



2011 Memorial Tributes

Monroe County Bar Association
Annual Memorial Ceremony
Friday, November 4, 2011

A TRIBUTE TO
HAROLD C. BAYER, ESQ.

1923 - 2011

Harold Bayer died at home peacefully on May 17, 2011 surrounded by his children. He was 88 years old. He was my father and fellow attorney and I greatly miss him. At the time of his death he would call me daily and ask when am I going to retire from this stressful occupation and then I would be questioned on which of his old friends I had seen at the courthouse, how the judges were behaving and what I thought of a particular trial that was in the news.

I remember my father as an attorney, sitting on the coach late into the night with gory photos of car accidents spread out on the table. I would overhear him calling State Farm to discuss settlement, usually to no avail. He would then prepare. He had an engineering degree from University of Michigan, his law degree was from Georgetown, and his medical expertise was learned in trial preparation. "If you are going to try a case, you make yourself an expert in the area of controversy" he would tell me. I remember a particular products liability case involving a CCM hockey helmet that left a child quadriplegic. It haunted him. He insisted on traveling to the factory to learn firsthand how the helmet was engineered. He was persistent, thorough and a zealous advocate. He was proud of being a trial lawyer and he was good at it.

His practice changed throughout the years, starting as in-house counsel doing patent work, then as a solo practitioner sharing an office with his friend, Victor DiSimon and evolving into partnerships, Bayer & Dupree, and then, Bayer & Smith. When he retired, he still handled many cases pro bono and became my advisor. He had incredible intelligence and yet common sense so he could judge a defense as plausible or not to the average juror.

My father adored the law but he said that the best thing he ever did was to retire early. He was still a workaholic but his new passion was knowledge. He enrolled every semester at MCC taking philosophy, comparative religion, sociology, and at his death he was studying neuropsychology. Religion was center in his life, attending bible classes weekly, distributing communion to the elderly at the nursing home. He became deeply concerned with injustice in the world. He quietly contributed to local food banks, women's shelters and health programs. He still had fun, swam daily, traveled around the globe, played ping-pong and as much golf as the knees allowed.

My father's life was my mother, Betty Willging, whom he married at the age of 22 and lost her to Alzheimer's in 2008. His number one priority always was family. He raised 10 children, put them all through college, and taught them all downhill skiing, sailing,

and tennis and how to change a tire. He was a devoted father who is loved and missed greatly by his family.

*Respectfully submitted by:
Pamela J. Bayer, Esq.*

A TRIBUTE TO
WILLIAM WARREN BELL, ESQ.

1927 - 2011

Bill was born September 15, 1927 at Strong Memorial Hospital. His parents lived in Washington, D.C., but his mother came to Rochester to be with her parents for his birth and recovery. Soon thereafter they returned to Washington.

He was educated in the Washington schools and graduated from Western High School in 1943 and entered Haverford College, Pennsylvania. When drafted, he served in the Army and was stationed in post-war Japan in the occupation forces. His comment was, "mostly we ran up mountains with a pack on our backs".

Discharged from the Army, he graduated from Haverford with a B.A. in history. He returned home to Washington and worked for the government, posted in Washington, Paris and London. Recognizing the need for further education, he then went to Cornell Law School and graduated in 1956.

He then returned to Rochester and worked with the law firms of Culley Marks, then Allen O'Brien & Bell, and finally Harter Secrest & Emery LLP. He was HSE for 30 years until his death. In the Real Estate Department, his expertise in title searches and other matters was well known. Many of his colleagues have expressed their gratitude at his patient and informative tutelage. Bill was also a member of the New York State Bar Association and the Monroe County Bar Association.

In addition to his law career, he was a man of extensive interests. Sports car racing and rally were a longtime hobby for him. He was an active member of the Finger Lakes Region Sports Car Association of America. His wife, Phyllis McConnell Bell, was an involved enthusiast at his many announcing jobs at Watkins Glen and other races. Their trips within the States and abroad were a joy to them both.

After Phyllis's death in 1993, he felt that music would be a good therapy. He took up the clarinet, took lessons and practiced diligently and became a long-time member of the New Horizons Band. His musical interests included Classical and Jazz, and he was an active member of the Flower City Jazz Club. He had an extensive collection of Jazz recordings.

Even as a youngster, Bill had an interest in HO gauge model trains. His 18-foot train layout in his basement was a marvel of detail and imagination. All the buildings were

made by hand and illuminated and peopled by the appropriate people, animals and greenery.

Doll house furniture was another hobby and skill. He researched antique furniture magazines to get the period just right. Again, the rooms were illuminated, the dinner table was set with complete service, and rugs were on the floor. Two of his rooms were entered in the Philadelphia Flower Show and won Honorable Mention.

The icing on his cake was the cottage in Northern Ontario, Canada. His summer weeks at the cottage were a high point of the year for him.

Bill was always there for family holidays and events. They will not be complete without Uncle Bill.

*Respectfully submitted by:
Barbara Bell Jutila*

A TRIBUTE TO
NEIL F. BUBEL, ESQ.

1922 - 2011

Attorney Neil Bubel, passed on August 24, 2011, left behind so many who loved and cherished him. He is missed by beloved wife Billie; son, buddy and golf partner Richard; adored daughter-in-law Pamela; devoted stepdaughter Jill Neri Fahy and treasured grandchildren Lindsey (Bradley) Carter, RJ and Scott Bubel and Madison Neri. Sadness in his passing is also felt by his sisters and brother Geraldyn (Keith) Harder, Richard (Betty) Bubel, Joyce (Ed) Janowski and Peggy (Art) Kregal, nieces, nephews, extended family, numerous friends and caring neighbors. His first wife Susan, sisters Jacquelyn and Patricia and grandson Anthony Neri predeceased Neil.

Neil leaves a legacy rich in compassion, loyalty, wisdom and integrity. He had an undiminished energy for life, coupled with a never-ending sense of humor. He was a contented man of routine; his wants never outnumbered his needs. He was someone who shunned the limelight and numerous good deeds were done quietly and without ostentation and any desire of recognition. Neil's unwavering cheerful disposition was void of complaints. Possessing the patience of Job, he was never in a hurry or anxious. A true listener, he never passed judgment or offered unsolicited advice.

Neil was a voracious reader, up to the minute on current events, and always in the middle of a good book. History and politics fascinated him, and in the late 1960's while serving as Gates town Attorney, he announced his candidacy for State Senator and US Congressman.

Neil served his country proudly as a United States Marine during World War II and was equally proud to call both The University of Rochester and Syracuse Law School Alma maters. Ever intrigued by the law arena, he continued his law practice into his mid-eighties.

The simplest of pleasures delighted Neil: family get-togethers with stories shared, a magician's mystifying trick, cutting grass, a library visit, daily walks, a slow waltz, a fast swing, coffee with friends, shoveling snow, a zealous discussion, afternoon tea, a rose from the garden, his sweet can, Tique, a nightly movie and, most assuredly, his life-long passion for the game of golf.

As described by his grandchildren, Neil will be forever remembered as: Lindsey: Sarcastically humorous, stubborn/independent and an involved grandfather. RJ: (Papa's quote which has always kept my life in perspective): "I've always considered myself a millionaire because I've never seen the value in material possessions when

compared to the true value of friends and family." Scott: Honest, caring, hardworking and someone to look up to. Anthony (at age 7): One of the good guys. Madison, Lover of life, never judgmental and always happy.

"For when the One Great Scorer comes to mark against your name, He writes not that you won or lost, but how you played the game." Grantland Rice. Neil played the perfect game.

Adapted from the obituary lovingly prepared by Neil's wife and family.

A TRIBUTE TO
SAMUEL B. DATTILO, ESQ.

1934 - 2010

Sam was born in Rochester in 1934. He attended Syracuse University and then graduated from the University of Buffalo School of Law. He joined his father, Philip B. Dattilo, Sr. Esq., in the practice of law and retired in 2005. Sam had a general practice and the majority of his clients became friends. He was an expert in real estate law and had a very lucrative real estate practice.

He had a great love of the outdoors and had a Charter Fishing Business first at Henderson Harbor and then on Lake Ontario. He was past president of the Genesee Charter Boat Association and was a member of the committee which recruited captains for the American Red Cross "Casting for Caring" which function has raised over \$450,000.00. Sam was also a member of the Lake Ontario Charter Board Association. He was an avid hunter traveling to Montana and Quebec.

