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## Two Magavern Firm Attorneys Assist Olmsted Conservancy To Achieve City of Buffalo Parks Agreement

Buffalo's historic Olmsted parks, parkways and circles are a magnificent urban legacy that will continue to be enjoyed by residents and visitors alike, thanks to a recent agreement between the City of Buffalo and the Buffalo Olmsted Parks Conservancy, which will manage and operate the parks.



The Frederick Law Olmsted-designed parks date to the late 1800s and are listed on the National Register of Historic Places.

As City of Buffalo representatives met with Conservancy representatives over many weeks, two Magavern Magavern Grimm LLP attorneys were there to assist the Conservancy.

Magavern lawyers James L. Magavern and Thomas E. Schofield negotiated a complex amendment to the parks agreement, due to last December's transfer of responsibility for the City parks from Erie County back to the City.

"The outcome exceeds most expectations and could not have been achieved without your firm's support," said Thomas Herrera-Mishler, Conservancy President and CEO. "We are so very grateful for your support, wisdom and counsel," said Anne Harding Joyce, the Conservancy's Chair.

"This is a great outcome for the residents of Buffalo, our renowned Olmsted-designed parks, and for anyone who enjoys the recreational opportunities that are available at these excellent parks," said Buffalo Mayor Byron W. Brown.

Among the provisions of the agreement are new equipment, assigned parks employees and a direct City cash contribution to the Conservancy. A new incentive for private fundraising was created whereby the City provides a limited match of one dollar for every two dollars raised by the Conservancy from private sources for operating expenses.

Other sections of the agreement address City of Buffalo legal requirements for residency, diversity workforce development and living wage policy concerns. In addition, the Conservancy will receive more of the fees raised in the parks for park maintenance, and the Conservancy will keep 100 percent of all new revenue sources as the organization addresses future increases in the cost of maintenance.

"We are committed to working hard and keeping the 1200 acres of legacy green spaces open year-round for all to enjoy," said Mr. Herrera-Mishler. "As stewards and contracted managers of the park system, the Conservancy, along with our partner, the City of Buffalo, will continue to set the bar for clean and safe parks."

## Aven Rennie is Chair of Housing Options Made Easy Event

Magavern Magavern Grimm LLP partner Aven Rennie is chair of the luncheon marking the 20th anniversary year of Housing Options Made Easy to be held on October 6 at Brierwood Country Club in Hamburg, NY.



Housing Options Made Easy is a not-for-profit supported housing and community support agency developed and operated by and for recipients of mental health services in Western New York. Primary goals are to assist in locating safe and affordable housing, and to provide encouragement and services as individuals strive to achieve health and independence.

Headed by Executive Director Joseph Woodward, the agency is recognized as a national model for a successful peer advocacy organization.

Among the luncheon guests will be mental health professionals from throughout New York State as well as from the Buffalo-Niagara region. WGRZ-TV's Kevin O'Connell will be master of ceremonies.

Ms. Rennie's practice areas include health law. She handles adult guardianship proceedings for health care facilities and private clients, and advises facilities in situations involving difficult discharges, patient non-compliance with Medicaid requirements, informed consent by surrogates, and related topics. She also represents physicians and physician groups.



Aven Rennie

## Buffalo Physician Dedicated to Achieving a Healthier World

Four decades after his graduation from the University at Buffalo School of Medicine, Dr. Arthur R. Goshin's work to help people lead healthier lives reaches far around the globe. He is the founder, president/CEO, and the funder of HealthyWorld Foundation, which operates numerous health projects in Uganda and India, as well as participating in programs in Benin, Bolivia, Burkina Faso, Ghana, and the Philippines.



Dr. Arthur R. Goshin in India

Dr. Goshin's name is familiar in Western New York, where he served as Assistant Commissioner of Health for Erie County before founding Univera Healthcare/ Health Care Plan/ Vytra Health Plans and serving as President/CEO from 1976 to 2001. Under his leadership, these HMOs grew to 500,000 members.

He founded HealthyWorld in 2006, a few years after being involved with international work for Freedom from Hunger, an organization involved in microfinance – providing small loans, primarily to women, in some of the world's poorest places. "I became interested, in part, because I could see how it might be possible to include/integrate badly needed health care services with microfinance projects," he explained. Dr. Goshin assisted that organization to obtain a \$6 million Gates Foundation grant to demonstrate how that might be done.

HealthyWorld's mission is to provide funds and technical assistance that enable organizations serving the poorest and most vulnerable people in the world to develop and implement innovative, sustainable and replicable approaches to prevent illness, improve access to basic health services and make a better life for clients and their families.



"Ninety percent of Ugandans and 70 percent of Indians live mostly in rural villages without safe water, electricity, regular sanitation services or ready access to basic health services," he said. HealthyWorld's principal focus areas in 2010 are: clinics – including developing new ones; chronic illness – working with the frail elderly, children with disabilities, and early childhood malnutrition issues; infectious diseases – malaria and waterborne problems; and improved access to health products – e.g., eyeglasses and basic drugs.

Dr. Goshin is a longtime client of Magavern Magavern Grimm LLP and the firm has been with him throughout his career. "I've had the benefit of a working and collegial relationship with the Magavern firm for 40 years," Dr. Goshin said. "Much of that has been through their provision of various and important legal services to the past organizations that I've led. I've also had the pleasure of service as co-board director of other community organizations with members of the firm."

He continued: "Thomas Schofield and Brendan McCafferty have provided all of the necessary legal services in the creation of and ongoing requirements of the Foundation. There are some special challenges because of the international features of the Foundation. Tom also is serving on the HealthyWorld Foundation Board as its secretary."

Although his Foundation work and travels are global in scope, Dr. Goshin continues to reside in the Buffalo area and is active in this community. He chairs the Dean's Advisory Council for UB's School of Public Health and Health Professions, where he is a clinical associate professor; and is affiliated with Roswell Park Cancer Institute's Division of Cancer Prevention and Population Sciences. He is a trustee of the Community Health Foundation of Western and Central New York.

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## Bruce D. Reinoso Invited to Speak on Elder Law Issues

Magavern Magavern Grimm LLP partner Bruce D. Reinoso discussed drafting legal documents for elderly individuals and their families at a New York State Bar Association-sponsored program in Amherst, NY on June 10.

He was a featured speaker at the Erie County Elder Law Day program on May 27 in Depew, NY, talking about estate planning for families whose members include persons under a disability. Earlier in May, he talked about Ethics in Elder Law for a Bar Association of Erie County seminar in Buffalo.



Bruce D. Reinoso

Mr. Reinoso also recently addressed a meeting of the Philanthropic Congress, discussing planned giving from the perspective of boards of directors. His practice areas include elder law, estates & trust law, and health law. He is a past dean of the Erie Law Institute and a past chair of the County Bar Association's Elder Law Committee.

# Copyright in the Workplace: Keeping Your Business Compliant and Competitive

How often do you e-mail an interesting article from a magazine or newspaper to your co-workers, or share content from a journal or research report with colleagues, customers or others inside or outside your organization? In today's fast-paced, global environment, we rely on timely access to and sharing of information to innovate, collaborate and edge out the competition. The fact is that if you are not getting the permission you need to distribute copyrighted material, you could be breaking the law.

Most of the content used and shared in the workplace is protected by copyright—newspapers, journal articles, newsletters, research reports, even blogs and other content found on the Internet. U.S. copyright law applies not only to text works, but also to other original creative works such as photos and illustrations, charts and graphs, music and audiovisual works. Its purpose is to foster creativity and spur the distribution of new and original works by giving publishers, writers and other creators the exclusive right to reproduce, distribute and publicly display their original works. This means that content users typically must get explicit permission from the copyright owner before they can lawfully copy, share or distribute a copyright-protected work, inside or outside an organization.

## Get Permission Before You Share

Most people would not put unlicensed software on their computer, yet many don't think twice before e-mailing or photocopying articles or newsletters. Almost any time that you share an article from a trade magazine, a conference presentation or any other copyright-protected work, your organization faces the challenge of ensuring copyright compliance. Though unintentional, in distributing these works you may be violating copyright law.

Digital or electronic content, such as e-books, photographs on Web sites and electronic databases are subject to the same protections under the U.S. Copyright Act as are non-digital, traditional or paper-based works.

