

Rochester Police Arrest Man For Recording Video During Murder Trial

ROCHESTER, N.Y. -- Rochester police arrested Malik Hymes for illegally recording a murder trial earlier this month and then later posting that video on social media. The specific charge Hymes faces is violating a section of the New York civil rights law: Taking Pictures of Court Proceedings. Police say the 24-year-old used his phone in Judge Joanne Winslow's courtroom to secretly record a portion of the Desmond Hart trial before Hart's conviction. Hymes later posted it on YouTube and Facebook, calling a key witness in Hart's trial a "snitch." "It's our opinion that he was using that as a means to somewhat intimidate the witness," said Prosecutor Laura Vanderbrook. "The commentary along with the post give us that belief, that he was looking to make a name for people who snitch in a court – and that's using his words." The charge against Hymes is a misdemeanor, but prosecutors say it still sends a message. "We're making that a direct sign to the community that we're taking this very seriously and there will be ramifications for anyone who does that," said Vanderbrook. The Monroe County Sheriff's Office says while there were several deputies on hand, monitoring surreptitious phone recording in a large courtroom can be difficult. Peter Pullano is a defense attorney and says the proliferation of recording devices like camera phones makes enforcing this law tough – but not impossible. "I don't know that it's a losing battle," said Pullano, of the firm Tully Rinckey. "It could be an expensive battle for the courts. A great example would be when you go to the federal courthouse, if you don't have a specific identification that allows you to carry in a cellphone, you don't get to carry in a cellphone." Most other states have updated their laws to allow greater recording of court proceedings. But Pullano says there is good reason for New York and Monroe County to maintain their strict policies. "I think it's an important battle for the courts to remain vigilant," said Pullano. "I think the danger of witness intimidation or threats of coercion is so great. And when the stakes are that high, I think it's something that the courts have to stay on top of." Hymes is out on bail and is due back in court in two weeks.

Xerox suspect Richard Wilbern: A life in pieces

At the start of 2003, Richard Leon Wilbern's life was a financial disaster. He'd lost his house to foreclosure. He'd declared bankruptcy, burdened by more than \$67,000 in debt, but had stopped making the small payments he'd promised to assuage creditors. Even his attempts to make money through a multi-level marketing company in Las Vegas had gone south. Wilbern owed Equinox International, which peddled water filters and vitamins, about \$850. Chronically late for work, Wilbern had been fired from Xerox Corp., where he'd cleaned and repaired copiers. He'd lost a racial-discrimination lawsuit against his employer as

well. There was desperation and, federal authorities allege, anger. "There was certainly a degree of hostility towards the (Xerox) institution," said William Hochul Jr., the U.S. attorney for western New York. Federal authorities allege that on Aug. 12, 2003, Wilbern walked into the Xerox Federal Credit Union at the Xerox Webster campus wearing a wig that sat askew on his head and a blue nylon jacket with FBI lettering on the back. At first claiming he was a federal agent, Wilbern allegedly then robbed the credit union and fatally shot one man, Raymond Batzel, and wounded another. On Tuesday, the FBI arrested Wilbern after a tipster identified him as the man from posters and videos from the robbery-homicide. Wilbern's DNA matches that of genetic samples from an umbrella left at the credit union by the killer, State Police investigator Andrew Jasie, a member of a special FBI task force, said in the criminal complaint against Wilbern. The robber made off with more than \$10,000; not a huge score. But Wilbern's financial fortunes seem to have changed shortly after the crime. He then enrolled his teenage son in a pricey private boarding school in Massachusetts. In the next few years he would take title to a storefront with an apartment attached and open a restaurant. He'd launch a stand-up comedy career, patent eyeglass designs and have other scrapes with the law. His life since 2003 has been described as nomadic, with him occasionally returning to the Rochester area. Wilbern could face the federal death penalty if convicted, and part of the decision-making process is an extensive dissection of the life of the accused. Defense lawyers will look for information that could try to explain why, if Wilbern committed the crimes, he acted as he did, according to defense lawyer Peter Pullano, who has represented defendants in federal cases who could have been sentenced to death. "You have to go back through his whole life and you really have to go back a couple of generations," Pullano said. Which means in coming months lawyers will put Wilbern's past under a microscope. And an unusual past it is; one in which Richard Leon Wilbern seemed to careen from famine to feast and back again. Rochester and Richmond

