



TIPSTAFF

DECEMBER 2014 - JANUARY 2015

THE PRESIDENT'S MESSAGE

BY KRISTINE K. FLOWER



Our December meeting was a wonderful night of good food and great friends. It was a night of honoring one of our own while also remembering those we have lost and missing those who could not make it. As we celebrate this holiday season, I realize that I am quite blessed in all that I have and I am thankful to all of you for allowing me to serve as your President. I would like

to take this minute to thank you all for your camaraderie and I wish all of you -

Merry Christmas and Happy Hanukkah as well as Happy New Year!

May your holiday season and new year be filled with family, friends, love, laughter and joy!

Kris

WCBA OFFICERS

- Kristine K. Flower
President
kflower@cafrylawoffice.com
(518) 792-1582
- Dennis J. O'Connor
President-Elect
doconnor@mfcllp.com
(518) 792-1174
- Karla W. Buettner
Vice President
kwb@bpsrlaw.com
(518) 792-2117
- Robert P. McNally
Secretary
rpm@scm-law.net
(518) 668-5412
- Michael D. Dezik
Treasurer
mdezik@wplawny.com
(518) 409-8534
- Maria G. Nowotny
Delegate to NYSBA House of Delegates
marianowotny@albany.twcbc.com
(518) 792-1880
- Matthew F. Fuller
Immediate Past President
mfuller@meyerfuller.com
(518) 668-2199

Notes from the Editors

We hope you enjoy this issue of the TIPSTAFF! We take pride in continuing to provide our readers with information on the law, the legal profession, area CLE programs and the activities of the WCBA and its committees.

We welcome your comments and suggestions for this newsletter. We also invite our readers to submit notes and articles of interest for publication. Articles can be submitted by mail or email to the WCBA office. The deadline for the next edition is Monday, February 2, 2015. Light editorial hand promised. Thank you.



INSIDE THIS ISSUE:

Herion in our Community, The Defense Perspective	2
Heroin in our Community A view from the Prosecutor	3
Torts and Civil Practices Cases	4-6
Notes from the NYS House of Delegates	7
The Bernadette M. Hollis Award	8-9
Challenge for Justice	10-11
WCBA Committees	12
Law Day Committee Report	12
Holiday Party 2014 Photos	13
Office of the Warren County Clerk	14
Judge Scarano's Retirement Celebration	15
Adirondack Women's Bar Association Post Holiday Dinner Invitation	16
In Memorandum	16
Our Member's Corner	17
Classifieds and Save the Date!	18



HEROIN IN OUR COMMUNITY The Defense Perspective

Submitted by
Daniel J. Stewart, Esq.
Brennan & White, LLP

On August 22, 2014, my birthday, I was scheduled to appear before Judge Hall in the case of People v. Daniel Manning. My client had been accused of, and pled guilty to, breaking into a local church to steal musical equipment, and driving away in an intoxicated condition. My client was young, energetic and engaging, but had been suffering from the effects of a bicycle accident years earlier that had caused mental impairment, and left him struggling with an opiate addiction.

As a result of conferences with the District Attorney's Office, and through the positive intervention of the church itself, which was seeking not a punitive type justice, but rather a restorative justice, a plan had been agreed upon. The client would continue with mental health treatment; be supervised by probation, and after one year of success, he would be allowed to plead to a misdemeanor with continued probation.

That year was set to expire on the 22nd, with the client having no apparent difficulty with interim probation. A few weeks before that date I received a call from my client's father. He explained, in a few devastating sentences, that Dan had died due to an overdose of heroin. Case closed. That was the third heroin overdose death of a client - this year.

I suspect that there is no defense counsel in the area that has not witnessed the ruinous impact of heroin on their clients and the community in general. We know from long experience, however, that the purported remedy of sending drug defendants to state prison with long sentences simply does not work. The proposed sentence in the Manning case was the correct one - with the prosecution, defense, the court, and the victim, all working together to give the young defendant the chance to overcome his addiction. The fact that it did not work in the case of Daniel Manning does not diminish my view that we were certainly going down the right road.

The defense counsel can play a unique role in this battle of heroin addiction. Part of that role is to make sure that police conduct complies with the constitutional limitations involving searches and seizures, and to put up as strong a fight as possible if it does not. Another part of our job, however, involves dealing effectively with the addicted client. As noted by Attorney Peter Gerstanzag, in the area of alcoholism, the fact that a client has retained an attorney is a statement of trust, and as a result a lawyer can get through to a client in a way that virtually no one else can. This is despite the fact that the client may be in various stages of denial, and their addiction may be every bit as confining mentally as the Warren County Jail is physically.