Examples of print and electronic distribution that typically require copyright permission include:

- Sharing copies of a magazine article or analyst report
- E-mailing a PDF of an article
- Distributing competitive literature to your sales force
- Providing company-wide access to a single publication or newspaper subscription
- Posting articles to the corporate intranet or Wikis
- Inserting content into PowerPoint presentations

## Do the Right Thing

When employees need permission to use a certain work, there are two primary ways to get it—contact the copyright holder directly or utilize licensing services provided by an authorized agent of copyright holders such as Copyright Clearance Center (CCC).

For most print and online publications, the publisher is most often the copyright holder. You may have to request a search by the U.S. Copyright Office if you cannot identify the copyright holder. The Copyright Office can search only those works that have been registered.

Founded as a not-for-profit organization over 30 years ago, CCC provides streamlined ways to obtain copyright permission. CCC offers an annual subscription license to share content that is copyrighted by numerous copyright owners. CCC also provides educational programs and free resources to promote copyright awareness and provide employees with the tools they need to comply with copyright law. Visit CCC's website at [www.copyright.com](http://www.copyright.com) or call CCC at (978) 646-2502.

*Please contact Susan Lankenau at Magavern Magavern Grimm LLP, (716) 856-3500, for legal issues relating to copyright and other forms of intellectual property.*



Susan M. Lankenau

## Copyright Cases of Note:

### Lowry's Reports, Inc. v. Legg Mason, Inc.

In October 2003, a Baltimore federal district court jury ordered financial services firm Legg Mason to pay \$20 million in a civil copyright lawsuit. The suit alleged that for a decade or more Legg Mason purchased a single subscription to *Lowry's Reports' Lowry's Market Trend Analysis* and then broadly distributed copies of each report by fax, e-mail or intranet to Legg Mason stockbrokers and favored clients.

### Basic Books, Inc. v. Kinko's Graphics Corporation

In 1991, eight book publishers sued Kinko's Graphics Corporation for copyright infringement. The suit alleged that, in photocopying copyright-protected materials to create university course packs, Kinko's infringed on the publishers' copyrights. Kinko's unauthorized copying covered a wide range of materials, including text, trade and professional books. Kinko's argued "fair use," but the court disagreed. All told, Kinko's paid almost \$2 million in damages, fees and other costs.

## Magavern Firm Senior Partner Heard on Radio Financial Program



Richard A. Grimm, Jr.

Richard A. Grimm, Jr., a senior partner at Magavern Magavern Grimm LLP, is a once monthly guest on The Financial Guys' weekly show, which airs from 2 to 3:30 p.m. Saturdays on WBEN-AM (930) Radio.

Program hosts Glenn Wiggle and Michael Lomas interview Mr. Grimm, whose practice areas are estates & trusts, business law, elder law, and real estate. The program, which has been on the air weekly since 1999, also can be heard live online during the broadcast at [www.wben.com](http://www.wben.com).

## Shakespeare in Delaware Park Taps Theresa Quinn's Musical Talent

Theresa E. Quinn, an associate at Magavern Magavern Grimm LLP, who also is well known as a local musician, composer and director, is musical director for Shakespeare in Delaware Park's production of "Much Ado About Nothing," June 17- July 11.

The comedy is the opening production for the summertime outdoor company, which is marking its 35th anniversary season of presenting free performances of Shakespeare's classic works for Buffalo-area audiences.



## Robert W. Grimm and Cheryl Smith Fisher Chosen for *Super Lawyers*

Magavern Magavern Grimm LLP partners Robert W. Grimm and Cheryl Smith Fisher have been selected for inclusion in *Super Lawyers*.

Mr. Grimm is included among top attorneys recognized in real estate law in *Super Lawyers' Real Estate and Construction* edition, published in May/June 2010.

Ms. Fisher is in the 2010 Top List of *New York Super Lawyers – Upstate*.

She also is included in the *Super Lawyers' Top 25 Women Lawyers* in Upstate New York.

Super Lawyer designations are based upon peer nominations and evaluations combined with third party research.

The names of eight Magavern firm lawyers who have been selected for inclusion *New York Super Lawyers - Upstate Edition* will be announced when the magazine is published on August 23, and will be posted on the firm's Web site. Only five percent of attorneys in Upstate New York are named to the list.



Robert W. Grimm, Jr.



Cheryl Smith Fisher