FEBRUARY 2023 VOL.68 EDITION 2

THE BAR REPORTER

The Newsletter of the Onondaga County Bar Association

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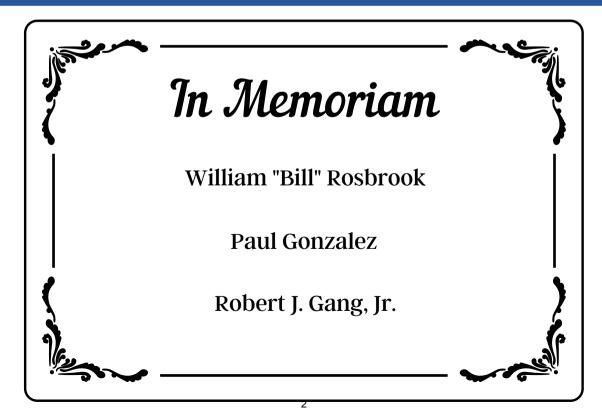


Onondaga County Bar Association CNY Philanthropy Center 431 East Fayette Street, Suite 300 Syracuse, NY 13202 315-471-2667

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.





South Barrier

ONONDAGA COUNTY BAR ASSOCIATION

431 East Fayette St. | Syracuse, NY 13202 | Phone: 315-471-2667 | Fax: 315-471-0705 | www.onbar.org

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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

Friday, March 10, 2023	Reception honoring Hon. Donald A. Greenwood on his appointment to the Appellate Division, Fourth Department
Tuesday, March 14, 2023	Breakfast at the Bar brought to you by the Women in the Courts Taskforce, 8-9:30 a.m., Salt City Coffee, Salt City Market, 484 S. Salina St., Syracuse
Thursday, March 16, 2023	CLE Cybersecurity Series, Pt. 3: The Biggest Cybersecurity Threat of All: Human Behavior
Friday, March 17, 2023	St. Patrick's Day
Wednesday, March 22, 2023	OCBA Real Property Committee Meeting, in-person & via ZOOM 4 p.m. 3rd Fl. Conf. Room, CNY Philanthropy Center, 431 E. Fayette St.
Wednesday, March 29, 2023	CLE Removal Defense 102: Removability & Relief, 1 to 3 p.m. via ZOOM
Thursday, March 30, 2023	OCBA New Lawyers & Recently Admitted Attorneys Networking Happy Hour 5 to 7 p.m. Harvey's Garden Beer Hall, 1200 E. Water St. (at Walnut)
Thursday, April 13 , 2023	OCBA Annual Meeting Noon, Onondaga County Courthouse, Legislative Chambers, Room 407
Thursday, April 27 , 2023	Reception Honoring Retired Judiciary 5:30 to 7:30 p.m. CNY Philanthropy Center, Ballroom, 431 E. Fayette St.

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

Retiring Soon?

The OCBA receives calls from people in search of wills and last testaments of loved ones when they discover the lawyer who drew those documents 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.

(315) 471-2667

WESTERN NEW ENGLAND UNIVERSITY SCHOOL of LAW

CALLING ALL GOLDEN BEARS

It's time to get together again!

All WNE University School of Law alumni are invited to attend.

(Actually, all attorneys are welcome!)

Thursday, March 9th 5 to 7 p.m.

Shaughnessy's Irish Pub 550 S. Warren Street (Marriott Syracuse Downtown)

Appetizers • Cash Bar

(This alumni event is self-funded, so any minimal donations to help cover costs will be appreciated.)

Questions? Call Nick DeMartino at (315) 430-0060





for a reception honoring

Hon. Donald A. Greenwood

on the occasion of his appointment to the Appellate Division, Fourth Judicial Department of the Supreme Court of the State of New York

Friday, March 10, 2023 9 to 10 a.m.

County Legislative Chambers Onondaga County Courthouse, Room 407 401 Montgomery Street

Coffee and light refreshments will be served.





Breakfast at the Bar

Joined by Onondaga County Judges to celebrate Women's History Month!





WOMEN IN THE COURTS TASKFORCE

CNY WOMEN'S BAR ASSOCIATION ONONDAGA COUNTY BAR ASSOCIATION

SAVE THE DATE!

Onondaga County Bar Association

ANNUAL MEETING

Thursday, April 13th at NOON Onondaga County Legislative Chambers Onondaga County Courthouse 401 Montgomery Street light refreshments will be served!



Newer & Recently Admitted Attorneys **NETWORKING HAPPY HOUR**

Harvey's Garden Beer Hall 1200 East Water Street (at Walnut) only 3 minutes from downtown!

Thursday, March 30th 5 to 7 p.m.



harvey`s garden

This is a no-cost event! Prior registration is requested. Do that <u>MERE</u>

This event is generously sponsored by





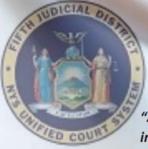


Blitman and King LLP is a nationally recognized firm representing labor organizations, employee benefits trust funds, and individual employees in workplace matters. The firm seeks an attorney with a minimum 2 years' federal and/or state court litigation experience. The position will involve federal and state court litigation. Cases commonly involve interesting and challenging issues under federal and state law. The successful applicant will also draft contracts, trusts, policies, and procedures concerning the collection of monies. Essentials include federal and state court litigation experience, the ability to manage many cases in litigation, and proven organizational skills. Excellent research, writing, and organizational abilities required. Competitive salary (range of \$70-\$90k, depending on experience) and excellent benefits.

