THE SARATOGA COUNTY BAR ASSOCIATION

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LAW NOTES

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

TIMOTHY J. HIGGINS, ESQ.

NOVEL USE OF "STORM IN PROGRESS" DOCTRINE: SUMMARY JUDGMENT REVERSED

Frechette v. State of New York
(Garry, J., 6/25/15)

Claimant's decedent was killed when her vehicle, passing through a patch of windblown snow on Route 9 in Beekmantown (Clinton County), spun out of control, entered the southbound lane and collided with a pickup truck. Claimant argued the State negligently failed to warn motorists of the danger of windblown snow and/or failed to take reasonable steps to prevent snow from accumulating on the roadway. Although the accident did not happen *during* a snowstorm, the defendant sought to rely on the "storm in progress" doctrine; offering proof that its snowplow operator made 12 passes through that part of Rt. 9 in the hours leading up to the crash. The Court of Claims (Ferreira, J.) granted defendant's motion for summary judgment but the Third Department reversed; finding an issue of fact with respect to whether the State's attempt "to remedy the recurring hazard of windblown snow" by relying just on a snowplow (as opposed to, or in conjunction with, erection of a snow fence) complied with its duty of reasonable care under the circumstances.

NEW TRIAL ORDERED AFTER PLAINTIFF'S $3M DEFAMATION VERDICT

Wilcox v. Newark Valley Central School Dist.
(McCarthy, J., 6/11/15)

Plaintiff's probationary employment as a physical education teacher and field hockey coach was terminated by the defendant about 2 months after her live-in boyfriend was arrested and charged with raping a female field hockey player from a different school district. Plaintiff's lawsuit was premised on two alleged defamatory statements by the high school principal and the superintendent; who reportedly told field hockey players and their parents that Wilcox "acquiesced in or did not protest or challenge" the termination of her employment. After an initial mistrial, the second trial jury awarded plaintiff a verdict over $3-million dollars, including $1-million for mental anguish, emotional distress and damage to reputation. The Third Department reversed the monetary award and ordered a new trial on damages, finding Supreme Court (Tait, J., Tioga Co.) committed reversible error in permitting plaintiff to offer "testimony regarding rumors circulating in the community" about her and that plaintiff failed to prove there was a connection between the school officials' defamatory statements and the "ostracism and rejection" allegedly suffered by Wilcox.

LABOR LAW §§ 240, 241(6)

Christiansen v. Bonacio Construction, Inc.
(Lynch, J., 6/4/15)

During construction of a six-story condominium building, plaintiff's job was to deliver and collect materials to and from masons as they worked on scaffolds. On the day he was injured, one such scaffold frame fell and struck plaintiff in the head and neck. Plaintiff's motion for summary judgment on his Labor Law §§ 240 and 241(6) claims was denied by Supreme Court (Nolan, J., Saratoga Co.) which further granted defendant's cross-motion dismissing the complaint except for the § 240 cause of action. The Third Department threw out the § 240 cause of action as outside the scope of the statute because the two-foot distance be-

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TORTS AND CIVIL PRACTICE, CONTINUED...

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tween the falling scaffold frame and plaintiff's head was not a "physically significant height differential". However, the Appellate Division reinstated plaintiff's § 241(6) claim; finding questions of fact regarding assembly or disassembly of the scaffold frame that fell, which might allow plaintiff to show a violation Industrial Code Rule 23, as required to succeed under § 241(6).

Scribner v. State of New York
(Peters, J., 7/9/15)

This plaintiff's motion for summary judgment on liability under § 240 was granted by the Court of Claims (Milano, J.) upon evidence that the injured roofer, collecting tile pieces removed by co-workers, fell from the stone ledge where he was standing onto a scaffolding below. Citing conflicting proof and expert affidavits regarding the distance plaintiff fell and whether the scaffolding afforded the worker proper protection, the Third Department modified the order below by denying the § 240 motion for summary judgment and dismissing claimant's cause of action under§ 241(6) in its entirety.

Salzer v. Benderson Development Co.
(Devine, J., 7/9/15)

Plaintiff, directing a crane operator who was positioning heating and air conditioning units onto the roof of the defendants' shopping complex, stumbled and fell off the roof and was injured. Supreme Court (Catena, J., Montgomery Co.) granted defendants' motions to dismiss plaintiff's claims under §§ 240 and 241(6), concluding that the injuries sustained did not result from an elevation-related hazard because plaintiff could have avoided working near the edge of the roof by using a cell phone to direct the crane operator. Reversing and granting summary judgment on the § 240 claim, the Third Department ruled that plaintiff's decision to use hand signals while positioned on the roof, "even if a safer method existed, constituted nothing more than" comparative fault, which is not a defense to violation of the statute; and that a parapet wall surrounding the edge of the roof was not the "functional equivalent" of a scaffold or safety device of the type required under § 240.

Barros v. Bette & Cring, LLC
(Clark, J., 6/11/15)

Plaintiff was an ironworker who was hurt when he slipped and fell while shoveling snow, as directed by his supervisor, at a construction site. Supreme Court (Nolan, J., Saratoga Co.) dismissed plaintiff's § 241(6) claim and was affirmed by the Third Department. While Industrial Code Rule 23-1.7 does prohibit an employer from allowing an employee to use an elevated working surface which is in a slippery condition, liability does not attach where, as here, when "the injury is caused by the very condition a plaintiff was charged with removing".

Timothy J. Higgins is a partner at Lemire, Johnson & Higgins, 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 the firm, 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."

PRODUCT LIABILITY

Barclay v. Techno-Design, Inc.
(Lynch, J., 6/4/15)

The plaintiff, a factory maintenance worker, was hurt when his arm became entangled in the gears of the defendant's ravioli making machine. The machine was designed with three areas to access its interior workings, one of which was a side door that (unlike the other two access sites) did not have an interlock device that would shut down the machine when the door was opened. Accessing the side door to adjust a cheese nozzle, the plaintiff's jacket sleeve got caught in a gear, pulling his arm into the machine and resulting in serious and disfiguring injuries. Supreme Court (Giardino, J., Fulton Co.) dismissed plaintiff's claim that the machine was improperly manufactured, but denied defendant's motion to throw out the two remaining claims; improper design and inadequate warning. The Third Department modified by dismissing the inadequate warning claim, concluding that the plaintiff was fully aware of the obvious danger posed by accessing the machine via the side door and that he "would not have benefitted from a warning".

EXPERT WITNESS PRECLUSION NOT RIPE FOR APPEAL

Hurtado v. Williams
(Devine, J., 6/11/15)

In this dram shop action, the defendant Williams reportedly had a blood alcohol content of .14% approximately 6 hours after the fatal car crash. The defendant tavern moved to pre-

(Continued on page 5)

ALIMONY AND DEAD HORSES

MICHAEL FRIEDMAN, ESQ.

"Alimony is like buying hay for a dead horse."
-Groucho Marx

"She cried and the judge wiped her tears with my checkbook."
-Tommy Manville, heir to the Johns–
Manville asbestos fortune

"I do get a certain amount of satisfaction from stirring the pot and making people a little bit crazy."
-Hon. Johnathan Lippman, Chief Judge of the
State of New York

You and me both, Justice Lippman.

Have you ever been to the Appellate Division, Second Department? Me neither. It has quite a history, dating back to 1896. Past judges include the current Chief Administrative Judge A. Gail Prudenti, the great Vito Titone of the Court of Appeals and matrimonial specialist Sondra Miller who chaired New York's Matrimonial Commission in 2006. Justices Albert Sewell and William McCarthy served on both the Second Department and the Third Department. Unfortunately none of these jurists currently serve on the Second Department. Unfortunately that is for one Wayne P. Schack whose wallet was inadvertently deep-sixed by the Second Department in a bizarre decision where they inadvertently took all the maintenance he has previously paid and has to pay his wife for the next three years and made it not tax deductible. That took some work.

The Schacks have been litigating their divorce since 2007. After a trial before Suffolk County Justice Daniel Martin, Ms. Schack was awarded maintenance until February 1, 2017, but commencing with the decision of February 1, 2012. No problem there. However, the Second Department thought this was inadequate and made it retroactive to the commencement date of 2007 and ending "when the parties' youngest child, born March 31, 1997, attains the age of 21 years or is sooner emancipated." By my calculation that ends on March 31, 2018 at the latest. Now, just why the extra 13 months was important to them is a mystery to me. But here's the rub.

Let's put aside that Mr. Schack now owes an extra 4+ years of past due maintenance less what he paid during that time. The Internal Revenue Code lets people deduct maintenance on their income tax returns if it is pursuant to a divorce judgment unless it runs afoul of a few silly rules. The maintenance in Justice Martin's decision was clearly tax deductible by Mr. Schack and includible in Ms. Schack's income. Why not? But the Second Department screwed it up big time. You see, the Internal Revenue Code was amended several decades ago to prevent people from calling child support tax deductible maintenance or alimony to get the benefit of one spouse's lower tax bracket. How did they do this? The Code says that you cannot deduct any alimony (maintenance) if it is reduced on the happening of a contingency specified in the judgment "relating to a child (such as attaining a specified age, marrying, dying, leaving school, or a similar contingency)." So, by converting from a set number of years to when the youngest child attains the age of 21 or is sooner emancipated, Ms. Schack gets to keep all that money tax free and Mr. Schack just pays and pays and pays. I am guessing that Ms. Schack is already amending her 2012, 2013 and 2014 tax returns to get nice healthy bonus refunds and Mr. Schack is going to then get a nice missive from the IRS and the NYS Tax Department disallowing his deductions and adding some penalties and interest.[i] What a mess.

I am just guessing that the Second Department had no idea it was doing this to Mr. Schack when the four justices Mark C. Dillon, John Leventhal, Sandra Sgroi and Sylvia Hind-Radix unanimously handed down this gem on May 20. Justice Dillon is a professor at Fordham Law School who was a guest lecturer on matrimonial courses at Pace Law School for 4 years. Oh well. There may really be no remedy here unless Mr. Schack's Seven Eleven stores in Ronkonkoma pick up some more business. It is one thing to dispense what you perceive as the just application of the law to the facts of the case. It is another to inadvertently financially devastate someone by a decision that most matrimonial practitioners would recognize as an income tax nightmare.

(Continued on page 5)

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.

EMPLOYMENT LITIGATION UPDATE

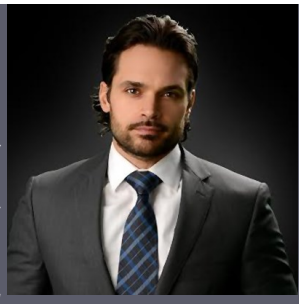
SCOTT PETERSON, ESQ.

THE IMPLICATIONS OF THE SAME SEX MARRIAGE DECISION ON EMPLOYMENT LAW

With the recent United States Supreme Court ruling in favor of gay marriage, many would think that equal rights would be extended to same sex couples in most other areas of life. This would be wrong. As it stands the laws protecting same sex couples from being free from discrimination in the workplace and housing, among other things, have continued to lag behind. The Civil Rights Act of 1964, for example, has not yet been amended to include sexual orientation as a protected class.

The United States Equal Employment Opportunity Commission ("EEOC)" recently did its part to extend protections to sexual orientation in the workplace in a case involving an employee who was denied a promotion allegedly as a result of being gay. In Complainant v. Foxx a majority panel for the agency – which considers claims of workplace harassment and discrimination under Federal law – held that Title VII of the Civil Rights Act provides protection to individuals based upon their sexual orientation. In reaching its decision the panel observed that while Title VII of the Civil Rights Act does not distinguish sexual orientation from "sex", there should be no distinction between the two. The panel reasoned that sexual orientation discrimination could be established by an employee by showing that he or she would not have been treated differently but for his or her sex. Before this ruling same sex couples would have to bring claims based on complicated theories of discrimination, and these claims were often subject to dismissal.

The ruling by the EEOC is not binding upon Federal Courts, but its reasoning clearly indicated its intention to attempt to obtain employer compliance. Without question the decision will increase the number of complaints based upon sexual orientation discrimination.



Scott Peterson is the founding partner at D'Orazio Peterson, which was opened to provide representation to individuals in employment and serious injury matters.

Mr. Peterson received his law degree from Albany Law School, where he served as a Managing Editor on the Albany Law Journal of Science and Technology. Prior to opening his firm, he worked for two Albany- based law firms, where he focused his practice on litigation in the areas of construction, malpractice, employment and serious injury.

Mr. Peterson has represented clients in State and Federal courts throughout New York State, has been published in several publications including the New York Law Journal, and has frequently provided commentary for local and national media outlets. He currently serves on the Executive Committee of the New York State Bar Associa-

On the heels of the EEOC decision Federal lawmakers introduced the Equality Act, which proposes to amend housing and employment laws to add protections for sexual orientation and gender identity. This Act, if passed, would serve to amend Title VII of the Civil Rights Act of 1964, among others, to include sexual orientation as a protected status.

Given the political makeup of the House and Senate it is somewhat unlikely that the Equality Act will gain enough support for quick passage, however the proposed legislation, when considered in light of the EEOC decision and recent decision by the U.S. Supreme Court, suggests that the tide is turning towards increasing protection for same sex couples in the workplace.

FMLA INTERFERENCE

Yetman v. CDTA
(NDNY 7/23/15)

In this case asserting a number of claims under the Family & Medical Leave Act ("FMLA") the plaintiff asserted among other things that her employer interfered with her rights by failing to post a notice of those rights under the FMLA in the office break room.

In awarding summary judgment and dismissing the case the Northern District court determined, among other things, that even if there were a factual issue over the posting of the appropriate notice plaintiff would nonetheless not be entitled to prevail on her claims. Initially, the court recognized that there presently exists no private right of action against an employer for failing to post an FMLA notice. In any event, however, the court found that the employer had complied with its obligations by providing the plaintiff with a copy of her employment handbook upon her return. In so doing the court cited caselaw supporting the position that an online employment handbook provided an employee with actual and sufficient notice of FMLA rights. The lesson for employees being to find and read the company employment manual before taking leave.

ALIMONY, CONTINUED...

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A few weeks before, Justice Dillon held that ignorance of the law was no excuse for an obstetrician/gynecologist who tried to file a late claim for breach of contract against the state.[ii] In 2014 Justice Hinds-Radix held the MVAIC's "ignorance of the law was not a reasonable excuse for its default."[iii] Indeed, certainly the gold standard in the Second Department. So, if I ever ask, remind me not to start appellate practice in Brooklyn. I don't think I could take it.

[i]This issue has already been decided by the Oregon Tax Court in Lindner v. Department of Revenue (TC4603). You can find it here:
http://www.publications.ojd.state.or.us/docs/TC4603.htm
[ii]Borawski v. State of New York, __ A.D.3d __ (May 6, 2015)
[iii]Archer v. Motor Veh. Acc. Indem. Corp., 118 A.D.3d 5 (Second Dept., 2014)

TORTS AND CIVIL PRACTICE, CONTINUED...

(Continued from page 2)

clude the testimony of plaintiffs expert toxicologist regarding Williams' BAC earlier in the evening (at the tavern) and that she would have been "visibly intoxicated" at that time. After a *Frye* hearing, Supreme Court (Becker, J., Delaware Co.) granted the motion; agreeing with defendant's expert that Williams' extrapolated BAC and appearance at the bar before the accident could not be reliably drawn from the available proof. Since preclusion of the expert testimony is not fatal to plaintiffs claims, the Third Department concluded that its review of the lower court's order "must wait until after trial, when the relevance of the evidence and the effect of the evidentiary ruling may be properly assessed".

PREMISES LIABILITY

Minutolo v. County of Broome
(Lynch, J., 7/9/15)

Plaintiff claimed he was hurt when he slipped and fell into a recessed paved area behind the defendant's Veterans Memorial Arena, contending that he slipped on a grease spill alongside the pit where a railing had been removed. Supreme Court (Lebous, J., Broome Co.) dismissed plaintiff's claim based on the lack of a railing and at trial, the jury returned a defense verdict, finding there was no slippery substance in the area where plaintiff fell. On appeal, the Third Department found the jury verdict was not against the weight of the evidence, but it did find Supreme Court erred in dismissing plaintiff's "missing railing" claim, as the evidence raised questions of fact whether the county's employees might have removed the railings and

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Press Releases

Tara Anne Pleat, of Wilcenski & Pleat, PLLC, Elected Treasurer of the Elder Law and Special Needs Section of the New York State Bar Association

Tara Anne Pleat, of Wilcenski & Pleat, PLLC, elected Treasurer of the Elder Law and Special Needs Section of the New York State Bar Association

At the annual meeting of the Elder Law and Special Needs Section of the New York State Bar Association this past February, Tara Anne Pleat was elected to be the Section's Treasurer. The election to Treasurer is the first in a 7 year commitment to the leadership of the Section. Her tenure began on June 1, 2015.

The Elder Law and Special Needs Section of the New York State Bar Association is devoted to the education and support of attorneys practice in the areas of Elder Law and Special Needs Estate Planning and Trust Administration.

Dezik Elected Vice President of the Estate Planning Council of Eastern New York, Inc.

Michael D. Dezik, of Wilcenski & Pleat, PLLC, was recently elected as Vice President of the Board of Directors of the Estate Planning Council of Eastern New York, Inc.

The Estate Planning Council of Eastern New York, Inc. is a not for profit organization which provides quarterly educational programs on topics of general interest to the estate planning community. The Council is further tasked with fostering the growth and development of the Council's diverse group of professional members, which includes Attorneys, Trust Officers, Accountants, Financial Advisors, Insurance Professionals and Banking Professionals. More information about the council can be found at www.epceasternnewyork.org.

PRESS RELEASES

CARTER CONBOY
ATTORNEYS AND COUNSELORS AT LAW

CATALFIMO, CONNELL TO SPEAK ON CONSUMER DEBT AND COLLECTION LAW AT NATIONAL BUSINESS INSTITUTE (NBI) SEMINAR

Albany, N.Y. (July 2, 2015): The National Business Institute (NBI) has invited Carter Conboy's Michael J. Catalfimo and Edward C. Connell to speak on issues related to legal compliance in consumer debt collections at its one-day conference "Collection Law from Start to Finish" to be held in Albany on September 17, 2015.

Michael J. Catalfimo

Mr. Catalfimo will speak on issues related to The Fair Debt Collection Practices Act, including how to comply with the act; covered persons, transactions and communications; prohibited conduct; liability, damages, and defense; and cases of interest related to the Fair Debt Collection Practices Act. He will also speak on the subject Filing the Lawsuit and Developing Definitive Strategies, including identifying claims and parties; avoiding potential problems; determining jurisdiction; pleadings, discovery and dispositive motions; and entering and serving judgements.

Edward M. Connell

Mr. Connell will address Pre-Suit Collection Strategies, including whether to pursue collections; preventative collections absent litigation; discovery of assets; and designing a collections system. Additionally, he will speak on Collecting Judgments, including judgment liens on real and personal property; property executions, seizures, and creditor priority; income executions; exemptions by debtors; and, fraudulent conveyances.

The seminar is accredited by the New York State Continuing Legal Education Board, the Board on Continuing Legal Education of the Supreme Court of New Jersey, and the Institute of Certified Bankers (ICB). The seminar is expected to be attended by a variety of professionals involved in consumer debt collection, including attorneys, in-house counsel, paralegals, collections and loan officers, credit managers, bankers, and controllers. Further conference information can be found at The National Business Institute.

Michael J. Catalfimo is a shareholder and managing director in the Albany, New York law firm of Carter Conboy where he currently concentrates his practice in the fields of creditors' rights, business and property law and litigation, family law, and general civil litigation. He earned his J.D. degree, magna cum laude, from Boston College Law School; and his B.A. degree, with all college honors, in government, from Skidmore College. Mr. Catalfimo is active in numerous professional associations, including the American and New York State bar associations; the New York State Trial Lawyers Association; and the American Bankruptcy Institute. He chairs the Board of Directors of the American Legal and Financial Network, the nation's largest network of residential mortgage foreclosure attorneys, servicing agents and ancillary service providers; and sits on the Steering Committee of the American Law Firm Association's business litigation practice group. Mr. Catalfimo is a past-president of both the Washington County Bar Association and the Federation of Bar Associations of the Fourth Judicial District; and a former adjunct professor of business law at Skidmore College. He is a frequent speaker on creditors' rights and real property law topics. Mr. Catalfimo can be reached at mcatalfimo@carterconboy.com or 518.465.3484.

Edward M. Connell is an attorney in the Albany, New York law firm of Carter Conboy. He has more than 12 years of experience in representing mortgage lenders and services, businesses, collection agencies, landlords, and other creditors in the collection of debts and recovery of loan collateral. Mr. Connell practice is concentrated in the areas of creditors' rights, business and property law and litigation, bankruptcy, and municipal law. He earned his bachelor's degree from the State University of New York at Albany and his Juris Doctorate degree from Albany Law School. Mr. Connell is a member of the Real Property and Business Law sections of the New York State Bar Association. He can be reached at econnell@carterconboy.com or 518.465.3484.

TIDA PUBLISHES BRIAN D. CARR ARTICLE ON THE CRITICAL NEED FOR REFORM OF THE FMCSA'S CSA PROGRAM

Albany, N.Y. (May 21, 2015): Brian D. Carr was recently published in the Trucking Industry Defense Association (TIDA) 2015 Spring Newsletter. His article "A Critical Need for Reform of the Compliance, Safety, Accountability Program and

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PRESS RELEASES

CARTER CONBOY
ATTORNEYS AND COUNSELORS AT LAW

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Options for Defense Counsel to Prevent the Admission of CSA Scores into Evidence" analyses the need for reform of the Federal Motor Carrier Safety Administration (FMCSA)'s Compliance, Safety, Accountability (CSA) program, specifically its Safety Management System (SMS) scores, given that the statistical methodology used by the FMCSA is inherently flawed misrepresenting commercial motor vehicle carriers safety performance and perceived risk. Further, the flawed data is then available to the public and discoverable during litigation against commercial motor vehicle carriers. Mr. Carr discusses the use of the SMS scores during litigation, the significant issues the data can cause, and options for defense counsel when representing a commercial motor vehicle carrier and SMS scores come into play.

Brian D. Carr

Brian D. Carr is a Director and litigator at Carter Conboy. Mr. Carr concentrates his practice in the defense of litigation claims, primarily involving the defense of transportation, construction and labor law, product liability, professional malpractice, premises liability, and personal injury liability claims. He regularly protects the interests of small and large trucking and transportation industry clients in the federal and state courts of New York, as well as in arbitrations, administrative hearings, and before state and federal agencies. He is also an Aircraft Owners and Pilots Association Panel Attorney providing representation and consultation in various aviation related matters. Mr. Carr is a Martindale-Hubbell AV® Preeminent rated attorney and the current President of the Defense Research Institute (DRI) of Northeastern New York. In addition his law degree, he holds a master's degree in business administration and is a licensed commercial pilot with instrument and multi-engine ratings. Mr. Carr can be reached at (518) 810-0523 or bcarr@carterconboy.com.

ADAM H. COOPER TO SPEAK ON LEGAL CHALLENGES FACING PHYSICIANS AT ANNUAL MEN'S HEALTH CONFERENCE

Albany, N.Y. (April 29, 2015): The Urological Institute of Northeastern New York, a professional association of nationally and internationally known academic and clinic experts in the field of Urology, invited Carter Conboy's Adam H. Cooper to speak on legal-medical issues at its annual conference, Current Concepts in Men's Health. The three day conference was held in Saratoga Springs, New York from August 14-16, 2015.

Mr. Cooper presented on "Legal Challenges for the Physician: From Social Media to Off Label Drug Use and Surgical Innovations" during the Socioeconomic portion of the conference. Other focal topics included urologic oncology, prostate cancer, kidney stones, benign prostate disease, testosterone deficiency, robotic surgery advances, prostate imaging, and health care economics.

The conference was attended by physicians, physician's assistants, nurse practitioners, and other health care providers whose practice includes treating men's health issues. The conference was jointly sponsored by Albany Medical College and was accredited by the Accreditation Council for Continuing Medical Education (ACCME) to provide continuing medical education to physicians.

Adam H. Cooper

Adam H. Cooper is a Director and litigator at Carter Conboy. Mr. Cooper focuses his practice on all phases of civil defense in matters relating to medical malpractice, professional liability, product liability, personal and premises liability, and appellate law. Additionally, he represents professionals before administrative licensing boards in the context of investigations and disciplinary hearings, including the New York State Department of Health, Office of Professional Misconduct (OPMC) and the New York State Department of Education, Office of the Professions. His clients include hospitals, physicians, healthcare professionals, nursing homes and assisted living facilities, as well as pharmacies, commercial retailers, and industrial manufacturers. Mr. Cooper is a Martindale-Hubbell AV® Preeminent Rated Attorney and a frequent speaker on topics related to medical malpractice and product liability issues. He is the current President of the Federation of Bar Associations for the Fourth Judicial District, Co-Chair of Leadership Tech Valley, and the Past President of the Defense Research Institute of Northeastern, New York. Mr. Cooper can be reached at (518) 810-0526 or acooper@carterconboy.com.

