



ONONDAGA COUNTY BAR ASSOCIATION **BAR REPORTER**

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Onondaga County Bar Association
CNY Philanthropy Center
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Our Mission:

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



In Memoriam

Hon. Jack Schultz

H. Douglas Barclay



ONONDAGA COUNTY BAR ASSOCIATION

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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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Upcoming Events

March 30	4 p.m.	5 th Judicial District Update via ZOOM With Administrative Judge James P. Murphy
April 1	Noon	OCBA Annual Meeting
April 14	Noon to 1 p.m.	5 th Judicial District Women in the Courts "Meet the Judges" Panel Discussion
April 21	Noon to 1:30 p.m.	CLE Valuing Women's Work

Letter from the PRESIDENT



Paula M. Engel, Esq.

Dear Colleague

When the revelations came fast and frighteningly in the #MeToo #TimesUp, post-Harvey Weinstein period, I listened with horror to my colleagues' descriptions of their own encounters at work with discrimination and harassment. The perpetrators were, more often than not, male superiors, but gender discrimination can and does flow from and to all directions, to sys- or trans-gendered women, to people whose gender identities are fluid or non-binary.

In 2018, the American Bar Association published the results of a ground-breaking study, "You Can't Change What You Can't See."¹ The report revealed that a quarter of women surveyed reported that they had encountered unwelcome sexual harassment at work, including unwanted sexual comments, physical contact, and/or romantic advances. Sexist comments, stories and jokes appear to be widespread in the legal field, with more than 70 percent of all groups reporting encountering this type of activity in the workplace.

Now, with the allegations against our state government's chief executive officer, we are reminded yet again that advances like those described in the news these past few weeks are really "not about sex. It's about power and aggression and manipulation. It's an abuse of power problem," says James Campbell Quick, PhD, a professor of leadership and management at the University of Texas at Arlington. I have heard men claim in their defense, "She didn't say no, not once." Often, no justice is realized because a law enforcement agent agrees with that position – without a clear, negative rejection of the advances from the victim, no crime could be successfully prosecuted. The power remains with the abuser, the victim becomes victimized again for not doing enough to stop the assault. Hearing those victims' calls for justice land on deaf ears is so disheartening. So many abusers leverage their victims' dramatically uneven power positions, other victims are inebriated or unconscious or cognitively impaired: these are people who – from fear for their jobs or by reason of incapacity – cannot find the way to say "no" or "stop." Is the abuse they endure any less horrific or damaging?

In 2014, California passed the "Yes Means Yes" law. The law went further than the common "no means no" standard, which has been blamed for bringing ambiguity into investigations of sexual assault cases. The added component of that state's Education Law requires all levels of colleges, public or private, to handle rape and sexual assault accusations with the requirement of an "affirmative consent" and stating that consent can't be given if someone is asleep or incapacitated by drugs or alcohol. "Lack of protest or resistance does not mean consent," the law states, "nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time." On July 7, 2015, our state followed suit by adopting a new Article 129-B to the New York State Education Law, among other changes.

Other steps were adopted in the past few years. By October 1, 2018, every New York State employer had to implement a sexual harassment policy and provide training for its employees. The training I received in my department was developed by New York State government and clearly demonstrated that no one can take someone's silence or even nervous laughter as consent to physical or verbal contact that is sexual in nature or has the effect of gender discrimination. But as someone who writes and provides training on human resources policies, it is obvious that a few pages of written words and a PowerPoint™ presentation will never be enough to change a dynamic that permits these hostile and discriminatory actions in our workplaces.

The Olsen Group, a human resources consulting group, lists seven ways to reduce gender discrimination in the workplace:

- (1) **Build diversity from the inside out.** One way to provide better balance and opportunity is to eliminate years of experience requirements, which tends to marginalize attorneys who have stayed at home to care for children or sick relatives. *Read the excellent essay from Bryn Lovejoy-Grinnell on page 15 on how to set boundaries, and think about how to empower attorneys in your firm to do the same without fear of losing opportunities for professional advancement.*
- (2) **Bring men into the fight.** Companies should educate male employees on gender barriers and encourage them to help their women colleagues combat these obstacles. If you are a senior partner, why not serve as a mentor to a person of a different gender than your own.
- (3) **Teach employees about what is NOT sexual harassment.** It's just as important that you teach your staff what behaviors are not considered sexual harassment. Encourage male employees to ask female colleagues on a coffee run, or to join them for lunch, and assure them that this is not harassing behavior. Including women in social events helps to promote a greater sense of gender equality in the workplace.
- (4) **Establish networking initiatives that include all genders.** Create networking strategies that include all employees. Firm outings, picnics, client dinners should include attorneys of all genders.
- (5) **Require and Practice Social Inclusion.** As mentioned above, the risk of focusing on preventing sexual harassment and discrimination in your law office is that women will be excluded. That is not the solution. If you are generating firm-wide opportunities (number 4), then social circles that include all genders will become the norm. Be aware of the message it sends to some employees that a group of men in the office travel to the NCAA tournament every year, or that the managing partner plays golf once a month with three associates, all of whom are male.
- (6) **Educate employees on how to handle workplace romance situations.** Train employees on how to effectively ascertain real consent from a co-worker, and how to keep personal relationships from impacting the work environment.
- (7) **Eliminate the secrecy surrounding workplace romances.** Too often, people believe they are doing a great job hiding their relationship when in fact, everyone knows what is going on. Require that all employees disclose the workplace relationship to their managing partner, so that boundaries can be discussed and reinforced, and if need be, changes in assignments are made if the attorney is a direct report of the other person in the relationship. While it may foster secrecy, there is a cogent argument for prohibiting any romantic relationships between supervisors and a direct subordinate. The power imbalance in many cases, at best, will send an unwelcome subliminal message that the attraction may

lead to better job opportunities, or at worst, will explode into workplace drama and potential lawsuits. Even changing departments, if the relationship is known throughout the firm, may not be enough to mitigate those risks.

I would add an eighth item to this list: **Improve your policy regarding workplace discrimination or harassment, by instilling confidence that reporters will get prompt responses and will never face retaliation.** *Take a look at the summary of the paper developed by Sarah Ruhlen and Diane Williamson on Workplace Bullying on **page 18** on the different ways in which employees can be disenfranchised by a hostile work environment.*

Who didn't read with dismay just a few months ago about the long wait endured and the extra efforts needed by a court clerk in the Onondaga County Family Court system to get some level of response to her complaint about a superior's unwelcome advances? In a study released this past November, the New York State Judicial Committee on Women in the Courts released its first study on gender discrimination in our judicial system since the 1980s. Regarding the reporting of sexual harassment in all its forms, only 31 percent of female respondents and 49 percent of male respondents indicated they knew how, when and where to report a claim related to misconduct in a Unified Court System facility.

The Onondaga County Bar Association's Diversity and Inclusion Committee, co-chaired by Sarah Reckess and Staci Dennis-Taylor, is working with the Honorable Deborah J. Karalunas and other dedicated attorneys to address these and other issues to improve gender equality in our judicial district. We encourage everyone to support and adopt their best practices and recommendations to combat gender discrimination and harassment in our offices.

The "good ole boy" mentality, where the wagons circle to protect those in power, creates the kind of environment that permits abuses to continue, to the detriment of all of us. This isn't just a "woman's issue," it is about providing safe workplaces. A toxic work environment can lower productivity and increase turnover and absenteeism, with employees less engaged in their work. "A hostile environment affects the whole organization, not just the people who are harassed," says Chris Kilmartin, PhD, a psychologist and emeritus psychology professor at the University of Mary Washington. "Basically, it poisons the organization."²



¹ "You Can't Change What You Can't See: Interrupting Racial & Gender Bias in the Legal Profession (executive Summary)." Accessed on March 15, 2021 at <https://www.americanbar.org/content/dam/aba/administrative/women/you-cant-change-what-you-cant-see-print.pdf>. The study was conducted by the Center for Work Life Law at the University of California, Hastings College of the Law on behalf of The Minority Corporate Counsel Association (MCCA) and The American Bar Association's Commission on Women in the Profession.

