



# MATTACOLA Law Matters

LAW ■ LIFE ■ COMMUNITY

A NEWSLETTER THAT BRINGS IT ALL TOGETHER.

THE MATTACOLA LAW FIRM

## The Ride Continues

I bring you Issue Two of *Mattacola Law Matters*. The first one must have been successful to want to spend the time and effort again! So, how successful was it? How does one even judge or gauge the success of an online newsletter? Well, most importantly, for one, it passed my first test of doing anything in this world. Was it fun? Did I enjoy doing it? The answer is a resounding 'yes'. Writing is something I've always enjoyed and to be able to devote precious time to connecting with my clients, friends, family and colleagues – that is fun for me.

And that leads to the biggest indicator of why the first issue was such a success. It connected with people. Doubt this assertion? Take a look at a sample of the feedback I received:

*We all enjoyed your newsletter this morning . . . the layout and content drew us in so we wanted to keep reading.*

*That's one of the most fun to read newsletters I've seen.*

*This is fabulous! Creative, entertaining, informative and professional.*

*Thank you so much for sharing this with me! It was a GREAT newsletter -- entertaining and informative!*

*Wow – very impressive!*

*Okay, so you made me laugh... you definitely got my ATTENTION with this newsletter. Great job! It's both hometown and professional, lighthearted and serious, informative and entertaining.*

*This is awesome. I want him to be my attorney now, so I think it worked.*

The feedback was overwhelming, humbling. I hoped this product would benefit the readers, that it would give them some useful information in an enjoyable medium but I never expected the magnitude of the positive response. So, let's go Dr. Phil and delve deeper shall we? What about this newsletter connected with the audience? Was it my rapier like wit? Was it my irresistible charm shining through? I don't think so. I'm just not that witty or charming.

Look at the responses. Layout. Creative. Entertaining. Informative. Fun. I take no credit for the layout or creativity. I owe that entirely to The M&G Group (more on them later). As far as it being informative, entertaining and fun – I think there is a characteristic at the root of all that which no one overtly stated but which I hope was lurking right below the surface. Honesty. Take a look at what you see on attorney

cont. on page 2



### Riding for Missing Children

**On May 16th, I will be taking part in The Ride For Missing Children for the fourth year. It is a 100 mile bike ride throughout the Mohawk Valley, to raise awareness and to fund missing children posters. Every penny we raise goes to fund those posters. The Center for Missing and Exploited Children has as its goal, the recovery of missing children, one child at a time. They primarily do this through missing children posters that are strategically distributed throughout the country. It is a fun day, an emotional day and an extremely rewarding day. As a parent I can imagine nothing worse than a missing child and I am proud to be a part of this effort. If any of you are inclined to help me reach my goal of \$500 I would be grateful as would NCMEC. Checks can be made out to NCMEC-NY/Mohawk Valley and mailed to me. Thank you.**

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**The Roman Runners annual banquet, receiving my 1000 mile jacket, for running over 1000 miles since joining the club. Much blood, sweat and tears went into that jacket - literally!**

cont. from page 1

commercials or print advertisements. You see these fabricated images of tough guys or of intellectually superior beings. They come basked in the garish lights and wrappings of special effects, jingles and nicknames. It's as if they do not want to risk even the slightest chance of allowing their real selves to show through. I see those commercials and I change the channel. I hear those radio spots and I reach for some Springsteen. I get one of those print newsletters and I head for the shredder. And I don't think I'm alone.

I wanted something different. I wanted something honest. And with honesty came informative, entertaining and fun. I work hard. I try, every day, to solve my clients' problems. I am manic about keeping on top of my files and achieving my clients' goals in an efficient and organized way. Yet, at the base of it all is honesty. I truly enjoy what I do. I have fun at it. These things are not mutually exclusive to representing my clients and being a zealous advocate. To the contrary, in my view, they are a fundamental ingredient. You cannot have one without the other.

