

# ***THE BAR REPORTER***

*The Newsletter of the Onondaga County Bar Association*



## ***In this issue***

- President's Column p. 5
- OCBA Goings-on in photos p. 13
- Member Spotlight p. 15
- Appellate Court Candidate Process p.17
- The Practice Page p. 19
- Newsmakers & Influencers p. 22





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.



## **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 be 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.





# TABLE OF CONTENTS

## PAGE

<b>4</b>	<b>Upcoming Events</b>
<b>5</b>	<b>President's Column</b>
<b>13-14</b>	<b>Let's Get Together   OCBA Goings-on</b>
<b>15-16</b>	<b>Member Spotlight   Maureen E. Maney, Esq.</b>
<b>17-18</b>	<b>Toward a More Meaningful and Efficient Process for Rating Court of Appeals Candidates</b>
<b>19-20</b>	<b>The Practice Page</b>
<b>22</b>	<b>Newsmakers &amp; Influencers</b>

### **President**

Graeme Spicer

### **President-Elect**

Martin A. Lynn

### **Vice President**

Laura L. Spring

### **Treasurer**

Sarah C. Reckess

### **Secretary**

Jimmie C. McCurdy

### **Immediate Past President**

Hon. Danielle M. Fogel

### **Directors**

Samantha Aguam

Amy D'Ambrogio

Staci Dennis-Taylor

Kevin T. Hunt

Bradley E. Keem

Brandon R. King

Mary E. Langan

Anthony A. Marrone II

Megan P. Smith

Samantha Riggi

Michael A. Schwartz

Anastasia M. Semel

Hon. Derrek T. Thomas

Subhash Viswanathan

Robert C. Whitaker

### **Ex-Officio**

Dean Craig M. Boise

Hon. James P. Murphy

### **Staff**

Jeffrey A. Unaitis

*Executive Director*

Carrie Chantler

*Marketing & Communications Dir.*

Maggie James

*Administrative Professional*

*& Lawyer Referral Service Manager*

John A. Cirando, Esq.

*Editor Emeritus*

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

# Upcoming Events

Tuesday, April 11 , 2023	Breakfast at the Bar - Morning Meet-up for Coffee & Networking 8-9:30 a.m. at the Salt City Market Coffee/Bar, 484 S. Salina St., Syracuse
Thursday, April 13 , 2023	OCBA Annual Meeting/April Board of Directors Meeting Noon, Onondaga County Courthouse, Legislative Chambers, Room 407
Thursday, April 13 , 2023	NYS High School Mock Trial, Onondaga County Championship 2 p.m., Onondaga County Courthouse
Friday, April 21, 2023	Pro Bono Immigration Law Symposium 9 a.m. to 3 p.m., Syracuse University College of Law, Dineen Hall, Room 020
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](mailto:cchantler@onbar.org) or call 315-579-2578*



## **Associate Litigation Attorney**

Maynard, O'Connor, Smith & Catalinotto, LLP, a well-established Albany NY law firm, is currently seeking an associate attorney interested in civil litigation. Candidates must be admitted to practice in New York State and should have experience in civil litigation with a strong background in research, writing, depositions and case management. Duties will include legal research and writing, drafting, discovery, conducting depositions and appearing in State and Federal courts throughout New York State. Hybrid or remote work arrangements may be considered based on the candidate's personal situation and location.

Interested candidates are encouraged submit their resume and salary requirements to Scott Adelman at [adelmann@moscllp.com](mailto:adelmann@moscllp.com).

# From the President



Dear Colleagues,

Spring is (hopefully) around the corner. I always look forward to this time of year. It's a time when we can (again, hopefully) put the cold weather behind us and look forward to warmer temperatures, longer daylight hours and outdoor gatherings.

We've had an eventful winter of in-person events. On March 10th we had a breakfast at the Ceremonial Courtroom honoring Judge Greenwood for his appointment to the Appellate Division. We enjoyed the company of three Supreme Court judges (Hon. Deborah Karalunas, Hon. Danielle Fogel, and Hon. Julie Grow Denton) during the March 21st Tea with the Supremes event co-sponsored by the Women in the Courts Taskforce and the Central New York Women's Bar Association. We also had a young and newly admitted attorneys networking event on March 30th at Harvey's Garden.

Looking forward to April, we have our annual meeting on April 13th at noon sharp. We will also have our retired Judges Reception on April 27th at the CNY Philanthropy Center Ballroom.

Another welcome in-person event that has returned is the annual mock-trial competition. Locally, the championship will be held in mid-April with the state championships in May. Be on the lookout in Tuesday Tips. Many of our members have volunteered to be a judge and we appreciate their generosity of time.

It truly is great to have these in-person events again. Maybe it's just me, but it seems as though everyone attending has a renewed appreciation for getting together to talk shop, network, or catch up with one another about what's going on in life.

Lastly - speaking of "renewed" - thank you to those who have already paid your dues for the year. For those that haven't, please do so as soon as you can. Remember, as we have returned to normal world where we can all get together in person again, the events we look forward to cannot happen without your help.

That's all from me for now. I look forward to seeing everyone soon.

A handwritten signature in black ink, appearing to read "Graeme Spicer". The signature is stylized with a large loop at the top and a long horizontal stroke at the bottom.

Graeme Spicer



# Breakfast at the Bar



## WOMEN IN THE COURTS TASKFORCE

CNY WOMEN'S BAR ASSOCIATION  
ONONDAGA COUNTY BAR ASSOCIATION

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

**Tuesday, April 11, 2023  
8:00 - 9:30 A.M.  
Salt City Coffee and Bar  
484 S. Salina Street**

## SEE YOU THERE!

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!







# HONORING OUR RETIRED JUDGES

## A RECEPTION

**THURSDAY, APRIL 27, 2023, 5-7 PM**  
CENTRAL NEW YORK PHILANTHROPY CENTER  
431 E. FAYETTE STREET SYRACUSE, NY



Please join us to recognize our judges who retired from the bench last year, at this reception in the beautiful Ballroom of the CNY Philanthropy Center.

