

THE BAR REPORTER

The Newsletter of the Onondaga County Bar Association



In this issue

- Member Spotlight p. 11
- Women in the Courts Taskforce
Report to the Association p. 13
- The Practice Page p. 15
- From the Courts p. 20
- Newsmakers & Influencers p. 31





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

Anthony J. DiCaprio, Jr.



TABLE OF CONTENTS

PAGE

5	Letter from OCBA President Danielle M. Fogel
11	Member Spotlight: Christopher Wiles, Esq.
13	Women in the Courts Taskforce: Report
15	The Practice Page
20	From the Courts
31	Newsmakers & Influencers
37	Bar Boards

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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.

Upcoming Events

Tue, December 14	8 a.m.	Women in the Courts Taskforce Breakfast at the Bar - Salt City Market
Fri, December 17	11 a.m. to 1 p.m.	New Hats, Socks & Gloves Drive
Fri, December 17	11 a.m. to 2 p.m.	VALAC 's Pet Food/Supplies Drive
Mon, January 10	Noon to 1 p.m.	CLE Series, Pt. 1 Digital Evidence @ Trial: Cellphone Forensics
Wed, February 9	Noon to 1 p.m.	CLE Series, Pt. 2 Digital Evidence @ Trial: Admissibility
Thu, March 10	Noon to 1 p.m.	CLE Series, Pt. 3 Digital Evidence @ Trial: Ethical Duties & Electronic Storage

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



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Letter from the PRESIDENT



Dear Colleagues,

I hope everyone is enjoying the holiday season. It is crazy to think that we are already approaching the end of the year.

It was an amazing honor for OCBA's and the Syracuse University College of Law's initiative, "The Bond, Schoeneck & King Series on Race and Justice in Central New York," to be recognized by the New York State Bar Association's Committee for Bar Leaders with its "Innovation Award" for medium-sized associations. On November 30th, Paula Mallory Engel, co-chair of the Race and Justice planning committee received the award on behalf of OCBA during a virtual award ceremony. In her remarks, she discussed the importance of this initiative as well as the continued need to have dialogue. Thank you to the Syracuse University College of Law's partnership and

support, and the generosity of our many sponsors of this past year's programs. A special thank you to the planning committee and their efforts in developing this award-winning program. Stay tuned for what is to come this Spring!!

In the past few months, OCBA along with Central New York Women's Bar Association continued to host their monthly Breakfast at the Bar. It is a nice way to start your morning with a delicious cup of coffee from Salt City Market and great conversation. Our next one will be held on December 14th at 8:00 am. We hope to see you there.

We always appreciate our Court Updates from Fifth Judicial District Administrative Judge the Honorable James P. Murphy. On November 16th, Judge Murphy spoke to the bar about the status of the courts, current updates and what we can expect in 2022. It is clear that in-person is back, and cases will be moving.

We will kick off our Digital Evidence at Trial CLE series on January 10th. The series will begin with Cellphone Forensics: Applications in Discovery and Investigations. Remember we are always looking for CLE ideas!! You can send any ideas to Carrie Chantler at cchantler@onbar.org.

Unfortunately, we have not had many in-person events this fall. We are hoping everyone continues to stay safe and healthy. We look forward to seeing everyone after the New Year. We have plans for a retirement celebration and save the dates for our Annual Dinner on April 21, 2022.

I hope everyone enjoys the rest of holiday season and enjoys time with your families and friends!! We also hope you find some time to relax too!

A handwritten signature in black ink, appearing to read "P. Mallory Engel".

USING IRA ASSETS FOR LIFETIME AND LEGACY GIVING:

Retirement planning has always been an important element of a secure financial future. And for those who are charitably inclined, donating individual retirement account (IRA) assets is among the most tax-advantaged ways to make charitable gifts after age 70 ½. Oftentimes, a retirement account may be the most significant source of assets your clients accumulate and many may find that they don't need the extra income or don't welcome the additional tax liability when it comes time for them to start taking distributions. Whether your clients are interested in making an immediate impact or planning to leave lasting gifts to charity and/or heirs, there are several strategies that make the IRA an ideal charitable giving vehicle.

LIFETIME PLANNING

After age 59 ½, your clients can take a taxable distribution from their Traditional IRA without penalty. They can use that in any way including contributing the distribution to charity. If they itemize their charitable deductions, then donating their IRA distribution should provide them with a charitable deduction that offsets their income.

When a client is at least 70 ½ years old, they can begin making IRA distributions directly to charities up to \$100,000 per year. These qualified charitable distributions (QCDs) provide a number of tax advantages:

- QCDs are excluded from taxable income. For those clients who do not itemize deductions, QCDs may provide greater tax savings than cash gifts.
- Beginning at age 72, QCDs count toward a client's required minimum distributions (RMDs).

LEGACY PLANNING

Beyond lifetime giving, naming charity as a beneficiary of an IRA or other retirement account can be an effective way to minimize federal and applicable state income and estate taxes, among other benefits:

- Because charities are tax-exempt, there is no estate or income tax attributed to gifted retirement assets. This means the full amount of your client's gift will directly benefit the cause(s) that are most important to them.
- Unfortunately, retirement assets are taxable to your client's heirs as income in respect of a decedent (IRD).

So, choosing assets that are non-taxable such as life insurance proceeds for heirs will maximize what they receive from the estate.

CONSIDERATIONS

When making a QCD to the Community Foundation, the gift must be directed to a permanent fund. The Pension Protection Act of 2006, which created the QCD, specifically prohibits transfers to donor-advised funds or to private foundations. Therefore, the Community Foundation will work with your client to create a fund that will carry out their specific charitable wishes forever. A permanent fund can be structured in several ways:

- It can support the greatest needs of the community each year. This is determined using a broadly responsive grantmaking process here at the Community Foundation where nonprofits apply for support.
- It can support a field-of-interest such as programs to reduce poverty or care for animals.
- It can also be designated to support certain nonprofits.

No matter how it is designed, the fund becomes a permanent part of our charitable support in the community. The donor may make additional gifts to the fund both during their lifetime and through their estate. The Community Foundation will steward this fund in perpetuity as nonprofits or charitable needs change in our community.

For lifetime donors, this approach allows them to see the results of their "planned giving" in action. With help from the Community Foundation, they are able to craft a document that captures information about their lives, values and connection to the community that may be shared with organizations benefiting from their generosity. This document is kept on file at the Community Foundation to give context to their gifts and preserve their charitable legacy for generations to come. For advisors, you can help your clients avoid unnecessary RMDs and your clients get the fulfillment of creating their legacy plan now and seeing immediate impact. Talk about a win-win!

We can work with you and your clients to facilitate gift acceptance, legacy discernment and story preservation. The process that CNYCF uses to structure a permanent fund is the same for lifetime and legacy donors. Since the fund is designed to last forever, the Community Foundation will utilize the donor's background and charitable intentions documented when the fund was created to sustain its impact as our community changes over time.



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Qualified candidates should submit resume via email to mfoti@ccf-law.com or via mail to:

Costello, Cooney & Fearon, PLLC
211 W. Jefferson Street, Suite 1
Syracuse, NY 13202
Attention: Michael Foti

OCBA Recognized with NYSBA Innovation Award

The Onondaga County Bar Association, in collaboration with the Syracuse University College of Law, has received The New York State Bar Association Committee for Bar Leaders of NYS 2021 Innovation Award for medium-sized associations.

