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THE SARATOGA COUNTY BAR ASSOCIATION

SERVING THE INTEREST OF JUSTICE

Editor
Amy Campbell

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SARATOGA COUNTY BAR ASSOCIATION ANNOUNCES 2019 SLATE OF OFFICERS

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From left to right: Kaufman, Tastensen, Mills, Peterson

THE PRACTICE PAGE
The Time for Filing the Notice of Appeal

HON. MARK C. DILLON*

CPLR 5513(a) provides that the time for taking an appeal as of right is 30 days after service by a party of a copy of the order or judgment to be appealed from, with notice of its entry. While that rule sounds straight-forward, practitioners should beware of a couple of complications.

Those of us practicing law at least 25 years ago remember a time when the procedures for obtaining, serving, entering, and appealing from orders and judgments varied from county to county. In some counties, judges filed original papers with the county clerk and transmitted written notice of entry as to trigger the time for filing appeals. In other counties, judges filed the original papers with the clerk's office but notified parties that they needed to obtain and serve a copy to trigger the appellate time frame. Elsewhere, attorneys needed to periodically requisition files at clerk's offices to locate orders or judgments, to then serve them with notice of entry. And there were even some counties in the state where original papers were sent by the judge to the movant, who was then responsible for filing the orders or judgments with notice of entry.[1] To unify the administrative and geographical differences between counties, the state legislature amended CPLR 5513(a) effective January 1, 1997 to require "service" of the order or judgment to be appealed from by "a party" to the action, with notice of entry, which uniformly commences the time for filing a Notice of Appeal for all.

The calculation of the 30-day time for filing a Notice of Appeal is muddied if multiple parties serve the same order or judgment with Notice of Entry on different dates. Are the 30 days measured from the first such notice, or the last? If notice of entry is served upon some, but not all parties, when does the time to appeal commence? Are five days added for mailing?

A recent opinion from the Appellate Division clarifies all of the foregoing questions, as the answers have not always been understood. While the opinion hails from the Second Department, its principles are straight-forward and should have universal application throughout the state. *W. Rogowski Farm, LLC v County of Orange*,[2] decided on March 13, 2019, involved the appellants' suit to declare null and void a prior tax foreclosure judgment against certain parcels of land in Orange County, and an appeal of the Supreme Court's denial of that prayer for relief. The order appealed from was served with Notice of Entry three times by three different respondent parties, on three different dates. The Appellate Division dismissed the appellants' entire appeal as untimely, since the Notice of Appeal was filed beyond the time frame of CPLR 5513(a) measured from the *first* service of the order with Notice of Entry to all. The initialNotice of Entry commenced the 30-day deadline as to all of the parties who, by affidavit of service, were served with it. In *dicta*, the Appellate Division stated a logical corollary: if an order or judgment is served upon some, but not all, parties, the time to appeal by a party not served does not begin to run until service with Notice of Entry is accomplished against it.

While attorneys and judges are programmed to think of the appeal time as 30 days, the mailing of the notice of entry adds five days to the calculation,[3] so that as a practical matter, an appealing party has 35 days from the date of the initial mail service. However, if the appealing party self-serves the order or judgment with notice of entry as to commence the time, it is not entitled to an additional five days for its own mailing. In the event of e-filing, the time runs from the e-filing with Notice of Entry, without any extension of time.

The importance of CPLR 5513 is that non-compliance with the statute's deadline is a non-waivable and jurisdictional defect.[4] The untimeliness of a Notice of Appeal cannot be forgiven under CPLR 2001, which otherwise allows courts to disregard mistakes, omissions, defects, or irregularities where a substantial right of a party is not prejudiced. Therefore, mark the appeal time on your office calendars accordingly.

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* Mark C. Dillon is a Justice of the Appellate Division, Second Department, and an Adjunct Professor of New York Practice at Fordham Law School.

