



ONONDAGA COUNTY BAR ASSOCIATION **BAR REPORTER**

FEATURED ARTICLES

Honorable John J. Brunetti
Honored with Ruger Award **PAGES 6-8**

Meet Your 2019 Distinguished Lawyer:
Edward J. Moses **PAGES 10-11**

September 2019
Volume 64 Number 8



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:

CLE | Bridge the Gap - October 4th

CNY Philanthropy Center, 2nd Floor Ballroom

Paralegals Luncheon - October 10th

CNY Philanthropy Center, 3rd Floor Conference Room

CLE | OSHA 2019 Mid-Year Update: What Employers

Need to Know - October 11th

CNY Philanthropy Center, 3rd Floor Conference Room

The 144th Annual Dinner - October 23rd

Marriott Syracuse Downtown

CLE | Appellate Division, Fourth Department

Update - October 24th

Onondaga County Legislative Chambers
401 Montgomery Street, Room 407, Syracuse, NY

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



In Memoriam...

Richard J. Brickwedde

August 27th, 2019

G. William "Bill" Lemax

September 2nd, 2019

Letter from the PRESIDENT



October is a busy month. On the 23rd, the Bar Association will host the 144th Annual Dinner! This year the event returns to the elegant Persian Terrace at the Hotel Syracuse. With such an incredibly convenient location, the dinner will provide a fantastic opportunity for members of our legal community to come together to reminisce with longtime friends and forge new connections. The occasion will be marked by the honoring of two well-respected and well-deserving individuals. Edward J. Moses, Esq., is the recipient of the 2019 Distinguished Lawyer Award, and the Honorable John J. Brunetti is the 2019 Ruger Award recipient. In addition, the entire bench from the Fourth Appellate Department will be in attendance. With a cocktail hour beginning at 5:00 p.m., and dinner to follow at 6:00 p.m., it promises to be an incredible evening! Registration is open and tickets are available. Visit www.onbar.org for more information.



The very next day, on October 24th, we are fortunate to have the Justices of the Appellate Department presenting a CLE. It will take place from 1 p.m. to 4 p.m. in the Legislative Chambers, Fourth Floor, of the Onondaga County Courthouse. This program will provide 3.0 CLE credits (2.0 Ethics, 1.0 Skills).

With all of the activity taking place this month, I would be remiss if I failed to mention and acknowledge the retirement of our own Peggy Walker. For anyone who has had any interaction with the Bar Association over the better part of the past 20 or more years, Peggy has been the gentle, kind and knowledgeable face of the organization. It is an understatement to say that the success of the Bar Association is due, in large part, to Peggy. Her contributions and dedication to our legal community have allowed the Bar to flourish, and we are forever indebted to her. Congratulations Peggy, and best wishes to you and your family!

Lastly, I would like to take this opportunity to promote the ongoing mission of the OCBA to assist our collective legal community. As we all know, the demands of the profession are unavoidable and they can affect people in varying ways and to varying degrees. An article in the August 2019 NYSBA Journal (Vol. 91 / NO.6) cited the results of a 2016 survey that found "of 12,825 practicing lawyers and judges . . . 28% reported a problem with depression in the past 12 months of the date of the survey." D. Lukasik, Esq., One Lawyer Living and Working with Depression, citing to P.R. Krill, R. Johnson, & L. Albert, The prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys, 10 J. Addiction Med. 46 (2016).

Given the prevalence of these issues confronting our community, the OCBA supports and operates the Lawyers' Assistance Project of CNY. The Lawyers' Assistance Project is a service that provides lawyers in need with information, referrals and counseling sessions with a professional counselor. The service is absolutely confidential and can provide assistance to lawyers struggling with various issues, including alcohol, drugs, stress, anxiety and/or depression. It is available to members of the OCBA. Is it supported by every member of the OCBA. We support one another, because we are the Bar. You are the Bar.

Enjoy the month and I hope to see you all at the Annual Dinner!

Aaron J. Ryder, President



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Aaron J. Ryder

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SAVE THE DATE!

Onondaga County Bar Foundation's

19th Annual

Daniel F. Mathews, Jr. **MEMORIAL GOLF OUTING**

THURSDAY, AUGUST 27TH, 2020
Pompey Golf and Country Club

On a beautiful August 22nd afternoon at the inviting Pompey Golf and Country Club, 19 foursomes competed in the 18th Annual Daniel F. Mathews, Jr. Memorial Golf Outing. Thanks to the teams and a record number of event sponsors, more than \$10,000 was raised for the Onondaga County Bar Foundation and its Lawyers Assistance Program, offering counseling and other supportive services to members of our legal community in their times of need.

2020 SAVE THE DATE! Next year's Golf Outing will be held Thursday, August 27th back up at the Pompey Club. (Labor Day is September 7th in 2020.)

The team from Hancock Estabrook (John Clark, John McCann, Jay O'Shea and Ryan Poplawski) won the Skins competition with an eagle on the 2nd hole. Winners of the "closest to the pin" contest were Ed Brown (9'6") and Mary Reagan Daily (12'7"); and the longest drive winners were Eric Sherwood and Mary Reagan Daily.

Congratulations to the teams winning their divisions:
(Pictured, top to bottom)

Men's: Hon. Jim Murphy, Hon. Gerry Neri, Bob Smith and Jim Thrasher

Mixed: Phil Bousquet, J.P. Paraschos, Mike Tyszko and Maria Zumpano

Women's: Paula Mallory Engel, Margie Ierlan, Ami Longstreet and Mary Reagan Daily

Seniors: "Team Espresso" – Bill Dowling, Tony Gigliotti, Dick McVeen and Hon. Tony Paris

and, the **Championship Trophy**, going to the all-attorney team with the lowest score:

Tom Roerden, Ed Brown, Rob LaBerge and Jim Wright

Congratulations to the winners, and thank you to all our golfers!



THE ONONDAGA COUNTY BAR ASSOCIATION
CORDIALLY INVITES YOU TO

THE 144TH *Annual Dinner*

WEDNESDAY, OCTOBER 23RD

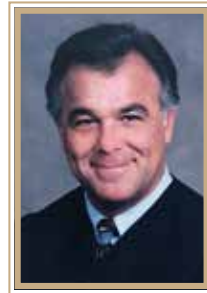
— *Marriott Syracuse Downtown* —

COCKTAIL HOUR: 5:00 P.M.



DINNER: 6:00 P.M.

Honoring:



2019 RUGER AWARD RECIPIENT

Honorable John J. Brunetti

2019 DISTINGUISHED LAWYER

Edward J. Moses

PLEASE RSVP BY WEDNESDAY, OCTOBER 16TH

Maggie James | 315.471.2667 | mjames@onbar.org

Credit card payments can be made online at:

www.onbar.org/events-programs/

Honorable John J. Brunetti

HONORED WITH RUGER AWARD

BY: CARRIE CHANTLER

When Judge John Brunetti learned of his Ruger Award recognition he rushed over to the Onondaga County Courthouse.

There, on the third-floor, he peered at the framed images of his fellow honorees. Seldom bestowed, the prestigious award has been given fewer than a dozen times since its establishment in 1975.

Brunetti looked from the faces of the first recipient, the Hon. Stewart F. Hancock, Jr., to the most recent, his former District Attorney's Office colleague the Hon. John V. Centra, and those in between -- two of whom have also presided over the Oneida Indian Nation Court as Brunetti now does in his "retirement" -- and thought to himself, "This is a very big deal."

He perhaps reflected upon the nearly 10,000 cases he either argued or presided over during his 48-year legal career as a prosecutor, litigator, and jurist and wondered how many nods he'd received. Dispensing justice is not easy. A common ground was met, Brunetti said, when at the conclusion of a proceeding he'd catch the eye of counsel, a party, or a family member thereof and receive a silent head nod.

"When they get up to go they'll sometimes give you a nod or 'the look,' I call it, and it's of approval that they were treated fairly," he said. "The key is to get it from both sides in the same case."

Brunetti is known for two things, his legal mind and his court demeanor.

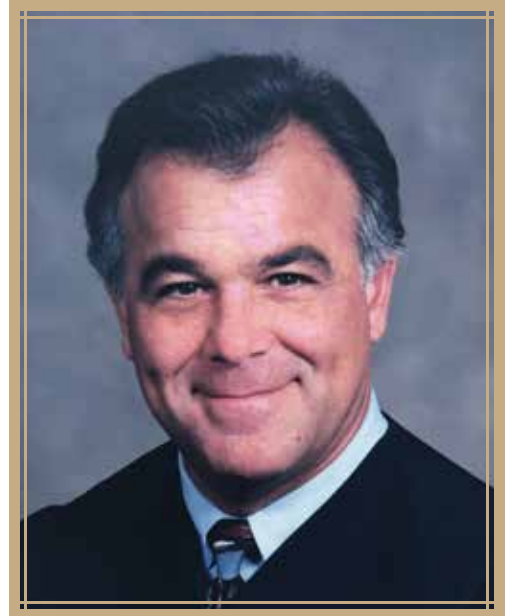
Former jurors, attorneys who've appeared before him, folks he's sentenced to incarceration all note his fair bearing on the bench.

Longtime friend and colleague Sen. John DeFrancisco characterizes Brunetti as being a "regular person."

"He doesn't lord over people because he has a robe on. He truly is compassionate with people and listens," DeFrancisco said.

A severely disabled defendant who pled guilty to running a drug-and-gun enterprise and was sentenced to years behind bars recently wrote Brunetti to thank him for not denying medical parole. Since her release she's been taking online courses and wished to report her strong GPA to the judge.

"Thank you for not giving me the 20 years the DA asked of you. Even though you gave me 12 years I learned my lesson after five years. It was the 12 years that you gave me that allowed me to apply for medical parole after seven. I would like to keep you posted on my progress with my schooling if that is OK with you. You are after all the reason I have been given a second chance to do this correctly."



At an early age, Brunetti lost his father to a heart attack. He and his brother were raised in northern New Jersey by their mother who kept them on the “straight and narrow” and watched over them “like a hawk.”

His father worked his way into a highly successful career in construction becoming president of the Northern New Jersey Builders Association before his untimely death.

“My father, who never attended high school, ingrained being a lawyer in me and upon his death, when I was 11, my mother continued to beat that drum,” Brunetti said.

A high school wrestler and football player, Brunetti carried his athleticism with him to college as a Franklin and Marshall College “Diplomat” in Lancaster, Pennsylvania where he was a running back, linebacker, kicker, and in his senior year, Most Valuable Player.

