

COUNTY ATTORNEYS' ASSOCIATION OF THE STATE OF NEW YORK 2019 Annual Meeting

Monday, May 20, 2019

11:30am	Registration
10:30am – 12:00pm	Brunch - Fenimore Dining Room
12:00pm – 12:15pm	Welcoming Remarks Stephen Louis, Esq. CAASNY
12:15pm – 1:15pm (1 CLE Hour)	When is a Notice of Claim Notice of a Claim? Andrew J. Orenstein, Esq. Bradley M. Wanner, Esq. Harris Beach, PLLC
1:15pm – 1:25pm	Break
1:25pm – 2:15pm (1 CLE Hour)	Sexual Harassment Update Kristin Klein Wheaton, Esq. Goldberg Segalla
2:15pm – 2:25pm	Break
2:25pm – 3:15pm (1 CLE Hour)	Discretionary Powers of the County Chief Fiscal Officer Under Bond Resolutions Douglas E. Goodfriend, Esq. Orrick Herrington & Sutcliffe LLP
3:15pm – 3:25pm	Break
3:25pm – 4:15pm (1 CLE Hour)	County Interactions with Immigrants Prof. Andy Ayers Government Law Center, Albany Law School
4:15pm – 4:25pm	Break
4:25pm – 5:15pm (1 CLE Hour)	Municipal Liability Update 2019 Jonathan M. Bernstein, Esq. Goldberg Segalla
5:15pm	Annual Membership Business Meeting
5:30pm	Association Reception
6:30pm – 8:30pm	Association Annual Dinner

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2019 Annual Meeting**

Tuesday, May 21, 2019

7:30am – 9:00am	Breakfast – Fenimore Dining Room
8:35am – 8:55am	Hot Topics for County Attorneys – Fenimore Dining Room
8:30am – 9:00am	Registration
9:00am – 9:50am (1 CLE Hour)	Municipal Defense Strategies in Citizen Suits Brought Under Federal Environmental Statutes Steven A. Torres, Esq. West Group Law PLLC
9:50am – 10:00am	Break
10:00am – 10:50am 1 CLE Hour)	Sexual Harassment Litigation Strategies Howard M. Miller, Esq. Bond, Schoeneck & King PLLC
10:50am – 11:00am	Break
11:00am – 11:50am (1 Ethics CLE Hour)	Recent Developments in Professional Responsibility Karen M. Griffin, Esq. New York City Law Department
11:50am – 1:10pm	Lunch
1:10pm – 2:00pm (1 CLE Hour)	How the Courts are Interpreting the Raise the Age Legislation: Retention or Removal of Adolescent Offender Matters Pursuant to the Criminal Procedure Law Rosemary Peyton, Esq. New York City Law Department
2:00pm – 2:10pm	Break
2:10pm – 3:00pm (1 CLE Hour)	Civil Rights Updates - 2019 Adam T. Mandell, Esq. Maynard, O'Connor, Smith & Catalinotto, LLP Edwin J. Tobin, Jr. Esq. Maynard, O'Connor, Smith & Catalinotto, LLP

CAASNY 2019 Annual Meeting

May 20 and 21, 2019

SPEAKER BIOGRAPHIES

PROF. ANDREW AYERS graduated first in his class from Georgetown Law in 2005. He then clerked for the Honorable Sonia Sotomayor, now a US Supreme Court Justice, during her term on the US Court of Appeals for the Second Circuit. He also clerked for the Honorable Gerard Lynch on the US District Court for the Southern District of New York. After clerking, Mr. Ayers worked for nine years in the office of the New York Attorney General, where he was a Senior Assistant Solicitor General. He served both as a supervisor and as lead counsel in various high-profile cases involving immigration law, states' rights, constitutional rights, environmental law, and other issues. Since November 2016, Mr. Ayers has served as Director of the Government Law Center and Visiting Assistant Professor at Albany Law School. Mr. Ayers is the author of *A Student's Guide to Law School*, published by the University of Chicago Press, as well as three articles on legal ethics and an article on immigration law. His undergraduate degree is from Vassar College. He is admitted to practice in New York.

