



ONONDAGA COUNTY BAR ASSOCIATION
BAR REPORTER

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Onondaga County Bar Association
CNY Philanthropy Center
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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.



Dear Members,

I am happy and grateful to be welcomed back to the OCBA office after a temporary furlough due to the COVID-19 public health issue. My sincere hope is that you, your loved ones, friends and coworkers are practicing all recommended safety protocols during this uncertain time and, most importantly, are healthy.

This Bar Reporter will look a little different to you. Our interest is in ramping up our publication with content that's of interest to you and that's by you. Please feel free to submit original articles, columns, essays, story tips to my attention at cchantler@onbar.org.

Also, we're eager to promote your business in advertising that is seen by more than 1500 sets of eyes. Please send your advertising, or any questions you might have about getting your ad in the Bar Reporter, to me too. Thank you for your patronage of the Onondaga County Bar Association!

Carrie Chantler
Marketing & Communications Director



ONONDAGA COUNTY BAR ASSOCIATION

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June 1, 2020

Statement of the Board of Directors of the Onondaga County Bar Association on Current Incidents and Racial Bias in the Legal System

As members of the Onondaga County Bar Association, and sworn to uphold the laws and Constitutions of New York State and the United States of America, we have a special obligation to work toward the achievement of equal justice under the law. We cannot sit back and allow systemic injustice and racism to go unchallenged and unchanged.

Through legislative reform, local activism, and by educating our advocates, we hope to engage with our broader community and develop programs to help end the toxic culture of racism. For now, it is important to work and join with all communities and their leaders who are organizing peaceful, anti-racist responses. We must **focus, listen, and do the work** to improve the lives of communities that are underserved and marginalized.

We are responsible to lead and to act, and to speak out against disrespect for the foundational principles of the rule of law, the right to equal protection and due process for all. The time is now.

Paula M. Engel, President

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The 1,200 member Onondaga County Bar Association was founded in 1875. Among its purposes are: to maintain the honor and dignity of the profession of law; to promote suitable reforms and necessary improvements in the law; to facilitate the administration of justice; and, to elevate the standards of integrity, professional competence, and courtesy in the legal profession.



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Letter from the PRESIDENT



Paula M. Engel

Dear Colleagues:

What an unusual and historic time to take over as President of our Association from Aaron Ryder's excellent leadership. Because we haven't been able to publish a Bar Reporter since the first quarter, we have a lot of ground to cover.

I will start with the two goals for my term: they are simple in concept, but require work and innovation to achieve. First, we are working to ensure that every local legal professional finds their go-to home base in the Onondaga County Bar Association for learning, building relationships, and personal and professional development. Second, the Bar Association must take on its obligation to be a leading forum for developing effective and appropriate responses to our rapidly changing society.

Meeting these goals will require a consistent focus on our mission, which is **strengthening our community**.

(1) Building a "Home Base" Community for our Members

We have begun to execute my plan to build on the Bar Association's communal strength by growing our membership, enhancing the visibility of our profession's achievements, collectively and individually, providing valuable connections to education, support and social events, and implementing a long-range strategic financial plan.

On the membership front, we are working with an outside consultant group for up two years on analyzing and understanding exactly what you, our members, really need from us. We know there are many legal organizations asking you to participate – time, talent and treasure – in their communities, but our County Bar Association can meet unique needs that complement the offerings of other institutions. We have had (and will again, perhaps slightly differently) our traditional social events where we come together to celebrate achievements and honor our members. We create novel opportunities to engage in community dialogue like the history and background of the I-81 options and the socio-political and legal underpinnings of our region's eviction crisis. We connect with young people through lawyer in the classroom, Law Day and Mock Trial. We support our colleagues in need by implementing the Mentoring and Professional Development program, chaired ably by retired Principal Counsel for the 5th Judicial District's Attorney Grievance Committee, **Tony Gigliotti**.

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Your local bar association is arguably more important than ever given that the pandemic and reliance on legal technology has left us spending countless hours in front of a computer screen. We have pivoted rapidly to get near real-time distribution of emergency orders, and have been able to offer more Internet-based CLE programs and community gatherings, including the very popular, informal discussions with our local judges (recent notable sessions with our **District Administrative Judge Hon. James P. Murphy**).

We are fortunate to have a long list of active committees which are devoted to advancing the practice of specific areas of the law. Please refer to **page 10**, where you will find an updated list of committees, and their Chairs, and also see the vacancies we are seeking to fill – raise your hand for leadership in your Association, or dip your toe in the water of a particular committee that looks interesting to you. Reach out to a Chairperson to find out more about the work each committee does.

With respect to recognizing our profession’s achievements, we have long awarded the Distinguished Lawyer Award, and occasionally, a Ruger Award to a member of the bench, at each fall’s Annual Dinner. I am sad to report that the Board has evaluated the progression of the pandemic and the need to protect the safety of our members as well as the low possibility that the government might permit an inside event of 300 people or more, and reached the inevitable conclusion that we cannot hold an Annual Dinner this year.

However, we will be holding a number of other, smaller, safer and shorter events which will recognize the achievements of our colleagues in other ways. Our Awards Committee is working on the criteria for at least two new awards to be recognized annually. The first, is to the attorney, judge or legal professional who has committed notably to the betterment of this community, outside of the practice of law, through sustained volunteer leadership and achievement. The second award will go to the attorney or judge who has had a remarkable achievement or achievements in his or her specific practice of law, whether by advocating and crafting legislation or legislative reform, improving the administration of and/or access to justice, or by a notable appellate victory (state or federal) which has expanded or clarified a point of law. For the “Advancement of the Law” award, we will focus each year on a different practice area (see **page 11** for this year and the coming years’ categories). There will be a social event for that award, and sponsorship opportunities. The Awards Committee, chaired by **Gioia Gensini, Esq.**, will be issuing a call for nominations for the 2020 award, which category (done alphabetically) is “Civil Rights”, which is a natural segue to my second goal.

