

NYWBA

NEW YORK WOMEN'S BAR ASSOCIATION

Save The Date!

The New York Women's Bar Association

Invites you to join us in honoring our special guests

*The Newly Elected, Newly Re-Elected,
and Newly Appointed Judges of
New York County,*

including our long-time Director

Hon. Kelly Ann O'Neill Levy,

New York County Civil Court, 5th District

At a Cocktail Reception

Tuesday, February 22, 2011

The Yale Club, Library

50 Vanderbilt Avenue, NYC

Check our website (www.nywba.org) and February Newsletter for details.

The NYWBA and its Elder Law Committee are pleased to announce a program on

Adult Protective Services

*Financial management, guardianship, prevention of housing eviction,
and domestic abuse prevention and prosecution will be discussed.*

Eligibility and access will also be explored.

Speakers: Hon. Lin Saberski, Deputy Commissioner, Adult Protective Services, NYC Human Resources Administration and Miriam Davidson, Co-Chair of the NYWBA Elder Law Committee, Private Practice, Elder Law, Speaker and Moderator

Date: Tuesday, February 8, 2011

Time: 6:00 pm (Reception), 6:30 pm (Program)

Location: One Stop Senior Services, 747 Amsterdam Avenue
(between 96th and 97th Streets), 3rd Floor, NYC

Check our website, www.nywba.org, for more details.

Look inside for our January events and announcements, including:

Committee Meetings - p. 2-3

NYWBA Nominations Committee Report - p. 3

Annual Meeting - Notice to Members - p. 3

CLE Program on Diversity vs. Inclusion - p. 5

Recent Developments in Consumer Protection Law CLE - p. 9

NYWBA's 2010 "Super Lawyers" - p. 9

PRESIDENT'S MESSAGE

Happy New Year!

JANUARY 2011



Gretchen Beall Schumann

We're glad to join you once again in our Newsletter after a brief holiday hiatus. May the celebratory spirit live on throughout the year, and as we hold our annual reception for newly elected, re-elected and newly appointed Judges and Justices of New York County on February 22nd. Congratulations to our honorees, many of whom are members, and to the Association's Director and former Officer, the Honorable Kelly O'Neill Levy.

There are numerous quotes about the significance of the New Year - January 1st as an annual turning point and a time for resolutions. For the NYWBA, January 1st represents the midway of our year (which runs from June 1st to May 31st). Nonetheless, it is an important time to reaffirm the Association's mission and to ensure that members' interests continue to be reflected in diverse and innovative programming. In the November 8th, 2010 edition of *The New York Law Journal* Special Report, *Women In the Law*, author Carol M. Kanarek noted in her article that the "New York Women's Bar Association provides mentoring programs and excellent networking and cross-referral opportunities..."¹ If you have not renewed your membership or joined the Association, please make this one of your resolutions.

Also for this new year, our statewide parent organization, WBASNY, has implemented exciting legislative initiatives, including a commitment to provide direct input to the New York State Law Revision Commission's review of the new maintenance guidelines in divorce matters. We are seeking active participation from our members so that the New York Chapter shares a voice in this process. To become involved, please check in with our Matrimonial and Family Law Committee, which meets on the third Wednesday of every month. We intend to bring you advance notice of other legislative initiatives as they arise, so that our substantive Committees can be at the forefront of positive developments in the law.

I am also pleased to announce a new project, spearheaded by Susan L. Pollet, designed to assist the Association in preserving its history. Be on the lookout for upcoming member profiles of our Past Presidents and Officers, which will commence with our February edition.

Continued on page 2

2010-2011 NYWBA COMMITTEE CHAIRS

STANDING COMMITTEES

- By-Laws and Amendments Elizabeth A. Bryson
- Cooperation with Other
- Bar Associations Kelly O'Neill Levy
- Employment and Equal
- Opportunity for Women . . . Felice B. Ekelman and Louis Pechman
- Judiciary Bonnie E. Rabin
- Legislation Jane Bevans and Jennifer P. Brown
- Membership Heather K. Leifer and Jessica Ventarola Kane
- Professional Ethics and Discipline Hon. Barbara Jaffe and Sarah Diane McShea
- Programs, Events and
- Arrangements Diana G. Browne and Donna M. Praiss
- Patricia Ann Grant and Jo Ann Douglas (Annual Dinner)
- Publicity / Press Tamara Lannin

SPECIAL COMMITTEES

- Advance the Status of Women
- in the Profession Brenda Pomerance and Rachel J. Minter
- Alternate Dispute Resolution Andrea Vacca and Leona Beane
- Awards Orrit Hershkovitz
- Business Law, Taxation & Bankruptcy Cassandra M. Porter and Monique McClure
- Children's Rights & Issues . . . Barbara J. Schaffer and Jill M. Zuccardy
- Continuing Legal Education Yacine Barry
- Criminal Law Isiris I. Isaac and Kathryn E. Salensky
- Diversity Jillian L. Goorevitch and Caitlin I. Somerman
- Domestic Violence Amanda B. Norejko and Laura A. Russell
- Elder Law & Disabilities Miriam Davidson and Kay Marmorek
- Immigration Law Annie J. Wang and Jennifer Durkin
- Intellectual Property Maria L. Palmese
- International Law & Practice Christa M. Bosch and Rebecca Adams Hollis
- Investment Management Regulation Carla P. Vogel and Allison Harlow Fumai
- Litigation Kathy M. Lynch and Marni Rae Robin
- Long Range Planning Elizabeth A. Bryson and Myra L. Freed
- Matrimonial & Family Law Briana Denney, Sophie Jacobi and Hon. Andrea Masley
- Mentoring & Mentoring Circles Andrea Vacca and Randy L. Shapiro
- Newsletter Stephanie M. Adduci
- Privacy & Cyberlaw Patrice S. Ettinger
- Pro Bono Gail M. Kempler
- Real Estate Law TBA
- Reproductive Rights TBA
- Solo & Small Firm Practice Deborah G. Rosenthal and Gina T. Danetti
- Students & New Lawyers Stephanie M. Adduci and Jane CoCo Cowles
- Summer Program Cassandra Porter and Stephanie M. Adduci
- Technology & the Internet / Website Elizabeth A. Bryson and Theresa L. Widmann
- Trusts & Estates Leona Beane and Loretta A. Ippolito
- Women's Health Issues Denise Scotto
- Working Parents Christine M. Harman and Melanie A. Chieu

Contact info for NYWBA Committee Chairs, and the names and contact info for our Delegates to WBASNY Committees and our Liaisons to other bar associations, can be found at www.nywba.org/members/committees.shtml.

