



MATTACOLA

Law Matters

LAW ■ LIFE ■ COMMUNITY

A NEWSLETTER THAT BRINGS IT ALL TOGETHER.

THE MATTACOLA LAW FIRM

Enjoying the Ride

Welcome to the first electronic newsletter of The Mattacola Law Firm. Why? So many reasons. First, there never seems to be enough time to reach out to clients, colleagues, friends and family in the way you'd like to. Too many times we are limited to getting our pressing projects done, putting out fires, meeting the immediate needs, etc. Those things are necessary but this newsletter allows us to be what we strive to be - proactive. It allows us to stay in touch, pass on some useful information, share some news and give a small glimpse into life at the office. Not to mention, when attending a recent seminar given by sales guru Jeffrey Gitomer, he said this "Why wouldn't you have an electronic newsletter? What do you think, the Internet is going away?!" I was proud to say that we were already in production on this endeavor when I heard that but Gitomer certainly confirmed what I already knew - this is a great way to reach out.

Beyond that, this newsletter is truly an embodiment of how much the practice of law has changed over the years, especially the last 15 or so. When I went to work at my first legal job, as a law clerk for a small firm outside of Buffalo, things were drastically different. I spent most of my time researching legal precedent in the law library downtown - pouring through

books (you remember those right?) and standing at the copying machine, feeding it dimes, and copying the cases I found for that particular issue. Then I'd go to a pay phone (you remember those right?) and call the office before I drove back to make sure no one needed anything before I left. Then I'd arrive back at the office and work on summarizing the cases and incorporating that information into a memorandum of law on a pathetically slow computer, but hey, it could have a typewriter so it wasn't all bad. When was this archaic time? 1995. E-mail was just beginning. Cell phones were monstrous, expensive things that few had. Only the largest law firms had access to online legal research programs that were cost prohibitive, cumbersome to use and worked from a dial up Internet connection. You remember that awful, annoying noise?

Now? Virtually every law firm worth their salt subscribes to either Westlaw or Lexis, software that lets you access statutes and cases at your desktop. You can have the cases e-mailed to you where you can then cut and paste the relevant sections into your document. No copying, no printing. No trips to the library. Not in the office? No worries. Our laptops are wireless and I get all my phone messages and e-mails right to my Blackberry where there is also my calendar,

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Joining some officials and the folks at Assured Information Security, Inc. at their opening of their new 13,000 sq. ft. facility at Griffis Park.

What Do We Do Here?

So many times, people ask me "Just what do you do?". Most people think of an attorney as this all encompassing person that you go to for any problem - someone who is part lawyer, part therapist, part magician and depending on who you ask, part used car salesman, but we won't go there. After all, I represent some used car salesmen and I can attest to you - some are just as misunderstood as lawyers! Anyway, allow me to sum up the areas that we concentrate on. I'm not quite Atticus Finch and do limit the practice to four main areas.

Tune into page 3 for details on

LABOR/EMPLOYMENT
LAW, PERSONAL INJURY/
CIVIL LITIGATION, WILLS/
ESTATE PLANNING
and REAL ESTATE.

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Teamwork

Two crucial members of The Mattacola Law Firm team are Kelly Tuttle and Donna Bushaw, both of whom, on any given day, can be classified as Legal Assistants/Paralegals/Jack of All Trades/Firefighters and a myriad of other monikers. No matter what the title, they keep things moving forward and are the front line of the firm. They have bought into the firm's philosophies of responsive and efficient service; insane and detailed organization and meeting the client's needs at all costs. They live it and they breathe it. You know your staff is committed when they are starting to wake up in the middle of the night, thinking of a client's case and whether something was done on time. Why should I be the only sleepless one? At our shop, we sweat the small stuff and these two help ensure that the small stuff, big stuff, all the stuff – is taken care of for our clients.

So – to give you a flavor of who helps run the show around here, I give you Kelly and Donna.



Kelly Tuttle

Deerfield resident, wife of Jason Tuttle, who is “the man” at Lowe’s. She has one three year old daughter Eliza who is pretty sure she runs the world. And this past May, Kelly and Jason welcomed a new daughter Sophie into the world. We’ve already got her filing and running errands, she is very gifted. Kelly, amazingly enough, had no previous legal experience before this office; she had always been in the medical field. She picked it up faster than anyone in the annals of legal history and has been heard to say “For the first time, I really enjoy my job.” Now, when the bullets are flying, she won’t admit to that but trust me, I heard it said! We enjoy her as well and so do the clients.



