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# LAW NOTES

VOLUME III, ISSUE II

FEBRUARY/MARCH 2009

## FORECLOSURE HELP FOR HOMEOWNERS

By Debra Willsey, Esq.

The Legal Aid Society of Northeastern New York (LASNNY) has established a Foreclosure Prevention Project to serve low and moderate income homeowners at risk of foreclosure. The program will serve homeowners in all 16 counties served by LASNNY, covering most of the Third and Fourth Judicial Districts, including Albany, Schenectady, Rensselaer, Columbia, Green, Fulton, Montgomery, Schoharie, Saratoga, Warren, Washington, and further north, Clinton, Essex, Franklin, Hamilton and St. Lawrence Counties.

The Legal Aid Society will serve as the single point of

entry for the project, so that clients will have one number to call when seeking legal services in a foreclosure matter. Cases in the northern counties will be handled through Legal Aid's Saratoga Springs, Plattsburgh and Canton offices.

### New York's Program Re Subprime Mortgage Fore- closures and Homeowners

While the Federal Government and individual lenders continue to weigh options to assist in the current crisis, New York State took the initiative to develop a program and provide funding for legal services and housing counseling services for those facing foreclosure in connection with

various forms of subprime loans, including high cost loans, certain variable interest rate loans, and alternative mortgage products, including those that allow for an interest only option. The protections of the statutes in connection with this program apply to the designated types of loans originated between 2003 and 2008.

Under the sub-prime program the homeowner has the right to request a settlement conference with the Court and lender, for all covered foreclosure actions started before September 1, 2008. Homeowners in foreclosure in connection with the specified mortgage loan types, are notified by OCA or the assigned

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

By Tim Higgins, Esq.

### Emergency vehicles and “reckless disregard”

#### Ayers v. O'Brien (Carpinello, J., 12/31/08)

Plaintiff is a deputy sheriff who sued the driver of the car that struck his police cruiser when he was making a U-turn in order to pursue a car speed-

ing in the opposite direction. Defendant asserted plaintiff's own culpable conduct as an affirmative defense, but Supreme Court (Lebous, J., Broome Co.) granted plaintiff's motion to dismiss that defense in the absence of proof that the plaintiff acted with a “reckless disregard for the safety of others”. That higher standard of negligence comes from Vehicle & Traffic

Law §1104(e), which grants operators of certain emergency vehicles a qualified privilege to disregard certain traffic laws when they are involved in an emergency operation. Taking the opposite view of Appellate Divisions in the 2<sup>nd</sup> and 4<sup>th</sup> Departments, the Third Department reversed Supreme Court, finding the plaintiff

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## FORECLOSURE HELP

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judge of their entitlement to such a conference, and must advise the Court if they wish to participate in such a conference. In connection with the notice provided by the Court, homeowners are given information about legal services and housing counseling services available, including agency names, addresses, and phone numbers, to assist them in connection with the conference. The Legal Aid Society of Northeastern NY should be the contact for legal services assistance.

For any covered loans for which a foreclosure action has not been commenced by September 1, 2008, the lender must provide the homeowner with a 90-day notice before commencing the action. The 90-day period is intended to give the parties an opportunity to discuss various options to resolve the issues, prior to initiation of legal proceedings. The notice is to provide homeowners with information in connection with various housing counseling agencies and legal services providers available to help them with the mortgage default issues they are dealing with.

Once a foreclosure lawsuit related to one of the specified types of subprime mortgages is commenced, after September 1, 2008, the lender must file, with the affidavit of service, a new Request for Judicial Intervention developed by OCA, which contains a place for indicating whether the subject mortgage is covered under the new law. If so, the filing of the RJI will trigger not only the assignment of a judge to the matter, but the scheduling by the assigned judge of a mandatory settlement conference within 60 days of the RJI filing.

Again, homeowners will be advised of the scheduling of the mandatory conferences, and of the availability of legal and housing counseling service providers to assist them. It is the hope and goal of those serving homeowners through this subprime program and through the general foreclosure prevention program, that homeowners facing the loss of their homes through foreclosure will make use of these services, and actively participate in the conferences and other opportunities to work with the Court, counselors and lenders to try to save their homes.

