



THE SARATOGA COUNTY BAR ASSOCIATION

SERVING THE INTEREST OF JUSTICE

LAW NOTES

Editor

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The views expressed in the enclosed articles are those of the authors and do not necessarily represent the views of, and should not be attributed to, the Saratoga County Bar Association.

YOUR TAX MONEY AT WORK

MICHAEL FRIEDMAN, ESQ.

The Judicial Budget for 2019-2020

"It (New York State's Unified Court System) employs the energies of more than sixteen thousand judges, officers and employees around the State, who handle more than three million new case filings annually." Fiscal Year 2019-2020 New York State Unified Court System Budget

Yes, New York's Judiciary does handle more than 3 million cases per year but they have a peculiar way of counting. For each petition filed in Family Court they give each child a separate docket number so if you have four children and file for custody it counts as four cases. They count Uniform Traffic Tickets and Parking Tickets as cases and include "both answered and unanswered cases." For 2017 those tickets totaled 497,623 "cases" without which the total filings would be well below 3 million.

Just to put this in perspective, there were 4,671,265 filings in 2008 which is 41% more than 2017. The budget for 2007/2008 was a little more than \$1.6 billion. The Judicial Budget for 2019/2020 is an all-time high of \$2.336 billion, an increase of \$44.7 million from last year. Just five years ago it was \$1.81 billion even though there have been a significant decreases in filings every year. When you add all costs the judiciary spends about six hundred million more but the budget never mentions the actual sum spent by the Judiciary. For example, in 2018-2019's budget the request was \$2.23 billion but the Chief Administrative Judge's Annual Report four months later said that \$2.96 billion was approved.

New York's court system is the most expensive per capita in the country and possibly the world. It amounts to \$117 per citizen just using the State Operations Budget request of \$2.336 billion but using total funds it is over \$150 per person. Florida has many more people than New York but runs its judicial budget on \$27.09 per person. The United States Judiciary costs \$22.25 per citizen.

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YOUR TAX MONEY AT WORK

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As is typical, this year's Budget touts the Chief Judge's Excellence Initiative. "The success of the Excellence Initiative in eliminating delay in the performance of the court system's core functions, noted in prior budget reports and reported extensively elsewhere, has continued unabated." To the Office of Court Administration, that has nothing to do with the 1.3 million decline in filings in the past nine years. The Budget has no explanation why it now costs \$736 million more to handle 1.3 million fewer cases.

So, how does this happen? As a general rule, the legislature's oversight of the judicial budget is nonexistent. Every year they only hear from witnesses who urge the passage of the budget as a necessity for the people of the state. Among them every year is the president of the New York State Bar Association who always endorses the budget and the leader of one of the New York charities who now receive \$85 million dollars per year from the Judiciary for Civil Legal Services. In January the Joint Legislative Committee considering the Judiciary Budget heard from New York State Bar Association president Sharon Stern Gerstman, Chief Administrative Judge Lawrence Marks and Justine Luongo of the Legal Aid Society who received \$9,786,789 from the Office of Court Administration for Civil Legal Services for fiscal year 2018-2019. All successfully urged passage of the budget by the Legislature without change. No one is ever invited who speaks against the budget. This year's budget request was signed by five people: the Chief Judge, the Chief Administrative Judge, OCA Chief of Operations, OCA Administrator of Management Support and the OCA Budget Director. In 2017 they were paid \$959,065 or over \$191,000 per person plus benefits. That is about three times the average median household income in the state. Maybe it is time to question why the New York court system costs so much more than any other.



Michael Friedman practiced law for over 30 years. 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.

JUSTICE BARRY D. KRAMER JOINS MCNAMEE LOCHNER P.C.



McNamee Lochner P.C. is proud to welcome retired Supreme Court Justice Barry D. Kramer to the Firm. Justice Kramer will be joining the Firm's mediation and arbitration practice group.

In 1968, Justice Kramer graduated from the Albany Law School as Salutatorian of his class. He was a member of the Justinian Society and Articles Editor of the Albany Law Review. Following graduation, he began his legal career at Higgins, Roberts, Beyerl & Coan. After 25 years, Justice Kramer left the law firm as Partner and President to become the Schenectady County Surrogate. During his tenure as Surrogate, Justice Kramer also served as a full-time acting Supreme Court Justice. In 2010, he was elected as a Supreme Court Justice in the 4th Judicial District.

Justice Kramer received the Harold E. Koreman Award in 2001 for recognition for commitment to the Administration of Justice with Fairness and Compassion from the NYS Trial Lawyers Association. In 2018, he received the Lifetime Achievement Award presented by the Schenectady County Bar Association. In total, Justice Kramer has served 50 years in the law – 25 years in private practice and 25 years on the bench.

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JUSTICE BARRY D. KRAMER JOINS MCNAMEE LOCHNER P.C.