In the end, in order to be an effective representative, we need compassion; an understanding of addiction; an awareness of the various treatment or other options that may be available in lieu of a period of state prison; and a willing ear from the prosecution. As counselors at law, we are prepared to do whatever we can to try to prevent this deadly spiral. Defense counsel have routinely offered their services to the local schools on the issue of alcohol and drug offenses, and their consequences. We have done this because we are all too familiar with the path of destruction from swiping a few Oxycodone out of the family medicine cabinet, to a needle in the arm, to a funeral. With help, I have had many clients overcome drug addictions and lead highly productive lives, and that is the most satisfying reward for everyone in the criminal justice system.



HEROIN IN OUR COMMUNITY A View from the Prosecutor

Submitted by

Kathleen B. Hogan, Esq.
Warren County District Attorney

I suspect almost every member of the Warren County Bar Association knows someone who is somehow affected by the scourge of heroin in our community. The unfortunate reality is that the volume of heroin in our community has dramatically increased. In 2004, 10% of all Warren County drug arrests related to heroin. Today, over 50% of our drug cases involve heroin. Anyone who reads the paper will see that with sad regularity there are obituaries of young people who die “unexpectedly”. For those of us in law enforcement, we recognize that in most cases that person was someone who was struggling with a heroin addiction. The number of overdoses due to heroin have reached such epic proportions that police are now trained on how to administer Narcan, a drug that when administered to someone who overdoses brings them back from the brink of death. Because of the breadth of the epidemic and the horrific impact in terms of human collateral, every discipline in the criminal justice system is grappling with how to reverse this deadly blithe.

We know, as prosecutors, we cannot be one dimensional in our approach and simply warehousing anyone charged in any fashion with heroin is not an effective strategy. Rather, we need to approach this issue with a two prong strategy based on the basic economic principle of supply and demand. We believe it is critically important to aggressively prosecute those who are supplying the heroin, because they are mercenaries who are perpetuating this plague for profit and causing scores of people in our community to either die or come close to death. These defendants typically receive state prison sentences and are required to surrender their profits. We hope that by requiring a prison sentence and seizing any assets, we are sending a clear message to not only that defendant but any other person considering the drug trade as a career option. We also recognize that as hard as we try, we will never be able to completely cut off the supply. Thus, to reduce the volume of heroin in our community, we need to also reduce the demand. In an effort to reduce demand, instead of incarcerating a defendant who is an addict, we offer them treatment options either through Drug Treatment Court or probation. Both Drug Treatment Court and probation involve intensive oversight and rigorous treatment requirements. While both are demanding programs, the results have a long term impact on the participants. Since the inception of DTC, 155 people have successfully graduated from the program and 70 people are currently participating. Of those individuals who have graduated, only 11% have reoffended. It is a long commitment that ultimately helps reduce the demand for heroin in our community and even more importantly, gives the participant and their families a fresh opportunity to enjoy a better quality of life.

There is no magic bullet to eliminate the issues that heroin has caused in our community but it is abundantly clear that if we are going to make any headway, we need to work collaboratively. In conjunction with the Council for Prevention, members of law enforcement and both DAs’ offices have started Hometown vs. Heroin by which we want to raise the public’s awareness of the dangers of heroin and offer assistance to anyone who is struggling with a heroin addiction. If any member of the Bar would like additional information or would like to be part of the effort, please do not hesitate to contact our office.



Tim Higgins

Timothy J. Higgins, Esq.
**LEMIRE, JOHNSON &
HIGGINS, LLC**

Attorneys at Law
2534 Rte. 9, PO Box 2485
Malta, NY 12020
(p) 518.899.5700

Torts and Civil Practice: Selected Cases from the Appellate Division, 3rd Department

Premises liability

Gillis v. Herzog Supply Co., Inc. (Lynch, J., 10/23/14)

Not all dangerous conditions which proximately cause a plaintiff's injury result in liability for the property owner. One such exception to the rule; when the defect is deemed "trivial"; led Supreme Court (Melkonian, J., Ulster Co.) to grant defendants' motion for summary judgment. The Third Department affirmed; agreeing that a 5 ½-inch wide, one-inch deep chip of concrete missing from a curb separating a parking lot from a store entrance was too trivial to be actionable.

Milton v. IBPOE # 180 (McCarthy, J., 10/23/14)

Plaintiff, a 14-year member of the defendant Elks Lodge, was slashed and stabbed with a knife in an apparently random attack while exiting the building at the lodge's front stairs onto the sidewalk. Supreme Court (Mulvey, J., Tompkins

Co.) dismissed plaintiff's negligence suit alleging a failure to provide adequate security and lighting. Affirming, the Third Department noted that while a property owner has a duty of reasonable care, the scope of the duty varies with the foreseeability of the potential harm. Prior occurrences at the defendant's lodge were minor disturbances and mostly inside the building, and in the absence of proof of similar criminal activity, the "defendant's duty to protect its members and patrons from violent armed attacks outside the lodge never arose".

