

The Advocate

Summer 2010



The Dutchess County Bar Association
P.O. Box 4865
Poughkeepsie, New York 12602
Phone: (845) 473-2488 - Fax: (845) 485-1484
www.dutchesscountybar.org

2010-2011
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The Advocate is a publication of the Dutchess County Bar Association. Submissions are always welcome, and can be sent via email to janna@dutchesscountybar.org or to P.O. Box 4865, Poughkeepsie, NY 12602.

Ad rates vary. Please contact us via the methods described above for more information.

The DCBA does not edit member contributions or advertisements for content, accuracy or style

Upcoming CLE

Friday, August 20, 2010

The Regulations Governing Ownership and Operation of Dams in New York State

11:30 a.m. - 2:00 p.m.

VanDeWater & VanDeWater

85 Civic Center Plaza, Poughkeepsie
Presented by Fuss & O'Neill Engineers

2 Professional Practice Credits

\$45 for members paid in advance,
\$65 for non-members and walk-ins

Includes lunch

Sunday, September 12, 2010

The Influence of Torah on Modern Jurisprudence

3:00 - 4:30 p.m.

Vassar Temple, 140 Hooker Ave., Poughkeepsie

Presented by Hon. Albert Rosenblatt

1 Professional Practice Credits

This program is presented free of charge

Refreshments will be served

September 22, 2010

Special Needs & Special Education Planning

11:30 a.m. - 2:30 p.m.

Cosimo's Trattoria, 120 Delafield Street, Poughkeepsie

2.5 Professional Practice Credits

\$55 for members paid in advance

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Includes lunch

Presented by Adrienne Arkontaky, Esq.

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President's Page



It is an honor and privilege to serve as President of the Dutchess County Bar Association in the coming year. As we begin the year, I am pleased to report that our finances are strong and we are active in both the legal community and in the county at large.

I have four goals that I would like to accomplish during my term as President: increasing our membership roster, maintaining our CLE presentations locally, increasing our Mock Trial competition to all 14 high schools in Dutchess County and establishing a mentoring program for our attorneys recently admitted to practice.

We currently have 465 members in the Dutchess County Bar Association. I have appointed a committee that includes Jessica Vinall, Mark Starkman and Richard Greenblatt, and is chaired by Marty Rutberg to recommend ways to increase our membership. I would like to increase our roster to 500 lawyers by year-end.

In the past year, we coordinated 16 CLE programs for our local bar. I believe this is one of the most important services that we offer our membership. I would like to maintain the quality of these presentations and make them as convenient as possible for our members to attend.

Our Mock Trial program has grown in the past two years from 4 high schools to 10 that participated in the past year. A big "thank you" to all of my colleagues in the Justice Courts and the full-time judiciary who took time out of their day to preside over these trials. I am also grateful to the many attorneys who donate their time assisting the teachers who "coach" these teams as they prepare for the competition. With school budgets being slashed everywhere in Dutchess County, it will be a challenge to keep the schools that currently participate to stay involved. I intend to contact each school during the course of the summer to encourage them to sign up next year. Many future attorneys have received their first taste of the law by being a member of this county-wide competition while in high school.

Finally, I am exploring the idea of establishing an informal mentoring program in Dutchess County. We all remember how difficult it was to get started when first admitted to practice. I think it would be helpful to have a network of experienced attorneys who are will-

ing to talk to newly-admitted lawyer from time to time to assist them in all of the "do's and don'ts" of local practice.

We are blessed with an energetic and organized Executive Director, Janna Whearty. Our Executive Committee: Rebecca Valk, Rebecca Blahut, Dan McCabe, Richard Greenblatt and Jonah Triebwasser and Surrogate James D. Pagones are all involved in various activities of our bar association. Our immediate Past President, Maura Barrett, did a phenomenal job leading our organization during the past year and she has pledged to assist me during what will surely be a busy year. I thank her for her service to the bar for the past several years and look forward to working with this talented group of attorneys in the year to come.