(2) Being a Leading Voice in Eradicating Systemic Racism and Inequity in the Administration of Justice in CNY

The need to promote the equitable administration of justice, and equal access to justice has never been so important than right now. Between the health and economic effects of a global pandemic the likes of which nearly none of us have ever seen, together with a long-overdue societal awakening to the anguish and oppression traditional systems historically have placed on people of color, people of the LGBTQ+ community, and people who are working with chronic mental and physical challenges, we are hearing a social call to action which we as a community of lawyers must acknowledge and answer.

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Letter from the **PRESIDENT**

On my first day in office on June 1, 2020, I was proud to join our Board of Directors in issuing a strong statement against systemic racism and inequality in our justice and law enforcement administration (see **page 3**). As a first action step, we have launched, with the guidance of **Professor Paula Johnson of the Syracuse University College of Law**, a year-long series entitled “Race and Justice in CNY”, which will include online book discussion groups (starting in September with Just Mercy, by Bryan Stevenson, founder of the Equal Justice Initiative), CLE programs on all the legislative reforms passed and being considered, and community-wide sessions on our state and local government structures, identifying our government leaders and their responsibilities, and how to advocate for reforms (see **page 17**). We are collaborating with stakeholders and activists and local leaders to ensure this dialogue is not just about raising awareness, but will give people the knowledge, tools and encouragement to take a stand and act.

The Bar Association is not a newcomer to these efforts: for years we have been promoting community improvement and supporting greater diversity and inclusion efforts. We are fortunate to have strong leaders like **Jim Williams (Legal Services of CNY)** as the Chair of our Community Engagement Committee, and **Crystal Doody (Legal Services of CNY)** as the Chair of our Diversity and Inclusion Committee, who have built programs like the Diversity and Inclusion Internship program with local law firms like **Barclay Damon, LLP, Hancock Estabrook LLP and Harris Beach, LLP**. The Bar Association has been recognizing community leaders who, through their actions, help to foster a legal community where equal opportunities for growth, development and advancement are open to all. See **page 16** for a list of our past award recipients. I want to give special recognition to **Nodesia Hernandez**, the Chair of the Paralegals Committee, who spearheaded efforts to provide pizza and water to activists during their 40-day protest, along with support from **Barclay Damon, LLP** (see **page 16**).

In closing, I would like to share a passage from President Lincoln: “You cannot escape the responsibility of tomorrow by evading it today.” We need to come together as a community of legal professionals and leaders and build the community where everyone has an equal opportunity to succeed. The time is now.

Thank you, members of the Onondaga County Bar Association, for your continued support, and for leaning in to take part in the work the Bar Association is called to do. And a special thanks to **County Executive Ryan McMahon** and **County Attorney Bob Durr** for encouraging my commitment to the County Bar Association and for the County’s commitment to the pursuit of justice and equal opportunity.

Enjoy your summer and stay safe!



Paula



Message from the Hon. James P. Murphy Administrative Judge, Fifth Judicial District

Hi everyone. I hope you and your families are well! Four months ago, COVID-19 forced our Courts and legal system to retreat. Words like “unprecedented” and “extraordinary” just don’t do justice to the times we are living through.

Overnight, we consolidated our essential court operations to one central location and sent almost all our staff home. I am very proud of my incredible Judges and staff that allowed us to never close essential court operations. We bent but did not break.

Since that time, we have embarked on an incredible odyssey, bringing us finally back to some semblance of normal today. Judges and staff were trained and equipped to work virtually from home, thousands of settlement and pre-trial conferences were held remotely, in-person appearances were gradually increased to allow justice to many whose legal proceedings had been put on hold, Judges and necessary staff returned to all the Courthouses and this week Grand Juries were successfully impaneled in several counties within the District.

I know that some believe we moved too fast and others believe too slow. Please always know that I always tried to balance the safety of our Judges, staff, attorneys, litigants and other court users with our important mission and obligation to do justice for the residents in our communities. As expected, the Judges and attorneys in the 5th District have truly stood tall throughout this ordeal. I am inspired by all of you and your willingness to accept our new realities, work together and cooperate to accomplish our mutual goals. I very much appreciate the willingness and trust of many of you to give me both positive feedback and critique.

So here we are, Phase IV. We continue to monitor and limit the number of people in the Courthouses and adhere to very stringent safety protocols. We have permitted almost all Court operations to proceed at this time. We encourage virtual appearances for safety, but litigants and attorneys in urgent matters are permitted to appear before a Judge. We have prudently limited the use of about half our courtrooms because we have a certain percentage of staff working at home in the event we are unexpectedly required to quarantine those in the Courthouse.

The challenge now is the backlog that we all know awaits from four months of no or limited activity. I have advised the Judges that we should begin to move things now. Our community COVID numbers are good and we should take advantage of it. Many anticipate problems after Thanksgiving. I think it is incumbent on all of us to proceed safely to address the issues and disputes of the litigants before us and bring them the justice they deserve.

I want to publicly thank Jeff Unaitis at the Onondaga County Bar Association, Diane Parslow at the Oneida County Bar Association and Laurel Eveleigh at the Central New York Women’s Bar Association for providing me with a direct line of communication to all of you. Many times, I sent Administrative Orders, Operations Memos and Executive Orders at all hours and on the weekends and was amazed how quickly they were posted.

Please take time to enjoy this beautiful Summer weather with your friends and family. I hope to see you all soon.

A handwritten signature in blue ink that reads "James P. Murphy". The signature is stylized and cursive.

Hon. James P. Murphy



In Memoriam

The Onondaga County Bar Association extends its deepest sympathy to family, friends and colleagues of those we have lost in 2020:

Hon. William J. Barrett

Joseph Bollettieri

William J. Bulsiewicz

Carolyn M. Chini

Edmund M. Davis

James F. Dwyer

Charles S. Edwards

Stanley G. Germain

Gerald A. Hamill

Donald M. Mawhinney, Jr.