He is survived by his wife Margaret; his three sons, Samuel, Jr., Thomas and Philip, II; his sisters, Margaret Capuano, Rosanne Nelson and his brother, Philip B. Dattilo, Jr. Esq., and his stepmother Mary G. Dattilo.

*Respectfully submitted by:
Philip B. Dattilo, Jr., Esq.*

A TRIBUTE TO
THOMAS J. DERLETH, ESQ.

1928 – 2011

Thomas Derleth, Esq. died at age 83 on February 2, 2011. A solo practitioner, Thomas Derleth practiced law for fifty (50) years.

Thomas was born on Brown Street in Rochester on May 28, 1928. A life-long bachelor and City of Rochester resident, Thomas lived in the family home caring for his mother through her failing health and passing, and thereafter on his own. Tom would remark that driving more than ten (10) minutes to work was foolish. He was the second child of seven (7); and one of fourteen (14) grandchildren. Tom himself lightheartedly joked that he came from a large family, who had a “Tom, Dick and a Harry.”

Thomas graduated from Aquinas High School in 1946. Since the local colleges were filled with veterans, a priest from Immaculate Conception encouraged him to attend the University of Missouri for undergraduate while on an army deferment. Spending seven years at the University of Missouri, Thomas graduated from law school in 1953, then served stateside during the Korean conflict as a cook, MP and an office clerk in Fort Dix, New Jersey simply because as his brother Richard said, the Army found out he could type.

Thomas returned to Rochester to practice law, and did so at first with Al Damanda; later sharing office space with Bernie Pogel at the Times Square Building, and then Bob Getlin, Jim Bailor and Louis Noto at Reynolds Arcade until his retirement in 2002. Always generous, Tom did much pro bono work for his extended family and longtime friends. Thomas was actively involved in the west side Memorial American Legion, and Gates Lion’s Club (having held several positions - including Tail Twister).

Tom was known for his gift of gab, great wit, and a dry, biting sense of humor that Attorney Louis Noto described as a cross between Rodney Dangerfield and Woody Allen. Louis Noto said Thomas was a brilliant guy with a photographic memory, serving as his mentor on Trusts and Estate matters. Thomas had an innate ability to remember everything he ever read. Tom was a sports enthusiast who enjoyed a good rivalry. Tom was an avid Mets baseball fan, and Giants football fan. It was not unusual for Tom to have two TVs going at the same time watching sports, rooting for the Mets and against the Yankees, and ribbing any friend including Louis Noto about the Yankees. Tom too had an amazing command of old movie trivia from the 40's, 50's and 60's. Since Tom was a natural expert on Jeopardy, his brother Richard

resorted to calling their sister in California, where the show was televised earlier in the day to get the answers in advance. It is the only time Tom “did not get one up on everyone”. When Tom was bewildered at Richard’s performance, Richard just told Tom “I’m a lot smarter than you think I am”.

Tom was a true gentleman and is missed.

*Respectfully submitted by:
Hon. Dandrea L. Ruhlmann*

A TRIBUTE TO
ROBERT J. EDELMAN, ESQ.

1920 - 2011

Robert J. Edelman, Esq., was born on April 19, 1920, in Rochester, New York, where he grew up on Maplewood Avenue. He served as an Army Lieutenant during the Second World War, after which he attended law school at St. John's University in Brooklyn. He married Patricia Hanson in 1948 and in 1950 they moved to Albany where he worked on legal publications for Bender Publishing. In 1954 he returned to Rochester, with his wife and the first three of what would be five children, and began clerking for Judge Marvin Dye at the New York Court of Appeals and then for Judge Harry Goldman at the Appellate Division of the New York Supreme Court, Fourth Judicial Department. By the late 1950's he had established himself in private practice, where he would remain for more than fifty years. He counted himself fortunate in the colleagues with whom he shared office space during those years: Arthur Rosenberg, Charlie Kenning and Charlie Pembroke, among them, and, most recently, Paul Mura. He was a founding member of the Thomas More Lawyers Guild and a long-time member of the Board of the Charles Settlement House, on which he served as President for several years. In 2010, at the age of 90, he retired.

Throughout his career the law was to him a profession, as distinct from a form of commerce. He used the word 'profession' in that older sense of a vocation in which a branch of learning was applied in the service of others, as medicine, too, has sometimes been conceived. So, too, pro bono work was for him exactly that, work undertaken simply 'for the good' and so to be carried out as quietly as possible. He lived devoted to his family. He loved his wife and his children and, in later years, his 18 grandchildren and growing number of great-grandchildren, showing an unflagging interest and delight in all the members of this extended and extending family. For most of his more than fifty years of practicing law he began his day by walking a mile or so to catch the bus that would take him downtown and at the end of the day returned home the same way. But the walking he enjoyed most was the walking he did each summer on the beaches of Cape Cod during the family vacation.

As must have been evident to anyone who worked at all closely with him or knew him at all well, he was a thoroughly honorable man. Thus, on the day his death, his long-time secretary and friend Jean Powell could say to one of his sons, 'He was the most honest man I ever knew.' He also enjoyed a considerable sense of humor which, happily, he exhibited right into the evening of the night he died.

*Respectfully submitted by:
John T. Edelman*

A TRIBUTE TO
WALTER C. EVES, ESQ.

1925 – 2010

Walter C. Eves, a son of Maryland and a huge fan of genuine Maryland crab cakes, was a graduate of the University of Pennsylvania's Wharton School of Finance. He received his law degree from Syracuse University in 1957, the year he was admitted to the New York State Bar. He spent a number of years working with attorney James Frye in the general practice of law and then in 1968 he became associated with the firm of Zurrett, Sullivan, Smith, Gough & Skipworth. He became a partner in the firm as of January 31, 1973 by which time the firm was known as Sullivan, Gough, Skipworth, Summers & Smith, where the firm remained in their traditional offices at 1020 Reynolds Arcade Building. Walter remained an active partner until his retirement.

During his career he served a president of the Greece Chamber of Commerce and served many years as Greece Deputy Town Attorney.

The jewels of his life always remained his daughters, Pam Crist and Susan Larry.

Walter's penchant for finance as evidenced by his Wharton degree always seemed to be in evidence as he was a daily consummate reader of the New York Times and Wall Street Journal. In a firm steeped in civil trial tradition Walter was the mainstay of good business judgment for the corporate and business interests of the firm's clients and the firm itself. He had a substantial corporate practice, yet learned to be a litigator. Those of us who worked with Walt enjoyed watching him prepare for a trial. Nothing could distract him and he wrote the book about trial preparation.

One story about Walter that his partners will never forget is the treat of having lunch with him. No matter where we went or how often we attended the same restaurant Walter would scrupulously scan the menu; he would always ask detailed questions about the menu items; then ask for the specials followed by similar detailed questions about the specials; and then when the waitress returned he would always summarily order a cheeseburger!

Walt has been missed for his erudite and incisive judgment as well as his refreshingly light sense of humor when he was not on trial!

*Respectfully submitted by:
Thomas N. Trevett, Esq.*

A TRIBUTE TO
MORRIS (MORRIE) GARDNER, ESQ.

1911 - 2010

Morris Gnatowsky was born in Manhattan on March 11, 1911. He was the youngest of four brothers and a half brother. Morrie was fortunate in that he alone of all of his brothers had the opportunity to attend college. Working days and attending college at night, he attended City College of New York followed by St. John's Law School.

Graduating from Law School in the midst of the great depression, Morrie found it difficult, if not impossible, to be hired because of his Jewish sounding surname. He and his brothers literally chose a new name out of the phone book and Morris Gnatowsky legally became Morris Gardner. He was then able to find work as a law clerk for a New York City law firm at a salary of \$5 per week.

Eager to find more security given the difficulty young attorneys were having finding any work during the depression, Morris applied for several civil service jobs in New York. As luck would have it, he qualified for a position with the State of New York but it required him to relocate to Albany, New York. Glad to find any steady job he accepted the offer, not realizing that it would lead to his lengthy career in Civil Service. That first appointment, in 1937, was with the Unemployment Insurance Department in Albany, earning the grand sum of \$840 a year.

Morrie continued with the State through many moves and promotions within the Civil Service System. From that first position in Albany, he moved with his new bride, Esther, to Ithaca in 1938. After a brief move back in New York City, Morrie and his growing family moved to Rochester in 1942.

