WARREN COUNTY BAR ASSOCIATION, INC.

SPRING 2020

TIPSTAFF

Volume I Issue 2

IN THIS ISSUE

Dear Colleagues,

First and foremost, I hope you and your loved ones are safe and healthy.

It is certainly a very different world from when we published our last issue of *TipStaff*. Frankly, this is not the message I thought I would be sending to you.

Initially, I apologize that this issue has been so delayed. After a few "technical difficulties," we were all set to publish this issue, when the COVID-19 public health emergency was declared, causing us all to change the way we live, work and, to some extent, even look at the world. The message I had written for this issue no longer seemed very relevant, or perhaps even appropriate, and, honestly, I have had a hard time finding the right words for this message.

In this issue, among other things, I had intended to highlight the events at which we had gathered during the last few months of 2019 and the early part of this year and tell you about the events we had planned to round out our year.

However, now, I simply wish to extend my best wishes to all of you during what has been a very difficult time for many, both personally and professionally. During the state of emergency, the Association has tried to keep our members informed of Executive Orders and Administrative Orders affecting the operations of the New York State Courts and the practice of law and will continue to do so. However, we stand ready to do more, if we can.

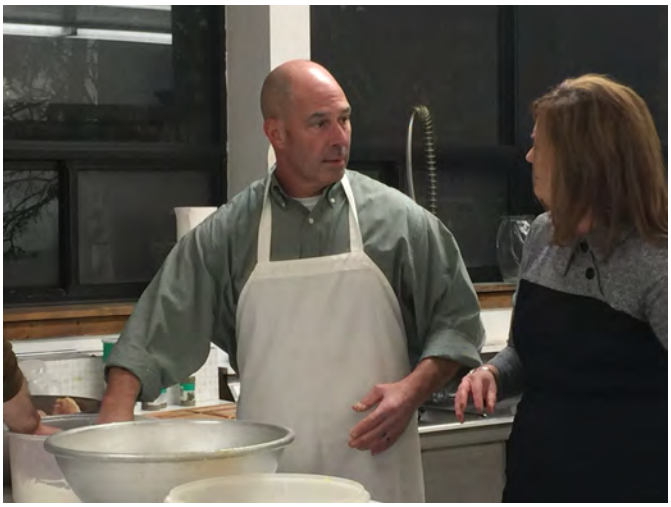
If there is any other way in which you believe the Association can be of assistance, please do not hesitate to contact me at pres@wcbany.com or our Executive Director, Kate Fowler, at admin@wcbany.com.

I very much look forward to a time when we can gather together in person and once again enjoy the spirit of friendship and collegiality which makes the Warren County Bar Association special.

In the meantime, please stay safe and healthy.

Warmest regards,
Jill

MANNIX DINNER PREP NIGHT
NOVEMBER 12, 2019



Still one of the most popular WCBF events each year, and in the spirit of the very first Mannix Dinners, our judges kindly spent two evenings, in November, preparing and serving a delicious Italian meal for nearly 90 attorneys!

MANNIX DINNER
NOVEMBER 13, 2019

Many thanks to Charlie Hoertkorn, our guest chef, who, once again, shopped, chopped, and created a delicious dinner!

Jill O'Sullivan thanks our judges and welcomes our attorneys, while Tom McDonough shares some thoughts and memories about the history of the Mannix Dinner

And then there was DESSERT! Just in case we didn t show our competitive spirit enough, we decided to enhance our MANNIX DINNER DESSERT COMPETITION and take it to new heights! Thanks to the addition of a marvelous trophy donated by Kristine Flower of *Gifts and Engraving by George*, the competition took on a new sense of urgency!

LET IT BE KNOWN: the first name on the new WCBF BEST DESSERT TROPHY is that of **Karen Judd, Esq**., who won this year's competition with a Creme Brulee that was tough to beat. Thank you to Tom McDonough for presenting the trophy!

The Anti-Rent Wars and a Cross Dressing Governor

James Cooper, Esq.

I'm told that title insurance policies in the Hudson Valley and Catskills contain a routine exception relating to rents reserved in conveyances dating back to the patroons and other early seventeenth and eighteenth century landlords. The Van Rensselaers, Hardenberghs, Livingstons and others utilized the European vestiges of feudal tenure regarding land ownership and wealth generation. They acquired large tracts of land and put farmers out on them either making perpetual land leases, balloons due them as fractional shares on successive transfers, or deeds with rents effectively reserved in perpetuity.

