



ALBANY LAW SCHOOL

CENTER FOR CONTINUING LEGAL EDUCATION

2023 CAASNY Winter Meeting

and

**2023 Juvenile
Delinquency Meeting**

December 4, 2023

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2023 CAASNY Winter and JD Meetings

December 4, 2023

SPEAKER BIOGRAPHIES

STEPHEN J. ACQUARIO, ESQ., is Executive Director and General Counsel of the New York State Association of Counties (NYSAC). In this capacity, Mr. Acquario presents a single voice for the county governments of New York State. He is responsible for the overall direction of the association, and oversees the association's agendas to ensure a cohesive and coherent legal and legislative strategy on behalf of New York State's 62 county governments. Mr. Acquario graduated *magna cum laude* from Albany Law School. He holds a B.A. in Industrial and Labor Relations from the State University of New York at Potsdam. In addition, he earned a graduate certificate in Industrial and Labor Relations from Cornell University. He is admitted to practice law in New York.

VICTOR A. CIVITILLO, ESQ. is a Senior Assistant County Attorney in the Dutchess County Attorney's Office. He has been prosecuting Juvenile Delinquency (JD) and Persons in Need of Supervision (PINS) cases since starting at the County Attorney's Office in 1992 and represents the County in appeals in such cases. He reviews all Dutchess DSS contracts and handles certain other legal matters. Mr. Civitillo conducts training for police officers in Dutchess County, including school resource officers. He has been teaching classes for the State of New York Police Juvenile Officers' Association for at least the twenty-five years. He conducts trainings for police officers on the "Raise the Age" law in various locations in New York State. He has taught continuing legal education for the County Attorney's Association of the State of New York, the Dutchess County Bar Association, the Albany County Bar Association, the New York State Office of Court Administration, and the New York State Prosecutor's Training Institute. He is the author of the original P.I.N.S. chapter in the LexisNexis Answer Guide of New York Family Court Proceedings. He is a graduate of Albany Law School and the State University of New York at Albany.

PATRICK R. CUMMINGS, ESQ., is Counsel for the New York State Association of Counties (NYSAC). In this capacity, he works with the New York State legislature regarding pending legislation in order to help county governments run more efficiently. Mr. Cummings also provides support, when requested, to county attorneys regarding laws, policies, and cases that impact counties. Prior to joining NYSAC in 2011, he was an Assistant County Attorney for Schenectady County. He is admitted to practice law in New York.

LINDA D. FAKHOURY, ESQ. is a Senior Assistant County Attorney for Dutchess County and has been with them since 2005. Her primary responsibilities include prosecution of juvenile delinquency and persons in need of supervision (P.I.N.S) cases, as well as handling contracts, municipal issues, and a variety of other legal matters for the County. Linda has done numerous trainings across the state involving juvenile delinquency, PINS, and Raise the Age matters, for police agencies, police academies,

schools, and CAASNY. Linda continues to be a go to resource for information under the juvenile justice system. Linda played a vital role in creating the Juvenile Fire-Setters Intervention Response and Education Program (JFIRE) for Dutchess County, and continues to serve on the Steering Committee, the Full Committee, and is trained as an Intervention Specialist through the National Fire Academy to address juvenile fire-setting behaviors in the County. Linda has also been an Adjunct Instructor at Marist College since 2011, teaching Criminal Law as part of the Paralegal Certification program. She is an active member of her Community and is an active member of the Junior League of Poughkeepsie. Linda graduated from Marist College in 2001, with her B.S. in Criminal Justice, and her Paralegal Certification. Linda graduated from Western New England University School of Law with her J.D. in 2004. In 2017, Linda was one of the recipients of the Dutchess County Chamber of Commerce 40 under 40 Movers and Shakers Award for her commitment to the Hudson Valley.

ROBERT J. FISHER, ESQ. has been practicing law since 1996. He is a graduate of Nova University School of Law in Florida. He is currently an Assistant County Attorney in Ulster County, and has a private practice in general law. He has also been employed as an Assistant District Attorney, Assistant Public Defender, and Staff Attorney at the Department of Social Services, all in Ulster County. He is a member of the State of New York Appellate Division Third Department Committee on Character and Fitness, and is a past Secretary and Board member of the Ulster County Bar Association. He is admitted to practice law in New York.

JOSEPH K. GERBERG, ESQ. is an Associate Attorney with the New York State Department of Taxation and Finance who currently leads the property tax team in the Department's Office of Counsel. Since beginning his State career in 1980, he has helped to shape much of the law that governs property taxation in New York. Perhaps most notably, he was the primary author of both the 1993 legislation that overhauled the State's tax enforcement laws and the 1997 legislation that established the School Tax Relief (STAR) Program. Mr. Gerberg has a Bachelor's Degree from the State University of New York at Stony Brook, a Juris Doctor from Emory University School of Law in Atlanta, and a Master's Degree in Public Administration from the John F. Kennedy School of Government at Harvard University.

