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## The “Bigger, Better Bottle Bill” Is Now The Law In New York

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New York State’s budget process had the usual twists and turns and finger pointing as in past years. This year, however, after serious lobbying by both sides of the “Bigger, Better Bottle Bill” debate, a new and very substantial change to New York’s returnable beverage container

law was incorporated into the 2009 budget bill and signed into law by Governor Paterson.

The original bottle bill, enacted in 1982, regulated only carbonated soft drinks, beer and other similar beverages. Since that time, however, there has been an enormous explosion of the sale of non-carbonated drinks. For example, water drink sales have grown to almost one quarter of all beverage containers sold in New York. None of these drinks are sold in returnable containers and, as a result, there has been a glut of

plastic and other bottles which are either recycled or simply tossed into the garbage and, ultimately, a landfill. In addition, under the old law, unredeemed deposits on returnable containers, totaling millions of dollars per year, were kept by beer and soda companies.

The new bottle bill changes this situation completely. The new law, which amends various sections of Title 10 of Article 27 of the Environmental Conservation Law, now requires deposits on certain water drinks, requires

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## Labor and Employment Law

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By Glen P. Doherty, Esq.  
McNamee, Lochner, Titus &  
Williams, P.C.

In April, the Court handed down Regal Entertainment Group v. NYS Division of

Human Rights (505659), a decision that explores a number of important issues under New York’s Human Rights Law, including what is meant to be “disabled” under the statute.

Doudou B. Janneh (“Janneh”) was employed at a movie theater owned by the Regal Entertainment Group (“Regal”). In June 2005, Janneh became ill and failed to

report for his scheduled work shifts. Subsequently, Janneh’s wife presented a doctor’s note to the theater manager, who forwarded the note to Regal’s Benefits Administrator for a determination of whether Janneh was eligible for leave under the Family and Medical Leave Act (see, 29 USC § 2601 et seq.).

Determining Janneh to be

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## Bigger, Better Bottle Bill, cont.

80% of the unclaimed deposits to be returned to the State's general fund and sets up bottle bill education and grant programs.

Specifically, the definition of beverage containers sold in New York with a 5 cent deposit now includes those containing water in addition to carbonated soft-drinks and beer. Water is defined to include flavored water and nutritionally enhanced water but specifically does not include "a type of water to which a sugar has been added." As before, it is unlawful to sell any beverage container, including those newly covered under the law, unless a 5 cent deposit is collected at the time of sale and unless the container has a 5 cent refund value clearly marked on it.

Beverage dealers, defined as sellers of beverage containers for off-site consumption, must accept any empty beverage container which is sold or offered for sale by that dealer and pay the 5 cent refund value for each.

The new law also mandates the use of "reverse vending machines" by certain larger chain stores. A reverse vending machine is an automated machine which uses a laser scanner (or similar technology) to identify UPC bar codes, accept redeemable containers and issue a receipt for their total refund value. Beginning on March 1, 2010, beverage dealers which are part of a chain with ten or more stores in New York must install reverse vending machines. The larger the square footage of the store, the greater number of reverse vending machines which are required. Stores which do not meet this definition but are larger than 40,000 square feet

and which don't use reverse vending machines, must have a dedicated area for container redemptions which must be adequately staffed and must post a conspicuous sign describing where the redemption area is located within the store. Stores under 10,000 square feet will be able to limit returnables to 72 "per visit, per redeemer, per day" if they have a written agreement with a nearby redemption center to accept larger quantities of containers on their behalf, but these stores must also set up two hour periods each day when people can redeem up to 240 containers.

All stores selling returnable containers must post a sign entitled the "New York Bottle Bill of Rights." This sign must list consumers' rights under the new bottle bill including the right to return containers at any store which sells that type of beverage whether it was purchased there or not, the right to a refund without proof of purchase and the right to return containers on any day or hour, except the first and last hour of the store's business day.

The law also imposes new requirements on "deposit initiators," which are defined essentially as the original bottlers and any distributor who did not buy the containers from a bottler registered in New York. Deposit initiators must accept and redeem all containers which it sells from any dealer or operator of a redemption center without any limitation on quantity. The deposit initiator must pay the dealer or redemption center not only the 5 cent refund value and but also a 3.5 cent handling fee (increased from 2 cents under the old law) for

each container. Bottlers and distributors must also provide stores with sufficient number of bags or cartons for the handling, and packaging and pickup of containers which were not redeemed in a reverse vending machine. Bottlers and distributors are prohibited from imposing certain onerous conditions on dealers such as requiring that containers be counted at an off-site location. The law prohibits anyone from knowingly redeeming a container for which no deposit was paid in New York, but requires the bottlers and distributors to accept and redeem any container that the dealer or redemption center accepted and redeemed.

Deposit initiators must now set up a separate, interest-bearing "Refund Value Account." All container deposits must be placed into this account which is held in trust for the State of New York.

Payments of refund are to be paid from this account. Deposit initiators must file quarterly reports with the Department of Taxation and Finance which describe the account balance, the amounts credited and paid out from the account including refunds and service/handling charges.

One of the most significant new provisions of the Bigger Better Bottle Bill is that the bottlers and distributors must now refund a portion of the unredeemed deposits back to the State of New York. Thus, at the end of each quarterly reporting period, they must pay 80% of the balance in the Refund Value Account to the Department of Taxation and Finance Department. The remaining 20% can be withdrawn and kept by the deposit initiators. In the event a deposit initiator pays out more

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## *Bigger, Better Bottle Bill, cont.*

in refunds than it collects in deposits during a quarterly period, it may apply to the State for a refund of the excess amount paid as long as the request is made within 12 months. All monies paid to the State, except for funds reserved for paying anticipated refund requests, are to be directed into the State's general fund.

By June 1, 2009 all deposit initiators must apply to the State Department of Taxation and Finance for a registration certificate which will be issued for three year, renewable periods. The Commissioner of Taxation and Finance has the authority to revoke or not renew any such registration if the deposit initiator has violated the law or any applicable rules and regulations.

Deposit initiators have the right to notice and a hearing to challenge any proposed revocation or non-renewal.

The law also establishes penalties for various violations and expands the list of governmental agencies which can enforce the law. For example, an unregistered bottler or distributor which sells containers in New York may be fined \$500 per day of violation up to \$25,000. Failure to maintain accounts and other records required by the law is subject to fines up to \$1000 per quarter. Any person who "willfully" tenders more than 48 containers for a deposit refund which he or she knows or should know that no deposit was paid, is subject to a civil penalty of \$100 per container, up to a total of \$25,000. (Dealers and redemption centers must post signs warning customers that such violations are subject to this penalty.) The Attorney General and the Departments

of Agriculture and Markets, Taxation and Finance and Environmental Conservation all have authority to enforce the provisions of the new law. In addition, local governments can adopt local laws or regulations providing for the enforcement of most of the key provisions of the law.

By June 1, 2009 deposit initiators must register new labels for containers offered for sale in NY which has a "New York State specific" bar code identifying the container as being offer for sale exclusively in New York. This requirement is designed to prevent illegal redemption in New York of containers purchased outside of the state. Such label registration must be renewed whenever the bar code is changed or when the size, composition or glass color of the container changes. The new bottle bill also includes entirely new provisions creating a Bottle Bill Public Education Program and a Beverage Container Assistance Program. The public education program is designed to disseminate information about the new law.

This program will publish information regarding the Bottle Bill of Rights, procedures for setting up a redemption center, the rights and responsibilities of bottlers, distributors, dealers and redeemers and general information about the benefits of recycling. The Beverage Container Assistance Program will provide state grants to municipalities, certain not-for-profit organizations as well as distributors, dealers and redemption centers employing less than 50 people. These grants will pay for up to 50% of the cost of the purchase of

reverse vending machines or the purchase or rehab of property or buildings to be used to collect, sort or package empty beverage containers.

Consumers, dealers, distributors and bottlers all face a lot of changes ahead under the Bigger Better Bottle Bill. Change is good and hopefully all New Yorkers will benefit from the reduction of water bottles in our landfills and increased revenues from unclaimed deposits.

## *Labor and Employment Law (cont.)*

ineligible, Regal's Benefits Administrator informed him by letter that if he was unable to return to work, he would be considered to have "voluntarily resigned for personal reasons," but he could reapply for employment with Regal at any time. Janneh thereafter filed a Verified Complaint, which was later amended, with the New York State Division of Human Rights ("SDHR"), charging Regal with, among other things, disability discrimination in violation of Article 15 of the Executive Law.

By way of background, under Article 15, it is unlawful for an employer to discriminate on the basis of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics or marital status. The term "disability" means (a) a physical, mental or medical impairment resulting from anatomical, physiological

genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment.

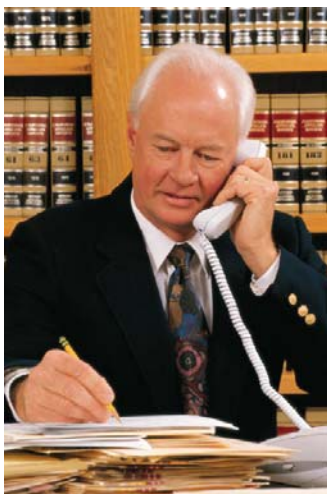
After investigation, SDHR determined that it had jurisdiction, and that there was probable cause to believe that Regal had engaged in an unlawful discriminatory practice. Following a hearing, an Administrative Law Judge determined, as relevant here, that Janneh failed to establish a prima facie case of discrimination, and recommended dismissal of the Complaint. Thereafter, SDHR issued an alternative proposed order, sustaining the Complaint to the extent that it alleged discrimination based upon disability, but finding that Janneh sustained no damages inasmuch as he remains unable to return to work. The Commissioner adopted that order, and Regal thereafter commenced a proceeding seeking to annul the determination.

In reversing the SDHR, the Appellate Division observed that, in order to establish a prima facie case of disability discrimination, a complainant must "demonstrate that he [or she] suffers from a disability, he [or she] was discharged, he [or she] was qualified to hold the position, and the discharge occurred under circumstances giving rise to an inference of discrimination based on his [or her] disability." Notably, a disability that prevents an employee from performing the job requirements in a reasonable manner is not a protected disability within the meaning of the statute. More specifically, according to the Court,

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“the Human Rights Law should not be interpreted to prevent termination of a worker who is unable to perform his or her duties even with reasonable accommodation.”

Here, Janneh testified that he was unable to return to work when he was contacted by Regal in June 2005, and that he never sought medical clearance to return to work. Moreover, SDHR’s order acknowledged that Janneh remained dependent upon the care of others for all of his needs from the date of his termination through early summer 2006, and that he was unable to return to work through the date of the hearing. Accordingly, the Court held that Janneh failed to demonstrate a prima facie case of discrimination against Regal. Thus, it annulled SDHR’s determination and dismissed the Complaint in its entirety.



W. DENNIS DUGGAN,  
F.C.J.  
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Please, ye we may contrive  
this afternoon,  
And do so as adversaries do  
in law—Strive  
mightily, but eat and drink as  
friends.

*The Taming of the Shrew*

As Jesus was preaching in Jerusalem at Passover time, a Pharisee attempted to trick him into making a heretical remark. He asked; “Teacher, which is the greatest commandment in the law?”; thinking he could force Jesus to choose one of the Ten Commandments as the greatest. Jesus answered the Pharisee this way; “You shall love the Lord your God with all your heart, with all your soul and with all your mind. This is the first and greatest commandment. And the second is like it: You shall love your neighbor as yourself. On these two commandments hang all the Law and all the Prophets.” (Matthew, 22:35)

What if you were asked; “What is the greatest right in our Bill of Rights?” Upon what right hangs “all the Law?” What would your answer be? Would it be your right to freedom of speech, religion or to assemble? Would it be the right to be secure in your person, houses,

## In Praise of Lawyers

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papers and effects? Would it be the right not to be forced to incriminate yourself or not to be deprived of your life, liberty or property without due process of law? Would it be your right to a speedy trial by a jury of your peers?

For me, the answer would be this: the most precious right is the right to hire my own attorney and if I could not afford one, one would be appointed for me. The Sixth Amendment guarantees the first part of this right. But, for almost 200 years, it was only a guaranteed right if you could afford it. The full right to counsel was a long time coming and it still has a long way to go. May 1st is Law Day and it is fitting and proper for us to reflect upon what I believe is our most precious right.

Without an attorney, all of your Constitutional rights are like the oral contract referred to by Samuel Goldwyn. They’re not worth the paper they’re printed on. Consider that in the history of the world, most crime has been committed by governments. For example, 55 million persons died as a result of WW II. That war was the result of a brutal and murderous Nazi regime that controlled all of the levers of violence that could be brought to bear by the German government. Millions of Africans were enslaved and imported into the Americas as the direct result of the policies of the governments of England and Spain. The American Indian population was decimated by the policies of the United States government. At the beginning of the Twentieth Cen-

tury, there were only about 50,000 native Americans left in the continental United States out of the approximately five million when the Pilgrims came ashore. How could such terrible things happen? WW II could take place, in part, because the German legal system was totally overwhelmed and fully compromised by the violence and evil of the Nazi regime. One reason that slavery and the decimation of the Indians happened was that they took place at a time when the legal profession and the enforcement of personal freedoms were in their infancy. The truth is, the only thing standing between the coercive power of government and the common man are good lawyers.

Let’s assemble a short list of good lawyers. There’s **John Adams** defending the British soldiers after the Boston Massacre—and obtaining acquittals. There’s **Thurgood Marshall** (the greatest lawyer-Supreme Court Justice) and the NAACP Legal Defense Fund breaking down the walls of segregation. There’s **William Kunstler**, America’s foremost radical lawyer, defending Lenny Bruce, the Freedom Riders, the Black Panthers, and the Chicago Seven when the whole world was watching. There’s **Sam Leibowitz** defending the Scottsboro Boys. There’s **Clarence Darrow**, the lawyer for the damned such as Eugene Debs, John Scopes, Leopold and Loeb and Big Bill Haywood. There’s **James D. St. Clair** defending Richard M. Nixon. There’s **Gerry Spence** representing Karen Silkwood against Kerr-Mcgee. There’s **Lloyd Stryker** defending Alger Hiss. There’s

## NOTICE

### Fee Increase for New York State

Please be advised that as of **June 1, 2009**, by law, the fee for filing a New York State Real Property Transfer Reporting Form (RP5217) increased. The County Clerk's Office still retains the same amount for its work (\$9 per transaction).

All of the increase of this fee will go to the State of New York.

The fee increase is as follows:

- From the current \$75 to \$125 for residential or farm property; \* and
- from the current \$165 to \$250 for commercial or vacant property.\*\*

\* If box 7A, 7B, or 7E is checked, or if BOTH box 7G and box 8 are checked, on the RP5217 form.

\*\* If any other box (or no box) is checked on the RP5217 form.

**Max Steuer** defending the Triangle Shirtwaist Company. There's **Morris Dees**, the founder of the Southern Poverty Law Center, bringing the KKK to justice. There's **Andrew Hamilton**, under threat of disbarment by William Cosby, the Royal Governor, defending John Peter Zenger and the freedom of the press. There's **Clarence Earl Gideon**, defending himself so others would have defenders, writing this to the

United States Supreme Court: "The question is very simple. I requested the court to appoint me an attorney and the court refused." There's **Luther Martin** defending Aaron Burr in his treason trial before John Marshall as the trial judge and defending Supreme Court Justice Samuel Chase against his impeachment charges. There's **Louie Brandeis**, submitting his "Brandeis Brief" in Muller v. Oregon, the famous minimum hour case. There's **Percy Foreman** defending James Earl Ray. There's **Earl Rogers** who brought both his consummate trial skills and his dignity into the courtroom and elevated the practice of criminal defense. When Clarence Darrow needed a lawyer, he hired Earl Rogers. There's **Thomas Puccio** and **Harold Price Fahringer** defending Claus Von Bulow.

There's **Harold Medina** in 1942 representing pro bono a man charged with treason for helping six German spies who had snuck ashore on Long Island. The man was convicted but three years later, Medina got the conviction reversed in the United States Supreme Court. There's **Barry Slotnick** defending Bernhard Goetz, the subway vigilante. There's **F. Lee Bailey** defending the Boston Strangler, Dr. Sam Sheppard and Patty Hearst. There's **Daniel Webster** arguing for the life of Dartmouth College before the Supreme Court. In the first half of the 20th Century, he was America's foremost lawyer's lawyer. There's **Edward Bennett Williams**, the ultimate Washington lawyer and the defender of Jimmy Hoffa, Adam Clayton Powell, Bobby Baker, Robert Vesco, Hugh Hefner, Richard Helms, John Connolly and mobster Frank Costello. There's **Samuel Tilden**, America's foremost railroad attorney in the 1850's, who

took on Boss Tweed and brought down Tammany Hall. There's **Barry Scheck** and **Peter Neufeld** of the Innocence Project that has freed hundreds of the wrongly convicted. Finally, there are the thousands of **District Attorney's, DSS Attorneys** and **Public Defenders** who toil every day in hundreds and hundreds of America's criminal and family courts, trying to keep a creaky ship of justice afloat. Their only reward is knowing that it is their efforts alone that keep our government honest and our liberties intact.

It is no accident that the longest standing democratic constitution in the history of the world is that of the United States of America. And, it is no accident that our Constitution was drafted by the greatest group of lawyers ever assembled. (32 of the 55 Convention delegates were lawyers.) And, it is no accident those rights guaranteed by our Constitution have been protected because many brave lawyers have been willing to risk their lives, their fortunes and their sacred honor.

Shakespeare knew all about how lawyers provided the bulwark for society's freedoms. In Henry VI, Part II a character says; "The first thing we do, let's kill all the lawyers." But Shakespeare's character was not advocating a final solution for a lawyer problem because it would be an improvement for society—just the opposite. In the play, Henry VI is a feeble king. During his reign, insurrection is just below the boiling point. The Duke of York is stoking the flames of rebellion. He entices a boorish rabble rouser, Jack Cade, to lead the uprising. Cade is describing to his men the communistic utopia that will exist once the monarchy is brought to its knees. His sidekick, Dick the Butcher, then

utters the immortal line about killing all the lawyers. Cade responds, "Nay, that I mean to do." Shakespeare knew that a society without lawyers would quickly be reduced to anarchy.

The common law of England provided little purchase for the growth of the right to counsel. Not until 1836 was a defendant permitted to have counsel in felony cases in the land of the Magna Carta. The policy was justified by the fiction that the burden of proof in a felony case was so high for the prosecution that no lawyer was needed for the accused. The right to counsel in colonial America had to fight its way into the courtroom. The colonies of Virginia and Connecticut, for example, had statutes that barred lawyers from the courtroom. In Massachusetts and the Carolinas, lawyers were prohibited from collecting fees for representing someone in court. The Pennsylvania Charter of Liberties of 1701 broke new ground with respect to the right to counsel. It provided that, "all criminals shall have the same privilege of witnesses and council as their prosecutors." *Gideon v. Wainwright*, which guaranteed the right to counsel for indigent defendants in felony cases, came 260 years later. There is some continuing irony to this. For example, if you are charged with petit larceny for stealing a candy bar from a 7-11, you can get a free attorney. However, the 14th Amendment does not entitle you to a free attorney if you face the termination of your parental rights to your children. (*Lassiter v. DSS*, 452 U.S. 18 [1981])

Robert Bolt's play "A Man For All Seasons," is about Sir Thomas More, the patron Saint of lawyers, and his struggle with Henry VIII over the annulment of Henry's marriage with Catherine of Aragon. There is a scene in which More and Roper (Mor-

re's son-in law) discuss the arrest of a possible spy. It is, perhaps, the most poignant description of the law and its relation to civil society in all of literature. Listening to More, there is no doubt that he would give the Devil both the benefit of the law and an advocate to assert that benefit. The scene goes like this:

**Roper:** Arrest him [Rich, the spy-].

**More:** For what?

**Roper:** He's a bad man.

**More:** There's no law against that.

**Roper:** There is! God's law!

**More:** Then let God arrest him....The law, Roper, the law. I know what's legal, not what's right. And I'll stick to what's legal.

**Roper:** Then you set man's law above God's!

**More:** No, far below; but let me draw your attention to a fact—I'm not God. The currents and eddies of right and wrong, which you find such plain sailing, I can't navigate. I'm no voyager. But in the thickets of the law, oh, there I'm a forester. I doubt there's a man alive who could follow me there, thank God. [More's daughter points out that the spy is escaping]

**More:** And go he should if he was the devil himself, until he broke the law!

**Roper:** So now you'd give the Devil the benefit of the law!

**More:** Yes, what would you do? Cut a great road through the law to get after the Devil?

**Roper:** I'd cut down every law in England to do that!

**More:** Oh? And when the last law was down, and the Devil turned round on you—where would you hide, Roper, the laws all being flat? This Country's planted thick with laws from coast to coast—man's laws, not God's—and if you cut them down—and you're just the man

to do it—d'you really think you could stand upright in the winds that would blow then? Yes, I'd give the Devil benefit of law, for my own safety's sake.

Because we have an advocacy legal system in America and there are lawyers on either side of every question, the legal profession can find itself doing ill as well as good. When it does ill, however, it will be other lawyers who will take note and issue a corrective course. No better example of this was seen just recently. Eric Holder, the Attorney General of the United States, directed the dismissal of the indictment against former Senator Ted Stevens because of prosecutorial misconduct. The principle at stake was simple. If our system of justice is not fair, what other possible purpose could it serve. Once again, a man from Nazareth, who could have been a lawyer because he knew the law better than the teachers in the Temple, put it more eloquently: "Woe to you, scribes and Pharisees, hypocrites!...for you have omitted the weightier matters of the law—judgment, mercy, and faithfulness, these ought you to have done." (Matthew, 23:23)



## Need an Arbitration?

### ROBERT F. DORAN, ESQ.

Retired Supreme Court Justice, Robert F. Doran, Esq., of counsel to Thorn, Gershon, Tymann, and Bonanni, LLP is available for Arbitrations and Mediations.

Please contact him at Thorn, Gershon, Tymann and Bonanni, LLP.

Phone: (518) 464-6770 or (518) 357-3960

Fax: (518) 464-6778

## SCBA Announcement!

The Saratoga County Bar Association Newsletter is electronically distributed bi-monthly by the Saratoga County Bar Association.

We welcome the submission of articles or other items of interest to the bar and also encourage your comments on the SCBA, recent articles, columns or other letters.

The SCBA may reject or edit for style and length any article or letters submitted (Anonymous letters are not published). The views expressed in the letters and columns reflect the opinions of the authors and may not reflect the views of the Association, its Officers or Directors. Address all communications to:

Libby Coreno  
mcoreno@saratogalaw.com



## ANNOUNCEMENTS

### The Murry Law Firm, PLLC

The Murray Law Firm, PLLC is pleased to announce that Joseph C. Berger, Esq. has joined the Firm of Counsel. Mr. Berger has over 30 years of experience in litigating cases in State and Federal Courts in the areas of land use and environmental law, real property, intellectual property rights, employment discrimination, contracts, personal injury, and matrimonial law. Prior to joining the Firm, Mr. Berger served as in-house counsel for General Electric Company, and was founding partner of Berger, DuCharme, Harp & Clark, LLP. During his tenure with General Electric Company, Mr. Berger handled numerous Labor Arbitration cases. In addition, he currently serves as an Alternative Dispute Resolution Arbitrator, Mediator, Evaluator for the United States District Court for the Northern District of New York. Mr. Berger is admitted to practice law in New York and Connecticut, and is also admitted to practice before the federal district courts for the Northern District of New York, Western District of New York, District of Connecticut and District of Vermont. He is also admitted to practice in the United States Supreme Court. He has served for five years on the Executive Board of the Saratoga County Car Association and for the County Mock Trial program. Mr. Berger is a member of the New York State and Saratoga County Bar Associations. Mr. Berger earned a Juris Doctorate from Fordham University School of Law in 1975, a Bachelor of Arts from Fairfield University, Fairfield Connecticut in 1971, and served in the U. S. Army Reserves from 1971 to 1977 as a Drill Sergeant and Sergeant First Class.

### HELP NEEDED!

The Bar has received a call from Terry Claire, a case manager at the Saratoga County Rural Preservation Company, Inc. The Saratoga County RPC is an organization that operates a transitional facility for homeless Veterans. The location at 36 Church Avenue in Ballston Spa, New York currently houses ten Veterans. This shelter is meant, for those who need it, as a brief sojourn on a veteran's journey though life.

Mr. Claire is working with a Saratoga County resident who served one tour in Iraq in the United States Army. The veteran is currently involved in a family court matter in Warren County and in need of some legal assistance. If you are willing and able to help, please inquire about further details form Mr. Claire at 885-0091 ext 211 or [cmanager@nycap.rr.com](mailto:cmanager@nycap.rr.com).

### Lemire Johnson, LLC

Christopher R. Lemire, Esq. and Gregg T. Johnson, Esq. have formed Lemire Johnson LLC, a general practice law firm concentrating in civil litigation. The new firm officially opened on January 9, 2009.

Lemire primarily works with public and private employers' and injured workers handling workers' compensation law, social security disability, and general legal matters. Johnson focuses on employment law, civil rights litigation, and municipal litigation.

Both Lemire and Johnson are members of the New York State Bar Association, Saratoga County Bar Association, as well as the Albany County Bar Association. Mr. Lemire is the chairperson of the Workers' Compensation Law Division of the New York State Bar Association. Johnson is a member of the national Defense Research Institute.

Lemire Johnson, LLC is located at 2534 Route 9 in Malta. The firm can be reached at 899-5700 or via email [crl@lemirejohnsonlaw.com](mailto:crl@lemirejohnsonlaw.com) or [gtj@lemirejohnson.com](mailto:gtj@lemirejohnson.com).

### On the Move...

James D. DiPasquale has opened his own practice in Warrensburg and Saratoga Springs. His new contact information will be as follows:

Law Offices of James D. DiPasquale  
3913 Main Street  
Warrensburg, New York 12866  
Ph: (518) 623-0088 or (518) 421-5216  
Fax: (518) 623-0085 or (518)306-4318  
[James@gdlawoffice.com](mailto:James@gdlawoffice.com)

He will continue to focus in the areas of Civil Litigation, Criminal Defense, Personal Injury, Municipal Law, and Real Estate and continue to work on an *of counsel* basis with DeGraff Foy & Kunz.

Additionally, he will be able to be contacted at DeGraff Foy for the next two weeks.

## ANNOUNCEMENTS

### CLASSIFIEDS:

**Litigation Associate:** A minimum of two to four years experience; possess strong research, writing, and organizational skills; deposition and/or trial experience required. Candidate should be self-motivated, detail oriented, and a focused individual who desires to grow with practice. Admitted in New York necessary; admission in NDNY preferred. Please send resume and cover letter in confidence to [contact.firm@nycap.rr.com](mailto:contact.firm@nycap.rr.com).

**Office Space—Saratoga Springs:** First class office space available. 1,200 to 5,000 sq. ft. Spaces for lease, purchase or lease with option to purchase. All new building with two story lobby, doorman and concierge service. Ample parking available. One block to City Hall. The Lofts at 18 Division Street. Contact Keith Ferrara for further information. (518) 584-9007 or [keith@bonacio.com](mailto:keith@bonacio.com).

**Professional seeks a position in Administrative and Legal fields:** Leslie J. Brown seeks employment in the Administrative and Legal fields. Leslie holds a Paralegal Certification (3.75 GPA) from the Boston University Center for Professional Education. For a copy of her resume, email her at [LBrown55@nycap.rr.com](mailto:LBrown55@nycap.rr.com).