JONATHAN BERNSTEIN, ESQ., is a Partner in the Albany, NY, law firm of Goldberg Segalla. He concentrates his practice in municipal liability, general litigation, professional liability, appellate advocacy, and defending civil rights and employment discrimination suits. Mr. Bernstein has defended government agencies, elected officials, police officers, and corrections officers, as well as numerous counties and local governments in civil rights suits in federal and state courts. His professional liability experience includes representing accountants and lawyers in malpractice lawsuits. Mr. Bernstein has handled appeals before New York's appellate courts, including the New York Court of Appeals and the US Court of Appeals for the Second Circuit. He has also tried cases to verdict in state and federal court. Mr. Bernstein was a confidential clerk for the New York Court of Appeals from 2002–2004. He serves as editor of Goldberg Segalla's *Government Liability, Civil Rights and Labor and Employment* newsletter and as a Court Reporter Correspondent for the Defense Research Institute's Government Liability Committee. He is admitted to practice in New York; the US District Courts for the Northern, Western, and Southern Districts of New York; the US Court of Appeals for the Second Circuit; and the US Supreme Court. Mr. Bernstein is a member of the Town of Sand Lake Planning Board. He received a BA from the University of Colorado at Boulder and a JD, cum laude, from Brooklyn Law School, where he was Assistant Managing Editor of the *Brooklyn Law Review*.

DOUGLAS GOODFRIEND, ESQ., is a Bond Counsel Partner in the Public Finance Department of Orrick, Herrington & Sutcliff, the number one bond counsel firm in the nation for every year in the last ten years according to *The Bond Buyer*. Mr. Goodfriend has extensive experience in municipal general obligation financings. He has worked with

counties on financing for capital. His specialized areas of New York municipal law interest include open spaces programs and financings; town and county improvement district formation, consolidation, and improvement; innovative lease-purchase financings; bond resolution referendum law; village local improvement programs; and the drafting of local laws and propositions, as well as state legislation on behalf of clients. Mr. Goodfriend holds memberships in the American Bar Association, the New York State Bar Association, and the National Association of Bond Lawyers. He is a Harlan Fiske Stone Scholar, a Fulbright Scholar, and a Social Science Research Council Fellow. He was the topical issue editor for the *Columbia Journal of Transnational Law*. Mr. Goodfriend received a JD from Columbia Law School, an MA from the University of Chicago, an MTS from Harvard University, and a BA from the New College of the University of South Florida. He is one of the authors of *Bond Basics for Counties in New York State*, the only primer on the subject, and numerous articles and essays. Mr. Goodfriend is admitted to practice in New York.

KAREN GRIFFIN, ESQ., is the Professional Responsibility and Ethics Counsel for the New York City Law Department, Office of the Corporation Counsel, where she has worked since 1995. She works in the Legal Counsel Division and is responsible for counseling and training City attorneys in a wide array of legal ethics and professional responsibility matters. Ms. Griffin is the Chair of the Law Department's Committee on Professional Responsibility and Ethics and served on the New York City Bar Association's Committee on Professional Ethics from 2012–2016. Prior to her current role, Ms. Griffin was a member of the Law Department's Appeals Division and its Tax & Bankruptcy Litigation Division. In 1998, she was a recipient of the New York City Bar Association's Municipal Affairs Award for outstanding achievement as an Assistant Corporation Counsel. She graduated from Albany Law School and is admitted to practice in New York.

ADAM T. MANDELL, ESQ., is a Partner with the law firm of Maynard, O'Connor, Smith & Catalinotto LLP. Mr. Mandell represents municipalities and public officials in various types of claims, including construction litigation, commercial disputes, civil rights claims, Native American sovereignty/Non-Intercourse Act claims, and general liability claims. He is admitted to practice in New York; Massachusetts, the US District Courts for the Northern, Southern, and Eastern Districts of New York; and the US Court of Appeals for the Second Circuit. Mr. Mandell earned an undergraduate degree from Hobart College and a JD, cum laude, from Western New England College School of Law.