According to a short bio that Wilbern once provided

, he was born in Atlanta in 1960 and moved to Rochester three years later. Rochester would remain home base, perhaps, but Wilbern lived at times in Virginia, Pennsylvania, New Jersey and possibly Ohio. Wilbern grew up in a modest family home in northeast Rochester, and graduated from high school here, and he listed that family home on Harris Street as his address when he had his first known brush with the law. This came in September 1980, when Wilbern walked into a bank on East Ridge Road in Irondequoit, pulled a mask over his face, whipped out a .32-caliber handgun and announced a robbery. Wilbern fled with a bag containing \$1,500 but he and an accomplice were caught almost immediately. Wilbern did a year in the Monroe County Jail. At some point, Wilbern attended college in New York, though the only records that could be found of that foray into high education were judgments for unpaid tuition. He did not list a college degree on his Linked In profile

. By his mid-20s, Wilbern had moved to Richmond, Virginia, where he remained for roughly a decade. Little has come to light yet about his time there, which pre-dated the era when Facebook and Google were available to regurgitate personal details about people's lives. What he did for a living has not come out. He would have had at least one child by then, according to what is known now, but whether he married or not is unclear. The scant public records that do exist note some judgments filed against him in Richmond in the early 1990s, and an arrest in 1992 for an offense related to a forged traffic summons. He received a five-year suspended sentence for that offense, court officials said. Wilbern had been arrested once previously in Richmond, for possession of a sawed-off shotgun, according to the criminal complaint against him filed in U.S. District Court after his arrest for the Xerox credit union robbery. The complaint states Wilbern did two years in Virginia prison on that felony charge. The Democrat and Chronicle

could find no other information about that arrest and conviction. By the mid-1990s, Wilbern had returned to Rochester. Perhaps he was looking for a fresh start. If so, he seems to have

gotten one — though it didn't last for long. Hired, then fired

In September 1996, Wilbern was hired as a temporary worker in Building 200 at the Joseph C. Wilson Center for technology, Xerox's sprawling complex in Webster. He lived in the family's Harris Street home and worked as a "scuffer," cleaning, repairing and disassembling copiers, according to the criminal complaint. The following year he became a permanent Xerox employee. He acquired a house of his own in southwest Rochester, agreeing to take over payment of the seller's bank loan. Things may have been looking up. But within a year, his mortgage lender had initiated foreclosure on his Lozier Street home, and Wilbern had filed bankruptcy. He brought a Chapter 13 action in August 1998, which allows an individual to shed some debt and work out a plan to repay the rest. The paperwork that survives shows the sort of unpaid bills that many financially struggling people would have — medical treatment, a child's braces, mortgage payments, college loans. Under the bankruptcy repayment plan finalized in 1999, Wilbern kept his home, and he still had his position at Xerox. None of that would last, however. In August 2000, complaining that he was held to a different standard than his white co-workers, Wilbern engaged a lawyer and filed a discrimination suit against Xerox. He was "singled out," he said, though he admitted that he was often late for work and took lengthy lunch and rest breaks, according to an article in *The Daily Record*.

