

NYWBA

NEW YORK WOMEN'S BAR ASSOCIATION

ANNUAL MEMBERSHIP MEETING & ELECTIONS

April 22, 2015, 5:30-6:30 p.m.

Join us as the 2015-2016 Officers, Directors & Delegates of NYWBA and WBASNY are elected, and hear the President's and Treasurer's "State of the Association" reports. Mingle with members and enjoy light refreshments during a pre-meeting reception hosted by Frankfurt Kurnit Klein & Selz, PC (see notices, pp. 2 & 3).

ANNUAL ETHICS CLE PROGRAM

April 22, 2015, 6:30-8:00 p.m.

"Conflicts of Interest: Managing Conflicts and Avoiding the Dreaded Disqualification Motion"

Join us for a dynamic panel discussion about the critical issues surrounding conflicts of interest and disqualification motions. (See notice, p. 4).

May 14-17, 2015 WBASNY 2015 CONVENTION

The Sagamore Resort, Bolton Landing, New York

Join us as WBASNY inducts NYWBA member *Amy Saltzman* as a WBASNY Vice President and honors members *Patricia Ann Fersch* and *Judith E. White* with the *Hanna S. Cohn Pro Bono Award!*

For more info (or to inquire about sponsoring the convention), go to www.wbasny.org or email info@wbasny.org.

SAVE THE DATE!

June 10, 2015

NYWBA 80th Anniversary Dinner
at the Marriot Marquis NYC

PRESIDENT'S MESSAGE

Empowering Women to Succeed and Realize their Full Potential

APRIL 2015



Yacine Barry-Wun

March was full of events celebrating and reflecting on progress made by women, but also highlighting what remains to be done. In this vein, I was invited by Switzerland's Delegation to the United Nations Commission on the Status of Women and the Swiss Women Lawyers Association to attend a breakfast meeting to address the scarcity of women in positions of power.

The exchange between the Swiss and other foreign representatives was edifying. We compared notes on what countries are doing to improve representation of women in the business and political arenas. While certain nations use gender quotas to boost the number of women in government and on executive boards, some representatives argued that focusing on curbing salary discrimination, and providing better work-life balance options, such as universal pre-kindergarten and paid maternity leave, go a longer way in helping with the retention of women in the workforce and increasing the number of women in senior management.

(Continued on Page 2)

Announcements & Calendar of Upcoming Events

- 4/1 – M&F Comm. Mtg. – *Client-Directed Representation* – p. 3
- 4/2 – Prof. Ethics and Discipline Comm. Mtg. – p. 3
- 4/7 – Program & Events Comm. Mtg. – p. 3
- 4/7 – Repro. Rights Comm. Mtg. – p. 3
- 4/13 – Tech Comm. Mtg. – p. 3
- 4/14 – *Elaine Turner Style Seminar & Shopping Party* – p. 3
- 4/14 – International Human Rights Comm. Mtg. – p. 3
- 4/16 – Solo & Small Law Firm Comm. Mtg. – p. 3
- 4/16 – Civil Courts Comm. Mtg. – p. 3
- 4/16 – Children's Rights – *Social Workers Can Help* – p. 3
- 4/21 – NYWBAF: *An Evening with Women Crime/Mystery Authors* – pp. 6, 8
- 4/22 – NYWBA Annual Meeting – pp. 2, 3
- 4/22 – NYWBA Ethics CLE – *Conflicts & Malpractice* – p. 1, 3, 4
- 4/26 – *6th Annual NYAAF Bowl-A-Thon* (hosted by Repro. Rights) – p. 3
- 4/27 – Criminal Law Comm. Mtg. – p. 3
- 4/27 – Legislation Comm. Mtg. – p. 3
- 4/30 – *An Evening at the Opera – The Merry Widow* – pp. 3, 9
- 5/5 – Repro. Rights Comm. Mtg. – p. 3
- 5/6 – M&F CLE – *Avoiding Malpractice* – pp. 3, 4
- 5/12 – International Human Rights Comm. Mtg. – p. 3
- 5/14-17 – *WBASNY Annual Convention* – pp. 1, 8
- 5/17 – Annual AIDS Walk (hosted by Repro. Rights) – pp. 3, 8
- 5/19 – Civil Courts Comm. Mtg. – p. 3
- 5/19 – Criminal Law Comm. Mtg. – p. 3

Check www.nywba.org for more Meetings, Programs & Events.

NYWBA NOMINATIONS COMMITTEE REPORT

At its November 4, 2014 meeting, the *NYWBA Committee on Nominations* nominated the following candidates to serve for the positions and terms stated below. The elections will be held at the Association's Annual Membership Meeting on **April 22, 2015**. (See *meeting notice, page 3*.)