Walter N. Munson

Thomas Gregory Murphy

James J. O'Connell

Robert P. Rickert

Robert L. Riley

Joseph Siracusa

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

THE PRACTICE PAGE:

SERVICE OF PROCESS BY CPLR 312-a

*Hon. Mark C. Dillon **

CPLR 312-a is the most recent addition to the various available methods for serving process, but since time flies, it is already past its 21st anniversary.

Everyone in the legal community agrees that service of process is a technical endeavor. Even process servers who make their living performing these tasks, and who are well versed in the statutory details, are not infallible. If there was infallibility, there would be no such things as Traverse hearings and the dismissal of actions for improper service of process upon defendants. In the 1980s, there were well-founded concerns that the technicalities of the traditional methods for serving process were onerous, not to mention there being instances of “sewer service” where the process described in affidavits of service did not actually occur (*Shaw v Shaw*, 97 AD2d 403, 404).

Personal service, which sounds straight-forward, involves technicalities such as whether the description of the person served in the affidavit of service matches that of the defendant (*Ismailov v Cohen*, 26 AD3d 412, 413). Service by suitable age and discretion spawns litigation over whether the person receiving the summons was in fact of a suitable age and/or discretion (*Room Additions, Inc. v Howard*, 124 Misc.2d 19). The “nail and mail” method generates litigation over whether the process server exercised “due diligence” in first attempting service personally (CPLR 308[1]) or by suitable age and discretion (CPLR 308[2]) (E.g., *McSorley v Spear*, 50 AD3d 652, 653-54). All methods generate cases over the process server’s compliance with statutory mechanics. Alternate methods of service that may be permitted upon application to the court, such as service by publication (CPLR 316), unrealistically assumes that target defendants read the Legal Notices of newspapers. I don’t do so. Do you?

Enter CPLR 312-a in 1989. The statute represented a well-intentioned effort to avoid the vicissitudes of serving process under the traditional methods, by instead using a new method that is simple, cheap, and verifiable. It has not been the panacea that was hoped, but is used by some attorneys to good effect. The idea behind CPLR 312-a is simple, but is afflicted by its own technicalities. The plaintiff’s summons with notice, summons and complaint, or notice of petition and petition, is served upon the defendant by mail, properly addressed and posted. The mailing may be addressed to any location where the defendant is at, whether a residence, domicile, place of business, or other. The mailing is accompanied by two copies of a Statement of Service by Mail (“Statement”), one of which is to be executed by the defendant and returned to the plaintiff’s counsel, and the second copy kept by the defendant.

CPLR 312-a provides a template of the language that is to be used in the Statement. Defendants are to execute the Statement within 30 days of its receipt. Service is deemed complete upon the defendant’s execution of the Statement, and the Statement has the same force and effect as an affidavit of service (CPLR 312-a[c]). To facilitate matters, the plaintiff is required to include with service a properly-addressed, postage pre-paid return envelope. Service by this method is defective if two copies of a proper Statement are not provided, or if the service documents fail to include the required pre-addressed return envelope with its 55-cent stamp.

The problem with CPLR 312-a, beyond its simple technicalities, is that its success depends entirely upon the cooperation of the defendant. If the defendant fails or refuses to execute and return the Statement, the plaintiff must use another method of service from scratch, and hopefully has enough time left under CPLR 306-b to do so without need of a time extension (*Komanicky v Contractor*, 146 AD3d 1042). The only penalty for a defendant’s non-compliance is to reimburse the plaintiff for the reasonable expenses of service by another method (CPLR 312-a[f]). That expense may be minor compared to the overall costs of the litigation, or when damages are sought in the tens or hundreds of thousands of dollars, or millions. Defendants have little incentive to comply.

As litigators, you will do as you wish for serving process. CPLR 312-a represents a good concept but has not worked out over its two decades quite as well as originally hoped, as challenges to the service of process continue to be seen frequently in the courts.



Hon. Mark C. Dillon is a Justice of the Appellate Division, Second Department, an Adjunct Professor of New York Practice at Fordham Law School, and an author of CPLR Practice Commentaries in McKinney’s.

2020-2021 Committee and Section Leadership

<u>Ad Hoc Committees</u>	<u>Chair</u>	<u>Sections</u>	
Community Engagement	Jim Williams	Commercial Law	Teresa Bennett James O'Shea
Lawyers in the Classroom <i>(includes Mock Trial)</i>	Mark Ventrone seeking co-chair	In House Counsel formerly Corporate Counsel	Lisa Alexander seeking co-chair
Awards & Recognition	Gioia Gensini seeking co-chair	Criminal Law	W. Benjamin Coffin seeking co-chair
Attorney Client Fee Dispute	Mark Wasmund	Environmental Law and Land Use	Wendy Marsh Mike Fogel
Bar Reporter Editorial Board	Editorial Board	Estates & Surrogates	Mary King Aiden Mitchell-Eaton
Bench and Bar	vacant	Family Law	Bob Jenkins Karen Docter Bryn Lovejoy-Grinnell
Continuing Legal Education	Joseph Callery	Federal Courts	John McCann Kim Zimmer
Judiciary	Jean Marie Westlake	Health Law	Robert Connolly Maureen McGlynn
Finance	Martin Lynn	Intellectual Property	Jack Rudnick Denis Sullivan
Governance	Aaron Ryder	Law School Section	vacant
Grievance	Julian Modesti	Legal Administrators	vacant
Law Practice Management	vacant	Municipal Law	Kevin Gilligan Anthony Rivizzigno
Lawyer Referral Service	Stuart LaRose Tom Cerio	Real Property	Gil Hoffman Rocco Mangano
Membership	Graeme Spicer Anthony Marrone	Small & Solo Practice	Graeme Spicer Kim Zimmer
Paralegal	Nodesia Hernandez	Young Lawyers	Ryan Poplawski
Professional Ethics	John Sindoni PG Ferrara	Trial Lawyers	Jennifer P. Williams John Callahan
Diversity & Inclusion	Crystal Doody Kayla Arias		
Volunteer Lawyers for Animal Advocacy	Nick DeMartino Kerilyn Micale Colleen Gibbons		



Onondaga County Bar Association Awards Update

The Awards Committee of the Onondaga County Bar Association is seeking new Committee members to assist in the development, evaluation and consideration of new awards made to outstanding members of the legal community. If you're interested in joining this Committee, contact Executive Director Jeff Unaitis at JUnaitis@onbar.org or Committee Chair Gioia Gensini.

