

# NYWBA

## NEW YORK WOMEN'S BAR ASSOCIATION

### ***Annual Mentoring Circles Reception***

**November 29, 2012, 6:00 p.m.**

#### **Covington & Burling LLP**

New York Times Building, 620 Eighth Avenue, NYC  
(between 40th & 41st Street)

RSVP at [www.nywba.org/MentoringCircles](http://www.nywba.org/MentoringCircles)

The NYWBA's Mentoring Circles Program allows members at all stages of their careers to join with their peers to foster their personal and professional development. Members benefit from direct mentoring as they share ideas for meeting challenges in their careers and personal lives in a supportive and encouraging environment. This year's Reception will feature an insightful discussion about women's experiences in the workplace led by:

#### **Lynn Povich**

Distinguished Journalist & Author of

*The Good Girls Revolt:*

*How the Women of Newsweek Sued Their  
Bosses and Changed the Workplace*

(First woman to serve as a senior editor of *Newsweek*;  
formerly Editor-in-Chief of *Working Woman*,

Managing Editor & Senior Executive Producer for MSNBC.com,  
and consultant to The New York Times Foundation)

-and-

#### **Harriet S. Rabb**

Vice President and General Counsel at

The Rockefeller University

(First woman Dean at Columbia Law School,  
and former General Counsel of the U.S. Department of  
Health and Human Services under Secretary Donna Shalala)

The Mentoring Circles Reception is open to all 2012-2013 members\* who have expressed an interest in the Mentoring Circles Program. If you are not yet part of a circle but would like to be, email [Mentoring@nywba.org](mailto:Mentoring@nywba.org), with your bar admission year, area(s) of practice, mailing address and contact info. *Mentoring Circles are being formed now, so be sure to submit your information as soon as possible.*

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

### **PRESIDENT'S MESSAGE**

NOVEMBER 2012

#### ***Strength in Numbers***



Hon. Jacqueline W.  
Silbermann

Three times a year, NYWBA makes a formal report on our membership to the Women's Bar Association of the State of New York. (NYWBA is a founding Chapter of WBASNY, and all NYWBA members are also members of WBASNY.) I am proud that in our first such report for 2012-2013, covering the period from June 1 through September 30, we certified nearly 100 more members than during the same period last year. I am humbled and thrilled by the enthusiasm and energy I have seen at our committee meetings, programs and events, and I look forward to having even more members join and renew.

Speaking of committees, I am delighted to announce that I have appointed Vice President *Yacine Barry* to be the President's "Committee Liaison." She is doing a superb job reaching out to the chairs of our 33 committees, providing support and guidance, and reporting on committee activities at every Board meeting. She is also assuring that committee events are announced in a timely fashion, so that they can be included in our Newsletter and posted on our web site.

Many committee events are announced in this Newsletter, including the *Civil Court Express Lunch* on November 20, the *Criminal Law from A (Arraignments) to V (Verdicts) Roundtable* on November 20, our *Ethics Game Show* on December 6, among numerous others. Since new programs are constantly being arranged, it is important for members to read our blast email messages and to check the calendar on our website ([www.nywba.org](http://www.nywba.org)) regularly. (If you are not sure if you are receiving our email blast messages, contact [WebDiva@nywba.org](mailto:WebDiva@nywba.org).)

(Continued on Page 2)

#### **Look inside for other events and announcements, including:**

- Nov. 2 - CLE - *Building a Successful Law Practice* - p. 7
- Nov. 6 - CLE - *Surrogacy: Legal & Ethical Minefield* - p. 8
- Nov. 7 - *Lessons from Post-Judgment Proceedings* - p. 5
  - Nov. 20 - *Civil Court Express Lunch* - p. 7
- Nov. 20 - *Criminal Law 101 - A (Arraignments) to V (Verdicts)* - p. 5
  - Dec. 3 - *JALBCA Annual Symposium on Breast Cancer* - p. 9
    - Dec. 5 - *The Art of the Pre-Nup* - p. 10
    - Dec. 6 - CLE - *Ethics Game Show* - p. 7
- Feb 2013 - CLE - *Is Your Client Entitled to Veteran's Benefits?* - p. 6
- Committee News, Meetings & Events / Notes on Members - p. 3

**2012-2013 NYWBA COMMITTEE CHAIRS**

**STANDING COMMITTEES**

- By-Laws and Amendments . . . . . Elizabeth A. Bryson & Amy B. Goldsmith
- Cooperation with Other Bar Associations . . Hon. Kelly O'Neill Levy & Kathryn E. Salensky
- Employment and Equal Opportunity for Women . . . . . Felice B. Ekelman & Louis Pechman
- Judiciary . . . . . Lois J. Liberman & Deborah G. Rosenthal
- Legislation . . . . . Amy Saltzman, Elba Galvan & Dawn M. Cardi
- Membership . . . . . Michael W. Appelbaum & Elizabeth A. Bryson
- Professional Ethics and Discipline . . . . . Hon. Barbara Jaffe & Sarah Diane McShea
- Programs, Events and Arrangements . . . . . Diana G. Browne & Kay Marmorek (Events);  
Jo Ann Douglas & Jennifer P. Brown (Annual Dinner)
- Publicity / Press . . . . . Maria Matos & Julie Hyman

