

# *THE BAR REPORTER*

*The Newsletter of the Onondaga County Bar Association*



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

## **Our Mission:**

To maintain the honor and dignity of the profession of law, to cultivate social discourse among its members, and to increase its significance in promoting the due administration of Justice.



## *In Memoriam*

Robert Pierson Rothman

Timothy A. Moore

# Upcoming Events

Tuesday, July 18, 2023

CLE | VLPCNY & Vera House Present: Pro Bono Family Law Training  
Noon to 3 p.m., CNY Philanthropy Center, Ballroom, register [here](#).

Wednesday, July 26, 2023

CLE | Afghan Arrivals: Where are we now?  
10 to 11 a.m., via ZOOM, 1.0 Skills, Cost: Free, register [here](#).

Thursday, July 27, 2023

CLE & Networking Reception: Delayed Pride Event! Catch the 4 p.m. CLE re Transgender Law Issues Update, in the CNY Philanthropy Center, Ballroom, Followed by a FREE networking reception offering beer & wine. Attendance at the CLE is not mandated to join us for the reception - it's open to all! Register forthcoming!

Tuesday, August 15, 2023

Diversity, Equity & Inclusion Committee Meeting, 3 p.m., CNY Philanthropy Center, 3rd Floor Conference Room. All are welcome to attend.

Wednesday, August 16, 2023

CLE | Surviving Spouse Protections : Current & Proposed Law  
1 to 2:30 p.m. , ZOOM webinar, register [here](#).

Thursday, August 24, 2023

21st Annual Daniel F. Mathews, Jr. Memorial Golf Outing, The Pompey Club, 7200 Hamilton Road, Jamesville. Registration and Sponsorship Opportunity info [here](#).

*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*

Join us in celebrating

**Hon. James P. Murphy**

on his recent promotion to

Deputy Administrative Judge  
for  
Courts Outside New York City.



Thursday, August 10th

from 5 to 7 p.m.

at the CNY Philanthropy Center Ballroom

Registration Forthcoming!



Is your firm interested in sponsoring this event? Email Jeff Unaitis at [junaitis@onbar.org](mailto:junaitis@onbar.org)





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

# From the President



Dear Members,

I hope everyone's summer is off to a great start!

We want to congratulate former OCBA President Hon. James P. Murphy on his Appointment as Deputy Chief Administrative Judge for Courts outside of New York City. What an incredible honor for Judge Murphy, Onondaga County and the 5th Judicial District. We are grateful that he will be maintaining an office here in the Onondaga County Courthouse.

We also want to congratulate Hon. Deborah H. Karalunas on her appointment as the Administrative Judge for the Fifth Judicial District. Judge Karalunas has been a longtime supporter and member of the OCBA and has presided here in the 5th Judicial District for many years making a tremendous impact on the bar and litigants.

Please monitor emails from OCBA regarding events celebrating Judge Murphy and Judge Karalunas.

We have certainly been busy around the OCBA offices and I greatly appreciate everyone that has reached out about contributing to OCBA during my first few weeks in this role. The best way to support the bar is to join OCBA and encourage your colleagues to join! Our membership numbers are very strong this year and we greatly appreciate the support.

One topic that has come up quite often are the submission of legal articles to the Bar Reporter. Articles for the Bar Reporter are always welcome and the topics can be of your own interest. Please email Carrie Chantler at [cchantler@onbar.org](mailto:cchantler@onbar.org) should you wish to submit an article.

Lastly, for those that are looking for continuing legal education, OCBA offers seminars on demand. Please visit [onbar.org](http://onbar.org) and enjoy our catalogue of CLE offerings anytime.

We wish everyone a wonderful summer and look forward to seeing everyone at our upcoming events.

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

Martin A. Lynn, Esq.



# Daniel F. Mathews, Jr. Memorial Golf Outing

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## Schedule & Pricing

11:30 am Registration & Lunch  
12:45 pm 18-Hole Shotgun Start  
5:30 pm Dinner & Awards

\$500 Foursome, Cart & Steak-Bake Dinner  
\$125 18 Holes, Cart & Steak-Bake Dinner  
\$100 Newly Admitted Attorney (<5 years)  
\$ 50 Steak-Bake Dinner Only

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TO REGISTER**

**Register Online at [www.onbar.org](http://www.onbar.org)**

**Have Questions? Contact Jeff Unaitis at [junaitis@onbar.org](mailto:junaitis@onbar.org)**



Event proceeds benefit the Lawyers Assistance Project of the Onondaga County Bar Foundation and Bar Association.

## 21st Annual Dan Mathews, Jr. Memorial Golf Outing Sponsorship Form

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**Return to:** OCBA, 431 E. Fayette St., Suite 300, Syracuse, NY 13202

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**Players Names: (if applicable)** \_\_\_\_\_

**Amount enclosed: \$** \_\_\_\_\_



# Nominations Sought for the 2023 Distinguished Lawyer

The Onondaga County Bar Association is seeking nominations for its Distinguished Lawyer Award. Since 1968, we've been honoring a local attorney for distinguished service to the profession. The OCBA Awards Committee reviews written nominations and recommends a candidate to the OCBA Board of Directors for its approval. The 2023 Distinguished Lawyer will be honored at a celebration at the Syracuse Marriott Downtown on Thursday, October 26, 2023.

