



# ONONDAGA COUNTY BAR ASSOCIATION **BAR REPORTER**

## FEATURED ARTICLES

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August / September 2020  
Volume 65 Number 3



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

## *Our Mission:*

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



The Onondaga County Bar Association congratulates these new attorneys admitted from the Fifth Judicial District by the Appellate Division, Fourth Department on June 15, 2020.

### ***Welcome to the Bar!***

Thomas Foley Barrett  
Britton Howard Bouchard  
Frank Brigano, Jr.  
Meghan Lynn Connors  
Andrew Steven Coughlin  
Erin Elizabeth Donovan  
Thomas Edward Farrell  
Nicholas Paul Fillhart  
Christopher Geslin  
Roy Scott Gutterman  
Trevor Yates Hinman

Charee Lynne Hull  
Amy Joy Knibbs  
Geraldine Linares  
Amelia McLean-Robertson  
Sarah Lynn Miletta  
Thomas Joseph Morosco  
James Daniel Palma  
Patrick John Parkinson  
Nolan Darrin Pitkin  
Rafferty Elizabeth Taylor  
Mallory Helene Warner



## ONONDAGA COUNTY BAR ASSOCIATION

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



### How to Participate in the Community Book Read:

### Bryan Stevenson's "Just Mercy"

presented by Mackenzie Hughes, LLP

Community members will read attorney and activist Bryan Stevenson's New York Times bestseller "Just Mercy: A Story of Justice and Redemption." There is a published schedule for chapters to be read each week, but people don't have to read the entire book in advance to participate in the weekly discussions to be hosted on the Zoom platform. Weekly questions and discussion topics will be shared with the participants, and Zoom-based discussions will be facilitated by community leaders. To sign up for the Community Book Read, click [here](#).

#### Buy a Book / Pick Up a Book

Buy Bryan Stevenson's book "Just Mercy: A Story of Justice and Redemption" via an Amazon.com wish list. Donate one to a community member while you're at it. Click [here](#) to order a book today.

Thanks to the generosity of sponsors, complimentary copies of the book are available for pick-up at the downtown (S. Salina Street) Central Library location of the Onondaga County Public Library, Monday-Saturday, 12:00 – 5:00 p.m.



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# Letter from the PRESIDENT



Paula M. Engel

Dear Colleagues:

When I was in elementary school, I really looked forward to the start of the next school year. Spring is traditionally viewed as the time of reawakening and rebirth - and that's true for your garden - but for me, I always thought of September as the time of new beginnings: the time to look forward to learning new things, to reacquaint yourself with friends at school and make new ones, to try out for a team or the school play. I still feel that sense of excitement, of new possibilities, when September rolls around.

I've never been more excited about the possibilities that are coming to fruition with ONONDAGA COUNTY BAR ASSOCIATION's year long series entitled "Race and Justice in Central New York". Together with the Syracuse University College of Law and our presenting sponsor **Bond, Schoeneck & King**, we are excited to kick off the series with the **Mackenzie Hughes, LLP** Community Book Read of "Just Mercy" by Bryan Stevenson. Registration for this program started on September 7, 2020 (see the link to register at **page 3**), and we are encouraging people all over our community, not just legal professionals, to grab a copy of the book and start reading. This series is now part of the Onondaga County Public Library and Syracuse Central School District programming. And everyone can participate! Not only is the program free (thanks in no small part to our presenting sponsors but also **The Lynn Law Firm, CCB Law, Sugarman Law Firm, Smith Sovik and the CNY Womens Bar Association**), but when you buy the book on Amazon, you can opt to donate two extra copies or one extra copy to community members in need. See **page 3** for the wishlist link to help sponsor a participant's book. I am encouraging each and every one of you to register, get a book, and jump into one or all of our live discussion groups every Monday at 6PM, starting on September 14, 2020. These discussions will be facilitated by community activists and leaders who have been fighting for equal justice under the law for decades.

You may have seen media accounts last week about a lawyer's statements on social media, statements that demonstrate the need to address racism in the administration of law in a deliberate, sustainable effort. I was as dismayed, as so many of us were, at the offensive statements that revealed underlying racist attitudes held by a member of our community. We are a self-regulated profession, starting with our own ability to speak up and condemn racism where it rears its ugly head. I applaud the quick response of attorney **Ronnie White**, one of our colleagues on addressing these statements immediately and forcefully with the posting attorney and calling it out publicly. We need to take that example to heart: it is our obligation to speak out and take action when we see or hear racism among our community of professionals.

I usually don't have to ask lawyers to read a book, but I am seeking your particular participation in these efforts to address systemic racism in the practice of law. Please: register, participate, speak up. September is a time for new beginnings and new learning. Welcome back to school!

A handwritten signature in blue ink that reads "Paula M. Engel". The signature is fluid and cursive.

Paula



# The Bond, Schoeneck & King Series on Race and Justice in CNY (2020-2021)

Syracuse  
University  
**COLLEGE  
OF LAW**

## THE COMMUNITY BOOK READ



Thank you to our  
sponsors:  
Lynn Law Firm  
CCB Law  
Sugarman Law Firm  
Smith, Sovik, Kendrick  
& Sugnet  
CNY Women's Bar  
Association

# JUST MERCY

**BY BRYAN STEVENSON**



Register at:  
[www.onbar.org/  
race-justice-in-  
central-new-york](http://www.onbar.org/race-justice-in-central-new-york)

**PRESENTED BY MACKENZIE HUGHES, LLP**

**READ THE BOOK ON YOUR OWN;  
ZOOM DISCUSSION ON MONDAYS**

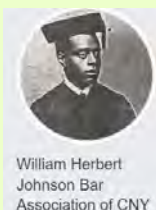


**SEPT. 14 - NOV. 23, 2020  
6PM - 7:30PM**



**REGISTRATION IS REQUIRED**

**"JUST MERCY" IS AVAILABLE AT MAJOR BOOKSELLERS. COMPLIMENTARY  
BOOKS ARE AVAILABLE BASED ON NEED THROUGH GENEROUS DONATIONS  
FROM OUR SPONSORS**



# Onondaga County Bar Association and Syracuse University College of Law Announce the Bond Schoeneck & King Series on Race & Justice in CNY



The Onondaga County Bar Association (OCBA) in partnership with the Syracuse University College of Law (SUCOL) announces the **Bond Schoeneck & King Series on Race & Justice in CNY**, a full year of legal and non-legal programming aimed at opening a respectful, constructive, and healthy dialogue about systemic racism and unequal access to justice in our community.