PRESS RELEASES

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

TOWNE, RYAN & PARTNERS, P.C. EXPANDS CIVIL LITIGATION PRACTICE WITH ADDITION OF ATTORNEY JOHN W. LIGUORI

Albany, NY (July 8, 2015) – Towne, Ryan & Partners, P.C., Upstate New York's largest New York State certified Women Business Enterprise ("WBE") law firm, is pleased to announce that John W. Liguori is now Of Counsel to the firm.

Mr. Liguori, a former named Partner at another prominent Albany law firm for 20 years, brings extensive experience in the area of civil litigation with a concentration in municipal, public housing and personal injury law to the Towne, Ryan & Partners, P.C.'s civil litigation team. Mr. Liguori has litigated hundreds of negligence defense, civil rights and personal injury cases in both state and federal court.

In addition to his civil litigation practice, Mr. Liguori also practices in the areas of estates and probate, commercial and residential real estate, landlord-tenant law and vehicle and traffic offenses.

A 1989 graduate of Bryant College and a 1992 graduate of Western New England College, School of Law, Mr. Liguori is admitted to practice in the State of New York, the United States Federal District Court for the Northern and Southern Districts of New York, the United States Court of Appeals, Second Circuit, and the United States Supreme Court.

He is a member of the Albany County Bar Association, Housing Authority Defense Attorneys Group and is a charter member of the New York Academy of Trial Lawyers.

Outside of his practice, Mr. Liguori enjoys volunteering at the Double H Ranch Adaptive Ski Program in Lake Luzerne, N.Y. He is the former President of the Board of Trustees of the Leukemia and Lymphoma Society for the Upstate New York and Vermont Chapters. He is also an adjunct professor of litigation practice and real property law at the Empire Education Corporation – Mildred Elley, as well as a presenter at continuing legal education seminars.

ATTORNEY JAMES T. TOWNE, JR. DISCUSSES BRINGING SOLAR POWER AND INTERNET ACCESS TO IMPOVERISHED VILLAGE IN AFRICA

Albany, NY (August 3, 2015) – Over the past few months, Partner James T. Towne, Jr. of Towne, Ryan & Partners, P.C. has interviewed with Salim Amin of THE SCOOP to share his first-hand experience of being Trustee to the Loisaba Community Conservation Foundation, Inc. ("LCCF"), a not-for-profit organization serving the Ewaso and Laikipia communities in Kenya, Africa.

The one-on-one interview is part of a series produced by AFRICA24 MEDIA, a Pan-African online media agency, to shed light on the "Movers & Shakers" who are dedicated to making a difference in Africa. The series is broadcasted to millions of viewers in Africa and Europe.

In the interview, Mr. Towne discusses the undertaking of this project and the drastic changes they have brought to the Maasai and Samburu tribes in the Ewaso community and surrounding region since LCCF was founded in 2003.

Among the many standout efforts LCCF has spearheaded abroad, Mr. Towne shares how several grants have afforded LCCF the ability to install internet and solar power to a village that previously lived in utter isolation.

"What a gift it is to interact with people who are so appreciative of the littlest, smallest thing you do," said Mr. Towne.

Mr. Towne goes on to state that with a generous donation of 15 laptop computers from the Nemer family, the children and teachers of Ewaso now have the ability to access the internet and participate in online classes.

"Every Thursday morning when I get up it's the best part of my week. I get up and there are emails there from the children in the computer class at the library," said Mr. Towne.

The Ewaso students also Skype on a regular basis with students at the Maple Avenue Elementary School in Saratoga Springs, N.Y.

The interview, which Mr. Amin has said was one of the highlights of his recent trip to the United States, can be watched on Mr. Amin's Facebook page www.facebook.com/pages/The-Scoop-with-Salim-Amin/676713985697182. The entire broadcast can be seen at www.a24media.com.

About Loisaba Community Conservation Foundation, Inc.

The Loisaba Community Conservation Foundation, Inc. ("LCCF") is a qualified U.S. 501 (c)(3) not-for-profit organization which serves the Ewaso community located in the Laikipia Valley in Kenya, 100 miles north of Nairobi. LCCF is dedicated to providing meaningful improvement in the quality of the lives of the residents of Laikipia through education, supplying health resources, water resource management and assistance in

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livestock management practices. For more information on LCCF, please visit www.loisabaccf.org or on our Facebook page at www.facebook.com/LoisabaCCF.

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