
SCHENECTADY COUNTY BAR ASSOCIATION, INC.

NEWSLETTER

October 2002

Mailing Address:
PO Box 1728
Schenectady, NY 12301-1728
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Telephone Numbers:
President: 853-8102
Treasurer: 370-4743

Secretary/Newsletter/Membership: 377-6489

Website: www.schenectadybar.com

CALENDAR OF EVENTS

October 15, 2002	SCBA CLE program: Open Adoption
October 17, 2002	SCBA Meeting, 12:00 p.m. CLE Opportunity-ADR.
November 1, 2002	SCBA CLE program: Trial Tactics
November 22, 2002	Retirement Dinner, Judge Howard Levine
January 16, 2003	SCBA Meeting, 12:00 p.m.
February, 2003	Estate & Elder Law Seminar
March 20, 2003	Joint Legal, Medical & Dental Dinner Meeting, 6:00 p.m.
April 17, 2003	SCBA Meeting, 12:00 p.m.
June 19, 2003	SCBA Annual Meeting, 12:00 p.m.

ALL SCBA MEETINGS HELD AT

OFFICERS

President
Vice President
Treasurer
Secretary

J. David Burke
John R. Seebold
Robert W. Hoffman
Kathryn McCary



WE WELCOME NEW MEMBERS

We welcome to the Association

Cristine McCue
Brian D. Mercy
Cris Puma-Ries

Who were admitted to membership at the June, 2002 meeting.

L NEXT MEETING 7
OCTOBER 17, 2002, 12:00 P.M.

If you plan to attend the meeting, please contact Robert Hoffman at 370-4743 for reservations or e-mail us at SchenectadyBar@aol.com

FROM THE PRESIDENT

J. David Burke

As I sit here composing this message, the final preparations for the unveiling of Judge James N. White's portrait are swirling around me. The next time you are in the Montgomery County Courthouse be sure to go into the main courtroom to look at it. The artist, William Benson, is the same one who did Judge Levine's portrait, so I needn't tell you that Judge White's portrait is quite

impressive.

Speaking of Judge Levine, the retirement party celebrating his career will be held on November 22, 2002 at the Glen Sanders Mansion. You will have the option of attending just the cocktail reception or you may attend both the reception and dinner. Complete details regarding the affair will be included in the invitation you have received or will be receiving very shortly.

At our September meeting, I informed the attendees of the plan being implemented in the Fifth Judicial District that calls for the replacement of court reporters with recorders in the matrimonial parts of the Supreme Court. Following a discussion, a motion was unanimously adopted expressing SCBA's disapproval of extending the plan into the Fourth Judicial District. I have written Judges Lippman and Plumadore, advising them of our position.

For those of you who are scrambling around for CLE credits, within the next month SCBA is offering several opportunities to earn a significant amount of credits at very reasonable prices. Details are included in newsletter. You can also earn credit by participating in our pro bono matrimonial program. On the subject of pro bono, there have been stirrings that the concept of mandatory pro bono may be revisited. Stay tuned.

From time to time, the Federal Trade Commission sends me materials pertaining to workshops they conduct that are generally held in New York City. If anyone is interested in receiving these notices let me know and I will forward them on to you. While we are discussing matters federal, the Department of Justice is seeking proposals from private counsel interested in entering into contracts with the Department to collect delinquent

Federal debts in the Northern District of New York. For further information, call or e-mail me.

On the technology front, don't forget to check the SCBA bulletin board on our website (SchenectadyBar.com) for notices and other items of interest, like the answer to You Be the Judge. In the event you would like to post an item of interest, the website is available. In the near future, we hope to extend our outreach by instituting an e-mail messaging program that will allow us to send you reminders and other good stuff.

Looking into the trivia bag, some of you might remember Eric Von Wiegand, "The Country Lawyer" who had an office on State Street and was among the first negligence attorneys to advertise. Anyway, I saw a blurb the other day in the Law Journal to the effect he was disbarred in 1992 following a conviction for income tax evasion and was recently denied reinstatement by the Appellate Division Third Department.

With that I bring this eclectic message to a close with a reminder that, if you plan to attend the October 17th meeting, please let Bob Hoffman know so that we can give Glen Sanders an accurate count.