In Rochester, Morrie served in the Unemployment Insurance Division and later in the Motor Vehicle Bureau where he was the Motor Vehicle Referee for Upstate New York. His cases consisted of all aspects of motor vehicle law, from serious driving violations and accidents, to inspection station violations and dealership fraud. Morrie was especially proud that of all his rulings, none were ever overturned on appeal.

Morrie also conducted a small but steady private practice in Rochester. He was affiliated for many years with the firm of Lacy & Katzen. He retired from the State in 1972, planning to devote full time to his private law practice. This career change turned out to be somewhat brief. Having enjoyed a winter vacation in Florida, Morrie and Esther decided to purchase a condominium in Deerfield Beach, Florida. They sold their home in Irondequoit and fully retired to Florida in 1976.

In retirement, Morrie continued to use his expertise in law for the benefit of his condominium association. He was instrumental in the association's successful lawsuit against the developer of Century Village for construction defects and omissions.

While always taking his work seriously, Morrie had a keen sense of humor and was more interested in people than things. He was a superb checker player as well as an excellent bridge player. He was a devoted husband, father, grandfather and great-grandfather. He kept his strong sense of devotion to his family right to the end of his long and difficult bout with Alzheimer's disease. On November 1, 2010, Morrie passed away at age 99 after a full and meaningful life.

*Respectfully submitted by:
Robert Schwartz, Esq.*

A TRIBUTE TO
CARY P. GRANT, ESQ.

1948 – 2011

Cary was born on December 22, 1948 in Brooklyn, New York and died on January 21, 2011 in Tallahassee, Florida after a very brief illness. Cary is survived by his loving wife, Joan Braveman, daughter, Allison Grant, step-children, Benjamin Gould and Rebecca Jackson. He is also survived by 4 grandchildren, Ari and Micah Gould, and Zoe and Sasha Jackson.

Cary graduated from Erasmus Hall High School in 1965; Brooklyn College in 1969; and Brooklyn Law School in 1975, cum laude. With a degree in Psychology from Brooklyn College, Cary opted to start his career as an elementary school teacher. He taught in Brooklyn for six years while attending Brooklyn Law school at night. Following his graduation from law school, Cary went to work for the Hynes Commission whose function was to investigate nursing homes. Having spent some time in Rochester presenting cases to the Monroe County Grand Jury for the State Special Prosecutor's Office, he decided to leave the rat race of New York City and move to Rochester where he worked in the District Attorney's Office until late 1981. For the next 21 years, Cary was in private practice in Rochester.

Cary, a very intelligent, knowledgeable person, was passionate about his work. His clients were represented by someone who not only was facile in law but also someone who really cared about them. His background and interest in psychology allowed him to be compassionate, sympathetic, and, at times, empathic with his clients.

In 2002, when his wife had a professional opportunity in Tallahassee, Florida, Cary decided to retire from law and pursued other interests. Prior to his death, Cary was very active at a health club where he had become a consultant, confidante, and advisor to the other members. He is sorely missed by all who knew him.

*Respectfully submitted by:
Joan Braveman*

A TRIBUTE TO
ANDREW M. GREENSTEIN, ESQ.

1933 - 2011

Andrew M. Greenstein, Esq., age 78, died from cancer Monday, May 9, 2011 at his home on Hilton Head Island, where he resided with his wife, Barbara. He was the son of Hannah and Benjamin Greenstein, Esq. and step-son of Sol Brody, Esq. of Philadelphia.

Andy graduated from Cornell University and Cornell Law School where he was editor of the Law Review. A veteran of the Korean War, Andy was a senior and managing partner in the Rochester NY firm of Kessler & Underberg where he practiced corporate and tax law for over 40 years. While there, he was President of the Rochester Museum & Science Center and the Strasenberg Planetarium and was a Trustee of the Crestwood Children's Center.

Andy lost an eye in a home accident when he was a young lawyer and he made it a point to visit hospital patients about to lose half their vision. He also opened his Rochester home to refugee families from Cambodia and Ethiopia. He and his deceased first wife, Sondra Cowan, had three children: Benjamin J. Greenstein, PhD of Mt. Vernon, Iowa; Daniel Isaac Greenstein PhD of Piedmont, California; and Ann Greenstein (Farbman), MFA of Arlington Heights, Illinois.

In 1981 Andrew married Barbara Flanagan, former Executive Director of the Rochester Multiple Sclerosis Society. They became proprietors of a Country Inn in Dromahair on the West Coast of Ireland and received excellent reviews by the Michelin Guide and Egon Roney. Andy's persistent curiosity prompted their extensive travels from the Trans-Siberian express across Russia, Mongolia and Siberia, to the Sahara desert; from China to Africa; from all of Europe to all of the United States.

When he retired, they moved to Hilton Head Island where they resided for 16 years. During this time he served as President of Friends of the Library, and as first President of Lifelong Learning of Hilton Head. He continued as a volunteer helping to set curriculum, and lecturing on the Supreme Court and the Constitution. Andy was an animal lover and supported Barbara's efforts to establish SNAC: Spay Neuter Alliance & Clinic which serves 10 counties in Georgia and South Carolina.

*Respectfully submitted by:
Lawrence P. Keller, Esq.*

A TRIBUTE TO
IRVING L. KESSLER, ESQ.

1923 - 2011

On August 6, 1923, Irving Louis Kessler was born to Rose and Max Kessler in Rochester, New York. Irv was the youngest of four boys; he and his brothers, Ben, Abe and Jack were very close all of their lives. To them family was everything. The family was influenced deeply by their strong Jewish heritage and gave rise to the strong adherence to the discipline required by their mother, Rose. It created a bond among them that lasted all of the brothers' lives and up to the day Irving died. While Irving had no children of his own, his brothers' children thought of him more as a father figure than an uncle. Irving felt the same way and had a childlike love for each of them.

As a child growing up in the St. Paul area of the City, he graduated from Franklin High School at North and Hudson Avenue. Following graduation from Franklin High School, Irving served in the military during World War II as part of the 91st Infantry Division. His heroic action as a soldier in the Anzio Beach, Italy landing resulted in the awarding to Irving of the Bronze Star as described in letter dated August 15, 1945 from the Commanding officer of the 91st Infantry Division, Major General William G. Livesay: "...When a soldier was seriously wounded, Private First Class KESSLER immediately moved forward in the face of heavy enemy artillery and mortar fire toward the casualty. Completely disregarding his personal safety, he proved a path through a minefield to the side of the wounded soldier. Although enemy bullets were striking all around him, he courageously assisted in evacuating the casualty to an aid station. Private First Class KESSLER's prompt and courageous action, initiative and devotion to duty, reflect great credit on himself and on the Armed Forces of the United States..."

After the war, he entered and matriculated from Ohio State University in Columbus, Ohio. It was at Ohio State that Irv began to experience and enjoy the bitter rivalry during the football seasons with the University of Michigan. I know how intense Irving felt because I, as a graduate of the University of Notre Dame, felt a similar rivalry with the University of Michigan. Frequently when we were working on Saturdays, Irving and I would have long conversations about an upcoming game between Ohio State and Michigan. We all knew Irv's tradition of watching the game at a restaurant where alumni from both schools would gather. Irving was adamant in telling me that the gathering was always one of good feeling regardless of who was the victor of the game.

Following graduation from Ohio State, Irv then went to work in the field of labor relations, but found the work unrewarding. So he entered law Harvard Law School and graduated in 1952. That same year, Irv became an associate of the law firm of

Goldstein, Goldman & Goldman and thus began a very long and distinguished legal career.

During Irving's funeral, his nephew, Richard, said that he had often heard of Irv's kindness as a mentor to younger attorneys, and Dick said it would not surprise him if there were a number of attorneys present at the funeral service who had been a recipient of his Uncle's mentoring. I later told Dick that he was correct, that I was among those attorneys who were favored by Irving's kind mentoring. In particular, as a new real estate attorney with a competing law firm, I was sent to a very complicated commercial closing. During the closing, Irv very quietly directed me and a colleague from the Bar by the name of Paul Speranza through the closing so that it was completed without a hitch, all the while Irv was telling his client what competent attorneys we were and what a good job we were doing. For many years thereafter, I always remembered that very positive incident and always congratulated attorneys in any transaction that I was involved in where I had more experience than they did – always trying to pass on the generous mentoring which Irving afforded myself and other young attorneys of the Bar. It did not take me long to feel at home with Irv as my mentor and very good friend.

