

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.



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



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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.

Upcoming Events

Tuesday, June 6, 2023

CLE | Fair Housing Law Essentials
1 to 3 p.m., Hybrid CLE attend via ZOOM or In-person. Register [here](#).

Friday, June 9, 2023

CLE | How Much Does it Cost to be a Criminal Defendant?
Noon to 2 p.m., via ZOOM. Register [here](#).

Tuesday, June 13, 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

Monday, June 19, 2023

Juneteenth - the OCBA offices will be closed

Wednesday, June 28, 2023

Submission Deadline for the Bar Reporter newsletter
Email your submissions to cchantler@onbar.org

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

A monthly networking event for women in the legal profession

Breakfast at the Bar
Bring your summer interns!



WOMEN IN THE COURTS TASKFORCE

CNY WOMEN'S BAR ASSOCIATION
ONONDAGA COUNTY BAR ASSOCIATION

Tuesday, June 13, 2023
8:00 - 9:30 A.M.
Salt City Coffee and Bar
484 S. Salina Street

From the President



Dear Members,

In my first letter to the Bar Association, I would like to express that it is my privilege to serve our legal community as President of OCBA for 2023-24. In this new role, there has been reflection on the rich legal history of our community and excitement about our future. Our Bar Association was incorporated in 1875 and continues to thrive today. We appreciate all of the support from our members and hope to welcome new members during the coming year.

One of our goals for this year is to expand our robust CLE program covering a multitude of topics. We will offer pertinent CLE with opportunities for our members to grow and learn together. If there are any topics that are of interest to you or if you would like to participate in a CLE program, please reach out to me. We would love to discuss opportunities.

We will also continue to have in-person events for members to gather and socialize outside of a work setting. Gathering members of the bar together fosters collegiality and professionalism within our ranks and allows for us to work together more productively. We encourage all of you to attend these events as it is a relaxing and fun way to stay connected.

I would also like to thank our outgoing president, Graeme Spicer, for his hard work during the past year and to acknowledge the great efforts of the outgoing board members for their service.

Once again, we have a wonderful board for 2023-24 and we look forward to serving the community. Enjoy the Memorial Day weekend and I hope to see you this summer!

A handwritten signature in blue ink that reads "Martin A. Lynn". The signature is written in a cursive, flowing style.

Martin A. Lynn, Esq.



2023 JUNETEENTH EVENT SCHEDULE



—FRIDAY, JUNE 16TH—

FLAG RAISING CEREMONY (CITY HALL—1:30 P.M.)

FESTIVITIES AT CLINTON SQUARE (1:00 P.M. UNTIL 10:00 P.M.)

Celebrating Our Faith: Gospel Music (4:00-7:00)

R&B and Soul Music follows until 10:00 p.m.

—SATURDAY, JUNE 17TH—

VICTORY PARADE (11:00 UNTIL 12:00 P.M.)

From the Dunbar Association to City Hall

FESTIVITIES AT CLINTON SQUARE (1:00 P.M. UNTIL 10:00 P.M.)

Including the Miss Juneteenth Pageant

Headliner: Loose Ends

—MONDAY, JUNE 19TH—

Celebrating Syracuse Barber Shops & Beauty Salons

• Everson Museum Community Plaza • All White Affair • \$50 Entry •

Save the Date!

*See you at
The Pompey Club!*

The Daniel F. Mathews, Jr.
Memorial Golf Outing
now in its 21st year!!

*Registration & Sponsorship
details coming soon!*

*Thursday
August 24th*





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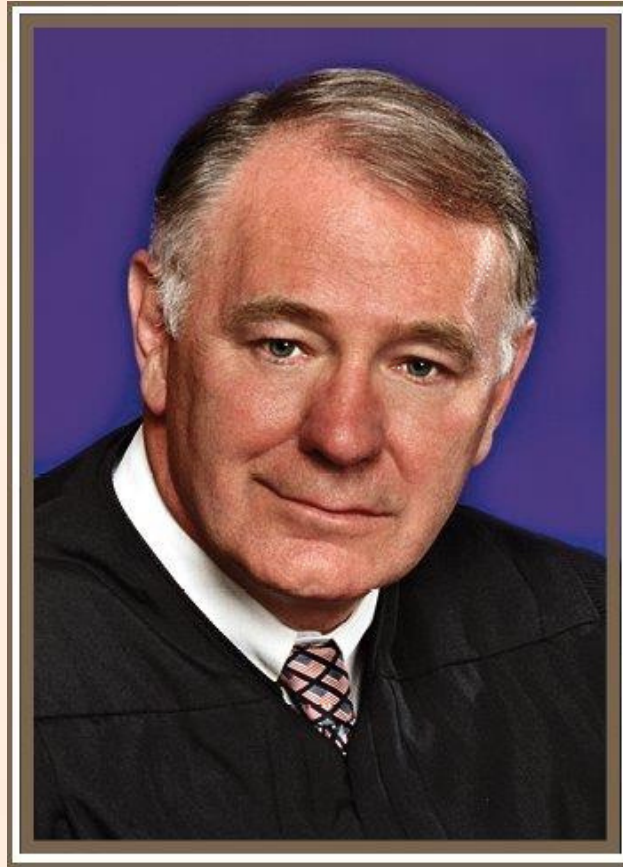
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The NDNY-FCBA Hon. Norman A. Mordue Law Scholarship



Syracuse Law and the Northern District of New York Federal Court Bar Association plan to establish a new scholarship in memory of the Hon. Judge Norman Mordue. The NDNY-FCBA Hon. Norman A. Mordue '66, L'71 Law Scholarship will provide Syracuse Law students with the means to pursue a legal education and follow in his footsteps.

In recognition of Judge Mordue's proud, courageous, and remarkable service in the United States Army, scholarship awards will be made with a preference for students who are military-connected. Gifts to the scholarship are now being raised to seed the fund and grow it into an endowed law scholarship.

Given Judge Mordue's profound impact on the lives and careers of so many, it is not surprising that his students, judicial clerks, classmates, colleagues, and friends are mounting this very special campaign. Please consider joining this effort!