In order to qualify for nomination, the lawyer:

- must have devoted a professional career to the law;
- must possess exceptional lawyering skills;
- must display a devotion or dedication to the profession as evidenced by involvement or participation in projects or activities, reflecting an unselfish donation of time to the betterment of the profession; and
- must possess ethics beyond reproach.

There is no specific form for nominations. Simply send a letter, including the name of the attorney, a resume, and a description of why the individual meets the above criteria for the Distinguished Lawyer Award. Feel free to include any supporting information that may be helpful to the Committee.

Nominations may be submitted to:

Executive Director Jeffrey A. Unaitis  
Onondaga County Bar Association  
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**Deadline: Friday, July 14, 2023**







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Candidate will be responsible for managing cases from inception through trial, including drafting memoranda, pleadings, and motions; collaborating with other attorneys about strategies; attending court appearances; taking and defending depositions; conducting discovery including eDiscovery; and handling settlement negotiations.

Candidates must be licensed to practice law in New York State; have 5+ years of litigation experience; have excellent research and communication skills; be able to function effectively in a team-oriented environment; demonstrate high level organizational skills for prioritizing workload; and demonstrate ability to absorb, process and understand new information rapidly.

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**With a growing team of over 130 employees, we understand and have proven the ability to expand practice groups and highlight the personal success of our attorneys. We allow our employees to create their own path by providing a transparent, structured, and resourceful environment that rewards success and hard work.**

**Partner-level candidates will be rewarded for origination and/or portable business. Sole practitioner candidates are welcome to apply.**





## LITIGATION ASSOCIATE – INSURANCE COVERAGE Remote

Hurwitz Fine P.C., one of the 10 largest and fastest growing law firms in Buffalo, NY, is seeking an Insurance Coverage Attorney for its coverage team. This is a fully remote position. Qualified candidates should have at least 3 years of insurance policy analysis and/or insurance related litigation. The successful candidate for this position will have excellent writing, communication and analytical skills. We are committed to growing our firm with high caliber attorneys, and offer competitive benefits, a diverse environment, mentorship and growth opportunities, and encourage community involvement.

Submit resume and writing sample to Hurwitz Fine P.C., Attn: Susan Ruhland, Director of Human Resources, 1300 Liberty Building, Buffalo, New York 14202 or fax to 716-332-7411 or email to [Susanr@hurwitzfine.com](mailto:Susanr@hurwitzfine.com).

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### LITIGATION ASSOCIATE-INSURANCE DEFENSE (Albany/Capital Region)

Hurwitz Fine P.C., one of the 10 largest and fastest growing law firms in Buffalo, NY, is seeking a Litigation Attorney for its general litigation team for the Albany, New York area. This is a fully remote position. Practice areas will include defense of a variety of personal injury and other tort claims, including auto, premises, products liability and municipal matters. Qualified candidates should have at least 3 years of litigation experience. The successful candidate for this position will have excellent writing, communication and analytical skills. We are committed to growing our firm with high caliber attorneys, and offer competitive benefits, a diverse environment, mentorship and growth opportunities, and encourage community involvement.

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# THE PRACTICE PAGE

## AVOID ChatGPT WHEN PREPARING LEGAL PAPERS

Hon. Mark C. Dillon \*

ChatGPT is a form of Artificial Intelligence (AI) which became available to the public on November 30, 2022. "Chat" refers to its chat box functionality. The "GPT" stands for Generative Pre-Trained Transformer. The program has many functions, one of which is to compose letters and essays on topics selected by the user. Essays produced by ChatGPT are not based on dedicated search engines such as Westlaw, but are instead based on generally-available information which leaves room for error in the sophisticated and detail-orientated field of law.

This is just my opinion, take it for whatever it is worth: Do not use ChatGPT for writing legal papers that will be served upon parties and filed with a court. Two attorneys learned that lesson the hard way in the case of Roberto Mata v Avianca, Inc. The plaintiff, Mata, commenced an action in the Supreme Court, New York County, seeking damages for personal injuries allegedly sustained as a result of having been struck by a metal serving cart during a 2019 airline flight bound for New York's JFK Airport. The action was removed to the federal District Court for the Southern District of New York, under Docket No. 22 CV 1461 (Castel, J.). The defendant, Avianca, Inc., later moved to dismiss the action under F.R.C.P 12(b)(6) (<https://storage.courtlistener.com/recap/gov.uscourts.nysd.575368/gov.uscourts.nysd.575368.16.0.pdf>), which was opposed by counsel representing the plaintiff. The opposition papers were composed by plaintiff's counsel using ChatGPT. Because of shortcomings with the ChatGPT program, the papers submitted in opposition to dismissal cited to several judicial decisions which did not, in fact, exist (<https://www.documentcloud.org/documents/23826751-mata-v-avianca-airlines-affidavit-in-opposition-to-motion>). The non-existent cases were accompanied by non-existent quotes from them and contained internal citations which also did not exist. Quick on the uptake, District Judge P. Kevin Castel directed that the plaintiff's attorneys show cause on June 8, 2023 as to why they should not be sanctioned for the

submission (Weiser, Benjamin, Here's What Happens When Your Lawyer Used ChatGPT," New York Times, May 27, 2023, available at <https://www.nytimes.com/2023/05/27/nyregion/avianca-airline-lawsuit-chatgpt.html>).

