



ONONDAGA COUNTY BAR ASSOCIATION
BAR REPORTER

FEATURED ARTICLES

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MARCH 2019
Volume 64 Number 3



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:

Annual Meeting - April 4th

Onondaga County Courthouse

Meet & Greet Diversity Reception - April 10th

Bond, Schoeneck & King, Syracuse

Paralegals Luncheon - April 11th

CNY Philanthropy Center, Third Floor Conference Room

Law Day - May 1st

Syracuse University College of Law, Dineen Hall

CLE | Employment Law 101 - May 9th

CNY Philanthropy Center, Second Floor Ballroom

CLE | New York State Civil Practice Laws and Rules - June 6th

SUNY Oswego Metro Center, Syracuse

50-Year Luncheon - June 13th

Pascale's at Drumblins

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In Memoriam...

Marcus Stornelli

March 12th, 2019

William Everett Sugnet

March 17th, 2019

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

Letter from the PRESIDENT



Odd and Ends, with several notable upcoming events.

April is the month for our Annual Meeting, which will be held at noon on April 4, 2019. We will be conducting the annual election of officers and directors. You may vote by proxy, but you are welcome to attend the meeting whether voting in person or by proxy. A complimentary box lunch will be provided. Also on the agenda are the traditional Treasurer's and President's Reports, along with remarks from our incoming President, Aaron Ryder.



Lastly, mark your calendars for the 2019 Law Day Program to be held on May 1 at the SU College of Law. The program kicks off with a breakfast from 7:30 to 8:30 a.m., followed by a presentation of Awards from 8:30 to 9:30, including the Outstanding Service Award given to a member of the OCBA who has made exceptional contributions to the Bar, and the Liberty Bell Award given to a non-lawyer member of the community who has been actively involved with advancing the rule of law outside of his or her regular employment. A Keynote Address will be given by Roy A. Gutterman, Director of the Tully Center for Free Speech directed to this year's Law Day theme, "Free Speech, Free Press, Free Society." Attendees staying for the Keynote Address will be eligible for one hour of CLE at no charge. The Program will conclude by 10:30 a.m.

Join us!

President, John T. McCann

President

John T. McCann

President-Elect

Aaron J. Ryder

Vice President

Paula Mallory Engel

Treasurer

Scott A. Lickstein

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Syracuse Meet and Greet Diversity Reception

April 10, 2019 | 5:15 p.m. – 7:15 p.m.
Bond, Schoeneck & King PLLC,
110 West Fayette Street, Syracuse, NY 13202

Please invite a colleague, come join us for an evening of networking, and learn more about the New York State Bar Association (NYSBA) and Onondaga County Bar Association (OCBA).

Light refreshments will be served!

This is a **FREE program**, open to all attorneys, and **PRE-REGISTRATION IS REQUIRED**.

RSVP | Register online by Friday, April 5, 2019:
www.nysba.org/syra0410

Sponsored by: NYSBA's
Membership Committee:
Subcommittee on
Diversity and Inclusion,
Onondaga County Bar
Association and Bond,
Schoeneck & King PLLC.

 **BOND** SCHOENECK
& KING ATTORNEYS



You're Invited!



Paralegals Luncheon

THURSDAY | Noon-1:00p.m.
APRIL 11TH

CNY Philanthropy Center
2nd Floor Ballroom
431 East Fayette Street
Syracuse, NY 13202

Guest Speaker: Paula Mallory Engel
Chief Welfare Attorney,
Onondaga County Department of Law

Lunch Provided By:
OCBA Paralegals Section

RSVP: Jean Swanger, jswanger@barclaydamon.com

Diversity & Inclusion Interns

ROCK

By: Carrie Chantler

Syracuse was at first unfamiliar to law students William Wolfe and Omar Mosqueda.

The OCBA Diversity and Inclusion Committee together with The William Herbert Johnson Bar Association earlier this year recommended both 2Ls for the CNY Legal Diversity Internship Program.

