

This first part of an ongoing series about Capital Region law firms looks at some of the current firms operating 75 years or more in the area.

Region's Founding Firms Share a Rich History

By Paul Grondahl

The founding law firms of the Capital Region, some which pre-date Albany Law School, share a rich history together. A unique set of traits make the firms distinct from any other region. Two Albany-specific characteristics loom large over the past 150 years—their location in the capital of New York, and the generations of Albany Law graduates that have fueled and sustained their prosperity.

Samuel E. Aronowitz (Mr. Sam) in his office at O'Connell & Aronowitz at 100 State Street, circa 1925-1935.



The reasons for establishing their law firms in Albany and keeping them here are as different as the attorneys themselves.

Often the founding partners were expatriates from New York City who discovered they liked Albany living. Firm-founders also planted their seeds here to avoid New York City rents and high salaries to associates, allowing a cost advantage when competing against New York City firms.

With the billable hour roughly twice the price in New York City, the region's larger and smaller firms found themselves at an advantage for government work. Even today, the area's firms are considered a great legal bargain when competing for national accounts.

Being familiar with the judges and lawmakers also helped Albany law firms thrive, effectively prohibiting for years large national firms from entering the market.

For decades, if not still, state government work has been the most prominent single thing that makes the region unique for law firms. While firms have developed niches and a significant base of private sector clients, government work in all its manifestations—including lobbying—has long been king.

Another unique, and uncanny characteristic of the Albany region is the small size of the law firms. In fact, the area's largest law firms are far smaller than the larger firms of Binghamton, Rochester, Syracuse and Buffalo.

Explanations vary on this. The absence of large corporate headquarters and big business in

the region explains some of it. Smaller, boutique firms market themselves on knowing the judges, the courts and the legal system in Albany much better than outsiders, using the stigma of "smallbany" to their advantage.

From their founding to their good fortune of longevity in a steady market, firms have enjoyed more than 150 years of prosperity in the region, sharing a rich history with Albany Law School.

Here's a look at some firms that started here more than 75 years ago.

THE EARLY YEARS

Cooper Erving & Savage and Pattison Sampson Ginsberg & Griffin

Two of the oldest firms in the Capital Region, Cooper Erving & Savage in Albany and Pattison Sampson Ginsberg & Griffin in Troy, predated Albany Law School and can trace their origins to the early 1800s and the birth of the republic. A founder of Cooper Erving & Savage, for example, was Paul Fenimore Cooper, son of the famous novelist of *The Last of the Mohicans*, James Fenimore Cooper. He took over the practice from Abraham Van Vechten, whose firm dated to 1813. Van Vechten performed the legal work for Stephen Van Rensselaer, the Colonial Dutch patroon, and the firm was kept busy during the Anti-Rent War of the 1830s, when tenant farmers revolted and demanded better terms in the payments required by the patroons in

exchange for living on the quasi-feudal estates.

