



NEW YORK WOMEN'S BAR ASSOCIATION

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 first program will be of particular import to Civil Court practitioners:

"The Other Side of the Counter"

featuring distinguished speaker

Serena Springle

Clerk Of The New York County Civil Court
& Her Civil Court Management Team

Date: Tuesday, October 23, 2012, 1:00-2:00 p.m.

Place: Ephron-Mandel & Howard, LLP
299 Broadway, Suite 1615, NYC

Cost: This Kick-Off Event for the Series is
Complimentary for Members* & Guests

RSVP: CivilCourtsChairs@nywba.org

Due to space limitations, advance registration is required.

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

NYWBA Special Event - Tasting Featuring Wines and Artisan Cheeses from *The Hudson-Chatham Winery*

Wednesday, October 17, 2012, 6:30-8:30 p.m.

NYWBA is delighted to host this fun event. Enjoy award-winning wine & cheese selections, at a special price just for members and guests. For details, see announcement on page 11.

Look inside for other events and announcements, including:

- Oct. 3 - *Matrimonial Part Court Attorneys Panel* - p. 11
- Oct. 4 - *What is Leadership? - Program for Women Lawyers* - p. 8
- Oct. 14 - *NY Hall of Science "Playdate" for Children* - p. 8
- Oct. 30 - CLE - *Women on the Move: Building Paths to Success* - p. 8
- Nov. 2 - CLE - *Building a Successful Law Practice* - p. 12
- Nov. 15 - CLE - *Is Your Client Entitled to Veteran's Benefits?* - p. 9
- Nov. 29 - *Annual Mentoring Circles Reception* - p. 9
- Dec. 3 - *JALBCA Annual Symposium on Breast Cancer* - p. 12
- Committee News, Meetings & Events / Notes on Members - p. 3

PRESIDENT'S MESSAGE *The Power of Membership*

OCTOBER 2012



Hon. Jacqueline W. Silbermann

The excitement I have as President of this wonderful Association was felt by everyone at the Membership Reception held on September 20. With more than 170 members and potential members in attendance, the enthusiasm in the room was palpable. The Chairs of the Membership Committee and the Students & New Lawyers Committee spoke about the benefits of membership, initiatives planned for this year, opportunities to learn not only substantive law but also leadership skills, and how the NYWBA has influenced their lives.

I spoke about my belief that the Women's Bar must be a vanguard to fight against attempts to limit women's rights and opportunities. With your support, I know that we will continue to be a voice for the rights of all women, and that the vision for this year that I articulated when I was inducted can truly become a reality. Many thanks to **Jennifer P. Brown** for chairing this year's Membership Reception and serving as its keynote, to speakers **Morgan Fraser**, **Michael Appelbaum** and Past President **Elizabeth Bryson**, to **Skadden Arps** for hosting, and to Executive Director **Karen Lu** and everyone else who worked so hard to make it a success.

I spoke to many members at the Membership Reception, and in my role as President I will seek to address the interests and concerns that were expressed to me. We will work together to make this year an exciting and fulfilling one.

I am pleased to report that our plans for 2012-2013 are well underway. Our Committee Chairs are hard at work organizing meetings and programs, including many for CLE credit. One of our goals this year, endorsed by the NYWBA Board, is to provide opportunities for members to achieve those important CLE credits for little or no cost. Look for announcements about additional cutting-edge CLE programs throughout the year.

Please join one or more of our committees and become involved in our Association. It is the best way to meet other members and add your voice to our important work. A full list of Committees and Chairs appears on page 2, and announcements about upcoming programs, events and meetings are included throughout this Newsletter. You can also check for updates on the NYWBA's online calendar (www.nywba.org/calendar).

(Continued on Page 2)

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 Rachel J. Minter & Victoria A. Turchetti
- Alternate Dispute Resolution Andrea Vacca & Leona Beane
- Awards Allison M. Surcouf
- Business Law, Securites & 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
- Reproductive Rights Nicky S. (Anita) Rho & BriAnne Copp
- 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
- Working Parents Christine M. Harman, Melanie A. Chieu & Victoria A. Turchetti

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

President's Message (Continued from Page 1)

In addition to formal meetings, you can have fun at member events, such as the **Wine and Cheese Tasting** on October 17, and the **"Play Date" for Members' Children** that will be held at the New York Hall of Science on Sunday, October 14.

Many at our Membership Reception were law students and new lawyers who were understandably concerned about their future employment due to the economy. The Chairs of our Law Student and New Lawyers' Committee, **Morgan Fraser** and **Lauren Michael**, and our Committee to Advance the Status of Women in the Profession, **Rachel Minter** and **Victoria Turchetti**, will be arranging for programs to help address these concerns.

We will also hold our **Mentoring Circles Reception** on November 29 (see announcement, p. 9). This is an excellent program for members at all stages of their careers and provides networking, mentoring and guidance that can make a huge difference personally and in your practice.

On Saturday, September 22, I and other NYWBA delegates to our statewide parent organization, the Women's Bar Association of the State of New York (WBASNY), attended the WBASNY Board meeting and numerous WBASNY Committee meetings. At these meetings, we convened with representatives of the other 18 Chapters across New York State to discuss important legislation; initiatives for diversity, international women's rights and to fight domestic violence; upcoming screenings for judicial candidates to fill a vacancy on the New York Court of Appeals; and numerous other topics. We also received an update on WBASNY's participation in an *amicus* brief that was filed on September 7 in a potentially precedent-setting case (*Windsor v. U.S.*) before the U.S. Second Circuit Court of Appeals. All NYWBA members are automatically members of WBASNY, so our voice is heard throughout the state and in the national and international arena.