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Justice Kramer was born in Schenectady, NY and graduated from Linton High School in 1960. He is among the original inductees in the Schenectady High Athletic Hall of Fame and the Academic Hall of Fame. As one of the most heavily recruited basketball players in the country, Justice Kramer decided to attend New York University. During the 1964 NBA draft, the San Francisco Warriors picked Justice Kramer in the first round. The next year, he returned to his home court of Madison Square Garden to play for the New York Knickerbockers. He has since been inducted into the Capital District Hall of Fame and the National Jewish Athletic Hall of Fame.

Justice Kramer and Pat, his wife of 54 years, live in Niskayuna. They have two children and one grandson. After spending most of his life in the area, Justice Kramer holds a deep love for the upstate region and all it has to offer.

McNamee Lochner P.C. is full-service law firm with offices in Albany and Saratoga Counties. Our firm serves individuals, families, and businesses across New York State. Our reputation has been built on providing the highest level of legal representation for our clients in and out of the courtroom. Ranked as a “Best Law Firm” by U.S. News and World Report, our attorneys are widely recognized among the best in their respective fields by independent third parties such as Martindale-Hubbell, Super Lawyers®, and Best Lawyers in America®, and many have achieved prestigious positions in industry, the legal community, and public service.

TWO LEADING CAPITAL REGION LAW FIRMS JOIN FORCES TO BETTER SERVE CLIENTS



ALBANY – The partners at Dreyer Boyajian and LaMarche Safranko Law announced today the merger of their two firms, to become Dreyer Boyajian LaMarche Safranko, Attorneys at Law (www.DBLS.com).

“The merging of Dreyer Boyajian and LaMarche Safranko Law brings together two firms that share a common philosophy to always put the client first.” Donald Boyajian said.

William Dreyer and Don Boyajian’s long list of high-profile cases includes the successful defense of former New York State Senate Majority Leader Joseph L. Bruno, the representation of injury victims including the mass E. coli outbreak at the Washington County Fair, the capsizing of the heavy freighter Stellamare in the Port of Albany, as well as the successful recoupment of tax dollars for Saratoga County municipalities affected by PCBs in the Hudson River.

George LaMarche and Andrew Safranko, the founders of LaMarche Safranko Law, have become the go to team in the area of criminal law. LaMarche Safranko Law has successfully defended scores of clients accused in all New York State and Federal courts. They are often called upon to represent law enforcement officials under investigation or accused of misconduct. In the field of personal injury litigation, LaMarche Safranko Law has been at the forefront of advanced advocacy on behalf of injured pedestrians and cyclists (www.PedBikeLaw.com). The firm has a proven track record of large settlement awards and trial verdicts on behalf of clients who have suffered severe and catastrophic injuries. LaMarche Safranko Law has consistently been named in US News, Best Lawyers and Best Law Firms, as well as Super Lawyers.

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TWO LEADING CAPITAL REGION LAW FIRMS JOIN FORCES TO BETTER SERVE CLIENTS

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“George LaMarche and Andrew Safranko are two gifted and talented attorneys who have great passion and have achieved great results for their clients.” said William Dreyer.

Donald Boyajian is the Capital Region past president of the New York State Trial Lawyers Association. William Dreyer is a recipient of the New York State Bar Association Award for Attorney Professionalism and is the past president of the Federal Bar Association of the Northern District of New York.

Dreyer Boyajian LLP recently celebrated its 30th anniversary of practice and has been a leading advocate for clients in the areas of personal injury, federal criminal law, governmental investigations, class actions, mass torts and business litigation.

“Bill Dreyer and Don Boyajian are successful attorneys because they are passionate about their cases and care about their clients; they are exceptional lawyers and Andrew and I are honored to call them our partners.” George LaMarche said.

The merger brings together the expertise of highly respected and experienced attorneys across different generations. Together the members of the new firm bring over 110 years of combined experience to their clients.

“Our clients will have an even stronger team behind them and the confidence of knowing that they will have every advantage for a successful resolution of their case and will achieve every bit of justice they deserve.” said Andrew Safranko.

The new firm will operate out of its combined current offices in Albany, Clifton Park, Saratoga Springs and Plattsburgh.

James Peluso and John Dowd have also been named partners in this merger. Mr. Peluso will head the firm’s mass tort team while Mr. Dowd will head the commercial litigation team.

DONNELLAN & KNUSSMAN, PLLC ANNOUNCES SARAH I. WOOD, ESQ. AS A SENIOR LITIGATION ASSOCIATE



Donnellan & Knussman, PLLC is proud to announce that Sarah I. Wood, Esq. has been named a Senior Litigation Associate. Sarah has worked at Donnellan & Knussman, PLLC since January 2013. She handles matrimonial and Family Court actions as well as real estate closings and estate matters. Sarah is also trained as a Collaborative Divorce Attorney.

Sarah is a 2008 graduate of Albany Law School and a 2002 graduate of Lehigh University. She was admitted to practice in both the New York and U.S. District Court Northern District of New York bars in 2009. Sarah has appeared in local and state courts. She has handled family and matrimonial matters, personal injury matters, civil litigation matters, as well as criminal cases. Sarah has also engaged in appellate work and has successfully argued before the New York State Court of Appeals.