**SPECIAL COMMITTEES**

- Advance the Status of Women in the Profession . . . . . Victoria A. Turchetti & TBA
- Alternate Dispute Resolution . . . . . Leona Beane & TBA
- Awards . . . . . Allison M. Surcouf
- Business Law, Securities & Investment Law, Taxation & Bankruptcy . . . . . Monique McClure,  
Carla P. Vogel & Allison Harlow Fumai
- Children's Rights & Issues . . . . . Jo Ann Douglas & TBA
- Civil Courts . . . . . Hon. Andrea Masley,  
Melissa Ephron-Mandel & Meryl Waxman
- Continuing Legal Education . . . . . Amy B. Goldsmith
- Criminal Law . . . . . Isiris I. Isaac, Kathryn E. Salensky &  
Dawn M. Cardi
- Diversity . . . . . Jillian L. Goorevitch & Caitlin I. Somerman
- Domestic Violence . . . . . Amanda B. Norejko & Laura A. Russell
- Elder Law & Disabilities . . . . . Antonia J. Martinez & Kim Trigoboff
- Immigration Law . . . . . Annie J. Wang, Jennifer Durkin  
& Vanesa I. Pagan
- International Law & Practice . . . . . Farah Y. Zaman & Ines Cruz
- Litigation . . . . . Kathy M. Lynch, Marni Rae Robin  
& Francesca A. Sabbatino
- Long Range Planning . . . . . Elizabeth A. Bryson & Myra L. Freed
- Matrimonial & Family Law . . . . . Virginia LoPreto,  
Michele Tortorelli & Hon. Lori Sattler
- Mentoring & Mentoring Circles . . Andrea Vacca, Randy L. Shapiro  
& Allison M. Surcouf
- Newsletter . . . . . Susan J. Miller
- Solo & Small Firm Practice . . . . . Deborah G. Rosenthal  
& Jocelyn L. Jacobson
- Students & New Lawyers . . Morgan M. Fraser & Lauren M. Friend
- Summer Program . . . . . Cassandra Porter & Victoria A. Turchetti
- Technology & the Internet / Website . . . . . Elizabeth A. Bryson &  
Theresa L. Widmann
- Trusts & Estates . . . . . Leona Beane & Loretta A. Ippolito
- Women's Health & Reproductive Rights . . . . . Nicky S. (Anita) Rho  
& BriAnne Copp
- Working Parents . . . . . Christine M. Harman,  
Melanie A. Chieu & Victoria A. Turchetti

**President's Liaison to Committee Chairs . . . . . Yacine Barry**

Contact info for Committee Chairs and NYWBA Delegates to WBASNY Committees can be found at [www.nywba.org/members/committees.shtml](http://www.nywba.org/members/committees.shtml). To join a committee, go to [www.nywba.org/committeechoice](http://www.nywba.org/committeechoice). If you would like to be considered to chair a Committee, send a note with your qualifications and contact info to [President@nywba.org](mailto:President@nywba.org).

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

Our Board of Directors and I are aware that due to the economy and other pressures affecting the legal profession, our mentoring and networking events have more importance and relevance than ever. Our award-winning Mentoring Circles Program is a key component of our overall commitment to mentoring and networking, and our *Annual Mentoring Circles Reception* will be held on November 29, 2012 (see notice on p.1). I want to thank and congratulate our Mentoring Committee Chairs *Andrea Vacca, Randy L. Shapiro* and *Allison M. Surcouf*, for their hard work on this program. They have undertaken a huge effort to reach out to existing and prospective Mentoring Circle members and are thoughtfully assembling new mentoring circles with members from a diverse range of practice areas and levels of experience.

We are lucky to have two wonderful speakers at the this year's Mentoring Circles Reception: *Lynn Povich*, the first woman to serve as a senior editor at "Newsweek" and former Editor-In-Chief of "Working Woman," Managing Editor & Senior Executive Producer for MSNBC.com, and author of the recently published book "*The Good Girls Revolt: How the Women of Newsweek Sued Their Bosses and Changed the Workplace*;" and *Harriet S. Rabb*, Vice-President and General Counsel at Rockefeller University, first woman to serve as Dean of Columbia Law School, and former General Counsel of the U.S. Department of Health and Human Services under Secretary Donna Shalala. The evening promises to be interesting and insightful on the subject of women's experiences in the workplace.

Recording Secretary *Jennifer P. Brown* is currently planning our Annual Judge's Reception, which will be held on February 5, 2013 at the Yale Club. Watch our Newsletter and the website for more details as they become available. As always, we will celebrate the election, re-election and appointment of judges to the trial courts in New York County, many of whom are members of our Association. At this year's Judiciary Reception, we will also celebrate the ascension on October 1 of two of our long time members, *Hon. Paul Feinman* and *Hon. Judith Gische*, to the bench of the Appellate Division, First Department. It will be a wonderful evening of festivities and networking, and I urge everyone to attend.

As you read through the Newsletter and peruse our website, I am sure you will be as thrilled as I am that a great deal is already happening this year, and more is yet to come! We can only achieve our goals and objectives with a strong and robust membership. If you have not yet renewed your membership for 2012-2013, please do so today. It's easy - just go to [www.nywba.org/membership](http://www.nywba.org/membership) to renew at our secure website, or contact Executive Director Karen Lu ([ED@nywba.org](mailto:ED@nywba.org)) to inquire about your membership status or have a membership form sent to you.

With your help, I know we can reach our goals of having more than 700 NYWBA members and more than 4,000 members of WBASNY across New York State!



## WELCOME NEW MEMBERS

Alexandra L. Alvarez	Modeline Fenelon	Suzanne M. Ratcliffe
Natalie Bello	Kelly Fissell	Tatiana Raitsina
Eileen Burrowes	Tanya N. Helfand	Hon. Dianne T. Renwick
Romina Canessa	Sharon Lopez	Jean Cooper Rose
Christine Carballo	Brooke Luxenberg	Alexandra J. Sorota
Andrew Collins	Kristen G. Lyndaker	Jennifer H. Sundt
Rebecca A. Cox	Nora L. Moncrieff	Tara L. Touloumis
Katherine F. Cser	Rachel H. Nash	Allison Weiner
Aisling Fahy	Kimberly Palsson	Jessee Wolff

