

**FISCAL YEAR 2009 ANNUAL REPORT**  
**OPERATION OF THE ATTORNEYS FOR CHILDREN PROGRAM**  
**APPELLATE DIVISION, FOURTH DEPARTMENT**



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## INTRODUCTION

The Attorneys for Children Program (formerly known as “Law Guardian Program”) is an auxiliary agency of the Appellate Division, Fourth Department. In accordance with 22 NYCRR 1032, the Office of Attorneys for Children has been established to ensure the provision of the highest quality of legal representation for children and to administer the Attorneys for Children Program in a manner sensitive to local needs.

The Director of the Office of Attorneys for Children, appointed by the Appellate Division and supervised by the Presiding Justice, is responsible for administration of the Program. In addition, the Presiding Justice appoints members of the departmental Advisory Committee to make recommendations to the Presiding Justice and Director regarding training of attorneys for children and the promulgation of rules, standards and administrative procedures for the improvement of representation for children in the 22 counties of the Fourth Department. The Advisory Committee consists of representatives of the Fifth, Seventh and Eighth Judicial Districts of the Fourth Judicial Department.

In addition to drafting and issuing practice guidelines, the Advisory Committee selects outstanding attorneys for children for awards, makes recommendations with respect to the procedure governing designation and removal of panel attorneys for children, and researches and investigates appropriate issues in the area of attorney for children practice.

The volunteer members of the Advisory Committee meet on a regular basis. At each meeting, the Director updates the Advisory Committee on the status of the Attorneys for Children Program and provides support as needed.

## **I. FISCAL YEAR 2009 OVERVIEW**

In fiscal year 2009, the Office of Attorneys for Children participated in six initiatives to improve the Program:

- **Completed implementation of the Internet Voucher System for attorneys for children**
- **Assisted the Attorneys for Children Advisory Committee in revising the “Guidelines for Attorneys for Children”**
- **Published an Administrative Handbook.**
- **Published “Ethics for Attorneys for Children”**
- **Refined the attorneys for children program training curriculum, including adding a component on domestic violence as required by statute**
- **Instituted an appeals monitoring process**

All six goals were accomplished. They are discussed on the following pages.

### **(A) Internet Voucher System**

The Fourth Department Office of Attorneys for Children completed implementation of the Internet Voucher System (LGIV). Participation in LGIV is nearly 100 %. Various adjustments and new features were added to LGIV in fiscal year 2009.

Under LGIV, attorneys for children are issued passwords to access the system. Attorneys for children enter time spent on a case and expenses on a voucher form in the system. LGIV makes all calculations and uses only proper rates of reimbursement for such

costs as postage, mileage and copies. Thus, there is no need to “pre-audit” vouchers.

Under LGIV, in-court time (attorney appearances) in Family Court is automatically checked against Family Court records for accuracy. LGIV will not permit an attorney to enter time in-court for cases to which they are not assigned. LGIV also “flags” anomalies, such as more than 8 hours in-court time on a day or in-court time on weekends and holidays. After the voucher is completed on the internet, the attorney submits the voucher to the court for approval. After approval the court forwards the voucher to the Office of Attorneys for Children for processing and payment. Attorneys can “track”, on line, the progress of voucher payment after they submit the voucher for payment.

**(B) Guidelines for Attorneys for Children**

The Director and Assistant Director assisted the Advisory Committee in revising the “Guidelines for Attorneys for Children.” The Guidelines are an update of Guidelines issued by the Advisory Committee in the 1980's and 1990's. The Guidelines were updated to reflect current practice in light of case law, statutory changes, Court Rules and Appellate Division, Fourth Department policy.

The Guidelines contain recommended best practices for all attorneys for children. They do not apply in all cases, e.g., where the timing of the proceeding makes it impossible to comply with that part of the Guidelines pertaining to best practices prior to the initial appearance of the attorney. The Guidelines are, however, used as a basis for evaluation of the overall performance of attorneys for children.

**(C) Administrative Handbook**

The Appellate Division, Fourth Department Office of Attorneys for Children updated the Administrative Handbook, which contains a general policy considerations section outlining the role of attorneys for children and protocols; relevant rules, regulations, and

statutes; contact information for Office of Attorneys for Children staff, Fourth Department Advisory Committee members and Attorneys for Children Liaisons; detailed instructions on how to use LGIV; how to hire experts, how to order transcripts; and other relevant forms.

**(D) Ethics for Attorneys for Children**

The Office of Attorneys for Children published “Ethics for Attorneys for Children,” which includes general policy considerations, Section 7.2 of the Rules of the Chief Judge, summary of responsibilities of the attorney for the child, ethical Q & A, and all relevant cases on ethics for attorneys for children. It has been disseminated statewide.

**(E) Curriculum**

The Fourth Department Attorneys for Children Program curriculum includes seminars designed for prospective attorneys for children, as well as seminars for more experienced attorneys for children. The "Fundamentals" seminars cover the role of attorneys for children, ethical issues in attorney for children practice, and the basics of attorney for children representation in juvenile justice, child protective, and custody and visitation cases. The curriculum also includes attorney for children update seminars that are designed to provide more experienced attorneys for childrens with information about important developments in children's law. Additionally, the curriculum includes a seminar designed to sharpen the child advocacy skills of attorneys for children and includes a seminar that examines one topic in depth, e.g., sexual abuse, custody, permanency planning, forensics.