**Hon. John V. Centra, 4th Department Appellate Division**

**Hon. Stephen J. Dougherty, Onondaga County Court**

**Hon. Thomas J. Miller, Onondaga County Court**

**\$25/person**

**Online Registration/Payment [CLICK HERE](#)**

*(Ballroom capacity is limited.)*

*With support from:*

**bottarl**law



**PORTER LAW GROUP**

NEW YORK'S PERSONAL INJURY LAWYERS

**SMITH  
SOVIK**   
LITIGATION ATTORNEYS

# Forever in our Hearts



## ROBERT JOEL JENKINS

February 8, 1952 - December 16, 2022

---

*The family and friends of Bob Jenkins invite you to a gathering in his honor. Please join us to remember the lifetime of joy and laughter Bob brought to all of us. Bring your favorite stories and memories.*

---

APRIL 21, 2023 from 3:00-6:00 pm

EMBASSY SUITES at DESTINY USA

3111 Hiawatha Blvd., Syracuse, NY 13204

*Socks and Refreshments will be Provided*



**Senior Campus Counsel - Labor & Employment**

State University of New York Upstate Medical University ("SUNY Upstate"), located in Syracuse, New York, invites applications for the position of Senior Campus Counsel - Labor & Employment ("Campus Counsel"). SUNY Upstate is seeking a senior level attorney who can handle labor law matters in a broad range of areas including, but not limited to:

- Provide legal advice and counsel on matters that impact unionized workforce, including issues arising under the Taylor Law, New York Civil Service Law, applicable labor agreements, and all other state and federal laws;
- Represent SUNY Upstate in grievance and arbitration proceedings;
- Provide legal advice to senior leadership, human resources and employee/labor relations in the development, enforcement, and interpretation of labor and employee relations policies and practices, making legal recommendations for the adoption, revision and interpretation of workplace policies, including best practices;
- Provide legal advice and representation on labor relations and related issues in the context of mergers, acquisitions, due diligence, affiliations, including integration of bargaining units;
- Serve as liaison to Attorney General's office, including preparation, review and filing of petitions and supporting papers, in proceedings brought pursuant to CPLR Article 75;
- Handling hearings under New York State Civil Service Law Sections 71, 72, 73;
- Perform legal research, prepare legal memoranda, and draft and offer revisions to legal documents, correspondence, and policies;
- Stay apprised of and provide legal guidance to management on wide array of matters relating to labor and employment,
- Work collaboratively with SUNY Upstate's other Campus Counsel to provide collaborative cross-coverage in labor and employment and other proceedings and advice to leadership on labor and employment-related legal issues affecting SUNY Upstate; and
- Undertake such other duties as may be assigned or requested by SUNY and/or SUNY Upstate leadership.

This senior level attorney will be expected to deliver consistent, high quality, timely and efficient legal services to SUNY Upstate leadership, consistent with the standards of professional conduct. The attorney will also be expected to stay apprised of updates in laws and regulations having an impact on the areas for which the attorney is responsible. The successful candidate will be based at the Syracuse OGC regional office. The position reports directly to the Chief Campus Counsel of SUNY Upstate and indirectly to the SUNY Vice Chancellor of Legal Affairs and General Counsel in Albany, N.Y. In addition, the Campus Counsel interfaces with other OGC colleagues across the SUNY System to coordinate the delivery of excellent legal services, including participation in OGC staff meetings and trainings.

Position comes with excellent benefits.

## **Minimum Qualifications**

- Juris Doctor from an accredited ABA law school;
- Admission in good standing with the New York State Bar or eligibility for admission within 6 months of start date;
- At least 8 years practicing as an attorney, with at least 6 years of experience practicing and providing legal guidance in the areas of employee/labor relations or other related areas of labor and employment law. Alternatively, SUNY Upstate may consider candidates with a minimum of 10 years' experience litigating a wide range of legal issues in federal and state courts, administrative tribunals (including arbitrations and mediations);
- Excellent interpersonal skills and ability to work collaboratively in a team environment;
- Excellent legal analysis, legal writing and editing, and oral advocacy skills;
- Strong organizational, interpersonal communication, and problem-solving skills;
- Ability to function effectively in a fast-paced environment with multiple and changing priorities and objectives;

## **Preferred Qualifications**

- Experience handling labor litigation and arbitrations;
- Experience advising clients regarding wide array of employee/labor relations matters and NY Civil Service Law;
- Experience representing clients before PERB and/or other administrative agencies or state or federal courts on matters involving employee/labor relations;
- Prior experience working in a health care setting;

Interested candidates, please visit the following link to view the complete posting and apply:

**<https://careers.upstate.edu/en-us/job/507958/senior-campus-counsel-labor-employment>**

*We are an Equal Opportunity Employer.*

*All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, age, protected veteran status or disability or other protected classes under State and Federal law.*



The Office of General Counsel (“OGC”) provides legal services and support to the Board of Trustees, the Chancellor and senior officers in System Administration at Albany, New York, and the presidents and administrators of the campuses within the System. Under the leadership of the Senior Vice Chancellor for Legal Affairs and the General Counsel, the SUNY Office of General Counsel is responsible for providing legal services to the System and the 29 state operated campuses. The OGC consists of 47 experienced higher education attorneys, paralegals and support staff located in Albany at the System Administration headquarters and in campus-based offices at the four University Centers, Health Science Centers, and various SUNY colleges.

The legal practice of the OGC involves a substantial array of topics, including public procurement, governance and ethics, legislation, health care, capital construction, public finance, labor grievances and arbitration, litigation oversight (the State’s Attorney General defends litigation brought against the University), student affairs, and the use of real property. The OGC represents SUNY in interactions with State officials who may regulate the affairs of SUNY, including the Attorney General, State Comptroller, the Governor and staff, and members of the State Legislature and staff as well as other state and local agencies and entities.