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1 Mem. of the Office of Court Admin., Bill Jacket, L. 1996, ch. 214.
2 __AD3d __, 96 N.Y.S.3d 88, 2019 WL 1141580 (2nd Dept. 2019).
3 CPLR 2103(b)(2); *Stancage v Stancage*, 173 AD2d 1081.
4 *Mileski v MSC Indus. Direct Co., Inc.*, 138 AD3d 797, 799.

TORTS AND CIVIL PRACTICE:
Selected Cases from the Appellate Division, 3rd Department

TIM HIGGINS, ESQ. OF LEMIRE & HIGGINS, LLC

ERROR IN VERDICT SHEET OVERTURNS $1M PLAINTIFFS' VERDICT.
Motta v. Eldred Cent. School Dist. (Egan, Jr., J., 5/9/19)
Plaintiffs alleged their infant son sustained physical, mental and emotional injuries due to the defendant's negligent failure to protect the student from bullying by other students. At trial, the jury returned a plaintiffs' verdict totaling $1M, but after the jury was discharged, Supreme Court (Schick, J., Sullivan Co.) informed the parties that it had discovered a "glitch" in the verdict sheet, after which the Court questioned the jury foreperson (who had not yet left the courthouse), leading to discovery that the jury had apportioned fault between the defendant and plaintiffs at 70% and 30%. Defendant's motion to set aside the verdict as excessive and for a new trial was denied, but the Third Department reversed and ordered a new trial, concluding that the "taking of this verdict was fatally flawed", and contrary to CPLR 4111(c). Supreme Court's opportunity to fix the verdict sheet ended when the jurors left the courthouse and the "Court's consultation with the jury foreperson alone, although done in open court, could not take the place of full jury reconsideration".

VERBAL NOTICE (x2) OF DEFECT DOES NOT EQUAL REQUIRED WRITTEN NOTICE.
Cook v. City of Amsterdam (Rumsey, J., 6/13/19)
Plaintiff alleged he was hurt when he stepped into a hole and fell while walking on a City-owned roadway. Supreme Court (Sise, J., Montgomery Co.) granted the defendant's motion for summary judgment which relied on the absence of written notice of the defect, as required by local law. Plaintiff's proof in opposition to the motion showed that the City had received two verbal complaints about the condition of the sidewalk prior to his fall; the complaints leading to an inspection by city workers and the creation of a written work order for repairs. However, noting that "actual notice of an alleged defect 'does not override the statutory requirement of prior written notice'", the Third Department affirmed dismissal of the plaintiff's case.

LACK OF WRITTEN NOTICE AGAIN.
Harvish v. City of Saratoga Springs (Clark, J., 5/2/19)
Plaintiff alleged that she tripped and fell over a metal traffic sign post anchor that was protruding from the sidewalk. In its motion for summary judgment, the defendant's public works commissioner and head of traffic maintenance averred that their respective searches of departmental records showed no prior written notice (as required by the City Code) of the missing sign, sign pole or protruding anchor; after the City installed the sign in 2006. Supreme Court (Chauvin, J., Saratoga Co.) denied the motion but the Third Department reversed and dismissed the action. Plaintiff's contention that the City affirmatively created the hazard – by improperly installing the sign and failing thereafter to routinely monitor its condition – was not sufficient evidence that the defendant "engaged in an activity that *immediately* resulted in the detachment of the sign and sign pole from its anchor".

EMPLOYER'S LIABILITY FOR ALLEGED DRUNK DRIVING ACCIDENT.
Williams v. J. Luke Const. Co., LLC (Mulvey, J., 5/2/19)
Plaintiff claimed injuries in a head-on car-truck collision after which the defendant driver (Price) was sentenced to prison upon conviction for vehicular assault, second degree. Supreme Court (Ryba, J., Albany Co.) denied the defendant construction company's motion for summary judgment, premised on the argument that Price's operation of a company truck was outside the presumed consent scope of Vehicle and Traffic Law § 388(1). While the defendant did have company policies prohibiting possession or use of drugs or alcohol on company business or property, and limiting the use of company vehicles to business purposes, the Third Department (affirming the lower court) found the policies related "more closely to the manner of operation, or how to drive, rather than a restriction of who may operate the vehicle and when and where they may do so". As such, the defendants failed to establish as a matter of law that Price was driving without permission at the time of the accident.

