
SCHENECTADY COUNTY BAR ASSOCIATION, INC.

NEWSLETTER

October 2003

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Website: www.schenectadybar.com

Telephone Numbers:
President: 374-1800
Treasurer: 370-4743

Secretary/Newsletter/Membership: 377-6489

CALENDAR OF EVENTS

| | |
|------------------|---------------------------------|
| October 16, 2003 | SCBA Meeting, 12:00 p.m. |
| January 15, 2004 | SCBA Meeting, 12:00 p.m. |
| April 15, 2004 | SCBA Meeting, 12:00 p.m. |
| April 30, 2004 | Law Day |
| June 17, 2004 | SCBA Annual Meeting, 12:00 p.m. |
| June 14, 2004 | US Supreme Court Admission Trip |

ALL SCBA MEETINGS HELD AT
THE GLEN SANDERS MANSION, SCOTIA, NY

OFFICERS

President
Vice President
Treasurer
Secretary

John R. Seebold
Hon. Karen Drago
Robert W. Hoffman
Kathryn McCary

BOARD MEMBERS

Hon. Jo Anne Assini
J. David Burke
Eleanor M. DeCoursey
Diane Enzinna
Brian Ferrucci
Frank Parisi

NOTE INCLUSIONS IN THIS ISSUE

- ' Supreme Court Admission Trip Registration Form
- ' Schenectady County Procedures for the New Filing Fees



WE WELCOME NEW MEMBERS

We welcome to the Association
**Marnie M. Dzialo, Gilah R. Mayer, Warren
Redlich, Matthew Schwartz and Jill S. Polk**
who were admitted to membership at the
September 2003 meeting.

L NEXT MEETING **7**

OCTOBER 16, 12:00 P.M.

Will Include Memorial for Richard Youmans

*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

John R. Seibold

Ask not what your country can do for you, ask what you can do for your country..."

John F. Kennedy, Inaugural Address,
January 20, 1961

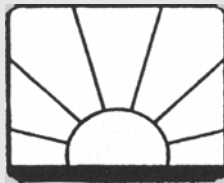
This quote comes to mind as for the first time in years our organization considers major revisions to the SCBA Constitution and By-Laws. These changes were the subject of much discussion at our June, 2003 meeting. Please review the recommendations of the committee as contained in this newsletter in anticipation of their presentation and perhaps vote thereon at the October luncheon meeting.

In consideration of the above, two questions are posed: Why in 1997 did we extend the term of the presidency to two years and what do I get for being a member of the SCBA? Some history of our organization bears recitation to answer these questions and hopefully to elucidate my reference to President Kennedy's quote. I learned that in years past, our organization held dinner meetings that were largely social in nature. It was observed by some that attendance at the dinner meetings was in decline and further that fewer young attorneys were active in the

bar due to family commitments or otherwise. To that end, under Tom DeLorenzo, we started having luncheon meetings. I like to say that we then became a "working bar". Under the subsequent guidance of Peter Coffey, Judge Reilly and Jim Bendall, we steadily moved forward; an office was established at the old Gazette building, a telephone line and answering service were set up, substantive law committees were formed and became active, mock trial was in full swing and we had an excellent law day program.

In 1996, Cris Cioffi became our president. At that time, we had approximately \$4,000.00 in our treasury and roughly 50% of our members paid their dues. Cris was working hard and doing a great job, but it soon became apparent that in order for the president to be more effective, to implement programs to further the commitment of the bar, and to apply what was learned, more time in office was needed. Therefore we voted to extend the term of the presidency and Vince Capasso became our first two (2) year president. The balance of diminishment of opportunity to be honored as president versus the effectiveness and continuity of leadership in working toward goals was considered. Any recent past president will tell you that you just learn the job and begin to feel comfortable at the end of the first year (in any event, that is how long it takes associated organizations to update their mailing lists!) The purpose, in part, of the revisions as they relate to the two year presidency is to clean up the language concerning the vice presidency vis-a-vis president-elect and the voting requirements in the "off" year.

In answer to the second question posed above, let me tell you what our bar association offers. Our mock trial program for the high schools of Schenectady County continues to flourish. Incidentally the program is kicked off with a dinner for all the participants at The Glen Sanders Mansion and ends with lunch for the winning team at our June meeting - both compliments of the SCBA. Law Day 2003 had over 300 high school attendees at a cost of over \$13,000.00 to the bar. As part of Law Day, we also sponsor a Naturalization Ceremony and provide legal advice to the public at various community sites. We fund an annual \$1,000.00 scholarship at Schenectady County Community College and recently contributed \$1,000.00 to a fellowship at Albany Law School in honor and recognition of Judge Levine. We are an accredited CLE provider. Our real estate and estate and elder law seminars are so popular and well attended that we actually make money from them. We provide a membership directory with practice areas and a newsletter with updated case law. Our substantive law committees assist and promote your practice area(s). We now have a website (www.schenectadybar.com) to further keep you



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

informed. We have a part time administrative assistant and a public relations person (next time you attend an event at Proctors, please note our advertisement in the playbill).

Last year we expended almost \$70,000.00 and even with a \$5,000.00 operating loss we still had \$5,000.00 in our checking account and \$15,000.00 in our savings account—all this with dues remaining constant at \$85.00 for a number of years. Dues payment by our members is now 100% (you are dropped off for non-payment—but not without warning). In March 2003 some social activity was brought back into the bar with a very successful event at the Parker Inn. We hope to do something of the like in early December and perhaps we will re-institute the golf/tennis outing followed by a dinner dance as had been done in years past. Last, but certainly not least, we have a funded lawyers assistance program which is there to assist you in your emotional/physical/financial time of need.

You now know what the SCBA does for you...

Respectfully,

John Seibold

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FROM THE COMMITTEES.

ALTERNATE DISPUTE RESOLUTION For information about the Committee call Chair Jean Carney, 872-9023

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CRIMINAL LAW The Committee is in the initial stages of planning an afternoon seminar on driving while intoxicated. All members of the Association are encouraged to offer suggestions on topics or speakers. For information about the committee—or to offer suggestions concerning the seminar—call Chair Paul Callahan, 895-2334

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ESTATE & ELDER LAW There will be a meeting of the Committee October 1 at 8:00 a.m. at the offices of Robert W. Hoffman, 1802 Eastern Parkway, Schenectady. For more information, call Co-Chairs Pam McDevitt, 370-4743 or Gerard Parisi, 377-9096.

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LAW DAY: Law Day this program year will be April 30, 2004. For information about the Committee, contact Chair Diane Herrmann, by calling 346-1281 or e-mailing to dianeherrmann@hotmail.com

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MATRIMONIAL LAW: There will be a meeting of the Committee September 16 at 12:00 noon at the offices of Gordon, Tepper & DeCoursey, LLP, 113 Saratoga Road, Glenville. For more information, call Chair Eric Tepper, 399-5400

In Memoriam

Richard Youmans—September 4, 2003
SCBA Memorial will be given at the meeting October 16

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REAL ESTATE For information about the Committee, contact Chair Larry Naviasky, at 374-7779 or pottnav_larry@global2000.net.

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TRIAL PRACTICES: For information about the Committee, contact Chair John Massaroni, 374-1800.