To join a committee, go to www.nywba.org/committeechoice. If you would like to chair a Committee, send a note with your qualifications and contact info to President@nywba.org.

President's Message (continued from Page 1)

As always, keep checking our website at www.nywba.org for regular postings. We look forward to seeing you at our events and programs this year!



Endnote:

1. Carol M. Kanarek, "Consider the 'Little Big Law' Option: Strategies for Optimizing Your Practice and Regaining Some Control over Your Life," *New York Law Journal*, "Special Report, Women in the Law," available at <http://www.law.com/jsp/nylj/PubArticleNY.jsp?id=1202474496600> (November 8, 2010).

COMMITTEE NOTES

The **Business Law, Taxation, and Bankruptcy Committee** invites you to join our committee this year. The Committee meets on the fourth Monday of each month at the offices of New York Life Investment, 51 Madison Avenue, New York, NY 10010. We thank NY Life Investment & Director Monique McClure for hosting. Our next meeting will be on January 24, 2011. Upcoming meeting dates: February 28, March 28, April 25, and May 23. RSVP to Co-Chair Monique McClure at Monique_mcclure@nylim.com. She and Co-Chair Cassandra Porter look forward to seeing you there.

The **Domestic Violence Committee** will be meeting on January 18, 2011. Meetings begin at 6:30 p.m. and will be held at our new location: Skadden, Arps, Slate, Meagher & Flom LLP, 4 Times Square, NYC (42d St. between Broadway and Sixth Ave). All NYWBA members are welcome. Please contact Co-Chairs Amanda Norejko (anorejko@sffny.org) or Laura Russell (jarussell@legal-aid.org) with any questions or to join the Committee.

The **Elder Law Committee** invites you to attend our upcoming scheduled events held at One Stop Senior Services, 747 Amsterdam Ave. (between 96th and 97th Streets), 3rd Floor, NYC. On February 8, 2011 we will explore the topic of Adult Protective Services. Next, on March 8, 2011, we will discuss Elder Care Management. Co-Chairs Miriam Davidson and Kay Marmorek hope that you can attend.

The **Matrimonial and Family Law Committee** meets at 6:15 p.m. on the third Wednesday of each month at Blank Rome, LLP, located at The Chrysler Building, 405 Lexington Avenue, NYC. We thank Blank Rome for hosting us again this year. Next meeting: January 19, 2011. Upcoming dates: February 16, March 16, and May 18. To RSVP for meetings, send an email to Co-Chair Briana Denney at bd@newmandenney.com. Please send ideas and requests for meeting topics to Co-Chair Sophie Jacobi at sjacobi@msalaw-ny.com.

The **Students and New Lawyers Committee** meets from 6 to 8 p.m. on the fourth Monday of each month at New York Life Investment, 51 Madison Avenue, New York, NY 10010. We thank NY Life Investment & Director Monique McClure for hosting. Our next meeting will be on January 24, 2011. Upcoming meeting dates include: February 28, March 28, April 25, and May 23. If you are interested in joining the Committee and attending our meetings, RSVP to Co-Chairs Stephanie M. Adduci and Jane CoCo Cowles at SNLChairs@nywba.org.

The **Working Parents Committee** invites you to our monthly brown bag lunch meetings at noon on the second Thursday of each month at MetLife, 1095 Avenue of the Americas, NYC (at 42nd Street). Our January brown bag lunch will be

Continued on page 3

NYWBA NOMINATIONS COMMITTEE REPORT

At its December 10, 2010 meeting, the NYWBA Committee on Nominations nominated the following candidates to serve for the terms stated below. The elections will be held at the Association's Annual Membership Meeting in April 2011.

OFFICERS (2011-2012)

President: Patricia Ann Grant
 Vice Presidents: Hon. Jacqueline W. Silbermann
 Catherine M. Foti
 Julie Hyman
 Treasurer: Ann E. Gittleman
 Recording Secretary: Yacine Barry
 Corresponding Secretary: Jennifer P. Brown

BOARD OF DIRECTORS

Class of 2011-2014

Elizabeth A. Bryson Hon. Sherry Klein Heitler
 Hon. Laura E. Drager Susan M. Moss
 Hon. Phyllis Gangel-Jacob Gretchen Beall Schumann

Class of 2009-2012 (to fill unexpired terms)

Bonnie R. Cohen-Gallet Amy B. Goldsmith

COMMITTEE ON NOMINATIONS

Class of 2011-2013

Elizabeth A. Bryson Myra L. Freed
 Jo Ann Douglas Gretchen Beall Schumann

NYWBA MEMBERS OF WBASNY BOARD (2011-2012)

Jane Bevans Marjorie Martin
 Elizabeth A. Bryson Donna M. Praiss
 Dawn M. Cardi Amy Saltzman
 Jo Ann Douglas Gretchen Beall Schumann
 Hon. Betty Weinberg Ellerin Hon. Jacqueline W. Silbermann

NOTICE TO MEMBERS – ANNUAL MEETING & ELECTIONS

The **Annual Meeting** will be held in *April 2011*.