OFFICERS (2014-2015)

President:	Jennifer P. Brown
Vice Presidents:	Amy B. Goldsmith Julie Hyman Andrea Vacca
Treasurer:	Deborah G. Rosenthal
Recording Secretary:	Virginia A. LoPreto
Corresponding Secretary:	Myra L. Freed

BOARD OF DIRECTORS

Directors to be Installed – Class of 2015-2018

Yacine Barry-Wun	Kay Marmorek
Leona Beane	Amanda B. Norejko
Jo Ann Douglas	Amy Saltzman
Catherine M. Foti	

Directors to be Installed

(to fill vacancies for unexpired terms)

Jean J. Han (2013-2016)	Jocelyn L. Jacobson (2014-2017)
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Directors – Continuing in Office

Michael W. Appelbaum	Hon. Judith J. Gische
Elizabeth A. Bryson	Hon. Sherry Klein Heitler
Dawn M. Cardi	Hon. Kelly O'Neill Levy
Hon. Laura E. Drager	Susan M. Moss
Felice B. Ekelman	Francesca A. Sabbatino
Morgan M. Fraser	Victoria A. Turchetti

COMMITTEE ON NOMINATIONS

Class of 2015-2017

Elizabeth A. Bryson	Francesca A. Sabbatino
Jo Ann Douglas	Hon. Jacqueline W. Silbermann

Class of 2014-2016

(to fill vacancy for unexpired term)

Yacine Barry-Wun

NYWBA MEMBERS OF WBASNY BOARD (2015-2016)

Yacine Barry-Wun	Marjorie Martin
Elizabeth A. Bryson	Deborah G. Rosenthal
Dawn M. Cardi	Hon. Jacqueline W. Silbermann
Jo Ann Douglas	Hon. Lisa A. Sokoloff
Hon. Betty Weinberg Ellerin	Farah Zaman
Julie Hyman	

President's Message (Continued from Page 1)

There is no one or simple solution to enable women to exercise their choice to have fulfilling professional and personal lives. In the United States, U.S. Senator Kirsten Gillibrand and U.S. Representative Rosa DeLauro's introduction of the Family and Medical Insurance Leave Act in 2013, which among other things, would provide a 12-week paid maternity leave at two-thirds of their previous salary, up to a maximum cap, gives us plenty of material to further our discussion of how to better empower women and bridge the gender gap.

On the topic of moving up professionally, we are very excited about the slate of nominees for next year's Officer, Director, and Delegate positions for NYWBA (listed on p. 2). **Jennifer P. Brown** has been nominated to serve as 2015-16 NYWBA President. Ms. Brown has successfully balanced her family and matrimonial law solo practice with distinguished service as a NYWBA Officer, Board member, and Committee Chair. She has been a great First Vice President, and she will be ready to hit the ground running when her term starts. She will undoubtedly serve with flying colors!

Please mark your calendars to attend the elections and hear my report on the "**State of the Association**," which will be held at our **Annual Membership Meeting on April 22** at Frankfurt Kurnit Klein & Selz. The newly-elected candidates will take office at the start of our new fiscal year, on June 1, 2015. The elections and State of the Association address will be immediately followed by our *Professional Ethics and Discipline Committee* CLE Program on "**Conflicts of Interest: Managing Conflicts and Avoiding the Dreaded Disqualification Motion**" (see pp. 1, 4).

We also look forward to working with the 2015-16 WBASNY Officers (listed on p. 3), who were nominated by the 18 Women's Bar Chapters last month. Congratulations to incoming President-Elect nominee **Jacqueline P. Flug**, and to all of the candidates, including our own **Amy Saltzman**, who has been nominated to continue serving as WBASNY Vice President. We have been delighted to work with WBASNY President **Irene V. Villacci** who is completing her term, and look forward to working with incoming President **Andrea F. Composto**.

Speaking of WBASNY, NYWBA had the pleasure to host another successful and well-attended Reception Dinner at a restaurant in midtown for WBASNY Officers, Board members, Delegates, Committee Chairs, and Chapter representatives on March 27, the night before the WBASNY quarterly Board and Committee meetings.

Don't forget to save the date for our **Annual Awards and Installation Dinner**, which is taking place on **June 10**. I am especially proud to announce that this year's Annual Dinner will feature a most stellar slate of honorees. We plan on honoring **Hon. Peter H. Moulton**, newly appointed Administrative Judge of the New York County Supreme Court, Civil Term. We will be presenting the **Doris S. Hoffman Service Award** to **Hon. Sherry Klein Heitler**, long-time board member and outgoing Administrative Judge, who is taking on new responsibilities as the court system's Chief of Policy and Planning. We are also celebrating all seven of the **Matrimonial Part Justices of New York County**, who will be joining us as honorees for the occasion. It'll be a memorable celebration!

There are many exciting events in store for our members—please check our announcements in this Newsletter and on social media. Thanks to Board Member **Elizabeth A. Bryson**, we are also making great progress with revamping our website, which will be revealed this summer! We have much to look forward to this spring. Join us as we help you grow and achieve your full potential.

