



ONONDAGA COUNTY BAR ASSOCIATION **BAR REPORTER**

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December 2019
Volume 64 Number 11



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

Our Mission:

To maintain the honor and dignity of the profession of law, to cultivate social discourse among its members, and to increase its significance in promoting the due administration of justice.



UPCOMING EVENTS:

50-Year Luncheon - Friday, June 19th
Drumlins

Annual Dan Mathews Golf Outing - Thursday, August 27th
Pompey Golf and Country Club

145th Annual Dinner - Thursday, October 22nd
Marriott Syracuse Downtown, Persian Terrace



In Memoriam...

Alison B. Fineberg Pauldine
November 28th, 2019

Letter from the PRESIDENT

Happy Holidays! Whatever your reason for celebrating, the OCBA wishes you and your family a safe and joyous holiday and a happy New Year! As always seems to happen, the months have sped by and we are situated on the precipice of not only a new year, but a new decade. December closes out a tremendous year for the OCBA. From the Mock Trial Program to Law Day, the 50-Year Luncheon, the Annual Dinner, the Holiday Party and a multitude of CLEs, things at the office have been busy (if not hectic!). All of the years' events would not have been possible without the hard work and dedication of the OCBA staff and Executive Director. To them, I say thank you!



While the end of the year can be a time to reflect on the past, it is the perfect opportunity to look forward. The OCBA 2020 membership drive is in full swing. Not only does membership provide access to benefits such as the Lawyers' Assistance Program and the Lawyer Referral Service, but it also provides you the ability to obtain 6 FREE AUDIO CLE CREDITS – including difficult to obtain ethics and diversity credits. For a full listing of CLE offerings, visit www.onbar.org. Join today and earn your 6 credits within days! And, as always, your membership dues afford the OCBA the ability to provide needed support to our legal community.

As we move into the next decade, the OCBA will strive to provide our members and our shared legal community with services and benefits they want and need. Member feedback is critical. If there is something you would like to see the OCBA provide, send us an email and let us know. If there is something that we can change or improve, give the office a call and let us know. Your input helps us shape and forge an organization that is suited to your needs and the needs of our community as we move forward through 2020 and beyond.

From all of us involved with the OCBA, we hope that you have a truly happy and prosperous New Year!

Aaron J. Ryder, President



YOU are the Bar!



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Holiday Reception

More than 75 OCBA members and their guests enjoyed the festive holiday decorations and atmosphere of the Everson Museum of Art's annual "Holiday Festival of Trees," as they gathered for the Association's annual Holiday Reception on Wednesday, December 11.

Delicious treats provided by Diamond Catering were enjoyed by the guests, who also had the opportunity to tour the museum's galleries "after hours" while viewing (and even buying!) some of the decorated trees and holiday decorations.





**Betsy Hartnett, Esq., CPA ,
former attorney at
Mackenzie Hughes, LLP.**

When my clients wanted to give back to the community and save on estate taxes, I recommended considering the Community Foundation for any range of contribution.

Setting up a donor-advised fund is an easy way to facilitate annual giving before year-end.

The staff will take care of all of the necessary paperwork and filings, leaving clients to focus on recommending when gifts will go to their favorite charities.

By setting up a fund at the Community Foundation or naming them as a beneficiary in their will, they can ensure that their charitable wishes are carried out in perpetuity.

GIVING FOR YEAR-END:

BETSY HARTNETT



Read more of Betsy's story at
cnycf.org/Hartnett



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Happy Retirement!



The Volunteer Lawyers Project of Onondaga County, Inc. (VLP) announces the retirement of **Deborah O'Shea**, longtime Pro Bono Coordinator for VLP, in January 2020. Deb has been a core member of VLP's team for 17 years, for the first 10 years as the sole staff member for the program. While we are all happy for her to have more time for family, adventures and hobbies, she will be greatly missed by her colleagues and the many of volunteer lawyers and students she's worked with over the years! There is no question that for 17 years Deb has lived the mission of VLP to provide access to justice by engaging the legal community in volunteer service to those in need.

