



# NEW YORK WOMEN'S BAR ASSOCIATION

## New York Women's Bar Association's 2015 Annual Awards and Installation Dinner and 80th Anniversary Party

**Wednesday, June 10, 2015**  
**Marriott Marquis, Times Square, NYC**

The *President's Special Award* will be presented to the seven Matrimonial Justices sitting in New York County

- Hon. Matthew F. Cooper*
- Hon. Tandra L. Dawson*
- Hon. Laura E. Drager*
- Hon. Ellen F. Gesmer*
- Hon. Douglas E. Hoffman*
- Hon. Deborah A. Kaplan*
- Hon. Lori S. Sattler*

The *Doris S. Hoffman Service Award* will be presented to

*Hon. Sherry Klein Heitler*  
OCA's Chief of Policy and Planning

We will proudly congratulate  
*Hon. Peter H. Moulton*  
Administrative Judge of the  
NY County Supreme Court, Civil Term

*Jennifer P. Brown* will be installed  
as the 2015-2016 NYWBA President

Cocktails and Silent Auction to benefit the *NYWBA Foundation* and its *Hon. Betty Weinberg Ellerin Fellowship*  
at 6:00 p.m. Dinner and Program at 7:15 p.m.

**RSVP: [www.nywba.org/Annual\\_Dinner2015](http://www.nywba.org/Annual_Dinner2015)**

## PRESIDENT'S MESSAGE *NYWBA's Legacy over 80 Years and Vision for the Future*

JUNE 2015



Jennifer P. Brown

As we culminate NYWBA's 80th Anniversary year, I am proud, honored, and humbled to have been elected to join the ranks of so many women whom I admire and be installed as the 2015-2016 President of the NYWBA. Outgoing President *Yacine Barry-Wun* has left some very big shoes to fill, and I hope to make her, and the rest of you, proud.

I want to start this message by thanking Yacine for her remarkable service to this Association over the years, and particularly this past year as our fearless leader. Through her efforts, she has enhanced our reputation with the courts and other organizations, has provided leadership and enhanced comradery at the state level with our WBASNY sisters and the members of other Women's Bar Chapter members, has increased our online visibility, and made our organization a real presence on social media. The two social media CLE programs that she organized for **May 12** and **June 11** have further increased our influence and grown this trend.

The enhanced reputation of the NYWBA, and our increased social media presence, along with the efforts of our Board and Membership Co-Chairs, has also resulted in an increase in membership that has brought us to a record level of more than 800 members. We continue to be the largest Chapter of WBASNY, of which NYWBA was a founding Chapter in 1980. With the increases in our membership and that of other Chapters, WBASNY is now the second largest bar association in New York State.

Under Yacine's leadership this organization has also strengthened and grown our ties with our sisters on the Federal Bench and in the Federal Bar. The May 11 program, *An Evening with the Federal Magistrate Judges*, had a phenomenal turnout. I look forward to more events in the coming year with our sisters in federal practice, including a program on *Sex Trafficking* that I am working on for 2016.

I look forward to the year to come, and the many opportunities it will bring to further our mission of promoting women in the (Continued on Page 2)

### Announcements & Calendar of Upcoming Events

- 6/3 – M&F CLE – *Spousal Maintenance Legislation* – pp. 3, 6
- 6/10 – *NYWBA 80th Anniversary Dinner* – p.1
- 6/11 – Prof. Ethics & Discipline Comm. CLE on *Twitter* – pp. 3, 6
- 6/17 – Civil Courts Comm. Mtg. – p. 3
- 6/18 – Solo & Small Firm Comm. CLE – *Spend Time not Money* – p. 3
- 7/14 – Annual Summer Program – pp. 2, 3

Check [www.nywba.org](http://www.nywba.org) for more Meetings, Programs & Events.

*President's Message (Continued from Page 1)*

legal profession through our programs, events and initiatives, and ensuring the fair and equal administration of justice.

The first event during my term is the annual program that we created and now co-sponsor with the New York City Bar on ***“What It’s REALLY Like to Practice Law as a Woman,”*** on **July 14, 2015**, where our distinguished panel of women lawyers will provide insights and guidance to hundreds of law students and junior attorneys just starting their legal careers. I thank past and present NYWBA Board Members **Cassandra M. Porter** and **Victoria Turchetti** and their team for organizing this program once again this year.

The Board has voted to continue our tradition, started under the leadership of past President **Hon. Jacqueline W. Silbermann**, of providing CLE programs to all of our members for free, which we are able to do thanks to a bequest from Founder and past President **Hon. Florence Perlow Shientag**. She understood from our founding more than 80 years ago the importance of giving back to the legal profession, and thanks to her generosity we are able to continue this for the next generation.