They thus secured for themselves and their posterity comfortable livings on the labor and industry of people who could never own unencumbered in fee simple absolute the lands that they improved by the sweat of their brows. Part of the American ethos is that colonial immigrants came here for religious and political freedom, while most came for economic betterment as they could never own the farms they had in England, pay their feudal rents, and at the same time grow enough extra to sell to generate wealth for their families. In New York, some immigrants found after arrival that their opportunities to own their farms were a lot like what they left behind, but mobility and choices were limited by their poverty, and though a surprising number returned to England, those who stayed tapped into the infinite human capacity for hope that things would turn out okay.

My great, great, great grandfather bought two hundred acres in 1795 under such circumstances, requiring him and his successors to pay a shilling per acre a year as rent for his land. One estimate I found converted that to ten pounds. Payment was deferred for about ten years, presumably time enough to clear the virgin forest and to make the profits necessary to enable rent payments.

One of my Dutch ancestors, Johannis Hardenbergh, combined with six others of his era, (1708), to obtain a royal grant of two million acres in parts of what are now Ulster, Greene, Sullivan and Delaware counties. This was accomplished in an elaborate fraud representing in the grant request that the lands were mountainous, of little agricultural value and grossly smaller than their actual surveyed size. Colonial royal regulations of the time prohibited grants of over two thousand acres. There was a countervailing interest in getting settlers out onto English lands as buffers because rival national land claims and strategic national interests had already resulted in two wars with the French. Also in play was the fact that the Royal Governor, Edward Hyde, Viscount Lord Cornbury, who would approve such grants and who had been appointed by his cousin, Queen Anne, to be Governor of New York, was reputed to be corrupt as evidenced by a sweetheart grant of lands on the east bank of the Hudson to associates, what came to be known as 'Hyde Park'. Previously in England he had embezzled funds to be utilized to free English captives held for ransom by Turks. He reputedly dressed as a woman frequently and was documented to do so when opening the colonial assembly, justifying his behavior as him honoring the Queen. Indications are that he was not unreceptive to a financial overture, and certainly the Hardenbergh group was not above facilitating their development plans by such means. Hardenbergh augmented his petition with an Indian deed from an Esopus chief, Ninimos, for which he had paid £60. Colonial regulations, (the Duke of York and Albany's laws), of inconsistent application, required such deeds to be approved by the crown.

Rights to rent payments were passed along in fee tail even after the Hardenbergh Patent group fractured. Many of the heirs spent time and money litigating boundary disputes and evicting squatters. Rental payments increasingly were problematic especially after the War of Independence. Particularly after that, the attitude of farmers changed, questioning why they should pay rents to absentee landlords who were the beneficiaries of a transaction that was illegal at the start and who had done nothing to earn any share of the fruit of their labors. There was a new attitude in the air, many veterans of that war questioning why they fought the autocratic British, only to be oppressed by these landlords. The French were lopping heads off their landlords. In the face of this headwind, a grandson of Johannis Hardenbergh, having consolidated family fractional interests, set about enforcing his ancestral rights to forty thousand acres and their rents.

Gerardus Hardenbergh was well over six feet tall, obese, an alcoholic, a lout and a bully. We know this because those who knew him in 1805 characterized him this way. His father had disinherited him in favor of his daughter-in-law, Gerardus's wife. Graus Hardenbergh, as he was known, grabbed one squatter's wife by the hair and threw her out of their cabin. He forcibly evicted a pregnant woman too. For those who would not or could not pay rents, Hardenbergh confiscated their animals and crops. He had used the law to evict another of my ancestors from a farm he had spent his youth clearing and developing. He had acquired the farm through the Beekman chain of title successfully attacked in court by Hardenbergh, a common circumstance in that part of Sullivan county. One morning Graus was on horseback when someone shot him. He died in my ancestor's former home where later a *post mortem* was conducted because the entry wound and cause of death was not apparent. A raucous celebration erupted outside. One reveler shouted that he saw the fat boar's heart, surprised because he didn't think he had one. There was so much non-cooperation and so many suspects with motives that authorities were unable to ascertain the murderer. That wing of the Hardenbergh family never again sought to assert the rental rights created following the original grant nor to contest ownership arising from occupation.

