



ONONDAGA COUNTY BAR ASSOCIATION  
**BAR REPORTER**

FEATURED ARTICLES

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January 2020  
Volume 65 Number 1



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

## *Our Mission:*

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



# UPCOMING EVENTS:

**Memorial Observance** - Information coming soon!

**Paralegals Luncheon** - Thursday, February 13<sup>th</sup>  
CNY Philanthropy Center, 3<sup>rd</sup> Floor Conference Room

**CLE | Settling a Personal Injury Case and Preserving Your Client's Government Benefits: SNTs, Pooled Trusts and Medicaid Eligibility** - Wednesday, February 26<sup>th</sup>  
CNY Philanthropy Center, 2<sup>nd</sup> Floor Ballroom

**CLE | If Not Now, *When?* ADR in the State and Federal Courts: A Perspective from the Bench and the Bar**  
Thursday, February 27<sup>th</sup>  
CNY Philanthropy Center, 2<sup>nd</sup> Floor Ballroom

Visit our [website](#) for more information.



## *In Memoriam...*

**Edmund M. Davis**  
*December 25<sup>th</sup>, 2019*

**Joseph Bollettieri**  
*January 7<sup>th</sup>, 2020*

**William Bulsiewicz**  
*January 21<sup>st</sup>, 2020*

# Letter from the PRESIDENT

"... I still insist that it is the profession of law and the lawyer that make popular government under a written constitution and written statutes possible."

- William Howard Taft, U. S. President and Chief Justice  
of the Supreme Court

Despite being the subject of more jokes than one could count (many of which likely hit closer to home than we might like to admit), the law remains one of the necessary pillars of a stable society. Within that framework, it falls to the lawyer to not only advocate for the individual, but also to safeguard the process. To that end, as lawyers we take an oath to support the federal and state constitutions, and to "faithfully discharge the duties of the office of attorney." It is not with weapons or force that we discharge that duty, but with character, integrity and a willingness to stand strong in the face of those who would seek to pervert the system.

As a community of lawyers, we look to one another to carry that mantle. As a Bar Association, we strive to provide our legal community with the tools and network necessary to facilitate the discharge of that most important duty. Whether it be Continuing Legal Education programs, events to bring us together or services to help those who may have faltered along the way, the OCBA is constantly working to support the legal community.

To that end, February brings with it two stellar CLE programs. On Wednesday, February 26, from 1 to 2:30 p.m., the OCBA presents "Settling a Personal Injury Case and Preserving Your Client's Government Benefits: SNT's, Pooled Trusts, and Medicaid Eligibility." This 1.5 credit CLE will take place at the CNY Philanthropy Center Ballroom, 431 E. Fayette Street, Syracuse. The following day the OCBA, in conjunction with the CNY Women's Bar Association, presents "If Not Now, When? ADR in the State and Federal Courts: A Perspective from the Bench and Bar." Moderated by the Honorable Deborah H. Karalunas, panel members include Hon. Glenn T. Suddaby, Hon. Therese Wiley Dancks, Hon. James P. Murphy, Hon. Martha Walsh Hood and Suzanne Messer, Esq. Presented from 3 to 5:30 pm, this CLE is FREE to all current members of the OCBA and CNYWBA. You can register for both programs at [www.onbar.org](http://www.onbar.org).

If you aren't a current member of the OCBA, now is the perfect time to renew your membership. Enjoy the benefit of 6 free Audio CLE credits. Become part of the community!



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**YOU are the Bar!**



# *In Memoriam*

The Onondaga County Bar Association extends its deepest sympathy to family, friends and colleagues of those we lost in 2019:

<i>Judith L. Alderman</i>	<i>Hon. John S. Parker</i>
<i>Richard J. Brickwedde</i>	<i>Michael J. Pekarsky</i>
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<i>G. William Lemax</i>	<i>Ben Wiles, Jr.</i>
<i>Joseph R. Pacheco II</i>	<i>Harrison V. Williams, Jr.</i>

Please advise *Jeff Unaitis* at [junaitis@onbar.org](mailto:junaitis@onbar.org) of other members of our profession whom we have lost.

*You're Invited!*



# *Paralegals Luncheon*

**THURSDAY** | Noon-1:00p.m.  
**FEBRUARY 13<sup>TH</sup>**

CNY Philanthropy Center  
3<sup>rd</sup> Floor Conference Room  
431 East Fayette Street  
Syracuse, NY 13202

**What the SECURE Act Means for  
Trusts/Estates Practices**

**Guest Speaker: Meghan M. Pompo, Esq.**  
Associate of Anthony Marrone

Free Lunch Provided By:  
OCBA Paralegals Section

RSVP: Jean Swanger, [jswanger@barclaydamon.com](mailto:jswanger@barclaydamon.com)



Patrick Wiese and his mother, Kathleen, stand in the dugout at Christian Brothers Academy.

While my health steadily improved after a cancer diagnosis, I watched as five of my hospital roommates experienced a different fate. In those somber moments I found renewed purpose — to help others enduring similar battles.

When the Central New York community generously raised money for my treatment, I put it towards establishing the Patrick Wiese Foundation Fund at the Community Foundation. Grants support the purchase of materials for children diagnosed with cancer to continue their education.

The Community Foundation's financial expertise gives us the peace of mind and assurance that the fund will be well-stewarded to continue supporting the cause we care about in the community that has given our family so much.

## GIVING FOR IMPACT: PATRICK WIESE



Read more of the Patrick's story at [cnycf.org/Wiese](https://cnycf.org/Wiese)



CENTRAL NEW YORK  
COMMUNITY FOUNDATION  
315.422.9538 | [CNYCF.ORG](https://cnycf.org)

# GIFTING MINIMUM DISTRIBUTIONS TO CHARITY

By: Pragma Murphy



Many people spend years looking forward to retirement, but quite often when the time comes to take required distributions from their IRA, they find they are not ready. They usually either do not need the extra income yet or do not want to pay taxes on the additional income.

Let's take the example of a couple, Jack and Diane, who reached this crossroads a few years ago. Not needing the money for themselves at the time, they decided to use their distributions to accomplish their charitable goals while also avoiding taxes. There is a strategy for retired individuals and couples to make this happen.

To be eligible, an individual must have an IRA and be at least 70 ½ years old. Once determined to be eligible, an individual can use a qualified charitable distribution (QCD), also known as a charitable IRA rollover, to help worthy causes and organizations. Individuals can direct up to \$100,000 per year from their IRA to eligible public charities without, in most cases, counting it as taxable income. For married couples, both spouses can make individual gifts of up to \$100,000 from their traditional IRAs, for a total of \$200,000. (Please consult your tax advisor regarding your specific situation.) At age 72, annual withdrawals from IRA accounts become mandatory and are referred to as required minimum distributions (RMDs). At this point, the QCD has the added benefit of counting towards their RMD!

QCDs from traditional IRAs have become one of the fastest growing types of charitable gift. According to a recent survey, the average use of QCDs increased by 73.8 percent from 2017 to 2018. This significant spike in popularity is attributed to an aging American demographic - three to four million baby boomers born each year reach the age of 70 ½.

