

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

John P. DiLauro

Hannah R. Arterian



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The 1,200-member Onondaga County Bar Association was founded in 1875. Among its purposes are: to maintain the honor and dignity of the profession of law; to promote suitable reforms and necessary improvements in the law; to facilitate the administration of justice; and, to elevate the standards of integrity, professional competence, and courtesy in the legal profession.



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Upcoming Events

Mon, May 30	Memorial Day
Wed, June 8	145th Distinguished Lawyer Celebration 5 to 7 pm Persian Terrace, Syracuse Marriott Downtown
Wed, June 15	QPR Suicide Prevention Training provided by Contact Community Services
Thu, June 16	Paralegals Luncheon 3rd Floor Conference Room, OCBA Offices
Mon, June 20	Juneteenth Holiday
Wed, June 22	Women in the Courts Taskforce Meeting

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 Members,

This is my last message to you as President of the OCBA. It has been an honor and a privilege to serve our legal community as OCBA president for the last year. Though we were unable to gather in person as much as I would have hoped due to COVID restrictions, our recent and upcoming in-person gatherings give me hope for a return to normalcy.

One of my goals for my presidency was to increase our CLE offerings, and I am excited to report that we have successfully completed 47 CLE programs this year, almost half of which were in person. Our recent gathering to celebrate the retired judges in the Fifth Judicial District was a huge success. And our monthly Breakfast at the Bar gatherings with the CNYWBA have been a fantastic way for our members to network and socialize. I would also like to congratulate

attorney John P. Langan of Barclay Damon on his selection as this year's Distinguished Lawyer. I encourage you to attend the OCBA's 145th Distinguished Lawyer Celebration in his honor on June 8th at the Marriot Syracuse Downtown. It is sure to be an exciting event, and one more exciting opportunity to be in-person again.

I would be remiss if I did not comment on the absolutely horrifying and senseless acts of violence and the murders of innocent citizens and children across the country that we have seen in recent days. As attorneys, we are uniquely situated with the skills and knowledge to help respond to such atrocities. I can only hope that we can all reflect on these tragedies and be a catalyst for change and good in our communities.

In closing, I would like to thank you for allowing me to serve as President of the OCBA. I would like to congratulate Graham Spicer on his election to OCBA President, and I wish him all the best in assuming the OCBA presidential duties. I would also like to thank those members of the board whose terms expired for their service and welcome the new board members and officers. Looking forward to a great year!

Have a wonderful Memorial Day weekend and a great summer!

A handwritten signature in black ink, appearing to read 'DM Fogel', written in a cursive style.

Hon. Danielle M. Fogel

THANK YOU, & WELCOME, OCBA DIRECTORS!

TERMS ENDING MAY 31ST

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Jenna W. Klucsik
Samantha Millier
Hon. Ramon E. Rivera
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Immediate Past President Paula Engel
and Jean Marie Westlake
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NEW DIRECTORS JUNE 1ST (3-YEAR TERM)

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Hon. Derrek T. Thomas
and the Hon. James P. Murphy
(*NYSBA 5th J.D. Representative*)



Congratulations

to **John Langan**, Barclay Damon chair and former managing partner, on being honored with the 2022 Distinguished Lawyer Award at the Onondaga County Bar Association’s 145th Distinguished Lawyer Celebration.

John’s 20-year career as Barclay Damon’s managing partner included leading the firm through unprecedented growth, developing the firm’s award-winning pro bono program, and overseeing the creation of numerous diversity, equity, and inclusion initiatives. We’re grateful to have such a dedicated and accomplished leader.

Congratulations, John!

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The 145th
Distinguished Lawyer
Celebration
of the
Onondaga County
Bar Association



Honoring Our
2022 Distinguished Lawyer
John P. Langan, Esq.
Barclay Damon LLP

Wednesday, June 8, 2022
5 - 7 p.m.
The Persian Terrace
Syracuse Marriott Downtown
Cocktail Reception
\$60 pp

Register online at
www.onbar.org

We look forward to seeing you at this special occasion!

This year we'll enjoy this event in a relaxed cocktail party setting where you and your guests will enjoy an open bar, buffet dinner and sit where you like!

Make your reservation [HERE](#).

We're Having a Party!

The Onondaga County Bar Association is thrilled at the prospect of this in-person social event because it's simply been too long!

Earlier this month, OCBA President the Hon. Danielle M. Fogel announced the selection of the 2022 Distinguished Lawyer honoree as John P. Langan, Esq., Chair of Barclay Damon LLP.

OCBA will honor Langan at its 145th Distinguished Lawyer Celebration during a two-hour Networkig and Cocktail Reception that includes an open bar and hearty hors d'oeuvres with open seating, allowing guests to sit if and where they choose.

Wednesday, June 8, 2022 from 5 to 7 p.m.
Syracuse Marriott Downtown - Persian Terrace
100 E. Onondaga Street, Syracuse
Cost: \$60/pp

[**Buy Tickets Here**](#)

Mr. Langan's 29-year career at Barclay Damon is marked by his commitment to the extraordinary growth and success of the firm over several decades. As a practicing attorney, he has capitalized on his training in New York City and later leadership experience to serve a large roster of business clients in disputes involving corporate fraud and complex commercial disputes in both state and federal court.

