

THE BAR REPORTER

The Newsletter of the Onondaga County Bar Association



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5FORCNY REVISITED: WITH THE GREAT WEALTH TRANSFER COMES GREAT OPPORTUNITY

We are in the midst of the greatest wealth transfer in modern history. Chances are, as advisors, you've probably heard some version of this phrase so often that you could recite it like it's the chorus of your favorite song. What began decades ago as the Silent Generation and WWII Generation started passing wealth down to baby boomers through their estates is picking up even more steam as those same baby boomers, most of whom are now of retirement age, are preparing to transfer assets to their children.

Updated forecasts suggest that U.S. households will transfer more than \$84 trillion over the next quarter century. We know that these numbers will have far-ranging economic and demographic implications for our country as a whole. For advisors, this transition continues to signal major planning opportunities as more baby boomers turn their attention to retirement and estate planning and an increasing percentage of Gen X-ers and millennials become primary wealth holders. But how will this impact us closer to home?

We first set out to answer this question in 2011 when we commissioned a study to analyze what the generational wealth transfer could mean for Central New York. In many cases, assets were expected to pass to heirs living outside of the region, thus decreasing a vital flow of support to local nonprofits. That's when we first announced our 5forCNY campaign, encouraging community members to consider leaving a portion of their estates to local charities.

Over the last decade, we saw a growing number of community members recognizing the importance of keeping their charitable dollars in their home communities. At the Community Foundation alone, the number of planned legacy and estate commitments – which will benefit a wide range of local charities and causes – has more than doubled as people are increasingly treating the community as one of their heirs in their financial and estate plans. Many individuals have also created charitable funds that enable their children or grandchildren to maintain a connection to the area where they grew up and made cherished memories.

Just as the transfer of wealth is ongoing, so is our 5forCNY campaign. While the list of community needs to be addressed may be great, the opportunity

we all have to make a difference together is even greater. The lives of current and future CNY residents, including our children and grandchildren, would be immeasurably benefited if everyone gave 5% of their assets – whether they be large, small or anywhere in between – to charity through their estate.

In 2022, an updated study conducted by LOCUS Impact Investing found that on average, \$79,700 per household will transfer from one generation to the next in Central New York over the next 10 years. This adds up to a total projected transfer of \$25 billion.

If 5% of that – nearly \$1.3 billion – was designated for local charity in a charitable endowment, an estimated \$74 million would be available for nonprofit grantmaking each year! In other words, an average gift of \$4,000 from each household transfer could make a significant difference in our community for generations to come. Even the most modest gifts, when combined and compounded through disciplined endowment investment and stewardship, could yield exponential support for the organizations that drive positive change in our five-county region.

With this renewed study also comes a renewed opportunity to spread the word about some easy, accessible options for giving back. We now know more about some of the common motivations and barriers to legacy giving. Many people want to give back, but assume they have to choose between family and charity. Others might think they don't have enough to give. Many simply don't know where to start.

You can start by simply asking your clients two questions:

- ① Do you have charities that you care about?
- ② If so, would you like to include those organizations in your financial and estate plans?

We are available to help with any of your client's charitable planning needs, including how to help your clients root their charitable legacies in the place where they themselves have put down roots. To learn more about 5forCNY, visit 5forCNY.org. To request a copy of the 2022 Transfer of Wealth study, please feel free to contact **Tom Griffith, vice president, development, at 315-883-5544 or tgriffith@cnycf.org.**



TOM GRIFFITH
Vice President, Development

**WANT TO HELP
US SPREAD THE
WORD?**

**PLEASE
CONTACT US
IF YOU ARE
INTERESTED IN
SCHEDULING
A 5FORCNY
PRESENTATION**

.....
TGRIFFITH@CNYCF.ORG
315.883.5544



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.



Upcoming Events

Thursday, December 8, 2022

OCBA Holiday Party
CNY Philanthropy Center, Ballroom
431 E. Fayette Street, Syracuse

Tuesday, December 13, 2022

Breakfast at the Bar
sponsored by the Women in the Courts Taskforce
Salt City Market Coffee Bar on Salina Street

Friday, December 16, 2022

VALAC Holiday Drive-thru Donation
11:30am - 1:30pm • *benefiting HumaneCNY*
CNY Philanthropy Center Parking Lot

Monday, December 26, 2022

OCBA Office Closed

Friday, December 30, 2022

OCBA Office Closed

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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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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WELCOME NEW JUDGES!

At a November 17th reception, OCBA members welcomed to the bench newly elected judges in the 5th Judicial District. At the same time, a special moment occurred when retiring judge Thomas J. Miller accepted a gift of thanks from the Onondaga County Criminal Bar for his 10 years of County Court service.





Christmas Wishlist

Celebrate the season of giving by donating to
HumaneCNY

Help give a puppy in need a very happy holiday!

Items Needed:

Drive -thru Drop Off:

-  Dog Food/Treats
-  Nylon Collars/Leashes
-  Dog/Cat Beds/Blankets
-  Non-Clumping Cat Litter
-  Purina Pro Plan Food
-  Toys/Ropes/Nylabones

Deliver your donations
11:30 am to 1:30 pm
Friday, December 16th
at the CNY Philanthropy
Center parking lot
431 E. Fayette St.
(at Townsend)





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**THE HON. JAMES P. MURPHY, J.S.C., FIFTH JUDICIAL DISTRICT
ADMINISTRATIVE JUDGE, CALLS FOR VOLUNTEER ATTORNEYS FOR
SYRACUSE CITY COURT SMALL CLAIMS/COMMERCIAL CLAIMS
ARBITRATION PROGRAM.**

"As a result of COVID-19, Syracuse City Courts were forced to discontinue the in-person Arbitration Program for Small Claims/Commercial Claims cases. Now that we are back to in-person appearances Syracuse City Court needs volunteer attorneys to serve as Arbitrators in continuance of this vital program."

James P. Murphy, J.S.C.

Fifth Judicial District Administrative Judge

No prior experience is necessary. Training will be provided. Cases are heard every Tuesday and Thursday at 1:30 pm, Part 1 Courtroom of The Hon. James C. Tormey III Criminal Courthouse. This is a great opportunity for both newly admitted and veteran attorneys to donate their time for a good cause. To become a member of our Small Claims/Commercial Claims Arbitration Roster, please contact:

*Valerie L. James, Chief Clerk IV, Syracuse City Court,
Tel.: (315) 671-2776, vjames@nycourts.gov; or*

*Kathryn Strodel, Esq., Syracuse City Court,
Tel.: (315) 671-2789, kastrode@nycourts.gov*



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Candidates must be licensed to practice law in New York State; 2-7 years of litigation experience; excellent research and communication skills; be able to function effectively in a team-oriented environment; demonstrated high level organizational skills for prioritizing workload; and demonstrated ability to absorb, process and understand new information rapidly.

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

Member Spotlight

Sebastian Piedmont, Esq.

Sebastian Piedmont, Esq., 28, joined the Syracuse office of Tully Rinckey PLLC in the fall of 2021. Within five months, he was named the firm's managing partner. Piedmont is a former Social Studies teacher who received his Juris Doctor and National Security and Counter-Terrorism Law Certificate of Advanced Study from Syracuse University College of Law.

Tell us about yourself. Are you a Central New Yorker? Where'd you go to school? Were there signs in your upbringing that make sense today that indicated you'd be a lawyer in life? Do you come from a long line of practitioners?

I am originally a Western New Yorker and grew up in Albion, New York, a small town in Orleans County, located right in between Buffalo and Rochester. Initially, I attended undergrad at the University of Buffalo with the intention of attending law school and becoming an attorney. However, during my freshman year of undergrad my interests shifted to teaching, and I transferred to SUNY College at Brockport and was accepted into their adolescent education program.

I decided to take the LSAT because I enjoyed the legal and policy aspects of education. I then applied to a number of law schools around the Northeast and Midwest, but ultimately chose to attend Syracuse University College of Law in order to be within a reasonable drive of my family and friends.

My family would say that they always thought I was going to be a lawyer because of my grades and argumentative personality during my teenage years! Regardless, I am happy that I decided to take the LSAT and am beyond grateful for how everything related to my education has turned out.

Actually, I am not from a long line of practitioners and had no exposure to the legal practice until law school and my first summer internship at the Orleans County District Attorney's Office.

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

During my first semester of law school, I continued to substitute teach and work as an AVID Tutor at Lyndonville Central School District. In my first two years of law school, I clerked at the Orleans County DA's Office. Due to the size of the office, I was privileged to have an opportunity to sit second chair on a high stakes' felony trial in County Court with District Attorney Joseph Cardone as lead prosecutor. I also worked during my third year of law school at the Madison County Attorney's Office with County Attorney Tina M. Wayland-Smith.



After law school I gained a wealth of experience in municipal law, education law, and labor and employment law, which I have continued to practice and expand my experience with during my tenure at Tully Rinckey PLLC. I primarily practice federal and New York State labor and employment law, including in both State and federal administrative matters. I also have spent a significant amount of time in our education law practice both actively representing college and grade school level students/parents with disciplinary and special education related matters. I am also routinely providing background support for others during municipal related matters ranging from planning and zoning to FOIL requests and constitutional issues raised by municipal employees. I really enjoy the constant challenges that I face in both education and L&E matters, because every student and employee has a different set of facts that prevent me from becoming complacent and life from becoming monotonous.

Why do you think you were selected to lead Tully Rinckey's Syracuse office? What about you came through as prompting your superiors to select you for the role? What do you bring to the table?

I think it was because I was told during multiple interviews about how Tully Rinckey's culture was receptive to feedback, questioning, and valued hard work. I took that to heart, and from day one I provided feedback and built a rapport with staff, associates, partners, and administration through dedication and reliability. Tully Rinckey encouraged me to share my creative ideas, collaborate and expand our education law practice, and go beyond expectations because they acknowledge hard work.

I also email responses quickly. That might have helped! In all seriousness, I would hope that my character and dedication, energetic attitude for any assignment, big or small, and being open to change are what I displayed that helped make the decision easier to make.

I think I offer management the perspective of someone still relatively new to the firm; a new hire, or an associate may interpret a policy or procedure, and offer non-traditional solutions to problems that arise.

What about your law practice has been the most fun or cool or satisfying or gratifying? Is there a case or a client that broke through for you? A particular lesson learned and/or validated?

The most fun experiences have been the opportunities I have had to collaborate on matters with other Tully Rinckey attorneys all over the United States and advocate for clients all over the world. I never imagined that I would be submitting rebuttals to discipline for federal employees in Japan, appearing in an initial conference with a client in Nevada and an Administrative Judge in Texas, and then obtaining a favorable decision on a motion in State Supreme Court, all in one day!

Why should people volunteer with the bar association and become involved?

This provides everyone an opportunity to maintain a network of friends and builds a comradery between practitioners that otherwise may not exist and only makes the legal process more adversarial. Furthermore, it allows for engagement with the local community outside of the courtroom. Plus, usually someone at any meeting or event can get a good laugh out of everyone, which we all need from time to time!



Managing an office of legal professionals is a big deal. Why did you want this job? What is it about managing an organization that lights your fire?

Being in an administrative/management role has always been something I wanted to achieve during my career, both when I was student teaching and during my legal practice. Once becoming a managing partner was a remote possibility, it was not a position that I was willing to give up. I took on a transitional role of Office Leader last November that allowed me to transition into the role of managing partner without it becoming an instantaneous burden. This allowed me to grow my legal knowledge and experience while also taking on more managerial tasks without being overly burdensome on either track.

Being able to facilitate an office that fosters growth, flexibility, and a work-life balance that is respected by everyone at all levels of the firm (and the monthly Mario-Kart meetings) is somewhere I always wanted to work, and I am making that happen and seeing it be successful. That passion to always be learning and improving is what the management role has provided. I am beyond grateful that Tully Rinckey is taking a chance on me and letting me learn the management side of a business without micromanaging me during the process. I am beyond excited about this new challenge and the types of opportunities that lie ahead.



Save the date!!
*
**THE OCBA
HOLIDAY PARTY**

5 pm Thursday, December 8th



Registration Opens after Thanksgiving

**CNY PHILANTHROPY CENTER
BALLROOM
431 E. FAYETTE STREET
SYRACUSE**

Free Parking • Hors d'oeuvres • Friends & Colleagues

Breakfast at the Bar

Come join us!

Tuesday, December 13, 2022

8:00 - 9:30 A.M.

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

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



*Happy
Holidays*

WOMEN IN THE COURTS TASKFORCE

CNY WOMEN'S BAR ASSOCIATION
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Now Hiring

ATTORNEY-LABOR RELATIONS SPECIALIST

The Cayuga-Onondaga BOCES is accepting applications from New York admitted attorneys and 2022 candidates with an interest in education law and public sector labor and employment law to fill the position of Labor Relations Specialist.

The Labor Relations Specialist is responsible for all aspects of collective negotiations, labor relations and providing daily guidance to multiple school districts in Central New York, including serving as chief spokesperson, and representation in grievances, arbitrations and administrative hearings. The position offers a competitive salary, starting at \$90,000. Enjoy a great work/life balance and comprehensive benefits including health insurance, NYS pension, paid time off, flex, 403B, and the possibility of Public Service Loan Forgiveness.

APPLY BY DECEMBER 31, 2022

Application letter, resume and three references will be accepted through November 4, 2022,
and may be emailed to: lrapplications@cayboces.org

The Cayuga-Onondaga BOCES does not discriminate on the basis of an individual's actual or perceived race, color, religion, creed, ethnicity, national origin, citizenship status, age, marital status, partnership status, disability, predisposing genetic characteristics, sexual orientation, gender/sex, military status, veteran status, domestic violence victim status or political affiliation, and additionally does not discriminate against students on the basis of weight, gender identity, gender expression, and religious practices or any other basis prohibited by New York state and/or federal non-discrimination laws in employment or its programs and activities.



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THE PRACTICE PAGE

CONFIDENTIALITY AGREEMENTS AND CPLR 5003-B

HON. MARK C. DILLON

CPLR 5003-b is a relatively new practice statute and deserves some initial focus. It was added to the CPLR in 2018, followed by an amendment rendering its application more expansive in 2019. The statute was enacted in response to a national and statewide focus in 2017 upon the problem of sexual harassment in the workplace, including what became known then as the “Me Too” and “Time’s Up” movements. The state legislature enacted a number of Acts responsive to those issues in 2018, including a mandate that all employers in the state implement a sexual harassment policy, employee training, and clear internal complaint and investigation processes (“NYS Assembly Mem. in Support of Legis.,” Bill Jacket, p. 15, L.2019, ch. 160, sec. 9). CPLR 5003-b was parallel legislation initially focused on the litigation side of sexual harassment claims (L.2018, ch. 57, pt. KK, subpt. D, sec. 2), until it was expanded the following year to apply to all forms of discrimination suits (L.2019, ch. 160, sec. 9).

The statute is one paragraph. In its amended form, it expansively applies to any and all causes of action involving discrimination, whether derived in common law, equity, or “any [other] provision of law.” The phrase “any provision of law” is of course a nod to statutes, but also, to any relevant discrimination-related codes, rules, and regulations. The statute specifically invokes article 15 of the state’s Executive Law, which renders unlawful any discriminatory practice based on race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, or status as a victim of domestic violence (Executive Law 296, 296-a, see also 296-b).

Actions and proceedings within the scope of CPLR 5003-b are subject to special provisions regarding the execution of confidentiality agreements between the parties. The procedures for negotiating and executing confidentiality agreements are at the true heart of CPLR 5003-b. Given the nature of discrimination claims, there was legislative concern about the negotiation of confidentiality stipulations for settlement agreements, shielding information about the terms of the settlement from the public. The statute does not prohibit such stipulations which, as a general matter, may serve a useful and mutually-beneficial purpose for the parties. But the statute imposes time-regulated safeguards for plaintiffs in deciding when, and whether, to agree to confidentiality in a way that becomes binding upon them.

In actions or proceedings within the scope of the statute, the defendant employer is prohibited from including within the settlement agreement a condition of confidentiality “unless the condition of confidentiality is the plaintiff’s preference.” Fair enough. Beyond that, the plaintiff is entitled to at least 21 days to consider the issue of confidentiality, which assures that any decision that is ultimately reached on the issue is made freely, knowingly, and upon consultation with counsel and perhaps others. Even after the 21-day wait period is fulfilled and the settlement agreement is executed by all parties with a confidentiality provision included, the plaintiff enjoys an additional seven days, measured from the agreement’s execution, to revoke the agreement. A *Continued on the next page* revocation of the agreement necessarily voids any

Continued from previous page

previously-contemplated stipulation of confidentiality. The final sentence of CPLR 5003-b therefore directs that the parties' executed settlement agreement is not effective or enforceable until after the seven-day revocation period has expired. The statute has the effect of pacing the true completion and effectiveness of settlement agreements in discrimination cases until a week after their execution, to provide plaintiffs with the benefit of time for consultation, contemplation, and even the changing of minds.

A wide range of discrimination cases are affected by CPLR 5003-b. Defendant employers may continue to negotiate stipulations of confidentiality when they wish, and may typically be willing to pay more money to settle actions in exchange for that confidentiality. But under this relatively new statute, the statutory waiting periods are binding before such actions are fully and finally resolved.

CPLR 5003-b is still new enough that it does not appear to have yet generated any case law. As to that, it may just be a matter of more time.

APPEALS

Civil, Criminal, Administrative
Referrals Welcome
(315) 474-1285

John A.
CIRANDO
Attorney at Law

250 S. Clinton Street
Suite 350
Syracuse, New York 13202

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.*

Conor P. Rourke Joins Cohen Compagni Beckman Appler & Knoll, PLLC



Conor P. Rourke has joined CCB Law as an associate attorney practicing in the areas of healthcare, business and commercial real estate law.

Prior to joining the firm, Conor worked at Syracuse area law firms concentrating in real estate, litigation, education, business transactions, and estate planning.

Conor attended Albany Law School where he graduated cum laude. While at Albany Law School, he interned with the New York State Inspector General, Council 82 New York State Law Enforcement Officers Union AFSCME, AFL-CIO, as well as the office of the Albany County Attorney.

Conor concentrates his practice on business and commercial real estate matters. He counsels healthcare-related businesses and their professional owners as well as business professionals in non-healthcare industries regarding operational and transactional matters. In addition, Conor's practice involves representing buyers and sellers in the purchase and sale of commercial real estate and representation of tenants and landlords in commercial leasing.



Cohen Compagni Beckman
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NEWSMAKERS & INFLUENCERS

Two Dozen Hancock Estabrook Attorneys Named Super Lawyers

Twenty four Hancock Estabrook attorneys have been selected for the 2022 "Upstate New York Super Lawyers" list, including 10 named as Rising Stars. To be eligible for inclusion in Rising Stars, a candidate must be 40 years old or younger or in practice for 10 years or less.

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

Hancock Estabrook Super Lawyers are: Cora A. Alsante, Daniel B. Berman, Janet D. Callahan, Catherine A. Diviney, Marion Hancock Fish, Thomas J. Fucillo, Mary C. King, John T. McCann, John L. Murad, Jr., Timothy P. Murphy, Alan J. Pierce, John G. Powers, Doreen A. Simmons, and Robert C. Whitaker, Jr.

Rising Stars are: Michael J. Balestra, Natalie S. French, Jaime J. Hunsicker, Whitney M. Kummerow, Daniel K. Mannion, Emily A. Middlebrook, James J. O'Shea, Ryan M. Poplawski, Courtney L. Troyanovych, and Briana K. Wright.



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Poplawski



Troyanovych



Wright

NEWSMAKERS & INFLUENCERS

BOND 2022 Super Lawyers Rising Stars - Syracuse

Bond, Schoeneck & King announces eight of the firm's Syracuse attorneys have been recognized as 2022 *Upstate New York Super Lawyers Rising Stars*. Selected by their peers, these attorneys are from among the top up-and-coming lawyers defined as 40 years of age and younger, or in the practice of law for less than 10 years. The BOND firm boasts 275 attorneys serving individuals, companies, non-profits, and public sector entities in 10 offices in New York state as well as locations in Florida, Kansas, Massachusetts and New Jersey.