Also, since the introduction of higher standard deduction requirements in the 2018 Tax Cuts and Jobs Act, fewer taxpayers are itemizing and are looking to use their RMDs while not affecting their taxable incomes. In 2019, the standard deduction rose to \$12,200 for individuals and \$24,400 for married couples filing jointly, which is almost double the pre-tax reform standard deduction in 2017.

One of the appealing factors of QCDs is that they can be made to any public charity or house of worship across the country, as long as the gifts are made outright. The Pension Protection Act of 2006, which created the charitable IRA rollover, specifically prohibited transfers to donor-advised funds or private foundations. Therefore, when using the charitable IRA rollover to make a gift to a community foundation, the gift must be directed to a permanent fund.

Community foundations can work with individuals who want to use a QCD to create a permanent fund that will carry on their charitable wishes for generations. A permanent fund can be structured in several ways: to support the greatest needs of the community each year as a general endowment fund; to support a geographic or topical field of interest such as programs to reduce poverty or care for animal; or designated to support specific nonprofits as indicated by the donors.

No matter how it is designed, the fund becomes a permanent source of charitable support in the community. A donor may make additional gifts to the fund both during their lifetime and through their estate.

Let's return to our example of Jack and Diane. For them, this tax-advantaged opportunity was a no-brainer. Having spent more than 40 years living and working in this region, the couple knew they wanted to do something to give back to the community that had given them so much. Giving back through their RMDs was the simplest, most tax efficient and flexible way for them to do so.

They both had served on numerous nonprofit boards and remained civically engaged through various volunteer efforts. Diane, a retired teacher, and Jack, an engineer, each had their own list of preferred charities and found it difficult to choose which ones should receive their support. After evaluating their overarching goals for charitable impact and how they wished to be remembered, they opted to establish a field-of-interest fund for literacy and S.T.E.M. education, as well as a named community fund to provide broad support, at their local community foundation. The multi-purpose interest areas reflect each of their individual passions, while still allowing for flexibility based on changing community needs.

By using a charitable IRA rollover to create these funds, Jack and Diane were able to make a gift that will keep on giving for generations to come. QCDs open the door for new and flexible giving opportunities for people who love this community to support the causes most important to them.



*Pragma Murphy is Development Officer at the Central New York Community Foundation. She assists individuals, families and companies with their charitable planning and provides consultation and assistance to the local professional advisor community. She can be reached at (315) 422-9538 or [pmurphy@cnycf.org](mailto:pmurphy@cnycf.org).*



CENTRAL NEW YORK COMMUNITY FOUNDATION



# Thoughts ~ For A Valentine

## A LOVE STORY DEFINED

By: Judith La Manna Rivette

*Once upon a time*, there was a reluctant **LOVEE** (the one who is loved), the object of the interest of the **LOVER**, (also referred to as a **LOVYER**). To win her attentions and because he was a man of wealth, Lovyer declined the unpaid help of Lovee's busy-body BFF, a self-professed **LOVE MONGER** (one who acts as a courtship go-between) and instead employed a **LOVE BROKER** (a person who for pay acts as an agent between lovers).


*Forsoothe*, even with the invocation to the **LOVE GOD** (Cupid or Eros – all you crossword puzzle fans?) and the use of a **LOVE CHARM** (an item or potion to excite love), Broker ran into resistance from Lovee. Desperation setting-in, Broker and Lovyer conspired to give Lovee some **LOVE JUICE** (juice of the pansy which, if dropped in a sleeper's eyes will cause that person to fall in love with the first person seen on waking. Sorry, no recipe provided).

*At the sleeping hour*, Lovyer slipped into Lovee's room, dosed her eyes and waited. She woke, first casting her eyes on Lovyer. Pursuant to the product Warrantee, Lovee instantly became **LOVE DRUNK** (self explanatory, it would seem) for Lovyer. (He made huge investments thereafter into pansy juice futures.)

*Yea, verily*, it became time then for the **LOVE MAKING**. (Naughty you! It means courtship). During that **LOVE SUIT** (also courtship), Lovyer did his best to be **LOVESOME** (charming), even slaying a vegetarian dragon as an ostensible **LOVE FEAT** (an act of gallantry) and engaging in other **LOVE DRURY** (acts of affection). Pansy juice eye-drops were administered regularly.

*Thenceforth and thereupon*, Lovyer began to take Lovee on long walks, tiptoeing through **LOVE GRASS** (*genus eragrostis*) and **LOVE-IN-A-MIST** (a fennel-flower, sometimes called **LOVE-IN-A-PUZZLE**). Sometimes they strolled fields of **LOVE-IN-IDLENESS** (the pansy), all the better for dosing. There was one trysting (Egad!), and fearsome of the development of a **LOVE CHILD** (hmm...), marriage was proposed and accepted.





*Yea, Merrily,* there was a wedding, the celebration a true **LOVE FEAST** (a sumptuous repast involving a large number of guests or participants). At the feast, no surprise, there was great passing of the **LOVING CUP** (a wine-filled vessel, usually with three handles, passed around among friends for mutual sipping). Amid the drunken festivities, no one suspected this apparent **LOVE MATCH** (a marriage in which love is the only consideration) depended on the regular eye-dropping of pansy juice.

*Alas,* Lovyer tired of married life and stopped giving pansy juice eye drops to Lovee. He began study of the **LOVE DART** (something to do with snail anatomy). At night he hung out at the local tavern where he drank and smoked *eragrostis grasses* (see above) and, to blend with the tavern crowd, grew a **LOVE LOCK** (a longer hair curl or braid). This infuriated Lovee, who gave him a **LOVE TAP** (a caressing touch), and said, “Get a haircut and snap out of it.”

*Hied they,* to alternative dispute resolution of their difficulties, setting a **LOVE DAY** (a day set for the amicable adjustment of disputes), a/k/a, couples counseling.

*Alack,* in reading Court papers Lovee discovered the pansy juice caper. The marriage ended in divorce. Lovyer was granted custody of all his research snails and coveted snail etchings. Smart woman, Lovee demanded all Lovyer’s holdings in pansy futures.

*Verily, forsoothe, and all of that,* things worked out for the best. Combining her interests in pansy-juice stock and the **LOVE APPLE** (tomato) farm she inherited from her family, Lovee went on to create Lovee’s Love Apple Love-Aide, Inc., (trading on the exchanges as LLA-LA). A kind woman and aware her fortune was tied to Lovyer’s pansy juice caper, Lovee persuaded Lovyer to take the position as LLA-LA’s CPO (Chief Philter Officer).

*And they lived happily,* if not **LOVERABLY** (look it up), ever-after.

12 South Main St  
PO Box 2  
Avoca, NY 14809



224 Harrison St  
Suite 218  
Syracuse, NY 13202

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# Michael Klein

## Retires

Michael A. Klein retires this month after 43 years in the legal profession.

His quiet effectiveness has served him well as the District Executive of the Fifth Judicial District.

“No matter how large or controversial the issue is before him, he remains calm and respectful of others in working out a solution and resolution to the issue or problem before him,” said Donald C. Doerr, an attorney with the Cerio Law Offices.

Klein kept close to the judicial system during his career.

Admitted to practice law in New York in 1977, after receiving his juris doctorate at Duke University School of Law, he began judicial clerkships.