To make a gift, [CLICK HERE](#). For questions, please reach out to Fritz Diddle at fjdiddle@syr.edu or 315.443.1339.

SATTER RUHLEN LAW FIRM, PLLC

Syracuse, New York

Associate

Satter Ruhlen Law Firm, PLLC, a Syracuse, NY firm committed to protecting and promoting the rights of working people for more than 30 years, has an opportunity for an attorney with 1-5 years of experience. Job duties will include handling labor arbitrations and practicing before the NLRB and New York State PERB, filing discrimination claims with the EEOC and New York State Division of Human Rights, drafting memoranda of law and other documents, conducting discovery, preparing for hearings, negotiating severance and other settlement agreements, consulting with potential clients, accompanying clients to employee interrogations (with and without union representation), and substantial research and writing. The position is primarily in-person to begin, with increasing potential for remote work commensurate with experience.

We offer a salary competitive with similar firms in the Syracuse area. We have a hard-working but congenial firm culture, consistent with our mission to provide big firm quality to small firm clients. We are committed to fostering diversity, equity, and inclusion. BIPOC, women, individuals with disabilities, and members of the LGBTQ community are encouraged to apply. Our work atmosphere is casual, flexible, and friendly, but we are passionate about providing our clients with the highest possible quality legal services.

Requirements: Admission to the New York State Bar. 1-5 years of experience practicing law. Exceptionally strong research and writing skills are critical; background in a writing-intensive field is helpful but not required. We will give priority to candidates with demonstrated commitment to workers' rights, for example, Peggy Browning or AFL-CIO fellowship; DOOR summer clerkship, etc.

Application: Please send a resume, cover letter, references, and writing sample to sruhlen@satterlaw.com and use the subject line "2023 Attorney Position."

APPEALS

Civil, Criminal, Administrative
Referrals Welcome
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John A.

CIRANDO
Attorney at Law

250 S. Clinton Street
Suite 350

Syracuse, New York 13202

We APPEAL To You

Member Spotlight

Kelly A. Fairchild, Esq.

Kelly A. Fairchild, Esq. is the Supervising Attorney for the Matrimonial Program at Hiscock Legal Aid Society. Learn more about this vital program and the agency [here](#).

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 am a Central New Yorker. I grew up in Clay, New York and attended Cicero-North Syracuse High School. I obtained my undergrad degree from SUNY Oswego and I attended law school at Syracuse University College of Law. After law school, I clerked in New Jersey for a year and then practiced law for approximately three years at Southern Tier Legal Services in Olean, New York. After that, I took a break from practicing law and joined the New York City Teaching Fellows Program. After living and teaching in New York City for seven years, I decided it was time to return to the Central New York area and to the practice of law.

I do not come from a long line of practitioners. I was the first person in my family to graduate from law school. I was also the first person in my family to obtain a four-year college degree. When I entered college, I was uncertain of what major to choose and entered college as undeclared. I took a number of general education classes which helped me determine my career path. One of my professors encouraged me to become a lawyer.



Tell us about your lawyer journey, your career.

What kind of law do you practice, or have practiced?

I have spent most of my legal career practicing Domestic Relations Law. When I worked at Southern Tier Legal Services, I represented clients in family court matters, such as child custody matters, child welfare matters, child support enforcement matters, and family offense matters. When I first started at the Hiscock Legal Aid Society, I joined the Family Court Program. For about two and a half years, I represented clients in custody and visitation matters, family offense matters, and child support enforcement matters. I wanted to expand my practice areas so I applied for a position in the Civil Program. As a staff attorney in the Civil Program, I represented clients in matrimonial matters, employment insurance benefits matters, and landlord/tenant matters. After working in the Civil Program for over a year, I decided I wanted to further challenge myself and I applied for the assistant supervisor position. Since 2018, I have been the Supervising Attorney for the matrimonial program.



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

The most enjoyable part of practicing law is that every day is different and provides a new opportunity to help someone who is in need. Some days are spent in court all day trying to negotiate a case and some days are spent on the phone or meeting with clients. The nature of this work offers a variety of duties that ensures that no two days are the same. Each day is new and exciting.

The most satisfying part about practicing law is obtaining a favorable outcome for a client. One of my most satisfying experiences was the time my client obtained a favorable decision which allowed her to move out of state with her children. She was a survivor of domestic violence and she had to leave the area as the marital residence was no longer safe for her or the children. After a custody hearing the Court granted her application to relocate out of state. My client and I were elated when we received the decision. I have learned a lot from my clients; they have taught me about strength and the ability to persevere in the most difficult of situations.

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?

Managing a successful law career and maintaining a life outside of the office is certainly filled with challenges. Hiscock Legal Aid encourages a strong work-life balance for its employees. To stay focused at work, I will triage tasks and use to-do lists. I believe it is important to have clear expectations with clients, especially when it comes to communication. I believe it is important to have outside interests to maintain a healthy work-life balance. In my free time, I like to bake, garden, and listen to live music to help me relax after a challenging week. My husband and I also enjoy daily walks, which is a great way to decompress after a long day.

