



# ONONDAGA COUNTY BAR ASSOCIATION **BAR REPORTER**

## FEATURED ARTICLES

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January 2021  
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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.



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# ONONDAGA COUNTY BAR ASSOCIATION

431 East Fayette St. | Syracuse, NY 13202 | Phone: 315-471-2667 | Fax: 315-471-0705 | www.onbar.org

January 9, 2021

## Statement of the Board of Directors of the Onondaga County Bar Association on Insurrection at the United States Capitol

The Board of Directors of the Onondaga County Bar Association strongly condemns the actions of the mob that stormed the United States Capitol, breaking through doors, threatening the safety of elected officials and staff, damaging honored symbols of the important work done in Congress, and resulting in the tragic loss of five lives.

But the deeper damage, the one that shocks people who love and have sworn to uphold the Constitution, is the damage done to the respect for the elective process of choosing our President and Vice President and providing for the peaceful transition of power. This is an attack on democracy, and as lawyers, we are committed to serving as the front line to defend our just and orderly society.

It has always been and always will be 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.”

We must hold ourselves accountable for any silence or inaction in allowing an anti-democratic, mob-rule mentality to destroy our society, and the law which is its foundation. In order to continue this great experiment that is the United States of America, we must remain steadfast and resolute in safeguarding our Constitution.

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:

I traditionally send out 100-200 Christmas cards each holiday season, but I had decided against it this year, because I wasn't feeling especially motivated to recap 2020 in pictures and words for my far-flung family and friends. But, as I slowly started to receive messages of hope and love in the mail, I revisited my decision, and decided that, in this year of all years, we need to focus on the things that bring us sustenance and joy in our lives. And, as we concentrate on feeling gratitude, we might focus on the joy that being a lawyer can and does bring to our lives, in particular.

There are many reasons to feel grateful for the privilege of serving our community as legal professionals. In her 2012 article published in the Notre Dame Journal of Law, Ethics & Public Policy entitled "Lawyers and Gratitude", author Reed Elizabeth Loder pointed out that cultivating an attitude of gratitude can be a "sustaining source of ethical inspiration to lawyers."

In difficult times, we might need a gentle prod to remember why we chose the law as our path. So here are five reasons to be grateful for being an attorney here in Onondaga County, using some of Loder's thoughts.

- **Our knowledge, skills and training are gifts.** Whether you are the managing partner of one of our larger law firms, or a solo practitioner on the Assigned Counsel panel, we have – through hard work, financial investment and determination - achieved a privileged status in society that has improved our own lives, and created personal opportunities. And, yes, the word "privilege" has taken on for many a loaded and nuanced meaning, but we have to accept and acknowledge that we do, in fact, have a privileged status in this community. Some of that status was earned by living in a generally just society that rewards merit, and some of it was made easier to achieve by virtue of a fortunate upbringing and resulting socio-economic trampoline. In either event, most of us probably are not forced to travel in a crowded mode of public transportation to our low-paying jobs that require us to be directly interacting, in person, with the public during a pandemic. We live, in part, the life of the mind and of professional service. For that, Loder writes, "the lawyer owes special gratitude for a legal heritage that bestows greater than normal benefits. For this aura surrounding a life in the law, the lawyer should feel grateful."

Many of us are blessed, indeed, to be able to work remotely in many instances. In our community, we are fortunate to have leadership in private, public, and quasi-public sectors that have quickly adapted to and enabled virtual proceedings and generally, remote work. Three examples: (1) virtually all of our County's medium- to large-sized firms, including our indigent legal services providers, were able to continue operations, with many attorneys working from home, seamlessly, for months; (2) **Assigned Counsel Program Executive Director Kathy Dougherty** reported at this month's ACP Annual Meeting (little-known fact: the Board of the Bar Association constitutes the membership of the Assigned Counsel Program of Onondaga County) that the ACP panel had, by late January 2020, all been trained on a new system that enabled the digital billing and communication – a system that turned out to be so vital to continuing operations during the pandemic; and (3) our **Administrative Judge for the Fifth Judicial District, Judge Jim Murphy**, and his staff, worked tirelessly to ensure that where possible, litigation could proceed as authorized via remote means, and authorized interim voucher payments to panel attorneys.