Another exciting topic for discussion among the Chapters was WBASNY's new statewide goals for membership. If each Women's Bar Chapter increases its membership by just 5%, WBASNY would have 4,000 members for the first time. This is an attainable goal, and an important one for my vision of having us be a voice that is heard and listened to on issues of importance to us all. Please join us, renew your membership for 2012-2013, and help make this goal a reality.



REMINDER

It's time to RENEW your membership for 2012-2013!

It's easy ...

If you haven't renewed already, go to www.nywba.org and click on "Membership" to access our secure online membership form or contact our Executive Director (ED@nywba.org) to have a renewal form sent to you.

WELCOME NEW MEMBERS

Olutola I. Adelugba
Yuliya Babayeva
Grace J. Bagnulo
Jessica Ball
Martha Anne Ballou
Patricia G. Birch
Rosemary B. Boller
Caroline Camp
Erika Carmona
BriAnne A. Copp
Ines Cruz
Carrie Maylor DiCanion
Alexandra Douglas
Mary K. Dow
Nicola Rose Duffy
Irina Dularidze
Jessica Friedman
Ariadne Green
Jean J. Han
Joy Hochstadt
Ronald A. Hollander

Erin P. Herro
Danielle R. Iredale
Zoe E. Jasper
Darlene Jolibois
Barbara J. Kelly
Christine Lee
Jessica L. Leonard
Katherine Marques
Lucy Martucci
Michelle L. Moldovan
Jae Nwawe
Amrita M. Prabhu
Rebecca A. Provder
Ashley N. Richardson
Amanda J. Ross
Marguerite E. Royer
Megan Shay
Rebecca A. Stockel
Stela Todeva
Elizabeth J. Varas
Jill L. Zibkow

SUSTAINING MEMBERS

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

Lauren De Lotto
Daniel Finkelstein
Eileen S. King

Lisa A. Sokoloff
Michele D. Tortorelli

NOTES ON MEMBERS

NYWBA congratulates **Past President Teresa Schiller** on her promotion to Associate Executive Director of the New York State Bar Association. In this role, Ms. Schiller is second-in-command of 120 employees who support NYSBA and its more than 77,000 members. Her new challenges include managing the budgetary process, strategizing about media issues, and continuing to support the NYSBA Board of Directors on policy matters. We all miss Ms. Schiller now that she lives in Albany, but we know she is doing a great job.

Kudos and congratulations to **Board Member and Committee Chair Leona Beane**, who was recently elected a Charter Member of the Academy of Mediators and Arbitrators.

Board Member and Committee Chair Amy B. Goldsmith recently joined Tarter Krinsky & Drogan LLP as a partner in the Intellectual Property Practice Group. Ms. Goldsmith provides patent and trademark advice to national and international clients in a variety of industries, including pet products, fashion, financial services, marketing automation, publishing, medical devices, and consumer and designer goods. NYWBA wishes Ms. Goldsmith all the best in her new position.

Congratulations to two members who won in the Democratic primaries held on September 13, 2012 for judiciary positions. **Hon. Rita Mella** won the Democratic primary for the position of Surrogate Court Judge in New York County, and **NYWBA Past President Lisa A. Sokoloff** won the Democratic primary for the position of Civil Court Judge. Elections for these and other judiciary positions will be held in November.

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

COMMITTEE NEWS

• The **Civil Courts Committee** will present a **Civil Court Express Lunch** on Tuesday, **October 23** at 1:00 pm. (see *announcement, p. 1*). RSVP - CivilCourtsChairs@nywba.org.

• The **Elder Law & Disabilities Committee** will meet on Thursday, **October 11** at 5:15 p.m. at Tarter Krinsky & Drogan, 1350 Broadway, 11th Floor, NYC (btw 35th & 36th; host Amy Goldsmith). RSVP - ElderLawChairs@nywba.org.

• The **Events Committee** will meet on Wednesday, **October 3** at 6:30 p.m. For details and RSVP - Events@nywba.org.

• The **Litigation Committee** will meet on Tuesday, **October 30** at 6:30 p.m. Email LitigationChairs@nywba.org for details and RSVP.

• The **Matrimonial and Family Law Committee** meets on the first Wednesday each month. RSVP - MFRsvp@nywba.org. The **October 3** program will feature Court Attorneys for Matrimonial Judges in NY County (see *announcement, p. 11*). On **November 7**, Judges Lori Sattler and Matthew Cooper will discuss common problems in post-judgment proceedings and ways to draft agreements to avoid them. On **December 5**, a panel of matrimonial and trust & estates attorneys and a member of the judiciary will address issues in pre-nuptial agreements. All

meetings are at Blank Rome, LLP, 405 Lexington, NYC (at 42nd St.). Many 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. 9*). RSVP - MentoringRSVP@nywba.org.

• The **Solo and Small Firm Practice Committee** will meet on Thursday, **October 18** at 8:30 AM and will focus on members' website bios and related marketing materials. Bring ten copies and get insights and ideas to enhance your practice. For details & RSVP - SSFChairs@nywba.org.

