



NEW YORK WOMEN'S BAR ASSOCIATION

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

present

THE EIGHTEENTH ANNUAL ELLEN P. HERMANSON MEMORIAL SYMPOSIUM

“Litigating for the Cure: Public Interest, Private Enterprise and the Role of the Courts in Cancer Research”

Each year, this Symposium features doctors, judges, and lawyers discussing topics of interest to cancer victims, their friends, and families. **Hon. Judith S. Kaye** (former Chief Judge of the New York State Court of Appeals) will moderate the program, and **Larry Norton M.D.** and other renowned cancer experts will present the latest developments in the fight against breast cancer.

- Date:** Wednesday, Oct. 9, 2013
- Time:** 6:00 - 8:30 p.m.
- Place:** New York City Bar Association
42 West 44th St. (btw 5th/6th Ave.), NYC
- CLE:** 2.0 Credits (Prof. Practice)
- Cost:** Open to public without charge.
Refreshments will be served.
- RSVP:** Email jenfiorentino@aol.com
or call (212) 289-9720.

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

PRESIDENT'S MESSAGE *A Sense of Community*

OCTOBER 2013



Hon. Jacqueline W.
Silbermann

In the June and September Newsletters, I made a plea for all members to not only renew their memberships and recruit friends and colleagues to join NYWBA, but also to become more involved with NYWBA. I urged members to join committees and events so their NYWBA membership extended beyond a one-line entry on their resumes stating "Memberships: New York Women's Bar Association, New York State Bar Association, New York City Bar Association." This month, I would like to take the opportunity to remind our members WHY they should get more involved with NYWBA.

All too often, we are so busy as New York City practitioners that we forget we are part of a greater community. We get caught up in our professional day – performing legal research, meeting with clients, drafting briefs, appearing in court, etc. We become all-consumed with the immediate tasks at hand: complete research on personal service by 11:00 a.m., meet potential client at 12:00 p.m., appear in New York Supreme for compliance conference at 2:30 p.m., finalize reply brief to make the last FedEx pick up at 7:30 p.m., etc. With often no time to wait in the notoriously long line at Just Salad or Chop't to grab a quick lunch, we are often forced to make a "lunch" out of whatever is in the nearest vending machine. We convince ourselves that no other attorney can relate to our personal and professional obstacles. We are only occasionally reminded that other attorneys even exist when we receive an email or bump into a colleague on the busy City streets or on a subway platform.

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Announcements & Calendar of Upcoming Events:

- 10/2 – CLE – *Tax Issues for Matrimonial Lawyers* – p.9
- 10/5 – *Cumbia* – WBASNY Children's Cultural Event – p.7
- 10/8 – Civil Courts Committee Meeting – p.10
- 10/8 – Programs & Events Committee Meeting – p.3
- 10/8 – Working Parents Committee Brown Bag Lunch – p.6
- 10/9 – CLE – *JALBCA Symposium on Breast Cancer* – p.1
- 10/9-10 – CLE – *How to Try a Custody Case* – p.7
- 10/10 – Reproductive Rights Committee Meeting – p.3
- 10/10 – *Students & New Lawyers Meet Hon. Lori Sattler* – p.10
- 10/15 – Professional Ethics Committee Meeting – p.3
- 10/17 – *How to Start and Grow Your Practice* – p.7
- 10/23 – CLE – *Practicing in Surrogate's Court & Tour* – p.9
- 10/24 – *Wine 101* – Food Pairings & Wine Tasting – p.11
- 10/24 – *What Everyone Should Know about Breast Cancer* – p.10
- 11/7 – *Lunch with Matrimonial Judges* – p.4
- 11/7-8 – *Resilience: Thriving as In-House Counsel* – p.10
- 11/12 – Working Parents Committee Brown Bag Lunch – p.6
- 11/13 – Civil Courts Committee Meeting – p.3
- 11/14 – Students & New Lawyers Committee Meeting – p.3
- 11/14 – CLE – *Basics of Special Education Advocacy* – p.9
- 12/4 – *Panel Discussion with Matrimonial Court Attorneys* – p.3
- 12/10 – Working Parents Committee Brown Bag Lunch – p.6

Check www.nywba.org for more meetings, programs, and events.