The award recognizes "The Bond, Schoeneck & King Series on Race and Justice in Central New York" initiative first launched in fall 2020 with a mission to help citizens better understand the structure of local and national legal systems and their impact on disparate outcomes for those in historically disenfranchised groups.

"The entire membership of the Onondaga County Bar Association should be proud to be recognized as leaders in convening courageous and respectful dialogue on the realities and impact of racial injustice in our systems of government and law, and how we as lawyers and community leaders can bring about real and sustainable improvements," OCBA leadership stated.

Immediate Past President Paula M. Engel accepted the award and thanked the many sponsors who signed on to support this important initiative.

The series' inaugural event was the "Racial Justice Community Book Read," which discussed Civil Rights Attorney Bryan Stevenson's moving account of exonerating wrongly convicted individuals sitting on Death Row, specifically Ray Anthony Hinton. For several weeks, more than 300 readers took part in a weekly ZOOM discussion of the book's themes. Then in the spring of 2021, Mr. Hinton graced us with a retelling of his story in his own words.

Additional programming included the interactive discussion "The State of Police Reform in Central New York," a live event hosted on social media that convened officials, including law enforcement organizations, from Syracuse-area towns and villages. We look forward to offering additional programming in the coming year.



Present the

2020-2021 Bond, Schoeneck & King Series on

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The Office of General Counsel (“OGC”) provides legal services and support to the Board of Trustees, the Chancellor and senior officers in System Administration at Albany, New York, and the presidents and administrators of the campuses within the System. Under the leadership of the Senior Vice Chancellor for Legal Affairs and the General Counsel, the SUNY Office of General Counsel is responsible for providing legal services to the System and the 29 state operated campuses. The OGC consists of 45 experienced higher education attorneys, paralegals and support staff located in Albany at the System Administration headquarters and in campus-based offices at the four University Centers, Health Science Centers, and various SUNY colleges.

The legal practice of the OGC involves a substantial array of topics, including public procurement, governance and ethics, legislation, health care, capital construction, public finance, labor grievances and arbitration, litigation oversight (the State’s Attorney General defends litigation brought against the University), student affairs, and the use of real property. The OGC represents SUNY in interactions with State officials who may regulate the affairs of SUNY, including the Attorney General, State Comptroller, the Governor and staff, and members of the State Legislature and staff as well as other state and local agencies and entities.

Job Standard / Operational Needs: State University of New York Upstate Medical University (“Upstate Medical”), located in Syracuse, New York, invites applications for the position of Assistant Counsel - Labor. Upstate Medical is seeking an experienced labor and employment attorney who can handle, oversee and provide legal advice on a broad range of labor, employment, student, and other related legal matters, including, but not limited to:

- Representing Upstate Medical in disciplinary labor arbitrations;
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The successful candidate will be based at the Syracuse OGC regional office. The position reports directly to the Senior Managing Counsel of Upstate Medical and indirectly to the SUNY Vice Chancellor of Legal Affairs and General Counsel. In addition, the Associate Counsel interfaces with other OGC colleagues to coordinate the delivery of consistent legal services, including participation in OGC staff meetings and trainings.

Minimum Qualifications

- J.D. degree from an accredited ABA law school
- Admission in good standing with the New York State Bar or eligibility for immediate admission
- Minimum of 3 years of labor/employment law or litigation experience AND a minimum of 5 years of practicing as an attorney
- Demonstrated ability to work effectively in a team environment, and excellent communication, writing, and research skills
- Excellent legal analysis, legal writing and editing, and oral advocacy skills
- Strong organizational, interpersonal communication, and problem-solving skills
- Ability to function effectively in a fast-paced environment with multiple and changing priorities and objectives
- Experience in handling labor arbitrations and working within a health care setting are preferred
- Prior in-house experience preferred, particularly within the Healthcare sector

Interested candidates, please visit the following link to view the complete posting and apply:

<https://careers.upstate.edu/en-us/job/501498/assistant-counsel-labor>

We are an Equal Opportunity Employer.

All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, age, protected veteran status or disability or other protected classes under State and Federal law.

MEMBER SPOTLIGHT

CHRIS WILES, ESQ.

We selected Mr. Wiles for the last Member Spotlight of 2021 because he's been that familiar face during a ZOOM meeting that belies any multi-tasking that may be taking place by his keen, and often humorous, consideration of the question or issue at hand. The OCBA is grateful to him for his several appearances as a CLE presenter, volunteering his experience and knowledge of the law with his legal colleagues.

The OCBA is grateful to Mr. Wiles, along with Anthony Gigliotti, Deborah O'Shea and a host of others, for the hard work and dedication this team demonstrated in the establishment of the Volunteer Lawyers Project of Central New York.

Rather than addressing each of the Spotlight questions separately, Mr. Wiles combined them and gave us one response. If you're unfamiliar with the questions, they generally ask the who, what, where and how of an attorney's journey and what positives they've enjoyed from their OCBA membership.

I was born in Syracuse and lived there while my father was away serving in the Navy, during World War II. Upon his return, the family moved to Marcellus, where I lived until my graduation from Marcellus Central School.

In the year 1961, I left Marcellus to attend Princeton University, majoring in History and Latin American Studies, graduating in 1965. I was accepted to Cornell University Law School in 1965 and deferred my attendance for two years in order to join the Peace Corps. I was sent to Montevideo, Uruguay to coach basketball and work in the area of community development.

After finishing Law School, I became a Fellow with Tufts University Latin American Teaching Fellowship in Caracas, Venezuela. For two years I taught law at the Universidad Catolica, was counsel for Ford Motor Company of Venezuela and worked with the law firm of Travieso, Evans, Ponte y Rosales. Upon my return from Venezuela, in 1973, I moved to Minneapolis. After being admitted to the Minnesota Bar, I practiced law as General Counsel for Data 100, a small company that manufactured remote batch computer terminals.



In 1975 my wife and I returned to Syracuse where I went into private practice with my father Ben Wiles, Jr. and Joseph Fahey. In late 1990, Joe went on the bench as County Court Judge and I went to work for the New York State Attorney General's Office, where I spent 18 years overseeing not-for-profits and charities in a five-county region around Syracuse.

While my grandfather Judge Ben Wiles and my father and uncle were attorneys, I did not know what I should do after I finished at Princeton. My father always maintained that a law degree was good training for any career I chose to undertake. Today, I have a brother and brother-in-law who are attorneys, as well as my daughter and two nephews.

Member Spotlight cont'd

As you can see, I have taught law, practiced corporate law, established a general practice with a concentration in real estate and estate law, as well as a time working in government. I can honestly say I probably enjoyed my work with the Attorney General the most (originally I only intended to stay about three years) because I could spend my time improving the work of charities in the region, which are such an important part of the central New York economy.

When I retired in July 2018, I decided to give up my license to practice law. It has been a great freedom that has allowed me to pursue my passion to improve the City of Syracuse Parks where I serve as President of the Syracuse Parks Conservancy, as well as, pro bono work and service on Committees with the Onondaga County Bar Association.

I think the most gratifying aspect of practicing law is working with other attorneys that you meet along the way no matter what kind of law each one of us practices. One of the great benefits of the OCBA is the opportunity it presents for attorneys to do so. We are all working together to solve the problems our clients or other persons put in front of us and that is what makes the system work.

Women in the Courts Taskforce: Report to the Association

Submitted by Sarah Cumbie Reckess, Esq.