² Smith, B. "What it really takes to stop sexual harassment." *Monitor on Psychology* (American Psychology Association, February 2018, Vol 49, No. 2). Accessed March 15, 2021 at <https://www.apa.org/monitor/2018/02/sexual-harassment>.



Statement from the OCBA Board of Directors On Rise in Violence and Hate Speech Directed to the Asian American and Pacific Islander Communities

The Board of Directors of the Onondaga County Bar Association joins with our peers across the nation in condemning the racism and hate that has propelled an alarming and dramatic increase in attacks and slurs against our Asian American and Pacific Islander community members over the past year (reports are that such attacks in New York State have risen between 150% to 800% or more).

All of us should do our part to help get these crimes reported, and we call on law enforcement to investigate each report thoroughly and to take swift, appropriate action.

Approved by the Board of Directors March 19, 2021.

On the next two pages, please see the news release from the Asian American Bar Association of New York (AABANY) regarding its recently completed report, “A Rising Tide of Hate and Violence against Asian Americans in New York During COVID-19: Impact, Causes, Solutions.”

To access that complete 49-page report, please click [HERE](#).



**FOR IMMEDIATE RELEASE
February 10, 2021**

**Contact: Yang Chen, Executive Director
(646) 653-2168**

**ASIAN AMERICAN BAR ASSOCIATION OF NEW YORK ANNOUNCES RELEASE
OF REPORT ON RISE OF ANTI-ASIAN VIOLENCE IN NEW YORK DURING
COVID-19**

NEW YORK – February 10, 2021 - The Asian American Bar Association of New York (AABANY) is proud to announce the release of its report co-authored with Paul, Weiss, *A Rising Tide of Hate and Violence against Asian Americans in New York During COVID-19: Impact, Causes, Solutions*. Executive editors of the report were Chris Kwok, AABANY Board Director and Issues Committee Chair, and Karen King, Vice Chair of AABANY's Pro Bono and Community Service Committee and Counsel at Paul, Weiss. The report is dedicated to Corky Lee, who passed away on January 27, 2021 due to COVID-19. Corky was a revered photographer in the Asian American community who had been documenting the effort to combat anti-Asian violence and harassment in the wake of COVID-19.

AABANY will host a press conference on February 11, 2021 at 1:30 pm on Zoom, and press is invited. To register to attend and receive Zoom codes, go here: https://www.aabany.org/events/event_details.asp?legacy=1&id=1486669. A PDF copy of the report will be sent to registrants along with the Zoom codes. If you are unable to attend the press conference but would like to receive a PDF copy of the report, please contact main@aabany.org.

Using data from STOP AAPI Hate, the report describes the skyrocketing incidents, attacks, harassment, and violence against Asian Americans in New York during the COVID-19 pandemic and how this climate of racism and xenophobia has impacted the Asian American community. It provides a historical background and context of anti-Asian hate and violence, which reflects anti-Asian racism during times of economic downturn, war, and disease recurring throughout United States history. This unfortunate historical pattern re-emerged in 2020 and exploded during COVID-19. It was exacerbated by President Trump and other political leaders when they propagated inaccurate information about the origins of the virus and used terms such as "China Virus" and "Kung Flu." While many individuals and organizations in the community, including government officials at the federal, state, and local levels, have condemned anti-Asian racism and harassment due to COVID-19, the overall response from the government has been lacking.

The report offers seven proposals that AABANY hopes will turn back the rising tide of violence against Asian Americans in New York:

1. Clear Reporting Mechanisms for Victims, Including Online and Hotline Reporting
2. Uniform and Consistent Classification, Documentation, and Reporting of Hate Crimes by Law Enforcement as well as Uniform and Consistent Investigation and Prosecution of Hate Crimes

3. The Asian Hate Crimes Task Force and Greater Representation of Asians in Law Enforcement, Public Office, and the Courts
4. Public Education Campaign
5. Stronger Unity and Collaboration Among Minority Groups
6. Legislative Reform
7. Civil Actions

The report acknowledges President Biden’s January 26, 2021 memorandum condemning racism and xenophobia against Asian Americans and Pacific Islanders, and further recommends the appointment of Vice President Kamala Harris as the Chair of the White House Initiative on Asian Americans and Pacific Islanders.

“AABANY thanks Chris Kwok and Karen King for taking the lead as Executive Editors of this report, and we thank Paul, Weiss for contributing its resources and talented attorneys to help research and write the report. We are also grateful to the AABANY Student Leaders for their invaluable assistance. Finally, we thank NAPABA for its generous grant to fund this project,” states AABANY President Sapna Palla. “There is no vaccine for hatred, ignorance, and racism, but we hope this report will increase awareness about the magnitude of the anti-Asian violence that has been prevalent in New York since the start of 2020. We hope that the report’s proposals will bring about more effective government action and leadership at all levels, and prompt much-needed change that will eradicate the ongoing anti-Asian violence and harassment that has been plaguing us for far too long.”

Paul, Weiss’ chairman, Brad Karp states, “Paul, Weiss is proud to continue the fight for racial justice. There is zero tolerance for hatred and violence against Asian Americans who have long been the subject of prejudice and discrimination in the United States.”

For more information, please contact Yang Chen, AABANY Executive Director, at (646) 653-2168, or direct any inquiries to main@aabany.org.

The Asian American Bar Association of New York is a professional membership organization of attorneys concerned with issues affecting the Asian Pacific American community. Incorporated in 1989, AABANY seeks not only to encourage the professional growth of its members but also to advocate for the Asian Pacific American community as a whole. AABANY is a New York regional affiliate of the National Asian Pacific American Bar Association (NAPABA).

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Additional information about AABANY is available at www.aabany.org

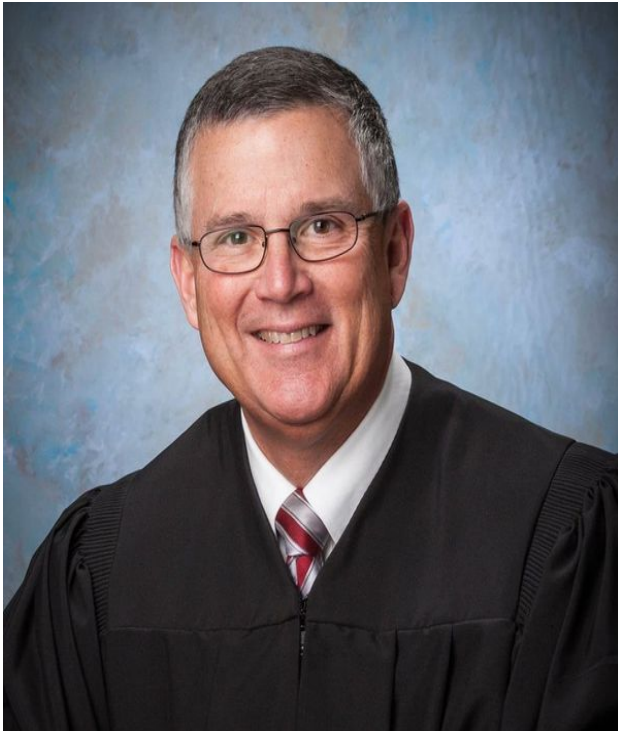
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FROM THE COURTS:

Fifth District to Establish Equal Justice for All Think Tank



***From the Hon. James P. Murphy, Administrative Judge,
Fifth Judicial District***

As you may know, on October 1, 2020, in response to the request of Chief Judge DiFiore for an internal investigation into implicit bias and systemic discrimination within the Courts, Former Secretary of Homeland Security Jeh Johnson issued an in-depth, honest and very troubling Report of the Special Advisor on Equal Justice in the Courts (“EJIC Report”). I encourage you all to read the report carefully.

In 1991, the Report of the New York State Judicial Commission on Minorities, appointed by then-Chief Judge Wachtler, declared “there are two justice systems at work in the courts of New York State, one for Whites, and a very different one for minorities and the poor.” Sadly, Secretary Johnson’s Report reiterates many of the same concerns and findings expressed 30 years ago! It is difficult to read.

