

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

**George A. Mathewson
Robert "Tis" LeRoy Tisdell, Sr.**



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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, February 8	Noon to 1 p.m.	Diversity & Inclusion Committee Meeting
Wed, February 9	8 a.m.	Women in the Courts Taskforce Breakfast at the Bar at Salt City Market
Wed, February 9	Noon to 1 p.m.	CLE Series, Pt. 2 Digital Evidence @ Trial: Admissibility
Thu, February 17	5:30 p.m.	Women's Incarceration & Prison Reform CLE & Panel Discussion
Thu, March 3	Noon to 2 p.m.	CLE Ten Ethical Tips from Hollywood Movies
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 had a healthy and happy holiday season. We remain hopeful that 2022 will bring the end of COVID restrictions and the resumption of in-person bar activities. To that end, the OCBA is busy planning an exciting and informative 2022 for our members.

On February 17, 2022 at 5:30 pm, as part one of a multi-part series, the Bond Schoeneck & King Series on Race and Justice in Central New York is hosting a panel on Women's Incarceration & Prison Reform Priorities. This event is in-person at Slocum Auditorium at Syracuse University, and provides attorney attendees with one hour of Diversity & Inclusion CLE credit. I would like to thank our sponsors, Syracuse University, CNYWBA, and Bond Schoeneck & King, for supporting this important initiative. I encourage you all to attend! We look forward to a busy spring with many more programs in this series.

I am excited to report that the OCBA will host a reception honoring those judges that retired in 2020 and 2021 on Thursday, March 31, 2022. This event is currently scheduled to be in-person and will be held in the CNY Philanthropy Center ballroom. We are working on the details to celebrate and honor these judges' impressive careers and dedication to serving our legal community.

In partnership with the Central New York Women's Bar Association, the OCBA has continued to host our monthly "Breakfast at the Bar" at the Salt City Market downtown. This informal gathering is well-attended, and it is a great way to connect with your colleagues. If you have not yet attended, I encourage you to join us. Our next gathering is February 8th at 8:00 am. We hope to see you there.

Please mark your calendars for the OCBA Annual Dinner on Thursday, April 21 at the Syracuse Marriott Downtown. We are hopeful that pandemic conditions will allow us to hold this time-honored event in-person.

Finally, if you have not done so already, please renew your OCBA membership for the 2022-2023 year. Going forward, those members that have not renewed will no longer receive OCBA emails, Tuesday Tips, the Bar Reporter, and updates on any events and CLEs. You do not want to miss out!! As always, please reach out to the OCBA if you have any CLE ideas, are interested in hosting a CLE, or have content you would like to include in the next Bar Reporter!

Stay safe and healthy.

A handwritten signature in black ink, appearing to read "D. M. Fogel".

Past Presidents of the Onondaga County Bar Association

As we look forward to this new year, we thought you might enjoy the opportunity to look back at the 147-year history of your Onondaga County Bar Association at those members of our legal community who have led this organization as its President. How many of these names and colleagues do you recognize?

