, 2018, federal panel attorneys are paid an hourly rate of \$140 in non-capital cases and a maximum hourly rate of \$188 in capital cases.

The report of the NYSBA Criminal Justice Section and Committee on Mandated Representation noted that the rates paid to assigned counsel under Article 18-B of County Law in New York State have not been changed since 2004. Since then, the State established the Office of Indigent Legal Services (ILS) and funding in the State budget has been designated to reimburse local governments for improvements in provision of services, but ILS is not authorized to modify assigned counsel rates. In federal court, the judicial conference is authorized to make such modifications and has adjusted rates regularly for the past 16 years.

The resolution approved by the NYSBA House of Delegates urges enactment of legislation to increase rates for all assignments defined by NYSBA's 2015 Revised Standards for Providing Mandated Representation in situations of financial hardship: (a) persons accused of an offense punishable by incarceration; (b) entitled





to representation under Family Court Act §249, §262 or §1120; Judiciary Law §35 including child custody and habeas corpus cases; Article 6-C of the Correction Law; Surrogate's Court Procedure Act 407; Executive Law §259-I; and County Law §717; and (c) otherwise entitled to counsel by constitutional, statutory or other authority. A copy of the Staff Memorandum summarizing the House of Delegates' resolution is attached.

The House of Delegates measure also calls for:

- The rates to be comparable to a percentage increase of judicial and elected district attorney salaries;
- An annual review process and adjustment using a formula similar to that of the federal Criminal Justice Act; and
- The increased rates to be at state expense, not through unfunded mandates to the localities.

The reason this issue is so critical at this time is that OCBA ACP is in the very challenging position of balancing competing interests: (1) representation of all indigent clients by the criminal defenders on our panel, (2) while concurrently trying to encourage our panel attorneys to manage their caseloads within the guidelines established pursuant to the Hurrell-Harring Settlement Agreement. The obvious solution is to keep our current panel members while attracting new and talented private attorneys to join the ACP panel, along with encouraging the return of former panel attorneys who left the panel due to the low hourly rates. However, it is very difficult to encourage private attorneys to participate when the rates are set artificially low. This is a link to an article recently published in La Crosse, Wisconsin that summarizes the problem: [https://lacrossetribune.com/news/local/crime-and-courts/justice-at-risk-private-attorneys-say-low-pay-means-they/article\\_3301bc22-a5a6-50ef-b17d-9fb74da4ffb6.html](https://lacrossetribune.com/news/local/crime-and-courts/justice-at-risk-private-attorneys-say-low-pay-means-they/article_3301bc22-a5a6-50ef-b17d-9fb74da4ffb6.html)

I strongly urge each of you to take up this issue as you consider this year's State budget. I appreciate that there are financial implications to any request for an increased hourly rate. There are also significant financial implications in keeping the rates depressed, as was clearly shown in 2003 when the State was sued and lost. In that case, *N.Y. Cnty. Lawyers' Ass'n v. State*, 763 N.Y.S.2d 397 (Sup. Ct. 2003), the court found that extremely low statutory rates had caused attorney shortages, leaving judges to "cajole, urge and even beg assigned counsel to take cases." The remaining attorneys carried unreasonably high workloads that prevented them from delivering effective assistance of counsel. Ultimately, the court recognized that a crisis existed, held that the statutes were unconstitutional as applied, and issued a mandatory permanent injunction directing the State to pay assigned counsel \$90.00 an hour (regardless of whether work was in court or out-of-court) until the Legislature addressed the issue. The Legislature acted while the case was on appeal, increasing compensation rates for assigned counsel to \$60.00 an hour for misdemeanors and \$75.00 an hour for all other cases. (See N.Y. County Law § 722-b.) Unfortunately, not much has changed since the last time the rates were modified in 2004. It should not be overlooked that the injunctive relief granted by the court in *N.Y. Cnty. Lawyers' Ass'n v. State* (2003) of \$90.00 per hour is still not being met 16 years later.

Thank you for your time and consideration. I would be pleased to discuss this matter more fully with you at your convenience.

# BENCH & BAR BUFFET



**Tuesday, March 26, 2019**

**CNY Philanthropy Center, 2nd Floor Ballroom**

**431 East Fayette Street, Syracuse, NY 13202**

Noon to 1:15 p.m. (doors open at 11:45 a.m.)

**Please register at [www.onbar.org](http://www.onbar.org)**

Pavone's Pizza will be served!

**Lunch is free, but the information provided is priceless.**

Please join us for the Bench and Bar Buffet! This casual luncheon is a social initiative of OCBA's Bench and Bar Section. These lunchtime get-togethers will be held on a quarterly basis offering interaction and discourse between the judiciary and attorneys to share important information and practical updates on court practices and procedures.

## Guest Speakers:

**Hon. Glenn T. Suddaby & Hon. Therese Wiley Dancks**



Moderated By: Nicole M. Jones, CNYWBA President

## Topics Include:

- Discovery Matters in Federal Court
- Motion Practice in Federal Court
- PLUS** plenty of time to ask questions about practicing in front of them

## Sponsored By:



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## **Blood Drive**

### **CNY Community Foundation**

**Ballroom  
431 East Fayette Street - Syracuse**

**Monday, March 18, 2019  
9:00 AM to 2:00 PM**

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[23] - Order ID: 7502856 - Item ID: 3002854 - Qty: 1 of 1 - 00143000 - 2015 APR 01 0555

# Community Engagement Committee Spotlight: Affordable Housing Panel

By: Sarah Cumbie Reckess, Esq.