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

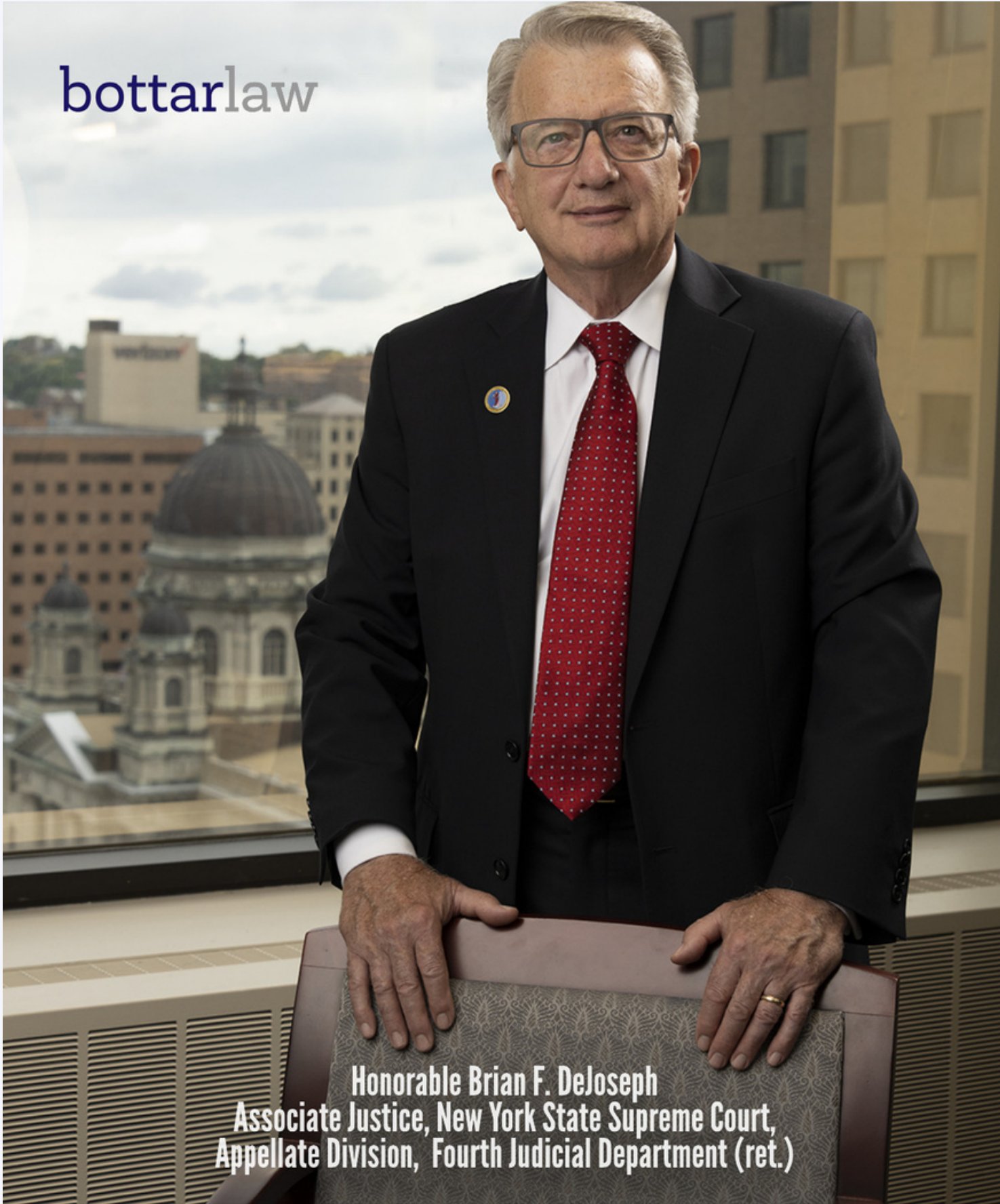
People should volunteer with the bar association and become involved as it strengthens the legal community. Being involved with the bar association is a great way to network with other members of the legal community. I have enjoyed meeting with other members of the bar association at trainings and other events. Being involved is also a great way to give back to the community as a whole.



Top photo: Kelly and her husband enjoy a moment together at a family dinner. **Bottom photo:** At a downtown Pride Event with colleagues Fairchild joins Kristen McDermott (Senior Attorney, Appeals Unit) and Jason Torreano (Director of Development & Communications) for a day of fun.



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A professional portrait of Honorable Brian F. DeJoseph, an older man with glasses, wearing a dark suit, white shirt, and a red tie with white polka dots. He is standing in front of a large window with a view of a city, including a prominent domed building. He has his hands resting on the back of a chair.

Honorable Brian F. DeJoseph
Associate Justice, New York State Supreme Court,
Appellate Division, Fourth Judicial Department (ret.)

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Book Review | Business and Commercial Litigation in Federal Courts, 5th Edition

*By Jonathan B. Fellows
Bond, Schoeneck & King PLLC
Former Chair of the Commercial and Federal Litigation Section
of the New York State Bar Association*



The nature of legal research, and of practice in law firms, continues to change apace. On a recent evening, I was at my desk reviewing a new complaint arising out of a commercial dispute. In particular, the complaint included derivative claims brought by a shareholder. I realized that it had been some years since I had defended a derivative claim. I had a basic question about our potential defenses as I read the claims. It being the new remote world, and it being early evening, not an associate was in sight to conduct some basic research. Also, like many firms, our firm has discarded the research tools I grew up with, digests, as well as all of our federal reporters, in favor of computerized research tools. As I lamented these changes, I looked across my desk and recalled that I had a full set of *Business and Commercial Litigation in Federal Courts* right in my office. I consulted the index, and quickly found Chapter 26 entitled “Derivative Actions by Stockholders.”

The chapter on derivative claims is over 120 pages long, with forty-four sections. The four authors of the chapter are partners in one of the world’s leading law firms Sullivan & Cromwell LLP. The chapter addressed the questions I had, and all of the discussion was supported by detailed footnotes with helpful citations.

My use of the treatise that evening to help refine our defenses to a derivative claim confirmed what I knew from my extensive use of the Fourth Edition: no commercial litigator should be without this valuable resource. The treatise made its debut in 1998, and was the creation of one of the nation’s foremost commercial litigators, Robert L. Haig, who was the founder and first Chair of the New York State Bar Association’s Commercial and Federal Litigation Section. The treatise is a joint publication of Thomson Reuters and the American Bar Association’s Litigation Section. Over its successive editions, the treatise has grown to address new developments in the law, and particularly those posed by changing technology in the business world.

The Fifth Edition contains twenty-six new chapters, and has grown to sixteen volumes. The new chapters address evolving issues in the business world such as artificial intelligence, climate change, corporate sustainability and ESG. As with the prior editions, Mr. Haig has recruited an impressive group of 373 authors, including many of the nation’s top commercial litigators and esteemed members of the judiciary.

Continued on the next page.