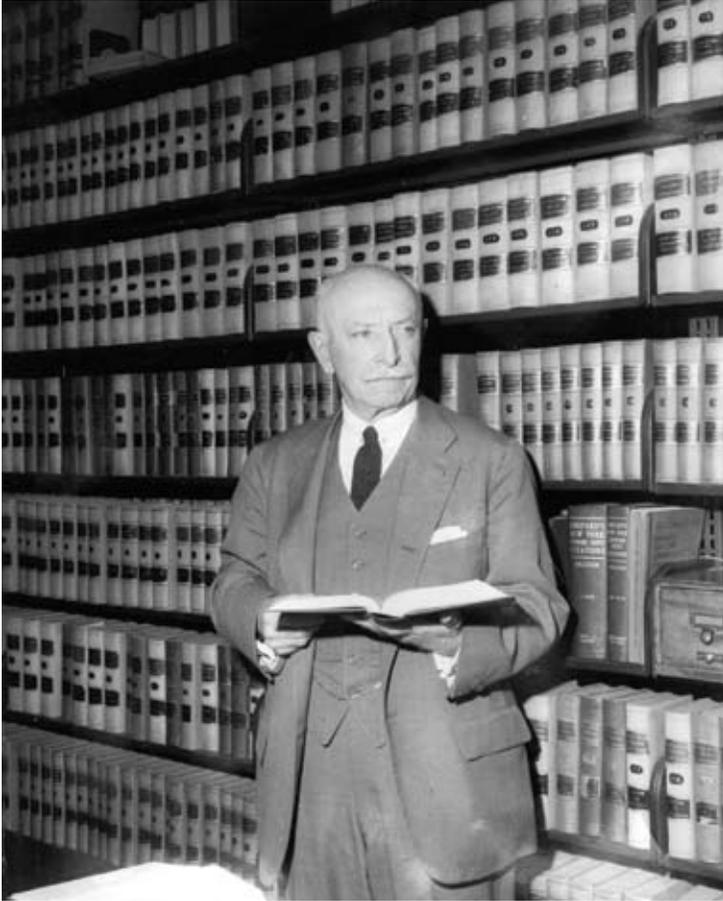
In Troy, the Pattison firm started in the mid-1800s with Edward Clinton Pattison, son of Elias Pattison, who was one of the first boat operators on the Erie Canal when it opened in 1825. Pattison's offices were located in Troy's "Market Block." It has remained a general practice firm with a long family legacy, including Edward H. "Ebbie" Pattison, who joined his father, Edward Aston Pattison, as a partner in 1925 after working in a Wall Street firm.

McNamee Lochner Titus & Williams

When you walk into the downtown Albany law offices of McNamee Lochner Titus & Williams, founded in 1863, you immediately see the portrait of founder Frank A. McNamee in his Army uniform, a veteran of both World Wars. A 1921 Harvard Law School graduate, he immediately joined a small Albany firm and came under the tutelage of partner Robert E. Whalen, an 1898 graduate of Albany Law School. In 1923, the firm was named Whalen, Murphy, McNamee & Creble. Whalen was one of the brightest stars in their firmament and he argued a number of cases before the U.S. Supreme Court, representing New York Central Railroad and large utilities before famous justices Oliver Wendell Holmes, Louis Brandeis and William Howard Taft.

Leonard A. Weiss '48, a special counsel at McNamee,

The firm was kept busy during the Anti-Rent War of the 1830s, when tenant farmers revolted and demanded better terms in the payments required by the patroons in exchange for living on the quasi-feudal estates.



Frank A. McNamee

Lochner is known as “the magician” because he works magic in his role as judicial hearing officer for the New York State Supreme Court. A former Presiding Justice of the New York state Appellate Division, Third Department, Weiss joined the firm in 1994, but knew its notable lawyers and the firm’s rich history during a long career as a lawyer, judge and Democratic Party political leader in Albany. One of more than 33 attorneys at the firm, 18 of the lawyers are Albany Law graduates.

“When I was a young lawyer starting out, I met Mr. Whalen and the Colonel, who was short of stature and very militaristic in his demeanor,” Weiss recalled. “Mr. Whalen was very dignified. They were society lawyers who developed the practice through their connections to the heads of

Albany banks and insurance firms. People of means and pillars of the community gravitated to them because they had a great reputation and stature in Albany.”

Ainsworth Sullivan

When Elizabeth Dumas ’81 and Margaret Comard Lynch ’82, partners in Ainsworth Sullivan, were first hired at the firm fresh out of Albany Law School, there were so few women doing litigation in Albany firms that their presence initially created confusion at depositions. “The other lawyers handed me their cards because they assumed I was the stenographer,” Lynch recalled.

“The biggest concern the other lawyers had when I started was how I would get along with my secretary, since we were both



Charles B. Sullivan



Danforth Ainsworth

women.” Dumas and that secretary, Peggy Jubie, now a certified paralegal, have remained a strong team since the first day Dumas was hired in 1981.