As a lawyer in a four-generation family of lawyers, he started his career with a Wall Street firm doing project finance and transactional work, before moving to trial work at a second firm. After almost a decade in the city, he moved back to Syracuse and joined Barclay Damon (f/k/a Hiscock & Barclay).

During his 20-year tenure as Managing Partner (2001-21), the firm grew from 60 attorneys in three offices to nearly 300 attorneys in 9 offices. His work in attorney recruitment involved overseeing 11 separate firm-to-firm combinations ranging in size from 15 to 70 attorneys, along with recruiting and integrating more than a dozen large group deals.

All together, the transformative impact of the growth strategy created a seamless platform of offices in midsize and major-market cities across the northeastern U.S. and Toronto. Mr. Langan is most proud of the inclusive and integrated culture at the firm, as well as being part of a team that has made strong inroads in the areas of diversity, equity, inclusion, and gender equity.

Volunteerism is important to Mr. Langan and is apparent in the firm's culture. Every Barclay Damon attorney donates time each year to various pro bono services; starting last year, so do all paralegals. He donates his energies to the Volunteer Lawyers Project of Central New York, mentoring of diverse law students at Syracuse Law School, serving meals at the Syracuse City Rescue Mission, and various Colgate University Alumni mentoring initiatives.

Mr. Langan stepped down as Managing Partner in 2021 and he now serves as firm Chair, reporting directly to the Managing Partner, Connie Cahill. His focus is on the continued growth of the firm's major-market offices located in New York City, Boston, and New Haven CT.

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Littler Mendelson P.C. is seeking an attorney with a minimum of 2-5 years of labor and employment law experience to join the Rochester office. The candidate should possess excellent academic credentials and their experience should include significant litigation experience.

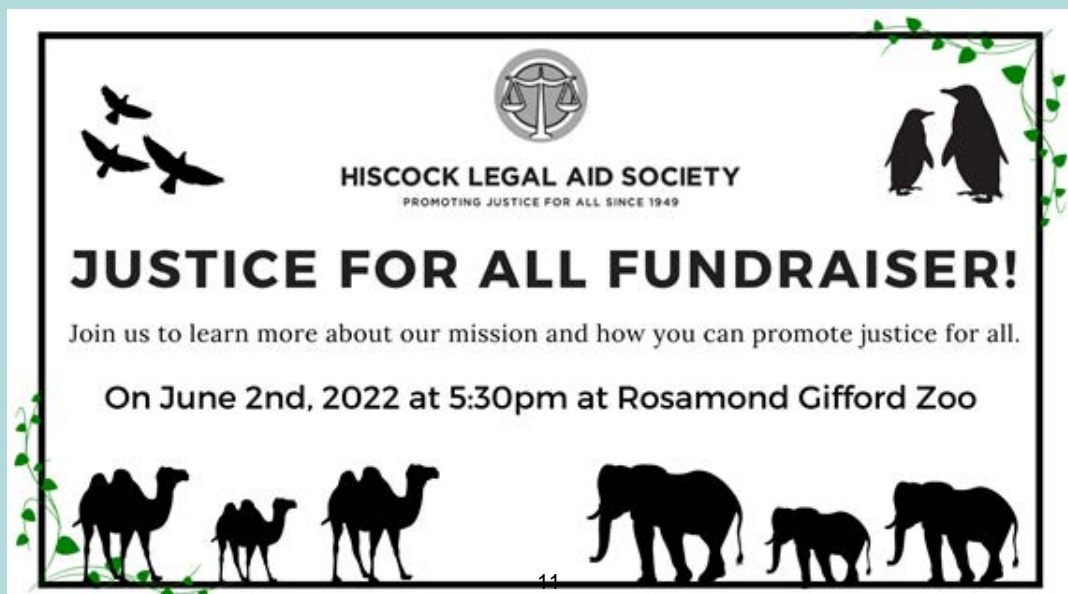
The candidate must be licensed to practice law in New York.

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Littler is the largest global employment and labor law practice in the world exclusively devoted to representing management. With more than 1,600 attorneys in 100 offices worldwide, Littler serves as the single source solution provider to the global employer community. Consistently recognized in the industry as a leading and innovative law practice, Littler has been litigating, mediating and negotiating some of the most influential employment law cases and labor contracts on record for 75 years. Littler Mendelson is proud to be an equal opportunity employer.

Littler's unparalleled commitment to labor and employment law helps clients navigate a complex business world with nuanced legal issues—building better solutions for clients' toughest challenges. With deep experience and resources that are local, everywhere, Littler is fully focused on its clients. With a diverse team of the brightest minds, Littler fosters a culture that celebrates original thinking. And with powerful proprietary technology, Littler disrupts the status quo—delivering bold, groundbreaking innovation that prepares employers not just for what's happening today, but for what's likely to happen tomorrow. For more information, visit www.littler.com/careers.

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Breakfast at the Bar

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for women in
the legal profession*

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Tuesday, June 14, 2022

8:00 A.M.

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



WOMEN IN THE COURTS TASKFORCE

CNY WOMEN'S BAR ASSOCIATION
ONONDAGA COUNTY BAR ASSOCIATION



Join us for a cup of coffee on Tuesday, June 14th! See you there!!



THE PRACTICE PAGE

RECENT CPLR AMENDMENTS

HON. MARK C. DILLON

Recent amendments to the CPLR have been passed by the state legislature, some of which were signed into law by Governor Hochul, while others of interest have been vetoed by her.