I am especially receptive to any thoughts that you may have regarding the improvement of the local bar. Please feel free to e-mail me with any concerns or ideas that you may have at Formans49@aol.com.

Have a great summer!

Peter M. Forman

Peter M. Forman
President

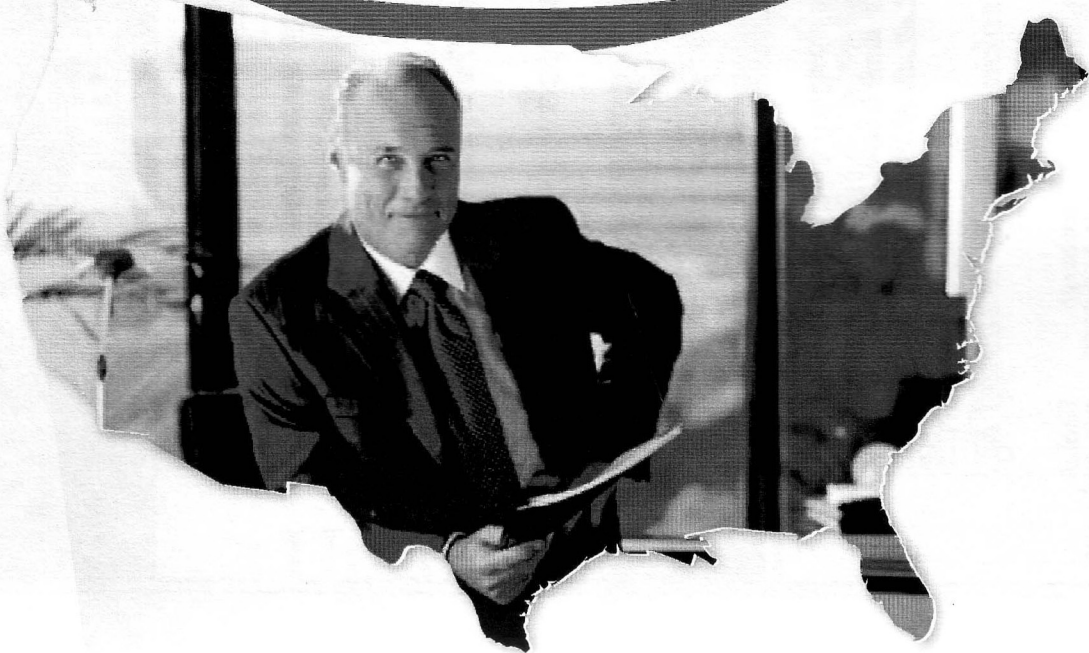
IN MEMORIA

The DCBA is sad to note the passing of our longtime members

Paul Mollica, Esq.
and
Allan E. Rappleyea, Esq.

Please be sure to watch for articles memorializing Paul and Allan in the next issue of *The Advocate*.

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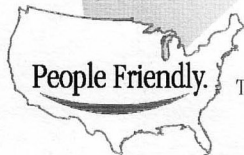
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Looking to grow your practice?

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Lawyer Referral Service

The Dutchess County Bar Association's Lawyer Referral Service is a vital part of our organization. Not only does it assist the public in finding an attorney best suited to assist them with their legal needs, but it offers members the opportunity to receive calls from those specifically seeking an attorney in their practice area. The DCBA provides callers with the names and contact information of up to 3 lawyers that may be able to help them. The DCBA Lawyer Referral Service does not provide pro bono referrals; all attorneys in the service set their own fee structure and have the right to refuse a case.

The service receives an average of 3,120 calls each year (based on a weekly average of 60 calls). The website, where the Referral list is published, also receives 250-300 hits (visits) per month. In total, 6,420 inquiries from potential clients are received each year. There are 43 participants in the service. This means that each participant has the potential to receive approximately 160 referrals each year. The DCBA does not refer to offices that are not participating in the Lawyer Referral Service.

You can join the service at any time. Fees for the year begin at \$140 and are based upon firm size. There are no fees due to the DCBA if you take a case and you can receive referrals from as many practice areas as you choose.