The Women in the Courts Taskforce was launched in January 2021 as an initiative of the Onondaga County Bar Association's Diversity and Inclusion Committee, the Central New York Women's Bar Association and the Fifth Judicial District's Commission on Women. The Taskforce was formed in the aftermath of the New York State Judicial Committee on Women in the Courts' 2020 Gender Survey, which documented numerous challenges to gender equity in the New York State courts and provided recommendations to court administration, judges, court officers, legal practitioners, law enforcement, and bar associations to address these challenges.

The Taskforce reviewed the recommendations for bar associations and created action items to implement. Happily, as of October 1, 2021, all of our action steps have been met and we are ready to reconvene and identify new action steps for 2022!

Among the programs and projects that the Taskforce tackled this year were:

1. Developing a 4-part series focused on Women on the Bench – these virtual panels allowed our legal community to hear from Oswego County Court Judge Karen Brandt, Onondaga County Family Court Judges Julie Cerio and Christie DeJoseph, Syracuse City Court Judges Erica Clarke and Shadia Tadros, and Administrative Law Judges Jody Agostinelli, Annie Porter, Karen Richards, and Leah Witmer.
2. Creating a 1.5 hour CLE, Valuing Women's Work, featuring local attorneys Laura Harshbarger, Kavitha Janardhan, and Aaron Ryder. This CLE came out of the 2020 Gender Survey recommendation that bar associations offer CLE courses that provide guidance on the evidence necessary to establish the monetary value of homemaker services.
3. Hosting a monthly Breakfast at the Bar networking event for female attorneys, judges, paralegals, and law students to enjoy coffee and conversation before the workday. Breakfast at the Bar began in July and will continue through this year and into the next.
4. Creating a domestic violence training, Answering the Call, for local law enforcement agencies. This training gave law enforcement the opportunity to hear from victim service providers about best practices in responding to domestic violence calls in order to de-escalate situations.

Beyond the work of the Women in the Courts Taskforce, the 5th Judicial District's Commission on Women has been busy coordinating efforts with Judge Edwina Mendelsohn and her team to roll out recommendations for the Unified Court System across New York State.

***Interested in joining the Women in the Courts Taskforce?
Please email sreckess@nycourts.gov or call 315-373-3468.***

Women in the Courts Taskforce

Central New York Women's Bar Association
Onondaga County Bar Association



Breakfast at the Bar

A monthly networking event for women in the legal profession

Come join us!

Tuesday, December 14, 2021

8:00 A.M.

Salt City Coffee and Bar

Salt City Market, 484 S. Salina Street

Save the Date!

OCBA Annual Dinner

April 21, 2022

Marriott Syracuse Downtown



THE PRACTICE PAGE

CPLR ARTICLE 16 AND 4TH GRADE MATH

HON. MARK C. DILLON

Thank goodness for 4th grade math class. It provides the foundation for computations that are made by attorneys and judges each day for determining proportional shares of liability under CPLR Article 14, collateral source set-offs under CPLR 4545(c), statutory interest additions under CPLR 5001-5003, marital shares of property and QDROs under DRL 236(B), and of course, the all-important value of one-third contingency fees. All are simple additions, subtractions, or percentages. We leave the complications of algebra and calculus to the MBAs.

But there is one provision of the CPLR, section 1601, where 50% does not necessarily mean 50%. CPLR 1601(1) provides that when a claim for personal injury is determined against two or more joint-tortfeasors, and the liability of a defendant is found to be “50% or less” of the total liability assessed against all persons liable, that defendant’s liability for non-economic loss (e.g. past and future pain and suffering, loss of enjoyment of life) shall not exceed its own equitable share of the total culpability. The statute acts as a cap upon a qualifying defendant’s liability, to protect parties liable for a “minor” percentage of culpability from paying a much larger percentage of the non-economic loss damages. Economic loss calculations are unaffected. There are some major exceptions, as CPLR Article 16’s limitations of liability do not apply to administrative proceedings, workers’ compensation claims, intentional and reckless torts, actions involving the use of automobiles, and other boutique carve-outs (CPLR 1602[1]-[14]).

Along came Robinson v June at the Supreme Court, Tompkins County, in 1996 (167 Misc.2d 483). The case involved a physical altercation at Poor Richard’s Saloon, where the plaintiff commenced an action against the saloon for negligent security at the premises and violations of the Dram Shop Act, and against defendants June and Norman for the intentional tort of battery. A jury, upon hearing the evidence of the plaintiff’s unfortunate beat-down, found the saloon to be 50% liable, the individual defendants 45% liable, and the plaintiff, not being entirely innocent in the sordid affair, 5% contributorily negligent. The court held that the various defendants were jointly liable, and that since defendants June and Norman were liable for intentional torts, they were not entitled to the limitations of liability under CPLR 1602(5).

The saloon in Robinson argued that since it was found 50% or less negligent from among all persons liable, it was entitled to the CPLR 1601 limitations of liability. The saloon was presumably the only defendant with a deep pocket insurance policy, and without the limitations of liability under CPLR 1601, it would otherwise be required to pay 95% of the plaintiff’s damages, subject to contribution from the individual defendants who presumably had no assets. But not so fast. Recall, the jury found that the plaintiff was 5% contributory negligent. CPLR 1601 applies its statutory limitations of liability to tortfeasors “jointly liable.” The plaintiff, while 5% contributory negligent, was not a tortfeasor “jointly liable” to himself and would not

Continued from previous page

enforce payment of 5% of the damages to himself. Therefore, if the plaintiff's 5% contributory negligence is eliminated from the statutory calculation, the liability of the defendants is no longer 50% and 45%, but must be "extrapolated" to a scale of 100%. Doing the math, the saloon's proportional liability of the joint defendants' liability was actually 52.63% on a 100% scale, and the individual defendants' proportional liability was 47.37%. The saloon's liability among the joint tortfeasors increased from 50% to 52.63% on a 100% basis, rendering the saloon ineligible for the limitations of liability under CPLR 1601, as its percentage of extrapolated liability was no longer "50% or less." Thus, in this context, 50% did not mean 50%, and instead meant 52.63%, notwithstanding what was taught in 4th grade math.

Robinson v June was never appealed, but a case from the First Department lends appellate credence to its mathematical approach upon eliminating the plaintiff's contributory share (*Risko v Alliance Builders Corp.*, 40 AD3d 345 [2007]). Extrapolating percentages of liability seems to be legally correct, when applicable, in deducting the plaintiff's percentage of contributory negligence from the overall calculations. The unavailability of the limitations of liability under CPLR Article 16 might have made Poor Richard's Saloon all the bit poorer.



** 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.*

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COLLECTION DATE

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Christmas Wishlist

Celebrate the season of giving by donating to the
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Help give a puppy in need a very Merry Christmas!

Items Needed:

- ✓ Dog Food/Treats
- ✓ Nylon Collars/Leashes
- ✓ Tick Collars
- ✓ Dog Beds
- ✓ Blankets
- ✓ Toys/Ropes/Nylabones

Drop-Off/Pick-Up:

Please deliver all donations to the
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pick-up at your law firm.



CNY Philanthropy Center, Suite 300
431 E. Fayette Street, Syracuse

**Donations Accepted 11 a.m. to 2 p.m. December 17th
OCBA/CNYCF Parking Lot, 431 E. Fayette St. Syracuse**



**MENORAH
PARK**
To Life!

Emergency Shelter Care for Seniors with Dementia

A new space at Menorah Park is designed to provide a safe haven for seniors with dementia or Alzheimer's disease and guide them to a more supportive living situation. Open in May 2021, it is the first of its kind in CNY.