**Seeking Internship Position:** Jessica Morris is currently a Freshman studying at the University of New Hampshire. She has significant interest in going into law school pending graduation. Ms. Morris has expressed interest in becoming a legal intern for the upcoming summer months. If interested, please email her at [jmw93@cisunix.unh.edu](mailto:jmw93@cisunix.unh.edu).



### Lemire Johnson, LLC Hires Two New Associates

Lemire Johnson, LLC has hired two associates: Francine Vero, Esq., formerly an Associate with one of Albany's largest firms, a graduate of Providence College and Albany Law School. Ms. Vero joined Lemire Johnson, LLC in January, 2009. Ms. Vero's litigation practice includes cases both federal and state courts and before the Workers' Compensation Board.

Danielle Barone, Esq., formerly a prosecutor in Columbia and Rensselaer Counties. Ms. Barone is a graduate of SUNY Binghamton and Albany Law School. Ms. Barone joined the firm in March, 2009. Ms. Barone's litigation practice includes cases both federal and state courts and before the Workers' Compensation Board.

**JWP**

JONES WILCENSKI & PLEAT PLLC

Attorneys at Law

Attorney Edward V. Wilcenski of the law firm of Jones Wilcenski & Pleat, PLLC in Clifton Park, New York, gave a presentation on Special Settlement Issues in Lead Paint Litigation at a conference in Philadelphia, PA, sponsored by Mealy's Litigation Conferences. The presentation focused on financial challenges and government benefit issues faced by individuals who have been disabled as a result of exposure to lead paint. Jones Wilcenski & Pleat PLLC is a boutique law firm which concentrates its practice in the areas of Special Needs Planning, Elder Law, and Estate and Trust Administration.

### Jones Wilcenski & Pleat PLLC Attorney Receives Award

Attorney Edward V. Wilcenski of Jones Wilcenski & Pleat PLLC in Clifton Park, was awarded the Marie Ivancich Memorial Award by the Brain Injury Association of New York, to be presented at the association's annual conference on June 5, 2009. This award is given to "an outstanding professional, whose support for the Association is evidenced by great personal commitment and professional involvement" in promoting the mission of the Association. The Association provides advocacy and support for individuals with brain injuries and their families. Jones Wilcenski & Pleat PLLC is a 13 person law firm focusing exclusively in the areas of Special Needs Estate Planning, Elder Law, and Estate and Trust Planning and Administration.

## ANNOUNCEMENTS

The Young Lawyers Committee  
Of  
The Saratoga County Bar Association

Presents the Fourth Annual...

### SUMMER BARBECUE & PICNIC

Thursday, June 18, 2009

6:00 p.m.

Home of John ("Jake") M. Hogan III, Esq.  
5 Sydney Hill Road, Saratoga Springs

FREE and open to all Saratoga County  
Bar Association members and their  
families



Please RSVP no later than Monday June 15, 2009  
by e-mail at [pclute@saratogacountybar.org](mailto:pclute@saratogacountybar.org) or  
please contact Patty Clute at (518) 587-5829.

### Saratoga County Bar Association

#### ANNUAL BAR DINNER

June 11, 2009

The Wishing Well  
745 Saratoga Road  
Gansevoort, NY

6:00 p.m. – Social Hour with Hors d'oeuvres

7:00 p.m. – Dinner

Dinner includes one of the following:

Half Roast Chicken  
Maryland Crab Cakes  
Sirloin Steak  
Mediterranean Pasta

Please make your reservations by  
Monday, June 8, 2009 by calling the  
Saratoga County Bar Association  
at 587-5829 or by e-mail at  
[pclute@saratogacountybar.org](mailto:pclute@saratogacountybar.org)

### Tully Rinckey, PLLC Law Day Presentation

On May 1, criminal defense, family law, and appeals attorney Constantine DeStefano, an associate attorney with Tully Rinckey PLLC, spoke to 11th grade American History students at Albany Academy in celebration of Law Day. DeStefano discussed why the students should know the law and reviewed some of their rights, including those relating to free speech, internet privacy, and search and seizure.

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