On June 22, 2023, Judge Castel financially sanctioned the two attorneys and their law firm who had submitted the misleading opposition papers the sum of \$5,000. The court noted that the attorneys failed in their gatekeeping function to assure the accuracy of their filings. Further, in a separate order, the District Court dismissed plaintiff Mata's personal injury action as untimely (<https://www.reuters.com/legal/new-york-lawyers-sanctioned-using-fake-chatgpt-cases-legal-brief-2023-06-22/>).

Lawyering is never one-size-fits all. No computer program such as ChatGPT can incorporate the years of experience that an attorney brings to a matter such as in the drafting of legal papers for filing. No computer program can provide human judgment, strategy, nuance, emphasis, and persuasiveness. No computer program can know, like a lawyer, what type of argument may best resonate with the particular judge assigned to the matter. And if composition programs such as ChatGPT do not incorporate proven research platforms like Westlaw, legal research and analysis is rightly suspect.

Some might argue that the problem which came to light in Mata was not one of burgeoning technology, but a failure by counsel to double-check ChatGPT's draft to assure that the final product submitted to the court was accurate and complete (Wilkins, Stephanie, "The Problem With the 'Bogus' ChatGPT Legal Brief? It's Not the Tech," NYLJ, June 2, 2023, available at <https://www.law.com/legaltechnews/2023/06/02/the-problem-with-the-bogus-chatgpt-legal-brief-its-not-the-tech/>). But that begs the question. If the technology produces flawed material, should any

*Continued on the next page.*



attorney use it in the first place rather than drafting the papers from scratch using our traditional schooled methods? Do not clients deserve the traditional effort?

Aside from the shortfalls of ChatGPT, ethics rules may be implicated as well. How is counsel to bill a client for the research and drafting of legal papers actually researched and drafted by an Artificial Intelligence, which a non-lawyer could obtain by using the same computer program? How can counsel sign an attorney certification that filed papers are not frivolous, as required by 22 NYCRR 130-1.1a(b) and Federal Rule 11(b), if counsel relies upon ChatGPT research and fails to carefully review the papers to assure that there are not inaccuracies and non-existent citations? May there be disciplinary concerns under the Rules of Professional Conduct, 22 NYCRR 1200.1.1(a)? The answer to all of these questions may be problematic for any attorney caught in a ChatGPT snare. As General Colin Powell once said of the Pottery Barn rule in a different context, "You break it, you own it."

We do not have a crystal ball as whether and to what extent AI might become more accurate and reliable in the future. A law office is not a drive-thru business. For now, nothing beats lawyering the old fashioned way --- knowing the facts, accumulating evidence, performing legal research, drafting papers discussing the facts and law, being persuasive in submissions, attaching relevant exhibits, and filing the papers in an appropriate manner that permits you to sleep well at night.



Mark C. Dillon is a Justice of the Appellate Division, 2nd Dep't., is an Adjunct Professor of New York Practice at Fordham Law School, and is a contributing author of CPLR Practice Commentaries in McKinney's.



## LITIGATION ASSOCIATE – INSURANCE DEFENSE

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# Going the Distance



by Carrie Chantler

Lawyers conjure arguments in their heads. They navigate sticky negotiations. They brainstorm ideas. Plus, they attend to any number of activities to advocate on behalf of their clients.

To blow off that kind of brainy steam, some lawyers get as far away as they can from their office and dive into something completely different.

Like the Chesapeake Bay. Or, more precisely, the Great Chesapeake Bay Swim.

That's what Labor Law attorney Mimi Satter did on Sunday, June 11, 2023.

At 8 a.m. that sunny morning she, her kid sister Jane (66), and fellow attorney Susan McNeil donned their wetsuits and shaded swim goggles, along with 600 other swimmers, and made their way to the bay's shore in Stevensville, Maryland.

Since 1982, when the race was founded, swimmers have entered the water there and swum about 430 yards, roughly a quarter mile, to position themselves directly under the dual span of the Chesapeake Bay Bridge. And then they begin the rest of the 4-mile swim, traveling west to east, in earnest.

"You just swim down the middle," Satter said. "What they tell you is you've got to be able to look up to the left and look up to the right and see a bridge span and if you can't you are off course."

This isn't Satter's first dip in this pool – she first swam this event in 2018 where she placed third in her age group. Then, she was 68.

"When we did it in 2018, it was really hard because they try to schedule it to minimize the current and the tide, but there was an electrical storm predicted and they wanted to make sure everybody was out of the water so they had to move the time up. So, for about the first half of the swim we kept getting shoved sideways into the pilings under one of the spans of the bridge so by the end of it I was like I don't need to do this again," she said.

Yet she did.

With hard-boiled eggs and peanut butter & banana sandwiches on their stomachs to sustain them, Satter and her two cohorts jogged into the water. The skies may have been clear this time around, but the course was anything but calm.



“It was hard,” Satter said. “There was a lot of chop in the water and a lot of swells.”

Metaphorically speaking, when we experience ‘rough seas’ we perhaps think of tough mental struggles that test our intellectual grit. Now visualize the path ahead of you is *actual rough water* that you must physically pass through – stroke after stroke – for nearly five miles.