The OCBA Community Engagement Committee hosted an Affordable Housing Panel on Thursday, January 31st at the CNY Philanthropy Center. Approximately 30 attorneys and community members gathered to hear from Affordable Housing panelists Stephanie Pasquale, Commissioner of Neighborhood and Business Development, City of Syracuse; Ben Lockwood, President and CEO of Housing Visions; and Maarten Jacobs, Director of Community Prosperity at the Allyn Family Foundation.

Affordable housing is defined by the U.S. Department of Housing and Urban Development (HUD) as housing in which the occupant pays no more than 30 percent of their income toward gross housing costs, including utilities. The city of Syracuse has 7,000 more houses than households, which makes redeveloping low-income housing difficult to finance due to the aging housing stock and the costs of construction.

The conversation covered topics including high-end residential development in downtown Syracuse and the University neighborhood, economic and racial segregation in suburban and rural communities in Onondaga County, fair housing laws, mixed-income housing development, the importance of community engagement in preventing gentrification, and the legal and financial barriers to developing affordable housing.

“This is unique to Syracuse, but we lack a corporate headquarters,” said Lockwood, of the ability large companies have to contribute economically to the regions in which they’re located. Large corporate entities play an important role in revitalization projects in other major U.S. cities that create new mixed-use and affordable housing.

Panelists also highlighted new projects that incorporate affordable housing, including the Salt City Market which will break ground on the corner of South Salina Street across from the Marriott Syracuse Downtown and will include a food market, office space, and 37 units of mixed income housing.

The OCBA Community Engagement Committee meets on the first Monday of every month at the CNY Philanthropy Center at 12:15pm. The Community Engagement Committee works to link attorneys with volunteer opportunities, educational information, and networks of local community leaders to engage the legal community in ways that directly benefit Central New Yorkers. All are welcome to attend. If you are interested in joining the committee, please contact **Jim Williams** at [jwilliams@lscny.org](mailto:jwilliams@lscny.org).





Join the United States District Court, Northern District of New York,  
along with the NDNY-Federal Court Bar Association,  
in the reenactment of *Russo v. Central School District No. 1*



**What:** Russo v Central School District No 1 Reenactment

**Date:** March 21, 2019

**Time:** 6:00 p.m. (arrive 5:30 p.m. for security check)

**Location:** James M. Hanley U.S. Courthouse &  
Federal Building, 100 Clinton Street, Syracuse, NY

## The 1<sup>st</sup> Amendment

In 1969, a 21-year old art teacher in a small town in upstate New York refused to lead her homeroom in the Pledge of Allegiance. The school district fired her, and she brought a lawsuit under the First Amendment. In this historic reenactment of the trial and appeal to the Second Circuit, we explore the story of Susan Russo, whose silent refusal to pledge allegiance in the classroom raised questions about patriotism, loyalty and the 1<sup>st</sup> Amendment.

Members of the Judiciary and the community will be playing the roles of those involved in the Russo v Central School District No 1.





## GIVING BACK TO THE COMMUNITY THROUGH THE YMCA

### THE YMCA – THEY’VE GOT A GYM, RIGHT?

That’s all I knew about the Y when a friend of mine mentioned she was taking a creative writing class through the YMCA. Turns out the workout facilities are just the tip of the iceberg. Fast forward a few years from the above question, and I’m proud to be a board member of the Arts Branch of the YMCA of Greater Syracuse.

### Arts Branch?

That’s right. The Arts Branch includes the Downtown Writers Center (where my friend took her class), the Arts Studios at East and Northwest Family YMCAs, the YMCA After School Arts Program, music lessons at the Downtown, Northwest, and East Area Family YMCAs, the Y-Arts Camp, Y-Arts Scholars, Stone Canoe literary journal, and the CNY Book Awards. With all of that terrific programming, it leads the nation in Y-based arts programming...and is also one of the foremost providers of arts education in the Syracuse region.

The Downtown Writers Center offers low-cost creative writing courses and free public readings by acclaimed poets and authors, as well as the Young Authors Academy which teams up dozens of community youth with professional writers. The DWC offers classes for writers of at any level, from beginners to the DWC Pro Program – a two-year intensive program for writers who want to hone their craft to the professional level. Writers from the DWC and across the nation are regularly featured in the Stone Canoe literary journal, and some of them end up winning one of the Y’s CNY Book Awards, a program (and very enjoyable networking opportunity) recognizing the best books published by Central New York authors each year.

The Arts Studios provide classes in drawing, pottery, painting, dance, sculpture, and more for students of all ages. Music lessons include piano, voice, guitar, and strings. Then there is the After School Arts Program, which provides free arts education to more than 900 children weekly at Syracuse area elementary schools, through grants from the New York State Education Department and partnerships with the Syracuse City School District. The Y-Arts Camp offers children a



variety of week-long summer camps featuring pottery, drawing, sculpture, creative writing, swimming, and more. Y-Arts Scholars, which provides scholarships for all of these terrific programs to disadvantaged youth, is presented by Delta Air Lines and generous individual donors.

### Initiatives make a real impact.

Kamel Billue (pictured) began guitar lessons in fifth grade through the McKinley Brighton Elementary School’s After School Program. He quickly became a Y-Arts Scholar, taking private lessons at the Downtown YMCA weekly, and now he’s a featured Y-Arts Scholar. Watch a video of him playing at <https://ycny.org/programs/arts/y-arts-scholars>. Kamel is just one of the many talented and inspiring artists who got their start at the YMCA Arts Branch.