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FROM THE COMMITTEES

ALTERNATE DISPUTE RESOLUTION There will be a meeting of the Committee October 11 at 12:30 at Castelo's Restaurant on Nott Terrace. For information call Chair Jean Carney, 872-9023

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ESTATE & ELDER LAW There will be a meeting of the Committee October 23 at 8:00 a.m. at Parisi & Parisi, 670 Franklin Street. There is expected to be a speaker on Medicaid, and the meeting will also include discussion of progress on finding speakers for the February, 2003 Seminar. For information, call CoChairs Pam McDevitt, 370-4743 or John Fantauzzi, 370-4645.

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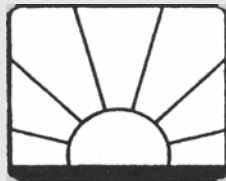
REAL ESTATE There will be a meeting of the Committee October 30, 2002 at 8:00 a.m. at Englert, Coffey & McHugh, LLP 224 State Street. All are welcome. Contact Chair Larry Naviasky, 374-7779 or pottnav_larry@global2000.net with questions or regrets.

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CRIMINAL LAW Chair Paul Callahan, 895-2334

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MATRIMONIAL LAW There will be a meeting of the Committee October 29 at 8:00 a.m. at the offices of Gordon, Tepper & DeCoursey, Socha Plaza South on Route 50 in Glenville. For information, call Chair



Don't Go It Alone

LAP-The Lawyer's Assistance Program of the Schenectady County Bar Association-is here to help members of the County Bench and Bar.

LAP is concerned about your welfare. We want to help. Whether you are facing illness, alcohol or drug addiction, a gambling problem, psychological problems or financial difficulties, LAP is here to provide you with free, completely confidential assistance. All you have to do is ask.

Call us at
388-4352

or write us at
Schenectady County Bar Association
Lawyers Assistance Program
PO Box 602
Schenectady, NY 12301

Eric Tepper, 399-5400

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LAW DAY: Chair Diane Herrmann, 346-1281

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YOU BE THE JUDGE

J. David Burke

When he entered his apartment on August 8, 2000, Ronald discovered three friends, Tonya, Stephanie and Susan covered with blood. None of the victims was able to identify their assailant and Stephanie could not recall what had happened. On September 20, 2001, Stephanie went to her mother's home to retrieve a box belonging to Susan. Upon opening the box, she discovered a newspaper account of the crime illustrated by defendant's photograph. At that point she recalled what happened on August 8, 2000 and identified defendant as her assailant. Defendant moves at trial to preclude Stephanie's testimony.

Given the fact Stephanie's testimony was based on repressed memory, should the motion be granted?

The member who submits the first correct answer by e-mail(SchenectadyBar@aol.com) will be SCBA's guest at the October meeting.

The correct answer will be on our website (SchenectadyBar.com) after the October meeting.

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REVIEW OF THE ASSOCIATION'S GOVERNING DOCUMENTS

A Constitution and By-Laws Committee has been appointed by President Burke to review the existing Constitution & By-Laws and consider whether to recommend changes. Among the issues the Committee—under the leadership of Mike Basile—will be examining:

- % Should the Constitution and By-Laws continue to be separate documents?
- % Should there be more members on the Board of Directors?
- % Should the process for admission to membership be changed?
- % Should there be a multi-level dues structure ?
- % Does the current pattern of membership meetings—September, October, January, April, June—still work well for the Association?
- % Is the Committee structure established by the By-Laws still appropriate?

If you have thoughts on the above issues—or any other

In Memoriam

Joseph McGrane, July 26, 2002
SCBA Memorial will be given at the meeting
October 17, 2002

issues related to these governing documents—please share them with Mike so they can be included in this comprehensive review.

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THREE UPCOMING SCBA CLE OPPORTUNITIES

As President Burke noted in his comments, the Association is offering three opportunities to earn CLE credits at a reasonable price in October and November.

WHEN CAN MEDIATION HELP?

Following the October lunch meeting, Frank Woods, Principal Court Analyst, Office of Alternative Dispute Resolution Programs, NYS Unified Court System will do a presentation on mediation as an additional resource for meeting your clients' needs. Any lawyer in general practice—and even some in limited practices—has had to find a gracious way to deal with the long time client, friend or family member whose dispute with a neighbor, coworker, merchant isn't really appropriate for litigation. This is only one of the situations in which mediation can be a boon to the practitioner. Come learn about others! One hour of credit in Areas of Professional Practice/ Skills; as with all SCBA after-lunch CLE, the program is included in the price of lunch.

OPEN ADOPTION

Also in October, the Association will present a forum on Open Adoption from noon to 2:00 p.m. on Tuesday, October 15, 2002 on the 6th Floor of the Schenectady County Office Building, 620 State Street, Schenectady, New York. The program will be chaired by Kate Kaufman Burns, a clinical social worker and adoption consultant who has the most current information available concerning open adoption. There is no charge for this program and attorneys who attend will receive two (2) hours of credit in Areas of Professional Practice/Skills.