Irving would always make himself available on Saturdays to us younger attorneys if we had issues or problems we wanted to discuss with him. He never closed his door to us. Irving had a strong interest in mentoring younger attorneys but also in assisting clients and their businesses. He was well known in our client community. Irving enjoyed greeting firm clients and ensuring that the services provided to them were top notch.

During Irving's work at the firm, he extended his talent to many causes in the community. He was a founding member of the Rochester Economic Development Corporation (REDCO) in 1983 and served on its Board for 22 years, rarely missing a meeting. He was a devoted trustee and past president of the Monroe County Library System and Rundel Library Foundation. He received the Harold Hacker Library Lifetime Achievement Award in 2005.

The sense of family would be part of Irv's life wherever he went, including the firm of Underberg & Kessler. We all regarded Irving as part of our family and I am convinced he thought of us as his family. Never was that more evident than when Irv suffered some health issues, and his partners and colleagues – his Underberg & Kessler family – responded as they would for their own family members. They returned the support and kindness that Irv had always shown them.

Underberg & Kessler has for many years been more than a law firm serving countless people – it was a family lead by Irving Kessler, who died on August 1, 2011 after 59 year with the firm.

*Respectfully submitted by:
John W. Crowe, Esq.*

A TRIBUTE TO
MARK H. KLAFEHN, ESQ.

1927 - 2011

Our Dad, Mark Klafehn, grew up in Hamlin, New York, which was at that time, a small farming community. He learned discipline and hard work at a young age on the farm, and he often remarked that his early life opened his mind to the possibility of choosing a different career path, which clearly he did. We saw that he brought that same discipline and long hours of work to his practice of law, but it was evident that unlike farm work, the legal profession was his passion.

Although Dad's early schooling began in a one room schoolhouse, it gave him a solid foundation for his later years of study. When new books were not available to read during the Great Depression, Dad read the dictionary, giving him a rich vocabulary and proficiency in the language that he used throughout his life. His love of reading also never stopped, serving him well in his college years at Cornell University and at the University of Buffalo, where he attended law school.

Dad always wanted to see the world, and his first opportunity to do so was during his years of military service in World War II and the Korean War. During the latter, he spent his time in Japan working in the Intelligence branch of the Army. He continued his world journey throughout his life, travelling with his wife Joan, to China, Vietnam, Australia, New Zealand, Africa, and Europe. He would comment on how fortunate he was to live at a time when technology kept up with his dream to travel so easily to far-flung places.

Dad had different opportunities to practice law when he graduated, but he knew that he wanted to go back to the community where he grew up to help the people that he knew with their many legal issues. His 50 plus years of practice, at his firm in Brockport, New York, was the quintessential small town practice, handling most issues that the clients brought through the door. Later in his career, he marveled at how his practice was so varied, challenging and ever-changing as the lives of his clients progressed, sadly working on many estates later in his career as they passed away. In his spare time, he also helped the community through the years by serving as a Justice of the Peace, Councilman, President of the Church Council at St. John's Lutheran Church, and as the Vice President and Treasurer of the Alvin F and Ruth K Thiem Charitable Foundation.

Dad was dearly loved and will be missed terribly by many, including his dear wife Joan, family, and friends, but we continue to joyously experience so much of him living on in his grandchildren, Dan, Kirsten, Cameron and Jacob. He passed on his

twinkle of humor in their eyes, his love of reading and travel, his passion for athletic activities and studies, his ability to debate, his hobbies of fishing and hunting, and the enjoyment of playing a good game of pool, hearts, and euchre.

*Lovingly and respectfully submitted by:
His daughters, Mary Klafehn Covell
and Lynn Klafehn Miller*

A TRIBUTE TO
DAVID M. LEVY, ESQ.

1918 - 2011

If there was ever a man for all seasons, it was David M. Levy. He lived hard, and he died hard at the age of 92 after a long and full life.

Dave was born, raised, lived and died in Rochester. After school here, he attended Syracuse University and after receiving his under graduate degree, entered into the Navy, after which he returned to Syracuse where he received his law degree.

Although it has been said of others, Dave was indeed a lawyer's lawyer in the field of Eminent Domain and Real Property Tax Review. It could be said that he was eminent in eminent domain and enjoyed national reputation in that discipline.

Dave was a prodigious worker and was no less than a supreme success in his chosen profession. He played as he worked, and was an outstanding skier which he enjoyed doing until almost 90 years old, and he did it in this country as well as Canada, Alaska, Europe and South America.

His summer avocation was fly fishing to which he was devoted with a passion and which he did all over the world; here, Alaska, Canada, the United Kingdom, Russia, Australia, New Zealand, South America and on and on. No fish was safe with Dave around. His last fishing trip to Green River in Utah was made just months before he died.

His finest hour, without a doubt was his service to his country in World War II as a P.T. Boat Commander in the Pacific in extremely dangerous waters. He served with the future President of the United States, John F. Kennedy, whom he counted among his friends. Dave was a hero in the true sense of the word.

Having been predeceased by his wife Bernice and his second wife Peggy, he will be sorely missed by his stepdaughter Carol Hauter and her husband David, by his friends and colleagues, and by Yvonne Allen, her husband David and their two children who became Dave's family in those closing years.

Truly one of the greatest of the greatest generation, a lawyer, a patriot, a fine human being. Rest in Peace, Dave.

*Respectfully submitted by:
James M. Hartman, Esq.*

A TRIBUTE TO
RICHARD S. LOMONACO, ESQ.

1935 - 2011

Richard LoMonaco passed away on May 19, 2011 at the end of a battle with cancer. Richard was born March 9, 1935. His father was Salvatore LoMonaco and his mother was Rose Passero LoMonaco.

He graduated from the University of Buffalo in 1957 and Albany Law School in 1960. He was admitted to the New York State Bar in 1960 and began practicing law in 1961. He practiced law at LoMonaco & LoMonaco with his father, Salvatore, and when his father retired, he continued to practice law until he semi-retired and moved to Clayton, New York where he continued to work as a legal advocate for the Surrogate decision making committee.

Dick was a parishioner at St. Mary's Church in Clayton.

Richard is survived by his sons and their wives, Mark and Sarah LoMonaco, Chris and Donna LoMonaco, and Richard and Sue LoMonaco, his daughter Julie LoMonaco, and his grandchildren, Jacob, Joseph, Johnny, Eric, Michael, Justin, Richard, Chelsey and Mackie.

Richard's best friend and fiancée, Patricia Bristol, said that he loved his family, his friends, and the St. Lawrence River.

Richard LoMonaco was an attorney who practiced Workers' Compensation Law for most of his career in Rochester and he was well known at the Workers' Compensation Board and extremely well liked. He was always on time, prepared and ready for his cases. He was an elegant and persuasive advocate for his clients.

There were many facets to Dick LoMonaco. When you first met him as an opponent at the Workers' Compensation Board, the first thing you noticed was his dramatic and overwhelming appearance. His presence loomed large in the court room. The reasons for this were Richard's stature and his build, his goatee, and often tousled hair and the fact of his wearing a dark suit and frequently a black overcoat, his booming voice, and his larger life persona.

One of Richard's friends who frequently faced him across the table told a brief story that Richard opposed him on a case where Dick represented the defendant employer and the friend represented the employee for a preliminary hearing in the case, who after the brief hearing said to her attorney, "I expect you to be much more aggressive

in the next hearing because that man fills the room". And that is a good description of how Richard was. He filled the room with his words, his opinions and his visions, wisdom and wit.

During lunch breaks, he would frequently go next door to the Busy Bee Restaurant along with many of the other attorneys who practiced at the Workers' Compensation Board, and there he would hold court, dispensing his sage advice on marriage, politics, peoples' life issues, and the proper way to cook tomato sauce. Speaking of sauce, Richard enjoyed tripe and constantly raved about the Rocky's tripe which was a favorite.

Richard had many talents. He loved fine art. He was an expert on boats. He was an expert on the St. Lawrence River having spent most of his life there. He was able to play the piano and was genuinely a kind-hearted man.

His gruff, curmudgeonly outward persona masked a man with a good heart, a sharp intellect, a generous spirit and a genuinely friendly and likable individual. He was a fixture for over forty years at the Worker's Compensation Board, a wise and interesting man with many interests, and he is missed by his family and friends.

*Respectfully submitted by:
Anthony Fama, Esq.*

A TRIBUTE TO
ERIC J. METZLER, ESQ.

1960 - 2011

Eric was born on January 7, 1960. He was a Section V All Star football player at Cardinal Mooney High School. Eric graduated and played football at Wake Forest University. He graduated from Franklin Pierce Law Center. Eric began his legal practice with Legal Aid. He worked for the law firm of Gould & Peck for many years and became partner there in the year 2001. Eric joined the Chamberlain D'Amanda law firm on April 1, 2010 and remained a partner there when he passed away suddenly on September 1, 2011.

Eric is survived by his loving wife, Paula; his beloved children, Matthew, Casey and David; his sister; four brothers and many other extended family members. Eric's kindness, strength, legal wit and wonderful sense of humor will remain just as large in our hearts as Eric stood tall in this life. Eric's legacy will be that of a caring and compassionate professional, who effectively helped countless people through what was often the most painful time in their lives. He did so quietly, however, never seeking accolades, awards or recognition--- a true lesson for us all.

*Respectfully submitted by:
Suzanne L. Cognata, Esq.*

A TRIBUTE TO
ANTHONY T. MICROS, ESQ.

1923 - 2010

Tony Micros was a well-known, well-respected attorney in Rochester who passed away in October 2010.

Tony grew up in Cuba, New York, attended Syracuse University and Syracuse Law. He was a World War II veteran, a radio gunner on a B-25.

After his military service, Tony came to Rochester and started his law career. He spent much of his legal career as a partner at Colson Micros Creary and Frantz. He was best known for his work in the Greek community, assisting many of those of his heritage attempting to integrate themselves into a different world. They knew, as did all who dealt with him, that he was honest and trustworthy, and would work tirelessly in his clients' best interests.

Since many Greeks became restaurateurs, Tony became an expert in the restaurant business, and probably represented more restaurants than any attorney in Rochester during his years in practice. Tony was also instrumental in the continuing operation of both of Rochester's Greek Orthodox churches.

Tony married Irene, a banker, in 1961, and they had two children, Cindy and Matt.

Tony was an ardent fan and a loyal supporter of his Syracuse teams. Tony and Irene were season ticket holders and spent many hours with friends watching their beloved Orangemen. Friends were important to Tony. He was always there to lend a hand and tell a funny story. He was committed to his friends. One of his lifelong friends' daughters told me that even after her mother died, her father was always included in their social circle.

Sadly, his wife Irene, who hoped to be here for his tribute, lost her battle to cancer on June 9th of this year. But as their children remarked at her funeral, they were a couple that never wanted to be apart.

Tony was known as a true gentleman and truly was a very gentle man. He will be sorely missed.

*Respectfully submitted by:
Ronald T. Bircher, Esq.*

A TRIBUTE TO
NANCY DILLMAN PECK, ESQ.

1935 – 2010

Nancy Dillman Peck died peacefully on September 2, 2010 after a 19 month battle with brain cancer. Nancy died as she lived: with incredible grace and courage, and surrounded by loving family and friends. Her strength, intelligence and humor were an inspiration to all who knew her, and her contributions to and impact upon the legal community have been profound.

Born and raised in St. Louis, Nancy graduated from the Mary Institute. She attended Wellesley College. She finished her bachelor's degree at the University of Rochester, graduated from the University of Buffalo Law School and was admitted to the New York Bar. She married attorney Robert A. Feldman in 1982. Together, Nancy and Bob shared a love of the law, reading, tennis and family, and practiced their professions while making time to travel the globe. Nancy especially loved summers on Canandaigua Lake. In recent years, she and Bob also enjoyed spending winters at their new home in southern California where Nancy's children and granddaughter, Jacqueline Nelson, live.

Nancy was President of the Greater Rochester Association for Women Attorneys (GRAWA) in 1985-86, and served as President of the National Conference of Women's Bar Associations (NCWBA) in 1990-91 as a delegate of the American Bar Association. She had a successful law practice in Rochester, including more than 25 years as a partner with Lewis J. Gould with the firm Gould & Peck; Gould, Peck & Metzler; and Gould, Peck, Metzler & Cognata. Nancy was also a member of the California State Bar. Throughout her life Nancy was a committed and passionate supporter of the arts and dance. A dancer since childhood, she enjoyed training with and became Chairman of Garth Fagan Dance.

*Respectfully submitted by:
Suzanne L. Cognata, Esq. and
Eric J. Metzler, Esq.*

A TRIBUTE TO
CHARLES G. PORRECA, ESQ.

1943 – 2011

Charles G. Porreca passed away January 8, 2011. Predeceased by his treasured wife and partner of 59 years, Emmy Hughes-Porreca; and loving son, Chuck. Charles is survived by his daughter, Mary Jo Porreca; son-in-law, Nick Hoogs; sister-in-law, Rose Porreca, and many wonderful nieces, nephews, and cousins.

Charles was an alumnus of The Aquinas Institute and Niagara University, Prior to his graduation from Niagara University, Charles served the U.S. Army in World War II. He was selected to attend specialized engineering classes at Virginia Tech, before being dispatched to an infantry unit in the Battle of the Bulge. Charles received a Purple Heart, following recovery from a life-threatening bullet wound. Charles went on to receive his Juris Doctorate from the University of Buffalo.

Charles practiced law for 53 years - from 1957 until his incapacitation from cancer in late 2010. Charles served as a Trial Attorney for the Monroe County Department of Social Services and, in that role, often handled cases with statewide implications. He represented the County on appeals and motions before the United States Court of Appeals - Second Circuit at the Federal Court House in Manhattan, and the New York State Court of Appeals. At age 59, Charles formed his own private practice in the town of Brighton. He practiced general law, with specializations in age-based employment discrimination, real estate, and estates.

In addition to his 9 to 5 work, Charles taught Business Law classes at the Rochester Business Institute, served as a Republican Town Councilman, and served on the Board of Directors of Saint Joseph's Villa. As a Purple Heart recipient, Charles went on to become a founding member of Brighton's Veterans Memorial Committee. Charles was extremely dedicated to Our Lady of Lourdes Roman Catholic parish, where he served in various positions over the years, including Parish Council Member and Hospitality Minister.

An accomplished golfer with past membership in Brook-Lea and other clubs, Charles' interests also included politics and cars (among his many prized coupes, the 1967 Corvette Sting Ray, Infinity G37S, and 2011 GT Mustang 5.0, with custom red racing stripes). Charles would proudly proclaim himself to be "86 1/2 years old". He was one-of-a-kind and will be truly missed.

*Respectfully submitted by:
Hon. Dandrea L. Ruhlmann*

A TRIBUTE TO
DAVID CHRISTOPHER REID, ESQ.

1943 – 2010

*“The Precepts of the law are these: to live honorably,
to live honorably, to injure no other man, to render
to every man his due.”*

Cicero

This quote from Cicero was always on the wall of David’s office, sewn in needle point by Betsey and hung in a 30" by 36" frame. It was the essence of David C. Reid, Esq.

My friend, David Reid, attorney and counselor at law died October 1, 2010. David was more than a lawyer. He was a “counselor” in the truest and best sense of that word. He gave of himself to his clients, his colleagues and his community. Several times he and I worked from the same office. Clients would drop in unannounced to see him. He would stop whatever he was doing and would take the time to counsel them about their estate plans, their personal concerns and family matters. He always did so with grace and equanimity.

He possessed a moral compass that was true and unwavering. From my perspective, there are many gray areas that arise in estate planning and administration from dealing with inherent conflicts of interest to deciding how to report items on estate tax returns. I never hesitated to consult with David when I was confronted with such situations. He never refused to hear my question, to analyze it from different perspectives and to give an honest, direct reply.

David was lovingly and totally devoted to his family. He and Betsey met when they were students at the College of Wooster. During the work day he would often receive telephone calls from his children. I would hear his resonant voice say “Helen, how are you”, or “Christopher, how is life in Germany?”, or “Marshall, how are the children?”. Although I was two offices away from him, the warmth and love in his voice was palpable. He was totally devoted to his children and, even more so, to his wife, Betsey.

The family moved to Canandaigua for a decade beginning in 1979. David continued to practice with Sutton DeLeeuw Clark and Darcy, where he was the head of the estates department. He attended weekly meetings and actively participated in the Canandaigua Rotary Club for more than 30 years. In 1995 David was the recipient of the prestigious Paul Harris Fellow award which recognized his commitment to the Rotary’s mission of “Service Above Self”.

David was also active in supporting the legal community. He served as Chairman of the Trusts and Estates Section of the Monroe County Bar Association and was active in the Estate Planning Council and the Upstate New York IAFP. David was also one of ten lawyers in Monroe County elected as a Fellow in the American College of Trusts and Estates Counsel.

He will continue to be missed by all of us who have had the privilege of knowing him.

*Respectfully submitted by:
David C. Pettig, Esq.*

A TRIBUTE TO
JOHN FRANCIS REDMOND, ESQ.

1940 – 2011

John Francis Redmond was born in Utica, New York. He graduated from Utica Free Academy in 1957 and the college of the Holy Cross in 1961. He attended Albany Law School on a scholarship and received his degree in 1964.

John moved his family to Rochester in 1964 and was employed by a local law firm for six years, before forming the law partnership that bore his name.

He was married to Aldora Gorea Wentworth in 1962 and is survived by his two sons, Mark and John, and one daughter, Colleen.

John excelled at baseball and basketball in high school receiving a basketball scholarship to Holy Cross. He enjoyed entertaining, sports, reading, cooking and attending his children's sporting events. He was passionate about golf, tennis, travel and family. He enjoyed living on Canandaigua Lake for many years.

John regularly completed the New York Times crossword puzzles with a pen. He will be remembered for his quick wit, keen sense of humor and his Irish eyes that never stopped smiling. He brought much laughter and joy to his family and friends.

*Respectfully submitted by:
Hon. Frank P. Geraci, Jr.*

A TRIBUTE TO
HERBERT ROISMAN, ESQ.

1955 – 2010

My best friend, Herb Roisman, passed away on December 12, 2010 at age 55. Herb was born in Austria on May 10, 1955 to Max and Goldie Roisman, both of whom were survivors of the Holocaust. Max, Goldie, Herb and his older brother Josef came to the United States shortly after his birth. He was raised in West Irondequoit.

I am not going to tell you about his ability as a lawyer. Those who dealt with him recognized his exceptional skills. Simply, he loved helping people and it was apparent in all that he did professionally.

To say that Herb was unique is an understatement. With very, very few exceptions he viewed everyone in the same way. He rarely had anything bad to say about anyone, he always extended the benefit of the doubt. He was always the person who urged that one assess and analyze the entire situation. He was rarely judgmental, always looking for the good in people in the most dire of circumstances or events. In the midst of his own personal or professional disappointments or when in deep crisis, he always managed to take the time to look at the totality of the circumstances, refusing to allocate responsibility to others without looking for responsibility or acknowledging the part he may have played in the situation before deciding to act or respond.

Not only was he unique, he was loyal. Loyal to his family, to those who were fortunate to be his friends, loyal to his heritage, his profession, to his beliefs and loyal to those he represented. The concept of family was at his core. His family was his untold number of friends from high school, his fellow cast members from what became his second career, acting, his clients and those he met professionally who were lucky enough to be considered a friend by Herb. You always knew and there was never a doubt that Herb considered you as a friend.

What would a tribute be without some reference to shortcomings? Herb was renowned as being technologically challenged. In this age of technology, if it was suggested to him that there were things available to make his professional or personal life much easier, he would always say, "Yeah, yeah, I'll take a look at it." Of course he never did. We were all certain that he was the last person in the Western Hemisphere to finally have his dial-up modem replaced with cable, and that was only a month before he passed. He held out to the end. However, in his wisdom, his rejection of technology, at times, had a strong basis in reality. I was riding in the car with him during a terrible thunderstorm. I took out my trusty iPhone and proudly

showed him my app that displayed the radar and the extent of the precipitation. He looked at me like I was absolutely crazy, pointed out the front window of the car and said, only as Herb could say it, "It's right out there, I don't need an app to tell me where the hell it is." Enough said.

He always had a smile. He could make you laugh, even if you resisted. He always put others first. This is exemplified by his greeting upon his arrival at the office when he was our clerk, many, many years ago: He would stick his head into your office and say, "TOP OF THE MORNING TO YA, AND THE REST OF THE DAY TO MYSELF!!!!!" He truly lives on in our hearts and our minds.

*Respectfully submitted by:
Charles P. Inclima, Esq.*

A TRIBUTE TO
B. ROBERT ROSENBERG, ESQ.

1922 – 2010

Born in Rochester on February 25, 1922, Bob was the son Judge Harry Rosenberg and Julia Meyer Rosenberg. He was also the great grandson of Abram Adler, a German immigrant who arrived in Rochester circa 1830 as one of Rochester's first Jewish settlers and was a founder of Temple B'rith Kodesh.

Bob attended the Rochester public schools and was a three letter athlete at Monroe High School. He attended Syracuse University for two and one-half years. He enlisted in the U.S. Navy on December 8, 1941 immediately following the attack on Pearl Harbor and served on active duty for five and one-half years. During that time, he served in the South Pacific aboard a landing craft, taking part in several invasions in the Solomon Islands and New Guinea and also served aboard the aircraft carrier USS Leyte. His decorations included the Surface Combat Ribbon, Pacific Theater Medal with two battle stars, American Theater Medal, WWII Victory Medal, Naval Armed Forces Reserve Medal, Enlisted Good Conduct Medal and Cold War Certificate of Recognition. In 1947, he was released to inactive Reserve duty with the rank of Ensign and served in the Naval Reserve until age 60 when he retired with the rank of Lt. Commander. In recognition of his service, Bob was laid to rest in Arlington National Cemetery.

Following active service, Bob attended Albany Law School and was admitted to practice in 1950. He was associated with the firm of Nixon, Hargrave, Devans and Doyle for several years and then was employed by the New York State Appellate Division, serving for 20 years. Following retirement, he joined his late brother as of counsel to the firm of Laverne, Sortino and Hanks.

Bob was a 50 year member of the Monroe County Bar Association. He was a past President and Honorary Board Member of Rochester Children's network, former Board Member of Parkplace Southwest Adult Day Care Center, Volunteer at Lifespan Senior Adult Services, Past President of the Albany Law School Alumni of Rochester, and Past President of Rochester Title Attorneys Association. He was a former Post Commander and former County Vice Commander of the American Legion, a member #1 of USS Leyte CV 32 Association, member of Penfield Rotary, The Retired Officers' Association, Fleet Reserve Association, Naval Reserve Association, Jewish War Veterans, Young Lawyers Guild, Rochester Naval Reserve Officers Mess, and the Jewish Community Center.

Bob was married to Betty Jean Cohen in 1949. He is survived by his wife Angela whom he married in 1970 and four children: Beth Lane of Boston, Barbara Rosenberg, Susan B. Williams, both of Penfield, Thomas E. Battley of Rochester, two grandchildren, Sen and Eric Lane and sister-in-law Helen Rosenberg.

*Respectfully submitted by:
Carl M. Darnall, Esq.*

A TRIBUTE TO
JOHN P. SCHAEFER, ESQ.

1931 – 2011

I write this tribute to John as the current Chief Clerk of the Monroe County Surrogate's Court, a position that John held for two decades. I consider having this job a blessing in my life, and I have this wonderful opportunity largely because of John. John was a mentor and a good friend.

A product of John Marshall High School, John attended Yale University and then the University of Michigan Law School. He began in private practice with Easton, Wagner & Easton, and the connections he made while involved in politics in the 21st Ward (the "Silk Stocking District") led to part-time clerkships for Judges William Easton, David O. Boehm and Michael A. Telesca. John was appointed full time Chief Clerk of the Monroe County Surrogate's Court by Surrogate Arnold F. Ciaccio in 1982 and served in that role until he retired. "He became the best Surrogate's Court Clerk in the State," Judge Ciaccio recalled. "All the Clerks...looked to him for problem solving. He was always the resource."

John was dean of Surrogate's Court Clerks when I began practicing in the early 90's. The best advice given to me as a young lawyer was to see John if I needed guidance on a matter in Surrogate's Court. I followed that advice regularly. He was never too busy to meet with me or anyone else for that matter, despite the fact that he always had stacks of files piled high on his desk pending his review. He was always very gracious and I don't recall him ever leaving me with the impression that he had more pressing business. I now know better.