The Appellate Division, Fourth Department is an accredited provider of continuing legal education. Attorneys for children receive between 4 and 7 hours of free CLE credit, depending upon the length of the seminar.

In fiscal year 2009, the Assistant Director modified the Fundamentals seminars in accordance with experience and feedback from attorneys for children. The two

Fundamentals seminars are held in Rochester in March and October. Attorneys must attend both sessions before they can be considered for designation to the panel. In fiscal year 2009, the Program paid for lodging for prospective attorneys for children who have offices more than 80 miles from Rochester.

In fiscal year 2009, the "Update" seminars also were modified in accordance with the suggestions of attorneys for children. Most Updates contain an ethics segment and panel discussions. Further, in fiscal year 2009, the Third and Fourth Departments held an affordable "resort weekend" for attorneys for children in Canandaigua. Participants paid modest fees for lodging and meals and the Offices of Attorneys for Children provided free CLE for attorneys for children.

During fiscal year 2009, the Office of Attorneys for Children trained over 800 attorneys for children in various locations throughout the Fourth Department. The 14 seminar agendas are contained in an appendix to this report.

### **Domestic Violence Seminars**

Pursuant to recent legislation and Court Rule, all attorneys for children are required to receive initial and ongoing training on domestic violence, including the dynamics of domestic violence, its effects on victims and children, and the relationship between such dynamics and the issues considered by the court, including, but not limited to, custody, visitation and child support.

In January 2010, we co-sponsored four full-day seminars featuring nationally known speakers on the topic of domestic violence in venues in the First, Second and Fourth Departments. The seminars were videotaped and the Fourth Department Office of Attorneys for Children selected four segments that are accessible on the Fourth Department Attorneys for Children Program website. Pursuant to NYS CLE Program rules, attorneys

for children can receive free CLE for viewing the videos, as long as they have been admitted for more than two years. Attorneys for children must view all four segments by December 31, 2010.

**(F) Appeals Monitoring**

In fiscal year 2009, the Assistant Director began to more closely monitor appeals. Where an attorney for children is assigned at the trial level and the case is appealed, the case is tracked from the time the face sheet is completed until the case is heard. Letters are sent to attorneys who fail to follow the Appellate Division rules, fail to timely file a brief or otherwise appear to be neglecting their duties on appeal. Cases are referred as appropriate to the Clerk of the Court. This process has dramatically improved attorney awareness of their duties on appeal and their participation on appeals.

**PROGRAM ADMINISTRATION**

**(A) Vouchers**

In fiscal year 2009, the Office of Attorneys for Children processed approximately 22,500 vouchers totaling over 13.8 million dollars. Currently, the Program processes a voucher on the day of its receipt.

**(B) Annual Designation of Panels**

Upon the recommendation of local Senior Family Court Judges or the Supervising Judge of Family Courts in the counties where he or she sits, and a determination that the attorney has complied with the attorney registration requirements of Judiciary Law Section 468-a, and that the attorney has fulfilled the Program's mandatory training requirements, new attorneys were designated and current attorneys were re-designated to the panel effective April 1, 2009.

**(C) Assignment Summaries Distributed**

In fiscal year 2009, the Director provided all Family Court Judges of the 22 Family

Courts in the Fourth Department with a summary of their county's fiscal year 2008 attorney for children appointments, by proceeding code and cost. The summaries specify each assignment given, fees for each assignment, and total fees for the fiscal year.

**(D) New Members of the Judiciary**

Each year the Director forwards welcoming correspondence to new Family Court Judges, Supreme Court Justices and Surrogates to acquaint them with the Attorneys for Children Program and the voucher system. Enclosures include the Fourth Department Attorneys for Children Guidelines, Ethics for Attorneys for Children, as well as the Attorneys for Children Program Administrative Handbook. New Family Court Judges also receive a subscription to the New York Children's Lawyer (formerly "Law Guardian Reporter").

**(E) Liaisons**

The liaison program was created by the Fourth Department Advisory Committee to solicit suggestions and feedback from panel members on an annual basis. Twelve attorney for children liaisons attended the June 16, 2009, meeting of the Fourth Department Advisory Committee.

Issues discussed included: the training program; quality of representation issues; billing practices; and problems with school districts and DSS.

**(F) Appeals**

One hundred and twenty-two appeal vouchers were reviewed, adjusted when needed, and approved by Justices of the Appellate Division, Fourth Department.

**(G) New York Children's Lawyer**

The New York Children's Lawyer is published by the Fourth Department Office of Attorneys for Children, in collaboration with the First, Second and Third Department Offices of Attorneys for Children. It consists of a lead article, articles and books of interest,

departmental “news” and case digests of all cases of interest to Family Court practitioners. In the Fourth Department, the Reporter was mailed to all Fourth Department Family Court Judges, Surrogates and Supreme Court Justices and their respective law clerks; the Clerks and Deputy Clerks of those Courts; all panel attorneys for children; the Legal Aid attorneys for children offices; the Appellate Division Law Library; the Supreme Court libraries in each county; and the law school libraries of SUNY at Buffalo, Syracuse and Cornell Universities.