Then it was to New York Law School where he graduated cum laude in 1974. His studies coincided with an exciting formative legal career working as a clerk in Jacob Fuchsberg’s firm and then with the New York City Legal Aid Society, Manhattan Branch at the renowned Criminal Courts Building, 100 Centre Street.

“I would take the subway to work and then after work walk three blocks west to school, attend class until 10:30 p.m. and then take the subway home – four nights a week,” he said. “I did this for three years and three summers.”

His first set of assignments concerned helping lawyers in jail held in contempt of court. He next assisted in a preliminary injunction hearing in the case that closed the infamous Willowbrook State School, New York State Ass’n for Retarded Children, Inc. v. Rockefeller, 357 F. Supp. 752, 755 (E.D.N.Y. 1973).

Before the conclusion of law school, Brunetti appeared before two famous judges, the Hon. Harold Rothwax, aka “The Prince of Darkness” known for having the “shortest fuse, fastest gavel, and sharpest tongue,” and then Hon. Bruce McM. Wright or “Turn ‘em Loose Bruce,” renown for low-bail setting and his rebuke of racism in the criminal justice system.

“Judge Wright took me under his wing, and became a mentor,” he said. “I would later join Judge Rothwax as a colleague on the Court of Claims.”

A year later, in 1975, as a teaching fellow, Brunetti earned an LL.M., with a concentration in Criminal Law, from the Southern Methodist University School of Law.

He left Texas to teach at the Vermont Law School, but missed the action of litigation and returned to Dallas to work on a drug case that saw the likes of singers Willie Nelson and Ray Price being potential witnesses.


With his two law degrees, in 1977, Brunetti returned to New York with the love of his life, Rockette Pirro Brunetti.

It could be said Mrs. Brunetti first saw her husband in a lineup. She spied him one day as she noticed her Syracuse University sorority sisters ogling a fraternity composite photo from a Pennsylvania college: “Franklin and Marshall? It sounds like a department store,” recalled Mrs. Brunetti.

And one thing led to another. And love just simply happened. John Brunetti was a football player and Rockette’s dad was SU’s offensive line coach Rocco Pirro, so that helped. And she especially liked that her beau was an Italian whose persistent, corny letters and phone calls kept her heart curious and skipping beats.

“It was just a silly match up that really worked,” Mrs. Brunetti said of her 49+-year marriage. “Go figure.”

The judge never brought his work home with him, his wife said. They are content to sit on their deck, watch the boats mosey up and down the Seneca River and play with their beloved dogs.



Brunetti respects the divide between work and home. It's impressive as the cases he covered as a federal prosecutor (1987-88), then as the First Assistant District Attorney for Onondaga County (1988-89), and then on a return stint as Assistant U.S. Attorney (1989-93) included noteworthy intersections with prominent lawyers, drug kings, arsonists, and worse.

Brunetti was in his element. He took cases no one else wanted. Indian casino prosecutions, a bingo-hall fire prosecution with 66 witnesses, defending a Hells Angel's RICO case before the Hon. Howard G. Munson, and defending a trash-hauler criminal antitrust case before Judge Neal P. McCurn with Co-counsel Edward Z. Menkin and Jim McGraw.

If his perseverance on behalf of justice was ever doubted then the Marine Midland Bank homicide of 1974 would sway any skeptics. A verdict in the robbery-turned-homicide finally came in 1992. Brunetti prosecuted the case. Judge Munson wrote:

"After meticulous review of the record in this case, the court finds no misconduct on the part of the prosecutor. His zealous pursuit of the truth seventeen years after the Marine Midland Bank robbery took place is deserving of credit, not only for the careful reconstruction of events surrounding the crime but also for the attention paid to rules of evidence and procedure."

Brunetti met DeFrancisco in 1977 while sharing an office space; they would, in 1984, own Hanover Square's Gere Building. There they opened a law firm with their friend Menkin.

"I always said these were the three biggest egos in the legal profession and we never had an argument, and that is no exaggeration," DeFrancisco said.

DeFrancisco warmly remembers this time together, before his own senatorial career would take him to Albany. Brunetti, the son of a builder, would come to the office on Saturdays garbed in painters' overalls, toolbox in tow.

"I was very good at repairs," he boasted.

From 1977 to 2006, Brunetti was a Syracuse University College of Law adjunct professor at the same time he was a federal and state prosecutor, counsel to a state senator (1993-95), a litigator in private practice (1993-95), and then finally as a Judge of the Court of Claims of the State of New York assigned to the Criminal Division of the Supreme Court as an Acting Supreme Court Justice presiding over felony criminal matters (1995-2017).

Additionally, he maintained a very active schedule as a former director of the Onondaga County Bar Association, frequent Judicial Institute speaker, was an Office of Court Administration Committee Member (Evidence and Criminal Law Curriculum), and remains active with the St. Mary's Parish and the Diocesan Cemetery Board.

And, as if he alone had more hours in the day than the rest of us, Brunetti began writing in 1999 what is considered the treatise on the admissibility of defendant confessions and other procedural protocol – *New York Confessions*, now in its 18th edition.

"Judge Brunetti is an institution when it comes to his knowledge and expertise of criminal law and procedure. He's always been considered a scholar and we miss his insight from the bench," said Fifth Judicial District Administrative Judge James P. Murphy.

THE 144TH *Annual Dinner*

— As of October 3rd —



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MEET YOUR 2019 DISTINGUISHED LAWYER:

Edward J. Moses

BY: CARRIE CHANTLER

A legal career marked by a strong client services ethic, loyalty to one firm, and the bar-wide admiration of one's peers warrants the stand-out recognition of being selected as the Onondaga County Bar Association 2019 Distinguished Lawyer.

This accolade is given to Edward J. Moses, Esq., a 50-year partner at Mackenzie Hughes, LLP.

Revered for the way he conducts his law practice, Moses is known for the exemplary professionalism and respect he extends to his fellow colleagues including opposing counsel and how he treats his clients.

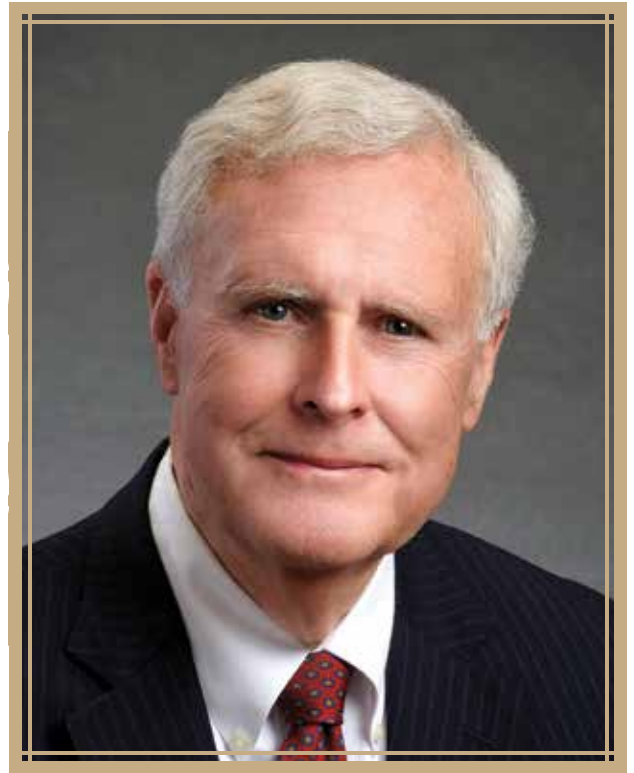
His practice concentrates on mergers, acquisitions, divestitures, securities, and corporate governance for clients within the banking, emerging business, engineering, medical, construction and auto dealership sectors.

His close friend and former partner Carter Strickland contends if he had to have a lawyer represent his business interests he'd choose Moses.

"First of all, his expertise. He is a great business lawyer, so that would be the first thing," he said. "Second, clients really love him because he's got such a joyful approach. There is always a pleasant atmosphere when Ed's involved."

Hired by Mackenzie immediately following his 1968 Syracuse University College of Law graduation, Moses accepted employment knowing he'd have to ship off when the U.S. Coast Guard called, which happened within two weeks of his first day on the job. He officially began at Mackenzie in 1969 upon his return from active duty.

Boot camp at Cape May, New Jersey was an equalizer. There, young men from every background came together in the heat of summer 1968 to begin training.



"What I saw was many boys who were troubled turned into men over a 10-week period," Moses said. "It was transformative."

Moses acknowledges the Coast Guard for allowing him to continue his education, and take the bar exam, "but when they called, you came, and I went ... I am a firm believer in military or volunteer service."

As soon as he returned to Syracuse and got back to work at Mackenzie, Moses married Elana "Lanie" Gang, who had received a bachelor's degree from Cornell University and a master's degree from Syracuse University and began her career in education.

And within a few years' time not one or two, but *five* sons entered the picture: Edward John, Jr., Mathew, Justin, Bret and Doug. Now, Lanie and Ed have 15 grandchildren.

When OCBA President Aaron Ryder called Moses to tell him of his Distinguished Lawyer recognition, Moses and his wife were celebrating with their clan of sons and their spouses on a family trip through Scotland.



A reserved soul, Moses kept the news to himself not wishing to break the spell of togetherness with a light shone on him. He said he “had no clue” such a commendation would come his way, figuring “it’s a mistake.”

That’s not how Richard Engel, on behalf of the entire Mackenzie Hughes partnership, felt about it in a letter to the OCBA Distinguished Lawyer Nominating Committee, chaired by OCBA Past-President Gioia Gensini.

Engel summarized Moses’s career by enumerating the “hundreds” of businesses his colleague helped start, grow, buy or sell. The firm, Engel said, was grateful to Moses for his steadfast commitment to his role on its Executive Committee and as Managing Partner, and for the many times he was recognized as a “Super Lawyer” and among the “Best Lawyers in America.” Engel especially noted Moses’ deserved distinction as the 2016 and 2018 “Syracuse Lawyer of the Year” in Corporate Law.

“He has been a mentor to me and many others at Mackenzie Hughes, particularly our young attorneys who Ed has continuously strived to show by example the long-term benefits of practicing law as a zealous, devoted, ethical and cordial advocate for clients,” Engel wrote.

The OCBA Distinguished Lawyer designation is earned by satisfying criteria combining ethics beyond reproach and exceptional lawyering skills with activities devoted to the betterment of the profession.