“As lawyers, we are responsible to uphold the rule of law and the rights to equal protection and due process for all. By creating this year-long series of programs, the Bar Association, together with Syracuse University’s College of Law, will lead the effort to identify and remove the forces in our legal systems that oppress and marginalize people of color right here in our CNY community,” said OCBA President Paula M. Engel, Esq.

The Race & Justice in CNY program offers a variety of events throughout 2020-21, energizing participants toward an understanding about each other – together and apart – as a unified community desirous of “Liberty and Justice for All.” The focus on engaging a broad cross-section of our neighbors via multiple platforms goes beyond simply raising awareness of the racial issues felt by Onondaga County citizens, to brainstorm the question “Now, what?” – We want to provide the answer: The specific actions we can take, individually and as a community, to move reform forward.

Professor and Director of the Cold Case Justice Initiative at the Syracuse University College of Law, Professor Paula C. Johnson, Esq. said, “This project is important on a broad scale because we want to include the many voices across our community who have interest, experience, or solutions to racial justice issues in law enforcement and across all institutions. We are all stakeholders in addressing these problems.”

*(continued next page)*

## Race and Justice in CNY -- continued

“Important results from the project will include greater knowledge, understanding, and accountability by public officials to the communities they serve,” Johnson continued. “We also want to foster greater awareness by the public regarding legal and governmental systems, how they work and how they should be responsive to the needs of diverse communities.”

Johnson added, “We think the partnership between the Bar Association and law school is important because as lawyers and those who educate lawyers, we are particularly responsible for ensuring the equal justice and democratic principles of our society. Every lawyer serves the public interest, and must be competent to address racial justice concerns in our communities and society. We are all affected by racial injustice and must be vigilant in its removal.”

This important effort is made possible by the generosity of presenting sponsor **Bond Schoeneck & King, PLLC**.

“Within Bond we acknowledge hundreds of years of the systemic, dehumanizing racism that permeates the very foundation of this country,” said Kevin Bernstein, chair of the Bond, Schoeneck & King management committee. “We are committed to listening and learning. We are committed to action by working to promote anti-racism initiatives and intentional diversity throughout our communities, the legal profession and our firm. Sponsoring the OCBA Race & Justice in CNY initiative provides us the opportunity to support our community and to continue learning ourselves. It is one way we can play a part in eradicating the scourge of racism to build stronger, inclusive communities where we live and work,” Bernstein added.

### List of Events Currently in the Series (more to come)

#### **Part I: The Community Book Read of “Just Mercy” – presented by Mackenzie Hughes, LLP**

Online, Facilitated Book Discussion via Zoom – 10 weeks

6 to 7:30 p.m. Mondays, September 14 – November 23 (except Sept. 28, in observance of Yom Kippur)

Community members will read attorney and activist Bryan Stevenson’s New York Times bestseller “Just Mercy: A Story of Justice and Redemption.” There is a published schedule for chapters to be read each week, but people don’t have to read the entire book in advance to participate in the weekly discussions to be hosted on the Zoom platform. Weekly questions and discussion topics will be shared with the participants, and Zoom-based discussions will be facilitated by community leaders. To sign up for the Community Book Read, click [here](#).

Mackenzie Hughes Managing Partner Anne Ruffer said, “Mackenzie Hughes is a 140-year-old Syracuse-based law firm that is dedicated to racial justice including the fair treatment of everyone, regardless of race, gender, religion, language, culture, ethnicity, ability and orientation. We are proud to sponsor the “Just Mercy” Community Book Read. We are confident that the program will succeed in exploring ways in which prejudice, stereotypes and discrimination may be addressed and diminished,” she concluded.

*(continued next page)*

## Race and Justice in CNY -- continued

With generous sponsors, including **The Lynn Law Firm** and the **CNY Women's Bar Association**, we are able to distribute free copies of this book to those who need one, through our collaboration with the Onondaga County Public Library and the Syracuse Central School District.

**Part II: Continuing Legal Education** seminars on legislative reforms addressing racial injustice in our legal systems, adopted or proposed, and historical context. (Fall 2020 – Spring 2021)

**Part III: Taking the INSIDE BASEBALL, OUT of Your Government:** A three-part series addressing for each community resident everything they need to know about our local governments (City, County, and State). Topics covered will include: What are specific departments responsible to do? Who is in charge? How can I advocate for a position: Open Meetings Law, FOIL requests, legislative hearings, etc. (First session will focus on Syracuse City Government, date tbd, sponsored by **Smith Sovik**; others to run through spring of 2021.)

**Part IV: Addressing Racial Injustice in Every Practice of Law:** Specific programs will be targeted to legal systems in criminal justice, family law, trusts and estates, real estate, e.g., that discuss racial injustice and disparities in those particular areas of the law. (Spring 2021)

**Champion of the Law Award in the Field of Civil Rights:** OCBA will award its first-ever “**Champion of the Law Award**” recognizing an attorney in a specific practice area for their notable achievement in advancing the rule of law and/or administration of justice. This honor is intended to be annually awarded in a different legal arena, beginning in 2020 with the Civil Rights Champion of the Law.

