THE SARATOGA COUNTY BAR ASSOCIATION
Serving the Interests of Justice

LAW NOTES

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TORTS AND CIVIL PRACTICE: SELECTED CASES FROM THE APPELLATE DIVISION, 3RD DEPARTMENT

TIMOTHY J. HIGGINS, ESQ.

SERVICE OF PROCESS BY SOCIAL MEDIA

Keith X. v. Kristin Y.
(Devine, J., 1/15/15)

CPLR § 308(5) permits a party to personally serve a person "in such manner as the court…directs" if service by traditional methods is impracticable. Here, Family Court (Jensen, J., Saratoga Co.) dismissed proceedings to establish paternity and permit joint custody because of petitioner's failure to comply with the specifics of the court's order allowing service on respondent by social media (service of papers to respondent's email address with additional notice of such email by text message). Affirming, the Third Department agreed that dismissal was proper and noted that "strict compliance with court-directed methods of service is necessary in order for the court to obtain personal jurisdiction".

JURY'S AWARD TO INJURED PLAINTIFF NOT ENOUGH

Vincent v. Landi
(Garry, J., 12/4/14)

Both parties appealed after a jury found the defendant restaurant owner negligently maintained his property; causing plaintiff (a self-employed dairy farmer) to fall and fracture his ankle. Supreme Court (Demarest, J., Franklin Co.) denied defendant's motion to set aside the verdict and denied plaintiff's motion to set aside the damages award ($52,526) as inadequate. Finding sufficient evidence that defendant had actual knowledge (and therefore, constructive notice) of an unsafe, recurring condition, the Third Department affirmed plaintiff's verdict, and agreed that he was entitled to a greater award. Plaintiff's surgeon testified that the fracture of the left leg left a "big, big gap" in the ankle joint and led to progressive (and likely permanent) post-traumatic arthritis. Plaintiff is entitled to a new trial on damages unless defendant stipulates to awards of $75K and $100K for past and future pain and suffering; and $257K for past and future lost profits.

PREMISES LIABILITY

Dann v. Family Sports Complex, Inc.
(Rose, J., 12/4/14)

Plaintiff, an experienced soccer player, shattered his kneecap when he lunged for a ball and slid into the end wall at the defendant's sports complex. Finding plaintiff assumed the risk of injury in his recreational league, Supreme Court (Sherman, J., Broome Co.) granted summary judgment to the defendants. The Third Department reversed to the extent it reinstated plaintiff's negligence cause of action, find that while the risk of crashing into a wall is an inherent risk of playing indoor soccer, plaintiff did not assume this particular concealed risk; the end wall was a 10-inch high raised concrete footer covered by a blue vinyl liner that hung to the ground around the wall of the dome.

Whittington v. Champlain Centre North LLC
(Lahtinen, J., 12/11/14)

Plaintiff, working in a hair salon at the defendant mall, claimed a loose stair tread caused his fall and injury as he walked down a staircase. Supreme Court (Ryan, J., Clinton Co.) granted summary judgment to the defendant, agreeing

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TORTS AND CIVIL PRACTICE, *CONTINUED*

(Continued from page 1)

that it owed no duty to the plaintiff to maintain the stairs as an out-of-possession landlord that leased the premises to the plaintiff's employer. Affirming, the Third Department found the lease agreement clearly made the plaintiff's employer responsible for maintenance and repair of the area where the accident occurred, and that although the mall retained a limited right to enter the premises, such right was not sufficient "to establish the requisite degree of control" needed to impose liability.

Hope v. Holiday Mountain Corp.
(Egan Jr., J., 12/11/14)

The defendant, which operates a recreational park at which patrons can descend a long, 3-lane slide while seated on a burlap bag, claimed plaintiff assumed the risk of being injured (broken wrist) when she was struck by a young boy who came down the slide shortly after she reached the bottom. At the moment of the collision, plaintiff was assisting another "slider"; a developmentally challenged individual for whom plaintiff was acting as a one-on-one aide. Supreme Court (Schick, J., Sullivan Co.) denied defendant's motion for summary judgment, and the Third Department affirmed. Although posted signs did warn slide users to stay in their own lane when exiting the slide, such warning and the assumption of risk defense, failed to "address the issue of whether the park's staffing and operation of the Fun Slide…unreasonably increased the risk posed to plaintiff".

Timothy J. Higgins is an attorney at Lemire Johnson, LLC in Malta, New York. His litigation practice includes all types of personal injury and wrongful death litigation, including representation of persons hurt in automobile and workplace (construction site) accidents, and medical malpractice. Mr. Higgins also represents and litigates on behalf of employers and municipalities in matters involving claims of employment discrimination and civil rights violations.

Prior to joining Lemire Johnson, Mr. Higgins was a partner with Powers & Santola, LLP, in Albany, where he had worked since graduating from law school. Before beginning his legal studies and career, Mr. Higgins worked for ten years as a news reporter and sports broadcaster at WGY 810 AM in Schenectady as well as radio stations in Saratoga Springs and Glens Falls.

Mr. Higgins is regularly called upon by various bar associations and groups to lecture to other lawyers, on topics ranging from "The Basics of Civil Practice" to "Discovery for Experienced Litigators" to "The Art of Trial Advocacy: Demonstrative Evidence for Television Generation Jurors."

McMullin v. Martin's Food of So. Burlington, Inc.
(Clark, J., 11/20/14)

Plaintiff slipped and fell on spilled seltzer water on the floor of the defendant's (Hannaford) grocery store. Defendant conceded it had actual notice of the spill, but was granted summary judgment upon Supreme Court's (Nolan, J., Saratoga Co.) finding that it acted reasonably to remedy the condition and was not negligent. While "wet floor" signs had not been placed in the aisle before plaintiff was hurt, she conceded that prior to falling she saw two store employees in front of a cleaning cart. Affirming summary judgment, the Third Department failed "to see how an employee actively attending to a spill with a cleaning cart cannot adequately satisfy defendant's duty to warn as a matter of law".

Barley v. Robert J. Wilkins, Inc.
(Peters, J., 11/20/14)

Supreme Court (Cahill, J., Ulster Co.) granted summary judgment to the defendant owner of the building where plaintiff, employed as a bus terminal manager, was hurt when she fell while descending a single-step riser. Defendant's proof on the motion included the affidavit of an engineer who inspected the premises and concluded the riser did not violate the NYS Building Code, and that neither the height of the riser nor the absence of a handrail made it unreasonably dangerous. The Third Department reversed and reinstated the complaint, finding the expert's opinion insufficient because it lacked a conclusion that the riser "comported with generally accepted standards at the time the building was constructed or thereafter", and because the defendant failed to make a prima facie showing that it did not create or have notice of the allegedly dangerous condition.