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DONNELLAN & KNUSSMAN, PLLC ANNOUNCES SARAH I. WOOD, ESQ. AS A SENIOR LITIGATION ASSOCIATE

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Super Lawyers has recognized Sarah as a *Rising Star* from 2013 through present. Only 2.5 % of all attorneys in New York State are named to the Rising Stars List. They are selected through peer nominations and evaluations along with third party research. *Super Lawyers* is a research-driven, peer influenced rating service of outstanding lawyers who have attained a high degree of peer recognition and professional achievement.

Sarah has also been recognized as a NYS Republican *Rising Star* in 2017. Sarah is the Saratoga County Young Republican Chairwoman, the Town of Ballston Republican Committee Treasurer and has assisted with various political campaigns in Saratoga County.

Sarah is a member of the Collaborative Divorce Association for the Capital District and has sat on the board as a Membership Director (2013-2015) and as the Director of Marketing (2016-2018). She is also a graduate of the Saratoga County Chamber of Commerce Leadership Program, class of 2013.

DONNELLAN & KNUSSMAN, PLLC. is a full service matrimonial and family law firm located in Ballston Spa, New York. The attorneys at DONNELLAN & KNUSSMAN, PLLC. are well equipped to answer all of your matrimonial and family law related questions. For an initial consultation, please contact 884-0200 or visit www.dkclawfirmny.com.

ATTORNEY EDWARD V. WILCENSKI RECOGNIZED BY THE NYSBA ELDER AND SPECIAL NEEDS LAW SECTION



Attorney Edward V. Wilcenski of Wilcenski & Pleat PLLC has been recognized by the New York State Bar Association Elder and Special Needs Law Section for his involvement in litigation which has advanced the rights of individuals with disabilities. He will be honored at the Bar Association's Annual Meeting on January 15, 2019.

TARA ANNE PLEAT ELECTED CHAIR OF THE ELDER LAW AND SPECIAL NEEDS SECTION OF THE NYSBA



On January 15, 2019, Tara Anne Pleat was elected as Chair of the Elder Law and Special Needs Section of the New York State Bar Association. The Elder Law and Special Needs Section provides services and opportunities for involvement on issues relating to Elder Law and Special Needs Law, for members of the New York State Bar Association. Among its activities, the Section presents educational programs and publishes materials on practice, procedure and developments to enhance the competence and skill of lawyers who practice in this field and improve their ability to deliver the most efficient and highest quality of services to their clients; prepare studies, analyses and recommendations to seek improvement in the law and procedure relating to elder law; and participates in legislative advocacy on issues affecting seniors and the disability community. Tara's tenure as chair begins on June 1, 2019 and will run through May 31, 2020.

FINRA DISPUTE RESOLUTION IS SEEKING ARBITRATORS

The Financial Industry Regulatory Authority, Inc. Office of Dispute Resolution (FINRA) is seeking to expand the depth and diversity of FINRA's arbitrator roster and is currently looking for arbitrators to serve.

Serving as a FINRA arbitrator is a great way to give back to the community by lending their professional knowledge and experience to the arbitration process. Industry knowledge is NOT required, and there is absolutely no cost associated with applying. Applying, training and being on the roster are all free and we cover travel costs to and from arbitration hearings. Other benefits include free CLE for training and honoraria (\$600 per day) when attending a hearing.

To apply to become a FINRA arbitrator, candidates must complete the online application at <http://www.finra.org/arbitration-and-mediation/apply-now>. Interested candidates may email us at Arbrecruitment@finra.org if they have any questions or to request additional information.

RUPP BAASE PFALZGRAF CUNNINGHAM SEEKING LITIGATION ATTORNEY

As our firm continues to grow, we are seeking a driven Litigation Attorney with 1-3 years' experience to work with Phillip Oswald in our Saratoga Springs office, someone who thrives in an innovative environment. Responsibilities will include managing cases independently, performing investigations, developing litigation strategies, reporting to insurance carriers and other clients, drafting litigation papers, conducting depositions, and preparing cases for trial.

Rupp Baase Pfalzgraf Cunningham is a law firm driven by forward-thinking attorneys who embrace our clients' enterprising spirit. We are committed to excellence in the practice of law and we value collaborative, human working relationships with people who share our optimism and energy. Our team takes an innovative approach, creatively looking at every challenge from every angle to reveal opportunities for our clients and our employees. Our generous benefits package, including health insurance, 401k match, in-house CLE credits, potential for bonus, individual mentoring program, and a business casual dress code are just some of the reasons why we are consistently recognized as a Best Place to Work by Buffalo's Business First.

If this collaborative, innovative culture, sounds energizing to you email resume, cover letter, and writing sample in confidence to: careers@ruppbaase.com

All qualified applicants will be afforded equal employment opportunities without discrimination because of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or domestic violence victim status.

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