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YOU BE THE JUDGE

J. David Burke

After enjoying a juicy bacon-burger at Jack’s Drive-in, plaintiff Hy Cholesterol was involved in an automobile accident in Jack’s parking lot. Among the injuries he sustained was a fractured leg. A police officer arrived at the scene shortly after the accident and interviewed both drivers and several witnesses, noting in his report that the defendant’s vehicle “was traveling across marked rows in the parking lot.” On the way to the hospital, Hy told an EMS technician that he had been smoking marihuana just before he went to Jack’s. Sometime after the accident, Hy underwent unsuccessful surgery due to his surgeon’s malpractice. At the trial of the negligence action, there was an objection to the police officer’s testimony regarding the location of and damages to the respective vehicles (#1) and his opinion as to the point of impact(#2). There also was an objection to his description of the accident set forth in the accident report (#3). An objection was also raised to the admission of the entry in his hospital record regarding plaintiff’s statement to the EMS technician (#4). In his medical malpractice action, plaintiff objected to the surgeon’s proof as to his general practice in the manner in which he handles patients during surgery(#5).

The Court sustained all objections.

Did it rule correctly?

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 September meeting, and in the January newsletter.

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Answer to September You Be the Judge:

Motion denied, as it was neither unreasonable nor unrealistic for the police officers to suspect that narcotic dealers were armed with deadly weapons (*People v Williams*, 305 AD2d 804)

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RULES FOR THE NEW OCA FEES

Procedures have been adopted for paying the new motion fees in the County of Schenectady. The rules, and the required Motion Endorsement Form, are included in this issue; an expanded document including the text of the statute and a memo from Counsel's Office for the Unified Court System, is available—call Arlene Williams in the Association office at 577-6489 Thursday afternoons. Feedback is invited on the functioning of the rules; please call Sharon Sheffer in the Court Clerk's office, 588-4523, with comments.

RECENT DECISIONS

J. David Burke

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 2003.

CHAPTER594 - Requires any person who owns or has custody or control of a dog that is left outside to provide it with shelter appropriate to its breed, physical condition and the climate.

CHAPTER590 - This bill would require all colleges and universities in New York State to address the issue of bias related crimes on campus. It would require these colleges and universities to develop general policies and procedures to deal with what may be considered bias related crimes which has been recognized in law under the "Hate Crimes Prevention Act" of 2000.

CHAPTER589 - This measure would modify EPTL 2-1.11(c) to provide that, subject to prior court approval, a renunciation of property interests created under a will or trust for the benefit of infants, incompetents, conservatees and deceased persons may be made: (1) on behalf of a person under disability by his or her guardian; (2) on behalf of a person who has had a guardian appointed under Article 81 of the Mental Hygiene Law; or (3) by his or her attorney-in-fact

pursuant to a duly executed power of attorney.

CHAPTER579 - Amends section 842 of the Family Court Act to increase the maximum duration of an order of protection in a family offense context to 2 years and, with aggravating circumstances, to 5 years; provides that the violation of a valid order of protection constitutes aggravating circumstances allowing a court to issue an order of protection for a maximum of 5 years.

CHAPTER547 - To ensure fundamental fairness and due process in connection with the issuance of a subpoena in a pending action by requiring service of a copy of the subpoena duces tecum on the other parties to the action.

CHAPTER537 - This measure would amend section 420.05 of the Criminal Procedure Law to clarify that criminal courts may accept credit cards and other similar devices as payment for fines, crime victim assistance fees and mandatory surcharges.

CHAPTER526 - Amends subdivision (b)(d) and (e) of section 1035 of the Family Court Act to clarify that non-respondent parents in child abuse and neglect proceedings would be required to be notified of their standing to appear, to participate and to request custody of the children. The parents would also have to be notified that if the children are placed in foster care for a period of 15 months in a 22-month period, the parents may be the subjects of proceedings to terminate their parental rights, whether or not they were respondents in the child neglect or abuse case.

CHAPTER524 - This bill amends subsection 2 (a) of section 21 of the Lien Law by changing the six month filing period to a one year initial period and one year extension periods as provided by section 18 of the Lien Law as amended by Chapter 324 of the laws of 2000.

CHAPTER512 - This bill would grant local governments the option to increase the maximum income eligibility limit for the fifty- percent senior citizen real property tax exemption from \$21,500 to \$24,000. Something I can look forward to.

CHAPTER 492 - To comply with federal laws and regulations, this bill provides that in a proceeding to review of a final determination regarding children with disabilities the parties are entitled to a review of the complete record, hear any additional evidence at the request of a party, and base its decision and determination on the preponderance of the evidence.

CHAPTER 485 - Extends the Lemon Law to cover motorcycles. Would you sell a lemon to a Hell's Angel?

CHAPTER 461 - Having determined that New Year's Eve is a secular holiday that is widely celebrated throughout New York, including the ball being dropped in Times Square. New Year's is typically a time of celebration and fun and, therefore allowing people to be able to play games of chance at the events they are attending would only add to their celebration and enjoyment of the holiday, The Legislature enacts this law allowing games of chance to be conducted on New Year's Eve. As Rome burns etc etc.

CHAPTER 458 - This bill amends paragraph (b) of subdivision 2 of S 49-a of the Navigation Law to lower the threshold for operating a vessel while intoxicated from .10 to .08 of one per centum by weight of alcohol in the operator's blood, urine or saliva.

CHAPTER 388 - This bill extends from September 1, 2003 to September 1, 2005 the expiration date of provisions of present law relating to the manner of testimony of certain child witnesses in cases involving sex crimes.

CHAPTER 363 - This bill amends §730 of the Real Property Tax Law to add a new subdivision 9 providing that property held in trust may receive small claims assessment review provided it satisfies the other statutory requisites for such review.

CHAPTER 331 - This amendment provides that the commission of a prior felony-level violation of an order of protection serves as a predicate for the enhanced penalty provisions when the person subsequently commits a second act of criminal contempt involving an order of protection within five years of the date of the original felony conviction.

CHAPTER 316 - This bill requires law enforcement agencies to always include a photograph and description whenever dissemination of information concerning level two or three sex offenders is deemed warranted.

CHAPTER 303 - This bill extends until September 1, 2005 the provisions of the Criminal Procedure Law due to expire on September 1, 2003 and which require a police officer to arrest any person when he has reasonable cause to believe that such person has engaged in a family offense, or violated the stay away provision of an order of protection or committed a

family offense in violation of such order of protection.

CHAPTER 300 - This bill extends the jurisdiction of police officers to make arrests for petty offenses (violations and traffic infractions) to include any offense committed within one hundred yards of the geographic area of a police officer's employment.

CHAPTER 296 - This bill is designed to require that notice be given to a city, county, town or village in the event the constitutionality of a local law, ordinance, rule or regulation is challenged in an action or proceeding in any court and such city, county, town or village is not a party to such action or proceeding.

CHAPTER 276 - Adds a new subdivision to Penal Law §145-05 making it an E felony to intentionally damage property consisting of an automobile, as well as addressing the problems associated with repeat offenders by creating a three time or more cut-off for anyone convicted of criminal mischief in any degree. The felony conviction that will be imposed for these repeat offenses will not be eligible for plea bargain.

CHAPTER 236 - This bill reduces the blood alcohol level threshold for determination of intoxication of commercial drivers from .07 to .06.

CHAPTER 232 - This bill clarifies that not-for-profit agencies serving as guardians and certified, licensed and regulated by the Office of Mental Retardation and Developmental Disabilities, have the same health care decision making authority as individual guardians of persons with mental retardation.

CHAPTER 200 - This bill amends the correction law, to make it a class A misdemeanor to disseminate, or to cause or permit to be disseminated, a notice under the sex offender registration act which falsely suggests that an individual is a registered sex offender.

CHAPTER 192 - This bill requires beer kegs to be clearly marked with an identification label or tag, allowing law enforcement to track down the purchaser of kegs found at underage parties.

