

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

Donald Kemple
John LaParo
Hon. Gustave "Gus" DiBianco
Arthur M. Greene
Michael Hrab

*Please advise Jeff Unaitis at
junaitis@onbar.org
of other members of our profession whom we have lost.*



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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

September 22 to 24

SUCOL Alumni Weekend
Learn more [here](#)

Tue, October 4

CLE | Your Home is Spying on You: A Look at the
Internet of Things Forensics
1 p.m. ZOOM webinar, register [here](#)

Tue, October 11

Breakfast at the Bar
8 a.m. Salt City Market Coffee Bar, 484 S. Salina Street
Don't miss this fun Women in the Courts Taskforce event!

Fri, October 14

Bar Reporter Deadline
Send your content to cchantler@onbar.org

Thu, October 20

CLE | Special Topics in Fair Housing
1 to 3 p.m. CNYCF, Ballroom, register [here](#)

Thu, November 17

Save the date!! Reception co-sponsored with NYSBA
5 to 7 p.m. CNYCF, Ballroom
Featuring local judges and Criminal Bar members

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

Breakfast at the Bar

Come join us!

Tuesday, October 11, 2022

8:00 A.M.

**Salt City Coffee and Bar
484 S. Salina Street**

*A monthly networking event
for women in the legal
profession*



WOMEN IN THE COURTS TASKFORCE

**CNY WOMEN'S BAR ASSOCIATION
ONONDAGA COUNTY BAR ASSOCIATION**



From the **PRESIDENT**

Dear Colleagues:

Greetings and Happy Fall. I hope that all of you had a great summer.

Since I last wrote, we have certainly had an eventful August and September. In August, we had the annual golf outing at the Pompey Country Club. It was a picture-perfect late summer day for a round of golf, followed by a fantastic steak bake at the Club. It was a great day for many of our members to get together, play some golf and catch up with new and old friends.

Last week, we had a great evening as the Bar Association welcomed the Justices of the 4th Department at a reception held at the CNY Philanthropy Center. The Justices were in Syracuse for the first time since 2019 as part of their “Have Gavel, Will Travel” series. Over 100 people attended this event. The food and conversation were plentiful. Presiding Justice Whalen offered glowing remarks regarding the local justices who have served on 4th Department, highlighting the important contributions that Justices DeJoseph, Carni and Centra have made to the Court.

The following day, Justice Centra was honored by many attorneys, judges and family who all waited outside the Courthouse steps on Montgomery Street following his last sitting as a Justice in Syracuse. It was a moment that served as a beautiful reminder of the tightknit nature of the Onondaga County legal community.

Many people have reached out to me expressing how delighted they were to back at these social events. These events remain the cornerstone of what it means to belong to a Bar Association. They are where people of all different backgrounds can get together to socialize and network.

There will be more social events in the coming months. Please be on the look-out for them in Tuesday Tips. I look forward to seeing you all there.



Graeme Spicer



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

Have Gavel Will Travel

Fifth Judicial District Welcomes Visit by the Appellate Division, Fourth Department

The 5th Judicial District hosted a two-day visit September 14th and 15th of the Appellate Division, Fourth Department.

The last time the Justices came to Syracuse to hear cases was in the fall of 2019. This recent visit recognized the last sitting of the Hon. John V. Centra, a native Syracusan and the recipient of the OCBA's 2018 Ruger Award bestowed to jurists who exhibit singularly outstanding devotion to justice system principles. The Hon. Edward Carni and the Hon. Brian DeJoseph were also honored during the event that included a Reception and a CLE.

The September 15th CLE was hosted by Appellate Division Court Clerk Ann Dillon Flynn, Principal Appellate Court Attorney Christopher Lindquist, and local legal practitioners Janet Callahan, Bradley Keem, and Melissa Swartz.

This event was made more special as it was marked by an outpouring of appreciation on Montgomery Street by local bar members for Justice Centra as he made his way from the morning hearings to the CLE in the County Legislature Chambers.





Appellate Division, Fourth Department Justices offer how-tos and best practices for Appellate Division appearances.

