

Mandatory Fee Arbitration Takes Effect January 1 - WBASNY Members Should Get Involved

New Part 137 of the Rules of the Chief Administrative Judge establishes an arbitration program that requires lawyers in New York to arbitrate certain fee disputes if clients elect. For disputes in all civil matters involving fees of more than \$1,000 and less than \$50,000, lawyers can not resort to the courts unless clients have been advised of their right to arbitration and have failed to exercise the right. (Lawyers and clients can also agree in a written retainer agreement that all fee disputes will be arbitrated, can choose to exceed the \$50,000 limit, and can choose arbitration forums other than those described by Part 137.)

A critical element of Part 137 is that the approved arbitration programs are to be administered by local bar associations, which will recruit and train arbitrators. WBASNY President Martha E. Gifford, who is also a member of the Board of Governors of the New York State Fee Dispute Resolution Program, urges all WBASNY chapters to study Part 137 and the Board's implementing guidelines to be released soon. Chapters that want input to the development of their approved local arbitration program should contact the county bar association(s) in their areas, which may already be working on a program and rules for submission to the Board. Meg Gifford said: "I would like to see some participation by WBASNY members through their chapters to make sure that arbitrators are selected impartially and with attention to diversity." Also, any chapter that is interested in taking the lead to develop a local fee arbitration program is welcome to do so. Chapters may direct questions about the program to Daniel Weitz of the Office of Court Administration at (212) 428-2863.

NYWBA Foundation Update

As part of its continuing law school internship program, the New York Women's Bar Association Foundation sponsored a Human Rights Internship at Columbia Law School this past summer. The Columbia summer intern was Lisa Howley who worked in the Asylum Division of the Lawyers Committee for Human Rights on policy issues and providing direct service to refugees.

Ms. Howley, a Phi Beta Kappa graduate of Smith College, has a deep interest in international human rights work and in working with refugees. Prior to entering law school, Ms. Howley interned for Human Rights Watch/Africa and Arms Division in Washington, D.C., and spent a semester studying in Ghana, West Africa. She also received a Humanity in Action Fellowship in 1999. She is entering her second year of law school at Columbia and is a staff member of the Human Rights Law Review.

During her internship, Ms. Howley worked on several projects that directly affected the welfare of women, such as assisting Lawyers Committee attorneys with intake interviews of refugees. Interestingly, fewer women than men seek asylum in the first instance. Men generally seek asylum first and then women (as wives) seek derivative asylum status or come to this country later. Ms. Howley also assisted in researching and writing a study on the effects of the 1996 immigration laws on refugee women in detention which required travel to detention centers to interview women refugees seeking asylum. She also worked on drafting a guide for pro bono attorneys handling asylum claims. The purpose of the guide is to focus attorneys in asylum cases on possible ways to use gender-related claims in such cases, such as gender-related religious persecution or gender-related political persecution.

In addition to law school and her work with the Lawyers Committee, Ms. Howley works with other organizations that are part of the Representation Network, such as the Commission for Refugee Women and Children.



This Spring, the WBASNY membership passed a resolution in support of the continued role of the American Bar Association (ABA) in the review of federal judiciary nominees. Visit www.WBASNY.org to read the May 22, 2001 press release and the resolution. Further, the New York Times published a letter by WBASNY President Martha E. Gifford calling for continued involvement of the organized bar in screening federal judicial candidates before their public nominations. Visit the website to read Ms. Gifford's June 2001 letter to the New York Times.

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