So no, it’s not just basketball. After you’re done stretching your muscles in the gym, you can stretch your artistic muscles, too. There are always opportunities to get involved. Want to sponsor a Y-Arts Scholarship? Take a pottery class? Network with the literary community at the CNY Book Awards Reception? Join me on the Board?

No time to volunteer or take a class? No problem. The 2019 YMCA Annual Campaign is up and running. You can donate by texting “ArtsYMCA” to 71777. Or visit <https://app.mobilecause.com/vf/ArtsYMCA/>. Also visit the YMCA of Greater Syracuse website at <https://ycny.org/> to find out more about how to support these fantastic arts programs.

*Bio: Sarah E. Ruhlen, Esq. represents Employees in race, sex, religion, national origin, color, age, disability, sexual orientation, TGNC, and other discrimination claims, as well as wage and hour, family leave, severance, non-competes, and other employment matters. In addition to being a member of the Greater Syracuse YMCA Arts Branch Board, she currently serves as co-chair of the EEO Committee of the NYSBA Labor and Employment Law Section; is a member of the AFL-CIO Lawyers Coordinating Committee, the National Organization of Social Security Claimants’ Representatives, the National Employment Lawyers’ Association, and the Central New York Women’s Bar Association.*



# Hi, my name is Beauty

Playful, and loving are the best words to describe Beauty! This sweet girl was a recent guest on CNY Central morning show and is looking for a place to call home. In return she will give you loyalty and more love than you can imagine! Beauty is a 8 year old pit mix. She weighs around 74 pounds, is spayed, and up to date on vaccinations. Beauty was a malnourished abuse case whose previous owners are being prosecuted for felony abuse by the Onondaga County District Attorney's Office. She has been through a lot but you would never know it from her sweet personality. She knows commands such as sit, stay, shake and is very treat motivated! Beauty will need a stable, patient home with no other pets (no dogs or cats) and no children under 13. A home with a fenced yard would also be preferable.

Through the efforts of the Bar Association's Volunteer Advocate Lawyers for Animal Abuse Court (VALAC) program, Beauty was saved from an almost-certain euthanasia, nursed back to health and given tremendous care and treatment by the Fairmount Animal Hospital. Beauty is only the most recent of many dogs which have been saved and given a deserved, better life.

***Can you provide a loving home for Beauty?***

*Please contact **Fairmount Animal Hospital**: 315-468-3446 to set up an appointment to meet Beauty!*

# FAMILY COURT CASE NOTES

By: Sara J. Langan, Esq.

Court Attorney to the Hon. Julie A. Cecile, Onondaga County Family Court

## CHILD CUSTODY - Appeals

### **Wojciulewicz v McCauley, 166 AD3d 148 [4th Dept 2018]**

Attorney for the Child cannot raise issues on appeal where the appeal was brought by another party and the attorney did not appeal from the court's order.

## CHILD CUSTODY - Conditions on Visitation

### **Rice v Wightman, 167 AD3d 1529 [4th Dept 2018]**

The Family Court erred in conditioning Father's visitation upon his participation in therapeutic counseling. Although a court may include a directive to obtain counseling as a component of a custody or visitation order, the court does not have the authority to order such counseling as a prerequisite to custody or visitation. Therefore, the court erred in making participation in counseling the "triggering event" in determining visitation. Further, the court impermissibly delegated the decision to hold family therapy sessions to the therapists, which in effect gave the therapists the authority to determine if and when visitation would occur.

## CHILD CUSTODY - Negative Inference Against Parent Who Does Not Testify Not Warranted

### **William F.G. v Lisa M.B., 2019 NY Slip Op 00774 [4th Dept Feb. 1, 2019]**

Family Court should not have drawn a negative inference against Mother on the basis of her failure to testify because she had no personal knowledge of the allegations in Father's modification petition; therefore, she did not withhold evidence in her possession or control that would be likely to support her version of the case.

## CHILD CUSTODY - Relocation

### **Townsend v Mims, 167 AD3d 1584 [4th Dept 2018]**

Father, who was the children's primary caretaker, demonstrated that the proposed relocation was in the children's best interests by establishing that the relocation would enhance the children's lives economically, emotionally, and educationally, inasmuch as, among other things, the father and the children would unite under a single household with the father's new wife and her daughter, with whom the children are close, thereby allowing for the combination of two incomes and consolidation of household expenses. In addition, Father had another child living where relocation was requested, with whom the children had a close relationship. Finally, the children expressed their desire to relocate and, although the relocation will affect the frequency of Mother's visitation, Father demonstrated his willingness to foster communication and to facilitate extended visitation during school recesses and summer vacation, including by bearing the costs and responsibility for transportation, that will enable Mother to maintain a positive nurturing relationship with the children.

### **Wojciulewicz v McCauley, 166 AD3d 148 [4th Dept 2018]**

Where the Family Court is making an initial custody determination, relocation is but one factor among many to be considered, and the factors set forth in *Matter of Tropea v. Tropea* need not be strictly applied.



**CHILD CUSTODY - Sufficient Change in Circumstances to Modify Prior Order****William F.G. v Lisa M.B., 2019 NY Slip Op 00774 [4th Dept Feb. 1, 2019]**

Father seeking to modify a prior entered upon stipulation must establish a sufficient change in circumstances to warrant an inquiry into the best interests of the children, and his new marriage, new home, and diagnosis with sleep apnea are not sufficient to reflect a real need for change to ensure the best interests of the children. In addition, even crediting Father's assertion that the children have expressed a desire to spend additional time with him, the established custodial arrangement should not be changed solely to accommodate the desires of the children.