2013-2014 COMMITTEE CHAIRS

STANDING COMMITTEES

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

SPECIAL COMMITTEES

- Advance the Status of Women
in the Profession Victoria A. Turchetti, Barbara G. Brown
& Debra S. Cohen
- Alternate Dispute Resolution Leona Beane
- Archive & History Elizabeth A. Bryson
- Awards Allison M. Surcouf
- Children's Rights & Issues Elliot Podhorzer & Ivy Cook
- Civil Courts Hon. Andrea Masley, Melissa Ephron-Mandel
& Meryl Waxman
- Continuing Legal Education Amy B. Goldsmith
- Criminal Law Fran Hoffinger, Isiris I. Isaac & Nicola R. Duffy
- Diversity Jillian L. Goorevitch & Denise Dominguez
- Domestic Violence Amanda B. Norejko & Laura A. Russell
- Elder Law & Disabilities Antonia J. Martinez & Kim F. Trigoboff
- Federal Practice (including Bus. Law, Securities,
Inv. Law, Intellectual Property, Tax, Bankruptcy &
Privacy/Cyberlaw) Monique McClure, Ann T. Gittleman
& Jenny Rebecca Lewis
- Immigration Law Elisabeth Ames & Vanesa I. Pagan
- International Law & Practice Farah Y. Zaman & Inés 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, Hon. Lori Sattler
& Lauren Michael Friend
- Mentoring & Mentoring Circles Andrea Vacca & Allison M. Surcouf
- Newsletter Kelly D. Schneid
- Reproductive Rights & Women's Health BriAnne Copp,
Anita S. (Nicky) Rho & Dana Northcraft
- Solo & Small Firm Practice Jocelyn L. Jacobson & Elisabeth Ames
- Students & New Lawyers Morgan M. Fraser & Lisa Hughes Hoover
- Summer Program Cassandra Porter & Victoria A. Turchetti
- Technology / Internet / Website Elizabeth A. Bryson
& Jenny Rebecca Lewis
- Trusts & Estates Leona Beane, Loretta A. Ippolito
& Deborah G. Rosenthal
- 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)

NYWBA provides countless opportunities for attorneys to remember that they are not alone. Our membership is replete with like-minded, similarly situated practitioners who are dedicated to advancing their careers and contributing to the legal profession. I was particularly reminded of the importance of this sense of community at the WBASNY Board meeting on September 21, where attorneys from all over the State of New York gathered to discuss legal issues, debate legislation, and propose new projects. This sense of community was further apparent at the NYWBA Membership Reception on September 23. At this incredibly successful event, NYWBA welcomed many new attorneys to the organization, and we were heartened to see so many returning members. The attorneys who attended are in various stages of their careers, ranging from recently graduated law school students to seasoned attorneys to senior judges.

Both events confirm my whole-hearted belief that NYWBA members comprise an extensive and invaluable community. We strive to remind members that there is tremendous value in belonging to this community and in obtaining reassurance that there are many who can relate to your most recent professional and personal toils or successes. The NYWBA community offers members extensive professional benefits (e.g., by bringing together attorneys in the same practice area to exchange their experiences before certain judges or debate the merits of a recently-encountered novel argument, by providing free CLE on a wide range of topics, etc.) as well as personal benefits (e.g. mingling with attorneys who can provide advice on work-life balance or become new friends; joining Mentoring Circles, etc.).