Klein and Doerr met in Rochester in the late 80s during Klein’s 20-year clerkship with the Hon. John F. Lawton, Associate Justice, Appellate Division, Fourth Department. In recent years, the duo presented the Supreme Court Practicum CLE to lawyers eager to know court protocol.

For the last 13 years, Klein worked closely with the late Hon. James C. Tormey, Fifth District Administrative Judge and Justice of the Supreme Court before his passing in 2019.

Together, the colleagues prioritized promoting the public’s confidence in the court system by implementing problem-solving courts such as Landlord/Tenant Court and Raise the Age programming.

“I miss him,” Klein said.

As a former Deputy County Attorney, Klein greatly enjoyed envisioning the expansion of Syracuse by working on county bonding projects.



“Bonding was fun because you’re building something,” he said, of his work to add structures to the Rosamond Gifford Zoo and other county institutions.

A longtime OCBA member, Klein served as the association’s president in 2001. During his term, he focused almost entirely on raising the attorney pay rates for Assigned Counsel panelists, said his successor Doerr (OCBA President 2002).

“At that time the Assigned Counsel attorneys were only getting paid \$25 per hour and \$40 per hour for ‘in court’ time and the rates had not been raised since 1986,” Doerr said. “While the rates were not raised until 2004, he championed this cause on behalf of all Assigned Counsel Attorneys, many of whom were members of the OCBA.” Klein agrees this was his “soapbox” issue and called it “fascinating” that the 2004 ACP rates remain in place today.

Klein’s reflection on his legal career encompasses all the people with whom he’s collaborated.

“I’ve enjoyed trying to take care of the people who are the clients of the system,” he said. “To provide them the process they are due. And I’ve especially enjoyed working with the hundreds of wonderful people who try to serve the public as best they can.”

# Trading Privacy for Property:

*How New York State's new disclosure requirements expose LLC members*

By: Thomas G. Babcock, Esq.



New York State has now passed new legislation which requires additional disclosures for Limited Liability Companies ("LLC's") in real estate transactions. This law, which is effective immediately, requires that the purchase or sale of residential real property be linked to an actual person as opposed to an LLC. This required disclosure of information seems to conflict with one of the more common reasons many create LLC's, namely to remain anonymous with regards to real estate or other transactions.

On September 13, 2019, the State of New York enacted Chapter 297 of the Laws of 2019, which amends New York Tax Law § 1409(a) and adds a new subdivision (h) to § 11-205 of the New York City Administrative Code. This law results in further information regarding an LLC's members being available to the public and requires real estate professionals to obtain additional information in order to buy or sell residential real property in New York State. While the legislation seems to only apply to 1-4 family residential properties, it is also intended to apply to single condominium units and single co-op apartments based upon answers provided by the bill sponsors' staff immediately prior to the Governor's signing. The State has seemingly anticipated the above mentioned anonymity concerns by stating that the required disclosure shall not be deemed "an unwarranted invasion of personal privacy."

Another important aspect of this new legislation is that it is effective immediately and therefore has given those involved in real estate transactions little time to adjust and understand its impact. It seems that the County Clerks have already begun to enforce this act. Further, no form has been created by New York State that contains the information requested, despite the legislation passing, which has caused further confusion. The absence of this form results in attorneys and other real

estate professionals having to create their own documents for submission to the County Clerk's office.

The relevant part of the new law states that when an LLC is buying or selling residential property, it must be:

*"...accompanied by a document which identifies the names and business addresses of all members, managers, and any other authorized persons, if any, of such limited liability company and the names and business addresses or, if none, the business addresses of all shareholders, directors, officers, members, managers and partners of any limited liability company or other business entity that are to be the members, managers or authorized persons, if any, of such limited liability company. The identification of such names and addresses shall not be deemed an unwarranted invasion of personal privacy pursuant to article six of the public officers' law. If any such member, manager or authorized person of the limited liability company is itself a limited liability company or other business entity, the names and addresses of the shareholders, directors, officers, members, managers and partners of the limited liability company or other business entity shall also be disclosed until full disclosure of ultimate ownership by natural persons is achieved. For purposes of this subdivision, the terms "members", "managers", "authorized person", "limited liability company" and "other business entity" shall have the same meaning as those terms are defined in section one hundred two of the limited liability company law."*



Tom Babcock is an attorney at the firm of Melvin & Melvin PLLC, where he practices in the fields of Residential Real Estate along with Estate and Trust Planning and Administration. He may be reached via phone via (315) 422-1311 or email via [tbabcock@melvinlaw.com](mailto:tbabcock@melvinlaw.com).



Syracuse University  
College of Law  
Office of International Programs



# Blockchain Implementation on the Current Political Situation of Hong Kong

Interactive Seminar with  
Donghoo Sohn & Kyoungtae Hwang



Tuesday, February 4 at 12:00 p.m.  
Room 106

CART Services available. Light lunch provided.

# THE PRACTICE PAGE:

## Jumping Into Leap Day

Hon. Mark C. Dillon \*

We are nearing the quadrennial 29<sup>th</sup> day of February. The oddity of leap day spills into our law in such areas as the statute of limitations, statutory "speedy trial," pensions, employment, schooling, and interest payments. Leap day was included in the Gregorian calendar decreed by Pope Gregory XIII in 1582, to account that a year is actually 365.24 days long. An extra day is needed on the calendar every four years to adjust for the fractional overage. There is no leap day in any year divisible by 100, but there is a leap day for years divisible by 400. Therefore, 1900 was not a leap year, 2000 was, and 2020 is. The Gregorian calendar is so accurate that in 8,000 years, it will be off by only one day. The Gregorian calendar is adopted in New York in General Construction Law 57.

If a cause of action accrues on February 29<sup>th</sup> and the applicable statute of limitations is measured by a number of years concluding when there is no February 29<sup>th</sup>, does the limitations period run to February 28 of the out year, or March 1? The answer is found in GCL 58, which provides that the extra day of leap year (the 29<sup>th</sup>) and the day immediately preceding it (the 28<sup>th</sup>) are treated as one combined day for purposes of time computations. Therefore, and counter-intuitively, the statute of limitations expires on February 28 of the out year. Of course, for actions subject to a four year limitations period such as breach warranty from the sale of goods<sup>1</sup> and twenty years to recover on bonds and money judgments,<sup>2</sup> the statute expires on the February 29<sup>th</sup> anniversary date of the fourth or twentieth year. Attorneys computing statutes of limitations measured by days such as 30 days for challenging filed zoning board decisions<sup>3</sup> and one year and 90 days for commencing actions against municipalities<sup>4</sup> must take into account the extra day in February for precisely calculating the last day of timeliness.<sup>5</sup>

Education Law 3204.4 defines a school year as consisting of 180 non-holiday days that school is in session. That number applies in all years, whether the year consists of 365 or 366 days. Therefore, there is an extra day of summer vacation for students and teachers in leap years.

In criminal law, the People are required to be ready for trial within six months for felonies, 90 days and 60 days for defined misdemeanors, and 30 days for non-criminal violations, minus "excludable" time.<sup>6</sup> The extra day must be taken into account not just in measuring the 90, 60, or 30 day readiness periods,<sup>7</sup> but also, in subtracting excludable time.