## COMMITTEE NEWS

- The **Civil Courts Committee** will present a *Civil Court Express Lunch* on Tuesday, **November 20** at 1:00 p.m. featuring Court Attorneys of the NY Housing Court (see *announcement, p. 7*). The next Express Lunch will be in January 2013. RSVP - [CivilCourtsChairs@nywba.org](mailto:CivilCourtsChairs@nywba.org).
- The **Criminal Law Committee** will meet on Tuesday, **November 20** for a "**Criminal Law 101 Roundtable**" (see *announcement, p. 5*). RSVP - [ksalensky@nywba.org](mailto:ksalensky@nywba.org).
- The **Elder Law & Disabilities Committee** will meet on Thursday, **November 15** at 6:00 p.m. at Tarter Krinsky & Drogin, 1350 Broadway, 11th Floor, NYC (btw 35th & 36th; host Amy Goldsmith). RSVP - [ElderLawChairs@nywba.org](mailto:ElderLawChairs@nywba.org). The Committee will host a CLE program on Veterans' Benefits in early 2013 (see *announcement, p. 6*). Thanks to Ms. Goldsmith and Tarter Krinsky for hosting.
- The **Events Committee** will meet on Wednesday, **November 28** at 6:30 p.m. at the Law Office of Jennifer P. Brown, 570 Lexington Avenue, Suite 1600. For details and RSVP - [Events@nywba.org](mailto:Events@nywba.org).
- The date & place for the next **Litigation Committee** meeting will be set at its **October 30th** meeting. For info & to RSVP - [LitigationChairs@nywba.org](mailto:LitigationChairs@nywba.org).
- The **Matrimonial & Family Law Committee** meets on the first Wednesday of the month at Blank Rome, LLP, 405 Lexington (at 42nd). RSVP - [MFrsvp@nywba.org](mailto:MFrsvp@nywba.org). On **November 7**, the topic will be post-judgment proceedings (see *announcement, p. 5*). On **December 5**, a panel of matrimonial and trust & estates attorneys and a member of the judiciary will address pre-nuptial agreements (see *announcement, p. 10*). Thanks to Blank Rome for hosting and providing light refreshments.
- The **Mentoring Committee** will host the *Annual Mentoring Circles Reception* on Thursday, **November 29** at 6:00 p.m. (see *announcement, p. 1*). RSVP - [MentoringRSVP@nywba.org](mailto:MentoringRSVP@nywba.org).
- The **Solo and Small Firm Practice Committee** will meet on Thursday, **November 15** at 6:30 p.m. for a networking dinner in a restaurant (location TBA). For details & RSVP - [SSFChairs@nywba.org](mailto:SSFChairs@nywba.org).
- The **Student and New Lawyers Committee** will meet on Thursday, **November 15** at 6:00 PM at Blank Rome, LLP, 405 Lexington (at 42nd). For details and RSVP - [SNLChairs@nywba.org](mailto:SNLChairs@nywba.org). Thanks to Blank Rome for hosting.

## NOTES ON MEMBERS

Heartfelt congratulations to long-time NYWBA members **Hon. Judith J. Gische** and **Hon. Paul G. Feinman** on their October 1, 2012 appointment by Governor Andrew Cuomo to serve as Justices of the Appellate Division, First Department. **Justice Gische**, who attained her JD from the SUNY Buffalo School of Law in 1981, began her career as a Judicial Clerk in the Appellate Division, Third Department. After eight years in private practice, she was appointed a Judge in the Housing Court in 1990. In 1994, she was elected to the Civil Court. She was appointed an Acting Supreme Court Justice in New York County in 2004, and she was elected a Justice of that court in 2009. **Justice Feinman**, a 1985 graduate of the University of Minnesota School of Law, started his career as an attorney for the Legal-Aid Society handling criminal defense and criminal appeals, after which he served as Principal Court Attorney to Hon. Angela M. Mazzarelli (NYWBA Past President and current Justice of the Appellate Division) when she sitting in the Supreme Court, New York County. He was elected a Judge of the Civil Court in 1996, sat in the Criminal Court from 1997 to 2001, and returned to Civil Court in 2001. In 2003, he was appointed an Acting Justice of the Supreme Court, and he was elected a Justice of that court in 2008. NYWBA congratulates both Justices on their well-deserved elevation to the Appellate Division and wishes them the very best.

NYWBA Vice President **Julie Hyman** has been appointed to Hudson Valley Bank's Business Development Board, which was established some years ago to help the Bank keep in close touch with the community and obtain quality advice and guidance from business and community leaders. The Hudson Valley Bank Board of Directors approved the appointment in October. Congratulations to Ms. Hyman on this achievement.

*Has something noteworthy happened to you or another member? Send your news to [Newsletter@nywba.org](mailto:Newsletter@nywba.org).*

## COMMITTEE NEWS (con't)

- The **Working Parents Committee** will tentatively meet on Wednesday, **November 7** at 12:30 pm at Berkman Bottger Newman & Rodd, LLP, 521 Fifth Ave., 31st fl. (at 43rd). Confirm date & RSVP - [WPChairs@nywba.org](mailto:WPChairs@nywba.org). Thanks to Jacqueline Newman for hosting.
- Check the NYWBA Calendar ([www.nywba.org/calendar](http://www.nywba.org/calendar)) for the latest info on Committee meetings, programs & events.

Check out job postings on the NYWBA website:  
[http://new.nywba.org/job\\_postings/](http://new.nywba.org/job_postings/).  
 To post a job opening, please contact  
[info@nywba.org](mailto:info@nywba.org).

## Members Network and Enjoy a Great Evening at Women's Bar Wine & Cheese Tasting Event

By *Diana G. Browne*

On October 17, 2012, NYWBA members and guests networked, mingled and enjoyed lovely wines and artisanal cheeses at our 2012 Wine & Cheese Tasting event at "Stash," a fun hot spot located on the border between Greenwich Village and Chelsea.

We tasted eight wines, all produced by the Hudson-Chatham Winery, located in Columbia County between the historic towns of Hudson and Chatham, and presented by the vintners, Dominique and Carlo DeVito, and assisted by their friend Chris. The winery has been voted the Capital Region's Best Local Winery, and its wines have won multiple medals and received high scores from *Wine Spectator* and *Wine Enthusiast* magazines.

The wines at our event, all hand-made in small batches from Hudson Valley grapes (or in some cases apples or currants), ranged from dry whites, through full-bodied reds, to sparkling, sweet whites and dessert wines.

The tasting began with a festive aperitif created by the vintners - a "Hudson Valley Cider Kir Royale," in which one part of their "Paperbirch Cassis" black currant dessert wine was blended in a wine glass with four parts of their "Pomme Bullé" English-style dry sparkling hard cider made from Hudson Valley apples. It was light and fruity and made for a refreshing start to the evening.