In Moses’ case, his generous contribution of time and energy to firm obligations, to three bar associations, and to his beloved alma maters (Christian Brothers Academy, Georgetown University, and Syracuse University) in multiple turns as a Board Trustee, Board Director, and Board Chair demonstrate his commitment to the foundational strength of where a sound education can take a person.

Moses is the recipient of the Christian Brothers Academy St. John the Baptist De La Salle Alumnus-Trustee-Benefactor Award, the Christian Brothers Academy Purple and Gold Award, the Marcellus Athletic Booster Club Hall of Fame Award and the Bishop’s Medallion awarded by Catholic Charities at its 2002 annual House of Providence Dinner.

And then there is his devotion to coaching and support of high school and collegiate athletics and the power these have to foster teamwork and mutual respect.

Moses was an active kid who grew up on the border between Syracuse’s Sedgewick and Eastwood neighborhoods. When not at football, baseball or basketball practice after school he worked at his father’s wholesale grocery business in Armory Square.

Ever a Hoya, Moses was a lineman for Georgetown all four years of college, while also playing two years of baseball and lacrosse, respectively. He played club lacrosse while in law school and after until the age of 36 when he noticed Mondays became “tough.”

“All of my fingers have been broken at one time or another. And my nose,” he chuckles.

“I wouldn’t trade it for anything.”

His sons marvel at their father’s commitment to family, both when they were young and now with bustling families of their own. He worked six days a week while never missing a family dinner or a single sporting event: “It didn’t matter how far away our games were, he would always make the journey,” they said.

“Dad would effectively balance work and life by showing up to the sidelines on a 90-degree day in what he called his ‘air-conditioned suit’ to support us. Then, he would return to the office and make sure he finished the work that he was committed to completing – never missing a deadline.”

They recall their dad coming home from work, whistling his way up the stairs to change out of his work “uniform,” don a green chamois shirt and penny loafers and bound back out the door to grill burgers for his family, their teammates and neighbors.

His children say their father instilled in them and epitomized the ‘work hard, play hard’ attitude.

Growing up, they thought he knew everyone on the planet. When they attended SU football games he seemed to know each person they came into contact with from parking at Oakwood Cemetery to tailgating at ESF to the Dome’s ticket taker, usher, and beer seller, “Dad knew them all like old friends – greeting them with a warm handshake, a question about how their kids were (always by name), or how their mom is holding up. He just has this amazing ability to know and remember people and treat them with respect.”



Thoughts

By: Judith La Manna Rivette



Calendar year. Fiscal year. But also, there is the work year. The standard of the calendar year, from January through December, interests our farmer's almanacs, our weather bureaus and the Internal Revenue Service (for most taxpayers). Fiscal year? For those of us in business, a fiscal year varies the twelve month cycle for tax purposes, set with the help of our CPAs (of interest also to the Internal Revenue Service); it's also a factor of Town, County, Village, School and other tax municipalities.

But work year. That is something else. September starts our real "work year." We don't even consciously think of it this way, but it is a reality.

We become committed to this work year cycle starting with our school days. We return to it now, even if we don't engage in "back to school" shopping for supplies and new clothes; even if we aren't putting children or grandchildren onto the school bus or scooting them out the door to not be late for the first day of classes. We cannot help but return to work year mode, to this delightful sense of anticipation of a fresh start of all things beginning each year in September.

It is, of course, proper to give due deference to the "ring in the New Year" of each January and to not ignore the emergence of Spring and its time of budding trees, daffodils pushing up from the warming earth and all that it portends.

But our work year? It runs from September through August, without question. This cycle of "restart" is reinforced for us in our practice. Think, for example, of the summer slow-down leading to that new start as the break by the Appellate Division from July through August. It's also reinforced in Central New York in ways fundamental to our daily living. Think of our vacation plans to partake of central New York summers. Think of the reminders we have.

First, there is the formal finishing-off of summer in the form of the days of the New York State Fair. The Fair has been the last social fling for students of all ages and their families to end the summer before settling down to the serious business of studies. In fact, in its history (as some recall), Fair admission tickets were given to students with their report cards. (This proved to be an unfortunate gratuity because in those days the Fair dates overlapped with the start of school and – to the chagrin of many – resulted in some degree of truancy. Dates changed. The Fair now ends and school starts.)

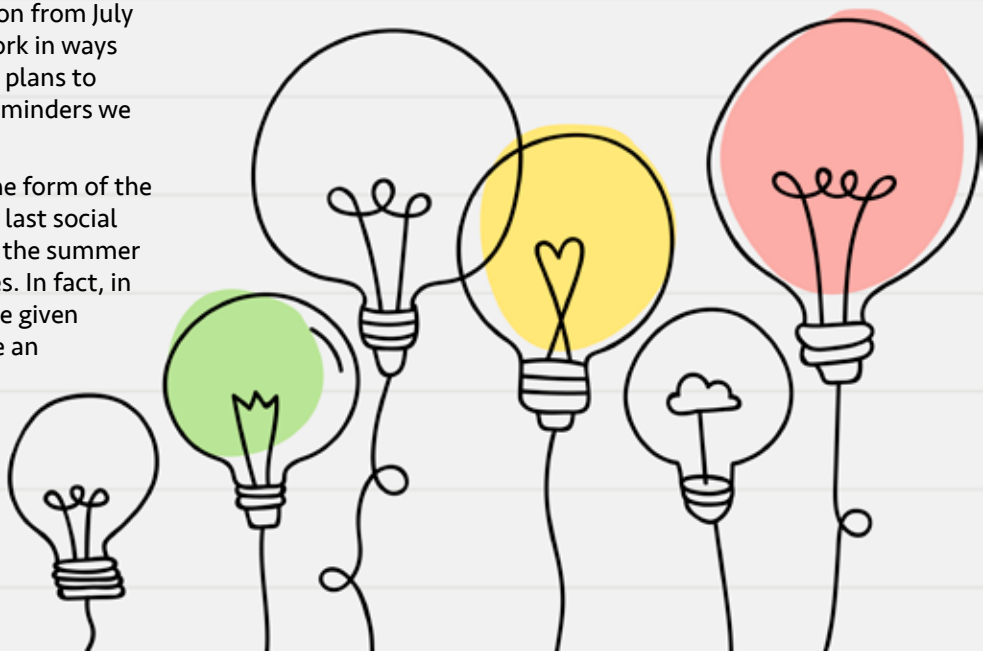
Second, in the greater Syracuse area we have proud, strong and direct reminders of the academic cycle arising from our plethora of academic institutions, especially those of certification and higher education. We live with or know countless persons employed in those institutions, their lives tied to academia and its start-up schedule. How can we forget the start of the year, with reminders of the sports cycle of Syracuse University and the eagerly awaited first football game?

Third, this work year is pushed along by the rapid stepping of the holidays: Columbus Day (Native American Day), Halloween, Election Day, Veteran's Day, Thanksgiving and – suddenly Christmas and the New Year holiday. (Let's ignore the increasingly poor weather and shortening days.)

Finally, even the seasonal "break" between Christmas and the New Year hearkens to our ties to the academic year, when the pressure of our days slow. Now, that is reflected in the fact that Courts go into lesser or no scheduling modes, calendars relax making appointments mostly less urgent. We pause, just the way we did in our school, college and law school days, to take a breath before knuckling down to the Spring semester and its work demands. Our reward? The start of summer. The cycle repeats.

September. Just in case you had not thought about it before.

Happy New Work Year.





**Mansukh J. Shah, former
Community Foundation board
member and professional advisor.**

After my wife passed away, I wanted to make charitable donations in her memory in a way that made the biggest impact in our community.

I chose the Community Foundation to administer the Indira & Mansukh J. Shah Fund. This structure makes my giving easy. I can write one check to the Community Foundation at the end of the year, and then they distribute money to the organizations of my choice throughout the year.

I advise my friends and community members to create a legacy through a fund at the Community Foundation to ensure their charitable work will continue when they are gone. This community is our home; whatever we can do to ensure a bright future for Central New York, we should do it!

Giving Advice: Mansukh Shah



Read more of Mansukh's story at
Shah.5forCNY.org.



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Avoiding the Pitfalls of Political Activities

by Anthony J. Gigliotti, Esq. | Former Principal Counsel | Fifth Judicial District
Attorney Grievance Committee

**This article is reprinted from the September 2015 Bar Reporter*

It's that season again, when a man's (or woman's) fancy turns to thoughts of career advancement, by election. Judges, prosecutors, and trial attorneys take note, there are ethical constraints to be aware of before engaging in this ancient sport. Ignoring these rules can come back to haunt a successful candidate. In 1987, for example, the Court of Appeals confirmed the Commission's sanction of removal from office of Town of East Greenbush Justice, Patrick T. Maney, for his political activities during his term in office as well as during his campaign for re-election. See: *In the Matter of Patrick T. Maney*, 70 N.Y.2d, 27 (1987)

Judges seeking election to another judicial office, or for re-election, are required to comply with the applicable provisions of Part 100 of the Rules of the Chief Administrator of the Courts. Rule of Professional

Conduct 8.2(b) requires lawyers who are seeking election to judicial office to comply with the same provisions of Part 100 as applicable to judges. All candidates for judicial office must comply with these constraints during a defined "window period" beginning nine months before a primary election or other nominating event and ending six months after the general election, or, after the conclusion of the failed nominating event.

Section 100.5 of the Chief Administrator's Rules specifies the "dos" and "don'ts" when running for judicial office. In general, judicial candidates may engage in political activities necessary to inform the voting public of their qualifications, without endorsing the candidacy of others and without knowingly making any false statement or misrepresentation of the identity, qualifications, current position or other fact concerning their own candidacy

or that of their opponent. Included in the "don'ts" is the prohibition to avoid making commitments that are inconsistent with the impartial performance of the adjudicative duties of the office, such as a promise to rule in a certain way on a case, controversy, or issue that is likely to come before the court.

To insure that judicial candidates are informed of the Chief Administrator's Rules, section 100.5(f), thereof, requires all candidates to complete an approved education program, in person or by remote media, at any time after publicly announcing the candidacy, but no later than 30 days after receiving the nomination for judicial office. Town and village justice candidates are excluded from the education requirement.

Section 100.5(B) requires a judge seeking election to a non-judicial office to resign from his or her position upon becoming a candidate either in a primary or in a general election. Judges' staff, who are personal appointees, are prohibited by subsection (C), from holding an elective office in a political organization, except as a delegate to a judicial nominating convention or a member of a county committee other than its executive committee. A judge's personal appointee must limit aggregate political campaign contributions to \$500 in a calendar year. Those judicial staff are also prohibited from personally soliciting funds in connection with a partisan political purpose, or personally selling tickets to, or promoting a fund-raising activity of a political candidate, political party, or



VOTE



VOTE

partisan political club. Section 50.5 (e) of the Rules of the Chief Judge applies similar limitations on partisan activities to all employees of the unified court system.