On average, two out of seven leap days fall on a weekend when many salaried employees have a day off, resulting in an extra day off with pay. Conversely, five of seven leap days fall on a weekday where many salaried employees work the extra day without additional compensation. Employees paid by commissions, contingency fees, per diems, or hourly wages are unaffected.

One case reported nationally involved the role of leap day in determining a retiree's pension, *Cella v Sanitary Dist. Employees' and Trustees' Annuity and Ben. Funds*.<sup>8</sup> In *Cella*, a retiree argued that his pension, calculated against his highest 24 months of earnings, should have been adjusted to add an extra day's wages for a leap day during the period. The court disagreed because the pension was expressly calculated based on "months" instead of "days." The same result would likely be reached in New York given the language of GCL 58, that a month means a month regardless of its specific number of days.

The per diem computation of contractual interest, and statutory interest on verdicts and judgments, must also take leap day into account for accuracy.<sup>9</sup>

Calculations in legal matters must be precise. Attorneys need to account for leap day to avoid the untenable and embarrassing circumstance of missing a deadline or calculation by a single day. Be mindful of the count in the relevant years.

<sup>1</sup>. UCC 2-725.

<sup>2</sup>. CPLR 211.

<sup>3</sup>. Town Law 267-c.

<sup>4</sup>. GML 50-i[1].

<sup>5</sup>. *DeCicco v City of Syracuse*, 68 AD3d 1771, 1772 (4th Dept. 2009).

<sup>6</sup>. CPL 30.30(1), (4).

<sup>7</sup>. *People v Williams*, 2008 WL 9837186 (Sup. Ct. NY Co., 2008).

<sup>8</sup>. 266 Ill.App. 558 (Ill. App. 1994).

<sup>9</sup>. CPLR 5001-5003; 235 E. 83 Realty, LLC v Fleming, 18 Misc.3d 1142[A]).



\* Mark C. Dillon is a Justice of the Appellate Division, Second Department, and an Adjunct Professor of New York Practice at Fordham Law School.

# We're Hiring!

## BARCLAY DAMON LLP

Barclay Damon LLP, a leading law firm of nearly 300 attorneys that operates from a strategic platform of offices located in the Northeastern United States and Toronto, is seeking the following attorneys.

### **IP Litigation Associate (Syracuse)**

Barclay Damon seeks an associate to support its intellectual property litigation team.

The ideal candidate should have at least two years of complex litigation experience. Prior intellectual property or federal court experience is strongly preferred but not an absolute requirement. Candidates must be licensed to practice in New York State and have strong verbal, writing, and interpersonal skills.

### **ERISA Partner (Albany, Buffalo, Rochester, or Syracuse)**

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The ideal candidate will be able to practice independently in these areas and will be involved in the development and maintenance of client relationships. A portable and growing book of business is highly desired.

### **Real Estate Associates (Syracuse)**

Barclay Damon seeks two associates to work directly with partners and clients on sophisticated commercial real estate transactions involving the sale, acquisition, securitized financing, and leasing of shopping centers, office buildings, energy assets, and other commercial real estate. Duties include reviewing, preparing, and managing transaction documentation; assisting in reviewing, managing, and responding to diligence requests; coordinating closings; and analyzing and examining real estate titles.

Candidates must be licensed to practice in New York State or eligible to waive into the New York State Bar; have one to six years of experience as an attorney in commercial real estate or financing transactions with experiences commensurate with their years of practice; be organized and detail oriented; and possess excellent verbal and written communication skills. Consideration will be given to recently admitted attorneys who have non-lawyer business experience in commercial real estate, securitization, structured finance, or related fields.

### **Restructuring, Bankruptcy & Creditors' Rights Associate (Buffalo, Rochester, or Syracuse)**

Barclay Damon seeks an associate to support its Restructuring, Bankruptcy & Creditors' Rights Practice Area.

The ideal candidate should have at least one year of litigation or judicial clerkship experience. Prior experience in complex bankruptcy matters will be highly regarded. Candidates must be licensed to practice law in New York State and have strong verbal, written, and interpersonal skills.

### **How to Apply**

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EEO M/F/V/H

# VOLUNTEER LAWYERS PROJECT OF ONONDAGA COUNTY, INC.

More than 50 friends, colleagues and co-workers celebrated the retirement of Deb O'Shea, who is retiring after 17 years as the Pro Bono Coordinator for the Volunteer Lawyers Project. Deb joined the Onondaga County Bar Association in 2004 as the sole staff person overseeing the organization's pro bono programs and Lawyer Referral Service and most recently focused her work on her greatest passion: preventing homelessness through eviction defense. At her going-away party on January 24, VLP Executive Director Sally Curran and Tony Gigliotti, who was instrumental in establishing OCBA's pro bono efforts, lauded Deb's accomplishments and commitment and wished her a well-deserved and exciting retirement.

*Congratulations, Deb O'Shea!*



GET READY TO PLACE  
YOUR BETS!

## CASINO NIGHT

ALL PROCEEDS BENEFIT THE  
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ONONDAGA COUNTY

\$100 - 1 ticket & \$500 in chips  
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bhemingway@onvlp.org

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to take home a prize!

THURSDAY  
MARCH 26, 2020  
6:00 - 9:00 PM

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POKER - ROULETTE  
BLACKJACK - CRAPS

Hors d'oeuvres,  
music, prizes, cash  
bar ... All in?



# New Year, New Partners!



**Congratulations to newly elected partners Melissa Bennett, Liz Cominoli, Carolyn Marcotte Crowley, Zach Forward, Danielle Mettler-LaFeir, Colm Ryan, and Ekin Senlet!**

We are thrilled to have such talented, dedicated leaders on this roster, including five outstanding women attorneys who will act as powerful role models to the next generation.

Learn more about our new partners at [barclaydamon.com](http://barclaydamon.com).

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## Lawyer Stories

### "First Closing"



I was about to handle one of my first real estate closings. With thanks to the tutelage of Attorney Jim Granito, I was prepared. My file folder for my Buyer clients (friends) had traveled with me for days. I used all my spare time opening the folder, reviewing my numbers and arranging and re-arranging my few documents. But I was nervous. The severe reputation of the bank closing attorney loomed.

We were early, waiting in the conference room at that large law firm. The door opened. The closing attorney - whose visage matched his pointy reputation - glared icily at me to report that the Seller's attorney would be late.

This was the second good news for that closing. I had just discovered that the file folder that had been with me for weeks was not in my briefcase. Quickly I tossed my client friend my key with direction about where to find the folder on my desk and prayed for his return in time.

The other good news? The Seller's attorney was handling the closing as a "sideline" to his in-house corporate work and had less experience than I did. The ire of the bank's attorney focused on him. *And*, since I had my file by then, I *pleased* the bank's attorney more than one time when I was able to offer some needed information lacking from opposing counsel. Whew.

Do you have a lawyer-related short story or anecdote about becoming a lawyer? A mentor experience? Your first day in a court? A fun client experience, something frightening or delightful or helpful?

I want to collect your stories into a volume to share with others. The stories are to be short (like the example above) and will be subject to editing. Send your story to [books@rivette.us](mailto:books@rivette.us).

Start remembering your favorite tales now!

