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**PURPOSES:**

The Association is formed as a Not-For-Profit Corporation whose purposes are to cultivate the science of jurisprudence; to promote reform in the law; to facilitate the administration of justice; to elevate the standards of integrity, honor and courtesy in the legal profession; to influence positively the quality of life of the community; and to cultivate a spirit of good fellowship among members.

## Oneida County Bar Association Annual Memorial Service

On the opening business day of each year, the Oneida County Bar Association holds its Annual Memorial Service in the Ceremonial Courtroom to honor those deceased Members who passed away the year before. In 2020, we lost

**Michael P. DeSantis, May 19, 2020**  
**Andrew S. Kowalczyk, Jr., November 27, 2020**  
**Paul M. Lukin, September 6, 2020**

Due to safety concerns caused by the current pandemic, we were unable to have the Memorial Service in-person this year. Therefore, in order to properly honor these men, we begin this January issue of our Bar News with their written memorials.

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## In Memoriam: Attorney Michael P. DeSantis

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Mr. Michael P. DeSantis, age 93, passed in peace with his loving family by his side on Tuesday, May 19, 2020. Born in Utica on September 17, 1926, Michael was the son of the late Vito “Vic” and Beatrice (Durante) DeSantis. A proud veteran of the United States Army, Mike honorably served his country stateside. In 1950 he married the former Jacqueline “Jackie” Carstens with whom he shared 70 years of love, respect, and family life.

A graduate of Syracuse University and Law School, Mike practiced law from 1950 until the time of his death, starting as a solo practitioner and establishing the partnership of DeSantis & DeSantis in 1977. He was admitted to practice by the Appellate Division of the Supreme Court of the State of New York on 7/13/50; by the United States District Court on 2/24/54; and by the United States Court of Appeals on 9/9/74. He received an award from the US District Court for distinguished service as an officer of the court for 50 years. He was a member of the New York State and Oneida County Bar Associations. Mike was a skilled skeet shooter, participating in many competitions and winning numerous medals including Ottawa Trap & Skeet Club 2005/12 gauge, Canadian Open 1996/12 gauge, New York State Championship 1992/12 gauge, Canadian Open 1997/28 gauge, and New York State Championship 1989/28 gauge.

Michael is survived by his wife, Jacquelyn DeSantis; his children and their spouses, Michael V. and Elizabeth DeSantis, Bradford “Brad” and Lorna DeSantis, and Jill and John Carpenter; his grandchildren, one of the greatest joys in his life, Christopher Michael DeSantis, Mary Elizabeth DeSantis; Evelyn DeSantis; and David Carpenter; and his sister, Lucretia (DeSantis) Hunt. He was preceded by his sister and brothers-in-law, Carmela and Santo Catera, and Fred Hunt. He also leaves his nieces and nephews, Cynthia Hunt Newton; Dawn Catera Lupi and husband Russell, and Damian Catera; and his great-nieces, great-nephews, and friends.

Due to current health concerns and in keeping with federal and state regulations, the family will honor Michael’s life privately. Expressions of sympathy in the form of donations may be directed to St. Jude Children’s Research Hospital online at [www.stjude.org](http://www.stjude.org) or by mail to St. Jude Children’s Research Hospital, 501 St. Jude Place, Memphis, TN 38105.

Please take a moment to connect with Mike’s family through [the Eannace Funeral Home website](#).

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## In Memoriam: Andrew S. Kowalczyk Jr., Esq.

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Andrew S. Kowalczyk Jr., husband, father, partner and attorney passed away on November 27, 2020. He was a devoted husband to his wife, Shirley, with a union of hearts that lasted more than sixty-four years. He was the father of seven children, each of whom he loved dearly and supported in their various walks of life.

Andy was a graduate of Syracuse University and Albany Law School, raising his first five children through the years of college and law school. He followed his father, Andrew S. Kowalczyk Esq., a partner in the firm of Fowler, Morris & Kowalczyk, into the law profession. His practice commenced in his wife's home town of Malone, New York, but he eventually returned to Utica, New York, to continue his father's practice, and as well, build his own. He was, for a short period of time, a member of the law firm of Kernan & Kernan, where he met Joseph S. Deery, Jr., who would become his longest-standing law partner. The firm of Kowalczyk & Deery was thereafter commenced, and, through various iterations, continues today.