Other wines we tried included a 2011 "Estate Seyval Blanc" (similar to a Fume Blanc), a 2011 "Riesling" that was sweeter than the other wines but still somewhat dry, a rich 2011 "Cabernet Franc," a 2010 "Baco Noir Old Vines" that scored highly (86) with *Wine Enthusiast* magazine, a 2009 "Empire Reserve" that was a blend of three bold wines ("Cap Franc" from the Finger Lakes, Long Island "Merlot," and Hudson Valley "Baco Noir"), and a crisp "Lindenwald White." The wines were so popular that nearly all of the bottles that were not poured for the tasting were purchased by the guests!

To accompany the wines, we tasted four different Hudson Valley artisanal cheeses, including an amazingly rich and creamy sheep's and cow's milk camembert, a bright dill-covered fresh

goat's milk cheese, and two aged raw cow's milk hard cheeses that went well with the bolder vintages.

The event was held in the perfect space - an elegant night club / lounge / event space called "Stash," on the lower level below the popular SNAP Sports Bar on 14th Street, and with its own discrete entrance.

The space was generously made available to us (at no cost) by proprietors Jordan Harris and Justin McManus, and by Jordan's cousin Alan Sclar, Esq. of Sclar Adler LLP, who served as our host. Many thanks to them, and to Dominique DeVito and the Hudson-Chatham Winery, for a very special evening. For further information about the winery, go to [www.hudson-chathamwinery.com](http://www.hudson-chathamwinery.com). For info about the SNAP Sports Bar and the Stash event venue, go to [www.snapsportsbar.com](http://www.snapsportsbar.com).

I also want to especially thank Kay Marmorek, my Co-Chair of the Events Committee, for introducing us to the vintner and for all of her hard work to make this evening so special. Thanks as well to Executive Director Karen Lu for handling the RSVP's and finances, and to past President Elizabeth A. Bryson for her support with the event announcements and for making remarks during the program on the many benefits of Association membership.

The event was a major success for the NYWBA. It was well attended, and it was a great networking opportunity. Numerous guests joined NYWBA at (or as a result of) the event, and several joined committees that evening.

The Events Committee meets regularly to plan future events and programs. If you have ideas for other fun evenings or would like to join the Committee, contact us at [Events@nywba.org](mailto:Events@nywba.org).

*Diana G. Browne co-chairs the Programs, Events and Arrangements Committee, a Standing Committee established by the NYWBA By-Laws. She is a corporate lawyer in private practice.*



*Events Committee Co-Chair Diana G. Browne; vintner Dominique DeVito of the Hudson-Chatham Winery; venue host Alan Sclar; Events Committee Co-Chair Kay Marmorek; and Past President Elizabeth A. Bryson (l-r)*

## Wine & Cheese Tasting Event



*NYWBA Past President & Director Elizabeth A. Bryson; Events Committee Co-Chair Diana G. Browne; vintner Dominique DeVito of the Hudson-Chatham Winery; Events Committee Co-Chair & Director Kay Marmorek; Director and Co-Chair of Criminal Law Committee and Committee on Cooperation with Other Bar Associations Kathryn Salensky; Mentoring & Mentoring Circles Committee Co-Chair Andrea Vacca; and Publicity & Press Committee Co-Chair Maria Matos*



### NYWBA Matrimonial & Family Law Committee

*Lessons from Post-Judgment Proceedings -  
Hon. Lori S. Sattler and Hon. Mathew F. Cooper,  
Moderated by Hon. Jacqueline W. Silbermann*

At this Matrimonial & Family Law Committee event, esteemed judges *Hon. Lori S. Sattler* and *Hon. Mathew F. Cooper*, who sit in Matrimonial Parts in New York County, will discuss common problems in post-judgment proceedings and how attorneys can draft agreements to avoid them. *NYWBA President Hon. Jacqueline W. Silbermann* will moderate. *(No discussion of pending cases.)*

**Date:** Wednesday, November 7, 2012, 6:00 p.m.

**Place:** Blank Rome LLP, 405 Lexington Avenue, The Chrysler Bldg. (at 42nd St.), NYC

**Cost:** Free for Members\*

**RSVP:** [MFrsvp@nywba.org](mailto:MFrsvp@nywba.org)

*Due to space limitations, advance registration is required, and ONLY 2012-2013 members\* will be admitted. Because of security issues, no one will be admitted after 6:30 p.m.*

\* If you are not a current member, go to [www.nywba.org/Membership](http://www.nywba.org/Membership) to join or renew using our secure membership form. To inquire about your membership status, email Executive Director Karen Lu ([ED@nywba.org](mailto:ED@nywba.org)).

*The Committee thanks Blank Rome LLP for hosting & refreshments.*

### NYWBA Criminal Law Committee, Committee on Cooperation Among Bar Associations, and Students & New Lawyers Committee present

*"Criminal Law 101 Roundtable -  
A 'How to' Guide from  
A (Arraignments) to V (Verdict)"*

In this roundtable, a distinguished panel of prosecutors and criminal defense attorneys will provide guidance and insights on what to do when you get your first criminal client. They will also address ways to get your foot in the door when looking for a criminal law position. Law students, new lawyers, and attorneys interested in expanding their practice into the criminal law field are strongly encouraged to attend. Light refreshments will be served.

**Date:** Tuesday, November 20, 2012, 6:30 p.m.

**Place:** Newman Ferrara LLP, 1250 Broadway, 27th Floor, NYC (at 32nd Street)

**Cost:** Free

**RSVP:** [KSalensky@nywba.org](mailto:KSalensky@nywba.org)

*Due to space limitations, advance registration required.*

*The Committees thank Lucas Ferrara and Newman Ferrara LLP for hosting*

## First "Play Date" Event for Children of Women's Bar Members a Great Success

By Julie Babayeva

On October 14, 2012, I had the pleasure of attending a "Morning of Play and Networking at the New York Hall of Science," sponsored by the Women's Bar Association of the State of New York, Bronx Women's Bar Association, Queens County Bar Association, Westchester Women's Bar Association, and the New York Women's Bar Association. The event was open to all Women's Bar members with children between the ages of 1 and 12.