*-Judith La Manna Rivette*

# The Monthly Newsmakers

VOLUME 65 NUMBER 1

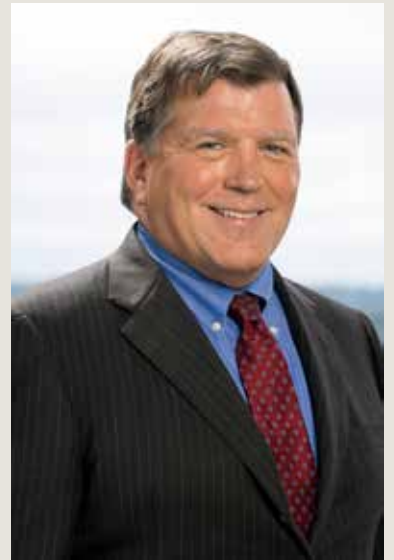
JANUARY 2020

50 CENTS

## COUNTY NEWS

### BARCLAY DAMON <sup>LLP</sup>

#### *Barclay Damon Announces New Practice Group Leaders*



Barclay Damon announces the following new practice group leadership changes: **Rosemary Enright**, Labor & Employment Practice Group leader; **Heather Sunser**, Financial Services Practice Group leader; **Brenda Colella**, Regulatory Practice Group deputy leader, and **Jeff Dove**, Business Services Practice Group leader.

"Rosemary, Heather, Brenda, and Jeff have each played an important part in the success of their respective practice groups, which will continue to thrive under their strategic oversight and guidance as they step into these new roles," John Langan, the firm's managing partner, said. "We are confident in their legal skills, extensive industry knowledge, strong leadership abilities, and dedication to maintaining firm values such as collaboration, inclusivity, and innovation in all that we do. We are also pleased--particularly in light of Connie Cahill's approaching transition

to managing partner at the end of 2020-- that these appointments substantially advance our continued commitment to gender equity in the legal services teams we offer to clients and in our firm operations."

A member of the Labor & Employment Practice Area and Canada-US cross-border team, Enright will lead the firm's newly formed Labor & Employment Practice Group. Prior to the formation of this new practice group, the Labor & Employment Practice Area was housed within the Business Services Practice Group. Its elevation to a stand-alone practice group is a testament to this group's rapid growth under its founder, late partner Larry Oppenheimer.

A member of the Real Estate, Financial Institutions & Lending, and Telecommunications Practice Areas as well as the energy and cannabis teams, Sunser will serve as the Financial

Services Practice Group leader. She is taking over the role from longstanding firm leader and partner Ned Trombly.

A co-chair of the Regulatory Practice Area, co-team leader of the renewable energy and energy markets teams, and a member of the Project Development Practice Area and energy and oil and gas teams, Colella will serve as the Regulatory Practice Group deputy leader until June, when she will take over as Regulatory Practice Group leader from Jeff Davis, Telecommunications Practice Area chair and Project Development Practice Area co-chair.

A co-chair of the Restructuring, Bankruptcy & Creditors' Rights and member of the Corporate Practice Area, Dove will serve as the Business Services Practice Group leader. He is taking over the role from Bob Heary, who has become Labor & Employment Practice Area chair.

# Barclay Damon Announces New Partner Elevations



Barclay Damon announces **Melissa Bennett, Liz Cominolli, Carolyn Marcotte Crowley, Zach Forward, Danielle Mettler-LaFeir, Colm Ryan,** and Ekin Senlet, all previous counsel, have been elected to the law firm's partnership.

"Each one of these individuals is wholly deserving of their elevation to partner, as they have used their unique skills and hard work to contribute to Barclay Damon's growth and the success of our clients," John Langan, the firm's managing partner, said. "They are not only talented attorneys, but dedicated leaders who are passionate about moving the firm forward in a rapidly changing legal industry. We are especially excited to have five outstanding women attorneys on this roster, knowing they will act as powerful role models to the next generation of firm talent.

We are also pleased--particularly in light of Connie Cahill's approaching transition to managing partner at the end of 2020--that these appointments substantially advance our continued commitment to gender equity in the legal services teams we offer to clients and in our firm operations."

Bennett is a member of the Public Finance, Financial Institutions & Lending, and Corporate Practice Areas. She is based in the Albany office.

Cominolli is a member of the Branding, Trademarks & Copyrights; Intellectual Property Litigation; and Corporate Practice Areas as well as the Outdoor & Wildlife Team. She is based in the Syracuse office.

Crowley is a member of the Commercial Litigation, Labor & Employment, and Mass & Toxic Torts Practice Areas. She is

based in the Boston office.

Forward is a member of the Corporate and Tax Practice Areas as well as the Cannabis Team. He is based in the Syracuse office.

Mettler-LaFeir is a member of the Environmental Practice Area as well as the Energy and Cannabis Teams. She is based in the Rochester office.

Ryan is a member of the Torts & Products Liability Defense, Commercial Litigation, and Construction & Surety Practice Areas as well as the Health Care Controversies and Health Care Teams. He is based in the Albany office.

Senlet is a member of the Regulatory Practice Area as well as the Energy, Oil & Gas, Renewable Energy, and Cybersecurity Teams. She is based in the Albany office.

## Appellate Division, Fourth Department

### *5<sup>th</sup> District Applicants to be Admitted to the New York State Bar*

Sara Elizabeth Adams  
Christopher J. Baiamonte  
Caitlyn Renee Buckman  
Gabrielle Louise Bull  
Douglas Sylvester Bullock, Jr.  
Adam Phillip Carey  
Nicholas Ronald Constantino  
Adam T. Durham  
Sara Marie Fitzpatrick  
Olivia Alta-Lucia Fontana  
Troy Green  
Mirza Hadzic  
Kathryn Jane Harvey  
Christopher Scott Helinski  
Jed Shepard Hudson  
William Henry Hython

Nathan Michael Jerauld  
John Paul Joslin  
Tessa Jacqueline Kajdi  
Sarah Mae Knickerbocker  
Elizabeth Sarah LaRoche  
Elizabeth Lawrence Lehmann  
Molly Katherine Carroll Linhorst  
Alicia Long Loomis  
Margaret Elizabeth Mabie  
David Alan Mancuso, Jr.  
Jennifer Leigh McGauley  
Lacey C. Miller  
Eugene Mok  
Sehrish Nawaz  
Evan Paul Naylor  
Juhyung Oh

Hannah Kathryn Redmond  
Jamie Marie Richards  
John Samuel Rodgers  
Conor Patrick Rourke  
Anthony Michael Sokolowski  
Tenaha Lynn Sparacino  
Macy Margaret Teifke  
Stephanie Todd  
Paul Jones Tortora, Jr.  
Matthew Casey Weissman-Vermeulen  
Sophie West  
Diane Marie Williamson  
Jessi Faith Woodward  
Zachariah Zallo  
Maria Christine Zumpano



**JERAULD AND ZUMPANO JOIN BOUSQUET HOLSTEIN PLLC**



**Nathan Jerauld** joins the firm's Litigation Practice group, with a focus on estate litigation. He has extensive experience operating in high-stress environments

and delivering tailored analysis of complex issues. He is a veteran of the U.S. Army where he served worldwide, including Afghanistan and South Korea. After six years of military service, he desired to continue helping people by becoming an attorney. He graduated *summa cum laude* from Syracuse University College of Law in 2019, while also earning a Masters of Public Administration from the Maxwell School at Syracuse University. As a student, he assisted veterans with benefits claims at the Wohl Family Veterans Legal Clinic, researched for the Institute for Veterans and Military Families, and interned with the City of Syracuse in its Department of Business and Neighborhood Development. Nathan's writing has been published in the Veterans Legal Journal, Huffington Post, and The Atlantic. Nathan resides in Cicero, New York.