• The **Working Parents Committee** will meet for a brown bag lunch on Thursday, **October 18**. RSVP - WPChairs@nywba.org.

• Check the NYWBA Calendar (www.nywba.org/calendar) for the latest info on Committee meetings, programs & events.



NYWBA Membership Reception a Resounding Success!

By Lauren Friend and Susan J. Miller

The Annual Membership Reception, held on September 20 at Skadden, Arps, Slate, Meagher & Flom, was a tremendous success, with more than 170 in attendance. It was a fabulous evening and resulted in many people joining the Association or renewing their membership, thanks to the combined efforts of Executive Director Karen Lu, and Membership Committee Co-Chairs Michael W. Appelbaum and Past President Elizabeth A. Bryson.

The event was organized by NYWBA Recording Secretary Jennifer P. Brown, who kicked off the evening by welcoming attendees, thanking Skadden Arps, and introducing Morgan M. Fraser, Co-Chair of the Students and New Lawyers Committee. Ms. Fraser spoke of the benefits of membership for those who are new to the profession and urged the many new lawyers and law students in attendance to get involved in NYWBA committees and attend our programs and events.

Hon. Jacqueline W. Silbermann, NYWBA President, then spoke about her vision for the NYWBA and the importance of our fight to protect the rights of women, which continue to be under attack. Given the importance of having NYWBA serve as an advocate for equal justice under the law, Judge Silbermann urged those who have not yet joined to "be a voice with us."

President Silbermann noted that the NYWBA is a founding chapter of the Women's Bar Association of the State of New York, and that by joining the NYWBA members are automatically members of WBASNY. With WBASNY's more than 3,600 members, we have a powerful voice in Albany and in Congress.

President Silbermann urged anyone who is not on a committee or is new to the NYWBA to speak to members of the Board and the Committee Chairs in attendance. She pointed out that, unlike in other bar associations, it is possible as a member of NYWBA to quickly assume a leadership role within our Association.

President Silbermann then introduced the evening's final speakers, Membership Co-Chairs Michael Appelbaum and Elizabeth Bryson. They each spoke about how they became involved in the NYWBA and discussed many of the rewards of membership. These include our award-winning "Mentoring Circles" program, which matches members across practice areas and levels of experience, who join together for mutual mentoring and friendship, which in turn benefits their personal and professional development.

Mr. Appelbaum, the first man to serve on the Board, noted that NYWBA also provides innumerable venues for networking with esteemed lawyers and judges - at our programs and events, through our 33 committees, and through working on substantive projects. Members can also take advantage of member discounts for our cutting-edge CLE programs, insurance, and many other services. Members also get to participate in our stellar events, including this evening's free Membership Reception; our Annual Gala Awards and Installation Dinner; and our Annual

Judges Reception, which honors the newly elected, newly re-elected and newly appointed judges of New York County.

Ms. Bryson mentioned the NYWBA's award-winning charity, the New York Women's Bar Association Foundation, which funds numerous important causes, including fellowships that allow law students to provide services to victims of domestic violence and others in need of legal services. The Membership Chairs concluded their remarks by noting that NYWBA membership has provided them with mentoring, networking and leadership opportunities that improved their professional and personal lives. It has also resulted in invaluable friendships.

During the evening, NYWBA continued our tradition of collecting children's books to benefit the NYWBA's Judge Judith S. Kaye Children's Book Club. These books will be donated to charity in the hope that they will encourage a love of reading.

Everyone had a wonderful time, and there was an air of excitement in the room, as members and potential members reviewed handouts listing the programs, events and committee meetings scheduled over the next several months. It was a scintillating evening and allowed everyone to socialize and network with fellow practitioners and members of the judiciary while learning about the NYWBA.

Many thanks to Justice Silbermann, Jennifer Brown, Karen Lu, Elizabeth Bryson and Michael Applebaum for organizing and supporting such a wonderful event. Thanks also to Sheila Birnbaum and Skadden, Arps for providing the terrific venue.

Lauren Friend is the Principal of the Law Office of Lauren M. Friend, where she practices family and matrimonial law. She is also a Co-Chair of the NYWBA Students and New Lawyers Committee. Susan J. Miller is Principal Court Attorney to the Hon. Thomas Farber, in the Criminal Term, Supreme Court, New York County. She is Chair of the NYWBA Newsletter Committee.



Membership Co-Chairs Michael Appelbaum and Elizabeth Bryson

NYWBA Membership Reception Photos



*NYWBA President Hon.
Jacqueline W. Silbermann*



NYWBA Launches New "Civil Courts Committee"

The New York Women's Bar Association is proud to announce the formation of our new **Civil Courts Committee**, co-chaired by **Judge Andrea Masley** and attorneys **Melissa G. Ephron-Mandel** and **Meryl H. Waxman**.

The goal of the committee is to support Women's Bar members who practice in New York City Civil Court, to educate attorneys who are new to the practice in that court, and to provide a forum for both experienced and newer attorneys to exchange ideas.

The Committee will kick off the season with a series of monthly "Civil Court Express Lunch" events focusing on good practice in the Civil Court. For the convenience of members, these events will be held at a venue close to the courts and during the typical court lunch period from 1:00 to 2:00 p.m.

The first program in the Civil Court Express Lunch series will be on Tuesday, October 23, 2012 and will feature a presentation by **Serena Springle**, the new Clerk of the Civil Court for New York County, and her team. (See *announcement*, p. 1.) This first program will be free for members and their guests.