The bar associations co-sponsor the program that seeks to increase diversity in the legal profession in Syracuse by attracting second- and third-year law students to work in paid positions with area law firms and legal employers for the spring semester.

These 10-week internships offer Wolfe and Mosqueda each 10 hours of work a week and a stipend of \$1,800. Plus free parking.

In 2018, the program's inaugural year, the Hancock Estabrook law firm welcomed Julian Harrison, the first Diversity Intern. This year, Mosqueda, accepted the internship at the 130-year-old law firm.

"Hancock Estabrook is proud to have been the first law firm to participate in this program, and we look forward

to its continued growth. We believe it is an important tool in promoting greater diversity in the legal profession and local bar association," said Robert Whitaker, chair of the firm's Labor & Employment Practice Group.

"This program offers a great opportunity for students to gain private law firm experience and build their resume, while also allowing firms like ours to more deeply self-reflect based on feedback from law students as to how we may improve diversity."

Joining Hancock this year is Bond, Schoeneck & King, another long-established Syracuse firm, where William Wolfe heads two afternoons a week, plus Fridays from 9 a.m. to 2 p.m.

"They do a good job making me feel welcome," Wolfe said.

He didn't expect it, but when he arrived at BSK Wolfe was introduced to nearly every attorney whose door was open, and he was shown his own "nice, neat office."

"I was shocked," he said.

Aware of his interest in litigation, the bulk of his assignments are from that department and consist of drafting memoranda, client letters, and researching applicable statutes and case law.

"We greatly appreciate the opportunity to participate in the internship program this semester. While Will is getting real life work experience, we also benefit. Over the years Bond has hosted diverse interns throughout our different offices and we will gladly continue to do so, not only because we benefit from new thoughts and perspectives during the semester of the internship, but also because some of our post-graduation hires have resulted from these types of programs," Bond management stated.

Wolfe hails from Chicago's west side, a notoriously rough area of a city known for its storied criminal past and present.

“My life has been a journey filled with countless obstacles to achieving this goal.”

-William Wolfe



“Growing up on the west side of Chicago, in one of the most poverty-stricken and crime-ridden neighborhoods in the city, I am not new to adversity,” Wolfe wrote in his internship application. “My life has been a journey filled with countless obstacles to achieving this goal.”

Drugs were an integral part of his community and family life, culminating in the death of his father just as Wolfe became a teenager. “My father’s death was an example of unfulfilled hopes and dreams of people of color in my neighborhood.”

As a young boy, before he understood what racial barriers were and what they would mean in his life, Wolfe savored TV time with his dad.

“My earliest memories of how the law could be used to right injustices came from times with my father watching *Matlock* and *Perry Mason*. There is no doubt in my mind these program formed my frame of reference for what a lawyer, who held a sense of social

awareness, ought to be,” he said.

The loss of his father to addiction reinforced “the desire to obtain and use my legal training and skills with a commitment to help those in need and to be a voice for the underrepresented and oppressed in today’s society,” his application read.

With less than five percent of legal practitioners being African American, Wolfe wrote, he strives to be an example to those from his neighborhood of where hard work and opportunity could take a person.

March Madness

Classmate Mosqueda experienced a unique March Madness moment.

A 2017 graduate of Baylor University, Mosqueda wasn’t sure who to root for on March 21st during the 2019 NCAA March Madness tourney: The Orange or the Bears.

Diplomacy won out when Mosqueda quipped, “It’s definitely going to be a

win for me either way.”

A double-major in philosophy and political science positioned this youngest of six siblings to head to law school. From an early age Mosqueda sensed a legal career was his calling.

An early courtroom experience at a time when he couldn’t fully understand what he was hearing mesmerized the son of immigrants. He remembers his father explaining the man commanding the room was an attorney “defending people who can’t defend themselves.”

“So in my eyes, he was Superman,” Mosqueda said.