Yacine

COMMITTEE NEWS

- The **Children's Rights Committee** will meet **Apr. 16** at 1:00 p.m. at Manhattan Family Court Library, 60 Lafayette St., 10th Fl., NYC. Topic: **How Social Workers Can Assist Lawyers in the Representation of Children**. To RSVP email ChildrensRights@nywba.org.
- The **Civil Courts Committee** will meet on **Apr. 16** and **May 19** from 1:00-2:00 p.m. at the NYC Civil Courthouse, 111 Centre St., 12th Fl. Boardroom (Attendees must enter via White Street). Email CivilCourtChairs@nywba.org for more info and to RSVP.
- The **Criminal Law Committee** will meet on **Apr. 27** and **May 19** at 6:15 p.m. at The Hoffinger Firm, 150 East 58th St., 16th Fl., NYC. RSVP to CrimLawChairs@nywba.org.
- The **International Human Rights Committee** will meet on **Apr. 14** and **May 12** from 6:30-7:30 p.m. at Le Pain Quotidien at 81 West Broadway, NYC. RSVP to IntlChairs@nywba.org.
- The **Legislation Committee** will meet on **Apr. 27** at 6:30 p.m. at the offices Cardí & Edgar LLP, 2 Park Ave., 19th Fl., NYC. RSVP to Legislation@nywba.org.
- The **Matrimonial & Family Law Committee** is meeting on **Apr. 1** at 6:00 p.m. to discuss the topic: **"Does Client-Directed Representation of Children Make Sense,"** presented by Dr. William H. Kaplan and Virginia A. LoPreto. The Committee will also present a CLE Program on **May 6** at 6:00 p.m. entitled: **"How to Avoid Malpractice Claims & Billing/Counsel Fees Disputes"** (see notice, p. 4). Both events will be held at the Law Offices of Virginia A. LoPreto, 565 Fifth Ave., (entrance on E. 46th St.), 7th Fl., NYC. RSVP for each event to MFrsvp@nywba.org.
- The **Professional Ethics and Discipline Committee** will meet on **Apr. 2** at 6:30 p.m. at Frankfurt Kurnit, 488 Madison Ave., (bet. 51st/52nd Sts.) 10th Fl., NYC. For more info and to RSVP email EthicsChairs@nywba.org. The Committee will also present the NYWBA Annual Ethics CLE Program **"Conflicts of Interest: Managing Conflicts and Avoiding the Dreaded Disqualification Motion"** on **Apr. 22** from 6:30-8:00 p.m. at the offices of Frankfurt Kurnit, 488 Madison Ave., (btw. 51/52 Sts.), 10th Fl., NYC (see notice, pp. 1, 4).
- The **Program & Events Committee** meeting will be held on **Apr. 7** at 6:00 p.m. at the Law Offices of Jessica Miller, Levin & Glaser, PC, 420 Lexington Ave., Suite 2818, NYC. RSVP to Events@nywba.org. The Committee will also present **Elaine Turner Style Seminar & Shopping Party** on **Apr. 14** from 6:00-8:00 p.m. at the Elaine Turner Madison Avenue Boutique, 1091 Madison Ave., (btw. 82nd & 83rd Sts.). No charge for the event. 20% off all purchases that evening. Advance registration is required; space is limited. For details and to RSVP, email Events@nywba.org. On **Apr. 30**, the Committee will host **"An Evening at the Opera: 'The Merry Widow' at the Met"** at 7:30 p.m. at the Metropolitan Opera House at Lincoln Center, NYC (see notice, p. 9; cost - \$65). For more info, email Events@nywba.org.
- The **Reproductive Rights Committee** meeting will hold meetings on **Apr. 7** and **May 5** at 6:30 p.m. The Apr. meeting will be at Rottenstreich & Ettinger, 222 East 41st St. (btw 2nd & 3rd Aves.), Fl., NYC (You must RSVP ahead of time so your name can be submitted to security.) The May meeting location is TBA. RSVP for each meeting at ReproductiveRights@nywba.org. The Committee is also participating in two charity events – (a) the **6th Annual NYAAF Bowl-A-Thon** at Bowlmor Chelsea Piers, 23rd St. & West Side Highway on **Apr. 26** from 1:30-4:00 p.m. (see notice, p. 3); and (b) on **May 17** in the **30th Annual Aids Walk New York**, starting in Central Park. For more info email ReproductiveRights@nywba.org (see notice, p. 8). Email ReproductiveRights@nywba.org to donate or join the team for either event.
- The **Solo & Small Law Firm Committee** will meet on **Apr. 16** at 8:30 A.M. at Reitler Kailas & Rosenblatt LLC, 885 Third Ave., 20th Fl., NYC. For more info and to RSVP email SSFChairs@nywba.org.
- The **Technology & the Internet for Lawyers Committee** meeting will take place on **Apr. 13** at 6:00 p.m. For more info or to RSVP email TechChairs@nywba.org.

(Continued on Page 8)

NOTICE TO MEMBERS – ANNUAL MEETING & ELECTIONS

The NYWBA Annual Membership Meeting will be held on **April 22, 2015**, when the President & Treasurer will present reports on the state of the NYWBA and its finances, and the Association will hold elections for Officer, Director and Delegate positions. (See p. 2 for the NYWBA Nominations Committee Report, which includes a list of all open positions, terms of office and nominees, as well as a list of Directors continuing in office; and below for the WBASNY Officer Slate.)