CHAPTER 174 - This bill amends the penal law to increase the minimum period of imprisonment to seven and one half years to fifteen for juveniles age 14 and 15 convicted of murder in the second degree under subdivision one or two of section 125.25 of the Penal Law.

CHAPTER 88 - This bill extends for two years, until June 30, 2005, those provisions of law which allow the Department of Tax and Finance to enforce and collect court ordered child support or combined spousal and child support when arrears are more than four months past due.

CHAPTER 87 - This bill extends for two years, until June 30, 2005, those provisions of law which allow the enforcement of child support and combined spousal and child support through the suspension of driving privileges.

CHAPTER 86 - Repeals § 5031 of Article 50-A of the CPLR in relation to entry of judgments awarded to claimants receiving installment payments of future damages in excess of \$250,000. Inserts an entire new § 5031 setting forth the process for calculating the amounts of damages to be paid in lump sums with remaining amounts to be paid in installments through an annuity contract. This section removes the double counting of inflation that currently exists in the current framework of Article 50-A of the CPLR. This change would allow for immediate compensation of plaintiffs through lump sum payments and preserve the payment

of an annuity for remaining awards based upon a more realistic present value calculation. Also repeals CPLR § 5035 regarding the termination of annuity payments upon the death of the plaintiff except in the cases of awards for loss of earnings. The termination of annuity payments upon plaintiff's death, with the exception of lost earnings, is addressed in the new § 5031. This bill is in response to the *Desiderio* case (100 NY2d 159) where a \$40 Million jury verdict morphed into a \$140 Million one upon application of CPLR article 50-A.

CHAPTER 81 - This bill changes the existing title of the "hearing examiner" in the child support context to that of "support magistrate".

CHAPTER 75 - This bill increases the length of the term to which a hearing examiner may be re-appointed from three years to five years.

CHAPTER 69 - This bill provides for the creation of the crime of unlawful (surreptitious) video surveillance (in a premises without consent); also adds the new crime of disseminating an unlawful surveillance image.

CHAPTER 41 - This bill would limit the liability of fire departments and districts that donate surplus equipment to rural needy volunteer fire companies, provided that the equipment still meets the original specifications for safety and use.

CHAPTER 26 - This bill complies with the request of the Schenectady County Legislature (resolution 159-02) by permitting the Schenectady County Legislature to adopt local laws to impose interest on late payment of property taxes and delinquencies at a rate of fifteen percent. Next, come the big guys in black suits.

CHAPTER 13 - An act to amend the public health law and the education law to prohibit exposure to secondhand smoke by regulating smoking in all workplaces.

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REPORT:

THE SEARCH FOR MISSING WILLS

Does anyone know the whereabouts of wills drafted by the late Edgar Schnell (or Snell)?

Thanks to all who have let us know they have wills someone else drafted. And:

KEEP THOSE CARDS & LETTERS COMING IN!

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NO SMOKING IN COURT, FOLKS

This just in—on August 26, 2003 Chief Judge Kaye issued an administrative Order adding Part 39 to the Rules of the Chief Judge. Part 39, entitled “Prohibition of Smoking in the Unified Court System,” reads in full as follows:

Smoking is prohibited anywhere in any facility or other indoor area used by courts or agencies of the Unified Court System. This includes courtrooms, offices, cafeterias, lounges, restrooms, elevators, hallways and vehicles.

So for any of you who are still trying to sneak a cigarette *inside* the court buildings, now it’s official—you can’t do that!

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SCBA RECORDS AND ARCHIVES

The Association has been blessed with many years of dedicated volunteer leadership, with the archives and records handed on from one leader to the next—a system with immense potential for screwups. Now that we have an office—and staff!—we would like to consolidate all existing records, with the intent of establishing a more reliable system for maintaining and preserving them.

If your office has Association files—however old—please let Secretary Kathryn McCary know, and she will make arrangements to take them off your hands.

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NEW FEDERAL MAGISTRATE APPOINTED

George H. Lowe, Esq., of Bond, Schoeneck & King in Syracuse, has been appointed to fill the vacant position of Magistrate Judge in the Syracuse Office of the United States District Court for the Northern District of New York. Mr. Lowe, a 1964 graduate of the Columbia University School of Law, concentrated his practice at Bond, Schoeneck & King in Federal Court civil litigation and criminal defense. Prior to joining that firm he served in the United States Attorney’s office for 11 years, first as an Assistant US Attorney, then as the US Attorney for the Northern District. A member of the Criminal Justice Act Committees of both the Northern District and the Second Circuit, and a fellow of the New York Bar Foundation, he has been a member of the Committee on Character and Fitness for New York State’s Fifth Judicial District since 1991.

Judge Lowe will commence his 8-year term by taking the oath of office in January, 2004.

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NOTICES/ITEMS OF INTEREST

Sandramarie Pemburn, an Albany practitioner in the areas of family law, mediation and real estate, who joined the Association last year, became Sandramarie Allen when she married on July 5, 2003.

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Marnie M. Dzialo, an associate in the office of Sciocchetti & Associates, who joined the Association in September of this year, became Marnie Abbott when she married on September 13, 2003.

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Legal Professionals of Schenectady County, Inc. will host their annual Cocktail Party fund raiser for their scholarship fund at River Stone Manor on Route 5 in Scotia, Friday November 14 starting at 5:30 p.m. Hot and cold appetizers, carving stations (roast beef and turkey), cash bar, raffle. \$25/person; for tickets call Laurie Hallack, 370-5515 or Dina Petitti, 724-2205

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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—Pam McDevitt/Gerard Parisi
 Law Day—Diane Herrmann
 Matrimonial Law—Eric Tepper
 Real Estate—Larry Naviaskey

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
- you have special personal news

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.

Trial Practice—John Massaroni

Pro Bono Matrimonial—J. David Burke

[addresses & numbers are in the SCBA directory—which will be issued in mid-October.]

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CLASSIFIED ADVERTISING

POSITIONS AVAILABLE

Schenectady Firm seeks to add an attorney with preferably 5-6

years' experience in the Corporate area, including Tax, Employee Benefit and Health Care law experience. Please send resumes to: Higgins, Roberts, Beyerl & Coan, P.C., 1430 Balltown Road, Schenectady, NY 12309 ATTN: J.H. Erceg, Esq.

OF COUNSEL OPPORTUNITIES

Well Established Albany law firm offers unique of counsel opportunities. Individual offices available with use of all facilities. Support staff available or space to bring your own. Call Cindy at 455-9952.

LEGAL LORE

[Editor's Note: Ever wondered about the judges whose portraits adorn the 4th floor courtroom in the Schenectady County Courthouse? Dave Burke—a glutton for work if there ever was one—has taken on the job of researching their histories and reporting them to us. Unfortunately, the technological limitations of your editor preclude inclusion of a copy of Judge Yates' portrait here—visit the courtroom, newsletter in hand, to contemplate his features in light of his history.]

PORTRAIT PROFILES

Or

WHO IS THAT GUY?

J. David Burke

JOSEPH P. YATES

Born in Schenectady on November 9, 1768, Yates began his legal career in Albany in the office of his cousin, Peter W. Yates. In 1792, he was admitted to the Bar and opened an office in Schenectady. When Schenectady was incorporated as a city in 1798, Yates, at the age of 30, became its mayor. He held office for eight years and then was elected to the State Senate where he served from 1806 to 1808. In 1808, he was appointed a Supreme Court justice. He served in that office until January 1823 when he became Governor of New York, having been elected in November 1822. He served as governor until 1825 when DeWitt Clinton succeeded him. After his term ended, he returned to Schenectady where he opened a law office attached to his residence on Front Street. He died in 1837.