Chief Judge DiFiore has declared zero tolerance for bias and discrimination and directed the entire Court System to review all practices, protocols and procedures with a goal of eliminating any implicit or systemic bias and discrimination. I have begun this review in earnest in the 5th District as I sincerely believe that we have an obligation to our children and grandchildren to improve our Court System. All Court users **must** be treated fairly and equally, no exceptions or excuses!

I NEED YOUR HELP! I am immediately establishing the “5th District Equal Justice for All Think Tank.” The Think Tank will begin reviewing the Johnson Report Recommendations, the recent Unified Court System Strategic Plan to Implement the Johnson Report recommendations and existing 5th District Court Operations. I am asking the Think Tank to advise and assist me in implementing immediate changes. This will be an ambitious mission and require much difficult and hard work.

I am seeking 20-25 dedicated and motivated members consisting of judicial and non-judicial individuals from all corners of the Court System, together with representatives of our Court users, including attorneys. I would like you to consider participating. **If you are interested in joining me in this critical effort, please email me as soon as possible (judge-murphy-chambers@nycourts.gov) with your statement of interest and tell me why you think you would be an asset to the Think Tank.** Please don’t delay as I wish to begin shortly. Thanks for your consideration and be safe!

[Click HERE to read the full report.](#)

Member Spotlight

OCBA Family Law Committee

A Q & A with Committee Co-chairs Karen Docter and Robert J. Jenkins



Tell us a little bit about yourself. Syracuse native? Where'd you go to law school?

Docter: My paternal great grandfather, Gabriel Docter, came to Syracuse in 1886 at the age of 17, all by himself, from Vilna, Lithuania. The Docter family has been here ever since.

My journey to law school was circuitous. I graduated early from Nottingham High School. The plan was that I would attend Onondaga Community College for one year until I caught up with my age cohort. I would then join my best friends Cheryl and Janice at SUNY Oswego. After a day at OCC, I told my mother I wanted to stay for two years. I did and I must say that was the one of the best decisions I've ever made in my life.

Anyway, the SUNY Oswego plan was now not just off by a year but soon tanked. When I approached my OCC advisor, James C. MacKillop, PhD, for a college reference, he told me he'd only do so if I applied to Cornell University. Me? At an Ivy League school? Well, that happened! I graduated from Cornell in Human Development and Family Studies and enrolled at Syracuse University for graduate studies in child development and education. I took a course in graduate

school entitled Children's Rights which was taught by the Honorable Edward McLaughlin, a local Family Court judge. At the same time, I student taught at Seymour Elementary School, where I witnessed firsthand children's need for legal help. The law seed was planted but did not yet germinate.

I earned separate master's degrees in child development and in education, and teacher certification in grades N-6 (specialization early childhood) and grades 7-12 (specialization social studies). I taught for six years as the Religious School Programming Coordinator at Temple Society of Concord. I saw there as well that children needed help far beyond what the school could provide. So, on the advice of my mentor, Rabbi Theodore S. Levy, I applied to Syracuse University Law School with the specific goal of becoming a family lawyer with a concentration in children's rights.

Jenkins: I was born in Elmira and when my sister joined my younger brother and me in a two-bedroom bungalow, our family migrated to Horsehead. From there, I went to Hobart College and then to SUNY Buffalo Law School. I came to Syracuse for work, having unknowingly applied for a law clerk position with the late Judge William Roy, the first Administrative Judge in the OCA era. (My placement director had sent my resume in when Judge Roy sent letters to all the upstate law schools; he just forgot to tell me, so I had to dance when I received the call from Judge Roy's office asking me if I was still interested in the position. I'm happy that I knew enough to say yes!)

You're both Family Law practitioners. What possessed you to enter into this area of law? What have you noticed as significant changes to this practice area over the years?

Docter: I interned with attorney Lucien P. Ali, Esq. while I was in law school in his family law firm and with Irwin Birnbaum, Esq. in his medical malpractice firm. I learned so much from these wonderful people. After I graduated, I was privileged to practice for five years with David C. Rizzo, Esq. until I opened my own office. I have been an attorney for children for over 30 years now. I love this job.

Jenkins: Well, in fact, my experience in Family Law was limited to preparing memos for Judge Roy when he heard motions and to draft decisions in divorce cases. After two years with Judge Roy, he kicked me out of the nest and told me to go be a lawyer. So for the next six years I worked in the City of Syracuse Law Department as an Assistant Corporation Counsel, well away from Family Law. I really wanted to be a judge, but I had no political connections, so when Judge Roy told me about the new (and at that time temporary) position of Hearing Examiner in Family Court, I took a flyer and thanks to my connection with Judge Roy, received an appointment. As soon as I applied I started to book my way out complete ignorance, so I could appear to be speaking English at the interview. So my first day in Family Court was the first day as a Hearing Examiner!

The changes since October 1985 have continued to challenge both the bench and the bar. The empowerment of the Support Collection and Enforcement Units, the CSSA and later the spousal support/maintenance formulae, the advent of joint legal and physical custody of children, the move from Law Guardians to Attorneys for Children with the redefinition of the role of counsel, and the amazing increase in the centralized power of the Office of the Court Administration are just the changes that spill out of my head.

You have both been longtime members of the OCBA, why is membership important generally speaking, and then for you, personally, what has it meant to be a part of this professional association?

Docter: I became involved with the Family Law section to interact with other family law practitioners outside of a case or the courtroom. I joined OCBA while I was still a law student and its key benefit to me was meeting local attorneys, paralegals, and judges. Now that I've been a lawyer for so long and people helped me, I like to give back by mentoring newly minted lawyers and students and by organizing family law programs that benefit everyone. Plus, I have met terrific people through our organization. That's the best part of all.

Jenkins: Membership has given me the opportunity to do the one thing I promised myself would do after I retired from public service. That is to become the chair of the Family Law Section and to work to build up our offerings of CLEs and to become active in commenting on pending legislation. That has given me the opportunity to have a seat at the table on a state level, especially with respect to the maintenance formula statute.

Additionally, membership gave me the opportunity to provide CLEs while I was working in Family and Supreme Court. But the most important part of membership is the opportunity to have wonderful professional and personal relationships with our great bar.

Environmental Attorney – Syracuse, NY

Bond, Schoeneck & King, PLLC, a 250-attorney firm with offices throughout New York State, as well as Naples, Boston and Kansas City, is seeking an environmental attorney with 3-6 years' experience for its Syracuse, NY, Environmental & Energy Law Practice Group. Experience in all areas of environmental law is relevant, including federal and State regulations, land use and SEQRA, enforcement, permitting and some environmental litigation. Experience counseling clients in energy matters is also desirable. The successful candidate will be a team-oriented, highly motivated individual with a strong academic record and excellent written and verbal communication skills. Bond offers a very competitive salary and benefits package. We are an EEO employer. Please send confidential cover letter, resume and transcript to <mailto:mhrbsk@bsk.com>.



GHOSTING for SUCCESS

By: Bryn Lovejoy-Grinnell, Esq.

“Ghosting” – when someone ceases contact without warning – is most often used in the romantic relationship context. Coming into common parlance in the last ten years, it describes when the person you’ve been dating simply stops contacting or responding altogether.

But using the term “ghosting” emphasizes the perspective of the person who wants more contact, not the person who ceases contact. While it’s typically a derogatory term for rude behavior, another way to look at it is **ghosting is when someone sets a boundary another person doesn’t like**.