**III. FOURTH DEPARTMENT OFFICE OF ATTORNEYS FOR CHILDREN**  
**STAFF**

The Program has seven employees. The Director manages the Attorneys for Children Program; attends meetings as appropriate; speaks at bar association and other public gatherings; and consults regularly with the other three Attorneys for Children Program Directors in publishing the New York Children’s Lawyer and cooperating in other statewide attorney for children functions. The Assistant Director monitors appeals and prepares reports to the Court on appeals, has primary responsibility for the training program, and assists the Director as needed with other administrative tasks. One Court Analyst and Junior Court Analyst process vouchers. One Court Analyst functions as the Director’s Administrative Assistant and the third Court analyst functions as the Assistant Director’s Administrative Assistant. The Assistant Court Analyst is in charge of LGIV problem-solving and outreach and assists with case digesting.

**IV. FOURTH DEPARTMENT ATTORNEYS FOR CHILDREN ADVISORY**  
**COMMITTEE**

Under the guidance of Honorable Michael F. Griffith, Chairman of the Fourth Department Advisory Committee, the Advisory Committee continued to recommend Program improvements. In fiscal year 2009, Presiding Justice Henry J. Scudder made new

appointments and re-appointed past members to the Committee.

The Committee met three times in fiscal year 2009 to consider issues related to the Program, including the training program, LGIV, school district issues, the new model rules, the Hon. Michael F. Dillon awards, complaints against attorneys for children, and conflicts in attorney for children practice.

The Advisory Committee selected six outstanding attorneys for children to receive the Hon. Michael F. Dillon Attorneys for Children Award. The Awards were presented by Presiding Justice Henry J. Scudder at a ceremony held June 16, 2009. The recipients were Julie Cerio, Onondaga County, Karen Docter, Onondaga County, Steven Levitsky, Monroe County, Steven Maio, Steuben County, Emilio Colaiacovo, Erie County, and Cheryl McFadden Zak, Erie County.

#### **V. STATEWIDE ADVISORY COMMITTEE**

In 1996, the Administrative Board of the Unified Court System formed a Statewide Advisory Committee to consider statewide issues of concern for attorneys for children. The Committee is comprised of Judges from the four Appellate Divisions, Supreme Court, Family Court, Office of Court Administration representatives, and the four attorneys for children directors.

The mandate of the Committee is broad, i.e., examination of the entire attorneys for children program. Subcommittees have been established to examine the efficiency of the program and to make suggestions for improvements. The subcommittees also address issues of verification of attorney for children voucher compensation claims; quality and scope of attorney for children representation; institutional attorney for children representation; and ancillary services. The Program Director attended and participated in Statewide Attorneys for Children Advisory Committee meetings.

## **VI. DEPARTMENTAL DIRECTORS**

The departmental directors continued to meet to discuss issues of common concern and with representatives of OCA to implement ongoing fiscal policy changes and develop fiscal policy initiatives. The directors, in conjunction with the office of court administration and the office for the prevention of domestic violence, developed the building blocks for mandatory training on domestic violence.

## **VII. CONCLUSION**

In 2009, the goal of the Fourth Department's Attorneys for Children Program was to provide the highest possible quality of legal representation for children. To attain that goal the Program Director continued to focus on assessing and improving the Program and the departmental Advisory Committee continued to recommend Program enhancements and improvements.

## **APPENDIX**

**THE APPELLATE DIVISION, FOURTH DEPARTMENT**  
*presents:*

**LAW GUARDIAN PROGRAM UPDATE**

**Friday, May 1, 2009**  
Holiday Inn Batavia  
Batavia, New York

- 8:30 a.m. Registration
- 9:00 a.m. **WELCOME**  
**Honorable Eric R. Adams**  
Family Court, Genesee County  
**Tracy M. Hamilton, Esq.**  
Director, Law Guardian Program  
Appellate Division, Fourth Department
- 9:15 a.m. **FOURTH DEPARTMENT CASE LAW UPDATE**  
**Mark Schlechter, Esq.**  
Confidential Law Clerk to  
Hon. Peter Bradstreet  
Steuben County
- 10:30 a.m. BREAK
- 10:45 a.m. **PSYCHOLOGICAL TESTING IN THE CUSTODY/VISITATION CONTEXT**  
**Dr. Santo Bentivegna, Ph.D.**  
Licensed Clinical Psychologist
- 11:35 a.m. **PANEL DISCUSSION: RULE OF THE CHIEF JUDGE ON FUNCTION OF THE  
ATTORNEY FOR THE CHILD & GUIDELINES FOR ATTORNEYS FOR  
CHILDREN**  
  
**Hon. Eric R. Adams**  
**Jay Bania, Esq.**  
**Steve Levitsky, Esq.**
- 12:50 p.m. Conclusion

*The Appellate Division, Fourth Department has been certified by the New York State Continuing Legal Education Board as an Accredited Provider of continuing legal education in the State of New York from March 2, 2008 to March 1, 2011. Renewal of accredited provider status is pending. This program has been approved for a total of four (4.0) credit hours, of which one and one-half (1.5) hours can be applied toward the professionalism and ethics requirement, one and one-half (1.5) hours can be applied toward the skills requirement, and one (1) hour can be applied toward professional practice (family law) requirement. This program is suitable for experienced and newly-admitted attorneys.*