Three of Andy's children eventually followed him into the practice of law and at various times each was a member of the Law Firm. His daughter, Mary Beth Hanss, practiced with the firm for a time in the 1980s, moving on to acquire her Master's Degree in government contract law and who presently serves as a long-standing counsel with German conglomerate SAP. Bradley M. Kowalczyk also practiced with the firm for a period during the 1990s after having earned his Master's Degree in tax law, and he has, together with other partners, established Ascent Wealth Partners, a preeminent local



financial management and consulting firm. Mary and Bradley remain of counsel to the firm, contributing their specialized and unique talents as and when needed. Andrew S. Kowalczyk III, Esq., joined his father and Steve Deery in practice in 1982, and continues as a partner with the firm to this day.

Andy's legal career spanned decades, and he became known as a prominent business and transactional law attorney. He represented a diverse client base, including businesses which were closely-held or publicly-traded; large or small; and domestic or multi-national. He was particularly fond of his decades-long relationship with NBT Bank, National Association, including his service on its Board of Directors for many years.

In addition to the law practice he merged his interest in business with his friendships, at times creating unique, life-long relationships built around such concerns as hotel and restaurant businesses and real property holding companies, which business continues with friends and clients to this date.

Outside of his family, which was his first passion, and the practice of law, which was his second, his third passion was the game of golf. He uniquely blended this avocation into his busy law practice by reserving Wednesday afternoons for a continuing game with his brother and four to six other special friends, which tradition lasted more than fifty years.

Andy leaves behind a legacy as a business attorney who was well-known and respected throughout upstate New York, and which legacy continues on through his family and partners in the firm of Kowalczyk & Deery. Over the many years of his practice, he had the opportunity to conduct transactions with most of the local upstate Bar members, as well as many attorneys in various parts of the United States, Great Britain and Canada. He was always impressed by the quality of our local Bar, both in knowledge, and as well, the ethics with which they practiced their profession.

The law firm and the family wish to thank the many members of the local Bar for their support expressed with regard to our partner, father, and our mentor, all of which support is and has been deeply appreciated.



## Eulogy for Paul M. Lukin, Esq.

by Michael J. Laucello, Esq.



My earliest memories of Paul date back to the Fall of 1975, when we were both freshmen at UB Law School.

I was drawn by Paul's lively sense of humor and his ability to place the inherent pomposity of law school in a comedic

context. Paul was already married as law school began, and his wife, Ramona, welcomed me to their home with hospitality, kindness, and cheerfulness.

I would witness throughout the ensuing 45 years how Ramona was the greatest blessing any man could receive—a faithful, loyal, kind, nurturing wife who stood by Paul throughout his extraordinary physical travails. Perhaps Paul's greatest glory was that God blessed him with Ramona.

Throughout law school I always looked forward to visiting Paul and Ramona at their home, full of joy and rollicking good humor. Ramona cooked sumptuous meals, which were a welcome relief from my usual bachelor diet of frozen egg rolls.

Paul had a keen legal mind as well as an amazing ability to analyze financial information quickly and convey his analysis succinctly in comprehensible terms. I relied upon Paul's advice in financial and accounting matters, and he was by far the smartest tax advisor I have known. Paul achieved the CPA designation and obtained a Master of Laws in tax law from NYU Law School. He worked in the Tax Department of one of the nation's leading accounting firms prior to accepting the position as Law Clerk to Justice Grow.

Paul's knowledge of New York civil procedure and substantive law was comprehensive, and he was an invaluable source of information on matters relating to Supreme Court practice. He could get to the heart of a legal issue

quickly, and he often provided a fresh perspective that led you to reevaluate your position.

Paul's 19 years of service with Justice Grow and his six years of service as Judge Gigliotti's Court Attorney were distinguished by legal acumen, diligence, and unfailing courtesy to attorneys and Court personnel. All those who worked in the Courthouse experienced Paul's great sense of humor and his genuine concern about the welfare of all people, regardless of their station in life.