It was a wonderful experience to be able to combine the active learning and play that my toddler enjoys, with networking with inspiring professionals. All of the children enjoyed the Hall of Science's many interactive exhibits, where they were allowed to see, hear, smell and touch anything they could get their hands on.

At noon everyone gathered for bagel brunch, which was thoroughly enjoyed after our active morning. Parents were able to use the quiet time to mingle and network with other professionals from all over New York. The event was free for members, with the sponsoring organizations paying for all expenses. Jacqueline Flug, Vice President of WBASNY, was a thoughtful and organized host. She was pleased at the large number of parents that the event attracted.

I was very glad to see so many working mothers come together and enjoy this event, share personal and professional stories, and lend support to one another. I would most definitely jump at the opportunity to attend another such event, and you should too!

*Yuliya (Julie) Babayeva is a graduate of St. John's University School of Law and a member of the NYWBA Programs & Events Committee, Working Parents Committee, and Students & New Lawyers Committee.*



**NOTICE - Veterans Benefits Law Program Rescheduled From Nov. 15 to Early 2013 So Members Can Apply in Advance for Veterans Administration Accreditation TAKE ACTION NOW AND GET VA CREDIT!**

ELDER LAW & DISABILITY COMMITTEE - CLE PROGRAM

### ***"Why Your Client's Status as a Veteran Can Be Important to Your Client & Practice"*** *featuring Felicia Pasculli, Esq.*

Asking "Are you or your spouse a veteran?" during client interviews can help you identify clients and family members who may be entitled to receive important veterans benefits, such as prescription drugs, medical coverage, pension benefits, and burial, to name a few.

The Elder Law & Disabilities Committee is proud to present this CLE program featuring **Felicia Pasculli, Esq.**, an elder law practitioner and expert on veterans benefits, who will share her expertise and discuss eligibility guidelines for veterans benefits and other information you can use to enhance your practice and even start you on the road to being accredited to practice before the Veterans Administration.<sup>1</sup>

- Date:** TBA (early 2013)
- Time:** 6:00 to 9:00 p.m.
- Place:** Tarter Krinsky & Drogin LLP  
1350 Broadway, NYC
- CLE:** 3.0 MCLE Credits<sup>2</sup>
- Cost:** Free for Members<sup>3</sup> (\$50 non-members<sup>4</sup>)
- RSVP:** [ElderLawRSVP@nywba.org](mailto:ElderLawRSVP@nywba.org)

*Due to space limitations, advance registration is required.*

**<sup>1</sup>How to Obtain Accreditation to Practice Before the Veterans Administration:** To have CLE credits earned at this program count toward your accreditation to represent veterans, **you should submit an application to the Veterans Administration as soon as possible and no later than early January.** To apply, go to [www.va.gov](http://www.va.gov), click on "About VA", then "Organizations," then "General Counsel," and then "Accreditation." Complete VA Form 21a, making sure to include answers to all questions, including providing references. Fax the completed form to 202-495-5457, email a PDF of the form to [ogaaccreditationmailbos@va.gov](mailto:ogaaccreditationmailbos@va.gov), or mail it to U.S. Veterans Administration, Office of General Counsel (022D), 810 Vermont Avenue, NW, Washington, DC 20420. Initial accreditation takes about thirty days. Notice of approval (or rejection) will be sent in writing with your accreditation number. You can verify that you are correctly listed on the official accreditation list at [www.va.gov/ogc/apps/accreditation/index.html](http://www.va.gov/ogc/apps/accreditation/index.html). You will ultimately need 3.0 total CLE credits to complete accreditation. NYWBA plans to offer an additional 1.5 CLE credit session in Spring 2013, so you can complete the accreditation process.

**<sup>2</sup>CLE:** New York Women's Bar Association is a founding chapter of the Women's Bar Association 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.

**<sup>3</sup>Membership:** If you are not a current member, go to [www.nywba.org/Membership](http://www.nywba.org/Membership) to join or renew using our secure online membership form. Presenters thank NYWBA for underwriting a portion of the costs of this program so members can attend for free.

**<sup>4</sup>Financial Hardship Scholarships:** Full and partial scholarships are available based on financial need. For info and to apply, contact Amy B. Goldsmith, NYWBA CLE Chair ([agoldsmith@tarterkrinsky.com](mailto:agoldsmith@tarterkrinsky.com)). All requests are confidential.

## New York Civil Court Express Lunch Series

NYWBA Civil Courts Committee is proud to present the "New York Civil Court Express Lunch Series," where you can learn from the real-world experience of fellow practitioners and Civil Court staff, network, and enjoy a light lunch. Our next program will provide insights from insiders in one of New York's busiest courts:

### *Panel Discussion with Court Attorneys of the New York City Housing Court*

**Date:** Tuesday, November 20, 2012, 1:00-2:00 p.m.  
**Place:** New York Civil Courthouse, 111 Centre Street,  
 12th Floor Board Room, NYC  
 (Attendees must enter via **White Street** entrance)  
**Cost:** Free for members\* / \$20.00 non-members  
**RSVP:** [CivilCourtsChairs@nywba.org](mailto:CivilCourtsChairs@nywba.org) - Due to space  
 limitations, advance registration is required.

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

NYWBA is proud to Co-Sponsor a  
 New York State Bar Association Program

### *"Building a Successful Law Practice ~ What you Need to Succeed"*

NYWBA is co-sponsoring this CLE program presented by the New York State Bar Association. Panelists will share tips for building a successful practice in New York. The program will cover topics such as controlling paperwork, managing employees, how to leverage social media and the Internet, and how to run your practice efficiently. NYWBA members may attend at the discounted NYSBA member price.