Thank you to these event sponsors



20th Annual Daniel F. Mathews, Jr. Memorial Golf Outing



WOMEN'S DIVISION WINNER
Ami Longstreet, Sheila Fallon,
Megan Fallon & Mary Dailey



SENIOR DIVISION WINNER
Bill Dowling, Dick McVeen, Hon.
Tony Paris & Tony Gigliotti



MIXED DIVISION WINNER
Porter Nordby & Howe's:
Mike Porter, Jeff Narus, Nate Wagner &
Mary Langan

Fifteen teams enjoyed a picture-perfect day on the rolling hills of the Pompey Club links on August 25th in support of the Onondaga County Bar Foundation's Lawyer Assistance Program. Once again, **Geddes Federal Savings & Loan** was our presenting sponsor, with additional sponsorship support from The Mathews Law Firm and Mathews Family; Porter Nordby & Howe, LLP, Paula Engel, Esq., the Hon. David Murad, and the Hon. Terese Wiley-Dancks. Co-winners of the Putting Contest were the Hon. Tony Paris and Rob Hiltbrand. Winner of both the Closest to Pin and Longest Drive contests was Christian Nizamis. Women's Closest to Pin was Megan Fallon, and Longest Drive was Sheila Fallon. The Hon. Tony LaValle had the longest Senior Drive.

SEE YOU AT NEXT YEAR'S OUTING
ON
THURSDAY, AUGUST 24, 2023



MEN'S DIVISION WINNER + BAR CHAMPS
Hon. James Murphy, Hon. Anthony
LaValle, Don Doerr, Hon. Gregory Gilbert



Attorney Sought

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join us!



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A virtual wine tasting fundraiser hosted by Ray Isle, Executive Wine Editor of Food & Wine and the Wine & Spirits Editor of Travel + Leisure.

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proceeds directly support VLPCNY!**

Thursday, October 6, 2022

6:00 – 7:00 PM via Zoom

Buy a ticket at vlpcny.org



Member Spotlight

Lenore Ellis

In a slight departure from its norm, the Member Spotlight this month illuminates the importance of those persons whose work may not be immediately recognized and whose contributions to a law firm's success are accomplished behind the scenes.

In a career spanning a total of 56 years, legal assistant Lenore "Norie" Ellis retired September 2nd from Bousquet Holstein PLLC. Mother, Grandmother, and Mentor to generations of legal assistants, Ellis projects a warm, spirited, can-do attitude that has permeated all that she has touched. She has left a far-reaching, positive impact on the Onondaga County bar community.

You might say Lenore "Norie" Ellis is an old-school legal assistant.

For half of her professional life in the offices where she worked, she'd carefully tap keys on an IBM Selectric typewriter making sure her carbon paper was properly placed. She'd sweat out those moments her boss would hold up her labor to the office fluorescents to make sure there weren't too many obvious erasures.

"I worked on those old switchboards where you'd pull out a cord and plug it into an actual board to connect the call," she said, "like Lily Tomlin used to do on 'Laugh In.'"

But, in several ways, at the age of 74, Ellis begins a new schooling this month. She retired September 2nd from Bousquet Holstein PLLC after 35 years of service to the law firm.

For much of that time, she worked alongside Robert Weiler and Sidney Manes whose practice areas ranged from bankruptcy to real estate to criminal law.

"I did every kind of law you can imagine," she said. "I got to learn all sorts of stuff."

She mentored and trained scores of administrative assistants, Weiler said, adding she was an "indispensable teammate in many of the business transactions, litigation victories, and seemingly improbable outcomes for which the attorneys received credit, but which would have been impossible without her tenacity, diligence, and insight."

In their 8th and 10th floor corner offices, Weiler, Manes and Ellis said they didn't exactly work but had fun practicing law.

"Lenore would feverishly type documents and then photocopy and assemble them while I begged Federal Express or post office employees to wait 'five more minutes,' so that Court documents could go out to numerous parties and a judge for overnight delivery. It seems impossible to believe that those people actually waited, and Lenore could coolly concentrate through my sheer panic to finish on time," Weiler wrote in a company-wide email announcing Ellis's retirement. "Now, we prepare a chain email, push 'send' and get dinner."

But "God forbid" if there was a comma out of place, Manes good-humoredly quipped. To describe Ellis he asked if he could use the word "saint."



His heart full of love for his colleague, Manes described how their relationship formed shortly after his arrival at the firm.