“My parents have worked tremendously hard to provide me and my siblings with the education they were deprived of,” he said. “This degree and everything else I have, or ever will achieve, is for them.”

While the jury is out on which area of the law will ultimately capture his

“This degree and everything else I have, or ever will achieve, is for them.”

-Omar Mosqueda

interest and talent, Mosqueda is happy to learn how they often overlap. A foray into a Sports Law class proved the point.

“I was too focused on the context of sports law and trying to understand all the components of sports. After taking a step back, I was able to see how sports law is just a mixture of constitutional, property, and contracts all applied in the sports setting,” he said. “That was a really cool moment for me.”

At Hancock, Mosqueda has been researching different matters, most recently a personal jurisdiction matter concerning the new precedent set by *Daimler* in New York courts.

“I have not had the opportunity to use my Spanish yet, but there’s definitely still time,” he said.

Holding marginalized identities, Mosqueda wrote recently, presents a number of challenges for any individual. Being a Mexican-American, for example, means he’s seemingly always deciding whether to assimilate or integrate “in order to get by.”

“That is just one marginalized identity,

but as a gay, low-income first generation student I sit at the intersection of many marginalized identities that are underrepresented in the legal community,” he wrote. “Each of them presents mental, physical, emotional, and social barriers that have impacted my worldview.”

Halfway Point

With another year and a half left to go in law school, each student has filled their schedules with not only schoolwork and internships, but also campus leadership roles.

Mosqueda also interns with the Security Arbitration and Consumer Law Legal Clinic, was president of the Latin American Law Student Association, is a Student Bar Association class senator, an ambassador for the Office of Admission and Financial Aid, and a member of the Black Law Student Association.

Wolfe was recently elected president of the Black Law Student Association, after having served as its social chair.



He’s the 2L representative of the school’s Criminal Law Society, is a Barbri Bar Review student rep, and has won accolades for his involvement in Alternative Dispute Resolution & Trial Divisions of the Advocacy Honors Society.

Prof. Paula Johnson met Wolfe on the first day of classes and taught him in two courses where she’s observed his “standout” character.

“I always found that his response and questions on the issues we discussed were astute and moved our conversations to deeper levels,” she said. “His willingness to share his experience is courageous and provides important opportunities for greater understanding of the ways the law operates differently with different people.”



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!*

Bousquet Goes to Ithaca

Ln the works for years, but only just realized, the Bousquet Holstein law firm announces its newest office location in Ithaca.

A newly refurbished office at 121 E. Seneca Street, where Tompkins Trust management executives once donned green shades and pored over ledgers, is where a small team of Bousquet Holstein lawyers and paralegals will serve a client list that's been on the rise.

"The addition of this location is a natural progression that will afford us the opportunity to serve the community in the same manner that we have in our Syracuse and New York City offices," said David Holstein.

Providing legal services to a varied Ithaca and Finger Lakes clientele will be a legal team of eight attorneys, plus staff, consisting primarily of Trusts and Estates practitioners, but the new mid-state location allows close proximity to agriculture and viticulture operations. Commercial Real Estate, Public Finance, and Elder Law are other practice areas offered by the Ithaca team.

"We've really begun building a client base there and making this move made sense for us," said Director of Marketing & Public Relations Jan Quitzau.

Leading the team is Kim Rothman, new to Bousquet in 2019, formerly with Miller Mayer. An Ithaca resident for 14 years, Rothman brings with her two paralegals Peg Lovejoy and Akina McKay to fill out the Trusts & Estates practice.

"I am excited to be part of such a creative and collaborative team of estate planning attorneys, whose skills and experience include all areas of the estate planning field," Rothman said.

Joining Rothman, from time to time as business calls, will be Holstein, Emilee Lawson Hatch, Aaron Frishman, Joshua Werbeck, and Georgia Crinnin. Also litigator Cecelia Cannon plus Susan Katzoff and Jean Everett, who'll work on tax-exempt bonds as bond counsel and counsel to issuers, borrowers and bond purchasers.