One out of every ten Americans living at home over the age of 60 will experience elder abuse, according to the CDC. This can take many forms, ranging from neglect and financial exploitation to physical and emotional abuse. Particularly vulnerable are those senior citizens who are suffering from dementia or Alzheimer's disease. In an effort to provide a pathway to better care and a safer environment, Menorah Park has built a special shelter in their facility designed to provide short term respite to seniors.

"Not everyone with dementia needs to be in a skilled nursing facility," says CEO Mary Ellen Bloodgood, "but the family caregiver isn't always the best partner." She explains that financial exploitation, neglect, burnout, abuse, other issues can come up. "This shelter helps get that senior out of that situation," says Bloodgood. "Domestic abuse shelters are not set up to deal with the needs of the elderly, but we are."

Supported by a grant from [The Gifford Foundation](#) along with other funders, the new shelter was constructed and designed to feel and look more like a normal residence rather than a hospital room.



Four apartments may seem limited, but patients are only there for roughly 30 days or less. A case manager will immediately begin assessing their home situation, resources, and benefits eligibility. If achievable changes can be made to improve their home life, Menorah Park will work with the individual and their family to make that happen. If it is determined that the home is not a suitable environment, they will explore other more permanent facilities where the patient can be moved to depending on their level of need

A major component of Menorah Park's mission also involves extending outreach and support to caregivers. "One of our goals is to let people self-identify: make it ok for a senior or caregiver to say, 'I can't do this anymore – I need help.'" She explains that many people don't want to talk about elder abuse, they don't want to accept that they are going through this. But if a situation is left unaddressed and continues to deteriorate, it can easily cross the line into abuse. Part of the goal of this dementia program is to intervene before it reaches this level, while also offering a safe space for seniors who are already facing an abusive situation at home.

From the Courts



5th Judicial District Update with Judge Murphy

Fifth Judicial District Administrative Judge the Hon. James P. Murphy checked in with more than 40 stakeholders on November 16th updating them on the current status of local courts relative to COVID-19 protocols and docket backlogs and offered a plan for what he thought may happen in the year ahead.

"We were hit hard the first six months of the year," he told his colleagues. "It may become more stressful before it gets less stressful."

As for moving forward, the judge advised the lawyers on the call to refamiliarize themselves with their Part 125 knowledge and to remain flexible and nimble with regard to the timing and location of all upcoming trials as he anticipates "in-person" appearances will return.

Judge Murphy did point out a hopeful positive, "As of last week, we had 200-plus jury trials."

The NYS Unified Court System Wants to Hear from You

The Office of Court Administration submits a report each February 1st to the Legislature, the Governor, and the Chief Judge evaluating the State's experience with the Unified Court System's electronic filing system (NYSCEF). Your comments are welcomed for inclusion in the 2022 Annual Report.

Additionally, your observations are sought on a proposed amendment to CPLR Article 21A, and other relevant statutes authorizing the Chief Administrative Judge to make e-filing mandatory across the state -- in any or all of the State's trial courts. Learn more about this [here](#).

Submit your comments/observations by **Wednesday, December 22, 2021** by email or regular mail to:

Jeffrey Carucci
Director, OCA Division of E-Filing
Office of Court Administration
25 Beaver Street, Rm. 1062
New York, NY 10004

efilingcomments@nycourts.gov

At the local level, Chief Administrative Judge Lawrence K. Marks with 5th Judicial District Administrative Judge the Hon. James P. Murphy proposes the expansion of the mandatory e-filing program in the Supreme Courts of Oneida and Onondaga counties.

Beginning December 22, 2021, the authorization will be to expand mandatory e-filing in the Supreme Courts of Oneida and Onondaga counties to include all new civil actions, except:

- CPLR Art. 70 proceedings
- CPLR Art. 78 proceedings
- Election Law proceedings
- Matrimonial matters
- Mental Hygiene Law matters
- Residential foreclosure actions as defined in RPAPL 1304*
(* except initial filing of commencement papers by a represented party, which is mandatory)

Additionally, in Oneida County Supreme Court the following case type is also an exception:

- Consumer credit transactions as defined in CPLR 105(f)*
(*except initial filing of commencement papers by a represented party, which is mandatory)

Learn more about this information [here](#). Direct your comments to Jeffrey Carucci at either the email address or mailing address indicated above by **Wednesday, December 15, 2021**.

JOINT COMMITTEE ON FEE DISPUTES & CONCILIATION PART 137 PROGRAM

Topic :

Fee Dispute Arbitration Training:
Focus On Part 137 Arbitrations

WEDNESDAY

February 23, 2022
9:00 AM – 4:20 PM

**100%
ONLINE** Live on Zoom
Webinar
Platform

7.5 NY CLE Credits
Breakdown TBA

FACULTY (IN FORMATION)

Simeon H. Baum, *Resolve Mediation Services, Inc.*
Anthe Maria Bova, *NYCLA General Counsel and Part 137 Attorney-Client Fee Dispute Resolution Program Director*
Christopher Fladgate, *Garson, Segal, Steinmetz, Fladgate LLP*
Martha E. Gifford, *Chair, Board of Governors of NYS Attorney-Client Fee Dispute Resolution Program*
Mansi Karol, *Dir. ADR Services, Commercial Division, American Arbitration Association*
Amy M. Pontillo, *NYS Office of Court Administration, Counsel, Board of Governors of NYS Attorney-Client Fee Dispute Resolution Program*
Lewis Tesser, *Tesser, Ryan & Rochman, LLP*
Randall Tesser, *Tesser, Ryan & Rochman, LLP*
Nelson E. Timken, *Vice Chair, New York County Lawyers Association ADR Committee, Arbitrator and Mediator, NYCLA Part 137 Program*
Elan E. Weinreb, *Co-Chair, NYCLA's ADR Committee, Special Master, App. Div., 2d Dept. Mandatory Mediation Program, and Senior Arbitrator and Mediator, NYCLA Part 137 Program*
Jeffrey T. Zaino, *Vice President, Commercial Division, American Arbitration Association*

REGISTRATION OPENS JANUARY 12TH AT:

<https://www.nycla.org/part137training>



To: Attorneys, professional staff & interested parties

**ATTEND FREE SURROGATE'S COURT E-FILING
TRAINING***

10:00am - 12:00pm

January 13, 2022

February 17, 2022

March 17, 2022

April 14, 2022

Where: Virtual - on-line via Microsoft Teams

Attend the free e-filing training in which the NYSCEF Resource Center staff will guide you through your first Surrogate's Court filing, review court rules, and provide helpful tips to avoid pitfalls and achieve success. Attorneys can receive 2 (**free**) CLE credits.

PRE-REGISTRATION IS REQUIRED

To register go to www.nycourts.gov/efile and click on the register for training link.



