THE SARATOGA COUNTY BAR ASSOCIATION

Serving the Interests of Justice

LAW NOTES

LAW NOTES VOL. X, ISSUE V SEP-DEC 2016

INSIDE THIS ISSUE:

Torts and Civil Practice	1
Welcome to the Practice of Law	2
Employment Litigation Update	3
Consumer Bankruptcy	4
Insight to Immigration	5
Matrimonial and Family Law Update	7
Press Releases	9

SARATOGA COUNTY BAR ASSOCIATION
P.O. BOX 994
SARATOGA SPRINGS,
NEW YORK 12866
TEL & FAX:
(518) 280-1974
PATRICIA CLUTE
EXECUTIVE COORDINATOR
PCLUTE@SARATOGACOUNTYBAR.ORG

M. ELIZABETH CORENO, ESQ.
EDITOR-IN-CHIEF
CHRISTOPHER MARNEY
MANAGING EDITOR

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

TIMOTHY J. HIGGINS, ESQ.

DISCOVERY DISPUTE OVER SLIP-AND-FALL VIDEO

Atiles v. Golub Corp.
(McCarthy, J., 7/28/16)

Plaintiff fell in one of the defendant's stores. In discovery, her counsel sought video surveillance of the location of the fall; in response to which defendant produced footage covering the period of 24 hours before the fall through eight (8) minutes after the fall. Plaintiff's motion to compel discovery of video covering two (2) hours post-fall was denied by Supreme Court (Ferreira, J., Albany Co.), and the Third Department affirmed. The post-fall video that was disclosed showed two store employees "stooped down and proceeded to wipe the floor in the area of the accident", after which the area was opened to customer traffic. Plaintiffs' request for an adverse inference jury charge was properly denied because of the failure to show defendant "intentionally or willfully destroyed the video under obligation to preserve it".

CLAIMS AGAINST SCHOOL DISTRICTS

Kenyon v. Oneonta City School Dist.
(Rose, J., 7/21/16)

Plaintiff was visiting the defendant high school with her basketball team, and while searching for a bathroom, was hurt when a large, heavy door that had been propped up against a wall (near the girls' locker room) fell and struck her. Supreme Court (Coccoma, J., Otsego Co.) granted plaintiff's motion for partial summary judgment which was supported by proof that a high school maintenance worker had taken the 50-lb. door off its hinges, left it unsecured and leaning against a vestibule wall, and failed to post warning signs or block access to the vestibule. In the absence of evidence that plaintiff bumped into the door or caused it to fall, the Third Department affirmed the order of summary judgment on liability, concluding that the removal and positioning of the door was "dangerous as a matter of law".

Elsawi v. Saratoga Springs City School Dist.
(Rose, J., 7/14/16)

The infant plaintiff was injured in the collapse of a stage riser during rehearsal for a choral concert at one of the defendant's middle schools. Plaintiff's expert engineer blamed the collapse on a defective (bent) brace bar and claimed his inspection of the riser revealed "tool marks" indicating a failed attempt to repair the equipment's locking mechanism. Supreme Court (Crowell, J., Saratoga Co.) denied the parties' motion and cross-motion for summary judgment but did find plaintiff was entitled to a jury charge on the doctrine of *res ipsa loquitor* (which creates a rebuttable presumption or inference that the defendant was negligent). The Appellate Division affirmed but did modify the lower court order by deleting the *res ipsa* jury charge as "premature, as proof related to the applicability of the doctrine has yet to be adduced at trial".

BONUS: COURT OF APPEALS SPLIT ON LATE NOTICE OF CLAIM

Wally G. v. NYC Health and Hospitals Corp.
(6/9/16)

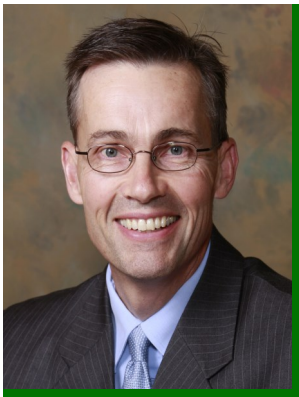
General Municipal Law § 50-e requires that a "notice of claim" be served on a public corporation within 90 days after the claim arises. After the 90-day period, an application can be made to the court for permission to file a "late" notice of claim. The decision by the court "is purely a discretionary one" and requires consideration whether the public corporation (would-be defendant) "acquired actual knowledge of the essential facts constituting the

(Continued on page 2)

TORTS AND CIVIL PRACTICE, CONTINUED...

claim" within 90 days of the incident or within a reasonable time thereafter.

Here, the infant plaintiff was born prematurely at one of the defendant's hospitals on June 15, 2005. 18 months later, without having sought court permission, the plaintiff mother served a late notice of claim alleging negligence and medical malpractice; and filed formal suit in August 2008. In December 2010, 5+ years after the infant's birth, the mother moved for permission to file the late notice of claim. Supreme Court denied the motion and granted the defendant's cross-motion to dismiss for failure to comply with GML § 50-e. A divided Appellate Division affirmed, as did the Court of Appeals (with 3 dissenters). Judge Pigott, writing for the majority, clarified the Court's 2006 analysis of the same issues in Williams v. Nassau Co. Med. Ctr. (6 NY3d 531), emphasizing that the "actual knowledge" standard cited in GML § 50-e [5] cannot be satisfied simply by establishing that the medical provider (would-be defendant) created or possessed medical records that might "suggest" that an injury occurred as a result of malpractice. Rather, the medical records "must evince that the medical staff, by its acts or omissions, inflicted an injury on plaintiff".



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.

WELCOME TO THE PRACTICE OF LAW

MICHAEL FRIEDMAN, ESQ.

"You tell your folks back at Kirkland & Ellis that that I don't much like the idea that they think so little of this court that they didn't send a partner here to talk about this kind of problem which implicates international terrorism.... I think it's outrageous, irresponsible and insulting...Maybe Kirkland & Ellis can scrounge up a partner who isn't busy in Texas to come see a lowly judge in the Eastern District of New York...I've been a lawyer for 41 years and a judge for 16 years and I'm not having this discussion with you."

Senior United States District Judge Nicholas G. Garaufis to Associate Attorney Aulden Burcher-DuPont, September 22, 2016.

"Justice has nothing to do with what goes on in a courtroom. Justice is what comes out of a courtroom."

Clarence Darrow

Nicholas G. Garaufis has served on the United States District Court for the Eastern District of New York since he was appointed by President William Clinton and confirmed by the United States Senate. He was admitted to the bar three years before I was. A few days after his dressing down of the associate, the firm appeared with a partner. Judge Garaufis then said, "Any inference that might have been achieved through the media that I was ever upset at Mr. Burcher is totally unfounded, and for that I apologize, if that's the impression that was given." No judge, that was not the impression. Rather, you made it quite clear that you believe you can dictate to a law firm who they send to represent a client. You also made it clear that you were outraged and insulted that the firm sent an associate and because you have been a lawyer for 41 years you don't have to discuss the case with the attorney who appears for a client in your courtroom. Really judge? I know it takes an Act of Congress to remove you, but do you really have to take personal umbrage with a duly admitted counsel who appears before you just because he or she is not a partner in the firm? And did you ever think what impression that leaves on the litigants when you express such displeasure with their attorneys?