Article XIV, Section 1 of the By-Laws provides that only members who are in good standing and whose membership dues were received by **January 31st** may vote at the Annual Meeting.

The Annual Meeting and Elections will be held at **Frankfurt Kurnit Klein & Selz, PC**, 488 Madison Avenue, 10th Fl., NYC (btw 51st/52nd Sts). Immediately after the elections, NYWBA will present an **Ethics CLE Program**. (See p. 4.)

WBASNY NOMINATIONS COMMITTEE REPORT

WBASNY President-Elect **Jacqueline P. Flug** (Bronx Chapter) will be installed as 2015-16 President at the **WBASNY Convention** on **May 14-17, 2015**. WBASNY's Nominations Committee nominated the following for the other WBASNY Officer positions for 2015-16 (Chapter name in parentheses):

President-Elect:	Jacqueline P. Flug (Bronx)
Vice Presidents:	Amy Saltzman (NYWBA) Greta K. Kolcon (GRAWA) Amy Baldwin Littman (Rockland)
Treasurer:	Leyla Kiosse (Capital)
Corresponding Secretary:	Ann Joynt (Western New York)
Recording Secretary:	Deirdre L. Hay (Finger Lakes)

Please join the NYWBA Women's Health & Reproductive Rights Committee

as we participate in the

"6th Annual New York Abortion Access Fund Bowl-A-Thon"

NYWBA's Women's Health & Reproductive Rights Committee is excited to announce that we are participating & raising funds as team **"State of the Uterus"**! NYAAF is an all-volunteer organization, which means that 100% of your tax-deductible contribution goes directly to women in need. More information about NYAAF is available at <http://www.nyaaf.org>.

- Date:** Sunday, April 26, 2015, 1:30-4:30 p.m.
- Place:** Bowlmor Chelsea Piers (Pier 60)
23rd Street & West Side Highway, NYC
- RSVP:** Join our team here: <http://bit.ly/1wVqqXa>.
Space is limited so advance registration is required with a minimum \$10 donation.

Can't attend? You can also donate to our team here:
<http://bowlathon.blueskysweet.com/sotuterus>

The Committee on Professional Ethics and Discipline is proud to sponsor a CLE Program

"Conflicts of Interest: Managing Conflicts and Avoiding the Dreaded Disqualification Motion"

featuring

Hon. Betty Ellerin

Senior Counsel, Alston & Bird LLP

Tracee E. Davis, Esq.

Of Counsel, Zeichner Ellman & Krause LLP

Charles J. Mokriski, Esq.

Professional Responsibility Counsel, Proskauer Rose LLP

Moderated by

Nicole Hyland, Esq.

Partner, Frankfurt Kurnit Klein & Selz, P.C.

Join us for a dynamic panel discussion about the critical issues surrounding conflicts of interest and disqualification motions. Learn how to address conflicts at various stages, including:

- Screening for conflicts of interest when taking on new clients, opening new matters for existing clients, learning of significant developments in a client matter, hiring lateral attorneys, and using contract attorneys;
- Applying the Rules of Professional Conduct to determine whether a conflict of interest exists and whether it can be waived;
- Obtaining effective conflict waivers, including advance waivers;
- When it is appropriate to use an ethical screen and how to erect an effective screen;
- Filing and responding to disqualification motions; and
- The potential consequences of mishandling a conflict, including disqualification, sanctions, malpractice, disciplinary action, damage to client relationships, financial costs, and more.

Date: Wednesday, April 22, 2015

Time: 5:30 p.m. – Registration & Networking
6:00 p.m. – Annual Meeting & Elections
6:30-8:00 p.m. – Ethics CLE Program

Place: Frankfurt Kurnit Klein & Selz, 488 Madison Ave, 10th Floor, New York, N.Y. 10022

CLE: 1.5 Ethics CLE Credits (*accreditation pending*)*

Cost: Free - Members**

\$50 - Non-members and guests***

RSVP: Go to www.nywba.org/EthicsRSVP to register.

Info: Email EthicsRSVP@nywba.org

***CLE:** Frankfurt Kurnit Klein & Selz, PC is an accredited CLE provider. Approval of CLE credit is in accordance with the requirements of the NYS CLE Board for established attorneys and as transitional credit hours for newly admitted attorneys.

****Membership:** Members attend CLE programs for free. If you are not a member, go to www.nywba.org/Membership to join or renew using our secure online membership form. The Committee thanks the NYWBA Board and the Honorable Florence Perlow Shientag Bequest for helping to underwrite this program.

*****Financial Hardship Scholarships:** Full and partial scholarships based on financial need are available. For info on the guidelines and to apply, contact CLE Chair Amy. B. Goldsmith at CLE@nywba.org or 212-216-1135. All requests are confidential.