There was gradual erosion of rent enforcement on many of the original manors, too gradual for most of their occupants. In the upper Hudson valley, the Van Rensselaers hung on to their entitlements. The death of the benevolent patroon, Stephen Van Rensselaer III, in 1839 provoked active rent resistance on a mass scale that spread widely. Farmers organized by the thousands in Albany, Rensselaer, Schoharie and Delaware counties to thwart evictions and foreclosures. Receivers and court officers were intimidated. Documented incidents of tar and feathering occurred. Farmers who paid rents were vandalized, their barns burned or horses tails cut off to signal their disloyalty. Farmers disguised themselves in their vigilante actions. The Governor proposed legislation criminalizing wearing masks, as many had dressed themselves as Indians and wore burlap hoods with eye holes. Authorities amassed large posses to accompany them to enforce legal process. Farm families and all their possessions were thrown into the road. Crops were trampled down or otherwise destroyed. There was self dealing and corruption of law enforcers who took possession for their own benefit. Ultimately, at least two deputies were shot and killed. The trial of 'down rent' leaders for instigating a riot saw the state Attorney General and defense counsel engage in a fist fight in open court for which they were held in contempt and spent 24 hours in the pokey. The two leaders were convicted and sentenced to Sing Sing prison. The anti-rent movement spawned a political party, the Anti-Renters, that successfully resulted in election of a governor with Anti-Rent sympathies, resultant commutation of the sentences and a constitutional convention.

In 1846, New York adopted a new constitution with provisions outlawing feudal tenures, (e.g.- estates in fee tail), prohibited restraints on alienation of property and prohibited leases on agricultural lands for greater than twelve years. Notwithstanding, rents continued to be collected on some farms even after the Civil War, but the manors on which they were based began to be subsidized to farmers. Consideration gained through sale of clear title was less difficult than collecting rents in that climate. The passage of time probably diminished the rationale of suing for a shilling per acre, too. Aspects of anti-rent populism, which had spread as far as Wisconsin, became part of a stew of abolitionist and free state philosophies that erased the Whig party and gave birth to the Republican party.

The Anti-Rent Wars were not the first insurrection spawned by injustices felt by farmers over the feudal manor system. In 1765, farmers enjoying leasehold rights through the Wappinger tribe in Dutchess County saw those rights eliminated in a chancery suit brought by heirs of the Philipse Patent against the Wappinger Sachem, Daniel Nimhan. No lawyer would represent the Indian chief, and the jury was rigged because no tenant farmer could meet the law's qualifications as freehold land owner to vote or serve as a juror.* The jury consisted of landlords who had a vested interest in the outcome of the case. When the verdict was announced and the Philipse heirs began evictions, the farmers organized and armed themselves. At one point, there were 1,700 of them threatening to put evicted tenants back in possession by force. The insurrection was suppressed by the 28th Regiment of New York militia, and leaders of "The Levelers, as they were known, were arrested and charged with high treason. In *Crown v. William Prendergast*, (1766) at the Court of Assizes in Dutchess County, a trial in which the defendant represented himself, and his wife assisted more than ably, he was convicted notwithstanding his wife's efforts and an evidentiary finding that he was, "...a sober, honest and industrious Farmer much beloved by his neighbors." Although the jury recommended mercy, the court sentenced Prendergast to be hanged, drawn and quartered. His wife, Mehitabel Wing, immediately appealed to Governor Moore, who granted a temporary reprieve until the King's pleasure might be known. Later a royal pardon was issued and Prendergast returned to his farm. At that point in history, the British public and governing class had come to a consensus that The Crime of Villainous Punishment capital sentence for high treason: torture and butchery, was loathsome and barbaric. The sentencing court was adhering to the literal letter of the law that the crown was unwilling to impose. Prendergast was lucky, ironically, that he wasn't charged with an offense that called merely for hanging.

Notwithstanding the overly cautious exceptions in title and mortgage title insurance policies issued in regions taking into account the rights of royal grantees, banks lend mortgage money today on those titles, so the Anti-Rent Wars and their causes have been largely forgotten. The tide of history washed the feudal vestiges away.

