

---

# SCHENECTADY COUNTY BAR ASSOCIATION, INC.

## NEWSLETTER

March 2007

---

Mailing Address:  
PO Box 1728  
Schenectady, NY 12301-1728  
e-mail: [SchenecladyBar@aol.com](mailto:SchenecladyBar@aol.com)  
Executive Director Diane Herrmann, office number 377-6731  
[dianeherrmannesq@yahoo.com](mailto:dianeherrmannesq@yahoo.com)

### CALENDAR OF EVENTS

#### Meetings

March 21, 2007 Joint Meeting:  
Dental Society, Medical Society and Bar Association  
“State of Affairs in Schenectady”

Featured Speakers:  
Mayor Stratton, Ray Gillen and Susan Savage  
Mallozzi’s Restaurant 6:30pm  
Reservations contact 346-3300

April 19, 2007 SCBA Meeting 12:00pm  
\*Free CLE immediately following the meeting:  
“Assessments: What you need to know”  
Larry Naviasky, Esq.

June 21, 2007 SCBA Meeting 12:00pm  
Reservations call

#### CONTINUING LEGAL EDUCATION SEMINARS

March 15, 2007 Estate Planning and Elder Law  
8:00am-4:00pm

**\*\*Space Still Available**

April 27, 2007 Family and Matrimonial Law  
8:30am-1:00pm

May 17, 2007 Real Estate Practice Seminar  
8:30am-4:00pm

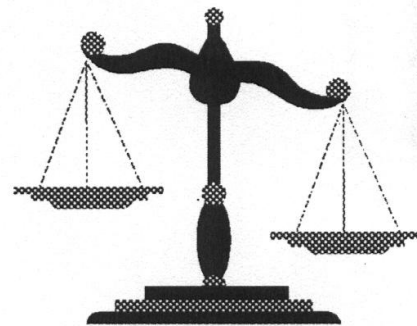
All SCBA Luncheons and CLEs at Glen Sanders  
Mansion  
1 Glen Ave, Scotia New York

#### OFFICERS

<b>President</b>	Hon. Karen Drago
<b>Vice President</b>	Robert W. Hoffman
<b>Treasurer</b>	Gerard Parisi
<b>Secretary</b>	Kathryn McCary

#### BOARD MEMBERS

J. David Burke  
John A. Fantauzzi  
Joanne Haelen  
Diane Herrmann  
Laurence Naviasky  
Hon. Mark I. Powers  
John R. Seebold  
Margaret Tabak  
Michelle Wildgrube



*FROM THE COMMITTEES.*

**ALTERNATE DISPUTE RESOLUTION** There will be a meeting of the Committee Weds. March 7, 2007 at 12pm at McCary & Huff, LLP, 107 North Ballston Avenue, Scotia, NY 12302 Bring your lunch! For further information call Chair Jean Carney, 218-7100

**CRIMINAL LAW** For information about the committee, call Chair Paul Callahan, 895-2334

**ESTATE & ELDER LAW** There will be a meeting and 1 hour CLE presentation by Nicki Dress, Community Relations for Eddy Senior Care, Weds. April 18, 2007 at 8:30 am, Offices of Englert, Coffey and McHugh, 224 State Street. For information about the Committee call Chair Kathleen Toombs, 465-7581.

**LAW DAY: First Meeting,** Weds. March 14, 12pm at Castelllos Restaurant. For information about the committee, contact Chair Diane Herrmann, by calling 377-6731 or e-mailing dianeherrmannesq@yahoo.com

**Matrimonial Law** For information, about the Committee, call Chair Eric Tepper, 399-5400

**REAL ESTATE** Next Meeting March 20, 2007 at 8:00am, Law Office of Fazzone and Ciccerlli, 1536 Union Steet. For information about the Committee, contact Chair Larry Naviasky, 374-7779



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

## SHARED BENCH

VITO C. CARUSO, JSC

We were returning from a bar luncheon lunch one afternoon and while walking down the hallway to chambers, my law clerk casually remarked that the Schenectady County Bar Association was preparing to re-issue a regular newsletter. “Yes”, I thought and kept walking. Then she said, “You’ve been asked to contribute a regular column . . . ” I stopped. But not for long. The decision was surprisingly easy. I did (and still do) have some trepidation about writing a column. However, I am honored to have been asked and will use it as an opportunity to share with you new and interesting developments in the courts.

In thinking about the topic for this month’s column, the plight of the justice courts came immediately to mind. By now, many of you have read or heard about the recent New York Times series proclaiming the justice courts to be “broken”, portraying them as anachronisms; the underfunded, neglected stepchildren of the court system and a place where justice is often absent. I disagree that justice courts are vestiges of a bygone era or that justice is absent from all of them. Schenectady county’s six justice courts, for example, are presided over by dedicated attorney and non-attorney justices. They, like many other justice courts, are hard-working and

### *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*

well-respected tribunals.