(For the full agenda and list of speakers, go to the NYSBA website - [www.nysba.org/LPM](http://www.nysba.org/LPM) and click on the program link)

**Date:** Friday, November 2, 2012  
**Time:** 9:00 a.m. to 5:00 p.m.  
**Place:** Affinia Manhattan  
 371 Seventh Avenue (at 31st Street), NYC  
**Cost:** \$175 - NYSBA/NYWBA members (thru 10/23);  
 \$190 after 10/23; \$275/\$290 non-members)  
**CLE:** 7.0 MCLE Credits (1.5 Skills; 1.5 Ethics,  
 4.0 Professional Practice)

For details and info, contact:  
 Kathy Suchocki at [ksuchoki@nysba.org](mailto:ksuchoki@nysba.org)

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## **"ETHICS GAME SHOW"** **- with Jeremy R. Feinberg, Esq.**

*The Ethics Game Show* gives audience members an opportunity to think through how they might have handled some of the strangest, wackiest, most bizarre and unbelievable ethics issues that have appeared in reported decisions around the country. Find out what the attorneys and judges involved actually did, and the underlying ethics lessons. Several audience members will compete as "contestants" for prizes in true game show fashion. It's the most fun you'll ever have earning ethics CLE credits.

**Jeremy R. Feinberg, Esq.** is the Statewide Special Counsel for Ethics and the Commercial Division at New York's Office of Court Administration. He is a regular speaker on professional responsibility, is the Chair of the New York City Bar's Committee on Professional Ethics, and serves as an adjunct professor at Columbia Law School. Space is limited, so RSVP today!

**Date:** Thursday, December 6, 2012  
**Time:** 6:00 to 8:00 p.m.  
**Place:** Newman Ferrara LLP, 1250 Broadway,  
 27th Floor, NYC (enter on 32nd Street)  
**CLE:** 2.0 MCLE Credits<sup>1</sup>  
**Cost:** Free for Members<sup>2</sup> (\$50 non-members<sup>3</sup>)  
**RSVP:** [www.nywba.org/EthicsRSVP](http://www.nywba.org/EthicsRSVP)  
**Info:** Contact Executive Director Karen Lu at  
[ED@nywba.org](mailto:ED@nywba.org)

*Due to space limitations, advance registration is required.*

<sup>1</sup>**CLE:** New York Women's Bar Association is a founding chapter of the Women's Bar Association 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.

<sup>2</sup>**Membership:** If you are not a current member, go to [www.nywba.org/Membership](http://www.nywba.org/Membership) to join or renew using our secure online membership form. Presenters thank NYWBA for underwriting a portion of the costs of this program so members can attend for free.

<sup>3</sup>**Financial Hardship Scholarships:** Full and partial scholarships are available based on financial need. For info and to apply, contact Amy B. Goldsmith, NYWBA CLE Chair ([agoldsmith@tarterkrinsky.com](mailto:agoldsmith@tarterkrinsky.com)). All requests are confidential.

## Lawline and NYWBA CLE Program

### *"Surrogacy: Navigating the Legal and Ethical Minefield"*

Using a gestational carrier is an emotionally intense and legally complex arrangement that involves having another woman carry and deliver a child for another couple. It's officially legal in only a handful of states. The process in all can require vast amounts of time, money, and patience to succeed. Join attorney Melissa Brisman, Rabbi Gideon Weitzman, and Harry Lieman, M.D. as they discuss the intricacies of gestational surrogacy. The panelists will cover legal and ethical issues, analyze common pitfalls and risks of gestational surrogacy in the U.S., and address legal measures needed to successfully protect the use of frozen embryos.

**Date:** Tuesday, November 6, 2012 (5:30 to 8:00 p.m.)

**Place:** 55 Exchange Place, NYC (between Broad and William, north of Wall Street)

**CLE:** 3.0 MCLE Credits<sup>1</sup> (1.0 Ethics; 2.0 Professional Practice)

**Cost:** \$74.25 - Lawline/NYWBA Members<sup>2</sup> (\$99 non-members)

**RSVP:** Go to [www.nywba.org/calendar](http://www.nywba.org/calendar), and click on the program link for the event date

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2. **Membership:** If you are not a current member, go to [www.nywba.org/Membership](http://www.nywba.org/Membership) to join or renew using our secure online membership form.

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## Success in Fight Against Defense of Marriage Act

*By Elizabeth A. Bryson*

The Women's Bar Association of the State of New York (of which NYWBA is a founding Chapter) is proud to have participated as *amicus curiae* in *Windsor v. United States*, where the U.S. Court of Appeals for the Second Circuit recently upheld the rights of couples in same-sex marriages.

The facts are compelling. Edith Windsor and Thea Spyer were "engaged for 40 years" and were finally married in Canada after it became legal there for same-sex couples to marry. When Dr. Spyer passed away in 2009, Ms. Windsor had to pay more than \$500,000 in estate taxes. Under the spousal exemption in the tax law, no estate tax would have been owed had Ms. Windsor had a husband instead of a wife. Under DOMA, however, tax authorities were forbidden to recognize the couple as "spouses."

Ms. Windsor sued to rescind the federal estate tax and have DOMA declared unconstitutional, and on June 6 the U.S. District Court for the Southern District of New York ruled in her favor. Counsel for Republican members of the House of Representatives appealed. (The Justice Department refuses to defend DOMA in court challenges.) The Second Circuit set an expedited schedule, and *amicus* briefs, including the one in which WBASNY participated, were filed on September 7.

On October 18, the Second Circuit issued a 2-1 decision affirming the lower court and holding DOMA unconstitutional. The majority also held for the first time that sexual orientation should be treated as a "protected class," and that laws that affect persons based solely on sexual orientation should be subject to "intermediate heightened scrutiny." This is a huge victory. An appeal to the U.S. Supreme Court is virtually certain, since this is one of numerous challenges to DOMA across the country. WBASNY will continue to support the rights of same-sex couples and hopes to participate as an *amicus* before the Supreme Court, as well.

*Ms. Bryson is a NYWBA Director & Past President, a past WBASNY Officer, and a current Co-Chair of the WBASNY Amicus Curiae Committee (with Co-Chairs Alayne Katz & Melinda Saran). She is a litigator and appellate attorney in Manhattan.*

### ~ ATTENTION MEMBERS ~

The NYWBA Committee on Nominations meets each fall to consider potential candidates for positions as NYWBA Officers, members of the NYWBA Board of Directors, NYWBA Delegates to the WBASNY Board of Directors, and WBASNY Officers. The Committee is looking for members who have distinguished themselves through their work for the Association and professionally.