Fortunately there is room to accommodate all, and it will feel familiar as elements of the Onondaga County office design was employed in the new office digs.

"While the exterior is very historic, the interior mimics our office in Syracuse," Quitzau said.

These attorneys will split time between Syracuse and Ithaca and furnish additional trust and estate planning in addition to wealth preservation, business succession planning, elder and disability planning, and estate and trust administration.

*Top photo pictured left to right: Peg Lovejoy, Kimberly Rothman and Akina McKay
Bottom photo pictured left to right: Back row, - Jean Everett, Susan Katzoff, Cecelia Cannon and Aaron Frishman. Front row - Joshua Werbeck, Kimberly Rothman and Emilee Lawson Hatch*



Spring Renewal

*by Anthony J. Gigliotti, Principal Counsel
Fifth Judicial District Attorney Grievance Committee
Appellate Division, Fourth Department*



On April 18, 2019, I will be retired from my current position of 23 years. My future legal work will most certainly include some expansion of my volunteer commitments. Initially, I look forward to joining

Victor Hershendorfer (315-913-4087) and Paula Mallory Engel (315-727-7901) in staffing the OCBA's Ethics Hotline. My post retirement contact number will be (315-727-6780).

I would also like to work with experienced and retired attorneys to develop an OCBA mentoring committee modeled after a successful initiative by the Oneida County Bar Association. Mentoring would be made available to newly admitted attorneys and others seeking to improve their law office operations to mitigate disciplinary sanctions. If you would like to help organize such a program call me by phone or contact OCBA Executive Director, Jeff Unaitis at (315-579-2581) or email [junaitis@onbar.org].

While seeking an address to park my desk, you can find me on a red clay tennis court, in a sand trap, or at my favorite espresso bar. Happy spring!

The Monthly Newsmakers

VOLUME 64 NUMBER 3

MARCH 2019

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COUNTY NEWS

SGED

SHULMAN GRUNDNER ETOLL & DANAHER, P.C.



HANCOCK

ESTABROOK, LLP

COUNSELORS AT LAW

SHULMAN GRUNDNER ETOLL & DANAHER JOIN HANCOCK ESTABROOK



Hancock Estabrook, LLP is pleased to announce that **C. Daniel Shulman, Charles H. Grundner, Stephen G. Etoll and Christian J. Danaher** are joining the Firm as partners effective May 1, 2019.

These highly experienced and well-respected real estate and transactional lawyers, who focus on all aspects of commercial real estate including land acquisitions and sales, construction loans and permanent financing, retail and office leasing, title insurance and various other matters related to real estate development, will add even greater depth to the service capabilities of the Hancock Estabrook real estate team.

"Hancock Estabrook has always enjoyed a stellar reputation in the Central New York legal community. I believe our Firm's expertise will complement their

diverse practices, and we look forward to their attorneys being able to assist our Firm's existing clients in any number of practice areas outside of our core expertise of real estate. In considering the move, the fit between the two Firms in this regard became obvious and we feel will be beneficial to both of us," said C. Daniel Shulman, Senior Partner of Shulman Grundner Etoll & Danaher, P.C.

"It's a great honor to welcome these premier real estate attorneys to our Firm. We have a lot in common with the Shulman team. We both focus on client-based solutions and client service as pillars of our practices and will benefit from the combined experience and talents of each firm," said Timothy P. Murphy, Managing Partner of Hancock Estabrook. "Uniting our people will prove valuable to both firms' clients, as we will now offer an expanded breadth

of legal solutions, especially in the area of commercial real estate. As one of Upstate New York's leaders in the practice of real estate law, we are thrilled to have these outstanding lawyers as partners in our growing Firm."

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.

(Pictured left to right C. Daniel Shulman, Charles H. Grundner, Stephen G. Etoll and Christian J. Danaher)

BLODGETT JOINS HANCOCK ESTABROOK



Hancock Estabrook, LLP is pleased to announce that **Zachary E. Blodgett** has joined the Firm as an associate attorney.