MINUTES—SCHEENCTADY COUNTY BAR ASSOCIATION—MEMBERSHIP

REGULAR MEETING—September 18, 2003—12:00 p.m.—The Glen Sanders Mansion, Scotia, NY

The meeting was called to order by President John Seebold at 12:20 p.m., 56 members of the Association being then present and constituting a quorum. The President welcomed the judges present.

MINUTES OF PRIOR MEETING

The minutes of the June 19, 2003 meeting were approved on MOTION of David Burke.

TREASURER'S REPORT

Treasurer Hoffman distributed a written report, copy attached to the official copy of these minutes. The Treasurer indicated that the Association has had a fairly healthy start to the year. Dues Notices will be going out soon; dues remain the same, with no assessment for the Lawyers Assistance Program. The Treasurer's Report was accepted by general consent.

PRESIDENT'S REPORT

President Seebold briefly described the Lawyers Assistance Program, which provides free and confidential assistance for members of the Bench and Bar who encounter a variety of challenges such as illness, addictions and serious financial difficulties.

The Association will be donating One Thousand Dollars (\$1,000) to the Howard Levine Fellowship in Juvenile Justice at Albany Law School; members of the Association will be receiving a solicitation for individual donations.

President Seebold informed the membership of two Continuing Legal Education opportunities which will be offered by the Albany County Bar Association between now and the October meeting.

Pamphlets concerning the Unified Court System Fellows Program were made available for distribution, as were copies of a memo from UCS Counsel's office concerning the impact of HIPAA on litigation practices.

The Rural Law Center, in conjunction with the Federated Bar for the Fourth Judicial District and the Administrative Office of the Courts, has requested e-mail addresses of members; the Association will be providing them, but individual members may request that their addresses not be provided.

Chief Judge Kaye has convened a special committee to consider the functioning of the jury system, in light of the fact that 82% of New Yorkers called for jury service never get past *voir dire*. Peter Fitzgerald of Glens Falls will be chairing the committee.

The Legal Project, a program of the Capital District Women's Bar Association providing opportunities for *pro bono* service, is holding its 8th annual reception, and all members of the Association are invited.

Members are reminded that the ID photos for Secure Pass are available from Sharon Sheffer at the County Courthouse.

The Board of Directors has voted to highly recommend Judges Hoye and Powers for consideration as Acting Supreme Court Justices. The Association has received an inquiry concerning Judge Potter of St. Lawrence County, but took no position on that inquiry due to lack of familiarity with Judge Potter.

The Association expects to host a social reception, similar to last spring's Parker Inn event, sometime in early December.

President Seebold invited Judge Caruso to discuss the procedures adopted to implement the new requirement for motion fees. Judge Caruso reported that the County Judiciary have been working to come up with procedures which will allow the process to work reasonably for all concerned. The Unified Court System has provided little guidance as to a state-wide system for collecting the fee; Schenectady is the first county with written rules. Those drafting the rules tried to make them easy; they are still in a state of flux, and feedback from the practicing bar is invited. To comment on the rules and their functioning, please contact Sharon Sheffer in the Court Clerk's office at 388-4323.

COMMITTEE REPORTS

MEMBERSHIP

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

Marnie M. Dzialo, sponsored by Paul V. Sciocchetti; Gilah R. Mayer, sponsored by Paul V. Sciocchetti; Warren Redlich, sponsored by J. David Burke; Matthew Schwartz, sponsored by Susan Ciani Casey; Jill S. Polk, sponsored by Michelle H. Wildgrube.

There being no objection, these candidates will be admitted to membership in the Association.

CONSTITUTION & BY-LAWS

Chair Michael Basile reported that the Committee had met on September 17, and would be making an amended proposal for new By-Laws at the October meeting.

MATRIMONIAL LAW

Chair Eric Tepper reported that the Committee, at its recent meeting, unanimously recommended that the following resolution be adopted by the Association.

WHEREAS, the Schenectady County Bar Association has received an inquiry from the Office of Court Administration concerning the qualifications of Schenectady County Family Court Judge Mark Powers to serve as an Acting Supreme Court Justice; and

WHEREAS, the Association believes that Judge Powers, like Judge Assini, is highly qualified for such service; and

WHEREAS, the Association is nonetheless concerned that if, as a result of the designation of Judge Powers to serve as an Acting Supreme Court Justice, Judges Reilly, Kramer and Eidens are no longer assigned to handle matrimonial actions, there may be a return to the routine use of Judicial Hearing Officers to handle Family Court cases; and

WHEREAS, based on past experience, the Association considers it inadvisable that Judicial Hearing Officers be routinely assigned to Family Court cases, because that practice causes a lack of continuity and consistency in the processing of individual cases;

NOW, THEREFORE, BE IT RESOLVED, that the Schenectady County Bar Association considers Family Court Judge Mark Powers to be highly qualified to serve as an Acting Supreme Court Justice, and recommends that he be so designated; and

BE IT FURTHER RESOLVED, that the Schenectady County Bar Association strongly recommends that Acting Supreme Court Justices Joanne Assini, Michael Eidens and Barry Kramer, as well as Supreme Court Justice

Vincent Reilly, continue to be assigned to handle matrimonial cases, in order to avoid the routine assignment of Judicial Hearing Officers to handle Family Court cases.

Thereupon, on MOTION of Eric Tepper seconded by Barbara King, the Resolution was adopted by unanimous vote of the membership

ESTATE AND ELDER LAW

Co-Chair Gerard Parisi reported that there will be a meeting of the Committee on October 1 at the Law Offices of Robert Hoffman.

REAL ESTATE

Robert Hoffman reported that there will be a meeting of the Committee on September 23 at the offices of Pott & Naviasky; new members are welcome, and there are many new topics to discuss.

LAW DAY

Chair Diane Herrmann reported that Law Day will be April 30, 2004; the Committee will be meeting in October to begin planning.

OLD BUSINESS

Supreme Court Admission Trip—J. David Burke reminded the membership that the Association-sponsored Supreme Court Admission Ceremony will be held on June 14. There will be a registration form in the October newsletter; the ceremony is limited to 50 participants, with only one observer per participant, so members are encouraged to register early.

NEW BUSINESS

Youth Court—Judge Burns reported that the Youth Court has been up and running for approximately 7 years in the Town of Niskayuna, and is getting started in the City of Schenectady. The Court, which is strictly a sentencing court, needs members of the bar to act as mentors. Service is not onerous; a CLE program is planned, probably following the Association's January meeting, to provide training for mentors.

There being no additional business to come before the Membership, the meeting was adjourned at 12:50 p.m.

Respectfully submitted,
Kathryn McCary, Secretary

UNITED STATES SUPREME COURT

ADMISSION PROGRAM - JUNE 14, 2004

If you have been admitted to practice in a state bar for a minimum of three years, and are interested in being admitted to the United States Supreme Court, please return the attached registration form no later than November 14, 2003. We will then forward the necessary instructions for processing your admission application. If you are interested in this program, you should immediately request an original certificate of good standing from the Appellate Division where admitted.

The Hotel George will be our headquarters for this program. It is conveniently located within walking distance of the Supreme Court building as well as many other points of interest in Washington, D.C. We have reserved 10 rooms for those who would like to arrive on Friday, June 11th and we have reserved 20 rooms for those who plan to arrive on Saturday June 12th. Room rates are \$216 per night, double occupancy. Additional details will be sent with your application packet.

The United States Supreme Court permits only one guest per admittee into the courtroom to observe the ceremony. This policy is strictly enforced. Cameras are absolutely not allowed and children under 6 years of age will not be admitted.