***NYSCEF training classes provide 2.0 FREE Continuing Legal Education (CLE) credit hours. (1.0 credit in Professional Practice and 1.0 credit in Law Practice Management).**



UCS-23

EMPLOYMENT
OPPORTUNITY
ANNOUNCEMENT
STATE OF NEW YORK
UNIFIED COURT SYSTEM

PLEASE POST
ANNOUNCEMENT NO. 5120

POSITION TITLE: COURT ATTORNEY - REFEREE **JG: 31**

LOCATION: 5th JUDICIAL DISTRICT
ONONDAGA COUNTY FAMILY COURT

BASE SALARY: \$ 114,413

CLASSIFICATION: NON-COMPETITIVE/CONFIDENTIAL

QUALIFICATIONS: Admission to the New York State Bar and Three (3) years of service in the Associate Court Attorney title; or Eight (8) years of relevant legal experience gained after admission to the New York State Bar

DISTINGUISHING FEATURES OF WORK:

Court Attorney-Referees act as special referees and research and analyze complex legal issues and questions raised in civil and criminal cases heard in trial courts or on appeal to certain County Courts and may be responsible for supervision of court attorneys and support staff who are located in one or more courts situated throughout a county, judicial district, or department. They serve in a confidential capacity and work with substantial independence from supervision in units located in the Court of Claims or special parts in the Supreme Court or in County, District, Family, and Surrogate’s Courts in counties entirely within cities or in counties that have populations exceeding 400,000.

ASSIGNMENT:

Under the supervision of the District Administrative Judge’s Office and the Chief Clerk of Onondaga County Family Court, the Court Attorney-Referee will hear and report or determine cases assigned. Cases include but are not limited to custody and visitation, cases in the Model Court for abused and neglected children, and cases involving temporary and permanent orders of protection. The Court Attorney-Referee will also provide coverage, as necessary, in the other Family Courts in the Fifth Judicial District. Travel is required.

GENERAL INFORMATION:

The above statements are intended to describe the general nature and level of work being performed by persons assigned to this title. They do not include all job duties performed by employees in the title, and every position does not necessarily require these duties. Although a position is available and situated at a specific location, the appointee may be subject to reassignment to any position in the same title in this promotion unit dependent upon the needs of the Unified Court System. All applications received from this announcement may be used to fill any vacancies in this title that may occur in this court or agency within the next six (6) months. Position(s) available at the present time: 1.

APPLICATION PROCEDURES: All interested persons meeting the minimum qualifications are encouraged to submit a UCS-5 Application for Employment form (obtainable from any administrative office in a court building or on the web at www.nycourts.gov/careers/UCS5.pdf) and a resume and cover letter to:

DONALD C. DOERR, ESQ.
DISTRICT EXECUTIVE
FIFTH JUDICIAL DISTRICT ADMINISTRATIVE OFFICE
600 SOUTH STATE STREET, ROOM 300
SYRACUSE, NEW YORK 13202

APPLICANTS ARE ENCOURAGED TO COMPLETE THE EEO DATA COLLECTION FORM.

New hires must be fully vaccinated against the COVID-19 virus by the date of hire, unless granted a reasonable accommodation due to disability or religion.

POSTING DATE: November 30, 2021 **APPLICATIONS MUST BE POSTMARKED OR RECEIVED BY:** December 28, 2021

The New York State Unified Court System is an equal opportunity employer, and does not discriminate on the basis of race, color, religion, gender (including pregnancy and gender identity or expression), national origin, political affiliation, sexual orientation, marital status, disability, age, membership in an employee organization, parental status, military service, or other non-merit factor.



OSWEGO COUNTY FEE FOR SERVICE ATTORNEY

The Oswego County Department of Social Services is seeking an Attorney to work on retainer for various legal services including cases related to child support, fair hearings in financial assistance programs, fraud and recovery, spousal support, Medicaid related matters, adult protective, child welfare, and expungement hearings. The Fee for Service Attorney will provide coverage on an as needed basis.

Qualifications: Graduation from an American Bar Association accredited law school, NYS license to practice law and current registration with the NYS Office of Court Administration.

Pay Rate: \$100 per hour for cases related to adult protective, child welfare, and expungement hearings; \$75 per hour for cases related to child support, fair hearings in financial assistance programs, fraud and recovery, spousal support, and Medicaid related matters. Travel time and mileage will be paid only for representation of the Department outside of Oswego County.

To Apply: Review of applications will begin immediately and continue until position is filled. Please visit our website to complete an online application or submit a paper application to the address below.

Oswego County Human Resources Department

46 East Bridge Street

Oswego, New York 13126

(315) 349-8209 Fax: (315) 349-8254

Email: humanresources@oswegocounty.com

Web: www.oswegocounty.com/humanresources

AA/EEO EMPLOYER

ASSISTANT PUBLIC DEFENDER

(2 Positions)

PLEASE POST CONSPICUOUSLY

***** WANTED *****

APPLICANTS FOR VACANT POSITION

TITLE: ASSISTANT PUBLIC DEFENDER (Non-Competitive)
LOCATION: CORTLAND COUNTY PUBLIC DEFENDER'S OFFICE
SALARY: GRADE 4/ \$68,842-\$83,755YR (35 HRS/WEEK)

MINIMUM QUALIFICATIONS:

- Possession of a license to practice law in New York State.

*** Residency requirements will be in compliance with 2005 local law #4.**

Pre-employment drug screen, criminal background check and/or physical required.

APPROVED APPLICATIONS WILL BE FORWARDED TO THE PUBLIC DEFENDER'S OFFICE UNTIL THE POSITION IS FILLED.

SUBMIT APPLICATIONS TO:

**CORTLAND COUNTY PERSONNEL
60 CENTRAL AVE
CORTLAND, NY 13045-2746**

EOE/MF

Cortland County is committed to equity and inclusion. We encourage those with similar values to apply.

ISSUED: 6/22/2021

UPDATED: 7/21/21

Legal Aid Society of Mid-New York, Inc. (LASMNY)

JOB POSTING
November 19, 2021

“Staff Attorneys (Multiple Locations)” **Binghamton, Cooperstown, New Paltz, Oneonta,** **Oswego, Syracuse, Utica, Watertown**

The Legal Aid Society of Mid-New York, Inc. (LASMNY) is committed to a diverse, well balanced and inclusive workforce. We strongly encourage applicants from all backgrounds to apply for our positions. Women, people of color, LGBTQ applicants, veterans, people with disabilities and other walks of life are encouraged to apply.

LASMNY is an Equal Opportunity Employer/Affirmative Action Employer.

LASMNY is a non-profit public interest law firm. We provide free legal information, advice and representation to people who are unable to afford a lawyer. The program area includes (13) counties: Broome, Chenango, Cayuga, Cortland, Delaware, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego and Otsego. In addition, our Farmworker Law Project services the entire New York State out of our New Paltz Office.

Visit us at www.lasmny.org

LASMNY has full-time staff attorney positions available immediately in the locations listed below. Must be admitted to the New York State Bar or be able to gain admittance within a reasonable period of time (while utilizing New York’s 18-month temporary admission rule). *Law Graduates with strong writing backgrounds may be considered if pending admission to the New York State Bar.*

Binghamton Office

Family Court
Tenant Legal Assistance Initiative
Housing

Cooperstown Office

Family Court/Domestic Violence
Housing

New Paltz

Farmworker Law Project (FLP)

Oneonta Office

Victims of Crime Act – VOCA
Housing

Oswego Office

Housing

Syracuse Office

Domestic Violence
Elder Law
Housing

Legal Aid Society of Mid-New York, Inc. (LASMNY)

JOB POSTING
November 19, 2021

Utica Office

Domestic Violence - VAWA
Domestic Violence - VOCA
Housing

Watertown Office

Foreclosure/Domestic Violence
Housing

Elder Law - Preparation of wills, health care proxies, and powers of attorney; providing counsel and advice on consumer and housing issues; and providing other holistic legal services as appropriate.

Family Court (FC) - Family law matters, including custody/visitation, paternity, support violations, family offenses and abuse/neglect matters.