In recent weeks, the growth of artificial intelligence has become a hot topic in public discussion, both in general society and the legal community. Many lawyers are concerned that some of their services could be displaced by artificial intelligence. Other attorneys are not even sure what artificial intelligence means, or how it might affect our practices or cases. One of the new chapters in the treatise is Chapter 80 entitled “Artificial Intelligence.” The author of the chapter is a former United States District Judge and former Deputy Assistant Attorney General, who now practices at Paul, Weiss, Rifkind, Wharton & Garrison LLP, and focuses on high tech issues. The chapter is written in plain English that any practitioner can understand, and outlines the role of artificial intelligence in commercial litigation, and in particular the use of artificial intelligence in reviewing electronically stored information during discovery.

Another of the new chapters deals not with any emerging technology, but offers a comparison of litigating a commercial dispute in Delaware Chancery Court as opposed to federal court. This is a widely-discussed topic, and has been the subject of multiple CLE panels of the Commercial and Federal Litigation Section. Of course, many public companies are Delaware corporations, and choose to insert choice of forum clauses in their contracts for Delaware Chancery Court. Having recently tried a major case before the Chancellor of Delaware, I wish I had had Chapter 13 of the treatise, “Comparison with Business and Commercial Litigation in Delaware Courts” available to me when I undertook the case I defended in Delaware.

Although the chapter on “Discovery of Electronically Stored Information” is not new to the Fifth Edition, the law of discovery of ESI continues to evolve, as does the content of this vital chapter. One of the authors of the chapter is the Hon. Shira A. Scheindlin (Ret.), the Judge who pioneered the law in this area in her Zubulake decisions. This chapter, like virtually the entire treatise, is not just an academic discussion of the discoverability of ESI, but a practical guide for the litigator on how to map out a case and comply with the obligations to preserve, collect and produce ESI in the most efficient way.

One of the most profound differences in commercial litigation today from when I began to practice is the ubiquitous nature of Alternative Dispute Resolution. Chapters 59 through 61 are “Negotiations,” “Mediation,” and “Arbitration.” It is a truism that only a tiny percentage of commercial disputes are resolved by a jury. Any commercial litigator would benefit from reading these three chapters as the vast majority of commercial disputes are resolved in negotiations between the parties, mediated settlements, or arbitrations.

The treatise does not just cover procedural law in federal court, but includes dozens of useful chapters on substantive legal topics that commercial litigators may face in federal court. The treatise deals with each of these topics in depth, in a matter that sophisticated attorneys will appreciate, but the treatise is also loaded with practical guidelines for new practitioners. Chapter 8, “The Complaint,” for example contains 97 different sections on the initial pleading in a commercial case, guiding the practitioner through all the strategic considerations in the preparation of the initial pleading (including an outstanding discussion of the changes in pleading since the *Twombly* and *Iqbal* decisions), and concludes with a useful set of Practice Aids for preparing a complaint in federal court.

In sum, the Fifth Edition of *Business and Commercial Litigation in Federal Courts* should be in the library of any firm that represents businesses. It is both a research tool and a practice guide. I still know many litigators who will only practice in state courts, and will refer out any cases in federal court because it is too complicated. Any capable litigator will find a road map to prosecute or defend a commercial case in federal court in this treatise. Thanks to Bob Haig and his incredible team of authors for updating this valuable resource for all commercial litigators.



SECURE 2.0 INTRODUCES LEGACY IRA AND A BOOST FOR QCDs

Congress passed the much-anticipated \$1.65 trillion-dollar omnibus spending bill known as the Consolidated Appropriations Act of 2023 ("CAA") on December 23, 2022, followed by President Biden signing the act into law on December 29, 2022. At more than 4,000 pages, the act includes a wide range of provisions that impact multiple sectors.

Of particular interest to advisors working with charitable clients are the provisions starting midway through the bill. The bipartisan legislation often referred to as "SECURE 2.0" is included in the CAA legislation. As background, SECURE 2.0's provisions build on the original SECURE Act of 2019 ("SECURE" stands for "Setting Every Community Up for Retirement Enhancement"). SECURE 2.0 includes the Qualified Charitable Distribution (QCD) enhancements that have been in the works for many months.

HERE ARE THREE KEY PROVISIONS AFFECTING PHILANTHROPISTS IN THE NEW LAW:

- Taxpayers may now make a one-time \$50,000 QCD transfer to a charitable remainder trust (CRT) or other split-interest gift such as a charitable gift annuity (CGA). These are the "Legacy IRA" provisions. Note that the law effectively mandates that the CGA or CRT be created solely for the purpose of receiving a QCD because the new statute requires that the vehicle contain only IRA assets. (The Community Foundation's minimum for CRTs is \$100,000; therefore, only CGAs would be available through us using this provision.)
- The required minimum distribution (RMD) age (previously 72) increased to 73 on January 1, 2023. The age will increase to 75 beginning on January 1, 2033. While this provision is not directly tied to charitable giving, it will nonetheless impact your clients' overall financial plans and potentially affect the timing and strategy of their giving. As a reminder, "required minimum distribution" (RMD) refers to the mandated amount that a taxpayer must withdraw from qualified retirement plans, which include IRAs as well as 401(k)s and other tax-deferred retirement accounts.

- The annual per-taxpayer \$100,000 QCD cap is now slated to be indexed for inflation, which will allow taxpayers to give even more from their IRAs directly to charity.

HERE'S WHAT HAS NOT CHANGED:

- Eligibility for making a QCD still starts at 70 ½. This allows taxpayers who are not yet required to take IRA distributions under the RMD rules to still take advantage of the QCD technique without the income tax hit on the distributed funds while also removing those funds from liability for future estate taxes.
- Taxpayers required to take RMDs can still count QCDs toward their RMDs, thereby avoiding the usual income tax hit on RMD dollars.
- Most funds at community foundations are eligible to receive QCDs. These include community funds, field-of-interest funds, designated funds and scholarship funds, but still not donor-advised funds.