Suffering with a bad cold, he'd taken medicine that wasn't working. Pale and nauseous, Manes tried to carry on. Ellis would have none of it; she knew what had to be done and did it. She called an ambulance. And thus their bond was forged.

Manes said her decisive action set the tone for their long and productive working relationship. That moment exemplified the instinctual, clear-headed, proactive qualities that have made Ellis a beacon of competence at the firm.

"Nothing escaped her," Manes noted, and she used her "legal eye" to read every word both lawyers wrote. She'd send back their drafts with an order to re-read what they'd written.

"She's made a hero out of me," he said.

Ellis can thank her mother for her strong grammar and vocabulary skills. Every night after dinner, her mom would put the daily newspaper on the table and go through it to discuss events and the words used to describe them.

Times have changed and so has the technology since 1966 when Ellis entered the workforce upon graduating from West Genesee High School in Camillus.

Prior to applying to then Green & Seifter, now Bousquet Holstein, she put in 14 years with NewChannels Cable and seven years with a different law firm. And during all of this time she managed to raise four children.

Now she has seven grandchildren.

"My lucky seven," she said. "I love them more than the air I breathe. They are the best people on earth, every last one of them."

She also has a passion for her 20-acre Howlett Hill homestead where for years she kept horses and hosted pony ride weekends for neighborhood children. She looks forward to spending her retirement there with her family.

On her property, she's cultivated a bit of a nature preserve maintaining a National Wildlife Federation Certified Wildlife Habitat for the small animals who call her property home. Plus, she's developed an NWF Advanced Certified Wildlife Habitat specifically for the different birds who stay with her even through the winter.

This is who Norie Ellis is on the job and at home. She's not the kind of person who wouldn't make a friend. She can't help herself.



THE PRACTICE PAGE

REVISITING VENUE SELECTION

HON. MARK C. DILLON

There was an amendment to the venue-selection statute, CPLR 503(a), in 2017 (L.2017, ch. 366, sec. 1), which widened the venue selection options for plaintiffs. Previously, venue was to be placed in a county where any party resided at the time of an action's commencement, and if a party was a corporation, the county of its principal office (CPLR 503[c]). There are boutique exceptions to those general rules for the enforcement of contracts, municipal defendants, the location of real property for actions in rem, the location of contested personalty, and others (CPLR 501, 503[b], [d], [e], [f], 504, 506, 507, 508, Unconsol. Laws 7405).

The 2017 amendment to CPLR 503(a) expanded the venue choices to also include "the county in which a substantial part of the events or omissions giving rise to the claim occurred." The amendment primarily helps plaintiffs in choosing the most plaintiff-friendly venue possible. But the amendment has no real effect if the substantial events or omissions occur in a county where a party already resides.

Now that the amendment to CPLR 503(c) has been on the books for over five years, we can examine how the amendatory language has worked in practice. Does the statutory phrase "substantial part of the events or omissions" refer only to the situs of the liability, or potentially, to damages if elsewhere? If an injurious event occurs in one county but hospital and medical treatment is administered in another, may an action be commenced in the latter? If a defective product is manufactured in one county, sold in a second, and causes injury in a third, which county(ies) qualify for a "substantial part of

the event"? In an earlier Practice Page, I predicted that the 2017 amendment allowed for ambiguities, and that the courts would be required to parse some of the new language's meaning.

One such case is *Harvard Steel Sales, LLC v Bain*, 188 AD3d 79 (4th Dep't. 2020). The plaintiff, of Cleveland, was in the business of selling galvanizing steel, and contracted for the galvanizing process to be performed by Galvstar, LLC, at a facility in Buffalo (Erie County). The defendant, Bain, was the principal of Galvstar and resided in New York County. The plaintiff's complaint sounded in fraud in the inducement, for Galvstar's alleged misrepresentation of its ability to galvanize steel meeting certain requirements. The defendant claimed the representations were made in Cleveland, while the defendant maintained in opposition that the parties' "meetings" were in Buffalo. Defendant Bain was the only named party with a residence in the state. The plaintiff commenced the action in Erie County and the defendant moved to change venue to New York County. The Appellate Division affirmed the change of venue to New York County, as the defendant's averments that specific representations were made in Cleveland were not necessarily contradicted by the plaintiff's opposition that non-specific "meetings" were held in Buffalo, as to qualify as a substantial part of the events for CPLR 503(c) venue there. The lesson from the case is the value of specificity.