For information or a registration form, please contact Renee Cassaro, secretary to the Hon. Jo Anne Assini at 388-4585.

TRIAL TACTICS

In November the Association is presenting a seminar on the Basics of Trial Tactics on Friday, November 1, 2002, from 9:00 to approximately 4:30 at the Glen Sanders Mansion, 1 Glen Avenue, Scotia, New York. Alan Gebell, Chief Trial Attorney of the Schenectady County District Attorney's Office, will lead a distinguished panel of trial-savvy attorneys, including Eleanor DeCoursey, Phil Rodriguez, Richard Weiskopf, Steve Kouray, Paul Callahan, Larry Dahlke, Margaret Vella, and Jim Bendall. They will demonstrate how to handle *voir dire*, opening statements, direct and cross examination, evidence and objections, and summations in both civil and criminal matters. They will also discuss plea negotiations and the practical aspects of going to trial. The cost of the seminar is \$45.00, and participants will receive six (6) C.L.E. hours, continental breakfast, and lunch.

For information or a registration form, please contact Renee Cassaro, secretary to the Hon. Jo Anne Assini, at 388-4585 by October 18, 2002.

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RECENT DECISIONS

Because the appellate courts are not in session during July & August, we will take a look at what the legislative branch was up to during the last legislative session. Note that all chapter references are to the Laws of 2002.

Chapter 11 - Substantially amends the Sex Offender Registration Act by, inter alia, requiring non-resident sex offenders, who are registered in other jurisdictions and are working or attending school in New York, to register in New York.

Chapter 12 - Provides that only volunteer firefighters can display a blue light on a motor vehicle. I wonder if K-Mart knows about this.

Chapter 24 - Gives a health care employee who has been the subject of a retaliatory action by a health care employer the right to bring a civil action for the relief set forth in Labor Law §740(5).

Chapter 43 - Makes considerable changes regarding the solicitation and collection of charitable contributions as well as the holding and administration of charitable assets.

Chapter 59 - Prohibits the retail sale of lead fishing sinkers weighing one-half ounce or less.

Chapter 88 - Extends the Statute of Limitations for Agent Orange cases to June 16, 2004.

Chapter 110 - Authorizes the establishment of pilot programs permitting the use of facsimile transmission or

electronic means to commence an action or special proceeding in supreme court in designated counties, Albany being one.

Chapter 149 - When a police officer makes an arrest of an individual in possession of contraband like bootleg DVDs or CDs, this bill gives the police officer the discretion to determine whether an immediate seizure can be accomplished safely. How many miscreants do you think are going to walk away from an arrest with their bootleg CDs? Maybe zero.

Chapter 159 - Requires a driver to slow down or stop if a pedestrian is in a crosswalk in the same roadway as the driver. Don't relax pedestrians, this law is not effective until January 23, 2003.

Chapter 254 - Increases the fine for the third and subsequent violations of passing a stopped school bus to \$1,000.

Chapter 286 - Excludes from the Statute of Frauds agreements between business entities regarding the purchase or sale of assignments or participations in the indebtedness of commercial borrowers.

Chapter 312 - Replaces the phrase "natural parent" with "birth parent" in various statutes.

Chapter 314 - Purpose of this bill is to facilitate the use and acceptance of electronic signatures and records in electronic commerce and government applications by providing consistency between state and federal laws.

Chapter 409 - Amends Family Court Act §115 to enumerate the types of proceedings over which Family Court has jurisdiction and repeals Family Court Act §654 in light of its inconsistency with the legal standard for the modification of out-of-state custody judgments.

Chapter 416 - Extends to October 1, 2003 the law requiring the suspension of a drivers license at the arraignment of a person charged with DWI where the BAC is .10% or higher at arrest.

Chapter 430 - Amends CPLR §4503 by providing that, if an attorney is retained by an estate fiduciary, the attorney represents the fiduciary and not the beneficiaries of the estate and ensures that communications made by the fiduciary to the attorney are afforded the same protections as all other client communications made to an attorney. Effective immediately.

Chapter 457 - Measure combines the procedure for a compulsory accounting and other statutory remedies into a single procedural framework that will provide an

expedient remedy when dealing with fiduciaries who fail to account. Effective November 1, 2002.

Chapter 473 - Authorizes a peace officer or police officer to direct the termination of the operation of any vessel found to be in an unsafe condition.