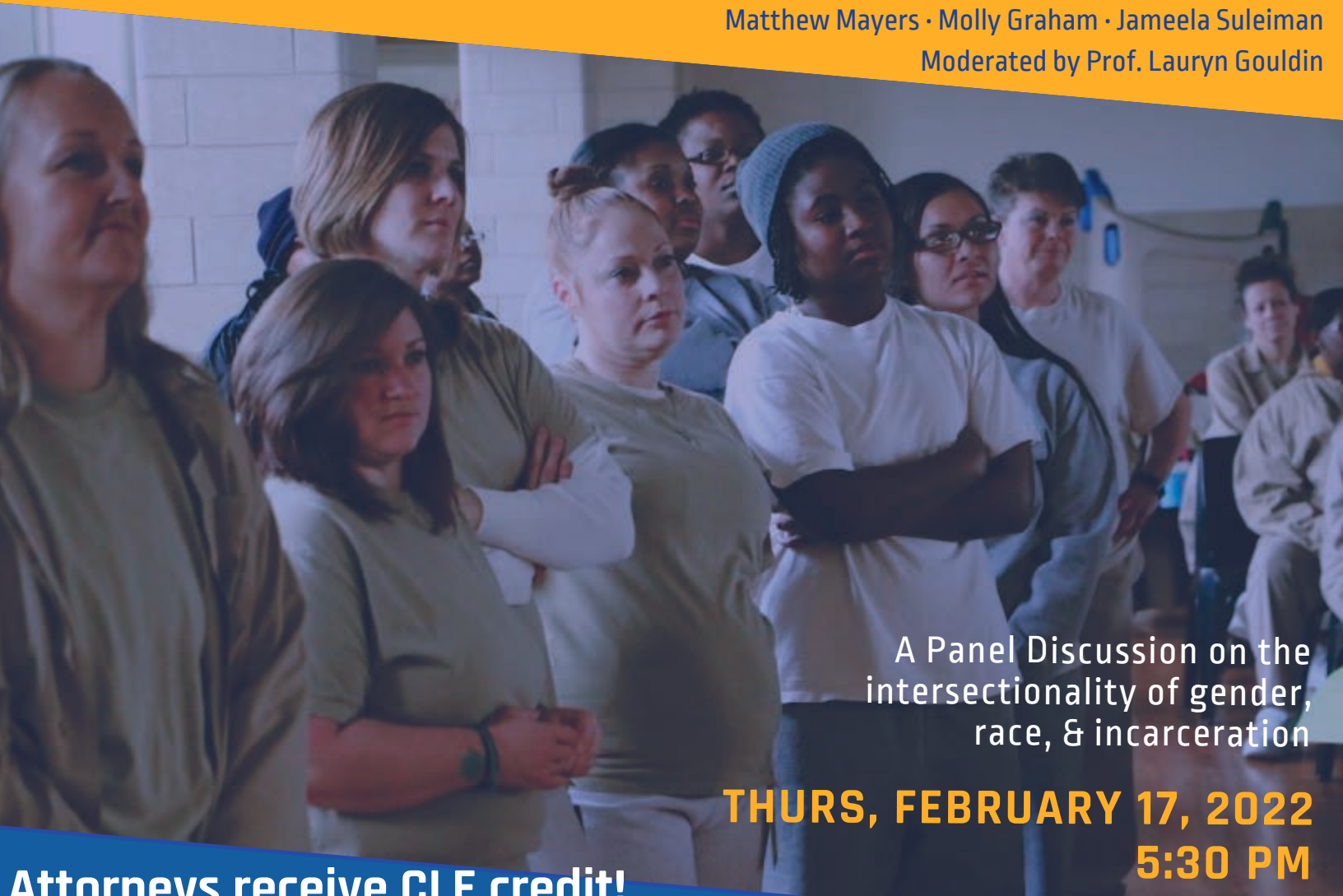
1875-1877 William C. Ruger	1954 William B. Mangin	2000 Walter P. Bowler
1878 Daniel Pratt	1955 Stuart F. Pomeroy	2001 Michael A. Klein
1879-1880 George N. Kennedy	1956 Laurence D. Wood	2002 Donald C. Doerr
1881 Irving G. Vann	1957 Albert Orenstein	2003 Joanne E. Michaels
1882 John C. Hunt	1958 John B. Tuck, Jr.	2004 George P. Alessio
1883-1884 Henry Riegel	1959 Hubert C. Stratton	2005 Thomas E. Myers
1885-1890 Henry Riegel	1960 George B. Peluso	2006 Ellen S. Weinstein
1891-1902 William P. Goodelle	1961 Egbert L. Wildman, Jr.	2007 David M. Pellow
1903-1909 Theodore E. Hancock	1962 Walter T. Gieselman	2008 Stuart J. LaRose
1910-1911 William Nottingham	1963 A. Van W. Hancock	2009 Neil M. Gingold
1912-1913 Jerome L. Cheney	1964 G. Everett DeMore	2010 Marion Hancock Fish
1914-1915 George W. O'Brien	1965 Neal P. McCurn	2011 Gioia A. Gensini
1916-1917 David F. Costello	1966 N. Harold Dwyer	2012 Mary John
1918-1919 Frank B. Hodge	1967 Louis Young	2013 Nancy L. Pontius
1920 David A. Pierce	1968 David A. Fraser	2014 Nicholas J. DeMartino
1921 Louis L. Waters	1969 James Sullivan	*2015-2016 Jean Marie Westlake
1922-1923 William Mackenzie	1970 Saul H. Alderman	2016-2017 James A. Williams
1924-1925 H. Duane Bruce	1971 Hilbert I. Greene	2017-2018 Hon. James P. Murphy
1926 Alexander H. Cowie	1972 Robert W. Dettor	2018-2019 John T. McCann
1927 Neal Brewster	1973 Thomas H. Dyer	2019-2020 Aaron J. Ryder
1928 Harold N. Van Bergen	1974 Taylor H. Obold	2020-2021 Paula Mallory Engel
1929 Edmund H. Lewis	1975 Raymond W. Hackbarth	2021-2022 Hon. Danielle M. Fogel
1930 Frank H. Hiscock	1976 Alan J. Goldberg	
1931 John F. Nash	1977 John J. Dee	
1932 Horace M. Stone	1978 Sidney Devorsetz	
1933 Willis H. Michell	1979 Philip J. Britt	
1934 Crandall Melvin, Sr.	1980 William E. Sugnet	
1935 Lewis C. Ryan	1981 Raymond J. de Silva, Jr.	
1936 L. Earl Higbee	1982 James F. Dwyer	
1937 Clifford H. Searl	1983 John E. Schaffer	
1938 Francis D. McCurn	1984 Carl W. Peterson, Jr.	
1939 Benjamin E. Shove	1985 Thomas V. Dadey	
1940 George R. Fearon	1986 Dennis R. Baldwin	
1941 Keith F. Driscoll	1987 M. Catherine Richardson	
1942 Truman H. Preston	1988 Howard J. Woronov	
1943 Caleb Candee Brown, Jr.	1989 M. Mark Grobosky	
1944 Myron S. Melvin	1990 George H. Lowe	
1945 John H. Bachman	1991 Robert A. Small	
1946 Edward T. Schoeneck	1992 Kevin M. Reilly	
1947 John H. Hughes	1993 George S. Deptula	
1948 Irving J. Higbee	1994 William F. Dowling	
1949 Stewart F. Hancock, Sr.	1995 Marc Waldauer	
1950 Paul R. Shanahan	1996 Harlan B. Gingold	
1951 William F. Fitzpatrick	1997 Joseph L. Lucchesi	
1952 Gordon H. Mahley	1998 David M. Hayes	
1953 Richard Aronson	1999 Ralph E. Coleman	

*Note: In 2016, OCBA changed its program year to June 1st – May 31st.

The Bond Schoeneck & King Series on
Race & Justice in Central New York

WOMEN'S INCARCERATION & PRISON REFORM PRIORITIES

Colleen Gibbons, JD, PhD · Prof. Paula Johnson, Esq. · Nilieka Brown
Matthew Mayers · Molly Graham · Jameela Suleiman
Moderated by Prof. Lauryn Gouldin



A Panel Discussion on the
intersectionality of gender,
race, & incarceration

THURS, FEBRUARY 17, 2022
5:30 PM

SLOCUM AUDITORIUM
214 SLOCUM HALL
ON THE SU CAMPUS
(PARK IN COLLEGE PLACE LOT)

All attendees must follow masking protocols.
This event is free & open to the public.

CART Services provided.

Attorneys receive CLE credit!

Join us for a networking reception at the Shaffer Art
Building immediately following this event.
Enjoy a drink, meet a new friend, and tour the
Per(Sister) Exhibition!



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Art Museum Women's Bar Association

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Mentors Needed

By Anthony J. Gigliotti
Chair, OCBA Professional Development Committee

What separates us from monkeys, or dolphins, or elephants?

Fur, flippers, and ivory tusks would only be partial answers. More significant is our ability to convey knowledge to others by language and example. Well into the 20th century the sole means by which we have conveyed the knowledge necessary to practice law has been from mentor to apprentice. Although law schools and CLEs have largely supplanted the role of mentors, we continue to benefit from wisdom passed on to us from more experienced colleagues. As the practice of law becomes more impersonal there are far fewer opportunities to learn from the example of others.

In recognition of the benefits to be gained from mentorships, the OCBA formed the Professional Development Committee to oversee a Mentorship Program. The Committee consists of experienced lawyers willing to serve as mentors for recently admitted attorneys and others who are experiencing difficulties maintaining a viable practice. Eligibility requires mentee-applicants to be licensed attorneys who are also members in good standing of the OCBA. HOW CAN YOU HELP?

You can contribute by joining the ranks of lawyers on our committee, working or retired, who are willing to share with mentees “what’s worked for me.” Please email your willingness to serve as a mentor to me at: anthnygig@gmail.com.



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, February 8, 2022
8:00 A.M.

Salt City Coffee and Bar
Salt City Market, 484 S. Salina Street



**MASKED
&
MARVELOUS**

Here's a quick pic of the December Breakfast at the Bar meet up. There are plenty of smiles behind those masks because it's fun to network *before* work. Join us at the next one on February 8th!

THE PRACTICE PAGE

ENFORCING FOREIGN JUDGMENTS

HON. MARK C. DILLON

Money judgments rendered by foreign countries may become relevant to collection efforts in New York. To be enforceable, there must be a “domestication” of the foreign judgment under the procedures defined by the Uniform Foreign Country Money-Judgments Recognition Act. The Uniform Act is embodied in CPLR Article 53.

Some foreign money judgments will be cognizable and enforceable here under the Uniform Act, and others not. There is essentially a two-tiered analysis that needs to be examined for enforcing foreign country judgments. One tier is whether the judgment is subject to mandatory non-recognition, and the other is whether there is a discretionary reason for its non-recognition. Both hurdles must be satisfied for the foreign money judgment to be enforceable in New York.

The “mandatory” grounds for non-recognition are defined in CPLR 5304, and there are two that are separate and unrelated from one another. A foreign judgment is not conclusive in New York if it is rendered by a judicial system which does not provide tribunals or procedures compatible with the requirements of due process (CPLR 5304[a] [1]). Throughout the world, there are countries which New York has recognized as meeting our expectations of due process (e.g. *Deslauriers & Co., Attorneys S.A. v Joel*, 64 Misc.3d 1234[A] [Quebec judgment enforceable]) and other countries which do not meet those expectations (e.g. *Bank Melli Iran Pahlavi*, 58 F.3d 1406, cert. den., 516 U.S. 989 [Iranian judgment against former Shah of Iran]). It makes sense that foreign judgments comport with due process to be “worthy” of enforcement here.

The other instance a foreign judgment is not enforceable here is when personal jurisdiction was never obtained over the defendant in the foreign country (CPLR 5304[a] [2]; see generally *CIBC Mellon Trust Co. v Mora Hotel Corp., N.V.*, 296 AD2d 81). That rule operates across the board, where all judgments, including those rendered from New York, are void if personal jurisdiction was never obtained over the defendant in the first instance. CPLR 5305 sets forth bases on which the New York courts are to determine whether the foreign court had obtained personal jurisdiction over the defendant, and practitioners are warned that the statute’s considerations are different from the standard service of process rules seen in CPLR 302 and 308.

Assuming that there is no mandatory reason for refusing to enforce a foreign country judgment, our courts retain jurisdiction to not recognize them for other reasons which are discretionary. Those grab bag reasons include 1) the foreign country’s lack of subject matter jurisdiction, 2) the defendant in the foreign court lacked timely notice of the foreign proceedings sufficient for defending itself, 3) the foreign judgment was obtained by fraud, 4) the cause of action underlying the judgment is repugnant to New York public policy, 5) the judgment conflicts with another final judgment rendered elsewhere, 6) the foreign proceeding violated an agreement between the parties to resolve the matter in other ways, 7) the forum was “seriously inconvenient,” 8) and in the case of defamation, the foreign court’s law did not provide as much protection for free speech and free press as provided by the U.S. and New York constitutions

Continued from previous page

(CPLR 5304[a] [2]; see generally AlbaniaBEG Ambient Sh.p.k. v Enel S.p.A., 160 AD3d 93). notwithstanding what was taught in 4th grade math.

As between the “mandatory” and “discretionary” grounds for rejecting foreign money judgments, the plaintiff seeking to enforce the foreign country’s judgment bears the initial prima facie burden of establishing that the mandatory grounds for non-recognition are not applicable (Wimmer Can v Abele Tractor & Equip. Co., 299 AD2d 47, lv. den., 99 NY2d 507). Thus, the foreign country judgment is not cognizable in New York unless the proponent hurdles the mandatory concerns of CPLR 5304(a)(1). If that burden is met, the defendant opposing the domestication of the foreign judgment then bears the shifted burden of proving one of the discretionary grounds of CPLR 5304(a)(2) for the non-recognition of the foreign money judgment (Byblos Bank Europe, S.A. v Sekerbank Turk Anonym Srketi, 40 AD3d 497). Doing so is dependent upon the unique facts and circumstances of the foreign litigation, which necessarily vary from case to case. If the opposing party fails to establish any discretionary ground for the non-recognition, the foreign money judgment is subject to enforcement in New York.



** 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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Linda Gehron Moves On. Her Passion Remains.

by Carrie Chantler, Editor

A 40-year legal career can sneak up on you.

For Linda Gehron, whose background handling Criminal and Family Court cases primed her for one of the most significant work experiences of her life, retirement won't come easy.

In fact, she doesn't truly plan to fully let go.

"Because I still feel like I'm in my early 20s with so much more to do," she said.

She'll spend more time with her husband, children, grandkids and family in New Jersey, certainly, "especially after COVID has kept us apart for so long."

But, she otherwise expects to continue her family and criminal defense practice part time.

As of January 31st, she leaves the helm of the Hiscock Legal Aid Society, after first joining its Family Court Program in 2012 then serving as Executive Director since 2017, in the capable hands of Gregory W. Dewan, Esq.

"I'm ready to turn over this kind of work to the next generation of leaders," she said.



Dewan, who began at HLA as an intern in 2010, worked his way up through the ranks eventually being named a Senior, Supervising, and Managing Attorney before becoming Deputy Executive Director in 2019.

He notes the transition of power has been a smooth process in the months leading up to Gehron's departure.

"Linda has exposed me to almost all elements of managing the agency, from financing and community outreach to grant management to personnel," he said. "I have been fortunate to learn from her."

March 2020

Gehron's plan for her HLA colleagues at the COVID pandemic's onset was to make sure their clients had as little disruption of service as possible.

A small, but capable IT Department established Cloud-based case management and security systems. Every employee had a laptop and a printer at home and ready access to shared work files. And after the front desk phone was forwarded to a cellphone it was business as usual.

"We had a lot of very talented staff and management that already knew how to do that stuff," Gehron said.

HLA attorneys barely skipped a beat, but the courts were halted. Delays in Family Court created particular frustration and anguish for those in the midst of custody and visitation proceedings. And the eviction moratorium heightened the overall uncertainty of many.

"There was a lot more despair and panic about what's happening with their family members," she said of their clients.

Since March 2020, HLA has served more than 14,202 people and handled 10,444 cases.

"You wish you had twice as many attorneys to meet the need that exists," said Gehron.

Despair, panic, and anguish are hardly places anyone would choose to truck. But Gehron has spent her entire career representing people least prepared for life's incertitude.

As an Assigned Counsel Program attorney she handled criminal appeals and parole matters as she also developed a private practice handling divorces.

"I have 30 years at ACP," she said. "I'm proud of those roots and I have a great affinity for that work."

Continued on the following page



HISCOCK LEGAL AID SOCIETY

PROMOTING JUSTICE FOR ALL SINCE 1949

While courts are backlogged and remote appearances are a reality, Gehron and her 70-person team (40 lawyers, 30 staffers) have adapted to all COVID safety protocols assuring their clients have safe and ready access to justice.

An alphabet soup of funding

Since assuming HLA's leadership in 2017, following then-President Susan Horn's retirement, Gehron and her team increased overall grant funding from \$5.2 million to \$7.2 million in 2021.

"I think that you never can appreciate the magnitude of the position until you're in it," said Gehron.

"The part you don't fully know is what it feels like to always keep funding sources strong and collecting data to show that we deliver on that funding. That's a challenge all legal aid services and organizations face across the state."

She credits her diverse and multi-talented team for manifesting the \$2 million bump.

"We went from a two-attorney immigration effort to a full immigration program," she said. "And the Criminal Appeals Program and the Parole Program were both strengthened."

Efforts now, she said, are to seek more grant monies to bolster the Family Court Program with an eye to pay HLA lawyers a competitive wage.

"We're all lobbying the governor and the legislature to recognize that Family Court representation deserves the same level of funding as Criminal Court representations," she said. "This needs attention from our state leaders to take care of this."

Gehron's expertise has most recently been heartedly applied to the Family Court Program, where her HLA journey began in 2012. She started as a Senior Attorney and within a few months became that program's Supervising Attorney.

Even before joining the team, she admired the camaraderie she'd observed. She happily found, once hired, brainstorming and strategy sessions required everyone to maximize their law degrees to the fullest.

"I saw what that team of Family Court lawyers were doing and it felt like I wanted to be a part of that," she said. "And work with the same sense of calling."

Then the program had only eight attorneys and five support staff covering the entire Family Court contract for Onondaga for parent representation. Even so, "it was welcoming, and I just felt like I was home.

"I don't know what took me so long. It felt great."

Mentoring

Amanda McHenry joined HLA in 2015. Being a new attorney in town, McHenry felt "quite green" but was immediately drawn to Gehron's gentle mentoring

"Linda has such a breadth of knowledge in so many areas. A lot of us didn't have the criminal law background, and she was an Attorney for the Child, which meant she had a really good perspective based on the roles she'd served prior to coming to HLAS," McHenry said. "She gave very helpful feedback and was never shy about making you feel happy and proud of the work we could do."

Director of Development and Communications Jason Torreano experienced firsthand Gehron's generous management style. He was able to continue his charitable educational work in South Africa while attending to HLA external messaging and donor communication duties from abroad.

"I continued to work for the agency as I would in Syracuse while in Liberia, South Africa, Rwanda, Kenya, and Thailand," Torreano said. "Linda supported me in this and I am extremely grateful for that."



Gehron and 50-year veteran HLA staffer and former COO Joanne P. Sawmiller enjoy a moment together at an HLA fundraiser. "She ushered me into the organization and helped me to bring in our new management team before she retired in 2017," Gehron said.

We are but stewards in life. And Gehron has, like the many HLA leaders since the agency's 1949 inception, increased the bottom line, looked after her lawyer employees, maintained a safe and congenial workplace, mentored colleagues, saw to it her support staff was prepared, and took care to promote justice for all.

"I learned more in this five years leading this legal aid agency about myself and the practice of law than I learned in my entire career," she said.

"And I'm so grateful for that because it makes me feel that for however long I have to continue doing this work that I'm going to be at my very best as a lawyer, a professional, a daughter, a mother, a wife. This work has made me feel like I am at my very best."



Gehron gives the HLAS Justice for All Award to the Hon. Langston McKinney.



Earnestine Williams, Gehron, and HLAS Board Chair (2017-20) Virginia Hoveman.



A pre-COVID group shot of HLAS lawyers, administrators, paralegals and support staff on the Onondaga County Courthouse steps.



**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.



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).**

We need your help!
Take this course. Be an arbitrator
for the OCBA Part 137 Program!!

SAVE THE DATE

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

FACULTY (IN FORMATION)

100% Live on Zoom
ONLINE Webinar
Platform

7.5 NY CLE Credits
Breakdown TBA

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*
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Lewis Tesser, *Tesser, Ryan & Rochman, LLP*
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Jeffrey T. Zaino, *Vice President, Commercial Division, American Arbitration Association*

REGISTRATION OPENS JANUARY 12TH AT:

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



MEMORANDUM

To: All Interested Persons

From: Eileen D. Millett

Re: Request for Public Comment on Proposal to Amend the Mandatory Continuing Legal Education (CLE) Rules to Include a New Category of Credit – Cybersecurity, Privacy, and Data Protection

Date: December 15, 2021

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The Continuing Legal Education Board of the Unified Court System is seeking public comment on a proposed amendment to the mandatory continuing legal education (CLE) rules (22 NYCRR §1500) that would require newly admitted and experienced attorneys to complete one CLE credit in a new category - Cybersecurity, Privacy, and Data Protection (“cybersecurity”) (Ex. A – Proposed rule change). This cybersecurity category is divided into two sections: ethics and general. Ethics topics would include ethical obligations and professional responsibilities relating to the protection of electronic data and communication. General topics would include technological aspects of protecting client and law office electronic data and communication, and applicable laws relating to cybersecurity, privacy, and data protection. This credit would be included within, and would not add to, the current credit requirement in the attorney’s biennial reporting cycle. (See 22 NYCRR §1500.12[a] and 22 NYCRR §1500.22[a]).

Communication and data are being delivered more often by electronic means, and threats to that information are becoming more sophisticated and frequent. This training would cover, among other topics: cyber threats, cyber attacks, data breaches, the importance of securing and protecting electronic data and communication, appropriate cybersecurity and privacy policies and protocols, and compliance with professional and ethical obligations to protect confidential client and law firm data. Although some states have a general technology CLE requirement, it is believed that New York would be the first state to have a cybersecurity CLE requirement.

The newly admitted attorney requirement would remain at 32 credits but would include at least one credit in cybersecurity ethics that would replace one credit in ethics and professionalism. Newly admitted attorneys may earn up to one additional credit in cybersecurity

ethics that can be applied to their ethics and professionalism requirement. The experienced attorney requirement would remain at 24 credits but would include at least one credit in either cybersecurity ethics or cybersecurity general. Experienced attorneys may apply up to three cybersecurity ethics credits towards their ethics and professionalism requirement. (Ex. A)

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Persons wishing to comment on the proposal should e-mail their submissions to rulecomments@nycourts.gov or write to: Eileen D. Millett, Esq., Counsel, Office of Court Administration, 25 Beaver Street, 11th Fl., New York, New York, 10004. Comments must be received no later than February 15, 2022.

All public comments will be treated as available for disclosure under the Freedom of Information Law and are subject to publication by the Office of Court Administration. Issuance of a proposal for public comment should not be interpreted as an endorsement of that proposal by the Unified Court System or the Office of Court Administration.

EXHIBIT A

Proposed Amendments of 22 NYCRR sections 1500.12 and 1500.22

Subpart B. Mandatory Continuing Legal Education for Newly Admitted Attorneys

§1500.12 Minimum Requirements

(a) Credit Hours.

Each newly admitted attorney shall complete a minimum of 32 credit hours of accredited transitional education within the first two (2) years of the date of admission to the Bar. Sixteen (16) accredited hours shall be completed in each of the first two (2) years of admission to the Bar. ~~as follows:~~

- ~~- Three (3) hours of ethics and professionalism;~~
- ~~- Six (6) hours of skills; and _____~~
- ~~- Seven (7) hours of law practice management and areas of professional practice~~

In each year, a newly admitted attorney must complete: seven (7) hours of law practice management, areas of professional practice, and/or cybersecurity, privacy and data protection general; six (6) hours of skills; three (3) hours of ethics and professionalism; and, in either the first or second year of admission to the Bar, each newly admitted attorney must complete one (1) hour of cybersecurity, privacy and data protection ethics that does not add to the sixteen (16) total credits for the year but replaces one (1) hour of ethics and professionalism that year.

In either the first or second year of admission to the Bar, a newly admitted attorney may earn up to one (1) additional hour of cybersecurity, privacy and data protection ethics that can be applied to the ethics and professionalism requirement in that year.

Ethics and professionalism, skills, law practice management, ~~and~~ areas of professional practice, and cybersecurity, privacy and data protection are defined in §1500.2.*~~The~~

~~ethics and professionalism and skills components may be intertwined with other courses.~~

(b) Carry-Over Credit.

Except as provided in section 1500.13(b)(2), a newly admitted attorney who accumulates more than the 16 hours of credit required in the first year of admission to the Bar may carry over to the second year of admission to the Bar a maximum of eight (8) credits. Six (6) credits in excess of the 16-hour requirement in the second year of admission to the Bar may be carried over to the following biennial reporting cycle to fulfill the requirements of Subpart C. Credit in Eethics and professionalism and cybersecurity, privacy and data protection ethics credit may not be carried over.

Subpart C. Mandatory Continuing Legal Education for Attorneys Other Than Newly Admitted Attorneys

§1500.22 Minimum Requirements

(a) Credit Hours.

Each attorney shall complete a minimum of 24 credit hours of accredited continuing legal education each biennial reporting cycle in ethics and professionalism, skills, law practice management, areas of professional practice, ~~or diversity, inclusion and elimination of bias, or cybersecurity, privacy and data protection,~~ at least four (4) credit hours of which shall be in ethics and professionalism, ~~and at least one (1) credit hour of which shall be in diversity, inclusion and elimination of bias, and at least one (1) credit hour of which shall be in cybersecurity, privacy and data protection (ethics and/or general).~~

~~Attorneys may apply up to three (3) hours of cybersecurity, privacy and data protection ethics to the four-credit ethics and professionalism requirement.~~

Ethics and professionalism, skills, law practice management, areas of professional practice, ~~and diversity, inclusion and elimination of bias, and cybersecurity, privacy and data protection~~ are defined in §1500.2.* ~~The ethics and professionalism and diversity, inclusion and elimination of bias components may be intertwined with other courses.~~

* Section 1500.2 will be revised to include a definition of cybersecurity, privacy and data protection (ethics and general).

NEWSMAKERS & INFLUENCERS

Barclay Damon Launches Podcasts

Maximizing time is a priority. Daily commutes and time on the Peloton offer two occasions to get more done in a day. So don some headphones or ear buds and listen and learn while you drive and burn.

Two podcasts recently launched under the *Barclay Damon Live* umbrella offer listeners practical tips and important updates regarding ever-evolving state and federal laws.

In *Cyber Sip*, Kevin Szczepanski, the firm's co-leader of its Cybersecurity Team hosts biweekly episodes covering hot topics such as: Data breach responses and ransomware attacks, regulatory investigations, privacy litigation, cyber insurance, and cyber risk management.

"My passion for cybersecurity is what drove my desire to have Barclay Damon start this podcast," Szczepanski said. "When I first started out in the industry, I found the barriers to entry to be formidable. I wanted to change that for others, and *Cyber Sip* seemed like the perfect way to share what we know and help others bridge the gap."

Ari Kwiatkowski hosts the Labor & Employment Podcast. In weekly episodes, she discusses timely topics related to workplace labor and employment issues. Covered topics include: Responding to extraordinary workplace situations, state and federal anti-discrimination and harassment law compliance, handling wage and hour and misclassification audits, employee onboarding/offboarding and discipline, workplace policy development, and managing a unionized workforce.

"I'm excited to be the host of the Labor & Employment Podcast," said Kwiatkowski. "As we've navigated this landscape -- especially during the ongoing COVID-19 pandemic -- we've learned a lot and want to pass our knowledge on to the professionals who need it most. Our concise yet comprehensive delivery is ideal for listeners who need information quickly."

These podcasts are available on Barclay Damon's website, YouTube, LinkedIn, Apple Podcasts, Spotify, and Google Podcasts.



Kevin Szczepanski



Ari Kwiatkowski



NEWSMAKERS & INFLUENCERS

Barclay Damon Pro Bono Program Clocks 2,500 Hours



Corey Auerbach

In 2021, for the fifth year in a row, every one of Barclay Damon's fulltime attorneys provided pro bono legal services to low income individuals in need of legal assistance and organizations serving those seeking access to justice. And new last year is the firm's accomplishment of its pro bono program achieved participation by all fulltime paralegals.

"As a firm, Barclay Damon is deeply committed to our core values, which include providing exceptional pro bono service in our communities. Now to have 100 percent of our talented paralegal corps join our attorneys to serve our pro bono clients is humbling and fills us with pride," said Corey Auerbach, the firm's outgoing pro bono partner. "We are determined to continue this level of service to ensure our pro bono clients receive the deserved benefits of our representation."



Jen Leonardi

Through its multi-award winning pro bono program, Barclay Damon dedicated more than 2,500 hours of time valued at more than \$800,000 to pro bono efforts in 2021, with attorneys actively participating in firm-sponsored family court clinics, litigating civil rights violations, drafting wills for veterans, assisting with clemency applications, and providing online legal aid through initiatives such as the American Bar Association's Free Legal Answers program. The firm's investment in communities across its office platform supported legal matters involving many of today's critical issues, including immigration, housing, women's rights, prisoners' rights, community building, and economic development, among others.

Jen Leonardi, the firm's new pro bono partner as of January 1, added, "I echo what Corey said: We couldn't be more proud of each and every one of our coworkers, who have all dedicated their time and talents to helping others in the community. I'm so appreciative that Corey led the charge to ensure this across-the-board participation and look forward to the challenge of helping all of us continue this degree of service."

Whitaker Joins Barclay Damon Real Estate, Lending Practices

Michael Whitaker joins Barclay Damon's Syracuse office as an associate in the Real Estate and Financial Institutions & Lending practice areas.

Whitaker was previously a law clerk with Chief Judge Glenn T. Suddaby in the U.S. District Court for the Northern District of New York. And he also was an associate with a law firm in Cortland where he concentrated primarily on landlord-tenant law and real estate transactions.

He is a graduate of the Syracuse University College of Law and has both an undergraduate and a graduate degree from the State University of New York at Oswego.



Michael Whitaker

NEWSMAKERS & INFLUENCERS

MCV Law Promotes Two to Partner

MCV Law announces attorneys Bethany Nicoletti and Christopher Stringham have been elected as partners of the firm.

Mr. Stringham has been an attorney with MCV Law since 2010. A graduate of Western New England College School of Law, he manages the Workers' Compensation practice at MCV Law. Mr. Stringham also serves as Secretary of The Injured Workers Bar Association of New York and is a member of the Syracuse Occupational Health Clinic Advisory Board.



Christopher Stringham

Ms. Nicoletti, a graduate of Ithaca College and of University at Buffalo Law School, has been with the firm since 2012 and is a member of the Injured Workers' Bar Association. She previously served as co-manager of the Workers' Compensation team and is now leading the Personal Injury team.

Ms. Nicoletti and Mr. Stringham join William Crossett, Gary Valerino and Kimberly Slimbaugh as partners of MCV Law.



Bethany Nicoletti

Westfall Law Adds Associate Attorney

Devon Conroy joins Westfall Law as an associate attorney and brings with him experience in the areas of premises liability, motor vehicle accidents, labor law, construction site accidents, medical and professional malpractice, contract disputes and Workers' Compensation defense.

Originally from Alaska, Conroy grew up working construction and in the commercial salmon fishing industry. He graduated from Syracuse University College of Law where he was a member of the National Trial Team. At the same time, he was a cadet with the university's Air Force ROTC detachment. Following law school, he was commissioned in the United States Air Force as a Judge Advocate, where his responsibilities included the prosecution and defense of felony and misdemeanor level courts-martial and the practice of contract, fiscal, and operational law with the United States and NATO forces in Afghanistan.



Devon Conroy

Prior to joining Westfall Law, Conroy worked in private practice at a defense litigation firm in Syracuse, where he gained experience in civil litigation at the state and federal level. He continues his military service, post-active duty, and is currently a Captain in the New York Air National Guard. He lives in on a farm in Parish, with his famil.

NEWSMAKERS & INFLUENCERS

Bousquet Holstein PLLC Elects New Members



Gregg D. Eriksen



Anna Putintseva



Bill Krupke

Bousquet Holstein PLLC elected new members to the firm in Gregg D. Eriksen and Anna Putintseva

Putintseva joined the firm in 2016 and is part of the Business, Corporate Transactions, and Immigration Practice Groups. With expertise in mergers and acquisitions, corporate governance matters, commercial transactions, and business immigration, she provides representation to business and individual clients on a broad range of legal issues.

Prior to joining Bousquet Holstein, Putintseva practiced law for more than a decade at the Kyiv office of an international law firm where she advised multinational and Ukrainian companies on cross-border mergers and acquisitions, joint ventures, and various business transactions, enabling her to assist clients with their cross-border matters. She received her Master of Laws' degree from the University of Washington School of Law and an International Law and International Relations' degree from the Kyiv International University, Ukraine. She serves on the Board of Directors of Symphoria and the Syracuse Poster Project and resides, with her family, in DeWitt.

Eriksen joined the firm in 2017 and is part of the firm's Litigation, Appellate, Wineries/Vineyards Law, and Government Relations Practice Groups. He is versed in contract disputes, employment matters, government investigations, and legal/medical malpractice defense. He has worked in a variety of settings, from State and Federal appellate matters to State administrative proceedings to Federal District Court, State Supreme Court, and various town courts. He is a *magna cum laude* graduate from Syracuse University College of Law and earned his Bachelor of Arts in Political Science, graduating *cum laude*, from Middlebury College. Eriksen and his family reside in Skaneateles, where he serves as a Trustee of the Village of Skaneateles.

Krupke is New Controller at Bousquet Holstein PLLC

CPA Bill Krupke starts 2022 off as the new Controller at Bousquet Holstein PLLC.

Krupke brings extensive financial experience to the firm having served as Controller for several Syracuse-based companies including Pass & Seymour/Legrand, American Food & Vending, and Lamson Corporation.

A Certified Public Accountant, Krupke graduated from LeMoyne College in 1985 with a Bachelor of Science degree in Accounting. Bill is a Central New York native and recently returned to the area from Florida where he worked as a Finance Consultant.

NEWSMAKERS & INFLUENCERS

Anna W. Richards Elected BOND Member



Anna W. Richards

Anna W. Richards has been elected to Bond, Schoeneck & King as a partner, effective January 1, 2022.

Richards advises clients at every stage of their transactions helping them meet their business objectives, while also mitigating risk.

She is experienced in commercial contracts, corporate governance matters, and ironing out issues that arise during day-to-day business operations. She represents clients across multiple industries in mergers and acquisitions and loan transactions.

She is a 2012 *summa cum laude* graduate of the Syracuse University College of Law and is a *magna cum laude* member of the Cornell University Class of 2009.

Izzo, Gillette Create New Firm

Fourteen years after first meeting as new colleagues in the law offices of Sidney Cominsky, Esq. Janet Izzo and Joshua Gillette have joined forces in their newly formed Gillette & Izzo Law Offices.

The two trial attorneys are focusing their practice on personal injury and medical malpractice cases. Assisting them is their professional paralegal and office staff.

Gillette & Izzo is located in Salina Place at 205 South Salina Street, Syracuse, NY 13202 and they may be reached at (315) 421-1000.



VALAC Donates Needed Supplies to Second Chance Canine Shelter

Car after car stopped in OCBA's parking lot December 17th during VALAC's Holiday Drive to say hello and drop off every kind of dog treat, food, toy, and helpful accessory any dog would need. These items were donated to Second Chance Canine Shelter. Learn more about this worthy non-profit organization [here](#). Pictured below are (l. to r.) Nodesia Hernandez, Carrie Chantler, and VALAC Director Nick DeMartino.





Division of Regional Affairs
Syracuse Regional Office
Assistant Attorney General
Reference No. SYR_AAG_3425

Application Deadline: February 25, 2022

The New York State Office of the Attorney General (OAG) is seeking an experienced litigator to work in its Syracuse Regional Office. The Regional Office represents the State, its agencies and officers in a wide range of federal and state court litigation, affirmative and defensive. The selected attorney will handle all phases of litigation from commencement through trial.

Applicants must have at least five (5) years of litigation experience. Trial experience is a must and personal injury experience is a plus. Familiarity with the Court of Claims and/or Not-For-Profit Law is also a plus. Superior writing, analytical and organizational skills are required. Some travel also will be required.

Applicants must reside in (or intend to soon become a resident of) New York State and be admitted to practice law in New York State. In addition, the Public Officers Law requires that attorneys in the OAG be citizens of the United States. A two (2) year commitment upon being hired is a condition of employment.

OAG employees serve more than 20 million state residents through a wide variety of occupations. We offer a comprehensive New York State benefits package, including paid leave, health, dental, vision and retirement benefits, and family-friendly policies. As an employee of the OAG, you will join a team of dedicated individuals who work to serve the people of our State.

Per Office of the Attorney General policy, confirmation of full vaccination status is a condition of employment for this position. If you are not fully vaccinated, you will be required to provide negative COVID-19 test results at a frequency determined by the agency. The agency will consider religious and reasonable accommodations. For more information, please contact recruitment@ag.ny.gov.

*Candidates from diverse backgrounds encouraged to apply.
The OAG is an equal opportunity employer and is committed to workplace diversity.*

HOW TO APPLY

Applications are being received online. To apply, click on the following link: [SYR AAG 3425](#)

Applicants must be prepared to submit a complete application consisting of the following:

- Cover Letter addressed to Legal Recruitment and please indicate why you're interested and qualified for this position
- Resume
- Writing Sample
- List of three (3) references. Please only submit professional references, supervisory references preferred. Indicate the nature and duration of your relationship to each reference. Include contact information and email addresses for each reference. Please note, your references will not be contacted until after you interview for the position.

If you have questions regarding a position with the OAG and the application process or you need assistance with submitting your application, please contact Legal Recruitment via email at recruitment@ag.ny.gov or phone at 212-416-8080.

For more information about the OAG, please visit our website: ag.ny.gov



Making Justice Accessible

THE LEGAL AID SOCIETY OF MID-NEW YORK, INC.

The Legal Aid Society of Mid-New York is actively seeking seven (7) full-time staff attorneys for our housing preservation field. The employment opportunities are available immediately in all office locations – Binghamton, Cooperstown, Oneonta, Oswego, Syracuse, Utica or Watertown. Travel will be required. Other practice areas include Family Law and Domestic Violence.

Candidates must be admitted to the NYS Bar or be able to gain admittance within a reasonable period of time (while utilizing NY's 18-month temporary admission rule). Law Graduates with strong writing backgrounds may be considered if pending admission to the NYS Bar. Bilingual or multilingual beneficial.

LASMNY offers a generous benefit package, effective as of date of hire. We encourage interested qualified applicants to apply by providing a cover letter, resume, writing sample and contact information, including email address, for (3) professional references to jobs@lasmny.org.

Visit us at www.lasmny.org.



Department of Human Resources & Civil Service

Job Announcement

Please Post Conspicuously

Adam J. Bello
County Executive

Andrea M. Guzzetta
Director

TITLE: DEPUTY COUNTY ATTORNEY

~~\$63,000~~ - \$83,000 annually (based on experience)

LOCATION: Monroe County Law Department (Child Support Enforcement Unit)

JOB SUMMARY:

The Monroe County Law Department is seeking a Family Court attorney in its Child Support Enforcement Unit. The position advocates for the Unit in Child Support Enforcement cases. The employee(s) works under the general supervision of the County Attorney and/or one or more senior level Deputy County Attorneys.

CHARACTERISTICS OF THE IDEAL CANDIDATE:

1. The attorney(s) shall be duly licensed to practice law in the State of New York.
2. The ideal candidate(s) will have experience handling family court matters involving child welfare and/or child support issues.
3. The attorneys(s) must have the ability to work with judges, lawyers, court administrators, and other individuals with the court system.

SPECIAL REQUIREMENTS:

Candidates for employment with Monroe County Government will be required to pass a pre-employment drug test, along with a background investigation. Failure to meet the standards may result in disqualification.

If you are appointed, you will be required to possess a valid license to operate a motor vehicle in New York State or otherwise demonstrate your capacity to meet the transportation needs of the position.

RESIDENCY REQUIREMENT:

Applicant must be a resident of Monroe County at the time of appointment.

SEND RESUME, COVER LETTER, WRITING SAMPLE AND REFERENCES TO:

John P. Bringewatt, County Attorney
Monroe County Law Department
Email: law@monroecounty.gov

Posting Date: December 3, 2021

Posting Deadline: Until Filled



Department of Human Resources & Civil Service

Job Announcement

Please Post Conspicuously

Adam J. Bello
County Executive

Andrea M. Guzzetta
Director

TITLE: DEPUTY COUNTY ATTORNEY

SALARY: \$72,482 - \$93,378 annually based on experience.

LOCATION: Monroe County Law Department (Children's Services Division)

JOB SUMMARY:

The Monroe County Law Department is seeking an attorney in its Children's Services Division. The position in the Children's Services Division provides legal representation for the Department of Human Services in all child welfare matters. The employee(s) works under the general supervision of the County Attorney and/or one or more senior level Deputy County Attorneys.

CHARACTERISTICS OF THE IDEAL CANDIDATE:

1. The attorney(s) must be duly licensed to practice law in the State of New York.
2. The ideal candidate(s) will have at least one to three (1-3) years of trial experience preferably handling family court matters involving child welfare issues.
3. The attorneys(s) must have the ability to work well with judges, lawyers, court administrators, and other individuals within the court system.
Ability to work with a team in a fast-paced, high volume environment.

SPECIAL REQUIREMENTS:

Candidates for employment with Monroe County Government will be required to pass a pre-employment drug test, along with a background investigation. Failure to meet the standards may result in disqualification.

If you are appointed, you will be required to possess a valid license to operate a motor vehicle in New York State or otherwise demonstrate your capacity to meet the transportation needs of the position.

RESIDENCY REQUIREMENT:

Applicant must be a resident of Monroe County at the time of appointment.

SEND RESUME, COVER LETTER, WRITING SAMPLE AND REFERENCES TO:

John P. Bringewatt, County Attorney
Monroe County Law Department
Email: law@monroecounty.gov

Posting Date: November 24, 2021 Posting Deadline: Until Filled



OSWEGO COUNTY PUBLIC DEFENDER

The Oswego County Public Defender's Office has an immediate opening for a Public Defender to provide representation for indigent persons in need of legal services within the County. The Public Defender will counsel and represent defendants at every stage of legal proceedings related to criminal and Family Court cases. This is a new position, so the Public Defender will be responsible for the initial development, and ongoing management and operation of the Public Defender's Office.

Qualifications: Graduation from an American Bar Association accredited law school, admission to the New York State Bar, and ten (10) years of experience, or its part-time equivalent, in the practice of criminal law and/or in Family Court, at least three (3) years of which shall have involved trial practice.

Special Requirements: The Public Defender shall hold no other public or political office, shall devote working full-time to the County and shall be a resident of the County of Oswego during the term of office.

Competitive salary and benefits provided commensurate with education and experience.

To Apply: Application review will begin immediately and continue until the position is filled. Please visit our website to complete an online application or submit a paper application to the address below. Please include a letter of interest and resume with your application.

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

County of Genesee

Office of the County Attorney

County Attorney

Deputy County Attorney
PAULA A. CAMPBELL, ESQ.

JAMES M. WUJCIK, ESQ.
Old Courthouse
7 Main Street
Batavia, NY 14020
(585) 344-2550 Ext. 2205
James.Wujcik@co.genesee.ny.us

Assistant County Attorneys
TINA M. KASPEREK, ESQ.
ELIZABETH A. BREWER, ESQ.
THOMAS F. TURTURO, ESQ.

CAREER OPPORTUNITY NOTICE COUNTY OF GENESEE ASSISTANT COUNTY ATTORNEY

This position is responsible for assisting the County Attorney in representing Genesee County and its constituent agencies with primary responsibility of representing the Genesee County Department of Social Services (DSS). The Office of the County Attorney provides a collaborative work environment with extensive peer support.

AVAILABILITY: January 17, 2022

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

Position is eligible for Public Service Loan Forgiveness Program (PSLF).

MINIMUM QUALIFICATIONS:

License to practice law in the State of New York. All experience levels encouraged to apply. County will provide training for exceptional candidates who lack relevant experience.

DUTIES INCLUDE THE FOLLOWING:

1. Assist the County Attorney and other Departments as assigned by the County Attorney,
2. Responsible for Petitioning Article 81 Guardianship matters, providing legal counsel to the Adult Services Unit including Adult Protective Matters.
3. Provide legal advice and consultation to DSS Personnel for matters relating to children's services, family services, adult services, paternity and financial assistance.
4. Prosecute and defend appeals as assigned.
5. Represent DSS in proceedings and actions involving child abuse, child neglect, child support, foster care and termination of parental rights.
6. Position provides extensive courtroom experience.

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.

BAR BOARDS

McClain Family Seeks Lost Wills -- Can You Help??

Lucille McClain is searching for the originals or copies of the Last Wills & Testaments of Ronald McClain and Lucille McClain. Mrs. McClain believes the Wills were executed in the late 70s or 80s. She is not sure who the attorney drafts person was but he or she may have been located in the Fayetteville area. If you have information please call Connie Mroczek of Taylor & Miller, LLP at (315) 697-2288.

A Lawyer Joke -- Because There's Room

The attorney tells the accused, "I have some good news and some bad news."

"What's the bad news?" asks the accused.

"The bad news is, your blood is all over the crime scene, and the DNA tests prove you did it."

"What's the good news?"

"Your cholesterol is 130."



Save the Date!

OCBA Annual Dinner

Thursday, April 21, 2022

Marriott Syracuse Downtown



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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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						
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24	25	26	27	28	29	30	28	29	30	31				25	26	27	28	29	30	
31																				

October							November							December						
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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																			

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.

Lawyer Assistance Program

Your FIRST Choice or Your LAST Resort



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.

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.