So, when I took all that and presented it in a medium that I was most comfortable with, a medium that is *now* - the end product, well you saw it. It connected. And I thank you for being a part of it, for joining a revolution of sorts. A revolution which screams out that your attorney can be good *and* human. A revolution which allows me to tell you what I do without assaulting your senses. Toward that end, I bring you Issue Two, the first of this New Year. More of the same but new and different. If you like what you see and read, pass the word. Forward it on. Let's grow our ranks. And in this very young 2008, allow me to pass on a quote I am fond of:

*Life is not a journey to the grave with the intention of arriving safely in a pretty and well preserved body, but rather to skid in broadside, totally worn out and proclaiming "Wow, What a Ride!"*

Let us always enjoy the ride.

**Every once in a while, television actually leaves you with something worth repeating. This from Mike Rowe of the Discovery Channel's Dirty Jobs:**

*"Never trust anything too pretty."*



COMING SOON:

**The Mattacola Firm: THE BLOG**

COMING APRIL 2008



THE MATTACOLA LAW FIRM

## What's the Deal With That Logo?

We get asked all the time "What's up with your logo? Is there meaning behind it? Is there a history?" You bet there is. Just look at it and it tells you all you need to know. If you are anything like me, you see fragments and pieces slowly and steadily becoming one solid structure. That transformation is exactly what goes on at our firm. As much as we preach being proactive and putting measures into place which avoid problems down the road, we know we are dealing with human nature. Companies and individual clients usually do not come to see us unless there is a pressing need, i.e., when things have fallen apart, when their lives are in pieces. Then, the process begins. We listen. We take notes. We listen some more. We have some coffee. We listen some more. We give initial impressions. We analyze and research. We recommend a course of action. We solve the problem. And as this happens, the pieces start to come together until hopefully, the client leaves our world with their lives back together, in one piece, whole. There you have the logo.

I wish I could tell you I came up with that. I didn't. Our creative partners at The M&G Group are due all the credit. Michelle McCarrick Truett came and spent some serious time with us at least two years ago now. She got to know us, learned what we did, how we treated people, what our priorities are, what our principles are. She then came up with this logo to symbolize what we do for people. In my view, it was and is dead on. And that perfectly describes The M&G Group. Their creativity and marketing prowess is dead on. Michelle, Rachel and Mike - well, they rock. They give outstanding and responsive service tailored to your individual needs. Sound familiar? It should. If they were lawyers, they'd be us! And if we were marketing gurus, we'd be them! I cannot recommend them enough. So that's the story about the logo and the folks that designed it.



Mo' Java!

**At the ribbon cutting for Spressos in the Griffis Business Park. There can never be enough good coffee in this world!**



Welcome to Rome, O'Scugnizzo's Pizzeria!

**Greg and officials congratulating owners Rafael and Daisy Marrero and presenting the chamber's First Dollar of Profit Award. Get the famous pizza at 421 N. James Street 7 days a week!**

## Legal News

Experimenting in College is Costlier Than Ever!

Criminal law is an area that we do not actively advertise at our firm. Yet, somehow we find ourselves regularly helping people in this area. The reason why is simple. We represent good, hard working people. Yet, "stuff" happens. People make mistakes. Often, the person making the mistake is a child of one of our clients. Young people tend to make poor decisions at times, that is certainly no secret. We have seen young people, in high school and in college, with seemingly everything in the world going for them, make a choice which could derail everything they and their parents have worked so hard for. Our goal in these situations is to achieve a disposition that will not handicap the rest of their lives and to get them any help they may need to ensure that this behavior does not continue.

When considering a disposition to a criminal case, one must try and think of all possible ramifications. For instance, many do not know that a college student's federal financial aid could be taken away as a result of a plea to a federal or state drug charge. In 1998, Congress passed a revision to the Higher Education Act which made drug convictions a disqualification for receiving aid. The rationale is understandable - so that taxpayers are not subsidizing a college student who is using or selling illegal drugs. Yet, there are many circumstances and situations where this punishment, which may drive a young person right out of college, could certainly be too drastic. The best way to deal with this is to know about the law and its ramifications should this situation arise. This link, [www.fafsa.ed.gov/faq003.htm](http://www.fafsa.ed.gov/faq003.htm), will take you to the FAFSA site which has a questionnaire that will help you determine whether or not your child's issue will disqualify their aid. Not all convictions will trigger the disqualification and completion of an acceptable drug rehabilitation program may also thwart the aid being taken away. As is usually the case, knowledge is power. If you have further questions, we are only a phone call or e-mail away.

## I Gave At The Office

There is yet another obligation that employers need be aware of. As of December 13, 2007, employers with 20 or more employees, must give employees no fewer than three hours of leave time to donate blood within any twelve month period. The new law covers both private and public employers. To make sure your company is not running afoul of these new mandates, it is recommended that you have a policy in place setting forth the procedures that an employee must follow to utilize this leave and to make sure your supervisors and human resource personnel know of these requirements. There are anti-retaliation provisions that apply to employees who have requested the leave and both civil and criminal penalties could apply to an employer who violates these provisions. For

those keeping score at home, this obligation joins many others which require employers to provide leave time to their employees, such as:

- Jury Duty
- Military Leave
- Elections
- Adoptive Parents
- Bone Marrow Donations
- Testifying as a witness or victim in a criminal proceeding
- Nursing Mothers

**Once again, we are here to help you wade through these statutes and to make sure your workplace is in compliance.**

# Sharpening the Saw

Recently, I attended a series of professional development seminars given by Bill Pirillo and Kelly Sullivan of NYSTEC. The sessions were focused on a variety of workplace topics such as dealing with change, leadership and problem solving. In one of the sessions, a paradigm was given for the various kinds of thinkers that exist. The different types of thinkers were described by hats of assorted colors:

**White Hat:** *focus on details and facts.*

**Black Hat:** *what can go wrong?*

**Blue Hat:** *the organizer, keeps everyone focused and in line.*

**Red Hat:** *the feelings person, thinks with the heart.*

**Green Hat:** *a creative thinker.*

**Yellow Hat:** *the positive one.*

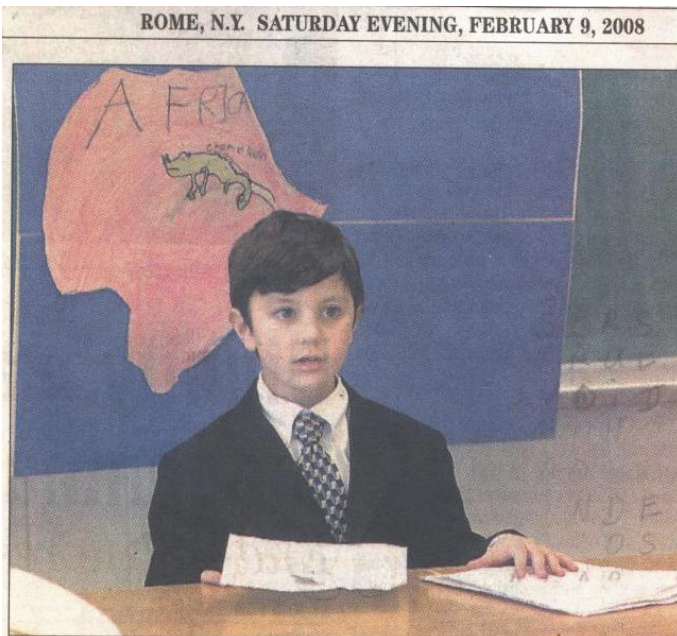
After receiving the paradigm, we were asked to assign one or two hats to ourselves - which hats do we wear? Not to confess myself a sufferer of multiple personality disorder, I found it impossible to say that only one or two fit me.

As an attorney and business owner, I have to wear all those hats. I need to be conscious of details; cases are won and lost on them. I need to see potential problems down the road, that's what people come to me for. I need to be insanely organized so as to not waste my clients' time. And when it comes to feelings, sometimes as an attorney, you have to follow your gut instincts above all else. As far as being creative and positive, there is not one aspect of my job where those traits aren't important, sometimes they get lost amongst the chaos, but they are always important. So, end result? For me to be at my best, and most effectively solve my clients' problems, I will continue to maintain my multiple hat wardrobe. Besides, judging from my baseball hats and my wife's shoe collection, it's good to have choices. Which hat do you wear?

The Mattacola Collection of baseball caps account for all of the colors. We knew we wore a lot of hats!



## Corner of Shameless Kid Plugs



**ANCHOR BOY** — Fort Stanwix Elementary School second grader Massimo Mattacola gives a special report on chameleons during a simulated news broadcast tape-recorded by his teacher Courtney Huff. Each student in the class wrote a report on an animal which was read during the news program. Whether anchor or reporter, stage crew, or technicians, each of the 16 students took part in the broadcast. Huff said the project developed the students' writing, reading and creative skills. More photos, page 3. (Sentinel photo by Scott A. Gwiit)



### UPDATE ON THE MATTACOLA BOYS

**LEFT** | Massimo doing a news broadcast report for a school project. He even made the front page of the Daily Sentinel!

**ABOVE** | Nico at indoor lacrosse, the next Gary Gait.

## Orange Crush

Growing up a sports fan in Central New York in the Eighties, there was nothing bigger than Syracuse v. Georgetown. When the Hoyas came to town, the Dome would come to life. The Mattacola Boys got a chance to experience a modern day taste of that rivalry when they watched the Orange upset 8th ranked Georgetown on February 16th. Here they are chanting "O-VER-RA-TED" to the Hoyas as they warm up. Gotta love passing down the truly important things in life to your sons.



## The Firm that bowls together . . . .

The Mattacola Law Firm took out the frustrations of the legal world on some unsuspecting pins recently. Our families joined us for a night of bowling, pizza and beer - it just doesn't get any better! The Firm Trophy went to Donna Bushaw, with Kelly Tuttle coming in second and the boss coming in a distant third. (I was just trying to build up morale . . . who am I kidding, they kicked my tail fair and square!) A good time was had by all with more firm retreats being planned (and needed!).

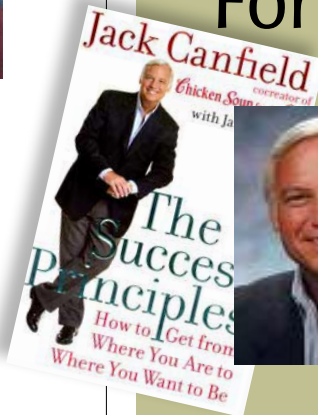


## Caught.



Some things you just expect from certain people. This photo captures it all perfectly in my world - the Blackberry and the coffee. Priceless.

## Tis The Season For Chicken Soup



Rome Area Chamber of Commerce will host two separate programs presented by Jack Canfield. Both events on April 8, 2008 — The Events Center at Turning Stone Resort Casino, Verona, NY

### Professional Development Seminar

Jack Canfield's Mastering the Success Principles

"How to get from where you are to where you want to be"  
12 Noon - 4:30 pm, Tuesday, April 8, 2008  
The Events Center at Turning Stone Resort Casino,  
Verona, NY

### Personal Development Program

Jack Canfield's The Law of Attraction

"Anything you desire is truly possible"  
7:30 pm - 9 pm, Tuesday, April 8, 2008  
The Events Center at Turning Stone Resort Casino,  
Verona, NY

FOR THE FULL INFO:

[www.romechamber.org/canfield](http://www.romechamber.org/canfield)

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and REAL ESTATE.



The Rome Chamber of Commerce hosted Congressman Michael Arcuri for its annual information Breakfast in early January. Congressman Arcuri updated the 200 attendees on legislation of interest and other topics that could affect the Mohawk Valley. He also predicted a Clinton-McCain primary outcome. He seems to have gotten the McCain part right, but it looks as if Hillary is on the ropes. Only time (and the superdelegates) will tell.