By the time Dumas and Lynch broke the gender barrier, the firm had been around for more than 70 years. It was established in 1908 when Danforth E. Ainsworth and Charles B. Sullivan joined forces and established their practice at

75 State Street in downtown Albany. Ainsworth, a former Republican Assemblyman and chairman of the Ways and Means Committee, died in 1927. Sullivan was a much younger man, an attorney whose legal skills complemented Ainsworth’s political savvy. “Charlie Sullivan used to say that nothing succeeds like success and we got a lot of work because we were good,” recalled Robert Ruslander ’57, president of his class at Albany Law, who joined Ainsworth Sullivan in 1959 and is now of counsel. When Ruslander started at the firm, Sullivan had lost his sight and yet still came into the office every day and practiced law with visual aid devices. “I had the office next to Charlie and he used me as a sounding board and was a grand gentleman,” Ruslander said.

The firm’s roster of notable alumni includes Presiding Justice Anthony V. Cardona of the New York State Appellate Division, Third Department; and New York State Supreme Court Justice Joseph C. Teresi.

Carter, Conboy, Case, Blackmore, Maloney & Laird

With nothing more than a handshake, J. Stanley Carter and M. James Conboy ’19 became partners in 1920 and set up their practice in rented space above Calkins Drug Store on Remsen Street in Cohoes. It was a humble beginning for a firm that has grown into one of Albany’s largest and is now known formally as Carter,



*J. Stanley
Carter*



*M. James
Conboy*

Conboy, Case, Blackmore, Maloney & Laird, with 28 lawyers and nearly two dozen active areas of practice. Beginning with the founder, the connection to Albany Law has remained strong, as 20 of the firm's current attorneys graduated from Albany Law. Carter didn't attend law school in an era when it was not uncommon for a lawyer to apprentice and then to read for the law. It was Carter, a solo practitioner for several years, who represented the United Traction Co. during the trolley company's bitter labor strike that lasted a year in Albany and neighboring cities and his success with labor and employment litigation laid the foundation for future success. Carter and Conboy opened an Albany office in 1927 and also kept their Cohoes office open until 1975, two years after Carter died. They moved to expanded office space in Corporate Woods, a suburban office park, in 1992. The founders' sons, James S. Carter and James M. Conboy, continued to build the practice with a strong reputation for its representation of insurance companies.

"We're known as trial lawyers who are not afraid to liti-

gate," said James M. Conboy, who joined the firm in 1958 and, at 81, continues to visit the law office most days to confer with young attorneys and to read legal periodicals.

"It's great to have the continuity that Mr. Conboy provides and it's wonderful to see him share his insight and wisdom with our young lawyers," said Michael J. Murphy '82, director, chief operations officer and chairman of the firm's executive committee.

"My parents pushed me to go into the law and I'm happy they did," said Conboy. But there will be no third-generation lawyers among the founders' families. Conboy's five children and nine grandchildren have shown no interest in becoming a lawyer, nor have Carter's four daughters.

"My dad told me that outstanding preparation of the law is paramount," Conboy said. "He also told me to remain calm and never lose your cool in the courtroom. Sometimes, though, it's necessary to blow off a little steam at a trial," Conboy said with a sly grin.

Hinman Straub

Harold J. Hinman, a powerful Republican Assemblyman who once challenged for the Assembly Speaker's post and who later served as State Supreme Court Appellate Division justice, was a proven optimist when he started his Albany law firm in 1932 at the height of the Great Depression. He was joined by his son-in-law,

J. Vanderbilt Straub, and Hinman Straub was launched. Today, with 34 attorneys, it is one of the largest in the area and maintains a strong connection to Albany Law School, according to Bartley J. Costello III '72, who is known as B.J., a principal of the firm. Costello's father also graduated from Albany Law School and that connection helped B.J. land his first job. The law school's beloved registrar, Helen Wilkinson, called B.J. into her office one day and said she knew his father and how he struggled to complete law school with young children. When he started Albany Law, B.J. also



Harold Hinman

had two kids and had served on a Navy ship during the Vietnam War. The registrar sent him downtown to see Mr. Straub and Costello's internship in his second year led to an associate's position when there were just eight lawyers. He's been with the firm ever since. Four of the six shareholders who run



Original law firm sign that hung at its first office in Cohoes above Calkins Drug Store in 1920.