**Rice v Wightman, 167 AD3d 1529 [4th Dept 2018]**

Father waived his contention that Mother failed to establish the requisite change in circumstances where he also alleged in his cross petition that there had been such a change in circumstances.

**McKenzie v Polk, 166 AD3d 1529 [4th Dept 2018]**

A sufficient change in circumstances existed because the parties had in practice altered the custody and visitation arrangement set forth in the prior stipulated order.

**CHILD CUSTODY - Venue****Rice v Wightman, 167 AD3d 1529 [4th Dept 2018]**

Family Court Act § 171 provides that a prior order may be enforced or modified in the county where it was entered, or in any other county in which the party affected by the order resides or is found. At the time Mother commenced the proceeding in Ontario County, Father resided in that jurisdiction, and the prior order that she sought to modify was entered in Ontario County. Therefore, venue was proper in Ontario County, and Father was required to demonstrate "good cause" for transferring the proceeding to Seneca County.

**CHILD PROTECTIVE - Appeals****Matter of Nickolas B., 167 AD3d 1538, 1539 [4th Dept 2018]**

An appeal from a temporary order of removal becomes moot at the time of the determination of the underlying abuse or neglect petition, and, because the a temporary order of removal is not a finding of wrongdoing, the exception to the mootness doctrine does not apply.

**Matter of Avianna M. G., 167 AD3d 1523 [4th Dept 2018]**

An appeal from a temporary order of removal based on Father's complaint about his lack of representation at the temporary removal hearing becomes moot at the time of the determination of the underlying abuse or neglect petition. If the final order is predicated solely on evidence introduced at the fact finding hearing. Further, Father cannot challenge on appeal the dismissal of a child protective against Mother because he was not been aggrieved by the dismissal.

**CHILD PROTECTIVE - Termination of Parental Rights based on Abandonment****Matter of Armani W., 167 AD3d 1569 [4th Dept 2018]**

Mother's visitation with the child on two occasions within the relevant six month period, and her one telephone contact with the petitioner to cancel a visit, constituted merely sporadic and insubstantial contacts, and were not sufficient to defeat allegation of abandonment.

## CHILD PROTECTIVE - Unexplained Injury

### **Matter of Avianna M. G., 167 AD3d 1523 [4th Dept 2018]**

The Department of Social Services inability to pinpoint the time and date of each unexplained injury and link it to a particular parent is not fatal to the establishment of a prima facie case of abuse. The presumption of culpability created by FCA § 1046(a) (ii), which defines a prima facie case of abuse as proof of injuries sustained by the child of such a nature as would ordinarily not be sustained or exist except by reason of the acts or omissions of the parent, extends to all of a child's caregivers, especially when they are few and well defined.

## CHILD SUPPORT - Sufficient Change in Circumstances to Modify Prior Order

### **Parmenter v Nash, 166 AD3d 1475, 1476 77 [4th Dept 2018], rearg denied, 91 NYS3d 766 [4th Dept 2019]**

Despite the fact that Father voluntarily quit his job, he established a sufficient change of circumstances necessary to reexamine his child support obligation because he quit his job in order to relocate from Virginia to New York in order to rehabilitate his relationship with his son, and it was Mother who moved the child hundreds of miles away and thereby created the difficulties inherent in long distance parenting. "A parent who chooses to leave his employment rather than live hundreds of miles away from his children is not voluntarily unemployed or underemployed. Instead, he is a loving parent attempting to do the right thing for his children. To punish such a parent by requiring higher child support is neither good law nor good policy."

## CHILD SUPPORT - Statutory Cap to Combined Parental Income

### **Benedict v Benedict, 2019 NY Slip Op 01042 [4th Dept Feb. 8, 2019]**

Before awarding child support on income above the statutory cap, the court must consider more than the payor's financial situation and must make factual findings supported by the record that the child had financial needs that would not be met unless support were ordered to be paid out of parental income in excess of the statutory cap. It is well settled that "blind application of the statutory formula to combined parental income over the statutory cap, without any express findings or record evidence of the child's actual needs, constitutes an abdication of judicial responsibility and renders meaningless the statutory provision setting a cap on strict application of the formula."

## UCCJEA - Emergency Jurisdiction to Address Domestic Violence

### **Alger v Jacobs, 2019 NY Slip Op 00766 [4th Dept Feb. 1, 2019]**

Although Florida was the child's home state, the UCCJEA allowed New York to exercise emergency jurisdiction because Mother's petition alleged domestic violence, resulting in her hospitalization in an intensive care unit for several days, and the UCCJEA allowed New York to exercise emergency jurisdiction to protect a parent of the child, not just the child. In addition, even though Father was incarcerated in Florida, a sufficient emergency continued to exist because Mother had no knowledge regarding when Father would be released, and she had relocated to New York to be with family and to be safe when he was released.



# SAVE *the* DATES!

## The 124<sup>th</sup> Annual Dinner

With Special Guests:  
Justices of the  
Supreme Court of the State of New York  
APPELLATE DIVISION  
Fourth Judicial Department

**Wednesday, October 23rd, 2019**

Honoring the 2019 Distinguished Lawyer

Returning this year to the Grand Ballroom,  
Marriott Syracuse Downtown

## THEN:

Special Appellate CLE Program

**Thursday, October 24th, 2019**

1:00 – 4:00 p.m.