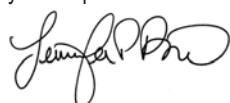
I believe in our mission to advance the status of women and ensure the fair and equal administration of justice. We have a special duty to help ensure that women – especially single parents – can appear and assert their rights in the very courts in which we serve. How better to help them, than to make sure that the children of litigants can be cared for when their parents appear in court? As President of the NYWBA, I would like to make it my personal goal to see if the Association can help research the needs and resources of the court childcare centers, and find ways to bring assistance and rejuvenation to the childcare facilities in the New York County Courts. If we can provide a pathway to success in our own county, I hope we can be a leader in assisting other counties enhance their childcare center programs, as well. I am calling on members to help me with this goal over the next year. To join this effort, contact me at **President@nywba.org**.

As we kick off the new term, I also encourage everyone to join or to renew their NYWBA membership. I hope that we can once again set a new record for 2015-2016!

I look forward to seeing our members and friends at our **Awards and Installation Gala and 80th Anniversary Party on June 10, 2015** at the Marriott Marquis in midtown, where Yacine will present the **President's Special Award** to the sitting Matrimonial Justices in New York County. The **Doris S. Hoffman Service Award** will be presented to **Hon. Sherry Klein Heitler** for her work as the Administrative Judge for Civil Matters in the First Judicial District and in recognition of her long service on the NYWBA Board of Directors and as an advocate for equal rights. We will also recognize and congratulate **Hon. Peter H. Moulton**, the incoming Administrative Judge for Civil Matters in the First Judicial District. In honor of our 80th anniversary, we will also give special recognition to our “Outstanding Octogenarian Members,” highlighting the extraordinary service that these special individuals have provided over many years to the advancement of our mission.

I look forward to having myself and the other Officers, along with our Board of Directors and WBASNY Delegates, sworn in to kick off the 2015-2016 year. Congratulations to all of them, and thank you to those who are continuing in service. I look forward to working with all of you in the year to come.

During my term, I hope to reflect on how far women in the practice of law have come, to highlight our numerous achievements and conquests, to strive to push those boundaries further, and to embrace what the future may bring. I look forward to taking this journey over the next year with you, and to pushing our Association even further in the fight for gender equality in the profession and in society.



**NEW YORK WOMEN'S BAR ASSOCIATION  
and NEW YORK CITY BAR ASSN.**

*present*

**the 20th Annual Summer Program**

***“What It’s REALLY Like to Practice Law as a Woman”***

Law students, summer associates, summer interns, new attorneys, and recruiting coordinators are invited to hear an outstanding panel of attorneys share their experiences in government, large firms, small firms, non-profit organizations and in-house law departments and discuss the issues that significantly affect women lawyers just entering the profession.

*featuring panelists:*

**Melanie Chieu**, Associate  
Ellenoff Grossman & Schole LLP

**Carmelyn P. Malalis**, Commissioner/Chair  
NYC Commission on Human Rights

**Jennifer M. Rosa**, Counsel  
Mayer Brown LLP

**Cherise J. (CJ) Teasley**, Sr. Assoc. Corp. Counsel  
VMware, Inc.

*Moderator:*

**Wendy Kornreich**, President  
WLK Solutions, Inc.

*(Panel pending finalization)*

- Date:** Tuesday, July 14, 2015
- Time:** 6:00 to 8:30 p.m.  
*(Reception to follow panel discussion.)*
- Place:** New York City Bar, 42 West 44th St., NYC
- Cost:** The program is **free** for summer associates, interns, law students and junior attorneys.
- Sponsors:** Law firms and other employers are asked to consider making a \$500 donation to help defray event costs.
- Info:** Email **SummerProgram@nywba.org** for more information or to make a donation to support the program.
- RSVP:** Form will be available shortly

## COMMITTEE NEWS

- The **Civil Courts Committee** will continue its **Lunchtime Series** on **June 17** to discuss **Ethical Obligations Regarding Escrow Funds** from 1:00-2:00 p.m. The meeting will be held at NYC Civil Courthouse, 111 Centre St., 12th Fl. boardroom (Attendees must enter via White Street). For more info and to RSVP email [CivilCourtChairs@nywba.org](mailto:CivilCourtChairs@nywba.org).
- The **Matrimonial & Family Law Committee** is meeting on **June 3** at 6:00 p.m. for a CLE entitled **"Changes Afoot: Spousal Maintenance Legislation Pending in New York State"** featuring Lydia S. Antoncic, Esq. and Virginia A. LoPreto, Esq. at the Law Offices of Virginia A. LoPreto, 565 Fifth Ave., (entrance on E. 46th St.) 7th Fl., NYC. 2.0 CLE Credits. For more info or to RSVP email [MFrsvp@nywba.org](mailto:MFrsvp@nywba.org). *Space is limited so advance registration is required.* (See notice p. 6)
- The **Professional Ethics & Discipline Committee** presents a CLE Program: **"Twitter: Best Practices & Attorney Advertising Ethics"** on **June 11** from 6:00-8:00 p.m. at the offices of Frankfurt Kurnit, located at 488 Madison Ave., (btwn. 51/52 Sts.), 10th Fl., NYC. To RSVP, go to [www.nywba.org/SocialMediaJune](http://www.nywba.org/SocialMediaJune). For more info, email [SocialMediaRSVP@nywba.org](mailto:SocialMediaRSVP@nywba.org). (See notice p. 6)
- The **Solo and Small Law Firm Committee** will present a CLE Program: **"Spend Time Not Money: Virtual Firms, Collegial Relationships & Referrals"** on **June 18** from 8:30 to 9:30 a.m. at Tarter Krinsky & Drogin, LLP, 1350 Broadway, 12th Fl., NYC. Email [SSFChairs@nywba.org](mailto:SSFChairs@nywba.org) for more info. *Space is limited so advance registration is required.*