**THE APPELLATE DIVISION, FOURTH DEPARTMENT**

*presents*

**LAW GUARDIAN PROGRAM UPDATE**

**Friday, May 15, 2009**  
Best Western Carriage House Inn  
Watertown, New York

- 8:30 a.m.\*           REGISTRATION AND MATERIALS DISTRIBUTION
- 9:00 a.m.            WELCOME  
**Honorable Richard V. Hunt**  
Jefferson County Family Court  
**Tracy M. Hamilton, Esq.**  
Director, Law Guardian Program
- 9:15 a.m.            **FOURTH DEPARTMENT CASE LAW UPDATE**  
**Kevin McArdle, Esq.**  
Confidential Law Clerk to  
Hon. Charles C. Merrell  
Lewis County
- 10:30 a.m.           Break
- 10:40 a.m.           **CHILDREN IN COURT**  
**Christine S. Kiesel, Esq.**  
Statewide Project Manager  
Child Welfare Court Improvement Project
- 11:55 a.m.           **PANEL DISCUSSION: RULE OF THE CHIEF JUDGE ON FUNCTION OF**  
**ATTORNEY FOR THE CHILD & GUIDELINES FOR ATTORNEYS FOR**  
**CHILDREN**  
**Honorable Richard V. Hunt**  
**Susan Sovie, Esq.**  
Attorney for the Child, Jefferson County  
**Theresa Girouard, Esq.**  
Attorney for the Child, Oneida County
- 12:45 p.m.           Conclusion

The Appellate Division, Fourth Department has been certified by the New York State Continuing Legal Education Board as an Accredited Provider of continuing legal education in the State of New York from March 2, 2008 to March 1, 2011. Renewal of accredited provider status is pending. This program of two seminars has been approved for a total of four (4.0) credit hours, of which one and one-half (1.5) hours can be applied toward the professionalism and ethics requirements, one (1) hour can be applied toward the skills requirement, and one and one-half (1.5) hour can be applied toward the professional practice (family law) requirement. This program is suitable for experienced or newly admitted attorneys.

**THE  
APPELLATE DIVISION, FOURTH DEPARTMENT**

*presents:*

**LAW GUARDIAN PROGRAM UPDATE**

**Friday, May 29, 2009**

Holiday Inn Waterloo  
Waterloo, New York

- 8:30 a.m.                   Registration
- 9:00 a.m.                   **WELCOME**  
**Honorable Dennis F. Bender**  
Family Court, Seneca County  
**Tracy M. Hamilton, Esq.**  
Director, Law Guardian Program  
Appellate Division, Fourth Department
- 9:15 a.m.                   **FOURTH DEPARTMENT CASE LAW UPDATE**  
**Mark Schlechter, Esq.**  
Confidential Law Clerk to  
Hon. Peter Bradstreet  
Steuben County
- 10:30 a.m                   Break
- 10:45 a.m.                   **CHILDREN IN COURT**  
**Christine S. Kiesel, Esq.**  
Statewide Project Manager  
Child Welfare Court Improvement Project
- 11:50 a.m.                   **PANEL DISCUSSION: RULE OF THE CHIEF JUDGE ON FUNCTION OF THE  
ATTORNEY FOR THE CHILD & GUIDELINES FOR ATTORNEYS FOR  
CHILDREN**  
**Robert A. Di Nieri, Esq.**  
Attorney for the Child, Wayne County  
**Anne Galbraith, Esq.**  
Attorney for the Child, Ontario & Seneca Counties  
**Nancy Lord, Esq.**  
Attorney for the Child, Seneca & Wayne Counties
- 12:50 p.m.                   Conclusion

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THE APPELLATE DIVISION, FOURTH DEPARTMENT  
in conjunction with the  
Onondaga County Bar Association  
*presents*

..  
**LAW GUARDIAN PROGRAM UPDATE**

**Friday, September 11, 2009**

Sheraton Syracuse University Hotel & Conference Center  
Syracuse, New York

- 8:30 a.m. REGISTRATION AND MATERIALS DISTRIBUTION
- 9:00 a.m. WELCOME  
**Neil M. Gingold, Esq.**  
President, Onondaga County Bar Association  
**Hon. James C. Tormey III**  
Administrative Judge, Fifth Judicial District  
**Tracy M. Hamilton, Esq.**  
Director, Law Guardian Program  
Appellate Division, Fourth Department
- 9:15 a.m. **USEFUL BUT LITTLE USED: STATUTORY & REGULATORY SUPPORT FOR CHILD'S POSITION IN CHILD PROTECTIVE AND PERMANENCY PROCEEDINGS**  
**Jacqueline Sands, Esq.**  
Staff Attorney, Rockland County Legal Aid
- 10:05 a.m. **FOURTH DEPARTMENT CASE LAW UPDATE**  
**Kevin McArdle, Esq.**  
Confidential Law Clerk to Hon. Charles C. Merrell  
Lewis County
- 10:55 a.m. BREAK
- 11:10 a.m. **PARENTAL ALIENATION ... ANOTHER LOOK**  
**Santo Bentivegna, Ph.D.**  
Licensed Psychologist  
**Kelly M. Ciccone, Esq.**  
Attorney for the Child, Monroe County
- 12:25 p.m. **CHILDREN OF PARENTS WITH PSYCHIATRIC DISABILITIES:  
WHAT ATTORNEYS FOR CHILDREN NEED TO KNOW**  
**Christine S. Waters, Esq.**  
Legal Services of Central New York  
Staff Attorney, Parents with Psychiatric Disabilities  
Legal Advocacy Project
- 12:50 p.m. Conclusion