Think of it this way, you’re standing on the sidewalk outside the courthouse at 401 Montgomery Street, you set your briefcase on the sidewalk, kick off your shoes, and commence swimming to the Rosamond Gifford Zoo. And then turn around and swim back. That’s approximately five miles roundtrip.

“It is billed as 4.4 miles, but that’s as the crow flies,” McNeil said. “It is nearly impossible to hold a direct line for the duration of the swim so it’s like closer to five miles.”

And imagine doing that in three hours and 23 minutes, which was Satter’s time when she crossed the finish line this year.

Such a physical and mental test isn’t for everyone, but as Satter says, “I guess I enjoy endurance challenges.”



**Left to Right:** Dr. Jane Satter, Mimi Satter, Esq., and Susan McNeil, Esq. are all smiles as the span of the Chesapeake Bay Bridge appears behind them on June 11, 2023.

In 2015, after signing up for Medicare, she convinced Jane they should enter the Ironman Maryland triathlon. They got into the water before 7 a.m. and crossed the finish line sometime after 10:30 p.m.

“We were swimming, biking, and running the whole time,” she said. “So, honestly, just a stinking little three-and-a-half or four-hour swim across the bay, that’s nothing. Piece of cake.”

Such pluck and stamina should be no surprise to those who know Satter well. Her fortitude bloomed early. First, she doesn’t remember ever not being able to swim, having learned how as a child in a Connecticut pond close to her home. Secondly, as a college student in the early 1970s, she did something few of her generation had done.

“I went to school in Bogota, Colombia,” she said of her left-turn from American life.

“I lived with a Colombian family that lived in a squatter’s settlement on the outskirts of the city. The mother was a maid, and the father was a day-laborer. They had no electricity and no running water, and they didn’t speak any English at all.”

She spent two years in South America and took classes at the National University before returning to the States to graduate from Oberlin.

“You’ve just got to be willing to have adventures,” Satter said.

She then went on to law school, opened a law practice, became a mother, then a grandmother, and beat a breast cancer diagnosis. And, a few months after her 73rd birthday in March, she swam the bay again.

“I guess I’ve never been afraid of a hard challenge,” she said.

And all the way through it, swimming has been her preferred workout. She swims two-plus miles most days of the week and teaches swimming to adult-learners at the Fayetteville YMCA.

During the COVID pandemic, Satter and McNeil swam 100 consecutive days. “It was something positive to focus on when times were so crazy,” McNeil said



In early May, when the outdoor temps were pushing 50 degrees, Satter, McNeil and their small band of swimmers, a group of five or six that have swum together for several years, headed to Cazenovia Lake to begin their open-water training for the Chesapeake event.

McNeil recalls a memorable swim with their group one previous summer morning .

“A fog rolled in as we were crossing the lake. We could not see a thing. We thought we were swimming straight across, but the Garmin read-out proved otherwise. Kind of scary, but we stuck together and made it across without incident,” McNeil said. “We still laugh about it today.”

Satter has swum in open-water swim vacations in Montenegro, Turkey, Croatia, Sardinia, Greece, and Cape Cod. In August, she and McNeil will together swim a 10K event, the Traversée du Lac Tremblant, in Quebec. And later this year is a trip, with sister Jane, to swim in Baja, California,

Satter reports, on account of being so active, that she sleeps well, can eat just about anything and not gain weight and that she doesn't often second-guess herself.

“The thing is, as a lawyer, you often have the feeling ‘ah I could’ve done that a little better’ like looking back on it or I could’ve edited that brief one more time or I could’ve made this argument, but I didn’t make it as coherently or as clearly as I could have,” said Satter.

“The thing about physical activity when it’s done, it’s done. And you go swim across a bay, or you go on a 112-mile bike ride as part of an Ironman and then when you’re done you feel like you don’t have to go back and edit it. I don’t have to revise it. I don’t have to think about the question I could have or should have asked in the deposition -- it’s just done. And I find the act of, on some levels, the mindlessness of swimming to be a very good way to process information. And I can’t tell you how often I get out of the pool or finish a swim and say, ‘you know here’s how to structure that argument.’ It comes together while you’re not thinking about it.”



Again the trio is all smiles as they enjoy the medals they each received for completing the 2023 Great Chesapeake Bay Swim.


**Learn More!**

**The Great Chesapeake Bay Swim**  
Official event website [HERE](#)

**Traversee du Lac Tremblant**  
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Open Water Swimming Basics [HERE](#)



## GIVING BACK IS GOOD BUSINESS

Despite recent reports of a 55% decline in charitable giving by the top 50 U.S. donors in 2022, high profile giving by donors associated with well-known businesses has maintained its place in the limelight, even amid recent market volatility and tenacious concerns about inflation and interest rates. Recent examples abound, including last year's gift of Patagonia by founder Yvon Chouinard; the well-reported generosity of philanthropists Melinda French Gates and MacKenzie Scott; and the portion of the proceeds, potentially worth \$5 billion, from the eventual sale of Subway restaurants that are set to flow to a charitable foundation.

We have observed a similar pattern locally. This past year, five post business sale gifts created charitable funds at the Community Foundation. These were the result of business sales that occurred in Syracuse where owners or employees received sale proceeds or deferred compensation. In each case, the donor was connected to a professional advisor who was aware of the tax benefits, flexibility and charitable impact afforded by a gift to a donor-advised fund or other type of fund at the Community Foundation.