### Collaborators

This project is made possible by the helpful hands and great ideas of the following collaborators: The Syracuse Central School District, Onondaga County Public Library System, Onondaga County District Attorney's Office, Legal Services of Central New York, Center for Court Innovation, William H. Johnson Bar Association, and the City of Syracuse – Mayor's Office.

*Presenting Sponsor:* **Bond Schoeneck & King, PLLC**  
*Community Book Read Sponsor:* **Mackenzie Hughes, LLP**  
*Book Underwriter:* **The Lynn Law Firm**

*Additional Sponsors:*  
**The Sugarman Law Firm**  
**Smith Sovik Kendrick & Sugnet, P.C.**  
**CNY-Women's Bar Association**  
**CCB Law / Cohen Compagni Beckman Appler & Knoll, PLLC.**

### Buy a Book / Pick Up a Book

Buy Bryan Stevenson's book “Just Mercy: A Story of Justice and Redemption” via an Amazon.com wish list. Donate one to a community member while you're at it. Click [here](#) to order a book today. Thanks to the generosity of sponsors, complimentary copies of the book are available for pick-up at the downtown (S. Salina Street) Central Library location of the Onondaga County Public Library, Monday-Saturday, 12:00 – 5:00 p.m.



# Syracuse Small Acts

By Colleen Gibbons



The historian and professor Howard Zinn famously said: “We don't have to engage in grand, heroic actions to participate in the process of change. **Small acts, when multiplied by millions of people, can transform the world.**” **Anthony Marrone** made it his intention to build a practice based on community engagement and involvement, and it shows!

Marrone embodies the idea of small acts; he isn't looking for one grand gesture, but considers each opportunity for engagement by asking the question: “Is this going to build the tribe that we are trying to build?” Tribe, to Marrone, is

not only the members of his office team, but also the greater CNY community – likeminded people who are trying to build community and care about the Greater Syracuse area.

When making the decision to get involved in a community organization, Anthony considers two things: (1) is this a place that is providing a unique or unusual service, and (2) is this an organization that doesn't get much recognition and could use some help with their promotion?

*Unique.* What does it mean to be unique? Sometimes it means doing things at times where there isn't a lot of charitable giving – for example, providing Halloween costumes and candy to children, rather than putting on a big gift drive around the holidays. Or, four years ago, making a spur of the moment pie donation to the Rescue Mission, using pies bought from a high school boys' fundraiser; the activity went so well they did it again in subsequent years, switching up donations to the Samaritan Center and the Northeast Community Center.

*Promotion.* One of Marrone's passions is using social media to promote and donate to charities. It's become a holiday tradition for the Marrone Law Firm to solicit the Facebook community for a charitable organization to which to make a holiday donation. This form of giving back makes their clients and the greater community feel engaged by asking for their recommendation for local charities. Just a simple act of typing a Facebook comment could yield one charity \$500!

Marrone also approaches his staff and asks for their involvement and ideas for engagement. He does this purposefully, both to encourage his staff to find their own small ways to contribute to community, and to show his staff that their involvement doesn't need to mirror his. Marrone says as long as something serves immediate value in the community, he's happy to get involved. Examples of activities that the Marrone Law Firm has supported include:

- Back to school shopping for [Tillie's Touch](#). Each employee had a backpacks, filled them at Staples, and dropped them off
- Adopting a block for the [Home Headquarters Block Blitz](#)
- Volunteering with [In My Father's Kitchen](#)

It might be easy to think of a business owner contributing to community by writing a check (and donations are important), but Anthony prefers to do many small things slightly out of the box, by finding small opportunities to do things differently to build our Greater Syracuse tribe.

One small act can improve the world for those around us. Do you know members of the legal community who should be featured here for their everyday deeds or small acts of kindness? Send me an email at [cogibbons@nycourts.gov](mailto:cogibbons@nycourts.gov). I'd love to feature them!



## **LEGAL AID SOCIETY OF MID-NEW YORK RECEIVES \$207,233 GRANT TO HELP THOSE IN ECONOMIC CRISIS IN CENTRAL NEW YORK**

The Legal Aid Society of Mid-New York, Inc (LASMNY), which operates in 13 counties across Central New York, and the Southern Tier, has been awarded a \$207,233 grant to provide access to legal counsel and advice in consumer-bankruptcy services to those most stricken by the economic crisis. The funding comes from the Legal Services Corporation, the federally funded, 501(c)(3) non-profit corporation established by the United States Congress to help provide equal access to justice to Americans by providing funding for civil legal aid to those who can't afford it.

"This funding comes at a crucial time in our region. The COVID-19 pandemic has impacted many households. Across New York State, people are still facing job loss and lost income. This Pro Bono project gives people in an emergency, access to legal counsel," Paul Lupia, ESQ, Executive Director, said.

Volunteer attorneys will triage cases, screen and advise clients who will then be referred to pro bono attorneys. LASMNY is also partnering with bankruptcy clinics at Syracuse University School of Law and pro se legal clinics.

"Everyone deserves a second chance. Bankruptcy can give people the opportunity to get back on their feet. This project's funding will allow us to engage local attorneys, partner with Upsolve.org, and give Syracuse University law students hands on experience," Arlene Sanders, ESQ, Director of Pro Bono programs said.

A unique part of the grant is identifying the possibility of student loan discharges through the triage process in Bankruptcy. Up until January 2020, students were told that student debt could not be forgiven through bankruptcy. Now, more judges and lawyers say that's a misnomer, and bankruptcy can help.

The significance is not lost on the regions federally elected Representatives, Anthony Brindisi (NY-22) and John Katko (NY-24) both of whom issued official statements congratulating LASMNY on the critical funding.