Canon 3 of the Code of Conduct for United States Judges states, "A judge should be patient, dignified, respectful, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity…A judge should accord to every person who has a legal interest in a proceeding, and that person's lawyer, the full right to be heard according to law." While judges justifiably have great power in the courtroom, one of those powers is not to dictate which attorney from a law firm of record appears for a client. When Judge Garaufis went to senior status, United States Supreme Court Judge Sonya Sotomayor said that Judge Garaufis was "dedicated, most of all, to doing the right thing as a judge and in life." She called him a mensch. Another Yiddish word comes to my mind.

When I started at the great Ainsworth, Sullivan, Tracy and Knauf doing insurance defense work in 1977, I had the opposite experience. Judges welcomed me to the practice of law, congratulated me for representing the firm and protected me from more experienced counsel. My experiences were not unique. Sure, there were the good natured jabs from my fellow attorneys. "I guess we're not settling today because they sent Friedman." But that was fine.

On my first foray into Fulton County I met the great Supreme Court Justice Carrol S. Walsh, Jr. Judge Walsh was nationally known for liberating Holocaust victims from a Nazi train in World War II. When I arrived he was in a small room with the

(Continued on page 3)

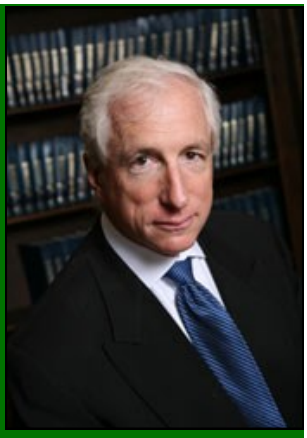
WELCOME TO THE PRACTICE OF LAW, CONTINUED...

(Continued from page 2)

plaintiff's counsel, George Abdella.[i] The Abdella brothers, George and Ernest, were affectionately called the Thieves of Baghdad for their astounding abilities to extract large sums of money from insurance companies by representing the citizens of Fulton County and elsewhere. When I introduced myself, Judge Walsh inquired if the Allstate Insurance Company had made any offer to resolve the case. I was just there for a preliminary conference and I indicated I had no authority to make an offer. Judge Walsh told me that was fine and asked me to call the company's adjuster. As this was long before the days of mobile phones, I asked where I could use a pay phone. Judge Walsh told me that wasn't necessary as there was a phone right there on the desk I could use. So, even though it was hardly private, I called. As soon as the adjuster got on the line, Judge Walsh asked to speak to him so I gave his Honor the phone. "Mr. Adjuster, I just want you to know that Ainsworth Sullivan sent a really fine lawyer here today on this case. Mr. Friedman is a good young attorney and you should be proud of his representation of your insured. Now, I know that you big city adjusters think that juries don't give out much money here in Johnstown, but I want you to know that if a jury comes in with a verdict of less than your policy limits, I am setting it aside as inadequate. Now, here, I'll put Counselor Friedman on the phone. Nice talking with you." Just as I was contemplating taking up dentistry or some other profession the adjuster said, "Mike, don't worry. I've heard this speech from Judge Walsh several times. Tell him we'll do what we can but we have no money to offer now."

Yeah, I know. Elderly lawyers always say it was more fun in the old days. But y'know, it was.

[i]George Abdella was admitted a few years before Judge Garaufis and he is still practicing in Johnstown, God bless him.



Michael Friedman has been practicing law for over 30 years and has maintained a private practice since 1981. 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.

EMPLOYMENT LITIGATION UPDATE

SCOTT PETERSON, ESQ.

EEOC SETTLES SEXUAL ORIENTATION DISCRIMINATION CASE

We previously reported that the EEOC had filed its first sexual orientation discrimination lawsuits. This was significant because the EEOC is interpreting Title VII of the Civil Rights Act of 1964 to cover sexual orientation, even though it is not specifically listed as a protected status in the statute.

Now, in what is being called a landmark settlement, the EEOC has resolved the first of those cases.

The case, against IFCO Systems, involved a lesbian employee who was harassed by her supervisor and then fired after complaining. In the settlement with the EEOC, the company agreed to pay the employee $182,200, make a $20,000 donation to the Human Rights Campaign's equal employment program, and strengthen its workplace discrimination policies.

The potential implications of this settlement are significant.

AGE DISCRIMINATION

Dunaway v. MPCC Corp., et al
(2nd Cir. 9/27/16)

Plaintiff was an applicant for a senior project manager position with MPCC Corp., a construction general contractor. He was interviewed for the position by the President of the company (also a named Defendant), and Plaintiff alleged that during the interview the President: stated that he was "looking for an employee who would stay for 10 to 15 years"; asked the Plaintiff his age; mentioned that his own elderly father was no longer running the company; and asked the Plaintiff whether he was "capable of withstanding the vigors of the position."

Plaintiff did not receive the position, and thereafter filed an age-discrimination complaint with the NYS Division of Human Rights, which dismissed the case. Plaintiff then commenced an action in Federal Court asserting that the employer violated the Age Discrimination in Employment Act ("ADEA"), which makes it unlawful to fail or refuse to hire an individual because of his or her age.

ADEA cases are analyzed under the familiar McDonnell Douglas "burden shifting" framework, which requires that the Plaintiff initially establish a *prima facie* case of discrimination by showing that he 1) was within the protected age group; 2) was qualified for the position; 3) experienced an adverse employment action; and 4) that the action occurred under circumstances giving rise to an inference of discrimination. While there was no dispute over the first three elements, Defendant asserted that the Plaintiff could not meet the fourth element.

The Second Circuit acknowledged that the company President "made several references to age, direct and indirect, when he

(Continued on page 4)

EMPLOYMENT LITIGATION UPDATE, CONTINUED...

(Continued from page 3)

interviewed [Plaintiff]." These references, however, were not illegal, because the ADEA "does not make all discussion of age taboo."

In fact, the Court reasoned, "an employer's concern about the economic consequences of employment decisions, such as the likelihood of an employment candidate's retirement within a short timeframe, does not constitute age discrimination under the ADEA, even though there may be a correlation with age." Moreover, employers do not violate the ADEA where they consider factors that "are empirically intertwined with age…so long as they are motivated by some feature other than the employee's age."

Because the questions were "germane" to the expected length of employment and overall fitness to perform the job, the circumstances did not give rise to an inference that age was a motivating factor in the decision not to hire. Summary judgment affirmed.

THEY'RE NOT LOVIN' IT—MCDONALDS FACES EMPLOYMENT TROUBLES

Call it an unhappy meal for a McDonalds in Missouri, which recently settled a claim by the EEOC that it discriminated against an applicant because of a disability.

According to the EEOC, the McDonald's manager called the applicant in for an interview, but upon learning that the applicant needed an interpreter, because she was deaf, cancelled the interview and did not offer her the job. The company agreed to pay approximately $56,000 to settle the claim.

Note to employers – once the interview request/job offer has been made, be very careful about pulling it back. This sort of behavior is asking for a lawsuit.