Dyer v. City of Albany (McCarthy, J., 10/16/14)

Plaintiff's eight-year old daughter was hurt when she fell from a swing located in one of the defendant City's parks. After being informed of the incident, a city maintenance supervisor went to the park, inspected the swing set, and finding one swing with a non-working safety mechanism, removed the swing and disposed of it. Supreme Court (Platkin, J., Albany Co.) denied Plaintiff's cross-motion to strike defendant's Answer for spoliation (destruction) of evidence; and granted summary judgment to the City. The Third Department affirmed, finding no evidence that the defendant had actual or constructive notice of the defective latching mechanism and finding plaintiff was not "particularly prejudiced" by the disposal of the offending swing because relatives of the infant plaintiff took several clear photographs of it, and the City conceded the safety mechanism would not latch.

Boice v. PCK Development Co, LLC (Devine, J., 10/16/14)

Supreme Court (Zwack, J., Ulster Co.) granted summary judgment to the defendant owner of the property where plaintiff fell from a ladder that accessed a storage loft in a mall space leased by Foot Locker (third-party defendant). As an out-of-possession landlord, the defendant was not responsible for this particular dangerous condition on the property after possession was transferred to the tenant. But the Third Department reached a different conclusion on whether the property owner created the dangerous condition in the first instance given evidence that it "contracted and paid for" alterations to the storage loft; reversed the trial court and reinstated the plaintiff's claims on that cause of action.

Continued on page 5

Dog owner liability

Clark v. Heaps (Garry, J., 10/23/14)

Plaintiff was employed by defendant's housekeeper to clean defendant's house and care for his animals when the housekeeper was unavailable to do so. During one such work assignment, plaintiff took defendant's dogs outside to play, and a pit bull jumped into and out of a hammock in which the plaintiff was seated; causing her to fall to the ground and sustain a shoulder injury. Supreme Court (Becker, J., Delaware Co.) dismissed the plaintiff's negligence and strict liability suit against the property/dog owner, and the Third Department affirmed. Plaintiff's reliance on evidence that defendant's dogs, including the pit bull, had previously attacked another dog was "not relevant to the conduct at issue here, and does reveal a proclivity to behave in the manner" that caused this plaintiff's injury (i.e., knocking a person out of a hammock).

Case survives although Plaintiff signed release

Ford v. Phillips (Garry, J., 10/16/14)

Plaintiff was hurt in a car accident caused by the defendant's vehicle, which was insured by Travelers. Shortly after the accident, plaintiff met with a Travelers claims representative and signed a general release of all claims in exchange for \$750. When plaintiff later sued, the defendant's motion for summary judgment based on release (CPLR 3211(a)(5)) was granted by Supreme Court (Clark, J., Washington Co.). Reversing and reinstating the case, the Third Department noted the existence of a "sharp distinction" drawn between mistakes about *unknown* injuries versus mistakes as to the consequences of known injuries. Here, the defendant failed to establish as a matter of law that either party knew (at the time the release was signed) that plaintiff had sustained a cervical disk herniation for which surgery has been recommended.

"Serious injury"

Shelley v. McCutcheon (Stein, J., 10/16/14)

Plaintiff's motor vehicle injury suit was reinstated by the Third Department because defendant's medical proof on the motion failed to "adequately address plaintiff's condition or limitations within the first 180 days following the accident, which was necessary to foreclose the 90/180-day category of serious injury" (Insurance Law § 5102(d)).

Poole v. State of New York (Lahtinen, J., 10/16/14)

Reaching the same conclusion as it did in *Shelley* (above); the Third Department reversed the Court of Claims dismissal of this motor vehicle injury suit. Defendant's proof failed to rule out the possibility of "serious injury" under the 90/180-day category; which was particularly relevant given claimant's testimony and his supplemental bill of particulars that detailed how "his many normal activities...were curtailed following the accident".

Vandetta v. Adams (Stein, J., 10/23/14)

Pro se plaintiff claimed the defendant driver negligently caused a car crash that aggravated a pre-existing hernia condition and a left shoulder injury for which he had surgery. Dismissal of the suit by Supreme Court was reversed by the Third Department which concluded that the opinion of defendant's IME doctor that the shoulder injury was unrelated to the accident was "not based on competent medical evidence".

Continued on page 6

Partial verdict for Claimant-prisoner overturned

Saunders v. State of New York (Devine, J., 10/16/14)

Claimant was a prison inmate who alleged excessive use of force by a correction officer after an argument and physical altercation resulted in multiple injuries, including fractures to his humerus (upper arm), cheekbone and ribs. After trial, the Court of Claims (DeBow, J.) found the C.O.'s use of force was reasonable and necessary, except for the "unexplained" fractured humerus, and awarded claimant \$80,000 in damages for that injury. The Third Department reversed the partial award and dismissed the entire claim, noting that claimant's medical expert did not link the broken arm to the use of excessive and unreasonable force and crediting the testimony of defendant's expert (claimant's treating prison doctor) "that claimant's osteoporotic condition rendered him more susceptible to a bone fracture".