Send letter of application, resume, and writing sample to Susan L. Sturick, Legal Administrator, Franklin Center, Suite 300, 443 North Franklin Street, Syracuse, New York 13204 or via e-mail to slsturick@bklawyers.com.



BAR REPORTER | 25



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

Bar Boards

James E. Woytowicz's Family is Looking for his Last Will & Testament

Mr. Woytowicz's family is curious to know if you might know where attorney George Van Lengen may have had his files forwarded? Anyone with information is asked to call Joanna Woytowicz at 315-706-2531.

Do you Know Where the Will is for Paul Cecil Rowand?

The family of Paul Cecil Rowand seeks to find a will that may been drawn up for their loved one. His date of birth was October 23, 1941 and he died on December 13, 2016. His spouse has stated that there was no will and family members are seeking to verify her statement. If you have any information, please contact Debbie Rowand-Jarvis at 315-395-3344.

Family Searches for Helen Mae Conklin's Will

Helen Conklin had a will drafted in 1999 and her family is looking for it. Helen lived in the Strathmore section of Syracuse and worked at Mark's Pharmacy. She was a member of St. Paul's United Methodist Church. She died in 2005 at 94. There is a probate issue in court now and the family is hoping to properly represent her wishes. If you have any information please contact JC Conklin at 214-725-5189.

Pyramid Management Group, LLC Job Description

Position: Real Estate Counsel - Operations

PRIMARY RESPONSIBILITIES

- Responsible for drafting and negotiating contracts and advising on property-level operational issues; supervising litigation, including insurance defense matters, landlord tenant disputes and bankruptcy mattes; and leasing along with other legal work.
- Advise Senior Management on legal issues and participate in the daily management and operation for a shopping center portfolio consisting of approximately 17 million square feet of leasable space.
- Advise asset management and operations staff on a broad spectrum of contract and litigation issues.
- \triangleright Perform legal research.

SUPERVISORY RESPONSIBILITY:

EDUCATION REQUIREMENTS

EXPERIENCE:

OTHER QUALITIES:

WORK ENVIRONMENT:

REPORTS TO:

FLSA STATUS:

Administrative Staff

Juris Doctorate (J.D.)

At least three years' legal experience with a focus on contracts, landlord-tenant law and commercial litigation. Knowledge of leasing, secured transactions and bankruptcy helpful.

Must be admitted to practice law in New York or be eligible for registration as In-House Counsel under 22 NYCRR 522.

Ability to manage a high volume of legal matters in a fast-paced work environment. Strong interpersonal skills along with excellent oral and written communication skills. Ability to negotiate effectively.

The work environment is equivalent to a general office environment. The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individual with disabilities to perform the essential functions.

Associate General Counsel

Exempt

Many hands help many

"We make a living by what we get. We make a life by what we give." -- Winston Churchill

Through its in-house pro bono program, Barclay Damon, in 2022, dedicated approximately 2,500 hours of time valued at nearly \$850,000 to pro bono efforts.

And for this work, the firm was honored as an Empire State Counsel honoree by the New York State Bar Association at its annual Justice for All award ceremony on January 19, 2023, thus marking the sixth consecutive year the firm has received this award.

"To maintain 100 percent pro bono service for six consecutive years at a firm like ours with nearly 300 attorneys is no small accomplishment," said Mitch Katz, pro bono partner. "It works for us because each of Barclay Damon's attorneys is deeply passionate about giving back to the community, and providing excellent pro bono service is a the core of Barclay Damon's culture.

Attorneys participated in family court clinics, litigated civil rights violations, drafted wills for veterans, assisted with clemency applications, and provided online legal aid through initiatives such as the American Bar Association's Free Legal Answers Program. Across its nine primary offices, firm attorneys supported legal matters involving critical issues, including immigration, housing, women's rights, prisoners' rights, community building, and economic development.

"Social inequities, violence, inflation, the pandemic, and other aspects of our modern world present serious, often heart-wrenching challenges to countless members of our communities who aren't in a position to afford the representation they need, and I'm proud that all of our attorneys step up to help meet the challenge," Managing Partner Connie Cahill said.

Where Can You Volunteer? Try here.

VLPCNY provides training, supervision and support to volunteer lawyers. VLPCNY is a pro bono CLE provider. You may be eligible for 1 CLE credit for every 2 hours of pro bono service provided to low-income clients through our program.

To learn more, contact volunteers@vlpcny.org.



A Welcoming Addition at the Courthouse

The Onondaga County Court House is proud to unveil its new Nursing Room, located in Room 316 (third floor across from the Attorney Room) and open during court hours to members of the public (litigants, jurors, visitors) and attorneys.