Chapter 500 - Provides the guardian of a mentally retarded person with the authority to make health care decisions for such person, including decisions regarding life-sustaining treatment.

Chapter 511 - Imposes liability on employers for discharging or discriminating against an employee for displaying an American flag on their person or at their work station.

Chapter 520 - Makes a bank that fails to give timely notification to its mortgagee, upon mortgage satisfaction, of his or her need to contact local taxing authority responsible for any resulting penalties, fees or late charges.

Chapter 524 - Provides that if a conviction of a designated offense is reversed, vacated, or a pardon is granted, the individual who was convicted may apply to the court for an order directing the expungement of the DNA record.

Chapter 530 - Prohibits the sale of children's size clothing up to size 12 that has a hood or neck drawstring.

Chapter 533 - Requires that all males, between 18 -26, who apply for a learner's permit, driver's license or a renewal of a driver's license must be registered with the Selective Service System. Does the Legislature know something we don't?

Chapter 554 - Establishes the Women's Health & Wellness Act of 2002 which expands access to preventive health care to women in New York State.

REPORT: THE SEARCH FOR MISSING WILLS

We now know the whereabouts of wills drafted by:

Harold Armstrong, James A Bonaquist, Joseph Buchyn, George Camino, Vito Caruso, D. Vincent Cerrito, Abraham Clayman, Morris Marshall Cohn, Myron J. Cohn, Stephen Cooper, Fairlee, Robert Gallamore, Simeo J. Gallo, Robert Liebers, Daniel D. Mead, Paul Mulligan, William O'Hare, Mario Pacelli, Hannibal Pardi, Roy Peters, Tom Pritchard, Raymond Smith (while he was at Fairlee, Armstrong & Smith), William Ward, William J. Werner

Thanks to:

Michael Brockbank, Richard Reisman, and a special big thanks to Paula B. Miller, Chief Clerk of the Schenectady County Surrogate's Court!

Keep those cards & letters coming in, folks!

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A SPECIFIC MISSING WILLS INQUIRY

Does anyone have the will of Jeanne Chunes Campbell? Her nephew, Paul Benacquista, is looking for it; his aunt told him the name of the draftsman, but he doesn't remember it, except that he believes it was Italian (which doesn't narrow it down a lot in Schenectady County!) He believes it was drafted about 30 years ago, and may have been in either her birth name (Jeanne Chunes) or her married name (Jeanne Campbell). His Aunt worked for many years for an insurance company at 650 Franklin Street, and may have gone to an attorney in a nearby office (which also doesn't narrow the field much. . .). Anyone with information should call Ken Gibbons.

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NOTICES/ITEMS OF INTEREST

The Joseph F. Egan Memorial Supreme Court Law Library will host a "**Class in the Courtroom**" program devoted to **the Honorable Barry D. Kramer and the operation of the Schenectady County Surrogate's Court** on October 24 at noon in the County Court Building, 212 State Street; this program is free and open to the public.

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The New York State Library will host a public seminar titled "**Accessing Patent and Trademark Information**" on November 7, 2002 from 9:00 a.m. to 5:00 p.m. The seminar, which will be held in the Concourse Level Auditorium of the Cultural Education Center, Empire State Plaza, Albany, is free and open to the public. It will be conducted by the patent and Trademark Depository Library Program of the United States Patent and Trademark Office; the seminar does not qualify for CLE credit. For information contact Bill Schilling, 474-7771.

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Edward Fassett, Jr. has recently relocated to the Law Offices of Michael Kurz, LLC, on Western Avenue in Guilderland.

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Legal Professionals of Schenectady County, Inc. will host its annual **Election Eve Cocktail Party** on November 4 at 5:30-10:30 p.m. at the Mohawk Golf Club. Entertainment by 2 Deep Music. Tickets \$25; for information, call Karen Satterlee (346-8650), Laurie Hallak (370-5515) or Dina Pettiti (724-2205).