*The Appellate Division, Fourth Department has been certified by the New York State Continuing Legal Education Board as an Accredited Provider of continuing legal education in the State of New York from March 2, 2009 to March 1, 2011. This program has been approved for a total of four (4) credit hours, of which one and one-half (1.5) hours can be applied toward the skills requirement, two hours (2) hours can be applied toward the professional practice (family law) requirement, and one-half (.5) hour can be applied toward the professionalism and ethics requirement. This program is suitable for experienced or newly admitted attorneys.*

THE APPELLATE DIVISION, FOURTH DEPARTMENT  
in conjunction with the  
PRACTICE AND PROCEDURE IN FAMILY COURT COMMITTEE  
OF THE  
BAR ASSOCIATION OF ERIE COUNTY  
*presents:*

**LAW GUARDIAN PROGRAM UPDATE 2009**

**Friday, September 25, 2009**

SUNY at Buffalo  
Center for Tomorrow  
Buffalo, New York

- 8:30 a.m.        REGISTRATION AND MATERIALS DISTRIBUTION
- 9:00 a.m.        WELCOME  
**Mindy L. Marranca, Esq.**  
Attorney for the Child, Erie County  
Chair, Practice & Procedure in Family Court Committee  
Bar Association of Erie County  
**Hon. John F. O'Donnell**  
Supreme Court, Eighth Judicial District  
Member, Fourth Department Attorneys for Children Advisory Committee  
**Christine A. Constantine, Esq.**  
Assistant Director, Law Guardian Program
- 9:15 a.m.        **STAYING ON TRACK WITH DIFFICULT PARENTS**  
**Denise J. Krause, LCSW**  
Clinical Assoc. Professor & Assoc. Dean for Community Engagement  
University at Buffalo, School of Social Work
- 10:30 a.m.        BREAK
- 10:45 a.m.        **THIRD PARTY CUSTODY STANDARDS**  
**Tracey Kassman, Esq.**  
Court Attorney Referee, Erie County Family Court
- 11:35 a.m.        **FOURTH DEPT. CASE LAW UPDATE**  
**Mark Schlechter, Esq.**  
Confidential Law Clerk to Hon. Peter C. Bradstreet  
Steuben County
- 12:25 p.m.        **CHILDREN OF PARENTS WITH PSYCHIATRIC DISABILITIES:  
WHAT ATTORNEYS FOR CHILDREN NEED TO KNOW**  
**Christine Waters, Esq.**  
Legal Services of Central New York, Inc.  
Staff Attorney, Parents With Psychiatric Disabilities  
Legal Advocacy Project
- 12:50 p.m.        CONCLUSION

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THE APPELLATE DIVISION, FOURTH DEPARTMENT  
in conjunction with  
The NYS Office of Children & Family Services  
The NYS Child Welfare Court Improvement Project

*presents*

**The Race for Relatives: Addressing Relative Resources**

Friday, October 2, 2009  
Holiday Inn, Electronics Parkway  
Liverpool, New York

9:30 a.m - 3:30 p.m

**Margaret Burt, Esq., Faculty**

**TOPICS**

- Article 10 v Article 6
- Relative Placements or Foster Care Placements
- Diligent Efforts and Permanency Planning
- Court Orders-Can the Judge Order That ?
- Notice Fathers
- Permanency Guardianship
- Surrenders

**BE ADVISED:** This seminar will include attorneys other than attorneys for children, e.g., OCFS attorneys, court attorneys; and judges. The Law Guardian Program will provide a complimentary continental breakfast. Wraps, chips and soda can be purchased at lunchtime, with cash only, for \$6.00. **OUTSIDE FOOD ITEMS ARE NOT ALLOWED.**

*The Appellate Division, Fourth Department has been certified by the New York State Continuing Legal Education Board as an Accredited Provider of continuing legal education in the State of New York from March 2, 2009 to March 1, 2011. This program has been approved for a total of five (5) credit hours, of which two (2) hours can be applied toward the skills requirement and two (2) hours can be applied toward the professional practice (family law) requirement and one (1) hour can be applied to the professionalism and ethics requirement. This program is suitable for experienced or newly admitted attorneys.*

LAW GUARDIAN PROGRAMS of the  
APPELLATE DIVISIONS, THIRD & FOURTH DEPARTMENTS  
present

**UPSTATE CONFERENCE FOR THE ATTORNEY FOR THE CHILD**

Friday - Saturday, October 16-17, 2009  
The Inn on the Lake  
770 South Main Street - Canandaigua, NY

Friday, October 16<sup>th</sup>  
6:00 p.m. - 7:00 p.m.