The Foreclosure Prevention Project, through the Legal Aid Society of Northeastern New York, remains ready, through its in-house staff and its collaborators and partners, to assist homeowners facing foreclosure at every step in the process, including defending foreclosure litigation and representing clients at the settlement conferences.

**Homeowners residing in Saratoga, Warren or Washington Counties should contact the Foreclosure Prevention Project at the Legal Aid Society of Northeastern NY at 1 800 870-8343.**

The Legal Aid Society is honored to be at the forefront of providing desperately needed legal services to those facing one of the most devastating losses possible, loss of the family home.

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**Supervising Attorney**  
**Legal Aid Society of Northeastern New York**  
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## Young/Sommer LLC Ranked in Top 6 NYS Environmental Law Practices

**Places in Chambers USA  
Top Ten for Sixth Consecutive Year**

ALBANY, NY— February 3, 2009. Young Sommer Ward Ritzenberg Baker & Moore LLC has been listed among the top six New York State Environmental Law practices in the 2008 Chambers USA directory of the legal profession. It is the sixth consecutive year that Young/Sommer has placed among the top ten New York State Environmental firms in the legal guide. Chambers USA noted that the Young/Sommer law practice is extremely active in wind energy projects and brownfield development, and is considered especially strong in toxic tort defense and defending companies against pollution claims, particularly claims involving petroleum. The Chambers USA rankings are based on in-depth confidential interviews with clients and lawyers, asking participants to rate firms on legal ability and client service.

The Chambers USA listing quotes that clients describe Young/Sommer as "an extraordinarily committed team which takes work seriously - its responses are never half-hearted," combining "an encyclopedic knowledge of the law and how the agencies apply it" with "a determination to get the best possible result." "Chambers USA is published by Chambers and Partners, an international firm

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### Civil Practice continued from front page

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(“suing in his personal capacity as opposed to being sued in his professional capacity”) was not entitled to the protection of the reckless disregard standard of §1104(e).

### Flack v. State of New York (Stein, J., 12/18/08)

Claimant was seriously hurt when the car she was riding in was struck by a state police cruiser that, being driven at 80 mph, went out of control and crossed over the center line of the highway while (according to the testimony of the trooper) in pursuit of a speeding vehicle. Trial in the Court of Claims (Collins, J.), applying the “reckless disregard” standard of proof afforded the trooper by V&T Law §1104(e), resulted in a defense verdict. The Third Department reversed, finding the trooper’s conduct to be reckless and sent the case back for a trial on damages. Compelling proof cited by the Appellate Division included evidence that there was heavy rain at the time of the crash, that other cars on the road were traveling well under the speed limit, that the road contained S-curves and knolls, and the trooper’s awareness that other accidents had happened in the same area as a result of “inappropriate speed”.

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### Medical Malpractice: Defense Verdicts Reversed

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### Kayser v. Sattar (Stein, J., 12/24/08)

Plaintiff claimed her obstetrical caregivers poorly performed delivery of her child, resulting in a nerve injury to

the boy. Among the issues at trial was whether the defendant nurse-midwife applied downward traction to the baby’s head during delivery. The jury returned a defense verdict but not before it asked Supreme Court (Catena, J., Schenectady Co.) for clarification on the verdict sheet question pertaining to the midwife and her conduct. Plaintiff’s motion to set aside the verdict was denied but the Third Department reversed (despite 2 dissenters) and ordered a new trial, finding Supreme Court’s instruction in response to the downward traction question “essentially left it up to the jurors to decide for themselves what the question meant”.

### Gagnon\* v. St. Clare’s Hospital (Cardona, J., 1/15/09)

A laparoscopic surgery to repair an abdominal hernia resulted in complications including perforation of the patient’s small bowel and infection which, in turn, led to six months in the hospital and in rehab for the patient. Her malpractice action resulted in a defense verdict, prior to which Supreme Court (Catena, J., Schenectady Co.) denied plaintiff’s request for a “missing witness” charge, pointing to the absence of testimony by the doctor who was the assistant surgeon. The Third Department found that to be reversible error and ordered a new trial, rejecting the defendant’s arguments that testimony from the assistant surgeon (“the only eye-witness” to the surgery besides the defendant surgeon) would have been either cumulative or irrelevant.