HOWARD MILLER, ESQ., is a Member of Bond, Schoeneck & King PLLC. Mr. Miller represents public school districts and private universities throughout New York. He provides advice and advocacy on the complex and controversial matters facing his clients, including all types of employment discrimination and retaliation claims as well as representing clients in noncompete and trade secret cases. Mr. Miller has won two significant appellate court decisions strengthening and cementing New York's "Faithless Servant Doctrine." Many of his cases have received media attention and have been reported in national employment law periodicals. In addition, Mr. Miller frequently lectures and writes articles on topics such as constitutional law, noncompete and trade secret litigation, employment and constitutional issues relating to social networking sites, and various aspects of employment discrimination

and education law. He received a JD from St. John's University School of Law and a BS, cum laude, from the State University of New York at Albany. Mr. Miller is admitted to practice in New York; Connecticut; the US Court of Appeals for the Second Circuit; and the US District Court for the Eastern, Northern and Southern Districts of New York.

ANDREW J. ORENSTEIN, ESQ., is a Member of Harris Beach PLLC, in New York, NY. Mr. Orenstein is an experienced trial attorney who focuses on complex torts and toxic tort litigation, products liability, and general commercial litigation. He has litigated and tried cases in defense of municipalities and product manufacturers in courtrooms across New York State. Mr. Orenstein is admitted to practice in New Jersey, New York, the US District Court of New Jersey, and the US District Court of New York for the Eastern and Southern Districts. He received a JD from Temple University School of Law and a BA from Brandeis University.

ROSEMARIE PEYTON, ESQ., is the Deputy Division Chief for Interstate Child Support and Collaborative and Interagency Initiatives in the Family Court Division of the New York City Law Department. She joined the Law Department in 1990 as a staff attorney in the Division's Juvenile Delinquency Unit in Kings County. Ms. Peyton has served as Deputy Borough Chief of the Kings County office and the Attorney-in-Charge of the Richmond County office. In 2006, she was appointed as the Unit Chief of the Interstate Child Support Unit. Ms. Peyton is a member of the Law Department's Coaching Collaborative, where she has worked on projects to improve the workplace environment and to promote professional development for the agency's attorneys. She has extensive experience in litigating and supervising juvenile delinquency and interstate child support cases. She has played a key role in decentralizing outgoing child support services to ensure that custodial parents may apply in the borough in which they live. She is a member of the Child Support and Paternity Advisory Committee to the Administrative Judge of the New York City Family Court. Ms. Peyton is currently working internally and with other City stakeholders on the implementation of the Raise the Age legislation. She has taught CLE courses on several topics, including same-sex marriage and parentage, equitable estoppel in the context of paternity matters, and fostering communication between interstate partners on child support matters. Ms. Peyton has a J.D. from Brooklyn Law School. She is admitted to practice in New York.

EDWIN J. TOBIN, JR., ESQ., is a partner with Maynard, O'Connor, Smith & Catalinotto, LLP. Mr. Tobin has been defending municipalities in civil litigation for thirty years. He has regularly tried to verdict, in both state and federal courts, civil rights claims against municipal entities and has a strong record of defense verdicts. Mr. Tobin's representation of municipalities has also included defending environmental hazards litigation, discrimination and bullying claims, roadway design claims, and property maintenance lawsuits. Mr. Tobin is a frequently invited lecturer on the topic of civil rights liability issues for police officers. He has presented to multiple police/sheriff departments, as well as at the Northeastern Chiefs of Police Conference. Mr. Tobin graduated from the College of the Holy Cross and Albany Law School. He is admitted to practice in the State of New York, the U.S. District Court for the Northern District of New York, and the U.S. Court of Appeals for the Second Circuit.

STEVEN A. TORRES, ESQ., is a Partner at West Group Law PLLC. He has more than twenty years of experience in municipal law, including construction and public-private partnerships, and has been a project advisor and chief legal counsel who has managed in excess of \$1.5 billion in project value in the areas of utilities, water and wastewater, transportation, building construction, and renewable energy. Mr. Torres has significant knowledge and experience in state, federal, and local regulations, including zoning, land use planning, and building and environmental permitting. His range of experience in state and federal regulatory permitting, enforcement, compliance, and litigation includes work under the Clean Water Act; Safe Drinking Water Act; national and state Environmental Policy Acts; and the Comprehensive Environmental Response, Compensation and Liability Act. Mr. Torres is nationally recognized in his practice area and is a frequent lecturer, guest speaker, and teacher-mentor to other practitioners. He is also an author, editor, and lecturer for various national, international, and regional government or industry trade groups. He co-edited the second edition of MCLE's "Massachusetts Municipal Law." Mr. Torres has had several essays published in the areas of labor law, international law, municipal law, and constitutional law. He is a sought-after speaker on municipal law, renewable energy, emerging technology, and alternative delivery construction project development. Mr. Torres has participated in programs for organizations such as the Design-Build Institute of America, the National League of Cities, and the International Municipal Lawyers Association. He previously served as corporation counsel for the City of Fall River, MA, and as city solicitor for the City of Taunton, MA. Mr. Torres served in the US Air Force from 1987-1990 as a nuclear operations officer. He received a JD, cum laude, from Suffolk University Law School and an undergraduate degree in computer science from Daniel Webster College. He is admitted to practice in New York, Massachusetts, the US District Court for the District of Massachusetts, and the US District Court for the Eastern and Southern Districts of New York.