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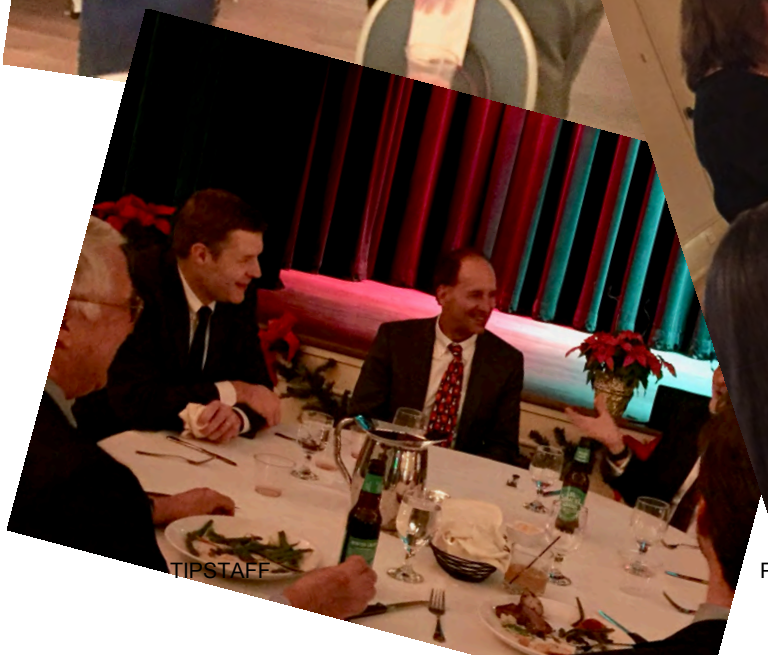
* (there is no explanation offered in the source why the respondent was given a trial by jury in an equity action.)

Some factual references in this article are taken from Evers's History of the Catskills; the Hardenbergh Genealogy; the VanBenschoten Genealogy; The Historical Society of New York Courts, (article *Crown v. William Prendergast*); Tin Horns and Calico: A Decisive Moment in American Democracy, by Henry Christman, 1945; Quinlan's History of Sullivan County, and Albion's Seed, by David Hackett Fischer, Oxford University Press, 1989.

2019 HOLIDAY PARTY

PARK THEATER
DECEMBER 11, 2019



50 members of the WCBA shared a delicious night, as we gathered to celebrate the season and to donate oodles of hats, scarves and mittens!

Photo: Karen Judd, Esq. delivers over 75 items to Shari Marci, Executive Director of Warren County Head Start.

STATE OF NEW YORK SUPREME COURT CHAMBERS
ROBERT J. MULLER, JUSTICE OF THE SUPREME COURT

STATE OF NEW YORK
SUPREME COURT COUNTY OF WARREN

In the Matter of the Application of ADIRONDACK WILD: FRIENDS OF THE FOREST PRESERVE, AND PROTECT THE ADIRONDACKS! INC., Petitioners, for Judgment Pursuant to Article 78 of the New York Civil Practice Law and Rules and Injunctive Relief,

v.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION; and Basil Seggos, in his capacity as Commissioner of the New York State Department of Environmental Conservation, Respondents.

For full decision and order, click here

66314

Decided on December 13, 2019

Synopsis

Background: Environmental organizations filed article 78 petition challenging determination by Department of Environmental Conservation (DEC) to grant bridge and trail construction permits, recreational use permit for motorized vehicles, and trail width variance within scenic river corridor. Stay was issued, 65 Misc 3d 1211(Q), 2019 N.Y. Slip Op. 51587(U), 2019 WL 5059132, and lifted following issuance of appellate decision in related case.

Holdings:

- as a matter of first impression, DEC reasonably determined that River Systems Act permitted motorized use within scenic river corridor;
- as a matter of first impression, DEC was not required to make written findings as to factors guiding decisions to grant permits and variances;
- final environmental impact statement (EIS) adequately evaluated areas of environmental concern relating to bridge project;
- final EIS was not generic as to bridge; and
- preliminary injunction was not erroneously granted.

Petition dismissed.