In 2004, Deb was hired by the Onondaga County Bar Association to coordinate the Volunteer Lawyers Project and Lawyer Referral Service. She was challenged to steward the existing pro bono opportunities for attorneys and identify new ways to address the most pressing legal needs in the Syracuse community. Deb, together with her faithful Pro Bono Practices Committee, developed the Uncontested Divorce Program, Talk-to-a-Lawyer Community Program, East Syracuse Eviction Defense Program, Estate Planning Clinic, Veterans Clinic, Not-for-Profit Incorporation Program and an annual Elder Law Fair serving over 400 seniors. Deb was engaged in all aspects of the program's success -- grant writing, public speaking



to community partners and law firm recruitment. Deb always kept the needs of the community central in all of her work.

In the past seven years, as VLP has grown into its own nonprofit 501c3 with 12 full time equivalent staff members and a robust Board of Directors, Deb's role has refined to focus on her greatest passion: preventing homelessness in the community through eviction defense. Under her coordination, the Eviction Defense program has grown to providing defense to up to 1,000 families a year. But beyond these numbers, anyone who has worked alongside Deb knows that she brings and conveys deep compassion for the clients and a profound understanding of the complex web of services that can help a person in crisis stay safely in their home. Over the years, Deb has worked with hundreds of volunteer lawyers, and time and again we are told that Deb makes the volunteer experience feel manageable and helps to ensure that the volunteers are getting the clients the outcomes that they need.

Deb has also played an important role on the statewide level – as the Co-Chair of the New York State Bar Association (NYSBA) Pro Bono Coordinators Network for the past several years she has helped to design and facilitate dozens of trainings for pro bono coordinators across the state.

In 2018, Deb's outstanding service and leadership was recognized when she received NYSBA's very first Phil Dailey Award, which acknowledges the vital services of non-attorney staff who demonstrate an excellence and dedication to providing equal access to justice.

"Deb is a tireless advocate for those in need. Her work has made a profound impact on the lives of thousands of community members," said Sally Curran, Executive Director of VLP. "But beyond that, she is an incredible colleague – always jumping at the opportunity to help others, celebrating every victory or good turn in life, comforting you when hard times come. We are excited for Deb to have more time to explore her interests in retirement. But she will be sorely missed at VLP!"

Deb has four grandchildren that she is excited to spend more time with, is passionate about politics, an avid sailor and an impressive artist. She enjoys international travel and adventure. She likely will be just as busy in retirement as she is now!

A retirement celebration will take place on Friday, January 24th at the CNY Philanthropy Center from 5:00 PM – 7:00 PM. Please come and join us in celebrating Deb's career! All are welcome, but please RSVP to Bethanie Hemingway at bhemingway@onvlp.org to let us know that you plan to attend.



In Memoriam

The Onondaga County Bar Association extends its deepest sympathy to family, friends and colleagues of those we lost in 2019:

<i>Judith L. Alderman</i>	<i>Hon. John S. Parker</i>
<i>Richard J. Brickwedde</i>	<i>Michael J. Pekarsky</i>
<i>John J. Curran</i>	<i>Angelo J. Rinaldi</i>
<i>Alison B. Fineberg Pauldine</i>	<i>Marcus A. Stornelli</i>
<i>Paul M. Hanrahan</i>	<i>William E. Sugnet</i>
<i>Mark T. Harrington</i>	<i>Charles H. Umbrecht, Jr.</i>
<i>Joseph J. Lawton, Jr.</i>	<i>Kenneth C. Wheeler, Jr.</i>
<i>G. William Lemax</i>	<i>Ben Wiles, Jr.</i>
<i>Joseph R. Pacheco II</i>	<i>Harrison V. Williams, Jr.</i>

Hon. James C. Tormey III

Please advise *Jeff Unaitis* at junaitis@onbar.org of other members of our profession whom we have lost.