**Maria Zumpano** joins Bousquet Holstein representing both businesses and individuals that run them in the areas of business formation and

structure, transactions and compliance, tax planning, strategy and advocacy, and business succession planning. After graduating *summa cum laude* with both her MBA and BS in Professional Accountancy from Le Moyne College, Maria became a licensed CPA. She began her professional career as an auditor at Ernst and Young, LLP and subsequently

# BOUSQUET HOLSTEIN ELECTS NEW MEMBERS

*Bousquet Holstein PLLC is pleased to announce that Natalie P. Hempson-Elliott and Jana K. McDonald have been elected as Members of the firm.*



Natalie joined Bousquet Holstein in 2014 and is part of the firm's Real Estate, Business, and Public Finance

Practice Groups. Natalie has over 10 years of experience representing clients in various business, real estate, and public finance transactions. She has served and advised clients in matters relating to real estate development, commercial lending and financing, leasing, and the acquisition and sale of real property interests. She has significant experience representing not-for-profit and for-profit developers, and advising on transactions involving low income housing tax credits, federal and state funding sources, and conventional construction and permanent financing. Natalie also serves and advises clients in various corporate matters, including entity structuring and formations, intra-company issues, mergers and acquisitions, restructuring, and other transactional projects. Natalie is a *Cum Laude* graduate of Syracuse University College of Law and a *Magna Cum Laude* graduate of Hobart and William Smith Colleges. Natalie currently serves on the Board of Directors of Vera House. She and her family reside in Camillus.



Jana joined Bousquet Holstein in 2017 and is part of the firm's Real Estate Practice Group. She handles commercial real

estate transactions and represents business, institutional and individual clients in connection with a wide-range of real property, land use, and related matters including renewable energy projects, conservation, utility and access easements, construction contracts and development approvals, litigation and foreclosure, site acquisition due diligence, contract and neighbor disputes, restrictive covenant enforcement, and tax and title issues. Jana began her career representing commercial and industrial developers in New Jersey and South Florida, later served as the City of Utica's Director of Planning where she advised zoning, planning, and historic preservation boards, and subsequently practiced as a transactional and real property litigation attorney in Cazenovia, NY at the Lindenfeld Law Firm. Jana graduated from the University of Florida College of Law and the University of Virginia School of Architecture, with a Bachelor in City Planning. She resides with her family in Cazenovia.

combined her accounting experience and her MBA in becoming the Controller and Director of Process Improvement for a Management Services Organization that served several related local and national companies that provided services in the legal industry. Maria graduated magna cum laude from Syracuse University College of Law in 2019. While in law school, she

interned at AIG Europe, Ltd. in London, England in the Legal, Compliance, and Regulatory department, externed at Baker & Hostetler LLP in Washington, DC in the Tax Group - Private Wealth, served as a Research Assistant and Legal Communication and Writing Assistant, and completed the Summer Associate Program at Bousquet Holstein. Maria is a resident of Downtown Syracuse.



## Bond, Schoeneck & King Elects New Members



Bond, Schoeneck & King is pleased to announce that **Thomas Bezigian Jr.**, **Scott R. Leuenberger**, **Adam P. Mastroleo**, **Kate I. Reid** and **Brendan M. Sheehan** from the firm's Syracuse office have been elected as members (partners) of the firm. Their appointment was announced in conjunction with those of four other attorneys at the law firm by Kevin Bernstein, chair of the firm's management committee.

**Thomas Bezigian, Jr.** concentrates his practice in the areas of estate planning and taxation, corporate and business succession, probate, trust and estate administration, and elder law. Bezigian has experience as a trust officer administering trust and investment accounts for high net worth individuals at a private bank. He has lectured as an adjunct professor at the Yerevan State Linguistic University in Yerevan, Armenia.

**Scott R. Leuenberger** is a business law attorney and member of the firm's exempt organizations and tax law practices. Leuenberger works with not-for-profit clients on corporate formation, obtaining tax exempt status with the IRS, merger, consolidation and dissolution, along with various other transactional matters and the development of governance

documents and policies. His not-for-profit experience also includes working with higher education clients on endowment fund reviews and complex merger and acquisition transactions and representing medical practices. Leuenberger also assists for-profit clients and individuals on transactional and tax related matters.

**Adam P. Mastroleo** is an attorney in the firm's labor and employment practice with extensive experience representing employers in a variety of labor litigation matters. He currently focuses his practice on representing employers in matters involving discrimination, harassment and retaliation under Title VII of the Civil Rights Act of 1964, the Family and Medical Leave Act, the New York Human Rights Law and the Age Discrimination in Employment Act. Mastroleo has obtained favorable outcomes for his employer clients in federal and state courts, as well as before the New York State Division of Human Rights and Equal Employment Opportunity Commission.

**Kate I. Reid** concentrates her practice in school law. Kate began her career at Bond in 2011, where she practiced in the areas of litigation and school district representation. In 2017, she served as General Counsel to Ithaca

City School District. As a member of the Superintendent's Executive Cabinet, she counseled the District in all areas of its day-to-day operations and represented the District in litigated matters. Now in her role as outside counsel, Kate continues to provide timely, day-to-day counseling to Bond's school district clients and acts as an advocate for them in adversarial proceedings before administrative agencies, and state and federal courts.

**Brendan M. Sheehan** is a litigation attorney who has experience representing individual and corporate clients in a wide array of complex business litigation matters in both state and federal courts. Prior to joining the firm, Sheehan clerked for the Honorable Gary L. Sharpe, Senior United States District Judge for the Northern District of New York and worked as a litigation associate for an international law firm.

Bond, Schoeneck & King PLLC is a law firm with 250 lawyers serving individuals, companies and public sector entities in a broad range of practice areas. Bond has eight offices in New York State and offices in Boston, Kansas City and Naples, Florida. For more information, visit [bsk.com](http://bsk.com).

# Phillips Nizer Litigation Department Co-Chair, Lauren Wachtler, Joins Barclay Damon's New York Office



Barclay Damon announces the arrival of business trial attorney

**Lauren Wachtler** to the firm's New York office. She joins the firm as a partner and

member of the Commercial Litigation Practice Area. Prior to Barclay Damon, Wachtler served as a Litigation Department co-chair at Phillips Nizer.

Wachtler represents retailers, manufacturers, real estate developers, and designers in a wide range of jury and non-jury trials in state and federal courts--including bankruptcy and surrogate's courts--involving the fashion industry, finance, business torts, labor and employment, ADA website compliance issues, and trusts and estates. She has argued motions

and appeals in state and federal courts in New York and New Jersey and is a certified mediator for NY commercial cases.

Wachtler is also certified by the Commercial Theater Institute of the Theater Development Fund and the Broadway League in New York, which trains individuals to understand and craft legal agreements related to theater production and development.