Conditional order of dismissal becomes "absolute"

Willis v. Keeler Motor Car Co. (Peters, J., 10/23/14)

Plaintiff commenced a negligence action to recover for damages to his vehicle while it was parked in defendant's lot. Plaintiff responded to initial discovery demands, but follow-up demands were not answered; notwithstanding several judicial interventions over the next two years. The parties eventually stipulated to a conditional order of dismissal that provided for the complaint to be stricken and the action dismissed if the plaintiff failed to provide the outstanding discovery in the next 30 days. After such deadline, with no discovery responses provided, Supreme Court (McNamara, J., Albany Co.) dismissed the complaint with prejudice. The Third Department affirmed, ruling that "the conditional order of dismissal was self-executing, and plaintiff's failure to produce the requested items on or before the specified date rendered the order 'absolute'".

Legislative news:

Amendment of CPLR 3113(c)

By this amendment (effective immediately), an attorney for a non-party witness "may participate in the deposition and make objections on behalf of his or her client in the same manner as counsel for a party". The amendment effectively overrules the 4th Department's holding (in 2010) in *Thompson v. Mather*, in which the Court held that CPLR 3113(c) did not afford counsel for a non-party witness the right to object or otherwise participate in a pre-trial deposition.

Happy New Year





NOTES FROM THE NYSBA HOUSE OF DELEGATES

Submitted by

Maria G. Nowotny, Esq.

Two significant matters were before the House of Delegates (HoD) at the November 1, 2014 meeting held in Albany. The first concerned the on-going discussions regarding mandatory reporting of pro bono services performed and monetary contributions to organizations providing legal services for the poor. The second concerned a proposed change in the bar examination.

I. The issue of mandatory reporting was addressed in two resolutions each of which was passed by significant margins in voice votes. The resolutions were presented following discussions of State Bar leadership with Chief Administrative Judge Gail Prudenti and the chair of the courts' Task Force to Expand Access to Civil Legal Services. President Glenn Lau-Kee reported the discussions had been fruitful. One resolution submitted authorizes the NYSBA President to request the Administrative Board of the Courts to provide for: 1. reporting of pro bono hours and financial contributions to the Office of Court Administration (OCA) by attorneys on an anonymous basis only; 2. reporting by the OCA to the public on an aggregate basis only of pro bono hours and financial contributions of all attorneys; and 3. an expansion of the definition of pro bono services and eligible entities to which financial contributions could be made. The resolution also authorizes the President to request that all individual reportings submitted since May 1, 2013 be held confidential and that only aggregated reporting of this information be made.

The manner of reporting envisioned would be a question on the biennial registration as to whether the attorney complied with mandatory reporting of hours and financial contributions and whether a record of such submission was retained by the attorney. The actual reporting of the foregoing data would be separate from the biennial registration filing. Discussion followed as to the best means of maintaining the confidentiality of the reported information. It was suggested a paper mailing (U.S.P.S.) would be more effective in maintaining confidentiality than a computer/internet submission. Even though the latter would be submitted anonymously, it might be possible to trace the sender.

The other resolution presented in respect to pro bono was an amendment to the comment on New York Rules of Professional Responsibility Rule 6.1. The purpose of the comment was discussed in last edition's article. A resolution to amend the number of hours of pro bono service set forth in the comment to conform with the language of the Rule, that is, the increase in the aspirational goal to 50 from 20 hours, was passed.

II. The second substantive topic presented was the report prepared by the Dean of Touro Law School, Patricia E. Salkin and Eileen D. Millett, Esq., the co-chairs of the Committee on Legal Education and Admission to the Bar in respect to the recommendation from the Board of Law Examiners to the Court of Appeals to replace the current New York bar examination with the Uniform Bar Examination (UBE) commencing with administration of the July 2015 bar exam. Public notice was given on October 6, 2014 for comments to be received by the Court of Appeals by November 7, 2014. The report concluded with a proposal to delay a decision on implementation of the Uniform Bar Exam until further study could be completed. The House voted to recommend that implementation of the UBE be deferred for two years to allow for review and analysis of the effect of the proposed change in testing. The areas to be analyzed include disparate impact, bar pass rate and costs.

The states currently employing the UBE are Alabama, Alaska, Arizona, Colorado, Idaho, Minnesota, Missouri, Montana, Nebraska, New Hampshire, North Dakota, Utah, Washington and Wyoming. Each state decides a number of factors as to who will actually be admitted to practice in the respective jurisdiction, including, who is eligible to sit for the exam and who will be admitted in that state; the passing score; the number of times the exam may be taken by the candidate; the length of time the UBE score will be accepted. State-specific testing may be required in addition to the UBE. Such additional testing is included in the New York proposal.

The recommendation to substitute the UBE for the currently used NYS bar exam would result in a change from the existing written examination consisting of five essay questions which generally emphasize New York law, 50 New York State specific multiple choice questions, one Multistate Performance Test based on a case file requiring application of fundamental lawyering skills, and the Multistate Bar Examination which is used in most states consisting of 200 multiple-choice questions. The UBE presented for the thirty day comment period would include the latter mentioned 200 multiple-choice questions. In place of the first four mentioned testing areas, the UBE would substitute six essay questions that test knowledge of general principles of uniform laws rather than New York specific law (although distinctions might be noted.) While the current exam essay questions incorporate several areas of law, the UBE essay questions typically focus on a single content area. Two Multistate Performance Test segments, rather than one, would be administered. The NYS multiple choice questions would be retained.

Continued on page 11

The Bernadette M. Hollis Award 2014
Presented to
Rose Theresa Place, Esq.

The Bernadette M. Hollis Award was presented to Rose Theresa Place, Esq. at the WCBA's Holiday Party on December 11, 2014. Paulette M. Kershko, Esq., representing Honorable J. Timothy Breen, Warren County Family Court Judge, gave the following presentation speech.

Bernadette M. Hollis Award 2014

Thank you President Flower for your kind introduction. I am honored to be here tonight as a member of the Warren County Bar Association to present the Bernadette M. Hollis Award on behalf of the Hon. J. Timothy Breen, our presiding Warren County Family Court Judge. As many of you know, Judge Breen could not be here to present the Award this evening due to a recent illness. He wanted me to thank all of you who have sent cards and who have kept him in your thoughts and prayers. His spirits are good after a recent consultation with his doctors.

In 2009, the Warren County Bar Association created the Law Guardian Achievement Award. Attorney Hollis was the first and only attorney to ever receive it. She was recognized for her commitment and dedicated legal representation of more than 600 children, in Supreme and Family Court cases, over a ten year period. For those of us who knew Bernadette, she was often described as a true renaissance woman. In addition to being a respected attorney, she was a teacher, a traveler, a baker, a chef, a gardener and a talented artist as you can see by the sampling of her work that is here on display. Most importantly, she was the proud mother of four children Amy B. (Hollis) Rovi, Ellen J. Hollis, Dr. Alfred W. Hollis, III and Phillip J. Hollis.

In the latter part of 2010, the Membership Recognition Committee of the Warren County Bar Association renamed the Law Guardian Achievement Award after Attorney Hollis. The Committee also determined that this Award would only be given to a member of the Bar who was in good standing and who substantially met the following criteria:

- 1-a demonstration of significant advocacy on behalf of children in Supreme and Family Court cases by diligently protecting and promoting their rights in a compassionate, caring manner beyond the legal issues presented;
- 2-a demonstration of commitment to the system through which services are provided to the children;
- 3-longevity of service on the panel of the Attorneys For Children and extensive number of cases handled in that capacity;
- 4-mentoring other counsel on cases that affect children; and
- 5-engaging in activities and services on behalf of children outside of the legal system.

At this time, I would like to invite Betsy R. Ruslander, Director of the Appellate Division, Third Judicial Department Office of Attorneys For Children, to join us at the podium for the presentation of the Award and the Certificate of Recognition.

In consultation with the Hon. J. Timothy Breen and the Warren County Bar Association Membership Recognition Committee, the Warren County Bar Association Board of Directors has unanimously voted to give the Bernadette M. Hollis Award to Rose Theresa Place, Esquire. Attorney Place has consistently demonstrated a professional commitment to zealously representing children in Supreme and Family Court cases. She has been on the Warren County Panel for Attorneys for Children since 1994 and during this time, she has received over 2,164 assignments. She has also acted as the liaison between Warren County and the Appellate Division Third Judicial Department Office of Attorneys for Children. Finally, Attorney Place has mentored numerous attorneys who have sought out her counsel on issues involving the legal representation of children.

Congratulations!

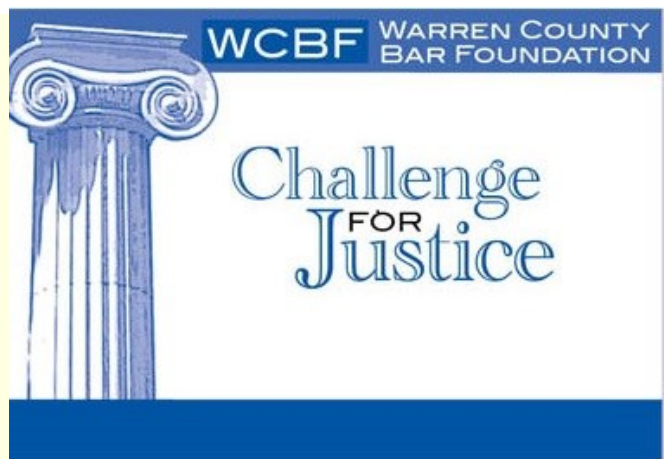


Rose Theresa Place, Esq.
Awarded the
Bernadette M. Hollis Award



Painting by Bernadette M. Hollis, Esq.