CPLR 3101(f). New provisions of CPLR 3101(f) became effective December 31, 2021 (L.2021, ch. 832, sec. 2). Previously, the subdivision required that defendant parties provide insurance information upon demand. The new statute is more aggressive, in requiring under subdivision (f)(1) that the contents of insurance agreements be automatically disclosed within 60 days of a party's answer, including primary, excess, and umbrella coverages. The disclosing party must provide copies of the insurance contracts' declarations, conditions, exclusions, and endorsements; contact information for claims adjusters for disclosed insurance contracts; the amount of available coverage per policy; insurance policy applications; and any other law suits and identified attorneys' fees that have reduced the amount of available coverage. CPLR 3101(f)(2) now also requires that the disclosing party update the accuracy and completeness of insurance information within 30 days of any change.

CPLR 4549. A newly-created CPLR 4549 became effective December 31, 2021 regarding the admissibility of statements by employees (L.2021 ch. 833, sec. 1). The statute relaxes the admissibility of the statements of an opposing party made in the course of employment, consistent to the rule already in effect in the Federal Rules of Evidence 801(d)(2) (D). Formerly, under state case law, employees not in charge of the business had no implied authority to speak on behalf of the employer and make

admissions binding upon themselves. CPLR 4549 alters that rule and nullifies prior contrary case law, by allowing as evidence statements made in the scope of an existing employment relationship, if the statements relate to an activity that the employee was charged to undertake. Thus, if an employee is driving a vehicle in the scope of employment, has an accident, and makes a statement at the scene that inculcates the employee or employer, that statement will now be admissible without the introducer having to prove that the employee was given authority by the employer to speak about the accident..

CPLR 5004. This interest-related statute is amended effective April 30, 2022 (L.2021, ch. 831, sec. 1). The incumbent version of the statute merely set the legal rate of interest at 9%. The amendment creates a carve-out provision, where judgments against a natural person arising out of consumer debt shall instead accrue interest at a rate of 2%. The statute is therefore consumer friendly. The statute applies to two sets of interest calculations. The first is for judgments entered after the statute's effective date. The second is for judgments entered prior to the statute's effective date, to the extent such judgments are unpaid as of April 30, 2022. CPLR 5004(b) defines the "consumer debt" that is within the scope of the new statute.

Governor Hochul vetoed an amendment to CPLR 5003 on December 29, 2021, proposed in Assembly Bill A2199 and Senate Bill S0473. CPLR 5003 directs that interest accrue on judgments upon their entry. Currently, if a court denies a plaintiff's motion for summary judgment and the court's order is later

Continued from previous page

reversed on appeal, no interest accrues during the interim period when summary judgment was erroneously denied by the trial court. The proposed amendment would have changed that, to allow interest to retroactively compute to the entry of the original summary judgment determination. The veto of the bill by the governor leaves CPLR 5003 unchanged from the version that has been in effect since 1962.

On December 31, 2021, Governor Hochul vetoed the enactment of a newly-proposed CPLR 301-a and the amendment of related statutes (A7769, S7253). Had it been enacted, foreign corporations registered to do business in New York would automatically be subject to the general jurisdiction of New York courts under the current version of CPLR 301, thereby nullifying the contrary holding of the Court of Appeals in *Aybar v Aybar*, 37 NY3d 274 [2021]). *Aybar* remains good law. The veto was out of concern that the new legislation would deter corporations from coming to New York to do business.

Amendments to our CPLR will be an annual column.



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We APPEAL To You



** 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.*

ALIGNING INVESTMENT WITH VALUES

Like some of your clients with their own personal investments, community foundations around the nation are looking for ways to maximize their resources to help the communities they serve beyond traditional investments. The Community Foundation began exploring opportunities in early 2019 for different investment strategies to further align our mission of social good with financial return, expand our donor network and make a social impact at the same time.

Socially responsible investing dates back decades. It has evolved from strictly avoiding investments in certain stocks and industries through negative screening (such as avoiding investing in companies involving tobacco) to incorporating various strategies such as integrating environmental, social and governance (ESG) factors into financial returns, and deploying negative and positive screening of companies. Socially responsible investing in the U.S. has grown significantly in recent years. Total assets under management with ESG integration grew from \$12 trillion to \$17.1 trillion between 2018 and 2020; this is an increase of 42% according to the Forum for Sustainable and Responsible Investment's 2020 Trend Report. Many studies have also found that funds incorporating social investing strategies are on par or exceeding their benchmarks while also offering lower market risk. Further, these funds provide a diversity, equity and inclusion approach to investing and have unique appeal to diverse demographics, including women and millennial investors.

Given the validated industry research and the growing trend we have been seeing among our peers implementing socially responsible investing pools with proven financial returns, our board agreed that it was extremely important to offer an alternative investment pool that emphasizes social and environmental benefits. Our staff conducted discernment conversations with our board members to identify which values and impact areas are important to the Community Foundation. This exercise allowed us to establish a values framework incorporating ESG factors in early 2021 and we have now successfully implemented a Sustainable Responsible Impact (SRI) investment pool for our current and prospective donors and fundholders.