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Professionals AA meeting: 6:00 p.m. every Wednesday, First United Methodist Church, 603 State

Street, Schenectady—rear entrance

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AUTRE TEMPS, AUTRES MŒURES

A municipal client of the Editor's law office, when tidying files, recently came across the *Minimum Fee Schedules and Tax Adjustment Code* adopted by the Schenectady County Bar Association in 1956. Instead of chucking it in the nearest wastebasket, they sent it to us, for reasons we don't want to inquire into too closely. But it's pretty eye-opening reading for those of us who started practicing *after* the United States Supreme Court decided *Goldfarb v. Virginia State Bar*. According to the drafters of the Minimum Fee Schedules

A rigorously-enforced minimum fee schedule protects the public and the profession. It insures the client of competent service, carefully performed with a reasonable return to the attorney for his time as well as necessary clerical and stenographic services. The following schedule prescribes a minimum charge which study has proved to be necessary to cover the cost of a single routine transaction. The Canons of Ethics describe circumstances which may vary these charges. Every unjustified violation necessitates an unwarranted charge in another transaction in order to compensate. In turn, this damages the standards of the profession and provokes unfavorable public opinion. Such violation constitutes grounds for suspension and/or removal from the Bar Association.

Those of you who were there in 1956 may not want to be reminded that back then the minimum charge for an in-office consultation was \$5, the minimum for a telephone consultation was \$3, and the minimum *per diem* charge was \$50. Minimum *per diem* for municipal clients was \$50. . .except for Central School Districts, which had to pay \$75. The highest minimum fees established were for municipal bonding services \$2,500 to \$3,000. The minimum fee for a contested divorce was \$400; uncontested was \$300 (and a separation agreement was \$100.) Minimum fee for drafting a deed was \$15—for complete legal services in a residential sale, ½ of 1% to a selling client; buyers had to pay at least 1% of the first \$10,000, plus ½ of 1% of the excess. Maximum contingent fees, however, were 1/3, regardless of whether the matter was actually put in suit, but exclusive of appellate costs.

Does anyone remember how much a loaf of bread cost in 1956?

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INTERESTED IN GETTING INVOLVED?

To join an SCBA committee, contact:

Alternate Dispute Resolution—Jean Carney
Criminal Law—Paul Callahan
Estate & Elder Law—John Fantauzzi/Pam McDevitt
Matrimonial Law—Eric Tepper
Real Estate—Larry Naviaskey
Law Day—Diane Herrmann
Pro Bono Matrimonial—J. David Burke

[addresses & numbers are in the SCBA directory—if you've mislaid your copy, call Kathryn McCary for a replacement]

CLASSIFIED ADVERTISING

SPACE AVAILABLE

Office Space available for sole practitioner. 38 North Ferry Street, Schenectady. Space includes use of conference room and reception area. If interested please contact Phil Rodriguez, 346-7275

POSITIONS AVAILABLE

One of the Capital District area's leading estate planning, tax and elder law firms seeks general business associate to assist with family business formations, asset protection strategies, business counseling, buy-sell agreements and transactions involved in an extensive practice environment. Strong communication skills and computer abilities a must. Financial background, 2-5 years progressive experience, client following a plus. Salary, incentives, great working environment with strong support and partner potential. Contact: Martin S. Finn, managing partner, Lavelle & Finn, LLP, 450 New Karner Road, Albany, New York 12205, fax (518) 869-0572, e-mail Marty@lavelleandfinn.com.

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Supreme Court Fellows: The Supreme Court Fellows Commission is accepting applications for 4 positions available for the 2003-2004 Supreme Court Fellows Program. The Program seeks outstanding individuals from a variety of disciplinary backgrounds who have an interest in the administration of justice and who show promise of making a contribution to the judiciary. Each Fellow spends one calendar year in Washington, D.C. working on projects related to the federal court system and the administration of justice.

Candidates must have: at least one postgraduate degree; 2 or more years professional experience with a record of high achievement; multi-disciplinary training including familiarity with the justice system. Salary is equivalent to GS-15/3 (presently \$98,198). Apply by November 11, 2002:

Apply online—www.fellows.supremecourtus.gov
or write to

Supreme Court Fellows Program
Supreme Court of the United States
Room 5
Washington, D.C. 20543

POSITION WANTED

Recent graduate of Sage College with Bachelor's Degree in Legal Studies, as well as Associate's Degree in Paralegal Studies from Schenectady County Community College, seeks position as Paralegal or Legal Secretary in Capital District law firm.. Good knowledge of PCs and internet use, including Microsoft Word,

Windows 98/2000, Microsoft Access 97/2000, Westlaw.. Contact Christine Reed at 370-2529.

ADVERTISING IN SCBA PUBLICATIONS:

Advertising will be accepted for inclusion in the Schenectady County Bar Association Newsletter, Membership Directory, and other publications. Please contact Kathryn McCary at 377-6489 for information.

KEEP YOUR PROFESSIONAL COLLEAGUES POSTED

If

- % you have relocated
- % you or someone you know has received special recognition
- % your firm is involved in community based activities

and you would like your announcement placed in the *SCBA* newsletter, please drop us a line:

SCBA
c/o McCary & Huff, LLP
107 North Ballston Avenue
Scotia, NY 12302

so we can share the good news.