County Legislative Chambers,  
Onondaga County Courthouse

Plan to join us for this special opportunity to hear  
directly from the Justices of the Appellate Division:

- The Justices of the Fourth Department Offer a Peek Behind the Curtain, and Advise on Do's and Don't's
- Insight into the Disciplinary Process in the Fourth Department
- Dealing with Personal Crisis: The Role of Lawyer Assistance

Watch for registration for both events later this summer!



# The Monthly Newsmakers

VOLUME 64 NUMBER 2

FEBRUARY 2019

50 CENTS

## COUNTY NEWS ANNE RUFFER NAMED MANAGING PARTNER AT MACKENZIE HUGHES

*Ruffer's Appointment Makes Her First Woman at the Helm of the Law Firm*



**Anne B. Ruffer** has been named the managing partner at Mackenzie Hughes—the first woman to lead the law firm in its 135-year history.

Ruffer, in her 11th year on the firm's executive committee, will serve as chair of the committee and succeeds Stephen T. Helmer, who served in the role since 2008.

"I'm honored that the firm's partners have entrusted me with this important role," Ruffer said. "It is my goal to continue our legacy of providing excellent legal work for our clients and maintaining our support to the community, while always looking for new opportunities to expand our services and practices. I'm grateful for Steve's vision and leadership over the past 11 years as the firm's managing partner. He is well known in the community and a respected leader who has moved us forward technologically and orchestrated our recent move to the Mackenzie Hughes Tower."

Ruffer, who joined Mackenzie Hughes in 1987, focuses her practice on estate planning (wills, trusts, powers of attorney, healthcare proxies, living wills), estate and trust administration, special needs planning, estate litigation, guardianships, elder law, and long-term care planning.

She has also been recognized for her pro-bono work in the community by receiving the Onondaga County Bar Association's Distinguished Pro Bono Award and the New York State Bar Association's President's Pro Bono Service Attorney Award.

Ruffer serves as a trustee of the Vera House Foundation, a nonprofit organization dedicated to helping victims of domestic violence. Over the years, Ruffer held various leadership positions in the organization. She also continues to volunteer at Vera House's Monday Night Legal Clinic where she advises people dealing with domestic violence and related issues.

Ruffer also serves as the chair of the Professional Advisors Group at the Central New York Community Foundation, Inc. In previous years, she has served as the chair and a trustee for the Onondaga County Bar Foundation, a philanthropic arm of the Onondaga Bar

Association that, among other things, assists the Lawyers Assistance Program by providing funds to assist lawyers that are facing personal issues.

Ruffer holds a bachelor's degree from the University of Wisconsin-Madison and a juris doctor from Syracuse University College of Law.

The Mackenzie Hughes firm traces its roots back to 1884, and over the years, its client roster has read like a veritable "Who's Who" of Central New York businesses, including the original New Process Gear, Smith Corona Typewriter and Standard Oil companies. Today, the firm provides legal counsel in 35 practice areas to clients in a vast array of industries. Mackenzie Hughes's clients include multi-national corporations, financial institutions, health care facilities, governmental agencies, entrepreneurial companies, not for profits, fiduciaries and individuals.





## HALL, MCSWEENEY AND TROYANOVYCH JOIN HANCOCK ESTABROOK, LLP

Hancock Estabrook, LLP is pleased to announce that **Christopher I. Hall**, **Conor L. McSweeney** and **Andriy Troyanovych** have joined the Firm as Associate attorneys (Pictured left to right).

**Christopher I. Hall** is an Associate currently working in several departments across the Firm. Prior to joining the Firm, Mr. Hall was a law clerk with an Albany based firm conducting research on a variety of matters including tort, contract, and property law, and worked as an intern with the Honorable Lawrence E. Kahn in the U.S. District Court for the Northern District of New York. Mr. Hall served in the United States Army with 3rd Brigade, 10th Mountain Division where he held the rank of Sergeant. He received his J.D. degree magna cum laude from Albany Law School of Union University and is a graduate of the State University of New York at Geneseo. He is admitted in New York State.

**Conor L. McSweeney** is an Associate currently working in several departments across the Firm, with a focus in the business department. Prior to and during law school, he worked as a member of the in-house legal department of several leading technology and cloud security companies headquartered in the Northeast. Mr. McSweeney has extensive experience negotiating commercial transactions in the cloud technology sector, including master service agreements, confidentiality agreements and partnership agreements, covering such topics as data protection compliance and intellectual property licensing. He is a graduate of Suffolk University Law School and Siena College. He is admitted in New York State.

**Andriy Troyanovych** is an Associate working with several departments across the Firm. Prior to joining the Firm, he was a Judicial Intern for the Honorable David Peebles, United States District Court, Northern District of New York. While attending law school, Andriy



was a student attorney for Syracuse University College of Law's Securities Arbitration & Consumer Law Clinic and an Associate Notes Editor for the Syracuse Law Review. Mr. Troyanovych is a graduate of Syracuse University College of Law and the State University of New York at Oswego. He is admitted in New York State.

Named a 2019 Best Law Firm by U.S. News & World Report, Hancock Estabrook, LLP is committed to providing excellent

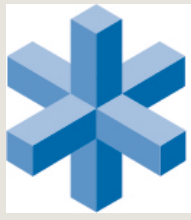
service to clients throughout New York State. The Firm provides a broad range of legal services and representation across a variety of industries, disciplines and practice areas, proudly serving as trusted advisors to large corporations, small and medium-sized businesses, nonprofit institutions, governmental entities and individuals. For more information about the Firm and its legal services, visit [hancocklaw.com](http://hancocklaw.com).