Our SRI investment pool seeks to support, promote and advance the values and impact areas embodied in our

mission and vision. The primary values identified that are guiding our SRI pool are community, leadership, diversity, excellence, service, empathy, compassion, justice, and respect. Thus, the investment firms will identify funds to actively remove or include based on specific ESG factors that will address the following values and impact areas chosen by our board of directors under the guidance of 17 United Nations Sustainable Development Goals (SDGs): **Quality Education, Ending Poverty, Anti-racism, Arts & Culture, Well-Being of Children, Economic Justice, Environment, Human Rights, Literacy, and Public Policy/Advocacy.** The SDGs were adopted by world leaders at the 2015 United Nations Sustainable Development Summit. They provide a collective roadmap for sustainable investments and have become standard global metrics used in the investment sector for ESG framing. In addition to selecting investments that operate in these areas, positive and negative screens related to activities that impact these areas may also be used.

Our investment consultant, Crewcial Partners, who has advised our Finance Committee on our main investment pool for over 25 years, helped us create our SRI investment pool. They have created socially responsible investment pools for many of our peer community foundations- and have ensured that diverse investment managers are part of our main investment pool. Crewcial's approach seeks to align our values with a well-diversified portfolio. Investments for the SRI investment pool are selected using the criteria selected by our Finance Committee and are evaluated on those criteria in a rubric that weighs investment philosophy, values alignment, performance and impact.

We capitalized our SRI investment pool with an existing field-of-interest fund that aligns with the identified values above by supporting the environment, outdoor parks and recreation areas, providing access for hunting and fishing and other programs involving youth. We hope to grow our SRI investment pool along with our main investment pool over the next few years from the support of our existing and prospective fundholders and also deploy more of our current funds that align with the chosen values framework for this pool.

If you have clients interested in emphasizing social and environmental benefits when investing their charitable funds, please contact me at pmurphy@cnycf.org or 315.883.5540.



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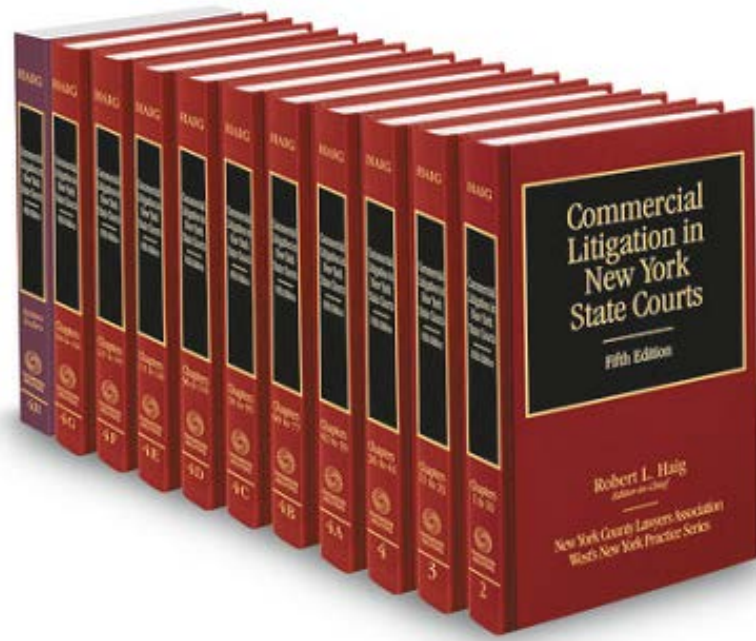
BOOK REVIEW

COMMERCIAL LITIGATION IN NEW YORK STATE COURTS (5th Edition)

By Jonathan Fellows

Thomson Reuters has published the Fifth Edition of Commercial Litigation in New York State Courts. A testament to New York's leading role in resolving commercial disputes, the Fifth Edition has grown to ten volumes, and 156 chapters.

The Fifth Edition remains the work of Editor-in-Chief Robert L. Haig, the Dean of the Commercial Litigation Bar. Mr. Haig has overseen each of the editions since the treatise first appeared in 1995. Mr. Haig is a partner in the firm of Kelley Drye & Warren LLP in New York City. He is also Chair of the Commercial Division Advisory Council, which advises the Chief Judge of the State of New York on the Commercial Division.



Mr. Haig has used his stature to recruit an incredible list of authors. There are 256 principal authors of the treatise. Of those authors, 29 are members of the Judiciary, including some of the foremost Supreme Court Justices sitting in our State's Commercial Divisions. The author of the opening chapter is our current Chief Judge Janet DiFiore. The Chief Judge traces the history of commercial litigation in the courts of our State, beginning in the 18th Century when former Secretary of the Treasury Alexander Hamilton was our State's foremost commercial litigator, and culminating with the establishment of the Commercial Division of the Supreme Court in 1995 and the success of that Court over the last twenty-seven years.

Mr. Haig has truly made the treatise about our entire State, and not just New York City. The names of many of the authors will be familiar to the Central New York Bar. For example, John Langan and Mitchell Katz of Syracuse are the co-authors of Chapter 82 on Career and Practice Development.

The expansion of the chapters in the Fifth Edition reflects some of the swift change we have experienced in litigating commercial disputes, in which the preservation, collection and production of electronically stored information ("ESI") threatens to overwhelm many businesses and their counsel. Among the new chapters is Chapter 79 on Artificial Intelligence, and most notably how technology assisted review ("TAR") is being used to cull through ESI, and how courts are resolving disputes over the use of TAR, rather than the traditional method of review by attorneys, of ESI.