Paul found his greatest fulfillment and most profound joy in his family. His wife Ramona's unwavering devotion through Paul's many physical hardships was truly inspiring. Ramona nurtured and cared for Paul through many years of debilitating illness, and she did it with love, tenderness, and joy. Paul's children, Jennifer and David, were great sources of joy, and he was a loving and devoted father. I have fond memories of Paul and I practicing baseball with our sons and attending professional games together. Paul's love for his children was unconditional and profound.

The stoicism which Paul exhibited in dealing with his increasingly debilitating illnesses was rare. He never complained, not even toward the end as illness increasingly deprived him of the ability to function normally. And through all the overwhelming travail Paul maintained his lively sense of humor and his genuine concern for others. The nursing staff who cared for Paul during his many years of dialysis developed a special affection for him, as did all who had the privilege of getting to know him closely. The better you knew Paul, the more you liked him.

Having relied upon Paul's wise counsel for so many years in matters both personal and professional, I still sometimes feel the impulse to turn to Paul for the deft, lucid answer.

Our condolences go out to Paul's beloved wife Ramona, his children, Jennifer and David, and his sister Teri.

All those who knew Paul will miss him dearly.

## PRESIDENT'S MESSAGE

*By William S. Calli Jr., Esq.*



As I enter my term as President of the Oneida County Bar Association, I am thankful to the Membership for supporting me and, at the same time, am saddened that I may not see some of you face-to-face anytime soon. Although my practice allows

me to see many of you in a normally amicable setting, I had been looking forward to seeing and meeting others at our Bar Events. During my father's 63 years of full-time practice, one of the things he missed the most from the first half of his career was Calendar Call, where most of the area's attorneys went on a regular basis to appear on their cases, but also to interact with fellow attorneys and, in turn, work on other common files with them. Hopefully, this pandemic will not permanently strip us of even more interaction and the latter half of 2021 will allow more contact. We all need to remain safe, but it would be nice to see everyone. After all, I do not want to be the first OCBA President to never have an in-person Board Meeting or Bar Event during their presidency.

I would also like to thank J.K. Hage, III for his leadership during an unexpectedly strange year. Thanks to him, Diane Parslow, Paula Eannace, George Murad, the Board and the CLE Committee, our CLE Program resumed a class schedule as soon as it could be certified for virtual live classes. We have always been fortunate to have such a robust (and cost effective) local provider of CLE classes. Most county bar associations are not as fortunate and now we really know how lucky we are. Stay tuned for the upcoming Spring CLE Schedule.

The OCBA Board welcomes its new Directors, Michael Arcuri, Carl Dziekan and Jenna Peppenelli. I appreciate

their commitment to our Bar Association, and I thank our outgoing Directors for their hard work during their terms.

In 2020, we also had to say goodbye to several of our colleagues: Michael P. DeSantis, Andrew S. Kowalczyk, Jr. and Paul M. Lukin. In order to keep our Membership and the Judiciary safe, we unfortunately had to cancel our live Annual Memorial Service, but hope to show each of these men the respect they deserve in the pages of our Bar News. We more recently lost Ronald H. Grossman as well, and I pray that we will all be able to honor him, and as few others as possible, at an in-person Memorial Service next January.

The pandemic has brought most of us to the point where our offices are effectively locked down, with requested appointments on the low side and visitors scarce. I know this is not what I imagined for my firm's Centennial. Even in the case of my real estate practice, I am conducting my lender closings in space completely separate from my office so as to keep my staff and those in attendance apart. Even "those in attendance" means something different now, with usually only attorneys and the actual Buyer being considered "essential". I am sure that all of our practices and offices have changed over roughly the last year. Perhaps some of those changes were inadvertently positive while others are preventing or disturbing that which was already positive. If any of the Membership see any unusual pitfalls or unintended consequences from these changes or have any best practices to deal with them, and they would like to share them with our colleagues, please let me know and the Board would be happy to review and pass on those that we can. More than ever, this is a time where we have to do what we can to help and support our colleagues, and I know that our Bar Association stands ready to do that which it has always done best.

## Classified

### ATTORNEY:

Felt Evans, LLP is seeking an attorney for general practice with an emphasis on real estate and business matters.

If interested, please submit resume to

Ken Bobrow, via e-mail

klbobrow@felt-evans.com.