## It's time to RENEW your membership for 2015-2016!

If you have already renewed, THANK YOU! If you haven't, it's time to RENEW your membership for 2015-2016!

The NYWBA fiscal year is June 1 to May 31. Be sure to renew your membership and enjoy all NYWBA benefits, including FREE NYWBA CLE PROGRAMS (which more than pays for the cost of membership), our award-winning Mentoring Circles, networking events and Committee meetings, access to the "Members Only" sections of our website, access to our Newsletters online, and other benefits.

*If you joined as a NEW member after February 1, 2015, your membership is automatically extended to May 31, 2016, and you do not need to renew at this time. All others must renew for 2015-2016 to continue receiving member benefits.*

Renewal forms for 2015-2016 will be mailed soon, but why wait? Save paper & mailing costs, and expedite your renewal by using our secure online membership form at [www.nywba.org/membership](http://www.nywba.org/membership). You can also email Executive Director Karen Lu ([ED@nywba.org](mailto:ED@nywba.org)) to confirm your member status or request a paper membership form by email.

## NOTES ON MEMBERS

Our heartfelt condolences to **Diana G. Browne**, whose mother passed away. *Has something noteworthy happened to you or another member? Send your news to [Newsletter@nywba.org](mailto:Newsletter@nywba.org).*

## WELCOME NEW MEMBERS

Amulya Amulya	Rayna McKenzie	Adriana Riviere-Badell
Oksana Davydova	Rebeca E. Mosquera	Amy Rosenbloom
Lewette A. Fielding	Katherine G. O'Brien	Ephie Trataros
Karla S. George	Christina Reyes	Nancy Vavassis
Max S. Heuer	Raphaella S. Ricciardi	Molly Zamoiski
Alexandria Lipton	Oghenerukevw Riesa	<small>as of 5/20/15</small>

### NYWBA Solo and Small Firm Law Committee

*Presents a CLE Program*

**"Spend Time not Money:  
Virtual Firms, Collegial  
Relationships & Referrals"**

*Featuring:*

**Carol Schiro Greenwald, Ph.D.**

Professional Services Practice Builder,  
Marketing Maven & Political Scientist

**Skylar Bader, Esq.**

Your StartUp Lawyer

**Amy B. Goldsmith, Esq.**

Co-Chair, Intellectual Property Practice,  
Tarter Krinsky & Drogin LLP

Please join us for this cutting edge program which will educate you about virtual firms, collegial relationships and referrals, including the latest ethics opinions.

**Date:** Thursday, June 18, 2015, 8:30 -9:30 a.m.

**Place:** Tarter Krinsky & Drogin LLP  
1350 Broadway 12th Floor, NYC

**CLE:** 1.0 CLE Credit\*  
(.5 Professional Practice, .5 Ethics)

**Cost:** Free for Members\*\*  
\$50 for Non-Members (*space permitting*)

**RSVP:** Email [SSFChairs@nywba.org](mailto:SSFChairs@nywba.org). *Space is limited so advance registration is required.*

\***CLE:** 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](http://www.nywba.org/Membership) to join or renew using our secure online membership form.

\*\*\***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](mailto:CLE@nywba.org) or 212-216-1135. All requests are confidential.



## Meet the Women Magistrate Judges By Iva Rukelj & Anu Bhargava

On May 11, 2015, the **NYWBA Federal Practice Committee** hosted an evening with the women Magistrate Judges of the Southern and Eastern Districts of New York. The event was held at the law offices of Lowenstein Sandler LLP. The event offered an intimate setting for each Magistrate Judge ("M.J.") to share their experience on the bench and best practices in their courtroom. The attendees enjoyed wine, and a copious buffet of hors d'oeuvres while taking in humorous anecdotes and learning about each Magistrate Judge's pet peeves.

**Yacine Barry-Wun**, President of NYWBA, opened the floor by welcoming the jurists and attendees.

The panel was moderated by Committee members **Vivian Rivera Drohan, Esq.** and **Donna Frosco, Esq.** who introduced the Judges: **Hon. Debra Freeman, Hon. Sarah Netburn, Hon. Judith McCarthy** and **Hon. Lisa Margaret Smith** of the Southern District of New York and **Hon. Marilyn Go, Hon. Roanne Mann** and **Hon. Vera Scanlon** of the Eastern District of New York.

The attendees learned of several of the Judges' artistic inclinations and their commitment to their families, including travels to Europe to cheer on a son's soccer team.

Magistrate Judge Smith offered the historical background of the United States Magistrate Judge position. The office of Magistrate Judge originated in the United States Commissioner system, established in 1793. Appointees were described as "discreet persons learned in the law" whose main role is to set bail in federal criminal cases.

The Federal Magistrates Act of 1968 (82 Stat. 1107) changed the title from U.S. Commissioner to U.S. Magistrate and expanded the Magistrate's authority to conduct misdemeanor trials, to serve as special master in civil actions, and to assist District Judges in pretrial and discovery proceedings as well as appeals for post-trial relief. The Act also authorized a majority of District Judges on any court to assign to Magistrates "additional duties as are not inconsistent with the Constitution and laws of the United States." Full-time Magistrates serve a renewable term of eight years and part-time Magistrates serve a renewable term of four years.

The Federal Magistrates Act of 1979 (93 Stat. 643) expanded the authority of the Magistrates by granting them so-called "consent jurisdiction," which authorized them to conduct all civil trials upon the parties' consent. Magistrates are also allowed to preside over all misdemeanor trials. The Act of 1979 also provided for merit selection panels to assist District Judges in the appointment of Magistrates.

The Judicial Improvements Act of 1990 (104 Stat. 5089) changed the official title from Magistrate to Magistrate Judge.



NYWBA Federal Practice Committee members and U.S. Magistrate Judges.

### Becoming a Magistrate Judge

The Judges spoke openly about their personal experiences and encouraged attendees to apply for current openings.

Magistrate Judge Mann highlighted that she enjoys the conflict resolving aspect of the position of Magistrate Judge and that a law firm job was not right for her.

Magistrate Judge Freeman, who was particularly happy at her firm job and on a partner path, came across the Magistrate Judge job listing by accident. She thought it was an appealing opportunity so she applied and never looked back. M.J. Freeman remembers being welcomed to the position by M.J. Smith, who at the time was the only woman Magistrate Judge.

The Judges were encouraged by other judges and mentors to apply for the job. Magistrate Judge Go was encouraged by a District Court Judge to consider applying and Magistrate Judge McCarthy, who likes litigation and likes being a judge, was inspired by Hon. Joan M. Azrack.

M.J. McCarthy said being a judge allows her to combine her training in different areas of law with her desire to make a difference. M.J. Smith wished to have a non-adversarial job. She was encouraged by Hon. Kevin N. Fox to apply for a newly opened position.

Magistrate Judge Netburn finds a courtroom to be a nice environment which rewards intellectual curiosity.

### Consent to Proceed

Asked why litigants should proceed before a Magistrate Judge we learned that one cannot pick a particular Magistrate Judge. The Magistrate Judges in White Plains, for example, find the process to be less formal. M.J. Smith explained that White Plains has fewer District Judges so by consenting to a Magistrate Judge you get a trial date certain.

### Discovery

The panel advised attorneys to protect themselves by carefully listening to what their client is telling them. An attorney has to be aware that the Judge will listen to a client and that the role of an attorney is to challenge his/her client in the way a Judge would.

Judges dislike "tit for tat" discovery and tend to disfavor sanctions, using them only as a warning. More often than not when the sanction is imposed, the Judge will issue a stay and enable a party to cure the fault.

### Settlement Conferences

Successful settlement conferences depend on the attorneys conferring in good faith beforehand, by taking the time to truly engage with each other. Attorneys should be prepared to succinctly explain their case to the court.

### Pro Se Litigants

All Judges cautioned that an attorney dealing with a pro se litigant must not use the status as an excuse to delay or to show off "strength" by scaring his/her adversary. The Judges invest time to ensure that a pro se litigant is comfortable. A higher level of fair dealing is required when a pro se litigant is involved.

### Personal Preferences

The Judges hope that attorneys are well versed in the facts of the case and the relevant law. They also emphasized the importance of meeting and conferring in good faith in an effort to resolve the dispute before a request for a settlement conference is made. One Judge cautioned against being excessively dramatic with facial expressions or in writing. She explained that the Judges fully understand what's going on in the case and do not need 'additional drama' in the courtroom. She further expressed that attorneys must be mindful of making a timely request for adjourning a court date.

(Continued on Page 7)

## LinkedIn & Ethics

By Judith Rifkin

On May 12, 2015, the **Professional Ethics & Discipline Committee** presented, "**LinkedIn: Best Practices & Attorney Advertising Ethics**" at the offices of Frankfurt Kurnit Klein & Selz PC. (See photo on p. 8). The informative session consisted of a LinkedIn presentation and workshop by marketing expert, **Vikram Rajan**, co-founder of "phoneBlogger.net," followed by a 30 minute ethics presentation by Frankfurt Kurnit partner, **Nicole Hyland**.