# Law Matters: at Work

## NEWS ON EMPLOYMENT LAW

### Employment Law Q&A

On the evening of April 2, 2008, Greg Mattacola will be presenting to the Genesis Young Professionals at the Fort Schuyler Club in Utica. He will be speaking on the Basics of Employment Law, for both the employer and the employee. He will touch on famous employment law cases, basic tenets of employment law in New York State and other employment law topics of interest. He will also field questions at the end. If interested in attending this event or learning more about the Genesis Young Professionals, please contact Melissa Kehler at [mkehler@thegenesisgroup.org](mailto:mkehler@thegenesisgroup.org)

Our esteemed New York State legislature has been busy making sausage again. The changes are significant for you, the business owners of the world. Under New York's Human Rights Law it is an unlawful discriminatory practice for any person (i.e. owner, manager, employee) of any place of public accommodation to deny the advantages of or access to that place of public accommodation to any person on account of that person's race, creed, color, national origin, sexual orientation, military status, sex, disability or marital status. As of January 1, 2008, this law has been amended as it relates to disabled individuals. Now, discriminatory practices can include:

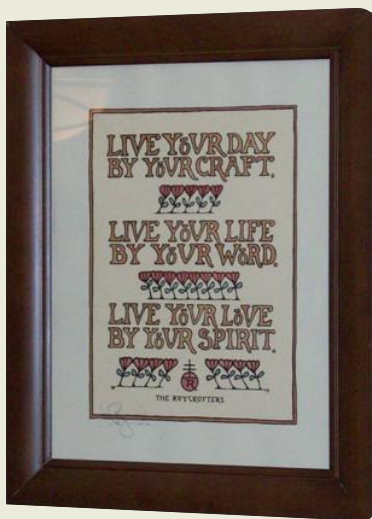
- (i) a refusal to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford facilities, privileges, advantages or accommodations to individuals with disabilities;
- (ii) a refusal to take such steps as may be necessary to ensure that no individual with a disability is excluded or denied services because of the absence of auxiliary aids and services;
- (iii) a refusal to remove architectural barriers, and communication barriers that are structural in nature, in existing facilities, and transportation barriers in existing vehicles and rail passenger cars used by an establishment for transporting individuals (not including barriers that can only be removed through the retrofitting of vehicles or rail passenger cars by the installation of a hydraulic or other lift), where such removal is readily achievable; and
- (iv) where such person can demonstrate that the removal of a barrier under subparagraph (iii) of this paragraph is not readily achievable, a failure to make such facilities, privileges, advantages or accommodations available through alternative methods if such methods are readily achievable.

As has been the case in disability accommodation law, there is language in the statute that would allow a place of public accommodation to show that having to implement a modification to their business or building would be an undue burden or would fundamentally alter the nature of the facility or the services offered. Nonetheless, this new amendment is significant. A place of public accommodation is defined earlier in the Human Rights Law statute and it is immense. It includes anything from hotels to restaurants to retail stores to establishments dealing with goods or services of any kind. In other words, everyone. Thus, for virtually every employer out there, there is now this statutory obligation to modify your business operations, your building, etc., in the face of a request from a disabled individual, if none of the exceptions apply. This could range from providing a sign language interpreter to modifying your building.

The legislature did define the term "readily achievable" as that which could be done without much difficulty or expense and listed factors to be considered such as cost, overall size and financial resources of the business, etc. Hence, small business owners would seemingly be able to argue that most accommodations would not be "readily achievable" but there is always room for interpretation and it's always a scary day when a government agency or court is deciding how you have to spend your money. Lesson to be learned? Whether you are a large or small business, if you encounter a request for a disability accommodation from a customer or potential customer, seek counsel immediately. Whereas an outlandish customer request might elicit a feeling of "No way can I or will I do that", from a business owner, these amendments have to be reckoned with. To not do so might very well be more costly in the long run.

# Favorite Things In the Office

This was a gift from my cousin when we opened up our office. It remains one of my favorite things. It hails from The Roycrofters, in East Aurora, New York - a handicraft community founded in 1895 by Elbert Hubbard. The Roycroft Inn and museum are spectacular places, found south of Buffalo in the charming village of East Aurora. This print sums it all up perfectly.