CHALLENGE FOR JUSTICE CAMPAIGN REACHES GOAL/WCBF BOARD SEEKS TO EXCEED INITIAL GOAL

It is with great pride and thanks that the Board of Directors of the Bar Foundation announces that the members of the Bar Association and our supportive friends have through their generosity exceeded the goals set by the Board when it first announced the Challenge for Justice Campaign in March of this year.

Total contributions to the Campaign reached the \$15,000.00 plateau in late November. The Bar Foundation matched those contributions with a payment to the Legal Aid Society of Northeastern New York of \$15,000.00. In addition, and as last reported in the Tipstaff, an additional challenge was made by Attorney Jim Towne, Jr. from Saratoga Springs. Jim's challenge was in the amount of \$5,000.00 and a recent contribution was received which matched that amount.

As of the end of November 2014 the total donations to the Challenge for Justice Campaign are:

Private donations from Bar Members and Friends	-	\$20,000.00	
Challenge Match from the Warren County Bar Foundation			-
		\$15,000.00	
Challenge match from James Towne, Jr.	-	<u>\$ 5,000.00</u>	
TOTAL	-	<u>\$40,000.00</u>	

We know that additional contributions have been made since December 1, 2014 and it appears that we may even exceed the goals set for ourselves!

The Board has decided to bring the Campaign to a close by year's end. If you have considered a contribution or pledge to the Campaign but have not as yet decided to make one, please give this further consideration and thought. We are certainly excited with the fact that we may now exceed our goals. What a tribute to all of you. In the alternative, we ask that you consider the possibility of an end of the year contribution to the General Fund of the Foundation.

It is with a sincere sense of thanks that we acknowledge the contributions made by the following people and their generosity in giving to the Challenge for Justice Campaign

Continued on page 11

Continued from page 10

as of the end of November:

Lynne E. Ackner
Timothy J. Alden
Hon. John Austin
Carl T. Baker
Hon. Richard Bartlett
Paula N. Berube
Borgos & DelSignore, PC
Brian C. Borie
Claudia K. Braymer
Hon. Loren N. Brown
Karla W. Buettner
Caffry & Flower
Laura Dwyer
Fidelity Charitable
Gift Fund
Edward P. Fitzgerald

William E. Fitzgerald
Kristine K. Flower
Deanne Grimaldi
Ann Hall
Jessica Hugabone-Vinson
Joy M. Smith Attorney
at Law, PLLC
H. Wayne Judge
Kenneally & Tarantino
David B. Krogmann
Kathleen LaBelle
Walter J. Law
Andrea E. Lipinski
John C. Mannix, Jr.
Daniel J. Mannix
Marie Markowitz

Wilson S. Mathias
Mark J. McCarthy
Meyer & Fuller, PLLC
Lillian M. Moy
William L. Nikas
Jill E. O. Sullivan
Lawrence J. Paltrowitz
Benjamin R. Pratt, Jr.
Cathi L. Radner
Eric Schwenker
Stanclift, Ludemann &
McMorris, PC
Patricia E. Watkins
Mary Withington

If for any reason we have not listed your name and you have contributed to the Campaign, we apologize and ask that you contact any member of the Board of Directors of the Foundation.

With gratitude,
The Board of Directors
Warren County Bar Foundation

Your contribution and/or pledge can be mailed to:

The Challenge for Justice
Legal Aid Society of Northeastern New York
55 Colvin Avenue
Albany NY 12206

Continued from Page 7

The Committee's report states that proponents of the UBE in New York believe the legal profession should move towards a national licensing exam and NYS's participation will be effective in convincing other states to follow suit. Other benefits proponents envision include an increase in locations in which the exam could be taken; greater portability and mobility, at least among the participating jurisdictions; reduction of cost, delay, anxiety and uncertainty of having to take multiple bar exams; and relieving the New York Board of Law Examiners of the responsibility and expense of drafting the essay questions and model answers. The concerns expressed in the report and in comments from the HoD floor include the brevity of the comment period; the need to study disparate impact; a comparison of bar pass rates among the states; costs associated with UBE; the absence of New York state-specific studies of the UBE; and the impact on current New York State law students, especially third year students, who have been preparing for the presently administered New York State bar exam. The benefit of portability and mobility was questioned. It was noted that presently only 14 jurisdictions administer the UBE which includes only 2 states east of the Mississippi, New Hampshire and Alabama. As noted above, each participating state may impose its own additional admission requirements.

The NYSBA *State Bar News* subsequently reported in the November/December 2014 edition (Vol. 56, No. 6) that the comment period has been extended to July 2015 and implementation of the UBE has been delayed.