Robert J. Muller, JSC
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THE PRACTICE PAGE

DAYS WHEN SERVING PROCESS IS FORBIDDEN

Hon. Mark C. Dillon*

General Business Law 11 instructs that service of civil process of any kind is prohibited on Sundays. Service made on Sunday in violation of the statute is void (Foster v. Piasecki, 259 AD2d 804, 805). The statute has existed since 1965 (L.1965 , c. 1031, sec. 45), consistent with local "blue laws" that were in effect at the time. The statute's obvious purpose is to provide rest for both process servers and defendants on the Lord's Day. The statute is not an unconstitutional establishment of religion, nor does it violate the equal protection clauses of the federal and state constitutions (Fine v Commissioner of Dept. of Consumer Affairs, 168 AD2d 285).

A companion statute is GBL 13, which provides that service cannot be made on Saturdays upon any person who keeps Saturday as a holy time. A violation of that statute is a misdemeanor. The statute is protective of religiously observant Jews. Service made in violation of the statute is void (JP Morgan Chase Bank, Nat'l Ass'n. v Lilker, 153 AD3d 1243, 1244). However, mere service upon a Jewish defendant is not void unless two specific requirements are met. First, the recipient of the process must actually use and observe Saturday as a no-work holy time. Second, the process server's choice of serving on Saturday must be motivated by malice (GBL 13; Signature Bank N.A. v Koschitzki, 57 Misc.3d 495 [Sup. Ct., Kings Co.]). The religiously-prohibited service includes not only personal service, but other methods of service as well. If process is made on Saturday upon a person of suitable age and discretion under CPLR 308(2), the statute may be violated if the timing was malicious (accord Garner v Doggie Love LLC, 2011 WL 197729 [Sup. Ct. NY Co.). Similarly, if service is effected by the "nail and mail" method under CPLR 308(4), and affixation occurs on Saturday, the statute is violated (JP Morgan Chase Bank, Nat'l Ass'n. v Lilker, 153 AD3d at 1245). Any service that is invalidated under GBL 11 or 13 represents a failure to obtain personal jurisdiction over the defendant, meaning that the plaintiff is not entitled to re-commence a second action beyond the statute of limitations within the six-month grace extension of CPLR 205(a).

Cases involving alleged violations of GBL 13 involve whether the defendant is truly observant, and even more frequently, whether the service was timed with religious malice. Malice necessarily speaks to the process server's state of mind. It may be established by reasonable inferences drawn from the facts, such as Saturday service upon an outwardly Orthodox or Hasidic person. It exists when the process server actually knew that the person being served was observant (Hirsch v. Ben Zvi, 184 Misc.2d 946, 948). In Hirsch, where service was effected on a Saturday that also happened to be Sukkot, the religious observance of plaintiff's counsel was imputed to the process server in finding malice and invalidating the process (Id., at 948). Service of process will withstand challenge when the defendant, while Jewish, is not shown to observe Saturday as a holy day (Chase Manhattan Bank, N.A. v Powell, 111 Misc.2d 1011 [Sup. Ct., Nassau Co.], or when the element of malice is lacking (Hudson City Savings Bank, FSB v Schoenfeld, 172 AD3d 692, 693; Matter of Kushner, 200 AD2d 1, 2).

The service of mere notices, such as a contractual notice under a lease, does not violate the prohibitions of GBL 11 and 13 (Glenball, Ltd. v TLY Coney, LLC, 57 AD3d 843).

GBL 11 and 13 do not prohibit service of process on national holidays, nor service upon observers of religious holidays that fall on weekdays, or in the case of Christians, on Saturdays. Thus, service of process on a non-Sunday Christmas is valid, whereas service on an Easter, which is always on a Sunday, is not. And statutorily, Passover, Yom Kippur and other high Jewish holidays are apparently fair game for service of process when they do not fall on a weekend. The reader might notice the statutory inconsistencies.

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* Mark C. Dillon is a Justice of the Appellate Division, 2nd Department, an Adjunct Professor of New York Practice at Fordham Law School, and an author of CPLR Practice Commentaries in McKinney's.