(Continued on Page 4)

Selected Cases from the Appellate Division, 3rd Department

(Continued from Page 3)

TRIAL COURT ERRED IN ALLOWING USE OF OUT-OF-STATE VIDEOTAPED TESTIMONY.

Billok v. Union Carbide Corp. (Egan, Jr., J., 3/21/19)

Plaintiff's decedent died at age 42 due to mesothelioma, which plaintiff claimed was due to her exposure as an infant to a Georgia-Pacific ("GP") brand joint compound that contained asbestos (allegedly part of materials supplied to GP by the defendant). During trial, Supreme Court (Aulisi, J., Saratoga Co.) denied the defendant's motion to preclude the plaintiff from showing the jury videotaped deposition testimony – from unrelated lawsuits in 2001 in Illinois and 2003 in Texas - of a former GP employee with knowledge of the company's joint compound formulas. In the same ruling, the trial court permitted the defendant to use video testimony of the same witness in Texas in 2007, during which the witness purportedly contradicted his earlier testimony. After a defense verdict in Saratoga County, the plaintiff appealed and the Third Department (with 2 dissenting justices) reversed and ordered a new trial. Finding that use of the video testimony was the equivalent of asking the jury to determine whether the GP witness, "an empty chair in New York, testified more credibly in Illinois or Texas", the Appellate Division ruled that CPLR 3117(a)(2) did not permit plaintiff to use the witness's 2001 and 2003 depositions, and CPLR 3117(c) did not permit the defendants to impeach those depositions with testimony from 2007.

LABOR LAW § 240.

Pelham v. Moracco, LLC (Mulvey, J., 5/16/19)

Plaintiff was hired by the sole member (Racco) of the defendant real estate holding company to build a log cabin on a wooded lot that had recently been cleared, and during the course of construction fell from a height and was injured. His Labor Law § 240(1) and § 241(6) claims were dismissed by Supreme Court (Fisher, J., Greene Co.) who agreed with defendant that his company was entitled to the "one and two-family dwellings" exemption in the law. Affirming, the Third Department noted that the plaintiff did not dispute that he was building a single-family home, that his work was not directed or controlled by Racco and that plaintiff's argument that defendant intended to use the home for commercial purposes – "merely because defendant is a limited liability company and real estate holding company" – was speculation and unsupported by any facts.

Gutkaiss v. Delaware Ave. Merchants Group, Inc. (Rumsey, J., 6/6/19)

Plaintiff was hired by the defendant as an independent contractor to replace light strands on 36 light poles along Delaware Avenue in Albany, and in the course of doing so fell from an extension ladder when one of the poles fell over. Supreme Court (Mackey, J., Albany Co.) granted plaintiff's motion for partial summary judgment on his Labor Law § 240(1) cause of action but the Third Department reversed and dismissed that claim, ruling that plaintiff's work constituted "routine maintenance" (not repair) and was therefore outside the protection of § 240(1). While replacement of a light fixture on a lighting pole would be covered under the statute, these light strands were not a fixture – as they were on the poles for decorative purposes and were not needed to serve the pole's primary purpose of illuminating the street and sidewalk.

Wright v. Ellsworth Partners, LLC (Lynch, J., 6/13/19)

Labor Law § 240(1) protects construction workers whose injuries result from elevation differentials that are deemed to be "physically significant"; which was not the case here in the judgment of Supreme Court (Muller, J., Warren Co.) which granted the defendants' motion for summary judgment dismissing the complaint. Plaintiff, 5 feet 7 inches tall, was hurt when a brace gave way causing a stacked row of 10 scaffolding frames (6 feet tall and 75 pounds each) to fall forward striking him. The Third Department affirmed dismissal of the § 240(1) claim, agreeing with the trial court that the elevational differential of 5 inches (comparing plaintiff's height to the height of the falling scaffolds) was "de minimus" and outside the scope of the statute.