Past OCBA President the Hon. Danielle Fogel said that the need for the room was identified during a review by the Access to Justice Committee and the 5th JD Administrative Judge James Murphy, who looked at a variety of issues related to women in the courts, litigants' access, and making the courts more user-friendly. A space was identified last year thanks to Judge Murphy, with design and details completed last month. The room includes a restroom, refrigerator, and two private nursing suites. To access the room, users should contact court security or a court clerk before entering Room 316 and determine whether one of the two suites, each of which can be locked for privacy, is available.

Congratulations to all those involved in making this important space available to all who use and visit the Court House.





THE PRACTICE PAGE

DISCONTINUANCES OF LITIGATION

HON. MARK C. DILLON

The discontinuance of litigation is like a see-saw. The earlier it is sought in a litigation, the easier it is for the plaintiff to obtain. The later it is sought, the more is required. The discontinuance statute is CPLR 3217 and should be thought of as consisting of three stages.

Stage One. If the defendant has not yet served a responsive pleading, or if none is required, the plaintiff may discontinue an action by mere unilateral notice (CPLR 3217[a][1]; Bayview Loan Servicing, LLC v Windsor, 172 AD3d 799, 801). At that earliest stage of litigation, a discontinuance is easy as the adversary party and the court have not yet invested time, effort, or expense on the case.

Stage Two. This stage involves the time between the responsive pleading at the front end and the submission to the case to a judge or jury for fact finding at the back end. Discontinuances between that expanse of time may be accomplished one of two ways. The first is by written stipulation signed by counsel for all of the parties, so long as no party is an infant, incompetent, or conservatee, and no non-party has an interest in the litigation (CPLR 3217[a][2]; HSBC Bank USA., National Association v Rini, 202 AD3d 945, 947). Alternatively, a discontinuance may be granted without a stipulation by court order, upon a notice motion, upon conditions the court deems proper (CPLR 3217[b]; Tucker v Tucker, 55 NY2d 378, 383-84).

Stage Three. Once an action proceeds to the submission of the trial evidence to a judge or jury for deliberative fact-finding, an action may only be discontinued if there is a stipulation by all parties and a court order permitting it (CPLR 3217[b]; e.g. Madison Acquisition Group, LLC v 7614 Fourth Real Estate Dev., LLC, 134 AD3d 683, 685). After all, by that time, the parties and the court have invested in a trial, subject merely to a verdict by the trier of fact, which should render tactical discontinuances more difficult to obtain. As a practical matter, any party's refusal to stipulate to a discontinuance operates as a veto on the issue, as the court cannot exercise its discretion to order a discontinuance without the unanimous stipulation of the parties (Emigrant Bank v Solimano, 209 AD3d 143 [decided Sept. 28, 2002]).

What if an action is referred by the court to a referee to hear and report, as permitted by CPLR 4311 and 4320? Does the deliberative process that would require both a fully-executed stipulation and a court order trigger upon the conclusion of the referee trial, orthe issuance of the referee's report, or the filing of a motion to the Supreme Court to confirm the report, or the return date of the motion to confirm? The answer to this question of first impression was provided very recently by the Second Department in Emigrant Bank v Solimano, supra. In Solimano, the court noted that the referee's report and recommendations are not conclusive as they are subject to the review of the Supreme Court. The motion to confirm solicits the parties' due process rights to be heard, similar to closing arguments at a trial. The point in time most akin to the commencement of the post-evidentiary deliberative process is the return date of a party's motion to confirm, reject, or modify the report, when the Supreme Court possesses all of the papers needed to render an informed and conclusive determination of the matter.

Continued from previous page

Contrastingly, as noted in Solimano, if a matter is referred to a referee to hear and "determine" as authorized by CPLR 4301, the point at which the plaintiff must have a unanimous stipulation of the parties and a court order for a discontinuance is the conclusion of the evidentiary portion of the trial and the closing arguments of all counsel, when the final deliberative phase of the action commences. After all, a referee determining the matter "shall have all the powers of a [trial] court" in determining issues (other than the very limited exception of holding a party in contempt).

The bottom line for discontinuances is to note which of three phases the litigation is in and apply CPLR 3217 accordingly, while making the appropriate accommodation for matters that have been referred to a referee to hear and report.

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

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* 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.

Roadways to the Bench: Who Me? A Bankruptcy or Magistrate Judge?

Monday, April 3, 2023

4:00—6:15pm | Reception to Follow Syracuse College of Law | Dineen Hall

To further the goal of casting a wide net to attract the broadest possible pool of qualified applicants to serve as federal judges, the Judicial Conference Committees on the Administration of the Bankruptcy System and Magistrate Judges System present their national diversity event.

4:00–4:15pm	Registration
4:15—4:30pm	Welcome/Introduction of Local Judges
4:30—5:15pm	Nationwide Panel Discussion by Video
5:15—6:15pm	In-person Round Table Discussions
6:15–7:00pm	Reception with Light Refreshments

Interested lawyers and law students are invited to observe a real time national panel discussion followed by participation in live roundtables with Bankruptcy, Magistrate, and District Judges from the WDNY and the NDNY about pathways to the federal bench.

D STATES

Panelists include:

Judge Stephanie Dawkins Davis | 6th Cir. Judge Laura Taylor Swain | S.D.N.Y. Judge Mustafa Kasubhai | D. Or. Judge Kesha Tanabe | Bankr. D. Minn. *Moderated by*: Judge Carl Stewart | 5th. Cir.