The treatise includes both procedural and substantive chapters. New litigators looking for guidance on how to draft pleadings should review Chapter 7 on the Complaint and Chapter 8 on Responses to Complaints. Like many of the chapters, both conclude with useful practice aids and forms. There are chapters on every step of the litigation process, from pre-suit evaluation, pleadings, discovery, motions, trial, and appeal.

After comprehensively covering the litigation process, the treatise turns to the substantive law of commercial disputes. Chapter 97, entitled “Employment Restrictive Covenants and Other Post-Employment Restrictions” is an excellent example. Restrictive Covenants remains one of the most widely litigated subjects in commercial litigation. This chapter is a mini-treatise in and of itself with sixty-two different sections. It concludes with extensive practice materials that will help practitioners seeking to draft such clauses as well as to litigate disputes regarding them.

The treatise remains a valuable research tool. Both the procedural chapters and the chapters on substantive law are laced with useful citations to judicial decisions.

It is instructive to read the many chapters authored by members of the Judiciary. For many new practitioners, our Judges can seem remote, and it is helpful to read their chapters in the treatise to obtain their insight. As an aside, Mr. Haig was also the founding Chair of the New York State Bar Association’s Commercial and Federal Litigation Section (“ComFed”), which remains one of the most active Sections of our State Bar. Many of the Judges who authored chapters in this treatise regularly participate in ComFed events. Participating in ComFed is highly valuable for commercial litigators, and in particular for young lawyers who can benefit from exposure to our Bench and more senior litigators. ComFed and our local Bar in Central New York would both benefit from greater participation of Central New York attorneys.

It has been a mission of Mr. Haig to promote New York State Court’s Commercial Division as the foremost commercial litigation forum in the world. The treatise exhaustively covers practice in the Commercial Division and in particular the rules of the Commercial Division. The theme has been that the Commercial Division, and its rules make adjudicating commercial disputes faster, better, and cheaper. The success of the Commercial Division and its innovative rules was put to the test with practitioners in 2021 when the Chief Administrative Judge announced that many of the rules used in the Commercial Division would be applied to all cases through amendments to the Uniform Rules for the Trial Courts. The Chief Judge and the Chief Administrative Judge may have been surprised by the amount of resistance from practitioners in courts other than the Commercial Division to the export of the Commercial Division rules to other courts. Notably, neither Mr. Haig, the Commercial Division Advisory Counsel, nor ComFed were the moving force behind “exporting” the Commercial Division rules to other courts. Notwithstanding the objections of many practitioners (including a Task Force of the New York State Bar Association on the Uniform Rules on which the undersigned served, which recommended that some of the new rules be rescinded in courts outside the Commercial Division), it seems clear that most of the new Uniform Rules adopted in 2021 are here to stay. Commercial Litigation in New York State Courts is an excellent resource for attorneys to become familiar with the rules that now govern most litigation in the New York State Courts. The treatise belongs in the law library of any law firm litigating commercial disputes in New York.



Jonathan Fellows has a diverse litigation practice including commercial disputes, complex products liability, employment litigation, white collar criminal defense, civil rights, media law and insurance. His clients include higher education institutions, pharmaceutical and medical device companies, media companies, school districts and religious institutions. He may be reached at Bond Schoeneck & King at (315) 218-8120.

NEWSMAKERS & INFLUENCERS



BOND Builds Downstate Presence

Following its combination with New York City-based Putney, Twombly, Hall & Hirson in 2021, Bond, Schoeneck & King will welcome, effective June 1, 2022, the lawyers of Lazer, Aptheker, Rosella & Yedid, a Long Island-based law firm. With this latest combination, Bond will add offices in Melville, New York and West Palm Beach, Florida, resulting in Bond having 15 offices in five states and 275 lawyers.

Kevin Bernstein, chair of Bond's management committee, said "Bond and Lazer have discussed combining on and off over several years. Bond and Lazer are like-minded firms and together we can offer a greater breadth of quality legal services to both client bases. With the addition of their 23 lawyers, working in complementary practices, Bond is now a top full-service law firm on Long Island with 40 attorneys and offices in Melville and Garden City."

Ralph Rosella, managing partner for Lazer, commented, "Our culture is a great fit with Bond's, making this combination something that our attorneys are looking forward to. We have referred services to Bond over the years in practice areas that we didn't offer and know many of the lawyers professionally and personally. This will be beneficial to our clients, and we're excited to be part of a firm that can offer a broader array of legal services and excellent client service to help them realize their objectives."

Bond Ranked as a Standout in Client Service Survey

In a survey conducted by BTI Consulting Group, Bond, Schoeneck & King was recognized as "an unparalleled leader in client service" in their *Client Service A-Team: Survey of Law Firm Client Service Performance 2022*. The survey ranked Bond as a "Standout" in multiple areas considered most important and valued by clients.

The BTI Client Service A-Team is the only law firm ranking based solely on direct, unprompted feedback from corporate counsel. In-depth interviews with more than 350 corporate counsel reveal Bond, Schoeneck & King's client service is in the top half of the law firms serving the world's largest clients.

NEWSMAKERS & INFLUENCERS



Nick Constantino

Two New Associates at Barclay Damon

Earlier this month, Barclay Damon welcomed two new associates to the firm.

Joining the firm's Insurance Coverage & regulation and Torts & Products Liability Defense Practice areas in the Syracuse office is Nick Constantino.