BENJAMIN D. HEFFLEY, ESQ. first joined Roemer Wallens Gold & Mineaux LLP in 2012, practicing in the area of general civil litigation. In 2014, he left to join the Albany office of Barclay Damon, LLP, where he served in the Torts and Product Liability, Professional Liability and Mass and Toxic Torts practice groups. He returned to the Firm in 2017 to assist its clients in labor and employment litigation and commercial litigation matters. Mr. Heffley has appeared in courts throughout New York State, handling numerous matters in all stages of litigation, including appeals, trials, and jury verdicts. He is a member of the New York State and Albany County Bar Associations. He received his J.D., University of Denver – Sturm College of Law (2010); B.S., Psychology, Colorado State University (2007). He is admitted to practice in New York and the Northern District of New York

SAMANTHA MILLER-HERRERA, ESQ. is currently First Deputy County Attorney for Family Court at Schenectady County Attorney's Office where she oversees Juvenile Delinquency (JD) and Persons in Need of Supervision (PINS) prosecutions. In that position, she has overseen the office's implementation of new policies and procedures involving state-level reforms such as Raise the Age. She began her work with the County Attorney's Office representing the Schenectady County Department of Social Services in Child Welfare cases before the Family Court. Besides her full-time position, she is on the board of the Capital District Youth Center, Inc., a Juvenile Detention Center; the board of the YWCA of Northeastern NY, a nonprofit that provides a host of services including domestic violence victim support services, housing, and more; and is elected as a Rotterdam Town Board Member. Attorney Miller-Herrera, whose husband is a former Marine and current member of the Air National Guard, also volunteers as an attorney helping veteran and active-duty families in need of legal support. Additionally, Attorney Miller-Herrera is a well-respected real estate attorney locally handling contracts and closing. Before joining the County Attorney's Office Attorney Miller-Herrera also worked as an attorney in the Schenectady County Conflict Defender's Office representing low-income litigants in Family Court proceedings, survivors of domestic violence through Unity House, an attorney for children in the Third Department, and the YWCA as an advocate. Attorney Miller-Herrera graduated from Western New England University School of Law and McGill University.

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 J.D. from Temple University School of Law and a BA from Brandeis University.

CLAIRE L. PULVER, ESQ. is an Assistant County Attorney in Ulster County, New York. Her primary area of practice is in Family Court, where she handles Juvenile Delinquency (JD) and Persons in Need of Supervision (PINS) proceedings. In this capacity, she has handled a variety of cases and has worked closely with law enforcement and local school districts to address the behavioral needs of Respondents. She also assists in litigating Extreme Risk Protection Order (Red Flag Law) matters before Ulster County Supreme Court on behalf of the Ulster County Sheriff's Office. Ms. Pulver earned her B.A. in Italian and History at Mount Holyoke College in South Hadley, Massachusetts, and her J.D. at Albany Law School. She is admitted to practice law in New York.



2023 CAASNY Winter Meeting

December 4, 2023
9:00am – 1:00pm

The Otesaga Resort Hotel, Cooperstown, NY

8:30am – 8:55am	Registration
8:55am – 9:00am	Welcoming Remarks Shannon Hillier, Esq. Livingston County
9:00am – 9:50am (1 Professional Practice CLE Credit)	New York State Commission of Correction: Oversight of Local Jails and Lock-ups Andrew Orenstein, Esq., Partner Justine Woods, Esq., Associate Harris Beach PLLC
9:50am – 10:00am	Break
10:00am – 10:50am (1 Professional Practice CLE Credit)	First Amendment issues in the employment context Benjamin D. Heffley, Esq., Partner Roemer Wallens Gold & Mineaux LLP
11:50am – 11:00am	Break
11:00am – 11:50am (1 Professional Practice CLE Credit)	RPTL Article 11 and the implications of <u>Tyler v. Hennepin County</u> Joseph K. Gerberg, Esq., Associate Attorney New York State Department of Taxation and Finance
11:50am – 12:00pm	Break
12:00pm – 12:50am (1 Professional Practice CLE Credit)	Legislative Update Stephen J. Acquario, Esq., Executive Director New York State Association of Counties Patrick R. Cummings, Esq., Counsel New York State Association of Counties
12:50am – 1:55pm	Lunch



2023 Juvenile Delinquency Meeting

December 4, 2023
2:00pm – 5:00pm

The Otesaga Resort Hotel, Cooperstown, NY

1:30pm – 1:55pm

Registration

1:55pm – 2:00pm

Welcoming Remarks

Shannon L. Hillier, Esq.
Livingston County

2:00pm – 2:50pm

(1 Professional Practice
CLE Credit)

Removal from Youth to Family Court

Samantha Miller-Herrera, Esq.
Schenectady County Attorney's Office

2:50am – 3:00pm

Break

3:00pm – 3:50pm

(1 Professional Practice
CLE Credit)

Legal Sufficiency Regarding Weapons Charges in JD Petitions

Linda Fakhoury, Esq.
Victor A. Civitillo, Esq.
Dutchess County Attorney's Office

3:50pm – 4:00pm

Break

4:00pm – 4:50pm

(1 Professional Practice
CLE Credit)

Threat Assessment and Threats of Mass Harm

Claire Pulver, Esq.
Robert Fisher, Esq.
Ulster County Attorney's Office