## Letter from the President, cont'd

- **Our work has purpose.** More important than the concrete social advantages that being a lawyer brings to us, “are the possibilities a lawyer acquires for a meaningful professional and personal life. The law is a worthy profession because it serves the intrinsic good of justice ... Unlike many forms of work, legal work has an overarching purpose as its measure.” Even when we struggle to find that purpose in the face of moral and practical uncertainty, “it is a privilege to have some standard of goodness” by which we calibrate our professional integrity. One of those ways to do good is to help out our fellow attorneys. Retired Attorney Grievance Committee Principal Counsel **Tony Gigliotti** has kicked off the work of the Professional Development Committee, which will link seasoned attorney mentors to attorneys just starting their practices, or an attorney at any stage who may need some guidance. If interested in serving as a panel member or exploring the services they provide, please contact [Carrie Chantler](#) at the Bar Association office.
- **We have the ability to change society.** “Because law is so central in a contemporary society that has few other shared cultural moorings, the lawyer is privileged to effectuate social changes that few have the power even to touch. ... Lawyers can influence, to small or large extent, legal reform and justice in particular cases.” It has been my honor, as a member of the Fifth Judicial District’s Access to Justice Committee, to work with some of the most dedicated legal minds in our community, all brought together to address critical issues like the impending eviction flood, bias in jury representation and selection, and establishing community-based tech sites to provide everyone with remote access to court filings, information and proceedings. There is so much work to be done. If one or more of these efforts interests you, please contact [me](#) to see how to get involved.
- **We have the opportunity to help.** As Loder says, “there is never a shortage of satisfying work for those lawyers who can make time to donate their expertise to represent otherwise voiceless clients or causes.” Whether as a pro bono attorney with the Onondaga County Volunteer Lawyers Project, or serving as a member of a legal task force, or participating in the planning of our next “Race and Justice Series” programs (“Taking the Inside Baseball OUT of your government: City, County and State”), we have so many avenues to serve the community to ensure a just and equitable society, right here, right now in Onondaga County.
- **We have the opportunity to grow personally.** We all need to refresh and restore our inner selves, and the work of a lawyer provides a means to do that. Beyond the importance of exercising your body, rest and good nutrition, we can leverage our profession to strengthen our mind, character and connectedness. Given the economic downturn we have all witnessed, the salary cuts, the furloughs, trying to focus on our inner spirit can seem difficult. But “what doesn’t kill us makes us stronger”, or as Loder puts it, “the legal experiences that spur lawyers to perfect their craft and cultivate personal traits like patience and fortitude are the sources of gratitude.” The Bar Association provides so many opportunities to grow – whether by joining an equal justice task force, participating in our upcoming, remote wellness workshops, networking through our Zoom practice-specific meetings, or attending or presenting at a continuing legal education course, the Bar Association can provide multiple platforms to develop your personal wellness and your career.

In short, let’s recommit in 2021 to use our positions of privilege in this community to do good work and create a more just system, and seize the opportunities to serve others. These intentions will build our personal capacity for giving and caring, and will develop the purpose in our own lives. Want some ideas? Contact [Jim Williams](#), our Chair of the Community Engagement Committee, or [Sally Curran](#), the Executive Director of the Onondaga County Volunteer Lawyers Project, and see how easy it is to get started!

On behalf of the entire Board and our dedicated Association staff, I wish you a profitable, generous and growth-filled New Year,



Paula M. Engel

<sup>1</sup> Reed E. Loder, Lawyers and Gratitude, 20 Notre Dame J.L. Ethics & Pub. Pol’y 175 (2006). Available at: <https://scholarship.law.nd.edu/ndjlepp/vol20/iss1/7> NB: This article was definitively published in Volume 20, Issue 1 which was released in 2012, but the citation lists 2006 as the initial publication date.

# Antiracism: Endorsing Racial Equity

*By Staci Dennis-Taylor and Sarah Reckess  
Onondaga County Bar Association Board Members  
Co-Chairs, Diversity and Inclusion Committee*

'Tis the season of compassion and reflection. We remember old memories and we make new ones. In December, we make a point to be generous and nurture our relationships. In January, we tend to look towards the future, setting new goals as we reflect on our successes and failures of the past year.

2020 proved challenging for all of us. Too often we felt isolated physically, distanced emotionally, and separated ideologically. Still, what separates us is also what connects us. Communities across the nation have come together to support each other during this double pandemic of COVID-19 and racial injustice.

Racism permeates our society interpersonally, institutionally, and structurally. It affects *all of us*, not only attorneys or clients of color. We all have unconscious biases, regardless of identifiers, and our biases influence our everyday decisions, judgments and interactions, sometimes in extremely detrimental ways that result in exclusion and other inequities. Recognition of our biases allows us to think outside the box, be better problem solvers.

What does it mean to be antiracist? Antiracism is the active process of identifying and challenging racism in our organizational structures, policies and practices, all to ensure our society is functioning in an equitable way. It is consciously educating ourselves on the historical context and experiences of the people we serve. Endorsing racial equity is antiracist.

In that vein, last summer, the OCBA kicked off its year-long "Race and Justice in Central New York" series with a 16-week Community Book Read of Bryan Stevenson's "Just Mercy." The OCBA hosted the series in partnership with the Syracuse University College of Law, local firms and bar associations, other community organizations, and individuals from all over Onondaga County. We engaged in weekly facilitated dialogues about justice, mercy, and race, and were proud of the numerous attorneys and paralegals who participated. New friendships were forged, and existing relationships were strengthened. More events like the Community Book Read will be offered this year, and we'll tell you about it through Tuesday Tips and the Bar Reporter.