Continued on the next page

Continued from previous page

In *Vereen v Flood*, 184 AD3d 758 (2nd Dep't. 2020), the plaintiff's decedent was admitted to a hospital for treatment in Orange County and then transferred to another hospital in Bronx County, where she died. The plaintiff's estate commenced an action against all of the medical providers in Bronx County, and certain Orange County defendants moved to change venue to Orange based on their residences. The plaintiff sought to retain venue in the Bronx based on that county being where a substantial part of the events or omissions occurred. The Appellate Division found insufficient evidence in the record for concluding where the substantial events or omissions occurred, and remitted the matter to the trial court for a framed-issue hearing. Again, the lesson of the case is the need for specificity in the papers.

The bottom line of these cases is that if a party is relying upon the substantial events prong of CPLR 503(c), the more evidentiary facts that can be presented on the issue by a party, the better for that party.



** 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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We APPEAL To You



We Are Watching You...so please sign here: How New York State's New Electronic Monitoring Law Impacts Workplace Privacy

By Sebastian Piedmont, Esq.,

New legislation in the form of an amendment to the New York Civil Rights Law became effective on May 7, 2022, requiring private employers to inform current and newly hired employees that the employer electronically monitors their work telephone, email, and internet access and usage. With the increased reliance on technology in the workplace—and for that matter, the increased amount of remote work being done throughout New York State—many employees and employers are curious as to how this will impact their normal operating procedures, if at all. While the law does not radically modify the terms of an employee's use of technology in the workplace (and remotely), there are several changes that both employees and employers should be aware of with regard to the consent/notice given of this surveillance, as well as how it will impact those currently employed versus those who will be newly hired.

What New York State Employees Need to Know

Now that the amendment is in effect, all New York State private employers of all sizes must disclose that they are electronically monitoring employee internet usage, emails, and/or telephone communication in the form of:

- (1) written and electronic notice to current employees;
- (2) upon hiring a new employee, employers must obtain written acknowledgment of the notice; and
- (3) posting a notice of their electronic monitoring in a conspicuous place which is readily available for viewing by subject employees.

While the statute does not define what is considered a "conspicuous area," it is expected that many employers will choose to include this information in their employee handbooks or post stand-alone notices in break room areas so that employees can readily review these new policies at their convenience. It is also important to note that the law does not provide that those who were employed prior to the amendment be given the same written and electronic notice that those brought on after would have.

Notably, this new legislation does not apply to processes that:

- are designed to manage the type or volume of incoming or outgoing electronic mail or telephone voice mail or internet usage;
- are not targeted to monitor or intercept the electronic mail or telephone voice mail or internet usage of a particular individual; and
- are performed solely for the purpose of computer system maintenance and/or protection.

What New York State Employers Need to Know

Since the law is already in place, employers should have already made many of the necessary preparations to comply with this new legislation to avoid civil penalties. New York employers found in violation will be subject to a penalty of five hundred dollars for their first offense, increasing to one thousand for the second, and three thousand dollars for the third and any additional future offenses. These provisions

are enforced by the New York State Attorney General as the amendment provides no private cause of action for these violations.

Although the electronic monitoring statute does not define what notification is required for out-of-state employees working remotely for a New York-based corporation, it is expected that the law would still apply. Considering that if the business is located in New York State and under the jurisdiction of the New York State Attorney General, the provisions would seemingly still apply even if the employee was working out of state.

Key Takeaways

While this law does not change much with regard to an employee's use of technology in the workplace, it does help to clarify the relationship between employers and their employees and makes the monitoring of their communications more transparent.

Sabastian S. Piedmont is the Managing Partner at Tully Rinckey PLLC's Syracuse office, where he primarily practices in the firm's New York State and federal labor and employment, and education practice groups. Sabastian has worked closely with many businesses, assisting both public and private clients with labor and employment considerations and advisory opinions on employment law guidance. He can be reached at info@tullylegal.com or at (888)-529-4543.

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The 2023 U.S. News & World Report—Best Lawyers "Best Law Firms" edition and the 2022 Upstate New York "Super Lawyers" edition again recognize our attorneys as Best Lawyers and Super Lawyers respectively. Since their inception, Best Lawyers and Super Lawyers have regularly recognized CCBLaw attorneys.

Best Lawyers designates CCBLaw as Tier 1 for Health Care Law (the only law firm so designated in the Syracuse region) and Tier 2 for Employee Benefits (ERISA) Law and Litigation-Labor & Employment.

Recognized by Best Lawyers are Stephen H. Cohen, Michael J. Compagni, Marc S. Beckman, Laura L. Spring, and Andrew M. Knoll. In addition, Marc Beckman has been recognized as 2023 Lawyer of the Year for Health Care Law.

Super Lawyers recognizes CCBLaw Attorneys Cohen, Compagni, Beckman, Knoll and Spring as well as John R. Appler, Maureen D. McGlynn, Bruce A. Smith, and Bruce E. Wood. In addition, Attorney Spring has also been designated a "Top 25 Women" in Upstate New York for the fifth year. Although Super Lawyers only designates 5% of lawyers as "super lawyers," 100% of our firm's practicing attorneys have been so designated.

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NEWSMAKERS & INFLUENCERS

Several Syracuse Attorneys Receive Prized Annual Recognition

The *Best Lawyers* rankings were announced in August and several local attorneys were recognized in a variety of categories from Lawyer of the Year, Best Lawyers in America, and Best Lawyers: Ones to Watch in America.

Founded in 1981, Best Lawyers is a publication that has for the last four decades ranked legal practitioners both in the United States and abroad for their abilities, professionalism and integrity. By way of exhaustive peer-review surveys these rankings are widely respected and considered unbiased.

Listed here are the Syracuse attorneys who received Best Lawyers recognition as **Lawyer of the Year 2023**:

Barclay Damon

Gerry Stack - Tax Law

Bond, Schoeneck & King

Kevin Bernstein - Environmental Law

Thomas G. Eron - Education Law

Laura H. Harshbarger - Employment Law - Management

Larry P. Malfitano - Labor Law - Management

Charles J. Sullivan - Corporate Law

Matthew N. Wells - Public Finance Law

Hancock Estabrook

Janet D. Callahan - Appellate Practice

Richard W. Cook - Banking and Finance Law



Many Syracuse-based colleagues were recognized as **Best Lawyers in America**, and they are:

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Lee Alcott

Commercial Litigation

Will Barclay

Corporate Law

Robert Barrer

Commercial Litigation

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Energy Law

Oil and Gas Law

John Cook

Commercial Litigation

Peter Crossett

Energy Law

Marcy Robinson Dembs

Trusts and Estates

Jon Devendorf

Commercial Litigation

Jeff Dove

Bankruptcy and Creditor Debtor

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Environmental Law

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Litigation - Labor and Employment

Peter Hubbard

Banking and Finance Law

Bankruptcy and Creditor Debtor

Rights/Insolvency and Reorganization Law

Mitch Katz

Bet-the-Company Litigation

Commercial Litigation

Litigation - Banking and Finance

Litigation - Real Estate

Matthew Larkin

Commercial Litigation

Mass Tort Litigation/Class Actions

Product Liability Litigation

Professional Malpractice Law

Kevin McAuliffe

Project Finance Law

Buster Melvin

Litigation - Labor and Employment

Doug Nash

Commercial Litigation

Kevin Newman

Bankruptcy and Creditor Debtor

Rights/Insolvency and Reorganization Law

Commercial Litigation

Gabe Nugent

Commercial Litigation

Mike Oropallo

Copyright Law

Kevin Roe

Environmental Law

NEWSMAKERS & INFLUENCERS

Best Lawyers in America - Continued

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Michael Sciotti
Employment Law - Management
Labor Law - Management
Litigation - Labor and Employment

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Corporate Law

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Litigation - Bankruptcy
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Education Law
Employment Law - Management
Labor Law - Management
Jonathan B. Fellows
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Litigation - Banking and Finance
Litigation - Labor and Employment
Litigation and Controversy - Tax
David M. Ferrara
Labor Law - Management
Suzanne O. Galbato
Commercial Litigation
Laura H. Harshbarger
Education Law
Employment Law - Management
Labor Law - Management
Litigation - Labor & Management

Brian K. Haynes
Employee Benefits (ERISA) Law
Tax Law
Camille W. Hill
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Best Lawyers in America - Continued

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"The 29th edition of The Best Lawyers in America recognizes only the top 5.3% of elite lawyers in the nation across 150 practice areas. We saw a 17% increase in votes received for 2023 over 2022. More than 12 million evaluations were considered, including submissions from lawyers with whom they've opposed in court, to identify this year's exclusive group of Best Lawyers honorees." -- Best Lawyers

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Best Lawyers: Ones to Watch in America

Barclay Damon

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NEWSMAKERS & INFLUENCERS

OCBA Board Member Receives Prestigious Award

Congratulations are in order for OCBA Board of Directors member Staci Dennis-Taylor on receiving the 2022 Black Law Student Association (BSLA) William Herbert Walker Legacy Award bestowed by the Syracuse University College of Law. She will be recognized for this achievement during Law Alumni Weekend 2022.

Dennis-Taylor is an experienced litigator and mediator. Driven by a dedication to equal justice under the law, she takes pride in supporting racial justice and diversity initiatives in her community.

She joined the Onondaga County District Attorney's Office as an Assistant District Attorney in 2016. As an ADA in the Special Victims Bureau, she prosecuted cases involving domestic violence, child abuse, and sexual assault. In summer 2021, Dennis-Taylor was named a Bureau Chief in the Onondaga County District Attorneys' Office.

Dennis-Taylor co-chairs the OCBA Diversity & Inclusion Committee.



Pranav Katti joins Barclay Damon's IP Department



In August, Barclay Damon announced Pranav Katti joined the firm's Intellectual Property Litigation and Patents & Prosecution Practice Areas. He will work primarily from the Syracuse and New York City offices.

Katti focuses his multi-faceted practice on all aspects of litigating intellectual property matters involving copyrights, trademarks, and patents as well as related legal issues in contracts, civil procedure, brand protection, and patent and trademark prosecution. His litigation experience also includes issues involving photography and film, breach of contract claims, and brand protection.

With a background in music and an undergraduate degree in chemical engineering he is poised to help creative individuals and inventors pursue their intellectual property and patent-obtaining goals.

NEWSMAKERS & INFLUENCERS

Julia J. Martin and Joshua S. Werbeck Elected to Bousquet Holstein PLLC Board of Managers

The members of the Bousquet Holstein PLLC law firm elected its newest attorneys to its Board of Managers in Julia J. Martin and Joshua S. Werbeck.

Martin first joined the firm in 2009 and was elected as a member of the firm in 2019. She is part of the Brownfield Practice Group and advises clients on a broad range of tax and business matters, from planning and compliance, through the audit process, to controversy and litigation. Her practice focuses on corporate income, franchise, gross receipts, sales and use, and personal income taxes. In particular she zeroes in on economic development tax incentive programs such as New York's Brownfield Cleanup Program and Opportunity Zones.



Julia J. Martin

Werbeck joined Bousquet Holstein in 2010 and was elected as a member of the firm in 2016. He is a member of the Real Estate, Business, and Liquor Licensing and Compliance Practice Groups. He represents individuals, businesses, and non-profits, including developers, lenders, homeowners associations, and condominium boards. In business matters, he works with business owners and leaders in general business, transactional, and employment matters. In liquor licensing, Werbeck has experience representing restaurants, bars, wineries, breweries, universities, hotels, grocery stores and other venues of all aspects of liquor licensing, including initial applications to the State Liquor Authority.



Joshua S. Werbeck



Robert J. Kaweck

Robert J. Kaweck Joins Bousquet Holstein

Last month, Bousquet welcomed Associate Attorney Robert J. Kaweck to the firm's Ithaca office.

Kaweck joins the firm's Real Estate Practice Group focusing his practice on residential real estate sales and purchases.

He is a *cum laude* graduate of the Syracuse University College of Law, in 2019, where he also earned the college's Estate Planning Certificate. During his time at Syracuse Law, he gained practical experience through the Low-Income Taxpayer Clinic. He earned his B.A. in Political Science and American History, cum laude, from the University of North Carolina at Chapel Hill in 2016.