REGISTER HERE

tinyurl.com/yrz5czyk

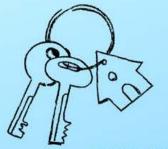
Registration may be limited due to space constraints and closes March 10

For more information, please contact: info@ndnyfcba.org

Albuquerque, NM Atlanta, GA Austin, TX Boston, MA Chicago, IL Cincinnati, OH Cleveland, OH Columbia, SC Dallas, TX Denver, CO Houston, TX Kansas City, MO Las Vegas, NV Los Angeles, CA

NATIONAL LOCATIONS

Miami, FL Milwaukee, WI Minneapolis, MN Morgantown, WV Nashville, TN New Orleans, LA New York, NY Oakland, CA Oklahoma City, OK Orlando, FL Philadelphia, PA Phoenix/Tucson, AZ Pittsburgh, PA Portland/Eugene, OR Raleigh, NC Salt Lake City, UT San Juan, PR St. Louis, MO Seattle, WA Syracuse, NY Tampa, FL Washington, DC



Real Property Law Section Meeting

REAL PROPERTY LAW SECTION MEMBERS: We're holding our first "LIVE" meeting since 2020! (If you're reluctant to attend in person, or if you have COVID, there's a ZOOM option, too.)

The meeting will be held

Wednesday, March 22 at 4 P.M., at the OCBA offices, 431 E. Fayette St., 3rd floor conference room. (Parking available in CNY Philanthropy Center lot, corner of Townsend St.)

Agenda items include discussion of the adequacy (or lack thereof) of our current "standard" residential contract form, issues with City of Syracuse Sidewalk contracts, and new Notary statutes. If you have other matters to discuss, please email Gil Hoffman (titleguyny@gmail.com) and Rocco Mangano (rmangano@rmanganolaw.com) so that, time permitting, they may be included.

NOTE: Advance registration NOT required -you can show up in person on March 22, or to join virtually just click on the link below on that day/time:



NEWSMAKERS & INFLUENCERS

Changes at Costello, Cooney & Fearon PLLC

Langey and Hoffman Elevated to Leadership; O'Neil to Partner



John R. Langey



Elizabeth A. Hoffman



Matthew W. O'Neil

Costello, Cooney & Fearon, PLLC announced this month that two attorneys have been elevated to new leadership roles at the firm.

John R. Langey has assumed the position of Chief Executive Officer in the Firm's Executive Committee ranks. Previously, he held the title of Chief Financial Officer. Langey began his career with the firm in 1989. Since then, he has provided direction and counsel to all levels of local and countywide governmental agencies, and works with zoning and planning boards, developers, and private property owners. His primary focus in zoning matters is aiding his clients with right-to-build approvals, as well as defending and prosecuting Article 78 Proceedings.

Langey graduated magna cum laude from The State University of New York at Buffalo Law. He completed his undergraduate studies, cum laude, from The State University of New York at Potsdam.

Elizabeth A. Hoffman moved to the position of CCF's Chief Financial Officer. Hoffman began her career with the firm in 2013. She concentrates her practice in the area of civil litigation with an emphasis on commercial litigation. Her dedication to her practice and exceptional skill has resulted in numerous favorable decisions for her clients. She has effectively negotiated complex shareholder disputes, contract disputes and business separations resulting in favorable outcomes for clients. She strives to negotiate resolutions which eliminate or significantly decrease client exposure.

Hoffman is a graduate of the Syracuse University College of Law, in 2009. She also achieved her undergraduate degree from Syracuse University.

Matthew W. O'Neil was elected to partner at the firm. With professional experience in a variety of litigation matters. Matthew focuses primarily on contract, business governance and real property lawsuits, as well as an appellate practice. He advises clients regarding business disputes and dissolutions. He practices mainly in the firm's Litigation, Commercial Real Estate and Construction practice groups.

Matthew is a cum laude graduate from Cornell Law School at Cornell University, in 2015, where he served as Executive Editor of the Cornell Journal of Law and Public Policy. He also graduated summa cum laude from the Nelson A. Rockefeller College of Public Affairs and Policy at The State University of New York at Albany.

NEWSMAKERS & INFLUENCERS

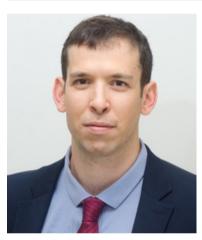
Brian Roy Elected Partner at Harris Beach PLLC

Attorney Brian Roy, who focuses his practice on financial restructuring, bankruptcy and creditors' rights, has been elected a partner at Harris Beach PLLC, the Syracuse office.

Roy represents creditors and debtors in bankruptcy cases across the country. He assists borrowers and lenders in pre-litigation and pre-bankruptcy financial workouts and insolvency matters and develops and implement s collection and litigation strategies. He also has extensive experience in handling Chapter 7, 11, 12, and 13 bankruptcy cases as well as commercial litigation in New York State and federal courts.



Brian Roy



Menachem Fischman

Menachem Fischman Joins Barclay Damon

In February, Barclay Damon announced that Menachem Fischman joined the firm's Corporate Practice area as an associate.