(\*Plaintiff is represented by the author’s law firm).

### Straub v. Yalamanchili (Malone, J., 1/22/09)

Plaintiff sued the doctor who performed his spinal surgery but the jury returned a verdict for the defendant. Supreme Court (Garry, J., Tompkins Co.), however, set aside the verdict and ordered a new trial, in the interest of justice (CPLR 4404(a)). The Third Department affirmed the order, agreeing that the plaintiff’s case was unfairly prejudiced when defense counsel had ex parte communications with two of the plaintiff’s treating doctors without obtaining plaintiff’s consent pursuant to HIPAA. Both of the doctors with whom defense counsel met gave testimony at trial that was favorable to defendant, “came as a complete surprise to plaintiffs and which they were unprepared to rebut”.

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### School District Liability

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### Flanagan v. Canton Central School District (Malone, J., 1/22/09)

The frequently-recited rule about school district liability, that while a school has a duty to supervise students “it is not an insurer of those students safety”, is not quite enough here to get the defendant summary judgment. The plaintiff 5<sup>th</sup> grader was hurt when another student pushed him from behind while in the boys’ locker room, causing injuries to the head and abdomen. Supreme Court (Demarest, J., St. Lawrence Co.) dismissed the complaint but the Third Department reversed, finding sufficient proof in the record to raise questions of fact as to whether the “pushing incident” could have reasonably been antici-

pated and whether the lack of supervision in the locker room was a substantial factor in bringing about the injury.

### Bellinger v. Ballston Spa Central School District (Spain, J., 12/24/08)

Another reversal by the Third Department, this time to the benefit of the defendant school district whose motion for summary judgment had failed in Supreme Court (Ferradino, J., Saratoga Co.). The plaintiff 5<sup>th</sup> grader was hurt when she collided with another student during a game of “one-hand touch football” during recess. Citing a lack of proof that any of the children involved had a history of disciplinary problems or rough play, the Appellate Division called the collision “spontaneous and accidental” and concluded that plaintiff could not prove the allegation that a failure to supervise the students was a proximate cause of the injuries. Plaintiff’s expert affidavit was rejected as lacking probative force because, among other things, there was no “empirical data or foundational facts” on which the expert based his opinions.

### Rigney v. Ichabod Crane Central School District (Rose, J., 2/19/09)

Plaintiff signed up for an aerobics class and was required to also execute a release in which she agreed to hold defendant school district harmless for all claims arising in any way out of her participation in the class. During one of the classes, an instructor directed participants to get exercise equipment from a storage closet and while doing so plaintiff was hurt when several weighted bars fell on her back.

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### Civil Practice Continued from pg. 3

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The suit she filed was dismissed by Supreme Court (Hummel, J., Columbia Co.), which agreed with defendant that the release signed by plaintiff barred her claim. The Third Department reversed and reinstated the complaint, calling the release “unenforceable because it did not specifically state that plaintiff was agreeing to exempt defendant from liability arising out of its own negligence”. Releases that lack specifics (such as “any and all claims” waivers) cannot be enforced because they don’t put the signing party on notice that the waiver extends to claims that might arise from the negligence of the party “attempting to shed his [or her] ordinary responsibility”.

### Insurers and Insureds

#### **GHI, Inc. v. Mid-Hudson Cablevision** (Mercure, J.P., 1/22/09)

The plaintiff health insurer paid over \$70,000 in medical expenses on behalf of Stephanie Weaver, a pedestrian seriously injured when she was hit by a vehicle owned by the defendant cable company and driven by its employee. The underlying personal injury suit was settled for \$2-million, but GHI’s subrogation claim (of which the defendant was aware) was not paid by plaintiff or her lawyer. GHI sued the defendant, which was granted summary judgment by Supreme Court (Donohue, J., Columbia Co.) because the cable company was given a general release by

plaintiff Weaver. The Third Department reversed and reinstated GHI’s claim because “a general release will not extinguish an insurer’s subrogation rights against the tortfeasor when the tortfeasor did, in fact, have knowledge of those rights”.

