

*This edition of Voices of Excellence focuses on how the COVID-19 pandemic has affected children and young adults, particularly in their academic lives. By placing a strong focus on the needs of children, the needs of society will continue to be met as children become adults.*

## QUOTE OF THE QUARTER

*“Education is the key to unlocking the world, a passport to freedom.”*

—Oprah Winfrey

## 2021 DIVERSITY PARTNER COMMITTEE MEMBERS



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Buffalo



**Penny Mason**  
Major Markets



**Zach Forward**  
Syracuse



**Mark Whitford**  
Rochester

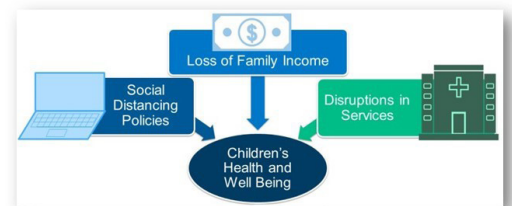
## How the Needs of Children Changed in 2020

By Patrick Burke, Rochester Office Manager

One thing remained constant during a year of unbridled change: children need caregivers who are present and emotionally available. They need people to help them make sense of uncertainty and loss and who can help them navigate fear and change. A caregiver’s well-being is directly tied to the child’s, meaning a child’s best buffer during the pandemic is a supportive caregiver.

### The Impact of Stress

In a work-and-learn-from-home environment, children rely on their at-home caregivers more than ever. Social circles are smaller, friendly visits are few and far between, and the routine and structure of going to school have been broken. Staying mentally well can be difficult in the midst of so many stressors, and financial hardships add to the burden. Caregivers in



lower-income households reportedly experience more depression and anxiety. When a family is stressed about meeting basic needs, they report more emotional distress in the week following, and in the week after that, they report increases in their child’s emotional distress.

Stressed caregivers can be distant and distracted, but children need emotional and physical closeness. Talking with children is a good way to help them understand why you may be frustrated or irritable or rushing or overwhelmed. Bedtime is a great time to reflect with children and to apologize if you have been a bit snappy that day. Unless a child is experiencing constant toxic stress, they will recover and may build resiliency that will serve them well in the long run. If you feel your child is doing OK, your gut is probably right. If you feel something is off, seeking support from a professional makes sense.

### The Risk of Child Abuse and Neglect

The COVID-19 pandemic and the social and economic effects of mitigation measures increased stress related to parental child care and schooling responsibilities as well as increased substance use and mental health conditions among adults. These pandemic-related risk factors may be tied to the increase of emergency department visits related to child abuse and neglect.

In Rochester, the Bivona Child Advocacy Center saw an increase in services of nearly 20 percent compared to previous years between July and December 2020. Bivona provides coordination of investigations into child sexual abuse, serious physical abuse, child fatalities, and other serious traumas. Bivona is comprised of professionals from the fields of law enforcement, prosecution, child protective services, pediatric medicine, victim advocacy, and mental health, all of whom contribute to the investigatory process and to healing in the aftermath of abuse. To adapt during the pandemic, Bivona moved mental health services to telehealth platforms to enable children and families to continue to engage in those services.

Child abuse and neglect may be preventable by strengthening families’ economic supports, ensuring family-friendly work policies so that parents can continue to work while balancing child care responsibilities, and modifying early home visitation practices to be virtual while social distancing measures are in effect. Broad implementation of prevention strategies can reduce child abuse and neglect and help ensure that children and adolescents experience safe, stable, nurturing relationships and environments.

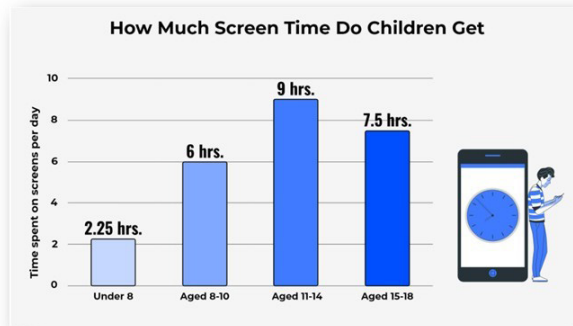
### Screen Time

A Pew Research Center survey this summer found more than 71 percent of parents in the United States with children under 12 years old were concerned their child was spending too much time in front of a screen.