NYWBA would like to offer a special "Thank You" to our generous sponsors of the **2015 Annual Judicial Reception** held at the Yale Club on February 26, 2015

Platinum:

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Baker Tilly Virchow Krasue LLP
Denise MortnerKranz

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Julie Hyman

Friend:

Martha E. Gifford

NYWBA Matrimonial & Family Law Committee
presents a CLE Program

"How to Avoid Malpractice Claims and Billing/Counsel Fees Disputes"

featuring

Susan L. Bender, Esq.

Aimee L. Richter, Esq.

Please join us as we review the current state of the law regarding legal malpractice cases and billing and counsel fees disputes. Our speakers will also address effective strategies for avoiding malpractice claims and billing disputes.

Date: Wednesday, May 6, 2015, at 6:00 pm

Place: Virginia A. LoPreto, LLC
565 Fifth Avenue, 7th Floor, NYC
(Entrance is on East 46th Street)

CLE: 2.0 CLE Credits*

Cost: Free for Members**

\$50 for Non-Members if space is available.

RSVP: Email MFRsvp@nywba.org. Space is limited so advance registration is required.

***CLE:** New York Women's Bar Association is a founding chapter of the Women's Bar Assn of the State of New York, an accredited CLE provider. Approval of CLE credit is pending in accordance with the requirements of the NYS CLE Board for the above-listed credit hours for established attorneys and as transitional credit hours for newly admitted attorneys.

****Membership:** Members attend CLE programs for free. If you are not a member, go to www.nywba.org/Membership to join or renew using our secure online membership form.

NYWBA Annual Mentoring Circles Reception

By *Olivia Sohmer*

On February 10, 2015, nearly fifty members of the NYWBA gathered at the offices of Covington and Burling LLP for the **Annual Mentoring Circles Reception**. The evening began with a lovely buffet of wine and hors d'oeuvres, providing an opportunity for the members of each circle not only to reconnect with each other, but also to schmooze with members of other circles while gazing out on the glorious view of Manhattan, made crisp by the clear and frigid weather.

Attendees were greeted by **Randy Shapiro**, Mentoring Committee Co-Chair, who broke the news – which some perhaps had not yet heard, that Jon Stewart would be leaving the *Daily Show*. Three years before the *Daily Show* even went on the air, back in 1993, the NYWBA launched its Mentoring Circles initiative, the first such program in the country for lawyers. Past President **Martha E. Gifford** provided a short history of the program, which grew out of ground-breaking work by the NYWBA Committee to Advance Women in the Profession in partnership with the Workplace Center at Columbia University School of Social Work. The Center had helped the Committee to survey women lawyers and identify best practices for their professional advancement. Mentoring was at the top of the list, and the group concluded that "circles" could be an effective method. Around the same time, members of the Committee formed the **NYWBA Foundation**, and serendipitously, an anonymous donor was seeking to support development of a mentoring program for women lawyers. It was destiny: the Foundation used the grant to retain Ida Abbott, who wrote *The Lawyers Guide to Mentoring*, co-published by the Foundation and NALP, and to present a half-day event at the NYC Bar Association attended by more than 300 law firm managing and executive partners, corporate general counsels and senior agency lawyers. In 1994-95, Ms. Gifford introduced the NYWBA's own program, created by Wendy Schwartz, first chair of the Mentoring Circles Committee. The Foundation has regularly provided funding for the annual mentoring reception.

Allison Surcouf, Mentoring Committee Co-Chair, introduced our guest speaker, the **Hon. Loretta A. Preska**, Chief Judge of the U.S. District Court for the Southern District of New York. Judge Preska earned her J.D. from Fordham Law School in 1973. She was an attorney in private practice, first with the Cahill Gordon firm and then with a small firm, from 1973 until 1992, when she was appointed to the Federal bench by President George H.W. Bush. In 2009, she became Chief Judge of the SDNY. Judge Preska received the NYWBA President's Special Award in 2011 and hosted "Lunch with a Judge" in 2010.

Judge Preska began by explaining why the SDNY is called the "Mother Court," of the thirteen District Courts created by the Judiciary Act of 1789, it was the first to preside. Then referred to as the District of New York, it convened on the first Tuesday of November, 1789 – over 225 years ago. The record of that day reports, "There being no business brought before the court, the same was immediately adjourned."

Despite the pioneering efforts of women like Stanleyetta Titus, who, after reaching the top of her class at the Women's Law School of the University of the City of New York in 1895, joined the men's class and became the first woman to win a prize (\$100) in a "regular" law class – it was not until 1966 that a woman – Hon. Constance Baker Motley – was appointed to the bench in the Southern District. She would later serve as Chief Judge from 1982-1986. When Judge Motley left the bench, the Honorable Kimba Wood was appointed to her seat. She, too, would become Chief Judge, serving from 2006-2009, to be followed by Judge Preska.

When Judge Preska started as a lawyer, the only woman on the SDNY bench was Judge Motley. Women litigators in those days were either "hippies" or "suits," but they were able to grab a few more precious moments of argument time, if only because the men were flabbergasted to see a woman in court. Judge Preska described the environment at her old firm as being "put up or shut up" for her just as for the men – it was do the work or die. But there were still some stereotypical gender roles: she "pleaded guilty" to having been the interior decorator at her firm, and when she joined the court, her first committee work was on the "Collegiality Committee." In the 1970s, there were no role models; no women mentors. Not only was there no one to turn to with questions, there was no one even to watch.