THE PRACTICE PAGE:

CHALLENGES OF ESTABLISHING LIABILITY FOR “BLACK ICE”

*Hon. Mark C. Dillon **

Winter is upon us. Plaintiff attorneys handling personal injury cases face peculiar challenges when their clients have slipped and fallen on “black ice,” as distinguished from regular ice or snow. There is no definition of black ice in *Black’s Law Dictionary*, and the National Weather Service refers to it as a slang term.¹ Black ice forms from water when winds and temperatures are colder than the surface beneath it. The freezing process under those conditions expels air bubbles from the water, causing the ice that forms to be unusually smooth, thin, and virtually invisible. Black ice is a transient condition that melts quickly once it is exposed to sufficient sunlight or higher temperatures. Whenever a plaintiff sues a premises owner for permitting a hazardous ice condition, the plaintiff must prove either actual or constructive notice of the condition for liability to attach. How may a plaintiff prove actual notice to the property owner if black ice is, by nature and definition, virtually invisible? How may a plaintiff prove constructive notice if black ice conditions are fleeting and transient? These questions pose unique legal quandaries for plaintiffs.

The invisibility and transience of black ice makes these slip-fall cases more difficult for plaintiffs to win and easier for property owners to defend. Attorneys, courts, and jurors must take the facts as we find them. A negligence action involving a two-hour black ice condition is more challenging for plaintiffs to prove than a negligence action involving “regular ice” present for two days. In most cases, there may simply be no way for plaintiffs to avoid that reality.

One strategy that may be available to plaintiffs for overcoming problems of proof inherent in black ice cases is if the condition is shown to be a recurring one, as in *Vincent v Landi*² and *Phillips v Henry B’s, Inc.*³ Once a defendant property owner is on actual notice of a recurring condition, the defendant may be charged with constructive notice as to each specific recurrence that follows.⁴

A second approach involves the *sui generis* evidence of the cases which, despite the transience of black ice, nevertheless support a finding of actual or constructive notice, or at least a question of fact on those issues. In *Walters v Costco Wholesale Corp.*,⁵ a plaintiff defeated a motion for summary judgment by establishing that a slip-fall had occurred at the same location 45 minutes before the plaintiff’s fall, and the defendant’s on-site manager observed the ongoing black ice condition immediately after the plaintiff’s fall. In *Pomeroy v Gelber*,⁶ the plaintiff defeated summary judgment with an affidavit of an expert meteorologist that the black ice condition had been present for several hours before the

occurrence. In *Torosian v Bigsbee Village Homeowners Ass’n*,⁷ a witness testified that the black ice condition had been in existence the evening before, and there were photographs depicting the ice at the same location after the plaintiff’s accident. In *Bullard v Pfohl’s Tavern, Inc.*,⁸ an affidavit of a witness describing slippery conditions was supported by an expert meteorologist regarding precipitation and temperatures. The common denominator of these various cases is that the plaintiffs brought forth specific witnesses and evidence, whether lay and/or expert, that potentially supported liability despite the difficulties associated with proving the visibility and duration of the alleged black ice conditions.

Third, a condition initially reported as “black ice” might not actually be so. In *Wright v Emigrant Savings Bank*,⁹ the plaintiff’s “black ice” terminology during her deposition was belied by her description of the ice itself, which she recalled as “black grayish” and “dirty snow,” and capable of observation by prior actual or constructive notice.

Conversely, property owners’ defenses may exploit the plaintiffs’ difficulties with proof on issues of prior actual or constructive notice, for any of the reasons discussed above. An affirmative defense in the answer, that the defendant did not create the condition or have actual or constructive notice of it, is advisable, if made in good faith, to assert that the defense that may be used in a later summary judgment motion or at trial (CPLR 3013).

On balance, plaintiffs’ attorneys typically face peculiar challenges in prosecuting black ice cases, and must draw on their best skills to navigate them.

1. National Weather Service, “Black Ice,” <http://w1.weather.gov/glossary/index.php?letter=6>.

2. 101 AD3d 1565.

3. 85 AD3d 1665.

4. *Rachin v Michaels Arts & Crafts*, 118 AD3d 1391.

5. 51 AD3d 785.

6. 117 AD3d 1161.

7. 46 AD3d 1314.

8. 11 AD3d 1026.

9. 112 AD3d 401.



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



Paralegals *Holiday Luncheon*

Maria Cinti Stayer and Linda Lerch hosted the annual Paralegals Holiday Luncheon on Monday, December 16th! A delicious lunch and beautiful desserts were served from Francesca's Cucina and Peace, Love and Cupcakes!