### Litigation Attorney

Costello Cooney & Fearon, PLLC is seeking a litigation attorney with 2-5 years' experience for its Syracuse, NY office. Candidate must be licensed to practice in New York State. Strong research and writing skills are required. Insurance Defense experience preferred. Must be self-motivated with organizational skills. Competitive compensation and benefits package. Qualified candidates should submit resumé via email to [mdf@ccf-law.com](mailto:mdf@ccf-law.com) or via mail to:

**Costello, Cooney & Fearon, PLLC**  
500 Plum Street, STE 300  
Syracuse, NY 13204-1401  
Attention: Michael D. Foti



## *Callahan Appointed As Leader of Firm's New Pro Bono Committee*



Bond, Schoeneck & King has provided pro bono legal services throughout its more than 120 years of existence. This work is central to Bond's commitment to the communities in which its attorneys and staff work and live. To solidify this commitment Bond has a newly established Pro Bono Policy which

will be administered by a Pro Bono Committee to oversee the efforts of their attorneys in all of its offices across New York State, as well as in Kansas City and Naples, Florida.

According to Kevin M. Bernstein, chair of Bond's Management Committee, "We have always believed in providing legal services to the underserved in our communities. In fact, we have seen a continual and growing need for pro bono work that our attorneys are responding to, and therefore the reason to establish a formalized policy and framework is to identify and manage this important work."

In forming the committee, Bond appointed **John H. Callahan**, a long-time member of the firm, former Chair of its Litigation Department and a current member of its Management Committee, as Pro Bono Leader of this committee. "As a litigator, John has a solid understanding of the court system and how many of our communities' poor fall through the cracks. We are empowering the committee to

identify those in need, including many of our charitable, religious, civic and educational institutions, and manage the pro bono efforts of the firm," says Bernstein. The Pro Bono committee will consist of a representative from each office who will assist the Pro Bono Leader in identifying meaningful opportunities in each of the communities in which the firm operates.

This new policy encourages attorneys to work up to 50 hours per year on pro bono matters—sometimes more than that for significant matters such as a trial—and receive credit for this work toward their annual billable hour goal. Such credit allows attorneys, especially younger ones, to take on pro bono matters while gaining valuable experience.

Bond, Schoeneck & King PLLC is a law firm with 250 lawyers serving individuals, companies and public sector entities in a broad range of practice areas. Bond has eight offices in New York State and offices in Naples, Florida and Kansas City. For more information, visit [bsk.com](http://bsk.com).



Onondaga County Bar Association  
Continued Legal Education

**NEW YORK STATE  
CIVIL PRACTICE LAWS AND RULES**

Thursday, June 6th, 2019  
1:00 - 4:00p.m.

SUNY Oswego Metro Center  
2 Clinton Street, Syracuse

# BARCLAY DAMON <sup>LLP</sup>

## FLEISCHER JOINS BARCLAY DAMON



Barclay Damon announces **Scott Fleischer**, counsel, has joined the firm.

Fleischer is a member of the Restructuring, Bankruptcy & Creditors' Rights and Commercial

Litigation Practice Areas, representing national real estate owners and managers in retail and restaurant bankruptcy cases. Prior to Barclay Damon, he was an attorney at Kelley Drye & Warren, LLP, where he represented creditors in bankruptcies such as Sears/Kmart, Payless ShoeSource, A&P, Toys "R" Us, Tops Friendly Markets, Ignite Restaurant Group (Joe's Crab Shack), Bon-Ton, Sports Authority, and Southeastern Grocers. Fleischer has extensive experience advising clients in complex Chapter 11 and Chapter 7 cases. He graduated cum laude from Hofstra University School of Law, where he was the Hofstra Law Review senior associate editor.

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.

THE ONONDAGA COUNTY BAR FOUNDATION  
CORDIALLY INVITES YOU TO JOIN IN CELEBRATING  
THE "CLASS OF 1969" AT THE ANNUAL

# Fifty

YEAR  
LUNCHEON

*Thursday, June 13<sup>th</sup>, 2019*

12:00 - 1:30 P.M.

PASCAL'S AT DRUMLINS

MORE INFORMATION TO FOLLOW

## PLANNING FOR LIFE AFTER 50 ANNUAL ELDER LAW FAIR

**Date:** Thursday, May 23, 2019

8:00 a.m. - 1:00 p.m.

**Location:** Onondaga

Breakfast offered before

Community College

sessions beginning at 9:00 a.m.

Free & Open to the Community!

Parking & Shuttle Transportation Available.

Free consultations with a lawyer onsite.

**Sessions of interest to older adults &  
caregivers including:**

Senior Scams, Estate Administration, Wills, Etc.

**Registration Info to Come**

Barclay Damon LLP, a nearly 300-attorney law firm, with 33 practice offerings and offices throughout New York State and the Northeast, is seeking Attorneys of the following positions:

## **Commercial Litigation Attorney (Syracuse)**

Seeking an Associate for its Syracuse office to join its Commercial Litigation Practice Group. The Associate should have 4 years of litigation experience, and prior experience in complex commercial litigation will be highly regarded.

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

## **Torts & Insurance Staff Attorney**

Seeking a full-time Staff Associate for its Rochester and Syracuse offices to join its Torts & Products Liability Defense Practice Area. The Staff Associate should have 1 year of torts defense experience. The demonstrated ability to independently manage matters up to trial, including court appearances, depositions, and motion practice, is highly desired.

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.

## **Corporate Attorney (Syracuse)**

Seeking a senior level associate or junior level partner for its Syracuse office in the Business Services Practice Group with demonstrated experience in corporate and transactional work.