- Provide legal advice to hospital administrators, physician leadership and risk management regarding all non-malpractice patient care issues including advance directives, treatment of minors, treatment of psychiatric patients, consent issues, termination of care, end-of-life care, emergency detentions, transitions of care consistent with safe discharge laws, rights and responsibilities of patients and their families, and medical records documentation;
- Represent SUNY Upstate in guardianships proceedings, treatment over objection proceedings, emergency detentions/mental hygiene matters and similar legal proceedings;
- Review and update hospital policies related to patient matters (e.g. informed consent, guardianship, etc.), conduct medical staff education regarding common legal questions involving patient care
- Actively manage and assist in defense of the medical malpractices cases filed against University Hospital, working closely with the Office of the Attorney General of the State of New York, which provides trial counsel and defense of claims filed against the State of New York;
- Assist with the proper disposition of subpoenas and other administrative agency requests;
- Assist with the disposition of small claims filed against SUNY Upstate;
- Assist the privacy and information security officers with legal matters related to information security, confidentiality and release of medical records
- Participate in University Hospital ethics committee meetings and related patient review committees, provide legal advice to hospital administration regarding physician medical staff membership;
- Provide legal advice regarding payor contracting and assist with payor appeals/pre-authorization denials.

There is one position for this operational need which will be filled at either the Assistant or Associate Campus Counsel level. Candidates considered at the Assistant Campus Counsel level is someone who is able to articulate their desire to work in the field of academic medicine and hospital operations, and has an enthusiasm for researching and learning complex areas of the law. Candidates considered at the Associate Campus Counsel level is someone with some prior substantive legal experience in many of the enumerated operational needs identified in this posting. The attorney will be expected to deliver consistent, high quality, timely and efficient legal services for the University, consistent with the standards of professional conduct. The attorney will also be expected to stay apprised of updates in laws and regulations having an impact on the areas for which the attorney is responsible. The successful candidate will be based

at the Syracuse OGC regional office. The position reports directly to the Chief Campus Counsel of SUNY Upstate and indirectly to the SUNY Vice Chancellor of Legal Affairs and General Counsel. In addition, the Campus Counsel interfaces with other SUNY OGC colleagues to coordinate the delivery of excellent legal services, including participation in SUNY OGC staff meetings and trainings.

Position comes with excellent benefits.

### **Minimum Qualifications**

- Juris Doctor from an accredited ABA law school
- Admission in good standing with the New York State Bar or eligibility for admission within 6 months of start date
- Assistant Campus Counsel: 1-2 years practicing as an attorney and articulates well their desire to work as a healthcare attorney and the Associate Campus Counsel: at least 3 years practicing as an attorney with some relevant health law experience consistent with the identified operational need
- Excellent interpersonal skills and ability to work collaboratively in a team environment
- Excellent legal analysis, legal writing and editing, and oral advocacy skills
- Excellent presentation and training skills
- Ability to work independently, with a demonstrated ability to research and learn complex areas of the law
- Strong organizational, interpersonal communication, and problem-solving skills
- Ability to function effectively in a fast-paced environment with multiple and changing priorities and objectives
- This position will require on-call availability during evenings and weekends, which responsibility will be shared with other attorneys in the office

### **Preferred Qualifications**

- Experience handling litigation matters in State or Federal Court

Interested candidates, please visit the following link to view the complete posting and apply:

**<https://careers.upstate.edu/en-us/job/508191/assistantassociate-counsel-hospital-affairs>**

*We are an Equal Opportunity Employer.*

*All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, age, protected veteran status or disability or other protected classes under State and Federal law.*



# Let's Get it Together!

And by that we mean literally get together – and in recent weeks we have!

OCBA members convened for both work and play or a combination of both and here are a few images from gatherings such as the March 10th morning reception held to congratulate the Hon. Donald A. Greenwood on his elevation to the Appellate Division, Fourth Department, law section meetings, various networking happy hours, and even an afternoon tea featuring three New York State Supreme Court Justices. We all feel the warmth of in-person meetings and welcome all to join us as the days lengthen, the temps rise, and the desire for social interaction prevails after a too-long time away. See YOU some time soon!



We said a hearty congratulations and expressed our gratitude to the Hon. Donald A. Greenwood on March 10th at a reception in honor of his appointment to the Appellate Division, Fourth Department.



With gratitude to reception sponsor:



Local alums of the Western New England School of Law gather at O'Shaughnessy's on March 9th for a beverage. Pictured l. to r. are Hon. David S. Gideon, Nicholas DeMartino, OCBA President Graeme Spicer (not a WNE alum, but clearly a supporter), Stuart LaRose, and Hon. Mary Anne Doherty.



Let's Get it Together! (cont'd)



On Tuesday, March 21st in partnership with the Central New York Women's Bar Association in recognition of Women's History Month, the OCBA co-hosted an afternoon tea in the gracious CNY Philanthropy Center ballroom.

Featured guests included three women justices of the New York State Supreme Court 5th Judicial District, including the Hon. Deborah Karalunas, the Hon. Danielle Fogel, and the Hon. Julie Grow Denton.



Attendees memorialize the gathering with a group photo (above).

Pictured at right: Staci S. Dennis-Taylor, Hon. Danielle Fogel, Hon. Julie Grow Denton, and the Hon. Deborah Karalunas.

In brief remarks, Dennis-Taylor shared an historical perspective on teas and tearooms and how the social gathering, often attended by women only, were opportunities to meet influential community members. During the suffrage movement tea parties brought together the likes of Elizabeth Cady Stanton, Lucretia Mott, Martha Wright, and Mary Ann McClintock. Tea parties played an important role in Black History as well, she said, "Tea parties have been used to spark revolution."



The OCBA says a big thank you to the Hancock Estabrook law firm for its sponsorship of the March 30th Newer & Recently Admitted Lawyers Happy Hour held at one of Syracuse's most innovative beer gardens, Harvey's Garden.

Many (pictured at left) were drawn to the venue's "Beer Wall." Snacks and appetizers were provided by the Oompa Loompyas Filipino Fusion Food Truck. Check out Harvey's Garden at 1200 E. Water Street, Syracuse.



# Member Spotlight

## Maureen E. Maney, Esq.



*Maureen E. Maney is a partner at Greene, Reid & Pomeroy where she focuses her practice on civil litigation and is the recently appointed chair of the OCBA Judicial Review Committee, and is one of two OCBA delegates representing the Bar Association on the Tri-County Bar Association" (Onondaga/Monroe/Erie) review committee that evaluates nominees to the New York State Court of Appeals. She is a past president of the Women's Bar Association of New York State and is an adjunct professor at the Syracuse University College of Law. She has served on several area charitable boards and is an active member of three bar associations.*

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

I was lured by the bright lights, big city of Syracuse! I am a native of Johnson City, New York. I attended Le Moyne College and Albany Law School. I thoroughly enjoyed my time in Syracuse, and I knew I would

return when it was time to begin my legal career. My family was a huge influence on me. They would tell you I was destined to be an attorney from a very young age.