#### **Liberty Mutual Ins. Co. v. Frenkel** (Kavanagh, J., 1/29/09)

Plaintiff was the auto insurer of Frenkel, who was injured in a car crash. Frenkel’s lawyer, 3 weeks after the accident, informed plaintiff by letter of the accident and reserved Frenkel’s right to pursue a SUM (supplementary uninsured motorist) claim under his auto policy. More than 2 years later, the lawyer notified Liberty Mutual that Frenkel was settling his claim against the tortfeasor and sought SUM benefits. Liberty Mutual disclaimed coverage on the grounds of late notice (of the suit versus tortfeasor and the SUM claim), and asked Supreme Court (Hard, J., Albany Co.) to permanently stay arbitration of the SUM claim. The insurer’s application was denied and the Third Department here affirms, finding that despite the untimely notice by the insured, disclaimer cannot be allowed absent proof that such delay caused meaningful prejudice to Liberty Mutual.

### Miscellaneous

#### **Remillard v. Louis Williams, Inc.** (Peters, J.P., 2/5/09)

Plaintiff was hurt in a car crash caused by a drunk driver. Her dram shop action against the defendant hotel,

claiming its Christmas party staff served alcohol to the driver when he was visibly intoxicated (General Obligations Law §11-101), resulted in a defense verdict which Supreme Court (Demarest, J., St. Lawrence Co.) declined to set aside. Affirming the decision, the Third Department noted plaintiff’s lack of evidence at trial that any alcohol was sold or supplied *directly to the driver* (which the statute requires for a prima facie case). Also rejected was plaintiff’s juror misconduct contention; the failure during voir dire of one juror to disclose that he was the probation officer of one of the plaintiff’s sons.

#### **Bonanni v. Hearst Communications, Inc.** (Malone, J., 1/29/09)

Plaintiff, an Albany policeman, brought a libel action against the defendant publisher of the Times-Union newspaper and columnist Fred LeBrun, claiming statements about him in certain articles were false and published with actual malice. Supreme Court (McNamara, J., Albany Co.) denied defendant’s motion for summary judgment but the Third Department reversed and dismissed the complaint. The critical inquiry here is whether the words at issue were represented as fact or opinion, as the distinction affects how the articles would be perceived by a “reasonable reader”. Opinion is the conclusion, supportable in part because LeBrun’s columns are located in the “commentary” section of the newspaper and on the paper’s website under the “opinion” category.



#### **Elsev v. Clark Trading Corp.** (Stein, J., 12/31/08)

The defendant Clark owned the property in Schenectady on which defendant Price Chopper operated a supermarket, and contracted with defendant JRP to provide snowplowing services. Plaintiff claimed he slipped and fell on ice in the parking lot at a location where the lot sloped down and away from a snow bank. Price Chopper and the snowplow contractor won summary judgment in Supreme Court (Kramer, J., Schenectady) but the Third Department reversed. Plaintiff’s proof, which included a meteorologist’s affidavit and weather records, was enough to raise a question of fact whether the method of snow removal combined with the thaw-freeze cycle could have contributed to cause plaintiff’s injuries, despite the general rule that JRP’s possible breach of a contractual obligation does not ordinarily give rise to a duty to a non-contracting third party (the plaintiff).

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## In the News:

Jones Wilcenski & Pleat, PLLC

Edward V. Wilcenski, a principal in the Clifton Park law firm of Jones Wilcenski & Pleat, PLLC, and Tara Anne Pleat, Esq. also of Jones Wilcenski & Pleat PLLC, authored an article about the complexity of estate planning with retirement benefits in the context of disability and Special Needs Trusts. The article, entitled "Dealing with Special Needs Trusts and Retirement Benefits" was published in the February 2009 edition of Estate Planning magazine.