**IT IS IMPORTANT THAT YOU REGISTER EARLY
SINCE THIS PROGRAM IS STRICTLY LIMITED TO 50 APPLICANTS.**

NAME _____

ADDRESS _____

TELEPHONE _____ FAX _____

E-MAIL _____

GUEST NAME _____

MAIL TO: SCBA, PO BOX 1728, SCHEENECTADY, N.Y. 12301-1728
If you have any questions, call 853-8102 or e-mail at SchenectadyBar@aol.com

At the June, 2003 meeting the Membership referred the proposed the proposed new By-Laws back to Committee for consideration of objections raised at that meeting. Notice is hereby given, in accordance with Constitution Article XI & By-Laws Article XIV, that the following amended proposal will be submitted for a vote of the Membership at its meeting held October 16, 2003. ~~Strikeouts indicate deletions;~~ underlining indicates new language.

PROPOSED BY-LAWS OF THE SCHENECTADY COUNTY BAR ASSOCIATION

Introduction

These are the by-laws of the Schenectady County Bar Association, Incorporated (Association), a nonprofit corporation created by a certificate of incorporation filed with the New York State Secretary of State on February 21, 1916.

This Association of lawyers, mindful of their unique role in the relationship between the community and the law, is formed to facilitate the administration of justice, elevate the standards of integrity, honor and courtesy in the legal profession, promote the interests and welfare of the profession, particularly of the practicing lawyer, and to cherish the spirit of collegiality among its members.

The Seal of this Association shall be in the form of a circle with a pair of scales in the center, the name of the Association and year of its incorporation within the circle surrounding the scales. It shall be placed in the custody of the Secretary of the Association.

All notices required by these by-laws shall be provided to the members by first class mail.

Article I: Members Membership Classes

Any person admitted to the practice of law in New York or any other State will be eligible for membership in the Schenectady County Bar Association (Association). There will be ~~three~~ two classes of members: Regular members and Life members. ~~and Honorary members.~~

REGULAR MEMBERS: All members who join the Association following adoption of this Article shall join as Regular members.

of the information contained therein, including inquiry into any reported suspension or expulsion from any Bar Association or other licensing body. The Chair will report any material inaccuracy in any application, and any information with respect to suspension or expulsion from any other Bar Association, to the Membership Committee, which will decide how to proceed on that application. If there is no material inaccuracy in the application, and no suspension or expulsion from any Bar Association or other licensing body, and the applicant is eligible for membership in accordance with these By-Laws, the Chair will announce the applicant's admission to membership at the next regular meeting of the Association.

If the Membership Committee, after due deliberation, determines that a material inaccuracy in the application, or a suspension or expulsion by another Bar Association or licensing body, would constitute grounds to deny the applicant membership in the Association, the Committee will so advise the applicant. The Committee will give the applicant the opportunity to provide any additional information, explanation or interpretation the applicant wishes, and may, at its discretion, meet with the applicant for this purpose. The Committee will then decide whether to approve the applicant for membership.

If the Committee decides to deny an applicant membership, the applicant may appeal to the General Membership by notifying the President of the Association that s/he wishes to appeal the Committee's decision. The President will place the matter on the agenda for the next regular meeting of the Membership and provide the Membership at least five (5) days written notice of the appeal; in the event it is not possible to provide five days notice prior to the next regular meeting, then the matter will be scheduled for the following regular meeting. Prior to the vote of the Membership, both the applicant and the Membership Committee will have the opportunity to address the Membership concerning the matter. The vote of the Membership will be final; no applicant denied membership will be eligible to reapply for a period of five (5) years.

Dues and Fees

LIFE MEMBERS: Any member who attains the age of 70 while a member will be considered a Life member. On the recommendation of the Board of Directors, with the approval of a majority of the General Membership present at a regular meeting, a member who has not attained the age of 70 may be made a Life member. A Life member will continue to enjoy all privileges of membership but will not be required to pay dues.

HONORARY MEMBERS ASSOCIATES: By a two-thirds (2/3) vote of the members of the Association, any person, not eligible to be a member of the Association, may be designated an Honorary ~~member~~ Associate of the Association. Honorary ~~members~~ Associates shall not be required to pay dues nor shall they be eligible to hold office in the Association or to exercise a vote in affairs of the Association.

All members of the Association in good standing at the time of adoption of these By-Laws will continue to be members, in the class to which each belonged immediately prior to that time.

All current members of the Association in all classes shall be provided a copy of these by-laws within ninety (90) days of their adoption. Members admitted in the future shall be provided a copy of the by-laws at the time of admission.

Application for Membership

Section 1. Application: A Candidate for membership in the Association will submit a written application, together with the membership fee, to the Chair of the Membership Committee. The application will set forth the applicant's name, home address, business address and affiliation, date of admission to the Bar of New York or any other State, and date of admission to the Bar of any other country, and a sworn statement by the applicant that said applicant is not under suspension or expulsion from any Bar Association or other licensing body, or if so, will recite the details thereof. The application will be signed by the applicant and by a sponsor who is a member of the Association in good standing.

Section 2. Processing: On receipt of an application, the Chair of the Membership Committee will make a reasonable investigation of the accuracy

Section 1. Membership Fee: The Board of Directors may establish a fee to be paid by applicants for admission to the Association. In the event a candidate is denied membership, the fee will be returned in full.

Section 2. Annual Dues: The Board of Directors will establish the amount of the annual dues to be paid by members of the Association, which amount will remain in effect until changed either by the Board of Directors or by a vote of two-thirds (2/3) of the Membership present at an annual meeting of the Association.

Section 3. Sustaining Dues: The Board of Directors may from time to time make provision for sustaining dues, in addition to regular dues, and will specify the manner in which the funds derived therefrom are to be employed. No member will be obligated to pay sustaining dues, nor will a member who elects to pay such dues for one year be obligated to pay such dues in subsequent years.

Section 4. Special Assessments: The Board of Directors may recommend to the Membership that there be a special assessment against all members of the Association for a specific purpose only. Such assessment will not be made until it has been approved by a majority of the Membership present at a regular meeting of the Association, upon at least five (5) days written notice.

Section 5. Payment of Dues: All dues shall be paid by members annually within thirty days of the mailing of notice for payment, except that if such mailing takes place prior to August 2 of any year, dues shall not be due prior to September 1 of such year. An applicant for membership admitted at the September, November or January meeting shall, upon admission, pay the annual dues total for the entire year in which s/he is admitted; an applicant admitted at the April or June meetings shall commence payment of annual dues with the next program year.

Article II: Officers & Directors Number and Term

Section 1. Officers and Terms: The officers of this Association shall be a President, a ~~President-elect~~ Vice President, a Secretary, a Treasurer and nine

Directors, three of whom shall be elected each year. Each officer shall serve for a term of one year except: (a) the President shall be allowed to be elected to a second one year (successive) term ~~(b) if the President shall be elected for a successive term, the President-elect shall automatically succeed to a successive term and (c) and (b)~~ the Directors shall be elected for three year terms to commence in successive years.

At each annual meeting of the Association there shall be held such election of officers as is necessary to implement the provisions of this Article except that all officers elected prior to the adoption of this Article shall continue to serve until the expiration of their terms.

Section 2. Members of Board of Directors: The thirteen officers of the Association shall constitute the Board of Directors and the President shall be the chairman thereof.

Section 3. The Board of Directors shall have general charge of the affairs and property of the Association and of the expenditure of the funds thereof, subject to and in accordance with the By-Laws.

Section 4. If any member of the Board of Directors fails to attend three consecutive regular meetings of the Board without good cause, such member may be removed by a majority vote of the Board and a vacancy thereby created.