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

I went into law school thinking that I might practice criminal law. Through an internship, I quickly discovered that would not be the right fit for me. I made a pivot to civil litigation and never looked back.

I have been very privileged to work at great law firms spanning my 21 (!) years of practice. I started my legal career with Hancock & Estabrook, LLP, where I was exposed to a wide variety of substantive legal matters. By far, one of the most significant aspects of my professional journey was having the opportunity to work so closely with Janet Callahan. Janet was a wonderful mentor who helped me develop my skills and encouraged me to focus on personal injury litigation.

Following Hancock, I then joined Mackenzie Hughes, LLP, another terrific law firm with many talented attorneys, whom I greatly admire. Five years ago, I was presented with the unique opportunity to join Greene Reid & Pomeroy, PLLC as a partner following Jim Reid's retirement. I have always admired Jim and he was instrumental in encouraging me to take the leap. At Greene Reid & Pomeroy, our practice is exclusively dedicated to plaintiff's personal injury, which is really my true passion.

**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?**

Shortly after coming on board with Jeff (Pomeroy), I had to get ready to try a complex Labor Law §241(6) case. Liability was hotly contested and there were a number of experts on both sides. The experience was gratifying for many reasons. First and foremost, I was able to secure a seven-figure verdict for the client which provided him with a measure of financial security. (I keep a framed picture of one of the trial exhibits in my office. There's a very funny story behind it. Paul Hanrahan taught me the importance of maintaining a healthy sense of humor.)

The experience was also very reaffirming for me. Part of the pride and pleasure of being a professional is knowing that you are improving by demanding the best from yourself. I proved to myself that I had acquired the necessary skill set through years of practice and dedication. It also cemented for me that I had found a practice where my interests and talents would complement each other. There are few things more rewarding than the gratitude of a satisfied client whom you have helped.

**You've just been named New Chair of the Judiciary Committee, Newly appointed to the Tri-County Bar Judicial Screening Committee, you're past President of the Women's Bar Association of New York State, you're a Partner at Green Reid & Pomeroy, and a highly esteemed female litigator – is there anything you'd like to share with us about these high-level designations? For our new attorneys and those newly admitted, and remembering when you stood in their shoes, what advice might you have for those who admire a strong career such as yours?**

I am grateful to my peers for the recognition to serve in leadership roles, as it is a true honor. As for any advice, the Hon. Stewart F. Hancock, Jr. gave remarks entitled A Life in the Law at my swearing-in ceremony. I keep a copy of his speech in my desk drawer and take it out whenever I need a reminder. Judge Hancock identified four attributes about the legal profession that were most important to him (and which also resonate with me):

- The variety that the legal profession offers and the opportunities for change in direction. There is no need for any lawyer to become mired in some job that he or she finds distasteful or boring.
- A life in the law is one of constant learning and that's what makes it so fascinating.
- The chance to develop professional excellence.
- The opportunity to help those who need your expertise and to contribute to the betterment of society.

The path in the law is a long one. Be patient. Keep moving ahead. There will be intersections. New paths will open up.

**Managing a successful law career and maintaining a life outside of the office can be a challenge. How do you face that challenge? Do you have tips for finding peace in stormy seas?**

I found it next to impossible to maintain career and a life outside the office when I was a young attorney. A lot has changed since then. In 2015, my Dad passed away in the span of six weeks following a diagnosis of pancreatic cancer. That experience, as painful as it was, served as the catalyst for deep introspection. I realized I needed to make significant changes personally and professionally. I have a great support system of family and friends and I've gotten much more deliberate about integrating more time to hobbies and interests outside of the law. I try to follow Shonda Rhimes' rule for e-mail (as much as possible): Don't read work e-mails after 7 p.m. or on weekends. Work will be there tomorrow. The window of time that my son still thinks I'm cool to be with is shrinking daily.

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

Bar associations provide something that is unique, irreplaceable and vital to every lawyer's practice: the opportunity to meet, know and work collectively with a community of lawyers and judges beyond the walls of one's own office. Some of my dearest friends are people that I would never have met but for my membership in a bar association. Mentoring is another huge reason for me. Getting perspective from others who have walked the path you're on makes that path a little less isolating. Mentorship is now mentor to mentor. There are no mentees, all of us have something to teach one another.





# Toward a More Meaningful and Efficient Process for Rating Court of Appeals Candidates

By: The Unified Bars Screening Coalition

As we approach another round of Judicial Screening of the candidates for Chief Judge of the New York State Court of Appeals, we'd like to reintroduce ourselves to the legal community – particularly to those applicants who will appear on the next list reported by the Commission on Judicial Nomination. We are the Unified Bars Screening Coalition, which represents the broadest and most diverse cross-section of attorneys screening for the Court of Appeals candidates.

The Unified Bars Screening Coalition is composed of the following ten bar associations:

- Asian American Bar Association of NY
- Black Bars Consortium (led by the Metropolitan Black Bar Association)
- Defense Association of NY
- New York City Bar Association
- NYS Academy of Trial Lawyers
- NYS Association of Criminal Defense Lawyers
- Puerto Rican Bar Association of the State of NY
- Tri-County Bar Group (Erie/Monroe/Onondaga)
- Women's Bar of the State of NY
- Women's Trial Lawyers Caucus

Evaluating the final seven candidates for the Court of Appeals has progressed dramatically from the days when three or four bar associations controlled the interview process. Today the Coalition represents geographic diversity, a wide range of voices, and the specific interests of specialty and affinity bars.

*Continued on the following page*



The Coalition aims to make the screening process meaningful and efficient for the bars and the candidates alike. Our collaboration begins with a Coalition Initial Interview, with participation from representatives of each of the Coalition's Bars. This interview allows the candidates to introduce themselves to all our bars at once and answer various general questions of interest to all of our bar associations. Each bar then has an opportunity for its own screening committee to meet with the candidates and ask questions specific to their individual bar's interests.