One of the most commonly referenced Rules of the Chief Administrator is 100.5((a)(2)(v)), which limits publicly announced candidates for the bench to the purchase of 2 tickets to politically sponsored events during the “window period.” The amount paid, not exceed \$250 each, must represent the proportionate cost of the dinner or function. If the proportionate cost is greater than \$250, the candidate may still purchase two tickets if the sponsor gives written verification of the actual additional cost. Recently, two Erie County village justices were admonished by the Commission on Judicial Conduct. Hamburg Village Court Justice Andrew Fleming purchased more than \$12,000 worth of tickets to politically sponsored events from 2006 to 2012 through his spouse and law firm outside of the “window period.” Elma Town Court Justice Joseph Sakowski made more than \$23,000 worth of prohibited political contributions both directly and through his law firm from 2003 to 2014.

Once elected, judges must remain diligent. The New York State Advisory Committee on Judicial Ethics offers a useful guide for post campaign conduct. For example, within two years after the election, the elected judge must disclose the nature and extent of a litigant’s attorney’s involvement in the judge’s campaign when that attorney appears

before the judge (Opinions 12-164; 09-245).¹⁵ If a party objects to the judge’s continued involvement in the matter, disqualification is left to the judge’s discretion (Opinions 12-164; 09-245).

Lawyers, including prosecutors, are prohibited by section 1.7(a) (2) of the Rules of Professional Conduct from the acceptance or continuation of legal representation when any one of a broad range of the lawyer’s own interests may adversely affect the interests of the lawyer’s clients. The Rule does not attempt to particularize any activities which may define those interests, but merely sets forth the test that a “reasonable lawyer would conclude” that such interests would adversely affect the client. In the case of prosecutors, the client is the People of the State of New York, whose interest is the fair and impartial prosecution of criminal defendants.

District Attorneys are permitted to engage in normal campaign activities to promote their own candidacies in re-election years. However, Assistant District Attorneys must avoid the appearance of political motivation in the performance of their duties at all times. The most obvious need for such impartiality occurs upon the regrettable need to prosecute political candidates and/or their supporters who engage in electioneering activities that are criminal. Ethical guidance for ADAs has been offered by the New York State Bar Association’s Committee on

Professional Ethics in numerous advisory opinions.

The NYSBA Committee deemed it improper for an assistant district attorney to “circulate nominating petitions, campaign at public events, write letters to the editor or speak with media in support of the District Attorney’s candidacy.” [NYSBA 675 (1995)] That opinion was reasserted after the Committee on Professional Ethics of the New York State Bar Association fully considered contrary views expressed by the District Attorneys Association. [NYSBA 683 (1996)] As early as 1971, the Committee advised against membership in a county committee of a political party. [NYSBA 217 (1971)] That opinion was affirmed and embellished in two opinions by the NYSBA in 1972. [NYSBA 241 & 264, (1972)]

Trial lawyers, too, should be alert to the foregoing restraints on candidates for judicial office. Section 3.5 of the Rules of Professional Conduct allows for contributions to the campaign fund of a candidate for judicial office, but only in conformity with Part 100 of the Rules of the Chief Administrator of the Courts.

Vote early and vote often, but not more than once a year.

Rosemary Bucci's 90th Birthday!



You're Invited!



Paralegals Luncheon

THURSDAY
OCTOBER 10TH | Noon-1:00p.m.



CNY Philanthropy Center
3rd Floor Conference Room
431 East Fayette Street
Syracuse, NY 13202



Abstract and Title Presentation
Guest Speakers: Gil Hoffman, Esq.
and Linda Lerch

Lunch Provided By:
Vanguard Research & Title Services, Inc.

RSVP: Jean Swanger, jswanger@barclaydamon.com



Recent Topics in Professional Ethics

Paula Mallory Engel, Esq.

Court Allows Alleged Confidential Information to support Attorney's Complaint

Recent decision from the Southern District of New York cracks open the door to terminated in-house counsel to use communications with client as part of an employment discrimination claim, clarifying that NY Professional Rules of Conduct, Rule 1.6., did not apply to bar the suit from going forward. The Court also highlighted the fact that there "is no fixed rule for dealing with violations of state ethics rules because courts are 'not bound by' those rules [citations omitted]." On a side note for employers who bear the uncomfortable task of getting the fired employee out the door, the Court dismissed plaintiff's claim based on intentional infliction of emotional distress, stating that her allegations didn't come close to meeting the required threshold, since allegations that she was "'forcibly and publicly escorted from the building' fall 'far short' of the tort's 'strict standard' for outrageous behavior." (Citations omitted.) [*Fischman v. Mitsubishi Chemical Holdings America, Inc. et al.*](#) (No. 1:2018cv08188 - Document 35 [S.D.N.Y. July 11, 2019])

When Can You talk to a Former Employee without Notice to Opposing Corporate Attorney?

In a decision from the Eastern District of New York, the Court evaluated whether Rule 4.2 bars Plaintiff's attorney from communicating ex parte with a former employee of the Defendant company in an employment discrimination case, without notice to the attorney for the corporate

Defendant. Defendant argued that the former employee's statements may be binding on or imputed to Defendant for purposes of liability and therefore, the former employee should be considered a "party." The Court found no reason to deviate from the bright line rule articulated by the N.Y. Court of Appeals in [*Neisig v. Team I*](#) (76 N.Y.2d 363 [1990]) that "party", in an organizational context, only applies to current corporate employees "whose acts or omissions in the matter under inquiry are binding on the corporation (in effect, the corporation's 'alter egos') or imputed to the corporation for purposes of its liability." (Citations omitted.). [*Lozama v. Samaritan Daytop Vill., Inc.*](#), No. 18CV4351DLIRML, 2019 WL 1002954, at *2 (E.D.N.Y. Mar. 1, 2019)

Withdrawal as Counsel Permitted and Mandated, Where Client ended relationship: even when the Former Client Regrets the Decision

In a bankruptcy case where the client had terminated his relationship with the law firm, but wanted the individual attorney to continue to represent him, the Court found that Rule 1.6(b) did support the mandatory withdrawal of counsel. The Court ruled that the "Debtor terminated the Firm's services and the Firm was required to seek to withdraw as Debtor's counsel. The Court cannot and will not compel the Firm to represent the Debtor [...] reasoning '[t]o hold that [counsel] must continue to represent [client] is to force-feed an unwilling law firm upon an unwanted client.'" (Citations omitted.)

[*In re Wiener*](#), No. 18-13042 (JLG), 2019 WL 2575012, at *4 (Bankr. S.D.N.Y. June 21, 2019)

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.

JUSTICE FOR ALL

OCTOBER 16, 2019 | 7:30 A.M.

Join us for a one hour breakfast on October 16, 2019. Attendees will take a virtual tour of our mission and vision where they'll hear from agency leadership and former clients about the work we do and why we do it. We'll also honor our 2019 Justice For All Award recipient:

Honorable Langston C. McKinney



online rsvp: whoozin.com/jfa

e-mail rsvp: jtorreano@hlalaw.org



LRS Receives Largest Fee of the Year

The Bar Association's Lawyer Referral Service continues to assist both its member panelists, and those in our community who are seeking to be matched with an attorney to guide them through their legal issues.

Last month, one of the LRS program's newer panelists delivered to OCBA the association's 10% fee for a referral made to him in 2018, accounting for the largest payment made this year. Rudolph Wm. Sohl, Esq., who has been an associate at Cerio Law Offices since his admittance to the Bar in 2017, paid OCBA more than \$10,000 for that case. Congratulations to Rudy for his successful settlement and for providing great lawyering on behalf of his client.

Pictured: Rudolph Wm. Sohl, Esq. with Lawyer Referral Service Manager, Maggie James.

We're Hiring!

BARCLAY DAMON LLP

Barclay Damon LLP, a leading regional law firm of approximately 300 attorneys that operates from a strategic platform of offices located in the Northeastern United States and Toronto, is seeking attorneys for the following positions.

Litigation Attorney (Albany)

Barclay Damon seeks a litigation attorney to support its health care controversies team. The candidate should have at least three years of litigation experience. Prior experience in complex commercial or health care-related litigation will be highly regarded.

IP Litigation Partner (Albany, Buffalo, New York, Rochester, Syracuse, or Other NYS Locations)

Barclay Damon seeks an IP litigation partner with seven or more years in trademark, copyright, and unfair competition litigation experience. Prior experience must include some or all of the following: drafting preliminary injunction or summary judgment briefs, taking and defending expert depositions, and appearances in court to argue substantive motions.

The successful candidate will have a practice mostly dedicated to serving clients in the areas of branding, trademarks, and copyrights. It is not required for the candidate to be admitted to practice before the US Patent and Trademark Office (PTO). A book of business is required.

ERISA Partner (Albany, Buffalo, Rochester, or Syracuse)

Barclay Damon seeks a partner to 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 in these areas and will be involved in the development and maintenance of client relationships. A portable and growing book of business is highly desired.

Torts & Insurance Associate (Syracuse)

Barclay Damon seeks an associate who is licensed to practice in New York State; has superior verbal, writing, and interpersonal skills; and has demonstrated abilities to work directly with clients and develop and execute service strategies. The ideal candidate will have experience in New York State and federal courts handling the defense of products liability, personal injury, and professional malpractice actions.

How to Apply

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

Or submit by email to jobs@barclaydamon.com.
Barclay Damon is an equal opportunity employer.

EEO M/F/V/H

THE PRACTICE PAGE:

SIGNIFICANT COURT OF APPEALS OPINION ON YELLOWSTONE INJUNCTIONS

Hon. Mark C. Dillon *

The Court of Appeals has weighed in on a vexing question that has been unanswered until now: Is a provision in a commercial lease, where the tenant waives the right to seek declaratory judgment remedies in the event of lease disputes, void as against public policy? The question was posed in an Outside Counsel article in the *New York Law Journal* as early as April 2014 (Jeffrey Turkel and Joshua Kopelowitz, "Are Yellowstone Waivers Enforceable?" *NYLJ*, Apr. 10, 2014, at 4, col. 1), but was not addressed by the Court of Appeals until its recent opinion in *159 MP Corp. v Redbridge Bedford, LLC*, 33 NY3d 353 (2019).