NYWBA practitioners gathered for an intimate, hands-on workshop to learn how to build a professional-looking page on LinkedIn. Participants began by creating a profile and were encouraged to upload a photo, preferably a professional headshot, to help connect to colleagues and clients.

### Making the Most of Your LinkedIn Profile

Mr. Rajan showed attendees how to create a custom URL for their LinkedIn profile, but recommended that lawyers keep their LinkedIn URL simple (e.g. your name and "esq.") rather than branding.

Mr. Rajan then discussed how to enhance your LinkedIn profile. The LinkedIn profile consists of multiple Sections, such as the "Summary," "Experience," "Skills & Endorsements," "Education," and more. You can arrange the Sections in any order by simply dragging and dropping them and you can add a new Section by selecting it and entering the information. Mr. Rajan also explained that LinkedIn gives you the ability to designate certain Sections of your profile private, such as "Personal Details," so they will only be seen by your connections and not by the public. It is important to note, however, that any Sections designated "private" will not be indexed by Google. Designating portions of your profile, such as the Summary and Experience sections, "public" will insure that it is indexed and, thus, searchable on Google and other online databases.

Mr. Rajan advised attendees to use the LinkedIn "Summary" to describe the most important biographical information. The Summary is generally the first Section people see on your profile. It is a good idea to include robust keywords in your Summary that will make it easier for people to find you through online searches. When creating their Summary and choosing keywords, participants were encouraged to keep in mind the kind of people they're looking to meet and the kind of jobs they hope to obtain.

In the "Skills & Endorsements" section Mr. Rajan recommended adding customized skills, rather than limiting yourself to LinkedIn pre-existing categories. That way, your profile will more accurately reflect who you are and what you do. As many lawyers know, "Endorsements" have been a source of con-

troversy, particularly when someone endorses you for a skill that is not relevant to your practice. Mr. Rajan explained how to manage endorsements, including how to hide endorsements that don't reflect your skills or opting out of endorsements altogether. Mr. Rajan analogized Endorsements to a "thumbs-up" on Facebook, which are easy for people to click on but may have limited value. On the other hand, a thoughtful recommendation by a client or colleague about a practice area in which you excel has more value.

### Connecting With Others on LinkedIn and Using Groups

In addition to creating a profile, it is important to add connections. Although LinkedIn has a feature that allows you to automatically import all of your contacts from various email accounts, Mr. Rajan cautioned against using the automated features, since this can result in connection requests being sent to adversaries in some instances. It is better to send individual connection requests, unless you are completely comfortable using the bulk email options.

The more you are interested in others, the more they will be interested in you. From a networking and relationship-building standpoint, once you have created a profile and started connecting with people, it is far more important to give than to receive. Daily or weekly, scroll down, see what people are doing, and "comment," "like," and "share" with others. Introduce people to each other, add to discussion groups.

LinkedIn Groups is a powerful tool to connect with others especially in a particular field. What groups should we belong to? NYWBA, for starters! After that, you should consider joining the LinkedIn groups for your other professional associations. Many bar associations, alumni organizations, and professional associations have a corresponding LinkedIn group. Each group has its own rules about membership. Some groups are open to all, but many groups limit membership to those who are members of the offline organization. There are also many groups that are not connected to a formal organization, but focus on a particular practice area, industry or interest. Once you have joined a group, you can share articles, seek and provide feedback, begin discussions among members of that group, or send a message to individual members.

### Using LinkedIn Ethically

While LinkedIn can be a powerful tool for professional marketing and networking, lawyers must be aware of certain ethical requirements when using LinkedIn. Nicole Hyland's ethics presentation focused primarily on the attorney advertising and solicitation rules contained in Article 7 of the New York Rules of

Professional Responsibility. She discussed how these rules apply to LinkedIn and social media platforms generally.

### Is Your LinkedIn Profile or Content an "Advertisement"?

As Ms. Hyland explained, the New York Rules define an "advertisement" as a "public or private communication made by or on behalf of a lawyer or law firm about that lawyer or law firm's services, the primary purpose of which is for the retention of the lawyer or law firm."

Not all LinkedIn profiles fall within the definition of attorney advertising, but figuring out whether your profile qualifies can be challenging. A recent ethics opinion by the New York County Lawyers Association attempted to tackle this question. See NYCLA Ethics Op. 748 (2015). The Opinion concluded that a LinkedIn profile that lists only basic biographical information is not an "Advertisement." But, according to the opinion, a profile that contains additional information, such as Skills, Endorsements, Recommendations, list of practice areas, or types of work done does qualify as attorney advertising. A weakness of Opinion 748 is that it does not consider how the attorney uses LinkedIn or what the purpose of the attorney's profile is, even though the definition of "Advertisement" requires that the "primary purpose" of an advertisement must be "the retention of the lawyer."