Several years later, John was primarily responsible for giving me the opportunity to join the Court. It was in working with him that I experienced what turned out to be his prophetic vision regarding the use of technology to improve court operations. Computer based file and records management systems incorporating digital imaging of records have recently become the norm for the Surrogate's Courts across the State. John implemented this kind of technology in Monroe County twenty years ago! As a result of his vision, our Surrogate's Court has been the model of efficiency for the State since his tenure. John also had an amazing attention for detail. He designed dozens of forms for use in Surrogate's Court practice, many of which were used when the State later adopted "Official Forms." Sometimes his attention to detail drove others a little crazy. During construction of the new court and office space on the 5th floor, John would often don a hard hat after hours and check the construction against the plans that he helped craft. Much to the chagrin of the engineers, he caught them in errors on more than one occasion.

But John was much more than just an exceptional court clerk. He was a standout swimmer in high school and earned a swimming scholarship to Yale after attending a prep school for a year. He was recently inducted into the Section 5 Swimming Hall of Fame, simultaneous with his brothers Bob, Dick, Tom and Walter, all of whom were champion swimmers at Marshall, this is a first for any group of siblings. He was a passionate patron and Board member of Garth Fagan Dance. He enjoyed the outdoors, hiking, annual August vacations to the ocean and bird watching. In “retirement” John and his wife, Ann, moved out to a five acre estate in the country where John could be found tending his acreage on his tractor, clearing brush with a chain saw and building a deck for the enjoyment of his and Ann’s large extended family. He was active in the Mendon Foundation, working to preserve nature for the enjoyment of others.

John’s professional legacy is a helpful and friendly Surrogate’s Court that operates with empathy for the role of the practicing attorneys and sympathy for the folks whom they represent. We continue to aspire to perform to that very high standard.

*Respectfully submitted by:
Mark L. Annunziata, Esq.*

A TRIBUTE TO
GEORGE SCHMERGEL, ESQ.

1944 – 2011

Our friend, George, was an energetic and passionate man who elevated the lives of everyone he welcomed into his life. He was passionate about the practice of law and cared deeply about our community. He loved his dear friend, Rose, and his daughter, Karrie, of whom he was so very proud. And George was very proud of his heritage.

Born in Budapest, Hungary in 1944, George and his family left Hungary following the Revolution of 1956. The family settled in Port Washington, NY. After graduating from High School there, George attended the University of Rochester, where he was an excellent student and prolific scorer on the University soccer team – becoming the captain of the team. George then attended Boston University Law School, where, again, he excelled – elected to the Law Review after his first year of law school. Upon graduation he returned to Rochester and began the practice of law.

George was truly a student of the law. He had a brilliant mind, and a profound determination to be expert in the areas of law he concentrated in. He respected lawyer adversaries who advanced sound legal arguments, and could be sharply dismissive of attorneys who took a more superficial approach to handling a client matter. He was often direct and frank when a work product was less than scholarly, but also quick to praise when legal work was done thoroughly and intelligently. The result is that he made all of us who practiced with him better lawyers.

George was particularly good as a mentor and teacher of young lawyers and law firm staff. Many young law firm professionals would seek out George for help with a difficult issue. But simply telling you the answer didn't seem to satisfy his need to teach and to learn. We often suspected that George already knew how to advise us, but the books would come off the shelf, and we would be part of the process of determining an answer. He took time to teach, and for many lawyers and paralegals alike, we learned more about the practice of law, and how to “think like a lawyer” from George Schmergel than from anyone else. In that sense, his impact on the legal community in Rochester lives on.

George brought the same passion he had for the practice of law to making the community he loved a better one. He patrolled his Harvard Street neighborhoods as an enthusiastic member of PACTAC for many years. He was an active member of the Vassar Street Neighborhood Association and the Hungarian American Club of Rochester.

He was passionate about the arts, and he loved and supported GEVA Theater, the Cinema Theater, and the Little Theater. Perhaps his greatest vice was staying up far

too late into the night watching C-SPAN 2 as they covered Congress debating banking policy or other issues of the day. He was passionate about politics, and loved debating the issues of the day – even when it led to heated exchanges with his beloved brother Gabe.

Unfortunately, cancer took him from us far too soon, but the passion with which he embraced life will be remembered in the hearts of his family, friends and colleagues.

*Respectfully submitted by:
Edward M. O'Brien, Esq.*

A TRIBUTE TO
CHARLES E. STROBEL, ESQ.

1908 – 2010

Charles Strobel was born in Rochester, New York and brought up in Irondequoit, where he developed a life-long passion for Lake Ontario and sailing. Charles attended Charlotte High School, graduated from Genesee Wesleyan Seminary in Lima, New York, and then went on to Colgate University, where he earned a degree in government in 1933. From Colgate, Charles attended Cornell University Law School and graduated in 1936. While at Colgate and Cornell, Charles befriended William P. Rogers, a young man from Norfolk, New York. The two were members of Sigma Chi fraternity, roomed together at Cornell, and went on joint speaking tours in rural portions of the state. Charles was always proud of the association. Rogers eventually went on to become Attorney General of the United States under Dwight Eisenhower and Secretary of State in the Nixon Administration.

Upon graduating from Cornell, Charles began the practice of law. Early in his career, he gained much dubious publicity in the case of Birdie, a Front Street bum who stole some meat and who he defended with gallantry and imagination. During World War II, Charles joined the US Army and served first in New York City with the Counter Intelligence Corps (CIC) as part of the team preserving the secrecy of the Manhattan Project. From there, he was sent to the Pacific theater of fighting and served honorably in the legal team around General Douglas MacArthur. At times hunting out security risks, his travels took him to Australia, New Zealand, New Guinea, and Japan, among other places.

After the war, Charles married Marian Morton, the love of his life and eventually the mother of their two beloved daughters. Charles worked briefly with Harris Beach. In 1949, he struck out on his own, while being loosely affiliated with Allen and O'Brien. During his first month of private practice, he earned less than \$100, but eventually the law became a more lucrative endeavor. During his long career as an attorney, Charles specialized in real estate, estate, and small corporate law. He represented such homebuilders as O'Brien Homes and Schantz Homes and through his efforts much of Webster and Perinton became settled with thousands of happy families. In his legal work, Charles was a meticulous researcher of titles and was a model of honesty, integrity, and patience. He had the knack of being able to calm the nerves of agitated home purchasers and to make sure that real estate deals always went through. In later years, he shared facilities with Wallace Wolf and Dan Walters and enjoyed moving his office to Brighton from downtown. He was honored by the Monroe County Bar Association in the late 1990's for 60 years of service and retired in 2000, with the advent of a new century.

During the last year of his life, Charles resided in Greenville, South Carolina where he enjoyed the mountains and being near family. Although he was over 100, he retained his passion for discussing the law, for meeting new people, and for enjoying the world around him.

*Respectfully submitted by:
Marian Elizabeth Strobel, PhD.*

A TRIBUTE TO
A. TERRY VANHOUTEN, ESQ.

1939 – 2011

Terry VanHouten passed away on March 16 of this year, just a few days short of his 72nd birthday, after suffering from failing health in recent years.

Terry was an area native, born in Rochester and raised in Webster when it was a lot more rural than it is today. After high school, he received a BA from Colgate University and then an MA from American University in Washington, DC. While working in foreign affairs at the State Department, Terry decided to pursue a career in law and attended Georgetown Law during at night after work, receiving his LLB in 1967.

Terry returned to Rochester and joined Harris, Beach, Wilcox, Dale and Linowitz (now Harris Beach) and quickly became immersed in practicing management labor relations law, a practice area which was about to expand exponentially as a result of the Taylor Law passed in 1967 granting collective bargaining rights to public employees in New York.

Terry quickly became a leader in public sector labor law, representing many of the area's public schools. He also maintained a vibrant private sector practice, representing area manufacturing and service companies in such matters as union organizing drives, strikes and injunctions, unfair labor practice hearings, wage/hour matters and safety and health issues. He helped his employer clients draft and implement modern and progressive employment policies and counseled them ably on conflict avoidance. He appeared before many State and Federal agencies and courts, including the 2nd Circuit Court of Appeals.

At Harris Beach, Terry was elected to partnership in 1973 and served as the Firm's Hiring Partner for a number of years. He also chaired the growing Labor and Employment Practice Group. He had a great facility for mentoring younger lawyers, and many of the Firm's current partners benefited greatly from his careful tutelage, his attention to detail and his emphasis on ethics and client service.

In 1983, Terry decided to make a major career move. He was recruited to be Senior Labor Counsel for the Eastman Kodak Company, the company's first in-house labor and employment lawyer. Terry built a fine internal labor law department at Kodak, and retired in 2004 as Vice President, Legal and Assistant General Counsel, Employment Law & Personnel Relations.