Other employees did the same, he said, but typically black workers were disciplined for their workplace indiscretions, while white workers were not. It was not a frivolous lawsuit, or at least was not treated as one. His lawyer and the outside counsel hired by Xerox traded motion papers and arguments for nearly two years in U.S. District Court in Rochester before the case was resolved — and dismissed. By early 2001 Wilbern was behind on mortgage payments again and had given up on his Lozier Street home. He stopped making his small monthly payments to satisfy creditors in his bankruptcy proceeding. He was living in an apartment in a two-family home in the village of Fairport in February 2001 when Xerox, lawsuit notwithstanding, fired him for what the criminal complaint said was chronic tardiness and absenteeism. No job, no permanent home, no money. That's when he targeted the credit union, authorities allege. Wilbern on list In the weeks after the August 2003 robbery and homicide, Xerox Corp. provided Webster police and other authorities with a list of past workers who may have had beefs with the company. That list contained dozens and dozens of names. Richard Leon Wilbern was on the list. There is no record that he was ever questioned, authorities say, or that he was even deeply scrutinized as a suspect. In the years after the robbery, Wilbern bounced about, living in the Philadelphia and Trenton areas, and sometimes returning to Rochester. "He had ties to Rochester and other areas," said Adam Cohen, the special agent in charge of the FBI's western New York offices. In Philadelphia, he was hurt in some way in a traffic mishap involving a municipal bus on which he may have been a passenger, and filed a lawsuit for damages in October 2005. The case was settled the following year. The lawyer who represented Wilbern, Xavier Hayden, remembered his client only vaguely as someone with a connection to upstate New York. He did not know what the settlement was, but said such cases normally do not result in large judgments. In July 2008 he was photographed by chance in Henrietta by the *Democrat and Chronicle*

as part of a story on mortgage providers. The caption says that Wilbern was hoping to get a lease for a restaurant on the ground floor of his rental property. During this period Wilbern also may have indulged in a creative interest — designing eyewear. A man named Richard Wilbern who said he was from Trenton, N.J., obtained four design patents for diamond-shaped eyeglass frames from the U.S. Patent & Trademark Office in 2012 and 2014. When a reporter described the Richard Wilbern from Rochester to Rakesh Mehta, a Delaware lawyer who handled some of the patent applications, he said, "I believe it would be the same person." Records in various East Coast cities show Wilbern also amassing multiple traffic infractions, including speeding and driving without a license, during this time. Standup, and arrest

Most recently in Rochester, he has alternated between trying to make a living running a street-corner restaurant on Hudson Avenue — his ventures failed, and someone else has filled the space with a MoJoe's offering large pizzas for \$19.99 — and attempts at a comedy career. His sometimes strained efforts at comedy are available on Youtube.com, and took on a viral life after his arrest Tuesday. Three videos of Wilbern's comedy routine, made between 2010 and 2012, can be seen online. Two were made at well-known venues in Manhattan, the third at an unnamed location in Baltimore. The short routines include jokes about heavysset women, his mother and crime. Wilbern comes across as self-assured though perhaps not uproariously funny. The fact that he took the stage at well-known clubs in New York City doesn't mean he hit the big time, though. "The New York City area is different from the rest of the country. They do what are called 'bringer' shows. We would call it an open mike. If you can bring five people who pay the cover and pay the two-drink minimum, you can get in and get five minutes on stage," said Ralph Tetta, a Rochester stand-up comedian who has managed a club here and run his own comedy school. Neither was Tetta surprised that someone who did stand-up would end up on the wrong side of the law. "Unfortunately, comedy seems to attract lazy people ... or people who have the substance (abuse) thing," he said. "There aren't too many normal comedians out there." Indeed, Tetta noted, another local stand-up comedian whom he once counted as a friend, Joe Cumbo, was busted for bank robbery two years ago. In two other more recent videos, his year-old son — a child Wilbern has with a current girlfriend — is, so to speak, the star. In one,

the youngster drags a bulging bag of trash across a yard, and then Wilbern lifts him so he can toss the garbage into a bin. In another,

the boy sits in what appears to be a homemade stroller. That video was posted on YouTube only days before the arrest. Wilbern is lighthearted in the video, telling his son, "It's a nice car you got there, sir." Days later, Wilbern would walk into the FBI Office in Rochester for what would be his third visit in 2016. He was there, having told the agency that he was the victim of a tax fraud in the foreclosure of his home. Having received the tip about Wilbern and his checkered Xerox career in March, and now deep into an investigation into his life, the agents could not believe the good fortune that would bring Wilbern to them. During a July visit, agents duped Wilbern into providing a genetic sample; he licked an envelope containing papers they claimed were part of the investigation into his fraud claims. When he returned in September, the FBI had evidence that the DNA was a match with samples on an umbrella the Xerox killer left behind at the credit union in 2003. The interview with Wilbern at first focused on his allegations of fraud. Agents also talked to him a little about his life, the talk more friendly than adversarial. Then the agents began to ask about his employment years before at Xerox — the very company that fired him at a time of financial distress. "His demeanor changed," the FBI's Cohen said. Wilbern decided he had nothing more to say — except one thing. "He invoked his right at that point to speak with an attorney," Cohen said.