Article XIV, Section 1 of the By-Laws provides that only members who are in good standing and whose 2010-2011 dues were received by **January 31, 2011** may vote at the Annual Meeting. **If you have not yet joined or renewed your membership, please do so before that date.**

Article XVII, Section 10 of the By-Laws provides that any fifty members eligible to vote at the Annual Meeting may, by a writing delivered to the Corresponding Secretary not less than forty days prior to the Annual Meeting, propose candidates for officer or director positions to be voted on at the Annual Meeting. Such petition must be sent to Corresponding Secretary Bonnie Cohen-Gallet, New York Women's Bar Association, 132 East 43rd Street, The Chrysler Building, # 716, New York, New York 10017-4019.

WELCOME NEW MEMBERS

Skylar Curtis
 Barbara P. Hamilton
 Lisa D. Hatfield
 Marsha Henry
 Damon P. Howard
 Shira Laskin
 Seon Jeong Lee
 Zoe M. Meier
 Sarah A. Mitchell
 Ella K. Moriarty
 Deborah L. O'Neil
 Hilary Platt
 Corey M. Shapiro
 Hadia Ali Sheerazi
 Allison H. Simon
 Amanda Lauren Stone
 Kathy Tuznik
 Joyce von Natzmer

SUSTAINING MEMBERS

With their generous contributions, our sustaining members make it possible for us to accomplish so much more. We honor and thank them for their support.

Erica Bell
 Joan M. Gilbride
 Diane Meyers
 Stanley Plesent
 Amy J. Traub

NOTES ON MEMBERS

Has something noteworthy happened to you or another member? Send your news to newsletter@nywba.org.

Congratulations to **Hon. Kelly Ann O'Neill Levy**, who was elected for the Civil Court in November and inducted to the bench on December 16, 2010. She will sit in the New York County Civil Court, 5th District. Judge Levy is a past Officer and current Director of the Association.

It's a boy! Congratulations to Director **Cassandra Porter** and her husband, Steven Giampaolo. Their first child, Maximos Albert Giampaolo, was born on December 5, 2010.

Committee Notes (continued from Page 2)

on Thursday, January 13, with a program entitled "**Raising Financially Responsible Children.**" Future meetings will be held on February 10, March 10, and April 7; topics will include: reclaiming your life from our crazy busy world, aging parents, preparing for college, special education. If interested in attending, RSVP to Co-Chair Christine Harman (christinemharman@yahoo.com, 201-704-9109). She and Co-Chair Melanie Chieu look forward to seeing you.

Lunch with a Judge Series a Success in 2010

Lunch with a Judge – Chief Judge Loretta A. Preska

By Allison M. Surcouf

On October 20, 2010, Hon. Loretta A. Preska, Chief Judge of the U.S. District Court for the Southern District of New York, hosted approximately forty guests from the NYWBA, including NYWBA Past Presidents Laurie Berke-Weiss and Donna Praiss, at the Litigation Committee's *Lunch with a Judge Series* event. Judge Preska, a Fordham Law School alumna, was appointed to the Southern District in 1992 and became Chief Judge in June 2009. Judge Preska greeted the crowd warmly and gave an engaging speech about the history of the Southern District, her role as Chief Judge, as well as the role of women lawyers and advocacy.

First, Judge Preska described how her court was the first of the original thirteen (following the thirteen colonies) U.S. district courts to hold court. As a result of which, it has been dubbed the "Mother Court." The court first established a specialty in maritime and admiralty law, but commercial cases now predominate on the civil docket. Later, bankruptcy cases saturated the docket, until prohibition cases took hold. Today, the Southern District is the busiest of the federal trial courts.

As Chief Judge of the Southern District, Judge Preska is responsible not only for her own docket of cases, but also for the administration of the court, including determining how the court can better serve the public and the bar and other non-judicial tasks. For example, Judge Preska has been overseeing the development of rules regarding use of cell phones and electronic devices in the courthouse. Additionally, Judge Preska is involved in examining how to alleviate long security lines. Although Judge Preska quipped that even broken toilets are in the purview of Chief Judge duties, she clearly takes her job seriously attending as many of the Court's committee meetings as possible.

As a woman attorney who attended law school in the 1970's, Judge Preska discussed the evolution of women in the profession. Although she was the only woman in her summer associate class and then one of three female associates in her starting class at Cahill Gordon & Reindel LLP, Judge Preska described her gender as an asset in the beginning of her career. She sensed that she was listened to more attentively as an anomaly in the profession, once her adversaries and the bench overcame their astonishment at the novelty of a female attorney.

Her experience was not without challenges. She recounted being sent alone to South Carolina for a client meeting. Upon her return to the office, a partner circulated a complimentary letter from the client, which Judge Preska distilled as "Isn't that nice, she's cute and smart too." Judge Preska noted that any such advantage is no longer true today, as women lawyers and judges are now ubiquitous.

Judge Preska emphasized the importance of projecting confidence and competence at all times as a woman lawyer. Other tips included: eliminate "like" from your vocabulary; don't apologize for making an objection to or requesting a sidebar with the court; don't be a bully; adopt a style that works for you; notice

State Court Justice Carolyn E. Demarest

By Kathy M. Lynch

On November 4, 2010, Kings County Supreme Court Justice Carolyn E. Demarest hosted members of the New York Women's Bar Association and Brooklyn Women's Bar Association at a joint "Lunch with a Judge" event. Justice Demarest, a New York University School of Law alumna, was first appointed to the bench in 1983 and was re-elected in 2006 to the Supreme Court through 2020. She is currently the Presiding Justice of the Kings County Supreme Court Commercial Division. Justice Demarest greeted the crowd warmly and gave an engaging speech about the history of the Kings County Commercial Division, including her role as one of its founding members, and the curious under-representation of women lawyers in the NYS commercial courts.