The attorney will represent sophisticated firm clients in mergers and acquisitions, commercial, and other transactional work, including preparing and negotiating acquisition agreements, associated documents,

and due diligence in connection therewith. The attorney will also advise clients on general corporate and business law issues and compliance matters. Strong communication and negotiation skills are required.

The ideal candidate will have a minimum of eight years of relevant experience in general business and transactional work. The attorney will be involved in the development and maintenance of client relationships. A portable and growing book of business, although not a requirement, is highly desired.

## **ERISA Attorney (Syracuse, Albany, Buffalo, Rochester)**

The attorney will represent sophisticated firm clients in all areas of employee benefits law, including qualified and non-qualified retirement plan design and compliance, ESOPs, sponsor and fiduciary risk management, benefit plan documentation, executive compensation, health and welfare benefit plans, ERISA claims and dispute resolution, governmental investigations and audits, and Affordable Care Act compliance.

The ideal candidate will be able to practice independently at a partner level in the above areas and will be involved in the development and maintenance of client relationships. A portable and growing book of business is highly desired.

Qualified applicants should submit a cover letter, resume, writing sample, and law school transcript in confidence to:

### **Recruitment Coordinator**

**Barclay Damon LLP**

**Barclay Damon Tower**

**125 East Jefferson Street**

**Syracuse, NY 13202**

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

**BARCLAYDAMON.COM**



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# HIRING

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**Bond, Schoeneck & King PLLC** is a law firm with 250 lawyers serving individuals, companies and public sector entities in a broad range of practice areas. Bond has eight offices in New York State and offices in Naples, Florida and Kansas City. For more information, visit [bsk.com](http://bsk.com). We currently have opportunities for the following positions:

## **Labor & Employment Associate** **Buffalo, NY**

We are seeking an associate in our Buffalo, NY office for our firm's 80 attorney Labor and Employment Law practice. At least three years of labor relations or employment law experience preferred. Will also consider candidates with general litigation background.

## **Commercial Real Estate Associate** **Buffalo, NY**

The ideal candidate will have four or more years of experience and will focus on handling commercial acquisitions and sales, financing, lending, leasing and land use. Construction experience a plus.

## **Trust and Estate Attorney** **Buffalo, NY**

We are seeking an experienced attorney with a minimum of eight years in general trust and estate, gift and estate tax and elder law.

## **Commercial Real Estate Attorney** **Syracuse, NY**

The ideal candidate will have a minimum of five years of experience and will focus on handling commercial acquisitions and sales, financing, lending, leasing and land use.

## **Bankruptcy/Corporate Restructuring Associate** **Syracuse, NY**

We are seeking an experienced associate attorney for our state-wide Business Restructuring, Creditors' Rights and Bankruptcy practice. This is an excellent opportunity to work for sophisticated regional, national and international clients in a collaborative setting with the largest dedicated practice group of bankruptcy and restructuring attorneys in New York State outside of the New York metropolitan area. Three to four years of experience in financial restructuring and bankruptcy is preferred.

**Please send a cover letter, resume and law school transcript to [hrbsk@bsk.com](mailto:hrbsk@bsk.com).**

*Applicants must have excellent academic credentials, outstanding written and verbal communication skills and be in good standing with the New York State Bar. We are an EEO Employer.*

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## 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.  
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AUBURN COMMUNITY  
HOSPITAL

### Director of Contracts

Auburn Community Hospital is seeking an experienced legal professional to perform various legal functions including contract revision, and management, and frequent communication with outside counsel and vendors. Director shall be responsible for duties related to contract execution and implementation. Working with outside counsel on all physician contracts for implementation. Preparation of legal correspondence directed to stakeholders (including other counsel) and other recipients. Other legal duties as assigned. Excellent organizational and follow-up skills with ability to prioritize tasks. Ability to multitask efficiently. Knowledge of legal terminology and principles. Strong computer skills, as well as, verbal and communication skills. The desired candidate will have an Associate's Degree in Paralegal Studies or minimum of two year college degree and be a New York Bar-approved Certified Paralegal with 5 – 7 years of experience as a Paralegal. Prior healthcare experience preferred, especially in healthcare law.

Auburn Community Hospital has a competitive benefits package to include health insurance, paid benefit time, and a defined contribution plan. Interested candidates can email a resume to **Heather Amodei**, in Human Resources at [hamodei@auburnhospital.org](mailto:hamodei@auburnhospital.org). EOE M/F/H/V



## 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](mailto:cchantler@onbar.org).

### SEEKING LAST WILLS FOR RICHARD AND SALLY RAYMOND; LOOKING FOR CLIENT FILES OF DECEASED LAWYER

A local attorney is looking for wills and/or last testaments for Richard F. Raymond and Sally A. Raymond. These documents were drawn up in 1974 by attorney Philip C. Wood, who died in 1998. If you are holding files for Philip C. Wood, or know where they may be located, please contact Peggy Walker at the bar association at (315) 579-2582.