Thank you to the attendees who purchased gifts for our adopted PEACE Inc. family this holiday season!





Thoughts

By: JUDITH LA MANNA RIVETTE

Can you believe it? We are about to enter the year 2020. Amazing. Before any of us got to this point, especially those of us of a certain age, it was fanciful to think of this year. It was a time just out there, not real. But here it is. And it seems to me that turning over to 2020 is not like turning over to just any year, is it? (Yes, 2000 was exciting, with the Y2K scare, that the world was going to end because of computers running amok, making lights go out and shutting down gas pumps. Whew! *That* never happened.) But 2020 is different.

Without a doubt, we have already begun to prepare for the New Year by making the normal major business adjustments. We have spent time looking for deductible expenses, balancing records and checkbooks, culling files to identify work that needs to be closed, billing unpaid accounts, and, of course, making appointments with our accountants. We might have begun to plan changes to voice mail messages and our upcoming CLE classes, which employees will get bonus checks and in what amount, and if there will be an office Christmas/holiday party or dinner. If we have not done it sooner, closer to the end of this month we consider New Year's Eve party invitations and resolution-making. We set our food, drink and diet resolutions, but only for them to start the day *after* the parties and perhaps with a pre-set exemption for the Super Bowl Sunday celebration. We spend time, be it paper form or electronic, setting up calendars and transferring dates to the new pages.

And speaking of calendars, there is ONE resolution we all make – to remember to write the new year and not the old year's date when hand-dating checks, documents, and notes after January 1. (Oddly, I have had no trouble adjusting to the new year's date for odd years, but always have trouble remembering to change the year when it goes over to an even number. I think. Or maybe it's the opposite. I'll have to wait until into January this year to test this and let you know.)

What is new, and what just occurred to me, is the importance of the number of our new year: 2020.

In a different context, the term 20-20 is a hallmark for good vision. It is the focus we aim for in that awful annual testing (even though they have a machine that does this automatically: "Is it better with "A?" ... pause and flip, or "B?"... pause, wait ... "A?" ... pause and flip, or "B?") We welcome the adjustment to our sight by those tests. With perhaps needed help of others, our individual astigmatism becomes conformed better to reality, to see things clearly.

So, just imagine that! In the upcoming year, *every time* the year's date is noted, generated, jotted down – for the entire year – we will be reminded to have good vision, to stop to look clearly at what we are doing. To look clearly at the financial decisions we make; to look clearly at our email, texts (with auto-correct interference) and tweets before sending them out; to look clearly at the documents we create and sign; to look clearly into our hearts when we send birthday cards or celebratory notes to our loved ones. We will stop for that split second, each time "2020" registers with us, to remember our obligation to good vision.

Yes, the upcoming year will not be like other years. We will ready our businesses and accounts for the next year. We might still make personal resolutions with good hearts and pure intentions. We might see those resolutions fade, to be resurrected in other years. But we will be reminded, and will not be able to ignore the reminder, to have better vision this New Year. By so much repetition, we may even form that habit in "20-20" to see more clearly – when we act, resolve, decide. The year will require it of us.

THE VOLUNTEER LAWYERS PROJECT OF ONONDAGA COUNTY, INC.

EAT, DRINK & BE
Retired!

*Join us as we celebrate Deborah O'Shea and
her 17 years of service.*

When: Friday, January 24, 2020

Where: CNY Philanthropy Center, Ballroom
431 East Fayette Street, Syracuse

Time: 5:00 pm – 7:00 pm

**RSVP TO BETHANIE AT
BHEMINGWAY@ONVLP.ORG OR 315-579-3991**

Lawyer Stories



Working as an Assistant District Attorney in City Court under the watchful eye of Doc Lyons was the best place to be, with the best colleagues ever. In those close quarters, everyone kept an ear out on behalf of others. If a citizen raised his or her voice in the waiting area, Police Officer Ace Murray was suddenly standing at the door, watching.

I primarily handled traffic dispositions. In those days we spoke to defendants as well as attorneys. One of the best excuses I heard for a speeding ticket came from one such citizen. "I wanted to get to McDonald's before they stopped serving breakfast." The location of the ticket was right, so I looked at the ticket issue time: 9:48 am. What was there to do but smile knowingly (we've all been there), agree and offer a reduction?

Do you have a lawyer-related short story or anecdote to tell? About becoming a lawyer? A mentor experience? Your first day in a court? A fun client experience, something frightening or delightful or helpful?

I want to collect your stories into a volume of such tales to share with others. The stories are to be short (like the example above) and will be subject to editing.

Look for more information in the next *Bar Reporter*. After the first of the year, working with the Onondaga County Bar Association and others, I'll start collecting your contributions.

Start remembering your favorite tales now.

Judith La Manna Rivette

A NEW LOOK AT TRANSFER OF WEALTH

Imagine the difference we could make in our community if \$55 million in grants were available to our local nonprofit organizations each year. For reference, the Community Foundation currently deploys about \$3 million per year from its general funds towards community grants and strategic initiatives. That means we could distribute nearly 20 times more support to vital community programs each year, forever!

This was our motivation in 2010 when the Community Foundation took part in a nationwide study conducted by the RUPRI Center for Rural Entrepreneurship, which analyzed household wealth data and the assets expected to transfer to the baby boomer generation through probated estates by the end of the decade. As 2019 comes to a close, we refocus on this issue of wealth transfer and in many ways see that the opportunity has just begun.

The researchers who first looked into the wealth of our nation and the expected transfer between generations updated their predictions over the past five years. Not only has their estimate increased by 50 percent, but due to factors like medical advances that let people live longer and more donors "giving while living," the busiest era for wealth transfer is now expected to be on the horizon rather than in the rearview mirror.

Applying the updated predictions to our own five-county region is encouraging. Not only should we expect higher amounts of wealth transfer, we should also expect more charitable giving in that wealth transfer. Over the past decade we have been focusing on ways to encourage people in Central New York to support local nonprofits. Specifically, our 5forCNY campaign has gained traction and now many people are treating the community as one of the heirs in their financial and estate plans. At the Community Foundation alone, the number of planned legacy and estate commitments – which will benefit a wide range of local charities and causes – has more than doubled!

For advisors, this is encouraging too! Not only does this mean a more vibrant region with increased local charitable support, but the impact that this support provides will remain connected to the families that you

are working with today. As they include charitable gifts as part of their legacies, this may lead to more of your clients maintaining multi-generational connections here in Central New York.

Taking action based on these findings is easy. **YOU CAN DO IT BY SIMPLY ASKING YOUR CLIENTS TWO QUESTIONS:**

- ① Do you have charities that you care about?
- ② If so, would you like to include those organizations in your financial and estate plans?

If needed, we are available as a resource to help with any of your clients' charitable planning needs. As we continue our 5forCNY campaign into its second decade, we expect the impact of our promotions and community outreach on this topic to grow. Already, more and more people who come to the Community Foundation mention the 5forCNY mantra: "You've lived here. You've worked here. This community is part of who you are." They feel the same way and want to give back with a gift to the region's future.

If the community gets behind the importance of charitable bequests, generous donors could build funds that would exponentially increase the current amount of foundation grants available to enhance our community. That number would grow even more in the decades to come, thanks to the power of endowment. Imagine the magnitude of positive change that could be made in our region. It would mean improved health and human services, more initiatives to care for children and teens, new arts and cultural endeavors that drive economic development, and increased attention to our neighborhoods and educational attainment – resulting in a better quality of life for everyone.

If you would like to discuss this topic further or learn about options to make a difference with your plan or your clients' plans, please feel free to contact Tom Griffith, vice president, development, at 315-883-5544 or tgriffith@cnycf.org.

We invite you to view our Transfer of Wealth video at 5forCNY.org and share it with your clients as well.