Assuming you determine that your LinkedIn profile or other content qualifies as an "Advertisement," you must comply with various restrictions. Although not an exhaustive list, these restrictions include:

- The communication must not be false, deceptive or misleading (this is required for any communication by an attorney, not just an advertisement)
- Certain types of advertisements should be labeled "Attorney Advertising"
- It must include the name, principal law office address and telephone number of the attorney
- It must be pre-approved by the lawyer or law firm
- The lawyer must retain a copy of the advertisement for a period of time (3 years or 1 year depending on the type of communication)

Attorneys should review Article 7 of the New York Rules for a complete list of the advertising requirements.

### Is Your LinkedIn Profile or Content a "Solicitation"?

Attorneys should also consider whether any of their LinkedIn content constitutes a solicitation, which is a subset of attorney advertising. In other words, all solicitations are (Continued on Page 7)

**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\* (pending approval)
- Cost:** Free for Members\*\*  
 \$50 for Non-Members if space is available.
- RSVP:** Email [MFRsvp@nywba.org](mailto: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](http://www.nywba.org/Membership) to join or renew using our secure online membership form.

\*\*\*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](mailto:CLE@nywba.org) or 212-216-1135. All requests are confidential.

**Twitter: Best Practices &  
 Attorney Advertising Ethics**

*featuring*

**Nicole Hyland**, Partner at Frankfurt Kurnit Klein & Selz P.C.  
**Vikram Rajan**, Founder of Practice Marketing, Inc. and  
[phoneBlogger.net](http://phoneBlogger.net)

Marketing your practice & connecting with influences through **Twitter** is now popular among lawyers. Learn how to gain followers & keep on the pulse, through #hashtags, @profiles, retweeting & other Twitter jargon. This program consists of a **45-minute workshop** followed by a **30-minute ethics CLE** discussing the ethics rules relevant to Twitter and other social media platforms. We recommend bringing a laptop or tablet so you can set up and access your Twitter profile during the program.

- Date:** Thursday, June 11, 2015
- Time:** 6:00 – 8:00 p.m.
- CLE:** 0.5 CLE Ethics Credits\*
- Cost:** Free for Members\*\*, \$50 for Non-Members
- Place:** Frankfurt Kurnit Klein & Selz PC  
 488 Madison Ave. (51st St.), 10th Floor, NYC
- RSVP:** [www.nywba.org/SocialMediaJune](http://www.nywba.org/SocialMediaJune)
- Info:** Email [SocialMediaRSVP@nywba.org](mailto:SocialMediaRSVP@nywba.org)

\*CLE Credit: The CLE portion of this program has been approved in accordance with the requirements of the New York State Continuing Legal Education Board for a maximum of 0.5 credit hours in Ethics & Professionalism. (Note: The content of this course is appropriate for both newly admitted and experienced attorneys (non-transitional and transitional)).

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

\*\*\*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](mailto:CLE@nywba.org) or 212-216-1135. All requests are confidential.

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Our Advisors. Your Dreams. MORE WITHIN REACH®

**Call me today at (646) 964.9470**



Michael B. Salmon  
 New York Women's Bar Association  
 Financial Advisor

- 122 E 42nd St  
New York, NY 10168
- 646-964-9470
- [michael.b.salmon@ampf.com](mailto:michael.b.salmon@ampf.com)
- [www.ameripriseadvisors.com/  
michael.b.salmon](http://www.ameripriseadvisors.com/michael.b.salmon)

Ameriprise Financial Services, Inc. Member FINRA and SIPC. Ameriprise Financial cannot guarantee future financial results.

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*LinkedIn (Continued from Page 5)*

advertisements, but not all advertisements are a solicitation. Thus, if you determine that your communication is a solicitation, it must comply with the restrictions that apply to advertisements, as well as the additional restrictions that apply to solicitations.

A “solicitation” is defined in the Rules as “any advertisement initiated by or on behalf of a lawyer or law firm that is directed to, or targeted at, a specific recipient or group of recipients, or their family members or legal representatives, the primary purpose of which is the retention of the lawyer or law firm, and a significant motive for which is pecuniary gain. It does not include a proposal or other writing prepared and delivered in response to a specific request of a prospective client.”

Most people generally think of a solicitation as a direct communication (such as a telephone call or letter) to an individual or group. But a website that refers to a specific person or group of people whose legal needs arise out of a specific incident (e.g. personal injury or property damage arising out of a particular mass disaster) can be a solicitation as well. This is important to remember in the context of using LinkedIn. Unfortunately, none of the New York ethics opinions have addressed whether – and under what circumstances – LinkedIn content is a solicitation.

The following are just some of the restrictions that apply to solicitations. Attorneys should review Article 7 for a complete list of requirements.