In addition to continued oversight of the recurring Distinguished Lawyer and Ruger Awards, the Committee will be introducing new awards including:

- **Annual Award for Notable Advancement in the law of Civil Rights** (in 2020);

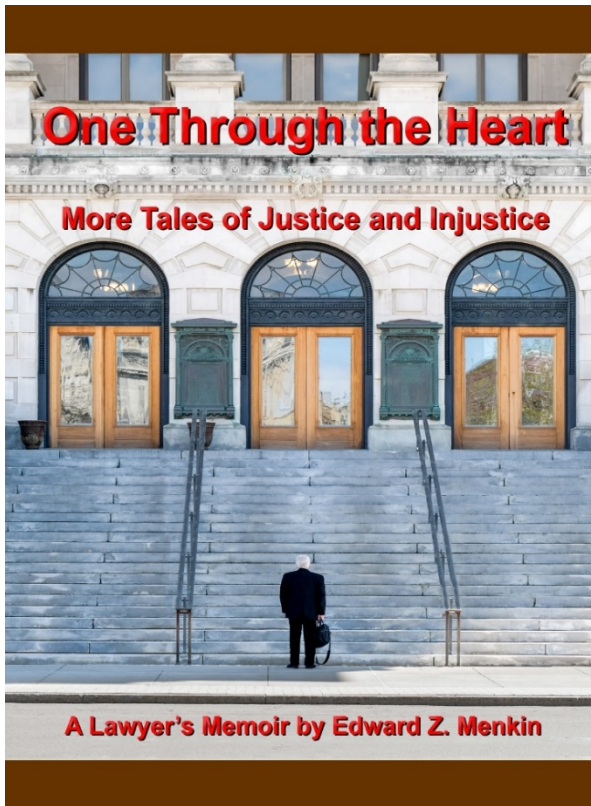
In subsequent years, awarded on a rotating basis in the following areas of practice:

Criminal - 2021
Employment, Workers Comp, SSI – 2022
Environmental - 2023
Family - 2024
General Business (and NFP) Law (includes health practice, finance and intellectual property) - 2025
Government and Administrative - 2026
Personal Injury – 2027
Real Property, Foreclosure, Landlord-Tenant - 2028
Trusts & Estates – 2029

- **Annual Award for Community Service**
- **Law Practice Management Award:** A person who has led his or her law firm with excellent cross-functional expertise in the areas of financial stewardship, information technology and security, human resources, marketing and communications. Requires detailed examples.

“You Should Write a Book.” Well, Yes You Can.

By Edward Z. Menkin, Esq.



One reason that lawyers make such good company is that they have lots of good stories. How often have you come home with “You won’t believe what happened today” or found yourself at a neighborhood barbeque relating one memorable episode or another from your practice? Many of us have that lingering thought and hidden ambition: yeah, I’d really like to write a book. Or, how many times has a friend or colleague said, “You really ought to write a book”? But then it’s forgotten or suppressed because you have other things to do or you think it’s too much work. Well, yes, there is work involved; but writing and publishing that book is easier than you might think and the satisfaction and rewards are greater than you could hope for.

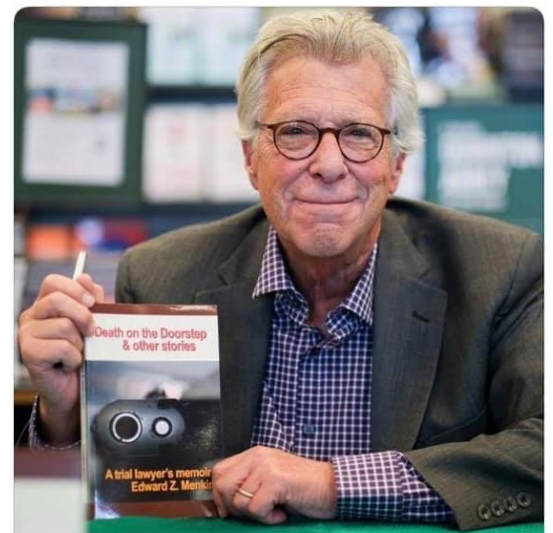
Besides having something to say in the first place (a given), you will need to set aside some time to devote to your writing project. If you are serious about it, you need to treat it like a part-time job and keep with it. It’s widely known that Tom Clancy came home each night from his insurance office and systematically devoted his evening hours to write his first novel. That turned out to be “The Hunt for Red October.”

Finding a publisher interested in putting out your book is a challenge unto itself. Almost all publishers will only deal with an agent and most agents don’t want to take you on unless you’ve published. There is, however, a readily available solution to this dilemma: self-publishing on Amazon.

I’ve now self-published two books, both through Kindle Direct Publishing (KDP), a division of Amazon (of course). The KDP website (https://kdp.amazon.com/en_US/) is extraordinarily helpful, detailed, and user-friendly, with plenty of video tutorials, writing tips, a community blog and almost any kind of resource you might need to bring your book to print or digital reality. I was lucky enough to have a highly experienced friend who guided me through the process (and helped me edit my material) but if you are really committed—and have the time—this is something you can truly do yourself. If you are seriously entertaining the notion of writing a book, do yourself a favor and browse through the KDP website. It’s worth the look.