LABOR LAW §240: HOMEOWNER'S EXEMPTION

Peck v. Szwarcberg
(Garry, J., 11/26/14)

Defendant owned a single-family home and hired various contractors to build a two-story addition and expanded basement. Plaintiff's decedent worked for the excavation subcontractor and died tragically when the walls of a trench hole he had dug caved in and buried him. Supreme Court (Crowell, J., Saratoga Co.) granted defendant's motion for summary judgment, applying the "homeowner's exemption" from the nondelegable duties imposed on property owners under Labor Law § 240; where the homeowner contracts for but does not direct or control the work. Defendant did not perform any work on the project, and his involvement with the excavation subcontractor was limited to discussing local drainage requirements. Affirming, the Third Department noted that only when a homeowner has "significantly participate(d)" in the project will he or she "be deemed to have crossed the line…to a *de facto* supervisor" not entitled to the statutory exemption.

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WHAT WE GET FOR $2.5 BILLION

MICHAEL FRIEDMAN, ESQ.

"This budget request simply reflects our best judgment as to the minimum funding needed to ensure that we have the resources necessary to fulfill our constitutional mission." Hon. A. Gail Prudenti, Chief administrative Judge, Unified Court System Budget 2015-2016.

"A billion here, a billion there, and pretty soon you're talking about real money." Everett Dirksen, United States Senator 1951 -1969.

Shouldn't there be a rule that if the State of New York provides you with a car and a chauffeur, you cannot gripe that you don't receive enough money? How about a car and a chauffeur for seven of your fellow justices? The New York State Judiciary is the fastest growing, most expensive bureaucracy in the state. It is by far the most expensive per citizen in the United States, and every year it pleads and receives astounding amounts of taxpayer money for no reason. In the face of ever declining business, it pleads poverty. The Legislature responds with more and more money that is used for functions that have nothing to do with operating the court system. No one seems to care.

Here is the proof. In 1998 the court system handled 4,671,265 cases. The budget was $952.2 million. Every year since then the number of filings has decreased. In 2013 it was 3,953,987, a decline of over 15%. On December 1, the court system published its proposed budget for 2015. It wants $2.5 Billion, over two and a half times what it used to handle 15% more cases in 1998. So what is going on?

The Chief Administrator of the court system, Judge A. Gail Prudenti, says that this budget is "austere." She claims that the court system has reached a point "beyond which the Judiciary cannot be pushed if it is still to play a role in our constitutional system." Like last year, she calls this a "road to recovery" budget. The court system pleads for money this way every year and it is complete nonsense.

Just to put this in perspective, the State of Florida recently surpassed New York State in population. They run their court system on $501 million. The United States Federal Judiciary budget for 2015 is a tad over $7.6 billion and they service every United States citizen. California, the gold standard of fiscal irresponsibility, spends $94 per citizen on its judicial budget. New York spends $297 per citizen.

Just how much is $2.5 billion, the request this year? That is more than the gross domestic product of Aruba. Placed end to end, $2.5 billion in dollar bills would circumnavigate the globe over nine times. It would reach the moon. $2.5 billion dollar bills cover ten square miles.

So, what is going on here? Chief Judge Prudenti recently wrote, "The core mission of our judiciary is to deliver fair and timely justice to each and every person who enters our courts."[i] If only that were true. Unfortunately, our Judiciary has gone off the tracks. Rather than just run our courts, it has created a vast bureaucracy of useless organizations, committees and specialty courts. Here is a sample: Community Dispute Resolution Center, Matrimonial Neutral Evaluation Program, Mental Health Court, Mediator Ethics Advisory Committee, Collaborative Family Law Center, Diversity Gender Fairness Committee, Law Guardian Training and Children's Centers and the Parent Education and Awareness Program because by golly our parents must be aware. They publish coloring books. Eight judges, including Judge Prudenti, have state supplied cars and chauffeurs. Over the past few years the Judiciary has created a three person committee to give out money to charities for "civil legal services." The request this year is for $70 million. Judge Prudenti is one of the three committee members. Last year, with the help of some of these charities and at the request of the Judiciary, 25 new Family Court judges were created at a cost of $1 million per year per judgeship, including court personnel for the judges. So, even though the filings in Albany County Family Court declined 12% over the past five years, we will have a fourth Family Court judge. Schenectady County Family Court had a decline of 17%, but it will also have a new judge.

For the most part, no one complains. As with past years, this year the Judiciary Budget hearings in the Legislature will be filled with sycophants urging passage of the budget. The Unified Court System Budget was published on December 1, 2014. Forty-eight hours later Glenn Lau-Kee, the President of

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Michael Friedman has been practicing law for over 30 years and has maintained a private practice since 1981. He is the recipient of numerous awards such as the Distinguished Service Award from the Legal Aid Society of Northeastern New York, the Albany County Bar Association President's award, the Albany County Bar Association Pro Bono Award, and the New York State Bar Association President's Pro Bono Service Attorney Award. Mr. Friedman is the author of numerous articles on matrimonial practice including The Case for Parental Access Guidelines in New York and the Case for Joint Custody in New York for the New York State Bar Association's Family Law Review, Pensions and Retirement Plans: Valuation Strategies for the New York Domestic Relations Reporter and a monthly matrimonial article for the Albany County Bar Association.

Mr. Friedman has served as President of the Albany County Bar Association and was a member of the House of Delegates of the New York State Bar Association. He practices before all local Family and Supreme Courts and has argued numerous matrimonial cases in the Appellate Division, Third Department and New York's highest court, The Court of Appeals. He has been a frequent judge for the Dominick L. Gabrielli National Family Law Moot Court Competition. He is also a frequent lecturer and writer for the New York State Bar Association Family Law Section's Continuing Legal Education programs.

INSIGHT INTO IMMIGRATION

IMMIGRATION NEWS FROM MEYERS & MEYERS, LLP

IMMIGRATION REFORM BY EXECUTIVE ACTION—EXPANDED DACA AND NOW DAPA

OK, so let's break it down. Clearly the centerpiece of President Obama's administrative "fix" of what he has repeatedly described as a "broken immigration system" are his initiatives to grant "deferred action" (essentially, temporary relief from being removed or deported from the United States) to some aliens who are unlawfully present in the United States, and who were brought to the United States as children and raised here. A second group of aliens unlawfully present in the United States who will benefit under the President's actions are those who have children who are U.S. citizens or lawful permanent residents ("LPR's", or "Green Card" holders).

DEFERRED ACTION FOR CHILDHOOD ARRIVALS

So what are the specifics? In June 2012, President Obama's then-Secretary of Homeland Security Janet Napolitano announced a program, commonly known as Deferred Action for Childhood Arrivals ("DACA"), whereby aliens unlawfully present in the United States who had been brought to the United States as children and who met other criteria could receive "deferred action." In many cases, these individuals also received employment authorization. Eligibility for DACA, however, expressly excluded aliens unlawfully present who were over the age of 31, or who had entered the United States on or after June 15, 2007.

On November 20, 2014, President Obama modified the DACA program by eliminating the age ceiling and making individuals who began residing in the United States before January 1, 2010 eligible. Moreover, the President announced that DACA grants and accompanying employment authorization will, as of November 24, 2014, last three years instead of two. We're informed that those eligible under the new criteria should be able to apply within 90 days of the President's announcement.

David W. Meyers, who joined his father at Meyers and Meyers, LLP in 1997 after a decade as an executive assistant to United States Senator Alfonse M. D'Amato, focuses primarily on family- and business-related immigration matters, commercial litigation, residential and commercial real estate transactions, trusts and estates, and general and appellate practice.