Mr. Blodgett will join the Firm's Corporate and Nonprofit Governance & Tax-Exempt Organizations Practice Areas. He focuses his practice on complex business formations, financing and transactional matters. His experience includes negotiating and managing government contracts, loan agreements, mortgages, commercial leases, business associate agreements, waivers and releases, medical agreements, contracts for goods and services and consultant agreements.

Previously, Mr. Blodgett was an associate at Cadwalader, Wickersham & Taft. He also acted as associate in-house counsel to The Salvation Army, Greater New York Division for six years, where he was responsible for negotiating

and drafting all of the company's agreements, managing \$50 million in annual government-funded contracts and helping to develop a system of compliance for the company's 60 program sites.

Most recently, Mr. Blodgett was in-house counsel for a New York City start-up company that leverages data and technology to help nonprofit clients increase their organizational impact. In that position, he provided legal and business advice to the senior management team, assisted the senior management team with business development, and was responsible for drafting legal documents, including confidentiality agreements, employment agreements, employment policies and client agreements.

Mr. Blodgett received his bachelor's degree from University of Pennsylvania in 2005 and his law degree from American University, Washington College of Law, magna cum laude, in 2008. He is admitted to practice law in New York State.

DELIA JOINS

HANCOCK ESTABROOK



Hancock Estabrook, LLP is pleased to announce that **Courtney L. DeLia** has joined the Firm's Trusts & Estates and Elder Law & Special Needs Practice Areas as an associate attorney.

Ms. DeLia regularly assists with estate and tax planning, probate avoidance strategies, advising fiduciaries on the administration and eventual settlement of trusts and estates, and drafting wills and revocable and irrevocable trusts. Recognizing their individual needs, Ms. DeLia helps guide clients through difficult conversations about end-of-life planning and how to best provide care for their loved ones.

Ms. DeLia is a graduate of SUNY Cortland and University of Connecticut School of Law, where she was a Notes and Comments Editor for The Connecticut Insurance Law Journal.

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



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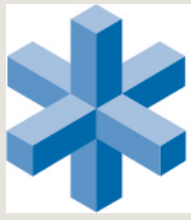
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James J. Kelleher



Bond Elects Eron and Galbato to Management Committee

Bond, Schoeneck & King is pleased to announce that **Thomas G. Eron** and **Suzanne O. Galbato**, both resident in Bond's Syracuse office, were elected to the firm's management committee.



Thomas G. Eron, a graduate of Cornell University (1982) and University of Chicago Law School (1987), is chair of the firm's labor and employment law department. He

exclusively represents private and public sector management in labor relations, collective bargaining, employment law and immigration matters. Eron supports his clients with employment law counseling, training, and litigation avoidance strategies in partnership with their human resource managers, executives and general counsel. He also works extensively with employers on labor agreement negotiations and contract grievance and arbitration proceedings. In addition, he is an Adjunct Professor of Labor Law at Syracuse University's College of Law.



Suzanne O. Galbato, a graduate of Harvard University (1995) and Syracuse University College of Law (1998), is a litigation attorney who handles litigation

throughout New York state courts and in federal courts across the country, including multidistrict and class action litigation. She counsels and represents a wide variety of clients, including individuals, manufacturers, media companies, pharmaceutical companies, insurance companies, financial institutions, municipalities, not-for-profit organizations, small business owners, school districts and universities. Galbato is also co-deputy chair of the firm's litigation department. In addition to her work at Bond, she is active in the Commercial & Federal Section and the Women in Law Section of the New York State Bar Association.

POOLER JOINS BS&K



Bond, Schoeneck & King is pleased to announce that **J. Richard (Rick) Pooler, Jr.** has joined the firm's Syracuse office in its environmental and energy practice.