And good luck on your first book.

Mr. Menkin’s latest book, plus *Death on the Doorstep & Other Stories*, may be purchased here: <https://www.amazon.com/dp/B089LYGXXS>



Volunteer Spotlight: Mark Ventrone

Kids Want to Learn. Lawyers Want to Teach.

By Gail Ehrlich, Esq.

No matter where schoolchildren go to learn this fall, lawyers want to be there to assist educators in instructing students on topics varying from the Constitution to first-time Business Transactions to Voting Rights, and much more.

Last fall, Gail Ehrlich, Esq. Vice-chair of the NYSBA Law, Youth & Citizenship Committee spoke with OCBA President Paula Mallory Engel and Lawyers in the Classroom Chair Mark Ventrone. He is a lawyer with the firm of Cote & Van Dyke and is a long-standing member of NYSBA and is on the LYC committee. Ventrone has chaired the OCBAS Lawyers in the Classroom Program since 1995. He primarily serves the Westhill School District, but has shared his classroom skills at the Syracuse University College of Law, SUNY Oneonta, and Most Holy Rosary Elementary School.

"Teachers want us to be wide open," said Ventrone. "But students love and are interested in what goes on in court, be it civil or criminal. ... I always feel energized and excited, especially about those kids who come up to me afterward and want to continue the conversation."



Photo by Tim Mossholder on Unsplash

The NYSBA LYC Committee encourages our members to visit their local schools to teach about law and the legal profession, not just on Constitution Day (September) and Law Day (May), but at all times of the year. Since NYSBA is statewide, and schools are local, best practice dictates that **local bar associations** are the logical starting point for lawyers who wish to visit schools. That said, NYSBA works with local bar associations throughout the state by promoting lawyers in the classroom, sharing online lesson material, and supplying class sets of pocket US Constitutions.

The Onondaga County Bar Association has a robust Lawyers-in-the-Classroom program, which could serve as a model for other bar associations which don't already organize lawyers to visit local schools. What are the secrets of your success?

Ventrone: The Honorable James P. Murphy, now Chief Administrative Judge for the Fifth Judicial District, Supreme Court justice and past president of our bar association, has been a major catalyst for our Lawyers in the Classroom program over the past few years. I have been involved for about 20 years. We have a number of volunteer attorneys specializing in various areas of the law ready, willing and able to go into the classroom, not only during Law Week, but throughout the year. Many attorneys like me have a direct relationship with particular

schools, which may contact attorneys directly. Other schools may contact our bar association with a specific request and/or topic. However, I have to credit Paula Engel for taking the program to a new level by structuring the program so that school visits are not dependent on personal connections. Paula has created an outreach protocol so we can reach more students.

Engel: We wanted to make the program as “work-free” for teachers as we could: we can tailor any presentation to meet the teachers’ needs and wants - such as discussing legal issues you might face as an 18 year old, or providing a stand-alone class on a constitutional issue. Interested lawyers register on our website <https://www.onbar.org/about-us/committees/lawyers-in-the-classroom>, and then we match their expertise to what the teacher needs for his or her curriculum. I wrote an introductory letter to all of the region’s school districts which outlined our program. We’ve been invited to explain the program to the principals of all the schools in the Syracuse City School District, which includes more than 31 schools, in January 2020.

Can you elaborate on your own experiences participating in the Lawyers in the Classroom program?

Ventrone: I really enjoy meeting with students. I am a “frustrated” teacher; I taught the LSAT prep course for 7 years and teach religious education, so if I had to do it all over again, I may have come out of school with an education major and taught! In general I find that most students really don’t know much about our Constitution other than the more well-known amendments such as freedom of speech and right to bear arms. Our NYSBA’s offering of “pocket” Constitutions for the students is a wonderful idea to spur their interest, which, in my case, it did.

Engel: We can offer lessons at all levels on different topics. For instance, an English teacher might want a lesson on criminal defense for a class studying “To Kill a Mockingbird”. I had great success with a 5th grade mock trial where an unfortunate wolf is being racially profiled by a group of little pigs. The students totally understood the concept. We also host students on field trips to county courthouses. I’ve found those trips to be very eye-opening experiences for the students, as well as for me - observing their reactions and seeing things through their eyes.

How often do you speak to high school students vs. younger aged students? And how are those experiences different?

Ventrone: Typically we speak at high schools. Less frequently elementary or junior high schools may request an attorney speaker. Over the years I have attended a number of junior high career days with other speakers who are alumni of the given school. The key here is adaptation and knowing one’s audience and age group. These students who are further removed from their college years are generally more interested in discussing hot topics in the news rather than the road to becoming an attorney. For example one junior high class was focused on discussing gun control and their viewpoints because of recent school shootings. Younger students sometimes focus on crime shows such as Law and Order and want to know whether those scenarios could really occur. And younger students seem often to be caught up in the prestige of the career while high school students are often more concerned with the number of years of study required, the job market for attorneys, and how much money lawyers earn.

What have been the best moments?

Ventrone: One of the best moments was when the class was so engaged from the get-go, we had to schedule another appearance or two, and move from the classroom to the gym to speak to several classes in a group format. Another was when I brought in a good friend who went on to produce NBC sports, or a professional athlete to talk to a sports entertainment class.

We know that teachers carefully prepare their lesson plans. What do you do to you prepare yours?

Ventrone: I ask the teacher to email me in advance any questions they or the students might have, and again, try to determine what they are doing or have done in class to apply same to actual practice. But more often while I have a general format that I like to follow, I like stopping and hearing from them along the way with any questions or comments they may have. Very often, they want to talk about what is a hot topic in the news and/or personal experiences with the law. Many times the teacher signals that going off-topic is fine- if the students are interested and engaged, that's the important thing.

What have been the challenges?