Fischman will work out of the Syracuse office representing start-ups and established businesses in corporate, commercial, and investment transactions and provides general counsel to companies, entrepreneurs, and investors. He has experience representing clients in a wide range of industries in various types of domestic and cross-border equity and debt financings.

He is a graduate of Cornell Law School at Cornell University.

Barclay Damon made additional moves at certain of its other offices. In Buffalo, CJ Englert joined the firm as an associate in the Torts & Products Liability Defense and Professional Liability Practice Areas. Englert will focus his practice on the defense of personal injury actions and also has experience with insurance coverage litigation. He represents clients in complex discovery and motion practice in both state and federal court. Engler also provides clients with opinions and evaluation related to complex litigation matters. Prior to joining Barclay Damon he was an associate at two Buffalo law firms.

In Barclay Damon's New York City office, special counsel James Ko joined the firm's Health & Human Services Providers and Health Care Controversies Teams and Corporate Practice Area. There he will represent clients in the health care industry in complex transactional and regulatory matters. He advises on the Anti-Kickback Statute, Stark Law, False Claims Act, HIPAA compliance, state corporate practice of medicine doctrines, state licensure law, contract drafting, and due diligence. Ko also has experience advising clients in the hear care industry and other industries regarding business transactions and general business counseling.

And joining the firm's New York City Patents, Trademarks, Copyrights & IP Transactions Practice Area is counsel Sara Dorchak. She has more than 10 years of experience in trademark and copyright prosecution and enforcement. She represents domestic and international clients whose businesses span a variety of industries including fashion, entertainment, cannabis, and downloadable and nondownloadable software, among others. She represents clients before the Trademark Trial and Appeal Board and files documents and trademark applications with the U.S. Patent and Trademark Office. Additionally, she is an adjunct professor at St. John's University School of Law where she teaches a course on trademark drafting and prosecution.

From the Courts



PRESS RELEASE

New York State Unified Court System

Hon. Tamiko Amaker Acting Chief Administrative Judge Contact: Lucian Chalfen Public Information Director Arlene Hackel, Deputy Director (212) 428-2500

www.nycourts.gov/press

Date: February 15, 2023

Working Group on NY Courts' Pandemic-Related Practices Calls for Investment in Technology, Increased Staffing

NEW YORK–Acting Chief Judge Anthony Cannataro and Acting Chief Administrative Judge Tamiko Amaker today announced the release of a report from the Commission to Reimagine the Future of New York's Courts' Pandemic Practices Working Group's (PPWG). PPWG's report calls for, among other things, the expansion of remote proceedings, enhancement of the court system's technological capacity and an increase in court staffing. These measures will improve the delivery of justice going forward and better enable the courts to serve New Yorkers in the event of another public health crisis or other emergency. Today's report is the culmination of PPWG's extensive study of pandemic practices and policies implemented by the New York State courts as well as other jurisdictions.

Established in May 2022, PPWG is composed of a distinguished group of judges, lawyers, court administrators and others led by Judge Craig J. Doran of the Seventh Judicial District. The Working Group held all-day public hearings in Albany, New York City and Buffalo, conducted 30 remote listening sessions, heard testimony from over 300 people and organizations and reviewed thousands of pages of documents. Its mission was to examine the court system's response to the most disruptive event in its history, and evaluate which pandemic-related procedures worked well, which did not, and which should be retained and built upon going forward.

In addition to expanding and encouraging the use of virtual court proceedings, PPWG's proposals include:

- Bringing greater transparency and consistency to the use of virtual proceedings
- Improving the functioning of remote proceedings
- Expanding alternatives for court users to access virtual proceedings and other court resources
- Improving accessibility for people who require special accommodations

• Enhancing systems for communicating with and supporting court users, including revamping the Court System's website

- Ensuring that there is appropriate public access to virtual proceedings
- Expanding the use of electronic filing

• Investing in locally appropriate modernization projects that will permit courthouses to better support virtual, hybrid and in-person proceedings

• Improving training and technical support for judges, court staff and court users

• Developing a detailed plan for responding to a future pandemic or other court disruption and a system for testing, refining and deploying that plan

• Appropriating and earmarking supplemental funds for court modernization and emergency preparedness

• Creating a permanent working group of stakeholders, external experts and internal decision-makers to help implement the above recommendations and identify future needs

"One of the key lessons of the pandemic is that, going forward, we must be prepared for unforeseeable events that threaten to impede access to justice for the many who look to our courts for relief," said Judge Cannataro, calling the report a blueprint for the future and noting that a critical step will be restoring staffing to pre-pandemic levels. "Our judges and professional staff proved incredibly nimble when COVID caught us by surprise in early 2020 and keeping the courts functioning was a gargantuan achievement. As we work to enhance the delivery and quality of justice for all New Yorkers, I am grateful for the guidance provided by Judge Doran and the Working Group members."

Judge Amaker, who served on the Working Group in her capacity as Deputy Chief Administrative Judge for Management Support, said, "Members of the group represent many different perspectives but share the common goal of doing their best to ensure access to justice at all times and under all circumstances. This is a not a report that will sit on a shelf, but a working document and vital reference as we continue to reimagine the future of our courts."