Let us be clear. This work is not easy. Talking about race and racism requires grit, vulnerability, and no small amount of bravery. Members of our legal community, like newly-appointed Common Councilor Ronnie White, Esq. have recently modeled how to speak up against individual acts of racism that occur in the profession and society. Local institutions have committed to examining the impact of racial hierarchy and racial disparity in their work. Notably, Vera House engaged in this work so it could better serve diverse communities struggling with domestic violence.

What if you are the one who has been confronted about words and actions that other perceive as racist? What if the finger has been pointed at you? Ibram X. Kendi wrote, “The opposite of ‘racist’ isn’t ‘not racist.’ It is ‘anti-racist.’” Many of us have questions, struggle with our emotions, worry about saying the wrong thing, or fear further isolating our neighbors and colleagues. Some may be reluctant to speak for fear of being called racist; others may be reluctant to speak for fear of not being

heard or having their concerns minimized.

You’re not alone. You may make a mistake – we *all* do. But that’s the work. And there is a community of people willing to do the work with you.

All of us in the legal profession, including legal educators, have this work to do. Sometimes, the path will be rocky and uncertain. It will be uncomfortable. But, as Stevenson wisely wrote, “[w]e have a choice, We can embrace our humanness, which means embracing our broken natures and the compassion that remains our best hope for healing. Or we can deny our brokenness, forswear compassion, and, as a result, deny our own humanity.” Let’s choose compassion.

We are honored to be co-chairs of the Onondaga County Bar Association’s Diversity & Inclusion Committee. We are committed to continuing this essential work as we strive towards justice under the law. We look forward to seeing you at future events. The work continues. Join us.



Staci Dennis-Taylor



Sarah Reckess

*Ms. Dennis-Taylor is an Assistant District Attorney at the Onondaga County District Attorney’s Office. Ms. Reckess is the Director at the Center for Court Innovation’s Upstate New York office. Both are Syracuse University College of Law alumnae.*

**The next Diversity and Inclusion Committee Meeting is at Noon on Tuesday, January 12, 2021. You are welcome to join – click [HERE](#) for the ZOOM link.**

# THE PRACTICE PAGE

## JUDICIAL NOTICE MIRACLES ON 34<sup>TH</sup> STREET

Hon. Mark C. Dillon \*

A classic holiday movie is *Miracle on 34<sup>th</sup> Street* starring Maureen O'Hara, John Payne, Natalie Wood, and Edmund Gwenn, made in 1947. It involved a man named Kris Kringle who was employed at the Macy's flagship store on 34<sup>th</sup> Street during holiday time. Kringle claimed to be the real Santa Clause and faced potential commitment to a psychiatric hospital as a result. We may assume that because Macy's was located in Manhattan, the case to commit Kringle was venued at the Supreme Court, New York County. The matter went to a trial where Kringle could avoid involuntary commitment only if able to prove that he was the one true Santa. Kringle lacked corroborative evidence. The trial was highly-publicized. Moments before a troubling oral decision was to be rendered from the bench by Justice Henry Harper, a mail sorter from the Post Office delivered to the court multiple bags of dead letters addressed to Santa Clause—proof in the official custody of the U.S. government that Santa existed. Justice Harper dismissed the case against Kringle to the applause of all present in the courtroom. In effect, the judge took judicial notice of the letters, though the movie never mentioned the statutory basis for him doing so, CPLR 4511 (known then as C.P.A. 344-a). Perhaps

Kringle's attorney's motion for a directed verdict, with razor-sharp citation to the relevant practice statutes, was cut from the movie during editing.

Readers of CPLR 4511 should take care of the statute's constituent parts that distinguish between what "shall" and what "may" be judicially noticed. Judicial notice *shall* be taken by a court of the common law, public statutes, and constitutions of the United States and its individual states and territories, but not of the organization or management of the state or its agencies, or of local and county laws (CPLR 4511[a]). Judicial notice *may* be taken by a court at its own initiative of federal, state, and foreign statutes, resolutions, and regulations, but *shall* be taken of them if requested by a party, if properly documented and upon notice to all parties (CPLR 4511[b]). The foregoing regards matters of law. Beyond that, judicial notice *may* be taken of matters of fact for which there can be no reasonable dispute. A Westlaw search identifies examples as including dates and days of the week, official climatological data, the timing of sunrises and sunsets, scientific properties, weights and measures, undisputed court records, geographic locations, census

statistics, travel distances, currency exchange rates, and known historical facts.