MEET NATIONALLY ACCLAIMED BEST SELLING HISTORIAN AND BIOGRAPHER JOSEPH E. PERSICO

- **Author of *Edward R. Murrow: An American Original*, *The Imperial Rockefeller*, *Nuremberg: Infamy on Trial*, and *Roosevelt's Secret War: FDR and World War II Espionage***
- **Collaborator on General Colin Powell's autobiography: *My American Journey***
- **Book Selling & Signing of *Roosevelt's Secret War: FDR and World War II Espionage***
- **November 1st at 12:00 PM, Mallozzi's Restaurant, Rotterdam**
- **Open to the General Public**
- **Sponsored by the NYS Greater Capital Chapter of the National Italian American Bar Association**
- **For Luncheon Tickets Contact Veronica Keegan at 489-0053/Tickets \$35.00 each**

MINUTES—SCHENECTADY COUNTY BAR ASSOCIATION—MEMBERSHIP

REGULAR MEETING—September 19, 2002—12:00 p.m.—The Glen Sanders Mansion, Scotia, NY

The meeting was called to order by President J. David Burke at 12:20 p.m., 73 members of the Association being then present and constituting a quorum. The President welcomed the Judges present, including retired Appellate Division Justice James White, and noted that the unveiling of Judge White's portrait will take place September 27 at 3:00 p.m. in the Montgomery County courthouse. President Burke also welcomed special guest Lorraine Power Tharpe, President of the New York State Bar Association, and Carm Greco, speaker for the after-lunch CLE presentation.

MINUTES OF PRIOR MEETING

The minutes of the June 20, 2002 meeting were, on MOTION of John Massaroni, approved by general consent.

TREASURER'S REPORT

Treasurer Robert Hoffman reported that the Association has \$24,766 in the bank, which is approximately \$2,400 more than this time last year. Dues notices have gone out, and members are encouraged to pay promptly.

PRESIDENT'S REPORT

President J. David Burke noted that the Third Department has 1 year clerkship openings available, but that the deadline for application was the next day. Also, the Department of Justice in the Northern District of New York is looking for private counsel interested in contracting with the Department to collect delinquent debts due the Department.

Judge Assini, with the assistance of Sara Sharkey, has put together two CLE programs for October and November, on Open Adoption and Trial Tactics; the Law Library will be putting on a program on December 26 on medication therapy and juveniles in the family court system.

The Fifth Judicial District will be replacing court reporters with mechanical/electronic reporting systems; in the Fourth District, such systems are to be used for non-criminal proceedings.

Richard Antokol rose to express concern over the Fourth District's plan to replace live reporters with electronic reporting systems.

On MOTION of Richard Antokol, a RESOLUTION, authorizing President Burke to communicate the Association's objections to the use of electronic reporting systems in the court room to Judge Plumadore, was adopted unanimously.

COMMITTEE REPORTS

John Fantauzzi announced that there will be a meeting of the Elder Law Committee on October 23 at Frank Parisi's office; there will be a speaker on Medicaid, and discussion of plans for the February seminar.

Jean Carney announced that there will be a meeting of the Alternate Dispute Resolution Committee on October 11 at Castelo's Restaurant.

MEMBERSHIP COMMITTEE REPORT

The names of the following applicants were read for the first time; no objection being raised, their names were set over for a second reading at the October meeting:

Dana Boniewski, who both lives and works in the County and is sponsored by Thomas DeLorenzo; Kathleen Kiley, who works in the County and is sponsored by Thomas DeLorenzo.

The names of the following applicants were read for the second time:

Brian D. Mercy, who both lives and works in the County and is sponsored by Steven Kouray; Cris Puma-Ries, who works in the County and is sponsored by the Honorable Vincent J. Reilly; and Christine McCue, who is sponsored by Jean Carney

Mr. Mercy, Ms. Puma-Ries and Ms. McCue were welcomed to membership in the Association.

REPORT OF THE MEMORIAL AND SUNSHINE COMMITTEE

Committee Chair Neil Moynihan offered the following resolution in memory of Athena C. Kouray, Esq.