Donna Bushaw

Camden resident, wife of Tyke Bushaw, who is “the man” at Harden Furniture. Donna has three children: Beth, a student at Nazareth College is a music major and is rumored to sing like an angel. Ashley is a Senior at Camden High, and a co-captain of the Camden Field Hockey team who “shocked the world” by making it to sectionals, or was it states, or maybe it was worlds, I don’t know – they made it really far and we were very proud of her. And last but not never forgotten, young Brett, the poor lad who has to have two older sisters telling him his every move. Don’t worry, he’ll end up with way more girlfriends as a result of all that female

tutelage. Previous to immigrating to our firm, Donna had worked at another law firm where she was actually bored and not given enough variety. I’ve never heard those complaints here! Other complaints definitely, but not those. She does a great job and we are lucky to have her.

MATTACOLA BOYS GO ORANGE

Parking: \$10 Pizza before the game at The Varsity: \$15 Souvenir Hats: \$35 Hot Chocolate at Starbucks: \$10 Foam Finger: \$5 SU Necklace: \$5 Drinks, Popcorn and Ice Cream: \$25 Taking your boys to their first Orange Basketball game: Expensive! And priceless!



Cover Story

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my contacts, you name it. It truly is remarkable. I looked at the first proof of this newsletter on my Blackberry, sitting in a courtroom, waiting for my case to be called. I am writing this article in my living room, on a wireless laptop that is “connected” to my desktop computer at work as though I were sitting in my office - all the while listening to my dog snore on the couch next to me. Thomas Friedman wasn’t kidding - the world is indeed flat and even though the law has resisted these changes in a good many areas - the “flatteners” have affected and changed our profession in significant ways that aren’t going away. Embrace it or be left behind. At The Mattacola Law Firm, we embrace it. And that is just one of the ways in which we offer our clients what we believe to be excellent and responsive legal service.

So sit back. Get a cup of coffee (I recommend Spressos). And enjoy. I promise to keep the “legalese” to a minimum and hopefully you will come away a little more informed and even a bit entertained. After all, it’s not only about doing a great job at our professional and personal lives. We need to always enjoy the ride. I’m happy to have a seat next to you.

Serving Those Who Serve

The Mattacola Law Firm has joined forces with the Lawyer Referral Service of the New York State Bar Association in offering free legal services to active members of the military. With numerous members of the 10th Mountain Division coming back home after serving multiple tours in Iraq and with many National Guard members being called up, it is clear that these soldiers need more legal services than the JAG Department can handle. No matter what your feelings are on the war itself, these men and woman serve our country and need our support. We are happy to provide it.

What Do We Do Here? In detail...

LABOR/EMPLOYMENT LAW: We help employers and companies with all things employment related. Handbooks? Got it covered. Hiring and Firing?

You bet. Contract Disputes? Non-Competes? Absolutely. Defending your company in a lawsuit from a disgruntled employee? Bring it. Our goal is to allow you to focus your energies on the profit margins while we take care of the headaches. The biggest myth that we are trying to dispel? That your company needs a large firm out of Syracuse or Albany to handle your employment needs. I have published and presented in various employment topics on numerous occasions. I was an adjunct professor at Buffalo Law School in Employment Law. I have extensive experience in this area and can handle your company's needs in the responsive and personal manner that our firm is known for.

PERSONAL INJURY/CIVIL LITIGATION: You don't need a cheesy nickname or obnoxious commercials to help people that have been legitimately injured due to the negligence of another. We guide accident victims through this very difficult time and handle as much as possible for them such as dealing with the insurance company, No Fault, etc. At the same time, we work hard at obtaining a recovery that adequately compensates for the pain and suffering and complete disruption to your life. It's not about who has annoying commercials - it's about who treats their clients better.

WILLS/ESTATE PLANNING: No one likes to think about it. People procrastinate this more than anything else. Yet, you can get your affairs in order and give yourself some true piece of mind without breaking the bank. Simple estate planning methods exist which will make sure your wishes are followed. Call the office to find out more.