Judicial notice of a matter may be taken at any stage in a proceeding (*Caffrey v North Arrow Abstract & Settlement Services*, 160 AD3d 121, 127), which is why Justice Harper in *Miracle on 34<sup>th</sup> Street* could consider the dead letters from the Post Office at the last moments of Kringle's trial. Assuming the trial determination was based on judicially-noticed letters, was that determination correct? May the government's mere possession of letters written to one recipient (Santa) addressed to the same place (the North Pole) qualify as indisputable evidence of the addressee's existence, or alternatively, did the court commit reversible error by allowing the letters into evidence on Kringle's behalf? The answer is that judicial notice was inappropriate. The existence of the letters proved, at best, that children believed there was "a" Santa Clause and had acted upon that belief by mailing material at official

postal depositories. The letters did not prove that the person to whom the letters were addressed existed in reality, or that Kringle was "the" Santa Clause to whom the children had written. The letters were of no probative value to the dispositive issue of the case (*People v Palencia*, 130 AD3d 1072, 1074-75), which was whether Kringle was the Santa Clause or someone in need of psychiatric commitment. The government's possession of the children's letters made no difference to the focused question that needed to be decided by the court.

The time for appealing Justice Harper's order to the First Department passed in 1948. If, however, there were a stay and the Kringle determination is still viable, appealed, and reversed, Hollywood can produce a post-appeal sequel to *Miracle on 34<sup>th</sup> Street*, with a better analysis of CPLR 4511 upon remittal.

Merry Christmas, Happy Chanukah.



\*Mark C. Dillon is a Justice at the Appellate Division, 2<sup>nd</sup> Department, an adjunct professor of New York Practice at Fordham Law School, and an author of CPLR Practice Commentaries in McKinney's.



# In Memoriam

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

Hon. William J. Barrett

Joseph Bollettieri

William J. Bulsiewicz

John M. Caster

Carolyn M. Chini

Mary Lou Crowley

Hon. Dennis DeStefano

James F. Dwyer

Charles S. Edwards

David B. Garwood

Stanley G. Germain

Paul J. Ginnelly

Gerald A. Hamill

Peter E. Herzog

William F. Lynn

Donald M. Mawhinney, Jr.

Thomas G. Murphy

James J. O'Connell

Robert P. Rickert

Robert L. Riley

Richard J. Sardano

Joseph Siracusa

Please advise **Jeff Unaitis** at [junaitis@onbar.org](mailto:junaitis@onbar.org) of other members of our profession whom we have lost.  
The OCBA will honor these colleagues later this year in a virtual memorial service

## **Litigation Attorney Position Available at Sheats & Bailey, PLLC The Construction Law Firm**

We are seeking an experienced Commercial Litigation Attorney for our Upstate New York office with eight or more years' experience in the State and Federal Court systems. Our practice focuses on commercial law with emphasis on the development, construction and design industries. Other practice areas include corporate and human resources law, labor law and real estate. The ideal candidate will be able to work closely with the senior principles of the firm, effectively manage his or her own caseload and confidently proceed to litigation when any of our cases go to trial or arbitration. Our firm works with clients across the United States and has a strong base of clients from Canada. In addition, we have a satellite office in New York City.

We offer a 401k plan with profit sharing, medical and dental benefits and referral and bonus incentives.

Position available immediately • Salary range: \$89,000 to \$104,000 and will be commensurate with experience • No calls please • Procedures are in place to protect our employees during this time.

Email your resume with cover letter to: [bsantini@theconstructionlaw.com](mailto:bsantini@theconstructionlaw.com) or mail to PO Box 586, Liverpool, NY 13088.



## **Kenney Shelton Liptak Nowak LLP Seeks Civil Defense Attorney**

Small, busy suburban Syracuse civil defense law firm – satellite office of larger Buffalo firm, seeking attorney with 8-plus years of experience for all forms of civil defense litigation; motions, depositions, appeals, etc. Submit your letter of introduction and a resume to: Lauren Miller at [LMMiller@kslnlaw.com](mailto:LMMiller@kslnlaw.com)



KenneySheltonLiptakNowak<sup>LLP</sup>

# Newsmakers & Influencers



***Congratulations are in order!*** January 4, 2021 marks the 75<sup>th</sup> anniversary of the founding of the Smith Sovik law firm, established in 1946 by Laurence (Larry) Sovik and John Timothy Smith with its home office in downtown Syracuse at 250 S. Clinton Street. The firm has three additional offices, in Buffalo, White Plains and Uniondale, Long Island to cover all of the Empire State. Smith Sovik boasts more than 30 attorneys and employs more than 50 people. The firm began its practice focusing on commercial transactions, but has developed into a boutique civil litigation trial firm practicing in the areas of professional liability, labor law, products liability law, motor vehicle litigation, general litigation, workers' compensation, professional licensing, as well as providing mediation and arbitration services. The firm looks forward to the *next* 75 years with optimism and a strong belief in ***winning*** with a diligent work ethic and strong communication skills.

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## New Partners Named at Smith Sovik



John D. Goldman, Esq.