Additionally, Mr. Wilcenski gave a presentation on "Challenges in Estate Planning for Individuals with Disabilities and their Families" at the 46<sup>th</sup> Annual International Conference of the Learning Disabilities Association of America in Salt Lake City, Utah.

Jones Wilcenski & Pleat PLLC is a 13 person law firm focusing **exclusively** in the areas of Special Needs Estate Planning, Estate and Trust Planning, Estate and Trust Administration and Elder Law.

CBS Coverage Group, Inc.

Sharon Emek, Principle of CBS Coverage Group, inc. was featured on Lifetime Television on Feb 16<sup>th</sup>. Another example of the experience and expertise that is available to the members of the Bar Associations who have chosen CBS Coverage Group, Inc. as their Sponsored Broker. We are very proud of Sharon and the work we do for our clients.

Please see "The Balancing Act" on page 6 for more details.

## Power of Attorney Law Update

An article by Laura Hoffman, Esq.

Durable powers of attorney are an integral part of many estate and long term care plans and can assist a Principal in avoiding the expense and stigma associated with a guardianship proceeding. Recently, ambiguities in the law regarding the Agent's gift-giving ability, especially self-gifting, have prompted a reform effort which resulted in significant modifications to the law governing powers of attorney ("POAs").

### Young/Sommer Con't from page 2

that produces directories of top lawyers in 175 countries, providing independent rankings and editorial commentary. Information on Chambers and Partners, and all the legal directories they publish, can be found at [www.chambersandpartners.com](http://www.chambersandpartners.com).

### About Young/Sommer LLC

Young Sommer Ward Ritzenberg Baker & Moore LLC is a full service New York State law firm concentrating in Environmental, Municipal, Education and Labor law. With offices in Albany and Saratoga Springs, the Young/Sommer legal team is committed to turning over every leaf to get the best possible results for our clients. Information on Young/Sommer can be found at [www.youngsommer.com](http://www.youngsommer.com).

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On January 30, 2009, Governor Patterson signed major amendments to Article 5 of the New York General Obligations Law governing POAs. While the Legislature delayed the effective date until September 1, 2009, some provisions are applicable to POAs currently in place. Below are only a few of the modifications.

The new law contains major changes in the execution and form of New York Statutory Short Form Powers of Attorney. The new POA consists of two separate forms. The first is similar to the old statutory POA but does not contain any powers relative to gifting and must be signed by the Agent as well as the Principal. In direct contrast with the old law, the POA is not effective until the *Agent's* signature is acknowledged.

The second form, known as a Statutory Major Gift Rider (SMGR), sets forth the Agent's authority regarding gifting of the Principal's assets, including both outright gifts and transfers into trusts; as well as to whom gifts may be made and in what dollar amounts; whether an Agent can be compensated or may make gifts to him/herself and if so, in what amounts. While the SMGR is optional, both the POA and SMGR are read together as one document when both are executed. The SMGR form must be signed contemporaneously with the POA and witnessed by two disinterested persons. The heightened execution require-

ments are intended to alert the Principal to the seriousness of granting this type of authority.

Without a specific grant of authority in an SMGR, an Agent will *not* be able to: (1) change the title to bank accounts; (2) change beneficiary designations on life insurance policies or retirement plans; (3) make gifts in excess of \$500; or (4) transfer any of the Principal's property to or for the benefit of him/herself. These are often precisely the types of activities the Principal wants the Agent to be able to do in order to protect assets from long term care costs and avoid taxes.

In addition to the major changes to the form itself, the new law also provides the following: 16 definitions (including, but not limited to: Agent, Capacity, Compensation, Financial Institution, Record, and Monitor), (§5-1501); HIPAA Privacy Rules and an Agent's access to examine, question and pay medical bills, (§5-1502K); a standard of care and codification of the fiduciary duty imposed on the Agent, (§ 5-1505); Appointment of a Monitor (a third party who can review the Agent's actions), (§5-1509); Special Proceedings (providing an arena to compel an Agent to produce records, determine the validity of a POA, construction of the form, removal of an Agent, and other areas), (§5-1510); a New Statutory Short Form POA, (§5-1513); and an optional Statutory Major Gifts Rider Form (§5-1514).