The lunch series will continue in November and then in January through June. Anticipated topics include:

- Meet the Judges' Court Attorneys in Civil Court;
- Meet the Judges' Court Attorneys in Housing Court;
- How to practice in the no-fault part;
- The Rules of Civility and what to do when your adversary is not civil; and
- Civil Procedure unique to the Civil Court.

If you have ideas for additional programs send an email to CivilCourtsChairs@nywba.org.

Together, our co-chairs have nearly 75 years of legal experience:

- **Andrea Masley** was elected to the New York City Civil Court in 2007 and sits in the Civil Court, New York County. From 2008 to 2010, Judge Masley was assigned to Family Court, Bronx County. For ten years prior to her election, she was the Principal Court Attorney for Justice Charles Edward Ramos in the Commercial Division of the New York State Supreme Court, New York County, and before that for Hon. Louise Gans, Acting Supreme Court Judge, New York County. She sits on the NYS Chief Administrative Judge's Electronic Discovery Committee. Judge Masley received her J.D. from Fordham University School of Law in 1991 where, in the spring of 2006, she taught Remedies. Upon graduation, Judge Masley was a litigation associate at the firm of Dechert Price & Rhoads. Before joining the staff of the New York State Supreme Court in 1998, Judge Masley was Diversity Counsel at the Association of the Bar of the City of New York. She is a member of the New York State Bar's Commercial and Federal Litigation Section, the City Bar's Council on Judicial Administration, and New York County Lawyers Association Judiciary Committee. Judge Masley previously co-chaired the NYWBA's Matrimonial and Family Law Committee.

- **Melissa Ephron-Mandel** is a real estate litigator and partner of the law firm of Ephron-Mandel & Howard, LLP. She is a 1985 graduate of St. Johns University School of Law. Ms. Ephron-Mandel was formerly a partner with Borah, Goldstein, Altschuler, Nahins & Goidel, P.C. and of counsel to the firm of Finkelstein Newman & Ferrara LLP. She is a current member of the New York City Bar Association and was a CLE presenter at the 2011 WBAS-NY Convention.

- **Meryl Waxman** is a partner at Horing Welikson and Rosen, P.C., admitted to practice in New York in 1984. As a law clerk at Karlsson and Ng in 1981, she helped edit and compile the supplement to Karlsson's early and widely referenced landlord-tenant practice handbook. She gained further expertise in the landlord-tenant arena as a litigation associate with Gutman and Mintz, P.C. and later at Novick Edelstein, Lubell, Reissman, Wasserman and Leventhal, P.C. She has served as General Counsel to Rosenberg Diamond Development Corporation, a private real estate ownership and management company with large market share in affordable housing. In 2005, Ms. Waxman was elected to the Board of a local school district, where she has since been re-elected to two additional terms, served as a Board Vice President, and serves as Board President for 2012-2013. She earned her J.D. from California Western School of Law in 1983. Current associations include: NYWBA and the Nassau County Bar Association.

We hope members will join with these co-chairs to make this an exciting and vibrant committee. It's easy to join this Committee - just fill out the secure online Committee Choice form at www.nywba.org/CommitteeChoice or select this committee when you renew your membership for 2012-2013 (www.nywba.org/membership).

Kudos to Past President **Patricia Ann Grant** and President **Hon. Jacqueline W. Silbermann** on having the foresight to establish this important new Committee, and congratulations and thanks to the new co-chairs as they undertake their new responsibilities.

Save the Date!

Tuesday, November 6, 2012
CLE Program on

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

Mark your calendars now so you don't miss out.
Details and RSVP info will be posted
on the NYWBA website.

Presenting Organizations:
Lawline / New York Women's Bar Association

The Affordable Care Act: How it May Impact Your Finances

By Michael Salmon

The Affordable Care Act - often referred to as the new health care reform law - is moving forward following the recent Supreme Court ruling upholding the Act. Some elements of the health care law are already in place and more are coming.

The most notable is that starting in 2014 most Americans will be required to have health insurance coverage, either through an employer-sponsored plan or by purchasing it themselves. Individuals who are not covered by an employer plan and fail to purchase their own coverage will be subject to penalties. However subsidies will be provided for lower income Americans who may not be able to afford coverage. If you already have coverage through an employer, you aren't likely to see any significant changes.

Key provisions already in place or coming soon

Elements of the law that are already in effect, or soon will be, may have an impact on many families' health care costs. Some of these include:

- *Coverage for young adult dependents.* Young adults can stay on their parents' group health plan until age 26.¹ Previously, young people would not be included as an eligible dependent unless they were a full-time student. Now that this provision is in effect, it may cost some families less to cover a young adult on their plan.
- *Children with pre-existing conditions.* Those under the age of 19 with pre-existing conditions can no longer be denied coverage and by 2014 no American of any age can be restricted from insurance coverage. This may make healthcare more affordable in some respects for those who have such a condition or with a child who fits into this category.
- *Reduced prescription costs for some Medicare beneficiaries.* Those who use the Medicare Part D prescription drug benefit and fall into the coverage gap (often referred to as the "donut hole") will receive a 50 percent discount on brand name prescription drugs this year. The drug coverage gap is scheduled to be completely phased out by 2020 so that all prescription drug costs will be paid under Medicare Part D.
- *Higher rates for some.* Insurance companies can currently charge higher rates based on health status or gender. Beginning in 2014, rates can only be based on age, geography, family size and tobacco use. For some, the increase in rate may be negligible, but it could be larger for others who will consequently be paying more for healthcare in the future due to these changes.
- *Coverage for preventive care services.* Some or all of the cost of preventive care services must be paid for by your insurance company.² This includes blood pressure screenings, mammograms and routine vaccines for children. Not all plans have to comply with this rule, so check with your plan to see what is available.
- *No caps on lifetime coverage costs.* Insurance companies and group health plans can no longer put caps on lifetime coverage costs, so treatment may continue for more complex conditions regardless of the expenses involved.