2020 LUNCH & LEARN
LOG JAM RESTAURANT
JANUARY 16, 2020

"A Conversation with Mediation Matters;
Mediation in the Courts in 2020"
with SARAH RUDGERS-TYSZ, ESQ.
Executive Director Mediation Matters

2020 FEBRUARY CLE: *REAL PROPERTY UPDATE*
QUEENSBURY HOTEL
FEBRUARY 12, 2020

Presenters (Back: L-R) Jeffrey R. Meyer; Esq; Scott R. Kurkoski, Esq. (Front: L-R) Ann M. Sharpe, Esq.; Co-Sponsor: Donna Seymour, Assistant VP *Chicago Title*

Revised Property Update: Revised Real Estate Contract; Real Property and Tax Issues for the Elder Law Attorney; Energy Law Update - Wind, Solar, Oil & Gas, and Pipelines

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

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Jury verdict in bullying-suicide case affirmed.

C.T. v. Board of Educ. South Glens Falls Cent. School Dist. (Devine, J., 1/2/20)

After the tragic suicide of their 13-year old son, plaintiffs sued the school district where he was a student, alleging negligent supervision that led to the child being bullied by other children. At trial, a jury found defendant was negligent but that its negligence was not a substantial factor in causing the decedent's injuries and death. Supreme Court (Crowell, J., Saratoga Co.) denied plaintiffs' motion to set aside the verdict as inconsistent and against the weight of the evidence, and the Third Department affirmed. While there was evidence that the school district "missed opportunities…to uncover what was going on", the Appellate Division found the jury verdict was not illogical and "the trial proof neither established the degree of the bullying that decedent received at school nor showed that defendant could have anticipated its impact upon him".

Slip/trip and falls.

Claro v. 323 Firehouse, LLC (Pritzker, J., 11/7/19)

Plaintiff was injured in a fall after her foot caught the lip of a raised concrete slab that was part of a sidewalk installation project paid for by the defendant Lekakis, who owned a nearby diner. Plaintiff's fall happened at or near an asphalt transition bevel between the new sidewalk and sidewalk in front of the property owned by the defendant 323 Firehouse. Supreme Court (Elliott, J., Greene Co.) denied the defendants' motions for summary judgment, which the Third Department affirmed but only as to the defendant Lekakis. The owner of the adjacent property (an old firehouse) was entitled to a dismissal, found the Court, because it proved (and plaintiff did not rebut) that it was not involved in creating or financing the installation of the new sidewalk or transition bevel identified by plaintiff as the condition that caused her fall.

Van Duser v. Mount Saint Mary College (Garry, P.J., 10/31/19)

On campus at the defendant college for a graduation ceremony, plaintiff alleged she was hurt in a fall when she got up from her seat inside a tent and walked over temporary flooring en route to the restroom. Defendant was granted summary judgment by Supreme Court (Fisher, J., Ulster Co.), based on an absence of complaints about the condition of the flooring, which was made of slip-resistant PVC material that was perforated to allow water to pass through the flooring rather than pooling on top. The Third Department affirmed, noting that although plaintiff recalled it had been drizzling before and at the time of her arrival on campus, property owners are not "required to cover ... floors with mats, nor to continuously mop up all moisture" that might be tracked in because of rain, and that even if the flooring had become wet and slippery, that condition by itself does not establish the existence of a hazard which must be remedied by the defendant.

Morales v. Digesare Mechanical, Inc. (Lynch, J., 10/24/19)

The defendant was a heating and plumbing contractor hired to work at the prison where plaintiff, a correction officer, stumbled and fell while walking through a grassy field; claiming the fall was caused by a rut or depression created by the defendant's construction equipment. The defendant's project manager testified that ground restoration work was completed four months before the plaintiff's fall and injury, but plaintiff contended in an affidavit that a "scissor lift with big tires" was operated in the field within a month of the day he fell. Supreme Court (Fisher, J., Ulster Co.) denied the contractor's motion for summary judgment, and the Third Department affirmed, rejecting defendant's argument that the plaintiff's affidavit was directly contradicted by his testimony at deposition.

Plaintiff's expert medical affidavit good enough to survive motion for summary judgment.