If you know anyone who would be a good candidate, or would like to be considered yourself, send an email with info about the candidate's experience and qualifications to [Nominations@nywba.org](mailto:Nominations@nywba.org).

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*Present*

### THE SEVENTEENTH ANNUAL ELLEN P. HERMANSON MEMORIAL SYMPOSIUM

### *"Evolution of Medical Care & Research: What is Happening to Medicine & How Will It Affect Us?"*

**Monday, December 3, 2012, 6:00 to 8:30 p.m.**

**New York City Bar Association**

42 West 44th Street, 2nd Floor Meeting Hall, NYC  
Open to public without charge -- light refreshments will be served

**Moderator: Hon. Judith S. Kaye**

Skadden, Arps, Slate, Meagher & Flom LLP  
(Former Chief Judge of the State of New York, Retired)

**Legal Panel: Hon. Jennifer G. Schechter and  
Edward S. Kornreich, Esq., JALBCA Co-Presidents**

**Panel of Experts (in formation):**

**Kathleen M. Boozang, Esq.,** Professor of Law,  
Seton Hall University, School of Law

**Larry Norton, M.D.,** Head of the Division of Solid Tumor  
Oncology, Memorial Sloan Kettering Cancer Center

**Bruce C. Vladeck, Ph.D.,** Senior Advisor to Nexera, Inc.,  
expert on health care policy and financing, and long term care

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**Symposium Co-Chairs**

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Martha L. Golar Esq., Barbara A. Ryan Esq.*

To reserve your seat, contact JALBCA Executive Director  
Jennifer Fiorentino ([jenfiorentino@aol.com](mailto:jenfiorentino@aol.com) or 212-289-9720)

**For information about JALBCA, go to [www.JALBCA.org](http://www.JALBCA.org)**

## RENEW TODAY!

If you haven't renewed your membership for 2012-2013, go to [www.nywba.org](http://www.nywba.org) and click on "Membership" to access our secure online membership form or contact our Executive Director ([ED@nywba.org](mailto:ED@nywba.org)) to have a renewal form sent to you.

## NYWBA Advertiser Profile - Better Helpers, Inc.

By Suzana Shimonov, BSN

*Editor's Note:* NYWBA is fortunate to have regular advertisers who contribute to the Association's Newsletter and our revenue. Periodically, we feature profiles on these advertisers so that members can get a better sense of their business and ways in which their services or goods may be beneficial to their clients and/or practice. While we cannot endorse any advertiser's products or services, we do appreciate their support and hope members will review these profiles to see if they would like to contact the advertiser about using their products or services.

Better Helpers, Inc. is a home care agency licensed by NYS Department of Health. It is a resource to obtain home health aides, medical professionals, and other in-home care for clients and/or their (or your) loved ones who are ill or disabled and need support.

The following services and personnel are available:

- Registered and Licensed Practical Nurses
- Home Health Aides / Personal Care Aides / Elder Care
- Housekeeping Services
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- Physical, Occupational and Speech & Language Therapy

As part of its mission, the Agency provides ongoing assessments of our clients, to address changes in clients' conditions and treatment, and to update their care to reflect clients' current health and care needs. Our goal is to allow and strengthen the patient to live in the dignity of their own home whenever possible.

Working in this field and providing care and skilled nursing services to clients at home has brought me tremendous satisfaction.

My responsibilities include: Observation, assessment, nursing diagnosis, counsel, care and health teaching for ill and confined clients, and the maintenance of health and prevention of illness of others. I regularly evaluate the impact of the care given and reevaluate patients' nursing needs. I also reports to patients' physicians and prepare clinical and progress notes. This cohesiveness ensures that we maintain an appropriate clinical records and patient care.

My experience with Better Helpers' upper management, including President Sharon Bowen, demonstrates our commitment to be a leading agency in this field. We hold employees accountable for their performance, including the quality of care given to clients, and we seize opportunities to improve services.

Ms. Bowen's background is particularly relevant, and she has experience and expertise to apply critical, analytical and strategic planning to our services. Before starting Better Helpers, she worked as a legal secretary for Skadden, Arps, Slate, Meagher & Flom and for Sosnow & Freed. She also served as an Administrative Assistant to Rabbi Paul Steinberg, Ph.D., Vice President of Communal Affairs for The Hebrew Union College.

One of our key differentiators is our commitment to be transparent and supportive from the inception of the relationship with the client and his or her family. Our comprehensive admissions packet includes documentation on Patient Rights, forms for Advance Directives, Health Care Proxies, Living Wills, and Treatment Plans, as well as Privacy Notices and information about our affordable Service Agreement. We are committed to openly engaging with patients, families and others involved in the client's life, regardless of their backgrounds or socioeconomic conditions.

## NYWBA Matrimonial & Family Law Committee

### "The Art of the Pre-Nup: Construction & Destruction"

This program will be moderated by **Magnolia D. Levy**, a partner at McLaughlin & Stern LLP and feature panelists **Laurie S. Ruckel**, a trusts and estates partner at Loeb & Loeb, LLP, **Eric Wrubel**, a partner handling matrimonial and family law matters at McLaughlin & Stern, LLP, and **Hon. Laura E. Drager**, Acting Supreme Court Justice, Matrimonial Part, NY County. The panel will discuss approaches for drafting pre-nuptial agreements, as well as preventing and leaving room for challenges upon a divorce.

**Date:** Wednesday, December 5, 2012

**Time:** 6:00 p.m.

**Place:** Blank Rome LLP  
 405 Lexington Avenue  
 The Chrysler Bldg. (at 42nd St.)  
 NYC

**Cost:** Free for Members\*

**RSVP:** [MFRsvp@nywba.org](mailto:MFRsvp@nywba.org)

*Due to space limitations, advance registration is required, and ONLY 2012-2013 members\* will be admitted. Because of security issues, no one will be admitted after 6:30 p.m.*

\* If you are not a current member, go to [www.nywba.org/Membership](http://www.nywba.org/Membership) to join or renew using our secure membership form. To inquire about your membership status, email Executive Director Karen Lu ([ED@nywba.org](mailto:ED@nywba.org)).