As an advisor to business owners, you can help your clients leverage potential future liquidity events to support the community causes they care most about. For pre-sale gifts of ownership interest in a business to charity, advance planning is critical. These transactions carry with them layers of complexity, largely around the timing of the charitable gifts in relation to the sale transaction. The best outcomes are achieved through a thoughtful, multi-step process.

Many successful closely-held exit transactions occur only after several years of planning — and most of that planning takes place well before potential buyers are even engaged. This planning period is an important time for your client to consider giving ownership shares of the company to a donor-advised fund or other type of fund at the Community Foundation. This is especially true knowing that in some instances, the proceeds of the shares held by the fund will be immune from capital gains taxes if the business eventually does sell, leaving more money to support the client's favorite causes.

You might even consider encouraging your client to give shares to a fund or other charity in increments over time during the business exit planning period (before a buyer is identified). This can help avoid the appearance that the gift is a function of the business sale, intended to be a tax dodge. If the IRS determines that the stock gifts to

charity and the sale of the company are really one and the same event – a “step transaction” – the tax benefits of the charitable deduction could be disallowed.

Another essential part of the process is to secure a proper valuation of the stock by an independent and qualified appraiser for charitable deduction purposes when the ownership is gifted to charity.

In the event your client sells their business without making a gift of ownership, there is still the option of doing a post-sale charitable gift of cash. While this approach doesn't avoid realizing capital gains, it does still provide for a charitable deduction that can be effective at reducing income tax due in the year of the sale.

If this topic is of interest to you, we encourage you to join us on October 5 for our annual continuing education seminar for advisors. This year's featured speaker, Tiffany House, will discuss the intersection of business succession, retirement and charitable planning for entrepreneurs and business owners. Tiffany will review tax advantaged planning tools for various types of corporate structures and provide real life case studies of business sales that offer examples of how to create optimal outcomes for business owners/clients and society.

### SPOTLIGHT ON: TIFFANY TEEL HOUSE, CAP®, CEPA, FCEP

Tiffany House is a tax, estate, and charitable strategist. She works as a consultant with families and helps guide them through intricate and essential situations including transitioning a business, planning philanthropy, values-based estate planning and tax concerns. She works with other advisors and as a liaison with the advisory team to enhance efficiency, provide a comprehensive overview of opportunities and to ensure that the clients' best interests are always first. Tiffany is a Vice President at Thompson & Associates and President of Tax & Estate Strategy and the Gift Planning Institute.

Tiffany uses her experiences as an entrepreneur, wealth advisor (retired), business strategist and fundraiser to help her clients and donors achieve optimal outcomes for their unique circumstances. Being an active member of the community is important to Tiffany. She is the Past President of Planned Giving Round Table of Arizona (PGRT), President of Check for a Lump! and a board member of Junior Achievement of Arizona. She is a Member of the Arizona State University (ASU) President's Club, has participated in the Entrepreneurs Organization (EO) and is actively engaged in personal development with Landmark. She mentors with the Arizona Community Foundation's Endowment Building Initiative (AEBI) and is a graduate of Scottsdale Leadership Class 31.



**PRAGYA MURPHY, MBA, CAP®**  
Senior Philanthropic Advisor

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# NEWSMAKERS & INFLUENCERS

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## Hon. James P. Murphy Tapped as Deputy Chief Administrative Judge for Courts Outside NYC



Murphy

With the approval of Chief Judge Rowan D. Wilson and in consultation with the Presiding Justices of the Second, Third and fourth Departments of New York State's Appellate Division, Chief Administrative Judge Joseph A. Zayas announced on June 5, 2023 the appointment of Hon. James P. Murphy as Deputy Chief Administrative Judge for Courts Outside New York City. He succeeds Hon. Norman St. George, who was appointed First Deputy Chief Administrative Judge in May.

In this new role, Judge Murphy will manage the day-to-day operations of the trial-level courts outside New York City, which include more than 640 State-paid judges and 6,000-plus non-judicial employees. He will work with local Administrative judges in overseeing the implementation of court system programs and protocols, and the allocation of personnel and other court resources, in meeting the justice needs of those served by the courts outside New York City. He will also be responsible for the oversight of New York's local Town and Village Courts.

"Judge Murphy is an energetic leader with a keen intellect and a passion for the law and public service. An effective administrator, he has led the Fifth Judicial District with

distinction over the past four years, deftly overseeing the District in navigating the myriad operational and other challenges posed by the pandemic and guiding the District forward in its transition to today's 'new normal.' I am pleased that he will be taking on this critical administrative post and look forward to working with him in his new role," said Chief Administrative Judge Zayas.

"I am deeply honored that Chief Administrative Judge Zayas has entrusted me with this awesome responsibility. I have spent almost 40 years inside all of the courts in New York, in one role or another, and I am excited to use that experience to make our Courts work more efficiently and equitably," Judge Murphy said.

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## Hon. Deborah H. Karalunas Elevated to Administrative Judge to the Fifth Judicial District

Chief Administrative Judge Joseph A. Zayas appointed Hon. Deborah H. Karalunas as Administrative Judge for the Fifth Judicial District with the approval of Chief Judge Rowan D. Wilson and after consultation with Hon. Gerald J. Whalen, Presiding Justice of the Appellate Division, Fourth Department.