"As Upstate New Yorkers continue to respond to the challenges of this public health crisis, access to adequate legal representation is more important than ever, especially for low-income communities. Everyone has the right to legal representation and this grant from the Legal Services Corporation will help level the playing field for low-income Upstate New Yorkers," Rep. Brindisi said. "This grant money will help connect people in our area with the help they need to get through hard times and give them the right tools to get back on their feet. I was proud to play a role in securing this grant money for Legal Aid of Mid-New York, Inc. and I know these dollars will make a difference in the lives of hardworking Upstate New Yorkers."

"I'm pleased to announce the Legal Aid Society of Mid-New York, Inc. has received \$207,233 in funds through the Pro Bono Innovation Fund Grant," Rep. Katko said. "In Congress, I was proud to lead a bipartisan effort to increase funds for this vital grant program. Since its inception, the grant has empowered volunteer attorneys to fill gaps in consumer bankruptcy and other important legal services. With these new funds, the Legal Aid Society of Mid-New York, Inc. will be better equipped to continue advising Central New Yorkers and have the resources needed to develop an online tool to identify candidates for student loan discharge."

# THE PRACTICE PAGE:

## EXECUTIVE ORDERS DURING DISASTER EMERGENCIES: FROM THE 9-11 ATTACKS TO COVID-19

*Hon. Mark C. Dillon*

Executive Law 29-a(1) is not a statute that we should ever wish to see utilized by the governor of our state. It is the provision in the Executive Law that authorizes the governor to take action necessary to deal with disaster emergencies, without having to seek advance approval from the state legislature. The law provides that “the governor may by executive order temporarily suspend any statute, local law, ordinance, or orders, rules or regulations, or parts thereof, of any agency during a state disaster emergency, if compliance with such provisions would prevent, hinder, or delay action necessary to cope with the disaster or if necessary to assist or aid in coping with such disaster.” The statute specifically applies to a variety of listed disasters, including epidemics. This spring, we saw frequent use of the law when Governor Cuomo issued a series of Executive Orders necessary to deal with the health, political, economic, and judicial impacts of the covid-19 virus. Executive Orders 202.8, 202.14, 202.28, and 202.55 were among them, which incrementally suspended the statute of limitations from March 20, 2020 to September 4, 2020. After all, actions and proceedings cannot be commenced when attorneys cannot meet clients or when courts and law offices are closed or disrupted.

Before now, the same provision of the Executive Law was used by Governor Pataki in response to the attacks of September 11, 2001. Executive Law 29-a(1) expressly applies to acts of terrorism. Governor Pataki issued Executive Orders that suspended the statute of limitations in the state while the disaster emergency and its fallout was pending. The 19th anniversary of the 9-11 attacks is approaching. The question of this article is: if CPLR 209 provides for the tolling of the statute of limitations on account of war, why did Governor Pataki need to issue an Executive Order to accomplish essentially the same thing in 2001?

The least utilized toll of the statute of limitations is the war toll, which is found in CPLR 209. Its evolution has been influenced by decades of world events. Its current form, which has not been amended since 1962, applies to three categories of litigants. The first and second categories are where the cause of action accrues in a foreign country with which the United States or its allies were then or became at war, or where any party is a citizen of a country at war with the United States.

The third category applies when a plaintiff is a resident of or traveler in a foreign country at war with the United States. For the first two categories, the toll runs from the commencement of the war to the termination of hostilities. For the third category, the toll applies for so long as the plaintiff resides or is traveling in the hostile country.

The attacks that occurred on September 11, 2001 had all the markings of a war. Airplanes were used as weapons, 2,752 persons were killed, property was destroyed, and our economy was damaged. In the days following the attacks, 14,000 attorneys were unable to access their offices. The Court of Claims at 5 World Trade Center was destroyed, OCA was displaced from its offices, and the destruction included law offices, litigation files, and case evidence. Courts in Manhattan were closed until Monday, September 17, 2001. Many claimants facing the expiration of their statute of limitations in the days following the 9-11 attacks were unable to file their actions and proceedings (Dillon, Mark, “An Overview of the Tolls of Statutes of Limitations on Account of War: Are They Current and Relevant in the Post-September 11th Era?”, 13 NYU J. Legis. & Pub. Pol’y 315 [2010]).

Although the events of 9-11 looked and sounded like war, New York’s war toll was of no help to litigants who, through no fault of their own, were facing the expiration of their statutes of limitations. The reason is that the language of CPLR 209 applies only when there is a war between the United States or its allies and a foreign country (CPLR 209[a-c]). Al-Qaeda, which perpetrated the attacks, was not a foreign country, but a private organization. Therefore, the only mechanism for protecting the rights of litigants to bring timely actions was to suspend the statutes of limitations via Executive Orders.

*(continued next page)*



*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.*

**EXECUTIVE ORDERS DURING DISASTER EMERGENCIES:  
FROM THE 9-11 ATTACKS TO COVID-19  
(continued)**

Ironically, New York was the only state at the time with a statute on its books that permitted the governor, in that instance George Pataki, to “suspend” the statute of limitations via Executive Orders as a result of a “disaster emergency” (9 NYCRR 5.113.7 and 5.113.28). The Pataki Executive Orders extended the statute of limitations that would otherwise have expired to October 12, 2001, and for lawyers and litigants “directly affected” by the attacks to November 8, 2001 (Id). The time between September 11 and November 8, 2001 totaled 58 days.

In one action, where the statute of limitations would have expired in the normal course on October 31, 2001, the plaintiff’s complaint was dismissed as untimely because the action was commenced on December 19, 2001, beyond the extended deadline of November 8, 2001 (Randolph v CIBC World Markets, 219 F.Supp.2d 399 [SDNY 2002]).