Ventrone: Often to try to get through in a limited 40 minute time frame. And since our LYC committee is involved in preparing the annual mock trial competition case - not to let the cat out of the bag too early, even though students probe and try.

Have the students you've met with had sufficient knowledge of how our government works and of constitutional principles?

Ventrone: Most students have at least a moderate understanding as to how government works. They remember names of the most common elected officials, more so on a state and local level, and less on a federal level. I have found most do not know the differences between the House and Senate for example, and/or state and local laws and crimes, and federal laws and crimes. Constitutional principles are usually those they hear via media most often.

What do you think of doing a panel of lawyers or maybe lawyers and judges for a school visit?

Ventrone: We have done a panel of attorneys and judges when asked by a school. A former partner of mine and town justice went into the classroom - he in his robe - they loved it. A City Court judge did the same and invited the students to visit his courtroom. Panels are often requested for school career days. We have even discussed doing a mock trial in class as a follow-up after an initial presentation.

In your experience, what holds lawyers back from visiting schools more often, or at all?

Ventrone: Usually time schedule and constraints and/or the attorneys' lack of knowledge as to what the program really entails, the flexibility of same and rewards therefrom.

What advice would you give other lawyers who wish to reach out to our students?

Ventrone: Definitely to take that first step. It will prove to be a wonderful experience.



Race & Justice in Central New York

A PROJECT OF THE ONONDAGA COUNTY BAR ASSOCIATION

OCBA Reaches Out to Our Community



In support of the daily marches earlier this summer throughout Syracuse coordinated by the National Action Network and Black Lives Matter in response to the killing of George Floyd in Minneapolis, the OCBA Paralegals section offered food and outreach to the 100+ march participants for the Monday, June 8th peaceful protest.

Thanks to Paralegals Chair Nodesia Hernandez for suggesting and coordinating the Bar's effort, and to the volunteers who assisted: paralegals Marcus Jackson and Marie Robeson (and Marie's family), and attorneys Elet Callahan, Kayla Arias and Janae Cummings. Thanks to Barclay Damon for its donation of extra pizza. OCBA will continue to support local efforts in response to these evolving events.



Past Recipients of the Onondaga County Bar Association Annual Diversity and Inclusion Awards

- 2016 **Central New York Women's Bar Association**
- 2017 **Sally Fisher Curran, Esq. and Volunteer Lawyers Project of Onondaga County**
- 2018 **The Richard C. Failla LGBTQ Commission of the New York State Courts**
- 2019 **William Herbert Johnson Bar Association**

OCBA Diversity & Inclusion Internship Placements

- | | | |
|------|-----------------------------|------------------------------------|
| 2020 | Rickson Mario Galvez | Bond, Schoeneck & King, PLLC |
| | Ricardo Masias | Legal Services of Central New York |
| 2019 | Omar Mosqueda | Hancock Estabrook, LLP |
| | William M. Wolfe | Bond, Schoeneck & King, PLLC |
| 2018 | Julian Harrison | Hancock Estabrook, LLP |

Read in the Summer; Discuss in the Fall



All Discussions will be held on Zoom

Discussion Date and Registration Forthcoming

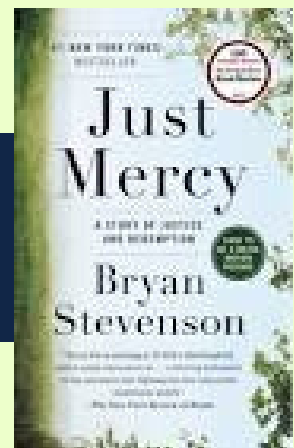
JOIN US FOR THE INAUGURAL
RACIAL JUSTICE COMMUNITY BOOK READ

JUST MERCY

BY BRYAN STEVENSON
EXECUTIVE DIRECTOR,
EQUAL JUSTICE INITIATIVE

Available through the Onondaga County Public Library
and major book retailers

Cosponsored by the Syracuse University College of Law and
the Onondaga County Bar Association



Cheers For A Cause

A VIRTUAL WINE TASTING FUNDRAISER

Thursday September 24
6:30 p.m. - 7:30 p.m.

6:30 - 7:00 *Virtual Wine Tasting* | 7:00 - 7:30 *Volunteer Celebration*

For a \$100 donation, you'll receive:

- Three bottles of wine, *delivered to you!*
- Login information to join our virtual wine tasting event, hosted by Ray Isle.
- An opportunity to join us as we celebrate our 2020 Pro Bono Champions!

Visit our website at
www.onvlp.org/events/cheersforacause
or email Bethanie at
bhemingway@onvlp.org to
purchase a ticket.

Ray Isle is the Executive Wine Editor of Food & Wine and the Wine & Spirits Editor of Travel + Leisure. His articles about wine, beer, food & spirits have appeared in a wide range of national publications, as well as in Best American Food Writing. He has twice won the IACP Award for Narrative Beverage Writing, and has been nominated three times for the James Beard Award in beverage writing. He speaks regularly on wine at events and is a frequent guest on national media, appearing on programs such as NBC's Today show, CNBC's On the Money & Squawk Box, and many others. Follow his wine exploits on twitter @islewine and on Instagram @rayisle.

You don't want to miss this!

All proceeds benefit the Volunteer Lawyers Project.

We are grateful to these advertisers for their continued patronage of the Bar Reporter newsletter. *Thank you.*

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Newsmakers and Influencers

Hancock Estabrook Announces 2020 Summer Associate Class

Hancock Estabrook is pleased to announce that Nabil W. Akl and Bryan P. O'Keefe have joined the Firm as summer associates.

Nabil W. Akl attends Syracuse University College of Law where he is the Trial Division Director of Advocacy Honor Society and co-founded the Middle Eastern Law Student Association. Mr. Akl is also a member of the Black Law Student Association. Previously, he completed an internship with Hon. Glenn T. Suddaby, Chief U.S. District Judge for the Northern District of New York. He earned a bachelor's degree in business administration from Drexel University.