Pooler is an experienced environmental attorney who combines his engineering and legal experience to develop creative, yet practical, solutions for his clients. He has a demonstrated history of successfully resolving complex legal and compliance problems in a common-sense manner while balancing legal, technical, business and political perspectives. He is skilled in environment, health and safety (EHS) laws and compliance; auditing and internal investigations; whistleblower complaints; transactions and due diligence; emergency response; crisis management and project management.

Prior to joining Bond, Pooler served as Chief Environmental, Health and Safety Counsel for many years at Bristol-Myers Squibb and also has several years of experience as an environmental consultant. He is a graduate of Rensselaer Polytechnic Institute (1977, B.S. in Environmental Engineering) and Syracuse University College of Law (J.D., 1980).

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.



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

BARRETT AND MILLER JOIN BARCLAY DAMON

Barclay Damon announces Kasey Barrett and Amanda Miller have joined the firm as associates. Barrett and Miller will work out of the Buffalo and Albany offices, respectively.



Barrett is a member of the Trusts & Estates Practice Area, where she helps prepare and execute wills, trusts, health care proxies, and powers of attorney. She also advises

on business-planning matters and handles estate-settlement and dispute-resolution matters. Prior to Barclay Damon, Barrett worked as an associate at Lewandowski and Associates. She graduated cum laude from the University at Buffalo School of Law.



Miller is a member of the Torts & Products Liability Defense and Professional Liability Practice Areas, primarily focusing on general liability and NY civil-procedure

issues. She also has experience in subcontractor liability and municipal-jurisdiction matters and represents clients at preliminary and compliance conferences. Prior to Barclay Damon, Miller worked as an associate at Kerley, Walsh, Matera & Cinquemani, PC. She graduated magna cum laude from the Touro College Jacob D. Fuchsberg Law Center.



Barclay Damon announces former summer associate **Ryan Altieri** has joined the firm as a law clerk. Altieri will work out of the Buffalo office.

Altieri is a member of the Torts & Products Liability Defense and Labor & Employment Practice Areas. He graduated magna cum laude from the University at Buffalo School of Law, where he received a CALL Award for Excellence in Trademarks and Unfair Competition. In addition to being a former Barclay Damon summer associate, Altieri also served as a law clerk at Mura & Storm, PLLC.

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. Barclay Damon is a leading regional law firm that operates from a strategic platform of offices located in the Northeastern U.S. and Toronto.



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. EOE M/F/H/V



**HISCOCK
LEGAL AID
SOCIETY**

HISCOCK LEGAL AID SOCIETY ANNOUNCES PROMOTIONS

Hiscock Legal Aid Society (HLA) continues to grow and evolve to meet the needs of the CNY community. The agency is proud to announce the promotions of the following HLA colleagues:

- **Gregory W. Dewan, Esq.** has been promoted to the position of Deputy Executive Director & Vice President. A graduate of Emory University School of Law, Mr. Dewan says the collaborative passion that his colleagues bring to work each day is the best part of his job.

- **Nicole Talev, Esq.** has been promoted to Managing Attorney of Civil and Family Court Programs. She is a graduate of SUNY Buffalo Law School and notes her favorite part of working at HLA is "being surrounded by others who share my passion and dedication for achieving the best outcome possible for our clients."

- **Tara L. Trammell, Esq.** a CNY native, has been promoted to Family Court Program Supervising Attorney. Prior to her promotion, Tara worked in a number of capacities including the Civil and Family Programs and Domestic Violence Projects.

- **Jason Torreano** has been promoted to Director of Development and Communications. Jason says that the best part of his job is sharing the positive stories of HLA with the wider community.

- **Danielle Blackaby, Esq.** to Senior Attorney for Family Court Appeals. Originally from Callicoon, New York, Danielle is an SU Law graduate. To Danielle, promoting justice for all means that: "An ability to pay for the necessary knowledge is not a prerequisite to someone's ability to successfully defend their family's structure, support, and stability."