In another action, where the limitations period expired in the normal course on February 23, 2002, the plaintiff’s complaint was likewise dismissed, as it was

filed on March 19, 2002 and not eligible for any time extension at all (Scheja v Sosa, 44 AD2d 410 [2nd Dept. 2004]).

What tripped the plaintiffs up in Randolph and Scheja was a misunderstanding of the difference between a “toll” and an “extension.” Governor Pataki’s executive orders did not add a 58-days toll to everyone’s statutes of limitations. Rather, it merely provided that if lawyers or litigants affected by the attacks had a limitations period expiring between September 11 and November 8, 2001, the plaintiffs’ time to commence their actions was “extended” to a hard deadline of November 8, 2001.

One may wonder whether CPLR 209 needs to be re-tooled to better protect the rights of litigants given the nature of today’s security threats. That said, the Executive Law and Executive Orders that filled the void in 2001 appeared again this year in response to the covid-19 virus. Prayerfully, we will not need to see them used in the future again.





# 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.

## GIFTING LIFE INSURANCE TO ENSURE LOCAL LEGACY

**Lee M. Gatta, CLU®, ChFC®, AEP® is a board member of the Community Foundation and financial advisor who offers financial planning, insurance and investment advisory services. In the article below, Lee provides some guidance and personal insight on using life insurance as a vehicle for charitable giving. Thanks, Lee!**

As an advisor, I help my clients plan for and navigate some of the most important and transitional stages of life. Along the way, I learn about what matters most to them – family, friends, pets, school, career, community. At its core, financial planning is about balancing current needs and priorities with future goals. It is not uncommon to hear from charitably inclined clients who wish they could do more to give back but feel constrained by life's pressing demands.

A few years ago, my husband Joe and I found ourselves in a similar situation. We wanted to find a way to pay forward the support we have always felt from this community. Since we had our sights set on a charitable gift much larger than we were comfortable contributing at the time, we decided to use a life insurance policy to help achieve our goal. When I pass away, the policy will seed a fund at the Community Foundation, which will provide continued support in Central New York for issues that are of primary importance to us.

Life insurance is one of the most straightforward ways to leave a charitable legacy. This can be as simple as completing a beneficiary designation form to name a favorite charity, or charities. But many clients don't realize that they can also gift ownership of a new or existing life insurance policy to extend and increase their charitable impact.

In my case, my husband and I chose a policy with terms that fit with our goals, and the Community Foundation agreed to own and be the beneficiary of the policy. Though the Community Foundation owns the policy, we are eligible to receive a tax deduction for our donation to them of the annual premium payments. The flexibility of life insurance – including premium amount, frequency of payments and face amount – allows this option to be tailored to each client's unique situation.

### GIFTING A LIFE INSURANCE POLICY (RATHER THAN PROCEEDS) MAY BE A GOOD FIT FOR YOUR CLIENT IF THEY:

- No longer have the need that originally led to a policy's purchase (e.g., house is paid off, kids are out of college, retirement is funded, etc.)
- Have adequate discretionary income to pay any ongoing premiums
- Want to give more to charity than they might be able to with current assets
- Would benefit from a current tax deduction by donating an existing policy outright rather than just making a beneficiary change

Additionally, in view of the recent SECURE Act provisions for payments to non-spouse IRA and qualified plan beneficiaries, life insurance makes sense as an asset replacement tool for those who wish to benefit charity and heirs. In this case, clients could leave their IRA or retirement account assets to their favorite charity(ies) and replace these taxable assets with tax-free assets to their heirs by purchasing a new life insurance policy to provide an inheritance.

### IF LIFE INSURANCE IS A GOOD GIFTING OPTION, THERE ARE TWO TYPES OF POLICY OWNERSHIP GIFTS:

- ① With an existing policy, the ownership and beneficiary could both be changed to the Community Foundation or the client's preferred charity. This would make the policy an irrevocable gift. This may result in an income tax deduction for the value of the policy. If the policy has more than \$5,000 of value, an appraisal is required for the gift. If premiums are still required for the policy, the client could continue paying the premiums as gifts to charity each year. The charity could then pay the premium due. This would result in a possible tax deduction each year for the client.
- ② An insurable client could apply for a new policy that is originally owned by the Community Foundation or the client's preferred charity. Similarly, the premium payments would be made by the client to the charity and would count as a charitable gift with possible tax deduction. Even though required minimum distributions (RMDs) have been waived for 2020 under the CARES Act, clients may also direct unneeded distributions from IRAs and other qualified plans to make life insurance premium payments on new policies.



**Lee M. Gatta,  
CLU®, ChFC®, AEP®**

## ANNUAL CONTINUING EDUCATION SEMINAR

VIRTUAL PANEL DISCUSSION  
WITH EXPERTS FROM  
ALLIANCE BERNSTEIN

OCTOBER 6, 2020  
7:30 AM-10:00 AM

### REGISTER AT

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### QUESTIONS?

TOM GRIFFITH  
VICE PRESIDENT,  
DEVELOPMENT  
[TGRIFITH@CNYCF.ORG](mailto:TGRIFITH@CNYCF.ORG)

-Continued-



## GIFTING LIFE INSURANCE TO ENSURE LOCAL LEGACY *continued*

The Community Foundation works well for gifts of life insurance for a number of reasons. They have systems in place and experience to help clients with the application process, appraisals, interfacing with life insurance companies, following up on premiums due, and tracking policy provisions that may change over time. The proceeds can be used to create or supplement an endowment fund that supports a variety of charitable interests and goals over time. Based on my experience working with the Community Foundation as both a donor and professional advisor, I feel confident knowing that charitable stewardship and long-term local impact are at the core of its mission. By donating life insurance now, clients can create a legacy plan that will direct enduring support to their most cherished causes and charities long after they are gone.