Local law firm celebrates new location

Tully Rinckey PLLC Expands into New Rochester Office

Tully Rinckey recently held a ribbon cutting and open house for its new office space at 400 Linden Oaks, Suite 110, Rochester. The firm's new 4,360-square-foot office space is one of seven Tully Rinckey locations servicing clients locally and nationally and will employ 10 attorneys and three legal support staff in various practice areas. Mark Johns, New York State Assembly, 135th District; William Smith, Pittsford town supervisor; Greg Rinckey, Tully

Rinckey founding partner; and Peter Pullano, Tully Rinckey managing partner, were in attendance.

Tully Rinckey was founded by Mathew Tully and Rinckey, who have pioneered numerous landmark decisions impacting active duty and retired service members throughout the county. Tully's military career spans nearly two decades and includes several deployments overseas to Afghanistan, Iraq and Egypt. Tully was awarded a Purple Heart in September 2012 and Bronze Star in February 2013 for his military service. Greg Rinckey served as a former federal prosecutor and active duty Army judge advocate general. He currently represents members of the military throughout the nation on high profile military and national security legal matters. The office is managed by firm partner, Pullano who has practiced in Rochester for nearly 30 years and is the recipient of the Monroe County Bar Association's Charles Crimi Award, the St. Nicholas Society's Man of the Year Award and the Rochester Business Journal's 40 Under 40 Award.

Judge unconvinced by 'Clinton defense' in Navy machinist's sentencing over classified sub photos

Former sailor will spend year in prison, pay \$100 fine

By Andrew Blake - The Washington Times - Saturday, August 20, 2016 A federal judge on Friday sentenced former Navy machinist Kristian Saucier to one year in prison and a \$100 fine for taking photos inside the engine room of a nuclear submarine after the sailor's attorneys argued for leniency by citing the FBI's decision not to charge Hillary Clinton with mishandling classified information. U.S. District Judge Stefan Underhill never explicitly named the Democratic presidential candidate in announcing his sentencing Friday, but attorneys for the sailor said they believe invoking the so-called "Clinton defense" may have helped their client avoid additional time behind bars. Saucier, 29, admitted to taking a half-dozen photos of the USS Alexandria's classified propulsion system while working as a machinist in its engine room in 2009. He pleaded guilty in May 2016 to one count of unauthorized possession and retention of national defense information. In court documents filed earlier this month, defense attorneys said the FBI's decision not to charge Mrs. Clinton for similar crimes related to her use of a private email server should be taken into consideration at sentencing. "Mr. Saucier possessed six (6) photographs classified as 'confidential/restricted,' far less than Clinton's 110 emails," attorney Derrick Hogan wrote. It would be "unjust and unfair for Mr. Saucier to receive any sentence other than probation for a crime those more powerful than him will likely avoid," the lawyer added. Instead, Judge Underhill said the sailor had done something "beyond stupid," and equated his actions with those of a motorist being pulled over for speeding amid a freeway full of careless drivers, CNN reported from the hearing in Bridgeport, Connecticut. "Selective enforcement is really not a good argument ... those arguments don't really carry much water," Judge Underhill said, according to the network. "We need to make sure that every service person understands the consequences of playing fast and loose with important information," he said. Nonetheless, defense attorney Greg Rinckey told U.S. News & World Report that he thinks the legal team's Clinton defense played a part in earning the sailor only one year in prison when he faced upwards of six. "He cryptically made some comments about selective prosecution and how that didn't play any factor. Do I think it may have? Sure. But I think there was enough mitigation that the judge was able to depart from the sentencing guidelines [on that basis alone]," Rinckey says. Following the defense's invoking of the Clinton case in court documents before sentencing, prosecutors responded with a filing of their own taking aim at their argument. "The defendant is grasping at highly imaginative and speculative straws in trying to further draw a comparison to the matter of Sec.