I encourage all members to reflect upon the value of belonging, and actively participating in, our community. Members who wish to obtain professional benefits from NYWBA can participate in numerous upcoming events, ranging from the Matrimonial and Family Law Committee's Oct. 9/10 CLE on "How to Try a Custody Case" to the Solo and Small Firm Committee's Oct. 17 Meeting on "How to Start and Grow Your Practice" to the Trust and Estate Committee's Oct. 23 Event on "Practicing in the New York Surrogate's Court and Tour of the Court." Members who wish to obtain a social benefit from their NYWBA membership can attend WBASNY's Oct. 5 Children's Cultural Event or the Program & Event Committee's Oct. 24 "Wine 101" event.

NYWBA provides countless opportunities for its members to interact with fellow practitioners who can relate to each other on a professional and personal level. I encourage our members to keep this in mind when considering whether to attend NYWBA's many upcoming exciting programs!



COMMITTEE NEWS

• The **Civil Courts Committee** will meet on **Oct. 8** and on **Nov. 13** at 1:00 - 2:00 p.m. at the Civil Courthouse, 111 Centre St., 12th Fl. conference room, NYC. Email CivilCourtsChairs@nywba.org to RSVP. See notice, p. 10 for Oct. 8 meeting.

• The **Elder Law and Disabilities Committee** will sponsor a CLE entitled "Basics of Special Education Advocacy and Litigation in NYC" on **Nov. 14** at a time and place to be determined. Email ElderLawChairs@nywba.org to RSVP. See notice, p. 9.

• The **Matrimonial and Family Law Committee** will sponsor a CLE entitled "Basis Tax Issues for the Matrimonial Lawyer - Part I" on **Oct. 2** at 6:00 p.m. at Blank Rome, LLP, 405 Lexington Ave. (The Chrysler Building), NYC. Unfortunately this CLE is sold out, but you can email MFRsvp@nywba.org to find out about future programs. The Committee will co-sponsor a CLE on "How to Try a Custody Case" on **Oct. 9/10** from 9:00 A.M. to 5:00 p.m. at Benjamin Cardozo School of Law, 55 5th Ave. (btw 12th/13th St.), NYC. Visit the NYCLA website at www.nycla.org to register. The Committee will hold a "Brown Bag Lunch with Judges: An Open Discussion of Ideas" on **Nov. 7** at 1:00 - 2:00 p.m. at the New York Supreme Court, 60 Centre St., Conference Room, NYC. Email MFRsvp@nywba.org to RSVP. The Committee will host a panel discussion with court attorneys in the matrimonial parts on **Dec. 4** at 6:00 p.m. at Blank Rome, LLP, 405 Lexington Ave. (The Chrysler Building), NYC. To RSVP, email MFRsvp@nywba.org. See notices, pp. 4, 7, 8, 9.

• The **Professional Ethics Committee** will meet on **Oct. 15** at 6:00 p.m. at Frankfurt Kurnit Klein & Selz PC, 680 Madison Ave. (btw 51st/52nd St.). Email EthicsChairs@nywba.org to RSVP.

• The **Programs and Events Committee** will have a meeting on **Oct. 8** at 6:00 p.m. at Jennifer P. Brown, PLLC, 570 Lexington Ave., Suite 1600 (btw 50th/51st St.), NYC. Email events@nywba.org to RSVP. The Committee will also host an event on "Wine 101" on **Oct. 24** at 6:30 p.m. at STASH, 248 W. 14th St. (btw 7th/8th Ave.), NYC. Go to www.nywba.org/WineTastingRSVP to RSVP. See notice, p. 11.

• The **Reproductive Rights & Women's Health Committee** will meet on **Oct. 10** at 6:30 p.m. at Rottenstreich & Ettinger LLP, 150 East 58th St., 21st Fl. (btw 3rd and Lexington Ave.), NYC. The Committee will present a CLE program on the state of abortion rights from policy, litigation & access perspectives in December. Email ReproductiveRights@nywba.org to RSVP or join the Committee.

• The **Solo and Small Firm Practice Committee** will hold a meeting focusing on "How to Start and Grow Your Own Practice" on **Oct. 17** at 8:30 A.M. at Reitler, Kailas & Rosenblatt, LLC, 885 Third Ave., 20th Fl. (btw 53rd/54th St.), NYC. Email SSFChairs@nywba.org to RSVP. See notice, p. 7.