Bryan P. O'Keefe attends Albany Law School of Union University. He is involved with OUTLaw, is a member of the Student Bar Association and the Executive Editor for State Constitutional Commentary on the *Albany Law Review*. He earned a bachelor's degree from the University of Vermont. Mr. O'Keefe previously externed with Hon. Lawrence E. Kahn, U.S. District Judge for the Northern District of New York.

Named a 2020 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.



Nabil W. Akl



Bryan P. O'Keefe



Newsmakers and Influencers

Mackenzie Hughes LLP Boosts its Business Departments



Joseph G. Farrell

Mackenzie Hughes LLP announces Joseph G. Farrell has joined the Syracuse office as a partner in the firm's litigation department and will concentrate his legal practice on medical malpractice defense.

Joseph has been practicing law for more than 10 years. While working at another Syracuse law firm, he defended physicians, midlevel providers and facilities in medical malpractice actions. He has also represented medical providers in front of the New York State Office of Professional Medical Conduct and the New York State Office of Professional Development and spent six years as a Teach for America Corps Member prior to becoming an attorney.

Joseph holds a Juris Doctor degree from the Syracuse University College of Law and is a member of the New York State Bar Association and Onondaga County Bar Association.

Mackenzie Hughes is also pleased to announce Brandan Ray has joined the firm as an associate within the firm's business department. His practice primarily focuses on business formation and governance, private investment transactions, and intellectual property.

Brandan holds a Juris Doctorate from Boston University School of Law and is a member of the New York State Bar Association as well as the Massachusetts Bar Association.



Brandan Ray



Newsmakers and Influencers

Barclay Damon Announces New Practice Group, Practice Area, and Industry Team Leadership



Brenda Colella

Corey Auerbach

Sharon Brown

Ekin Senlet

Kevin Szczepanski

Barclay Damon announces, the following new practice group, practice area, and team leadership changes: [Brenda Colella](#), Regulatory Practice Group leader [Corey Auerbach](#), Land Use & Zoning Practice Area co-chair; [Kevin Bezio](#) and [Sharon Brown](#) Public Finance Practice Area co-chairs; [Ekin Senlet](#) Regulatory Practice Area co-chair; and [Kevin Szczepanski](#) Cybersecurity Team co-leader.

“Each of these individuals has done an outstanding job stepping up to support their respective practices, applying their extensive industry knowledge, legal skills, and strong leadership abilities to generate new client successes and business development opportunities,” said John Langan, the firm’s managing partner. “Even amid this challenging time dealing with COVID-19, we are confident this group of attorneys will be able to use their new roles to keep us moving forward.”

The former Regulatory Practice Group deputy leader and current co-chair of the Regulatory Practice Area, co-leader of the Renewable Energy and Energy Markets Teams, and a member of the Project Development Practice Area and Energy and Oil & Gas Teams, Colella is taking over as Regulatory Practice Group leader from Jeff Davis, Telecommunications Practice Area chair and Project Development Practice Area co-chair.

A member of Land Use & Zoning, Project Development, Real Estate, and Telecommunications Practice Areas as well as the Tax Credits, Cannabis, and Hotels, Hospitality & Food Service Teams, Auerbach will serve as a Land Use & Zoning Practice Area chair alongside Jeff Palumbo.

Bezio is a member of the Public Finance and Financial Institutions & Lending Practice Areas, and Brown is a member of the Tax and Public Finance Practice Areas as well as the Tax Credits Team. They will take over as Public Finance Practice Area co-chairs from Connie Cahill, who is preparing for her 2021 transition to managing partner.

A member of the Regulatory Practice Area as well as the Energy, Oil & Gas, Renewable Energy, and Cybersecurity Teams, Senlet will serve as the Regulatory Practice Area co-chair alongside Colella. She is taking over the role from Maureen Helmer.

A member of the Insurance Coverage & Regulation and Commercial Litigation Practice Areas as well as the Insurance & Reinsurance, Cybersecurity, and COVID-19 Response Teams, Szczepanski will serve as a Cybersecurity Team co-leader alongside Nick DiCesare.



Newsmakers and Influencers

Associated Services Partners with the Process Server Center, Sets Standard for the Process Service Industry



Associated Services announces it is partnering with the Process Server Center (PSC). PSC is a legal professional organization that successfully developed the first platform to self-regulate the process service industry in the United States. Through this partnership, Associated Services and PSC will aim to:

- Implement the nationwide certification for process servers in order to upgrade the professional quality of services provided
- Encourage the continuous training and education among process servers to support the orderly administration of justice
- Facilitate the administration of the Process Server Exclusive Group to enhance confidence in the integrity of services provided by process servers
- Provide a hassle-free solution for legal departments of government agencies, law firms and pro se clients to find professional and reliable process servers

PSC survey has proved that legal departments at government agencies, law firms and pro se clients will benefit from advancing process server training and utilizing a constantly updated database that reflects the education, experience and real-time feedback for the quality of work and performance of process servers.

“We are excited to support PSC in the much needed regulation of the process service industry,” said Brani Andreev, CEO of Associated Services. “Providing the know-how and pre-screening of certified process servers in order to provide legal professionals the fast and reliable access to qualified, certified, pre-screened process servers is the most exciting opportunity the process service industry has seen in a long time.”

Ultimately, Associated Services aspires to enable process servers to distinguish themselves from others while providing clients with a reliable source of hiring the best process servers in the country. According to the Bureau of Labor Statistics, there are currently about 15,000 to 20,000 process servers in the United States. Only nine states require initial statewide licensing for process servers and the responsibility to obtain sufficient education and training falls on each individual process server.

For information, visit www.Associated.Legal

Newsmakers and Influencers



Rochester Institute of Technology Enters into 3+3 Admissions Agreement with SUCOL

Syracuse University College of Law and the Rochester Institute of Technology (RIT) have entered into a 3+3 Admissions Agreement for RIT students who wish to kick start their legal careers. The agreement enables qualified students to obtain their bachelor's and J.D. degrees in six years, instead of seven.