Justice Demarest described how the Kings County Commercial Division was established and was expanded from two to four judges in 2002. Today, the Kings County Commercial Division is a very busy court, with its own rules and procedures. She noted that judges in the Kings County Commercial Division work with judges in other counties in a hands-on manner so as to maintain uniformity throughout the state.

As a woman attorney who attended law school in the 1970's, Judge Demarest discussed her experiences and her observations about the evolution of women in the profession. She noted that, despite numerous advances of women in the profession over the past 30-plus years, most of the attorneys who appear before her are still men. All in attendance had varying opinions as to the reason for this phenomenon.

Justice Demarest graciously entertained questions from the audience and disclosed that there are times when attorneys come to court woefully unprepared and/or unfamiliar with the

Continued on page 6

how your manner affects others, especially the judge and jury; and keep an attitude of attention and politeness at all times. Judge Preska cautioned us to own up to our mistakes immediately and with a proposed solution rather than an abundance of apologies. She also reminded us that in litigation there is a winner and a loser, and a good attorney must be willing to take risks.

Judge Preska graciously entertained questions from the audience and disclosed one of her pet peeves: attorneys who waste her time. She advised never to ask the court for something you have not yet sought from your adversary. Do not appear at a conference with a key case without having circulated it to your adversary and the court beforehand. Be prepared on all aspects of your case at every conference and hearing because the court wants to move the case forward.

Judge Preska's demeanor was as much a lesson on success as any of her suggestions. She is eloquent and poised, and at the same time inviting and downright funny. The NYWBA's Litigation Committee is grateful to her for having hosted us.

Allison M. Surcouf is an associate at Condon & Forsyth LLP and her practice encompasses all aspects of aviation litigation.

Fetal Alcohol Spectrum Disorders and the Criminal Justice System

By Kathryn E. Salensky

On November 9, 2010, the New York Women's Bar Association and the New York County Criminal Court Gender Fairness Committee presented a CLE program entitled "Fetal Alcohol Spectrum Disorders and the Justice System: An Introduction" at the Criminal Courthouse at 100 Centre Street. The training offered attendees CLE credit in the area of Professional Practice, as well as an enlightening look at an often overlooked societal problem - Fetal Alcohol Spectrum Disorder ("FASD").

Speaker Monica Coakley, a graduate of Harvard Law School, with a LL.M. in Taxation from New York University School of Law, is a Principal in the National Tax and Mergers & Acquisitions Groups at KPMG LLP and the former Director of the Dewey & LeBoeuf FASD Advocacy Project. She is also the mother of two adopted children who have both been diagnosed with FASD. She donates her time to educate the legal community on the impact of the disorder – not only on individuals with FASD and their families, but on society as a whole. She believes that education on the subject is key; it is particularly important for criminal law attorneys to understand the impact that Fetal Alcohol Spectrum Disorders have on the criminal justice system. She has shared her expertise by speaking at forums organized by the New York State's Office of Alcoholism and Substance Abuse Services and the U.S. Department of Health and Human Services' Fetal Alcohol Spectrum Disorder Center for Excellence. She also works with the Fetal Alcohol and Drug Unit of the University of Washington School of Law in Seattle, which serves as a national resource on FASD to legal professionals.

FASD refers to disabilities that occur from alcohol consumption during pregnancy. Ms. Coakley held up a large wine glass and cautioned that mothers of FASD children are not necessarily alcoholics. She stated that, in her opinion, FASD might occur from drinking early in pregnancy, before a woman realizes she is pregnant, or when a woman simply has one too many glasses of wine (or other alcoholic beverages). According to the U.S. Department of Health and Human Services, FASD occurs in approximately 10 per 1000 births – about 40,000 babies per year in the United States.

FASD impacts children's brains and results in cognitive and/or behavioral disabilities that leave the FASD-diagnosed individual with impulsive behavior, susceptibility to peer pressure, poor judgment, and the inability to understand the consequences of his or her actions. The combination of these factors can lead to a lifetime of encounters with the criminal justice system. According to Ms. Coakley, the criminal justice system in Canada and in the State of Washington have been proactive in educating court professionals to recognize individuals with FASD as persons with a disability, and they have implemented procedures to ensure that they receive appropriate accommodations in the criminal justice system. In Washington, persons with FASD are given cards identifying their disability. If they are stopped by the police, the individual with FASD can present the card to the police. Police in Washington are trained to know that a person with FASD should have a guardian with them before being questioned. The University of Washington has documented many cases of FASD-affected persons who falsely confess to crimes

due to their inability to understand questions, their need to please other people, and their susceptibility to peer – or police – pressure. Having a third person present during any police interaction safeguards the rights of persons with FASD. Likewise, both Canada and Washington scrutinize if a person with FASD waives their Miranda rights or consents to a search without a third party present.

Likewise, an attorney working with a person with FASD must be careful to communicate in a simple but concrete manner. Ms. Coakley does not advocate that the criminal justice system give persons with FASD a free pass if they break the law; rather her mission is to make sure that these individuals receive proper accommodations. She also wants to be certain that attorneys understand that FASD might be a mitigating or exculpatory factor at sentencing. Court-ordered treatment for persons with FASD has also become more common in jurisdictions that recognize FASD as a disabling condition.

Ms. Coakley's goal is to expand the number of jurisdictions that accommodate and treat persons with FASD. Although Canada and Washington State are at the forefront of FASD criminal justice issues, she hopes that through her continued educational efforts that New York Courts will soon integrate identification of and treatment for FASD-impacted individuals into the New York criminal justice system.

Kathryn E. Salensky is the Principal Court Attorney to Justice William McGuire in New York Supreme Court, Bronx County. She is also Co-Chair of the NYWBA Criminal Law Committee, and is the First Vice President and a member of the Board of the Network of Bar Leaders.