DEFERRED ACTION FOR PARENTS OF U.S. CITIZENS AND LAWFUL PERMANENT RESIDENTS

Hand-in-hand with the expanded provisions of DACA was the President's announcement that his administration would also be granting "deferred action" to the parents of U.S. citizens and LPR's. This initiative is commonly called DAPA. Like those eligible for DACA, some applicants for DAPA will be eligible for employment authorization too.

Specifically, aliens unlawfully present in the United States, and who have children who are either U.S. citizens or LPR's, will also be eligible for deferred action (and employment authorization) pursuant to the President's announcement. To be eligible, in general, these aliens must be able to show "continuous residence" in the United States since before January 1, 2010, physical presence in the United States both on the date the initiative was announced (i.e., November 20, 2014) and when they request deferred action, (3) not being an enforcement priority under the administration's newly announced enforcement priorities, and that they present no other factors that, in the exercise of discretion, would make the grant of deferred action inappropriate.

The Obama Administration estimates that approximately 5 million aliens unlawfully present in the United States could be directly affected by the expanded DACA and new DAPA initiatives. However, the actual number who apply for benefits under either program may be much smaller, depending on outreach, access, cost, and numerous other factors.

SO WHAT DID PRESIDENT OBAMA ACTUALLY DO?

Immigration reform has arguably become the third rail of politics. Those on the political right will say that the President

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Save the Date...

Go Red for women
American Heart Association
Learn and Live

Adirondack Women's Bar Association
6th Annual
Go Red for Women Event

Date: Thursday, February 12, 2015
Time: 6:00 p.m. - 8:00 p.m.
Place: Jacob and Anthony's
38 High Rock Avenue, Saratoga Springs

INSIGHT TO IMMIGRATION, *CONTINUED*

(Continued from page 4)

granted "amnesty" to all these aliens. I suppose whether that's true depends on what your definition of amnesty is. I personally don't believe that's the case. Here's what I can tell you.

A grant of deferred action is not "legalization" as that term is commonly understood in the world of immigration. Legalization is typically a process whereby aliens who are unlawfully present in the United States acquire legal status, typically as LPR's. LPR's can then typically apply for U.S. citizenship after a statutory period of time (and assuming they meet certain conditions). That's not at all what happened here.

Aliens granted deferred action are generally "lawfully present" in the United States under federal law. That's it. They may also be eligible for certain benefits, like applying for driver's license, but by and large, they would not be eligible for public benefits.

Being "lawfully present" in the United States is not the same as being in a "lawful status." Aliens granted deferred action are not in a lawful status. Thus, a grant of deferred action, in and of itself, does not result in an alien obtaining a Green Card, and as a result, such an individual cannot eventually apply for citizenship. Indeed, aliens granted deferred action could conceivably have their status terminated by Congress in the future.

Of course, I personally hope this will not be the case, but one never knows. The next two years may tell us a lot. Politics is a funny thing.

WHAT WE GET…, *CONTINUED*

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the New York State Bar Association published a press release urging passage of the budget saying, "We are pleased that the Judiciary budget addresses these important priorities of the State Bar." They are proposing $5 million for the acquisition of a Civil Legal Service Center near the Court of Appeals in Albany. Maybe they can use Centennial Hall where the court system blew $20 million for the living quarters for the five out of town Court of Appeals judges before abandoning the project in 2011. I can't wait for that!

The Judiciary budget hearings in the Legislature are filled with people urging passage of the budget. Maybe it is time for someone to be the first to cry, "Hold, enough!"

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[i]New York Law Journal, January 26, 2015.

TORTS AND CIVIL PRACTICE, *CONTINUED*

(Continued from page 2)

REQUEST FOR IQ TEST OF PLAINTIFF'S MOTHER DENIED

Perez v. Fleischer
(McCarthy, J., 11/20/14)

The defendant property owners in this lead paint exposure suit wanted plaintiff's mother to undergo an IQ test, and sought disclosure of academic and medical records of plaintiff's siblings and mother. Supreme Court (McGrath, J., Columbia Co.) partially granted defendants motion to compel such discovery but the Third Department modified and scaled back the order, barring disclosure of medical records (except for those related to the mother's pregnancy with and birth of plaintiff), and directing in-camera inspection of academic records by the trial court. The proposed IQ test of the mother was quashed; as defendants' need for such data was "not outweighed by the burden on her to undergo such a test, as well as the potential for extending this litigation by focusing on information extraneous to plaintiff's condition, such as all of the factors contributing to the mother's IQ".

MEDICAL MALPRACTICE: SUMMARY JUDGMENT REVERESED AFTER "GLARING OMISSION"

Howard v. Stanger
(Egan, Jr., J., 11/20/14)

Defendant was an attending emergency room physician who assessed plaintiff's decedent twice on consecutive days; with the patient in cardiac arrest on the second day, after which he died. Supreme Court (McGrath, J., Columbia Co.) granted defendant's motion for summary judgment, which relied in part on the defendant doctor's affidavit. The trial court later denied plaintiff's motion for reconsideration, based on evidence that the defendant doctor's license to practice medicine was under suspension when he tendered his affidavit seeking summary judgment. The Third Department found denial of the motion to renew was proper, but reversed the order granting summary judgment. While the defendant's license suspension did not render his affidavit inadmissible, the Court found the failure to disclose such suspension was a "glaring omission… entirely inconsistent with Stanger's ethical obligations as a practicing physician" that "seriously calls into question the medical opinion he has rendered regarding his diagnosis, care and treatment of the decedent".

SUFFERING FROM CABIN FEVER?

SPEND AN EVENING IN NEW ORLEANS WITHOUT LEAVING SARATOGA COUNTY

The Saratoga County Bar Association is holding its first

MARDI GRAS MIXER

On Thursday, February 19, 2015 at 6:30pm

At Nanola Restaurant in Malta, 2639 Route 9

Enjoy a Delicious Cajun and Creole Buffet Including:

Jambalaya
Cajun Shrimp and Chicken
Vegetable Gumbo
Crab Cakes
Spicy Chicken Bacon Skewers
New Orleans BBQ Shrimp
Beignets
Mardi Gras Cake

Bring your Colleagues and/or Significant Other
The Price is only $25.00 per Person
Make your Reservation Now, Space is Limited
Send an e-mail today to pclute@saratogacountybar.org

DIRE WARNINGS!!! FROM THE SUPERFLUOUS TO THE SUBLIME

HON. EDWARD B. (NED) HUNTINGTON (RET.)

REPUBLISHED WITH PERMISSION FROM THE STATE BAR OF CALIFORNIA FAMILY LAW SECTION
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This is one judge's campaign to stamp out all warnings contained in emails, listservs, and most real letters. However, reading this article may constitute Tax Advice, therefore any advice contained herein is not intended or written to be used for the purpose of avoiding penalties under the Internal Revenue Code, as set forth in Circular 230. Further, if it is tax advice, it cannot be used to promote, market or recommend any transaction or matter discussed herein. You are SO warned (emphasis added for dramatic purposes).