In her new capacity, effective July 10th, Judge Karalunas will oversee the daily operations of the trial courts in the Fifth Judicial District, which encompasses Herkimer, Jefferson, Lewis, Oneida, Onondaga, and Oswego counties. She was selected to fill this role upon the appointment of Hon. James P. Murphy to Deputy Chief Administrative Judge for Courts Outside New York City.

"Judge Karalunas is a proven leader who has earned the respect and admiration of Central New York's court family and entire legal community. Her familiarity with, and sensitivity to, the varied and complex issues impacting the court system and the fair, timely delivery of justice - combined with her integrity, sound judgment and commitment to diversity - make her an ideal candidate to take on the many demands of this important administrative post," Zayas said.



Karalunas

Judge Karalunas was first elected to the Onondaga County Supreme Court bench in 2002 and re-elected in 2016, handling a caseload comprised of commercial, personal injury, medical malpractice, intellectual property and environmental matters. She has served as the Presiding Justice of the County's Supreme Court Commercial Division since 2007. Prior to her ascension to the bench, she was a partner at Bond, Schoeneck & King, having first joined the Syracuse law firm in 1983. She began her legal career as a law clerk to Chief Judge Howard G. Munson of the U.S. District Court in the Northern District of New York. She is a graduate of Syracuse University College of Law, where she was a member of the International Law Review, Moot Court and Justinian Honor Society.



# NEWSMAKERS & INFLUENCERS

## Chambers USA Recognizes Several at Barclay Damon



Canfield

Davis

Barclay Damon announces five of its practice areas are recognized by Chambers USA in its 2023 directory as top-ranked in their geographical areas.

They are Corporate/M&A (Band 3), Environment (Band 2), Labor & Employment (Band 2), and Litigation: General Commercial (Band 2), all in Upstate New York, and Energy: State Regulatory & Wholesale Electric Market (Band 2), in New York State. "Law firms and individual lawyers are ranked in bands from 1 (highest) to 6 (lowest). Being ranked in any band is a significant achievement," Chambers notes.

Additionally, the following partners are recognized by Chambers as notable practitioners:

Jim Canfield (Upstate New York): Corporate/M&A (Band 3)  
Jeff Davis (Upstate New York): Environment (Band 3)  
Jon Devendorf (Upstate New York): Litigation: General Commercial (Band 3)  
Chris Greene (Upstate New York) : Corporate/M&A (Band 4)  
Yvonne Hennessey (Upstate New York): Environment (Band 1)  
Buster Melvin (Upstate New York): Labor & Employment (Band 3)  
Danielle Mettler-LaFeir (Upstate New York): Environment (Band 3)  
Randy Oppenheimer (Upstate New York): Labor & Employment (Band 3)

Chambers ranks "the leading lawyers and law firms" across the country based on "in-depth market analysis and independent research." The rankings are "compiled through assessment of a firm's work and opinions from external market sources, with an emphasis on client feedback."

Additionally, there were other Barclay Damon attorneys who were recognized in other areas of New York, this includes the following: Brenda Colella: Energy: State Regulatory & Wholesale Electric Market (Band 2) | George Pond: Energy: State Regulatory & Wholesale Electric Market (Band 1) | Ekin Senlet: Energy: State Regulatory & Wholesale Electric Market (Band 2).

In other firm news, Barclay Damon promoted to associate former firm law clerk, Amanda Delle Donne, upon her admission to the New York State Bar.

Delle Donne is a member of the Trusts & Estates and Corporate Practice areas. She graduated from the University of Buffalo School of Law, where she was editor-in-chief of the *Buffalo Human Rights Law Review* and an associate on the *Buffalo Environmental Law Journal*. She is based in the firm's Rochester office.



Devendorf

Greene



Hennessey

Melvin



Mettler-LaFeir

Oppenheimer



Delle Donne

# NEWSMAKERS & INFLUENCERS

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## Bousquet Holstein Welcomes Gooden, Schmitt to 2023 Summer Associates Program

Earlier this month, Bousquet Holstein welcomed Chanelle Gooden and Nicholas Schmitt to the firm's Summer Associate program.

Chanelle Gooden has completed her first year of studies at Western New England University School of Law in Springfield, Massachusetts and will primarily work in the firm's Syracuse office. During her first year of law school, Gooden served on the executive board of the Black Law Student Association and as a 1L representative for the Women's Law Association. Her experience includes completing the Sonia and Celina Sotomayor Judicial Internship Program in New York City, interning at the Volunteer Lawyers Project of Central New York, and serving as a Judicial Intern for the Honorable Judge Badamo in New York County Criminal Court. Gooden graduated from Le Moyne College in 2022 with a Bachelor of Arts degree in Criminology and a Minor in Legal Studies.

Nicholas Schmitt is entering his final year of law school at University at Buffalo School of Law in Buffalo, New York and will be working primarily in the firm's Syracuse office. His experience includes interning for United States Senator Chuck Schumer in Syracuse, NY as well as the Cayuga County District Attorney in Auburn. Schmitt has been serving as the designated chairperson for the Town of Conquest Planning Board where he works with the public and local officials to formulate proper zoning rules and regulations for the town. Schmitt graduated magna cum laude from State University of New York (SUNY) College at Oswego with a Bachelor of Arts degree in History and Political Science.