All contacts will be kept confidential.

## Change of Addresses

### Frank J. Nebush, Jr., Esq.

7214 Crooked Brook Rd., Utica, NY 13502

315-896-2481

frank.nebush@gmail.com

### Gregory J. Dziwis, Esq.

6528 Cross Creek Trail, Brecksville, OH 44141

440-630-9445

gdziwis1521@gmail.com

### Hon. Joseph A. Saba, Jr. Judge,

#### Utica City Court

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315-266-4607 FAX: 315-266-4755

jasaba@nycourts.gov

### William D. Wallace, II, Esq.

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## 2021 Dues & CLE SEMPESS Statement

Available on  
our website

**DOWNLOAD**



## \*\* Reminder to Members \*\* Seller's notice fee for residential deeds

At their July 8, 2020 meeting, the Ways and Means Committee of the Oneida County Board of Legislators voted not to bring the proposed legislation regarding a new recording fee before the full Board. Therefore, while the Oneida County Clerk is still statutorily required to send out a Notice to the Seller on residential transactions, the Oneida County Clerk will not be charging a fee for the same.

However, Herkimer, Madison, Onondaga and most other Counties are charging the \$10.00 per Deed fee for residential recordings. Although practices may vary by region or County, it is being proposed here that the said fee (where applicable) be treated as an expense of the Seller. Therefore, where applicable, the fee should be credited to the Buyer on a Statement of Sale, just as the Revenue Stamps and TP-584 are now.

William S. Calli, Jr., Esq., President, OCBA

## Bar Mourns the Loss of Attorney Ronald H. Grossman 1926 - 2021



SARASOTA, FL/OLD FORGE/UTICA - Ronald H. Grossman, 94, of Sarasota, FL, Old Forge and Utica, NY, died on January 8, 2021, in Fairfax, VA.

Born In Utica, on June 30, 1926, the son of Edward and Gisella Grossman, he attended local schools and entered the US Navy during World War II, at age 17. He was commissioned an Ensign in the US Navy shortly after his 19th birthday. He served aboard the Navy Hospital Ship, Mercy and the Attack Transport, Cavalier, in The Pacific Theater. He attended NYU (Uptown), Union College, The Naval Midshipman School at Notre Dame University and Albany

Law School. He also served during the Korean Conflict aboard the Navy Refrigerator Ship, Graffias, in the Pacific and was Legal Officer of a Navy Air Squadron in Key West. He practiced Law in the Navy and in Utica, for 45 years. He was a Past President of The Oneida County Bar Association and Temple Beth El in Utica. He was a member of the Higby Hills Country Club, Utica, the Thendara Golf Club, Old Forge and Palm-Aire Country Club, Sarasota. He served on a number of committees in these clubs.

He was predeceased by his wife of 60 years, Doris Sherman Grossman; his parents; his daughter, Lynn Grossman Broehm; granddaughter, Jami Lynn Grossman; and brother, Herbert B. Grossman. He is survived by his daughter, Gwen M. Sarko (Alan); his son, Brad H. Grossman (Judy); and daughter, Fern L. Levy; nine grandchildren, Daniel Sarko (Naomi), Tracy Strimple (Sean), Eric Grossman (Kristina), Adam Levy (Alexandra), Daniella Levy, Kyle Grossman (Amber), Gabriel Levy, Alex Grossman (Alyssa) and Emma Evans (Chandler); and nine great-grandchildren, Ryan Grossman, Shira Sarko, Jack Strimple, Aviva Sarko, Lily Grossman, William Strimple, Nora Levy, Cole Levy and Aila Grossman; with two more on the way. He will be interred, with grave side services, in Temple Beth El Cemetery, Whitesboro, when circumstances permit.

Arrangements are with Mark C. Bentz Funeral Service, Inc., New Hartford, NY. To express sympathy, please visit [bentzfuneralhomes.com](http://bentzfuneralhomes.com). Utica Observer Dispatch



# *Casemaker Legal Research Program*

## *(Free Legal Research Program for OCBA Members)*



**Reminder: To access Casemaker you must always log in to your Bar Association website [www.oneidacountybar.org](http://www.oneidacountybar.org) and click on the Casemaker “Log In” link.**

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On January 5, 2021, Casemaker and Fastcase announced their merger. We will combine our teams and technologies to innovate research, analytics, and workflow offerings that empower lawyers with powerful digital solutions for their clients. Our vision is to be the #1 provider in each state and together we will lead to market innovative solutions around citator, docket and brief, party analytics, and workflow. You probably have a great number of questions about this merger. We hope we can answer some of them below. As always feel free to reach out to us with any other questions or concerns you may have.