For more information or to enroll contact Janna at the DCBA office at (845) 473-2488 or email janna@dutchesscountybar.org.

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Save the Date for these upcoming events

September 16, 2010

**September Luncheon honoring
recently retired DCBA members**

October 21, 2010

October Luncheon

November 18, 2010

November Luncheon

December 16, 2010

December Luncheon

More details to follow

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News from the Office of Court Administration From Chief Administrative Judge Ann Pfau

Proposed new Request for Judicial Intervention (RJI) Form

The Request for Judicial Intervention (RJI) Form set forth in section 202.6 of the Uniform Civil rules for the Supreme and County Courts was last revised in 2000. Since that time, changes in both the law and court system practice have rendered the form outdated. In recent months a team of administrative and court personnel has worked extensively to revise the form and bring it current. Previously, a draft was circulated and a number of proposed revisions were received. Opions are now being sought on the redraft proposal.

The proposed new RJI form and addedna, as well as a summary of the changes made and the reasons for each change is available at the DCBA office. If you would like to review the information, please contact Janna at the DCBA office at (845) 473-2488 or janna@dutchesscountybar.org. The deadline for comments and suggestions is August 9, 2010.

From Administrative Judge for the 9th JD Alan D. Scheinkman

E-Filing in Supreme Court, Westchester County

The Office of Court Administration, the Ninth Judicial District Technology Department and the Office of Westchester County Clerk Timothy C. Idoni have been working diligently to implement e-filing in Supreme Court, Westchester County.

They are anticipating the commencement of e-filing, on a voluntary basis, in the Commercial Division, Westchester County, on or about June 21, 2010. That will be followed, over the summer, by the introduction of e-filing, on a voluntary basis, in tort cases in Supreme Court, Westchester County. It is anticipated that, as permitted by legislation, e-filing will become mandatory in tort cases in Supreme Court, Westchester County, in Fall 2010.

If there is sufficient interest a training on these systems can be coordinated. If you are interested in attending a future session, please contact Janna at the DCBA office at (845) 473-2488 or janna@dutchesscountybar.org.

News from the Family Law Section by Maura A. Barrett, Esq., Section Chair

On May 21, 2010 the Family Law Section hosted its first all day Matrimonial Law CLE. We had 36 members in attendance as well as 6 non members.

Support Magistrate Hon Steven Kaufman kicked the program off, updating us on what's new in the "child support arena." His presentation was informative and as always, humorous.

We were fortunate that Carolyn D'Agostino agreed to travel from her office in Albany to speak to us on the division of retirement assets. She seamlessly maneuvered her way through the complicated world of QDRO's, COAPs and DRO's educating us and scaring us, simultaneously.

Maria Rosa, Esq., clued us in to what might be objectionable about our papers and provided tips to "guarantee" acceptance of papers. Pet peeves were also explored – bottom line – invest in exhibit tabs!

Judge Posner took the early afternoon shift and clued us in on the workings of the IDV Court.

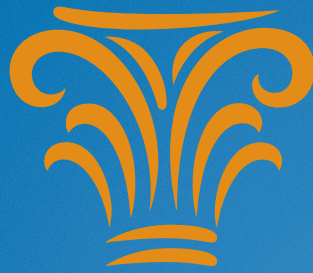
Jeffrey Harrison, CPA was our closing speaker and spoke about the valuation of businesses in the context of equitable distribution. He also provided an excellent set of materials for our reference.

As always, the DCBA provided breakfast and lunch. The feedback on this CLE was excellent and we hope to host an annual (all day) matrimonial CLE, going forward.