To make matters worse, the settlement comes on the heels of a report that McDonald's workers in eight states (including New York) have filed at least 15 complaints of sexual harassment in the last month. These complaints of course have not made their way through the courts, however the claims present an even bigger problem for the company, who has been named by the EEOC as the employer for the purpose of liability.

This may seem like common sense; but the company has generally structured its franchises in such a way as to limit its liability towards employees of individual stores. The current designation by the EEOC is expressly challenging that structure and pointing the finger at the larger corporate entity. Time will tell how the joint employer argument plays out, but we will be watching closely.

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 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 Association Trial Lawyers Section.

CONSUMER BANKRUPTCY

STEPHEN RODRIGUEZ , ESQ.

MEANS TESTING AND MEDIAN INCOME

An individual filing for bankruptcy may be subject to means testing to measure their ability to repay their unsecured debts. Means testing can be avoided if the majority of the debts are non-consumer debts. Consumer debts include home mortgages, so most clients are subject to means testing. However, if the client has substantial IRS debts or substantial business-related debts, the means test may be avoided. The means test is also avoided if household income is below the designated median income level. More on median income below. While there are many factors affecting how and whether a bankruptcy should be filed, the means test is a core factor.

If someone "passes" the means test, they are eligible to file under chapter 7, and eliminate their unsecured debts. If they "fail", then they may only be eligible for chapter 13 with a required monthly payment for up to five years. In a chapter 13, the calculated "surplus" may directly correlate to the amount required to be paid to unsecured creditors. In a few select situations, such as active military duty, or a serious medical condition, a person may still qualify for a chapter 7 despite "failing" the means test. A multi-year chapter 13 bankruptcy has many consequences for a client, so means testing can have a profound impact on a family's options for controlling their debts.

For those who enjoy the reading of pithy statutory provisions, the means test provisions for Chapter 7 cases are in 11 U.S.C. §707.(b)(2), and the provisions for chapter 13 are in 11 U.S.C. §1325(b)(2). If you read these sections, you will see such terms as Current Monthly Income, Projected Monthly Income, Presumption of Abuse, Applicable Monthly Expenses, National Standards, and Local Standards. In this article, I will strive to use common terminology.

In computing the income eligibility issue , the initial and highly important determination is the household size. The number of persons will determine the applicable income level, and will also affect the deductions. The higher the number of persons, the higher the income limit, and the more likely the

(Continued on page 5)

CONSUMER BANKRUPTCY, CONTINUED...

case will qualify for chapter 7 or at least minimize the amount to be paid in a chapter 13. In today's society, households consist of spouses, partners, children, grandparents, step-kids, girl friends, uncles, boyfriend's kids, informal tenants, etc. Household size is not defined, leading to disagreement amongst the country's bankruptcy judges (and amongst the United States Trustees) on how the number should be determined. The three most common approaches include: 1) number of dependents of the debtor; 2) "heads on beds" being simply the number of people under the roof; and 3) economic unit, which is the approach in the Northern District of New York.

The economic unit calculation can be argued a variety of ways depending on circumstances. Nonetheless, the number of people claimed must reflect the true nature of the living arrangement. Questions to consider are: Are they dependents? Do they share a bank account? Jointly own the house? Who pays for what? How long have they lived together? Do they have children together? Facts and circumstances.

Once a determination is made on household size, the income eligibility issue turns to the math, and there are two parts. Part one determines household income, and is rather simple but technical. Part two is the actual means test, an extended computation of various deductions. For part one (household income), the client's household income is calculated and then compared to the median household income as set by the IRS. As an example, the current median income for a household of two in New York State is $62,451.00. The client's household income includes the amount received in the six month look-back period preceding the bankruptcy filing. Income includes gross payroll, gross pension, profit from self employment, regular contributions from another person, disability benefits, and unemployment, but excludes social security. The six-month amount is doubled to calculate an annual amount. Since many people have income that fluctuates, either through lay-offs, bonuses, over-time, or seasonal work, the particular six-month window used for the calculation can result in substantially different bottom lines. Therefore, timing of a bankruptcy filing is important. But caution must be exercised in timing of the filing, as timing is a factor that would be considered by the United States Trustee in considering whether a bankruptcy case was filed in bad faith. If the client's household income is less than the IRS median, the client would generally be eligible for chapter 7. If the household income exceeds the IRS median, then part two (the means test) allows for a series of deductions to provide a two additional chance at being eligible to file under chapter 7.

The deductions allowed in the means test are primarily standard expenses allowed by the IRS, with some deductions actually reflecting the client's true expenses. It is fair to say that the bankruptcy law favors higher earners who are more likely to have larger mortgages, car loans, retirement plans, and charitable contributions. In any event, there is little leeway in what expenses can be claimed. If the client "passes" this second part of the means test, then they can file under chapter 7. If, however, they "fail" (i.e., show enough of a surplus), then they may only be eligible to file under chapter 13, with a repayment plan generally lasting five years. Just like a carnival game, you get three chances to be eligible for chapter 7: First chance, the calculation shows no surplus (i.e., expenses exceed income); second, the calculation shows that the total amount to be paid to unsecured creditors would be less than $7,700.00; and third, the calculation shows the amount to be paid to unsecured creditors would be less than $12,850.00 and that such amount is less than 25% of the client's non-priority unsecured debts. These last two "chances" provide a very narrow additional basis to qualify for chapter 7.

To further complicate the test, some significant deductions are allowed for a chapter 13, but not for a chapter 7. This can result in the anomaly of a client "failing" the chapter 7 means test, but simultaneously showing no surplus in the chapter 13 means test. In such a situation, the client cannot file under chapter 7, but could file under chapter 13, usually with a minimum payback to unsecured creditors. The most common deductions allowed in 13, but not in 7, are voluntary contributions to retirement, and payments made against a retirement loan. Also, and perhaps most illogically, child support income can usually be omitted in the chapter 13 calculation, but not in a 7. Don't ask me why.

There is some hope for a client in a chapter 13 case who has a one-shot boost of income during the six month look-back, but only when such income is not expected again. The court can look forward, and avoid a pure mechanical approach to the means test. Hamilton v. Lanning, 130 S.Ct. 2464 (2010). In that case, the debtor had received a lump-sum buyout from her employer during the six month look-back. Under a mechanical approach she would have had a monthly bankruptcy payment exceeding $700.00. However, according to her actual anticipated income and expenses, she could only afford about $140.00 per month. The Supreme Court agreed that her actual expected budget could be taken into consideration despite the seemingly rigid statute. Only Scalia dissented. The effect of this case is somewhat limited. First, there was no dispute that the extra income was truly a one-time affair. Second, there also was no dispute over debtor's contention that she could not afford the higher payment. Nonetheless, in a situation where a filing cannot be delayed to avoid capturing extra income in the look-back period, there may be an argument to disregard the formal calculation.

Means testing is often a fiction due to several factors. The test applies a state-wide median income regardless of whether the client lives in Manhattan or the Town of Day (no offense to Day; I truly love the Adirondacks). The income calculation is based on the six months preceding the case filing, with a big assumption that the following six months will reflect the same income. The uniform expense deductions often fail to reflect a family's true expenses. Despite being a fiction, it is rigidly applied.