The Coalition also makes the logistics possible for up to 70 potential interviews involving dozens of screening committee members. We ensure that each candidate's application materials are secure, organized and accessible only to screening committee members. We continue to adapt and improve our process, incorporating new technology, like interviews via Zoom. By coordinating our interview schedules, we ensure that the days immediately before the Governor announces her nominee aren't "calendar chaos" for the candidates. We'll be conducting our Coalition Initial Interview four business days before the first day the Governor can announce her choice. We'll conduct our ten Individual Bar Interviews over the two business days following that Coalition Interview.

So when can you expect to see our ratings? Coalition bars will release their individual bar association ratings just before the end of the 15 days between the Commission on Judicial Nomination's list announcement and the Governor's nominee announcement. Our Screening Committees want as much time as possible to properly vet the candidates, research their past work, solicit feedback from our members, and conduct our interviews.

The feedback from past Court of Appeals candidates shows that they believe it's very important for ratings to be released by all bars simultaneously. Our Coalition is committed to doing so.

We look forward to meeting the candidates on the Commission's next list and doing our part to help select the state's next Chief Judge!



Passalacqua & Associates, a rapidly growing firm representing clients in Criminal Defense, Personal Injury, and Social Security cases has immediate openings for Associate Attorneys as well as Paralegals in their Utica office!!

Compensation based upon experience and qualifications. Full benefits package provided including 401k, health insurance, CLE and professional membership dues paid, and more! Apply today by sending a resume and cover letter to:

[OfficeAdmin@CNYTrialLaw.com!](mailto:OfficeAdmin@CNYTrialLaw.com)

---

# THE PRACTICE PAGE

## STANDING -- WHEN IS THE DEFENSE WAIVED?

HON. MARK C. DILLON

CPLR 3211(a) lists a number of defenses that are waived unless the defending party raises them in either a responsive pleading or in a motion to dismiss (CPLR 3211[e]). Those defenses are arbitration and award, lack of capacity, a prior action pending between the same parties for the same cause of action, collateral estoppel, res judicata, bankruptcy, infancy or other disability, payment, release, the statute of limitations, the statute of frauds, an improper counterclaim, and lack of personal jurisdiction. A close reading of the statute reveals that the “lack of standing” is not specifically mentioned in CPLR 3211, nor for that matter is standing included in the illustrative list of affirmative defenses listed in CPLR 3218(b).

Must standing be raised early? Is the defense waived if not raised? The answer, as is often seen in the law, is that “it depends.”

As a general rule, a plaintiff’s lack of standing must be raised as an affirmative defense in an answer or in a pre-answer motion to dismiss, and if not, is waived (*Fossella v Dinkins*, 66 NY2d 162, 167 [1985]; *Castaldi v Syosett Central School Dist.*, 203 AD3d 690 [2nd Dep’t. 2022]). The same is true when a plaintiff replies to a counterclaim (*CUCS HDFC v Aymes*, 191 AD3d 522 [1st Dep’t. 2021]). This is true even though CPLR 3211 and 3018 make no actual reference to standing. Standing, which is not mentioned as being statutorily waived, and “capacity,” which is mentioned, are treated by the case law as “twins” (*Nicke v Schwartzapfel Partners, P.C.*, 148 AD3d 1168, 1174 [2nd Dep’t. 2017] [citing *Siegel, N.Y. Prac. sec. 136* [5th ed.]]). Capacity, of course, refers to the ability of a party to bring an action, whereas standing regards the party’s right to do so.

Nevertheless, the two similar but distinct concepts are treated the same by case law for purposes of waiver. Practitioners should therefore include the defense in pre-answer motions to dismiss, or assert it as an affirmative defense in responsive pleadings, to preserve the issue.

While the foregoing is a general rule, there are a couple of exceptions which break it. One applies to actions involving residential mortgage foreclosures. RPAPL 1302-a provides that notwithstanding any contrary provisions of CPLR 3211(e), an objection or defense based upon the lack of standing is not waived and may be raised at any time until the foreclosure sale, and after if the judgment and sale is rendered on default. The statute applies by its terms only to foreclosure actions involving “home loans” as defined in RPAPL 1304(6)(a), but not to other foreclosure actions. Home loans are defined as those involving natural persons in residential dwellings and condominiums within New York, occupied or intended to be occupied as a personal residence, including reverse mortgages. By statutory construction, the defense survives even if the defendant makes an unsuccessful pre-answer dismissal motion on other grounds, because it is “notwithstanding” the provisions of CPLR 3211(e). The statute became effective on December 23, 2019 (L.2019, ch. 739, sec. 1), meaning that from then forward, the waiver of standing depends on whether the action is a residential mortgage foreclosure within the scope of RPAPL 1302-a (not waived) or is any other action subject to CPLR 3211(e) (waived).

*Continued on next page.*

Continued from previous page

The second exception, for attorneys caught in the bind of having not raised a waivable defense, is to seek to correct the error by moving under CPLR 3025(b) to amend the responsive pleading to add the defense. While such motions are to be freely given, they may be denied in the court's discretion if the "late" assertion of the proposed affirmative defense is palpably insufficient or patently without merit, or would cause undue prejudice or surprise to the adversary party (Petry v Gillon, 199 AD3d 1277 [3rd Dep't. 2021]; Greater Bright Light Home Care Services, Inc. v Jeffries-El, 199 AD3d 777 [2nd Dep't. 2021]). As a general matter, the earlier any such motion is made to amend the pleading, the better, as an early proposed amendment may be less likely to cause prejudice to another party.

The bottom line for standing waivers is to treat the issue like Moses parting the Red Sea --- with residential mortgage foreclosure litigation on one side governed by the unique provisions of RPAPL 1302-a, and all other litigation on the other side of the sea governed by the traditional rules of CPLR 3211(e) and its interpretative case law.



*\* 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.*

# 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



GALE GALE & HUNT, LLC  
ATTORNEYS AT LAW

Gale Gale & Hunt, LLC seeks an attorney, with good people skills, and an organized mind.

Immediate opportunity for hands on experience, drafting motions, attending depositions and meeting with clients.

Interested candidates, kindly submit your resume with cover letter, transcript and writing sample to:

[jobs@gghlawoffice.com](mailto:jobs@gghlawoffice.com)





## First Generation Law Student

# LEADERSHIP SYMPOSIUM

Through the symposium, featured speakers will facilitate the sharing of resources and knowledge that attendees can take back to their respective schools and incorporate into their student organizations to make their communities more inclusive and accessible for students who are the first in their families to attend law school.