Times have changed. Of 28 active and 20 senior judges on the court, 17 are women. And, from 2000 to 2013, thirty percent of the attorneys sworn in to the SDNY were women. Judge Preska urged the membership to take advantage of what mentoring circles can offer. Look up to those with more experience; look to your peers; be mentors to more junior lawyers. Mentoring circle members can provide support for whatever personal or professional challenges might face us.

Martha E. Gifford, NYWBA Foundation Vice President and Past NYWBA and WBASNY President



Hon. Loretta A. Preska, Chief Judge, SDNY

In response to questions from the floor, Judge Preska revealed that she had originally planned to be a scientist. Having majored in chemistry, she discovered during a summer National Science Foundation grant that she really didn't enjoy that work after all. She did know that she liked to talk, and her mother had told her that she had to earn a living, so she turned to the law. It was a field she knew nothing about, except that she'd heard you could make a living by talking.

Judge Preska offered a few sage words of advice for women managing careers as lawyers in what still can seem like a man's world. Do good quality work, and be confident and positive. Get the best child care you can afford, and don't beat yourself up if the floor isn't clean at home, or if you never cook for your family. Anyone who tells you that you can't do it all is lying to you. And anyone who tells you it's easy, well, they're lying to you, too.

Olivia Sohmer is Court Attorney to the Hon. Laura R. Johnson in Kings County Criminal Court. She is a member of the NYWBA Criminal Law Committee and is one of the original members of Mentoring Circle #3.



NEW YORK WOMEN'S BAR ASSOCIATION FOUNDATION presents
An Evening with Women Crime/Mystery Writers

Moderated by
Linda Fairstein

Author (the Alex Cooper series) and former New York prosecutor

Featuring
Alafair Burke

Author (the Ellie Hatcher and Samantha Kincaid series), law professor and former New York prosecutor

Allison Leotta

Author (the Anna Curtis series) and former DC prosecutor

Sarah Weinman

Editor of the anthology *Troubled Daughters, Twisted Wives* and former crime fiction columnist

Tuesday, April 21, 2015
6:00 – 8:00 p.m.

Latham & Watkins LLP
885 Third Avenue, NYC

\$85 per person

Tickets may be purchased at:

<http://www.brownpapertickets.com/event/1362400>.

For further information, please contact
the Foundation at info@nywbaf.org.

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2015 JUDICIAL COCKTAIL RECEPTION A WONDERFUL TRIBUTE TO OUR NEW JUDICIARY

On February 26, 2015, the NYWBA held its annual cocktail reception honoring newly elected, newly re-elected and newly appointed judges in New York County. The event, which was held at the Yale Club, was a delightful success with 127 members, guests and honorees in attendance.

The attendees were warmly welcomed by event Co-Chair **Magnolia D. Levy**. President **Yacine Barry-Wun** thanked the sponsors and recognized and congratulated each of the honorees, inviting those in attendance to be acknowledged at the podium to resounding applause.

Throughout the evening, members and guests mingled with our many judicial attendees, including **Hon. Sheila Abdus-Salaam, Associate Judge of the Court of Appeals**, and chatted over wine and hors d'oeuvres, congratulating the many judicial honorees (see photo inset).

In addition to thanking our sponsors, the NYWBA thanks Reception Co-Chairs **Jennifer P. Brown** and **Magnolia D. Levy**, Executive Director **Karen Lu**, President **Yacine Barry-Wun**, Past President **Elizabeth A. Bryson**, Corresponding Secretary **Myra Freed**, Ms. Freed's staff, Treasurer **Deborah G. Rosenthal**, the Yale Club staff and all of the members who worked to make this event a resounding success.



Please join the NYWBA Women's Health & Reproductive Rights Committee

as we participate in the

30th Annual AIDS Walk New York

NYWBA's Women's Health & Reproductive Rights Committee will be participating in the 30th Annual AIDS Walk New York as team "State of the Uterus"! AIDS Walk New York is the largest single-day AIDS fundraising event in the world, and has raised more than \$139 million to combat HIV and AIDS. Visit gmhc.org for more information on the services and programs benefited.

- Date:** Sunday, May 17th
Place: Starting in Central Park
RSVP: Join our team and start fundraising:
<http://bit.ly/1ATqJ06> or email
ReproductiveRights@nywba.org.

Can't attend? You can also donate to our team and help us reach our goal at <http://bit.ly/1BtvP36>

NYWBA wishes to acknowledge the generous gift from

**FOUNDER AND PAST PRESIDENT
 HON. FLORENCE PERLOW SHIENTAG (1908-2009)**

Her financial bequest has helped to underwrite the cost of this Newsletter and many of our CLE programs.

NYWBA Matrimonial & Family Law Committee

presents a CLE Program

"Changes Afoot: Spousal Maintenance Legislation Pending in New York State"

featuring
Lydia S. Antoncic, Esq.
Virginia A. LoPreto, Esq.