REAL ESTATE: This is one of the most stressful times in a person's life - buying or selling a house and moving. Our goal is to make sure that your home purchase or sale goes smoothly. We cannot help with packing the boxes (I had enough of that when I worked for a moving company throughout college) but we can make sure we've got all the legal bases covered. We also perform closings for banks and lenders. We do what it takes to get the closing done in a timely and efficient manner.

Favorite Things in the Office

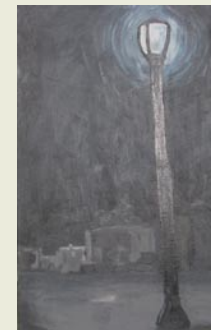
FRANKENSTEIN & FRANK:

We like to have fun and interesting things around the office. Every thing hanging on the walls or put on display usually has a good story or some sentimental value behind it. Each newsletter, we will highlight a couple for you.



The Frankenstein was a present for me from my niece Annika, a fifth grader, made by her own two hands in school about three years ago. I treasure it to this day and it holds a prominent

place on my desk where I constantly see it. My only niece, this is from a period in her life when she actually thought I was cool. Now that she is in her pre-teen, I'm-way-cooler-than-you-please-walk-two-blocks-behind-me-phase, she has absolutely no use for me. Not sure if she'll ever come around again, but I'll always have Frankenstein!



The painting is a Frank Page original. Not heard of Frank Page? Shame on you. He is the creator of Bob The Squirrel, the daily cartoon that runs in The Rome Sentinel. He is also the Sentinel's political cartoonist. And if you've been a

client of this firm, you've been invited to our annual client appreciation party. The invites, every year, have been Frank Page creations. Last year's Sopranos' invite was a monster hit. This painting came from a project where Frank painted a new piece once a week for a year. A really cool project indeed and it produced some great artwork. We are all about supporting local talent and Frank deserves the support. Check out others from Frank at:

www.bobthesquirrel.com/paint



Lawyers have other talents too, you know – such as pumpkin carving. Yes, Mattacola's famous jack o' lanterns were back this year. There was no central theme per se but I was particularly fond of the vomiting pumpkin as well as Harry Potter. With a son who made the world's cutest Harry Potter, this pumpkin was a big hit.





Presenting a City of Rome tie to Ken Tompkins, the new Regional Director for the Empire State Development Office in Utica.



This past October, on my birthday no less, I ran the Marine Corps Marathon in Washington, D.C. It was a great day and I beat my previous marathon time by exactly one hour. 4:29 if you are keeping score. Here I am, thrilled that it's over, with good friends Tony Recco and Scott Gwilt who both ran great.

Legal News

There is an old saying attributed to Otto Bismark, "People who love sausage and the law should never watch either of them being made." Take from that what you will but our New York legislature has been busy cranking out some more sausage which, you guessed it, will add more requirements to the lives of employers, and employees for that matter, that you should be aware of. *Here are a few tidbits.* ▶

COMMISSIONED SALESPERSONS

Labor Law § 191(1)(c) has been amended to provide that the terms of the employment agreement between an employer and a commission salesperson shall be in writing and must describe how and when a commission is earned. It creates a presumption, in the absence of a written agreement, that the terms presented by the employee are correct.

Previously, the Labor Law did not require that employment contracts for commission salespersons be written. The amendment requires that both the employer and employee sign the terms of employment. If the employer subsequently fails to produce this writing to the Department of Labor when requested in a wage claim investigation, the terms alleged by the commissioned salesperson will be presumed to be the terms of employment.

Terms of employment include:

- How wages, salary, commissions, draw against commissions, if any, and all other monies earned and payable will be calculated.
- When a commission payment will be earned and when it will be payable.
- How often a recoverable draw will be reconciled.
- What will be payable to the commissioned salesperson in the event of a termination of the employment relationship, whether by the employer or the salesperson.

The employer must retain a copy of the written agreement for at least three years.

CRIMINAL BACKGROUND

Effective November 1, 2007, employers were prohibited from inquiring into or making an adverse employment decision based on an applicant's or employee's criminal conviction, when the conviction record has been sealed or when the person is adjudicated as a youthful offender (YO status).