Featured speakers include: **Kimberly Wolenberg**, *Helix Bar Review* by Access Lex, Managing Director; **Morgan Cutright**, Access Lex Institute, Regional Director; **Yan Bennett**, Princeton University, Assistant Director for the Center on Contemporary China; and **Eric Anderson**, Pfizer, Chair of D&E Committee; and more.



# April 14

10:30a.m.-7p.m. | Dineen Hall

## ARE YOU RETIRING SOON?

The OCBA hears from people in search of wills and last testaments of loved ones when they discover the lawyer who penned those documents 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

# NEWSMAKERS & INFLUENCERS

## Two Practice Changes at Barclay Damon

Barclay Damon announces two changes that signal the law firm's continued focus on serving clients' needs in the areas of data security, technology, and intellectual property licensing.

"The launch of our new Data Security & Technology Practice Area reflects the value our clients place on the sophisticated advice and collaboration we provide to help protect, develop, and monetize clients' technologies, intellectual property, data, and other critical business assets. Responding to clients' needs and anticipating change in these areas is part of staying fluid and adaptable to fast-evolving business environments," said Barclay Damon Managing Partner Connie Cahill.



Barclay Damon's former Cybersecurity Team has been elevated to practice area status within the firm and is now called the Data Security & Technology Practice Area. This change formalizes the team's role as a key firm practice and reflects the critical, high-value nature of the work performed for clients in this area of law. The name change reflects the team's emphasis on contract counseling, drafting and negotiation for information technology transactions, legal compliance, due diligence for corporate transactions, incident response, defense to regulatory investigations, and representation in data-security and information technology litigation.

The Data Security & Technology Practice Area is co-chaired by Renato Smith and Kevin Szczepanski.



Barclay Damon's Trademarks, Copyrights & IP Transactions Practice Area has been renamed. The new name Trademarks, Copyrights & Licensing Practice Area better reflects the team's ongoing focus on the licensing, development, and commercialization of clients' intellectual property in addition to preparing and prosecuting trademark and copyright applications, enforcing clients' rights in these areas, and handling a wide array of intellectual property- and technology-related agreements.

The Trademarks, Copyrights & Licensing Practice Area is co-chaired by Mike Oropallo and Renato Smith



# NEWSMAKERS & INFLUENCERS

---

## Carrie J. Pollack Joins Ithaca Area Economic Development Board



*Pollack*

Hancock Estabrook Attorney Carrie J. Pollak was appointed to the Ithaca Area Economic Development (IAED) Board of Directors at the first quarterly meeting of 2023. Ms. Pollak will serve a 3-year term. The Ithaca Area Economic Development is a private non-profit economic development organization serving Ithaca and Tompkins County. It is New York's first and only Accredited Economic Development Organization, one of only 71 across North America. Since 1964, Ithaca Area Economic Development has worked to grow, retain, and attract companies that provide high-quality employment opportunities.

“IAED board members represent every sector of our economy, from education and healthcare to government, non-profit, and industry. They contribute to the organization’s culture, strategic focus, effectiveness, and financial sustainability, as well as serving as ambassadors and advocates. I look forward to the foresight, oversight, and insight of the new and returning members,” said IAED President, Heather McDaniel.

## Gabrielle Figueroa Makes New Jersey Rising Stars List



*Figueroa*

Barclay Damon announces Gabrielle Figueroa, special counsel, has been selected to the 2023 New Jersey Rising Stars list. She was recognized in the Energy & Natural Resources category. Figueroa is a member of the firm’s Regulatory and Commercial Litigation Practice Areas and Energy and Cannabis Teams. She practices out of the firm’s Syracuse office.

Each year, no more than 2.5 percent of the lawyers in the state are selected by the research team at Super Lawyers to receive the Rising Stars honor.

## Karina Shahine Named a Barclay Damon Associate



*Shahine*

Barclay Damon announces Karina Shahine, associate, has joined Barclay Damon’s Corporate and Trusts & Estates Practice Areas. Her primary office is Syracuse.

Shahine represents clients of the firm’s Corporate and Trusts & Estates Practice Areas in a wide range of matters. Through previous positions, she has gained a variety of corporate and trusts and estates experience, including drafting and reviewing documents and memoranda; aiding attorneys during depositions, trials, and other phases of litigation, including alternative dispute resolution; assisting during mediation; and conducting legal research.



# NEWSMAKERS & INFLUENCERS

## Wesley Clark & Peshkin Adds Lisa DiPoala Haber as Partner

Wesley Clark and Peshkin, a divorce and family law firm, has added a veteran partner to lead its Syracuse office. Lisa DiPoala Haber, Esq. focuses her practice on representing clients in divorce actions and also serving clients in family court custody and child support matters as well as appeals. Lisa has decades of litigation experience, prior to starting her own Divorce and Family Law firm in 2014, she worked with businesses and individuals in complex commercial disputes. Lisa has the skills, expertise and passion necessary to tackle complicated cases, including those involving novel and difficult issues as well as high asset divorces.

“I am thrilled to merge my law practice with Wesley Clark & Peshkin’s. WC&P shares the same values as I do and is dedicated to family law, divorce and estate planning,” Lisa commented. I look forward to providing the same high level of service that my clients are accustomed to,” she said.

“Adding talent and outstanding legal professionals is paramount to our practice,” said WC&P Managing Partner Kevin Clark, Esq. “Lisa has built a reputation as one of the most respected family law attorneys in Central New York and combining our practices not only helps to meet the increased demand for divorce practitioners but continues to elevate our exceptional customer and community service,” Clark added.

Wesley Clark & Peshkin maintains their CNY office in the State Tower building at 109 South Warren Street in downtown Syracuse as well as offices in Rochester and Buffalo. Lisa DiPoala Haber graduated magna cum laude from both Syracuse University College of Law and the SU S.I. Newhouse School of Public Communications and can be reached at 315-679-5512 or [lisa@wcplaw.com](mailto:lisa@wcplaw.com).