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Selected Cases from the Appellate Division, 3rd Department

(Continued from Page 4)

Archer-Vail v. LHV Precast, Inc. (Clark, J., 1/17/19)
Plaintiff's husband was killed after being struck by a 2,500-pound bridge form that had been delivered to a manufacturing facility operated by the defendant. Although the bridge form was designed for use in the manufacture and fabrication of construction materials that would eventually be used on an unspecified construction site, the Third Department affirmed Supreme Court's (Cahill, J., Ulster Co.) decision dismissing plaintiff's claims under Labor Law § 240(1) and § 241(6). Plaintiff's allegations about the work being done by decedent "do not support any contention that the work... was, in any manner, an integral part of an ongoing construction contract or was being performed at an ancillary site, incidental to and necessitated by such construction project, where the materials involved were being readied for use in connection with a covered activity" so as to bring it within the scope of those provisions in the Labor Law.

CYBER SECURITY AND THE LAW: Understanding and Preventing Phishing Attacks

DOUGLAS GERHARDT,[1] PARTNER | HARRIS BEACH, PLLC

It might be summer when fishing is common. But a very different type of fishing is taking hold, swimming rampant amongst businesses, including law firms. *Ph*ishing attacks threaten the waters of sensitive information law firms maintain for themselves and clients. Attorneys must be vigilant not to take the bait.

Virtually everyone has heard of phishing attacks. Simply, phishing is an email or text message meant to trick the recipient into taking an action(s) that benefits the bad actor monetarily. Some attacks are designed to redirect money to fraudulent accounts and others may focus on the theft of sensitive personal information. Through a seemingly benign email or text, the ne'er-do-well aims to profit financially by obtaining passwords, account numbers, social security numbers or other personal information. In some cases, the thief goes right for the cash by inserting themselves into active matters involving the transfer of funds. Phishing attacks often cast a wide net hoping for a single bite.

Spear-phishing is more targeted. Spear-phishing hones in on a particular recipient or firm aimed at redirecting the transfer of funds or stealing more particular or sensitive information. A spear-phishing attack will look much like a viable, authentic email deserving a quick reply. Yet, the response exposes the firm to a host of travails. For example, spear-phishers might try to install software (malware) which can serve to corrupt internal computer networks and the information contained within. If this happens, the network could be shut down and the firm subject to ransomware – meaning, pay up or you don't get control of your computer operation system back. This is what led Riviera Beach in Florida to pony up nearly $600,000 last month.[2] Another common threat to law firms is wire transfer fraud which is particularly scary since these transactions move quickly and are often difficult to reverse. Spear-phishing communications are often more successful because they more closely mirror a communication a person is likely to see and respond to.[3]

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1 Mr. Gerhardt is a partner at Harris Beach's Saratoga Springs Office. He works statewide with the firm's Labor and Employment group as well as with the firm's Risk Management and Cyber Security team. The author thanks the unbelievably adept and ever vigilant Dawn Russell, Harris Beach's Director of Compliance and Risk Management for her insights and assistance.

2 https://www.cbsnews.com/news/riviera-beach-florida-ransomware-attack-city-council-pays-600000-to-hackers-who-seized-its-computer-system/.

3 The Federal Trade Commission ("FTC") offers insight into phishing and spear-phishing including explanatory materials about what to look for. Probing these resources will better ensure against attacks – knowing what to look for will help prevent susceptibility. How to Recognize and Avoid Phishing Scams (FTC) https://www.consumer.ftc.gov/articles/how-recognize-and-avoid-phishing-scams.

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Understanding and Preventing Phishing Attacks

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Putting Meat on the Fish Bone: How Does a Phishing Scam Work?