At the Community Foundation, we have observed growing interest – and confusion – about QCDs and IRA gifts among donors. The changes introduced by SECURE 2.0 introduce additional planning opportunities and complexities. As always, our team of philanthropic advisors is here as a sounding board for you and your charitable clients. We are available to help map out giving strategies that maximize impact for your clients and the causes they care about.



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TO LEARN MORE ABOUT CHARITABLE GIVING WITH YOUR CLIENTS, VISIT US ONLINE AT

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ADVISOR
PMURPHY@CNYCF.ORG

NEWSMAKERS & INFLUENCERS

Gilbert Hoffman, Esq. Joins Stewart Title Insurance Company as Underwriter



Gilbert Hoffman, Esq.

Stewart Title Insurance Company announced the addition of Gilbert Hoffman to its title team. With an impressive background in the real estate industry spanning over 40 years, Hoffman brings a wealth of experience and knowledge to the company.

A graduate of Syracuse University College of Law, Hoffman's roots in the region run deep. His extensive expertise includes commercial real estate, transactional real property, real property litigation, easements, and general title insurance matters. Having excelled in private practice and having served as the former chief underwriting counsel at prominent agencies and underwriters in the Syracuse area, Hoffman's contribution to the industry is highly regarded.

Gil commented about his new position: "To say I'm excited to have joined Stewart Title Insurance Company as an Underwriter would be an understatement! When I began my career as an attorney in 1982, I went to work for Davoli McMahon & Green, where I was fortunate to experience many different types of law. I thoroughly enjoyed general practice, but always gravitated towards real property practice. When the opportunity presented itself, I made the leap to working for The Title Guarantee Company (now part of Fidelity National Title), thinking that a "couple" years of that work would help improve my

real property skills. Twenty-seven years later, and as a Sr. VP and Regional Counsel, I re-entered the world of private practice, eventually becoming a member at Bousquet Holstein PLLC, before the winds of change sent me to a local title agency as Chief Underwriting Counsel. Thinking back, I warmly recall my early mentors, including Bernie Rifkin, the Moonans, Carl Doster and Owen Mangan, and so many others, and feel a sense of pride that, in some small way, I'm following in their footsteps. The example they set, of skill, talent and professionalism are what drive me to try and excel in this very technical field, and I hope to continue that tradition here, and to further advance the practice of real property law."

"I am genuinely excited to tap into Gil's wealth of experience and innovative title solutions," said Christina Goodman, Title Insurance Supervisor in the Syracuse Office. "With decades of title knowledge and expertise under his belt, together we'll make a great team and achieve outstanding results. Gil is a valuable addition to Stewart, and we are so happy he's here."

In addition to his professional accomplishments, Hoffman is a US Navy Veteran, showcasing his dedication and passion in all aspects of his life. He has built enduring relationships throughout Central NY, further cementing his reputation as a respected figure in the region.

Karla Damico Wilsey, Esq., Vice President, Title Operations Manager, expressed excitement about Hoffman's joining the team. "We are excited to have Gil's incredible knowledge and talent as a resource to help our customers achieve successful real estate closing transactions," said Wilsey. "His extensive real estate title experience and insight, along with his contributions as a local and state bar leader, will enhance our perspective and creativity in solving complex title issues."

Stewart Title Insurance Company is confident that Hoffman's expertise and remarkable leadership qualities will bring immense value to the organization and the upstate legal community. The company invites everyone to, once again, extend a warm welcome to Gil Hoffman as they embark on this exciting journey together.

NEWSMAKERS & INFLUENCERS

Corporate Attorney John R. Appler Joins Hancock Estabrook, LLP

Hancock Estabrook, LLP is pleased to announce that corporate and commercial real estate attorney, John R. Appler, has joined the Firm as a Partner.

Mr. Appler will join Hancock Estabrook's corporate and real estate practice areas, concentrating his practice on business law, commercial real estate and private equity funding. He represents clients in all aspects of their businesses, ranging from daily operations that include contract preparation and negotiations to succession planning and mergers and acquisitions. He acts as primary business counsel to a multitude of clients across New York State including professional service entities, manufacturers, banks and other lending institutions and technology companies. Additionally, Mr. Appler's real estate practice involves the purchase and sale of commercial real estate, land and project development and the representation of landlords and tenants in complex leasing matters.



John R. Appler, Esq.

"We are thrilled to welcome John to our firm," said Timothy P. Murphy, Managing Partner of Hancock Estabrook. "Enhancing our corporate practice is a priority for the firm as we are seeing significant growth in the transactional area and are excited to offer our clients innovative and expanded capabilities. John's extensive corporate and commercial real estate experience will be a great asset to our clients as we embark on the economic development coming to Upstate New York with the recently announced economic investment by Micron at the White Pine Commerce Park in Clay and with many other significant projects on the horizon."



Carl L. Schmidt, Esq.

Schmidt, Hartnett Move to Hancock Estabrook, LLP

Hancock Estabrook announced in May two additions to its attorney team, Carl L. Schmidt and Ryan M. Hartnett.

Schmidt will serve the firm as counsel in the Environmental, Zoning and Land Use Practice. He focuses on all aspects of environmental law, including compliance and remediation, health and safety regulations as well as right to build issues, including compliance with the State Environmental Quality Review Act ("SEQRA").

Previously, Schmidt served as Director of Solid Waste Programs for Oswego County. He is a graduate of Syracuse University College of Law and United States Merchant Marine Academy. He is admitted to practice in New York State.

Hartnett joined the firm as an associate in the Corporate, Tax and Startup & Emerging Business Practice Areas.

Hartnett represents a variety of clients in business activities that include mergers and acquisitions, spin-offs, business restructuring, and tax disputes and controversies. He often counsels closely-held business entities with succession planning, routinely structuring financially viable and tax advantageous transactions. He also works with high-net-worth individuals in developing and implementing comprehensive estate and wealth plans that are customized to minimize gift and estate taxes, while furthering non-tax goals.

He graduated cum laude from Western New England University School of Law, where he won the award for Best Written Submission in the American Bar Association Law Student Tax Challenge and recently completed his LL.M. in Taxation from Georgetown University Law Center.