DiPoala Haber

## Syracuse Law Hires Program Manager for Orange Advance Enrollment Partnership with Clark Atlanta University and Morehouse Spelman Colleges



Curtis

Syracuse University College of Law has hired Trinity Curtis as Program Manager to guide and promote its Orange Advance pipeline partnership with Clark Atlanta University and Morehouse and Spelman Colleges. Orange Advance seeks to promote careers in law among students at the three Atlanta-based HBCUs (known as the AUC, or Atlanta University Center), with pre-law, law school admissions, and legal career path programming for undergraduate students who are considering law school.

As Orange Advance Project Manager, Curtis will be based in Atlanta where she will work with students directly, facilitate counseling and educational events on the ground, and activate networking opportunities with Atlanta-area alumni of the College of Law and Syracuse University. Curtis will also take the lead in designing and implementing the Orange Advance Summer Residency at the College of Law—an immersive, week-long introduction to Dineen Hall, our faculty, staff, and alumni, as well as the SU campus and the City of Syracuse.

## POSITION ANNOUNCEMENT

### STAFF ATTORNEY

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

**Position:** Legal Services of Central New York, Inc. will hire several staff attorneys for positions available in offices in the Syracuse, Utica, and Binghamton regions based on the needs of the local communities served.

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

Housing stability matters, especially eviction defense, are a substantial portion of the attorney's caseload. Our attorneys regularly appear in City, Town, and Village Courts across our service area in eviction cases. Attorneys are encouraged to work on advocacy and projects beyond individual casework. Attorneys are expected to conduct community outreach and work to build essential partnerships with local community organizations. Hybrid work is available subject to the terms of a negotiated agreement.

**Our Organization:** Legal Services of Central New York (LSCNY) is committed to achieving justice for low-income people and those who have difficulty accessing the justice system. We are deeply committed to principles of anti-racism and race equity in all we do. For more than 56 years, we have sought to make a difference in clients' lives and their communities by eliminating the barriers that cause poverty or reduce our clients' access to economic mobility. We continually search for ways to help people improve their lives and communities.

**Qualifications:** Candidates admitted or eligible for admission to the bar of the State of New York are preferred. LSCNY will consider 2023 law school graduates.

**Attributes of a successful candidate are:**

A commitment to providing high quality legal assistance to low-income and under-served populations.

A commitment to race equity, anti-racism, and economic justice in the workplace and in providing legal services.

Analytical, legal writing, and advocacy skills.

Organizational and interpersonal skills.

The ability to work independently and collaboratively.

The ability to work effectively with individuals from diverse backgrounds.

Bilingual or multi-lingual is a plus.

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

**Closing date:** Closing date for applications: when filled.

**Salary/Benefits:** Starting salaries for a New York admitted attorney range from \$60,000 to \$90,540 depending on experience. Salaries are established by a collective bargaining agreement. We have an excellent benefits package and a generous leave policy. LSCNY pays for bar memberships, attorney registration, and training opportunities, including Mandatory Continuing Legal Education courses.

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

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

**Email:** [hr@lscny.org](mailto:hr@lscny.org)

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





## **OSWEGO COUNTY FIRST ASSISTANT PUBLIC DEFENDER**

The Oswego County Public Defender's Office has an immediate opening for a First Assistant Public Defender responsible for assisting the Public Defender in overseeing and participating in the counsel and representation of indigent persons in criminal courts, with emphasis on criminal defense related matters and for the management of the professional staff at the office with wide leeway for the exercise of independent judgement.

Qualifications: Graduation from an American Bar Association accredited law school and four (4) years of experience in the practice of criminal law and/or in Family Court. Special Requirement: NYS License to practice law. Candidate must be a resident of Oswego County at time of appointment.

Starting Salary: \$93,817 plus competitive benefit package including: health insurance, life insurance, and NYS retirement. Candidates may be eligible for the Public Service Loan Forgiveness program. Salary negotiable to be commensurate with experience and qualifications.

To Apply: Review of applications will begin immediately and continue until position is 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](mailto:humanresources@oswegocounty.com)  
Web: [www.oswegocounty.com/humanresources](http://www.oswegocounty.com/humanresources)

AA/EEO EMPLOYER



## **OSWEGO COUNTY SENIOR ASSISTANT PUBLIC DEFENDER**

The Oswego County Public Defender's Office has an immediate opening for a Senior Assistant Public Defender responsible for the representation of indigent persons in criminal courts, with emphasis on criminal defense related matters.

Qualifications: Graduation from an American Bar Association accredited law school and two (2) years of experience in the practice of criminal law and/or in Family Court. Special Requirement: NYS License to practice law. Candidate must be a resident of Oswego County at time of appointment.

Starting Salary: \$83,394 plus competitive benefit package including: health insurance, life insurance, and NYS retirement. Candidates may be eligible for the Public Service Loan Forgiveness program. Salary negotiable to be commensurate with experience and qualifications.

To Apply: Review of applications will begin immediately and continue until position is 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](mailto:humanresources@oswegocounty.com)  
Web: [www.oswegocounty.com/humanresources](http://www.oswegocounty.com/humanresources)

AA/EEO EMPLOYER



## **OSWEGO COUNTY ASSISTANT PUBLIC DEFENDER**

The Oswego County Public Defender's Office has immediate openings for Assistant Public Defenders responsible for the representation of indigent persons in criminal courts, with emphasis on criminal defense related matters.

Qualifications: Graduation from an American Bar Association accredited law school. Preference may be given to applicants with experience in the practice of criminal law and/or in Family Court. Special Requirement: NYS License to practice law. Candidate must be a resident of Oswego County at time of appointment.

Starting Salary: \$72,969 plus competitive benefit package including: health insurance, life insurance, and NYS retirement. Candidates may be eligible for the Public Service Loan Forgiveness program. 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](mailto:humanresources@oswegocounty.com)  
Web: [www.oswegocounty.com/humanresources](http://www.oswegocounty.com/humanresources)

AA/EEO EMPLOYER





**PLEASE POST**

ANNOUNCEMENT NO. 54307

The Appellate Division, Fourth Judicial Department is recruiting for **one (1)** position in the Attorney series. The position filled will be in either of the following titles and the title utilized will depend, in part, on the qualifications of the applicant selected. Applicants should specify on the UCS-5, the position title or titles for which they wish to be considered.