Terry and his wife, Judy, and their two sons, Kirk and Darren, lived in both Brighton and Pittsford. Terry was an avid sportsman, excelling to such a degree that he was known to his friends and his fellow members at Monroe Golf Club as "all sport". In addition to his wife and sons, Terry is survived by his Mother, two daughters-in-law and three grandchildren: Ellie, Lila and Kellen, who became the lights of his life during his last few years.

*Respectfully submitted by:
Peter J. Spinelli, Esq.*

A TRIBUTE TO
MITCHELL T. WILLIAMS, ESQ.

1924 – 2010

As Mitch would tell it, he was born to Macedonian immigrant parents with an unpronounceable last name. His father adopted the name Williams because everyone called him “Bill.” Years later, having become one of Rochester’s most accomplished and cosmopolitan lawyers, Mitch Williams remained grounded in his blue collar roots, never forgetting his friends, and never forgetting those less fortunate than he.

He was born in Rochester in 1924. He attended East High School and then the University of Rochester, where he played starting center for a basketball team that at that time played against the top college teams in the nation. His education was interrupted by World War II, wherein Mitch served on a battleship in the Pacific theatre. After that he obtained his law degree, through the G.I. Bill, at the University of Cincinnati. He returned to Rochester, where he practiced, first with a firm (Robinson, Williams, Angelof & Frank), then with his son, Reed (Williams & Williams), and then for 20 years as a sole practitioner. During those years Mitch became one of the most successful civil litigators in the State.

In the late 1960’s, he served as president of the Monroe County Bar Association. In that role he was instrumental in establishing the Monroe County Legal Services Corporation in 1968, hiring to run it a young lawyer who became a prominent litigator in her own right, Joan O’Byrne -- at a time when women were having a difficult time breaking into the profession. In its heyday MCLSC employed more than 70 lawyers to champion the rights of the poor and marginalized throughout upstate New York.

Over his 50+ year legal career Mitch tried countless cases and argued scores of appeals including several in the Court of Appeals. Throughout his career, Mitch also handled more than his share of pro bono cases of every kind, including cases in which he defended other lawyers charged with professional misconduct. (When he died this summer, at the age of 86, he was defending six mortgage foreclosure cases without charge.) And that was always in addition to a full slate of litigation files for “paying” clients, famously including in more recent years several cases against banks for mismanagement of family trusts.

Mitch Williams worked hard and played hard, right up until the day he died. When he left us this summer he was still working at his clients’ cases full time, including most Saturdays. He was still working out at the YMCA, and playing tennis, every week. His monthly late night card games with the “Young Lawyers Club,” comprised of

contemporaries in their 70's and 80's, had become less regular, but he was still taking friends to lunch regularly, including retired appellate Justice David O. Boehm, and his fellow Macedonian and longtime friend, Dan Speedy.

But he also spent plenty of time with his family. He and his wife, Jean, traveled often. He regularly visited with his daughter, Reggie Salis, his son Reed, and his several grandchildren. On the weekend before he died, Mitch and Jean were hosting a birthday party for his step-daughter at their home and in the company of family and friends.

His contemporaries at the bar will remember Mitch as a formidable adversary but also as a courteous, even friendly, colleague. He dug in his heels when it mattered but was accommodating when he could be without harming his client's interests. He was what I aspire to become as a lawyer. He will continue to be missed.

*Respectfully submitted by:
Tony Adams, Esq.*

A TRIBUTE TO
SERGEANT W. WISE, ESQ.

1923 – 2011

As you know, Sergeant Wise was a Rochester lawyer for many years. He was also a good friend, our family lawyer at one time, and a fellow railroad enthusiast.

Sarge was born in Spuyten Duyvil, New York in 1923, graduated from Port Washington High School, and attended Virginia Military Institute. He served in the 310th Infantry Unit in Europe during WWII, and was awarded the Bronze Star and Purple Heart. He attended Columbia Law School, graduating in 1951. After practicing law in New York, he came to Rochester as an associate with Harris, Beach, Wilcox & Linowitz. In 1965 he became a partner in the firm Branch, Jefferson, Friedman, VanVoorhis & Wise. He retired in 2004 from the firm Branch, Dewart & Wise.

In making professional use of his love of railroads, he served as founding counsel and board secretary of the Livonia, Avon and Lakeville Railroad for many years.

His integrity, wit and intelligence were valuable assets in all that he did, both professionally and socially. He is survived by his wife of 58 years, Kitty, and his children Dean, Charles, Lesley and William.

Sarge, we will miss you!

*Respectfully submitted by:
George W. Shaw, Esq.*

A TRIBUTE TO
ALLEN J. ZARETSKY, ESQ.

1943 – 2011

Allen Zaretsky, 68, beloved husband, father, grandfather and brother died Sunday, July 10. A Rochester attorney, he was known for his pro bono work, his skill as a litigator, his artistic sensibilities, and his wide circle of friends.

A native of Brooklyn, he studied social work and public policy before receiving his law degree from the University of Buffalo, where he also taught. Prior to relocating to Rochester, he spent a year working in Lyndon B. Johnson's White House and was active in the Civil Rights Movement.

A member of the Chabad of Rochester and the Rochester Zen Center, Allen was known for his warmth, generosity, and giving character. He was dedicated above all to his wife Deborah Zaretsky and their three sons Michael (Adrian), Benjamin and Joshua. He is also survived by three grandchildren Lucien, Shoshana, and Yehuda and by two brothers Eli (Nancy Fraser) and Aaron (Judith Pohl-Zaretsky).

A TRIBUTE TO
RUSSELL I. ZUCKERMAN, ESQ.

1947 – 2011

Russell's life got off to a rough start. His mother died when he was young, leaving his father to raise Russ and his three (3) brothers in very modest apartment in the Bronx. His raw intelligence, however, was evident at an early age. He graduated from the Bronx High School of Science, Columbia College and Yale Law School. He clerked for Judge Harry Goldman, Chief Justice of the Appellate Division – Fourth Department. Thereafter, he joined Goldstein, Goldman, Kessler & Underberg (later known as Underberg & Kessler LLP), where he was my law partner for approximately fifteen (15) years.

My partner, Gordon Lipson, calls him “the quickest study I ever knew”. He litigated cases involving banks, a television station, hotels, matrimonial contests, employer-employee disputes, non-compete covenants – and that encompasses only a small sampling of his broad practice. For a short period of time, he served as the firm's managing partner.

Russ did not reserve his extraordinary talents for those who could afford his fees. He brought the same energy and intensity he demonstrated in representing his business clients as he did in the many pro bono cases he handled for disadvantaged clients – the abused spouse, the orphaned teenager, or the financially-struggling family. Deservedly, his efforts were formally and publically recognized by the Monroe County Bar Association's Volunteer Legal Services Program. He was generous...some say, over-generous. There was no doubt that he was a compassionate and caring man.

Describing someone as a “lawyer's lawyer” is often a trite colloquialism. But in Russell's case, the phrase really does capture the esteem with which he was regarded by his law partners and the legal community. His stellar mentoring by example continues to serve Underberg & Kessler today.

He left Underberg & Kessler to become in-house counsel for M-power, a telecommunications company which necessitated that he develop an expertise in an entirely new and complex area of the law, which included a myriad of Federal and State statutes and regulations. He ate it up, embracing the new technology of the industry.

At times, he could be prickly, for he detested pretense, hypocrisy, bureaucracy, injustice and myth masquerading for truth. He relished a good argument, turning weekly Underberg & Kessler attorneys' lunches into spirited free-for-all debates.

He loved the New York Yankees, red wine served in big glass goblets, action movies, greasy hamburgers, liberal causes, dirty jokes, casual clothes, fine restaurants, basketball, golf, road trips, and most of all his family – his wife Trisha, and children, Camaron, Nicholas and Matthew.

When Russ received his diagnosis, he did not waste time. With the same clarity of vision he brought to the practice of law, he quit his practice, sold or donated virtually all of his personal belongings, and set out on the open road with his bride to travel the U.S. and Canada, coast-to-coast-to-coast, visiting friends and family.

As my fellow partner, Steve Gersz, said, “He’s a man who enjoyed life to the fullest; he had the right priorities and put his family and friends first.”

Godspeed, Russ.

*Respectfully submitted by:
Paul V. Nunes, Esq.*