Section 5. Parliamentarian: There shall be a Parliamentarian appointed by and to serve at the pleasure of the President and to advise at meetings of the Board and the Association.

Duties of Officers

Section 1. President: The President shall be the chief executive officer of the Association and shall preside at the meetings of the Association and of the Board of Directors, shall call the meetings thereof, shall make recommendations concerning the affairs of the Association as deemed appropriate, shall be an ex officio member of all committees, without the power to vote unless already a member of such committee, and shall perform such other duties as are incident to such office.

ruling upon disputed points of Parliamentary law as well as to advise the presiding officer and the Association concerning the provisions of the By-Laws and the proper implementation thereof. An assistant Parliamentarian may be appointed to act in the absence of the Parliamentarian.

Duties of the Board of Directors

Section 1. Organizational Meeting: The Board of Directors shall meet within four weeks following the annual meeting of the Association.

Section 2. Annual Meeting and Report: The Board shall hold its annual meeting in May and at such meeting prepare a report reviewing the work of the Association and the Committees thereof for the year ending and present such report to the Association at its annual meeting. Such report shall make recommendations as to policy and projects to be pursued in the coming year; propose any amendments to the By-Laws which it deems desirable; fix the dues for each class of membership in the Association; recommend candidates for Life and Honorary Membership in the Association; and make whatever other recommendations concerning the organization or activities of the Association the Board considers appropriate.

In the preparation of its annual report, the Board shall be assisted by a statement from the chairman of each Standing and other committees outlining the activities of the committee for the year then ending and the Board may call upon such chairman or any member of the Association for such further report or assistance as it deems necessary.

At its annual meeting, the Board of Directors shall also arrange for an audit of the accounts of the Treasurer and shall appoint a committee for that purpose from among the members of the Association to be known as the Auditing Committee.

Section 3. Other Powers and Duties: To fill vacancies in any office of the Association until the next annual meeting of the Association, to recommend removal of officers of the Association subject to vote of the Association in the manner provided in the By-Law dealing therewith, to appoint representatives of the Association to appropriate meetings and conferences including a delegate to the New York State Bar Association House of

Section 2. ~~President-elect~~ Vice President: The ~~President-elect~~ Vice President shall act in the absence or disability of the President, and shall serve as Chairman and member of the Public Relations Committee.

Section 3. Secretary: The Secretary shall keep the records of the Association and the proceedings thereof, shall conduct the ordinary correspondence of the Association, issue notices of all meetings, notify new members of their election to the Association and furnish the Treasurer with the names of such new members, notify the officers and members of committees of their election or appointment, certify nominations and give notice thereof, and perform such other duties as the Board of Directors may direct. With the concurrence of the Board of Directors, the Secretary may employ clerical assistance. The Secretary shall be the keeper of the seal of the Association.

Section 4. Treasurer: (a) The Treasurer shall keep a complete roll of the members of the Association, shall collect and, under the direction of the Board of Directors, disburse all funds of the Association, shall keep full and regular accounts which shall be open to the inspection of any member of the Board of Directors or a duly constituted Auditing Committee, shall report on the balance of funds of the Association at each stated meeting thereof; shall submit an annual financial report to the Board of Directors at the annual meeting thereof, and shall have general charge of the financial affairs of the Association.

(b) The Treasurer shall mail a statement of the annual dues to the membership at least two weeks before the September meeting and shall notify the Board of Directors of the names of all members who have failed to pay their dues within sixty days after the due date. Upon the direction of the Board of Directors, the Treasurer shall send notices of default to those members whose dues, fines or assessments remain unpaid. Such notice shall state that automatic suspension of membership will take place upon failure to pay within thirty days and that payment of all sums due will be one requirement for reinstatement in accordance with these by-laws.

Section 5. Parliamentarian: The Parliamentarian shall be available at all meetings of the Association to advise and assist the presiding officer in

Delegates, and provide the funds therefor; and it shall be charged with all the duties and shall have all the powers incident to its management of the general affairs of the Association and consistent with the By-Laws.

Section 4. Quorum: At any meeting of the Board of Directors, the presence of five members shall be necessary to constitute a quorum.

Nominations

At the stated meeting of the Association held in April each year, a Nominating Committee of five members shall be elected by ballot. In balloting thereon, each member of the Association shall vote, upon one ballot, for five members of such committee and the five members having the largest number of votes shall constitute such committee, provided that no member shall be eligible in two successive years to serve on such committee.

The Nominating Committee shall nominate a list of candidates for the various offices to be filled at the next annual meeting, including a delegate and alternate to the Federation of Bar Associations of the Fourth Judicial District, and shall transmit a certificate thereof to the Secretary. The Nominating Committee shall place in nomination for a position as Director the name of the present President, unless such President be unable, unwilling or nominated to succeed himself. ~~In the event the current President is nominated to succeed himself/herself, the name of the current President-elect shall be placed in nomination for the office of President-elect. In the event the President is not nominated to succeed himself/herself, the name of the then current holder of the office of President-elect shall be nominated to the position of President and a name for the candidate of President-elect shall then be submitted.~~ No member of the Nominating Committee shall be eligible for nomination to any office of the Association as part of the slate presented by the Nominating Committee. At least twenty days before the annual meeting, the Secretary shall cause such list to be posted in a conspicuous place on the bulletin board at the front door of the Schenectady County Court House.

Independent nominations may be made by any five members of the Association provided that such nominations are filed with the Secretary at

least twelve days prior to the annual meeting. In the event independent nominations are filed, the Secretary at least eight days prior to the annual meeting shall post all such nominations in the same manner as provided for nominations of the Committee, and further, at least three days before such annual meeting, shall mail a list of all nominations to each member of the Association.

All ballots in favor of any member whose name has not been placed in nomination as herein provided shall be absolutely void, except that, in the event the Nominating Committee fails to certify a nominee for any office as herein provided, nominations for such office may be made at the annual meeting and balloting had thereon.

Elections, Tellers, Inspectors

Section 1. Method: All elections shall be by ballot except upon the unanimous consent of the members present at such meeting.

Section 2. Tellers: At the stated meeting in April, the presiding officer shall appoint three members to act as tellers for the election of nominating committee members.

Section 3. Inspectors: The presiding officer shall appoint such other tellers and inspectors as are required.

Section 4. Plurality of Votes: Unless otherwise provided, the candidates receiving the plurality of votes in any election of the Association, shall be declared elected.

Section 5. Commencement and Expiration of Term: All officers elected shall enter upon their duties immediately upon their election and shall hold office until their successors are elected or appointed.

Section 6. Vacancies: All vacancies shall be filled by appointment of the Board of Directors, such appointees to hold office until the next annual election. Election or appointment of a Director to the office of President, ~~President-elect~~ Vice President, Secretary or Treasurer shall create a vacancy in the Board of Directors.

Article III: Committees

(c) Grievance Committee. The Grievance Committee shall operate within the limits of the authority of the Rules of the Appellate Division Third Judicial Department.

(d) Memorial. The Memorial Committee shall organize suitable action on the part of the Association at the death of a member of the Association.

(e) Lawyer's Assistance. The Lawyer's Assistance Committee shall administer the Lawyer's Assistance Program, provide information on assistance available to members with substance abuse problems or other personal problems and respond to inquiries of members on the availability of such assistance. The committee and its members must maintain in strictest confidence at all times the identities and personal information of association members seeking assistance from or making inquiries to the Lawyer's Assistance Program, the Lawyer's Assistance Committee or any of its members relative to assistance for substance abuse or other personal problems. Committee members shall continue to maintain the confidentiality of such identities and information after committee members cease serving on the committee.