### **Why did the two organizations combine?**

The opportunity to combine our two organizations provides our customers with the best opportunity to receive market-leading research, analytics, and workflow solutions. Fastcase combined with the editorial and operational expertise of Casemaker provides the market with the best long-term opportunity for a 3rd provider.

### **Was this economically-driven?**

No – we started discussions in the fall of 2019, with the singular focus of combining to provide our bar members the best research and workflow solutions.

### **Is Casemaker getting acquired?**

No, Fastcase and Casemaker have merged and joined forces to enhance our resources and be able to single-mindedly focus on the mission that both parties share to democratize the law and build smarter legal technology.

### **Is Fastcase getting acquired?**

As above. No, Fastcase and Casemaker have merged and joined forces enhancing resources to further democratize the law focusing on the mission that both parties share to build smarter legal technology.



**What will happen to my Casemaker account in the future?**

Fastcase and Casemaker have the same commitment to your bar association. Keep utilizing your legal research access/subscription as you know it today. Over time the combined efforts will enhance your experience within the Fastcase/Casemaker platform. Our goal over time is to provide all of our partners with the best capabilities of both companies. Any changes to your account or access will be communicated in advance.

**Will I also get access to both Fastcase/Casemaker?**

No, unless your bar association offers access to both currently. Your access or subscription will remain the same for now. Our teams are coming together to hit the ground running. As we combine our resources, the combined team will send out notifications well in advance of any changes or upgrades. As always our goal is to put the best data and technology possible in your hands.

**Will I still be able to access my county bar member benefit?**

Yes, of course. We are thrilled to be joining forces to enhance state bar offerings. Our commitment to state bar association member benefits is redoubled by this combination.

**Will there be an increase in cost to bar members?**

There will not be an increase in costs to bar members.

**Will there be any staffing changes that might affect me?**

Your Fastcase and Casemaker experience will remain seamless. Both teams are combining to bring you the best resources and we only hope to raise the bar.

**Who do users call?**

Casemaker customers will continue to contact the Casemaker support team you currently have access to. All improvements will be made in the best interest of platform users and will be communicated as soon as they are finalized.

## Notices from Various Courts re COVID-19



Visit our "News" tab under the Resources page on our website for updated information as we receive it.

**VISIT OUR WEBSITE**



## Welcome New Member

**Robert P. Barrowman, Esq.**

The Matt Law Firm, PLLC

1701 Genesee Street Utica NY 13501

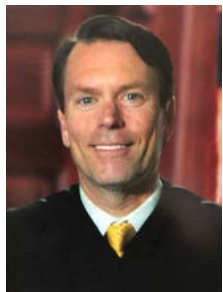
315-624-7360 Fax: 315-624-7359

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## The Practice Page

### SWINGING PENDULUMS AND CLASS ACTIONS: STATE OR FEDERAL COURT?

Hon. Mark C. Dillon\*



This month's column regards swinging pendulums. The reason is that when examining the extent to which class actions are commenced in either federal courts or our state courts, a swinging pendulum is the only appropriate metaphor

to explain which of the parallel court systems receives more filings. Here's why:

State and federal courts are both equipped to hear class actions. Attorneys for class representatives must make decisions prior to the commencement of actions about where to bring them. A significant factor in choosing between courts is that for there to be federal subject matter jurisdiction, there must be in such cases 1) diversity of citizenship between the class representatives and the defendant(s), and 2) a case in controversy exceeding \$75,000 in value exclusive of interest and costs (28 U.S.C. 1332[a][1]). Not clear from the bare federal statutory language, in the context of class actions, is whether the named class representatives need to individually meet the \$75,000 monetary threshold, or whether that amount can be met by the class members collectively.