WHEREAS, Athena Caperonis Kouray, died at Ellis Hospital after a short illness on June 5, 2002, and
WHEREAS, Athena C. Kouray, born in Fort Edward, was a cum laude graduate of Syracuse University, having graduated first in the class of 1946 from Albany Law School and was the founding partner of the Schenectady Law Firm of Kouray and Kouray with her late husband, Christian in 1948, and

WHEREAS, she actively practiced her chosen profession in our county, with excellence and grace for over fifty years, having served her clients, the bar and her community, as a member of the committee on character and fitness for admission to the practice of law in the Appellate Division, Third Department, the Board of Trustees of the State University of New York at Albany, the Schenectady Drug Task Force, and as the chairperson of the 4th Judicial District Task Force for the courts, amongst other positions, and

WHEREAS, Attorney Kouray had been publicly recognized for her dedicated service to such clients; being the recipient of the 1981 George Arents Pioneer Medal by the Trustees of Syracuse University and the 2001 Capital District Trial Lawyers Association Daniel Mahoney Award, and

WHEREAS, Athena, an owner of thoroughbred racehorses, an avid golfer and a member of St. George's Greek Orthodox Church of Schenectady, was preceded in death by her late husband, our Association's past president, Christian X. Kouray, on August 25, 2001, and is survived by a son, our own member, Steven X. Kouray and a

daughter, Katina P. Sarris, both of Niskayuna, and several grandchildren; now, therefore be it RESOLVED, that the Schenectady County Bar Association records with sincere regret the death of Athena C. Kouray, and takes this occasion to note publicly the loss of one of the leading citizens of this community, and extend its sympathy to members of her bereaved family, and be it further RESOLVED, that this resolution be incorporated in the minutes of this meeting and recorded in the journal of proceedings, and a copy thereof be transmitted to Attorney Kouray's family.

President Burke noted that Athena was a trailblazer, one of the earliest women lawyers in Schenectady County.

Thereupon, on MOTION of Neil Moynihan, seconded by Frank Parisi, the Resolution was adopted by unanimous vote of the membership.

ADDRESS BY NEW YORK STATE BAR ASSOCIATION PRESIDENT LORRAINE POWER THARPE

Peter Coffey introduced New York State Bar Association President Lorraine Power Tharpe, the first such President to reside in the 4th Judicial District, and a person of tremendous intelligence, diplomacy and character.

Ms. Tharpe noted that, as President of the State Bar Association, she is giving priority to communication. There is much that needs to be said for and about the profession, both to the public, in the media, and at the capitol. She asked the membership of the Schenectady County Bar Association to be advocates for the profession, and to keep her apprised of their experience, and of news items that need response from the organized bar. Although lawyers are often maligned, the public is fascinated with lawyers and the law; Ms. Tharpe urged that members of this Association make good use of opportunities to speak to civic groups, to become involved with local schools and mock trial programs. She noted that the Law Youth & Citizenship program can suggest a myriad of opportunities for involvement. She informed the membership that the New York State Bar Association is working to increase its voice with the Legislature, and putting together member contacts to meet with legislators, and needs the voice of members of the local bars to help her do her job. She thanked the Association for inviting her to be present and speak at the meeting.

ANNUAL AWARDS

Because the Honoree was not able to attend, the Lifetime Achievement Award was not presented at the June meeting. *The Honorable Vito C. Caruso* presented the LIFETIME ACHIEVEMENT AWARD to the Honorable Robert E. Lynch

This award is a recognition of a life dedicated to the highest standards of legal service; it is given to a lawyer who has had a distinguished legal career in either the public or private sector, shown a commitment to *pro bono* work or similar public service, attained the respect of colleagues and served the organized bar in some capacity. Judge Caruso noted that Judge Lynch, a lifetime resident of Schenectady, practiced in the County for 29 years prior to his election to the Supreme Court in 1986; he served on the bench for 14 years, retiring in 2000. His career included service as City of Schenectady Urban Renewal Attorney, Confidential Research Clerk to former Supreme Court Justice Archibald C. Wemple, Assistant District Attorney for the County, member of the Character and Fitness Committee for the Third Department and 19 years of service on the New York State Law Revision Commission. A member and past president of the Schenectady County Bar Association, he has been and remains active with a variety of local service and charitable organizations. In retirement, he continues his public service as an arbitrator and judicial hearing officer.

Judge Lynch, receiving the award, noted that it is embarrassing to hear what you've done over 40 years, but that none of his achievements would have been possible without the cooperation and support of his wife, Judy; he thanked the Association, and offered the observation that old judges never die, they just do arbitration and mediation.

There being no additional business to come before the Membership, the meeting was adjourned at 1:05 p.m.