These are only some of the new changes to the General Obligations Law affecting POAs. Any estate or long term care planning that you have done for your clients that involves the use of a POA should be revisited in light of these amendments.

## NOTICE

### Recording Fee Increase for Albany County

Please be advised that as of **March 16, 2009**, the recording fee and per page fee will increase on recorded documents in the Albany County Clerk's Office.

The Albany County Clerk's Office fees will be increasing from **\$28.00 per document plus \$3.00 per page to \$45.00 per document plus \$5.00 per page.**

This increase is based upon Senate Legislation 8713, which was adopted by the Albany County as Albany County Local Law 1 for 2009. Albany County is the 48<sup>th</sup> of the 58 counties outside of New York City to increase these fees.

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## THE BALANCING ACT

SHARON EMEK FEATURED ON LIFETIME TELEVISION  
[WWW.TRUSTEDCHOICE.COM](http://WWW.TRUSTEDCHOICE.COM)

ALEXANDRIA, VA – Feb. 11, 2009– Trusted Choice® was featured on the Lifetime Television show “The Balancing Act” on Monday, Feb. 16.

The segment, titled “Women and Insurance – Are You Covered? What You Need to Know About Your Insurance Needs,” featured Trusted Choice® independent insurance agents Sharon Emek, director of the CBS Insurance Coverage Group in New York, and Alex Soto, president of InSource Insurance Agency in Miami. Emek is former chair of the Independent Insurance Agents and Brokers of New York, Inc. Soto is former chairman of the Independent Insurance Agents & Brokers of America (the Big “I”) and a founding member of Trusted Choice®.

“We are pleased ‘The Balancing Act’ chose Trusted Choice® for our expertise on the insurance needs of women today,” says Robert A. Rusbult, Big “I” president and CEO. “Sharon and Alex are respected leaders in the independent agency system, experts on insurance issues for consumers, and exemplary stewards of the Trusted Choice® Pledge of Performance.”

The interview was scheduled to air nationally on Monday, Feb. 16 at 7 a.m. Eastern/Pacific and 6 a.m. Central/Mountain (check local listings). It will replay on March 4 and March 16. Emek and

Soto will discuss a variety of issues including divorce and in-home businesses.

“Sharon and Alex will reveal to the viewers of ‘The Balancing Act’ the kind of sound advice Trusted Choice® agents provide every day for insurance consumers,” says Dave Evans, Trusted Choice® executive director. “Trusted Choice® agents provide personalized service designed to protect the needs of businesses and families.”

“The Balancing Act” is a daily, TV talk show which addresses relevant issues facing today’s busy woman. Each 30-minute episode airs daily at 7 a.m. Eastern/Pacific and 6 a.m. Central/Mountain (check local listings) on Lifetime Television to a potential reach of 96 million households and explores everything from balancing the home life to making healthy decisions. Additional information and each segment can be accessed on the show’s website, [www.TheBalancingAct.com](http://www.TheBalancingAct.com). Each episode is also available on [www.AOL/Video.com](http://www.AOL/Video.com), [www.Yahoovideo.com](http://www.Yahoovideo.com), [www.Google.com/video](http://www.Google.com/video), [www.YouTube.com](http://www.YouTube.com), and as a Podcast on [www.iTunes.com](http://www.iTunes.com).

Trusted Choice® is promoted through a combination of national, state-level and local-agency advertising, promotional and marketing activities; insurance company branding; public relations campaigns; and Internet communications. Launched in October 2001 by the Big “I” and several agency compa-

nies, Trusted Choice® educates consumers about the benefits of using independent agents and brokers for their insurance needs: choice of companies, customized policies and advocacy support. Trusted Choice® is the consumer marketing identity for over 10,400 independent insurance agencies, brokerage firms, their branch locations and 53 leading insurance companies.

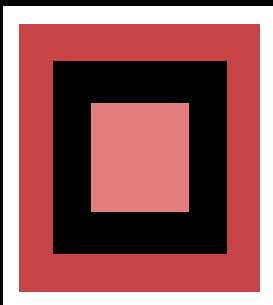
### **MOCK TRIAL COMPETITION**

Members of the Saratoga County Bar Association:

The 2009 Mock Trial Competition schedule has been modified due to the Courts being closed for the 2-12-09 Holiday.