Albany Law graduating class circa 1910–1915. O’Connell and Aronowitz both graduated in 1914.

the firm are Albany Law grads. “We hire smart people and what we’ve determined is that Albany Law School provides a practical, hands-on approach to the law and we end up hiring a lot of Albany Law grads because they’re good,” Costello said.

O’Connell & Aronowitz

Although they occupied opposite ends of the political spectrum, Albany Law School classmates Edward J. O’Connell ’14 and Samuel E. Aronowitz ’14 formed a law firm in 1925. O’Connell & Aronowitz has grown into one of the area’s largest, with more than 30 lawyers in Albany and Plattsburgh covering a wide range of practice areas. Aronowitz was an influential member of the Republican Party and a veteran of World War I, who served as state

commander of the American Legion whose early legal efforts were as an advocate for veterans with disabilities. O’Connell was a staunch Democrat who served

as chairman of the Albany Democratic Committee and whose brother, Dan O’Connell, was a powerful Democratic political boss. In that era, brass spittoons were placed beside the desks in the firm’s law library and its all-male roster of attorneys practiced in three-piece suits, with time kept on gold pocket watches.

“It might seem like an unusual combination because of their politics, but they got along famously and were very close,” said senior partner Cornelius D. Murray, who is known as Neil and who joined the firm in 1970 as its ninth attorney. He recalled that when he was an eager young associate who came into the office at 8 o’clock on Saturday morning, Aronowitz would already be there. “He always wore a three-piece suit and he was an old-school attorney,” Murray said. “He



From left, a young Erastus Corning, Ed O’Connell, and Dan O’Connell, of O’Connell and Aronowitz.

liked to reminiscence and he told me a story about Franklin Delano Roosevelt, when he was governor, coming to the office.” Aronowitz, who was affectionately known as Mr. Sam at the firm, died in 1973, following a serious car accident. O’Connell died several years earlier.

Martin, Shudt, Wallace, DiLorenzo & Johnson

Martin, Shudt, Wallace, DiLorenzo & Johnson managing partner Richard P. Wallace ’67 joined the long-established Troy law firm, which traced its roots to the mid-1800s, in 1968 and after a brief stint as a banking executive in Rhode Island. “There was a fair amount of bureaucracy and politics, and I found I didn’t enjoy working for a large bank. The law firm atmosphere here was much more collegial and enjoyable,” said Wallace, who is one of five partners among six who graduated from Albany Law.

The firm is still located on River Street in Troy, as it has been for more than a century. “We consider ourselves the quiet law firm,” Wallace said. “We don’t advertise or tout our clients. People might be surprised at the range of clients we have.”

Lawyers in the firm typically continue to practice into their 70s. “We have an affable organization with very little turnover,” Wallace said. “Our lawyers enjoy it so much they have no desire to retire completely. I plan to stick around for quite awhile, too.”

Maynard O’Connor Smith & Catalinotto

Another firm with a long presence in Albany and a strong connection to Albany Law School is Maynard O’Connor Smith & Catalinotto. The firm was formed in 1919 by William C. Maynard and Gerald W. O’Connor. Their wide-ranging general practice has drawn business and individual clients across upstate and eastern New York for 90 years. The firm expanded by opening an office in Saugerties in the mid-1960s. The firm also has an office in Johnstown, N.Y.