Ryan Hartnett, Esq.

NEWSMAKERS & INFLUENCERS

Nugent Appointed Chair of NYS Judicial Screening Committee for Appellate Division, Fourth Department

Gabe Nugent, White Collar & Government Investigations Practice Area co-chair and partner in Barclay Damon's Commercial Litigation Practice Area and on the Health Care Controversies and Higher Education Teams, has been appointed chair of the New York State Judicial Screening Committee for the Appellate Division, Fourth Department by New York State Governor Kathy Hochul, effective March 6, 2023. Nugent is also a member of the New York State Judicial Screening Committee. The term of service for both roles is three years.

The governor's Judicial Screening Committees are established by executive order to evaluate the qualifications of candidates and make recommendations to the governor for appointment to judgeships other than those on the Court of Appeals. The New York State Judicial Screening Committee evaluates the qualifications of candidates for appointment or designation to judicial office throughout New York State and recommends to the governor those persons who are highly qualified to hold judicial office.



Nugent

College of Law Alumni Night @ Dinosaur BBQ!

You're invited to this FREE College of Law Alumni Night! Reconnect with your fellow alumni, welcome our newest graduates from the Class of 2023, and hear College of Law updates from our faculty & staff in attendance. We hope you can join us for a casual evening of food, drinks, and lots of fun!

Wednesday, June 21, 2023

5 to 7 p.m.

Dinosaur BBQ (Upstairs)

246 W. Willow Street

Syracuse, NY 13202

FREE

Click **HERE** to Register!



S Syracuse University
College of Law



NEWSMAKERS & INFLUENCERS

Syracuse Law Low Income Taxpayer Clinic Renamed in Honor of Clinic Founder

Syracuse University College of Law announced in May it is receiving a major gift for which it will rename its Low Income Taxpayer Clinic the Sherman F. Levey '57, L'59 Low Income Taxpayer Clinic (LITC).

Levey, who passed away in April 2018, is credited with establishing the LITC in 2002 while teaching at the College of Law. As an adjunct professor at the College of Law and a full-time practicing lawyer in Rochester, he secured the clinic's original funding. Former colleague and now Emeritus Professor Martin L. Fried recalls conversations with Levey as the idea for the LITC was taking shape, in which they discussed the need to offer law students an alternative to the criminal law clinic that was popular at the time. "We wanted to give students who were interested in business and the commercial sphere a chance to get some clinical experience in the real world and insight that could make them better lawyers," says Fried. "Sherm was the mover and shaker behind the LITC, seeing that it could help our students and people who would never have had a chance against the IRS." Levey served as the co-director of the clinic for many years alongside current LITC director Professor Robert Nassau.

"My father always supported the underdog because he started as one," says Lynn Levey G'94 L'94. "He was entirely self-made. He loved the practice of law and wanted the students to love the practice, to see there were all these different things you could do with it, that it was fun, and that you could serve others."

Levey, formed the tax law firm of Rubin and Levey in Rochester with Sydney R. Rubin after law school. The firm eventually merged with Harris, Beach and Wilcox to form Harris, Beach, Wilcox, Rubin and Levey. Most recently he was Of Counsel at Boylan Code LLP.



Sherman F. Levey, '57, L'59

Lynn Levey, along with brother Ted, sister Amy, and Sherm's cousin Edith D. Warner, decided to honor Levey's life and legacy of service and learning with a significant gift to the College of Law.

"As a former tax attorney, I can certainly appreciate the need for the kind of assistance provided by the students in the LITC and the role it plays in our community," says College of Law Dean Craig M. Boise. "It also plays a vital role in legal education. Sherm Levey was a visionary. He understood the importance of law students gaining practical skills and was a key player in the evolution of clinical programs that make Syracuse College of Law both distinctive and relevant. The College of Law community is thankful for his dedication to the College and his family's generosity."

The LITC offers legal assistance to lower-income taxpayers who have controversies with the Internal Revenue Service. The controversies may include collection, examination, and appeals matters. Students represent clients in administrative proceedings before the I.R.S., and in judicial proceedings before the United States Tax Court or Federal District Courts.



**THE LEGAL AID SOCIETY OF
MID-NEW YORK, INC.
(LASMNY)**

LASMNY IS HIRING IMMEDIATELY! Attorneys and Law Graduates!

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

Practice areas include: Eviction Defense, Disability Advocacy (DAP), Foreclosure,
HelpLine and Domestic Violence (DV).

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

Salary:

Admitted to the NYS Bar: Estimated salary range is \$60,000 - \$90,540. DOE
Law Graduate: Estimated salary range is \$58,000 - \$59,000. DOE

Mission Statement: LASMNY's Mission is to provide free legal assistance to low-income people facing civil, legal problems that impact the basic needs of life. Through legal advice, emergency legal services and representation, LASMNY helps low-income people stabilize their finances, protect themselves and their children from Domestic Violence (DV), obtain access to health care, avoid homelessness as a result of wrongful evictions, protect the family home from foreclosure and target specific vulnerable populations with our services such as senior citizens, victims of domestic violence (DV), people with disabilities, refugees and immigrants, and veterans.

Bar Boards

Family in Search of Who Wrote Loved One's Will

We are looking for the Last Will and Testament of Edward Anthony Pontello, of 812 2nd Avenue, Syracuse, NY. He died on August 20, 2022 and was predeceased by his wife Barbara K. (Krishan) Pontello on August 26, 2014. Mr. Pontello, along with his brother Carmen, was a former member of The Valley Drivers Association, NHRA-ESTA. Please contact his son Edward Pontello, same address, telephone number 315-516-4020.

In Search of a Last Will & Testament

The family of Kenneth McMillian, Jr. is in search of the last will & testament of their beloved kin. Mr. McMillian died on March 28, 2023 at the age of 78; he was born on February 26, 1945. A lifetime resident of the City of Syracuse, Mr. McMillian was raised on the southside. He was retired after 30 years of service from the SUNY Upstate Medical University. If you have any information please contact his son at (315) 876-8451.