WCBA 2014-2015 Committees

Professional Standards Committee	Benjamin R. Pratt	brp@bpsrlaw.com
Committee on the Operation of the Bar Association	Michael D. Dezik	mdezik@splawny.com
Committee on the Courts	Daniel J. Stewart	danielstewart@adelphia.net
Law Day Committee	Mary Ellen Stockwell	mestockwell@meyerfuller.com
Committee on Community and Legislative Affairs	Jessica H. Vinson	jhv@bpsrlaw.com
Committee on Member Recognition	Dennis Tarantino	dennis@kandtlaw.net
Real Estate Committee	Jeffrey R. Meyer	jmeyer@meyerfuller.com
Young Lawyers Committee	Edward P. Fitzgerald	efitzgerald@mfcllp.com
Nominating Committee	Cathi L. Radner	cradner@mmslaw.com
Criminal Defense Committee	Tucker C. Stanclift	tcs@stancliftlaw.com
Mock Trial Committee	Karla W. Buettner	kwb@bpsrlaw.com
Elder Law and Special Needs Committee	Michael D. Dezik	mdezik@wplawny.com

LAW DAY COMMITTEE

Submitted By

Mary Ellen Stockwell, chairwoman

This year we have formed the Law Day Committee consisting of Mary-Ellen E. Stockwell (chairwoman) and committee members Brian C. Borie (chairman of the law day school's program), Claudia K. Braymer (immediate past chairwoman), Dustin J. Bruhns, Nathan Hall and Jessica Hugabone Vinson. We have met to discuss the event details and are very much looking forward to this year's 2015 Law Day activities.

The Law Day main event will again be a Law Day Breakfast to be held on May 1, 2015 at the Hiland Park Country Club from 7:15-9:15 a.m. A Law Day Run is also being planned by the help of Bruce O. Lipinski and Timothy S. Schuler to be held (tentatively) on the evening of April 30th, 2015. Further, we will continue to sponsor the Law Day Classroom program, wherein lawyers from the Warren County Bar Association can sign up to teach a one classroom period lesson to middle school children in surrounding schools throughout the month of May. This year's theme, determined by the American Bar Association, is the Magna Carta: Symbol of Freedom Under Law, as this year marks the 800th anniversary of the Magna Carta. More information about the ABA Law Day Program can be found on the following website: http://www.americanbar.org/groups/public_education/initiatives_awards/law_day_2015.html

Please mark your calendars and stay tuned for more information about the upcoming Law Day events. If anyone would like to sign up to be on the list to participate in the schools program this year, share ideas, comments or join the Law Day Committee, please call or e-mail Mary-Ellen at 518.668.2199 or mestockwell@meyerfuller.com.



Holiday Party!



The Towers



PAGE 14

TIPSTAFF

OFFICE OF THE WARREN COUNTY CLERK
PAMELA J. VOGEL, COUNTY CLERK
MARIE TROMBLEY, DEPUTY



From Our Office to Yours.....

As we conclude this year 2014, I and the staff of the Warren County Clerk's Office wish to take this opportunity to wish you and yours a wonderful holiday season and a peaceful, joyful and prosperous New Year!

I trust that our efforts at providing and preserving the public record have met your needs and your expectations! Many thanks as well for your cooperation and support as we engaged new technologies as part of today's recordkeeping! To update...

- *E-Recording has been well received ~ 400 documents totaling \$ 358,000 to date;*
- *Indexes to Certificates of Incorporation 1931+ and Assumed Business Names 1981-1995 available shortly on the virtual Infodex~in-office and on-line;*
- *E-Filing remains on track for a 2015 start!*

We remain honored to work with you and your staff ~ many of whom we see and greet each day! Again, Season's Greetings to all and do enjoy our annual holiday photo shoot! So much fun!!!!

Most Sincerely,

Pam Vogel, Warren County Clerk

Honorable Jerry J. Scarano's Retirement Celebration

Karen E. S. D'Andrea

as President of the

SARATOGA COUNTY BAR ASSOCIATION

cordially invites you to a celebration for

Honorable Jerry J. Scarano

upon his retirement as

Saratoga County Court Judge

Sunday, December 28th 2014

3:00 - 6:00 p.m.

Panza's Restaurant

510 Route 9P, Saratoga Springs NY

Cocktails, Butlered Hors D'oeuvres and Stations

\$50 Per Person

Please RSVP no later than December 18, 2014 to

The Saratoga County Bar Association, P.O. Box 994, Saratoga Springs NY 12866

pchlute@saratogacountybar.org Phone (518)280-1974



I/We will attend the Retirement Celebration for Hon. Jerry J. Scarano

Enclosed please find a check in the amount of \$_____ for _____ tickets.

Attendees as follows:

Please make checks payable to The Saratoga County Bar Association, P.O. Box 994, Saratoga Springs NY 12866

pchlute@saratogacountybar.org Phone (518) 280-1974

You're invited to

The Adirondack Women's Bar Association

Post-Holiday Dinner

Thursday, January 8, 2015

6:00 to 8:00 p.m.