Please join us for this cutting edge program which will review the current state of the law regarding temporary and post-divorce maintenance laws and cases in the wake of proposed legislation that will revamp the determination of maintenance.

- Date:** Wednesday, June 3, 2015, at 6:00 p.m.
Place: Virginia A. LoPreto, LLC
 565 Fifth Avenue, 7th Floor, NYC
 (Entrance is on East 46th Street)
CLE: 2.0 CLE Credits*
Cost: Free for Members**
 \$50 for Non-Members if space is available.
RSVP: Email MFrsvp@nywba.org. Space is limited so advance registration is required.

*CLE: New York Women's Bar Association is a founding chapter of the Women's Bar Assn of the State of New York, an accredited CLE provider. Approval of CLE credit is pending in accordance with the requirements of the NYS CLE Board for the above-listed credit hours for established attorneys and as transitional credit hours for newly admitted attorneys.

**Membership: Members attend CLE programs for free. If you are not a member, go to www.nywba.org/Membership to join or renew using our secure online membership form.

NOTES ON MEMBERS

NYWBA sends condolences to member **Janet I. Cord** and her family on the passing in March of her mother, **Susan Schwadron**. Ms. Cord, who is a patent attorney and partner at Ladas & Parry, served on the NYWBA Board for many years, including several years as Treasurer. She is currently Chair of the Finance Committee and Co-Chair of the Fundraising Committee for WBASNY. Sympathy cards can be sent to Ms. Cord at Ladas & Parry LLP, 1040 Avenue of the Americas, New York, NY 10018.

Heartfelt condolences to **Rona Wexler** and family on the passing of her daughter, **Ariel Joy Fixler**, in March after long illness. While not a member herself, Ms. Wexler works closely with many members in matters involving forensic reports for divorce proceedings, etc. Sympathy cards may be sent c/o Wexler Consulting, LLC, 15900 Riverside Drive West, Suite 1K, New York, New York 10032. Charitable donations may be made to www.thefixlerfoundation.org, which was established by Ariel to provide helpful information to individuals who are living with chronic illness and those that support them.

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

WELCOME NEW MEMBERS

- | | | |
|------------------|--------------------|-------------------|
| Stefanie Arroyo | Marissa Jones | Robert G. Smith |
| Gail I. Bader | Erin Kim | Jessica Soricelli |
| Melissa Bellitto | Marjori M. McAteer | Devlyn Tedesco |
| Nina Bompert | Maria E. Ochoa | Kathryn M. Weiss |
| Shari Bornstein | Inga M. O'Neale | Irina Zamyatin |
| Susan A. Dess | Natasha Patel | |
| Claire M. Hankin | Evan Schein | |

as of 3/18/15

Committee News (Continued from Page 3)

Other Events:

- The **NYWBA Annual Meeting and Elections** will take place on **Apr. 22** from 5:30-6:30 p.m. at the offices of Frankfurt Kurnit, 488 Madison Ave., (btw. 51/52 Sts.), 10th Fl., NYC (see notice, pp. 1,3).
- The **NYWBA Foundation** presents "**An Evening with Women Crime/Mystery Authors**," on **Apr. 21** from 6:00-8:00 p.m. at Latham & Watkins LLP, 885 Third Ave., NYC. For more info, see notice on p. 6 or email info@nywbaf.org.
- The **WBASNY Annual Convention** for Women's Bar Associations across NYS will take place on from **May 15-17** at The Sagamore Resort, Bolton Landing, New York. See notice on p. 1 and go to www.wbasny.org or email info@wbasny.org for details and reservations.

**The United States District Court, SDNY,
 is seeking candidates for the
 Criminal Justice Act (CJA) Panel!**

The CJA Panel is comprised of private attorneys who are authorized to serve as appointed defense counsel pursuant to 18 U.S.C. §3006A. To qualify for a position on the CJA Panel, attorneys must be members in good standing of the Southern District and have proven experience and competency in the field of criminal defense work.

Applications are available on the court's website at www.nysd.uscourts.gov/cja.php and must be submitted electronically by May 31, 2015.

Contact Karen Van Outryve at Karen_van_outryve@fd.org or 212-417-8741 for more information.

Anatomy of a Family Court Case – Part II

By Erica J. Cohen

During this session, which was a continuation of the **Matrimonial & Family Law Committee's** first "Anatomy of a Family Court Case" presentation, the panel discussed numerous topics, including: counsel fees, forensics, and the appointment of an attorney for the child (AFC). With a panel including Family Court Attorney Referee **Monica Shulman**, Judge **Fiordaliza Rodriguez**, and Supreme Court **Justice Lori Sattler**, we were able to engage in an in-depth discussion of each topic, and also highlight some key differences between Family Court and Supreme Court.