The eight BOND Rising Stars in Syracuse are:

- Stephanie M. Campbell - Civil Litigation, Defense
- Stephanie H. Dedorka - Employment & Labor
- Amber Lawyer - Technology Transactions
- Liza R. Magley - Civil Litigation, Defense
- Daniel J. Pautz - Business Litigation
- Kate I. Reid - Schools & Education
- Amy G. Rhinehardt - Real Estate
- Brendan M. Sheehan - Business Litigation

23 BOND Attorneys Named in NY Super Lawyers Upstate Edition

But that's not all! BOND also announces that 23 of the firm's Syracuse attorneys have been recognized in the 2022 New York Super Lawyers Upstate Edition for achievement in their respective fields. They are:

- Kevin Bernstein - Environmental
- Brian J. Butler - Business Litigation
- Stephen A. Donato - Bankruptcy Business
- Thomas G. Eron - Employment & Labor
- Jonathan B. Fellows - General Litigation
- Laura H. Harshbarger - Employment & Labor
- Brian K. Haynes - Employee Benefits
- Peter A. Jones - Employment & Labor
- Robert A. LaBerge - Employment & Labor
- Colin M. Leonard - Employment & Labor
- Larry P. Malfitano - Employment & Labor
- Adam P. Mastroleo - Employment Litigation, Defense
- George R. McGuire - Intellectual Property
- Patrick V. Melfi - Employment & Labor
- Louis Orbach - Business Litigation
- Fred J. M. Price - Intellectual Property
- Jeffrey B. Scheer - Business/Corporate
- Brody D. Smith - Environmental
- Charles J. Sullivan - Business/Corporate
- Sara C. Temes - Bankruptcy, Business
- Robert R. Tyson - Environmental
- Subhash Viswanathan - Employment & Labor
- Richard L. Weber - Business Litigation



NEWSMAKERS & INFLUENCERS

Werbeck Elected to NYSBA Real Estate Law Section Executive Committee



On the heels of being elected to Bousquet Holstein PLLC's Board of Managers, attorney Joshua Werbeck has been elected to the Executive Committee of the New York State Bar Association's Real Property Law Section.

Werbeck will serve as a co-chair of the Title and Transfer Committee. In this leadership role, he will have opportunities to shape statewide legislation, comment on pending cases and programs for attorneys across our state.

At Bousquet, Werbeck is a member of the Real Estate, Business, and Liquor Licensing and Compliance Practice Groups.



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NEWSMAKERS & INFLUENCERS

Barclay Damon Receives National Ranking

The Barclay Damon firm recently received a National Tier 3 ranking in two practice areas and a Metropolitan Tier 1 ranking in six metropolitan regions and 19 practice areas in the 2023 edition of *US News -- Best Lawyers* "Best Law Firms" list.

The rankings are based on a rigorous evaluation process that includes the collection of client and lawyer evaluations, peer review from leading attorneys in their field, and review of additional information provided by law firms as part of the formal submission process. To be eligible for a ranking in a particular area and metro region, a law firm must have at least one lawyer who is recognized in *Best Lawyers* in that practice area and metro region.

The firm received the National Tier 3 ranking in the following practice areas:

- Commercial Litigation
- Litigation -Labor & Employment

Within the Barclay Damon Syracuse office the following practice areas received the Metropolitan Tier 1 ranking:

- Banking and Finance Law
- Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law
- Commercial Litigation
- Corporate Law
- Litigation - Banking & Finance
- Litigation - Labor & Employment
- Real Estate Law

Various practice areas in the firm's offices in Albany, Boston, Buffalo, New Haven, Rochester were also included in the Metropolitan Tier 1 rankings.

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!

NEWSMAKERS & INFLUENCERS

Cheers to VLP Pro Bono Champs

The Volunteer Lawyers Project of CNY celebrated the volunteer service of its 2022 Pro Bono Champions during its virtual wine tasting fundraiser -- Cheers for the Cause on October 6, 2022.

"Our volunteer panel provides information, representation and advice to clients seeking help during stressful times. They do this work with compassion, often helping those who are feeling overwhelmed and seeking trauma-informed assistance," said Co-Interim Executive Director Mary John.



"We are so grateful to our entire pro bono team and the commitment they've made to our agency."

The 2022 individual award recipients and the work they are being honored for include:

John Callahan, Esq.

Janet Moon, Esq.

Marisol Estrada Cruz

Grace Sullivan

Catherine Ray, Esq.

Upstate Medical University

Eviction Defense Program

Immigration Program

Law Student

Law Student

Elder Law Program

Community Partner

Hey thanks for doing a great job!