• The **Students and New Lawyers Committee** plans to meet on the second Thursday of every month. The next meeting, on **Oct. 10** at 6:00 p.m., will feature Hon. Lori Sattler and will be held at Blank Rome, LLP, 405 Lexington Ave. (The Chrysler Building), NYC. The following meeting will be held on **Nov. 14** at a time and location to be determined. To RSVP for either event email SNLChairs@nywba.org. See notice, p. 10.

• The **Trusts and Estates Committee** will co-sponsor a CLE on "Practicing in the New York County Surrogate's Court and Tour of the Court" on **Oct. 23** at 10 A.M. to 12:30 p.m. at the New York County Surrogate's Court, 31 Chambers St. (at the corner of Centre St.), Courtroom 503, NYC. RSVP at www.nywba.org/SurrogateCourtCLE. See notice, p. 9.

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WELCOME NEW MEMBERS

Stacy N. Cammarano
Linda T. Chin
Amanda C. Croushore
Megan S. Friedland
Jennifer L. Garber
Wendy A. Harris
Meryl A. Hoelt
Sara S. Horowitz
Latoya Joyner
Cynthia Roe Lane
Samantha A. Lyons
Jill L. Miller
Shanthi-Sree Nandam
Margaret O'Hora
Deanna M. Paul
Brittney L. Pescatore

Dina Ragab
Marcia K. Raicus
Jamie Rosen
Shane J. Rosen-Gould
Linda A. Rosenthal
Kelley M. Rutkowski
Zachary G. Schurkman
Kaila S. Sergent
Shailee D. Sharma
Cindy A. Singh
Heidi A. Tallentire
Cerian Thomas
Sara E. Thompson
Kristy M. Wagner

as of 9/19/13

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.

Laurie Berke-Weiss
Margaret M. Brady
Harriet Newman Cohen
Felice B. Ekelman
Hon. Betty Weinberg Ellerin
Myrna Felder
Daniel Finkelstein
Anthony H. Gair
Amy B. Goldsmith
Christine M. Harman
Adria S. Hillman
Brigitte Homrig-Renaud
Robert M. Kaufman

Hon. Judith S. Kaye
Gary Roy Klein
Susan J. Kohlmann
Magnolia Levy
Robin LoGuidice
Rita M. Molesworth
Marcia K. Raicus
Amy Saltzman
Carol A. Schragger
Hon. Felice K. Shea
Rita W. Warner

as of 9/19/13

NOTES ON MEMBERS

• Congratulations to the following distinguished New York Women's Bar Association members on being appointed as Co-Chairs of Women's Bar Association of the State of New York Committees: **Jennifer P. Brown** – Legislation Committee; **Elizabeth A. Bryson** – Amicus Curiae Committee and WBASNY By-Laws Committee; **Dawn M. Cardi** – Criminal Law Committee; **Janet I. Cord** – Finance Committee and Fundraising Committee; **Jo Ann Douglas** – Children's Rights Committee; **Hon. Betty Weinberg Ellerin** – WBASNY Liaison to Women Judges; **Nicole I. Hyland** – Professional Ethics Committee; and **Susan M. Moss** – Family and Matrimonial Law Committee.

• Heartfelt congratulations to long-time member **Sylvia E. Di Pietro** on receiving the *Jack Newton Lerner Award for Excellence in Continuing Legal Education* from the New York County Lawyers' Association. Details about the award and Ms. Di Pietro's extraordinary credentials can be found on the NYWBA online calendar (go to www.nywba.org, click on "Calendar," and then select the entry for September 20, 2013).

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

Ethics Program Focuses on Cutting Edge Issues That Affect Criminal Lawyers *By Nicole I. Hyland*

On June 18, 2013, the 2013-2014 NYWBA Criminal Law Committee and the Committee on Professional Ethics and Discipline presented a joint CLE program entitled *“Avoiding the Ethical Pitfalls in a Criminal Law Practice”* at the law offices of Frankfurt Kurnit Klein & Selz, PC.