"Lauren's sophisticated trial experience in the New York market is truly impressive, and her addition to our 80-attorney, growing commercial litigation practice group is great news for the firm and our clients," Mitch Katz, Commercial Litigation Practice Group leader, said. "We are excited to have her join a talented group of attorneys in our expanding New York office, where she will represent a variety of clients across the state in complex commercial and

business litigation matters."

"Lauren has a profile in New York's legal, business, and not-for-profit communities that is second to none, and we are thrilled to add another all-star attorney who continues our record of attracting smart, successful women to the firm," Connie Cahill, the firm's deputy managing partner, said. "I am honored and excited for the opportunity to lead so many talented women attorneys like Lauren when I become the firm's managing partner at the end of 2020, and I know she will be a valued member of our Women's Forum, where she can share her unique career insights and experiences with others at the firm."

Barclay Damon attorneys team across offices and practices to provide solutions grounded in a deep understanding of our clients' businesses. Visit our website at [barclaydamon.com](http://barclaydamon.com).

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# CARROLL AND CONNOLLY JOIN BARCLAY DAMON

Barclay Damon announces **Andrew Carroll** and **Mary Connolly**, both associates, have joined the law firm. Carroll is based in the Buffalo office, and Connolly is based in the Albany office.

**Carroll** is a member of the Mass & Toxic Torts and Torts & Products Liability Defense Practice Areas. He primarily concentrates his practice on civil litigation, including in matters involving general negligence. Carroll also has previous experience defending medical professionals and health care institutions as well as premises liability matters.

**Connolly** is a member of the Health Care Controversies, Health Care, and Health & Human Services Providers Teams as well as the Commercial Litigation Practice Area. She primarily concentrates on representing health care providers in a variety of matters, including litigation under the False Claims Act, Anti-Kickback Statute, related state statutes, and Article 78 proceedings; regulatory



and transactional issues; not-for-profit formations and dissolutions; and applications for NYS Department of Health licensure.

Barclay Damon attorneys team across offices and practices to provide customized, targeted solutions grounded in industry knowledge and a deep understanding of our clients' businesses. With nearly 300 attorneys, Barclay Damon is a leading law firm that operates from a strategic platform of offices located in the Northeastern United States and Toronto. For more information, visit our award-winning website at [barclaydamon.com](http://barclaydamon.com).



## HYTHON JOINS HANCOCK ESTABROOK, LLP



Hancock Estabrook, LLP is pleased to announce that **William H. Hython** has joined the Firm as an Associate attorney.

Mr. Hython, who is from Baldwinsville, is currently working in several departments across the Firm. Previously, he clerked at an Upstate New York law firm. He received his J.D. degree from University at Buffalo Law School and his B.A. from Union College. While attending Union College, Mr. Hython was a member of the men's basketball team and scored over 1,000 points for the Union College Dutchmen. He is admitted in New York State.

Named a 2019 Best Law Firm by U.S. News & World Report, Hancock Estabrook, LLP is committed to providing excellent service to clients throughout New York State. For more information, visit [hancocklaw.com](http://hancocklaw.com).

## TRUSTS & ESTATES ATTORNEY WANTED

Hancock Estabrook, one of Upstate New York's leading law firms, is seeking a Trusts and Estates Associate Attorney with a minimum of three years of experience in estate planning, estate and trust administration, long-term care planning, supplemental needs trusts and guardianship matters.

.....  
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# United States Court of Appeals for the Second Circuit Holding Oral Arguments

The United States Court of Appeals for the Second Circuit will hear oral arguments in the Melanie Gray Ceremonial Courtroom in the College of Law's Dineen Hall on Monday, March 23 at 10 a.m. Details on the cases to be argued will be made available closer to the event date. The three-judge panel for the March 23 sitting will be announced the week before the arguments.

The Second Circuit Court of Appeals sits in New York City at the Thurgood Marshall U.S. Courthouse in lower Manhattan. Three appellate court judges sit on each case panel, except for en banc appeals on which the full court sits. The appellate court hears appeals from the six district courts (in Connecticut, New York, and Vermont) within the circuit.

Previously, the College of Law has hosted the New York State Court of Appeals and the United States Court of Appeals for Veterans Claims in Dineen Hall's state-of-the-art Gray Ceremonial Courtroom.

"Hosting live court proceedings in our building gives our students a tremendous opportunity to see the law in action at a very high level," says Professor Lauryn Gouldin, Associate Dean for Faculty Research. "We are grateful to have this

opportunity to host the Second Circuit in Dineen Hall. This will undoubtedly be one of the highlights of the spring semester for our students."

The proceedings are open to the public.



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### FULL TIME PARALEGAL/ADMINISTRATOR

Great opportunity with prestigious law firm for a Paralegal/Administrator to work in a high-profile legal practice, supporting multiple attorneys in the corporate and trust and estate practice areas in its Syracuse office. Job functions to include corporate formations and filings, records management, and drafting of correspondence and estate planning and administration documents. Superior organization skills required, in addition to professional, proactive work style with a strong aptitude with Microsoft Suite. Detail-oriented with the ability to work independently in a high volume, fast-paced work environment. Two or four year degree and/or combination of current work experience and education desired. Please send cover letter and resume to [careerguide@verizon.net](mailto:careerguide@verizon.net).

### NEW OPENING! LITIGATION PARALEGAL - SALARY OPEN

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## CIVIL PROGRAM - FAMILY LAW ATTORNEY

HLA seeks an attorney to join our Civil Program representing low-income adults primarily in family law matters (custody, domestic violence, child support, spousal support, divorce, etc.) in Onondaga County Supreme Court and Onondaga County Family Court. This position presents a unique opportunity to join a collaborative office working to provide high-quality representation to those in need in Onondaga County.

**Required Qualifications:** Demonstrated commitment to public-interest law and to serving low-income persons. Admission or pending admission to New York bar.

**Preferred Qualifications:** Ability to multi-task. Strong written and oral advocacy skills. Diverse economic, social, and/or cultural experiences.

**Salary:** Depends on experience.

**Benefits:** Excellent fringe benefits including generous leave, health, dental, and optical insurance, 401(k) retirement plan, and a great work environment.

**Application Instructions:** Applicants should submit a cover letter, resume, and list of three references to *Gregory W. Dewan, Esq.*, Deputy Executive Director, at [hiring@hlalaw.org](mailto: hiring@hlalaw.org).

The positions will be open until filled.

*Hiscock Legal Aid is an equal opportunity employer, committed to inclusive hiring and dedicated to diversity in our work and staff. We strongly encourage candidates of all identities, experiences, and communities to apply.*

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## STAFF ATTORNEY – PAROLE PROGRAM

HLAS seeks an attorney committed to indigent defense for its Parole Program. This position includes frequent client interaction at the local and county jails, representation at preliminary and final revocation hearings, performing legal research, and filing writs of habeas corpus. Excellent communication, writing and oral advocacy skills required. Admission to New York State Bar and parole or trial experience preferred; recent law graduates with demonstrated interest in indigent defense will be considered.

**Salary:** DOE. Excellent Benefits.

Applicants should send cover letter, writing sample and resume, including three references to *Linda Gehron*, President/CEO at [lgehron@hlalaw.org](mailto: lgehron@hlalaw.org).