159 MP involved a 20-year lease for a supermarket in Brooklyn. The lease was negotiated at arms length by sophisticated commercial parties represented by counsel. It consisted of 39 standard paragraphs, 9 paragraphs of "rules and regulations," a 36-paragraph rider, and several handwritten and initialed changes and deletions. In Paragraph 67(H) of the rider, the tenant waived the right to commence declaratory judgment actions in favor of instead defending contractual disputes solely via RPAPL summary eviction proceedings. Since Civil Courts handling summary proceedings cannot issue Yellowstone injunctions, Yellowstone relief, which is a creature of declaratory judgment actions, was necessarily waived as well. The lease did not prevent the tenant from commencing actions as a plaintiff against the landlord for breach of contract at law.

Four years into the lease, the landlord served upon the tenant a 10-day notice to cure certain alleged contractual breaches. In response, the tenant commenced a declaratory judgment action in the Supreme Court, Kings County, notwithstanding the waiver of that remedy under the terms of the lease, and moved for a Yellowstone injunction against its eviction pending a resolution of the case. The defendant established the elements required for a Yellowstone injunction, that no eviction proceeding had yet been commenced and that the tenant was willing and able to cure any breach of the commercial lease. The landlord cross-moved for summary judgment on the ground that in Paragraph 67(H) of the lease rider the tenant had waived declaratory and Yellowstone relief. The Supreme Court granted the landlord's cross-motion, which was affirmed in a 3-1 opinion of the Appellate Division, Second Department (2015 WL 13701792, *aff'd.*, 160 AD3d 176 [2018]). The opinion

of the Appellate Division specifically held that declaratory judgment and Yellowstone waivers were enforceable and not void as against public policy, setting up further review of the issue by the Court of Appeals.

The 4-3 opinion by the Court of Appeals was carefully and exhaustively written by the majority and dissenters of the court. The majority opinion of Chief Judge DiFiore, joined by Judges Stein, Garcia, and Feinman, noted the constitutional and public policy freedom of contract and the state legislature's role in statutorily declaring certain benefits and obligations as non-waivable. The majority held that the waiver of declaratory remedies was clear and unambiguous, agreed upon by sophisticated parties with counsel, and reflected a considered intent of the parties that breach claims against the tenant be resolved in the quick and inexpensive forum of the summary proceeding under RPAPL Article 7 (*159 MP Corp. v Redbridge Bedford, LLC*, 33 NY3d at 363-64). No statute prohibits the waiver, and the court's enforcement of it was held to foster the certainty and stability needed for contractual relations in a leading commerce center such as New York State (*Id.*, at 363). The dissent, authored by Judge Wilson and joined by Judges Rivera and Fahey, expressed concern that the enforcement of declaratory judgment and Yellowstone waivers will have the effect of creating commercial instability, eviscerating the Yellowstone protections that the courts have decisionally carved into our case law starting with *First Nat'l. Store v Yellowstone Shopping Ctr.* (21 NY2d 630) in 1968.

The lesson to be gleaned by attorneys from the *159 MP* opinion is that going forward, the parties to commercial leases – and particularly tenants' counsel – must be alert to, and actively negotiate, any proposed lease provisions that waive declaratory and Yellowstone remedies, to best protect the interests of the clients. It must be accomplished at the bargaining table, otherwise the parties will be bound by their bargains.

*** Mark C. Dillon is a Justice of the Appellate Division, Second Department, and an Adjunct Professor of New York Practice at Fordham Law School.**

The Monthly Newsmakers

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COUNTY NEWS

BARCLAY DAMON LLP

Barclay Damon Expands, Adding 20 Former LeClairRyan Attorneys in New York, Boston, and New Haven, CT

Barclay Damon announces 20 former LeClairRyan attorneys have joined the firm, effective August 30. The team includes three attorneys in New York City, five attorneys in Boston, and 12 attorneys in New Haven, Connecticut, which adds a new primary office location to the firm's Northeast platform.

The additions strengthen areas of strategic growth for the firm, including bankruptcy, labor and employment, higher education, finance, real estate, and litigation, several of which have national reach.

Three attorneys joined as equity partners and the balance as contract partners or associates. Janice Grubin, a leading bankruptcy attorney in New York, joined the firm as co-chair, along with Jeff Dove, of Barclay Damon's Restructuring, Bankruptcy & Creditors' Rights Practice Area. One paralegal and select staff have also made the transition.



John Langan, Barclay Damon's managing partner, said, "We are pleased to welcome this talented group of attorneys and to offer the deep experience they bring to existing

Barclay Damon clients." Langan continued, "We also look forward to introducing Barclay Damon's core strength areas, including energy, intellectual property, mergers and acquisitions, tax, and health care, to new clients coming with the LeClairRyan team."

Adding attorneys in Boston and New York advances a key Barclay Damon strategy of growing the firm's major-market offices, which also include Washington DC and Toronto. The new Connecticut office is optimally located between New York and Boston and will strengthen the firm's ability to support client needs throughout the Northeast.



"Strategic additions like this allow us to add strong talent to our service offerings and provide integrated legal services to our clients," **Connie Cahill**, deputy managing partner, said. "We are always interested in meeting with talented attorneys, groups, and firms looking to expand their breadth of services and who will embrace Barclay Damon's commitment to collaboration, innovation, and diversity and inclusion."

For two decades, Barclay Damon has been successfully pursuing a disciplined expansion strategy throughout its platform. In addition to the former LeClairRyan group, the firm's recent growth includes the addition of seven wealth management planning and elder law attorneys from Lacy Katzen LLP in 2018 and combinations with the 15-attorney bankruptcy firm Menter, Rudin & Trivelpiece, PC in 2018 and the 12-attorney energy-environmental firm Gilberti, Stinziano, Heintz & Smith, PC in 2017. A large-group combination with Damon Morey LLP in 2015 resulted in the firm's name change from Hiscock & Barclay, LLP to Barclay Damon LLP. Over the last two decades, the firm's lateral-recruitment program, which focuses on successfully identifying, onboarding, and integrating new talent, has increased the firm from 50 to nearly 300 attorneys.

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.

2019 Upstate New York Super Lawyers and Rising Stars Lists 70 Barclay Damon Attorneys

Barclay Damon had 53 attorneys selected to the 2019 Upstate New York Super Lawyers list and another 17 selected to the Rising Stars list. Peter Marlette, partner, is also featured on the Top 50 Upstate New York Lawyers list.

Each year, no more than 5 percent of lawyers in New York are selected by the research team at Super Lawyers to receive the designation. Additionally, no more than 2.5 percent of the lawyers in the state are selected to receive the Rising Stars honor.

"The attorneys recognized by Super Lawyers are all unquestionably deserving of the accolade," John Langan, the firm's managing partner, said. "Their passion, skills, and commitment to client success are essential to the firm's continued growth. We are proud to see

them recognized for their outstanding work." Below are the listed attorneys from the Syracuse office.

2019 Upstate New York Super Lawyers – Syracuse office:

- **Robert Barrer:** Professional Liability: Defense
- **Rick Capozza:** Environmental
- **Eric Charlton:** Creditor Debtor Rights
- **John Cook:** IP Litigation
- **Marcy Robinson Dembs:** Estate & Probate
- **Jon Devendorf:** Business Litigation
- **Jeff Dove:** Bankruptcy: Business
- **Tom Fucillo:** Environmental
- **Chris Harrigan:** Employment & Labor
- **Mitch Katz:** Business Litigation
- **Matt Larkin:** Professional Liability: Defense

- **Buster Melvin:** Employment & Labor
- **Kevin Newman:** Bankruptcy: Business
- **Gabe Nugent:** Criminal Defense: White Collar
- **Mike Oropallo:** IP Litigation
- **Mike Sciotti:** Employment Litigation: Defense

2019 Upstate New York Rising Stars – Syracuse office:

- **Michael Balestra:** Construction Litigation
- **Teresa Bennett:** Business Litigation
- **Julie Cahill:** PI – Products: Defense
- **Liz Cominoli:** IP
- **Ross Greenky:** Employment Litigation: Defense
- **Rob Thorpe:** Employment & Labor
- **Angela Winfield:** Business Litigation

FIFTY-FOUR BARCLAY DAMON ATTORNEYS AMONG 2020'S BEST LAWYERS IN AMERICA

Barclay Damon will have 54 attorneys included in the 2020 edition of The Best Lawyers in America® in a total of 28 different practice categories. Best Lawyers lists are compiled based on an exhaustive peer-review evaluation.

In addition to their inclusion on the list, three attorneys are also recognized as "Lawyer of the Year": **Jim Canfield** (Syracuse – Corporate Law), **Tom Fucillo** (Syracuse – Litigation – Environmental), and **Jim Gormley** (Buffalo – Health Care Law). There are also four attorneys mentioned for the first time, all of whom are based in the firm's Syracuse office: **Eric Charlton** (Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law), **John Cook** (Commercial Litigation), **Mike Oropallo** (Copyright Law), and **Matthew Larkin** (Mass Tort Litigation/Class Actions – Defendants).

"We are proud of these industry leaders who play an integral role in our firm's success," John Langan, Barclay Damon's managing partner, said. "The Best Lawyers recognition is gratifying for the listed attorneys, acknowledging the legal talents they bring in serving our valued clients. We congratulate everyone listed and look forward to seeing what they accomplish in the future." Below are the listed attorneys from the Syracuse office.

2020 Best Lawyers – Syracuse office:

- **Jim Canfield:** Corporate Law
- **Eric Charlton:** Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law
- **John Cook:** Commercial Litigation
- **Jon Devendorf:** Commercial Litigation
- **Jeff Dove:** Bankruptcy and Creditor Debtor Rights/Insolvency and

Reorganization Law

- **Dan French:** Criminal Defense: White-Collar
- **Tom Fucillo:** Litigation – Environmental
- **Mitch Katz:** Bet-the-Company Litigation; Commercial Litigation; Litigation – Banking and Finance; Litigation – Real Estate
- **Matthew Larkin:** Mass Tort Litigation/Class Actions – Defendants
- **Andrew Leja:** Environmental Law
- **Kevin McAuliffe:** Project Finance Law
- **Doug Nash:** Commercial Litigation
- **Mike Oropallo:** Copyright Law
- **Michael Sciotti:** Employment Law – Management; Labor Law – Management; Litigation – Labor and Employment
- **John Sindoni:** Real Estate Law
- **Gerry Stack:** Tax Law

Cayuga Nation Files Lawsuit Against Showtime Network and Billions Series Writers, Producers

The Cayuga Nation, a federally recognized Native American nation with a reservation in Upstate New York, has filed a lawsuit against the Showtime television network and the writers and producers of its popular television series *Billions*.