It is difficult for the attorney in an initial consultation to provided certainty on how a bankruptcy would work for that client. When income is near median, and often when it is significantly over median but the client has significant secured debt and other significant deductions, there is no way to estimate the means test calculations. So, like many aspects of

(Continued on page 6)

CONSUMER BANKRUPTCY, CONTINUED...

(Continued from page 5)

practicing law, the advice is: "it depends."

Bankruptcy cases live and die by the means test.

DEBTORS' PRISON

I am often asked by clients, "Can I go to jail?" The reassuring answer is, "Absolutely not. There are no more debtor's prisons." But, for someone who is dishonest in their petition, jail is an option. In each issue I hope to present a teaching moment showing what not to do when seeking relief under the bankruptcy laws.

This issue's hapless debtor is Abigale Lee Miller, a dance instructor who also appeared in the reality television show Dance Moms. She filed under chapter 11 in 2010, and the case tumbled along for several years. As the story goes, the bankruptcy judge happened to see her on television one night and pondered why her bankruptcy case did not seem to reflect income from her television endeavors. The case unraveled, and she plead guilty to fraud and other charges in June of this year. Sentencing was recently delayed. Lesson: If your name is on television, assume the whole world will see it. Same is true for Facebook. And Twitter. Email. Text message.

Stephen T. Rodriguez concentrates his practice on consumer bankruptcy, and on social security disability claims. His bankruptcy work covers cases filed in both the Albany and Utica divisions of the Northern District of New York. He is a member of the Capital Region Bankruptcy Bar Association, and served as its President.

When not practicing law, he tries to be outside, preferably on some trail. His office is located at 100 West Avenue in Saratoga Springs, and he can be reached by phone at 581-8441, or email at str@srodlaw.com

INSIGHT INTO IMMIGRATION

IMMIGRATION NEWS FROM MEYERS & MEYERS, LLP

AND THE 2016 ENDORSEMENT FOR PRESIDENT OF THE UNITED STATES GOES TO...

To say that this has been an interesting presidential election season is an understatement, at best. We've never seen anything like it before (and I personally hope we never see anything like it ever again). The candidates obviously present different approaches to very important national issues, and on the issue of immigration, it's no different.

As of this writing, we've been through two presidential debates, and surprisingly, the issue of immigration has not come up as a topic of discussion by the debate moderators. Apparently that's about to change with the third and final debate. Chris Wallace, the moderator of the third 2016 presidential debate, has selected the topics for that debate, and one of the topics is immigration. So, where do the candidates stand?

According to Donald Trump's campaign website, he's got a ten point plan "to put America first" with respect to immigration. It includes the following:

1. Begin working on an impenetrable physical wall on the southern border, on day one (and Mexico will pay for the wall).
2. End catch-and-release. Under a Trump administration, anyone who illegally crosses the border will be detained until they are removed out of our country.
3. Move criminal aliens out day one, in joint operations with local, state, and federal law enforcement. A Trump administration will terminate the Obama administration's deadly, non-enforcement policies that allow thousands of criminal aliens to freely roam our streets.
4. End sanctuary cities.
5. Immediately terminate President Obama's two illegal executive amnesties. All immigration laws will be enforced, and how that's done includes tripling the number of ICE agents. Anyone who enters the U.S. illegally is subject to deportation.
6. Suspend the issuance of visas to any place where adequate screening cannot occur, until proven and effective vetting mechanisms can be put into place.
7. Ensure that other countries take their people back when we order them deported.
8. Ensure that a biometric entry-exit visa tracking system is fully implemented at all land, air, and sea ports.
9. Turn off the jobs and benefits magnet.
10. Reform legal immigration to serve the best interests of America and its workers, keeping immigration levels within historic norms.

Our country's leaders should be focused on promoting justice, and to advocate for and ultimately enact fair and reasonable immigration laws. On the campaign trail, and implicitly through his ten point plan above, Donald Trump presents a dark portrayal of immigrants as criminals and a drain on our society and economy. His views show a complete disregard for

(Continued on page 7)

INSIGHT INTO IMMIGRATION, CONTINUED...

fundamental rights of due process that our guaranteed by our Constitution, and frankly a complete and utter failure to appreciate the valuable and important contributions that immigrants make in every sector of our economy and in our communities.

Hilary Clinton, on the other hand, presents a very different approach. According to her campaign website, she will:

1. Introduce comprehensive immigration reform with a pathway to full and equal citizenship within her first 100 days in office;
2. End the three- and 10-year bars;
3. Defend President Obama's executive actions, known as DACA and DAPA, against partisan attacks;
4. Do everything possible under the law to protect families;
5. If Congress keeps failing to act on comprehensive immigration reform, Ms. Clinton will enact a simple system for those with sympathetic cases, such as parents of DREAMers, those with a history of service and contribution to their communities, or those who experience extreme labor violations, to make their case and be eligible for deferred action;
6. Enforce immigration laws humanely;
7. End family detention and close private immigration detention centers;
8. Expand access to affordable health care to all families;
9. Promote naturalization; and
10. Support immigrant integration.

Although Ms. Clinton was President Obama's Secretary of State, and presumably a supporter of most of President Obama's positions on important national issues, she has distanced herself (somewhat anyway) on the issue of immigration. That is, she has indicated that President Obama has been too hard on undocumented immigrants during his administration, and that she would take a more humane approach if she were elected president, avoiding deporting people and breaking up families over small crimes (among many other things).

When I have discussions with people about who they plan on voting for president, it's interesting the analysis many go through in order to rationalize their position. Frankly, I'm no different on some level. But when I consider the issue of immigration, and area of law for which I have great passion, I don't think there's even a choice. Yes, we can all agree that our immigration system is broken, and yes, we can probably all agree that we need to better secure our borders. But that does not mean we need to focus on enforcement before we consider any other aspects of immigration reform. We need to do it comprehensively, and we need to do it humanely. There's only one candidate that advocating for that approach, and that's who I am voting for.

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.

MATRIMONIAL AND FAMILY LAW UPDATE

LAURA M. HOFFMAN, ESQ.

CUSTODY/VISITATION—OVERRULE PRIOR PRECEDENT—STANDING—DEFINITION OF "PARENT"—SAME-SEX COUPLES—*STARE DECISIS*

Brooke S.B. v. Elizabeth A.C.C., 28 N.Y.3d 1 (August 30, 2016): The New York State Court of Appeals recently expanded the definition "parent" for purposes of Domestic Relations Law ("DRL") §70. The Court held that, with respect to an unmarried couple, if a partner establishes by clear and convincing evidence that the parties agreed to conceive a child and raise it together, then the non-biological, non-adoptive partner has standing to seek custody and visitation. This holding expressly over-rules its prior precedent in Alison D. v. Virginia M., 77 N.Y.2d 651 (1991), where it held that the word "parent" in Domestic Relations Law §70 should be interpreted to preclude standing for a de facto parent who, under a theory of equitable estoppel, might otherwise be recognized as the child's parent for visitation purposes (citation omitted). Specifically, we held that "a biological stranger to a child who is properly in the custody of his biological mother" has no "standing to seek visitation with the child under Domestic Relations Law §70" (citation omitted).

Thus, under Alison D., a partner without a biological or adoptive relation to a child was not that child's "parent" for purposes of standing to seek custody or visitation under DRL §70 notwithstanding their "established relationship with the child" (77 N.Y.2d at 655).

The Court acknowledged that under *stare decisis*, "a court's decision on an issue of law should generally bind the court in future cases that present the same issue". However, it noted, "we may overrule a prior decision if an extraordinary combination of factors undermines the reasoning and practical

(Continued on page 8)

MATRIMONIAL AND FAMILY LAW UPDATE, CONTINUED...

viability of our prior decision". Brooke S.B., at 9. The Court determined it had such extraordinary circumstances, noting there was a disparity "in the support and custody contexts" "wherein a non-biological, non-adoptive 'parent' may be estopped from disclaiming parentage and made to pay child support in a filiation proceeding (citation omitted), yet denied standing to seek custody or visitation". Id. at 10. Significantly, the Court stated that Alison D.'s "foundational premise of heterosexual parenting and non-recognition of same-sex couples is unsustainable," in light of the enactment of same-sex marriage in New York State and the United States Supreme Court's holding in Obergefell v. Hodges, 135 S. Ct. 2584 (2015), "which noted that the right to marry provides benefits not only for same-sex couples, but also the children being raised by those couples." Id.

Additionally, current law emphasized biology, making it impossible for both former partners of a same-sex couple to have standing, without marriage or adoption, which is not the case where both partners in a heterosexual relationship are biologically related to the child. The Court further pointed to the stigma suffered by children raised by same-sex couples, and the negative impact on children who suffer as a result of "separation from a primary attachment figure".

The Court declined to adopt a single test to determine standing for all non-biological, non-adoptive, unmarried "parents" raising children. Rather, the Court held that in cases "where a petitioner proves by clear and convincing evidence that he or she has agreed with the biological parent of the child to conceive and raise a child as co-parents, the petitioner has presented sufficient evidence to achieve standing to seek custody and visitation of the child". The Court stressed that its holding in Brooke S.B., only addresses standing to petition; the ultimate determination of whether this relief will be granted rests in the sound discretion of the trial court, based upon the best interests of the child. Brooke S.B., at 11.

CUSTODY—DELEGATION OF AUTHORITY TO STRUCTURE VISITATION

Matter of Christine TT. v. Dino UU, 2016 N.Y. Slip Op. 06910 (3rd Dept. October 20, 2016): Mother, who had supervised visitation of the parties' daughter due to alcoholism, sought modification of custody after completion substance abuse treatment programs. Following a fact finding hearing, the trial court directed the father to enroll the child in counseling "with the goal of reunification with [the mother]," and further directed the child to attend "at least two joint sessions with [the mother] and the counselor." Further counseling would be at the father's discretion. The court then authorized visitation as the parties mutually agreed, taking into account the advice of the counselor. Failing an agreement, either party could petition the court "for the limited purpose of determining an appropriate visitation schedule". On appeal, the Third Department determined that Family Court improperly delegated its authority to structure visitation noting there was a "sound and substantial basis in this record for Family Court's decision to modify the prior visitation order by limiting the mother's visitation to a counseling format - - which the mother acknowledged was the best she could hope for given her strained relationship with the child. . . That said, by effectively making further visitation contingent on the success of counseling and the father's approval, Family Court improperly delegated its authority to structure a visitation schedule." The case was remitted to Family Court for a determination as to whether a resumption of visitation would be in the child's best interests, and if so, under what circumstances.

CUSTODY—ALIENATION—DELEGATION OF AUTHORITY—ATTORNEY FOR THE CHILD'S POSITION ADVERSE TO CHILD'S WISHES

Matter of Zakariah SS. v. Tara TT., 2016 N.Y. Slip Op. 06923 (3rd Dept. October 20, 2016): Mother and father file cross-petitions in Family Court seeking sole legal and physical custody of their ten (10) year old daughter. In support of their

(Continued on page 9)

MATRIMONIAL AND FAMILY LAW UPDATE, CONTINUED...

(Continued from page 8)

respective positions, the mother alleges severe physical abuse of the child by the father. In turn, the father alleges the mother has alienated the child from him and failed to foster a relationship between them. The court granted the father's petition for sole legal and physical custody and denied the mother's petition. In making its determination, Family Court relied heavily on the testimony of the psychologist who had performed a forensic custody evaluation. The psychologist concluded there was "no credible evidence of abuse" by the father, but there was evidence of "coaching, coercion and brainwashing" of the child by the mother. The Third Department found a sound and substantial basis in the record to support the conclusion that awarding the father sole custody was in the child's best interests and reiterated that "a parent's intentional efforts to alienate a child from another parent is so inimical to a child's interests as to raise a strong probability that the offending parent is unfit to be a custodial parent". However, it was error for the Family Court to delegate the determination of the mother's visitation to the child's counselor as the court "cannot delegate its authority to determine visitation to a mental health professional." The Appellate Court further found "no fault in the attorney for the child's decision to advocate for a position contrary to the child's wishes, of which Family Court was aware, given that such wishes were 'likely to result in a substantial risk of imminent, serious harm to [her]'".

Ms. Hoffman limits her practice to contested divorce and family law matters. This includes a wide array of legal issues ranging from domestic violence, custody and child support, to post judgment actions. She is well-versed in business valuations, enhanced earnings, distribution of professional degrees and other matters surrounding property distribution. Her goal is to combine the facts as the client presents them with the law as she knows it to achieve the client's objectives. She also works diligently to resolve matters before court intervention is necessary. When this is not possible, she is prepared to take the case to trial and has significant trial experience.

Ms. Hoffman received her Juris Doctor with Honors from Syracuse College of Law in 2005. There, she was awarded the Excellent Achievement in the Study of Trial Practice award by the College of Law, as well as bestowed a Certificate of Specialization in Family Law & Social Policy. She began her practice in this field as a Student Attorney in the Children's Rights and Family Clinic representing clients in court even before graduation.

PRESS RELEASES

CARTER CONBOY
ATTORNEYS AND COUNSELORS AT LAW

CARTER CONBOY WELCOMES NEW ASSOCIATE ATTORNEYS

Carter Conboy is pleased to welcome Shawn M. Lescault, Courtney M. Elliott and Andreanna M. Diliberto as new associate attorneys.

S. Lescault, Esq.

Shawn M. Lescault is a 2015 magna cum laude graduate of Albany Law School of Union University where he was the Editor of the Albany Law Journal of Science and Technology. Prior to joining Carter Conboy as a law clerk in 2014, Mr. Lescault was an intern to the Hon. James A. Murphy, III in the Saratoga County District Attorney's Office and a judicial intern to the Hon. David B. Krogmann, Justice of the New York State Supreme Court. As an associate attorney at Carter Conboy, Mr. Lescault will represent individuals and businesses in a variety of complex civil litigation matters including personal injury liability, construction law, labor law, insurance law, and toxic torts, including lead paint and asbestos. Additionally, he will represent clients in real property litigation and transactional matters related to development, zoning, planning, land use, environmental law, and SEQRA.