The Mock Trial Competition will take place on February 5, February 26, March 5, March 12, March 19 & March 26, 2009, starting each week at 6:00 p.m. at the Saratoga County Supreme/County Courthouse.

Please contact Stacey L. Gorman, Esq. @ [sgormanlaw@aol.com](mailto:sgormanlaw@aol.com) or at the address and/or telephone number listed below if interested in participating in this year's competition.



## ANNOUNCEMENTS

### Special Thanks...

Happy New Year! I hope you all included taking more pro bono cases this year as part of your New Year's resolutions. Thanks to all who have assisted clients this past year. It was especially busy due to the recent boom in consumer issues. We referred twenty-four cases in 2008 to Saratoga County attorneys. A very special thanks to John J. Cromie, Esq., who helped three families last year, he's always so gracious and easy to work with.

It was nice to see many familiar faces at the "Representing Victims of Domestic Violence in Family Court" training on December 5, 2008. For information on future trainings and upcoming events please visit our website at [www.lasnny.org](http://www.lasnny.org). These trainings are offered free to attorneys who are PAI volunteers. Also, keep your eyes open for the latest edition of *Legal Aid Matters*, due in February 2009 at [www.lasnny.org](http://www.lasnny.org).

I encourage you to become a PAI volunteer. The Legal Aid Society offers many volunteer opportunities to choose from. One of those is our *Pro Se Divorce Clinic*, wherein the attorney assists clients in a group setting on how to complete their uncontested divorce. Another is our *Ask-A-Lawyer Clinic with DVRC*. This particular clinic assists clients who are victims of domestic violence by offering advice on an array of legal issues. Please contact me (518) 689-6334 or e-mail me at [tthomas@lasnny.org](mailto:tthomas@lasnny.org).

-Tiffany Thomas, LASNNY

### OUR RESOURCES EXTEND BEYOND LAWYERS PROFESSIONAL LIABILITY

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### On the Move...

The law office of George P. Conway, Esq. is now located at The Kamen Building, Suite 208, 130 West Avenue, Saratoga Springs, New York 12866. His new office phone number is 518.587.0946. His new facsimile number is 518.907.4908.

### Please Take Notice:

A4392/S1728 will extend the effective date from 3/1/09 to 9/1/09 for the new power of attorney enacted by Chapter 644 of the Laws of 2008.

Please be advised that General Business Law Section 399-dd(6) states as follows:

No person may file any document available for public inspection with any state agency, political subdivision, or in any court of this state that contains a social security account number of any person, unless such other person is a dependent child, or has consented to such filing, except as required by federal or state law or regulation, or by court rule.

It further states that under General Business Law Section 399-dd(7) that the NYS Attorney General's Office may take action against you for any violation of General Business Law Section 399-dd.

A new form must be recorded and/or filed with every document that contains a social security number. The form is titled *Request to File and/or Record Document that Contain Social Security Number(s)*. A per page fee (\$5.00) will be charged when recording a document that contains a completed *Request to File and/or Record Document that Contain Social Security Number(s)*. If you are filing a document along with the *Request to File and/or Record Document that Contain Social Security Number(s)*, no additional fee will be charged for filing this form.

## ANNOUNCEMENTS

**CLASSIFIEDS:**

**Space available:** Two private offices at Brian Lee Law Firm, 138 Church Street, Saratoga Springs. Includes shared reception and conference room, utilities, wireless internet, private parking and referral opportunity. Ideal for new solo attorney. Contact Jennifer at: 587-1380