Smith Sovik Kendrick & Sugnet, PC also announces John D. Goldman has become a Partner in the firm's White Plains office. Goldman joined Smith Sovik in September 2011. In addition to significant experience in all areas of general liability, including construction and premises liability, he regularly defends engineers, architects, doctors, attorneys and other professionals in state and federal court lawsuits. Named to the Upstate New York Super Lawyers "Rising Stars" list, Goldman earned his Juris Doctor, with Honors, from Syracuse University College of Law where he was an Executive Editor of the Syracuse Law Review.



Christopher DeFrancesco, Esq.

Also named a Partner at the firm is Christopher DeFrancesco, a trial lawyer whose practice concentrates on medical and professional malpractice defense, premises liability, motor vehicle accident, construction-site accident and employment litigation. Named to the Upstate New York Super Lawyers "Rising Stars" list annually since 2016 he is a 2013 graduate of Syracuse University College of Law, where he received the New York State Academy of Trial Lawyers John C. Cherundolo Award for Leadership & Advocacy as well as the Robert W. Miller Award for Excellence in Trial Advocacy and the CALI Award for highest overall performance in Trial Practice.

# Newsmakers & Influencers

## OCBA Paralegals Committee Chair Named to Onondaga County Human Rights Commission



Nodesia Hernandez

On December 1, 2020, County Executive J. Ryan McMahon confirmed his appointment of Nodesia Hernandez to the Onondaga County/City of Syracuse Commission on Human Rights. Her term became effective immediately upon her confirmation and will expire December 31, 2022.

"There are duties that you do because you are employed to do them, then there is work that you do outside of your employment because it's your passion," she said.

Hernandez is the OCBA Paralegals Committee Chair also serves as Director of Community Outreach for the

office of New York State Senator Rachel May (D) 53<sup>rd</sup> Senate District.

"My passion has always been to create spaces and programs that serve, educate and protect. When I received a call asking if I would consider an appointment to the Onondaga County Commission on Human Rights, the first thing that was stated was 'I see the work that you do and that work is the vision of the Human Rights Commission.'"

"I hope with this appointment I can better understand the procedural process of advocating for civil rights and disability rights of constituents at the County level. It is an honor to serve as one of the Commissioners of the Onondaga County Commission on Human Rights."



# Newsmakers & Influencers



## MEET OUR NEW TEAM MEMBERS!



Lanessa Chaplin, Esq.



Adam Martin



Adol Mayen

**Lanessa Chaplin** is VLP's new part-time Reentry Program Director. She has previously been employed with VLP helping those with criminal records correct RAP sheets and obtain Certificates of Relief from Disability and of Good Conduct. Chaplin also works as the Assistant Director of NYCLU's Education Policy Center.

**Adam Martin** has volunteered with a variety of VLP programs since 2018. He fields general intake calls, coordinates debt clinic appointments, and works closely with clients in the Family Law Program. He is a 2020 graduate of the Syracuse University College of Law.

**Adol Mayen** has joined VLP as the Intake Specialist/Legal Assistant. Mayen was in the Peace Corps when the pandemic cut her service short and returned her home to Syracuse. She will split her time between the VLP Immigration Program and supporting the Eviction Defense and Family Law Program.

### **Labor & Employment Associate, Rochester Office – Nixon Peabody LLP**

Nixon Peabody is seeking to hire an Associate to join our Labor & Employment practice group in our Rochester office. To learn more, and to apply online, please visit our website at <http://www.nixonpeabody.com/careers>.

# Newsmakers & Influencers

## On the Rise | Passalacqua & Associates Among Fastest Growing U.S. Law Firms

Passalacqua & Associates, a Criminal Defense – DWI – Personal Injury law firm with offices in Syracuse and Utica, was named 36<sup>th</sup> on the Law Firm 500 List of Fastest Growing Law Firms in the nation. The ranking demonstrates the firm's noteworthy achievement of 256 percent growth in revenue since 2016.

"It's such an honor to be recognized, and an even larger honor to be able to help so many people in our local communities," said Nicholas A. Passalacqua, the firm's founder.

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## Anneliese R. Aliasso Joins Hancock Estabrook, LLP Firm Also Announces U.S News & World Report Tier 1 Status

**Anneliese R. Aliasso** has joined Hancock Estabrook, LLP as an associate. Aliasso will focus her practice on commercial litigation within the Firm's Litigation and Startup & Emerging Business practices.



Anneliese R. Aliasso, Esq.

Additionally, Aliasso assists women and minority-owned businesses with the preparation of various diversity certification applications, including the New York State MWBE Program, Department of Transportation's Disadvantaged Business Enterprise Program, the City of Syracuse MWBE program, and the Port Authority of the State of New York and New Jersey MWBE program.

A Cazenovia College *summa cum laude* graduate, and valedictorian, Aliasso earned her J.D. degree *summa cum laude* from Albany Law School of Union University and is admitted in New York State.