C. Elliott, Esq.

Courtney M. Elliott is a 2013 cum laude graduate of Albany Law School of Union University where she was the Senior Editor of the Albany Government Law Review, and 2010 magna cum laude graduate of Marist College where she earned a Bachelor of Science in Business Administration. Prior to joining Carter Conboy, Ms. Elliott was an associate at an Albany-area law firm where she represented financial lending

(Continued on page 10)

ABOUT CARTER CONBOY

CARTER CONBOY IS A MARTINDALE-HUBBELL AV® PREEMINENT™ PEER RATED FULL-SERVICE LAW FIRM COMMITTED TO PROVIDING THE HIGHEST QUALITY LEGAL REPRESENTATION TO ITS CLIENTS. FOUNDED IN 1920, CARTER CONBOY HAS OFFICES IN ALBANY AND SARATOGA SPRINGS, NEW YORK, SERVING CLIENTS THROUGHOUT NEW YORK, MASSACHUSETTS, CONNECTICUT, THE DISTRICT OF COLUMBIA, NEW JERSEY, NEW HAMPSHIRE, AND FLORIDA. FOR ADDITIONAL INFORMATION ABOUT THE FIRM, VISIT WWW.CARTERCONBOY.COM OR CONTACT THE FIRM'S DIRECTOR OF MARKETING, STACY A. SMITH, AT (518) 810-0516 OR SSMITH@CARTERCONBOY.COM.

PRESS RELEASES

CARTER CONBOY
ATTORNEYS AND COUNSELORS AT LAW

(Continued from page 9)

institutions in matters of residential and commercial foreclosures and creditors' rights. At Carter Conboy, Ms. Elliott will practice in the fields of creditors' rights and banking law, representing banks, credit unions, loan servicers and other creditors in the collection of debts and recovery of loan collateral.

Andreanna M. Diliberto is a 2015 cum laude graduate of Albany Law School of Union University where she was the Leads Article Editor of the Albany Law Journal of Science & Technology, and 2012 graduate of Siena College where she earned a Bachelor of Arts in Political Science with pre-law certificate. Prior to joining Carter Conboy, Ms. Diliberto was an associate at a prominent New York City law firm where she litigated medical and professional malpractice claims. Additionally, during law school, she was a legal intern to the Hon. Mae A. D'Agostino, United States District Court Judge for the Northern District of New York. At Carter Conboy, Ms. Diliberto will practice in the fields of healthcare law, professional liability law, product liability law and trucking and transportation law.

A. Diliberto, Esq.

HERZOG LAW FIRM

THE HERZOG LAW FIRM WELCOMES JANE-MARIE SCHAEFFER, ESQ. AS SENIOR ATTORNEY

J. Schaeffer, Esq.

The Herzog Law Firm is pleased to announce that Jane-Marie Schaeffer has joined the firm as a Senior Attorney. Previously, she was a tax attorney at an accounting firm in the Berkshires and a partner at a capital region estate planning law firm. Jane-Marie has over 20 years of experience and concentrates her practice in the areas of estate planning, asset protection, business succession, elder law, guardianship, special needs planning and Medicaid.

Jane-Marie is Treasurer of and serves on the Board of Directors of Consumer Directed Choices, a non-profit organization that promotes independence for individuals with disabilities. She is a member of the New York State Bar Association, Elder Law Section and Trusts and Estate Section, and the Massachusetts Bar Association. She frequently lectures to community groups and continuing education seminars on topics such as estate planning and long-term care planning.

Jane-Marie received her J.D. from St. John's University in Jamaica, New York, and received her B.A. from New York University in New York, New York. She is admitted to practice in both New York and Massachusetts.

Read more about Jane-Marie Schaeffer - http://herzoglaw.com/jm-schaeffer.html

THE HERZOG LAW FIRM WELCOMES DANIEL PERSING, ESQ. AS COUNSEL

The Herzog Law Firm is pleased to announce that Daniel J. Persing, Esq. has joined the firm as Counsel. For over 30 years, Mr. Persing has been a well-respected attorney in the Capital Region having worked as a solo practitioner and a named partner at several area law firms. He brings extensive experience in the areas of litigation, family & matrimonial law, business & non-profit counsel, medical malpractice, and personal injury. Mr. Persing is also an Adjunct Professor of Law at Albany Law School.

D. Persing, Esq.

Mr. Persing graduated from Albany Law School of Union University with a Juris Doctorate in 1981 and earned a B.A., cum laude, from Houghton College in 1977. He is a member of the New York State Bar Association and is admitted to the U.S. District Court for the Northern District of New York.

Read more about Mr. Persing - http://herzoglaw.com/d-persing.html

DAVID A. KUBIKIAN SELECTED TO SUPER LAWYER'S 2016

David A. Kubikian, Esq., attorney at the Herzog Law Firm, was selected to Super Lawyer's 2016 New York Rising Star list.

(Continued on page 11)

ABOUT THE HERZOG LAW FIRM

THE HERZOG LAW FIRM IS A FULL-SERVICE ESTATE PLANNING AND ELDER LAW FIRM. WITH OFFICES IN ALBANY, SARATOGA AND KINGSTON, THE HERZOG LAW FIRM HAPPILY SERVES THE GREATER CAPITAL REGION AND HUDSON VALLEY. FOR ADDITIONAL INFORMATION ABOUT THE FIRM, VISIT WWW.HERZOGLAW.COM OR CONTACT VIA PHONE AT (518) 465-7581.

PRESS RELEASES

HERZOG LAW FIRM

D. Kubikian, Esq.

(Continued from page 10)

Each year, no more than 2.5 percent of the lawyers in the state are selected to receive this honor. The annual nominations are based on peer recognition and professional achievement, an independent research evaluation of candidates, and peer reviews by practice area.

Mr. Kubikian works out of the firm's Saratoga Springs, Albany, and Kingston offices and concentrates in the areas of estate planning, elder law, Medicaid, divorce, and estate administration. He graduated from New York Law School with a Masters of Law in Taxation, obtained his J.D. from Brooklyn Law School with a concentration in trusts & estates and tax law, and completed his undergraduate studies at Hofstra University where he earned a Bachelor's Degree in finance. Mr. Kubikian is very involved in the community and teaches continuing education classes the Saratoga Springs and Shenendehowa School Districts and is a contributing author to the Saratoga County Bar Association's Law Notes "Trust & Estates/ Elder Law Update".

Mr. Kubikian is a member of the New York State Bar Association, Elder Law and Trust & Estates sections, the Saratoga County Bar Association, the Armenian Bar Association, the Malta Chapter of BNI, the Malta Business Professionals Association, the Saratoga Chamber of Commerce, and the Estate Planning Council of Northeast New York.

ATTORNEYS ADMITTED TO AMERICAN COLLEGE OF TRIAL LAWYERS

AMERICAN COLLEGE OF TRIAL LAWYERS

E. Stewart Jones Hacker Murphy
REPUTATION, RESPECT, RESULTS

CARTER CONBOY
ATTORNEYS AND COUNSELORS AT LAW

Michael J. Murphy, Esq. and James E. Hacker, Esq. have become Fellows of the American College of Trial Lawyers, one of the premier legal associations in North America.