There are, at a minimum, three absolutely unnecessary warnings issued by attorneys or by their servants the listservs, serving them. All this judge asks in this one-person tilt at the windmill of warnings is—**DON'T DO IT ANYMORE!**

1. Internal Revenue Service - Circular 230 – Back in about 2005, the Internal Revenue Service issued a lengthy bulletin which set forth all of their rules for practice before the IRS. This is much like the California Bar's Rules of Professional governing how you should practice and behave in representing taxpayers before the IRS. Essentially, the IRS was telling tax advisers of all ilks they couldn't issue tax opinion letters behind which a taxpayer could take cover in creating a tax dodge. Before Circular 230, the tax advisor would issue a sketchy letter telling his or her client that the plan "seemed" to be deductible and that weasel word would give the client "plausible deniability" in claiming tax benefits for his marginal plan and thus avoid civil and criminal penalties. After Circular 230 became the gospel of tax practice, tax attorneys commenced issuing Circular 230 warnings that told their clients in no uncertain terms they could not rely on their letter to create a nefarious tax scheme in order to avoid IRS problems. Initially, real tax attorneys issued the 230 warnings when they were actually offering tax advice to clients who were actually seeking tax advice. Soon, tax attorneys were simply including the warning in all of their letters and emails as a routine matter. How did Family Law attorneys get into this habit? Don't know, except that it may have seemed cool or someone tossed it out as a throwaway idea at a seminar. Unless someone was actually giving tax advice, the warning was of no moment. Telling a client that their appointment was at 9:30 with Family Court Services required no such warning and yet there it was time after time, every lawyer worth his or her salt issued a Circular 230 warning.
2. "Don't Dare Read this Letter or email" aka the Inadvertent Disclosure Rule: This warning has taken on different forms over the years, but in essence it says "If I screw up and inadvertently send you an email or a letter that I was trying to send to my client or my co-counsel, you dare not read it or take advantage of me and you must, despite the overwhelming temptation, immediately turn around and send the letter or email back to me without reading it or making copies of it. And don't do any of the other things that you are strongly tempted to do and then call me and tell me you didn't do any of those things. And for God's sake don't call my client. (This last part is usually in the unwritten form)."
    a. The origination of the warnings is a little less precise than the tax warnings that arose from a specific Memorandum.
    b. The warnings seem to have grown over a period of time from the concern that if there wasn't a dire warning that the communication was privileged, the sender risked the possibility that the privilege might inadvertently be waived. There does not seem to be any one historical or hysterical starting point for the beginning of the dire warning era.
3. Organizational Warnings: "Nothing said on this listserv can be used for any purpose and besides that we are not responsible for anything that is said herein and besides that we don't authorize any of the postings to go to any unauthorized persons who might use them for any unauthorized purpose whatsoever."
    a. The concept of the listserv is, of course, of much more recent in origin than the letter or email warnings in that the concept of listservs really only started in or about 1984 and the term "listserv" was only trademarked in 1995. (Thus, even using the term for an email list is probably a TM violation).
    b. But, as email list software (Listserv, Maestro , and

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Judge Edward B. (Ned) Huntington is a retired San Diego Superior Court Judge who served more than half of his judicial career as a Family Court Judge in San Diego and in North San Diego County. Prior to his appointment by Governor Wilson, Huntington practiced Family Law and Taxation for 28 years. As an attorney, he was California Board Certified in both Family Law and Tax Law. To date the only lawyer double certified in those specific areas. He received his BS degree in Accounting from San Diego State, his JD degree from the University of California, Hasting College of Law and his LL.M. in Taxation from University of San Diego's Graduate Tax Program. He is a long time member of both the Family Law and Tax Sections of the Bar Association. In 1988 he was President of the San Diego County Bar Association and from 1991 to 1994, he served on the California State Bar Board of Governors and chaired the Discipline Committee. He loves boating, family, yellow labs, fishing, skiing and golfing.

DIRE WARNINGS..., *CONTINUED*

(Continued from page 7)

L-Soft) improved, so did the use of mail lists and list service communications. With the extended use of these services, it was inevitable that lawyers and law firms would enter the picture sooner or later and thereafter the government would follow.

c. The real lawyers, of course, carried over their "inadvertent disclosure" warnings because they simply couldn't help themselves and for reasons only known to them, the tax lawyers saw fit to expand their Circular 230 warnings over to their emails; and so, even on a listserv, all lawyers seemed to incorporate all warnings into all emails, even if it were their third email in a "string" of emails on the same topic to the same people. Family law attorneys did not wish to be left behind, so out came the warnings to all who shall read the listservs.

d. The listservs themselves were stirred by all of the warnings occurring on their own listservs and they were thus compelled to issue their very own warnings. These warnings sometimes simply warned at the beginning of the "string" that there were dire consequences for violating their rules, but the warning was not attached to every new email in the string of emails.

As a temperate person might surmise, the emails went from carrying valuable product to the many subscribers of their services, to becoming unreadable slogs through mountains of mediocrity. When the new attorney asks where do I file a dissolution when my client lives in El Cajon and the answer is simply "El Cajon" and you have to read through four or five paragraph long warnings to even find the answer, it is simply too much of a bad thing.

CURES FOR THE ILLS

"So What are We to do Judge Nedley?" I am so glad you asked, because the answer lies in the law—**"DON'T DO IT ANYMORE!" Take the pledge with me: "I will never again put a useless warning on another email to my fellow lawyers or to anyone else."** And, listserv managers, you may take the same pledge as well.

"But Judge, won't the IRS pursue me for writing letters that help the bad guys, and won't the other bigger lawyers make fun of me for not having a warning like the real lawyers?" and "Won't we public service listservrs be taken advantage of by all those people using our service?"

"No!" Here is why in short, easy-to-read sentences, that don't actually constitute tax advice, but may contain some law, but mostly common sense.

Get rid of Free-Floating Tax Advice – The IRS, on June 12, 2014, amended the Circular 230 that everyone cites in email warnings. The amendment specifically modifies the standards governing written notice—i.e., the often quoted, "dire warning." Previously, Circular 230 provided a guideline for the lawyer or tax advisor that said you must advise your client: "You cannot use this letter as a cover to protect you from a risky tax position." That was Rule 10.35 of Circular 230. Rule 10.35 has been eliminated—it's gone.

In its place they expanded Rule 10.37, which makes all written tax advice subject to the same standard as set out in 10.37 and says a written tax opinion must be based upon a reasonable interpretation of all of the facts and circumstances available. Without a statement of facts and circumstances, the opinion is of little value in protecting the taxpayer.

Since the IRS has specifically removed the section requiring the Notice, it is NO LONGER REQUIRED; thus concluding that the IRS inclusion of the warning is actually an advisor opining on a tax consequence and therefore, the warning itself may constitute improper tax advice and make you a tax practitioner. See *Internal Revenue Bulletin 2012-27*, which states such advice may well be misleading or improper. SO STOP DOING IT—DON'T STICK THAT WARNING IN THERE FOR ANY REASON BECAUSE THE WARNING MAY GET YOU IN TROUBLE.