Foreclosure – Provide a full range of legal representation and counseling to individuals facing foreclosure of their home.

Farmworker Law Project (FLP) – Represent farmworkers, nursery workers, packinghouse workers and food processing workers across New York State, with a focus on impact litigation.

Housing – Offers holistic services to clients impacted by the coronavirus pandemic in housing matters, including evictions and foreclosures, and with financial and other hardships that could result in loss of housing.

Tenant Legal Assistance Initiative - Works with judges, bar associations, and other stakeholders to plan and implement expanded pro bono services for tenants. Provides direct legal services to tenants on a limited basis.

Victims of Crime Act (VOCA) – General practice, but not limited to, housing, public benefits, family, disability, employment, protective order, consumer, education, health and elder law. Criminal Court Accompaniment is required.

Violence Against Women’s Act (VAWA) –Domestic violence and matrimonial matters. Additional areas could include public benefits, housing and disability.

Salary and exact title dependent on experience.

LASMNY offers a generous benefit package, effective as of date of hire - medical, vision, dental, life, supplemental life, voluntary, flexible spending, health savings, 403(b), retirement, mileage reimbursement, training, registration fees, bar dues, paid time off, parental leave, bereavement leave, jury duty, bar exam leave, employee assistance plan, loan repayment and (13) holidays. Remote work upon approval by management.

For Consideration - We encourage interested qualified applicants to apply for this position by providing a cover letter, resume, writing sample and contact information, including email address, for (3) professional references to jobs@LASMNY.org.

County Attorney

County Attorney
KEVIN D. EARL, ESQ.

Deputy County Attorney
PAULA A. CAMPBELL, ESQ.

Old Courthouse
7 Main Street
Batavia, New York 14020-3199
(585) 344-2550 Ext. 2205
Kevin.Earl@co.genesee.ny.us

Assistant County Attorneys
TINA M. KASPEREK, ESQ.
THOMAS TURTURO, ESQ.
MELISSA L. CIANFRINI, ESQ.

CAREER OPPORTUNITY NOTICE COUNTY OF GENESEE ASSISTANT COUNTY ATTORNEY

This position involves responsibility for assisting the County Attorney in representing Genesee County and performing all duties pertaining to the County Attorney's office as may be directed by the County Attorney with the vast majority of the responsibilities involving representing the Genesee County Department of Social Services (DSS)

AVAILABILITY: December 17, 2021

COMPENSATION: \$69,567 - \$88,003, depending upon experience, with retirement and health benefits

Position is eligible for Loan Forgiveness Program.

MINIMUM QUALIFICATIONS: License to practice law in the State of New York.

DUTIES INCLUDE THE FOLLOWING:

1. Represent DSS in proceedings and actions involving child abuse, child neglect, child support, foster care and termination of parental rights.
2. Responsible for Petitioning Article 81 Guardianship matters, providing legal counsel to the Adult Services Unit including Adult Protective Matters.
3. Process claims against estates and individuals financially responsible for public assistance recipients.
4. Medicaid Lien recovery
5. Provide legal advice and consultation to DSS Personnel for matters relating to children's services, family services, adult services, paternity and financial assistance.
6. Prosecute and defend appeals as assigned
7. Prosecute Juvenile delinquents, persons in need of supervision and Family Offenses in Family Court
8. Provide ongoing legal advice and initiate legal actions as required by the County Attorney and the DSS
9. Assist the County Attorney and other Departments as assigned by the County Attorney

SPECIAL REQUIREMENTS FOR APPOINTMENT: Successful completion of a background investigation will be required prior to appointment. Special requirements apply to an appointment made in the Child Support Unit within the Department of Social Services.

SUBMIT ONLINE GENESEE COUNTY APPLICATION AND RESUME (www.co.genesee.ny.us)

Submit to Anita Cleveland, HR Director, 15 Main St., Batavia, NY 14020. Applications and resumes will be accepted until the position is filled.



State of New York
 Court of Appeals
 20 Eagle Street
 Albany, New York 12207-1095
www.nycourts.gov/courts/appeals

New York State Court of Appeals 2022 CALENDAR

2022

January							February							March						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1			1	2	3	4	5			1	2	3	4	5
2	3	4	5	6	7	8	6	7	8	9	10	11	12	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28						27	28	29	30	31		
30	31																			

April							May							June						
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					1	2	1	2	3	4	5	6	7			1	2	3	4	
3	4	5	6	7	8	9	8	9	10	11	12	13	14	5	6	7	8	9	10	11
10	11	12	13	14	15	16	15	16	17	18	19	20	21	12	13	14	15	16	17	18
17	18	19	20	21	22	23	22	23	24	25	26	27	28	19	20	21	22	23	24	25
24	25	26	27	28	29	30	29	30	31					26	27	28	29	30		

July							August							September						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2	1	2	3	4	5	6				1	2	3		
3	4	5	6	7	8	9	7	8	9	10	11	12	13	4	5	6	7	8	9	10
10	11	12	13	14	15	16	14	15	16	17	18	19	20	11	12	13	14	15	16	17
17	18	19	20	21	22	23	21	22	23	24	25	26	27	18	19	20	21	22	23	24
24	25	26	27	28	29	30	28	29	30	31				25	26	27	28	29	30	
31																				

October							November							December						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1			1	2	3	4	5					1	2	3
2	3	4	5	6	7	8	6	7	8	9	10	11	12	4	5	6	7	8	9	10
9	10	11	12	13	14	15	13	14	15	16	17	18	19	11	12	13	14	15	16	17
16	17	18	19	20	21	22	20	21	22	23	24	25	26	18	19	20	21	22	23	24
23	24	25	26	27	28	29	27	28	29	30				25	26	27	28	29	30	31
30	31																			

NEWSMAKERS & INFLUENCERS

Three Area Firms Named "Best Law Firm"



Receiving recognition in a national publication known for its annual ranking of everything from best colleges to best vacation destinations to best law firms certainly warrants bragging rights.

This fall, after evaluating more than 20,000 firms nationwide *U.S. News & Annual Reports* recognized three area firms with a "Best Law Firm" ranking for 2022.

To be considered for a ranking, a firm must have a lawyer listed in the *The Best Lawyers in America*, which recognizes the top four percent of practicing attorneys in the United States. The process also includes a review of collected client and lawyer evaluations and peer reviews.

Bond, Schoeneck & King's Syracuse office received the acclaim in 19 categories including: Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law; Commercial Litigation; Corporate Law; Employee Benefits (ERISA) Law; Employment Law - Management; Environmental Law; Labor Law - Management; Litigation - Banking & Finance; Litigation - Bankruptcy; Litigation - Intellectual Property; Litigation - Labor & Employment Litigation; Litigation - Patent; Public Finance Law; Tax Law; Trusts & Estates Law; Immigration Law; Litigation - Environmental; Litigation - ERISA; and Personal Injury Litigation - Defendants.

Twelve practice areas within the Hancock Estabrook firm were honored with the accolade including its Appellate Practice, Commercial Litigation, Elder Law, Environmental Law, Land Use & Zoning Law; Litigation - Environmental, Litigation - ERISA, Litigation - Labor & Employment, Litigation - Trusts & Estates, Personal Injury Litigation Defendants, Product Liability Litigation Defendants, and Trusts & Estates Law.

Six departments from the Barclay Damon Syracuse office also received the recognition. These were: Commercial Litigation, Corporate Law, Labor Law - Management, Litigation - Banking & Finance, Litigation - Labor & Employment, and Real Estate Law.