The distinguished panelists engaged the audience in an animated discussion about a wide range of ethical issues that impact criminal lawyers. The panel consisted of **Michael Ross**, a former prosecutor who now represents attorneys in disciplinary proceedings; **Hon. Ruth Pickholz**, Acting Justice of the New York Supreme Court, Criminal Term; and **Jorge Dopico**, Chief Counsel to the Departmental Disciplinary Committee of the First Department. I was honored to moderate.

The program kicked off with a spirited debate about Rule 3.3(a) of the New York Rules of Professional Responsibility. This is a relatively new and somewhat controversial exception to the duty of confidentiality in New York, which requires a lawyer to correct material evidence offered to a tribunal that the lawyer later discovers was false. Mr. Ross noted that lawyers must comply with this obligation, even if it means disclosing client confidences. He also observed that Rule 3.3(a) has no time limit, highlighting a recent ethics opinion by the New York City Bar Association, Formal Op. 2013-2, which states that the duty to correct fraud against a tribunal continues until the harm can no longer be remediated.

The panel also discussed the “self defense” exception to the duty of confidentiality, which is embodied in Rule 1.6(b)(5)(i). That provision permits, but does not require, lawyers to disclose confidential information to defend against an accusation of wrongdoing. One hot topic for criminal lawyers is whether – and to what extent – a lawyer may use confidential information to respond to a claim of ineffective assistance of counsel. Mr. Ross noted that ABA Formal Op. 10-456, issued in 2010, opines that the self-defense exception does not permit defense attorneys to voluntarily cooperate with prosecutors in responding to claims of ineffective assistance. Mr. Dopico emphasized, however, that ethics opinions, while providing helpful guidance in many instances, are not binding on courts or disciplinary committees.

Another hotly debated topic was the allocation of authority between lawyers and clients. Rule 1.2(a) states that the client decides the “objectives” of the representation, whereas the lawyer decides the “means by which [those objectives] are to be pursued.” The panelists discussed who has the ultimate right to decide whether a criminal defendant will testify. Judge Pickholz said that her approach to this issue had evolved over the years, due in part to the prevalence of criminal defendants claiming that the lawyers refused let them testify. In the past, she said, she used to ask the lawyer if the defendant would testify. Now she also confirms this directly with the defendant.

The panel also noted that criminal lawyers must be careful about responding to ethics accusations that arise in the midst of a proceeding. Mr. Dopico cautioned that a court-ordered sanction could collaterally estop a lawyer from challenging a finding of misconduct at a subsequent disciplinary hearing. This could preclude a lawyer in a grievance proceeding from challenging the notion that there had been a finding of misconduct previously decided by a court. Mr. Dopico noted that, since even judges can make mistakes, his office takes steps to ensure that prior sanctions are not given undue or unfair collateral effect.

Save the Date!

Matrimonial and Family Law Committee

presents

“Lunch with Judges in the Matrimonial Parts: An Open Discussion of Ideas”

Thursday, Nov. 7, 2013, 1:00 p.m.

New York Supreme Court, 60 Centre Street, NYC

NYWBA’s Matrimonial and Family Law Committee is arranging for members to have the opportunity to meet over lunch with judges sitting in the Matrimonial Parts in New York County, who will provide guidance concerning the rules, procedures and expectations in their Parts. *(No discussion of pending cases.)*

Details for this event are being finalized now, but be sure to mark your calendars and check the NYWBA website regularly for updates! This program will be open only to 2013-2014 members*, so be sure your membership is current!

(Members of the Matrimonial and Family Law Committee – note that this event will be held on a different day and a time than most Committee programs.)

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



Other topics addressed by the panel included the duty to communicate with clients, the no-contact rule with represented parties, representing clients with diminished capacity, conflicts of interest, the duty of candor in investigations, and the false defense doctrine.