BRADLEY M. WANNER, ESQ., is an Associate at Harris Beach PLLC in their New York, NY, office. His areas of expertise include mass torts and industry-wide litigation. Mr. Wanner is a member of the International Municipal Lawyers Association and a member of the Committee on Character and Fitness for the New York Supreme Court Appellate Division, Third Judicial Department. He received the Division Chief Award from the New York City Law Department and the Amicus Service Award from the International Municipal Lawyers Association. Mr. Wanner is admitted to practice in New York and the US District Court for the Eastern and Southern Districts of New York. He received a JD from Brooklyn Law School and a BBA from the College of William and Mary.

KRISTIN KLEIN WHEATON, ESQ., is a partner in Goldberg Segalla's Buffalo office, where she counsels and defends the interests of clients involved in complex labor and employment and commercial disputes. Her wide-ranging experience includes labor and employee relations, contract negotiations, representing boards and municipalities and assisting clients with the creation and maintenance of compliance strategies for state and federal laws. Over the course of her 20-year legal career, Ms. Wheaton has held a variety of positions in the public and private sectors. Most recently, she was the Executive Vice President for Legal Affairs at a large community college in Western New York, where, in reporting to its president, she managed a team of 20 professionals across a range of departments and represented the college on matters involving Title

IX, assessment and accreditation, civil service, contract, higher education regulatory and statutory issues, labor and employee relations, and litigation. Ms. Wheaton also spent several years in the Erie County Attorney's Office, as an Assistant County Attorney, a First Assistant County attorney, and the Acting County Attorney representing the County in federal and state courts and before administrative agencies in a wide range of municipal matters. While there, she also served as general counsel to the Erie County Commissioner of Personnel, Equal Employment Opportunity Office and Office for the Disabled. Ms. Wheaton also currently serves as an adjunct instructor in the legal studies program at a Buffalo area private 4-year institution. In 2015 she was named one of Western New York's Legal Elite by *Buffalo Business First* and the *Buffalo Law Journal*. Ms. Wheaton is a graduate of Michigan State University and Albany Law School.

CAASNY 2019 ANNUAL MEETING
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A leading Northeast firm made up of 275 attorneys, Barclay Damon LLP is the largest law firm based in Upstate New York. As a full-service law firm with experience in virtually every legal area that county attorneys and other clients may require, we team across practices to provide customized, targeted solutions informed by deep industry understanding. Barclay Damon offers well-respected legal counsel in areas that include municipal, environmental, real estate and project development, land use and zoning, labor and employment, business and finance, commercial and civil litigation, energy, and intellectual property, among numerous others. Barclay Damon also has one of largest health law practices in Upstate New York, and the firm's growing cross-border practice offers clients access to 135 lawyers on the US-Canada border. Barclay Damon has offices with 30 to 105 attorneys in Albany, Buffalo, Rochester, and Syracuse. The firm also has growing offices in Boston, New Jersey, New York City, New York State's Southern Tier, Toronto, and Washington, DC.

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Our Municipalities Practice Group draws upon the expertise of attorneys from across the firm to match their areas of concentration with the many and sometimes complex legal issues facing our municipal clients. Our client roster includes 34 cities, 31 counties, 130 towns, 91 villages, 46 school districts and 14 governmental agencies.

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plans and consult with parties. Second, as an Upstate-based firm, our fees are typically lower than similarly qualified New York City firms.