Hilary (sic) Clinton based upon virtually no understanding and knowledge of the facts involved, the information at issue, not to mention any issues of intent and knowledge," prosecuting attorneys wrote. In addition to the 12-month prison sentence, Judge Underhill ordered Saucier to serve six months of home confinement following his release and to perform 100 hours of community service. He's also been asked to pay an \$100 fine and has been banned from owning firearms, his attorneys told U.S. News. By entering a guilty plea, Saucier avoided an obstruction of justice charge related to his attempt to destroy the cell phone that stored the photos. "Mr. Saucier admitted that he knew when he took the pictures in 2009 that they were classified and that he did so out of the misguided desire to keep these pictures in order to one day show his family and his future children what he did while he was in the Navy," his attorneys told the court. Saucier will report to prison in October and is "most concerned with being able to return home to his family," Mr. Rinckey told U.S. News.

Pullano Skeptical on Proposed Textalyzer Bill in New York State

'Textalyzer' could provide new tool for police

BY JIM MADALINSKY ROCHESTER, N.Y. --- A new tool aimed at curbing texting and driving could be making its way to New York. A proposed bill in the New York State legislature would allow law enforcement to use a device that can immediately read whether or not a person was using their phone at the time of a crash. It's called "The Textalyzer." The device connects directly to a person's phone. "It should be a law. A lot of people are getting hurt because of texting," said Jamilah Lii. "Initially it sounded a little intrusive, but after hearing what it is used for, I think it sounds fair," said Casey Nati. The device can't read actual text messages, just whether or not one was sent or received at the time of the crash. Supporters said it is no different than a breathalyzer used to stop drunk driving. But not everyone agrees. "The breathalyzer is related directly to the driving task. The cell phone has a lot of other things going on with it and a lot of privacy issues," said attorney Peter Pullano. Pullano is skeptical of the law. He said the current system works. "When it's required, officers request a warrant and a judge will sign a warrant," said Pullano. Pullano expects any legislation to be challenged under the 4th Amendment. The proposed legislation is in memory of a Westchester County teen who was killed in a distracted driving crash in 2011.

New Helpdesk Manager Ensures Overall Security of Firm's IT Systems

Delaney Promoted to Helpdesk Manager at Tully Rinckey PLLC

April 14, 2016 – Albany, N.Y. – Tully Rinckey PLLC is pleased to announce the promotion of Brandon Delaney to Helpdesk Manager. For the past five years, Delaney has served as an IT Analyst for the firm. In his new role, Delaney is responsible for the management and oversight of the firm's IT helpdesk. In this role, he works with the firm's Chief Information Officer to help ensure the overall health and productivity of the firm's information technology (IT) systems, supporting all branch offices throughout the country. Delaney reviews, tracks, and resolves systems issues at both the datacenter and end-user device levels. Additionally, Delaney consults with users about increasing efficiency, along with recommending and deploying

hardware and software solutions to enhance or add functionality to the firm's IT systems. He is also responsible for the firm's high-definition video teleconferencing system, which enables attorneys and support staff to have video conferencing within the firm, and with outside agencies. Before joining the firm in May 2011, Delaney worked as a Senior Computer Technician for an IT company in Albany, N.Y. There, he helped end users as well as small and medium businesses achieve their technological needs. For more information, please contact Marcy Velte at (518) 218-7100 or at mvelte@1888law4life.com.

"He took on this case with vigor and ZERO FEAR of the government!"

"LITERALLY THE BEST MONEY I EVER SPENT!!!! The USAF charged my son with Article 92, Violate General Order and Article 128, Simple Assault. I spoke to many attorneys who said to me, "Your son will be convicted of the Simple Assault because putting lotion on someone's face is considered an assault as it is an unwanted touch." They all wanted me to work on a plea deal with the government that ended with my son being discharged, spending time in the brig and having a federal conviction for the rest of his life. Knowing that this just didn't warrant a federal conviction, bad conduct discharge and time in the brig, I was on a search to find an attorney who would look at this case for what it was: a couple of 19-21 year-old immature young men horse playing. I was looking for someone who would say something different; someone who would be able to look at the case from more than one view. When I spoke to Mr. Rinckey, I thought I was going to get the same ole speech, but to my surprise, I IMMEDIATELY felt at ease and I knew right then that he was going to be my attorney (not sure if he knew it at this time). He took on this case with vigor and ZERO FEAR of the government! He wanted them to know that this was NOT going to go away with any plea deal! And he went to work! Then, LITERALLY 2 DAYS BEFORE trail the government added an additional charge, which was Article 134, Unlawful Entry. Mr. Rinckey stayed focused, developed a plan, and off to trail we went. He was so prepared, calm and at ease. I remember him saying to me, "I am ready to try this case." And yesterday – 14 APR 2016 – my son was found NOT GUILTY on ALL CHARGES AND SPECIFICATIONS!!! Yesss!!! You know, it's always hard to find money for an attorney, but I learned one thing with this case. Although I thought we couldn't afford an attorney, the truth of the matter was that we couldn't afford NOT TO HAVE an attorney. I only wish I had found Mr. Rinckey sooner, but that's okay. I have found my ATTORNEY for life," Y.W. on Founding Partner on Greg Rinckey, Esq.

Prior results do not guarantee similar outcomes.

Bizarre Stories: "Cost thousands of dollars" to Sue Mother for Changing last Name

Can I sue my mother for changing my last name?

Dear Moneyologist,

My family has been fragmented for at least the last three generations, creating an elaborate blend of step-everything and relationships that were seldom defined by blood. My deceased grandfather — whom I loved dearly — is not my relative by blood, nor is the so-called father whose name I carry. Suffice it to say our family traditions are fragmented or

non-existent. When my mother divorced and remarried, she and my step-father changed my name and my younger brother's to match his, creating this collection of five kids where the oldest two had one last name and the younger three had another (my parents had the youngest son together). Over the years, the older two and one of my younger brothers were excluded from our family by my parents — they were literally thrown away. I dropped out of high school and joined the army at 17, where I remained for the next 25 years. My wife and I have been married 38 years and have done pretty well for ourselves and four kids, residing in a home larger than any in the history of our extended families. I genuinely wanted to help bring things together among my fragmented family and came up with the idea several years ago to invite everyone to our house for Christmas — my parents, my younger (step) brother, his third wife, their children, and another lovely girl from his first marriage. I envisioned board games, talking in the kitchen, and touch football in the yard. Instead we got isolation, indifference to our home, and an absolute reluctance to follow any team-building suggestions I promoted. My wife watched me try to play the encouraging, happy host to our indifferent guests and became visibly livid. Everyone left a day early, and the period of cold shoulders began — no birthday cards, no calls. I continued to telephone after some six months and, over time, a regular pattern of communication resumed. I thought we had navigated the storm. Three years pass, and I was at my step-father's bedside as he slipped away. It was traumatic, but the next day it took another turn: My mother informed me that, in their will some two years prior, they had decided to leave my brother the house and that he and I could split "whatever other inheritance was left over." She added, "That's OK, right? Your wife said she would never live here," she insisted. My youngest (step) brother, their natural son would inherit their estate for his family. After 48 years pretending I was a son as well the truth was clear: I was not a son, and neither I, my wife, nor my children would enjoy a peaceful legacy or inheritance with this family. I know from reading your column that there is nothing I can do about people's decisions with their money and, honestly, could not accept a dime if it were offered. But the notion that they took a little boy of 12 and tattooed some stranger's name on his forehead — watching him pass that name on to his children (even naming his firstborn after the stepfather) — and later tossing him out with his other siblings makes me sad and furious. On the flip side of all this drama, I'm not walking away empty-handed. I now have an oddly humorous story about how "I once crafted a family reunion in hopes of establishing a Christmas tradition, and got disinherited for my trouble" and a powerful illustration for my kids on what not to do. I now insist that they will each receive their legacy regardless of what choices they make in this life. And it makes me question: Can I contest the will and possibly sue the estate for the legal fees associated with changing my name and the names of my children and grandchildren back to my original name — a dramatic reset of sorts? Do you think this is possible? I suppose this is tremendously difficult, but I'm just about angry enough to do it. Writing this alone was helpful, though I apologize for the length. Forrest Dear Forrest,

I'm sorry to hear that you tried and failed to bring your family together. It sounds like your parents have had tumultuous relationships with their children and, even though you have organized Christmas and remembered people's birthdays and been present for your parents, you have not been able to break that pattern. Your mother based her decision on something your wife said or something your mother thinks she said. She may be a very sensitive person, or perhaps someone who finds trouble where there is none. You could always say, "You misunderstood," or, "That's not what happened." But, ultimately, you must abide by her decision. Life is unfair. As I said to a reader who was unhappy with the size of his inheritance (\$10,000, to be exact), try not to define your entire relationship with your parents by the amount that is left to you in their will. As hard as it is to hear, this may not be about you. It may be that your parents have a limited capacity to give and receive love, and they may think that your youngest brother needs a house most of all. I don't know the details of your respective financial situations, but you say you live comfortably. The heavy lifting has already been done: You have built your own family without continuing these deep divisions. The legal

system is harsh when it comes to inheritance. If you weren't formally adopted by your stepfather, you likely have no standing to contest any aspect of your stepfather's will or its terms, says Blake Harris, an attorney at Mile High Estate Planning in Denver. But you would still have little recourse, even if he did adopt you. Why? Parents can leave whatever they want to who they want. What's more, if you were not mentioned in the will, you were technically not disinherited, Harris says. To successfully contest a will, it must be based on a claim that the will failed to fulfill legal requirements for its proper execution or that your stepfather "lacked testamentary capacity," he adds. You inherited your last name from your stepfather and, because you will not inherit the family home, you want to retaliate by changing your family's last name. Suing them in court would be costly and a fruitless task, given that your mother used a court order to give you your stepfather's last name. (This is often done by parents in a blended family, especially when the child's biological father is no longer around, so it's not that unusual and you would have little grounds for being treated unfairly.) "It would cost thousands of dollars to take this case and only a few hundred dollars to change your name," says Mathew Tully, founding partner of Tully Rinckey law firm in New York. We are a sum of our actions and this tit-for-tat goes against everything you stand for: The importance of family. Changing your name won't change who you are. But taking a frivolous court case would.

Veterans Outreach Center Receives Needed Support from Prominent Military Law Firm

Tully Rinckey PLLC's "Jeans and Sneakers" initiative funds services for Western New York veterans

March 25, 2016 – Rochester, N.Y. –In an effort to continue its long tradition of giving back to veterans in need, Tully Rinckey PLLC has provided financial support to local veteran's assistance organization, the Veterans Outreach Center. A check was presented to the Veterans Outreach Center today on behalf of Tully Rinckey PLLC by Rochester Managing Partner Peter Pullano and firm Associate Jennifer Aronson. The donated funds will support the mission of the organization, which provides resources to current and former members of the U.S. Armed Forces and their families through direct service, community collaboration, and advocacy. Tully Rinckey PLLC has a long-standing record of service with the military.

Throughout its seven offices, the firm employs 70 attorneys, of whom a large group are veterans. The firm's founding partner, Mathew B. Tully, is a recently-retired lieutenant colonel in the New York Army National Guard who received the Purple Heart and Bronze Star for his service in Afghanistan. As a civilian attorney, he has won numerous landmark decisions protecting veterans' rights, especially those pertaining to the Uniformed Services Employment and Reemployment Rights Act (USERRA). Managing Partner Greg T. Rinckey is a former Army JAG who currently represents service members worldwide in a variety of military law issues. [caption id="attachment_34666" align="alignnone" width="448"] Caption: Tully Rinckey PLLC Rochester Managing Partner Peter Pullano and firm Associate Jennifer Aronson present a check to Veterans Outreach Center Executive Director Todd Baxter and Director of Operations Jocey Henderson. [/caption] "We at Tully Rinckey PLLC are honored to support the Veterans Outreach Center and its mission," said Mr. Pullano. "The firm takes pride in its efforts to give back to veterans and their families through its various donation initiatives throughout the year. We would like to thank the Center for being an essential resource for those in the community who have served our country." Founded locally in 1973 by returning Vietnam veterans, the Veterans Outreach Center remains a major support system within the community and offers services designed to meet the needs of veterans and their families. Programs and services are provided free of charge to the public. The organization's programs

and services include employment and job training, housing assistance, financial and legal counseling, wellness therapy and substance abuse recovery. Since its inception in February 2010, Tully Rinckey PLLC's Jeans and Sneakers initiative has donated about \$17,750 to nearly 55 nonprofit organizations. Under this initiative, employees who wear jeans and sneakers to the office on Fridays make a \$1 donation for each casual clothing item worn. At the end of the month, the firm makes a dollar-for-dollar matching contribution. Recent recipients of Jeans and Sneakers donations include the Binghamton Crime Victims Assistance Center, Trillium Health in Rochester, the Centers at Saint Camillus in Syracuse, WNYHeroes in Buffalo and the Albany County Family Court Children's Center. For more information, please contact Marcy Velte at (585) 492-4700 or via email at mvelte@1888law4life.com.

Tully Named to Prestigious HillVets 100 List

Tully Rinckey PLLC Founding Partner among most influential veterans of 2015

March 23, 2016 – Albany, N.Y. – Tully Rinckey PLLC Founding Partner Mathew Tully was recognized yesterday as one of 2015's most influential and impactful veterans. Tully's accomplishments and achievements as a veteran and business owner were celebrated by HillVets, a nonprofit group of bipartisan veterans and supporters empowering veterans to advance in careers following military service. Tully was honored at a reception at the Reserve Officers Association headquarters on Constitution Ave. NE in Washington, D.C. alongside former U.S. Secretary of Defense and U.S. Senator Chuck Hagel, former Secretary of Defense Donald Rumsfeld, U.S. Sen. Lindsay Graham, Texas Gov. Rick Perry, and many other accomplished veterans who earned their place on the 2015 HillVets 100 list. "It is an honor to be included among this year's list of HillVets 100 recipients," said Tully. "From Tully Rinckey PLLC's beginnings, the mission of the firm has been to defend the legal rights of service members facing employment discrimination due to their military service. We have since grown the scope of legal services we offer to include federal employment law, security clearance representation, and a range of others, but our core focus continues to be the legal defense of our nation's veterans." In the fall of 2015, HillVets requested nominations for the second annual HillVets 100 list. The nominations poured in and HillVets compiled a list encompassing individuals from diverse sectors, including the arts, politics, business, philanthropy, and personal achievements. To be included in the HillVets 100 list, nominees had to demonstrate a purpose of giving back to those that have sacrificed so much for our nation. Tully was among those named to the HillVets 100 list in the category honoring veteran-owned and operated businesses on Capitol Hill. Tully Rinckey PLLC opened its Washington, D.C. location in 2008, and expanded to its latest 6,400-square-foot, seventh-floor suite just one block from the White House on Connecticut Avenue NW in 2014. On Sept. 11, 2001, while employed in the legal department of Morgan Stanley, Tully escaped from the World Trade Center and shortly thereafter relocated to upstate New York. There, he began providing legal services to service members facing employment discrimination based upon military service. Tully has become a pioneer of litigation involving the Uniformed Services Employment and Reemployment Rights Act, which protects the civilian employment rights of military personnel. Following discrimination he faced employed as a federal prison guard, Tully researched and litigated his own USERRA case, deciding then and there to continue his work to help others in the military facing similar issues. In 2005, Tully was deployed to Iraq with the 42nd Infantry "Rainbow" Division of the New York Army National Guard and was based at Forward Operating Base Danger in Tikrit, Iraq. In 2012, he received the Purple Heart for injuries he sustained during a suicide bombing while serving in

Afghanistan. His service there also afforded him the Bronze Star. Tully is currently the New York State commander of the Military Order of the Purple Heart (MOPH). For more information or to speak with Mathew Tully, please contact Marcy Velte at (518) 218-7100 or via email at mvelte@1888law4life.com.