An attorney receives an unsolicited request for legal services via email. (This can happen at both large and small firms.[4]) The supposed client asks for representation in a legal matter, signs an engagement letter, and in some cases provides evidence of the legal issue (e.g., a contract that appears legitimate). The supposed client then claims the matter has been resolved and a check is being sent from the opposing party directly to the attorney. The attorney is asked to deduct from the payment any outstanding legal fees and wire the remaining money to the client. The payment is in all cases fraudulent (e.g., a fake cashier's check). Unfortunately, the attorney is not notified of the fraudulent banking instrument until the money has already been wired and cannot be recovered.

This may sound unbelievable and the "stories" in these scam emails may vary. However, in many cases stories are well developed, including legitimate company names, addresses and employee names for both the supposed client and defendant. In fact, the supposed defendant is often a real company located in the attorney's geographical area.

Preventing Being a Victim

There is no sure fire way; no steel cage to drop into to protect against phishing attacks. Still, there are ways to combat the omnipresence of phishing trawling.

One is to implement an external email stamp for those emails that attempt to spoof internal folks. For example, text - **[WARNING Possible Email Impersonation]** - is displayed in the Subject Line of emails that contain the name of a firm individual with an email address that does not match their known address.

Second, take a breath – try and determine the legitimacy of an unsolicited email request:

- Determine if the company of the supposed client is legitimate by performing an independent Internet search;
- If legitimate, compare the domain name in the sender's email address to the domain name of the company's website. If they don't match, this may be a scam. *Look closely. Sometimes only a letter is off or a suffix (.org vs. .com)*
- Call. If the company is legitimate, attempt to contact the sender using the phone number of the company found on their website. If this dead ends, you likely have a scam. Using a phone number obtained independently and not provided in the suspect email ensures that the scammer is not on the other end of the phone line. Yes, some of these scams go as far as providing phony phone numbers with an individual waiting on the other end to talk to you.

In addition to the above, be pragmatic. When you receive an unsolicited email, don't click attachments or links contained in the email. While this sounds obvious, it is one of the most common ways phishing attacks are successful. Also, do not respond. Instead, communicate with your IT staff (or consultant) so they can verify authenticity. Finally, always double check by means other than email when money is involved.

Conclusion

Electronic communications are essential to the effectively practice of law. Those of ill-intent know how frequently attorneys use email and how eager they can be for a new client or work. They prey on this. Phishing attacks are how they do it. They remain the most common and effective security challenges attorneys face. Prolific use requires vigilance. Understand what a phishing attack can look like; keep a watchful eye for them; embrace the above and in doing so, hopefully you won't be bite - hook, line, and sinker.

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[4] Zach Needles, *'Spear-Phishing' Is a Growing Cyberthreat to Law Firms—and Expensive Tech Can't Stop It* The Legal Intelligencer, February 25, 2019.https://www.law.com/thelegalintelligencer/2019/02/25/spear-phishing-is-a-growing-cyber-threat-to-law-firms-and-expensive-tech-cant-stop-it/?slreturn=20190525125828

NOT-FOR-PROFITS AND THE IMPORTANCE OF IMMIGRATION ADVOCATES

DAVID W. MEYERS, ESQ. | MEYERS & MEYERS, LLP

Some of you know that I was engaged by the late Sr. Maureen Joyce, the then-CEO at Catholic Charities of the Diocese of Albany, in July 2000, to help Catholic Charities launch an immigration program that would serve low and no income individuals from a 14 county area in and around the Capital Region. Catholic Charities created the immigration program to foster and facilitate family unity, freedom, and citizenship for eligible foreign-born persons by providing low-cost and high-quality legal services. Catholic Charities also engages in public advocacy and community training and outreach to advance the fair treatment of our nation's immigrants, and to protect the rights of such immigrants and refugees.

My initial task was to obtain accreditation for the agency with the Board of Immigration Appeals ("BIA"), which is part of the Executive Office of Immigration Review ("EOIR"), so that Catholic Charities could provide services to individuals who were in need of immigration assistance. Once we did that, I hired a staff of one, who works part-time. More recently, we've hired another individual, who also works part-time. My work for the agency is part-time. Although Catholic Charities is authorized by the BIA to charge fees for its services, to date we never have.

The Catholic Legal Immigration Network, Inc., commonly known as CLINIC, is the legal support arm for Catholic Charities' immigration programs across the country. CLINIC was established in 1988 by the U.S. Conference of Catholic Bishops to support the rapidly growing network of community-based immigration programs like ours in Albany. CLINIC's creation enables Catholic organizations across the country to get the necessary training and institutional support they need to provide low or no cost immigration legal services to those in need.

Here are just a few facts about CLINIC:

- In 2017, CLINIC's network conducted an estimated 276,000 consultations, more than half of which became cases for network agencies.
- Also in 2017, CLINIC's network filed approximately 247,000 applications, petitions, motions, or waivers. Those applications served about 500,000 people, including the applicants themselves and their dependents.
- Volunteers accounted for more than 84,000 hours of assistance in 2017, enabling programs to provide legal services to a broader base.
- And finally, also in 2017, CLINIC supported nearly 5,400 community outreach presentations, which reached nearly 325,000 people, all of which provided necessary and importation information about legal rights and options.[1]

There are many "perks" of being member organization of CLINIC. For me, the biggest perk is being able to work with, and be supported by, a group of seriously talented immigration lawyers and advocates. Last month, and each year for nearly the last twenty, I have attended CLINIC's Annual Convening. Among other things that takes place at the Convening, attorneys and advocates gain insight and premier education about immigration law, program management and advocacy. The Convening moves around the country each year. This year we were in Pittsburgh. In the past, we've been to Tucson, Portland, New Orleans and of course Washington, D.C. Regardless of the location, I come home every year so incredibly impressed by the level of knowledge that the attorneys and advocates who teach the programs have, and their incredible commitment to protect the dignity and the rights of the immigrants that they and we serve. I marvel at how much they know and how much I still have to learn. I am so incredibly grateful for their incredible passion and commitment.

[1] See CLINIC website at https://cliniclegal.org/about-us.

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NOT-FOR-PROFITS AND THE IMPORTANCE OF IMMIGRATION ADVOCATES

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CLINIC's staff trains close to 10,000 people a year, in topics ranging from the basics of immigration law to the nuances of representing clients in detention and removal / deportation proceedings. It's hard work and it's very complex. They make it seem easy, and more than anything, it's clear that they love what they do. It's very motivating. When I return each year I am energized to keep trying, to perhaps do just a little more.

In these very tumultuous and politically troubling times, CLINIC's work, and ours at Catholic Charities in the Capital Region, is more important than ever. Given the current political climate, the current make-up of Congress, and the fact that President Trump has shamefully shown no humanity to almost all immigrants except for perhaps "the best and brightest", the work of CLINIC, its member agencies, and frankly all not-for-profit immigration programs across the country (including many right here in Saratoga County), needs your support. We all need to do our part.

HOLDING TITLE DOES NOT COME WITH A CHAMPIONSHIP BELT

DAN WADE, ESQ. OF IANNIELLO ANDERSON, P.C.

Congratulations! Your offer has been accepted and you've managed to successfully navigate the various contract contingencies to arrive at the closing date. You sit down at the closing table and your attorney asks you, "How would you like to hold title?" I can assure you, "As Heavyweight Champion of the World!" is not the proper response. You can hold title in a number of legally defined ways and how you hold title to the property can have legal ramifications down the road. So, it's important that you discuss your options with your attorney to fully understand the distinctions, benefits, and restrictions of the different ways that title can be held. Let's go over a few of the most common ways title is held in New York State:

1) **Sole Ownership** – One person, alone, owns a complete undivided interest in the property. Upon their death, the ownership interest in the property will transfer either to their beneficiaries according to their Will, or to their heirs as per the laws of intestacy (distributing their assets per the laws of New York State) should they not have a Will.
2) **Tenants in Common** – Two or more people own the property in either equal or unequal percentages as designated by the parties on the deed. Any of the co-owners may sell or transfer their percentage of interest in the property to another individual without affecting the other co-owners' percentage in interest. Upon the death of one of the co-owners, their interest will either transfer to their beneficiaries as per their Will or to their heirs as per the laws of intestacy should they not have a Will. The remaining co-owners retain their percentage of interest in the property.
3) **Tenants by the Entirety** – Is only allowed for married couples. Each spouse owns an equal percentage in the property and may not sell or transfer the property without the consent of the other spouse since the marital unit is considered a single entity. Tenancy by the entirety also creates a right of survivorship between the spouses. In the event that one of the spouses passes before the other, the interest of the deceased spouse transfers automatically to the surviving spouse without the need to file additional paperwork with the Surrogates Court in order to probate (officially approve) the Will.

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HOLDING TITLE DOES NOT COME WITH A CHAMPIONSHIP BELT

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4) **Joint Tenants with Right of Survivorship** – Two or more people own the property in equal percentages. Unlike tenancy by the entirety, a joint tenant may sell or transfer their interest in the property without the consent of the remaining tenants. However, if they do, the new co-owner's interest becomes an interest as a tenant in common. When a co-owner who held title as a joint tenant with right of survivorship passes, their interest automatically transfers to the surviving tenants in equal percentages without the need without the need to file additional paperwork with the Surrogates Court in order to probate the Will.

5) **Living Trust** – Property is held in the name of a previously established Living Trust and managed by a Trustee named in the Living Trust. Typically, the initial Trustee would be the person intent on using the property. In the event of their death, the trust documents would name a successor Trustee to manage the decedent's affairs and also name beneficiaries who would receive their property upon their death. The successor Trustee would be able to transfer the property to the decedent's beneficiaries without the need for probate. This option takes a bit of planning, so you would want to discuss and coordinate this option with your attorney in advance of the closing date.

Although these are the most common ways title is held in New York State, the above list is not exhaustive. You should discuss all of your options with a knowledgeable, skilled attorney, who can walk you through the pros and cons of each and help you decide what is best for you. After how far you have come to get to the closing table, you do not want anyone throwing in the towel when the closing bell rings!

A Testimonial Dinner Honoring

JOSEPH M. SISE

Justice Supreme Court

JULY 31, 2019

6:00 p.m. to 9:00 p.m.

Glen Sanders Mansion
One Glen Avenue
Scotia, New York

$60.00

6:00 p.m. Cocktail Reception
7:00 p.m. Dinner
Cash Bar

MENU

Salad
Baby Greens, Arugula, Dried Sweet Cranberries, Crumbled Blue Cheese
White Balsamic Vinaigrette
Rolls and Butter

Entree
Roasted and Sliced Tenderloin of Beef
with Fingerling Potatoes, Grilled Asparagus and Shallot Cabernet Demi Glace

Dessert
Assorted Family Style Pastries & Cookies
Coffee and Tea

**** Vegetarian Entree only available if ordered in advance***
Crispy Eggplant, with Fresh Tomatoes, Garlic, Basil Puree, Mozzarella,
Ricotta and Pecorino served with Capellini Nest

RSVP by July 19, 2019
Valerie Zabo, vzabo@nycourts.gov (518) 853-4432

Kindly make checks payable to Montgomery County Bar Association

YOUNG/SOMMER LLC CONTINUES RANKING AS TOP-TIER LAW FIRM IN CHAMBERS USA GUIDE

Firm selected for client service and representation in national publication

Albany, N.Y. -- Young/Sommer LLC is pleased to announce that it has been named to the *2019 Best Lawyers and Law Firms Chambers USA Guide* as one of the top-tier law firms within New York State in environmental law. This marks the sixteenth year the law firm has been recognized by Chambers USA.

Young/Sommer LLC has a total of 24 attorneys with extensive experience in environmental law, land use, real estate, litigation and commercial transactions. Young/Sommer is the State's most experienced law firm for siting wind and other renewable energy facilities.