Due to recent laws that have changed charitable deductions (e.g., Tax Cuts and Jobs Act and CARES Act) and beneficiary planning (e.g., SECURE Act), now is a perfect time to review your client's charitable plans and to work with their other advisors and the Community Foundation to make sure any needed changes are implemented.



From causation to recovery, you can count on us to uncover the facts.



**Adam R. Storm, P.E.**  
Consultant  
astorm@rimkus.com  
315-412-6336

Mr. Storm earned a B.S. degree in Mechanical Engineering from Clarkson University and he is a registered professional engineer in New York State. He has a strong interest in vehicular systems and has investigated failures and accidents involving engines, transmissions, tires, suspension, seatbelts, airbags, and brakes on all types of vehicles including passenger vehicles, commercial tractor/trailers, motorcycles, and UTVs. Mr. Storm has handled vehicle accident reconstruction files involving intersection accidents, single-vehicle accidents, head-on collisions, and pedestrian collisions.

Mr. Storm investigates product failures such as plumbing failures (including pipe freezes), HVAC, fire sprinkler systems, consumer products, appliances, door systems, ladders, forklifts, aerial lifts and industrial/commercial equipment.

**Contact: Anthony Braunscheidel, District Manager: 315-559-1541 • [Rimkus.com](http://Rimkus.com)**



# 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](http://www.onvlp.org/events/cheersforacause)  
or email Bethanie at  
[bhemingway@onvlp.org](mailto: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.**



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# Newsmakers & Influencers



## **Bond Announces 28 Syracuse Attorneys Named 2021 *Best Lawyers in America***

Bond, Schoeneck & King is pleased to announce that 28 attorneys its Syracuse office have been named 2021 *Best Lawyers in America*. Bond attorneys receiving this recognition in their respective fields are as follows:

- John D. Allen: Commercial Litigation, Litigation – Construction, Litigation – Environmental, Litigation – Municipal, Litigation – Trust and Estates and Personal Injury Litigation – Defendants
- Kevin M. Bernstein: Energy Law, Environmental Law and Litigation – Environmental
- Brian J. Butler: Commercial Litigation
- John H. Callahan: Commercial Litigation, Litigation – Labor and Employment and Personal Injury Litigation – Defendants
- Stephen C. Daley: Employee Benefits (ERISA) Law
- Stephen A. Donato: Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law and Litigation – Bankruptcy
- Thomas G. Eron: Education Law, Employment Law – Management, Immigration Law and Labor Law – Management
- Jonathan B. Fellows: Commercial Litigation, Litigation – Banking and Finance, Litigation – Labor and Employment and Litigation and Controversy – Tax
- David M. Ferrara: Employment Law – Management and Labor Law – Management
- Suzanne O. Galbato: Commercial Litigation
- Laura H. Harshbarger: Education Law, Employment Law – Management, Labor Law – Management and Litigation – Labor and Employment
- Brian K. Haynes: Employee Benefits (ERISA) Law and Tax Law
- Camille W. Hill: Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law
- Peter A. Jones: Employment Law – Management, Labor Law – Management and Litigation - Labor and Employment
- Robert A. LaBerge: Employment Law – Management and Labor Law – Management
- Colin M. Leonard: Employment Law – Management and Labor Law – Management
- James E. Mackin: Trusts and Estates

### **Newsmakers & Influencers, cont'd**

- Larry P. Malfitano: Education Law, Employment Law – Management, Labor Law – Management and Litigation – Labor and Employment
- George R. McGuire: Litigation – Intellectual Property, Litigation – Patent and Patent Law
- Louis Orbach: Commercial Litigation and Litigation – ERISA
- Paul W. Reichel: Tax Law
- Virginia C. Robbins: Environmental Law
- Martin A. Schwab: Trusts and Estates
- Charles J. Sullivan: Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law, Corporate Law and Litigation – Bankruptcy
- Robert R. Tyson: Environmental Law
- Subhash Viswanathan: Education Law
- Matthew N. Wells: Public Finance Law
- Caroline Westover: Litigation – Labor and Employment

*Best Lawyers* compiles its lists of outstanding attorneys through peer-review surveys in which thousands of leading lawyers confidentially evaluate their peers: their abilities, professionalism and integrity.

### **Bond Announces 11 Syracuse Attorneys Named 2020 Upstate New York Super Lawyers Rising Stars**

The law firm also announces 11 of its Syracuse attorneys have been recognized in the 2020 *Upstate New York Super Lawyers Rising Stars* list. Attorneys were selected by their peers from among the top up-and-coming lawyers, defined as 40 years of age and younger, or in the practice of law for less than 10 years. Bond attorneys receiving this recognition in their respective fields are as follows:

- Blaine T. Bettinger – Intellectual Property
- Michelle R. Billington – Environmental
- Stephanie M. Campbell – Civil Litigation: Defense
- Kate Chmielowiec – Mergers & Acquisitions
- Nicholas P. Jacobson – Employment Litigation: Defense
- Liza R. Magley – Civil Litigation: Defense
- Daniel J. Pautz – Business Litigation
- Erin S. Phillips – Intellectual Property
- Kate I. Reid – Schools & Education
- Amy G. Rhinehardt – Real Estate
- Brendan M. Sheehan – Business Litigation

# Newsmakers & Influencers

**Ones to Watch!** Additionally, BOND announces three Syracuse attorneys are recognized as 2021 *Best Lawyers in America: Ones to Watch*. These awards are given to attorneys who have been in private practice for 5-9 years. Bond attorneys receiving this recognition in their respective fields are as follows:

- Nicholas P. Jacobson: Labor and Employment Law – Management
- Amber L. Lawyer: Corporate Law and Mergers and Acquisitions Law
- Sunny I. Tice: Real Estate Law

*Best Lawyers* compiles its lists of outstanding attorneys through peer-review surveys in which thousands of leading lawyers confidentially evaluate their peers for their abilities, professionalism and integrity.





# Newsmakers and Influencers



## **CCBLaw Attorneys Listed in 2021 Best Lawyers, 2020 Super Lawyers, and 2020 Martindale-Hubbell**

Cohen Compagni Beckman Appler & Knoll, PLLC ("CCBLaw") is pleased to announce that its attorneys have been recognized in the 2021 U.S. News & World Report – Best Lawyers "Best Law Firms" edition, 2020 New York Super Lawyers Upstate Edition, and Martindale-Hubbell rating services.

CCBLaw is currently the only law firm in Syracuse recognized as a Tier 1 Best Law Firm for Health Care Law. CCBLaw is also ranked as Tier 1 Best Law Firm for Litigation – Labor & Employment, and Tier 2 Best Law Firm for Employee Benefits (ERISA) Law.

Best Lawyers has recognized the following CCBLaw attorneys individually for 2021:

- Stephen H. Cohen – Lawyer of the Year for 2021 for Employee Benefits (ERISA) Law and The Best Lawyers in America to Work For – Employee Benefits (ERISA) Law and Health Care Law
- Michael J. Compagni – Health Care Law
- Marc S. Beckman – Health Care Law
- Andrew M. Knoll – Litigation – Health Care Law
- Laura L. Spring – Litigation – Labor and Employment Law

Super Lawyers has recognized these CCBLaw attorneys who practice in the following areas:

- John R. Appler – Business/Corporate, Real Estate: Business, and Estate Planning
- Marc S. Beckman – Health Care, Business/Corporate, Mergers & Acquisitions, and Administrative Law
- Stephen H. Cohen – Health Care, Mergers & Acquisitions, and Employee Benefits
- Michael J. Compagni – Health Care and Business/Corporate
- Maureen Dunn McGlynn – Health Care
- Anastasia M. Semel – Business/Corporate, Health Care, and Business Litigation
- Bruce A. Smith – Health Care, Banking, Corporate/Business, and Real Estate: Business
- Laura L. Spring – Employment and Labor and Business Litigation
- Kyle R. Sutliff – Health Care and Business/Corporate
- Bruce E. Wood – Health Care, Business/Corporate, and Real Estate: Business

Super Lawyers also named Laura L. Spring to the Top 25: 2020 Women Upstate New York Super Lawyers List. Martindale-Hubbell has awarded Stephen H. Cohen, Marc S. Beckman, Andrew M. Knoll, and Bruce A. Smith the AV Preeminent status for the highest level of Professional Excellence for 2020.

# Newsmakers & Influencers

## BARCLAY DAMON<sup>LLP</sup>

### 2020 Upstate New York *Super Lawyers* and Rising Stars Lists Barclay Damon Attorneys

Barclay Damon had 44 attorneys selected from across the region to the 2020 Upstate New York *Super Lawyers* list and another 21 selected to the Rising Stars list.

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

“From associates to partners, we are very proud of each individual on this list for their dedication to consistently strengthening their legal skills and delivering successes to clients,” John Langan, the firm’s managing partner, said. “The firm is appreciative of the legal community’s recognition of our attorneys’ talent and roles as industry leaders.”

#### 2020 Upstate New York *Super Lawyers* – Syracuse

- Robert Barrer: Prof. Liability: Defense
- John Cook: IP Lit
- Marcy Robinson Dembs: Estate & Probate
- Jon Devendorf: Business Lit
- Jeff Dove: Bankruptcy: Business
- Tom Fucillo: Environmental
- Chris Harrigan: Employment & Labor
- Mitch Katz: Business Lit
- Matt Larkin: Products: Defense
- Buster Melvin: Employment & Labor
- Mike Oropallo: IP Lit
- Michael Sciotti: Employment Lit: Defense

#### 2020 Upstate New York Rising Stars – Syracuse

- Michael Balestra: Construction Lit
- Teresa Bennett: Business Lit
- David Burch: Business Lit
- Julie Cahill: PI General: Defense
- Liz Cominoli: IP
- Ross Greenky: Employment Lit: Defense
- Rob Thorpe: Employment & Labor

# Newsmakers and Influencers



## 20 from Hancock Estabrook Named Among the Best Lawyers in America for 2021

Hancock Estabrook, LLP is pleased to announce that 20 of its attorneys representing 22 different practice areas have been selected for inclusion in *The Best Lawyers in America for 2021* including: Cora A. Alsante, Daniel B. Berman, Janet D. Callahan, Richard W. Cook, John F. Corcoran, Michael L. Corp, Catherine A. Diviney, Lindsey Helmer Hazelton, Joseph T. Mancuso, Wendy A. Marsh, John T. McCann, Walter L. Meagher, Jr., John L. Murad, Jr., Timothy P. Murphy, Alan J. Pierce, John G. Powers, Steven R. Shaw, C. Daniel Shulman and Doreen A. Simmons.

Additionally, four attorneys have also been named "*Lawyers of the Year*:"

- Catherine Diviney has been selected as a 2021 *The Best Lawyers in America* "*Lawyer of the Year*" in the Syracuse, New York metropolitan area for Health Care Law;
- Cora A. Alsante has been selected as a 2021 *The Best Lawyers in America* "*Lawyer of the Year*" in the Syracuse, New York metropolitan area for Litigation- Trusts and Estates;
- Doreen A. Simmons has been selected as a 2021 *The Best Lawyers in America* "*Lawyer of the Year*" in the Syracuse, New York metropolitan area for Environmental Law; and
- John G. Powers was selected as a 2020 *The Best Lawyers in America* "*Lawyer of the Year*" in the Syracuse, New York metropolitan area for Products Liability Litigation - Defendants.

Ryan M. Poplawski was named to the inaugural *Best Lawyers* "Ones to Watch" list for Personal Injury Litigation – Defendants and Product Liability Litigation – Defendants.