**Reception for Attorneys and Guests**  
Complimentary hors d'oeuvres & cash bar

Saturday, October 17<sup>th</sup>  
8:00 am - 8:45 am

Registration and Refreshments

8:45 - 9:00

Introductory Welcome Remarks  
**Hon. Craig J. Doran**  
Supervising Judge of Family Courts, Seventh Judicial District  
**John E. Carter, Jr. and Tracy M. Hamilton**  
Law Guardian Program Directors

9:00 - 10:30

Custody and Visitation Caselaw Review  
**Michele Brown, Esq.**  
Children's Legal Center - Buffalo

10:30 - 10:45

*Break*

10:45 - 12:15

Understanding Divorce through Children's Eyes:  
How to Use Child Development Research  
to Guide Effective Interviews with Children  
**JoAnne Pedro-Carroll, Ph.D.**  
Rochester

12:15 - 1:30

*Lunch*

1:30 - 2:30

Why We Need A Cost/Benefit Analysis  
of Custody Evaluations  
**Robert F. Kelly, Ph.D. & Sarah H. Ramsey, Esq.**  
Syracuse

2:30 - 2:45

*Break*

2:45 - 4:15

Ethical Dilemmas Facing Attorneys in Family Court:  
An Interactive Discussion of the New Rules and Guidelines  
**Hon. Michael F. Griffith**  
Wyoming County Family Court  
Chair, Fourth Department Attorney for the Child Advisory Committee.  
**James S. Hinman, Esq.**  
Monroe County Panel Attorney  
**Carmela Mone, Esq.**  
Otsego County Law Guardian Office

6:00 p.m. - 9:00 p.m.

**Banquet**  
(pre-registration required)

THE APPELLATE DIVISION, FOURTH DEPARTMENT

*presents:*

**FUNDAMENTALS OF ATTORNEY FOR THE CHILD ADVOCACY**

**Friday, October 23 and Saturday October 24, 2009**

M. Dolores Denman Courthouse - Room 336  
50 East Avenue  
Rochester, New York

**Friday, October 23 - Juvenile Justice Proceedings**

- 9:15 a.m.\*            REGISTRATION & MATERIALS DISTRIBUTION\*
- 9:45 a.m.            WELCOME - Nuts & Bolts  
**Tracy M. Hamilton, Esq.**  
Director, Law Guardian Program, Appellate Division, Fourth Dept.
- 9:55 a.m.            JUVENILE DELINQUENCY & RELATED ETHICAL ISSUES  
The Juvenile Justice System & Pre-Trial Representation  
**Gary Solomon, Esq.**  
Director of Training  
The Legal Aid Society (NYC), Juvenile Rights Division
- 11:25 a.m.            Break
- 11:35 a.m.            JUVENILE DELINQUENCY & RELATED ETHICAL ISSUES  
Representation At Fact-finding & Subsequent Proceedings  
**Gary Solomon, Esq.**  
Director of Training  
The Legal Aid Society (NYC), Juvenile Rights Division
- 
- 12:50 p.m.            Pick Up Box Lunch
- 1:00 p.m.            DEMO: INTERNET VOUCHER SYSTEM  
**Amy Klee**, Junior Court Analyst, Law Guardian Program
- 1:15 p.m.            HOW PINS PROCEEDINGS DIFFER FROM JD PROCEEDINGS  
**Stephen R. Weisbeck, Esq.**  
Director, Juvenile Justice Division  
The Legal Aid Society of Rochester
- 1:55 p.m.            BASIC TRIAL PRACTICE/EVIDENCE  
**James S. Hinman, Esq.**  
Panel Attorney for the Child, Monroe County
- 2:45 p.m.            Break
- 2:55 p.m.            DISCUSSION: JD & ETHICAL ISSUES FACTPATTERN  
**James S. Hinman, Esq.**  
Panel Attorney for the Child, Monroe County  
**Durin B. Rogers, Esq.**  
Assistant County Attorney - Presentment Agency

Genesee County Attorney's Office  
**Stephen R. Weisbeck, Esq.**  
Director, Juvenile Justice Division  
The Legal Aid Society of Rochester

3:55 p.m. Conclusion

**Saturday, October 24 - Child Welfare and Custody Proceedings**

8:45 a.m.\* REGISTRATION & MATERIALS DISTRIBUTION

9:15 a.m. ROLE OF THE ATTORNEY FOR THE CHILD/ETHICAL CONSIDERATIONS  
**Tracy M. Hamilton, Esq.**  
Director, Law Guardian Program  
Appellate Division, Fourth Department

9:40 a.m. CHILD PROTECTIVE PROCEEDINGS & RELATED ETHICAL ISSUES  
Representation at Fact-finding & Thereafter  
**Margaret Burt, Esq.**  
Attorney in Private Practice, Specializing in Child Welfare Matters

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11:10 a.m. Break

11:20 a.m. OTHER CHILD PROTECTIVE PROCEEDINGS & RELATED ETHICAL Issues  
Termination of Parental Rights,  
Foster Care Approval & Review  
**Margaret Burt, Esq.**  
Attorney in Private Practice, Specializing in Child Welfare Matters

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1:00 p.m. Pick Up Box Lunches (Provided)

1:15 p.m. PRACTICAL POINTERS ON INTERVIEWING CHILDREN  
**Mary Beth Feindt, Esq.**  
Panel Attorney for the Child, Monroe County

2:05 p.m. Break

2:15 p.m. CUSTODY AND VISITATION & RELATED ETHICAL ISSUES  
**Michele Brown, Esq.**  
Chief Attorney for the Child  
Children's Legal Center, Buffalo

3:30 p.m. Conclusion

*The Appellate Division, Fourth Department has been certified by the New York State Continuing Legal Education Board as an Accredited Provider of continuing legal education in the State of New York from March 2, 2008 to March 1, 2011. This program of two seminars has been approved for a total of thirteen and one-half (13.5) credit hours, of which two (2) hours can be applied toward the professionalism and ethics requirements, four and one-half (4.5) hours can be applied toward the skills requirement, one (1) hour can be applied to the practice management requirement, and six (6) hours can be applied toward professional practice (family law) requirement. This program is suitable for experienced or newly admitted attorneys.*

**THE NEW YORK STATE APPELLATE DIVISIONS**  
and  
**THE NEW YORK STATE OFFICE OF COURT ADMINISTRATION**  
present  
**ADVOCATING FOR CHILDREN IN CASES INVOLVING DOMESTIC VIOLENCE**  
Thursday, January 14, 2010  
Ramada Hotel and Conference Center, Buffalo, New York

- 9:00 a.m. Registration
- 9:30 a.m. Welcome
- 9:40 a.m. Understanding Domestic Violence  
**KATHRYN FORD, LMSW**  
Senior Domestic Violence Program Associate  
Center for Court Innovation
- 10:30 a.m. Break
- 10:40 a.m. The Impact of Domestic Violence on Children and Families  
**EVAN STARK, PhD, MA, MSW**  
Chair, Department of Urban Health Administration, Rutgers University  
Professor & MPH Program Director, Rutgers University
- 12:20 a.m. Lunch
- 1:20 p.m. Interviewing Children in the Context of Domestic Violence  
**FRANK ALABISO, PhD**  
Suburban Psychiatric Associates, LLP
- 2:10 p.m. Break
- 2:20 p.m. Panel Discussion: Ethical Issues Confronting the Attorney for the Child  
In Cases Involving Domestic Violence  
**Moderator - ABENA DARKEH, ESQ.**  
Assistant Deputy Counsel, NYS Office of Court Administration,  
Office of the Chief of Policy and Planning  
**HON. DEBORAH A. HAENDIGES**  
Erie County Supreme Court  
**TANYA CONLEY, ESQ.**  
The Legal Aid Society of Rochester  
**JEFFREY HARRINGTON, ESQ.**  
Attorney in Private Practice  
**LAURA GRUBE, LCSW-R**  
Child & Family Services Haven House  
**KEVIN GIBBONS, ESQ.**  
Gibbons & Stadler, PC  
**CINDY CHANDLER, ESQ.**  
Neighborhood Legal Services
- 4:00 p.m. Conclusion

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**THE NEW YORK STATE APPELLATE DIVISIONS**  
and  
**THE NEW YORK STATE OFFICE OF COURT ADMINISTRATION**  
present  
**ADVOCATING FOR CHILDREN IN CASES INVOLVING DOMESTIC VIOLENCE**  
Friday, January 15, 2010  
Genesee Grande Hotel, Syracuse, New York

- 9:00 a.m. Registration
- 9:30 a.m. Welcome
- 9:40 a.m. Understanding Domestic Violence  
**KATHRYN FORD, LMSW**  
Senior Domestic Violence Program Associate  
Center for Court Innovation
- 10:30 a.m. Break
- 10:40 a.m. The Impact of Domestic Violence on Children and Families  
**EVAN STARK, PhD, MA, MSW**  
Chair, Department of Urban Health Admin., Rutgers University  
Professor & MPH Program Director, Rutgers University
- 12:20 a.m. Lunch
- 1:20 p.m. Interviewing Children in the Context of Domestic Violence  
**FRANK ALABISO, PhD**  
Suburban Psychiatric Associates, LLP
- 2:10 p.m. Break
- 2:20 p.m. Panel Discussion: Ethical Issues Confronting the Attorney for the Child in  
Cases Involving Domestic Violence  
**Moderator - ABENA DARKEH, ESQ.**  
Assistant Deputy Counsel, NYS Office of Court Administration  
Office of the Chief of Policy and Planning  
**HON. JOHN C. ROWLEY**  
Multi-Bench Judge, Tompkins County  
**DIANE WITHIAM, ESQ.**  
Citizens Concerned for Children  
**KAREN DOCTER, ESQ.**  
Attorney in Private Practice  
**MARY C. JOHN, ESQ.**  
Frank H. Hiscock Legal Aid Society  
**MARC WALDAUER ESQ.**  
Attorney in Private Practice
- 4:00 p.m. Conclusion

*The Appellate Division, Fourth Department has been certified by the New York State Continuing Legal Education Board as an Accredited Provider of continuing legal education in the State of New York from March 2, 2008 to March 1, 2011. This program has been approved for a total of six (6.0) credit hours, of which two (2.0) hours can be applied toward the professional practice (family law) requirement, two (2.0) hours toward the skills, requirement and two (2) hours can be applied toward the professionalism and ethics requirement. This program is suitable for experienced or newly admitted attorneys.*

THE APPELLATE DIVISION, FOURTH DEPARTMENT

presents

**LAW GUARDIAN PROGRAM UPDATE**

**Friday, March 19, 2010**  
RIT Inn & Conference Center  
Rochester, NY

- 8:30 a.m. Registration and Materials Distribution
- 9:00 a.m. *Welcome*  
**Hon. Joseph G. Nesser**  
Family Court, Monroe County  
**Tracy M. Hamilton, Esq.**  
Director, Law Guardian Program  
Appellate Division, Fourth Department
- 9:10 a.m. *Fourth Department Case Law Update*  
**Mark Schlechter, Esq.**  
Confidential Law Clerk to Hon. Peter C. Bradstreet  
Steuben County
- 10:25 a.m. Break
- 10:40 a.m. *Recognition of Hidden Emotion:  
An Observational Skill & Interviewing Aid*  
**Mark G. Frank, Ph.D.**  
Director, Communication Science Center  
Associate Professor, Department of Communication  
University at Buffalo, State University of New York
- 12:45 p.m. Conclusion

*The Appellate Division, Fourth Department has been certified by the New York State Continuing Legal Education Board as an Accredited Provider of continuing legal education in the State of New York from March 2, 2008 to March 1, 2011. This program has been approved for a total of four (4.0) credit hours, of which one and one-half (1.5) hour can be applied toward the professional practice (family law) requirement and two and one-half (2.5) hours can be applied toward the skills requirement. This program is suitable for experienced and newly-admitted attorneys.*

THE APPELLATE DIVISION, FOURTH DEPARTMENT

*presents:*

**FUNDAMENTALS OF ATTORNEY FOR THE CHILD ADVOCACY**

**Friday, March 26 and Saturday March 27, 2010**

M. Dolores Denman Courthouse - Room 336

50 East Avenue

Rochester, New York

**Friday, March 26 - Juvenile Justice Proceedings**

- 9:15 a.m.\*           REGISTRATION & MATERIALS DISTRIBUTION\*
- 9:45 a.m.            WELCOME - Nuts & Bolts  
**Tracy M. Hamilton, Esq.**  
Director, Law Guardian Program, Appellate Division, Fourth Dept.
- 9:55 a.m.            JUVENILE DELINQUENCY & RELATED ETHICAL ISSUES  
                          The Juvenile Justice System & Pre-Trial Representation  
**Gary Solomon, Esq.**  
Director of Training  
The Legal Aid Society (NYC), Juvenile Rights Division
- 11:25 a.m.           Break
- 11:35 a.m.           JUVENILE DELINQUENCY & RELATED ETHICAL ISSUES  
                          Representation At Fact-finding & Subsequent Proceedings  
**Gary Solomon, Esq.**  
Director of Training  
The Legal Aid Society (NYC), Juvenile Rights Division
- 
- 12:50 p.m.           Pick Up Box Lunch
- 1:00 p.m.            DEMO: INTERNET VOUCHER SYSTEM  
**Amy Klee, Junior Court Analyst, Law Guardian Program**
- 1:15 p.m.            HOW PINS PROCEEDINGS DIFFER FROM JD PROCEEDINGS  
**Tanya J. Conley, Esq.**  
Director of Training and Appeals, Legal Aid Society of Rochester
- 1:55 p.m.            BASIC TRIAL PRACTICE/EVIDENCE  
**James S. Hinman, Esq.**  
Panel Attorney for the Child, Monroe County
- 2:45 p.m.            Break
- 2:55 p.m.            DISCUSSION: JD & ETHICAL ISSUES FACTPATTERN  
**James S. Hinman, Esq.**  
Panel Attorney for the Child, Monroe County  
**Durin B. Rogers, Esq.**

Assistant County Attorney - Presentment Agency  
Genesee County Attorney's Office  
**Tanya J. Conley, Esq.**  
Director of Training and Appeals, Legal Aid Society of Rochester

3:55 p.m. Conclusion

**Saturday, March 27 - Child Welfare and Custody Proceedings**

8:45 a.m.\* REGISTRATION & MATERIALS DISTRIBUTION

9:15 a.m. ROLE OF THE ATTORNEY FOR THE CHILD/ETHICAL CONSIDERATIONS  
**Tracy M. Hamilton, Esq.**  
Director, Law Guardian Program  
Appellate Division, Fourth Department

9:40 a.m. CHILD PROTECTIVE PROCEEDINGS & RELATED ETHICAL ISSUES  
Representation at Fact-finding & Thereafter  
**Margaret Burt, Esq.**  
Attorney in Private Practice, Specializing in Child Welfare Matters

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11:10 a.m. Break

11:20 a.m. OTHER CHILD PROTECTIVE PROCEEDINGS & RELATED ETHICAL Issues  
Termination of Parental Rights,  
Foster Care Approval & Review  
**Margaret Burt, Esq.**  
Attorney in Private Practice, Specializing in Child Welfare Matters

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1:00 p.m. Pick Up Box Lunches (Provided)

1:15 p.m. CUSTODY AND VISITATION & RELATED ETHICAL ISSUES  
**Michele Brown, Esq.**  
Chief Attorney for the Child  
Children's Legal Center, Buffalo

2:30 p.m. Break

2:40 p.m. PRACTICAL POINTERS ON INTERVIEWING CHILDREN  
**Mary Beth Feindt, Esq.**  
Panel Attorney for the Child, Monroe County

3:30 p.m. Conclusion

*The Appellate Division, Fourth Department has been certified by the New York State Continuing Legal Education Board as an Accredited Provider of continuing legal education in the State of New York from March 2, 2008 to March 1, 2011. Renewal of accredited provider status is pending. This program of two seminars has been approved for a total of thirteen (13) credit hours, of which two (2) hours can be applied toward the professionalism and ethics requirements, four and one-half (4.5) hours can be applied toward the skills requirement, one-half (.5) hour can be applied to the practice management requirement, and six (6) hours can be applied toward professional practice (family law) requirement. This program is suitable for experienced or newly admitted attorneys.*