



MICHAEL B. RISMAN

Partner

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Mike has more than 40 years of experience representing municipalities in a broad array of litigation and subject areas. For the past sixteen years, Mike has been a partner in Hodgson Russ's Business Litigation Practice, focusing on municipal litigation. Previously, Mike served as corporation counsel for the City of Buffalo from 1997 to 2006. This extensive experience provides Mike with broad knowledge of the legal issues facing municipalities. His experience in government enables Mike to assist public officials and attorneys with strategies for dealing with complex issues that arise, while his strong problem-solving advice and firm understanding of municipal procedures and issues enable him to successfully assist public officials and entities in cost-efficient and practical ways. His experience encompasses a wide array of municipal issues.

Prior to joining Hodgson Russ, Mike served as Corporation Counsel (1997 to 2006) and Senior Deputy Corporation Counsel (1987 to 1996) for the City of Buffalo. As head of the department of law, he served as chief counsel for the City of Buffalo, the Mayor, Buffalo Common Council, the Buffalo Board of Education, and other municipal entities and public officials. He directed the city's litigation in all areas, and was involved in many complex economic, real estate development, and other projects for the city. Mike was also an adjunct lecturer on municipal law at the State University at Buffalo School of Law for seventeen years.

Related Experience

In December 2018, Hodgson Russ attorney Michael Risman successfully represented the City of Mount Vernon before the New York Court of Appeals in the case of *T-Mobile Northeast, LLC v. DeBellis*. This landmark municipal law decision involved the important statewide issue as to whether telecommunication facilities and fiber optic cables are taxable real property in New York State. The Court of Appeals ruled that the statutory language and legislative history of the Real Property Tax Law authorized real property taxation of fiber optic cables and telecommunication installations. Learn more on the significance of this ruling in our [Hodgson Russ alert](#).

The Guaranty Building
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Practices & Industries

Municipal
Real Property Tax Assessment &
Eminent Domain
Business Litigation
Education
Food & Beverage
Public Authority

Admissions

New York
U.S. District Court, Western District
of New York
U.S. District Court, Northern
District of New York
U.S. Court of Appeals, Second
Circuit
U.S. Supreme Court

Education

Boston University, B.A., magna cum
laude
University at Buffalo School of Law,
J.D.

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On July 31, 2019, the Appellate Division, Fourth Department dismissed two cases brought by telecommunications companies claiming their installations were exempt from real property taxes. In the case of *Level 3 Communications v. Chautauqua County*, the court upheld the dismissal of a proceeding seeking a tax exemption for fiber optic installations under the exception for property used in the transmission of radio and television signals. In the related case of *Level 3 Communications v. Erie County*, the Appellate Division Fourth Department again dismissed a similar proceeding claiming a tax exemption for fiber optic installations under the radio and television transmission exception. Mike Risman successfully defended these two attempts by the telecommunications industry to circumvent and undermine the recent ruling of the New York Court of Appeals upholding the real property taxation of fiber optic cables in the case of *T-Mobile Northeast, LLC v. City of Mount Vernon*, which was also handled by Mike. These decisions are of statewide importance in upholding the taxation of fiber optic installations of telecommunication companies and ensuring the continued payment of tax revenue to municipalities and school districts.

Michael B. Risman, secured for Hodgson Russ clients the City of Buffalo, Mayor Byron Brown, and Buffalo Police Commissioner Daniel Derenda the dismissal of a First Amendment retaliation lawsuit brought by former police detective Dennis Delano. After making public comments to a news reporter and releasing evidence related to the 1993 murder of 13-year-old Buffalo resident Crystallyn Girard, Delano was brought up on disciplinary charges and later suspended for 60 days at the recommendation of an independent hearing officer. According to the Buffalo Police Department, Delano's actions violated numerous departmental regulations and were in direct violation of orders from his superiors. Delano, however, asserted that the suspension was in retaliation for his exercising his right to free speech under the First Amendment. Chief U.S. District Judge William M. Skretny dismissed the civil lawsuit in its entirety in August 2014 on the ground that Delano's conduct amounted to insubordination, which outweighed the value of his speech. Judge Skretny stated that "no matter the merits of his motivation," Delano's action "had the potential to cause a disruption significant enough to impair 'discipline by superiors' and 'harmony among co-workers.'"

U.S. District Judge Charles J. Siragusa granted summary judgment and dismissed a wrongful death lawsuit brought against one of Hodgson Russ's municipal clients. The lawsuit was brought by the widow of a man who died of a heart attack while being taken into police custody for trying to prevent officers from entering his home to arrest his son on a court warrant. The widow alleged that the police officers used excessive force and caused her husband's death. She also accused the town of negligence in training and hiring. The court ruled that the police department acted properly and vindicated the police officers. The motion for summary judgment asserted that the police officers acted reasonably in their use of force, were responsive to the decedent's medical needs, and did not proximately cause his death. To support the motion, Hodgson Russ obtained a neighbor's surveillance video, which captured the entire incident. After viewing the video, the court concluded that it contradicted many crucial points of the plaintiff's argument and supported dismissal of the case.

In a favorable decision obtained by Hodgson Russ, the U.S. Court of Appeals for the Second Circuit affirmed a 2010 judgment in favor of a New York State town, its chief of police, and one of its officers. Michael Risman represented the municipal defendants. The Second Circuit ruled that the plaintiff's claims of false arrest, false imprisonment, and malicious prosecution stemming from his arrest and prosecution for the alleged rape of his teenage daughter were all without merit. The federal appellate court concluded that the defense of probable cause was satisfied. The court affirmed the district court's dismissal of the case.