Yerich v. Bassett Healthcare Network (Clark, J., 10/17/19)

Plaintiff, hurt in a motorcycle accident, suffered back pain that did not respond to conservative treatment and four years later had lumbar surgery. He filed this medical malpractice action a year later, claiming his preoperative, operative and postoperative treatment was below the acceptable minimum standard of care. Supreme Court (Coccoma, J., Otsego Co.) granted defendants' motion for summary judgment but the Third Department reversed; finding plaintiff's expert (orthopedic surgeon) affidavit, despite being "not a model of precise drafting", was sufficient to raise a question of fact whether the defendant neurosurgeon improperly positioned certain hardware in the plaintiff's spine and made his condition worse.

Dismissal of complaint reversed as sanction in discovery dispute.

Mesiti v. Weiss (Egan, Jr., J., 12/26/19)

While a motion to strike a party's pleading (CPLR 3126) is within the discretion of a trial court, in the context of a discovery dispute such relief is considered drastic and is generally reserved for willful non-compliance or where there is evidence of bad faith. In this auto accident litigation, Supreme Court (Meddaugh, J., Sullivan Co.) granted defendants' motion to strike plaintiff's complaint which the Third Department found was unwarranted. Among other things, the Appellate Division noted that defendants failed to include an affirmation of good faith (22 NYCRR 202.7) in its motion to strike, and that defendants failed to show they had been prejudiced by plaintiff's "unquestionably untimely" discovery responses.

Summary judgment denied in kindergartener's injury at school.

Jaguin v. Canastota Cent. School Dist. (Aarons, J., 9/12/19)

Plaintiff's daughter, who had an individualized accommodation ("504") plan because of deficiencies related to her physical coordination and strength, was hurt while attempting to jump off a mat in her kindergarten gym class. The 504 plan did not include specific accommodations for physical education, and defendant's expert witness contended the child's injuries were not proximately caused by the gym teacher's alleged inadequate supervision. Supreme Court (Faughnan, J., Madison Co.) denied the school district's motion for summary judgment and the Third Department affirmed, finding a triable issue of fact as to whether the infant's fall was spontaneous and whether it occurred so quickly "that no amount of supervision could have prevented it."

IN MEMORIAM*

Virginia Mae Sleight, Esq.
March 10, 1932-November 8, 2019

Virginia Mae Sleight was a lifelong resident of the Town of Queensbury and a member of the class of 1947 at Glens Falls High School. Upon graduation, she served as a secretary for her father's Henry J. Sleight Transit Mix Cement company and later assisted in the business operations of Mr. Sleight's Queensbury Market and construction business. Along the way, she was encouraged to continue her education and attended night school at Russell Sage College, where she graduated with a bachelor's degree in social sciences in 1962.

As a stenographer appointed by the Honorable Charles S. Ringwood of the Warren County Children's Court (now Family Court), the Judge encouraged her to pursue a career in the law. She studied the law and worked with the Judge in an apprentice program that was available at the time. Without having attended a traditional law school, she sat for the New York State bar exam and passed in a single attempt. She was admitted to the New York State Bar in 1964. At the time she was one of two women attorneys in the Warren County Bar Association.

As her legal career continued, she found her passion in law enforcement, ingrained in her by her father, a Town Justice for Queensbury for many years. In 1975, she was appointed by District Attorney Daniel T. Smith as the first woman assistant district attorney for Warren County. Although her appointment at the time was a notable first, she made the point then and in the future that she simply wanted to be judged on her performance as a county prosecutor.

Over her career, she served under several elected Warren County district attorneys, rising to the position of Chief Assistant District Attorney and became a mainstay in the office. She retired from the Office of the District Attorney in 1996 and continued in the private practice of law for several years.

Virginia served as a role model and inspiration to her family. She provided counsel and encouragement to her nephew Karl, who followed in her footsteps as a State and county prosecutor and later as an attorney in private practice.

Throughout her life, Virginia enjoyed a variety of activities including swimming at the YMCA, cross country skiing, crossword puzzles and card games. She was a longtime member of the First Presbyterian Church of Glens Falls.

*In Memoriam notes are taken from *The Post Star*.

Please Help Us Welcome Our New Members!

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Absent when photo was taken: Daniel Mannix; Immediate Past President; Hon. Eric Schwenker, NYS Delegate to the New York State House of Delegates.

The Bulletin Board

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The Warren County Bar Association, Inc.

Send articles of interest, classifieds, and announcements to: admin@wcbany.com.

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