The induction ceremony at which Mr. Murphy and Mr. Hacker became Fellows took place recently before an audience of approximately 800 persons during the recent 2016 Annual Meeting of the College in Philadelphia, Pennsylvania.

Founded in 1950, the College is composed of the best of the trial bar from the United States and Canada. Fellowship in the College is extended by invitation only and only after careful investigation, to those experienced trial lawyers of diverse backgrounds, who have mastered the art of advocacy and whose professional careers have been marked by the highest standards of ethical conduct, professionalism, civility and collegiality. Lawyers must have a minimum of fifteen years trial experience before they can be considered for Fellowship.

Membership in the College cannot exceed one percent of the total lawyer population of any state or province. There are currently approximately 5800 members in the United States and Canada, including active Fellows, Emeritus Fellows, Judicial Fellows (those who ascended to the bench after their induction) and Honorary Fellows. The College maintains and seeks to improve the standards of trial practice, professionalism, ethics, and the administration of justice through education and public statements on important legal issues relating to its mission. The College strongly supports the independence of the judiciary, trial by jury, respect for the rule of law, access to justice, and fair and just representation of all parties to legal proceedings.

The College is thus able to speak with a balanced voice on important issues affecting the legal profession and the administration of justice.

M. Murphy, Esq.

Michael J. Murphy is a managing director at Carter Conboy in Albany and Saratoga Springs, N.Y. He has been practicing law for 34 years. The newly inducted Fellow is an alumna of Albany Law School of Union University. He practices complex litigation with an emphasis on labor and employment law, civil rights and governmental law, and municipal law. Mr. Murphy holds an AV® Preeminent™ rating from Martindale Hubbell, is a member of the Board of Directors of the Capital District YMCA and a member of ALFA International Labor & Employment Practice Group steering committee. He is past President of the Federal Court Bar Association for the Northern District of New York and past Chair of ALFA International.

J. Hacker, Esq.

James E. Hacker is a managing partner at E. Stewart Jones Hacker Murphy, LLP in Troy, Albany and Saratoga Springs, N.Y. He has been practicing law for 32 years. The newly inducted Fellow attended Hamilton College and Albany Law School of Union University. He is the Vice Chairman of the Albany Law School Board of Trustees and is the President Elect of the Albany County Bar Association. He is Regional Vice President of the New York State Trial Lawyers Academy and is a past President of the Capital District Trial Lawyers Association. Mr. Hacker devotes his practice entirely to civil litigation.

PRESS RELEASES

TOWNE, RYAN & PARTNERS, P.C. RANKED IN 2017 "BEST LAW FIRMS"

ALBANY, N.Y. (November 30, 2016) – Towne, Ryan & Partners, P.C. is proud to announce that the Firm has been selected for inclusion in the 2017 U.S. News - Best Lawyers® "Best Law Firms" rankings by U.S. News & World Report and Best Lawyers. The Firm has earned a Tier 3 Albany Metropolitan ranking for its practice in Litigation – Labor & Employment.

Firms included in the 2017 "Best Law Firms" list are recognized for professional excellence with persistently impressive ratings from clients and peers. Achieving a tiered ranking signals a unique combination of quality law practice and breadth of legal expertise.

The 2017 edition of "Best Law Firms" includes rankings in 74 national practice areas and 122 metropolitan practice areas.

Ranked firms, presented in tiers, are listed on a national and/or metropolitan scale. Receiving a tier designation reflects the high level of respect a firm has earned among other leading lawyers and clients in the same communities and the same practice areas for their abilities, their professionalism and their integrity.

TOWNE, RYAN & PARTNERS, P.C. WELCOMES COURTNEY M. SCHOTT


C. Schott, Esq.

ALBANY, N.Y. (November 9, 2016) – Towne, Ryan & Partners, P.C., Upstate New York's largest certified Women-owned Business Enterprise (WBE) law firm, is pleased to announce that Courtney M. Schott has joined the Firm.

A 2012 graduate of The Ohio State University, Ms. Schott went on to receive her J.D. from Syracuse University College of Law in 2016. Ms. Schott sat for the New York State Bar Exam in July 2016 and is awaiting admission.

While attending law school, Ms. Schott was a Law Clerk at Sheats & Bailey, PLLC. In this position, she performed a variety of litigation-related assignments, including drafting appellate briefs and various motions, as well as summarizing depositions. She also worked as a Student Attorney with Syracuse University College of Law's Securities Arbitration Clinic, and was responsible for managing multiple securities and consumer law cases.

ABOUT TOWNE, RYAN & PARTNERS, P.C.

ESTABLISHED IN 2009, TOWNE, RYAN & PARTNERS, P.C. IS A FULL-SERVICE LAW FIRM WITH OFFICES CONVENIENTLY LOCATED IN ALBANY, SARATOGA SPRINGS, POUGHKEEPSIE, COBLESKILL, BURNT HILLS AND BENNINGTON, VT., THE FIRM'S PRACTICE AREAS COVER BOTH TRANSACTIONAL AND LITIGATION WORK ACROSS A BROAD RANGE OF LEGAL FIELDS INCLUDING MUNICIPAL LAW, REPRESENTATION OF AUTO DEALERS, CORPORATE AND COMMERCIAL LAW, INSURANCE DEFENSE, REAL ESTATE, EMPLOYER DEFENSE, EQUINE, RACING AND GAMING LAW AND MANY RELATED FIELDS. FOR MORE INFORMATION, VISIT WWW.TOWNELAW.COM OR CALL (518) 452-1800.

On Monday, October, 10, 2016 the Law Firm 500 Award team announced the list of 2016 Honorees, ranking D'Orazio Peterson, LLP No. 34 on its 1st Annual Law Firm 500 Honorees List. The published list recognizes law firms that have achieved significant growth in revenues, and showcases the top one-hundred fastest growing law firms in America. Each nominee was evaluated by an outside accounting firm, and subjected to an identical review process. The Law Firm 500 team describes award honorees as a beacon of light for the legal industry, demonstrating innovation, operational excellence, and a commitment to client service.

"We are thankful to our clients and colleagues for the tremendous growth that we have experienced over the past five years,' said Scott M. Peterson. "We are grateful to be able to earn a living by standing up for victims, and we look forward to additional growth in the future as we continue to empower those who need help."

Honorees are recognized at The Law Firm 500 Conference, Awards Ceremony and Gala, to be held at The Ritz Carlton in Key Biscayne, Miami, FL.

ABOUT D'ORAZIO PETERSON, LLP

D'ORAZIO PETERSON IS A PLAINTIFF'S LITIGATION FIRM, EMPOWERING VICTIMS OF DISCRIMINATION, NEGLIGENCE AND MALPRACTICE. FOR MORE INFORMATION ABOUT D'ORAZIO PETERSON LLP, VISIT DORAZIOPETERSON.COM.