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Mike defended the City of Buffalo and six of its police officers in a state court action alleging false arrest and excessive force. The case was brought by a father and son involved in a domestic dispute. After a two-week trial, the jury returned a verdict in favor of the defendants on all claims and dismissed the case in its entirety.

Hodgson Russ attorneys led by Michael B. Risman represented a city housing authority in a State Supreme Court case in which two petitioners asked to be reinstated to the board of commissioners of the housing authority and one petitioner asked to be reinstated as executive director. Two of the petitioners had been elected to the board of commissioners but failed to file the oath of office within thirty days, as required by the NYS Public Officers Law. This resulted in their board positions being deemed vacant. Despite having been informed of this, the two petitioners participated in a board meeting after the 30-day period. At this meeting, the hiring of the third petitioner as executive director of the housing authority was voted on and passed by a vote of four to three, with the two petitioners voting in favor of the hiring. The judge ruled in favor of the housing authority, stating that the two petitioners' offices were officially vacant due to their failure to file oaths of office and, therefore, their votes at the meeting, necessary to hire the third petitioner, were not valid.

Honors

- Listed, *Buffalo Business First* Who's Who in Law, 2004 & 2007-10
- *Buffalo Business First's* 40 Under Forty Award, 1996

In the News

City Lawyers Recommend Rejection of NFR Settlement Agreement
Niagara Gazette, July 19, 2023

New York Court Sides with Masons in Property Exemption Suit
Tax Notes State, May 8, 2023

Firefighter Fired for Testing Positive for Marijuana Can Proceed With Lawsuit to Get His Job Back
The Buffalo News, September 30, 2022

Buffalo Denied Win In Fight With Firefighter Axed For Medical Pot
LAW360, September 29, 2022

'What is the market for such opulence?' Judge weighs assessment for Grand Island mansion
The Buffalo News, August 8, 2021

Former Lockport police officer drops lawsuit over dismissal
The Buffalo News, June 11, 2020

Fiber Optic Property In NY Subject To Local Tax, Court Finds
Law360, May 18, 2020

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Fellow Officers Accused Fired Lockport Cop of Misdeeds, Records Show
Buffalo News, March 20, 2020

New York Court of Appeals Sides with NYCOM: Telecommunications Infrastructure and Fiber Optic Cables Are Taxable Real Property
NYCOM Municipal Matters, June 17, 2019

Local Governments May Tax Telecommunications Infrastructure, NY High Court Rules
New York Law Journal, December 13, 2018

Press Releases

Hodgson Russ Attorneys Secure Dismissal of First Amendment Retaliation Lawsuit Related to High-Profile Murder Case
Press Release, September 4, 2014

Publications

2024 Assessment Model Finalized for Solar and Wind Projects in New York: Will Project Tentative Assessments on May 1 be Accurate?
Hodgson Russ Renewable Energy Alert, May 2, 2024

U.S. Department of Education Announces Long-Awaited Final Title IX Regulations
Hodgson Russ Education Alert, April 25, 2024

Diamonds Are Forever, But New York Tax Exemptions Are Not
Hodgson Russ Real Property Tax Assessment & Eminent Domain Alert, January 29, 2024

2024 Draft Solar and Wind Valuation Model Under Real Property Tax Law § 575-b Released for Public Comment
Hodgson Russ Renewable Energy & Municipal Alert, January 3, 2024

Alternative Instruction for Suspended Students
Hodgson Russ Education Alert, October 20, 2023

Presentations & Events

Municipal Law Seminar
M Hotel Buffalo, 2040 Walden Ave., Buffalo, NY 14225, April 30, 2024

Establishing "Special Districts" Webinar
December 13, 2023

New York State County Real Property Tax Directors Association Annual Fall Conference
1000 Islands, New York, October 27, 2023

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38th Annual School Client Conference

Buffalo Marriott Niagara 1340 Millersport Hwy, Amherst, NY 14221, January 13, 2023

37th Annual School Client Conference

Buffalo Niagara Marriott, 1340 Millersport Hwy, Amherst, NY 14221, May 6, 2022

School Client Conference Webinar Series 2021

January 15, 22, and 29

Taxing, Defending and Valuing Telecommunication Installations and Equipment

New York State Assessors' Annual Training Conference

Lake Placid, New York, September 24, 2019

2019 Municipal Law Seminar

Millennium Hotel, 2040 Walden Avenue, Cheektowaga, NY 14225, May 16, 2019

Taxation of Fiber Optic Cable and Telecommunications Equipment

New York State Conference of Mayors & Municipal Officials, Cooperstown, New York, May 7, 2019

34th Annual School Client Conference

Millennium Hotel Buffalo, January 18, 2019

Professional Affiliations

- Chair, Bar Association of Erie County Municipal and School Law Committee, 2010-2017
- Erie County Charter Revision Commission
- Niagara Frontier Corporate Counsel Association
- New York State Bar Association
- New York State Assessors Association
- Erie County Assessors Association

Community & Pro Bono

- Town Attorney for the Town of Niagara since 2006
- Legal counsel, North Buffalo Community Development Corporation
- Represents numerous municipalities, cities, towns, counties, and school districts on special counsel basis