# Newsmakers & Influencers



## Eight Smith Sovik Partners are 2021 Best Lawyers

Smith Sovik is proud to announce eight Partners have been named by their peers to The Best Lawyers in America 2021. A listing in Best Lawyers is widely regarded by both clients and legal professionals as a significant honor conferred on a lawyer by his or her peers.



**James Cunningham:** Product Liability Litigation – Defendants.

**Kevin Hulslander:** Insurance Law; Litigation – Insurance; Medical Malpractice – Defendants; Personal Injury Litigation – Defendants; Product Liability Litigation- Defendants; and Professional Malpractice – Defendants.

**Eric Johnson:** Medical Malpractice – Defendants and Professional Malpractice- Defendants.

**Brandon King:** Medical Malpractice – Defendants and Personal Injury Litigation-Defendants.

**James Lantier:** Legal Malpractice- Defendants and Medical Malpractice- Defendants.

**Michael Ringwood:** Medical Malpractice – Defendants; Personal Injury Litigation – Defendants; Legal Malpractice – Defendants; and Professional Malpractice – Defendants.

**Edward Smith:** Personal Injury Litigation – Defendants.

**Steven Williams:** Employment Law – Management; Litigation – Labor & Employment; Product Liability – Defendants, Personal Injury Litigation- Defendants; and Personal Injury Litigation- Plaintiffs.



# Newsmakers & Influencers



## Hulslander and Johnson Named 2021 Lawyers of the Year

Smith Sovik is proud to announce that Best Lawyers, the oldest and most respected peer-review publication in the legal profession, has named **Kevin Hulslander** and **Eric Johnson** as “Lawyer of the Year” for 2021 in their respective practice areas.



Kevin Hulslander



Eric Johnson

**Kevin Hulslander** was named the 2021 Syracuse Lawyer of the Year in the area of Insurance Law. Kevin has also been recognized by The Best Lawyers in America for his work in the fields of Insurance Law, Insurance – Litigation, Medical Malpractice Defense, Product Liability Defense, and Professional Malpractice Defense annually since 2010.

**Eric Johnson** was named the 2021 Syracuse Lawyer of the Year in the area of Personal Injury Litigation – Defense. Eric has also been recognized by The Best Lawyers in America for his work in the fields of Professional Malpractice Defense and Medical Malpractice Defense annually since 2010.

Only a single lawyer in each specialty in each community is being honored as the “Lawyer of the Year” making this accolade particularly significant. Receiving this designation reflects the high level of respect a lawyer has earned among other leading lawyers in the same communities and the same practice areas for their abilities, their professionalism, and their integrity.

# Newsmakers & Influencers



## Smith Sovik Welcomes Devon M. Conroy



Devon M. Conroy

Devon is originally from Alaska, where he grew up working construction and commercial fishing for salmon. Devon attended Syracuse University College of Law, where he was a member of the National Trial Team and a cadet with the University's Air Force ROTC detachment.

Prior to joining Smith Sovik, Devon was an active duty officer in the United States Air Force for five years, practicing law as a Judge Advocate. He prosecuted and defended Airmen in criminal actions and practiced fiscal and operational law in Afghanistan. After separating from active duty, he joined the New York Air National Guard.

Devon is an experienced litigator whose practice focuses on all areas of litigation including premises liability, motor vehicle accidents, products liability, Labor Law and Construction site accidents, medical and professional malpractice and Workers' Compensation Defense.

# Newsmakers & Influencers



## Victor J. Kessler Joins Bousquet Holstein PLLC

Bousquet Holstein PLLC is pleased to announce that **Victor J. Kessler** has joined the Litigation Practice Group at the firm. Victor will be working in the firm's Ithaca and Syracuse offices.

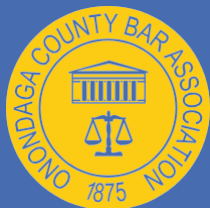
Victor's practice spans many industries including manufacturing, insurance, health care, retail, and real estate. Some of his representative matters include defending one of the nation's largest retailers in a sensitive multidistrict litigation; representing merging corporations against federal antitrust regulators; defending a corporate director of a nonprofit organization; and guiding a client through arbitration following the sale of one of its lines of business. His recent matters have involved counseling clients with respect to the administration and litigation of trusts and estates. Victor has also maintained an active pro bono practice. He has obtained asylum for clients in immigration proceedings, assisted a military family with obtaining a favorable settlement in federal court; and fought to recover damages on behalf of clients who suffered injuries while in government custody.

Victor brings to Bousquet Holstein years of litigation experience in the Washington, D.C. and Chicago offices of a top global law firm, where he advised clients on everything from individual pro bono cases to complex multijurisdictional disputes against federal and state governments.

Victor is a *magna cum laude* graduate of Georgetown University Law Center and a graduate of the University of Chicago. Victor recently moved to Ithaca with his family.



Victor J. Kessler



# OCBA CONTINUING LEGAL EDUCATION

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

## COVID Related Changes Affecting the Immigrant Communities: Healthcare, Housing, Public Assistance, and Policy

**Wednesday, Sept. 23rd, 2020**

10 am to NOON

On the ZOOM platform

**Cost:** Free

### **Presenters:**

Lucero Saldana Mistry, Esq.

*Hiscock Legal Aid Society*

Sara McDowell, Esq.

*Volunteer Lawyers Project of Onondaga County*

Reta Raymond, Esq.

*Legal Services of Central New York*

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**Topics Include:** Public Benefits, Health Care Access, Rental Assistance, DACA Updates, USCIS Backlog and Averted Furloughs, ICE Sweep Decreases, Changes to employment authorization for asylum, and much more!



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All ZOOM details, handouts and any other materials will be emailed to you in advance of the seminar.