On December 2, 2020 Hancock Estabrook announced its Tier 1 ranking from *U.S. News & World Report – Best Lawyers* "Best Law Firms" for 2021 in 12 practice areas.

The Tier 1 rankings include Appellate Practice, Commercial Litigation, Corporate Law, Elder Law, Land Use & Zoning Law, Litigation – ERISA, Litigation – Insurance, Litigation – Labor & Employment, Litigation – Trusts & Estates, Personal Injury Litigation Defendants, Product Liability Litigation Defendants and Trusts & Estates Law.

To be considered for a ranking, a firm must have a lawyer listed in *The Best Lawyers in America*, which recognizes the top four percent of practicing attorneys in the United States.

### **Corporate Associate, Rochester Office – Nixon Peabody LLP**

Nixon Peabody is seeking to hire an Associate to join our Corporate practice group in our Rochester office. To learn more, and to apply online, please visit our website at <http://www.nixonpeabody.com/careers>.

# Newsmakers & Influencers

## Barclay Damon Elects First Woman to Lead 450-Person Firm

Barclay Damon elected former Deputy Managing Partner Connie Cahill to Managing Partner effective January 1. She will lead the 475-person organization with offices in the northeast that focus on energy, intellectual property, labor and employment, and health care.

Cahill began a three-year position as deputy managing partner in 2018 to prepare for the transition to managing partner. She is the first woman to lead the organization in its 165-plus-year history.

Cahill joined Hiscock & Barclay—now Barclay Damon—in 2006 as the firm’s Public Finance Practice Area co-chair and became the sole chair in 2018. She is a leading bond lawyer in New York State, having built a high-performing team that represents state authorities, agencies, and other issuers in some of the largest and most complex public-project transactions in the Northeast. Cahill has also held positions as the firm’s Financial Services Practice Group leader and Albany office managing director, helping the office double in size and secure its current ranking as the Capital District’s second-largest law firm office. Since Cahill joined the firm’s Management Committee 12 years ago, she has helped drive significant growth in the representation of women in leadership positions throughout the firm, including on the firm’s two main governing bodies.



“It’s a privilege to lead Barclay Damon, where I’ve enjoyed collaborating with so many talented and hard-working professionals,” Cahill said. “I want to extend my sincere thanks to my colleagues for their support over the years. It’s been an honor working with them to establish a progressive firm that allows talent to have equal access to resources and opportunities to attain their full potential.”

Cahill has actively worked alongside Sheila Gaddis, Barclay Damon’s diversity partner, supporting the firm’s diversity, equity, and inclusion efforts. Cahill also helped found the Next Generation Committee, and was instrumental in creating the firm’s new Helping Attorneys and Their Children (HATCH) paid-parental-leave policy and innovative policies regarding associates. Most recently, Cahill led the firm’s work-from-home and return-to-office transitions during the COVID-19 pandemic, including implementing the decision to allow all firm members who can effectively work from home to continue doing so through, at minimum, mid 2021 and creating the firm’s reopening guide and new health and safety procedures and guidelines.

*Continued on next page*

### **Nixon Peabody LLP Seeks ERISA/Employee Benefits Attorney, Any U.S. Office**

Nixon Peabody is seeking to hire an Associate or Counsel for the nationwide Employee Benefits and Executive Compensation Team. Location is flexible. To learn more, and to apply online, please visit the firm’s website at <http://www.nixonpeabody.com/careers>.

# Newsmakers & Influencers

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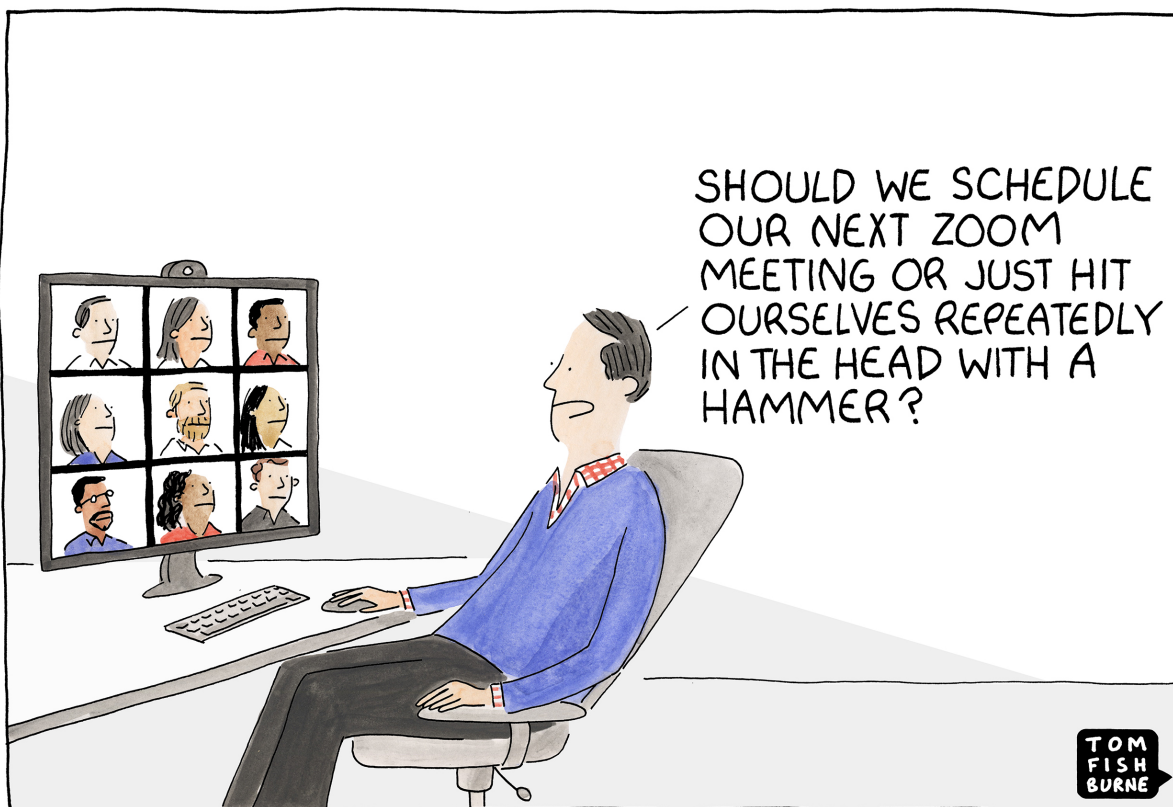


John Langan

As part of an orchestrated transition plan, John Langan is assuming the role of chair, a newly created position, after serving as managing partner for 20 years. During that period, the firm grew from 60 attorneys in three offices to what is now nearly 300 attorneys operating from 12 offices. Most recently, the firm's expansion involved successfully merging legacy firms Hiscock & Barclay and Damon & Morey and integrating the former firms Gilberti Stinziano Heintz & Smith and Menter, Rudin & Trivelpiece into Barclay Damon. It also involved recently bringing in a 20-attorney group from LeClairRyan to enhance the firm's Boston and New York City offices and establish a new 12-attorney office in New Haven Connecticut, resulting in a platform of offices in midsize, major-market, and smaller cities across the northeast and Toronto.

Langan will report to Cahill and maintain a focus on lateral attorney recruiting, growth of the firm's major-market offices in New York City and Boston, and managing some of the firm's larger client relationships.

"Over the course of her career in a traditionally male-dominated legal field, Connie has consistently shattered the glass ceiling in developing a leading public finance practice, in building a large and diverse Albany office, and in forming and leading the firm's successful Women's Forum, among other projects," Langan said. "She's a remarkable attorney and respected leader, and I've been honored to work with her over the past decade."



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# Newsmakers & Influencers

## Barclay Damon Announces 2021 Partner Elevations



Previously counsel to Barclay Damon six lawyers have been elevated to Partner status the firm announced earlier this year.

Effective January 1, Meghan Dwyer, Brad Gallagher, Naresh Kannan, Brittany Lawrence, Michael Nicholson, and Rob Thorpe realized their promotions.

“Elevation to Barclay Damon partner is earned, and each of these attorney has proved to be eminently deserving of being added to our partnership roster,” said Managing Partner Connie Cahill. “As talented professionals, they contribute their collective energy and experience to our clients’ success. They are also each passionate about helping lead our firm forward in a rapidly changing legal industry and a time of great societal and technological change. We’re thrilled to have their drive and enthusiasm benefit the firm and our clients.”

**Dwyer** is a member of the Mass & Toxic Torts and Torts & Products Liability Defense Practice Areas. She is based in the Buffalo office. **Gallagher** is a member of the Health Care and Health Care Controversies Teams and the White Collar & Government Investigations and Commercial Litigation Practice Areas and is based in Albany. **Kannan** will work within the Albany office’s Intellectual Property Litigation and Patents & Prosecution Areas. A member of the Commercial Litigation and White Collar & Government Investigations Practice Areas the Higher Education Team, **Lawrence** is based in Rochester. Also Rochester based, Nicholson is a member of the Real Property Tax & Condemnation and Commercial Litigation Practice Area. **Thorpe** is a member of the Labor & Employment and Commercial Litigation Practice Areas and the Hotels, Hospitality & Food Service Team, and is based in Syracuse.

## December Fundraisers Provide Holiday Support for County Children and Pets



Living and working during a pandemic causes us to be cautious and heed warnings concerning gathering in public and private spaces, but it doesn't stop us from being generous in spirit and in gesture.