- Prohibited solicitations: in-person, telephone or real-time or interactive computer-accessed communications unless the person is a close friend, relative, or a former/existing client
- Other types of solicitations, such as letters or emails, are permitted, but they must comply with all advertising and solicitation rules
- Copies must be filed with the relevant Departmental Disciplinary Committee
- A list of the names and addresses of recipients must be retained for three years
- A solicitation cannot be sent in a manner that requires the recipient to travel to another location
- The solicitation must include the name, principal law office address and telephone number of the attorney

**Some Final Tips For Staying Out of Trouble on LinkedIn**

- Don't mischaracterize legal skills and prior successes
- Ensure all information is true and accurate
- Don't exaggerate skills or practice areas
- Don't use the word “specialize” or “specialist” unless certified as a specialist (use “concentrate” or “focus on”)
- Monitor and manage endorsements and recommendations
- Include disclaimers and other required language such as “Attorney Advertising” where applicable

**Conclusion**

Legal ethics committees in New York and around the country have issued conflicting, and sometimes confusing, opinions regarding the ethical issues presented when lawyers use LinkedIn and other social media platforms. As the relevant law develops, we are lucky to have Vikram Rajan and Nicole Hyland to help us navigate these choppy waters.

*Judith Rifkin is court attorney to the Honorable Lisa A. Sokoloff, Civil Court Judge currently sitting in Criminal Court, New York County. Ms. Rifkin serve as co-chair of the NYWBA Criminal Law Committee.*

**NYWBA FOUNDATION MYSTERY/CRIME WRITERS  
EVENING WITH MODERATOR LINDA FAIRSTEIN  
By Katherine B. Posner**

Back in 2003, the Foundation launched its Breakfast Speakers Series with **Linda Fairstein** as the inaugural speaker. Based on the success of that first Speakers event, the Foundation has gone on to hold eighteen other Breakfast Speaker fundraisers to support its public interest fellowships at area law schools.

The Foundation Speakers events have featured many prominent women, including **Linda Greenhouse, Gail Collins, Congresswoman Carolyn Maloney, Sarah Weddington** and former **Chief Judge Judith Kaye**. Last fall, the Foundation decided to experiment with a slightly different format, which featured **Senator Kirsten Gillibrand** being interviewed by two Foundation Board members at an evening event, which was a great success.

In preparation for this year's event, we turned to (or we should say returned to) long-time supporter and friend of the Association and the Foundation, Linda Fairstein, to help us put together our most ambitious event ever – a panel of female mystery/crime writers. Linda generously agreed to moderate and helped us in securing the participation of fellow former prosecutors and now best-selling authors themselves, **Allison Leotta** (author of the Anna Curtis series) and **Alafair Burke** (author of the Samantha Kincaid and Ellie Hatcher series). Rounding out the powerhouse panel was well-known mystery/crime columnist and editor of the crime anthology, *Troubled Daughters, Twisted Wives* by **Sarah Weinman**. Linda, of course, writes the best-selling series featuring Alex Cooper.

The audience was treated to an interesting and informative discussion of how and why these women came to crime writing or, in Sarah Weinman's case, to a love of writing about all aspects of crime. While each author described a somewhat different writing process, they all agreed that the end goal is the same – to deliver a good story to the reader. They also talked about taking inspiration from front-page news stories and how they develop their characters. The panel discussion concluded with a lively Q&A session, giving the audience an opportunity to interact with the authors.

In addition, the audience was treated to both the the opportunity to purchase the authors' books at a discount, as well as the opportunity to have the books personally autographed, courtesy of Barnes & Noble.

The Foundation extends its warm thanks to all of our Association supporters who were able to attend and to Latham & Watkins for its generosity in hosting the event in its wonderful offices.

*Katherine B. Posner is a partner at Condon & Forsyth LLP and serves on the Board of Directors of the New York Women's Bar Association Foundation.*

***Women Magistrate Judges (Continued from Page 4)***

**Conclusion**

The Committee was honored to bring together a panel of distinguished and impressive Judges who inspired and encouraged the attendees to be bolder with their career choices. The informal and casual setting of the event allowed an easy and free flowing conversation between the Judges and the audience.

The Committee looks forward to holding more programs that emphasize the role of women litigators in both state and federal systems.

*Iva Rukelj, Esq. is a member of the NYWBA Federal Practice Committee. She is an Associate at Gleason & Koatz, LLP. Anu Bhargava, Esq. is a member of the NYWBA. She is an Associate at Gleason & Koatz, LLP.*

## Photos from WBASNY Convention 2015



*NYWBA Board Member and WBASNY Vice President Amy Saltzman (center)*



*NYWBA Members Judith E. White and Patricia A. Fersch, recipients of the WBASNY Hannah S. Cohen Pro Bono Award*



### NYWBA FOUNDATION MYSTERY/CRIME WRITERS EVENING



*L to R: Linda Fairstein, Allison Leotta, Sarah Weinman, Alafair Burke*

### Vikram Rajan presenting on best marketing practices with LinkedIn





## CLE PROGRAM: MEDIATION IN THE SDNY AND NEW YORK COUNTY COMMERCIAL DIVISION

By Leona Beane and Francesca A. Sabbatino

On March 12, 2015 the *Alternative Dispute Resolution Committee* (ADR), co-chaired by **Lisa M. Courtney** and **Leona Beane**, and the *Litigation Committee*, co-chaired by **Kathy Lynch** and **Francesca A. Sabbatino**, joined forces to present a CLE program focused on the Mediation Programs in the Commercial Division of the New York County Supreme Court and in the Southern District of New York.