TOM GRIFFITH
Vice President, Development, AEP®, CHFC®, CAP®

**TO LEARN
MORE
ABOUT
CHARITABLE
GIVING
WITH YOUR
CLIENTS,
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PRESUMPTIVE ADR BEGINS IN THE FIFTH JUDICIAL DISTRICT

Chief Judge Janet DiFiore and Chief Administrative Judge Lawrence K. Marks, in February of this year, announced a desire and effort to revitalize the court system's commitment to Alternative Dispute Resolution. The new initiative will promote and further the goals of the Chief Judge's Excellence Initiative by helping to eliminate case backlogs and enhancing the quality of justice. ADR, comprising of mediation, arbitration, neutral evaluation, summary jury trials and collaborative law, has proven to be a meaningful, efficient and cost-effective way to resolve disputes in appropriate cases. The process may be confidential or not depending on the form of ADR chosen. Moreover, ADR is certainly less formal, less stressful and less expensive than traditional court proceedings. ADR, particularly mediation, can provide parties with greater flexibility and opportunities to be more fully heard on the issues. Certain types of ADR, such as neutral evaluation, can help parties gain insight into the strengths and weaknesses of their case, enabling the parties to decide whether to proceed with litigation, to settle or to abandon a dispute.

Local Community Dispute Resolution Centers offer parties access to free or reduced-fee ADR services in a wide range of disputes, from small claims to family matters to complex business disputes. The courts will provide increased opportunities for purposeful settlement conferences with court staff, judges, court attorney referees, and Judicial Hearing Officers, and our District is building a roster of court staff mediators.

In nearly all case types, ADR will be discussed with the judge at the initial court appearance where all parties and necessary counsel are present and a plan for the engagement of an ADR option (court conferencing, mediation, arbitration, etc.) will be determined. The court will make any necessary referrals and generally some form of ADR should occur within the first sixty days, after which counsel or the engaged neutral shall report back on the status of the matter.

For this initiative to be successful, a collaboration with local bar associations and their members is imperative. Your input is encouraged and is critical to ensuring the successful implementation of the ADR program. Representing clients effectively in an ADR process requires understanding the types of ADR available and explaining effectively the ADR process to clients.

Our Fifth District ADR Plan has been approved by Judge Marks and is effective immediately. The Plan applies to any new proceeding filed after December 2, 2019. The Plan may be found on the Inside UCS intranet website, using the following link: <http://ww2.nycourts.gov/courts/5jd/index.shtml>. For your ease in review, the website also has Organizational Flow Charts pictorially explaining the ADR process in our various courts.



Each Judicial District will eventually have an ADR Coordinator who will assist you in implementing the Presumptive ADR Initiative. For the time being, you should contact *Anthony C. LaValle*, at the Fifth District Administrative Office, (315) 671-1154; cell (315) 741-1448; or email alavalle@nycourts.gov, with any questions or concerns regarding implementation of the Plan.



Thank You

THANK YOU TO THE FOLLOWING OCBA MEMBERS WHO SHOWED THEIR SUPPORT
FOR OUR ASSOCIATION THROUGH THEIR SUSTAINING MEMBERSHIPS IN 2019.

Ronda T. Akl
Dennis R. Baldwin
Lisa H. Blitman
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The Monthly Newsmakers

VOLUME 64 NUMBER 11

DECEMBER 2019

50 CENTS

COUNTY NEWS

Syracuse University College of Law

Syracuse University College of Law and Martin J. Whitman School of Management Launch Nation's First Online Joint JD/MBA Degree

Syracuse University College of Law announces the launch of the nation's first online joint JD/MBA degree program, in partnership with Syracuse University's Martin J. Whitman School of Management. The new joint degree combines the College of Law's groundbreaking, ABA-accredited JDinteractive program with the Whitman School's highly ranked MBA@Syracuse program.

"As we've learned from decades of success with our joint residential JD/MBA with the Whitman School, there is strong demand for a joint law and business education," says College of Law Dean Craig M. Boise. "JDinteractive attracts many students whose careers, credentials, and ambitions are a natural fit for a dual law and business curriculum. It makes sense to partner with our colleagues at the Whitman School to make this curriculum available online."

"In a globalized, interconnected marketplace, business leaders must constantly consider legal and regulatory frameworks. Across the spectrum of daily business transactions, legal considerations increasingly occupy a prominent place in boardroom discussions," says Whitman Dean Gene Anderson. "An unprecedented option for students who wish to change careers or improve credentials, the new online JD/MBA provides even greater access to the high-quality legal and business education offered by two nationally ranked schools."