New taxes on higher income taxpayers in 2013

On the immediate horizon are new tax provisions that could impact higher income Americans. These take effect beginning January 1, 2013 and make tax planning in 2012 more critical for those who have enough income to be affected by them. They won't affect most Americans, but the new taxes will generally apply for (i) single tax filers with income of more than \$200,000; and (ii) married couples filing a joint return with income of more than \$250,000.

Any earned income above those threshold amounts will be subject to a 0.9 percent Medicare surtax beginning in 2013. For example, a married couple with wages or self-employment income of \$300,000 will have to pay the surtax (on top of other taxes due) on \$50,000 of their earned income. That amounts to an additional tax of \$450.

A new 3.8 percent Medicare contribution tax will also apply to certain net investment income for married couples filing jointly with income above \$250,000 or single tax filers with income higher than \$200,000 (based on Modified Adjusted Gross Income or MAGI). This includes interest, dividends, capital gains, annuity income and passive income from rents or other activities.³ For example, a couple with \$300,000 of investment income⁴ would pay an additional tax of \$1,900 (3.8 percent of \$50,000 above the threshold limit of \$250,000) in 2013.

Individuals who may be subject to these new taxes should consult with their financial and tax advisors to discuss appropriate steps to try to minimize the impact on their bottom lines.

1 Certain group plans generally do not have to provide dependent coverage until 2014 if an adult dependent has another offer of employer-based coverage aside from coverage through a parent.

2 For individual policies after 3/23/10 and certain group health plans.

3 This does not include qualified plan, tax-exempt or most active business income. For individuals, new 3.8% tax applies to modified adjusted gross income over the threshold or to net investment income, whichever is less.

4 Modified adjusted gross income made up of \$300,000 of net.



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.

Diversification helps you spread risk throughout your portfolio, so investments that do poorly may be balanced by others that do relatively better. Diversification does not assure a profit and does not protect against loss in declining markets. Investment products are not federally or FDIC-insured, are not deposits or obligations of, or guaranteed by any financial institution and involve investment risks including possible loss of principal and fluctuation in value. Ameriprise Financial and its representatives do not provide tax or legal advice. Consult your tax advisor or attorney regarding specific tax issues. Brokerage, investment and financial advisory services are made available through Ameriprise Financial Services, Inc. Member FINRA and SIPC. Some products and services may not be available in all jurisdictions or to all clients.

**Attention Parents of Children Ages 1 to 12
Join us for a Morning
of Play and Networking!**

Date: Sunday, October 14, 2012
Time: 10:30 a.m. to 12:30 p.m.
Place: The New York Hall of Science
Flushing Meadow Park, Queens
Cost: **Complimentary** - No Charge
for Members/Guests
Bagel brunch will be provided
On-site parking available
RSVP: JFlug@wbasny.org

Hosted by Women's Bar Assn of the State of New York,
Bronx Women's Bar Assn, Queens County Bar Assn,
Westchester Women's Bar Assn,
New York Women's Bar Assn

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

**"Women on the Move ~
Building Paths to Success"
CLE and Networking Luncheon**

This CLE program features a diverse panel of women from all areas of practice who will address the realities that women attorneys face. It will present a variety of solutions and examine the current legal landscape and how it affects workplace disparity. Topics will include how to affect change, communicating effectively, and taking advantage of the digital age. NYWBA members may attend at the discounted NYSBA member price.

Keynote Speaker

MYLAN DENERSTEIN

Counsel to Governor Andrew Cuomo

(For the full agenda and list of speakers, go to the
NYSBA website - www.nysba.org/WomenontheMove2012;
Do not RSVP there, however, unless you are a NYSBA member)

Date: Tuesday, October 30, 2012
Time: 9:00 a.m. to 2:00 p.m.
Place: Concierge Conference Center
780 Third Avenue (at 48th Street), NYC
Cost: \$195 - NYSBA and NYWBA members
(includes lunch from 12:15 to 2:00 p.m.)
CLE: 3.5 MCLE Credits (1.5 Skills; 1.0 Ethics,
1.0 Professional Practice)

For details and to **RSVP**, contact:
H. Douglas Guevara at dguevara@nysba.org.
(Be sure to state that you are a member of the NYWBA)

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

"What Is Leadership?"

NYWBA is co-sponsoring this women's leadership program hosted by the New York City Bar Association. Distinguished panelists will discuss numerous aspects of leadership, such as how to identify leadership opportunities, how to use leadership skills to influence others, and the different styles of leadership women lawyers might adopt to be more effective.