(f) The Continuing Legal Education Committee. The Continuing Legal Education Committee shall be charged with the duty of organizing and promoting, from time to time, programs of general interest and value to the members of the Association, which programs would be designed to improve the skills, advance the knowledge and maintain the high level of competence of the members of the Association in providing legal services to the community. The Committee shall ascertain the areas and topics of interest to the membership, and arrange for programs and speakers accordingly, both from within and without the membership.

Other Committees

Section 1. Other Committees. The President may appoint the following committees to continue during all or a portion of the President's term, which committees shall consist of members appointed thereto by the President to serve during the President's tenure and subject to the President's pleasure:

Standing Committees

There shall be the following Standing Committees of which the chairman shall be appointed by the President except that the ~~President-elect~~ Vice President shall be the chairman of the Public Relations Committee, and each committee to consist of additional members in a number deemed appropriate by the chairman of each committee, two of which members shall be appointed by the Board of Directors annually for a term of two years subject to removal by the Board of Directors.

(a) Membership Committee. The Membership Committee shall be charged with the duty of receiving, investigating and processing all applications for membership in the Association, including applications for renewed membership, in accordance with Article I of these By-laws. The Committee shall also be charged with the duty of contacting, when appropriate, newly-admitted members of the Bar who have commenced practice in, or taken residence in, the County of Schenectady and with informing them of the aims and purposes of and the manner of admission to this Association.

(b) Public Relations Committee. The Public Relations Committee shall be charged with the duty of maintaining and promoting the prestige and good will of the profession in the community. It shall meet annually in November to consider and formulate for presentation to the Board of Directors at the annual meeting thereof, a course of action for the Association in the coming year and other recommendations calculated to strengthen the position of the Association as a representative of the profession to the public, promote an understanding of the type, necessity for and economy of the lawyer's services, and generally foster the good will of the profession in the community. It shall administer whatever plan pertaining thereto is adopted by the Board of Directors and the Association. It shall also be charged with the duty of maintaining, promoting and organizing the annual Law Day activity in order to foster the good will of the profession in the community.

(a) Legislative. The Legislative Committee shall keep itself informed of pending legislation and shall make timely reports of the same, together with its recommendations, to the Board of Directors and the Association. Under the direction of the Board of Directors, the Committee shall represent the Association in all matters affecting its welfare or that of its members before legislative bodies, committees or commissions.

(b) Judiciary. The Judiciary Committee shall observe the workings of the judicial system and make suggestions for improvement. It shall confer with the judges and lawyers serving within the County from time to time in an endeavor to promote efficiency in the administration of justice and a cordial relationship between Bench and Bar.

Section 2. In addition to the above committees, the President may appoint special committees to continue during all or a portion of the President's term of office.

Section 3. The Board of Directors may appoint other committees, including committees in substantive areas of practice, as it may deem appropriate from time to time. The term of any such committee will also be established by the Board of Directors and may be indeterminate subject to future Board action.

General Functions of Committees

All committees shall have power to fix their own times and places of meeting and to adopt such regulations for their own government and procedure, including the establishment of quorums to meet and act, as are not inconsistent with the By-Laws and subject to revision by the Association or the Board of Directors.

Unless otherwise designated, it shall be the function of committees to investigate, study and make recommendations and report the same in writing to the Board of Directors. No Standing or Special Committee shall represent the Association for or against any proposal without the authorization of the Association or the Board of Directors.

Article IV: Meetings of the Membership Meetings

Section 1. Annual Meeting: There shall be an annual meeting of the Association upon the third Thursday of June of each calendar year.

Section 2. Stated Meeting: There shall be regular meetings on the second or third Thursday of each of the months of January, April, September, and November as determined by the President. At such regular meetings and at any regular adjournment thereof all the powers of the Association may be exercised.

Section 3. Special Meetings: Special meetings may be called at any time by the Board of Directors or shall be called by the Secretary upon the written request of ten members of the Association specifying the purpose of such call. At such special meetings no business shall be transacted except such as shall be specified in the call therefor.

Section 4. Notice: At least four days notice of any meeting of the Association shall be given by mail to each member of the Association.

Section 5. Quorum: At any meeting of the Association the presence of thirty members shall be necessary to constitute a quorum.

Presiding Officers

At all meetings of this Association, the President, or in the President's absence the ~~President-Elect~~ Vice President, the Treasurer, the senior Director in attendance, shall preside in that order. In the absence of all such officers, any member elected at the meeting shall preside.

Order of Business

At each regular and stated meeting of the Association, the order of business shall be as determined by the President or other presiding officer as he or she deems appropriate at any meeting, unless otherwise specified by the Board of Directors.

Roberts' Rules of Parliamentary Procedure shall govern all meetings except in cases otherwise provided for by the By-Laws. The rulings of the presiding officer or, upon reference thereto by the presiding officer the Parliamentarian, upon all questions of Parliamentary law shall be final unless overruled by a two-thirds (2/3) vote of the members present.

considered by the Membership Committee to constitute grounds to deny the application.

Section 3. Removal of Officers: An Officer of the Association may be removed from Office for misconduct in relation to this Association, including neglect of office, in accordance with this Section. Any complaint against an Officer shall be made in writing directed to the President or, in the event the Officer accused of misconduct is the President, to the ~~President-Elect~~ Vice President. The President, or ~~President-Elect~~ Vice President as necessary, shall deliver a copy of the written complaint to the Officer accused therein of misconduct, who may, but shall not be required to, file a written answer to the complaint. The President, or ~~President-Elect~~ Vice President as necessary, shall schedule a hearing before the other Officers of the Association at which the complainant shall have the opportunity to appear and present information in support of the complaint. The Officer accused of misconduct may be accompanied to the hearing by counsel, and shall at that time have the opportunity to present a defense. The hearing shall be conducted in a fair and impartial manner, but need not employ the formality of a trial; no verbatim transcript shall be kept. Following the hearing, the Officers before whom it was held shall prepare a written report setting forth its findings of fact, and any recommendation with respect to removal. If removal is recommended, the report shall be provided to the general membership in writing at least two weeks before a regular or special meeting. At such regular or special meeting the Association, by a two-thirds (2/3) vote of the members present may remove the Officer.

Article VI: Amendment

AMENDMENTS

These By-Laws may be amended by a two-thirds (2/3) vote of the members present at any regular meeting of the Association, after thirty days written notice of the proposed amendment has been given

Article V:

Censure, Suspension, Expulsion, Removal from Office

Section 1. Non-payment of Dues: A member who has not paid to the Association all dues and assessments before the end of the program year in which they are due will be automatically suspended from membership at the beginning of the next program year; the Membership Chair will notify the member, in writing, of the suspension. A member suspended for non-payment will be automatically reinstated upon payment in full of the delinquent amount by the end of the program year in which the suspension becomes effective, together with all dues and assessments for that year. In the event the member fails to make such payment, the member will be removed from membership effective at the end of the program year in which the suspension became effective; the Membership Chair will notify the member, in writing, of the removal. A member removed for non-payment may reapply for membership, but the Board of Directors may require, as a condition of readmission, the payment of part or all of the dues or assessments unpaid at the time the member was removed from membership, in addition to the regular membership fee.

Section 2. Failure to Maintain Good Standing: A member whose license to practice law is suspended by the State of New York or, for members not admitted in the State of New York, by any State in which such member is licensed to practice, shall be automatically suspended from membership in the Association during the period his/her license is suspended. Upon reinstatement of the license, the suspended member will be reinstated as a member of the Association, upon presentation to the Chair of the Membership Committee of proof of reinstatement of the license.