Gooden



Schmitt

## Bond, Schoeneck & King Announces New Chief Marketing Officer

Bond, Schoeneck and King has named Katherine (Katie) E. Toomey as Chief Marketing Officer of the nearly 300-attorney law firm. Toomey will lead Bond's marketing team to position and promote the AmLaw 200 firm across its regional platform. She will work with firm management on strategic initiatives to continue Bond's growth across its 16 offices in five states and 35 practice and industry areas. Toomey will be resident in the firm's Syracuse office.

"Katie will work with attorneys in each of our offices to help develop and promote the firm in their regions. With the development surrounding the \$100 billion Micron project in Central New York, Katie will help position Bond as a preeminent provider of legal services to the hundreds of entities poised to support the largest economic development in New York State's history. We are excited to have Katie join our team and lead this effort to maximize Bond's potential in all of its markets and practices," remarked Kevin M. Bernstein, chair of the firm's Management Committee.



Toomey

Toomey was Vice President of Member Engagement with CenterState CEO, providing leadership and strategic guidance to Central New York's largest business leadership and economic development organization. During her tenure there, Toomey also served as Executive Director for the Greater Oswego-Fulton Chamber of Commerce, which became a fully integrated affiliate of CenterState CEO in 2017. Toomey received her B.A. from the State University of New York at Plattsburgh and M.S. from Iona University.

# NEWSMAKERS & INFLUENCERS

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## Hancock Estabrook Welcomes the Law Firm of Frank W. Miller



*Frank W. Miller*



*Thomas J. Murphy*



*Giancarlo Facciponte*

Hancock Estabrook, LLP announces that as of June 12, 2023 attorneys Frank W. Miller, Thomas J. Murphy, and Giancarlo Facciponte, of the Law Firm of Frank W. Miller, will be joining the firm. These attorneys will focus their practices on civil litigation, employment law, and education law adding further depth to the service capabilities of Hancock Estabrook's Education, Labor & Employment, Litigation, and Municipal & Public Entities teams.

"We are honored to welcome these exceptional attorneys to our Firm. They bring with them extensive experience representing public and private sector employers, including school districts, Boards of Cooperative Educational Services and municipalities, said Timothy P. Murphy, managing partner of Hancock Estabrook.

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## McDonald Elected to Bousquet Holstein PLLC Board of Managers



*McDonald*

Earlier this month, Bousquet Holstein PLLC announced that Attorney Jana K. McDonald was elected by its members to serve on the firm's Board of Managers.

McDonald is a member of the firm's Real Estate Practice Group. She represents property owners on a wide range of land use matters, including litigation of property rights and title disputes. She previously represented commercial developers in New Jersey and South Florida and served as Director of Planning for the City of Utica. She received a law degree from the University of Florida and a Bachelor of City Planning from the University of Virginia and is admitted to practice in New York, New Jersey, Florida, and the District of Columbia. She is an active participant in the Volunteer Lawyer's Project of Central New York, providing pro bono legal services in Syracuse Landlord Tenant Court.

McDonald joins six other members on Bousquet Holstein's Board of Managers, including Laurence G. Bousquet, David A. Holstein, Philip S. Bousquet, L. Micha Ordway, Joshua S. Werbeck, and Julia J. Martin.



# NEWSMAKERS & INFLUENCERS

## Dom Cambareri to be Honored at Interfaith Leadership Award Dinner

InterFaith Works announced who it plans to honor on Thursday, Sept. 7, at the InterFaith Leadership Award Dinner, Faith in Our Future.

At the 2023 InterFaith Leadership Award Dinner, the agency will honor those who are investing in the community to help ensure its vitality, prosperity, and promise—now and for future generations.

Among those being honored is OCBA member Dom Cambareri, Esq. In addition to being Principal Counsel for the Fifth Judicial District Attorney Grievance Committee, Interfaith Works is recognizing Cambareri for his leadership skills for his work as the Executive Director of Syracuse Challenger Baseball and as Founder and Board Member of the Carrier park Field of Dreams Athletic Complex.

Other honorees include: Michael Balanoff, Esq., Sharon Brangman, M.D., Ruth Chen, Ph.D., Anthony Davis, Sharon Owens, Tim Saka, and Kent Syverud.



Dominic Cambareri (at the left) takes a moment to enjoy a laugh with his brother attorney Steve Cambareri at a reception at the CNY Philanthropy Center in late April 2023.



## 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.

EMPLOYMENT  
OPPORTUNITY  
ANNOUNCEMENT  
STATE OF NEW YORK  
UNIFIED COURT SYSTEM

**PLEASE POST**  
ANNOUNCEMENT NO. 5317

**POSITION TITLE:** SUPERVISING COURT ATTORNEY **JG: 32**

**LOCATION:** 5th JUDICIAL DISTRICT

**BASE SALARY:** \$ 129,450

**CLASSIFICATION:** EXEMPT/CONFIDENTIAL

**QUALIFICATIONS:** Admission to the New York State Bar and Three (3) years of service in the Associate Court Attorney title; or Eight (8) years of relevant legal experience gained after admission to the New York State Bar.