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Our Environmental Law Practice regularly assists municipalities to resolve environmental issues arising under local, state and federal environmental laws and regulations including Regulatory Compliance, State Environmental Quality Review Act ("SEQRA") matters, redevelopment of Brownfield sites, and Environmental Enforcement and Litigation. Our attorneys are well known, and are respected by state and federal regulatory representatives, both at the regional and headquarters level.

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Combining almost 50 years of legal experience, Bowitch & Coffey will provide a broad range of legal services with emphasis on Environmental Law, Subrogation, Municipal Law, Real Estate, Insurance and other Civil Litigation. Bowitch & Coffey assists several New York counties in addressing contaminated, tax-delinquent properties. The firm's environmental and municipal law practice include extensive experience in contamination of water supplies, brownfield redevelopment, regulatory compliance, the State Environmental Quality Review Act, air pollution, energy law, land use and wetland regulation. Mr. Bowitch is also a trained environmental mediator and has successfully mediated complex, multi-party environmental litigation cases.

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From its main office atop the historic Liberty Building in Buffalo, New York, the law firm of Colucci & Gallaher, P.C., provides business counseling and litigation-related services to private businesses and municipal entities throughout western New York, the northeastern United States and nationally.

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The firm's attorneys have handled disputes in federal and state courts across the country, including California, Connecticut, the District of Columbia, Florida, Illinois, Indiana, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Virginia and West Virginia.

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Harris Beach recognizes the issues that are unique to municipalities because the firm has served or serves well over 100 counties, cities, towns and villages throughout New York State. Our attorneys and professionals assist these entities by providing legal guidance and support on a full range of municipal matters including, but not limited to, general municipal law; municipal litigation; regulatory compliance and oversight; strategic and operational efficiencies for municipalities; land use, zoning, and development; community planning; economic development; labor and employment; real estate and project management; energy law; communications and crisis management services; and grant writing and administration. In addition, we represent virtually every level of state and local government, along with dozens of public authorities, industrial development agencies and local development corporations. In this capacity, Harris Beach has represented municipal boards, municipal corporations, agencies and authorities, in a diverse array of legal, policy, regulatory and programmatic matters.

Through our experience representing a broad range of public entities for decades, our attorneys fully understand the financial pressures and operating constraints municipalities face as well as the preferences for how to best manage the delivery of legal services. This understanding not only comes from our service to public entities but also from the fact that many of our attorneys have served in the public sector. By way of example, Harris Beach has over 50 attorneys with government experience, including current and former state legislative representatives, public authority chairs and board members, municipal attorneys, as well as other professionals who have served in the public sector as policy makers, economic developers, chief executive officers and project managers. This unique collection of experience provides public sector clients with an unmatched perspective when providing counsel to ensure responsible governance, implementing effective policies, addressing finance goals, and adhering to federal, state and local regulations.

Harris Beach is a leader in the practice of municipal law and provides public service information and guidance through an acclaimed online blog at www.nymuniblog.com

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Hawkins Delafield & Wood LLP is the only national law firm in the United States whose practice is devoted primarily to public finance and public projects. Each of our specialty areas supports and complements our municipal transactions practice. The Firm has more attorneys engaged in the full time practice of public finance and projects than any other law firm in the country. This concentration of expertise constitutes an unparalleled resource for our clients. The Firm is consistently ranked among the top in the nation among law firms in terms of volume as bond counsel and underwriters' counsel, according to Thomson Financial, and on a cumulative basis, the Firm has been ranked first nationally since 1980 (when statistics began to be compiled). Hawkins has participated in virtually every type of transaction in the public finance arena. Our project finance and public contracts practices are also distinguished in their breadth and experience. The Firm also has the richest heritage in terms of service to the municipal industry. Founded in 1854, the Firm has been recognized nationally for its bond opinions since the late 19th century. Our attorneys have taken part in many of the landmark undertakings in our nation's history, including toll ways, port authorities, housing finance agencies, environmental facilities, fiscal recovery agencies, and non-profit institutions. Hawkins has evolved into a full service public finance law firm of over 100 lawyers. The Firm's New York office is on the site of Alexander Hamilton's law office, at 67 Wall Street. The Firm now also maintains offices in Los Angeles, San Francisco and Sacramento, California, Washington, D.C., Newark, New Jersey and Hartford, Connecticut. Areas of Practice: Public Finance, Public Law, State and Federal Securities, Tax, Real Estate and Redevelopment, Banking, Eminent Domain, Procurement, Contract, and Privatization.