Date: Thursday, October 4, 2012
Time: 6:30 p.m. to 8:30 p.m.
Place: New York City Bar Association
42 West 44th Street (btw 5th & 6th), NYC
Cost: \$15 - NY City Bar and NYWBA
members ; \$30 - Non-Members
(Includes light refreshments)
RSVP: City Bar website (<http://www2.nycbar.org>),
click on "Event Calendar" and then on entry
for October 4 titled "**6:30 pm-8:30 pm-
What is Leadership?**" to retrieve the RSVP
form. Click on "Register" next to "MBBA
or NYWBA Member Price" to RSVP.

For details or additional info about the program, contact:
Patrice Ettinger (Patrice.Ettinger@Avon.com)
or Judith Archer (JArcher@Fulbright.com),
Subcommittee Co-Chairs, New York City Bar Committee on
Women in the Profession (**Angela Rella**, Chair)

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THE GOOD GIRLS REVOLT

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

In the 1970's, forty-six women charged *Newsweek* with systematic discrimination in hiring and promotion and changed the course of women's rights. Award-winning journalist **Lynn Povich**, a complainant who eventually became *Newsweek's* first female senior editor, tells this remarkable story in a way that is "entertaining and edifying" (*Kirkus Reviews*), "meticulously reported and highly readable" (*memoirist Jeannette Walls*), and as "compelling as any novel" (*Gloria Steinem*). After leaving *Newsweek*, Ms. Povich has been editor-in-chief of *Working Woman*, managing editor and senior executive producer for MSNBC.com, and a consultant to The New York Times Foundation.

Of course, the struggle for women's rights continues. As the *New York Times* stated in its rave review, "If ever a book could remind women to keep their white gloves off and to keep fighting the good fight, this is the one."

Lynn Povich and Harriet Rabb, a lead attorney on the Newsweek case, will be our featured speakers at this year's Mentoring Circles Reception on November 29 (see announcement page 9). Sign up for our award-winning Mentoring Circles Program, and be sure to pick up *The Good Girls Revolt* online or at a bookstore near you!

Annual Meeting of NYWBA Committee Chairs

NYWBA President Hon. Jacqueline W. Silbermann hosted the annual meeting of the Chairs of NYWBA's committees on July 24, 2012 at the offices of Blank Rome LLP. Justice Silbermann and the Chairs discussed a myriad of topics, including the NYWBA's By-Laws and policies, the role of the Women's Bar Association of the State of New York (of which NYWBA is a founding chapter), New York State requirements for CLE programs presented by the NYWBA and its committees, NYWBA's stipend for committees and its fiscal rules concerning programs and expenses, ways to promote NYWBA membership and committee participation, and related issues.

Examples of committee event flyers and CLE flyers and other guidelines and samples were circulated, and Judge Silbermann discussed upcoming events of interest to our members and committees. The Chairs also reviewed the NYWBA website, the website calendar and methods for publicizing programs and events using our email blast technology to send notices to the membership.

Speakers at the meeting included Immediate Past President Patricia Ann Grant; Past President & Director Elizabeth Bryson; CLE Chair & Director Amy B. Goldsmith; and Events Co-Chairs Diana Browne and Kay Marmorek (who is also a Director); among others.

The Chairs were also able to meet and mingle, to explore possible connections between committees that could lead to joint programming opportunities, and to be inspired by their peers and the words of Justice Silbermann and her vision for the Association as it continues the fight to support the rights of women in the profession and in the community and to ensure the fair and equal administration of justice.

It was clear to all participants that 2012-2013 promises to be a wonderful, active year for our committees. NYWBA thanks Blank Rome LLP for graciously hosting the meeting.



NYWBA President Hon. Jacqueline W. Silbermann (seated, second from right), and Immediate Past President Patricia Ann Grant (seated, far right), welcome 2012-2013 Committee Chairs who attended the Committee Chairs meeting at Blank Rome LLP on July 24, 2012.

Mark Your Calendars - CLE Program

"Is Your Client Entitled to Veteran's Benefits?"

NYWBA's Elder Law and Disabilities Committee is proud to present this CLE program. Space is limited, so RSVP today!

Date: Thursday, November 15, 2012 (time TBA)

Place: Tarter Krinsky & Drogin LLP
1350 Broadway, NYC

Cost: Free CLE for Members*
(\$35 non-members)

RSVP: ElderLawRSVP@nywba.org

Due to space limitations, advance registration is required.

* If you are not a current member, go to www.nywba.org/Membership to join or renew using our secure online membership form. *Presenters thank NYWBA for underwriting the costs of this program.*

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

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.

Join us at this year's Mentoring Circles Reception for 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, 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 to join or renew using our secure online membership form.

NYWBA FOUNDATION FELLOWSHIPS SUPPORTS WORK OF FEERICK CENTER

By Marisa Menna and Zohra Ahmed

Under the auspices of the New York Women's Bar Association Foundation Fellowship program, we spent the past academic year working on a number of important legal projects aimed at improving access to legal services for low-income women. Our Fellowships involved work at the Feerick Center for Social Justice at Fordham University School of Law, under the supervision of Dora Galacatos.

Much of our tenure was devoted to the Center's Domestic Violence and Consumer Law Project, which was established to address the ways consumer debt impacts survivors of domestic violence. Consumer debt problems can result in civil court judgments; damaged credit; the inability to obtain employment, housing, or affordable credit; and ultimately the inability to financially support oneself outside the abusive relationship.

For one project, we conducted multistate research on the use of forensic evaluations in child custody and visitation proceedings. Forensic evaluators, usually mental health professionals, are court-appointed investigators charged with interviewing and observing children, parents, and others in family court proceedings, with the goal of helping the court determine what is in the best interests of the child.