Daughter seeks Will of Loved One

Beverly J. Forman died on January 10, 2023 at the age of 83. This Syracuse native had a will drawn on November 22, 1982 by Thomas Pasqua, Esq., who is deceased. If you have any knowledge of the whereabouts of Mr. Pasqua's client files, please contact Claudia Forman at (315) 470-4333.

**SOCIAL SERVICES ATTORNEY
CHAUTAUQUA COUNTY
GOVERNMENT**

This is an excellent career opportunity for an executive-level candidate to lead the Legal Division of the Chautauqua County Department of Mental Hygiene and Social Services. This position supervises professional and para-professional staff in the administration of the following operations:

- Administers the legal processes of the department, including policy and protocol;
- Provides legal advice to the director, division heads, supervisors, and staff;
- Prepares briefs and other trial materials and represents the department in all courts;
- Provides legal services and supervises attorneys work related to the Uniform Interstate Family Support Act (UIFSA), child abuse and child neglect, termination of parental rights, adult protective matters, child support and paternity, estates and trusts, bankruptcy and other legal work as needed;
- Prepares for and officiates at public sales of property owned by the department;
- Makes recoveries for assistance granted as permitted by law, including initiation of legal proceedings if necessary.

The office is located in the Mayville, New York county government office campus. A competitive salary is offered commensurate with qualifications, education and experience. Employment benefits include the following:

- Health insurance, including vision, dental and an opt-out payment option
- Vacation
- Sick leave
- Choice of Two Comprehensive Retirement Plans
- Optional Deferred Compensation Plan
- Paid Health Insurance Benefit at Retirement
- Wellness Program
- Paid Life Insurance

Candidates must meet minimum qualifications in order to be considered for interview and employment as follows:

Admission to the Bar of the State of New York and two (2) years of experience in the practice of child abuse/neglect law, child support enforcement law, family law, public interest law, poverty law, elder law, welfare fraud law, or criminal prosecution.

ADDITIONAL REQUIREMENTS:

1. Possession of a License to practice law in New York State at the time of application, appointment, and during service in this class.
2. This position is a public officer as defined under Section 3 of NYS Public Officers Law. As such, candidates must be legal residents of Chautauqua County at time of appointment and during service in this classification.
3. The appointed candidate will be required to successfully compete in a civil service examination, to be held at a later date.

Interested candidates should complete a Chautauqua County Application for Examination or Employment form (available on this website), include a resume, and mail it to:

Chautauqua County Department of Human Resources
Gerace Office Building
3 North Erie Street, Room 144
Mayville, New York 14757

Equal Opportunity Employer.



**Division of Criminal Justice
Organized Crime Task Force – Syracuse
Assistant Deputy Attorney General
Reference No. OCTF_WP_ADAG_3579**

Application Deadline is June 16, 2023

The Office of the New York State Attorney General (OAG) is seeking an experienced prosecutor to join its [Organized Crime Task Force \(OCTF\)](#) in Syracuse. OCTF conducts long-term criminal investigations related to gang activity, drug trafficking, firearms trafficking, loan sharking, bookmaking, money laundering, fraud, grand larceny, labor racketeering and other white-collar crime as well as human trafficking. OCTF is comprised of dedicated attorneys, analysts and investigators who are responsible for the cases from the inception of the investigation through final disposition.

Under the direction of the Deputy Bureau Chief and Deputy Attorney General in Charge, Assistant Deputy Attorneys General perform detailed oversight of complex, long-term criminal investigations, meet strict deadlines, and work hand-in-hand with our law enforcement partners across the state. Extensive writing experience is required in the areas of eavesdropping warrant applications, search warrants and indictments.

We are seeking applicants with the following qualifications:

- A **minimum of seven (7) years of prosecutorial experience**, including handling complex investigations, substantial grand jury and trial experience.
- Experience with investigative techniques such as search warrants, wiretaps, cooperating witnesses, undercover operations and forensic analysis of documents and financial records.
- Excellent analytical, research and writing skills.
- A firm grasp of Criminal Procedure Law Articles 700, 705, 690, the Stored Communications Act and federal reporting requirements for court-authorized eavesdropping.

Applicants must reside in (or intend to soon become a resident of) New York State and be admitted to practice law in New York State. In addition, the Public Officers Law requires that attorneys in the office be citizens of the United States. A two (2) year commitment upon being hired is a condition of employment.

As an employee of the OAG, you will join a team of dedicated individuals who work to serve the people of our State through a wide variety of occupations. To learn more about Assistant Attorney General compensation, please [click here](#). We offer a comprehensive New York State benefits package, including paid leave, health, dental, [vision and](#) retirement benefits, and family-friendly policies. Additionally, the OAG offers a robust Workplace Flexibilities Program with multiple options for employees, including telecommuting (up to two days per week) and alternative work schedules.

*Candidates from diverse backgrounds are encouraged to apply.
The OAG is an equal opportunity employer and is committed to workplace diversity.*

HOW TO APPLY

Applications must be submitted online. To apply, please click on the following link: [OCTF_WP_ADAG_3579](#)

To ensure consideration, applications must be received by close of business on June 16, 2023.

Applicants must be prepared to submit a complete application consisting of the following:

- **Cover Letter**
 - You may address to Legal Recruitment.
 - Indicate why you are interested in this position and what makes you a strong candidate.
- **Resume**
- **Legal Writing Sample**
- **List of three (3) references**
 - Only submit professional references, supervisory references are preferred.
 - Indicate the nature and duration of your relationship to each reference.
 - Include contact information and email addresses for each reference.
 - Please note, your references will not be contacted until after you interview for the position.

If you have questions regarding a position with the OAG and the application process or need assistance with submitting your application, please contact Legal Recruitment via email at recruitment@ag.ny.gov or phone at 212-416-8080.

For more information about the OAG, please visit our website: www.ag.ny.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 Confidential?

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

Why was the Program Established?