NEWSMAKERS & INFLUENCERS

Hancock Estabrook Boasts 25 Super Lawyers



Cora A. Alsante

Twenty Five Hancock Estabrook attorneys have been selected for the 2021 "Upstate New York *Super Lawyers*" list, including 10 who received the Rising Star designation.

Super Lawyers is a ranking publication that selects attorneys using a patented multiphase selection process. Peer nominations and evaluations are combined with independent research. Each candidate is evaluated on 12 indicators of peer recognition and professional achievement. Selections are made on an annual, state-by-state basis.

The *Super Lawyers* include: Cora A. Alsante, Daniel B. Berman, Janet D. Callahan, Catherine A Diviney, Marion Hancock Fish, Thomas J. Fucillo, Lindsey Helmer Hazelton, Mary C. King, Susan L. King, John T. McCann, John L. Murad, Jr., Alan J. Pierce, John G. Powers, Doreen A. Simmons, and Robert C. Whitaker, Jr.

Those receiving the Rising Star designation, who must be 40 years of age or younger or in practice for less than 10 years, are: Michael J. Balestra, Ally L. Colvin, Jaime J. Hunsicker, Whitney M. Kummerow, Daniel K. Mannion, Michael G. Marrero, Emily A. Middlebrook, James J. O'Shea, Ryan M. Poplawski, and Briana K. Wright.

Additionally, Hancock's Cora A. Alsante was included in the 2021 Top 25 Women Attorneys Upstate New York Super Lawyers list.

Labor Attorney Joins Hancock Estabrook

With more than 25 years of public sector experience, Tish E. Lynn has joined the firm as a partner in its labor & Employment practice area.

Lynn's background in collective bargaining, contract preparation and implementation, grievances, improper practice charges and other labor relations matter involving various labor unions positions her to bring her decisive counsel to bear regarding various employment and employer issues for clients.

She also represents clients in civil litigation in federal and state courts, as well as administrative proceedings and audits before federal and state agencies including the Equal Employment Opportunity Commission, the New York State Division of Human Rights, the Department of Labor and the Public Employment Relations Board.

Formerly, she was the personnel manager for Livingston County, managing the human resource operation for approximately 1,300 employees. In this role, she administered benefits, payroll, position control, policies, investigations, recruitment, training, employee discipline, Civil Service compliance and layoffs, and she implemented the Family Medical Leave Act (FMLA) compliance procedures.

Lynn is a Le Moyne College graduate and earned her juris doctorate at the University of Richmond, T.C. Williams School of Law.



Tish E. Lynn

NEWSMAKERS & INFLUENCERS

BARCLAY DAMON REBRANDS IP TRANSACTIONS PRACTICE

Barclay Damon partners Renato Smith and Mike Oropallo will co-chair the firm's newly renamed Trademarks, Copyrights & IP Transactions Practice Area. Firm leadership concluded that the name change better reflects the services the practice area provides to its clients.

"This is a strategic reconsideration based on our analysis of the real and important work that our trademarks, copyrights, and IP transactions attorneys conduct on behalf of and with our wide range of clients," Barclay Damon Managing Partner Connie Cahill said. "With this change, we are proud to demonstrate our commitment to increasing the depth and breadth of our capabilities to better serve both current and future clients."

"I am pleased to serve as co-chair of the Trademarks, Copyrights & IP Transactions Practice Area," Smith said. "The new lens allows us to bring even more value for our business clients—whether they are large corporations with international reach or entrepreneurial start-ups building their model and defining themselves and their intellectual property in the early stages. This change emphasizes our commitment to serving our clients in the rapidly growing software and cloud computing industry, among other industries."

Mike Oropallo will continue his role as co-chair of the renamed practice area. "I look forward to working with Renato as co-chair and to providing our practice area's current and future clients with the power of our team's combined knowledge and experience," he said.



Renato Smith



Mike Oropallo



Traci Boris

Boris Joins Barclay Damon Health, Labor Practices

Traci Boris will apply her skills in two practice areas upon joining the Syracuse office of Barclay Damon's Health Care & Human Services and its Labor & Employment practice areas.

Boris primarily focuses her practice on counseling individual practitioners, owners, administrators, executives, directors, and employees of health care practices and health care-related facilities, including physicians, licensed medical personnel, hospitals, and clinics. She has experience negotiating complex collective bargaining agreements; advising on HIPAA, EMTALA, conditions of participation, OSHA, Family Healthcare Decisions Act, and consent issues; and overseeing and managing claims and lawsuits. Boris has developed and overseen hospital policies to implement new laws relating to the care and treatment of psychiatric patients, MOLST, and the Safe Act. She represents hospital clients in employment arbitrations and mental hygiene hearings and provides guidance to administration on fraud and abuse laws.

She also assists with creating and revising corporate documents and provides guidance on merger documents and transition plans to health care systems and boards of directors.

NEWSMAKERS & INFLUENCERS

Bousquet Holstein

Welcomes Return of Seifter

Returning to the firm he helped originate, with decades of experience in health law, business law, and commercial real estate, attorney Lowell A. Seifter will serve Bousquet Holstein as Of Counsel in a part-time capacity on selective matters.

A founding member of Green & Seifter Attorneys, PLLC, now known as Bousquet Holstein PLLC, where he practiced law from 1977 through 2011. From 2012 through 2018 he served as General Counsel for St. Joseph's Hospital. From 2019 to the fall of 2021 he served as Senior Counsel for Trinity health, the parent organization of St. Joseph's Hospital, working on a part-time basis.

Lowell received his undergraduate degree from Syracuse University and a Juris Doctor magna cum laude from Syracuse University College of Law. He brings to the firm technical expertise, leadership experience, industry knowledge and an understanding of the Central New York and Adirondack regional market areas.

Lowell has served on the Board of Directors of three different publicly traded banks over the last 17 years and is currently a member of the Board of Directors of NBT Bank. He is also presently a Board Member of Housing Visions in Syracuse as well as View, an arts organization in Old Forge, and he's had extensive experience with many other not-for-profit boards.

He is both an attorney and a non-practicing certified public accountant.

Catherine A. Ray

Joins Bousquet Holstein



Catherine A. Ray

Catherine A. Ray has joined Bousquet Holstein as an associate attorney in the firm's Trust & Estates and Elder Care Practice Group.

Prior to joining the firm, Catherine worked at a private law practice preparing estate planning documents, including wills, revocable and irrevocable trusts. In addition, she advised and represented small business owners on various employee benefits/ERISA matters affecting compliance of their qualified retirement plans, including identifying qualification failures and working with clients to ensure they had policies in place to avoid future qualification failures.

Catherine is a Syracuse University College of Law graduate where she received the CALI Award for Estate Planning, the Pro Bono Service Award, and was an Orange Law Scholarship recipient. She earned her bachelor's degree in Psychology from Virginia Tech.

While in law school, she focused her studies on estate planning and administration, and federal tax law, graduating with an Estate Planning certificate.

NEWSMAKERS & INFLUENCERS

Hiscock Legal Aid Society Names New Director

The Board of Directors of the Hiscock Legal Aid Society this fall appointed Gregory W. Dewan, Esq. as the next Executive Director of the organization.

Dewan succeeds current Executive Director Linda Gehron, who will retire at the beginning of 2022 following 40 years in the legal profession, including a decade of service to HLA, five as Executive Director.