On December 18<sup>th</sup>, cars streamed through the CNY Philanthropy Center parking lot with drivers delivering bags of dog food, cat litter, boxes upon boxes of bleach and other necessities dogs and cats sheltered at the CNYHumane Center need, not only at the holidays, but all through the year.

VALAC (Volunteer Advocate Lawyers for Animal Abuse Court) founder Nick DeMartino was on hand for this annual fundraiser, now in its fourth year. He hoisted these heavy items into not only his car, but OCBA Executive Director Jeff Unaitis's car, as well.

Likewise, folks also brought bags upon bags of toys intended for children and families who only reside a scant mile or two from the OCBA offices who are undoubtedly feeling the pinch of a tight economy due to job losses related to the COVID-19 epidemic.

OCBA Paralegals Committee Chair Nodesia Hernandez gratefully accepted these gifts on behalf of that group. She joined the unwrapped presents with others she collected from other organizations with which she's involved on behalf of the 2<sup>nd</sup> Annual Westmoreland Christmas Toy Drive.



**Thank you** to all those who stopped by that day or who mailed in financial support to help our neighbors!

# Ethics Hotline

New York lawyers faced with ethical questions regarding their own prospective conduct can reach the Ethics Hotline by calling volunteers Victor Hershendorfer 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.

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### **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.**

# APPEALS

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John A.

## CIRANDO

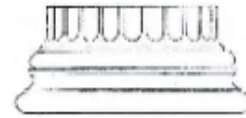
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From causation to recovery, you can  
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Adam R. Storm, P.E.  
Consultant  
[astorm@rimkus.com](mailto:astorm@rimkus.com)  
315-412-6336

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)

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### Office Space for Rent - Ideal for Solo Practitioner

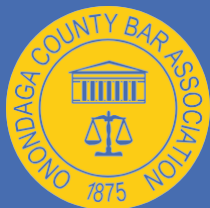
For Rent. Office space for sole practitioner. One block from courthouse. Other amenities available. Call 315- 474-6896.

### Reasonably Priced Downtown Office Space for Rent

Work from home but maintain Class A office space. Downtown Syracuse law firm located at 1 Park Place has Class A space to rent to lawyers or other professionals. Have your name on the door and access to the space and all amenities. Impress clients for a relatively small monthly rent ranging from \$400-\$600 depending on services and space. E-mail [mrsstag416@yahoo.com](mailto:mrsstag416@yahoo.com).

### Local Attorney Looking for Lawyer who Drafted a Will

Searching for the last will and testament of David B. Garwood, Esq., who passed away on December 29, 2020. The will was drafted in approximately 1992 by attorney Dennis H. Cleary. If you have any information please contact Kathleen Lynn, Esq. at (315) 329-0349 or [lynnlaw45@yahoo.com](mailto:lynnlaw45@yahoo.com).



# OCBA CONTINUING LEGAL EDUCATION

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

## What's in the Bag? Managing Lawyerly Stress

**Wednesday, February 3 2021**

2 to 3:30 p.m.

Via ZOOM Webinar

**Cost:** \$30 Members

\$45 Non-Members

**Presenter:** Caterina Ranieri, Esq.  
*Principal, Caterina Ranieri, P.C.*

**1.5 MCLE** (Law Practice Management)



There's a lot to think about during a pandemic. Perhaps you took the time between ZOOM meetings to work out, write a book, or wring your hands and **STRESS OUT?!**

In this CLE Attorney Caterina Ranieri, a certified Master Practitioner of Neuro-Linguistic Programming and a certified Integrative Coach, will provide one powerful action step that you can use right now to reduce stress and improve the quality of both your working and personal life.

### **But you'll also gain:**

- Tools and techniques you can use to manage your workload and practice healthy self-care.
- Learn how to identify personal internal conflicts, what is causing these conflicts, and how to set healthy boundaries to create balance in your daily life.

**Please Register at [Onbar.org](http://Onbar.org)**



# OCBA CONTINUING LEGAL EDUCATION

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## Workplace Bullying

**Thursday, February 25, 2021**

1 to 2 p.m.

Via ZOOM Webinar

**Cost:** \$20 Members  
\$30 Non-Members

**Presenters:**

Sarah Ruhlen, Esq.

Diane Williamson, Esq.

SATTER RUHLEN  
LAW FIRM, PLLC

**1.0 MCLE** (Professional Practice)



**Gain Insight Into:**

- What constitutes Workplace Bullying, relevant laws & protected categories, and a look at the “Severe and Pervasive” standard.
- Peer into the New York State standards and past the “Petty slights or trivial inconveniences” standard.
- Presenters will consider the NYS Public Employers Violence Prevention Programs both policy provisions and practical experience.
- OSHA – General Duty Provision and Workplace Violence and Prohibited Conduct. Plus also IIED and Workers’ Compensation

**Please Register at [Onbar.org](https://onbar.org)**