**Employment: HOUSING ATTORNEY.** Staff Attorney in the Albany office of the Legal Aid Society of Northeastern NY to work full-time in our Homelessness Intervention Project, a collaboration with the Albany County Department of Social Services, Homeless and Travelers Aid Society, United Tenants of Albany and Interfaith Partnership for the Homeless. **Responsibilities:** The attorney will be responsible for preventing homelessness through eviction defense and shelter related public assistance advocacy in Albany County. Responsible for providing advice, brief service and full representation in eviction prevention and shelter related public assistance matters. Responsible for related grant reporting and working closely with HIP team. **Qualifications:** 1 - 6 years' prior legal experience or equivalent. Admitted to New York State Bar or eligible to practice under Court Rules. Demonstrated commitment to providing high quality legal services to clients in a variety of civil matters. Must be able to communicate effectively with clients and staff, and work independently and efficiently. Good computer skills including accurate and quick data entry. Must have valid, clean NYS Driver's License and vehicle. Prior experience in housing or public assistance law is preferred. Ability to speak Spanish is a plus. **Salary:** \$38,068 to \$48,087 plus excellent benefits. **Closing Date:** February 20, 2009.

Send cover letter, resume and references to:

Lillian Moy  
Legal Aid Society of Northeastern New York  
55 Colvin Avenue  
Albany, NY 12206

We are Equal Opportunity/Affirmative Action Employer. Minorities, women, LGBT, the elderly and people with disabilities are strongly encouraged to apply.

**Paralegal/Legal Assistant Available:** I have been in the legal field for over 20 years. I am a person who pays attention to detail, is accustomed to a high level of confidentiality and accuracy, and who has an extensive computer background. It has always been my objective to be someone's "right hand", a person that could be depended on to get the job done - quickly and efficiently. My background includes drafting legal documents and correspondence, legal research utilizing Westlaw and analyzing case law and legal theories relative to specific positions and applications. I am proficient with WordPerfect, Time slips, Quick Books, and many other computer software programs. My past positions have also included extensive contact with clients, where I was able to establish an excellent rapport with them and gain their confidence and trust.

For further information, or to obtain a resume, please contact:

Dorothy C. Edwards  
4 Peggy Ann Road  
Queensbury, New York 12804  
(518) 792-4155  
(518) 798-7235 fax

**SAVE THE DATE!**

You are cordially invited to attend  
The Federation of Bar Associations  
Fourth Judicial District's Annual Meeting  
CLE in Montreal  
Friday, April 24, 2009 - Sunday, April 26, 2009  
at the  
Marriott Chateau Champlain  
Friends, food and drink, sightseeing and  
CLE - Très Bien!

For more information contact Michelle Wildgrube at  
mwildgrube@cswwlawfirm.com OR  
(518) 377-6700  
\$190.00/Registrant/\$20.00/Spouse/Guest  
\*Hotel cut-off date: March 23, 2009

## ALBANY LAW SCHOOL ROUNDTABLE

### Monday March 30, 2009 at 6:00 pm



J. MADISON

#### THE FEDERALIST SOCIETY ALBANY LAW SCHOOL STUDENT CHAPTER

AND

#### THE FEDERALIST SOCIETY CAPITAL DISTRICT LAWYERS CHAPTER

Invites you to a public debate concerning the following topic:

### ARE GOVERNMENT BAILOUTS OF PRIVATE INDUSTRY NECESSARY AND PROPER, AND FOR THE PUBLIC WELFARE?

**Speakers:** Walker F. Todd, J.D., Ph.D.  
Research Fellow, American Institute for Economic Research  
Former Officer, Federal Reserve Bank of New York and Cleveland  
Former Adjunct Professor Cleveland Marshall College of Law

Hugh A. Johnson  
Chairman, Johnson Illington Advisors LLC

**Moderator:** Christine Sgarlata Chung  
Assistant Clinical Professor of Law  
Director Securities Arbitration Clinic  
Albany Law School

The debate will be held on Monday, March 30, 2009 at 6:00 p.m. in the West Wing Classroom at Albany Law School, Albany New York. There will be a reception with food and refreshments in the same room commencing at 5:30 p.m. The debate and the reception are open to the general public. Admission is free to both events. No reservations are required.

For further information, please contact the local lawyers chapter at [albanyfedsoc@yahoo.com](mailto:albanyfedsoc@yahoo.com), or the law school student chapter at [maustin@albanylaw.edu](mailto:maustin@albanylaw.edu).