Filed in NY County Supreme Court, the lawsuit alleges that an episode of *Billions* that first aired on May 5, 2019 defamed the Cayuga Nation and federal representative Clint Halftown by using their names and by a "deliberate and intentional resort to an offensive stereotype of Native Americans as irresponsible, corruptible, and even criminal, thereby exposing the Cayuga Nation and Mr. Halftown to public contempt, aversion, and disgrace."

The complaint alleges the *Billions* episode used both Halftown's last name and title as a "council member" and also referred to the Cayuga Nation by name. The episode portrayed the Halftown character as engaging in a conversation with *Billions* principal characters Chuck Rhoades and his father, Chuck Rhoades,

Sr., during which an illegal casino land deal was discussed and a public official was bribed.

"In an age where diversity has been championed and ethnic stereotypes recognized as blatantly offensive, the way this television show depicted our nation as well as myself was not merely callous and insensitive, it was insulting and defamatory," Clint Halftown, Cayuga Nation federal representative, said. "At no time did the creators or writers of the show reach out to our nation or me to seek permission to use our names, nor did they even take the time to research our nation, its rich history, and its reputation."

In support of the Cayuga Nation, the United South and Eastern Tribes, Inc. Sovereignty Protection Fund (USET SPF) released the following statement: "The persistent misrepresentation, stereotyping, and falsehoods about Native Americans, often depicted and reinforced by various media platforms, are directly attributable to America's public opinion and attitude toward us.

Too often, the story depicted by the media creates a negative narrative that reinforces myth, lacks completeness, and is often disrespectful. This sort of narrative further perpetuates societal ignorance and lends itself to even greater misunderstanding and unawareness about America's first people. Our story and our relationship with America is long and complicated and deserves greater recognition and respect. The media must do a better job in recognizing that it plays a significant role in shaping public opinions and attitudes about us. Instead of reinforcing ignorance, the opportunity for the media to lead with truth and accuracy about America's first people is now and long overdue."

Sued in the case are Showtime Networks, Inc. and Brian Koppelman, Andrew Ross Sorkin, and David Levien, who are the creators, producers, and writers of the series. The lawsuit seeks an unspecified amount of damages.

Barclay Damon LLP's Lee Alcott and David Burch, both partners, are representing the Cayuga Nation.

Sharon Brown Honored as Law360 Influential Woman in Tax Law



Barclay Damon announces **Sharon Brown**, partner, was named to Law360's inaugural Influential Women in Tax Law list. The new series honored 14 women attorneys who "have provided

outstanding service to their clients and the public, changing the dynamics at their workplaces while they did so and who have made names for themselves as litigators, policymakers, and deal makers."

A member of Barclay Damon's Public Finance and Tax Practice Areas and tax credits team, some of Brown's notable accomplishments include serving as tax

counsel for loan financing regarding the development of a \$12.9 million 50-unit senior apartment complex in Cicero, New York; providing tax counsel to the Dormitory Authority of the State of New York regarding its \$26.9 million InterAgency Council Pooled Loan Program Revenue Bonds; and providing tax counsel to the NYS Housing Finance Agency regarding its \$127.975 million Affordable Housing Revenue Bonds.

"As a public finance attorney, what I'm most proud of is seeing the tangible results of my work," Brown said in her Law360 profile. "You can see the affordable housing developments, hospitals, schools, and infrastructure that's built with tax-exempt bonds."

In addition to her role as an attorney, Brown serves as an adjunct professor at Monroe College in New York.

"It's not only given me a platform from which I can express my genuine enthusiasm for the field of tax, but it's given me the opportunity to mentor the next generation of women and minorities in tax," she said. "I've always felt that if you never see someone who looks like you in the position of tax counsel, then you may never envision yourself as tax counsel."

"Sharon is not only an incredible attorney, but an incredible teacher, colleague, volunteer, and friend," Connie Cahill, deputy managing partner and Public Finance Practice Area chair, said. "This honor is well deserved, as she is truly an industry leader and a great role model for young girls and professional women--especially women of color. Sharon is an exemplary firm citizen, and we are thrilled to have her on our team."

Three Associates, Three Law Clerks Join Barclay Damon

Barclay Damon announces **Shali Natesan, Meghan Reap, and Jessica Tariq** have joined the firm as associates, and **Janae Cummings, Samantha Podlas, and Angela Sicker** have joined as law clerks. Natesan and Sicker are based in the Albany office, Reap and Cummings are based in the Syracuse office, Tariq is based in the Rochester office, and Podlas is based in the Buffalo office.

Natesan is a member of the Financial Institutions & Lending, Public Finance, and Real Estate Practice Areas. She primarily focuses on matters involving bonds and has previous experience representing lenders in the 504 loan program.

Reap is a member of the Trusts & Estates Practice Area. She prepares estate planning documents, officiates the signing of estate- and asset-protection

documents, and completes Medicaid applications from the initial application through the final decision.

Tariq is a member of the Torts & Products Liability Defense, Professional Liability, and Insurance Coverage & Regulation Practice Areas. She handles tort defense and insurance coverage disputes in courts across New York State, defending individuals and businesses from the pre-suit stage through trial preparation.

Cummings is a member of the Commercial Litigation and Labor & Employment Practice Areas. She primarily assists with employment-related matters, including hiring, discipline, termination, and leave.

Podlas is a member of the Financial Institutions & Lending Practice Area. She primarily assists with matters involving financial transactions, including secured

financing for lenders and borrowers and regulatory and operational issues for money-services businesses

Sicker is a member of the Regulatory and Environmental Practice Areas as well as the energy and renewable energy teams. She assists generators and transmission providers in connection with the siting of new facilities under Articles 7 and 10 of the Public Service Law and provides rate-case support for utility clients.

Office Space for a Lawyer

2nd Floor one room office. Comes with use of the first floor conference room and facilities. Also, included is phone line and internet. Must have own computer equipment. Family Court attorney preferred. Also, moderate use of copier and other equipment. \$500/month.

(315-698-9630) | cardinalelawfirm@yahoo.com

Syracuse University BARCLAY DAMON'S TIM GREEN HONORED WITH FOOTBALL-JERSEY RETIREMENT

Syracuse University honored **Tim Green**, former Syracuse Orange defensive end, with the retirement of his #72 jersey during the Orange's home opener against the Clemson Tigers. The event took place at the Carrier Dome on September 14, with a ceremony honoring Green at half time. Starting September 9, the exterior of Barclay Damon Tower in Syracuse was lit orange and blue in commemoration.

A Barclay Damon attorney for the past 20 years, Green is also a New York Times-best-selling author and a former Fox Sports broadcaster. Following his college football career, Green was selected by the Atlanta Falcons in the first round of the 1986 NFL draft, and he spent eight seasons in the NFL before retiring. In 2018, Green, his family, and the Healey Center for ALS at Massachusetts General Hospital launched Tackle ALS, a not-for-profit website to raise funds to support ALS
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treatment trials and increase access to treatments for people living with ALS.

John Langan, Barclay Damon's managing partner, said, "Our admiration and respect for Tim are boundless. Throughout our firm's two-decade-long relationship with Tim, we've been in his corner loudly cheering on each extraordinary accomplishment and, most recently, his brave battle against ALS. We will be proud to stand by Tim at the Carrier Dome to celebrate his many achievements during the Orange-Clemson game."

"All of us at Barclay Damon are honored to share this special day with Tim and his family," Rick Capozza, one of Green's best friends and the firm's chief marketing officer, agreed, "and it's another testament to Tim's character and spirit that is such an inspiration to many of us, including his long-time clients, close friends, and the Barclay Damon family."

Capozza added, "Despite his recent challenges, Tim's positive, 'can do' attitude transcends all aspects of his life, including his relationships with many of our firm's largest clients, with his trademark client service, responsiveness, and follow through. Our heartfelt thanks to the countless clients who've expressed support and appreciation for Tim in return."

Green is the lead point of contact for many of the firm's strategic client relationships and engagements, including with numerous Fortune 500 companies. A member of the energy team, Green played a central role that brought the practice to national prominence. He played a similar role in the growth of the firm's intellectual property practice, which now totals more than 30 attorneys and intellectual property professionals.

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.



SYRACUSE UNIVERSITY COLLEGE OF LAW WELCOMES JDINTERACTIVE CLASS OF 2023

On Aug. 12, 2019, Syracuse University College of Law welcomed 50 new students into JDinteractive (JDi), the College's ABA-accredited, fully interactive online law degree program. This is the second group of students to matriculate into the first-of-its-kind program, which combines intensive on-campus courses with online courses that contain both self-paced and live class sessions.

The new JDi students began their law degree studies with a weeklong residency in Syracuse, NY, where they took an immersive course designed to introduce them to the American legal system. The students also took part in other academic and social activities—along with new residential juris doctor, JDi Class of 2022, and masters of laws students—including meeting with distinguished alumni and attending a baseball game on August 14 between the Syracuse Mets and Durham Bulls at NBT Stadium.

"JDinteractive once again has attracted a talented and ambitious group of students. I could not be more pleased to welcome them into the College of Law community and to a law degree program that is reimagining how legal education is delivered in the 21st

century," says College of Law Dean Craig M. Boise. "I strongly believe their diversity of background and perspectives will broaden and deepen the student's law school experience. I have no doubt this cohort will represent the College strongly and leverage their legal knowledge for the benefit of the profession and of society."

The JDi Class of 2023 gathers a diverse group of individuals from across the United States:

- The cohort's average age is 35.
- One-third identify as students of color.
- The students represent 29 states, including Alaska and Hawaii.
- Thirty percent were the first in their families to attend college.
- Approximately a quarter are members of the military or military-affiliated, including graduates of the US Naval Academy and US Coast Guard Academy, a retired US Army sergeant, a Lieutenant in the US Navy, and a US Marine Corps Master Sergeant.

JDinteractive is designed to work with the schedules of students who are currently employed or have other commitments. Looking at students' occupations, among the members of the Class of

2023 are an environmental supervisor for a multinational packaged foods company, a law firm chief operating officer, a police officer, a political media consultant, a vice president of sales in the telecommunications industry, a professor of musicology, a preventive case worker, an attending emergency physician, a pastor, a structural designer, a legislative analyst, and the founder of an insurance consulting firm.