*The Committee thanks Blank Rome LLP  
 for hosting & refreshments.*



I am proud that my personal experience as a licensed registered nurse and home care professional, together with the leadership standards mandated by President Sharon Bowen, has given me skills and tools to assess the physical, psychological and needs of patients and to institute and maintain appropriate care and support for each client.

If you wish more information about Better Helpers, Inc. and our services and professionals, contact us at [betterhelpers@verizon.net](mailto:betterhelpers@verizon.net).

*Suzana Shimonov, BSN, works as a Licensed Registered Nurse with Better Helpers Inc., a New York State Licensed Home Care Agency.*

## Consumers' Retirement Confidence Needs a Boost

### *Dos and Don'ts That Will Help You Prepare for Retirement*

**By Michael Salmon**

As baby boomers near retirement, many are discovering that they aren't yet financially prepared to leave their careers. Moving from a full-time job to a life of travel, volunteer work and time spent with family and friends may seem like a natural next step. For those who are still determining how they'll fund their retirement, however, cutting the strings of employment may not look so appealing.

Here are several sobering facts from the New Retirement Mindscape® 2012 City Pulse index<sup>1</sup>, an annual survey that examines retirement readiness among individuals in 30 of the largest U.S. cities: Just 63 percent of respondents say they're saving for retirement. What's worse, only 37 percent of respondents nationwide say they feel "on track" to retire, and just 11 percent say they were able to retire earlier than planned because they were financially able to do so.

Take a glance at the last year and it's easy to see why retirement preparedness and confidence in retiring is at an all-time low. The effect of low interest rates on retirement accounts, the slow recovery of home valuations, the cost of health care and uncertainty about social programs like Medicare and Social Security have changed retirement plans for many people. So what can Americans do to regain confidence, feel secure about their futures and ultimately enjoy their retirement? Plan, plan, plan.

Here are some important do's and don'ts designed to help you move toward punching the clock for the last time and living a happy, healthy retirement.

**Do "rehearse" retirement.** Consider what retirement looks like for you. How will you occupy your time; what will your expenses be each month; how much travel do you plan to do; what might your healthcare involve? Simply thinking about what retirement looks like before you actually leave your career, will help you anticipate and prepare both emotionally and financially.

**Do understand your retirement benefits.** If your employer offers retirement benefits like a 401(k) savings plan and a company-sponsored pension, learn how these programs work well before you retire. Knowing how to maximize 401(k) savings and your employer's match, as well as how to access savings, pension assets and social security benefits can help you feel more confident about retirement.

**Do strive to be debt free upon retirement.** This involves making well-planned, wise choices - and sometimes making trade-offs - during your last 10 to 15 years of your career. If possible, maximize funding into your 401(k) plan before refinancing or adjusting your 30-year mortgage to a 15-year term in order to retain the tax advantages available to you that come with saving for retirement. That might mean focusing on savings vs. paying off a mortgage or other long-term debt.

Do plan and set goals - with a cost attached. This step may seem daunting, but if you don't have a plan and goals in place, it can be difficult to feel confident about your financial future. Determine how much you'll need to sustain your retirement lifestyle while you still have time to save and make it a reality. Consider working with a financial advisor who can help you identify your retirement dreams and then find ways to help work towards realizing your goals.

**Don't borrow from retirement accounts.** Some respondents in the 2012 City Pulse retirement readiness survey indicated that helping their children pay off student loans was hindering their personal retirement plans. Why? Because parents often borrow from 401(k) savings or minimize contributions to pay off student loan expenses. A 401(k) loan is rarely a good option because of lost interest on that savings during the repayment term. In addition, many companies won't let 401(k) borrowers contribute to their savings plan while they have an outstanding loan.

**Don't assume your retirement will be "traditional."** In recent years, baby boomers have redefined what "retirement" really means. Some choose to work part time or start a career in which they're really passionate about. If you aspire to have a part-time career, start laying the foundation now. Identify what you hope to do as well as the companies or organizations that might benefit most from your experience.

**Don't disregard your health.** As we age it becomes more important to carefully monitor our physical and mental well being. Obesity, high blood pressure and high cholesterol are the most common health issues in America. So get an annual physical and health screening and talk to your doctor about any health concerns you may have and what the future costs may be so you can accurately plan for them in your retirement savings.

**Don't underestimate.** When determining your retirement expenses think about the rising costs of health care, gasoline and travel (just to name a few) that you'll continue to consume in retirement. Remember to create some contingency plans to cover unforeseen expenses. You likely won't regret saving a little extra now for your retirement years rather than not having what you will need once you leave the workforce.

It may be a bumpy ride to retirement, but the surest way to feel confident about your future is to plan for it right now.

<sup>1</sup>The New Retirement Mindscape 2012 City Pulse index was created by Ameriprise Financial utilizing survey responses from 10,063 U.S. adults ages 40-75. The survey was commissioned by Ameriprise Financial, Inc. and conducted online by Harris Interactive from June 13-35, 2012. The national average sample and the 30 U.S. metropolitan areas were each weighted independently to best represent each area. Propensity score weighting was also used to adjust for respondents' likelihood to be online.



Michael Salmon is a Senior Financial Advisor with Ameriprise Financial, specializing in Financial Planning, Investment Portfolio Management, Retirement Planning Strategies, Estate Planning Strategies, and Saving for Education. He is an active public speaker and financial columnist. He is licensed and registered to conduct business in NY. Based on licenses and registrations he holds, he may also conduct business in MI, MA, OR, FL, PA, NM, NC, CA, RI, CT, KY, NJ, and LA. You can reach him at 646-964-9470 or michael.b.salmon@ampf.com.

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

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

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# NEW YORK WOMEN'S BAR ASSOCIATION

A Founding Chapter of THE WOMEN'S BAR ASSOCIATION OF THE STATE OF NEW YORK

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