“Linda departs an agency that is more multifaceted and agile than perhaps at any other point in its history,” said Conor Kirchner, Esq. Chair of the Board of Directors.

“Under her leadership, the organization successfully pivoted to a variety of remote work environments to continue serving the community through the COVID-19 public health crisis. To do this, Ms. Gehron worked closely with Deputy Executive Director Gregory Dewan. Together, they positioned HLA for success amid a rapidly changing landscape to continue promoting justice for all across Central New York.”

Dewan, a CNY native and graduate of the University of Richmond and Emory University School of Law, joined HLA as an intern in 2010. He was then hired and worked as a staff attorney, senior attorney, supervising attorney and managing attorney before becoming Deputy Executive Director in 2019.

“It has been an honor to lead the Hiscock Legal Aid Society,” Gehron said. “I leave this organization knowing that under Greg’s most capable leadership, it will continue doing what it has done so well since 1949: promoting justice for all.”

“I am humbled and excited by the opportunity to serve as the next Executive Director of the Hiscock Legal Aid Society,” said Dewan. “As a lifelong resident of Central New York, it is particularly rewarding to be leading an organization I believe in, alongside people I believe in, to fulfill a critical mission ensuring access to justice for all in our community.”

Gehron will retire January 31, 2022. Dewan assumes his new role February 1, 2022.



Gregory W. Dewan



Linda Gehron



HISCOCK LEGAL AID SOCIETY

PROMOTING JUSTICE FOR ALL SINCE 1949

NEWSMAKERS & INFLUENCERS

Hinman, Howard & Kattell Expand Albany Office

HH&K

Hinman, Howard & Kattell LLP
ATTORNEYS

Uniquely situated on the perimeter of Albany to serve clients beyond the Capital Region into the Adirondacks and the North Country to the Finger Lakes, the Southern Tier and Western New York and the Hudson Valley, the 120-year old law firm of Hinman, Howard & Kattell has expanded its footprint in the state.

Through the addition of attorneys and staff from the law firm of Martin, Shudt, Wallace, DiLorenzo and Johnson, HH&K's Albany office provides a larger range of services including general business and corporate real estate, estate planning and administration, guardianships and Medicaid planning, construction litigation, commercial litigation, mediation, and arbitration.

The firm also adds new partners to its expanded office in Robert Johnson, James Prout, and Jennifer Cusack. Their combined experience of more than 100 years among them bolsters HH&K's estate planning and administration practice area.

Additional hires include Kirby DiLorenzo, David Garvey, Peter Jones, and William Hessney, Jr.

MCV LAW BOASTS NEW ADDRESS



MCV Law has relocated their Syracuse office to 511 East Fayette Street.

The firm helps injured individuals with Workers' Compensation, Social Security Disability, and Personal Injury matters, as well as families needing wills, estate administration, and real estate representation.

The year-long renovation of the building has resulted in a space designed with a clients' needs in mind. At 511 East Fayette Street, clients will find ample free parking, automatic sliding front doors, and wheelchair-friendly ramps. With easy accessibility from the highways, MCV Law is looking forward to welcoming visitors to their new building.

The new Syracuse location joins MCV Law offices in Chittenango and Watertown in helping individuals throughout Central and Northern New York "Get Their Lives Back." For more information, please call (315) 471-1664 or visit mcvlaw.com.

BAR BOARDS

Family Seeks Last Will & Testament for Lillian B. Kent

The family of Lillian B. Ken seeks the attorney who composed her last Will & Testament. Ms. Kent was born on June 24, 1938 and died on September 8, 2021 and resided on Palmer Dr. Fayetteville, NY. She retired from US Airways where she was a reservation agent. She also worked for Gallagher Real Estate, Thompson Boat, and Sperry Rand Corp. She was an avid traveler and casino enthusiast. If you have information please contact: Natalie Durkee-Bradshaw, Paralegal to Ronald T. Walsh, Esq., THE WALSH LAW FIRM, P.C. at (607) 753-9641.

Did You Draw up Patrick John Dixon's Last Will & Testament?

Patrick John Dixon's kin hope you may know the attorney who drew up his last will and testament. Mr. Dixon passed away in June of 2021. He'd lived the last 50 years in Liverpool, NY and worked at Bristol Myers Squibb in East Syracuse. He was a proud member of the Knights of Columbus, was the twin brother of Robert Dixon and graduated from St. Lucy's High School. Sound familiar? Contact Carrie with info at (315) 579-2578.

Are you holding Attorney Joseph Siracusa's files? Do you know where they are?

Dorinda and Frank Capella, of Madison County, are searching for the attorney who may have taken over the files for attorney Joseph Siracusa upon his death. On May 18, 2000, Mr. Siracusa drafted the wills for Mr. and Mrs. Capella, respectively. If you have any information of where Mr. Siracusa's files may be please contact the Capellas at f.capella@verizon.net.

Not Too Proud to Toot our own Horn!

We at the bar association find something to marvel at most every day, whether that's how members prioritize getting involved in the community during a pandemic or how many people call us each day seeking the assistance of a lawyer.

You can trust us when we say the Lawyer Referral Service has heard nearly every kind of issue folks grapple with when it comes to seeking lawyerly advice.

Sometimes those calls go incredibly well, and well others...and sometimes we receive actual thank you letters in the mail such as this one from a kind Camillus resident: "I just wanted to thank you for taking the time with an old man. Your basic information proved very helpful...and the LRS was able to direct me to exactly the type of lawyer I was looking for. Please pass this thank you along to Director Maggie James, of the LRS, for her able assistance."



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.

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 1075, 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.



Three-Part CLE Series | Digital Evidence at Trial: Cellphone Forensics, Admissibility, and Ethical Duty

WHEN: Noon to 1 p.m.

Part 1 Mon. 01/10/22

Part 2 Wed. 02/09/22

Part 3 Thu. 03/10/22

HOW: via ZOOM

COST: \$50/Series • \$20/Course

MCLE: 1.0 per course (Skills/Ethics)

Register **NOW** at www.onbar.org



Part 1 | Cellphone Forensics: Applications in Discovery and Investigations

Cellphones represent one of the fastest-changing areas of legal practice. Mobile device evidence is more important than ever, thanks to the rapid evolution of the new technology and the way this evidence is treated by the courts. Touching on important recent cases and tech developments this presentation offers up-to-date guidance on the application of cellphone forensics in litigation, and investigations. (Skills)

Part 2 | Admissibility & Use of Digital Evidence at Trial

This CLE explores the Federal Rules of Evidence applicable to digital evidence. Attendees will learn about relevant case law and how to authenticate or challenge the admission of digital evidence effectively at trial and how to incorporate it into an overarching story or theory of a case. (Skills)

Part 3 | Ethical Duties & Electronically Stored Information

Topics covered include electronic discovery and the related ethical duty of competence. Drawing on guidance from recent e-discovery cases this presentation outlines the risks to counsel/client of failing to properly understand e-discovery obligations in litigation. (Ethics)



Presenter: Brian M. Chase, Esq. Director of Digital Forensics at ArcherHall. Mr. Chase is an expert witness, and an adjunct professor of law. Prior to his work with ArcherHall, he was the owner of Chase Technology Consulting, a legal technology firm providing digital forensics and e-discovery expertise. He has consulted with law firms across the country both in an IT and legal capacity, on their use of technology within the office, and has provided expert testimony in criminal and civil matters ranging from misdemeanors to murder to medical malpractice.