## How the Needs of Children Changed in 2020 continued

According to the American Association of Pediatrics:

- Children under two years old should have no screen time unless video calling with a family member
- Children between two and five years old should have less than one hour per day of screen time
- Children over five years old should be limited to two hours of screen time per day



Children’s screen time has surged by 60 percent as a result of the pandemic. While screen time recommendations were created during normal circumstances, caregivers should still consider their child’s age, interests, and needs when determining how much screen time is appropriate. Today’s children are tech savvy, and they have an insatiable appetite for entertainment. If caregivers and teachers can train that appetite to include educational material, virtual learning can feel natural and be effective at the same time. As an added benefit of screen-based learning, many caregivers now have a chance to better and more fully understand their children’s education—what they’re being taught and how they’re doing in basic subjects.

### Helping Teens

The pandemic has been an especially rough time for adolescents. Young kids want to be around their parents. Teenagers, however, are more independent and gravitate

toward their peers. During the COVID-19 pandemic, many teens have been cooped up at home, separated from friends, and missing important milestones. It’s developmentally appropriate for teens to break away from their parents. It’s stressful for them not to see their friends and to miss out on experiences they would otherwise be having, but caregivers can help teens navigate these losses. Validating teens’ feelings is important, as is encouraging them to think outside themselves.

Clinical psychologists who assess adolescents for depression and anxiety recognize that some of the symptoms of these illnesses typically increase normally around adolescence. It’s appropriate to be concerned if those symptoms worsen and begin to affect a teen’s normal functioning. A depressed teen may not attend their online classes or might not be able to get out of bed. As a result of the pandemic, most caregivers see their children more often, which allows them to observe their children more closely. As with younger kids, caregivers should create an environment where teens feel comfortable talking about their feelings. Be an active listener, and validate their feelings. Do not try to manipulate or control them; a caregiver needs to earn their child’s trust.

### Take Care of Yourself

Caregivers need to care for themselves so they can care for their children. Part of doing that is letting go of unproductive guilt and worry that their families will not recover. If you’re OK, you can make it OK for your children. The science doesn’t suggest that some of these things—like the interruption of school—will necessarily have a lasting impact. Parents want to know what will ripple and what will stick, what children can come back from and what they’ll likely never recover from. While it seems as though there will be some sort of long-term impact, we can’t really gauge it precisely. In time, we will get to choose whether we want to use our remote capabilities, so our job at this moment is to gather as much information and as many stories as we can to reaffirm that education is a work in progress.

## Meet the Diversity 1L and 2L Summer Associates



### Kristen Abele

**Office:** Albany

**Home City and State:**  
Clifton Park, NY

**Law School:** Albany Law School (2L)

**Can you describe any unexpected positives or advantages of law school during a pandemic?:** An unexpected positive was definitely the recording of virtual classes. Having recordings available of every class allowed me to pause and rewind professors’ lectures to revisit material from any point in the semester! Additionally, being able to attend class virtually from anywhere was very convenient.



### Autumnn Burgin

**Office:** Syracuse

**Home City and State:**  
Moravia, NY

**Law School:** Syracuse University College of Law (1L)

**What do you miss most about “traditional” law school?:** It is hard to say what I miss most about “traditional” law school when I have not been able to experience it yet. However, I was really looking forward to making those face-to-face connections and going to the many events held at Syracuse, and it was disappointing not being able to do that.



### Kaitlynn Chopra

**Office:** Albany

**Home City and State:**  
Oneonta, NY

**Law School:** Albany Law School (1L)

**Can you describe any obstacles or difficulties associated with attending law school during a pandemic?:** The hybrid mode of teaching where some students were in the classroom and some students were on Zoom was the most difficult part for me. Professors who were (understandably) not used to this new method of teaching sometimes forgot about the students on Zoom, and it was difficult for us to hear students in the classroom. It was also really hard to find classmates to study with since I didn’t get the chance to meet anyone in person.

## Meet the Diversity 1L and 2L Summer Associates continued



### Leila Dwyer

**Office:** Albany  
**Home City and State:**  
Niskayuna, NY

**Law School:** Albany Law School (2L)

**Can you describe any obstacles or difficulties associated with attending law school during a pandemic?:** As someone who always preferred to do school work in the library as opposed to at home, adjusting to not only reading and homework being done at home but also listening to lectures at home was a tough adjustment.



### Qui'Essence Harris

**Office:** Buffalo  
**Home City and State:**  
Syracuse, NY

**Law School:** University at Buffalo School of Law (1L)

**What do you miss most about "traditional" law school?:** The natural camaraderie that comes from being in person and gathering for classes, study sessions, and events.



### Theresa Oliver

**Office:** Rochester  
**Home City and State:**  
Brooklyn, NY

**Law School:** Cornell Law School (1L)

**Can you describe any unexpected positives or advantages of law school during a pandemic?:** Since I did not have to travel a long distance to attend school, I was able to save money on food, transportation, and clothing. Also, is it very difficult to be late for class when access to class is only a click away on my computer.

## Pro Bono Corner



Barclay Damon attorneys [Beth Ann Bivona](#), [Janice Grubin](#), [Jim Milbrand](#), and [Caitlyn Ford](#) provided pro bono representation to three victims in the Michael S. Tomaszewski bankruptcy. Tomaszewski operated and served as the funeral director of Michael S. Tomaszewski Funeral and Cremation Chapel, LLC, located in Batavia, NY.

As the funeral director, Tomaszewski accepted deposits from customers to pay for future funeral, burial, or cremation needs ("pre-need payments"). Under Section 453 of the NYS General Business Law, a funeral home accepting a pre-need deposit is required to place the deposit in a segregated interest-bearing account in the name of the client. In violation of that statute and the criminal laws of the state, Tomaszewski embezzled the entire deposit of each victim.

On February 5, 2020, Tomaszewski filed a Chapter 11 case (Case No.:20-10203-CLB). At the time of the filing, he did not list any pre-need depositors. Tomaszewski later amended his bankruptcy petition to include the victims, who other sources identified as constituting more than 100 people owed more than \$575,000 in the aggregate. Tomaszewski filed a plan that was opposed by the victims and ultimately denied confirmation

by the bankruptcy court. Concurrently, he was indicted on criminal charges in connection with the pre-need payments.

On March 16, 2021, the court converted the Chapter 11 case to a Chapter 7 liquidation, whereupon a Chapter 7 trustee was appointed. On April 15, 2021, Chief Bankruptcy Judge Carl L. Bucki entered an order declaring the debt owed to each of Barclay Damon's three client victims non-dischargeable. Counsel representing other victims also sought and received similar relief. Subsequently, an involuntary petition was filed against the funeral home and an order of relief was entered, allowing the bankruptcy to move forward. Thus, the funeral home is now in Chapter 7 liquidation, with a different Chapter 7 trustee (than in the Tomaszewski case) appointed to monetize and administer any available assets.

Tomaszewski has pleaded guilty to certain criminal charges and is awaiting sentencing. The victims are hopeful that between restitution and the efforts of the Chapter 7 trustees in both the individual and corporate cases and aid organizations, they will realize cash or in-kind recoveries on all or a portion of their converted pre-need deposit claims.

The April 23, 2021, *Daily News* article "Bankruptcy Appears to Have No Effect on Tomaszewski's Victims' Restitution Claims" states that Chief Bankruptcy Judge Carl Bucki has continued to rule in favor of the victims.

## Office Updates

### ALBANY

#### Community Day With Wildwood

On June 24, 20 volunteers from the Albany office participated in Community Day with Wildwood, an organization that provides supports and services to people of all ages with conditions described as developmental disabilities, complex learning disabilities, and autism spectrum disorders. Barclay Damon's volunteers were Wildwood's first in-person volunteers in over 15 months! At the first location, volunteers created a vegetable garden space at one of Wildwood's

residential programs in Schenectady, NY, and at the second location, volunteers did landscaping and lawn clean-up work at one of Wildwood's residential programs in Albany. Amy Leisenfelder from Wildwood said, "Thank you ALL for such a fantastic day filled with new friends, sunshine, and A LOT of hard work!"



## Office Updates continued

### ALBANY continued

#### *Timely Thought Leadership*

[Dena DeFazio](#) and [Michael Sciotti](#) co-authored the article “[When an Employee Transitions: What Every Employer Should Know](#)” for *USLAW Magazine*.

#### *Happy Pride!*

Barclay Damon and community partner In Our Own Voices, Inc. sponsored the 15th annual Say It Loud! Black & Latin@ Gay Pride.