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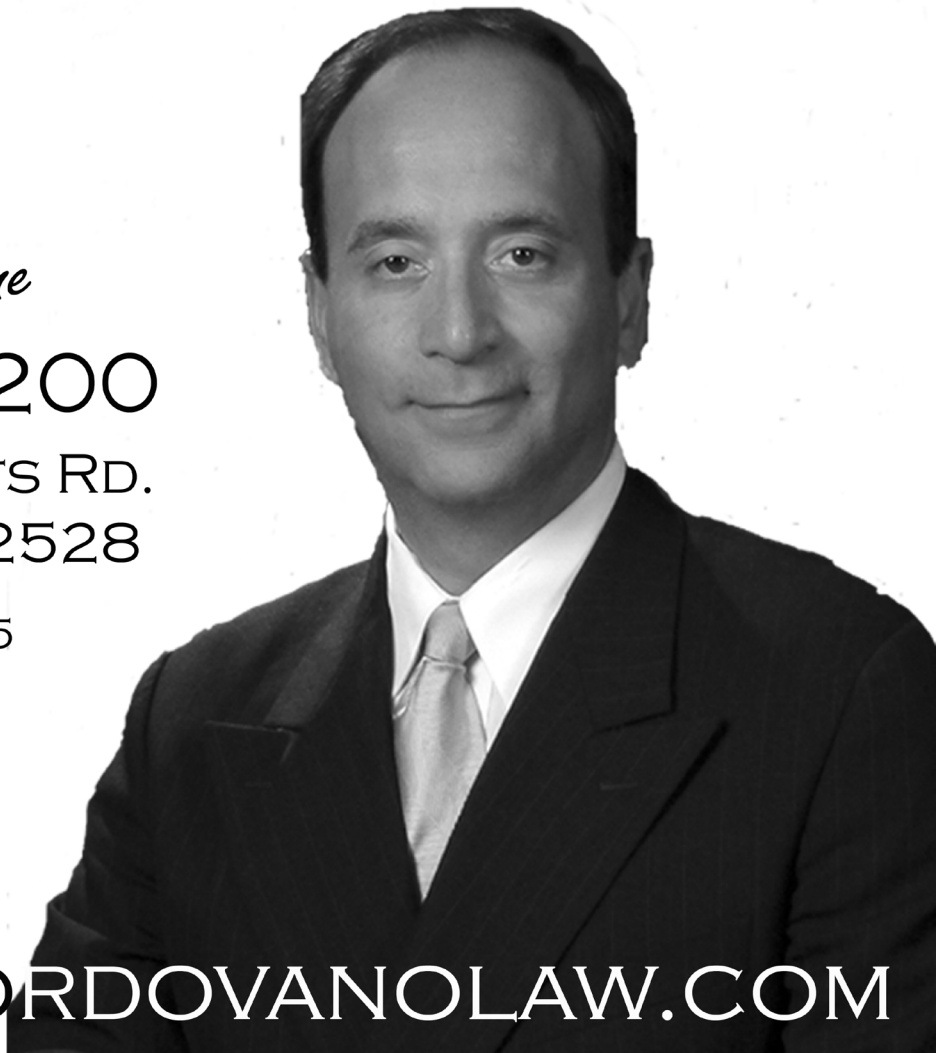
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From Bench & Bar

From The United States District Court for the Southern District of New York

The United States District Court for the Southern District of New York is now accepting applications for the Criminal Justice Act Panel for the Court. Lawyers from this Panel provide representation to defendants who, based on their financial need, qualify for appointed representation pursuant to the Criminal Justice Act. Applicants can also apply for membership on the panels that represent defendants in capital cases and that represent defendants in non-trial work, primarily habeas corpus proceedings.

The Court also has a mentoring program designed to help identify and prepare experienced state practitioners for appointment to the panel.

The application is available the Court's website, www.nysd.uscourts.gov or by calling Janna at the DCBA office at 473-2488.

From Edward Gabel, Esq.

Looking for a Will

The Law Office of Edward Gabel is looking for the will of Eric Loncto, who passed away in January 2010.

Please contact Mr. Gabel's office at 471-5300 if you can be of assistance.

From The Law Office of Thmas Halley, Esq.

OFFICE CLOSING

Effective June 30, 2010 the Law Office of Thomas Halley, Esq. is closed.

Tom is currently at River Valley Care Center in Poughkeepsie recovering from injuries sustained in a fall earlier in June. Visitors, phone calls and cards are all welcome.

From The Dutchess County Environmental Management Council

There will be several open at-large seats on the Dutchess County Environmental Management Council (EMC), and potential candidates are encouraged to apply. As many of our issues involve legal aspects, it is particularly helpful to have a member with legal acumen. Please submit a resume and cover letter, stating your background and/or interest in protecting Dutchess County's natural resources and environment, and commitment to full participation in EMC meetings and projects, to Michael Ellison, Assistant to the Chairman of the Dutchess County Legislature at mellison@co.dutchess.ny.us. All applicants will be reviewed and interviews will be conducted by the Legislature.

For more information about the Dutchess County Environmental Management Council is available at www.dutchessemc.org.

AFFILIATION WANTED

Dan Stock, formerly of Gellert & Klein, is looking for an affiliation as of counsel or similar relationship. Will bring book of business and 10 years experience as trial counsel in matrimonial cases plus 6 years Collaborative Divorce. Possible swap for office space or straight rental also of interest. Contact Dan at 845-729-8081 or daniel.stock@frontiernet.net.

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Weekend

Paralegal Certificate Program

The Weekend Paralegal Certificate Program is offered to adult students at the Marist College Fishkill Executive Center. The program offers a college curriculum which follows the established guidelines of the American Bar Association. Students can begin the program in either March or September completing the certificate in 1 year. We will be starting our 50th cohort in September 2010. For more information, please contact Donna Tompkins at Donna.Tompkins@Marist.edu or 845 897-9648.

Welcome New Members

Jane Cottrell, Esq.
Rhinebeck, NY

Sarah Scova Klug, Esq.
Poughkeepsie

Alessandra Messineo Long, Esq.
Riverside, CT & Hopewell Junction, NY

Melissa Rutkoske, Esq.
Hopewell Junction, NY

Richard B. Wolf, Esq.
Poughkeepsie, NY

Congrats!

To DCBA Executive Committee Assistant Treasurer **Hon. Jonah Triebwasser**. Judge Triebwasser was recently installed as Vice-President of the Dutchess County Magistrates Association. Judge Triebwasser joins Hon. John Crodelle, President, Hon. Frances Christensen, Treasurer and Hon. Christi Acker, Secretary.

To **Fred Schaeffer, Esq.** Fred was recently presented with a Spirit of Dutchess County Award by the United Way of Dutchess County and Hands On! Hudson Valley. The two organizations recognized community members for their countless hours of service to our community.

On the Humorous Side...



INVESTMENT SEMINAR AND COMPLIMENTARY LUNCH*

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Out & About



David Hathcock of Red Hook and Julia Mizutani of Pine Plains are this year's Ben Allen Breslow Award winners. Pictured above is John Schoonmaker, Pine Plains High School, Larry Breslow, Julia, David, and Hon. Jonah Triebwasser.



2010 Gartland Award recipient Bob Ostertag is joined by his sons, law partners Diane O'Leary and Maura Barrett and Hon. Elizabeth Shequine at the DCBA's Law Day Celebration & Annual Dinner on May 6th.



Raylene Shayo was presented with the Law Guardian of the Year Award on June 8th. Pictured above is Hon. Peter Forman, Jules Shayo, Raylene's husband, Raylene and her daughter Roberta.



Hon. Albert Rosenblatt and Hon. George Marlow are joined by their wives, Julia and Marcy, at the unveiling of their portraits on June 23rd.

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Matrimonial Practitioner

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tor, Gellert & Klein, P.C., 75 Washington Street, Pough-
keepsie, NY 12601, or email: vblake@gklaw.us, <http://www.gklaw.us>.

TERRY D. HORNER, ESQ.

announces his new office in private practice at

329 Main Street, Poughkeepsie, New York 12601.

Mr. Horner, a 28 year veteran of the law, will be concentrating in civil
and criminal appellate practice, having handled 116 appeals in the Court
of Appeals, all four Appellate Divisions and Appellate Term.

He is also available for litigation support and consultation, including
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Mr. Horner is of counsel to the Law Firm of Marco Caviglia.

Please contact Mr. Horner at **(845) 471-0044** or hornerlaw@juno.com.



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