As I opened my first listserv email this very morning from one of our well-known and respected family law attorneys, it had TWO Circular 230 warnings and a *Rico* warning. The Circular 230 warning was repeated when he replied to the response and of course, the listserv had to get their two cents in and warn the world as well.

Quit Worrying About the "inadvertent disclosure" or the Rico warning – The original theory for the warning was that if you didn't publish a warning on your mail or email and sent it to the wrong person, the "privilege" of the document would be lost. Although California has no specific rule on inadvertent disclosure, the Supreme Court made it clear in *Rico v. Mitsubishi* (2007) 42 Cal 4th 807, where counsel lost his private notes regarding a meeting. The notes ended up in opposing counsel's possession and they were not labeled in any manner. They didn't say privileged; they didn't say return these at once, nothing, nada. On motion, the trial court and then the Supreme Court ruled that opposing counsel had made unethical use of the notes that came into his possession and counsel was disqualified from the case.

Later, in *Clark v. Superior Court* (2011) 196 CA 4th 37, the Court added more guidance on inadvertent disclosure when they disqualified the inadvertently possessing lawyers, finding it was clear the documents were not intended for them and they had an obligation NOT to review them more than discerning that they were not intended for disclosure. Further, they had an affirmative obligation to undertake to return the documents to the rightful possessor.

In other words, if the document is privileged and belongs to you, it remains privileged and subject to both ABA ethical rules and our own Supreme Court pronouncement. There is no need to plaster the warning on either your letter or your emails. The written warning adds absolutely nothing; it is simply verbiage that calls attention to the document. STOP DOING IT - DON'T PUT THE WARNING ON EVERYTHING YOU OWN, IT SIMPLY SHOWS THAT YOU DON'T UNDER-

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DIRE WARNINGS..., *CONTINUED*

(Continued from page 8)

STAND EXISTING LAW.

The Unforgiving Listservs – The listservs are each their own Masters. Each listserv belongs to the organization that it serves, so this is an easy one—listservs, all you have to do is develop a "user agreement" which all users agree to before accessing or being permitted continued access to the forum. How can it be that simple? Because Congress actually did something and stepped into the field of listservs and bulletin boards to provide a somewhat of a safe harbor for the monitoring effort under the *Communications Decency Act (CDA)* of 1996 (47 USC §230 et. seq.) The CDA states that no provider or user of an interactive computer service shall be treated as a publisher or speaker of any information provided by another information provider.

A couple of recent court decisions confirm that the CDA applies to any website operators that provide others with the ability to post content on their site. The CDA grants immunity to such providers for civil liability that was previously associated with monitoring the forum and with the removal of objectionable content.

Therefore, if you have a user agreement, plus statutory law, plus case law all on your side protecting you, there is no longer any need to repeatedly assert those rules by inserting them into each and every letter published by a member and circulated to the entire forum. The warning may actually constitute the giving of legal advice. SO THE EASY ANSWER IS—STOP DOING IT LISTSERVS—you are simply cluttering up your own well-meaning workspace.

SUMMARY

All of this isn't simply to make an old retired judge happy—although it surely will. It is to clean up *your* letters and emails and Listserv messages and make them readable. The IRS has revoked §230 that encouraged the warnings and has, in fact, warned against the warnings. The California Supreme Court, no less, has made it clear the law of the land is already what you were putting in your "inadvertent disclosure" warnings. Finally, Congress has passed legislation that protects the listservs and has statutorily eliminated the need for clogging the pipelines of lawyerdom with inane repetitive warnings of no consequence to anyone of consequence. SO DO MAKE AN OLD JUDGE HAPPY AND NEVER PUT ANOTHER WARNING ON A LETTER, AN EMAIL OR MOST IMPORTANTLY, NEVER AGAIN PUT A WARNING OF ANY KIND IN THE LISTSERVS SO I CAN START TRYING TO READ THEM AGAIN. I now know that you'll all heed this heartfelt advice and I can once again rest easy having saved mankind. Bless you all.

SOURCES

Federal Regulation 10.35 & 10.37 (31 CFR Part 10).
Rico v. Mitsubishi, 42 Cal. 4th at 817 n. 9).
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Internal Revenue Bulletin, http://www.irs.gov/pub/irs-pdf/pcir230.pdf, 6/12/2014
Communications Decency Act of 1996, (47 U.S.C. § 230 et seq.) ("CDA")
Coalition for Open Government, www.washingtoncog.org/?s=listservpolicy

ACTUAL VERBATIM WARNINGS

SDFLBA & SDCBA Fam. Law Section (They do appear to be the same) - About this message from the SDFLBA: You are receiving this email as a member of the SDFLBA. This list serve is a service of the SDFLBA. The SDFLBA is not responsible for and does not endorse the opinions, information, legal advice or guidance posted on SDFLBA list serve. Messages posted by individual list serve users do not represent the views of the SDFLBA. To report misuse of the SDFLBA list serve call…. This is a PRIVATE list for members of the SDFLBA. Do not forward messages or post confidential case or client data on this list serve. For a list of SDFLBA guidelines or to adjust your delivery settings, visit: http://sdflba.org/mailman/listinfo/members

Note: By replying to this message, you will be replying to the individual sender. Click Reply All to send your message to all members of the SDFLBA list serve. To send your own message, send an email to members@sdflba.org.

To unsubscribe from the SDFLBA list serve, visit http://sdflba.org/mailman/listinfo/members.

Private Attorney (dated 9/18/2014)

Inadvertent Disclosure: The preceding email message may be confidential or protected by the attorney-client privilege. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this message in error, please (i) do not read it, (ii) reply to the sender that you received the message in error, and (iii) erase or destroy the message. Legal advice contained in the preceding message is solely for the benefit of the client(s) represented by the Firm in the particular matter that is the subject of this message, and may not be relied upon by any other party.

Internal Revenue Service regulations require that certain types of written advice include a disclaimer. To the extent the preceding message contains advice relating to a Federal tax issue, unless expressly stated otherwise the advice is not intended or written to be used, and it cannot be used by the recipient or any other taxpayer, for the purpose of avoiding Federal tax penalties, and was not written to support the promotion or marketing of any transaction or matter discussed herein.

PRESS RELEASES

MARTIN DEPOSITION SERVICES LAUNCHES ONLINE LAW DIRECTORY
NEW LAW DIRECTORY HELPS LAW FIRMS BOOST WEB PRESENCE

Malta, NY, January 13, 2015. Martin Deposition Services, Inc., a niche business catering to the legal profession for 46 years, announced the launch of their new law directory; a boutique, online directory featuring Upstate NY legal professionals. The new service complements Martin's suite of services available to the legal community.

The new directory allows the legal community to capitalize on the company's top search engine ranking and high web traffic and allows the people of Upstate NY to easily find trusted, local law professionals online with a curated list categorized by specialty. The directory currently features sixteen specialties and close to 100 law firm listings.

Donna L. Martin, founder of Martin Deposition Services said "I am excited about the launch of our new directory. There are small law firms that don't have the time or resources to build a strong web presence and the directory is a cost effective way for them to be found on the internet." Individual lawyers or law firms can add a FREE listing or upgrade to a PRO listing for better exposure. "I am confident that the new law directory will become a valued go-to resource connecting people in need with the area's top legal professionals online."

Martin Deposition Services has been doing business since 1968 offering court reporting services. Since then, the company has continually expanded and added services including high-definition videoconferencing, tape transcription and virtual office solutions for businesses and now services a nationwide client base. Martin added "the online law directory is a natural expansion of our business and another way we can add value to our clients in the legal community."

Law firms interested in obtaining a listing can sign up on Martin's Web site at http://martindepo.com/add-a-firm. To kick off the new venture, Martin is offering a buy 1 get 1 promotion on PRO listings from January through March 2015.

About Martin Deposition Services:

Martin Deposition Services is located in Malta, NY and provides court reporting services, deposition suites, video conferencing, conference room rentals and virtual office solutions. The company can be found on the web at www.martindepo.com.

DELORENZO LAW FIRM, LLP ANNOUNCES RICHARD H. WEISKOPF OF COUNSEL

The DeLorenzo Law Firm, LLP is pleased to announce that Richard H. Weiskopf, Esq., a resident Schenectady County attorney whose practice has been based in Albany County for the past fifteen years will be returning to the practice. Attorney Weiskopf, who was a long-time partner of law-firm founder, Thomas E. DeLorenzo, will be joining the firm in an "of counsel" capacity the 1st of January, 2015. Attorney Weiskopf brings nearly 40 years of experience to the firm and his primary focus will be in the practice of commercial and personal Bankruptcy, and Matrimonial and Family Law. Attorney Weiskopf's practice includes consumer issues concerning personal and commercial bankruptcy (Chapter 7, 13 and 11), also well as Chapter 12, and Family Farm Bankruptcies. Mr. Weiskopf practices Family Law in Supreme Court and Family Court in Schenectady County and in all surrounding Counties. This includes areas as far South as Delaware, Greene, and Columbia Counties, as well as the counties that are contiguous with Schenectady County. Partners, Thomas E. DeLorenzo, Paul E. DeLorenzo, and Cory Ross Dalmata, along with associates Daniel P. Maloy and Matthew J. Simone all believe that Attorney Weiskopf will be a valuable addition to the firm in helping to serve the interests and needs of the clients of the firm. To reach Mr. Weiskopf or any of the attorneys at the firm you may contact the main office number, (518) 374-8494 or find other contact information at www.delolaw.com .

To reach Mr. Weiskopf directly you may contact his direct line, which is (518) 374-8450, or he may be reached by email at rweiskopf@delolaw.com.

PRESS RELEASES

TOWNE, RYAN & PARTNERS, P.C.
ATTORNEYS AT LAW

ATTORNEY ELENA DEFIO KEAN SELECTED AS FELLOW OF THE NEW YORK BAR FOUNDATION

Albany, NY (December 17, 2014) – Towne, Ryan & Partners, P.C., Upstate New York's largest certified WBE law firm, is pleased to announce that firm principal Elena DeFio Kean has been selected as a Fellow of The New York Bar Foundation.

Fellows are nominated by peers and recognized for distinguished achievement, dedication to the legal profession, and commitment to the organized bar and service to the public.

"Being a Fellow of the New York Bar Foundation is an honor," states Chair of the Fellows, Emily F. Franchina. "Fellows represent one percent of the New York State Bar Association membership. Being nominated and elected is a notable achievement."

Ms. DeFio Kean has served the New York State Bar Association in many capacities over the course of her legal career, including two terms as a member of the House of Delegates and most recently as a member-at-large of the Executive Committee as well as a member of the Committee on Leadership Development and the Task Force against Gun Violence. Ms. DeFio Kean focuses her legal practice on all aspects of labor and employment matters, municipal law and civil rights defense. She also has extensive experience in alternative dispute resolution, including as a mediator for the U.S. District Court for the Northern District of New York.

"I am very honored to have been selected to be in the company of such dedicated legal professionals," says Ms. DeFio Kean.

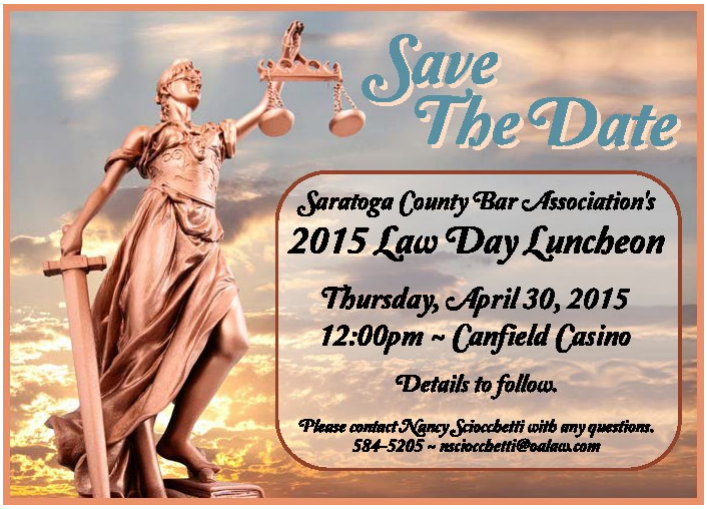
As Foundation ambassadors, Fellows exemplify the spirit of caring and sharing by demonstrating their belief that the practice of law is a helping profession. For more information regarding the Fellows of The New York Bar Foundation visit www.tnybf.org.

THE JONES FIRM
ATTORNEYS AT LAW

THE JONES FIRM WELCOMES ALEXANDRA N.S. M. BESSO, ESQ. AS ASSOCIATE

Saratoga Springs, NY—The Jones Firm is pleased to announce that Alexandra N.S.M. Besso, Esq. has joined the firm as associate and congratulates her on her recent bar admittance.

Ms. Besso joined the firm as a Law Clerk in 2014 after earning her J.D. from Albany Law School. Her practice focuses on land use and development, in addition to the firm's general practice areas. As a founding member of the Veterans' Rights Project at Albany Law School, Alexandra previously provided legal volunteer support to veterans in the greater Capital Region in areas including employment, estate planning and housing. She also worked for the New York State Department of Economic Development and assisted with implementation of the Department's various tax credit programs, as well as worked in the Division of Minority and Women's Business Development.



PRESS RELEASES

McNamee, Lochner, Titus & Williams, P.C.

ATTORNEYS AT LAW

MCNAMEE, LOCHNER, TITUS & WILLIAMS, P.C. ELECTS SCOTT A. BARBOUR AND RICHARD D. CIRINCIONE AS MANAGING PRINCIPALS

Richard D. Cirincione

The shareholders of McNamee, Lochner, Titus & Williams, P.C. are pleased to announce the election of Scott A. Barbour and Richard D. Cirincione as the firm's new Managing Principals. As Managing Principals, Mr. Barbour and Mr. Cirincione will oversee the firm's daily operations, finances and strategic initiatives.

"As managing principal, I look forward to growing our firm and continuing our commitment to legal excellence to meet our clients' needs," said Barbour.

"It is exciting to have the opportunity to lead an outstanding group of attorneys and professional staff as we meet the new challenges within the legal profession," said Cirincione.