The pendulum was initially skewed on the side of the federal courts prior to 1973. A significant percentage of the class actions were litigated in federal courts prior to that time, before federal courts resolved whether the monetary threshold for federal jurisdiction applied to each individual representative or to the class as a whole. That legal question was important enough, and debatable enough, that the U.S. Supreme Court

needed to resolve it. In 1973, the Supreme Court decided *Zahn v International Paper*, 414 U.S. 291. The Court held that each individual class representative needed to meet the monetary threshold for there to be federal jurisdiction. The rule in *Zahn* was softened somewhat in *Exxon Mobil Corporation v Allapattah Services, Inc.*, 545 U.S. 546 (2005), where the Supreme Court held that if at least one class representative met the monetary threshold, courts may allow non-qualifying representatives to participate in the action under the exercise of pendant jurisdiction. Since many class actions are, by nature and definition, small-amount claims of the class members, many such actions, which had previously been litigated in the federal courts, no longer qualified to be there.

So the pendulum then swung to the states. A considerable portion of class actions were directed to state courts after 1973, which had the effect of prompting many states to revamp their class action statutes. Illinois was the state that took the initiative in enacting the first national model for the states, to better deal with the influx of class actions that would otherwise have been litigated in the federal courts. New York amended its statutes in 1975 to substantively and procedurally define the cases eligible for class treatment. The revamped New York laws mirrored those of Illinois. CPLR 901 requires that at the time of an action's commencement, the class representatives must meet each of five requirements: 1) the numerosity of class members, 2) the commonality of factual or legal questions among the class members, 3) the identity of the representatives' claims with those of the class, 4) the extent to which the class representatives will fairly and accurately protect class interests, and 5) the supe-



## THE PRACTICE PAGE (CONT.)

riority of class action treatment for the fair and efficient adjudication of the controversy. Courts and defendants are not bound by the plaintiffs' filings as a class. CPLR 902 requires that within 60 days of the time to answer a class action complaint, the plaintiffs must file a written motion to have the class "certified." Courts may certify a class if all CPLR 901 factors are established, *plus* finding that the representatives have established a preponderance of additional factors as defined in CPLR 902. The additional factors are 1) the interest of the individuals controlling the litigation, 2) the impracticality or inefficiency of separate actions, 3) the nature and extent of any related pending litigations, 4) the desirability of concentrating the claims, and 5) the difficulties in managing the class action (*Ferrari v National Football League*, 153 AD3d 1589, 1591). Whether to grant or deny certification in any case is left to the court's discretion (*Small v Lorillard Tobacco Co.*, 94 NY2d 43).

But then the pendulum swung again. In 2005, Congress enacted the Class Actions Fairness Act (CAFA) (28 USC 1332[d]), which nullified the U.S. Supreme Court's decision in *Zahn* by statutorily allowing the aggregation of individuals' claims to meet the federal

\$75,000 monetary threshold, and allowing the diversity requirement to be met merely if one plaintiff and one defendant are from different states. CAFA swung the pendulum back toward the federal courts where it is today, under the class action procedures separately set forth in Federal Rule 23.

Class actions, when properly brought, have great importance to class members whose claims might otherwise be too small to prosecute on an individual basis, absent the advantage that class status affords. Attorneys will decide for themselves whether their client's interests are best served by bringing such actions in the federal courts sitting in New York, or in a state court venue. Procedures, speed, judicial expertise, and the origin of jury pools may influence plaintiffs' attorneys in determining where to best bring a class action. For now, the pendulum may remain for the foreseeable future on the side of the federal courts.

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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 a contributing author of the CPLR Practice Commentaries in McKinney's.*

## OCBA Foundation Contributions

The Oneida County Bar Association Foundation, Inc., is a charitable arm of the Association qualified to receive tax-deductible contributions under Internal Revenue Code Section 501(c)(3).

Please consider making a tax-deductible contribution, or better yet, plan for a series of regular ongoing gifts to the Foundation. Donations are welcome from everyone, and it is our hope that we will have widespread participation in this program of sharing for the common good.

Checks should be made payable to:  
Oneida County Bar Association Foundation, Inc.  
258 Genesee Street, Suite 302, Utica, NY 13502

If you have questions regarding the Foundation, please call on the Bar Office.



# PARENTING COORDINATION PROGRAM

Dispute resolution system for parents, guardians, and grandparents when simple mediation is ineffective due to high levels of conflict

The Upstate Marriage and Family Therapy **Parenting Coordination Program** uses the latest research on the effects of high-conflict divorce and separation on children to coordinate with parents, children, attorneys, courts, and other providers to create and enforce a comprehensive and effective co-parenting plan.

## Most Families are referred to Parenting Coordination by court order or consent order

### Parenting Coordination benefits the court by:

1. Reducing the number of litigated cases.
2. Monitoring compliance with the court order.
3. Eliminating the need for attorneys to micromanage parenting concerns.

### Appropriate families for referral:

- Parents who are unable to communicate or collaborate
- Allegations of parental alienation, neglect, child abuse
- Children showing symptoms of parental conflict
- High rates of litigation and re-litigation
- Visitation refusal

*Parenting Coordination is not counseling...*

*...it's a non-confidential, child-centered process for high-conflict parents and caregivers.*

**Parenting Coordination** empowers adult parties of divorce or separation to communicate, negotiate, and resolve differences by fostering a parental alliance that allows parents to:

- understand the impact of separation and parental conflict on their children.
- disengage from the physical and emotional marital relationship.
- clarify new boundaries.
- manage conflict.
- make effective mutual decisions.
- increase positive cooperative behaviors.

### Advantages of a Parenting Coordination Stipulation in the Court Order:

- May reduce litigation and future court involvement
- Holds all parties accountable to the guidelines set forth in the document
- Increases cooperation amongst participants
- Governs the role of the Parenting Coordinator
- Reduces the likelihood of coalitions between the parties and the Parenting Coordinator
- Protects the Parenting Coordinator and minimizes role confusion

### Recommended Elements of a Court Order or Stipulation:

- ☐ Parenting Coordinator appointment and term of appointment
- ☐ Definition of Parenting Coordinator role
- ☐ Clearly-defined parenting issues and terms
- ☐ Conferred scope and authority of decision-making by the Parenting Coordinator
- ☐ Indication that Parenting Coordination is non-confidential
- ☐ Court's requirement for oral or written communication from the Parenting Coordinator
- ☐ Court's request for recommendations from the Parenting Coordinator
- ☐ Indication if testimony by the Parenting Coordinator is required
- ☐ How Parenting Coordination fees will be allocated between parties (50/50 is typical)



**UPSTATE**  
MARRIAGE & FAMILY THERAPY PLLC

**Make referrals to: Greg Kovacs, LMFT**  
2219 Genesee Street Utica, New York 13501  
[www.upstatemarriageandfamily.com](http://www.upstatemarriageandfamily.com)  
[greg@upstatemarriageandfamily.com](mailto:greg@upstatemarriageandfamily.com)  
315-527-7936

## Lawyer Referral Service

Bar Association Members may enroll as participating attorneys in the Lawyer Referral Service program at any time by completing the required forms and submitting payment. If you would like to receive a program packet, please contact Executive Director Diane Parslow at 315-724-4901 or [diane@oneidacountybar.org](mailto:diane@oneidacountybar.org) or simply [click here](#) to download it now.

## Hanging on by a thread?

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U.S. District Court Clerk's Office .....	(315) 793-8151	Utica City Court Clerk .....	(315) 266-4600
Fourth Department .....	(585) 530-3100	Rome City Court Clerk .....	(315) 337-6440
OCA Attorney Registration .....	(212) 428-2800	Oneida County Clerk .....	(315) 798-5794
Lawyers Assistance .....	(800) 255-0569	NYS Attorney General .....	(315) 864-2000
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Utica Family Court .....	(315) 266-4444	Oneida County Law Library .....	(315) 266-4570
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## Mark Your Calendars

**Update:** The April 30, 2021 Annual Law Day events  
have been canceled due to COVID-19

**Friday, September 17, 2021**

Annual End of Summer Golf & Dinner, Stonebridge Golf Club

**Thursday, October 21, 2021**

Over 50 Years Event-Luncheon, Delta Hotels by Marriot Utica

**Thursday, December 2, 2021**

Holiday Party, Yahnundasis Golf Club

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