Constantino's work will center upon insurance coverage and insurance defense matters. His previous experience included defending claims arising out of New York State Labor Law, medical malpractice claims, motor vehicle accidents, insurance coverage disputes, and premises liability claims. He was previously employed with a Syracuse law firm.

Daniel Martucci joins the Albany office's Torts & Products Liability Defense and Professional Liability Practice areas.

His practice will concentrate on all aspects of civil litigation, including premises and products liability as well as professional liability. He is experienced in every stage of litigation and represents both large and small businesses and large property owners that lease out their spaces for small businesses. Prior to joining Barclay Damon, Martucci was an associate at firm in Albany and gained additional experience through judicial and legal internships.



Daniel Martucci

Litigator Timothy McMahon Welcomed at Bond

Joining the Bond, Schoeneck & King litigation practice as Senior Counsel in its Syracuse office is Timothy N. McMahon. He has litigated commercial and personal injury cases before all state and federal courts on contract disputes, insurance coverage disputes, products and premises liability, motor vehicle law and construction law matters.

For the past 12 years, prior to joining Bond, McMahon was Principal Law Clerk to Judge Joseph E. Lamendola, Onondaga County Supreme Court, and to Judge Brian F. DeJoseph, Onondaga County Supreme Court and New York State Supreme Court Appellate Division, Fourth Department. McMahon is a 2006 graduate of Western New England University School of Law, cum laude, where he was staff editor for the Western New England Law Review for two years, and of St. Lawrence University in 2003.



Timothy N. McMahon



Michael P. Carlson

Michael P. Carlson Joins Hancock Estabrook, LLP

Real Estate Attorney Michael P. Carlson has joined Hancock Estabrook, LLP as an associate in the firm's Real Estate practice area. Clients he represents include purchasers, sellers, and lenders in all aspects of commercial and residential transactions from initial contact through closing. He has previously represented clients in real estate litigation, including negotiations concerning contract disputes, title issues, and landlord-tenant matters. He is a graduate of Stonehill College and the New England School of Law.

NEWSMAKERS & INFLUENCERS

Syracuse Law Graduates Inaugural Class of Online JD Program

On May 6th, the 45 students of the inaugural class of Syracuse University College of Law's first-of-its-kind JDinteractive (JDi) program graduated alongside their peers in the College's residential JD program.

JDi, a fully ABA-accredited program, was the first to combine live online class sessions with self-paced class sessions. Its innovative design served as a model for other law schools pivoting to online education amid the pandemic.



College of Law

"I'm extraordinarily proud of all our 2022 graduates, but I'm particularly pleased to see our inaugural JDi cohort earn their law degrees," says Dean Craig M. Boise. "From across the country and around the world, they have studied with us year-round for more than three years, while balancing full-time work and family obligations. They are incredibly talented and motivated, and we're honored to count them among our Syracuse Law alumni family."

By design, the JDi combined real-time, online class sessions with self-paced instruction, on-campus courses, and externship opportunities. The program makes a legal education available to students who need flexibility in their studies.

Outside of their pursuits as law students, the JDi grads are global industry executives at prominent companies, such as Apple, John Deere, and Lockheed Martin. They're national and local government employees, leaders at higher education institutions, public school teachers and administrators, bankers, insurance executives, paralegals, real estate agents, entrepreneurs, and accountants. They are parents of one to nine children and caregivers to aging parents. Several already held advanced degrees.

"These students are the embodiment of the goal at the core of JDi: to expand access to legal education and the legal profession," says Professor Shannon Gardner, Associate Dean for Online Education. "Without this program, this diverse group of talented, accomplished, and ambitious grads would not have been able to pursue their aspirations of becoming lawyers."

"Designing JDi required us to rethink how we deliver education and gave us the opportunity to take the best of what we do in our residential program and translate it into the online space," says Professor Nina Kohn, Faculty Director of Online Education, who led the design and launch of JDi. "The College of Law could not be prouder of these students for their achievements here. Their success shows that—with careful planning and an insistence on always putting student learning first—we can deliver a high-quality legal education to students no matter where they may be located."

The JDi grads are a diverse group:

- They hail from 25 different states, including Hawaii and Alaska, and have taken classes while living in multiple countries, including Germany, the Netherlands, and Japan.
- Eleven are members of the military or military-affiliated, including high-ranking, retired veterans and spouses of active-duty military personnel based in Germany and New Mexico.
- 30% are students of color.
- Their median age is 35.

From the Courts



PRESS RELEASE

New York State
Unified Court System

Hon. Lawrence K. Marks
Chief Administrative Judge

Contact:
Lucian Chalfen,
Public Information Director
Arlene Hackel, Deputy Director
(212) 428-2500

www.nycourts.gov/press

Date: May 5, 2022

New Working Group to Examine New York State Courts’ Pandemic-Related Practices, Propose Post-Pandemic Steps *Working Group Will Hold Public Hearings to Elicit Input on Moving Forward*

NEW YORK—Chief Judge Janet DiFiore today announced the formation of the Pandemic Practices Working Group, which will hold a series of public hearings around the state over the coming months to examine the Court System’s response to COVID-19, consider post-pandemic procedures and determine which policies should be kept at the ready if court operations are again interrupted due to an unforeseeable event. The working group is the latest offshoot of the Commission to Reimagine the Future of New York’s Courts, a panel of judges, lawyers, academics and technology experts appointed by Judge DiFiore in 2020 to examine technological and other innovations and make recommendations to facilitate the delivery of justice services and keep up with society’s rapidly evolving changes. Since its inception, the Commission has issued several reports that include innovative proposals.

The new Pandemic Practices Working Group, to be led by Supreme Court Justice Craig J. Doran of the Seventh Judicial District, will conduct a thorough review of pandemic policies implemented by the New York State courts as well as other jurisdictions. The working group will hold its first public hearing on Tuesday, June 7, 2022 at Court of

Appeals Hall in Albany, eliciting input from the bench and bar, community leaders and others. Based on its research and the input from the public hearings, the group will release a comprehensive report with its findings and recommendations.

“The pandemic presented, and continues to present, enormous challenges. However, with those challenges come opportunities to improve, via novel approaches, the delivery and quality of justice services,” said Chief Judge DiFiore. “I am grateful to the Commission’s chair, Hank Greenberg of Greenberg Traurig, and to its members for their critical guidance and contributions to date. I look forward to the findings and recommendations of Judge Doran, Hank Greenberg and the new working group members in effectively and efficiently steering the New York State courts into the future.”

“The Commission’s initial task was to help improve the efficiency and quality of justice services during the public health crisis and its aftermath. At first, it was triage: what can the courts do now and in the very near future to deal with the constantly shifting landscape of the pandemic? This new working group is part of the next wave, in which we reflect back on our actions since the pandemic’s onset, also thinking ahead, in preparing for future contingencies,” said Hank Greenberg.

“The Court System did not have the option of shutting down when the pandemic struck in March 2020. We had to pivot instantly, with no blueprint to guide us and no precedent to follow. Now, we have both the opportunity and obligation to look backward so that we may best move forward,” said Judge Doran.

For more information about the Pandemic Practices Working Group/to request an opportunity to provide testimony at the June 7th public hearing, please email:

PPWG@nycourts.gov.

Further information about the Commission and its work is available at:

<https://www.nycourts.gov/reimagine-the-future/mission.shtml>

POSITION ANNOUNCEMENT

STAFF ATTORNEY

LEGAL SERVICES OF CENTRAL NEW YORK, INC. (LSCNY)

Position: Legal Service of Central New York, Inc. will hire several staff attorneys who will be assigned to one of our offices in Utica, Binghamton, Syracuse, Oswego, Watertown, or Oneonta based on the needs of the local communities served.

RESPONSIBILITIES: Staff attorneys engage in exciting and interesting comprehensive legal representation including advice, negotiation, litigation, and administrative advocacy. LSCNY staff attorneys represent clients in essentials-of-life matters like housing, public benefits, unemployment insurance, employment matters, consumer, education, and other civil matters. Attorneys collaborate in teams led by an experienced supervisor.

Housing cases, especially eviction defense, are a substantial portion of the attorney's caseload. Our attorneys regularly appear in the City, Town, and Village Courts across our region in eviction cases. Attorneys are encouraged to work on advocacy and projects beyond individual casework. Attorneys are expected to conduct community outreach and work to build essential partnerships with local community organizations. During the COVID-19 pandemic hybrid work arrangements are available. Hybrid work after the COVID-19 pandemic will be available subject to the terms of a negotiated agreement.

OUR ORGANIZATION: Legal Services of Central New York (LSCNY) is committed to achieving justice for low-income people and those who have difficulty accessing the justice system. We are deeply committed to principles of anti-racism and race equity in all we do. For more than 55 years, we have sought to make a difference in clients' lives and their communities by eliminating the barriers that cause poverty or reduce our clients' access to economic mobility. We continually search for ways to help people improve their lives and communities.

QUALIFICATIONS: Candidates admitted or eligible for admission to the bar of the State of New York are preferred. LSCNY will consider 2022 law school graduates.

ATTRIBUTES OF A SUCCESSFUL CANDIDATE ARE:

- A commitment to providing high quality legal assistance to low-income and underserved populations.
- A commitment to race equity, anti-racism, and economic justice in the workplace and in providing legal services.
- Analytical, legal writing, and advocacy skills.
- Organizational and interpersonal skills.
- The ability to work independently and collaboratively.
- The ability to work effectively with individuals from diverse backgrounds.
- Bilingual or multi-lingual is a plus.

Continued on the following page.

OPPORTUNITIES FOR PROFESSIONAL DEVELOPMENT: LSCNY is committed to creating opportunities for development and career advancement. We invest in skills, substantive law, and leadership training for our staff. We encourage attorneys to become active in the state and local bar associations and local community organizations.

CLOSING DATE: Closing date for applications: when filled.

SALARY/BENEFITS: Starting salaries for a New York admitted attorney range from \$52,750 to \$83,540 depending on experience. Salaries are established by a collective bargaining agreement. We have an excellent benefits package and a generous leave policy. LSCNY Pays for bar memberships, attorney registration, and training opportunities, including Mandatory Continuing Legal Education courses.

APPLICATION: Applications must include a cover letter, resume, writing sample, and three professional references. LSCNY invites applicants to include in their cover letter a statement of how your unique background and experience might contribute to the diversity, cultural vitality, and perspective of our staff and legal services practice.

**Director of Human Resources
Legal Services of Central New York
221 South Warren Street, Suite 300
Syracuse, New York 13202**

Email: hiring@lscny.org

Legal Services of Central New York, Inc. is committed to diversity and inclusion in hiring, retaining, and promoting so we can be more creative, effective, and just, bringing more varied perspectives, experiences, backgrounds, talents, and interests to the practice of law and the administration of justice. We accept, respect, and value differences that include attributes such as age, race, gender, ethnicity, religion, sexual orientation, gender identity and expression, disabilities, language, socioeconomic status, marital and parental status, national origin, immigration status, and cultural background. We strongly encourage individuals with historically marginalized identities to apply.



HISCOCK LEGAL AID SOCIETY

PROMOTING JUSTICE FOR ALL SINCE 1949

HISCOCK LEGAL AID IS HIRING!

About Hiscock Legal Aid: Hiscock Legal Aid (HLA), founded in 1949, is a non-profit agency located in Syracuse, New York and a primary provider of legal services to low-income individuals in Central New York. HLA promotes the right of every person to equal justice under the law by providing high-quality legal assistance to individuals and families in need. Please visit www.hlalaw.org.

About the Positions: Thanks to expanded funding HLA is looking for attorneys of all experience levels who are dedicated to upholding the rights of low-income people and promoting justice for all. Attorneys at HLA work in one of our programs (Family Court, Civil, Immigration, Appeals, or Parole) and provide free representation to clients in need in one of our many practice areas (family/domestic violence, housing, unemployment, criminal, or immigration). Come do great work with great people in a collaborative, enjoyable work environment while maintaining an excellent work-life balance! Responsibilities may include, but are not limited to:

- representing clients in court and/or before governmental agencies
- drafting pleadings, motions, briefs, and other legal documents
- providing counsel, advice, brief service, non-litigation advocacy, and direct representation
- maintaining good client relationships and professional standards
- keeping case notes and records in our cloud-based case management system
- complying with grant and contract requirements

Required Qualifications: Demonstrated commitment to public-interest law and to serving low income people. Cultural competency and ability to build a rapport with clients from diverse backgrounds. Admission or pending admission to New York Bar.

Preferred Qualifications: Ability to multi-task while remaining detail-oriented. Strong written and oral advocacy skills. Diverse economic, social, and/or cultural experiences.

Salary: Starts at \$50,000.00 and increases depending on experience, along with great benefits.

Benefits: Excellent fringe benefits include: generous paid leave; affordable health, free dental, and low cost vision insurance; 401(k) retirement plan with employer match; and PSLF eligibility.

Start Date: As soon as mutually agreeable.

Application Instructions: Applicants should submit a cover letter, resume, and list of three references to Gregory W. Dewan, Esq., Executive Director, President & CEO, at hiring@hlalaw.org.

Hiscock Legal Aid is an equal opportunity employer, committed to inclusive hiring and dedicated to diversity in our work and staff. We strongly encourage candidates of all identities, experiences, and communities to apply.

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

Staff Attorneys - Multiple Locations **Binghamton, Cooperstown, 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, LGBTW 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 Law
Housing Preservation Program
Domestic Violence

Cooperstown Office

Family Law/Domestic Violence
Housing Preservation Program

Oneonta Office

Domestic Violence
Housing Preservation Program

Oswego Office

Housing Preservation Program

Syracuse Office

Housing Preservation Program

Utica Office

Domestic Violence
Housing Preservation Program

Watertown Office

Housing Preservation Program

Domestic Violence - Represent domestic violence and sexual assault survivors in Oneida, Herkimer and Madison Counties.

Family Law - Family law matters, including custody/visitation, paternity, support violations, family offenses, and abuse/neglect matters.

Housing Preservation Program - Holistic services to clients with financial and other hardships that could result in loss of housing.

Salary and exact title dependent on experience. LASMNY offers a generous benefit package, eligible 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 (14) holidays. Remote work upon approval by management.

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

What is the Lawyers' Assistance Program?

The Lawyers' Assistance Program of Onondaga County is a confidential service providing information, referrals, access to professional counseling and peer support

What Kind of Assistance is Available?

You are entitled to a confidential telephone consultation, free counseling sessions with a professional counselor, and participation in peer support groups.

What Can I Expect When I Call for an Appt?

You will talk to an intake coordinator who may refer you to an experienced counselor. Family Services Associates serves as the Program's counseling agency.

Is Contact with the LAP Confidential?

YES. You can discuss the issue of confidentiality with the intake coordinator or counselor

Why Was the Program Set Up?

The Program was established to assist lawyers who have problems with alcohol, drugs, anxiety, depression, gambling and other personal problems.

Who May I Call?

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

Lawyer Assistance Program

Your FIRST Choice or Your LAST Resort



For more information contact:

The New York State Bar Association Lawyer Assistance Program	(800) 255-0569
Family Services Associates	(315) 451-2161
Onondaga County Bar Association Executive Director, Jeff Unaitis	(315) 579-2581



The mission of the Onondaga County Bar Foundation, the philanthropic arm of the Onondaga County Bar Association, is to aid members of the legal profession in Onondaga County who may be ill, incapacitated, indigent, or otherwise in need, and to improve and promote the following:

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

Established in 1975, the Foundation is a 501(c)(3) tax-exempt corporation. To fulfill its mission, the Foundation depends on individual donations (which are tax deductible as charitable contributions) and grants from other funding sources. The Foundation welcomes grant applications for projects consistent with this mission statement.

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.