- **Alexa Parcell, Esq.** is originally from Austin, Texas but Syracuse has been home since she graduated from Syracuse University College of Law. She's been
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promoted to Senior Attorney and notes that "being able to advocate for those in our community who otherwise would not be able to have representation" is her favorite part of working at HLA.

- **Amanda McHenry, Esq.** will continue as Supervising Attorney for the HLA Parent Defense practice that handles

Article 10, TPR and Child Support cases. Amanda will also serve as OVS Project Attorney representing victims of domestic violence who face neglect charges.

More information about Hiscock Legal Aid Society is available at www.hlalaw.org.

PLANNING FOR LIFE AFTER 50 **ANNUAL ELDER LAW FAIR**

Date: Thursday, May 23, 2019

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

Location: Onondaga
Community College

Breakfast offered before
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

SHAFER AND STAFF TO JOIN SCOLARO FETTER GRIZANTI & MCGOUGH, P.C.



Scolaro Fetter Grizanti & McGough, P.C. ("SFGM") is pleased to announce that R. Michael Shafer, Esq. of the former Riehlman, Shafer

& Shafer law firm based in Tully and Cortland along with his staff will be joining SFGM effective May 1, 2019. A Founding Partner, Mike has served as Managing Partner at Riehlman, Shafer & Shafer since 2001 and brings 36 years of legal experience in all general practice areas, including real estate, estate planning, estates and trusts, corporate with a concentration in agricultural law, and civil litigation. For more than a decade, he served as a Law Guardian in Cortland and Onondaga County

Family Courts and as a guardian ad litem in Cortland and Onondaga County Surrogate's Court. Mike previously served on the Board of Directors and Executive Committee of Cortland Regional Medical Center and is a former Cortland County Public Defender and past President of the Cortland County Bar Association.

Riehlman, Shafer & Shafer's main office at 397 Route 281 in Tully as well as its office at 39 Church Street in Cortland will combine with SFGM's existing locations in Syracuse, Rochester, and Le Roy, New York, and Stuart, Florida under the SFGM nameplate. The firms have similarly aligned practice areas and share a culture of dedication to our clients.

"There are considerable synergies between both firms that will allow

us to serve a wider breadth of clients with exceptional resources and responsiveness," said Jeff Fetter, SFGM's President. "We have worked for many years with clients throughout New York and other states, and we look forward to not only expanding our client base throughout Central New York and the Southern Tier, but to having the opportunity to collaborate with Mike with all of our clients and benefit from his many years of experience. It's a perfect fit for everyone!"

Shafer will divide his time between offices in Tully, Syracuse, and Cortland.



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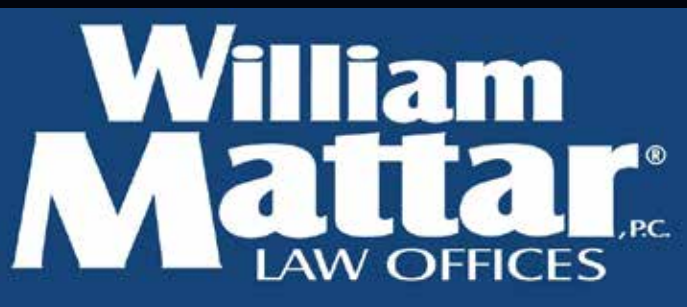
Ralph Piscitelli, 65, died on January 26, 2019. He was a resident of North Syracuse where he'd been a longtime employee and former union president of Syracuse China, retiring on disability after a workplace injury. His children cannot locate their father's will. Was he your client? Do you have any information?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

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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.

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

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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?

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For more information contact:

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Family Services Associates-- (315) 451-2161

Onondaga County Bar Association

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

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.

JOB ANNOUNCEMENT**Syracuse
Deputy Director**

The Center for Court Innovation is a non-profit organization that works to create a more effective and humane justice system by performing original research and helping launch reforms around the world. The Center creates operating projects that have been documented to reduce the use of jail and prison, assist victims of crime, and strengthen communities. Nationally and internationally, the Center performs original research and provides consulting services to justice innovators.