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

Your
Last Resort



The New York State Bar Association
Lawyer Assistance Program

(518) 487-5688

The New York State Bar Association
Lawyer Assistance Program Hotline (24/7)

(877) 772-8835

Family Services Associates

(315) 451-2161

Onondaga County Bar Association
Executive Director, Jeff Unaitis

(315) 579-2581



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

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

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

Onondaga County Bar Foundation • 431 E. Fayette St., #300 • Syracuse, NY 13202

Ethics Hotline

New York lawyers faced with ethical questions regarding their own prospective conduct can reach the Ethics Hotline by calling volunteers Victor Hershendorfer at **315-913-4087** or Tony Gigliotti **315-727-6780**.

The Ethics Hotline is operated and staffed by members of the Onondaga County Bar Association's Committee on Professional Ethics (the "Committee"). These volunteers respond to inquiries made by lawyers admitted in New York who face ethical questions regarding their own prospective conduct. The purpose of the Hotline is to provide informal guidance to callers in accordance with the New York Rules of Professional Conduct (the "New York Rules"). Any information provided in response to a Hotline inquiry is merely the opinion of the Committee member answering the call. It is not the opinion of the Committee as a whole. The information provided in response to a Hotline inquiry does not constitute legal advice. If the matter involves complex issues, or implicates a substantive area of law, you may wish to retain professional ethics counsel.

Callers should be aware of the following guidelines before calling the Ethics Hotline:

1. The Hotline only provides guidance to lawyers admitted to practice in New York about the New York Rules.
2. The Hotline only provides guidance concerning the caller's own prospective conduct. We do not answer questions about past conduct or the conduct of other lawyers.
3. The Hotline does not provide legal advice or answer questions of law.
4. The Hotline does not provide answers to hypothetical questions nor inquiries which have also been submitted to another bar association's ethics committee.
5. The Hotline does not answer questions about the unlicensed practice of law (UPL). UPL is governed by statutory law, not the New York Rules and is, therefore, outside the Committee's jurisdiction.
6. The Hotline provides general guidance. Due to the limited information we can obtain during a brief and informal telephone conversation, we cannot provide a definitive answer to Hotline questions.
7. The Hotline does not answer questions where the issue itself is the matter of a pending legal proceeding or is before a grievance committee.
8. Although it is the Committee's policy to maintain confidentiality of all Hotline inquiries, callers should be aware that the information is not protected by the attorney-client privilege or RPC 1.6.
9. The Ethics Hotline does not respond to complaints or inquiries regarding unethical conduct of other lawyers. Any such complaints or inquiries should be addressed to the Grievance or Disciplinary Committee for the county in which the lawyer practices (see <http://www.nycourts.gov/attorneys/grievance/>).
10. Lawyers who call the Ethics Hotline are required to provide their full name and telephone numbers.

If, after speaking with someone on the Hotline, a New York lawyer wishes to obtain a written Informal Opinion from the Committee, he or she may submit a written request. Please review the guidelines for requesting an Informal Opinion here (See attached guidelines – need hyperlink to the document). As with Hotline questions, the Committee's Informal Opinions are limited to interpreting the New York Rules. Please be aware that the Committee cannot provide a concrete timeline for responding to written requests. If your matter is urgent, you may wish to retain professional ethics counsel.



OCBA CONTINUING LEGAL EDUCATION

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

Fair Housing Law Essentials

WHEN: 1 to 3 p.m.
Tuesday, June 6, 2023

HOW: Hybrid! ZOOM & In-Person

When you register, please select how you'll attend!

MCLE: 2.0 Professional Practice

COST: \$40 or **FREE** for all Legal Svcs.
Personnel & Non-Attorneys



This CLE is appropriate for both newly admitted & established attorneys. Financial waivers available [here](#).

This CLE seminar/webinar offers an overview of federal and state fair housing laws with special focus on reasonable accommodations and modifications as well as new developments in the law including recently expanded protections based on source of income, domestic violence, justice involvement, and citizenship & immigration status.

Find out what you need to know!

[REGISTER HERE](#)



The OCBA is proud to bring you this CLE in partnership with



CNY Fair Housing

Presenters:

Conor Kirchner, Esq. Staff Attorney at CNY Fair Housing. Prior, he worked as a Constituent Services representative for Congressman Daniel Maffei. Conor received his law degree at Syracuse University College of Law and obtained his bachelor's degree at Syracuse University as well; he is barred in New York.

Casey Weissman-Vermeulen, Esq. joined CNY Fair Housing as a Staff Attorney in 2019. Previously, he was a trial attorney in the Fair Housing Enforcement Division of the Office of General Counsel at the U.S. Department of Housing and Urban Development in Washington, DC. Casey received his law degree and a master's degree in city and regional planning from the University of North Carolina at Chapel Hill and his undergraduate degree from Cornell University. Casey is barred in New York.



OCBA CONTINUING LEGAL EDUCATION

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

How Much Does it Cost to be a Criminal Defendant?

WHEN: Friday, June 9, 2023
NOON to 1 p.m.

HOW: ZOOM

MCLE: 1.0 Professional Practice

COST: FREE

**UPDATED TIMING!
CHECK IT OUT!**



[REGISTER HERE](#)

*There is a lot to like about this **FREE** CLE.*

You'll hear from Legal Services of Central New York attorneys Trista O'Hara and Katie Krusey about the financial impact of convictions and the various costs involved when criminal defendants appear in court, such as:

- FINES | Misdemeanors can run up to \$1,000 or double the value of damaged/lost property and felonies can run to as much as \$100,000.
- Additional Costs | Substance Abuse Screenings, Ignition Interlock Devices, Restitution, Sex Offender Registration fees, Mandatory Treatment Programs

Plus, additional topics covered include:

- Legislative changes relative to Driver's License Suspension reform Act (DLSRA)
- The End Predatory Court Fees Act (legislation pending)
- A primer on the 3 Main Types of Consumer Debt

This CLE is brought to you in partnership with



Defending Dignity
Strengthening Communities
Securing Justice



Onondaga County Bar Association
Assigned Counsel Program, Inc

This CLE is appropriate for both newly admitted & established attorneys.