"Having examined the court system's pandemic practices objectively and in microscopic detail, the Working Group's report is a clarion call that there is no going backwards. A fundamental lesson learned from the pandemic was that virtual proceedings, in appropriate circumstances, are a 'win-win' for all concerned. The court system cannot snap back like a rubber band to all pre-pandemic customs, habits and practices. We now know that the expansion of virtual proceedings, and additional investments in technology and staffing, will enhance access to justice, improve the experience of litigants, and save time and money," said distinguished attorney Hank Greenberg, who chairs the Commission to Reimagine the Future of New York's Courts.

"The Working Group reflects the professional, geographic and demographic diversity of our state. By holding three separate public hearings in very different parts of the state, as well as more than two dozen listening sessions attended by individuals in every region and from every viewpoint, the group was able to paint a clear and comprehensive picture of court operations during the pandemic and provide a roadmap for tomorrow and the day after tomorrow," said Judge Doran. Today's report also noted that, though the virtual court model adopted out of necessity during the pandemic offered a significant benefit to court users and should be expanded for suitable matters, substantial challenges remain in addressing the needs of those lacking access to technology.

Additionally, with respect to the Working Group's proposal to devise a detailed plan for future emergencies, the report stated that "no plan to address the challenges and opportunities from the pandemic will be effective if there are not enough skilled people to implement it."

Further, the Working Group members in their final report paid tribute to the New York State court system judges and staff whose herculean efforts kept the courts running amid the pandemic, working "long hours, nights and weekends for months to ensure the most critical matters were addressed," also observing that the delay in processing "nonessential" matters "left thousands of New Yorkers effectively shut out of the court system, unable to pursue matters 'essential' to them."

The full report is available at online at https://www.nycourts.gov/LegacyPDFS/press/pdfs/NYCourtsPandemicPracticesReport.pdf UCS-23



PLEASE POST ANNOUNCEMENT NO. 5305 EMPLOYMENT OPPORTUNITY ANNOUNCEMENT STATE OF NEW YORK UNIFIED COURT SYSTEM

ANNOUNCEMENTING, 5305			
POSITION TITLE:	SENIOR LAW LIBRARIAN	JG: 24	
LOCATION:	5 TH JUDICIAL DISTRICT ONONDAGA COUNTY		
BASE SALARY:	\$81,765		
CLASSIFICATION:	COMPETITIVE - PROVISIONAL* (TEMPORARY)		
QUALIFICATIONS:	One year of permanent, competitive class service in the Law Librarian title; or Master's degree in Librar Science or Library Information Sciences from an American Library Association (ALA) accredited college of university and two (2) years of professional work experience using library automation, providing leg reference services or involving library administration. This experience must have been in a law library distribution (2) years of professional collection; or Law Degree from an accredited law school ar two (2) year of professional work experience using library automation, providing legal reference services of involving library experience using library automation, providing legal reference services of two (2) year of professional work experience using library automation, providing legal reference services of involving library administration. This experience must have been in a law library or library information center with a significant legal collection and the law library or library information center with a significant legal collection.		

*Section 25.20 (a) Rules of the Chief Judge provides that an appointment may be made on a provisional/temporary basis provided there are no eligibles available for appointment from the existing eligible list. To be appointed on a permanent basis, you must take the civil service examination and be among the top three acceptors.

DISTINGUISHING FEATURES OF WORK: Under supervision of a District Administrative Judge or a Principal Law Librarian, Senior Law Librarians provide professional library services by implementing policies, performing acquisition functions, original cataloging, and classifying materials using electronic systems based on standard library guidelines. Senior Law Librarians coordinate and implement resource sharing and evaluate the various collections under their jurisdiction for accuracy, relevance and completeness, tailor these collections to complement one another and avoid unnecessary duplication, assist in budget preparation and resource allocation. Senior Law Librarians may manage diverse legal research collections and supervise Law Librarians, paraprofessionals and clerical staff. Senior Law Librarians operate, and may manage, a variety of library and research automation systems. They perform legal research, oversee chambers collections, participate in electronic reference and technical consortiums and work on statewide initiatives in cooperation with the Office of Legal Information. They may coordinate operations of geographically separate legal research collections, and perform other related library and administrative duties.

ASSIGNMENT: Duties include, but are not limited to: reviewing and evaluating legal research materials in all formats to identify items to be added or withdrawn from the collections; classifying and originally cataloguing new items in the collection according to library classification schedule and established guidelines, and constantly monitoring effectiveness of collection organization; implementing and monitoring collection development policies, and recommending modifications; operating acquisition system, including bibliographic searching, order preparation, receipt, payment and reporting; monitoring changes and modifications in cataloging and classification standards and modifying library records to comply; creating, managing and accessing electronic information including databases, integrated library systems, client-server applications, hardware, software, networks, and other information resources; operating and helping evaluate library systems, manual and automated, and preparing summaries and reports of system operations; providing legal reference services in person, by telephone, and electronically; preparing informational and instructional documentation to support all types of research; consulting with judges and legal staff to research alternatives and research moderately complex issues using all available formats; conducting formal and informal training sessions on the organization and uses of legal resources; training and supervising subordinate staff, making work assignments, monitoring progress, and evaluating staff performance; preparing reports and monitoring expenditures of legal research budgets for libraries and for chambers collections. This position may also assist with cataloguing and preserving rare book collections and developing best practices for digitizing library holdings and materials. This position will also help answering the State-Wide 1-800 Help line as well as the District-Wide Help line and assist in the implementation and staffing of a new Help Center based out of the Onondaga Supreme Court Library.