### BUFFALO

#### *The Western New York 21-Day Racial Equity Challenge*

The Buffalo and Clarence offices are participating in the [United Way of Buffalo & Erie County’s 21-Day Racial Equity Challenge](#). This email series takes participants on a 21-day journey of learning and self-discovery that aims to develop more effective social justice habits around issues of race, power, privilege, and leadership. It also seeks to help participants develop a deeper understanding of how inequity and racism affect our lives and community.

#### *Thank You to Oliver Young!*

Thank you to [Oliver Young](#) for his year of hard work and dedicated service as the president of the Bar Association of Erie County! Despite the challenging times, Oliver and the BAEC made diversity and inclusion more of a focus for the legal community this year. During Oliver’s tenure, the BAEC passed a resolution that calls for members to recognize and educate others on the effects the COVID-19 pandemic has had on women attorneys, attorneys of color, and law students of color. The resolution also asked all attorneys to [take the pledge to “Challenge Disparity, Build Diversity.”](#) Thank you, Oliver, for all your efforts!

### MAJOR MARKETS

#### *Suffolk University Ambassadors for Inclusion Program*

[Sharon Brown](#) participated in the Suffolk University Ambassadors for Inclusion five-week program from May 27 to June 24. The program covered the following content areas: diversity, equity, inclusion, intersectionality, allyship, history, and privilege and cultural competence (humility).

#### *NYSBA Youth Law Day Preparations*

Sharon also serves as a member of the New York State Bar Association Committee on Diversity and Inclusion and co-chairs the D&I Youth Law Day Subcommittee. Youth Law Day partners with NYS law schools to develop events and to recruit speakers that engage underserved high school students about the excitement of practicing law, the important contributions of attorneys, and the need for the legal profession to reflect the diverse communities it serves. Due to the COVID-19 pandemic, Youth Law Day did not take place in 2020 or 2021. Sharon and the Youth Law Day Subcommittee are gearing up for the 2022 Youth Law Day event.

### ROCHESTER

#### *Bivona Child Advocacy Center Golf Tournament*

On June 28, [Mark Whitford](#) and [Nick Scarfone](#) participated in the Bivona Child Advocacy Center Golf Tournament with firm clients from Leonard’s Express, Inc. Barclay Damon was one of the sponsors of the tournament, which raises money to support the agency’s mission to provide support services for abused children.

#### *EnCompass Book Fairies Program*

In May, the Rochester office participated in the EnCompass: Resources for Learning Book Fairies program. The goal was to place books and other literacy-related goodies into the hands of 500 elementary students in the city of Rochester. Many students do not have books at home and have limited access to school or public libraries (especially during the COVID-19 pandemic). Just before summer break, every student received a special visit from the “book fairies” and received a gift bag containing a craft kit, snack, journal, writing materials, and, of course, a book.



#### *Virtual Lunch With 1L Summer Associate Theresa Oliver*

Throughout the summer, Rochester attorneys have been participating in a virtual lunch program with 1L Summer Associate Theresa Oliver. Utilizing Smartsheets and Microsoft Teams, the program provides a one-on-one informal setting where Theresa can meet and foster relationships with our Rochester attorneys in these continued semi-virtual times. Seven Rochester attorneys have participated in this program thus far, providing key opportunities for Theresa to network and develop her legal knowledge and skills.

### SYRACUSE

#### *Markus Paul Foundation Gold Tournament*

Barclay Damon, [Tim Green](#), and Tackle ALS were key sponsors of the first annual Markus Paul Foundation Golf Tournament on June 7. Markus was a former football teammate of Tim’s at Syracuse University, followed by five seasons playing in the NFL, and 22 years as a strength and conditioning coach for the Patriots, Giants, and the Cowboys, leading to five Super Bowl rings. Donations from the tournament have allowed the Markus Paul Foundation to provide a \$10,000 scholarship to an Osceola High School student athlete, a \$10,000 scholarship to a walk-on football player at Syracuse University, and a \$10,000 donation to the Boys & Girls Club in Kissimmee, FL.

#### *Syracuse Heart (Walk) Challenge Update*

As part of the Syracuse Heart Challenge, Barclay Damon helped the American Heart Association raise over \$326,000 in support of critical research and education programs that will impact generations to come. Barclay Damon was the matching gifts sponsor for the kickoff this year, bringing in nearly \$8,000. Thank you to everyone who participated in the 2021 Syracuse Heart Challenge!