Higgins Roberts Beyerl & Coan

Higgins Roberts Beyerl & Coan, which began in Schenectady in 1837, is among the oldest law firms in New York state and the country as a whole. For the first 158 years of its practice, the firm occupied two different offices on lower State Street in downtown Schenectady. In 1994, it moved to suburban Niskayuna. The firm’s lawyers continue to honor a rich historical legacy with a Latin phrase that has long served as its motto: *Non ut sibi ministretur sed ut ministret.* It means, “Not to be served, but to serve.”

The firm’s practice areas include estate planning and administration, real estate, litigation, education and corporate and commercial law. Five of its eight attorneys graduated from Albany Law. Former partners of the firm include Barry D. Kramer ’68, a judge in Schenectady County Surrogate’s

Court, and Robert M. Carney ’78, Schenectady County District Attorney.

E. Stewart Jones Law Firm

The E. Stewart Jones Law Firm recently celebrated its 115th birthday. Founded by Abbott Jones in 1894, the firm was passed on to E. Stewart Jones, Sr., and then to E. Stewart Jones, Jr., who is currently the chair of Albany Law School’s Board of Trustees. Practically a household name in the Capital Region, in large part from the high-profile cases Jones litigates, his brother, W. Farley Jones ’82, who graduated from Princeton University, also practices in the firm.

Founder Abbott Jones never went to college or law school, but studied the law on his own as a clerk in a law office and ultimately gained admission to the Bar. He developed an extensive private practice, went on to serve as City Court Judge in Troy and was ultimately elected to the position of Rensselaer County District Attorney. When he passed away in 1939, his son, E. Stewart Jones, Sr., partnered with Arthur L. Rosen. “He made the bullets, and I shot them,” Jones Sr. once said of Rosen.

Stu Jones Jr. joined the firm in 1970 after spending 3 years at the district attorney’s office in Rensselaer. “It was a great training ground,” Jones said of his time as an ADA. I was prosecuting highly-visible murder cases three years out of law school.” Things didn’t get quieter when he joined his dad’s firm, where he “learned from the master.”



Abbott Jones, founder of the current E. Stewart Jones law firm



E. Stewart Jones Sr. '35 and Jones Jr. '66, the school's current chair of the Board of Trustees

"In 1974 I was 32 years old and my father at 60 years of age and tired of the pressure of expectations and miracles in the courtroom told me it was time to sink or swim," said Jones. "So virtually all of our cases, civil and criminal, became my responsibility. I was extremely lucky. It was an opportunity few lawyers have. I had exceptional role models, great instruction, genes and my father's name."

For three generations the Jones have kept their firm as a boutique. "It's more manageable this way," Jones said, noting they have five attorneys and 20 people for support. "Our type of firm and our way of practicing may be time limited given how paper intensive, discovery driven and time burdensome the litigation process has become regardless of the complexity, simplicity or stakes of the case."

Thuillez Ford Gold Butler & Young

Roland Ford, class of 1907, almost did not make it to Albany Law School and his family's four-generation connection to the institution nearly never came to be. Ford had to work hard to convince an overly protective mother that he would be fine if he left behind his job as a school teacher in the tiny farming community of Little Falls in the Mohawk River Valley near Utica to venture to the metropolis of Albany to attend law school. Generations of Albany Law graduates are thankful that he managed to prevail over his mother's objections as Ford

went on to found Thuillez Ford Gold Butler & Young, one of the longest-tenured firms in Albany, and earned a reputation as a giant in the law school's annals of memorable professors. Ford taught torts and evidence from 1921 through the late 1950s and remained on Albany Law's faculty until his death in 1970. He also authored the four-volume treatise, *Ford on Evidence*, the definitive text in the field between 1935 and 1960 and often cited by New York's courts. Ford also co-authored with Dean Andrew Clements the standard New York jury charges before the



Roland Ford '07

creation of the Committee on Pattern Jury Instructions.

Shortly after graduating from Albany Law, he entered into a partnership with attorney Harold Hinman. Their small firm focused on commercial and real estate law and they rented office space on lower State Street in downtown Albany. Along with their law books, they found two

items indispensable to their practice: a wood-burning stove to heat the space in winter and a canoe, which they paddled to and from their office during perennial spring flooding of the Hudson River. After the Great Sacandaga Reservoir was built in 1928, ending springtime inundations of downtown, the canoe was packed away. Hinman left the firm in 1919 when he was elected on the Republican line as a State Supreme Court judge. He remained on the bench until 1932, when he returned to private practice and formed the firm of Hinman Straub.

Thomas Ford '47 joined his father's firm and managed to overcome the loss of sight in one eye. He had convinced the Army to allow him to enlist and served in World War II, joining a large law school class of veterans who studied on a 12-month schedule. He treasured a get-well letter written by legal legend Benjamin Cardozo after Ford's blinding injury in the 1930s when Cardozo served on the U.S. Supreme Court. The great jurist wrote that with hard work Thomas Ford might one day become a great lawyer like Ford's father. The young man fulfilled Cardozo's prediction by becoming a co-editor of *Ford on Evidence*, teaching trial practice at Albany Law and befriending Neil Hesson Jr. '37, brother of Albany Law School Dean Samuel Hesson. Neil Hesson joined the firm and tried cases from the 1940s through the 1970s, when it was known as Hesson, Ford.

Dale Thuillez '72, a member of the Albany Law School board of trustees, left behind his studies in physics at Rensselaer Polytechnic Institute and changed his career path by enrolling at Albany Law in 1969. Upon graduation, he joined a firm the Ford family had shaped and soon developed his own strong practice in litigation, particularly insurance defense work, as well as personal injury and product liability cases. Thuillez had a central role in the successful three-year litigation on behalf of New York State against large tobacco corporations that ended in 2001 and resulted in a large financial award for the state, while also being credited with helping to save as many as 90,000 lives annually from the ill effects of tobacco smoke.

Upon graduating from Albany Law, Donald P. Ford Jr. '76 joined the firm his grand-father founded and focused his work on insurance defense, medical malpractice insurance coverage and personal injury litigation. It's worth noting that he met his future wife, Mary Frances Ford '76, while attending Albany Law and their daughter, Daisy Ford '06, co-valedictorian of her class, followed in her parent's footsteps. She is currently a law clerk for Judge P. Susan Read of the New York State Court of Appeals.

"They're a brilliant family of lawyers for four generations now," Thuillez said of the firm. "We've purposely remained a small firm, with seven lawyers currently."

Thuillez called the firm's late partner, Barry A. Gold '71,

who died in 2002, "one of the most beloved attorneys I've ever known. I'm continually reminded of how well-known he was and how deeply people cared about him." Gold's memory lives on at his alma mater. His wife, Sherry Gold, contributed \$1 million in 2006 to establish the Health Law Clinical Program Endowment Fund in the Law Clinic & Justice Center. The funds support representation of low-income clients with cancer or other chronic medical conditions and provides training on legal rights for clients, advocates, health care staff, physicians and law and medical students. Their son, Benjamin Gold '06, works for Legal Aid in New York City.

D'Agostino, Hoblock, Flannery & Jeram

Justice Isadore Bookstein '12 started his firm a year after graduating from Albany Law. Since that time, partners and associates have come and gone, careful never to grow beyond 14 lawyers.

"At our largest time, every lawyer was from Albany Law," noted partner Harry D'Agostino '55, who joined the Albany firm after law school.

Merton Zubres joined the firm in 1937. Bookstein's sons Stanley and Edward came on board as well. Edward became a lecturer in labor law at Albany Law.

Partners today include Kyran Flannery '69, William Hoblock '60 and Thomas Jeram '60.

Albany Law's Board of Trustees established a three-year scholarship to entering students in honor of Judge Bookstein, a

lecturer at the law school and a former member of the Board of Trustees.

McPhillips, Fitzgerald & Cullum

McPhillips, Fitzgerald and Cullum, established in 1911 in Glens Falls, may be the oldest law firm between the capital district and Montreal. James McPhillips, the founder, graduated from Albany Law School in 1896. His partner, Cornelius Fitzgerald, spawned three generations of attorneys, including existing partners William and John Fitzgerald and great nephew Edward Fitzgerald '09.

McPhillips himself generated a legacy of lawyers in the firm, including Bernard McPhillips '42 and Gerald McPhillips.

"Many relatives of the founders have spent their entire careers with this firm" said James Cullum, the managing partner who graduated from Albany Law School in 1967.

Sullivan Keenan Oliver & Violando

Sullivan Keenan Oliver & Violando dates back to 1927 when Edward J. Halter and William J. Sullivan formed Halter & Sullivan. Over the years the name has changed as partners joined and left the firm, and eventually Halter's name was dropped. Sullivan was a well liked attorney who maintained a relaxed, familial atmosphere in the office; his work as a lobbyist continued until his death in 1980.

Among the many notable partners passing through the firm include Hon. John Refhuss,

Along with their law books, they found two items indispensable to their practice: a wood-burning stove to heat the space in winter and a canoe, which they paddled to and from their office during perennial spring flooding of the Hudson River.

LARGEST REGIONAL FIRM RECALLS DEFINING MOMENT



At Washington Park in Albany, Michael Whiteman, top row second from left, and John Hanna, lying on the ground, with, from top left, Jason Gettinger, Richard Parsons, Howard Shapiro, Harry Yobalem, William Donnino holding the football, Jim Ayers and Arthur Quern in the middle.



John Hanna and Michael Whiteman

Whiteman Osterman & Hanna

Although it is the Albany area's largest law firm by a wide margin, with 75 attorneys and 75 office staff, the founding partners of Whiteman Osterman & Hanna recalled their fears at the prospect of leaving good positions with state government under the Rockefeller and Wilson administrations and going out on their own in 1975.

"We had no business at all when we started," said John Hanna, who was deputy commissioner and general counsel of the Department of Environmental Conservation at the time. "I stayed on the job with the state for six months after we had the handshake to go into practice because I had three kids and a mortgage and the prospect of no income was terrifying."

"I remember sitting on orange crates at a card table

when we started," recalled Michael Whiteman, who had been counsel to the governor.

Hanna and the late Melvin H. Osterman, who had no experience running a business, were told they should get a \$100,000 line of credit from a bank so they could pay their employees in a timely manner. At their meeting with the banking executive, Hanna said they wanted \$200,000 and they were given that much in a line of credit.

"Why'd you ask for \$200,000?" a startled Whiteman asked his partner in the elevator after the meeting with the banker.

"I said I was starting to get cold feet about the whole thing and wanted to be able to draw a paycheck if I needed it," Hanna said.

Currently, 14 of 32 partners graduated from Albany Law and 27 of the firm's 75 attorneys are Albany Law alumni.

who went on to become Albany City Judge, Robert Snashall '78 who was appointed Chairman of the Workers' Compensation Board by Gov. Pataki, and John Cunningham '58 who continued his private practice with the firm until his retirement in 2004.

Today, the firms' grads include partners John M. Oliver '94 and Michael D. Violando '96, and associate Matthew J. Leonardo '07.

Wemple & Daly

When William Wemple launched this Schenectady firm in 1887, he could not have known he started something that would last more than a century, partly with the help of William Jr., who started with the firm in 1922 and spent the next 50 years there. When Charles Daly '41 joined the firm, he continued a multi-generation of Albany Law grads, including son James, who is still with the firm.

"I'm the 6th member of the family to graduate from Union College and the third from Albany Law School," James Daly '84 said. Robert graduated in 1974.

While the firm survived over the 20th century, they never employed more than six attorneys at a time.

"We've always been a general practice," James Daly said, noting that one of their staple clients back in the day was the Schenectady Trust Co., now Trustco.