The session began with Judge Rodriguez's presentation on counsel fees. During the discussion, the panel was able to provide some recommendations of things that counsel must consider when making an application for counsel fees in both Supreme Court and Family Court. The panel stressed the importance of compliance with 22 NYCRR § 1400.3, which requires the attorney seeking counsel fees to submit a retainer agreement. Referee Shulman discussed the importance of including sufficient detail in the papers submitted to the Family Court in support of a counsel fee award, and emphasized the importance of explaining specifically why an award would be reasonable. The panel also pointed out that in Supreme Court, unlike Family Court, an "even playing field" is often the essence of a fee award, a key difference between the two forums. We also heard discussion of the evidence that is considered by the court during a counsel fee hearing, including the importance of clearly delineating how much time counsel spent on custody, versus support, and that the Court can consider lengthy litigation delays caused by either party when deciding an application for counsel fees.

The panelists then transitioned into a discussion of the use of forensics in Family Court and Supreme Court proceedings. We discussed two main topics: 1) When is the use of a forensic necessary? and 2) How is the forensic evaluator selected? Regarding item 1), the panelists agreed that forensics tend to be overused, and that it is important to have a solid justification for why a forensic is necessary, with the goal of avoiding the expense associated with hiring an expert when one is not truly required.

There are various approaches to selecting a forensic. One approach is for both sides to agree on an expert. Alternatively, the Court may ask for each side to provide blind submissions to the court, after first verifying that the preferred experts are available, and ascertaining their hourly rates. However, sometimes the parties ask the Referee to pick a forensic, and the Court will consult a list of experts based on their area of practice, with a preference for experts that have familiarity with Family Court proceedings. The panel highlighted a difference between the use of experts in Family Court and Supreme Court, explaining that in Family Court, the forensic process can be more cumbersome for the Referees, as they do not have court attorneys to follow up and coordinate with the forensic. Ways to save time when working with a forensic in both venues, such as stipulating to the expertise of the forensic before going to court, and the importance of familiarizing oneself with part rules on forensics, including how to handle forensic reports were also discussed. The panelists articulated that the evaluator's notes underlying the reports, are discoverable, and learned that in Supreme Court, litigants typically request to see them.

Our final topic of discussion was the appointment of an Attorney for the Child (AFC). AFCs are discretionary in Family Court, and the decision to appoint one can be based on the age and verbal ability of the child. However, an AFC will typically not be appointed once the child has reached the age of 18 in a custody case. The panel explained that the preference is to assign the AFC right away, rather than after a trial has begun, particularly in light of the fact that it can sometimes take years for the cases to go to trial. In Supreme Court, there

is a list of attorneys for the child who are available for assignment, and in Family Court, the AFC must come from an approved list. The Family Court has the authority to grant fees to the AFC (the orders can be subject to future allocation, although this is not typically requested), but the panel explained that it is good to try to have both parties pay at least some portion of the AFC fees to avoid any appearance of bias.

During our discussion of the AFC in Family Court, we also touched upon the subject of children's opinions during Family Court proceedings, particularly the fact that the child's opinion is just one aspect of the ultimate outcome in a given case. The children do have a voice, but they do not decide the case. We discussed the timing of hearing from a child in an *in camera* interview in a Family Court proceeding, and how it can be advantageous to hear from the child closer to the end of the proceeding, but not at the very end (because the meeting with the child can raise issues that may need to be addressed before the proceeding has concluded). Regarding *in camera* interviews, we learned that the AFC can ask questions, which may be helpful because the child may have established a rapport with the AFC. The panel also emphasized the importance of confidentiality during the interview, and the importance of conducting the session in a way that prevents the child from feeling at fault or under pressure to facilitate a particular outcome.

An interesting point that was addressed is whether siblings typically share an attorney, or whether each child in a family has his or her own attorney. We learned that siblings may be represented by the same AFC, but that if the AFC raises concerns about conflicts related to representation of multiple children in the same family, multiple AFCs may need to be assigned. Finally, the parties to a case can request to have a different AFC assigned to each sibling in the family.

Erica J. Cohen is an associate at Cohen Goldstein, LLP. She is a member of the Matrimonial & Family Law Committee.

New York Women's Bar Association

presents

"An Evening at the Opera: 'The Merry Widow' at the Met"

Join members of the NYWBA for the Metropolitan Opera's production of *The Merry Widow*. The classic Franz Lehár operetta is directed by renowned Broadway director and choreographer Susan Stroman and is sure to charm audiences. Susan Graham, mezzo-soprano, stars in the title role as Hanna Glawari. The production also features Rod Gilfry as Danilo, and Alan Opie as Baron Mirko Zeta, and will be sung in English with subtitles.

Date: Thursday, April 30, 2015

Time: 7:30 p.m.

Place: Metropolitan Opera Lincoln Center for the Performing Arts, 10 Lincoln Center Plaza, NYC

Cost: \$65 per person (*paid in advance*)

RSVP: By March 30 at www.nywba.org/OperaRSVP

If you are not a current member, join or renew using our secure online membership form at www.nywba.org/Membership.

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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 membership 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 (Chairs Alexandra Campbell and Jessica Cygler) 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. Send an email to newsletter@nywba.org if you have questions or are interested in joining the Newsletter Committee.

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