PRESS RELEASES

FOUNDING PARTNERS OF ISEMAN, CUNNINGHAM, RIESTER & HYDE LLP SELECTED AS 2016 SUPER LAWYERS

(ALBANY)—Three founding partners of Iseman, Cunningham, Riester & Hyde LLP have been selected to the 2016 Super Lawyers list. Partner Robert H. Iseman, on the Super Lawyers list for the past nine years, was recognized for his health care, business litigation and corporate practice. Michael J. Cunningham, senior counsel, was selected for his personal injury, plaintiff, business and environmental litigation practice. Carol A. Hyde, a partner and in her eighth year of recognition, received the designation for her work in health care and with closely held businesses and nonprofit organizations.

Super Lawyers, part of Thomson Reuters, is a research-driven, peer influenced rating service of lawyers having achieved a high degree of peer recognition and professional achievement.


C. Hyde, Esq.


R. Iseman, Esq.


M. Cunningham, Esq.

ABOUT ISEMAN, CUNNINGHAM, RIESTER & HYDE LLP

ISEMAN, CUNNINGHAM, RIESTER & HYDE LLP, A LAW FIRM WITH OFFICES IN ALBANY AND POUGHKEEPSIE, NEW YORK, IS CELEBRATING ITS 25TH ANNIVERSARY IN 2016 AND HAS EXTENSIVE EXPERIENCE IN LITIGATED AND TRANSACTIONAL MATTERS AND REPRESENTS CLIENTS IN MANY INDUSTRIES, INCLUDING HEALTH CARE; INSURANCE; FINANCIAL; PROFESSIONAL LIABILITY; CONSTRUCTION; RETAIL; MUNICIPAL; NONPROFIT AND REAL ESTATE. AS EXPERIENCED COUNSELORS, NEGOTIATORS AND LITIGATORS, THE FIRM'S ATTORNEYS ADVISE CLIENTS ON COMPLEX TRANSACTIONS AND DISPUTES; BOND FINANCINGS; SECURITIES CLAIMS; TAX PLANNING; CREDITORS' RIGHTS, INCLUDING WORKOUTS AND BANKRUPTCY; PROFESSIONAL LICENSING, AND LABOR AND EMPLOYMENT MATTERS. WEB: WWW.ICRH.COM.

LEMERY GREISLER LLC
ATTORNEYS AT LAW

LEMERY GREISLER LLC WELCOMES NEW ATTORNEY

Saratoga Springs, NY – Lemery Greisler LLC, a leading Capital Region business law firm, has announced the addition of Chelsey T. Lester as an associate attorney.

Ms. Lester's practice focuses on corporate transactions, commercial lending, bankruptcy, creditors' rights and real estate law.

Prior to joining Lemery Greisler, Ms. Lester was an associate at Whiteman Osterman & Hanna, LLP. Ms. Lester graduated from Wesleyan University with a Bachelor of Arts Degree from the selective interdisciplinary program in Economics, History, Government and Philosophy. She received her Juris Doctor from Emory University School of Law. During law school, Ms. Lester volunteered for the Georgia Law Center for the Homeless and was also a field placement intern in the chambers of Justice Harris Hines of the Supreme Court of Georgia. Upon completion of law school, Ms. Lester received a pro bono publico medal for serving over 75 hours of pro bono work.

Ms. Lester is a native of Saratoga Springs, New York and is admitted to practice in the State of New York, Georgia, and before the U.S. District Courts for the Northern District of New York and Northern District of Georgia.


C. Lester, Esq.

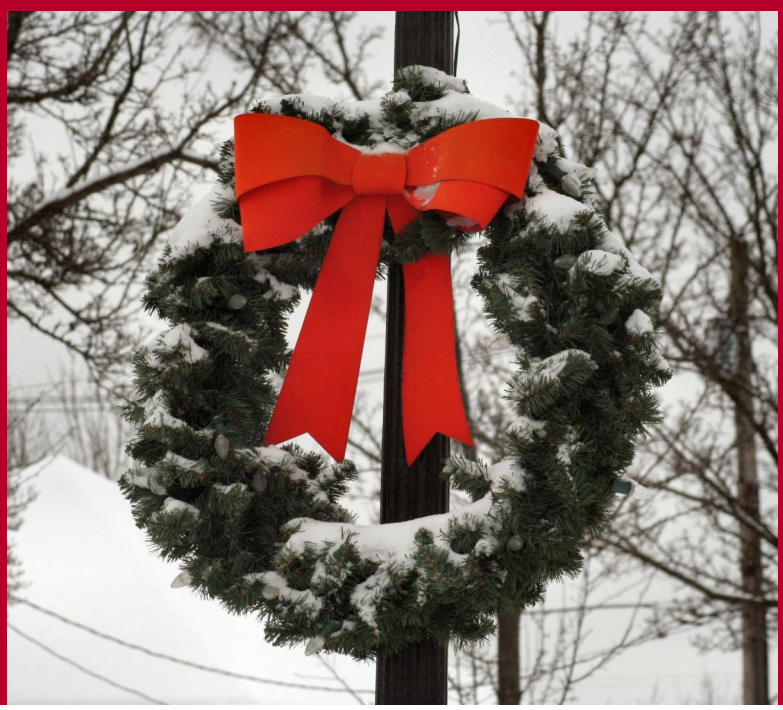
Contact Chelsey Lester via email at clester@lemerygreisler.com.

ABOUT LEMERY GREISLER LLC

LEMERY GREISLER LLC IS A BUSINESS LAW FIRM WITH OFFICES IN SARATOGA SPRINGS AND ALBANY. THE FIRM IS DEDICATED TO PROVIDING INSIGHTFUL AND EXPERIENCED LEGAL ADVICE TO HELP BUSINESSES SUCCEED IN THE MARKET PLACE. FOR MORE INFORMATION ON LEMERY GREISLER, PLEASE CALL 518.581.8800 OR VISIT WWW.LEMERYGREISLER.COM.

The Saratoga County Bar Association wishes everyone a safe and happy holiday season.

We look forward to serving the legal community in 2017!



SARATOGA COUNTY BAR ASSOCIATION

President
Matthew R. Coseo

Vice President
Joseph C. Berger

Treasurer
Nancy Sciocchetti

Secretary
Elena Jaffe Tastensen

Immediate Past President
M. Elizabeth Coreno

Board of Directors
Joseph C. Berger
Brian H. Breedlove
Hon. Loren N. Brown
Matthew L. Chivers*
M. Elizabeth Coreno*
Matthew R. Coseo
James S. Cox*
Kimberly A. Crocetta
Karen E.S. D'Andrea*
James H. Densmore
Hon. James E. D. Doern*
Hon. Robert F. Doran
Stephen M. Dorsey
Stephanie W. Ferradino*
Karen A. Heggen*
Stuart Kaufman
Kyle N. Kordich*
Christopher Mills
Hon. Thomas D. Nolan, Jr.
Paul Pelagalli*
Scott M. Peterson
Tara Pleat
Nancy Sciocchetti
Karl J. Sleight*
Bruce D. Steves
Elena Jaffe Tastensen

State Bar Delegates
James S. Cox*
Nancy Sciocchetti
Scott M. Peterson (Alt.)

*Past President of the Bar