Longfellow's

500 Union Avenue, Saratoga Springs, New York 12866

**RSVP to Jacquelyn Poulos White
at jwhite@mmslaw.com or 793-6611 by December 23rd**

**The cost is \$40.00 (\$35.00 if payment is received by January 1st)
and includes dinner and dessert.**

Please mail payment in advance to:

Jacquelyn White

15 West Notre Dame Street - P.O. Box 765

Glens Falls, New York 12801

"Sweep Away the Holidays"

The Domestic Violence Project Needs Our Donations -We will be collecting household cleaning products and personal care supplies from the attached list for the Domestic Violence Project.

Annual Re-Gift Raffle – We will once again hold our Re-Gift Raffle! Did you receive a gift over the Holidays that just isn't you? Bring it to re-gift! That vase... board game... necklace that you appreciate, but just won't use, will be the perfect thing to raffle off to other members!

Items Needed for the Domestic Violence Project

Household Cleaning Supplies:

- Brooms/Dustpans
- Vacuum Cleaners
- Mops/Mop Buckets
- All-Purpose Cleansers
- Kitchen Cleaners
- Glass Cleaner
- Gloves
- Furniture Polish
- Dust cloths/Sponges/Paper Towels
- Laundry Detergent
- Dish Detergent
- Bleach

Personal Care Items:

- Toothpaste/Toothbrushes
- Hairbrushes
- Dental Floss
- Deodorant
- Body Wash/Pump Soap
- Feminine Care Products

OUR MEMBERS' CORNER

Happy Birthday to our Members who are celebrating birthdays in the coming months

December

4 Danielle Audette
4 Gregory Canale
6 Michael Toomey
6 Jim Towne
6 John Silvestri
8 Paula Berube
13 Katherine Herlihy
15 Kara Lais
15 Andrew Proler
19 Mark Schachner
21 Jill O'Sullivan
23 Marcy Flores
26 Hon. Gary Hobbs
27 Myles Fischer
30 Jennifer Jeram

January

2 Richard Wolfe
3 Dan Hogan
4 Jessica Vinson
7 Peter Firth
7 Hon. John S. Hall, Jr.
7 Stefanie Bitter
8 J. David Little
8 Martin Cohen
13 Matthew Burin
13 Leah Everhart
13 J. Lawrence Paltrowitz
14 Kimberly Wells
15 Carl Baker
17 Wilson Mathias
18 Hon. Robert P. McNally
18 Tim MacPherson
20 Tom McDonough
21 John Wappett
22 David Klingebiel
25 Cathi Radner
26 Michael Borgos
27 Matt Fuller

In Memory of former WCBA Members who passed away in 2014

We wish to pay our respects to the following WCBA members who passed away in 2014

Judge William A. Bacas
Gordon K. Garlick
John McCauley
William W. Millington
Robert Sinnott

If you know of any events or accomplishments that should be recognized in our Tipstaff, please send them to Dottie at the Bar Association Office.

CLASSIFIED ADS

Lawyers Office Spaces Available

Close to Warren County Municipal Center. Suites with private restrooms and offices from 600 sq. ft. to 4465 sq. ft. Large private or shared conference room available. Rent starts at \$12 sq. ft. Well maintained property with ample off-street parking. Tenant pays most of the utilities. Call: 518-744-0153.

Advertise in the next Tipstaff

Classified Listings:

(For sale or free, i.e. books, office furniture, etc.)

Maximum of 25 words

Members: \$50

Non-members: \$75

(Member notices for change of address, establishment of office, hiring or attorneys, etc. shall be at no charge to members of WCBA.)

Display Ads (Members):

Full Page \$250

Half Page \$150

1/4 Page \$50

Business Card \$25

Display Ads (Non-Members):

Full Page \$325

Half Page \$200

1/4 Page \$95

Business Card \$40

All ads must be "camera ready" and must be prepaid. The Bar Association reserves the right to edit all ads.

**TIPSTAFF is a publication of the
Warren County Bar Association.**

Send articles of interest, classifieds,
and announcements to:
TIPSTAFF- c/o Warren County Bar Association

EDITORIAL STAFF:

Karla W. Buettner &
Dottie Benware

**Deadline for Submissions for Next Edition:
Monday, February 2, 2015.**

SAVE THE DATE!! UPCOMING WCBA EVENTS:

**STAY INFORMED
READ THE WCBA WEEKLY E-DIGEST**

March Mixer March 26, 2015
The Hiland

Law Day Breakfast May 1, 2015
The Hiland

WCBA Annual Dinner May 21, 2015
Lake George Club

Outside Events

Judge Scarano's December 28, 2014
Retirement Party
Panza's Restaurant

AWBA January 8, 2015
Post-Holiday Dinner
Longfellows



**THE WCBA OFFICE WILL BE
CLOSED
FROM DECEMBER 19TH
THROUGH
DECEMBER 26TH.**

HAPPY HOLIDAYS!

SAVE THE DATE EVENTS!

If you would like to publish an upcoming community event or one for your organization, please email the information for the event to Dottie at wcba-ny@verizon.net.