**POSITION TITLE:** ASSOCIATE ATTORNEY **JG: 28**

**BASE SALARY:** \$104,500

**QUALIFICATIONS:** Admission to the New York State Bar and two (2) years of service in the Senior Attorney title; or equivalent legal experience.

**DISTINGUISHING FEATURES OF WORK:** Associate Attorneys serve in a confidential capacity and research legal questions and issues, organize complex investigations, prepare and present complex cases before administrative tribunals and trial and appellate courts, and perform other related duties. Associate Attorneys provide legal research and advocacy services in the Mental Hygiene Legal Services, attorney disciplinary committees, 18B panel administration, or other such units. They may also oversee a departmental law guardian program.

**POSITION TITLE:** PRINCIPAL ATTORNEY **JG: 31**

**BASE SALARY:** \$122,603

**QUALIFICATIONS:** Applicants must be admitted to the New York State Bar and have two (2) years of service in the Associate Attorney title; or equivalent legal experience.

**DISTINGUISHING FEATURES OF WORK:** Principal Attorneys serve in a confidential capacity in the Mental Hygiene Legal Services, attorney disciplinary committees, departmental law-guardian offices, or other such units where they research legal questions and issues, organize complex investigations, prepare and present complex cases before administrative tribunals and trial and appellate courts, and perform other related duties. Principal Attorneys may also assist in selecting and training new staff, developing and implementing policies and procedures and in handling day-to-day administrative matters. They may also work with advisory committees, assist with planning and executing educational programs, assist with resolving administrative problems, and serve as director of a departmental law guardian office.

**LOCATION:** APPELLATE DIVISION, FOURTH JUDICIAL DEPARTMENT  
MENTAL HYGIENE LEGAL SERVICE, SYRACUSE, NY

**CLASSIFICATION:** NON-COMPETITIVE/CONFIDENTIAL

**ASSIGNMENT:** Primary responsibility for overseeing Article 9, CPL 330.20, CPL 730, Rivers, Article 81, Article 17 A, AOT, Treatment Over Objection, Article 10, OPWDD, OMH, and appellate work. Based on experience level, may assist in supervision and training of support staff, as well as the Case Analyst assigned to the Syracuse office in areas related to the analyst’s responsibilities. Extensive travel without reliance on public transportation is required.

**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: **1**.

**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](http://www.nycourts.gov/careers/UCS5.pdf)) and cover letter with a résumé by email to [mljones@nycourts.gov](mailto:mljones@nycourts.gov) or by mail to:

Mary L.Jones, Human Resources  
Appellate Division, Fourth Department  
M. Dolores Denman Courthouse  
50 East Avenue, Suite 200  
Rochester, NY 14604

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

**POSTING DATE:** March 14, 2023

**APPLICATIONS MUST BE POSTMARKED OR RECEIVED BY:** April 11, 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.**



**THE LEGAL AID SOCIETY OF MID-NEW YORK, INC.  
LASMNY HIRING IMMEDIATELY – Attorneys and Law Graduates!**

Employment opportunities are available immediately in all office locations – Binghamton, Oneonta, Oswego, Syracuse, Utica or Watertown. Travel may be required.

Practice areas include Eviction Defense, Disability Advocacy, Foreclosure, HelpLine and Domestic Violence.

**Salary**

Admitted to the NYS Bar - Estimated salary range is \$60,000 - \$90,540, dependent on experience.  
Law Graduate – Estimated salary range is \$58,000 - \$59,000, dependent on experience.

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



**PLEASE POST  
ANNOUNCEMENT NO. 54306**

---

**POSITION TITLE:** PRINCIPAL APPELLATE COURT ATTORNEY

**JG: 31**

**LOCATION:** APPELLATE DIVISION, FOURTH DEPARTMENT  
ROCHESTER, NY

**BASE SALARY:** \$122,603

**CLASSIFICATION:** Non-Com petitive/Confidential

**QUALIFICATIONS:** Admission to the New York State Bar and three (3) years of service in the Senior Appellate Court Attorney title; or equivalent legal experience.

**DISTINGUISHING FEATURES OF WORK:**

Principal Appellate Court Attorneys serve in a confidential capacity and are primarily responsible for assisting Chief Appellate Court Attorneys in the Appellate Division and Appellate Terms with the supervision and administration of their legal departments. Principal Appellate Court Attorneys research and analyze complex legal issues for the court and perform other related duties.

**ASSIGNMENT:** This position is in the civil motion area of the Appellate Division’s Clerk’s Office. It involves processing civil motions, preparing reports for the court concerning civil motions, preparing orders regarding civil motions, answering correspondence, and providing procedural information to callers concerning civil motions. A thorough knowledge of civil law, both substantive and procedural, is required. Excellent legal research and writing ability is necessary.

**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. Special arrangements for the disabled may be made by contacting the Human Resources Office of the Appellate Division, 4th Department at (585) 530-3104 prior to the interview. Position(s) available at the present time: **1**.

**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](http://www.nycourts.gov/careers/UCS5.pdf)) and cover letter with a resume by email to [cbaldino@nycourts.gov](mailto:cbaldino@nycourts.gov) or by mail to:

Coleen M. Baldino, Human Resources  
Appellate Division, Fourth Department  
M. Dolores Denman Courthouse  
50 East Avenue, Suite 200  
Rochester, NY 14604

**[APPLICANTS ARE ENCOURAGED TO COMPLETE THE EQUAL EMPLOYMENT OPPORTUNITY DATA COLLECTION FORM.](#)**

**POSTING DATE:** March 14, 2023

**APPLICATIONS MUST BE POSTMARKED OR RECEIVED BY:** April 11, 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.**

---

---



# Lawyer Assistance Program

## Your FIRST Choice or Your LAST Resort



### What is the Lawyers' Assistance Program?

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

### What Kind of Assistance is Available?

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

### What Can I Expect When I Call for an Appt?

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

### Is Contact with the LAP Confidential?

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

### Why Was the Program Set Up?

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

### Who May I Call?

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

### For more information contact:

The New York State Bar Association  
Lawyer Assistance Program (800) 255-0569

Family Services Associates (315) 451-2161

Onondaga County Bar Association  
Executive Director, Jeff Unaitis (315) 579-2581



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

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

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

# 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.