"We designed JDinteractive to deliver Syracuse University College of Law's J.D. program to well-qualified students who cannot relocate for a residential program, but who nevertheless desire a high-caliber legal education," says Associate Dean of Online Education and David M. Levy Professor of Law Nina Kohn. "The students themselves are proof that the program has the ingredients to entice highly motivated, deeply experienced, and academically strong individuals. Indeed, among the Class of 2023 are the holders of a Ph.D. in Computer Science, an M.B.A. in Accounting, a D.O. in Osteopathic Medicine, an M.S.L. in Business Law, and an M.F.A. in Creative Writing, to name a few."

For more information, please visit jdinteractive.syr.edu



HANCOCK
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JOHN G. POWERS HONORED FOR WORK AT VETERANS LEGAL CLINIC

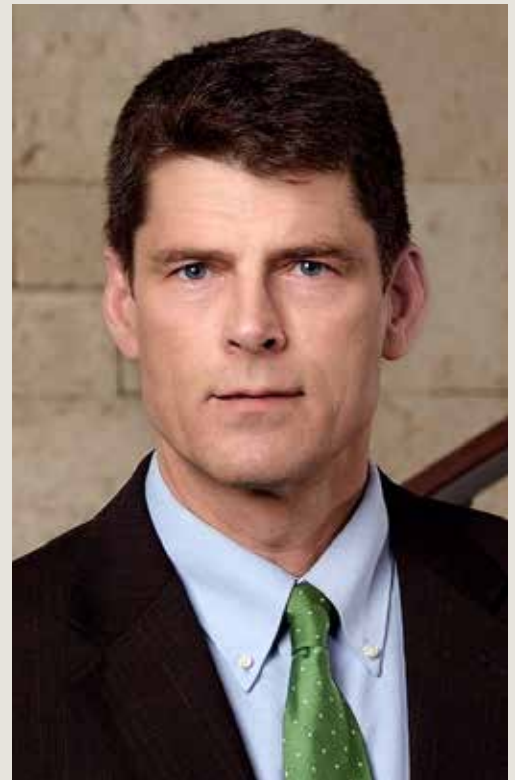
Hancock Estabrook is pleased to announce that its partner, **John G. Powers** was honored by the Syracuse Vet Center, the Onondaga County Legislature, and the 24th Congressional District on Wednesday, September 4, 2019 for 10 years of service as the volunteer director of the Veteran's Legal Clinic.

Mr. Powers and his colleagues was recognized at the 10th anniversary celebration of the Veterans Legal Clinic for their dedication in providing free legal advice and assistance over the past 10 years to hundreds of veterans. The Veterans Legal Clinic, located at the VA's Syracuse Vet Center, is sponsored by the Onondaga County Bar Association's Volunteer Lawyer Project and provides advice, referral and sometimes

representation to veterans needing legal advice.

Mr. Powers is a partner in the Firm's Litigation practice area who represents clients in complicated civil disputes and litigation. Prior to the practice of law, he served for five years on active duty in the United States Army as an infantry officer.

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. The Firm is proud of its attorneys' involvement and service to the community through a variety of charitable and public interest causes. For more information about the Firm and its legal services, visit hancocklaw.com.

23 HANCOCK ESTABROOK ATTORNEYS NAMED SUPER LAWYERS 2019

Hancock Estabrook, LLP is proud to announce that 23 attorneys have been selected for the 2019 "Upstate New York Super Lawyers" list, including six who were named Rising Stars. Hancock Estabrook Super Lawyers for 2019 include: **Cora A. Alsante, Daniel B. Berman, Janet D. Callahan, John F. Corcoran, Michael L. Corp, Catherine A. Diviney, Marion Hancock Fish, Lindsey H. Hazelton, Mary C. King, John T. McCann, Walter L. Meagher, Jr., John L. Murad, Jr., Timothy P. Murphy, Alan J. Pierce, John G. Powers, Doreen A. Simmons and Robert C. Whitaker, Jr.**

In addition, **Jamie J. Hunsicker, Jillian C. Joyce, Whitney M. Kummerow,**

Daniel K. Mannion, James J. O'Shea, and **Briana K. Wright** were selected as Rising Stars. To be eligible for inclusion in Rising Stars, a candidate must be 40 years old or younger or in practice for 10 years or less.

Super Lawyers is a ranking publication that selects attorneys using a patented multiphase selection process. Peer nominations and evaluations are combined with independent research. Each candidate is evaluated on 12 indicators of peer recognition and professional achievement. Selections are made on an annual, state-by-state basis. To learn more, visit SuperLawyers.com

JJ PELLIGRA JOINS BARCLAY DAMON

Barclay Damon announces **JJ Pelligra**, associate, has joined the firm. He works out of the Syracuse office.

Pelligra is a member of the Commercial Litigation, Intellectual Property Litigation, and White Collar Practice Areas. He has experience assisting with complex criminal and civil matters and has also worked with prosecutors and self-regulatory organizations.

Prior to Barclay Damon, Pelligra was a law clerk in the US District Court for the Northern District of New York to Judge Frederick Scullin Jr.

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.

BOUSQUET HOLSTEIN PLLC ATTORNEYS NAMED 2019 SUPER LAWYERS



Bousquet Holstein PLLC is pleased to announce that seven of the firm's attorneys have been included in the 2019 issue of New York Super Lawyers – Upstate Edition. They include: **David A. Holstein, Steven A. Paquette, Christine Woodcock Dettor, Thomas E. Taylor, Robert K. Weiler, L. Micha Ordway** and **Aaron D. Frishman**. In addition, **Cecelia R.S. Cannon, Natalie P. Hempson-Elliott, Joshua S. Werbeck, Gregory D. Eriksen, Janet E. Moon, and Ryan S. Suser** have been designated as Upstate New York Super Lawyers Rising Stars.

Super Lawyers, a Thomson Reuters business, is a ratings service of outstanding lawyers from more than 70 practice areas who have attained a high degree of peer recognition and professional achievement. The annual selections are

made using a rigorous multi-phased process that includes a statewide survey of lawyers, an independent research evaluation of candidates, and peer reviews by practice area. The Super Lawyers lists are published nationwide in Super Lawyers magazines and in leading city and regional magazines across the country. No more than 5 percent of the lawyers in the state are selected by Super Lawyers. To be considered for a Rising Star distinction, lawyers are asked to nominate the best attorneys who are 40 or under, or who have been practicing for 10 years or less. They are instructed to nominate lawyers they have personally observed in action – whether as opposing counsel or co-counsel, or through other firsthand courtroom observation.

Bousquet Holstein PLLC is a diversified law firm located in Syracuse. The firm provides counsel on such issues as mergers and acquisitions, business transactions, alternative dispute resolution, economic development, government relations, litigation, commercial bankruptcy, trusts and estates, employee benefits, commercial real estate, employment, energy, environmental and land use law, and tax planning and advocacy. For more information, please visit www.bhlawpllc.com.

Pictured left to right, Top Row: David A. Holstein, Steven A. Paquette, Christine Woodcock Dettor, Thomas E. Taylor, Robert K. Weiler, L. Micha Ordway and Aaron D. Frishman. In addition, Cecelia R.S. Cannon, Natalie P. Hempson-Elliott, Joshua S. Werbeck, Gregory D. Eriksen, Janet E. Moon, and Ryan S. Suser. Bottom Row: Cecelia R.S. Cannon, Natalie P. Hempson-Elliott, Joshua S. Werbeck, Gregory D. Eriksen, Janet E. Moon, and Ryan S. Suser.

JANET E. MOON JOINS BOUSQUET HOLSTEIN PLLC



Bousquet Holstein PLLC is pleased to announce that attorney **Janet E. Moon** has joined the firm as Senior Counsel in the Immigration Practice Group.

Janet concentrates her practice in the areas of family-based green card and visa applications, removing conditions,

citizenship and naturalization; transitioning from a student exchange visitor status to employment; and employment-based petitions and visas, as well as complex admissibility or denial issues. She offers her clients thorough legal analysis and responsive service, as she helps them navigate various immigration issues.

Prior to joining Bousquet Holstein, Janet ran her own immigration practice, Moon

Law Office, LLC, taking over the practice of veteran immigration attorney Diane Chappell-Daly. Janet attended Smith College in Northampton, Massachusetts, before moving to the Syracuse area where she attended Syracuse University College of Law and the Maxwell School of Citizenship and Public Affairs. Janet, her husband, Alan, and their dog Sailor, reside in the City of Syracuse.



Bond Announces 31 Syracuse Attorneys Named in 2019 New York Super Lawyers Upstate Edition

Bond, Schoeneck & King is pleased to announce that 31 of the firm's Syracuse attorneys have been recognized in the 2019 *New York Super Lawyers Upstate Edition*. Bond attorneys receiving this recognition in their respective fields are as follows:

- **Kathleen M. Bennett:** Environmental
- **Kevin M. Bernstein:** Environmental
- **Brian J. Butler:** Business Litigation
- **Stephen A. Donato:** Bankruptcy: Business
- **Thomas G. Eron:** Employment and Labor
- **Jonathan B. Fellows:** General Litigation
- **John Gaal:** Employment and Labor
- **Laura H. Harshbarger:** Employment and Labor
- **Brian K. Haynes:** Employee Benefits
- **Richard D. Hole:** Employee Benefits
- **Peter A. Jones:** Employment and Labor
- **Edwin J. Kelley, Jr.:** Government Finance
- **Barry R. Kogut:** Environmental
- **Robert A. LaBerge:** Employment and Labor
- **Colin M. Leonard:** Employment and Labor
- **Larry P. Malfitano:** Employment and Labor
- **Adam P. Mastroleo:** Employment Litigation: Defense
- **George R. McGuire:** Intellectual Property
- **Patrick V. Melfi:** Employment and Labor
- **Louis Orbach:** Business Litigation
- **Fred J.M. Price:** Intellectual Property
- **Virginia C. Robbins:** Environmental
- **Jeffrey B. Scheer:** Business/Corporate
- **Brody D. Smith:** Environmental
- **Thomas R. Smith:** Environmental Litigation
- **Charles J. Sullivan:** Business/Corporate
- **Sara C. Temes:** Bankruptcy: Business

- **Robert R. Tyson:** Environmental
- **Subhash Viswanathan:** Employment and Labor
- **Richard L. Weber:** Environmental Litigation
- **Joseph Zagraniczny:** Real Estate

Super Lawyers magazine lists New York's top lawyers who have been chosen by their peers and through the independent research of Law & Politics magazine. Law & Politics, which performs the polling, research and selection of attorneys to be included in Super Lawyers magazine, identifies lawyers who have attained a high degree of peer recognition and professional achievement.