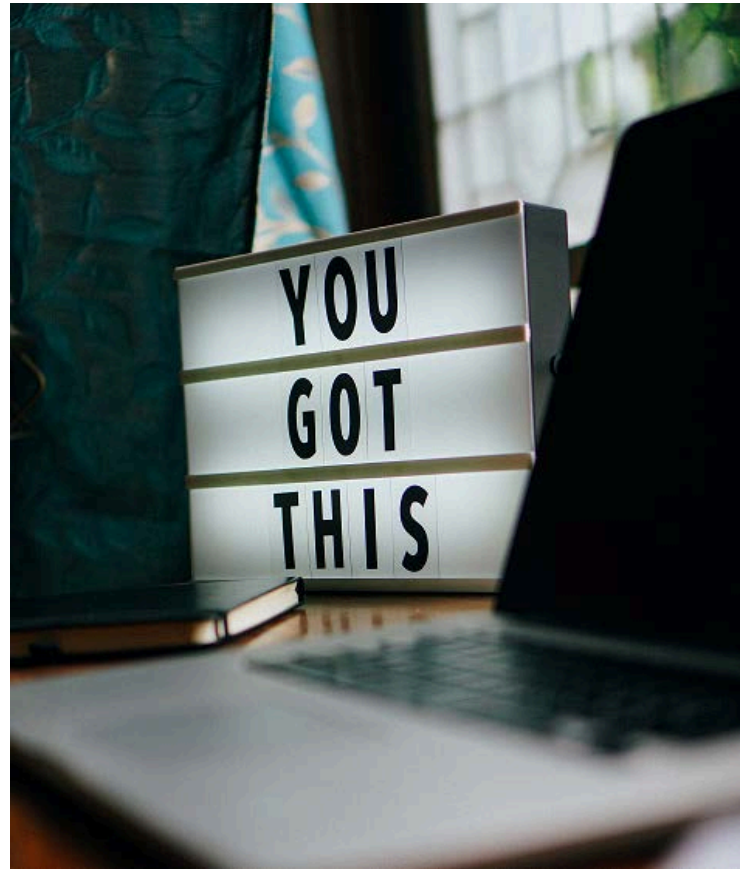
Now I’m not here to promote rudeness or the failure to perform due diligence, but maybe it’s time to consider our needs and strategize how to get them met. To stop *overdoing*, *overcommitting*, and *overpromising* and reclaim our boundaries, with pride and transparency. It’s time to **ghost for success**.

Many attorneys are successful by at least some measures. We take the hard case, stay late to make the deadline, answer work emails from bed before going to sleep. But even when we achieve measures of professional success, even the best of us sometimes struggle in our personal and professional lives. Lawyers experience depression, anxiety, relationship failure, and substance abuse at higher rates than most other professions.

As lawyers, most of us are too high-strung to ever truly ghost our clients or employers. If we did, the grievance committee or HR would come for us. But we can start to distance ourselves from a life of 24/7 lawyering, which is slowly killing us, and toward a work-life balance that actually values LIFE and treats WORK as a decades-long professional journey, not an all-out sprint maintained for years on end at any (every) cost to your physical, emotional, and mental health. We want to be better at being a lawyer in five years, fifteen years, thirty years, not more and more burned out, cynical, tired, and angry.

Sometimes doing more doesn’t create more good. Sometimes doing less, paradoxically, creates the conditions for good to flourish. So let’s start doing less in order to live more, and to nurture a career to last a lifetime, not just ‘til next year’s bonus.

Set boundaries with yourself. At the start of the week, schedule the hours when you plan to be on the clock based on your work and life commitments. Include important life plans (attending your son’s concert or taking a jog) as well as important job events. Maybe you have a Thursday deadline, so you know you’ll work longer hours, take fewer breaks, and miss your Tuesday/Wednesday gym time. Plan then on working a shorter day Friday, *or not at all*, and instead – make a healthy meal for yourself, catch up with a friend, or craft with your child.



Set boundaries with clients, colleagues, and employers. If, for you, every waking moment is work time, you'll have to explain your new boundaries to your people. Some may get it, but others may feel you're choosing yourself over them (*hint: you are choosing yourself over them. And this is a good thing, for you and for them!*)

Find your own language. Here are some ideas. First, sorry to burst your bubble, but there are very few emergencies you as a lawyer can actually do anything about (unless your position requires periodic on-call responsibilities). The risk to your peace of mind and thoughtful time off outweighs the benefit of taking that call on the golf course or while reading with your child. I tell my clients (many of whom are domestic violence survivors who've been in tangible, physical danger when they reach out to me) that if it's an actual emergency, to call 911 – and whatever legal work there is to be done can be done the next business day, during work hours, which is when I'll listen to their voicemail or read their email. If you work at a firm where there is pressure to be available at all hours, but also an expectation you'll stay in that workplace for years to come, you'll need to learn and teach your colleagues that maintaining a vibrant life will make your valuable work more sustainable over the span of your career. When explaining my boundaries to my clients, I promise them when I am on the clock, I will be fully engaged in their case. And I won't take their call when I'm otherwise distracted. And when I return their call or respond to their email, I will be ready to listen, provide thoughtful advice, and take action. Your clients should want you at your best, when you are present and engaged. They don't want your half-attention while you're doing something else. They need to know your best work is worth waiting for, and that they can be patient knowing you'll get back to them in a predictable period of time.

Enforce your boundaries. Shared calendars accessible to colleagues and office staff are ubiquitous and easy to use. Block out *work* time and *life* time on your calendar (set activities as private if not everyone needs to know you're building Legos during your blocked-off time).

Use technology to help you enforce your boundaries:



Email: Turn off email notifications and schedule time to check your email. When you have an uninterrupted stretch of work time maximize it! Make sure email dings don't derail you. Emails announcing rescheduled staff meetings, or new health insurance options, or parking lot changes are interruptions. When you're on work time, schedule time to read and respond to ALL of your emails in order to not distract you from your work flow. And when you're on LIFE time, make sure you don't receive *any* work emails.

I highly recommend reading the recent *Atlantic Magazine* article "Bring Back the Nervous Breakdown," which champions taking time away from the demands of

work and family life when external pressures threaten emotional and mental bankruptcy. The article's most jaw-dropping proposed method of enforcing boundaries cites the German auto manufacturer Daimler. Its employees, who've scheduled time off from the office, can reportedly select an email setting that *automatically deletes any email arriving during their time away* and notifies the sender their email has been deleted, but offers another person to contact in case of an emergency. Now if that's not "ghosting for success," I don't know what is.

Phone: When you're not on the clock, taking work calls interrupts *life* time and prevents disconnecting from work responsibilities. Instead, create conditions for yourself to recharge and reconnect with your non-work life. If you use the same phone number for work and personal calls, enlist technology to allow only non-work calls during non-work time. A simple and free solution, if you use your personal cellphone for work, is to acquire a free number to associate with your cellphone (Google Voice, among others, offers this service). Put that new work number on your advertising and – this is important – **manage the settings so calls to your work number go to voicemail except during work hours**. Another bonus is if your personal mobile has a different area code than where you practice, the new number can match your practice locality to give you a hometown lawyer image. (If you practice in multiple localities, you can even use different phone numbers when advertising in different areas, but all the calls go to your same phone!)



About the Author: Bryn Lovejoy-Grinnell is an attorney experienced in family law, advocacy on behalf of domestic violence survivors, and Title IX. She is also a past Chair of the OCBA Family Law Section.



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Tax Attorney

Candidate should have significant law firm experience in the following areas: transactional tax; entity and deal structuring (including M&A, equity investment and real estate); and business succession planning. Strong transactional tax background should include acquisitions, dispositions, financings, reorganizations, restructurings, and joint ventures. Work as part of a multi-disciplinary team as a tax solution architect. Interface directly with clients and be responsible for delivering high quality service and professional advice.

Candidate must be licensed to practice law in New York State; 5+ years of experience; have excellent research and communication skills; be able to function effectively in a team-oriented environment; and demonstrate high level organizational skills for prioritizing workload.

To apply, please send your resume and cover letter to humanresources@mackenziehughes.com.

Workplace Bullying: What It Is, And What We Can Do About It

By: Sarah E. Ruhlen, Esq. and Diane Williamson, Esq.