Students admitted to the joint program will earn their JD degree through the College of Law's innovative JDinteractive (JDi) program. JDi courses are conducted primarily online, with each course consisting of both self-paced class sessions and live class sessions taught by the College's faculty. In addition, JDi students participate in six intensive residencies, which provide them with an opportunity to develop key professional skills. JDi students take all courses required of students in Syracuse's residential JD program, select from elective courses, participate in student organizations, and receive hands-on experiential learning and skills-building training.

Online JD/MBA students earn their master's degree in business administration through the Whitman School's MBA@Syracuse. Recognized for its strong alumni outcomes, MBA@Syracuse is ranked among the Top 40 Best Online MBAs by *U.S. News & World Report* and among the Top 25 Best Online MBAs by *The Princeton Review*. Accredited by the Association to Advance Collegiate Schools of Business, MBA@Syracuse features the same curriculum content as the on-campus MBA program and blends multimedia coursework with live, online classes and hands-on residency experiences.

JDi students will be eligible to apply to the joint JD/MBA degree program starting in 2020. Before starting the online MBA portion of the joint degree, JDi students

must be separately admitted to the Whitman School, have completed 34 credits of law school, and meet all defined academic requirements.

"This is a real first for legal education," explains Nina Kohn, David M. Levy Professor of Law and Faculty Director of Online Education at the College of Law. "Through the JDi program, we've been able to expand access to legal education to remarkably talented students for whom a residential JD education was out of reach, whether because of family obligations, military service, or the demands of their careers. Now we are poised to open the door of opportunity even wider—finally making a joint JD/MBA a real possibility for these students." [Click here for the College of Law's news post.](#)





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Samuel Burgess Joins Bond in Syracuse



Bond, Schoeneck & King is pleased to announce that **Samuel P. Burgess** has joined its Syracuse office as senior counsel in the firm's health care and business practices.

Burgess represents and advises hospitals, physicians, physician organizations, clinically integrated networks, accountable care organizations and ambulatory surgery centers. He assists these entities with general corporate transactions including business structuring, mergers and acquisitions,

leases, employment agreements, buy-sell agreements and affiliations. He also advises clients on daily regulatory issues and compliance with state and federal law, with a focus on the application of the Stark Law, Anti-Kickback Statute and the Health Insurance Portability and Accountability Act. In addition, Burgess represents corporate clients in a wide variety of transactional matters, including formation, mergers and acquisitions, joint ventures, succession planning and commercial financing.

Bond, Schoeneck & King PLLC is a law firm with 250 lawyers serving individuals, companies and public sector entities in a broad range of practice areas. Bond has eight offices in New

York State and offices in Naples, Florida and Kansas City. For more information, visit bsk.com.

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Coleman and Hutter Join Barclay Damon

Barclay Damon announces **Daniel Coleman** and **David Hutter**, both associates, have joined the law firm. Coleman is based in the Buffalo office, and Hutter is based in the Syracuse office.

Coleman is a member of the Torts & Products Liability Defense and Professional Liability Practice Areas, primarily concentrating on civil litigation matters involving premises liability, motor vehicle accidents, and professional liability. He also defends both individuals and businesses from claims of negligence.

Hutter is also a member of the Torts & Products Liability Defense and Professional Liability Practice Areas. In addition to his role at Barclay Damon, he serves as a first lieutenant in the NY Army National Guard.



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 law firm that operates from a strategic platform of offices located in the Northeastern United States and Toronto. For more information, visit our award-winning website at barclaydamon.com.

Prial Elected Partner



Smith Sovik Kendrick & Sugnet, PC is pleased to announce that **Victor L. Prial** has been elected a Partner at the firm. Vic is a trial lawyer who concentrates his practice in personal injury and civil litigation. He has been named to the Upstate New York Super Lawyers "Rising Stars" list annually since 2017. Vic handles all types of lawsuits including products liability, professional malpractice, contract disputes, premises liability, labor law, personal injury, construction matters, and employment law. For a complete list of the firm's services, please visit www.smithsovik.com.

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Ethics Hotline

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

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

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

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

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

The 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



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.