Respectfully submitted,

Kathryn McCary, Secretary

CONTINUING LEGAL EDUCATION OPPORTUNITIES

THE SCHENECTADY COUNTY BAR ASSOCIATION

Topic: WHEN CAN MEDIATION HELP?
Date/Time: October 17, 2002 following the meeting
Presenter: Frank Woods, Principal Court Analyst,
Office of Alternative Dispute Resolution
Programs, NYS Unified Court System
Cost: Included in the Price of Lunch
CLE Credits: 1 Areas of Practice/Skills

Topic: A FORUM ON OPEN ADOPTION
Date/Time: October 15, 2002
Place: Albany County Courthouse, Jurors Lounge
Presenter: David Miranda, Robert Heslin, Nicholas
Mesiti
Cost: Free
CLE Credits: 2 Areas of Practice/Skills
Contact: Renee Cassaro, Family Court, 388-4585

Topic: THE BASICS OF TRIAL TACTICS
Date/Time: November 1, 2002
Place: Glen Sanders Mansion
Presenter: Alan Gebell, Esq.; Eleanor DeCoursey,
Esq.; Phil A. Rodriguez, Esq.; Richard
Weiskopf, Esq.; Steven X. Kouray, Esq.;
Paul Callahan, Esq.; Lawrence Dahlke,
Esq.; Margaret Vella, Esq.; James Bendall,
Esq.
Cost: \$45/ includes continental breakfast, lunch
CLE Credits: 6 Areas of Practice/Skills
Contact: Renee Cassaro, Family Court, 388-4585

ALBANY COUNTY BAR ASSOCIATION

Topic: EFFECTIVE TIME MANAGEMENT (MEANS,
MONEY & MORE)
Date/Time: October 10, 2002 12:15
Place: Jack's Oyster House, Albany
Presenters: Gerry Schuth, Priority Management
Cost: \$30 Member/\$40 Non-Member
CLE Credits: 1 Skills
Contact: Barbara Davis 445-7691 or
acba@global 2000.net

Topic: REPRESENTING THE TECHNOLOGY START-
UP COMPANY
Date/Time: October 25, 2002 12:45
Place: Albany County Courthouse Jurors'
Lounge
Presenters: David Miranda, Esq.; Robert Heslin, Esq.;

Nicholas Mesiti, Esq.; Steve Lobel, Esq.
Cost: \$60 Member/\$75 Non-Member/\$25
Student

CLE Credits: 4 Skills
Contact: Barbara Davis 445-7691 or
acba@global 2000.net

Topic: THE ORDER TO SHOW CAUSE & TRO IN
THE 3RD & 4TH JUDICIAL DISTRICTS
Date/Time: November 13, 2002 12:15
Place: La Serre Restaurant, Albany
Presenters: Hon. Leslie E. Stein; Hon. Thomas D.
Nolan, Jr.
Cost: \$30 Member/\$40 Non-Member
CLE Credits: 1 Skills
Contact: Barbara Davis 445-7691 or
acba@global 2000.net

Topic: COMMERCIAL LITIGATION
Date/Time: November 14, 2002 1:45
Place: NYS Bar Center, Elk Street, Albany
Presenters: Various local lawyers and judges
Cost: \$150 Member/\$175 Non-Member
CLE Credits: 4 Areas of Practice
Contact: Barbara Davis 445-7691 or
acba@global 2000.net

Topic: SOCIAL SECURITY
Date/Time: December 11, 2002 12:15
Place: Vellano's International Restaurant
Presenters: Ira Mendleson
Cost: \$30 Member/\$40 Non-Member/\$20
Student
CLE Credits: 1 Skills
Contact: Barbara Davis 445-7691 or
acba@global 2000.net

Topic: ETHICAL ISSUES FOR THE EMPLOYMENT
LAW PRACTITIONER
Date/Time: January 10, 2003 1:45
Place: Albany County Courthouse Jurors'
Lounge
Presenters: Glen Doherty, Esq.; Joe Berger, Esq.
Cost: \$40 Member/\$45 Non-Member/\$25
Student
CLE Credits: 1 Areas of Practice/1 Ethics
Contact: Barbara Davis 445-7691 or
acba@global 2000.net

Schenectady County Bar Association
c/o McCary & Huff, LLP
107 North Ballston Avenue
Scotia, NY 12302

Come on in—You will find:

- Opportunities for low-cost CLE
- Information about Committee activities
- A report on the (ongoing) search for missing wills
- A bit of nostalgia from the 1950s

See you at lunch, October 17!

“To none will we sell, to none deny or delay, right or justice.”
Magna Carta, Clause 40