As our society becomes more aware of the importance of mental health and respectful, healthy relationships, “bullying” has become less acceptable. While workplace bullying is not a new phenomenon, recent trends in bullying relate to the COVID-19 pandemic and the Black Lives Matter movement. Often our office hears from clients that they are being bullied at work; yet, given the backdrop of “at-will” employment in New York, sometimes their legal recourse is limited. Recently, Puerto Rico enacted a law that prohibits workplace bullying more broadly, and perhaps other states are headed in that same direction.

In conjunction with the Onondaga County Bar Association, last month the Satter Ruhlen Law Firm presented a CLE on workplace bullying. Here we provide an abstract of the topics covered. Access to the full article may be found [here](#).

There are several statutory possibilities for addressing workplace bullying to varying degrees of effectiveness. If the bullying rises to the level of physical violence, OSHA or PESH (the New York Public Employee Safety and Health Bureau) may investigate a complaint or issue a fine. Even if these regulatory bodies do not respond to a complaint of coworker violence, a bullied worker may be able to use the complaint as evidence that the employer was on notice of the problem.

Disabling workplace injuries are compensable under Workers’ Compensation, in some instances even when they are psychological. (Worker’s Compensation bar blocks most negligence actions against the employer.) If the worker wants to sue the bully directly, traditional personal injury actions such as battery, assault, or intentional infliction of emotional distress might be considered.

Even if the injury is less serious, the bullying may be actionable if it is rooted in discrimination. Under federal laws, workplace harassment is actionable if it is severe or pervasive and based on a protected characteristic, such as race or disability. Under New York law, there are more protected characteristics and harassment is actionable if it rises above the level of “petty slights and



trivial inconveniences,” altering the terms and conditions of employment. The longer version of this paper cites New York City Human Right Law, which was enacted in 2005, to project the way that courts in the rest of the State might apply the 2019 amendments to State Human Rights Law, including the new §296(1)(h), which addresses harassment specifically.

Several laws prohibit employer retaliation for taking a protected action such as complaining about discrimination or unsafe working conditions, but whether a retaliation claim that is based on bullying is likely to be successful depends on the specific law. In some instances, retaliatory bullying is actionable even when the underlying complaint itself did not involve actionable conduct.

Nevertheless, workers are often faced with the difficult decision of whether to complain or remain silent. Despite the fact that retaliation is often unlawful, the EEOC reports that retaliation is still common, and the patchwork of laws that address workplace bullying often leave victims of bullying unprotected. A basic understanding of the pros and cons behind the available legal theories can help a troubled client decide whether to take action.

Sarah Ruhlen and Diane Williamson, a partner and associate, respectively, at Satter Ruhlen Law Firm, PLLC, focus their law practice on workers’ rights in the Labor and Employment Law fields. The OCBA is grateful to this team for its February 25, 2021 CLE presentation on Workplace Bullying.

THE PRACTICE PAGE

AFFIDAVITS VERSUS AFFIRMATIONS

Hon. Mark C. Dillon*

There are circumstances in New York Practice when affidavits *must* be used, and others when affirmations *may* be used instead. The improper use of an affirmation can be fatal to an application or its defense. An affidavit signed by a fact witness should state facts, not legal arguments. Affirmations may properly be filed under penalties of perjury by attorneys to recount a case's procedural history and provide pleadings and other exhibits. Uniform Rule 202.8 instructs that legal arguments should not be included in affidavits but in a separate legal brief, though in practice, our state courts routinely accept legal argument contained within attorney affirmations.

Affirmations are more convenient to prepare than affidavits, if for no other reason than that a notary public or other acknowledging officer need not be enlisted to confirm the identity of the affirmant, administer an oath, and oversee the document's execution. When an attorney is also a party, the attorney should utilize the affidavit format to support or oppose factual matters (CPLR 2106[a]; *Nazario v Ciafone*, 65 AD3d 1240, 1241),

notwithstanding that person's status as an officer of the court. If an attorney serves process under CPLR 308 or other statute, or serves litigation paperwork in the normal course, the attorney is best advised to execute an affidavit of service, rather than an affirmation, as such conduct casts the attorney in the role of a fact witness to the task undertaken.

CPLR 2106[a] provides that affirmations may be used by non-party physicians, osteopaths, and dentists authorized to practice in the state. The provision caters to the convenience and time pressures of medical and dental professionals. By extension, persons authorized in those fields wholly outside of New York may not properly submit information by affirmation (*Kelly v Fenton*, 116 AD3d 923, 924). The language of CPLR 2106 does not extend to chiropractors (*Casas v Montero*, 48 AD3d 728, 729), engineers (*Woodard v City of New York*, 262 AD2d 405), architects (*Laventure v McKay*, 266 AD2d 516, 517), or other non-designated experts and professionals. If an affirmation is improperly used

instead of an affidavit, the defect is waived unless the adversary party objects to it (*Sam v Town of Rotterdam*, 248 AD2d 850, 851), though an objection may be cured by an oath taken by a notary public before the return date of the application (*Brightly v Liu*, 77 AD3d 874, 875).

Occasionally, a witness may have a sincere religious objection to swearing an oath to the Almighty. Any person who, for religious reasons, wishes to use an affirmation as an alternative to a sworn statement may do so. However, to be effective, such an affirmation must still be taken before a notary public or other authorized official (CPLR 2309[a]; *Slavenburg Corp. v Opus Apparel, Inc.*, 53 NY2d 799, 801). This procedure is different than that used for physicians, osteopaths, and dentists as those professionals are within the expressed scope of CPLR 2106, whereas persons with religious reservations are not.

Affidavits and affirmations are to be executed “in a form calculated to awaken the conscience and impress the

mind of the person taking it in accordance with his religious or ethical beliefs” (CPLR 2309[b]). For this reason, the documents invoke the language of an oath. Affirmations are to be executed to reflect that their content is “affirmed...to be true under the penalties of perjury” (CPLR 2106[a]). A mistake in the form of a submission, or in the right to submit it, will not necessarily be lethal provided it is caught in time, and courts are lenient in allowing the correction of mistakes under the grace provisions of CPLR 2001 (e.g. *Gallucio v Grossman*, 161 AD3d 1049, 1053). However, attorneys should not rely on the discretionary forgiveness of such defects because, absent the favorable exercise of that discretion, a non-compliant affirmation is rendered incompetent as proof of the facts asserted within it (*Law Offices of Neal D. Frishberg v Toman*, 105 AD3d 712, 713).

None of this is rocket science, which is all the more reason that documents should be submitted to courts in their proper forms.



* Mark C. Dillon is a Justice of the Appellate Division, 2nd Dept., an Adjunct Professor of New York Practice at Fordham Law School, and a contributing author of the CPLR Practice Commentaries in McKinneys.



LAUNCH is seeking new board members.

LAUNCH is a non-profit organization that provides services to individuals of all ages and learning abilities. Most clients have some type of learning challenge such as a learning disability or developmental disability. Services provided include Educational Consulting, summer academic programs, Adult recreation, Community Habilitation, Employment support services and Workforce Training.

With a staff of 30, LAUNCH supports over 450 individuals and families annually. LAUNCH has been serving the Greater Syracuse area for 36 years. For more information about LAUNCH, visit www.launchcny.org.

The board of directors is seeking board members with a background in education, law and/or of diverse race and ethnicity. We expect to add 2 new board members in 2021. Our current board is made up of 13 people of diverse experiences in many sectors of our community. Terms are for two years, renewable for 3 terms. Board members are expected to participate in 10 board meetings per year as well as serve on a subcommittee. Additionally all board members participate in fundraising efforts and provide fiscal oversight for the agency as well as guide the direction of the organization.

Would you like to find out more about how you can get involved with LAUNCH?

Please contact Paulette Purdy, Executive Director at ppurdy@launchcny.org 315.431.2761 or Brandon Johnson, Board President at bjohnso5@mvhealthsystem.org 518.844.0555.

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Resource Coordinator – Magdalena Postolovska – 671-2711 – mpostolo@nycourts.gov Case

Managers – Allison Hebblethwaite – 671-2803 – ahebblet@nycourts.gov

Jeanne Keegan – 671-2804 – jkeegan@nycourts.gov Eric

Rodriguez – 671-4256 – ebrodrig@nycourts.gov Daniel

Roach – 671-6092 – djroach@nycourts.gov Rachel Pitkin

– 671-6093 – rpitkin@nycourts.gov

Probation Officer – Jessica Ellithorpe – jessicaellithorpe@ongov.net

Court Office Assistant – Mary Carson – 671-2790 – mcarson@nycourts.gov

CARE COURT (OPIOID PART) – HON. JAMES H. CECILE

Resource Coordinator – Brigid Stone – 671-2805 – bstone@nycourts.gov

Case Manager – Tim Zacholl – tzacholl@acrhealth.org

SYRACUSE RECOVERY COURT (MENTAL HEALTH COURT) – HON. ROSS P. ANDREWS

Resource Coordinator – James Townes – 671-2802 – jtownes@nycourts.gov Case

Managers – Allison Hebblethwaite – 671-2803 – ahebblet@nycourts.gov

Daniel Roach – 671-6092 – djroach@nycourts.gov

SYRACUSE VETERANS TREATMENT COURT – HON. VANESSA BOGAN

Resource Coordinator – James Townes – 671-2802 – jtownes@nycourts.gov Case

Manager – Monica Shaw – mshaw2@nycourts.gov

HUMAN TRAFFICKING INTERVENTION PART – HON. FELICIA PITTS-DAVIS

Resource Coordinator – Terri Gooley – 671-2090 – tgooley@nycourts.gov

DOMESTIC VIOLENCE PART – HON. DERRICK THOMAS

Resource Coordinator – Daniel Schick – 671-4665 – dschick@nycourts.gov



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Litigation Associate Attorney

Candidate will be responsible for drafting memoranda, pleadings, and motions; researching various issues and collaborating with senior attorneys about strategies; attending court appearances; taking and defending depositions; and reviewing discovery documents. Candidate must have the ability to negotiate claims; experience with eDiscovery and document review processes.

Candidate must be licensed to practice law in New York State; 2-5 years of litigation experience; excellent research and communication skills; be able to function effectively in a team-oriented environment; demonstrate high level organizational skills for prioritizing workload; and demonstrate ability to absorb, process and understand new information rapidly.

If your background and experience align with these qualifications, please send a cover letter and resume to humanresources@mackenziehughes.com.

Newsmakers & Influencers

Gaddis Named to State Commission on Access to Justice Racial & Gender Equity Working Group

Barclay Damon's Sheila Gaddis, Diversity Partner Committee chair, has been appointed co-chair of the New York State Permanent Commission on Access to Justice's newly created Racial and Gender Equity Working Group

The Racial and Gender Equity Working Group was formed to complement the recommendations to end racial bias in the court system contained in the Report From the Special Adviser on Equal Justice in the New York Courts, as well as the recommendations to end gender bias set forth in the Report on the 2020 Gender Survey issued by the New York State Judicial Committee on Women in the Courts.

Gaddis and her co-chair, Lillian Moy, executive director of the Legal Aid Society of Northeastern New York, will lead the working group to develop special programs to address access to justice barriers outside the court system, working with civil legal service providers, bar associations, and law firms to support their work toward achieving racial and gender equity in their own organizations and in the communities they serve.



Sheila Gaddis, Esq.

"I am proud to have been appointed co-chair of the PCAJ's Racial and Gender Equity Working Group," Gaddis said. "I strongly believe law firms and bar associations can lead the way in implementing programs and policies that lead to measurable gains in racial and gender equality. I look forward to working with our partners and the community to address access to justice barriers."

Ally L. Colvin joins Hancock Estabrook, LLP



Ally L. Colvin, Esq.

Ally L. Colvin has joined Hancock Estabrook, LLP as an associate. Ms. Colvin will practice in the Corporate and Real Estate practice areas. She represents a range of clients in corporate matters including drafting and negotiating corporate documents, investor agreements, operating/shareholder agreements, independent contractor agreements, and stock/asset purchase agreements. She also has experience with the New York State Liquor Authority, representing restaurants in applying for and obtaining liquor licenses and with SLA violations.

Prior to joining Hancock Estabrook, she was an associate and then partner at Helbraun & Levey LLP in Manhattan.

Ms. Colvin graduated *magna cum laude* from Syracuse University and earned a J.D. at St. John's University School of Law. She is a member of the Board of Directors of the Auburn YMCA-WEIU and is a former member of the Board of Directors of the Auburn Business Improvement District.

Newsmakers & Influencers

Barclay Damon launches podcast series

Barclay Damon Live: The Cannabis Counselor

Put Your Ears in...it's a Podcast!



Barclay Damon's Cannabis Team Leader Aleece Burgio hosts the weekly podcast, with episodes ranging from 10 to 20 minutes covering topics relating to federal and state cannabis legislation and the cannabis industry generally. *The Cannabis Counselor* is for listeners looking to enter the cannabis industry, existing multistate operators, and anyone looking to stoke their knowledge on the legal cannabis industry.

The podcast's first episode breaks down key elements of the Cannabis Regulation Taxation Act (CRTA), a bill Governor Andrew Cuomo has thrice included in the state's executive budget. If passed, the CRTA will legalize adult-use cannabis. Burgio details what the passage of the CRTA will mean for the cannabis industry. She further delves into the issue at the forefront of many peoples' minds, the Social Equity Fund, which aims to support people who have been disproportionately affected by the prohibition of cannabis.

"I am so excited to be the host of this podcast," Burgio said. "My work as a cannabis attorney keeps things interesting, and I'm glad I can share what I

know with people who are genuinely interested in the cannabis industry in New York State. We're going to cover a lot of different topics and interview guests who can shed even more light on hemp, medical marijuana, and adult-use cannabis."

Look for *The Cannabis Counselor* podcast on the firm's website, YouTube, LinkedIn, Apple Podcasts, Spotify, and Google Play.

"Aleece's delivery of the subject matter is informative and highly enjoyable. You can't help but feel as if you're speaking to a friend about current cannabis industry goings on."

-- Connie Cahill, Barclay Damon Managing Partner

Newsmakers & Influencers

Bousquet Holstein Expands Ithaca Law Office



Randall B. Marcus, Esq.

Jonathan A. Orkin, Esq.

Virginia A. Tesi, Esq.

Bousquet Holstein PLLC announces it is welcoming the Ithaca law firm of Marcus Orkin Tesi, LLP into its fold. Bousquet opened its Ithaca office on January 1, 2019.

The former Marcus Orkin Tesi members will continue to work from their offices at 200 East Buffalo Street in downtown Ithaca, but will eventually convene “under one roof” with the entire Bousquet team at 121 East Seneca Street, Ithaca, where it provides legal counsel to clients in Ithaca and Tompkins County, the Finger Lakes Regions, and the Southern Tier.

“We are excited about joining the Ithaca office of Bousquet Holstein and look forward to continuing to provide exemplary legal counsel to our clients in the Ithaca and Finger Lakes area and to welcoming new clients. Joining Bousquet Holstein enables our office to offer our clients a much wider array of legal services than we could before. We found that Bousquet Holstein’s dedication to addressing clients’ needs promptly and with the highest caliber service was the perfect match with our approach to legal practice.”

Randall B. Marcus has practiced law for more than 35 years focusing on commercial real estate transactions, zoning, planning, land use, and municipal law plus real estate development. He has also served his alma mater as an adjunct professor teaching real estate law at Cornell University. He received his juris doctorate from the New York University School of Law.

Jonathan A. Orkin primarily practices in the areas of divorce, child custody and child support litigation. He is also trained in collaborative law, practicing in Ithaca and its environs since 1983. He is the attorney for the Ithaca Housing Authority, a Cornell University lecturer, and serves the Town of Genoa as a Town Justice. He is a volunteer firefighter serving the King Ferry Fire Department. He is a graduate of the Syracuse University College of Law.

Virginia A. Tesi centers her practice on commercial and residential real estate transactions and general business matters. She serves as counsel for institutional and private mortgage lenders, real estate developers, and small business owners in commercial real estate transactions. She is a graduate of Binghamton University and Cornell Law School.

Newsmakers & Influencers

Bond, Schoeneck & King and Putney, Twombly, Hall & Hirson to Combine

Effective April 1st Bond, Schoeneck & King and the lawyers of Putney, Twombly, Hall & Hirson, a 155-year-old boutique law firm, will combine practices. Kevin Bernstein, chair of Bond's management committee, said "Putney has an excellent reputation and its 15 lawyers will advance the strategic growth of our downstate footprint and enrich Bond's already robust capabilities in the region." Dan Murphy, longtime managing partner of Putney commented, "Joining Bond will allow us to offer our clients a full-service platform with 30-plus practices and eight offices in New York State."

Both firms are known for their labor and employment practices. This synergy and mutual respect led to initial discussions between Murphy and Lou DiLorenzo, founder of Bond's New York City and Garden City offices. Coming out of the discussions they believed the culture of the two organizations was a match and looked forward to the combined organization being better able to serve the clients of each firm.

Putney is one of New York's most respected law firms serving leading corporations, insurers, health care organizations, charities/foundations and individual private clients. Their highly recognized practice groups include labor & employment, trust and estates, litigation and corporate law. Putney will be vacating its space in New York City and Garden City and moving into Bond's office at 600 Third Avenue and Franklin Avenue. Putney's office in Red Bank, New Jersey will give Bond a foothold in that state.

Chadwick Named Partner at Amdursky, Pelky, Fennell & Wallen Law Firm in Oswego

Amy Chadwick has been named a partner with the Oswego law firm of Amdursky, Pelky, Fennell & Wallen, P.C. Her primary practice areas are Social Security Disability (SSD) and Supplemental Security Income (SSI). Ms. Chadwick graduated from Le Moyne College in 2011 with a BA degree in Political Science and a minor in Criminal Justice. She is a 2014 summa cum laude graduate from Syracuse University College of Law. She is a member of the American, New York State, and Oswego County Bar Associations (currently serving on its Executive Committee), as well as a member of the National Organization of Social Security Claimants' Representatives (NOSSCR).

APFW Law is a multi-service law firm with roots in the community for more than 100 years. The attorneys have experience in personal injury, criminal defense, real estate, Social Security and workers' compensation, estate planning, family/matrimonial law, adoptions and appeals.



Amy Chadwick, Esq.

Newsmakers & Influencers

MCV Law Welcomes Michelle Hollebeke

MCV Law welcomes attorney Michelle E. Hollebeke to the Workers' Compensation department of the firm. Ms. Hollebeke graduated *cum laude* from Colgate University and received her J.D. degree *cum laude* from Syracuse University College of Law. Prior to joining MCV Law, she worked as an Associate at Wolff, Goodrich & Goldman, LLP where she focused her practice in Workers Compensation.

"I am incredibly excited to join MCV Law," says Ms. Hollebeke. "I am looking forward to working with the rest of the team to guide our clients through the workers' compensation process, advocate for their rights and do what I can to help get their lives back on track."



Michelle E. Hollebeke, Esq.

Valiant Search: New Legal Recruiter Service in Upstate New York



Sean Macari

Valiant Search, a search firm focusing on recruiting for law firms in Albany, Binghamton, Buffalo, Rochester, and Syracuse is now open.

Sean Macari, a recruiter who saw an opportunity when the search for work dramatically scaled back or closed completely due to COVID, but the need for helping attorneys, support staff, and law firms get back on their feet as the pandemic subsides, along with an absence of legal-focused recruiting firms in the upstate New York market, inspired him to launch Valiant Search.

"The goal of Valiant Search is to help legal professionals find work during this difficult time," said Macari.

Macari most recently served as the head legal recruiter with Albany-based Tully Rinckey PLLC, where he helped recruit personnel for their offices across the state and the U.S., including Washington, D.C, Austin, and New York City.

"Our search firm is truly one of a kind," said Macari. "Valiant Search is the only search firm in upstate New York that specializes in recruiting legal professionals to successful law firms. ... As someone who has gone through having COVID-19, I certainly understand the struggle for so many. However, I believe as the worst of COVID nears an end, it is now time to start helping people get back to work."

Valiant Search is looking for experienced legal recruiters from across the country to join the team. For questions about Valiant Search or to join our team please contact Sean Macari at smacari@valiantsearch.com.

Newsmakers & Influencers

2L Hilda A. Frimpong Becomes the First Black Student to Lead Syracuse Law Review

Second-year law student Hilda A. Frimpong was elected by her peers as the next Editor-in-Chief of Syracuse Law Review. When she assumes her duties for Volume 72 (2021-2022), Frimpong will be the first Black student to lead the Law Review since it began publishing in 1949.

"It is wonderfully timely to announce this news during Black History Month," says College of Law Dean Craig M. Boise. "February is a time to reflect on the lives and legacies of our Black College of Law community members and to contemplate and help activate the bright future of our students. Congratulations on your trailblazing accomplishment, Hilda. I look forward to learning about the plans you and your team have for Volume 72, and to reading the articles and notes you gather."

"This is wonderful news for Hilda Frimpong, Syracuse Law Review, and the College. I am proud to serve as the Law Review Advisor during this groundbreaking and overdue moment in its history," says Professor Robin Paul Malloy. "Law Review teaches leadership and professionalism, and Hilda's peers and professors know these are qualities she has in abundance. Best of luck to Hilda and her newly elected Executive Board on next year's Volume 72."

"I am honored to serve in this role because of the trust and support that my peers gave me by electing me Editor-in-Chief," says Frimpong, who is specializing in the law and technology program while at Syracuse Law. "I am honored to break down barriers as the first person of color and first Black woman in this role. I am proud that my expertise and unique perspective will be added to the legacy of Syracuse Law Review."

Addressing her pioneering role at Syracuse Law Review, Frimpong quotes Vice President Kamala Harris, who in January 2021 became the first woman and first person of color elected to her high office: "In the words of Vice President Harris, 'While I may be the first, I won't be the last.' I want to inspire students who didn't previously see themselves represented on Law Review to seek journal membership and to strive to build and strengthen our position as experts, and in turn our legacy."



Hilda A. Frimpong



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.

DEPUTY COUNTY ATTORNEY

The Onondaga County Department of Law is currently accepting applications for the position of:

Deputy County Attorney

Location: 421 Montgomery Street, Syracuse, NY

Starting Salary: \$59,277

The Onondaga County Law Department in Syracuse, New York, is currently recruiting an attorney for an entry-level position within its Family Court Unit. This role represents a great opportunity to work in a rewarding field within a dynamic, challenging environment. Duties of the position include, without limitation, legal research, drafting documents, preparing cases for trial, and trial and appellate appearance work on behalf of the County of Onondaga.

Under the leadership of the Onondaga County Attorney, the Law Department represents the County Executive and Deputies, the Legislature, Administrators, and the Departments under their direction. With Units handling Municipal, Litigation, Family Court and Contract matters, we offer our attorneys extensive opportunities for professional growth development and a wide range of hands-on experience.

Minimum Qualifications:

Applicants must be admitted to the New York State Bar. The successful applicant will have strong academic achievements, confident legal skills, excellent written and verbal communication skills, good organization skills, excellent inter-personal skills, and a high level of integrity and professional accountability.

Please send cover letter, resume and transcript to:

Nancy Moran
Onondaga County Department of Law
421 Montgomery Street, 10th Floor
Syracuse, NY 13202
Email: NancyMoran@ongov.net

"Onondaga County is an Affirmative Action/Equal Opportunity Employer and looks to achieve workforce diversity and encourages all applications."

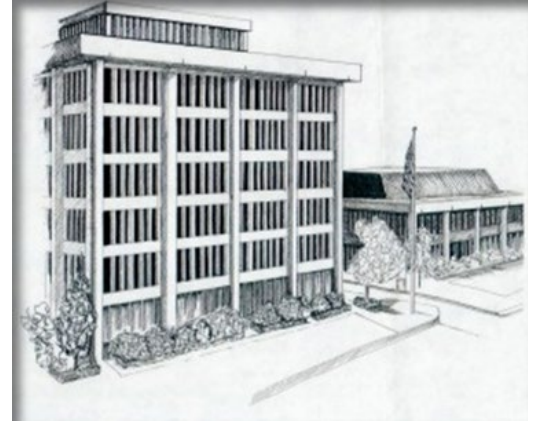


VACANCY ANNOUNCEMENT

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NEW YORK

Address: 100 State Street, Rochester, NY

Website: www.nywd.uscourts.gov



Position: Law Clerk

The lifetime limitation for term appointments allows a law clerk to serve in the Judiciary for no more than four cumulative years.

Vacancy: 21-08

Duty Station: Rochester, New York

**Salary: JSP Grade 11 (\$64,649-\$84,049)
JSP Grade 12 (\$77,488-\$100,739)
JSP Grade 13 (\$92,143-\$119,787)**
Salary commensurate with experience and education

Overview

The United States District Court for the Western District of New York is seeking a term law clerk to support United States District Judge Elizabeth A. Wolford.

Law clerks provide the Court with procedural and substantive legal advice regarding the disposition and efficient completion of cases. They review, summarize, research, and analyze matters before the Court. Their research and recommendations assist the Court in resolving legal arguments presented and in deciding cases expeditiously. [CLICK HERE](#) to view a brief video about legal professionals working in the Courts.

Representative Duties

- Conduct legal research
- Review case records and filings, and analyze options
- Draft legal memoranda and propose opinions and orders
- Discuss legal analysis with the Judge
- Provide procedural information to litigants and counsel
- Perform case management and other duties associated with the administration of cases

How to Apply

Please submit a cover letter and resume **as a single PDF attachment** by email to wolford@nywd.uscourts.gov subject line "Law Clerk, Reference No. 21-08." **When saving your documents as one PDF, it is important to name the file using only your firstname_lastname.** Only candidates selected for an interview will be notified and must travel at their own expense.

Important Dates

Position Available: 07/16/2021

Application Deadline: 04/30/2021

District Overview

The District's jurisdiction encompasses the 17 most western counties of Upstate New York, with courthouses located in Buffalo and Rochester. The District is comprised of 8 United States District Judges, 6 United States Magistrate Judges, and approximately 115 employees.

Continued on the next page.

Qualification Requirements

To qualify, eligible candidates must have graduated from law school and be admitted to the bar.

Preferred Qualifications/Court Preferred Skills

Prior federal clerkship experience, at least two years' experience as practicing attorney, standing within the upper quarter of law school, superior analytical ability and strong legal research and writing skills, and experience on the editorial board of a law review or law journal preferred.

Organizational Relationship

This position reports directly to United States District Judge Elizabeth A. Wolford.

Benefits

Thirteen days of vacation for the first three years, which increases with tenure. Thirteen days of sick leave and 10 paid holidays. Choice of employer-subsidized federal health and life insurance plans, with optional dental, vision, and long-term care coverage. Flexible spending account program. On-site fitness center. Public transportation subsidy (budget dependent).

Background Investigation

This is a sensitive position within the Judiciary. Employment will be considered provisional pending successful completion of an Office of Personnel Management background check and a favorable suitability determination.

Applicant Information

Employees must adhere to a [Code of Conduct](#). The Court provides reasonable accommodations to applicants with disabilities. Veterans' preference is not a factor used in Judicial Branch appointments. Applicants must be U.S. citizens or lawful permanent residents seeking U.S. citizenship. Positions with the U.S. Courts are excepted service appointments, which are "at will" and may be terminated with or without cause. Employees are required to use electronic funds transfer for payroll deposit.

The United States District Court, Western District of New York is an Equal Opportunity Employer.

Legal Aid Society of Mid-New York, Inc. seeking volunteers for Legal Helpline and the Attorney of the Day Programs

Volunteering pro bono at the Legal Aid Society of Mid-New York, Inc., is a great way to make a difference in the lives of low-income people who can't afford legal help when they need it most. Currently, volunteers are being sought for the Legal Helpline and the Attorney of the Day Programs as part of the COVID-19 Tenant Legal Services Initiative.

As part of the Helpline, you would provide telephone counsel and advice on housing matters from the convenience of your home or office. For the Attorney of the Day Programs, you would provide counsel and advice in person at a Housing pro bono clinic. Currently, courts are operating virtually, so you likewise can operate from the convenience of your home or office.

There are many benefits to volunteering to the Legal Aid Society. CLE credit and malpractice coverage is provided for all pro bono cases and clinics, clients are prescreened for financial eligibility and client information is provided to attorneys in advance of legal assistance to enable attorneys to check for any conflicts. In addition, volunteers would receive Pro Bono recognition at the local and state levels, would be provided with training, forms and research on the legal topics presented, and have the benefit of ongoing support from dedicated pro bono staff.

Also, if you would like to assist one of your low-income clients pro bono through Legal Aid, we can do a phone intake and immediately tell you if they qualify. You will receive the same benefits as with a traditional referral.

If you would like to provide pro bono work, please contact Todd Marks, Staff Attorney at (607) 231-5952 or Todd.Marks@LASMNY.org. We will follow-up with you promptly to discuss opportunities that match your interest.

We are here to support you and to ensure that your pro bono experience is positive and rewarding.

On the following page is an application provided for you to submit your credentials to the Legal Aid Society of Mid-New York, Inc.

**PRO BONO SIGN UP SHEET
LEGAL AID SOCIETY OF MID-NEW YORK, INC./
LEGAL SERVICES OF CENTRAL NEW YORK, INC.**

OCBA CLE COVID-19 LANDLORD TENANT 2021

Name: _____

Phone/E-Mail: _____

My practice covers the following counties:

☐ Onondaga ☐ Cortland ☐ Cayuga ☐ Oswego ☐ Oneida ☐ Madison

Other counties: _____

****PLEASE NOTE: UNTIL FURTHER NOTICE ALL CLINICS/PRO BONO COURT APPEARANCES WILL BE CONDUCTED BY PHONE OR VIRTUALLY****

If you are willing to volunteer please check the categories below that apply:

- ☐ TELEPHONE ADVICE CLINICS FOR TENANTS
- ☐ VIRTUAL COURT APPEARANCES:

If you are willing to appear at court virtually please specify courts:

Please return your form to: todd.marks@lasmny.org or mail to the attention of Todd Marks, Legal Aid Society of Mid-New York, 168 Water Street, Binghamton, NY 13901

CLE credit and malpractice coverage through Legal Aid Society of Mid-New York provided for all pro bono cases and clinics. Clients are prescreened for financial eligibility and client information is provided to attorneys in advance of legal assistance to enable attorneys to check for any conflicts. By returning this form you do not commit to accepting any minimum number of pro bono matters. Even one case or clinic is greatly appreciated!

THANK YOU!



OCBA CONTINUING LEGAL EDUCATION

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

Valuing Women's Work

Wednesday, April 21, 2021

Noon to 1:30 p.m.

Via ZOOM Webinar

Cost: FREE

Presenters:

Laura Harshbarger, Esq.

Kavitha Janardhan, Esq.

Aaron J. Ryder, Esq.

1.5MCLE (Professional Practice)



WHY THIS WEBINAR IS RIGHT FOR YOU: In late 2020, the NYS Judicial Committee on Women in the Courts Gender Report concluded that bias against women continues to be a concern within our judicial system. In this webinar, a panel of attorneys from diverse personal and professional backgrounds explore the concept of valuing traditionally female roles in the legal profession *and beyond*.

Topics Covered:

- What employment protections exist for employees who are primary caretakers of their families?
- What role do firms, colleagues, and judges play in attorneys' and especially female attorneys' ability to balance work and family?
- How do juries view and value the contributions of men versus women?

*This CLE is brought to you in proud partnership with:
The Fifth Judicial District Women in the Courts Committee
and*

Central New York
Women's Bar Association

Register Online at www.onbar.org