In addition, founding partners Kevin Young and Dean Sommer were each individually recognized as top environmental lawyers in New York State. Mr. Young was recommended for his "expertise on all manner of environmental protection statute." Young was also cited for his "extensive experience" litigating site remediation proceedings, including Superfund site matters.

Mr. Sommer was noted for his "environmental practice expertise" on disputes pertaining to hazardous substances, including solid and petroleum waste. He was also identified for his experience in legal representation pertaining to brownfield projects and development.

"Our goal is to solve the client's problem and that goal is reflected in the trust that our clients have in our work," said Partner Dean Sommer. "Our team is committed to providing effective, high quality work at affordable legal rates."

The *Chambers USA Guide* ranks the top lawyers and law firms across the United States. An experienced team of Chambers USA researchers and legal experts participate in the ranking process. Results are based on in-depth confidential interviews with clients and lawyers.

"Our firm is focused on one mission - solving our clients' problems as quickly and cost-effectively as possible," said Partner Kevin Young. "We continue to seek attorneys who share that objective."

Chambers & Partners Ltd, an international firm that produces directories of top lawyers in 175 countries, providing independent rankings and editorial commentary, publishes Chambers USA. Information on Chambers and Partners can be found at http://www.chambersandpartners.com.

Young/Sommer LLC is a full service New York State law firm concentrating in Environmental, Municipal, Land Use, Telecommunications, Energy, Wind, Solar and Hydro Development, Commercial Litigation, Brownfield Redevelopment and Superfund, Education, Labor and Family law. With offices in Albany, the Young/Sommer legal team provides legal services throughout New York State. Additional information on Young/Sommer LLC can be found at www.youngsommer.com.

JAMES E. HACKER NAMED "FELLOW" IN THE INTERNATIONAL ACADEMY OF TRIAL LAWYERS

ESJHM Managing Partner James E. Hacker, Esq. was named a "Fellow" of the International Academy of Trial Lawyers in London this past April.

Founded in 1954 the Academy is an invitation only group of elite trial lawyers.

The Academy is recognized as one of the most prestigious organizations of trial attorneys in the world, limiting its membership to 500 trial lawyers in the U.S.

The law firm's founding partner E. Stewart Jones, Jr. has also been a Fellow in the Academy for the last 30 years.

E. Stewart Jones Hacker Murphy LLP

TARA ANNE PLEAT PRESENTED WITH THE 2019 LISA NILES DISTINGUISHED ALUMNI AWARD

Wilcenski & Pleat PLLC is pleased to announce that Tara Anne Pleat co-owner and co-manager of the firm, was presented with the 2019 Lisa Niles Distinguished Alumni Award at this year's annual Leadership Alumni Meeting. The award is given to one Leadership Saratoga graduate each year and is chosen by the past award winners. In addition, Leadership Saratoga has made a $250 donation to each of AIM Services, Inc. and The Wesley Foundation as Tara's selected charities. Tara currently serves on the Board of Directors of both organizations.

Wilcenski & Pleat PLLC is a law firm which concentrates its practice in the areas of Special Needs Estate Planning and Special Needs Trust Administration, Traditional Trust & Estate Planning and Administration, and Elder Law.

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THE HUDSON RIVER MILL MUSEUM IN CORINTH SEEKING LEGAL HELP

The Hudson River Mill Museum has a charter from the New York State Board of Regents and received their IRS 501(c)(3) determination at the end of 2018.

The museum plans to occupy the former International Paper Company office building in Corinth that has been listed on the National Register of Historic Places, and is presently owned by the Town of Corinth.

Since they are a very new non-profit with limited funds, the museum is hoping that the Saratoga County Bar Association might be able to assist them in finding pro bono help in drafting a lease for the building.

Below is a photograph of the building that will be leased. The Town of Corinth has agreed to lease the building to the museum but has left it to the museum to initiate the contract.

They would certainly appreciate any support that a member of the Saratoga Bar Association might provide them.

Contact: Stephen Cernek - Executive Director
www.hudsonrivermillmuseum.org

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