Mr. Barbour joined the firm in 1984 and has been a principal since 1991. His practice concentrates on civil and commercial litigation as well as alternate dispute resolution. Mr. Cirincione joined the firm in 1993 and has been a principal since 2002. Mr. Cirincione practices in the areas of estate planning, estate administration, estate litigation, guardianship law and elder law

Barbour and Cirincione succeed Peter A. Pastore as Managing Principal, who will be returning on a full-time basis to his banking, bankruptcy, and commercial litigation practice.

McNamee, Lochner, Titus & Williams, P.C. is a full service law firm of 33 attorneys that is dedicated to providing effective and creative solutions to the legal issues of individuals and businesses throughout the State of New York. Founded in 1863, the firm has provided a tradition of over 150 years of legal excellence.

Scott A. Barbour

McNamee's offices are located at 677 Broadway in Albany and at 646 Plank Road in Clifton Park. For additional information about McNamee, Lochner, Titus & Williams, visit www.mltw.com or call (518) 447-3200.

O'CONNELL AND ARONOWITZ

ATTORNEYS AT LAW

O'CONNELL AND ARONOWITZ ANNOUNCES MAJOR EXPANSION BROADENING COMMERCIAL AND BUSINESS LAW PRACTICES

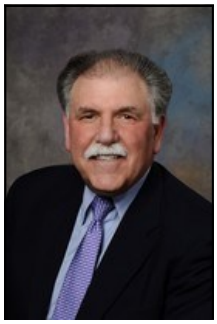
Jeffrey A. Siegel

Albany, NY (January 8, 2015) – O'Connell and Aronowitz has announced a major expansion of its business law and commercial litigation practices with the addition of three experienced business attorneys joining the 90-year-old law firm. Effective January 1, Jeffrey A. Siegel and Robert J. Koshgarian joined the firm as Shareholders, and Paul A. Feigenbaum has joined as Senior Counsel. All three attorneys were formerly with Albany law firm of Mazzotta, Siegel & Vagianelis. The trio's extensive experience in business law, real estate and commercial litigation add to O'Connell and Aronowitz's highly recognized attorneys creating one of the largest and most prominent business law departments among upstate New York law firms.

Jeffrey J. Sherrin, the firm's President, explained the expansion, "O'Connell and Aronowitz has long been recognized for our comprehensive legal services. Our commercial litigation practice continues to grow rapidly and we found this an opportune time to add new talent and experience to meet the increasingly complex needs of our clients."

Robert Koshgarian

The business law practice expansion follows the Firm's 2014 opening of a new office in New York City. "With the addition of Jeff Siegel, Bob Koshgarian and Paul Feigenbaum, we raise our services to a new level and show our continued commitment to growth while meeting and exceeding our clients' expectations," Sherrin said.



Paul Feigenbaum

Mr. Siegel, a Partner at his prior firm, handles business acquisitions, commercial real estate transactions and commercial litigation matters. His experience also includes representation of lenders and borrowers in commercial financing transactions, and municipalities and individuals in land use matters including Article 78 litigation. He earned his JD at Albany Law School in a combined MBA program with Union College and a BS in Management from University at Buffalo.

(Continued on page 13)

PRESS RELEASES/ANNOUNCEMENTS

(Continued from page 12)

Mr. Koshgarian, who served as Counsel at Mazzotta, Siegel & Vagianelis, concentrates in the areas of corporate and business law, employee benefit planning, executive compensation, taxation and real property. He has represented individual, businesses and fiduciaries in civil and criminal investigations before the Internal Revenue Service, United States Department of Labor, and NYS Departments of Taxation & Finance and Labor. He is a graduate of Suffolk University School of Law and St. Lawrence University.

Senior Counsel Paul Feigenbaum will work within our commercial litigation and appellate practices as well as mediation and arbitration. His private practice experience includes Partner at Couch White and New York City's Fink, Weinberger, Fredman, Berman & Lowell, P.C. He also previously served as Counsel for New York State Unified Court System Office of Court Administration. He is a graduate of Columbia University School of Law and Hamilton College.

Named a 2015 Best Law Firm by US News and World Report and Best Lawyers, O'Connell and Aronowitz is one of the Capital District's largest and most diverse law firms. With 35 attorneys and offices in Albany, New York City, Plattsburgh and Saratoga Springs, the firm provides a broad range of legal services to businesses and individuals throughout the state. Jeffrey J. Sherrin can be reached at (518) 462-5601 or by email: jsherrin@oalaw.com.

6TH ANNUAL TRIAL ACADEMY

The Young Lawyers Section is gearing up for its 6th Annual Trial Academy, the New York State Bar Association's only comprehensive trial training and advocacy program. It will be held at Cornell Law School in Ithaca, New York, from Sunday, March 29th - Thursday, April 2nd, 2014. This intensive 5-day trial techniques program is geared toward young and new lawyers - teaching, advancing, and improving the quality of their experience in the courtroom, in order to benefit their careers and their clients' interests. However, the program is open to any attorney who wishes to learn or improve his or her trial skills. Veteran attorneys and judges from throughout New York State will provide instruction through lecture and critiques of the attendees' presentations.

The Trial Academy is an example of how NYSBA is working to provide programs that are beneficial and productive for those attorneys who are new to the profession or transitioning to trial work. In the previous Trial Academies, attorneys of all ages and backgrounds have come together for a truly unique learning experience. Law firms are encouraged to send their associates to this program, which is offered at a fraction of the price of similar programs held by other associations. This is due in large part to the generosity of Cornell Law School, the Trial Academy faculty and team leader volunteers, and the many sponsors of the program which include many generous NYSBA sections.

The materials for the program include both a criminal and civil fact pattern which will be provided to attendees prior to arriving at Cornell. Each morning of the Trial Academy will feature a lecture on topics such as: jury selection, opening statements, evidence, foundations and objections, direct examinations, cross-examinations, trial motions and motions in limine, closing arguments, general trial advocacy, and ethics. Each afternoon, the lecture group will separate into small break-out groups that will allow attendees to put the theory of the lecture into practice. Attendees will work with a designated team leader throughout the program, but will also be critiqued by a rotating faculty, giving each attendee exposure to a diverse network of trial experience. The attendees' presentations will be recorded to allow for personal playback and review.

Online registration information can be located online at www.nysba.org/YLSTrialAcademy. While the Trial Academy may not be of direct interest to you, or related to your particular area of practice, we kindly ask that you please share this information with any attorney who could enhance their trial skills by participating in this program, as well as any law firms that may have an interest in sending associates. The Trial Academy has been approved for a total of 37.5 MCLE credit hours consisting of 2.0 credit hours in Ethics and 35.5 credit hours in Practical Skills. If you have any questions about the program, please feel free to contact me at motoole@nysba.org, or by calling (518) 487-5743.

We appreciate your consideration and support of the 2015 Trial Academy. Registration is limited to 60 attendees, so please encourage prospective attendees to register as soon as possible.