A member whose license to practice law is revoked by the State of New York or, for members not admitted in the State of New York, by any State in which such member is licensed to practice, shall be automatically removed from membership in the Association. Should such member's license thereafter be reinstated, s/he may reapply for membership in the manner set forth in Article I; the fact that his/her license had been revoked may be

to the members prior to the meeting. Unless otherwise provided, By-Laws are to become effective immediately upon adoption.

Constitution and By-Laws Committee

Michael E. Basile, Chair

Earl M. Bucci

Peter V. Coffey

Kathryn McCary

PRO BONO RESOURCES

Looking for a chance to uphold one of the profession's finest traditions—the provision of free legal advice and services to those who can't afford them? Whatever may have been true in the past, today's busy practitioner doesn't readily find, in daily life and practice, significant *pro bono publico* opportunities. That doesn't mean the opportunities aren't out there: the need is great, and it is a need only we are qualified to meet.

We hope the following opportunities may spark your curiosity, engage your compassion, or at least fit your convenience.

THE PRO BONO MATRIMONIAL PROGRAM OF THE SCHENECTADY COUNTY BAR ASSOCIATION

Contact Person: J. David Burke—853-8102

Provides assistance in completing the papers and procedures to obtain a divorce, through two programs:

- % Volunteer attorneys agree to accept one case per year to represent an indigent litigant.
- % Biennial pro-se clinics, at which pro-se plaintiffs are guided through the divorce process.

This is our very own program; more volunteers are urgently needed. Call Dave to sign on.

LEGAL AID SOCIETY OF NORTHEASTERN NEW YORK

PRIVATE ATTORNEY INVOLVEMENT PROGRAM

Coordinator: Elena Rich—462-6765

Matches lawyers with clients in the following areas:

- | | |
|--|--|
| Bankruptcy | Health, including Health Care Proxies, Medicaid and Medicare |
| Consumer law | Wills and Estates |
| Employment | Real property issues including evictions and foreclosures |
| Education, including unemployment | SSI Benefits |
| Family, including Custody, Support, Visitation, Separation and Divorce | |

The program is also interested in hearing from you if you have legal expertise in another area you are willing to share with those in need.

Services qualify for CLE credit (1 credit for 6 hours of service/you can accumulate up to 6 hours of credit through *pro bono* in each 2-year CLE cycle). Malpractice insurance coverage is provided, and out-of-pocket expenses are covered by the program. The program also offers training programs that qualify for CLE credit. You can call Elena for information or a registration form; forms are also available through the SCBA office, call 377-6489 or e-mail kathryn.mccary@verizon.net.

Legal Aid has also offers the **Children's Legal Project**, providing free civil legal representation for low-income children in Albany, Rensselaer, and Schenectady Counties; at this time these services are being provide in-house, but those interested in volunteering should let Elena know, in case there are cases the in-house attorney can't handle.

CAPITAL DISTRICT WOMEN'S BAR ASSOCIATION

THE LEGAL PROJECT

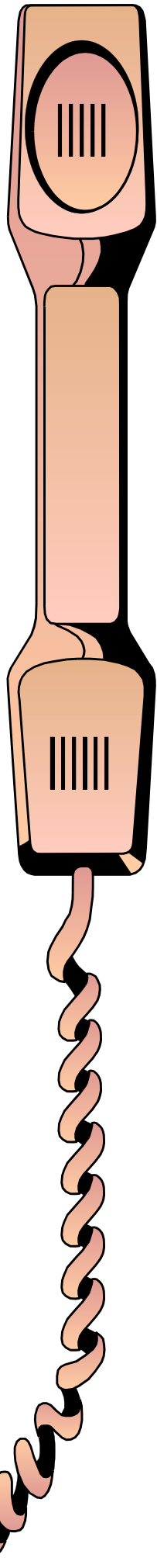
435-1770

Addresses the need for non-criminal legal assistance by providing innovative, cost effective services that are collaborative in nature and that focus on well-defined but unmet community needs. A unique aspect of The Legal Project is its provision of assistance to the working poor—those who don't qualify as indigent, but still can't afford to pay standard legal fees.

The Legal Project provides legal advice and information through a bi-weekly column in the *Times Union*, Project Helpline on the Channel 10 morning news, custom-designed workshops for community groups and organizations, and Legal Clinics at local community agencies.

The Legal Project provides legal representation through the following programs:

- The Domestic Violence Legal Connection
- Affordable Housing Attorney Assistance
- Bankruptcy and Credit Program
- Battered Immigrant Legal Assistance
- Civil Legal Services to Sexual Assault Survivors



CONTINUING LEGAL EDUCATION OPPORTUNITIES

ALBANY COUNTY BAR ASSOCIATION

Contact: Barbara Davis 445-7691 or acba@global 2000.net
All programs include lunch

Topic: WHO KIDNAPPED THE LINDBERGH BABY?
Date/Time: October 10, 2003 12:15-2:00 p.m.
Place: Albany Law School Matthew Bender Room
Presenters: Hon. W. Dennis Duggan
Cost: \$30 Attorney/\$20 Student
CLE Credits: 1.5 Skills

Topic: ARTICLE 81 NEW CHANGES
Date/Time: October 17, 2003 9:15 a.m.
Place: Albany County Courthouse, Jurors Lounge
Presenters: Rosemary Bailey, Larry Faulkner, Mike Iapocce
Carol Pressman
Cost: \$85 Membe/\$95 Non-Member/\$40 Student
CLE Credits: 6 Areas of Professional Practice

Topic: ADIRONDACK PARK AGENCY PRACTICE &
SPECIAL CONSIDERATIONS IN LAND USE &
ENVIRONMENTAL REVIEW IN THE NORTH
COUNTRY
Date/Time: November 5, 2003 12:15-2:30 p.m.
Place: Albany Law School Matthew Bender Room
Presenters: Hon. W. Dennis Duggan
Cost: \$45 Member/\$55 Non-member/\$25 Student
CLE Credits: 2 Areas of Professional Practice

Topic: CRIMINAL LAW UPDATE FOR EVERY LAWYER
Date/Time: November 21, 2003 12:15-4:30 p.m.
Place: Desmond Americana
Presenters: F. Stanton Ackerman, Stephen Coffey,
Hon. Steven Herrick, Stuart Jones,
Raymond Kelly, Thomas O'Hern,
Gene Primono, DA (TBA)
Cost: \$80 Member/\$100 Non-Member/\$40 Student
CLE Credits: 4 Skills

Topic: REVISED ARTICLE 9 (ONE YEAR LATER)
Date/Time: January 6, 2004 12:15p.m.
Place: LaSerre Restaurant
Presenters: Jonathan Deily
Cost: \$30 Member/\$35 Non-Member/\$20 Student
CLE Credits: 1 Areas of Professional Practice

Topic: MATRIMONIAL PRACTICE UPDATE
Date/Time: January 14, 2004 12:15-2:30 p.m.
Place: Hudson Harbor Restaurant
Presenters: Michael P. Friedman
Cost: \$30 Member/\$35 Non-Member/\$20 Student
CLE Credits: 1 Skills

Topic: TAX
Date/Time: January 16, 2004 12:15 p.m.
Place: Jack's Oyster House
Presenters: Jack Dennis
Cost: \$30 Attorney/\$20 Student
CLE Credits: 1 Skills

Schenectady County Bar Association
c/o McCary & Huff, LLP
107 North Ballston Avenue
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See you at lunch, October 16!

“Give your evidence,” said the King; “and don’t be nervous, or I’ll have you executed on the spot.”

Lewis Carroll, Alice in Wonderland