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Since 1919, when two distinguished Capital Region attorneys, William C. Maynard and Gerald W. O'Connor formed a partnership for the practice of law, the Maynard, O'Connor law firm has been a hallmark for legal expertise throughout upstate New York. Today, 99 years later, Maynard, O'Connor, Smith & Catalinotto, LLP, has a team of over a dozen attorneys and associates working for clients out of three upstate New York offices. Since the firm's inception, a substantial portion of our practice has centered on the broad area of civil litigation in both New York State and Federal Courts. Throughout this entire period of time, we have also offered comprehensive legal services in the area of Municipal Law, including, civil rights claims; construction litigation arising from public works projects; commercial disputes; Native American sovereignty/Non-Intercourse Act claims; bankruptcy; and, general liability claims. At Maynard, O'Connor, we pride ourselves on the important things. Our partners and attorneys work everyday to help our clients with the best possible legal representation. Every attorney works with our clients and every attorney evaluates him or herself on the successful resolution of matters for our clients. There is nothing more important. Our team subscribes to the highest code of ethics in our industry. We work for our clients and want them to feel comfortable knowing that we are only here to help them. We work to ensure that each of our clients feels that they are the most important client we have. We strongly believe in our team and our community. Working together, we strive to improve our community through charitable and civic contributions and efforts. This makes us all better attorneys and people. Because of our history, values and people, our clients often stay with us for decades. We've been here for them for 99 years and will continue to be far into the future.

COUNTY ATTORNEYS' ASSOCIATION OF NEW YORK

2019 ANNUAL MEETING

MONDAY, MAY 20 & TUESDAY, MAY 21

ASSOCIATE MEMBER FIRM BIOGRAPHIES

McCabe & Mack LLP

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Many current law firms do not date back even to the 20th century, let alone the 19th century! McCabe & Mack LLP traces its roots back over 120 years to the pioneering law practice of John E. Mack. We have provided continuous counsel and representation ever since, serving Dutchess County, the Hudson Valley region and clients throughout New York.

We have grown and evolved into a full-service firm that can readily address the needs of individuals, businesses and institutional clients. Our areas of practice are diverse and comprehensive, including estate planning, education law and criminal defense; business counsel and litigation; insurance defense; banking and lending; and real estate and development, among many more. The size of our staff and breadth of our experience enable us to put together the right team for any client's matter.

The founders of our firm were great believers in public service, shaping policy and giving back to the community. That tradition continues today. Our attorneys and staff are active leaders and members of many local organizations. Our attorneys have also earned the respect of their professional colleagues, as reflected by many accolades such as the AV* rating from Martindale-Hubbell and Super Lawyers designations.

Several members of our staff have been with the firm for 40 years, and some clients have been with McCabe & Mack longer than that. Our accomplished legal team includes the Hon. Albert M. Rosenblatt, retired justice of the New York State Court of Appeals.

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Orrick, Herrington & Sutcliffe LLP opened its New York office in 1984. Today, with nearly 200 lawyers in New York, it is among the top forty law firms in the city. Our size, broad-based practice in New York, and international presence clearly position Orrick as a global player today and in the future.

Roemer Wallens Gold & Mineaux LLP

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Roemer Wallens Gold & Mineaux LLP is a law firm with offices in Albany, the state capital of New York. The firm has a respected reputation for providing its clients with responsive, thoughtful, creative, efficient and effective legal services. The firm is resolution-oriented and recognizes that all aspects of the practice revolve around its clients' ability, directly and with the assistance of counsel, to negotiate the best possible results.

West Group Law PLLC

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Members of West Group Law PLLC ("WGL") have extensive experience representing municipalities and other public entities in connection with water and wastewater systems and projects, solid waste systems and projects, civic projects, municipal buildings, environmental and regulatory matters, transportation, developing regional utility systems, structuring requests for

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proposals, contract negotiations, alternative project delivery methods, land use development, and construction law.

Members of our firm have spent their careers serving state and local governments. We understand the challenges public entities face because many of our attorneys once worked in senior positions in local government. This experience enables us to provide state and local governments with efficient, creative, and low cost solutions across the United States.

WGL has offices located in Albany and White Plains, and we represent clients throughout the country.

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