### REAL PROPERTY/ESTATE/PROBATE ASSOCIATE ATTORNEY SOUGHT

Busy Manlius law office seeks a full time and/ or part time associate attorney admitted to practice in New York State to assist with real property, and estate/ probate matters. Position is intended to offer opportunity for attorney to develop long term suburban practice. Compensation based upon experience. Resume and references required. [roleary@olearylawn.com](mailto:roleary@olearylawn.com)

### SEEKING WILL FOR RALPH F. PISCITELLI OF NORTH SYRACUSE

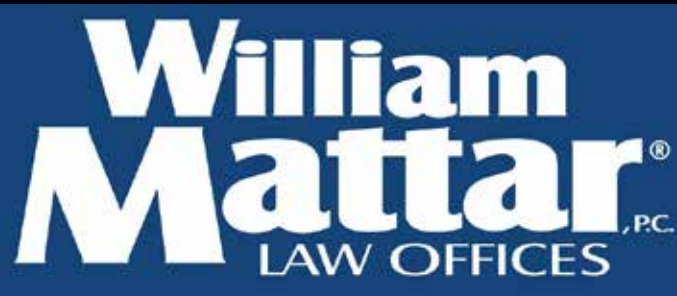
Ralph Piscitelli, 65, died on January 26, 2019. He was a resident of North Syracuse where he'd been a longtime employee and former union president of Syracuse China, retiring on disability after a workplace injury. His children cannot locate their father's will. Was he your client? Do you have any information? If so, please contact his daughter Christina Bentley at (315) 657-0819.

### PYRAMID MANAGEMENT GROUP SEEKS REAL ESTATE COUNSEL

As the largest privately held shopping center developer in the northeast Pyramid Management Group has a unique opportunity for a dynamic attorney to become part of our legal team. Must possess license to practice law in NY with 1-3 years' experience. Exposure to real estate and commercial law preferred. Submit resume to [employment@pyramidmg.com](mailto:employment@pyramidmg.com).

### OFFICE SPACE FOR RENT

Private office building, 1-3 offices available, 2 restrooms, kitchen, conference area, 2 secretarial stations, fully furnished, phones, fax, Wi-Fi, Spectrum Security, 2 parking lots, Close to Rts. 690, 81 & I-90, 3 blocks from Solvay & Geddes Justice Courts. Call 315-436-8403.



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# 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    |

**FREE Online Training Session VIA Skype for Business  
ONE HOUR E-FILING TRAINING  
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E-Filing Resource Center**

Learn how to E-File documents from your  
office or personal computer.

*These one hour sessions will be held:  
10:30am-11:30am*

**February 14<sup>th</sup>, 2019**

**March 21<sup>st</sup>, 2019**

**April 18<sup>th</sup>, 2019**

**May 16<sup>th</sup>, 2019**

**PRE-REGISTRATION REQUIRED**

**Please go to our website at  
[www.nycourts.gov/efile](http://www.nycourts.gov/efile)**

**and click on the “ Register for Training” link.**

**An email with an access link to the online session will be sent  
to your registered email address prior to the training date.**

**This is a general class that offers no CLE credit.**

**E-Filing Resource Center**



# ONONDAGA COUNTY BAR ASSOCIATION

431 East Fayette St. | Syracuse, NY 13202 | Phone: 315-471-2667 | Fax: 315-471-0705 | [www.onbar.org](http://www.onbar.org)

## Women: Work, Life, and the Law

### Luncheon and Roundtable Discussion



You are invited to this **FREE** Luncheon and Roundtable discussion to address common issues facing women in the legal profession.

- WHEN:** Noon to 1:15 p.m., Monday March 11, 2019  
**WHERE:** CNY Philanthropy Center, 2<sup>nd</sup> Floor Ballroom  
431 E. Fayette St., Syracuse  
**OTHER:** This event is FREE | Registration Requested

#### The Agenda:

- Overview of the support networks & services currently offered to CNY lawyers.
- Discussion led by a panel of local attorneys who bring diverse experiences and perspectives on the challenges of achieving work-life balance as women and attorneys
- Discussion of possible formats and topics for future sessions.
  - ♀ How can female attorneys distinguish themselves in a male-dominated profession?
  - ♀ What are the most important things working women can do at work and at home to create work-life balance?
  - ♀ What are the barriers to getting the help and support female attorneys need to manage stress at work and home?

*This opportunity is brought to you in partnership with the Onondaga County Bar Association, the Onondaga County Bar Foundation, and the Central New York Women's Bar Association.*

Register at [www.Onbar.org](http://www.Onbar.org) or by mail using form below

WOMEN: Work, Life, and The Law | Noon to 1:15pm, Monday, March 11<sup>th</sup> | Free event, reservation requested

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

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

Address \_\_\_\_\_





# OCBA CONTINUING LEGAL EDUCATION

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

## OnVLP's Eviction Defense Basics

### Laura Diane Rolnick, Esq.

Staff Attorney

Volunteer Lawyers Project of Onondaga County

### Deborah O'Shea

Pro Bono Coordinator, Eviction Defense Programs

Volunteer Lawyers Project of Onondaga County

This training prepares you for the meaningful work accomplished on behalf of area residents facing eviction from their homes. This is mandatory, and **FREE**, for those who plan to volunteer at OnVLP eviction clinics.



**PIZZA LUNCH INCLUDED!**

1.5 MCLE credits (1.0 Skills + 0.5 Ethics)

Thursday, March 14, 2019 Noon to 1:30 p.m.  
George H. Lowe Center for Justice, 1<sup>st</sup> Fl., 221 S. Warren St.  
431 E. Fayette St., Syracuse NY 13202

Register at Onbar.org or by mail using form below

11:45 am Registration  
Noon to 1:30 pm Program

OnVLP's Eviction Defense Basics | Thursday, March 14, 2019 | RSVP by Noon March 13<sup>th</sup>

FREE if you agree to be a clinic volunteer, otherwise: Member \$30 | Non-Member \$45

(make checks payable to Onondaga County Bar Association)

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

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

Address \_\_\_\_\_ Billing Zip \_\_\_\_\_

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