**DISTINGUISHING FEATURES OF WORK:** Supervising Court Attorneys serve in a confidential capacity and are responsible for supervising a law department consisting of three (3) or more subordinate court attorneys, including Principal Court Attorneys and/or Court Attorneys-Referee, in courts with a service population exceeding 400,000. They make assignments, review work product, develop policy, oversee all law department operations, research and analyze complex legal issues and questions for the court and perform other related duties.

**ASSIGNMENT:** This position will be based in Syracuse and in addition to the duties listed below will be overseeing the creation, successful implementation, and operation of the District-wide Help Center, which will be located in Onondaga County. Duties include but are not limited to: supervising law department consisting of District-wide Court Attorney Referees and non-confidential Court Attorneys; screening candidates for attorney positions, assigning legal research, and evaluating completed work; developing policies and procedures and issuing guidelines for implementation; analyzing and preparing written interpretations of statutes and rules; researching and analyzing complex legal issues and questions and preparing confidential memoranda; drafting confidential opinions; conferring with lawyers on unusual or complex proceedings and reviewing legal documents filed in connection with such proceedings. Travel is required throughout the Fifth District.

**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 must 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)) a cover letter and resume by email to [5JDJobs@nycourts.gov](mailto:5JDJobs@nycourts.gov) or by mail to:

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

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

**POSTING DATE:** June 29, 2023

**APPLICATIONS MUST BE POSTMARKED OR RECEIVED BY:** July 27, 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.

## 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  
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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

## Volunteer Lawyers Project of CNY & Vera House Present: Pro Bono Family Law Training

# DOMESTIC VIOLENCE

Learn how to volunteer for the Vera House Monday Night Clinic and VLP Family Law Clinic. Learn how to advocate for survivors of domestic violence, complete family court petitions, and learn the importance of a trauma informed approach for domestic violence advocacy and representation.

**WHEN:** NOON to 3 p.m.

**Tuesday, July 18, 2023**

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

**WHERE:** CNY Philanthropy Ctr.

431 E. Fayette Street  
2nd Fl. Ballroom  
Syracuse, NY

**MCLE:** 3.0

(1.5 Skills, 1.0 Prof. Practice, 0.5 DIEB)

**COST:** FREE

Come hungry because the pizza is  
or bring your own lunch!

Soda & Water provided

**FREE!**

**REGISTER**

*This CLE is brought to you in proud partnership with*





# OCBA CONTINUING LEGAL EDUCATION

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

## Afghan Arrivals: Where are we now?

**WHEN:** Wednesday, July 26, 2023  
10 to 11 a.m.

**HOW:** via ZOOM

**COST:** FREE

**MCLE:** 1.0 Skills

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

[REGISTER HERE](#)



This training will provide an overview of what we've learned in assisting Afghan arrivals including processing times, asylum pointers, and decision rates as well as an overview of other opportunities for Afghans to pursue status in the United States. We will discuss the role of pro bono attorneys in assisting Afghan arrivals across New York State.

### Presenters

Sara McDowell, Esq., Director & Supervising Attorney of Immigration Programs, Volunteer Lawyers Project of CNY, Inc. • Grace Zaiman, Esq. Supervising Attorney, Pro Bono Immigration Project, Volunteer Lawyers Project of CNY, Inc. • Jennifer Gavilondo, Esq., Immigration Staff Attorney, Afghan Legal Services, Volunteer Lawyers Project of CNY, Inc.



**Department of State**  
**Office for New Americans**

NEW AMERICANS HOTLINE: 1.800.566.7636





## Surviving Spouse Protections: Current & Proposed Law

**WHEN:** Wednesday, August 16, 2023  
1 to 2:30 p.m.

**HOW:** via ZOOM

**COST:** \$25  
Free for Legal Aid Services

**MCLE:** 1.5 Professional Practice

This CLE is appropriate for both  
newly admitted and established attorneys.  
Financial Waivers are available at [www.onbar.org](http://www.onbar.org)



**This CLE is right for you if you practice in the areas of Trusts & Estates,  
Employment Law, or Family Law**

Join attorneys Albert Feuer and Anna Masilela for this 1.5-hour CLE webinar that will be a discussion of the five major protections available to New York surviving spouses, their history, and proposed improvement to those protections, including the proposed **Equity for Surviving Spouses Act (ESSA)**, which would remedy a flaw in the current protections for surviving spouses of New York public employees.

### Panelists



**Albert Feuer** is a graduate of the Yale Law School. He is the principal of the Law Offices of Albert Feuer. He is admitted to practice in New York, New Jersey, Ohio, and D.C. He practices in the areas of Employee Benefits, Executive Compensation and Estate Administration and Planning Practice. Mr. Feuer is Chair of the Life Insurance and Employee Benefit Committee of Trusts & Estates Law Section of NYSBA.

**Anna Masilela** is a graduate of the New York University School of Law. She is a Managing (Non-equity) Partner of Schotter Millican LLP. She is admitted to practice in New York. She practices in the area of Workers Compensation Practice. Ms. Masilela is the Vice-Chair of Life Insurance and Employee Benefit Committee of Trusts & Estates Law Section of NYSBA.



[\*\*REGISTER HERE\*\*](#)