Save the Date

The NYWBA & Cornell University's New York State School of Industrial and Labor Relations (ILR)

present

A joint CLE program exploring

Diversity vs. Inclusion in Law Firms

Speaker: Lisa Hisae Nishii, Assistant Professor – Cornell University, ILR School, Department of Human Resource Studies

Other speakers TBA

Date: Thursday, March 3, 2011

Where: ILR School -- 16 E. 34th St., 6th Floor, NYC (between 5th Ave. & Madison Ave.)

Cost: \$95

Check our website, www.nywba.org, for more details.

Matrimonial & Family Law Committee Wraps Up 2010

By Sophie Jacobi

The Matrimonial and Family Law Committee of the New York Women's Bar Association had two great meetings to finish up 2010. In October, we heard from the junior and senior court attorneys for the six matrimonial judges sitting in New York County, including the Integrated Domestic Violence Part, about the policies and general procedures of their Parts. The court attorneys candidly shared with us their Part's likes and dislikes, and the expectations of practitioners and parties appearing in their courtrooms. It was a valuable committee meeting, and we sincerely thank all of the court attorneys for graciously spending their evening with us.

In November, we had an important lecture about including life insurance provisions in settlement agreements and divorce judgments. Moira E. Casey, Esq., a partner at French & Casey, LLP, who concentrates her practice on trusts and estates and real estate, spoke about the types of problems that can occur for surviving family members when a life insurance provision of a settlement agreement is not carefully and specifically drafted. Ms. Casey provided various points to consider when drafting language in agreements and divorce judgments, including identifying the specific policies and insurance amounts, preventing situations where the insurance policy may be cancelled, and setting up irrevocable life insurance trusts. Ellen Singer, a Financial Representative at Northwestern Mutual, provided valuable information about life insurance planning for minors, the variables that determine the cost of life insurance, the tax consequences of life insurance policies, and basic information about different types of insurance. We thank Ms. Casey and Ms. Singer for sharing their wealth of knowledge about these issues with us and patiently answering our many questions.

We also thank all of our devoted committee members for a successful fall/winter season. Our next meeting is on January 19, 2011, when we will hear from Peter Passidomo, Esq., Chief Clerk of the Family Court of the City of New York. Happy Holidays and Happy New Year to all!

Sophie Jacobi is associated with Mayerson Stutman Abramowitz, LLP and specializes in matrimonial and family law matters. She received her JD from Loyola University - Chicago in 2003.

Justice Demarest (continued from Page 4)

rules of the Commercial Division. She recommended that all attorneys be fully prepared on all aspects of their case at every conference and hearing, because this is essential for moving the case forward. While this is an obvious proposition, she mentioned that it is lacking way too often and is inexcusable for an attorney in this profession.

Judge Demarest is an intelligent, informative, and inviting speaker. The Litigation Committee, NYWBA, and BWBA express their gratitude for her participation in our *Lunch with a Judge Series*.

Kathy M. Lynch is a Co-Chair of the NYWBA Litigation Committee and maintains a litigation practice.

CLE Program on Conflicts of Interest and Other Ethical Considerations for Attorneys and Fiduciaries

By Leona Beane and Loretta A. Ippolito

The Trusts and Estates Committee held a very successful meeting and CLE program on November 18, 2010. We were privileged to have a presentation by Erin Gilmore Smith, Esq., Assistant Vice President of the Fiduciary Trust Company International, and Ella T. Newman, Managing Director of Fiduciary Trust.

The topic for the evening was "Litigation Updates on Conflicts of Interest and Other Potential Liability Areas for Lawyers and Other Individuals Acting as Trustees." The written materials were extensive and excellent. The program provided important information regarding fiduciary liability based on many New York court decisions and several decisions from other jurisdictions. In particular, the speakers raised many examples of fiduciary liability relating to investments, tax, and other issues. The evening was a "must" for trusts and estate attorneys.

In addition to the wonderful presentation and materials, Fiduciary Trust arranged to provide CLE credit at no charge (1.0 credit for Professional Practice and 0.5 credits for Ethics). Many thanks to Fiduciary Trust Company for the wonderful presentation and materials, and to Willkie Farr & Gallagher LLP for providing the space and refreshments. The evening was a "Win! Win!"

All members are welcome to attend meetings and programs presented by the Trusts and Estates Committee. Be sure to check the NYWBA's online calendar and the Newsletter for announcements about future programs.

Leona Beane and Loretta A. Ippolito are Co-Chairs of the NYWBA Trusts and Estates Committee. Ms. Beane maintains a solo practice concentrating in trusts and estates matters. Ms. Ippolito is a partner in the Private Clients Group of Willkie Farr & Gallagher LLP.

REMINDER

You must be a current, paid-up member for **2010-2011** to continue to receive the NYWBA Newsletter, so be sure to **renew today!**

ADVERTISEMENT

Better Helpers, Inc.

A New York State License Homecare Agency that provides Home Health Aides, Personal Care Aides (24 hours/7 days per week).

Registered and Licensed Practical Nurses. Private pay and private insurance accepted.

Better Helpers, Inc. provides services in New York, Bronx, Kings, Queens, and Richmond counties.

We are located at
401 Broadway, Suite 2001, N.Y.C. 10013
Please contact Sharon @ 212-431-8016
or email betterhelpers@verizon.net.

JALBCA Symposium: "Who Owns Your DNA: Property, Privacy and the Cancer Battle"

By Donna M. Praiss

The Judges and Lawyers Breast Cancer Alert (JALBCA) presented its Fifteenth Annual Ellen P. Hermanson Memorial Symposium on November 10, 2010 at the Memorial Sloan-Kettering Cancer Center. Once again, the panel of medical experts, lawyers, politicians, and judges did not disappoint. Symposium Co-Chairs Hon. Shirley Werner Kornreich, Martha L. Golar, Esq., and Barbara A. Ryan, Esq. selected another hot topic impacting breast cancer research and treatment. The dynamic panel enlightened an engaged audience about the competing interests, existing legislation, and other realities that are shaping the jurisprudence on the collection of biological samples for research under informed consent and the commercialization of successful developments.

The symposium moderator, Hon. Judith S. Kaye, the former Chief Judge of New York State who is now in private practice, kept the discussion balanced and insightful. The panel of judges comprising Hon. Sondra Miller, former Justice of the Appellate Division, Second Department; Hon. Karla Moskowitz, Justice of the Appellate Division, First Department; and Hon. William C. Thompson, former Justice of the Appellate Division, Second Department, demonstrated their keen sense of pragmatics in their examination of the experts.

Larry Norton, M.D., Head of the Division of Solid Tumor Oncology at Memorial Sloan-Kettering, kicked off the program by presenting the latest developments in the battle against breast cancer. Dr. Norton emphasized the importance of private research to supplement federally funded research to meet the needs of patients and physicians. Research undertaken by private institutions necessarily requires a financial incentive, which our capitalist society provides. The panel of experts then provided their insights on this important topic.

Ellen Moskowitz, Esq., Senior Counsel at Proskauer Rose, whose practice focuses on health care law, policy, and ethics, provided the legislative background governing the transfer of human tissue. According to Ms. Moskowitz, there is substantial and robust legislation on both the federal and state level. These laws cover the informed consent of donors, record keeping of the acquisition, transfer and destruction of the material, and a prohibition against the approval of drugs resulting from unethical research. It is a crime to sell human tissue; thus patients who provide tissue samples cannot profit from the transfer, although they can be paid for their time and the like. However, if the human material is later manipulated and developed into a cell line or biologic drug with demonstrated safety and efficacy, then it can be approved by the FDA for marketing and sale as a commercial product. Thus a product of nature changes through manipulation to become a commodity or drug product. Ms. Moskowitz explained that the case of *Moore v. Regents of University of California*, 51 Cal.3d 120 (1990), established that a tissue donor has no property rights to a cell line developed from his genetic material, but a cause of action could be maintained based on the sufficiency of the informed consent. The panelists discussed whether informed consent was truly at issue, since it

was only because the research turned out to be profitable that the plaintiff sought compensation and a share in the profits.

Minna R. Elias, Esq., New York Chief of Staff for Congresswoman Carolyn Maloney, described a situation where a Colorado Indian Tribe had a high rate of diabetes. Tissue donors signed a consent form giving the researchers broad scope over the use of their tissue samples. The donors expected the research using their samples would be limited to diabetes research. The research, however, eventually extended into a study of the incidence of schizophrenia and genetic comparisons to other ethnic groups with high rates of diabetes. The latter research was presented at a medical conference and effectively debunked the tribe's creation myth. Litigation ensued, and the case settled with the return of the specimens and the destruction of all data generated from the research. The panel offered this as an example of not knowing where research may ultimately lead and justifying broad consent forms.

Elisa Reich, MS CGC, Professor of Pediatrics at NYU Medical School, shared that she is a plaintiff in the action brought against Myriad Pharmaceuticals that asserts genetic sequences cannot be patented in the United States. This led to a discussion among the panel of the patent system that provided the incentive for Myriad to undertake the research that led to the identification of the BRCA1 and BRCA2 genetic sequences for determining a woman's risk of developing certain types of aggressive breast cancer.

Many more aspects of the policies and laws behind ethical research and development were addressed during the course of the program, with the participation of a very vocal audience. The subject matter certainly hit a chord with all.

Donna M. Praiss is a Past President, Director, and Co-Chair of the NYWBA's Events and Programs Committee. She is currently Of Counsel at Michelman & Robinson LLP, where she counsels clients in the chemical and pharmaceutical industries on patent matters.



Photo courtesy of JALBCA and Jack Miller of Miller Photography

Speakers at the Fifteenth Annual Ellen P. Hermanson Memorial Symposium presented by JALBCA (l-r): Larry Norton, MD; Ellen Moskowitz, Esq.; Elsa Reich, MS, CGC; Minna Elias, Esq.; Hon. Judith S. Kaye (Moderator); Hon. Sondra Miller; Hon. Karla Moskowitz; and Hon. William C. Thompson.

Women on Top: Ida Abbott on Leadership and Power

By Jezra Kaye

Ida Abbott – attorney, educator, NYWBA Foundation Advisory Board member, and President of Ida Abbott Consulting, LLC - gave new meaning to the phrase “power breakfast” when she spoke about how women can achieve more power at the NYWBA Foundation’s December Breakfast Speaker Series fundraising event.

Ms. Abbott, who is also co-founder and Director of the Hastings Leadership Academy for Women at the University of California’s Hastings College of the Law, believes that men can overlook women’s contributions because of male dominance of large law firms is so complete. To support this point, she re-framed a fact from the National Association of Women Lawyers’ 2010 Survey on Retention and Promotion of Women in Law Firms¹, stating that, “Men control eighty-five percent of equity and 99% of law firm business.”

As the author of *Women on Top: The Woman’s Guide to Leadership and Power in Law Firms*², Ms. Abbott has thought long and hard about what these statistics mean for women. “In the old days, it was ugly,” she said, “but [at least] you knew what you were fighting.” She is concerned, though, that young women attorneys – many of whom made it through law school without experiencing overt discrimination – may misinterpret the fact that almost half of their associate class is female. “There are no barriers to entry,” noted Ms. Abbott, who believes that law firms are *among the harshest environments for women*. “But, the barriers start coming as you progress in your career and become competition [for the men].”

When asked to compare the situation for women who work in-house, she said, “There are more opportunities, and more structure [for advancement]; but issues around negotiations, self-advocacy, and power are the same everywhere.” To combat those issues, Ms. Abbott suggests that women **ASPIRE**, meaning:

- Follow your ambition (What do you want your career to look like?)
- Strategize to achieve your goals (Internal relationships are key.)
- Use personal power to negotiate (Yes and no are not the only answers!)
- Focus on interpersonal dynamics (e.g., bringing others onto your team)
- Develop resilience (You need a thick skin and broad perspective to survive.)
- Empower others to become leaders and build their own power.

“It doesn’t matter how many women associates or non-equity partners there are in firms,” Ms. Abbott noted toward the end of her speech. “Until we have more women in positions of power, we will be a power minority.”

Endnotes:

1. The full NAWL Survey Report is available at <http://www.nawl.org/Assets/Documents/2010+Survey.pdf>.
2. 2010 Edition, West Publishing, a Thomson Reuters business.

Jezra Kaye, President of Be Your Own Advocate, writes a bi-monthly column on communications issues for women lawyers in the NYWBA newsletter.

inMotion, Inc. & the NYWBA Foundation: Enriching a Student’s Legal Education

By Natalie Wilson

My spring 2010 internship with inMotion, Inc., funded by the NYWBA Foundation, was extremely valuable and enjoyable. I had first heard of inMotion through my law school career counselor, who was aware of my search for a semester internship and knew that I highly value client contact and substantive experience. I am pleased to say that I was able to meet both of these goals at inMotion. From the moment I arrived, everyone in the office was very helpful and positive. I worked on a number of projects that provided me with experience I will surely use in the future. It was extremely satisfying to know that after 12 weeks, at only 18 hours a week, I came away with so much knowledge. I will highlight a few of my main projects below.

InMotion provides free legal services to low-income women. It opens its phone lines every week for women to call in with their legal issues. A large part of my time was spent corresponding with clients and potential clients, in both Spanish and English. It was always hectic when the phone lines were open, and while I sometimes felt slightly overwhelmed, it was at those times that I was truly able to assist those women who were in need of legal services but could not afford them. Occasionally, a potential client was just relieved to have someone on the other end of the phone line hear her story. I was often able to direct clients to resources that would help them to understand their rights and options, which was an empowering feeling for both the callers and me.

I was also able to work in depth on a number of cases. The largest case I worked on was a contested divorce case for a Spanish-speaking client. As the attorney assigned to her case only spoke English, virtually all of the communications went through me. I was able to assist the client with answering interrogatories and explained the legal processes that were to come. I met with the client a half-dozen times in person and learned the facts of her case, which made me feel very involved.

I was also fortunate to go to court with an inMotion attorney in a contested divorce and spousal support case. It was extremely valuable to observe hearings and get an understanding for the way that the Manhattan Family Court functions. We were able to prepare our client for examination by the Magistrate, explain to her the arguments we were making as well as the decisions of the Magistrate, and which steps we would take next. Our client felt relieved and quite satisfied to have someone on her side who knew the law, and it was gratifying to know that our client was able to have representation despite her financial troubles. All in all, my time at inMotion was always busy, which meant I was always learning. The organization does an excellent job of providing legal services with brilliant lawyers on their team, and this provided the perfect environment for a semester-long fellowship. I am truly thankful to the New York Women’s Bar Association Foundation for sponsoring me and other law students in this opportunity to learn at inMotion.

Natalie Wilson is a 2011 JD Candidate at NYU School of Law.

The NYWBA Foundation’s December Breakfast was made possible by support from Baker & Hostetter LLP; Berke-Weiss Pechman LLP; Boies, Schiller & Flexner LLP; Condon & Forsyth LLP; Fox Rothschild LLP; Jackson Lewis LLP; Jenner & Block LLP; Orrick, Herrington & Sutcliffe LLP; Paul, Hastings, Janofsky and Walker LLP; Proskauer Rose LLP; and Simpson Thacher & Bartlett LLP.

Congratulations to the NYWBA's 2010 "Super Lawyers"

The NYWBA congratulates our 2010-2011 members whose legal acumen and accomplishments have been acknowledged by their inclusion in *"New York Super Lawyers - Metro Edition (2010)"*.*

- | | |
|--|---|
| Alton Abramowitz
Elkan Abramowitz ¹
Susan L. Bender ³
Laurie Berke-Weiss
Sheila L. Birnbaum ²
Karen E. Blaustein
Lizabeth L. Burrell
Kenneth D. Burrows
Aurora Cassirer
Harriet Newman Cohen ^{1,2}
Felice B. Ekelman
Myrna Felder ³
Catherine M. Foti
Martha E. Gifford
Joan M. Gilbride
Sylvia Goldschmidt
Elyse S. Goldweber
Philip Sherwood Greenhaus
Nina S. Gross
Claire P. Gutekunst
Patricia E. Hennessey
Adria S. Hillman
Stephen D. Hoffman
Andrea Hyde ³
Loretta A. Ippolito | Deborah B. Kahn
Elena Karabatos ³
Michele A. Katz
Leslie D. Kelmacher
Phyllis G. Korff
Marilyn C. Kunstler
Harold A. Mayerson
Susan M. Moss
Gloria S. Neuwirth ²
Louis Pechman
Kathleen Peratis
Stanley Plesent
Bettina B. Plevan ^{1,2}
Katherine B. Posner
Cynthia B. Rubin
Barbara A. Ryan
Pamela M. Sloan ^{1,2}
Phyllis C. Solomon
Debra Brown Steinberg
Diane Steiner ²
Ariana J. Tadler ³
Michele D. Tortorelli
Annie J. Wang
Judith E. White
Mary T. Yelenick |
|--|---|

¹ Members included in "The Top 100 Lawyers."

² Members included in "The Top 50 Women Lawyers."

³ Members featured in special profile articles (2009 or 2008).

If you are a Super Lawyer but are not a current member, go to our website (www.nywba.org/membership) to join or renew using our secure online membership form, or send a note to info@nywba.org to have a membership form sent to you are to inquire about your member status. The Newsletter will acknowledge additional "Super Lawyer" members in future editions.