We researched statutes, rules of civil procedure, court rules, and other directives, focusing on three areas: (a) Whether states provide parties with a right to access the forensic evaluation and evaluator's notes used to prepare the report; (b) whether states impose any certification, licensing, or training requirements on forensic evaluators; and (c) whether states regulate the content of the reports (e.g., some states require reports to disclose the methodology employed to reach the conclusions made).

How forensic evaluators are regulated is particularly important for domestic violence advocates, as many evaluators do not have training in domestic violence issues and may not appreciate the impact of abuse on the family dynamic and the best interests of the child. The research revealed a broad range of approaches but very little in the way of statutes or regulations governing forensic evaluations. For example, only eight states have statutes based on the Uniform Marriage and Divorce Act (UMDA), which gives parties a right to access reports and raw data in advance of court proceedings. One state, Pennsylvania, provides courts with a model court order specifying the range of duties and responsibilities assigned to forensic evaluators and enumerating what materials must be disclosed. The Feerick Center hopes the survey will be a tool for advocates for uniform regulation in New York. In April, the Fellows were honored to present this research at a meeting of the Lawyer's Committee Against Domestic Violence (LCADV), and we received positive feedback from advocates, a number of whom requested electronic copies of our data.

We also worked on the Domestic Violence project for the Civil Legal Advice and Resource Office ("DV CLARO"). This is an offshoot of the Feerick Center's CLARO project, which operates a weekly clinic in civil courts in all five boroughs, where volunteer attorneys provide limited legal advice to *pro se* consumer debt

defendants. These clinics have assisted thousands of New Yorkers sued in consumer debt actions each year.

Unfortunately, most CLARO meetings are conducted in open rooms with little privacy, which is not conducive to serving an important subset of consumer debt defendants - domestic violence survivors, who are often victims of financial abuse, in addition to physical and emotional abuse. Often, their debt results not only from their socio-economic circumstances, but also from their abusers' control over their finances.

DV CLARO attempts to address these issues by pairing consumer law experts and domestic violence law experts to provide consumer debt advice tailored to the needs of DV survivors in a private, secure location. Dealing with financial issues at the same time as other DV issues also helps ensure that their attempts to establish independent and safe lives will be successful in the long run.

Over the course of the academic year, we also assisted in the development the next generation of DV CLARO interventions. We worked with the Bronx Family Justice Center, an integrative city run service for domestic violence survivors, and the Sarah Burke House, a Tier 2 shelter for domestic violence survivors. By going directly to survivors, DV CLARO hopes to reach more clients. As a first step, we helped to organize training for case managers, who are the first point of interface with the DV survivors. The goal of this training is to help front-line staff identify which clients may have had consumer debt proceedings filed against them or are victims of identity theft.

We also had the opportunity to assist in the development of a program on sex trafficking that will be presented by the Feerick Center on **October 5**. The program arises from the work of prominent domestic violence advocates and scholars and will include education components in the morning (with 2.5 hours of CLE credit) and an invitation-only working group in the afternoon. For info about the program, go to <http://calendars.fordham.edu/> and click on the link for the October 5 session (9:00 a.m. to 12:30 p.m.) entitled **"What's Next? New York State's Campaign Against Sex Trafficking."**

Finally, we assisted in the beginning and final stages of a white paper on the debt settlement industry authored by the New York City Bar's Civil Court and Consumer Law Committees. In theory, this sector aims to assist those in debt by renegotiating the terms of their contract with creditors. In practice, the industry often fails to secure any reduction in debt for customers, while charging exorbitant fees.

Federal law bans debt settlement operators from charging advance fees and requires that fees be proportionate to the amount settled or reduced. As the white paper demonstrates, however, debt settlement customers continue to be victims of predatory and abusive financial practices; only an industry ban will sufficiently protect the financial rights of consumers.

(Continued on Page 12)

NYWBA Matrimonial & Family Law Committee

Panel Discussion with Court Attorneys in the Matrimonial Parts

NYWBA's Matrimonial & Family Law Committee presents this annual event - a panel discussion featuring court attorneys for judges in the Matrimonial Parts in NY County, who will provide guidance concerning the rules, procedures and expectations in their Parts. (*No discussion of pending cases.*) Space is limited, so RSVP today!

Date: Wednesday, October 3, 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

Due to space limitations, advance registration required.

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

The Committee thanks Blank Rome LLP for hosting & refreshments

New York Women's Bar Association

Wine and Cheese Tasting Featuring Award-Winning Wines and Artisan Cheeses from

The Hudson-Chatham Winery

NYWBA's Programs and Events Committee arranged for this lovely event, with a discount price for members and guests. Since its opening, the *Hudson-Chatham Winery* has won over fans and critics alike. It has been voted the Capital Region's Best Local Winery, and the wines have won multiple medals and received high scores from *Wine Spectator* and *Wine Enthusiast* magazines. Its tasting room features locally produced gourmet products, including a large selection of Hudson Valley artisanal cheeses.

Date: Wednesday, October 17, 2012
6:30-8:30 p.m.

Place: Stash (Ground Fl. Entrance to Lower Level) 248 West 14th Street (btw 7th & 8th), NYC

Cost: \$28 per person (*paid in advance*); \$38 at the door, space permitting)

RSVP: www.nywba.org/WineTastingRSVP/

Due to space limitations, advance registration is required.