BREASTMILK

New York passed a law authorizing the right of nursing mothers to express breast milk while at work.

- Employers must provide reasonable paid or unpaid break time during each work day to permit an employee to express breast milk for her nursing infant for at least three years following the birth of such child.
- Employers are encouraged to make "reasonable effort" to provide suitable accommodations (not bathroom stalls or storage areas) located in close proximity to the work area.
- Discrimination against an employee who chooses to express breast milk is prohibited.
- The bill does not increase the amount of paid break time beyond what an employee would otherwise receive, but requires additional unpaid break time if needed. Exceptions are available in cases where providing break time would seriously disrupt the employer's operations.

We don't make the laws folks, we just report them to you and help your company comply with/interpret them when you need us to. Any questions, you know the number!



All Chamber. All The Time.

I've had the privilege of being the Chairman of the Rome Area Chamber of Commerce since June. It was really all about gavel withdrawal. I was ending my term as Rome Rotary President in July so I had to find another position that allowed me a gavel. Not sure what I'll do come June of 2008 when I have to relinquish the Chamber gavel - perhaps sneak into the Rome Courthouse late at night to get my fix.

My term as Chamber Chairman is over halfway done and it has been a truly enjoyable ride. It is impressive to witness the collaboration between the staff and the volunteers - all working to make the Rome area a better place to do business. Four of the staff people deserve special mention: Sue Ortolano, Alexa Drake, Sue Jenks and my



man, last but not never least, Bill Guglielmo. These individuals, under the leadership of Bill, do the work of ten and they do it professionally and seamlessly. If government could run as efficiently as the Rome Chamber, we'd all have no worries.

My year as Chairman has been an interesting and varied one. It has ranged from crafting a budget for the year to lobbying our elected representatives for more economic attention (here is a picture of me inviting Governor Spitzer to visit Griffis Technology Park and witness the progress). It has included hosting a political forum on the state of taxes, speaking out on controversial topics such as school closings and mixing some very potent cocktails as a bartender at the Chamber Golf Tournament. And yes, as you can see by the pictures throughout, I've had the pleasure of attending many grand openings and celebrations which all symbolize the progress and growth in the Rome area. It's not a bad gig when you get to welcome a gelato shop. It makes up for the 25 or so daily Chamber e-mails which need attending to.

This Chamber is active to say the least. Our volunteers crank out such monster projects as Shop Rome First, the Home Show, membership drives, and professional development seminars. It is a dedicated and talented bunch and they help make this Chamber a model for how Chambers should work. It's been an honor to help steer this ship and thus far, have avoided the icebergs.



Wacky Laws

We often go to career days at area high schools to educate students on the legal profession. Many thanks to old friend Rocco Migliori, Principal at Westmoreland High School, to always having us back and to the Rome Free Academy folks as well. We always enjoy these visits and try to keep them fun for the students. How do we make the law fun? Well, we always hand out candy for one. We're not dumb after all. And we always hand out a list of some "Wacky Laws" throughout history. Kids love it and you would be amazed at what's been put on the books.

Here's a couple of my favorites.

You are not permitted to wear cowboy boots unless you already own at least two cows. (Just think, we could have avoided the entire "Urban Cowboy" craze if every state had that one.)

Biting someone with your natural teeth is "simple assault," while biting someone with your false teeth is "aggravated assault."

celebrating new business and business growth

WITH THE ROME CHAMBER OF COMMERCE

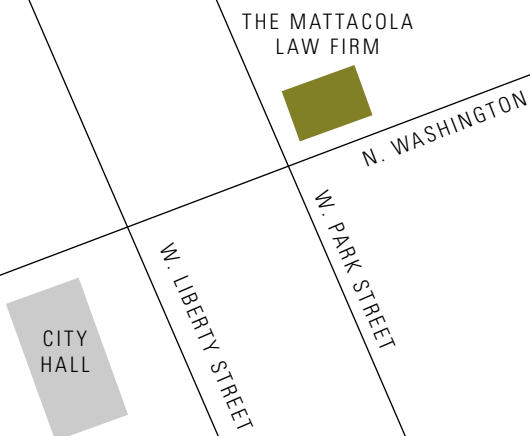




The New Office

Just over a year ago, The Mattacola Law Firm made the leap from its tiny storefront on North James Street to a 100+ year old monstrosity on North Washington Street. Why the move? We desperately needed it. Word travels fast. We treat our clients well, we get back to them, we keep them informed and we deliver good legal service. (I personally think it's far better than 'good' but I'm not going to brag - too much!) You add that up and it equals growth and lots of it. To put it in biblical terminology, More clients begat more files begat more employees begat more technology begat more stuff. End result? We needed more space. So we closed our eyes and jumped. We went from around 500 square feet to 4,000. We went from a "small" remodeling job to gutting an entire first floor, replacing all the mechanicals, you name it, we did it.

What we ended up with was a perfect meld between old and new. We happily ditched the wood paneling and orange wallpaper. Gone is the knob and tube wiring that was waiting to catch on fire. The random sink in the middle of an office is history. Gone are the floors that had more curves and hills than Route 49. Instead, we now have a completely remodeled and technologically superior office that was designed to allow us to do our jobs more efficiently and serve our clients better. And yet, it is anything but a sterile, cubicle world. Dilbert would not know what to do with this place. We kept the gorgeous antique fireplaces. Soft, welcoming paint colors were placed throughout by firm decorator and ultra-supportive wife Jaelyn Mattacola. We buffered the florescent overhead lighting with wall sconces and cool hanging pendant lights. Lots of plants. Fresh flowers. Current magazines. Good coffee. Soft drink choices. Comfortable break room. Network capacity everywhere. You name it, we've tried to think of it. When a client comes for a meeting, chances are his or her anxiety level is already high. As much as we preach the need to be proactive, few come to see us before there is already a pressing need. Our office is designed to help put our clients at ease. We don't think a law office should be a mausoleum. Nor should it be a laboratory. It should be an efficient but comfortable setting that has a calming effect and which helps us attack the legal problem of the day. Even though our office is still a "baby" in its reincarnated state and we're still tinkering with some things, we believe we have succeeded in creating an environment that is both work smart and client friendly. Quite frankly, we think it's one of a kind. Stop in anytime to see for yourself. We'd love to have you.



Save the Date April 8, 2008

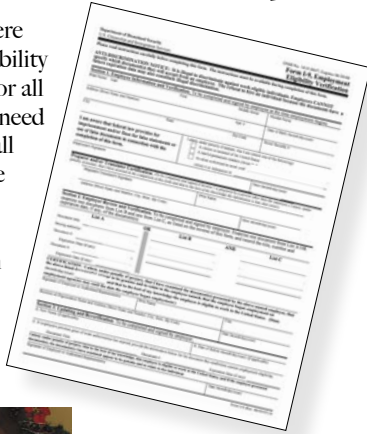


It is official. The Rome Chamber has stepped up once again and is bringing a world class event to the Mohawk Valley. On April 8, at the Turning Stone Event Center, we bring you Jack Canfield. Jack is the author of the Chicken Soup For The Soul series, is prominently featured in The Secret and authored The Success Principles. He speaks around the world on attaining both business and personal success. The April 8 event will have an afternoon session focused on getting your

business to where you want it to be and then an evening session focused on families and personal lives. Much work has gone into getting Jack to Central New York and we will be drawing from Rochester to Albany for this event. Your business should be there. You should be there. Call my office or the Rome Chamber to get the details.

New I-9 Form Required

Starting December 26, 2007, there will be a new Employment Eligibility Verification Form I-9 required for all employers. Your workplace will need one of these forms filled out for all employees along with acceptable proof of the employee's identity and employment eligibility such as a U.S. passport. For more on this modified requirement, call us and we will help you become compliant.



**Congratulations to
Dave and Sarah Engelbert
on 100 years in business!**

**We would be
happy to assist
you in your
legal matters.
Please call
Greg, Kelly or
Donna anytime.**



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THE MATTACOLA LAW FIRM

Seasons Greetings

From all at The Mattacola Firm

to you and yours – we wish you

a peaceful holiday season that is

chock full of precious time with your

family and loved ones. And may the

New Year bring you good health,

prosperity and much time for the

things you enjoy most. And let us

always enjoy the ride.

Greg