**Division of Regional Affairs  
Binghamton Regional Office  
Assistant Attorney General-In-Charge  
Reference No. BHM\_AAGIC\_3271**

New York State Office of the Attorney General (OAG) is seeking a dynamic litigator committed to public service to head its Binghamton Regional Office. The Regional Office represents the State, its agencies and officers in a wide range of federal and state court litigation, as well as handles consumer, charities and social and economic justice matters.

Applicants must have a **minimum of ten (10) years of litigation experience**. Applicants must be capable of handling all phases of the investigations and litigation from commencement through trial and have superior writing, analytical, organizational, negotiation and supervisory skills. Applicants must also be able to coordinate and make presentations at external community events providing information on a wide variety of affirmative justice, consumer and other topical issues; prior experience in this area is a plus.

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.

OAG employees serve more than 19.85 million state residents through a wide variety of occupations. We offer a comprehensive New York State benefits package, including paid leave, health, dental, vision and retirement benefits, and family-friendly policies. As an employee of the OAG, you will join a team of dedicated individuals who work to serve the people of our State.

*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 are being received via email.** To apply, please submit your complete application to [recruitment@ag.ny.gov](mailto:recruitment@ag.ny.gov). Applicants must indicate the position title and reference number, **BHM\_AAGIC\_3271**, in their cover letter and subject line.

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

- [Cover Letter](#) (*You may address to Legal Recruitment*)
- [Resume](#)
- List of three (3) [references](#) with contact information and email addresses
- [Writing Sample](#)

**Please note: Failure to submit a complete application will delay the consideration of your application.**

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

**For more information about the OAG, please visit our website: [www.ag.ny.gov](http://www.ag.ny.gov)**

# Ethics Hotline

New York lawyers faced with ethical questions regarding their own prospective conduct can reach the Ethics Hotline through Customer Service, **Victor Hershdorfer** at **315-913-4087** or **Paula Mallory Engel** at **315-727-7901**.

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 the attached guidelines [here](#)). 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.

# The Lawyers' Assistance Program Of Onondaga County

## 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 Appointment?

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 Lawyers' Assistance Program Confidential?

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

## Why Was the Program Set Up?

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

## Who May Call?

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



## For more information contact:

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

Family Services Associates-- (315) 451-2161

Onondaga County Bar Association

Executive Director, Jeff Unaitis-- (315) 579-2581



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

- **The administration of justice;**
- **Service to the public and the legal community;**
  - **Equal access to the legal system for all;**
  - **Professional ethics and responsibility;**
  - **Legal research and education; and**
- **Dissemination to the public of information about the legal system and the rule of law.**

**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.**

**UNITED STATES BANKRUPTCY COURT  
FOR THE  
NORTHERN DISTRICT OF NEW YORK**

**ADMINISTRATIVE ORDER 20-01  
ADOPTING INTERIM BANKRUPTCY RULES AND REVISED  
OFFICIAL FORMS, EFFECTIVE FEBRUARY 19, 2020**

On August 23, 2019, the Small Business Reorganization Act of 2019 ("SBRA") was enacted into law. SBRA makes many substantive and procedural changes to the Bankruptcy Code and requires changes to the Federal Rules of Bankruptcy Procedure to implement these changes. However, the February 19, 2020 effective date of SBRA occurs long before the Bankruptcy Rules can be amended under the three-year process required by the Rules Enabling Act. Accordingly, the Advisory Committee on Bankruptcy Rules drafted, published for comment, and subsequently approved interim bankruptcy rules 1007, 1020, 2009, 2012, 2015, 3010, 3011, 3014, 3016, 3017.1, 3017.2, 3018 and 3019 ("Interim Rules") and SBRA-related amendments to Official Forms 101, 201, 309E1, 309E2, 309F1, 309F2, 314, 315 and 425A ("Revised Official Forms") for distribution to the courts. The Advisory Committee and Committee on Rules of Practice and Procedure approved the Interim Rules, and the Judicial Conference authorized distribution of the Interim Rules to courts for adoption locally to facilitate uniform implementation of the changes mandated by SBRA.

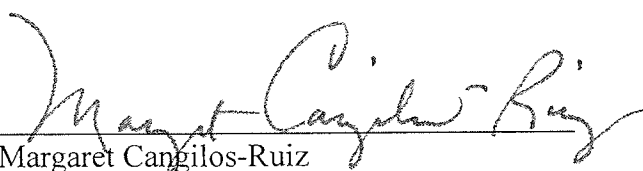
NOW, THEREFORE, pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure, and Rule 9029 of the Federal Rules of Bankruptcy Procedure, it is hereby

ORDERED that the attached Interim Rules and Revised Official Forms are adopted by the board of judges of this court, effective February 19, 2020, in their entirety without change and, for cases and proceedings not governed by SBRA, the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules of this Court, other than the Interim Rules, shall apply; and it is further

ORDERED that the Interim Rules shall remain in effect until further order of the court or as adopted and incorporated into the Federal Rules of Bankruptcy Procedure.

Click [here](#) for the New Interim Rules.

Dated: January 10, 2020  
Syracuse, New York



Margaret Cangilos-Ruiz  
Chief United States Bankruptcy Judge



# OCBA CONTINUING LEGAL EDUCATION

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

## Settling a Personal Injury Case and Preserving Your Client's Government Benefits: SNTs, Pooled Trusts, and Medicaid Eligibility

**Presenter:** Anthony A. Marrone, Esq.  
*The Marrone Law Firm*

Designed to instruct personal injury attorneys on the basics of government benefits packages this seminar aims to equip you with the know-how to resolve cases and lawsuits while taking steps to preserve your client's eligibility for government benefits.



Topics covered include:

- SSI, SSDI, and Medicaid and VA Benefits
- Medicaid Spenddown
- Pooled Trusts and Creation of Supplemental Needs Trusts

**1.5 MCLE (0.5 Skills, 1.0 Professional Practice)**

**Wednesday, February 26, 2020 | 1 to 2:30 pm**  
CNY Philanthropy Center, 2nd Floor Ballroom 431  
East Fayette St., Syracuse NY 13202

***Light refreshments served.  
Feel free to bring your lunch!***

This is a transitional seminar appropriate for newly admitted attorneys

The Onondaga County Bar Association is committed to providing Mandatory Continuing Legal Education Programs at an affordable price to its members as well as the bar-at-large. Financial waiver forms are available upon request or may be downloaded when you visit [www.onbar.org](http://www.onbar.org).

**Settling a Personal Injury Case, etc. | Wednesday, February 26, 2020 1 to 2:30 p.m.**  
**\$30 Member, \$45 Non-Member, FREE Lifetime/Agency/Paralegal/Student**

*(checks payable to OCBA)*

Attendee(s) \_\_\_\_\_ Phone \_\_\_\_\_

Firm \_\_\_\_\_ Email \_\_\_\_\_

Address \_\_\_\_\_

Check Enclosed     Will bring Check to CLE     CC Card# \_\_\_\_\_ Exp. \_\_\_\_\_

**ONONDAGA COUNTY BAR ASSOCIATION** | 431 East Fayette St. | Syracuse, NY | 13202

Phone: 315-579-2578 | Fax: 315-471-0705 | [cchantler@onbar.org](mailto:cchantler@onbar.org)