Under the agreement, RIT students who are admitted and enroll through the 3+3 program must complete all coursework required of their School of Individualized Study undergraduate major in three years. Their first year at the College of Law then fulfills the final year of their bachelor's degree, allowing 3+3 students to finish both degrees in six years.

"The 3+3 agreement with Syracuse provides our students with an accelerated pathway to one of the top law schools in New York State, just 90 miles from Rochester, trimming one year off the total time for an undergraduate and law degree," says Interim Dean for the College of Liberal Arts LaVerne McQuiller-Williams.

"Our 3+3 agreement with RIT places students on a fast-tracked path into the College of Law and our innovative programs, academic offerings, and experiential learning opportunities," says Denée Page, Assistant Dean of Enrollment Management, Syracuse University College of Law. "I look forward to meeting talented RIT students and to helping map their future through Syracuse."

"Among our multi-disciplinary research centers and institutes, the College of Law's [Innovation Law Center](#) (ILC) will be of special interest to RIT students," explains College of Law Dean Craig M. Boise.

"This program attracts top law students interested in intellectual property law, and it is a particularly good fit for students with a science and technology background. ILC is just one of Syracuse's applied learning opportunities, along with our nationwide Externship Program and our Advocacy Program, ranked 15th in the nation."

Designated the New York State Science and Technology Law Center since 2004, ILC offers a Technology Commercialization Law curricular program for students interested in the technical, legal, and business aspects of bringing new technologies to market.

In addition to focused doctrinal study, ILC students work on research projects for real technologies on behalf of universities, federal research laboratories, technology development organizations, and established companies and startups.

RIT joins other 3+3 schools who partner with Syracuse University College of Law in Upstate New York —Alfred University, Le Moyne College, Nazareth College, and St. John Fisher College—as well as Syracuse University's Whitman School of Management and three Atlanta-based Historically Black Colleges and Universities: Clark Atlanta University, Morehouse College, and Spelman College.



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.

FROM THE COURTS

Contact Emails for 5th JD Support Magistrates & Court Attorney Referees

Onondaga County

Karen Stanislaus – Part 10 – SM-Stanislaus-Chambers@nycourts.gov

William Rose – Part 12 – SM-Rose-Chambers@nycourts.gov

Sal Pavone – Part 11 – SM-Pavone-Chambers@nycourts.gov

Patricia DeRue – Part A – SM-DeRue-Chambers@nycourts.gov

Susan Nasci – Part B – SM-Nasci-Chambers@nycourts.gov

Karen Brandt – Part C – SM-Brandt-Chambers@nycourts.gov

Jeff Domachowski – Part D – SM-Domachowski-Chambers@nycourts.gov

Lewis County

SM-McIntyre-Chambers@nycourts.gov

LEW-FAMILY-FAX

315-671-6084

Jefferson County

SM-Cohen-Chambers@nycourts.gov

Also Judge-Langone-Chambers@nycourts.gov

JEF-LANGONE-FAX

315-266-4798

Oneida County

CAR-Angelini-Chambers@nycourts.gov

Oneida-Family-PLA

315-266-4419

SM-Barry-Chambers@nycourts.gov

Oneida-Family-CMB

315-266-4763

SM-Haggas-Chambers@nycourts.gov

Oneida-Family-SWH

315-266-4765

SM-Rasheed-Chambers@nycourts.gov

Oneida-Family-JAR

315-266-4764

SM-McIntyre-Oneida-Chambers@nycourts.gov

Oneida-Family

315-266-4764

Oswego County

CAR-VanStry-Chambers@nycourts.gov

SM-Norfleet-Chambers@nycourts.gov

OSW-FAM-FAX

315-266-4770

Herkimer County

SM-Carraway-Chambers@nycourts.gov

Judge-Brennan-Chambers@nycourts.gov

HER-FAMILY-FAX

315-266-4534

Ethics Hotline

New York lawyers faced with ethical questions regarding their own prospective conduct can reach the Ethics Hotline by calling volunteers Victor Hershdorfer at **315-913-4087** or Tony Gigliotti **315-727-6780**.

The Ethics Hotline is operated and staffed by members of the Onondaga County Bar Association's Committee on Professional Ethics (the "Committee"), chaired by John Sindoni and P.G. Ferrara. 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. 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.

ONLINE REGISTRATION ONLY FOR THIS CLE –

visit www.onbar.org

CLE | Landlord/Tenant Law Update

WHAT: Landlord/Tenant Law Update | WHEN: Noon to 2 p.m. Friday, August 7, 2020 | WHERE: Virtual CLE via ZOOM
| CREDIT: 2.0 Skills | COST: Free



No matter if you represent a Tenant or a Landlord you should attend this collaborative CLE to receive an update on what's happening *right now* as regards state and federal laws and orders concerning evictions in the COVID-19 era. Many people have felt the impact of this public health crisis in the areas of housing security and job security, the two being so linked, and this webinar brought to you in partnership with the Volunteer Lawyers Project of Onondaga County, Legal Services of Central New York, and the Law Offices of Franklin Josef offers you insight into the following:

- Eviction Moratorium Updates (Federal, State)
- Executive and Administrative Orders, including review of court processes in light of COVID-19
- Tenant Safe Harbor Act
- Update/Review of Housing Security and Tenant Protection Act of 2019
- Illegality of self help eviction actions and tenants continued right to habitable housing

Presenters:

- Hon. David S. Gideon, Fifth Judicial District
- Sam Young, Esq., Legal Services of CNY
- Susan Griffith, Esq., Legal Services of CNY
- Casey Dickinson, Esq., Law Firm of Franklin Josef, Esq.
- Laura D. Rolnick, Esq., Volunteer Lawyers Project of Onondaga County