We thank our distinguished panelists. Mr. Ross is a former Assistant United States Attorney in the Southern District of New York’s Criminal Division and a former Assistant District Attorney in Kings County. He has an active practice advising attorneys and law firms in connection with matters before the Disciplinary Committees in the First and Second Departments. Judge Pickholz has been an Acting Justice of the Supreme Court, Criminal Branch, for ten years. Before that she was a Judge of the Criminal Court of the City of New York. She began her legal career as a criminal lawyer with the Legal Aid Society and acted as a technical advisor to Barbara Streisand for the motion picture “Nuts” in 1987. Mr. Dopico is Chief Counsel to the Departmental Disciplinary Committee of the First Department (DDC). Before that he served for 20 years as a Principal Attorney and later as a Deputy Chief at the DDC. He is a former Assistant District Attorney in Kings County. NYWBA also thanks Frankfurt Kurnit Klein & Selz, P.C. for hosting and providing refreshments.

Nicole I. Hyland is Co-Chair of the NYWBA Professional Ethics & Discipline Committee and Chair of the New York City Bar Association’s Professional Ethics Committee. She is Counsel to Frankfurt Kurnit’s Legal Ethics and Professional Responsibility Group, where she advises lawyers and law firms on a wide range of ethics and professional responsibility issues.

NYWBA Members Mingle with WBASNY Colleagues during 2013 Annual WBASNY Convention in Philadelphia

This year, the Annual Convention of the Women's Bar Association of the State of New York ("WBASNY") was held in Philadelphia on the weekend of June 7 through 9, 2013. NYWBA is a founding Chapter of WBASNY, and the NYWBA contingent had a wonderful time attending cutting-edge CLE programs and fun excursions, meeting with friends from Women's Bar Chapters across New York State, networking, and shopping among the Convention vendors.

On Friday evening, participants from every WBASNY Chapter across New York State enjoyed the presentation of WBASNY's annual awards to deserving recipients. These awards included the presentation to NYWBA Past President **Elizabeth A. Bryson** of the *Marilyn Menge Award*, which honors members who have provided extraordinary leadership and dedication to the Women's Bar and have made major contributions to enhance the status of women.

As NYWBA Past President **Hon. Betty Weinberg Ellerin** wrote in support of Ms. Bryson's nomination, "The breadth and scope of Beth's contributions to the growth and well-being of the New York Chapter have been unequaled.... [S]he [has] initiated innumerable projects that enabled the Association to meet and address the challenges [and] continually changing landscape confronting women, both within the legal profession and in the greater community.... Her contributions to WBASNY have been equally helpful to the growth and strengthening of the organization."

On Saturday evening, WBASNY installed its officers for 2013-2014, including NYWBA Past Officer **Amy Saltzman**, who was installed as Recording Secretary. Ms. Saltzman has the distinction of having been an active member of three Chapters – Rockland, Westchester and NYWBA. Over her years of distinguished service, she held positions of

significant responsibility, including Chapter Officer and/or Director, organizer of CLEs and other programs, and Chair of major committees, including the NYWBA Legislation Committee, the WBASNY Domestic Violence Committee, and the WBASNY Women's Health and Reproductive Rights Committee. She helped create the Pro Bono Divorce Project in Rockland County, and for years she has served on the Legal Advisory Council of Sanctuary for Families' domestic violence program.

Congratulations to Beth and Amy on being recognized by WBASNY for their extraordinary leadership.

As always, the Annual WBASNY Convention was a wonderful experience, enjoyed by all who attended. We encourage everyone to attend the 2014 Convention in early June next year.



NYWBA Vice President Jennifer P. Brown, Past NYWBA Officer & Incoming WBASNY Recording Secretary Amy Saltzman, NYWBA Director & Committee Chair Kay Marmorek, and NYWBA Vice President Yacine Barry (l-r)



NYWBA members congratulating WBASNY award recipient Elizabeth A. Bryson – