

SEPTEMBER 2021 VOL.66 EDITION 7

THE BAR REPORTER

The Newsletter of the Onondaga County Bar Association



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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.



In Memoriam

Richard D. Priest
Edward McQuat
Lucian P. Ali
Charles S. McGuire



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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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We APPEAL To You

Letter from the PRESIDENT



Dear Colleagues,

It is my hope that everyone enjoyed the last few moments of summer! I can't believe it is already September. While I am sure we will all miss summer, fall brings routine, sweaters and pumpkin desserts.

OCBA was happy to partner with NYSBA to host a networking event for our young lawyers in August at the Craftsman. It was very well attended with 45 newly admitted attorneys attending along with members of the bar and several judges including 5th Judicial District Administrative Judge Jim Murphy. It was great to see everyone mingling in-person! Thank you to our sponsors, Brown Duke & Fogel, Barclay Damon, and Satter Ruhlen Law, who made the event possible.

On September 8th the Syracuse Criminal Courthouse was officially dedicated to the Honorable James C. Tormey, III. While the building has had Judge Tormey's name on it since the summer, the ceremony was held on a rainy afternoon with dozens of judges, politicians, and others in attendance to honor the man who wanted to make the court accessible to everyone.

OCBA continues to be excited to partner with the Central New York Women's Bar Association for their monthly Breakfast at the Bar. This is a great way to chat with your colleagues and grab coffee before work. Mark your calendar for the next one on October 12th.

The last 18 months has been long, exhausting, and different. OCBA was hoping to host our Annual Dinner in-person on October 21st, however, given the unknowns of what the fall will bring, the board has decided to postpone the dinner until April 21st. Everyone's safety is important to us, and we want everyone to feel comfortable and remain healthy. We are looking forward to honoring the next Distinguished Lawyer in April!! Please save the date!

OCBA will continue to evaluate how and when we will host events as the situation continues to evolve. I am keeping my fingers crossed for a Holiday party.

As a continued reminder, we are always looking for CLE ideas, presenters, and programming. Please contact us with your thoughts.

Stay safe,

A stylized, handwritten signature in black ink, appearing to read "Brown Duke & Fogel". The signature is fluid and cursive, with the last name "Fogel" being particularly prominent.

Upcoming Events

Thursday, September 23	5 to 7 p.m.	VALAC's Mutt Strut Fundraiser
Tuesday, September 28	Noon	Women in the Courts Panel
Wednesday, October 6	Noon to 1:30 p.m.	CLE Forensic Meteorology: High-Impact Flood Events
Tuesday, October 12	Noon to 1 p.m.	OCBA Diversity & Inclusion Committee Meeting - all welcome
Tuesday, October 12	8 a.m.	Breakfast at the Bar

***Would you like to learn more about these events? Contact Carrie Chantler for more information about how to become involved.
cchantler@onbar.org or call 315-579-2578***

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OCBF 2021 Golf Outing Champions
Team Hancock Estabrook (l. to r. Jay O'Shea, Ryan Poplawski, Will Hython, Alan Pierce)



OCBF 2021 Golf Outing Mixed Team Division Winners
(l. to r. Hon. Anthony LaValle, Jean Marie Westlake, Hon. Joseph Lamendola, Don Doerr)



OCBF 2021 Golf Outing Men's Division Winners
(l to r. George Murad, Carey Cohanski, Dave Hunter, Jeff Gerling)



OCBF 2021 Golf Outing Women's Division Winners
(l. to r. Paula M. Engel, Ami Longstreet, Danielle Fogel, Mary Langan)



OCBF 2021 Golf Outing Senior Division Winners
Team Espresso (l. to r. Anthony Gigliotti, Greg Huether, Dick McVeen, Bill Dowling)

More winners!

Putting Contest: Jimmie McCurdy

Closest to Pin: Graeme Spicer and Maria

Brindisi Longest Drive: Greg Huether and Paula Engel



THANK YOU!! We had a beautiful day on the links with all of our foursomes.
SAVE NEXT YEAR'S DATE! Thursday, August 25, 2022

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MEMBER SPOTLIGHT

MARY C. JOHN, ESQ.

Volunteer Lawyers Project of Central New York's Supervising Attorney and Director of Family Law Programs Mary C. John, has overseen more than 500 cases since the pandemic set in, according to a 2021 Mid-Year Update from VLP. These programs welcome attorneys eager to volunteer to represent child support, custody, and divorce cases.

Tell us about yourself. Where'd you go to college/law school? Were there signs, early on, that make sense today that foretold your future legal career? Do you come from a long line of practitioners?

I am a native Central New Yorker and grew up in Manlius. I actually still live in the house that I grew up in and that my father built in the 70s. I attended SUNY Potsdam and graduated in 1993 with a Bachelor's degree in Political Science and a minor in Speech Communications. I attended Western New England College of Law in Springfield, Massachusetts and graduated with my law degree in 1996.

I decided I wanted to be a trial attorney after participating in Mock Trial during my junior and senior year at Fayetteville- Manlius High School. I learned more about the practical practice of law and trial strategies during those two years than I did in law school. Our team had great teachers, attorney mentors and advisors. Mock Trial provides such a wonderful opportunity for high school students to explore a career in the law. Things came full circle for me when I chaired the Law Day festivities for several years through the Bar Association and was able to recognize the hard work of the mock trial participants.



Tell us about your lawyer journey. What kind of law do you practice, or have practiced?

My first job out of law school was at a mid-size firm in Syracuse that specialized in insurance defense litigation. I practiced in this area for several years and ultimately found my calling in family law when I began working at the Hiscock Legal Aid Society. In my time there, I oversaw their domestic violence project and then became supervisor of the Civil Program. I thoroughly enjoyed my role as supervisor and being able to mentor new attorneys and law students. I now oversee the Family Law Program at the Volunteer Lawyers Project of CNY, Inc. and I thoroughly enjoy interacting with all of our wonderful volunteers. We are very lucky in Central New York to have so many practitioners willing to offer their time and talents to help those that are in desperate need of legal help.

**VOLUNTEER
LAWYERS PROJECT
OF CNY, INC.**

What about your law practice has been the most fun, cool, satisfying or gratifying?

I am grateful to be able to assist people that are experiencing very trying times in their lives and, who otherwise, could not afford legal representation. Family law issues can leave clients feeling overwhelmed, hopeless and lost and I feel great satisfaction when I can offer clients a glimmer of hope during such a stressful time in their lives.

You are an advocate for the public interest (Family Law at VLPCNY) why are you drawn to this work? Why is it important for you to advocate for those most in need on behalf of these issues?

My father always taught me to fight for the underdog, whether it was a classmate being bullied at school or anyone that needed an extra support. To be able to use my legal skills to fight for important cases on behalf of marginalized clients, who otherwise would have little hope of getting a fighting chance in our legal system, is the most gratifying aspect of my job.

Why should people volunteer with the bar association and become involved? As a former bar association president, what did your service to the association mean for you and your career?

The Bar Association has played a huge role in my success as an attorney from my days in mock trial through to my years on the Board of Directors, culminating in my year as President. I had the benefit of being mentored by some very skilled and highly regarded attorneys in our community when I was just starting my career. Participating in the bar association was a great way to meet people and network. The bar association really serves as the central point of engagement for our legal community.

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Save the Date!

OCBA Annual Dinner

April 21, 2022

Marriott Syracuse Downtown



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 Appt?

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 LAP 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, anxiety, depression, gambling and other personal problems.

Who May I Call?

Attorneys, judges and law students in Onondaga County and these other neighboring counties: Oswego, Jefferson, Lewis, Herkimer, Oneida, Cortland, Cayuga and Madison.

Lawyer Assistance Program

Your FIRST Choice or Your LAST Resort



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 following:

- The administration of justice;
- Service to the public and the legal community;
- Equal access to the legal system for all;
- Professional ethics and responsibility; and,
- Legal research and education.

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.

THE PRACTICE PAGE

MUST WEIGHT OF THE EVIDENCE BE PRESERVED FOR CIVIL APPEALS?

HON. MARK C. DILLON

For civil jury and non-jury trials, there is a difference between the sufficiency of evidence on the one hand and the weight of the evidence on the other, when an adverse judgment is appealed. For sufficiency, the standard of review is whether there is a valid line of reasoning and permissible inferences by which a rational trier of fact could find in favor of the plaintiff (*Killon v Parrotta*, 28 NY3d 101, 108). An argument of insufficiency must be preserved at the trial for review on appeal, typically by a post-trial motion to set aside the verdict (CPLR 4404[a]).

By contrast, an appeal of a verdict as against the weight examines whether the evidence so preponderates in favor of a party that a contrary verdict could not have been reached on any fair interpretation of the evidence (*Lolik v Big V Supermarkets*, 86 NY2d 744, 746). Whereas sufficiency determinations look at whether the elements of causes of action were established with adequate proof at law (*Killon v Parrotta*, 28 NY3d at 108), an examination of weight looks at the qualitative nature of the trial evidence and is more of a factual, rather than legal, analysis (*Cohen v Hallmark Cards, Inc.*, 45 NY2d 493, 498). If a party makes a post-trial motion to set aside a verdict on the ground of weight, the issue is preserved for appeal by any party aggrieved party. But absent a weight-based post-trial motion, is an appellate court precluded from considering the issue for lack of preservation?

This question was examined in 2019 in an analytical opinion of Justice Fran Connolly of the Appellate Division, Second Department, in *Evans v New York City Transit Authority*, 179 AD3d 105. The uncomplicated facts of *Evans* involved an elderly plaintiff who sustained personal injuries while stepping off a city bus. The jury determined that the bus driver was negligent but that the negligence was not a substantial causative factor of the accident. The plaintiff's attorney made no motion to set aside the verdict, but appealed the judgment on the ground that it was against the weight of the evidence. On the issue of preservation, Justice Connolly noted three factors warranting the conclusion that, despite recent precedent to the contrary, weight arguments need not be preserved. The first and perhaps most compelling was that case law between 1916 and 2002 uniformly did not require weight to be preserved for appeal (e.g. *Miller v Brooklyn Hgts. R.R. Co.*, 173 AD 910), until the Second Department inexplicably began applying a preservation rule (*Condor v City of New York*, 292 AD2d 332). Second, CPLR 5501(c) and its predecessor statute expressly authorizes appellate review of both law and facts, which necessarily includes weight. And third, CPLR 4404(a) authorizes the trial court to order a new trial upon motion of a party or at its own initiative, and an appellate court's authority is as broad as that of the trial court. Not mentioned in *Evans*, but of analogous value, is that

weight of the evidence need never be preserved for criminal appeals under CPL 170.15(5) (*People v Danielson*, 9 NY3d 342).

Until recently, the Fourth Department adhered to a long line of cases requiring that weight be preserved for appellate review (e.g. *Givens v. Rochester City School Dist.*, 294 A.D.2d 898). On August 20, 2020, the Fourth Department expressly directed that its precedent no longer be followed, bringing its view into line with that of the Second Department in *Evans* that weight need not be preserved (*Defisher v PPZ Supermarkets, Inc.*, 186 AD3d 599, 601-02).

The First Department does not appear to require that weight be preserved (*Sims v Comprehensive Comm. Dev. Corp.*, 40 AD3d 256, 258, abrog. on other grounds, *Ornstein v NYCH&HC*, 10 NY3d 1).

The outlier is the Third Department, which requires that weight of the evidence arguments be preserved for appeal (*Creamer v Amsterdam High School*, 277 AD2d 647, 651). Time will tell whether that region of the state adheres to, or changes, its decisional reasoning on the issue.



** 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 CPLR Practice Commentaries in McKinney's.*

Marijuana Legalization: What Effect in Family Courts?

by Christian Root, Esq.

The recent changes to the marijuana laws in New York State have already begun to have a huge impact on people's daily lives. While many are happy about the changes allowing recreational use, there are still those who are concerned about how such laws may affect them and their families, especially if they have had any sort of criminal history with drugs in the past. Coupled with the lack of legal precedent around this topic, it is important to understand how the legal use of marijuana will be dealt with in a Family Court.

It is important to establish some baselines when talking about how the use of marijuana may affect families going forward. When legalizing marijuana, New York placed many restrictions on it, such as limiting the amount of THC it can contain, monitoring how it is produced and sold, and setting age requirements for use. With these tight restrictions in place, it is reasonable to assume that if a parent was following what has been allowed by New York law, they should not experience any loss of custody or parenting rights. Even so, a parent should still be mindful, as with any substance, as the misuse/abuse of it can give rise to concerns of neglect, abuse, or maltreatment of children.

This gives rise to another common concern—whether or not Family Court Judges and Child Protective Service (CPS) caseworkers will have a bias against users despite its legalization. With the changes to New York law, CPS has no grounds to investigate a parent or guardian strictly based on their legal marijuana usage. However, as mentioned prior, if there are concerns about their usage being linked to abuse or neglect, it may paint them in a negative light should they end up in court over any parenting issues. While the use can paint a parent in a negative light, this does not mean that there are not ways to mitigate those concerns. There are many ways to convince the Courts that someone is a responsible drug user. Small things like how much was used and where they partook are good places to start when building a convincing defense. Or, if they did irresponsibly use marijuana, did they seek counselling afterwards?

Many are also asking whether or not marijuana legalization will be retroactively applied or factored into previous Article 10 matters that were founded on illegal drug use (marijuana.) Will courts treat its usage as a non-issue now except in cases where it is shown to be abused? The answer to this question is both a yes and a no. Since the legalization is so new, there is little established precedent on whether Judges will opt to uphold or overturn a previous decision based on marijuana usage when it was illegal versus now, when it is legal. In any case, it is important to know when and how to bring up any drug history with marijuana in Family Court cases where the lack of precedent to date creates an area where any mistake could cost an individual their custodial rights.

To summarize, the key factor Judges and caseworkers will be looking for when it comes to marijuana is whether or not it was being used legally and responsibly. While what is permissible or not will be defined more in time, being able to respond and mitigate any drug concerns properly is crucial for success at Family Court.

Christian J. Root is a Partner in Tully Rinckey PLLC's Binghamton office, where he focuses his practice in Family and Matrimonial Law. He can be reached at info@tullylegal.com or at (607) 722-1520.



Will courts treat its usage as a non-issue now except in cases where it is shown to be abused?

WOOF!!

It's the MUTT STRUT

We look forward to seeing you and your best friend at this dog-friendly in-person gathering where we'll bask in the glow of the Rescue Pups who strut their stuff on an actual runway!

Please Join the FUN!!

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Entity	Notice of Claim	Personal Injury	Wrongful Death
City with population less than 1 million people	90 days – GML § 50-e	1 year and 90 days from date of event – GML § 50-i	2 years – EPTL § 5-4.1
County	90 days – County Law § 52; GML § 50-e	1 year and 90 days – County Law 51; GML § 50-i	2 years – County Law § 52; GML § 50-i

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New York State Dormitory Authority	90 days – P.A.L. § 1691; GML § 50-e	1 year and 90 days – P.A.L. § 1691(1)	2 years – P.A.L. §§ 1691, 2981
State of New York and New York State Thruway Authority	All Ct. Claims – 90 days to file notice of intention to make claim – Ct. Claims Act § 10; P.A.L. § 361(b)	90 days, if notice of intention to make a claim is served w/in 90 days, a claim must be served within 2 years – Ct. Claims Act § 10	90 days, if notice of intention to make a claim is served w/i 90 days, a claim must be served within 2 years after date of death – Ct. Claims Act § 10
Onondaga County Water Authority	90 days – GML § 50-e; P.A.L. § 1169(1)	1 year and 90 days – GML § 50-i	2 years – P.A.L. § 2981
General Personal Injury Action		3 Years – CPLR 214(5)	2 Years – EPTL § 5-4.1(1)
Personal Injury Action for Medical, Dental or Podiatric Malpractice		Within 2 ½ years of the act, omission or failure complained of, or last treatment where there is continuous treatment for the same illness, injury or condition. Foreign object in the body, one year of the date of discovery – CPLR 214-a.	2 years – EPTL § 5-4.1(1)
Certain Other Actions		3 years from discovery of the injuries caused by exposure – CPLR 214-c	2 years – CPLR 214-d; EPTL § 5-4.1(1)
Actions for Malpractice Other Than Medical, Dental or Podiatric		3 years – CPLR 214(6). The legal malpractice statute runs from when the mistake is made, not when it is discovered, but may be extended by continuous representation.	2 years – EPTL § 5-4.1(1)

ADMINISTRATIVE LAW JUDGE - HEARING EXAMINER PANEL
[HTTPS://USO6WEB.ZOOM.US/J/86314839420](https://USO6WEB.ZOOM.US/J/86314839420)



TUESDAY, SEPTEMBER 28
12 NOON | VIA ZOOM

WOMEN IN THE LAW:

ALJ CAREERS

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- JODY AGOSTINELLI, NYS Office of Child & Family Services
- JANELLE ECKEL, NYS Department of Labor
- ANNALEIGH PORTER, Syracuse University, Title IX Hearings
- KAREN RICHARDS, City of Syracuse, Parking Violations Bureau
- LEAH WITMER, City of Syracuse, Bureau of Administrative Adjudication

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Please email a cover letter, resume and references to:

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Learn more about ccblaw at: www.ccblaw.com



FROM THE COURTS



Criminal Courthouse Renamed September 8th

"With this new building, a new era for the courts starts in Onondaga County. An era where we can rededicate ourselves to the rule of law and the principals of fairness and equal access to justice for all. I am truly honored to serve the citizens of Onondaga County and it is my hope and belief that this magnificent new courthouse which will be dedicated to the generous people of our community and which will stand as a monument to the American spirit, will be a place where justice is never delayed and is always tempered with mercy."

James C. Tormey III, Justice of Supreme Court, Fifth District Administrative Judge (2003)



NEWSMAKERS & INFLUENCERS

BEST LAWYERS OF AMERICA LISTS BOAST MANY OF ONONDAGA'S BUSIEST

Every year, law firms across the county and through the fifth district earn bragging rights when their attorneys' names are among those listed in ***The Best Lawyers of America*** ranking. Best Lawyers lists are compiled based on an exhaustive peer-review evaluation and recognizes the top 5% of private practicing lawyers in the United States..

BARCLAY DAMON



Jeff Dove

Bill Gilberti

Doug Nash



Marcy Robinson Dembs

Gerry Stack

Buster Melvin

Barclay Damon had 95 attorneys included in the 2022 edition of *The Best Lawyers in America* as Best Lawyers, plus 20 attorneys listed in the "Ones to Watch" category, among them Julie Cahill of the Syracuse office.

"We are immensely proud of our talented attorneys, who are key components to Barclay Damon's success," the firm's Managing Partner Connie Cahill said. "These industry leaders, some of whom are listed for the first time, deserve to be acknowledged as exemplary legal practitioners who are dedicated to serving their clients."

The Syracuse office boasts 27 of the 95 recognized attorneys. The entire list includes: Lee Alcott, Will Barclay, Robert Barrer, Jim Canfield, Fran Ciardullo, John Cook, Marcy Robinson Dembs, Jon Devendorf, Jeff Dove, Dan French, Bill Gilberti, Chris Harrigan, Peter Hubbard, Mitch Katz, Matthew Larkin, Andrew Leja, Kevin McAuliffe, Buster Melvin, Doug Nash, Kevin Newman, Mike Oropallo, Kevin Roe, Jack Rudnick, Michael Sciotti, John Sindoni, Lynn Smith, and Gerry Stack.

NEWSMAKERS & INFLUENCERS

HANCOCK ESTABROOK

Three Hancock Estabrook attorneys have been singled out as "Lawyers of the Year" in *The Best Lawyers in America* publication. They are: Cora A. Alsante, Trusts & Estates • Alan J. Pierce, Appellate Practice • John T. McCann, Litigation-Labor and Employment.



Cora A. Alsante

Alan J. Pierce

John T. McCann

Additionally, 22 Hancock Estabrook, representing 23 practice areas, were selected for inclusion in The Best Lawyers in America for 2022 including Cora A. Alsante, Daniel B. Berman, Janet D. Callahan, Richard W. Cook, John F. Corcoran, Michael L. Corp, Catherine A. Diviney, Thomas J. Fucillo, Lindsey Helmer Hazelton, Joseph T. Mancuso, Wendy A. Marsh, John T. McCann, John L. Murad, Jr., Timothy P. Murphy, Alan J. Pierce, John G. Powers, C. Daniel Shulman, and Doreen A. Simmons. "Ones to Watch" include Anneliese R. Aliasso, Ally L. Colvin, Ryan M. Poplawski, and Briana K. Wright.

BOND, SCHOENECK & KING

Bond's Syracuse office announces 28 attorneys have been named in the 2022 *Best Lawyers in America* and five of the firm's Syracuse attorneys are recognized in the publication's "Ones to Watch" category.

These attorneys are: Kevin M. Bernstein, Brian J. Butler, John H. Callahan, Stephen C. Daley, Stephen A. Donato, Thomas G. Eron, Jonathan B. Fellows, David M. Ferrara, Suzanne O. Galbato, Laura H. Harshbarger, Brian K. Haynes, Camille W. Hill, Peter A. Jones, Robert A. LaBerge, Colin M. Leonard, James E. Mackin, Larry P. Malfitano, George R. McGuire, David L. Nocilly, Louis Orbach, Paul W. Reichel, Virginia C. Robbins, Martin A. Schwab, Charles J. Sullivan, Robert R. Tyson, Subhash Viswanathan, Matthew N. Wells, and Caroline Westover.

Twenty four Bond practitioners were also recognized in the 2021 *New York Super Lawyers Upstate Edition*. These lawyers are: Kevin M. Bernstein, Brian J. Butler, Stephen A. Donato, Thomas G. Eron, Jonathan B. Fellows, Laura H. Harshbarger, Brian K. Haynes, Peter A. Jones, Robert A. LaBerge, Colin M. Leonard, Larry P. Malfitano, Adam P. Mastroleo, George R. McGuire, Patirck V. Melfi, Louis Orbach, Fred J.M. Price, Virginia C. Robbins, Jeffrey B. Scheer, Brody D. Smith, Charles J. Sullivan, Sara C. Temes, Robert R. Tyson, Subhash Viswanathan, and Richard L. Weber.

Bond's "Ones to Watch" include: Stephanie H. Fedorka, Nicholas P. Jacobson, Amber L. Lawyer, Kate I. Reid, and Sunny I. Tice.

And nine of the firm's attorneys have been listed in the 2021 *Upstate New York Super Lawyers Rising Stars*. Criteria for this designation include those lawyers who are 40 years of age or younger, or in the practice of law for less than 10 years. These attorneys are: Stephanie M. Campbell, Stephanie H. Fedorka, Nicholas P. Jacobson, Liza R. Magley, Daniel J. Pautz, Kate I. Reid, Amy G. Rhinehardt, Anna W. Richards, and Brendan M. Sheehan.

NEWSMAKERS & INFLUENCERS

MCV LAW

TRUSTS & ESTATES PARALEGAL JOINS MCV LAW



MCV Law has hired Julie Bonafice as a paralegal in its Trust & Estates Department.

Ms. Bonafice will assist individuals, couples, and families with Wills, Trusts, Estate Planning, Probate and Estate Administration. She will be working closely with attorneys Gary Valerino and Paula Highers. Ms. Bonafice will divide her time between MCV Law's Syracuse and Chittenango offices.

Bonafice has nearly 10 years of experience as a paralegal in Real Estate, Estate Planning, and Probate.

Prior to working at MCV Law, Ms. Bonafice has worked at local law firms as a paralegal and has experience as a Workers' Compensation Claims Representative.

SUCOL

SYRACUSE LAW TO OFFER FREE BAR REVIEW TO STUDENTS

Newly minted Syracuse University College of Law grads can thank their alma mater for helping them curb costs as they march toward licensure.

In a national first, SUCOL has partnered with legal education nonprofit AccessLex Institute to offer AccessLex's interactive and adaptive learning platform. Helix Bar Review prep course free of charge to all Syracuse Law students.

Helix Bar Review is a comprehensive bar review program offering students full access to the program during their third year of law school, up to 20 weeks before the bar exam. Early access is one of the program's distinguishing characteristics ensuring students with multiple responsibilities can begin review early and complete the entire course on a schedule of their choosing.



NATIONAL TRIAL LEAGUE: A NEW ADVOCACY FORMAT

A new advocacy trial competition bringing together 12 top national trial teams to compete in a season-long format, resembling a traditional sports league, is coming to Syracuse Law.

In bi-weekly matches, conducted virtually and using short fact patterns, the inaugural NTL season began on August 31st. The season concludes November 9th with all matches occurring on Tuesdays.

NTL Organizer and Director of Advocacy Programs at SUCOL Professor Todd Berger explains how the new format mirrors real time/real life trial proceedings. "Before the NTL, trial competitions occurred over the course of several days and featured a long and complex fact pattern. While some trials in the real world resemble that construct many involve much shorter fact patterns and are tried over a few hours, particularly bench trials."

Young Lawyers Who Cocktail



Young Lawyers Section

Forty-five newly admitted attorneys, along with more “seasoned” colleagues and several area judges including 5th J.D. Administrative Judge Jim Murphy, enjoyed an informal networking event Wednesday, August 26th – the first such in-person OCBA reception in more than a year.

A partnership of OCBA’s and the New York State Bar Association’s Young Lawyers’ sections, the event was made possible thanks to the generous sponsorship of Brown, Duke & Fogel; Barclay Damon; and Satter Ruhlen Law.



For many of the young attorneys, this was their **FIRST** opportunity to meet and dialogue with their peers in person, and they took advantage of the opportunity.

The Craftsman Inn provided the setting, offering both indoor and outdoor areas and a tasty spread. OCBA and NYSBA were pleased with the tremendous response and look forward to more of these events as the evolving situation allows.

BROWN DUKE & FOGEL, P.C.
ATTORNEYS AND COUNSELORS AT LAW

SATTER RUHLEN
LAW FIRM, PLLC

BARCLAY
DAMON LLP

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

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

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

If, after speaking with someone on the Hotline, a New York lawyer wishes to obtain a written Informal Opinion from the Committee, he or she may submit a written request. Please review the guidelines for requesting an Informal Opinion here (See attached guidelines – need hyperlink to the document). 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.



OCBA CONTINUING LEGAL EDUCATION

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

CLE | Forensic Meteorology and The Law: High-Impact Flooding Events

WHEN: Noon to 1:30 p.m.

Wednesday, October 6, 2021

MCLE: 1.5 (0.5 Prof. Practice, 1.0 Skills)

COST: **ONLY \$20**

Free if you are a legal services personnel

This summer more than 25 inches of rain fell in our region causing significant property damage, personal injury, and roadways to wash out.

How did your clients weather the storm?

Forensic Meteorology may make the difference in your case.

This CLE is appropriate for Insurance Defense and Plaintiffs counsel.



Shade Tree Meteorology, LLC

Presenters:



Alicia Wasula, Ph.D. is a forensic meteorologist and president of Shade Tree Meteorology, LLC. a full-service meteorology firm established in 2004. Since then, the firm has become STM Weather and offers weather planning and consulting services. Dr. Wasula is an experienced public speaker and educator who regularly speaks to communities and classrooms about climate change.



Christopher Mills, Esq., is a partner with The Mills Law Firm LLP, an Albany area firm representing clients in personal injury and commercial litigation. with a focus on cases involving medical malpractice, auto accidents, contract disputes, school and Municipal Law.

Register at www.onbar.org



CLE | Homelessness Prevention: Pro Bono Eviction Defense After COVID

WHEN: Noon to 1:30 p.m.

Thursday, October 14th

MCLE: 1.5 (0.5 Ethics, 1.0 Skills)

COST: Free (*if you agree to volunteer with VLP's Tenant Rights Clinic - your contact info will be shared with VLP*) | \$25 Otherwise



Brush up or build on your courtroom and negotiation skills and help our community avoid a tsunami of evictions when various federal and state protections put in place during the height of the COVID pandemic lift this fall.

This CLE covers the steps of an eviction proceeding and addresses courtroom skills and strategies, tenant defenses (including COVID-related defenses), ethics of limited representation for pro bono attorneys, and ethics of settlement negotiations.

You'll come out of this with greater confidence and ability to handle tenant defense of eviction cases as well as answer tenant rights questions as part of VLP's virtual Tenant Rights Clinic.

Register at www.onbar.org

Presenter:

Laurie Rolnick, Esq.





DEBT DEFENSE 101

WHEN: Noon to 1:30 p.m. Wednesday, October 27, 2021

MCLE: 1.5 (1.0 Skills, 0.5 DIEB) • *via ZOOM!*

REGISTER: at onbar.org • **COST:** Free (*if you agree to volunteer w/VLP Debt Defense Clinic twice in a calendar year*) | \$50 otherwise



This CLE provides an introduction to the Volunteer Lawyers Project Debt Defense program. Learn how *you* can become a valued volunteer in this invaluable program that helps so many reach financial solvency.

Register at www.onbar.org

Brought to you in association with:

Presenters:

Sally Curran, Esq.,

Anna Anderson, Esq.