However, I do agree that these courts, funded as they are by often meager municipal budgets, need attention. This is especially so considering that over three quarters of new York's trial courts are justice courts and that approximately two million cases are heard in those courts annually. In the fourth district alone, there are over 190 justice courts and approximately 300 justices. While there have been some calls to disband the justice courts, in my opinion, that is not the solution. The best remedy is to provide these courts with assistance -- financial and administrative assistance from the office of court administration (oca), the very agency which administers the state's city, county-level, supreme, court of claims and appellate courts. In reading oca's recently released "action plan for the justice courts", which can be accessed online at [www.nycourts.gov/publications](http://www.nycourts.gov/publications), you will see that this is precisely what is being proposed.

Under the "action plan", oca will, at state expense, equip and support in each justice court: a computer, a printer, a fax machine, an internet connection, case management software, an e-mail system, access to online databases, a credit card machine with dedicated connection and a speaker phone for the courtroom. In short, oca intends to fully integrate the justice courts into the state judiciary's technology system. Also, each court ultimately will be supplied with digital recording devices whose use would be required, thereby providing "real-time" records of court proceedings, ensuring a record for appeal. Presently, much of this necessary equipment is lacking in justice courts across the state.

Other highlights of the action plan include expanding education and training for attorney and non-attorney justices -- providing an enhanced orientation program for new justices and instituting a newly developed curriculum for experienced justices. Also envisioned are the training and certification of court personnel to be organized in cooperation with the state comptroller's office, the implementation of measures to ensure fiscal accountability, and the enhancement of facility security and public protection.

Most significantly, the action plan is not just a recommendation, but is being implemented right now. The state judiciary's 2007-2008 budget submission includes a ten million dollar appropriation request to support the justice courts.

In the fourth judicial district, I have already designated three supreme court justices to supervise implementation of the action plan. Hon. Frank Williams serves at the supervising judge for Fulton, Montgomery, saratoga and Schenectady counties. Additionally, in the near future, a new attorney position will be established in the district to assist the supervising judges in carrying out this task.

Let there be no doubt -- justice courts play a pivotal role in the state's justice system and the litigants who appear before those tribunals are entitled to and should expect the same statewide standard of justice as exists in every other court. In my opinion, the action plan is a very good step towards ensuring that end and Chief Judge Kaye is to be applauded for taking the initiative.

---

## MEMBER ANNOUNCEMENTS

**Christine Galvin**, Gordon Siegel Law Firm, has been named by Lawdragon to the publications Lawdragon 500 leading Plaintiff's Lawyers in America.

**Jean Carney**, has joined Tully, Rinckey & Associates as Of Counsel, specializing in the areas of mediation and representation of children.

◆ ◆ ◆ ◆

### DO YOU HAVE NEWSLETTER CONTRIBUTIONS?

If you have something you want included in a future newsletter, the following are the deadlines:

April (Mailing Date April 10)–March 23

June (Mailing Date June 12)–May 25

◆ ◆ ◆ ◆

## Classified Advertising

Space Available

**Professional Office Suite**

Class A Offices, British American Office Park, Latham. Several windowed offices for rent within professional offices. Conference room, secretarial stations, and kitchen. Available immediately. 1992 sq ft or partial. Contact L. McGregor 690-7000.

**Professional Office**

Offices for rent, with or without furniture, conference room, fax, photo, library, reception, etc. 250-650 month. Contact Richard Antokol, 514 State Street, Schenectady, NY 12305, 377-2500

**Thanks, the following firms have accepted Pro Bono Matrimonial Cases in 2006:**

- Antokol, Coffin & Reisman
- Gordon, Tepper & DeCoursey, LLP
- Givern, Shaw & O'Connor
- Capasso & Massaroni, LLP
- Law Offices of Bruce S. Trachtenberg
- Higgins, Roberts, Beyer & Coined, P.C.
- The Gordon Siegel Firm
- Englert, Coffey & McHugh, LLP
- Margaret Tabak, Esq.
- Linz & Linz
- Charles R. Harding, Esq.
- Lawrence Dahlke
- Michael Horan
- Eric Dickson
- Joanne Haelen

**Community Spotlight: The Legal Project**

**Volunteer Opportunities for Attorneys at The Legal Project**

Attorneys often tell us that they would love to do pro bono work but their time is too limited to represent clients, or perhaps they work for agencies or organizations which have policies prohibiting representation. The Legal Project has several ways for attorneys to participate in pro bono work such as offering free legal assistance and advice to those who cannot afford

an attorney. If you have experience in various types of civil law such as employment, disability, real estate and housing, bankruptcy, social security and family law matter, you can volunteer to help.

*The Legal Project is in particular need of attorneys in Schenectady. Attorneys provide ½ hour consultations by appointment at our Legal Clinic at the Schenectady YWCA one evening a month. The clinics are designed to provide brief, legal advice and information to victims of abuse, particularly those who are not available to meet with our staff attorneys during the day.*

We are also seeking attorneys to provide free, private consultations to victims of domestic

violence at our new Domestic Violence Legal Connection Clinics. These clinics are held at our offices at 6 Executive Park Drive in Albany. In addition, volunteers are needed to assist with representation of domestic violence in Family Court, and to represent clients who qualify for our affordable housing and wills and estates programs.

Participating attorneys may attend our Family Offense Basics training session for free (and receive CLE credits!) and can earn one CLE credit hour for every six hours of pro bono service provided. Please don't pass up these wonderful opportunities to provide much needed help to people who truly need it and whose lives can be transformed by it. To obtain more information or to sign up to volunteer, please contact Jessica Lennon at 435-1770, or at

[jlennon@legalproect.org](mailto:jlennon@legalproect.org). *More*

*information may also be found at our website at [www.legalproject.org](http://www.legalproject.org).*

**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: email:  
[dianeherrmannesq@yahoo.com](mailto:dianeherrmannesq@yahoo.com)

Dear Schenectady County Bar Association Member:

We are writing to inform you that the Schenectady County Bar Association has created a Continuity Committee. We are the current members. Our mission is to assist lawyers who are unable to continue to practice law, and their families, with the orderly transition of files and legal documents and to interact with clients on such transition. Our goal as a committee is not to become counsel or to establish an attorney-client relationship with clients. Rather, it is to assist in the transition to new counsel and to interact with the courts and appropriate bodies to try to prevent defaults and loss of rights during the transition process.

In fact, as a committee, we have established a policy of not allowing or encouraging committee members to become counsel on legal matters in which the committee becomes involved, unless the committee member has a relationship with or contact from a client independent of the committee's involvement. We believe this policy will encourage members to contact the committee to assist with transition or plan for future transition at the earliest opportunity, without fear of loss of clients to committee members while an attorney is still providing services to clients.

Feel free to contact any one of us if you believe the committee can be of assistance in current or future plans to transition your practice. Our assistance may be varied, such as coordinating with courts and clients, or with family members who are forced to deal with clients regarding files and legal matters. You also may want to plan for future transition by coordinating with the committee and family members ahead of time, such as granting the committee future access to files and schedules to help prevent missed deadlines, advising family members of the existence of the committee, etc. You may have your own ideas on how the committee can help. The New York State Bar Association also has publications and resources to assist you in these matters, as referenced on the accompanying document. You are encouraged to utilize these resources to self-direct the transition of your practice as much as possible.

Rest assured, you have not been targeted to receive this mailing due to any analysis that you will need transition services in the near future. We have endeavored to send this letter to all members of the Schenectady County Bar Association. You are the best, and only, person to judge whether to make contact with the committee in advance of any discontinuance of practice.

Thank you for reviewing this letter. Do not hesitate to contact any of us if you have any questions or suggestions, or if you feel the committee can provide assistance.

Very truly yours,

Michael E. Basile

Paul H. Tocker

Crystal A. Doolity

The New York State Bar Association has published a “Planning Ahead Guide Book” that contains numerous checklists for closing a practice, appointing temporary managers, drafting letters to clients, transferring a practice, and utilizing special will provisions, along with some sample forms. The State Bar Association can send you a copy for \$25.00 a copy.

This publication can help you establish an advance exit plan to protect your clients’ interests in the event of your disability, retirement or death.

You may also access free downloads of the entire book with interactive forms in various formats.

To purchase a hard copy of the guide, you can contact Terry J. Brooks or his secretary, Kimberly Hojohn at (518) 487-5580 or [Tbrooks@NYSBA.org](mailto:Tbrooks@NYSBA.org).

You are encouraged to consider obtaining the practice guide and materials to plan ahead and take responsibility for your own future.

Do not hesitate to contact the Continuity Committee members if you need assistance in securing these resources or in any matter involving practice continuity.

The current members of the committee are Michael E. Basile (chair), (518)374-3399, Paul H. Tocker (518) 372-5821 and Crystal A. Doolity (518) 377-6700.

## 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 public 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: Kristie Cinelle, 464-2922 ext. 322

Matches lawyers with clients in the following areas:

Bankruptcy Health,

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

law Care

Service opportunity for CLE credit (1 credit for 6 hours of service/you can accumulate up to 6 hours of credit through pro bono Medicaid 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.

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 Kristie 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 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

Schenectady County Bar Association  
PO Box 1728  
Schenectady, NY 12301-1728

**Come on in–You will find:**

- ★ “Shared Bench”, by Guest Columnist Vito Caruso, JSC
- ★ Meeting Reminder
- ★ CLE Update
- ★ Information From the Continuity Committee