The program was opened by a surprise guest, the **Hon. Peter H. Moulton**, the recently appointed Administrative Judge of Supreme Court, New York County, who delivered remarks about the benefits of mediation.

**Leona Beane** explained the differences between mediation and arbitration, and spoke about the ADR Program in the Supreme Court, Commercial Division, including the recent amendment for mandatory mediation. **Marni A. Robin**, a member of the Litigation Committee, spoke from the perspective of both the litigator and mediator on how to effectively use

mediation to resolve disputes, and **Rebecca Price**, the supervisor of the mediation program in the Southern District of New York discussed the mediation program in the Southern District of New York. Finally, ADR committee member **Michelle Kern-Rappy** spoke briefly about a new mediation program she administers in the Supreme Court for Post-Note of Issue Non-Jury Cases (not including Commercial Division matters).

In sum, the event connected committees from two practice areas that appear to be on opposite ends of the litigation spectrum, however have much in common.

*Leona Beane and Francesca Sabbatino are both members of the Board of Directors of NYWBA; Ms. Beane also serves as Co-chair of the ADR Committee and co-chair of the Trusts & Estates Committee; Ms. Sabbatino also serves as Co-chair of the Litigation Committee.*

## What Falling Oil Prices and a Rising Dollar Mean for You

By Michael B. Salmon

Two of the most notable economic developments of recent months are the dramatic decline in oil prices and the resurgence in the value of the U.S. dollar against other currencies. Both have an economic impact, which could translate to an investment impact as well. Let's consider how these two trends might affect the investment markets.

### Cheaper oil – the pluses and minuses

The price for a barrel of light crude oil on the New York Mercantile Exchange dropped from \$107.30 on June 20, 2014 to half of that level, \$53.04, by the end of 2014. Oil prices are unpredictable and subject to fluctuation. Yet today, worldwide oil supplies are growing faster than current demand, so prices may stay relatively low in the near term.

Broadly speaking, lower oil prices are considered a favorable trend to help bolster economic growth, which can be a positive development for some stocks.

Consumers are clearly among the major beneficiaries, as the cost of a tank of gas has dropped significantly since mid-2014. The savings realized at the gas pump could be a boon to other parts of the economy, such as retail businesses, as consumers have more ability to spend on other types of purchases. Businesses that are heavy energy users (airlines, transportation firms, some industrial companies) should see costs go down as well, which might help improve their bottom lines. Countries that rely on oil imports will benefit from the trend as

well. By contrast, the drop in prices has created significant challenges for some oil exporting countries, with Russia and Venezuela as two notable examples.

The recent boom in U.S. oil production also could mean that the drop in oil prices puts pressure on some companies and sectors of our own economy. Oil companies are seeing profits decline as a result of the price drop. Firms that provide services to the oil drilling and production industry may also experience slower business activity if prices remain low.

### The impact of the dollar's recovery

The dollar experienced a significant rally in recent months. While the degree of change varies depending on the currency it is measured against, a good example is how the dollar fared against the euro, Europe's common currency. As recently as May, 2014, it took \$1.39 to purchase one euro. By the end of the year, a euro cost only \$1.21, and the dollar has continued to strengthen in 2015. A stronger dollar is good news for Americans traveling overseas. For example, they will get more "bang for their buck" when they exchange dollars for euros than they would have just a few months ago.

A stronger dollar creates challenges for some large U.S. firms that do significant business overseas. The revenues they generate abroad, once translated back into dollars, will result in a reduced return as the dollar strengthens. This can have a negative impact on corporate profits for multi-national firms,

which might be reflected in stock prices. Firms that do little or no business overseas generally are in a position to avoid any significant ramifications to earnings due to the stronger dollar. On the other hand, overseas firms that conduct business in the U.S. benefit from the dollar's strength. This could, in certain cases, create a more favorable environment for selected overseas stocks. However, currency fluctuations are only one factor that might affect the investment potential of a particular company or country. Investors need to be careful not to place too much emphasis on the impact of exchange rates as they assess their investment options.

You might see an impact of the stronger dollar and lower oil prices in your portfolio, but they are only two of many factors that come into play. Any adjustments you make to your own investment strategy should be consistent with your long-term goals, the time you have to invest and your risk tolerance. Consult with a financial advisor before you make any investment decisions.



*Michael B. Salmon, is a Financial Advisor with Ameriprise Financial Services, Inc. in New York City, NY. He specializes in fee-based financial planning and asset management strategies. Call (646) 964-9470 or email michael.b.salmon@ampf.com to contact.*

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