The Center for Court Innovation has operated an office in Syracuse, New York, since 2004. The Syracuse office assists in the development of new justice initiatives and provides technical assistance to existing problem-solving courts throughout Upstate New York. Current initiatives include the Near Westside Peacemaking Project, the Parent Support Program, and the Defendant Services Program, as well as the planning and implementation of projects that seek to improve how the court system handles defendants with mental health issues, veterans, juveniles, human trafficking victims, elder abuse victims, and infants in the family court system.

The Syracuse Office is seeking a Deputy Director for its growing portfolio of projects across Upstate New York. Reporting to the Director of the Syracuse office, the Deputy Director will work on a variety of state court initiatives, including supporting the expansion of opioid courts; developing new projects in the criminal, civil and family court systems; and overseeing the office's numerous existing initiatives. In addition, the Deputy Director will spend a portion of their time working with the Center's National Technical Assistance team, helping to provide training and technical assistance to jurisdictions across the country on a wide range of justice issues.

Responsibilities include but are not limited to:

- Process requests for training and technical assistance from courts and partner agencies throughout Upstate New York;
- Provide logistical support to community-based initiatives that impact court-involved individuals;
- Represent the Center for Court Innovation on local committees and task forces;
- Deliver training and technical assistance to courts and justice-system partners;
- Develop and deliver presentations at conferences and training events;
- Supervise Syracuse-based staff;
- Identify funding opportunities to support the Center's work in Upstate New York;
- Oversee day-to-day operations of the Syracuse office when the Director is away;
- Assist in the drafting and editing of grant proposals;
- Prepare, edit and submit grant reports;
- Work with members of the Center's National Technical Assistance team to deliver on-site and remote technical assistance to jurisdictions across the country.

Qualifications: The ideal candidate must have experience working in or with the justice system, with an emphasis on criminal justice, family law, or juvenile justice. A Juris Doctorate or graduate degree is strongly preferred; a bachelor's degree is required. Excellent written skills are a must. Specific experience developing and/or running new and innovative programs, supervising staff and interns, and working in a multi-disciplinary and creative setting are strongly preferred. The position will require travel within New York State and nationally. The candidate must be a skilled communicator able to maintain strong relationships with multiple agencies and organizations, extremely organized, and able to juggle multiple projects and deadlines at one time.

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The Center for Court Innovation is a project of the Fund for the City of New York.



**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

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
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10:30am-11:30am*

February 14th, 2019

March 21st, 2019

April 18th, 2019

May 16th, 2019

PRE-REGISTRATION REQUIRED

**Please go to our website at
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



OCBA CONTINUING LEGAL EDUCATION

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

Employment Law 101

James M. Williams

Managing Attorney
Legal Services of Central New York

Laura Diane Rolnick, Esq.

Staff Attorney
Volunteer Lawyers Project of Onondaga County

This training prepares you to volunteer for more than a dozen Talk-to-a-Lawyer clinics in our area accessed by low-income persons in need of legal counsel.



Topics Covered:

- Employment Law Issue Spotting
- Clinic Protocols

There'll be pizza!

1.0 MCLE credit (0.5 Skills + 0.5 Ethics)

Thursday, May 9, 2019 12:15 to 1:15 p.m.
CNY Philanthropy Center, Ballroom
431 E. Fayette St., Syracuse NY 13202

This CLE is required, and **FREE**, for those who commit to volunteer at these clinics. Can't volunteer? It's only \$20 for OCBA members and \$30 for non-members.

Register online at www.onbar.org or send in the form below.



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

Employment Law 101 | Thursday, May 9, 2019 | RSVP by Noon May 7th
FREE if you agree to be a clinic volunteer, otherwise: Member \$20 | Non-Member \$30
(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. _____

I am a lawyer who agrees to volunteer in a Talk-to-a-Lawyer Clinic; thus, I will take this CLE at no-cost.