Full Time Assistant District Attorney - Wayne County

The Wayne County District Attorney's Office currently has an Assistant District Attorney position available. Candidates would ideally have a minimum of 2 years of criminal prosecution/defense litigation experience, including jury trials. This position will primarily involve working in local justice courts and handling misdemeanor cases with opportunities to assist with felony cases. Salary for this position is competitive and commensurate with and dependent upon the number of years of professional legal experience. Medical benefits are available. Please email a resume, cover letter and list of references to: dkoller@co.wayne.ny.us

From the Courts



NEW YORK STATE

Unified Court System

OFFICE OF COURT ADMINISTRATION

NANCY J. BARRY, ESQ.

CHIEF OF OPERATIONS

JUSTIN BARRY, ESQ.

CHIEF OF ADMINISTRATION

JEFFREY CARUCCI

DIRECTOR, OCA DIVISION OF E-FILE

To: Bar Associations, Legal Service Providers, Attorneys, and Other Interested Persons and Organizations

Re: New York State Courts Electronic Filing Program

Date: October 28, 2022

As you may know, the Office of Court Administration submits a report each February 1 to the Legislature, the Governor, and the Chief Judge evaluating the State's experience with the Unified Court System's electronic filing system (NYSCEF). I write again as in past years, to invite your comments on electronic filing for inclusion in the 2023 annual.

I write as well to solicit your observations, for inclusion in the February report, on a proposed amendment to CPLR Article 21-A and other relevant statutes to expand current authority for the use of e-filing in the courts and permit the Chief Administrative Judge (CAJ) to institute e-filing – on either a consensual or mandatory basis – in all of the State's trial courts and in any class of cases.

The proposed legislative amendments to expand e-filing, (also included in last year's report), are aimed at promoting the creation of a more efficient and effective court system in New York State. In January 2021, *The Commission to Reimagine the Future of New York's Courts*¹ filed a report: *The Expansion of Electronic Filing: A Report and Recommendations of the Structural Innovations Working Group*, supporting the proposed legislation and highlighting that the bench, bar, and the public are ready to further expand e-filing as it is an essential tool for improving access to justice to all litigants across the State. The report further recommended that "the existing restrictions on the CAJ's discretion to establish mandatory e-filing in case types which are currently excluded be repealed."

¹ The Commission to Reimagine the Future of New York's Courts was created in June 2020 by then Chief Judge Janet Difiore and charged with making recommendations to improve the delivery and quality of justice services, facilitate access to justice, and to examine technological and other innovations and make recommendations to better equip the UCS to keep up with society's rapid evolving challenges/changes. Further information about the Commission and its work is available at: <https://www.nycourts.gov/reimagine-the-future/mission.shtml>

The current proposal would not alter requirements of consultation with the Bar, legal services providers, County Clerks outside New York City in Supreme Court matters, and other groups in advance of any future expansion or affect other existing provisions in the e-filing legislation. Further, unrepresented persons would continue to be exempt from e-filing unless they affirmatively choose to participate. Moreover, attorneys in cases in which e-filing would otherwise be mandatory would continue to be able to opt out of e-filing if they lack the equipment or knowledge to participate. Finally, the proposal would not alter current requirements of confidentiality in the treatment of actions that require it.

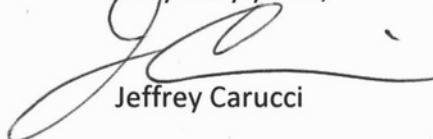
In order that we may have the time needed to prepare the report due February 1, 2023, I ask that as a group, an individual member of a group, or any interested person and/or attorney, submit any **comments by November 30, 2022**. All comments received will be included in the Annual Report. Comments should be sent by e-mail or regular mail to either of the following addresses:

Jeffrey Carucci, Director
OCA Division of E-Filing
Office of Court Administration
25 Beaver Street, 9th Floor
New York, New York 10004

efilingcomments@nycourts.gov

We look forward to your comments regarding NYSCEF and the immediate proposal.

Very truly yours,



Jeffrey Carucci

cc: Hon. Lawrence K. Marks, *Chief Administrative Judge*
Nancy Barry, *UCS Chief of Operations*
Justin Barry, *UCS Chief of Administration*
Anthony R. Perri, *Esq., Acting UCS Counsel*
Marc C. Bloustein, *UCS First Deputy Counsel & Legislative Counsel*
Christopher Gibson, *Court Clerk Specialist, OCA Division of E-Filing*

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.