GENERAL INFORMATION: The above statements are intended to describe the general nature and level of work being performed by persons assigned to this title. They do not include all job duties performed by employees in the title, and every position does not necessarily require these duties. Although a position is available and situated at a specific location, the appointee may be subject to reassignment to any position in the same title in this promotion unit dependent upon the needs of the Unified Court System. All

applications received from this announcement may be used to fill any vacancies in this title that may occur in this court or agency within the next six (6) months. Position(s) available at the present time: <u>1.</u>

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

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

APPLICANTS ARE ENCOURAGED TO COMPLETE THE EQUAL EMPLOYMENT OPPORTUNITY DATA COLLECTION FORM.

POSTING DATE: February 24, 2023

APPLICATIONS MUST BE POSTMARKED OR RECEIVED BY: March 24, 2023

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

UCS-23



PLEASE POST ANNOUNCEMENT NO. 5304 EMPLOYMENT OPPORTUNITY ANNOUNCEMENT STATE OF NEW YORK UNIFIED COURT SYSTEM

POSITION TITLE:	LAW LIBRARIAN	JG: 20	
LOCATION:	5 [™] JUDICIAL DISTRICT ONONDAGA COUNTY		
BASE SALARY:	\$66,069		
CLASSIFICATION:	COMPETITIVE - PROVISIONAL* (TEMPORARY)		
QUALIFICATIONS:	Master's degree in Library Science or Library Information Sciences from an American Library Association (ALA) accredited college or university and one (1) year of professional work experience using library automation, providing legal reference services or involving library administration. This experience must have been in a law library or library information center with a significant legal collection. or Law Degree from an accredited law school and one (1) year of professional work experience using library automation, providing legal reference services or involving low collection. This experience from an accredited law school and one (1) year of professional work experience using library automation, providing legal reference services or involving library administration. This experience must have been in a law library or library information center with a significant legal collection.		

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DISTINGUISHING FEATURES OF WORK: Under supervision of a Principal Law Librarian, Senior Law Librarian or other supervisory court personnel, Law Librarians are responsible for providing professional library service, including legal research assistance, original cataloging, assistance with acquisitions, library management in some libraries, clerical supervision, and collection-related responsibilities. Law Librarians provide information about the legal research collection, maintain the collection according to standard library guidelines, perform bibliographic searches, implement resource sharing and may provide professional-level direction and assistance to library personnel. Law Librarians operate a variety of library and research automation systems, participate in electronic reference and technical consortiums. Law Librarians assist higher-level law librarians in managing large diverse legal research collections in the Unified Court System, or have primary responsibility for operation of a small, less complex legal research collection that serves a small number of judges. In addition to responsibility for a main body of legal research material, Law Librarians may have responsibility for other collections, including those in individual chambers, in one or more separate geographical locations and perform other related library and administrative duties.

ASSIGNMENT: Duties include, but are not limited to: consulting with judges and legal staff to identify research alternatives using all available formats; providing legal reference services in person, by telephone, and electronically; preparing informational and instructional documentation to support all types of research; reviewing and evaluating legal research materials to identify items to be added to or withdrawn from collections; designing and implementing systematic evaluations of law library and chambers collections; managing or assisting in managing the system for maintaining control of the collection; classifying new items in the collection according to library classification schedule and established guidelines; operating acquisitions system, including bibliographic searching, order preparation, receipt, payment and reporting, preparing reports and monitoring expenditures from library budget. This position may also assist with cataloguing and preserving rare book collections and developing best practices for digitizing library holdings and materials. This position will also help answering the State-Wide 1-800 Help line as well as the District-Wide Help line and assist in the implementation and staffing of a new Help Center based out of the Onondaga Supreme Court Library.

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OSWEGO COUNTY ASSISTANT DISTRICT ATTORNEY

The Oswego County District Attorney's Office has an immediate opening for an Assistant District Attorney. This professional position is primarily responsible for the preparation and prosecution of criminal cases before the courts. The incumbent would work under the supervision of the District Attorney or his designee with wide leeway for the exercise of independent judgment. The Assistant District Attorney will appear in court and will be responsible for prosecuting cases at hearings, trials, and/or Grand Jury.

Qualifications: Graduation from an American Bar Association accredited law school. Preference may be given to applicants with experience in the practice of criminal law. Special Requirement: NYS License to practice law.

Candidate must be a resident of Oswego, Cayuga, Jefferson, Lewis, Madison, Oneida, or Onondaga County at time of appointment.

Starting Salary: \$72,969 plus competitive benefit package. Salary negotiable to be commensurate with experience and qualifications.

To Apply: Review of applications will begin immediately and continue until positions are filled. Visit our website to complete an online application or submit a paper application to the address below. Please include a resume and cover letter with your application.

Oswego County Human Resources Department 46 East Bridge Street Oswego, New York 13126 (315) 349-8209 Fax: (315) 349-8254 Email: humanresources@oswegocounty.com Web: www.oswegocounty.com/humanresources

AA/EEO EMPLOYER

CITY OF AUBURN ASSISTANT CORPORATION COUNSEL POSITION

The City of Auburn is seeking to employ the services of an attorney for the position of a fulltime Assistant Corporation Counsel.

The minimum qualifications are:

- Juris Doctorate degree from an accredited law school.
- Admitted to practice in the State of New York.
- It is preferred that the applicant have five (5) years legal experience within NYS but candidates with more or less experience may be considered.
- The candidate should have strong organizational ability, reporting and research and writing skills.

The practice of Municipal Law is challenging, multifaceted, and, in the City of Auburn, very rewarding. The position provides legal advice to the various city departments, boards and elected officials. The Assistant Corporation Counsel is expected to have some litigation experience, to be familiar with the practice of transactional law, and, above all else, to be able to learn and synthesize areas of the law that are new to them. The position will require that the person devote a considerable period of time assisting and the enforcement of the City's Housing Code and representing the City regarding violations in City Court. The Assistant Corporation Counsel will attend some after-hours meetings in City Hall, but as a work-life balance is important to every member of the Office of the Corporation Counsel, we adhere to a 35-hour per week schedule.

Compensation will be subject to negotiation dependent upon qualifications. The position provides salary with a full benefits package including retirement and medical coverage. Upon employment or within a reasonable period of time thereafter, the individual so appointed must be a resident of the City of Auburn unless granted an exemption by the City Manager and City Council.

All resumes are due by February 28, 2023, and can be sent to:

Jeff Dygert City Manager City of Auburn 24 South Street Auburn, New York, 13021

Ph.: 315-255-4146 E-Mail: jdygert@auburnny.gov slowe@auburnny.gov

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 Confidendial?

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

Why Was the Program Set Up?

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

Who May I Call?

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

Lawyer Assistance Program Your FIRST Choice or Your LAST Resort



For more information contact:

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



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

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

Established in 1075, the Foundation is a 501(c)(3) tax-exempt corporation. To fulfill its mission, the Foundation depends on individual donations (which are tax deductible as charitable contributions) and grants from other funding sources. The Foundation welcomes grant applications for projects consistent wit 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 Hershdorfer 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



431 East Fayette St. | Syracuse, NY | Phone: 315-579-2578 | Fax: 315-471-0705 | cchantler@onbar.org

3-Part Cybersecurity CLE Series: Protecting Your Firm From Cyber Threats

WHEN: 1 to 2 p.m. January 19 • February 16 • March 16 HOW: via ZOOM MCLE: 1.0 Cybersecurity

COST: \$20 per CLE/\$50 for series

Legal Services personnel attend for free Financial Waivers available at www.onbar.org

These CLEs are appropriate for Transitional (newly admitted) & Non-Transitional (established) attorneys.

January 19, 2023

Recording Available!

Cybersecurity for Lawyers: Is Your Firm Safe from Cyber Attacks? **Topics Covered:** Competence Confidentiality • Supervision • Data Security

February 16 2023 *Recording Available!*

Preventing your Worst Tech Nightmare: Protecting Your Firm & Clients from Cyber anninals – The Right Way

Topics Covered: Cybersecurity Myths • Firm Security How-to's • Security-First Culture

March 16, 2023 Coming up!

The Biggest Cybersecurity Threat of All: Human Behavior.

Topics Covered: Train & Educate your Team to assure they are prepared to recognize and defend cyberattacks.

Register TODAY at www.onbar.org





Presenter: Founder and CEO of IronTech Security Tom Kirkham has more than three decades of software design, network administration, computer security and cybersecurity knowledge. He is an active member of the FBI's Arkansas InfraGard Chapter and frequently lectures on security threats.

This series is co-presented by Ro_1^{32} Hedges, Esq. and Doug Brown, Esq.

OCBA CONTINUING LEGAL EDUCATION

431 East Fayette St. | Syracuse, NY | Phone: 315-579-2578 | Fax: 315-471-0705 | cchantler@onbar.org

Removal Defense 102: Removability & Relief **CLE Webinar**

This CLE is appropriate for both established and newly admitted attorneys

WHEN: 1 to 3 p.m. Wednesday, March 29th HOW: via ZOOM COST: Free

MCLE: 2.0 (1.0 Skills, 1.0 Professional Practice)

This CLE provides a review of what removal proceedings are and the charging documents (ex. Notice to Appear) used during them.

You'll learn strategies for entering pleadings and identifying relief from removal.

Presenter: Grace Zaiman, Esg. Supervising Attorney, Pro Bono Immigration Project Volunteer Lawyers Project of CNY, Inc.

Sign up for this CLE and capture knowledge you can put to good use in a pro bono legal clinic offered through the Volunteer Lawyers Project of Central New York.

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> VOLUNTEER LAWYERS

Register at

www.onbar.org