CONTACT ARLENE P. BROWN IF INTERESTED IN HIRING PARALEGAL GRADUATES

I am a member and I also teach Business Law 1&2 and Legal Issues in Entrepreneurship at Hudson Valley Community College. The school is submitting a proposal to SUNY to add a program in Paralegal Studies. In support of the program, we need letters from local attorneys who would be interested in hiring the graduates of this future program.

I am writing to request interested members to email me a brief letter on your letterhead which expresses interest in employing future graduates. You will not be contacted now or in the future to be solicited for employment, the purpose is simply to demonstrate that there is sufficient interest to approve the program for development.

My email address is: ciprianoandbrown@nycap.rr.com, or a.brown1@hvcc.edu.

Thank you for your assistance.

Arlene P. Brown

CLASSIFIEDS/ANNOUNCEMENTS

POSITION AVAILABLE

Looking for Part-time (20 hours/week) Office Assistant in busy solo practice law firm. Duties are: Keep cases organized by establishing, organizing and maintaining files; and monitoring calendars with legal case management software; Answer phone calls and emails and schedule office meetings with clients and prospective clients; Keep clients informed by maintaining contact and communicating case progress; and coordinate weekly marketing communication to prospective clients.

Legal Assistant Skills and Qualifications: proficient computer skills in word-processing and spreadsheet software, aptitude and ability to easily learn other computer programs, good interpersonal communication skills with co-workers and consumers seeking legal representation. RESPOND WITH RESUME, REFERENCES AND SALARY REQUIREMENTS TO: saratogalegalassistant@gmail.com

SUPREME AND COUNTY COURT ANNOUNCEMENT

Beginning March I, attorneys must redact social security numbers, children's full names and other personal identifiers from all documents filed in state Supreme Court and County Courts.

SUBMISSIONS NEEDED!

We are always looking to improve our newsletter for the benefit of our members. If you are an attorney who practices in the following areas of law, we would love to add you to our list of columnists:

Estate Planning
Criminal
Bankruptcy
Gaming
Entertainment
Healthcare
(all other areas of law that are not currently a part of this publication)

If you're interested in having an article or advertising in *Law Notes*, please contact:
Libby Coreno at
lcoreno@saratogalaw.com
(518) 587-0080

LAW DAY COMMITTEE NEEDS MEMBERS!

Our annual Law Day event is coming up soon, and we need help. Time commitment is limited; we don't meet much, we just need folks to take on a task and do it! This is a great opportunity for young members of the Bar Association to meet their colleagues, and a meaningful way to participate in one of the most important events we sponsor. If anyone is interested in assisting in the planning of our annual Law Day event, or simply more information about what we need, please contact Nancy Sciocchetti at nsciocchetti@oalaw.com. Thanks in advance for your help and interest.

ONE WOMAN. ONE WORLD.

MARCH 8TH, 2015

SARATOGA SPRINGS, NY

A unique gathering on the 104th International Women's Day

Gideon Putnam Resort 10 a.m. - 4 p.m.

ANNUAL EVENT CHAIR U.S. SENATOR KIRSTEN GILLIBRAND

EVERY WOMAN CAN MAKE A DIFFERENCE IN OUR WORLD. ONE PERSON OR ONE COMMUNITY AT A TIME.

"TED-STYLE" TALKS ● STORYTELLING ● AUTHOR BOOK SIGNINGS ● NETWORKING
Health & Wellness / Social Entrepreneurship / Business Sustainability / Global Community

In an Instant – life changes, we change, we change others

Author, mother and CBS This Morning contributor Lee Woodruff created a foundation for wounded veterans with husband/ABC News journalist Bob Woodruff after his traumatic injury and recovery from a roadside bomb while covering the Iraq war. If you are a woman in today's world, chances are you too have become a multi-tasking maniac, with much pressure to do everything well. With a bit of humor, Woodruff connects the commonalities of being a daughter, mother, friend, working woman and caregiver.

True to be you

Author, playwright, actor and marketing-to-women expert Mary Lou Quinlan's latest book, The God Box, became a New York Times bestseller in just three weeks. She shares a unique insight from her corporate and life make-overs, and offers 5 reasons we use "reflex answers" in our personal and professional lives that aren't necessarily building a life that's true to who we are.

SPECIAL BENEFIT PERFORMANCE March 7: "The God Box: A Daughter's Story" as performed at the world-renowned Edinburgh Festival Fringe 2014 by author and marketing to women expert Mary Lou Quinlan.

Sponsorship & Community Partnership Opportunities Available
For information contact:

Joanne Yepsen 518.526.5272 jyepsen@nycap.rr.com
Ruth Fein 518.858.7329 ruth@criticalneedsnow.com

When I'm 164: How long do you want to live?

Award-winning author and correspondent David Ewing Duncan asked hundreds of people this question for his latest book, an extension of his life sciences reporting for NPR, the NY Times, and other leading publications.

But what's the truth: weeding through the health information maze

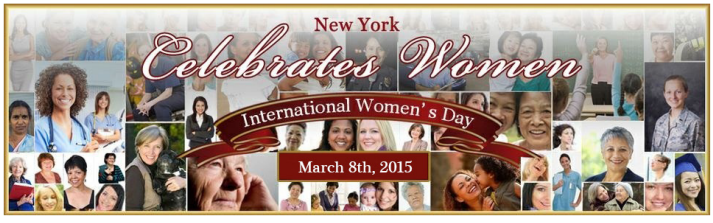
With a doctorate in bioethics, Benita Zahn isn't your average health reporter. With a smart, witty conversation she'll share how to evaluate reported studies, ask the right questions, grasp the useful, credible takeaways.

Is yours a Global Community? And why does it matter?

A panel discussion: women successfully building richer, more diverse, international communities.

Success & Fulfillment: taking risks so you can have both

Additional guest authors, entrepreneurs and survivors share extraordinary inspiring stories.



More details and REGISTER HERE
www.nycelebrateswomen.com

THE SARATOGA COUNTY BAR ASSOCIATION

- Serving the Interests of Justice -

P.O. Box 994
Saratoga Springs, NY 12866
Telephone & Fax:
518-280-1974
e-mail:
pclute@saratogacountybar.org
Executive Coordinator
PATRICIA L. CLUTE

January 20, 2015

DUE UPON RECEIPT

Membership Dues:

For members admitted to the Bar Less than 5 years:	**$30.00**
For members admitted to the Bar 5 to 9 years:	**$60.00**
For members admitted to the Bar 10 or more years:	**$75.00**

Emeritus Status: If any attorney who has been a member in good standing of the Saratoga County Bar Association for 10 or more years and who has retired from the full time practice of law or any retired former member of the judiciary who no longer practices law on a full time basis may apply for Emeritus Member status. If granted such status, such members shall be entitled to the same rights as regular members. Per the resolution adopted by the Executive Board on May 16, 2002, the $25 membership fee is waived. **

Please forward your check for the 2015 membership dues payable to the Saratoga County Bar Association to P.O. Box 994, Saratoga Springs, NY 12866.

Please return a copy of this notice with your payment.

Name: _____

Law Firm: _____

Address: _____

_____

Telephone No. _____

Fax No. _____

E-Mail Address _____

Year Admitted _____

**** Note: Any member with Emeritus status, please disregard this notice.**