Bond, Schoeneck & King PLLC is a law firm with 250 lawyers serving individuals, companies, non-profits and public sector entities in a broad range of practice areas. Bond has eight offices in New York State as well as offices in Naples, Florida and Kansas City.

Bond Announces 11 Syracuse Attorneys Named in 2019 Upstate New York Super Lawyers Rising Stars

Bond, Schoeneck & King is pleased to announce 11 of the firm's Syracuse attorneys have been recognized in the 2019 Upstate New York Super Lawyers Rising Stars list. Attorneys were selected by their peers from among the top up-and-coming lawyers, defined as 40 years of age and younger, or in the practice of law for less than 10 years. Bond attorneys receiving this recognition in their respective fields are as follows:

- **Blaine T. Bettinger:** Intellectual Property
- **Stephanie M. Campbell:** General Litigation
- **Nicholas P. Jacobson:** Employment Litigation: Defense
- **Scott R. Leuenberger:** Business/Corporate
- **Liza R. Magley:** Civil Litigation: Defense
- **Daniel J. Pautz:** Business Litigation
- **Kate I. Reid:** Schools & Education
- **Amy G. Rhinehardt:** Real Estate
- **Katherine R. Schafer:** Employment and Labor
- **Brendan M. Sheehan:** Securities Litigation
- **James P. Wright:** General Litigation

The Onondaga County Bar Association thanks



for providing access for OCBA staff to the mandatory New York State Combating Sexual Harassment in the Workplace Training.



TULLY RINCKEY PLLC
ATTORNEYS & COUNSELORS AT LAW



Please join us in welcoming
Thomas J. Murphy to the firm.

Tully Rinckey is pleased to announce that **Thomas J. Murphy, Esq.** has joined our Syracuse office as a Partner.

Tom focuses his practice on Matrimonial and Family Law, Criminal, Vehicle and Traffic law, Civil Litigation, and police defense in excessive force and unlawful arrest cases. An attorney with more than 30 years' experience, Tom was previously a Partner in a Syracuse law firm. He also served for 20 years with the Syracuse Police Department and was chief in-house trial counsel for Niagara Mohawk Power Corporation.

Tom is admitted to practice law in all courts in New York State, the Federal courts for the Northern and Western Districts of New York State and U.S. Supreme Court. He also is an adjunct professor in the Criminal Justice Department at Onondaga Community College, where he teaches Criminal Law and serves on VALAC (Volunteer Animal Law Abuse Court) in Syracuse City Court as an advocate for abused animals whose owners have been charged with mistreatment of the animals. He has received several awards during his legal career, including the 2009 Onondaga County Bar Association Distinguished Pro Bono Service Award. He also received multiple awards and commendations while serving with the Syracuse Police Department, including being nominated for a White House Fellowship. Additionally, Tom was the youngest police officer to attend and graduate from Northwestern University's Traffic Institute, which consisted of a nine-month course in Police Management.



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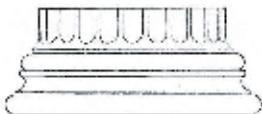
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LITIGATION ATTORNEYS

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Qualified candidates must be prepared to handle cases from inception through trial, including drafting discovery pleadings and motions, and taking and defending depositions. The trial attorneys at Smith Sovik pride themselves on their winning record and seek only to recruit those candidates who share a passion for success. Strong record of academic achievement, proven writing skills and a talent for advocacy in the courtroom are minimum requirements. Attorneys must be licensed to practice in New York State. Salary commensurate with experience and qualifications. If you are interested in applying to the firm, please submit a confidential letter of application and current resume to recruiting@smithsovik.com

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- One ad per entity

Non-Members

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

Want to post a Bar Boards ad?
Contact **Carrie Chantler** at cchantler@onbar.org.

OC BF

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 Program Of Onondaga County

What is the Lawyers' Assistance Program?

The Lawyers' Assistance Program 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 Program's counseling agency.

Is Contact with the Lawyers' Assistance Program Confidential?

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

Why Was the Program Set Up?

The Program 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



Empire State Alliance of Paralegal Associations, Inc.

P.O. Box 14262, Albany, New York 12212-4262

www.empirestateparalegals.org

Press Release:

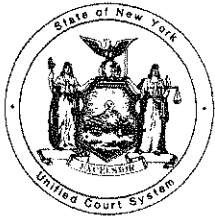
October 1, 2019 - ALBANY, NY: The Empire State Alliance of Paralegal Associations, Inc. ("ESAPA") surveyed paralegals employed in New York State to evaluate interest in voluntary regulation of the paralegal profession. At the Fall 2019 meeting, the board of directors and delegates of the member associations analyzed the results and determined that majority support for voluntary certification exists among paralegals in the State of New York. Therefore, ESAPA unanimously decided to proceed with creating a state-wide voluntary certification program. The organization anticipates implementing the full program in January of 2021. For more information visit ESAPA at www.empirestateparalegals.org.

Beth Bialis, RP®

President

Empire State Alliance of Paralegal Associations, Inc.

ESAPA.President@gmail.com



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ANTHONY LAVALLE, ESQ.
Special Counsel

DAVID S. GIDEON, ESQ.
Principal Law Clerk

TO: Local Bar Association Presidents

FROM: Hon. James P. Murphy, Administrative Judge 

DATE: August 26, 2019

RE: Preliminary Notification of Intent to Request Implementation of mandatory e-filing program in Herkimer County Surrogate's Court

A very successful and well received mandatory e-filing program has been implemented in the Surrogate's Court within the 5th JD in Jefferson, Oneida, Onondaga, and Oswego Counties. Based on this success, please be advised that we are specifically requesting implementation of **mandatory e-filing in Herkimer County Surrogate's Court for probate and administration proceedings, and miscellaneous proceedings relating thereto, to be effective November 2019.**

Please be advised that we plan to provide several demonstrations and training sessions to practitioners and court staff both prior to and after the "start-up" date. In addition, this notice is to advise you that we will be submitting our request to implement this programs to the Chief Administrative Judge, who is commissioned by statute to post this proposal on the UCS website inviting comments from attorneys and all affected parties. (<http://www.nycourts.gov/rules/efiling>)

This request and any public comment received will be presented for consultation purposes to an advisory committee. After the committee has reported its review of the implementation proposal to the Chief Administrative Judge, the Chief Administrative Judge will consider our request and may issue an implementation Order thereon.

Please also note that by legislation and statute all unrepresented parties are exempt from participating in e-filing in any case. However, unrepresented parties may choose to e-file.

Please distribute this preliminary notice to your members in a manner you deem appropriate.

We look forward to your continued cooperation and thank you for your support.

cc: Hon. Vito C. Caruso
Hon. James P. Murphy
Hon. John H. Crandall
John W. McConnell, OCA Chief Counsel
Jeffrey Carucci, Director Division of E-Filing
Michael A. Klein, District Executive
Therese Soules, Chief Clerk
Michele Gartner, Esq.
Mindy Jeng, Esq.



NOTICE TO THE BAR

Fourth Department to Expand Mandatory E-Filing Categories

The Appellate Division, Fourth Department is expanding the categories of appeals that will be subject to mandatory e-filing in the coming months.

In matters in which a notice of appeal is filed on or after October 1, 2019, e-filing at the Appellate Division, Fourth Department will become mandatory in all non-Family Court civil matters. E-filing in non-Family Court civil matters has been voluntary/consensual since January 1, 2019.

Beginning on October 1, 2019, appeals in criminal matters and appeals from Family Court will become subject to e-filing. In matters in which a notice of appeal is filed on or after October 1, 2019, e-filing in all criminal appeals and in all appeals from Family Court will be voluntary/consensual. A party who has voluntarily e-filed an appeal shall serve upon the other parties a notice of e-filing together with the Entry of Initial Information for Electronic Filing pursuant to 22 NYCRR 1245.3. Any other party may voluntarily participate in e-filing in the same manner as an unrepresented litigant pursuant to 22 NYCRR 1245.4 (d). No party shall be compelled, directly or indirectly, to participate in e-filing, but e-filing is encouraged in all matters in which it is allowed.

Finally, e-filing will become mandatory in all criminal appeals and in all appeals from Family Court in all matters in which a notice of appeal is filed on or after January 1, 2020.

E-filing is currently mandatory in the Fourth Department in all appeals from the Commercial Division of Supreme Court, all appeals in matters originating in, or transferred to, Surrogate's Court, and all matters that were e-filed in Supreme Court. With the expansion of e-filing on October 1, 2019 and January 1, 2020, e-filing will be required in almost all categories of appeals in the Fourth Department not subject to the exemptions listed in 22 NYCRR Part 1245. It is anticipated that the Court will expand mandatory e-filing to all remaining categories of matters within its jurisdiction, including original and transferred proceedings and appeals from the Court of Claims, early in 2020.

For updates and rules regarding e-filing in the Fourth Department, please visit <https://ad4.nycourts.gov/efile>.



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OSHA 2019 Mid-Year Update: What Employers Need to Know

Presenter: Kelly C. O'Connor, Esq.
Partner, Goldberg Segalla



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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.

**OSHA 2019 Mid-Year Update: What Employers Need to Know | Friday, October 11th
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Attendee(s) _____ Phone _____

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OCBA CONTINUING LEGAL EDUCATION

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CLE | Appellate Division, Fourth Department Update

Presenters:

Presiding Justice the Hon. Gerald J. Whalen

Hon. Edward D. Carni

Hon. John V. Centra

Hon. Brian F. DeJoseph

Hon. Erin M. Peradotto

Christopher Lindquist, Esq.

Principle Appellate Court Attorney for
Attorney Disciplinary Matters



Topics covered include:

- Dealing with Personal Crisis: The Role of Lawyer Assistance Programs
Includes a special discussion with (Ret.) Hon. Salvatore R. Martoche ;
- Practical tips for appearing before an Appellate Panel; and
- Insight into the Disciplinary Process of the Fourth Department presented by Christopher Lindquist counsel.

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3.0 MCLE (1.0 Skills, 2.0 Ethics)

1 to 4 p.m. Thursday, October 24, 2019

Onondaga County Legislative Chambers,
Room 407, 401 Montgomery St., Syracuse NY

Online Registration at www.onbar.org

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CLE | Appellate Division, Fourth Department Update

Thursday, October 24, 2019 | Cost: \$60 (checks payable to OCBA)

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