* *Super Lawyers* is a registered trademark of Key Professional Media, Inc., an independent publication that utilizes its own criteria for selecting attorneys for its annual listings. For information, or to see full attorney listings (by location and practice area), go to www.superlawyers.com.

Mark Your Calendar!

NYWBA's Business Law, Taxation, and
Bankruptcy Committee invites you to save the date
for an exciting CLE Program

"Recent Developments in Consumer Protection Law"

April 6, 2011

Details are being finalized now for this program, which will feature Dora Galacatos, Senior Counsel at Fordham Law School's Feerick Center for Social Justice, who will present a one-hour program on the topic.

NYWBA Mentoring Circles Prosper in 2010

By Andrea Vacca

The Second Annual NYWBA Mentoring Circles Reception was held at New York Life on October 14, 2010. Despite the driving rains that hit the City at rush hour that evening, the event was well attended by 45 new and current members of the Mentoring Circles program.

The Mentoring Circles consist of groups of 10-12 NYWBA members from different practice areas and levels of experience. These members meet on a regular basis to provide each other with professional support and development. The purpose of the reception was to introduce the new and current members of the eight existing Mentoring Circles and to provide all of the members with information to help make their experience in the program the best it can be.

The evening started with time for the members to mix and mingle over refreshments and platters of food. The featured speaker, communications coach Jezra Kaye, then spoke to the group about different communication styles. Jezra explained that by determining your own style of communication and knowing the style of those to whom you are speaking, you can better assure your chance of understanding and being understood.

Ms. Kaye led the members through an exercise that helped them to determine their own style; the members then shared their style determination with the others in their Circle. By the end of the evening, the members of each of the Circles knew each other a little better and were eager to schedule time for their Circle to meet again.

Thank you to Jezra Kaye for graciously providing her insights and knowledge, to New York Life for providing us with the meeting space to hold the reception, and to the New York Women's Bar Association Foundation for generously providing a grant that helped to cover the costs of the program. As a result of all this generosity, our Mentoring Circles program is off to a great start for the 2010-2011 year, and our members are beginning to build what we hope will be the foundation for many fulfilling professional and personal relationships.

Andrea Vacca is Co-Chair of the Mentoring & Mentoring Circles Committee and a member of the NYWBA Board of Directors. Ms. Vacca's practice concerns the achievement of amicable resolutions in matters of divorce, separation, and other family law issues through the use of settlements, collaborative law, and mediation.

~ R E M I N D E R ~

Don't forget to RENEW your
membership for 2010-2011!

It's easy ...

If you haven't renewed already,
go to www.nywba.org and click on
"Membership" to access our
secure online membership form.

NYWBA Membership Information

We thank our current members for their continued support and involvement, and we look forward to welcoming new and renewing members. Take advantage of our many member benefits - join committees, network, participate in mentoring circles, attend our signature events, and get CLE credits at our innovative and compelling programs at a significantly reduced cost. It's easy to join or renew - go to www.nywba.org/Membership to access our secure online membership form.

Current members should send updated address and contact information to ED@nywba.org. This will help us keep you informed about our programs, events and other benefits of membership.

Newsletter and Advertising Information

Submissions must be sent to the Newsletter Committee by the **10th** of the month for publication in the following month's Newsletter. Please submit articles, announcements, upcoming event programming, photos, committee news, member news and ads to newsletter@nywba.org. Submissions should be proofed and cite-checked, and NYWBA retains the usual editorial discretion to omit or edit all contributions. Please send an email to newsletter@nywba.org if you have questions or are interested in joining the Newsletter Committee.

Are You Satisfied With Your Website?

TAG
online is a One Stop Shop for all your website needs:

- ✓ Website Design
- ✓ Redesign and Updates
- ✓ Reliable Hosting
- ✓ Blog
- ✓ LinkedIn, Facebook & Twitter
- ✓ Email Newsletter
- ✓ E-Commerce
- ✓ Search Engine Advice
- ✓ Responsive Customer Service

Contact Amy at 973-783-5583
[sales@tagonline.com](mailto:sales>tagonline.com) • www.tagonline.com

We are the Official Website Provider for the
NEW YORK WOMEN'S BAR ASSOCIATION

Visit our website at www.nywba.org
and check out NYWBA on

[facebook](#) and [Linked in](#)

President
Gretchen Beall Schumann

Vice Presidents
Patricia Ann Grant
Catherine M. Foti
Hon. Jacqueline W. Silbermann

Treasurer
Julie Hyrman

Recording Secretary
Yacine Barry

Corresponding Secretary
Bonnie Cohen-Gallet

Board of Directors
Stephanie M. Adduci
Leona Beane
Jane Bevans
Jennifer P. Brown
Elizabeth A. Bryson
Dawn M. Cardi
Jo Ann Douglas
Hon. Laura E. Drager
Myra L. Freed
Hon. Phyllis Gangel-Jacob
Hon. Sherry Klein Heitler
Kelly O'Neill Levy
Kay Marmorek
Hon. Angela M. Mazzarelli
Monique McClure
Susan M. Moss
Cassandra Porter
Donna M. Praiss
Amy Saltzman
Lisa A. Sokoloff
Andrea Vacca

Executive Director
Karen Lu

**NYWBA Delegates to
WBASNY Board**
Jane Bevans
Elizabeth A. Bryson
Dawn M. Cardi
Jo Ann Douglas
Hon. Betty Weinberg Ellerin
Marjorie Martin
Donna M. Praiss
Amy Saltzman
Hon. Jacqueline W. Silbermann
Lisa A. Sokoloff

NEW YORK WOMEN'S BAR ASSOCIATION

132 East 43rd Street, #716, New York, New York 10017-4019
(212) 490-8202 • Fax (877) 282-1462 • info@nywba.org

ADDRESS SERVICE REQUESTED

PRESORTED
FIRST CLASS MAIL
US POSTAGE
PAID
TERMINAL PRINTING
COMPANY
07102