How does one not work hard all day when he can draw inspiration from the greatest third baseman in the history of baseball, one Michael Jack Schmidt of the Philadelphia Phillies? Before HGH, before The Clear, there was this gold glove wearing and power hitting workaholic - Mike Schmidt. Simply the greatest, I'll hear nothing else on the matter.

# What's On Our Cell Phones?

You can learn a lot about a person from the song they choose as their cell phone ring tone. The first thing you learn is whether the person is technologically proficient enough to figure out how to have a song as their ring! No worries at this firm, I'm a self professed technology nerd and Kelly and Donna are no slouches in that department. So what's our ring tone?

**DONNA** ::: "Jack and Diane" by John Mellencamp. The Cougar has a little country, a little rocker and a little R&B in him and that would describe Donna perfectly, a soulful country girl who can rock it when the occasion presents itself.

**KELLY** ::: "Rock Star" by Nickelback. Need we say more?

**GREG** ::: You didn't think I'd have just one? When my wife calls, I hear "My Girl" by the Temptations. When my brother calls, Dr. Mattacola to you, I have the University of Kentucky fight song, where he is a Professor. When a particularly needy friend calls, who shall remain nameless, I hear "Every Rose Has Its Thorn" by Poison. That just cracks me up. And for everyone else, I have "Call and Answer" by the Barenaked Ladies. What does that all say about me? One, I'm a nerd. Two, I am forced to wait around a lot - for Judges mainly, so when I've reviewed my file to the point of memorization and have gone through all the work I have in my bag, I turn to my Blackberry for amusement. Any other psychological analysis to be gleaned from this is up to you.



# Thank You Diana

It's amazing how often clients thank us for the job we do for them. These expressions of gratitude have come in the form of notes, cards, baked goods, gift baskets, prayer cards - you name it. Each time, our response is the same - "This is what we are here for. You don't need to thank us." Yet, we won't lie, it's nice to know that our hard work is appreciated - it compensates for the sleepless nights!

One such client shared some thoughts with us recently and gave us permission to share them with you. Diana Sadlon wrote in a letter that she recently referred someone to us and that "judging by your care of us, I know you will take good care of them. I know that they will receive prompt, courteous service." She went on to say "by the way, thanks for the birthday card. I have never known a firm that takes such good care of its clients. You have an excellent staff and someone there really pays attention to the amenities. Once again, thank you for your attention to detail."

That fills us up with warm, fuzzy feelings. We do pay attention to detail - the book "Don't Sweat The Small Stuff" - well, it just doesn't apply to our gig. We sweat the small stuff, because that is what turns into the big stuff. Files are won and lost on the small stuff. And we pride ourselves on taking good care of our clients and treating them with the respect that they and their matter deserve. And it is nice when people notice.

Thank you Diana.

## Support the Arts!

The Mattacola Firm proudly supports local cultural events - we view this as a job requirement. Come join us as we sponsor:

**Sculpture Space's  
Works In Progress Reception  
Monday, March 24th  
5-7 pm**

*with work by:*

**Cement Bagot, Paris, FR  
John Osorio-Buck, Boston MA  
Patrick Grenier, Hoboken, NJ  
Rachel Hayes, Richmond, VA  
Kathy Stecko, Brooklyn, NY**

 **Sculpture Space**  
[www.sculpturespace.org](http://www.sculpturespace.org)



## Closing Argument

**These days, one hears a lot about what kind of "environmental footprint" they are leaving in their wake. What I want to ask is what kind of "citizen footprint" are you leaving? This country was made great not by leaving the heavy lifting to others, not by apathy, but by being involved. As Theodore Roosevelt famously said at the Sorbonne,**

**"the credit belongs to the man who is actually in the arena."**

**In other words, get in the game. Find a problem and work on a solution. It's irresponsible not to. Oh, and recycle along the way. That's important, too.**

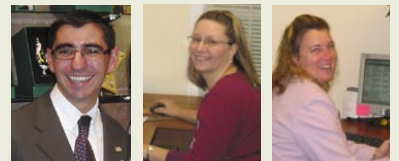


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**We would be happy to assist you in your legal matters. Please call Greg, Kelly or Donna anytime.**



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