Bar Boards

Liverpool Attorney Seeks Last Will & Testament for Lyle Cooper

Seeking the last Will and Testament of Lyle Cooper of 719 Co. Rte. 20, Oswego, NY. If you have any information please contact Gary Collison, Temporary Guardian, at (315) 451-3100.

New Hartford Attorney's Office Seeks Last Will & Testament

Looking for the Will of Agnes E. Reynolds of Boonville, NY. Please contact Attorney Les Lewis at 315-724-5149 with any information.

Family Seeks Last Will & Testament for Loved One

The family of Leon E. Smith (3471 Linda Lane, Baldwinsville, NY 13027) is seeking a will that may have been done in 2020 or early 2021. Leon had worked at New Process Gear, retiring in 2001. He enjoyed camping, taking trips with the senior group, working with Moyers Corners Fire Department Auxiliary and the CNY Food Bank. Please contact kasmith@twcny.rr.com

Did you know?

The OCBA receives calls from people in search of wills and last testaments of loved ones only to discover the lawyer who drew those up has retired or is deceased.

Contact the OCBA and let us know where your files may be forwarded so we can help these callers and lighten their load.

Thank you!

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.



OCBA CONTINUING LEGAL EDUCATION

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YOUR HOME IS SPYING ON YOU: A LOOK AT INTERNET OF THINGS FORENSICS

WHEN: 1 p.m. Tuesday, October 4th | **HOW:** ZOOM

MCLE: 1.0 Prof. Practice | **COST:** \$20

More and more homes contain smart devices: Amazon Alexa, Google Home, Nest Thermostat, Smart TVs, Roombas, and more. These devices store all kinds of activities and send that data to the cloud.

This CLE explores the types of data available, looks at some cases where that data was used, and discusses the law regarding the collection of this type of data.

**CLICK HERE
TO REGISTER**



PRESENTER

Brian Chase, Esq.
Director of Digital Forensics
Archer Hall

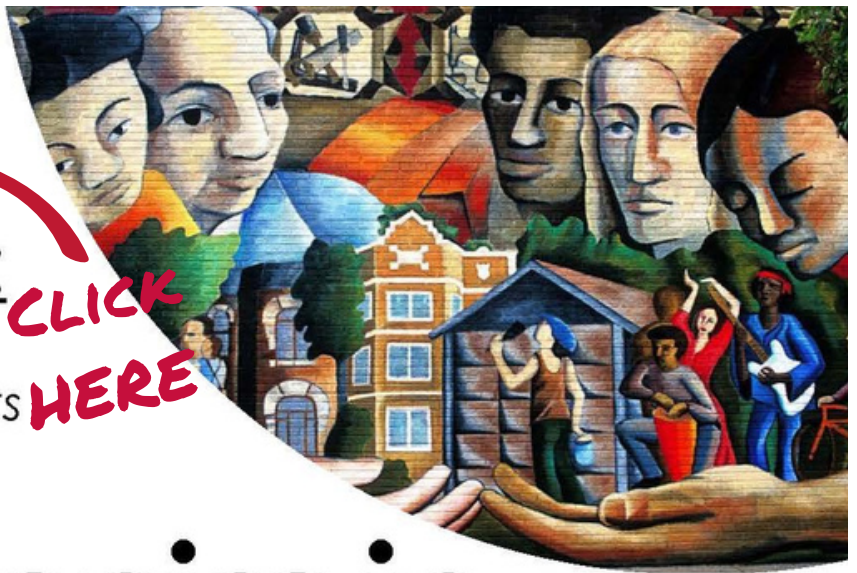
Mr. Chase has consulted with firms on their use of technology within the office, and has provided expert testimony in criminal and civil matters ranging from misdemeanors to murder to medical malpractice. He has published and spoken on various technology related issues impacting law firms as well as parties in the civil and criminal justice system.



Free CLE Announcement:

Register at:
www.onbar.org/events

CLICK
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Special Topics in Fair Housing

**Thursday October 20th, 2022, 1-3PM
CNY Community Foundation – Ball Room
431 E. Fayette Street, Syracuse, NY 13202**

**Presented by CNY Fair Housing
Instructors: Conor Kirchner &
Casey Weissman-Vermuelen**

NYS 2 MCLE Credits in Professional Practice

<https://www.onbar.org/events/cle-special-topics-in-fair-housing/>