Many thanks to Stash / Jordan Harris & Sclar Adler LLP for hosting!

Check out job postings on the NYWBA website:
http://new.nywba.org/job_postings/.

To post a job opening, please contact info@nywba.org.

Nursing Home Admission Agreements

By Antonia J. Martinez

Nursing home admission agreements, often signed at a critical juncture in the care of a loved one, should not be signed in haste. Typically, a family member empowered with fiduciary responsibility will sign such an agreement. Doing so can unwittingly bestow upon the signatory potential liability to the care facility. While it is unlawful for a nursing facility to condition admission to the facility on a third party guarantee of payment, the Federal Nursing Home Reform Act allows nursing homes to enter into contracts with third parties having access to residents' funds. If your client has such a relationship with the resident, the facility can require your client to make payments to the facility from resident funds. Failure to do so may constitute a breach of contract and fiduciary responsibility.

In *Troy Nursing & Rehabilitation Center, LLC v. Naylor*, the Appellate Division, Third Department held a trustee personally liable to a nursing home in the amount of \$80,509 because she had improperly used the resident's funds to pay the resident's mortgage, taxes, cable television, and delivery of the newspaper to the resident's home, while he resided for several years in the nursing home and had no expectation of ever returning to live in his personal residence.¹

Proximity of transfer of the resident's assets in relation to a long-term stay in a nursing home and Medicaid eligibility are also relevant. In *New Vanderbilt Rehabilitation & Care Center, Inc. v. Brown*, the Court granted a motion for summary judgment in favor of the care facility finding the agent in breach of contract and personally liable in the amount of \$124,712.² There, the resident's personal residence was transferred to a trust six months before requiring nursing home care, while the agent, having access to resident's funds, failed to use such funds for the resident's care. Similarly, where an agent signed an admission agreement and subsequently transferred ownership of the principal's home, resulting in a denial of Medicaid eligibility, the Court held the agent accountable in the amount of \$93,451 plus interest and attorney's fees.³

An analysis of the Nursing Home Reform Act, Nursing Home Resident's Rights, Medicaid Eligibility rules and Debtor Creditor Laws is required before signing such an agreement. Prudence dictates that a family member, an agent acting pursuant to a validly executed Power of Attorney, or a trustee of a trust seek professional guidance and review the particular circumstances prior to signing such agreements.

1. 94 App. Div. 3rd Dept. 1353, 2012 NY Slip Op 03243, decided April 26, 2012.
2. 934 N.Y.S. 2d 35 (Sup. Ct. Richmond Cty, 2011).
3. *Pinegrove Manor v. Sheperd*, 926 N.Y.S. 2d 346 (Sup. Ct., Nassau Cty., 2010).

Antonia J. Martinez, Esq. (elderlawtimes@yahoo.com) devotes substantially all her professional time to trusts & estates and elder law matters. She serves as Co-Chair of the Elder Law & Disabilities Committee of the NYWBA and is a member of the Executive Committee of the NYSBA Elder Law Section, serving as Vice Chair of its Veteran's Affairs and Mediation Committees. Ms. Martinez is a 1982 graduate of Harvard Law School.

Mark Your Calendars!

JUDGES AND LAWYERS BREAST
CANCER ALERT and
The Post-Treatment Resource Program of
Memorial Sloan Kettering Cancer Center

Present

THE SEVENTEENTH ANNUAL ELLEN P. HERMANSON MEMORIAL SYMPOSIUM

Every year, JALBCA presents this Symposium, in conjunction with NYWBA and WBASNY, on a topic of interest to cancer victims, their friend and families, in the area of new treatments, research, regulatory concerns, insurance industry considerations, or related legal issues. The details for this year's program are being finalized, but we want everyone to "Save the Date" so you don't miss this important event.

DATE: Monday, December 3, 2012
TIME: 6:00 - 8:30 p.m.
PLACE: New York City Bar Association

Presenting Organizations:
Judges and Lawyers Breast Cancer Alert (JALBCA)
Women's Bar Association of the State of New York
New York Women's Bar Association

Open to public without charge.

For information about JALBCA, go to www.JALBCA.org

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NYWBA is proud to Co-Sponsor a New York State Bar Association CLE Program **"Building a Successful Law Practice ~ What you Need to Succeed"**

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 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

Do You Know "html"?

NYWBA's Website Subcommittee is looking for a few members who are familiar with websites to join our team. Our website (www.nywba.org) is a terrific resource for members and the public. We need a few "techies" to join us as we enhance the site and provide exciting content for our members. We are also looking for a paid intern to post content. If you or someone you know would be interested, send a note to WebDiva@nywba.org.

Foundation Fellowships (Continued from Page 10)

Hopefully, the white paper will be an effective tool to convince New York lawmakers to ban this industry.

Working at the Feerick Center as NYWBA Foundation Fellows provided a number of professional development opportunities. We gained substantive knowledge in consumer financial protection law and family law, particularly in those areas that relate to domestic violence, legal ethics and the rules of professional responsibility.

We thank the NYWBA Foundation and the Feerick Center for their support and the opportunity to become well-rounded in areas that are not taught in law school and to work with a wealth of inspiring practitioners who have taught us effective, ethical legal practice and who will serve as a support network when we seek new opportunities after law school.

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NYWBA Membership Information

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

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

Newsletter and Advertising Information

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

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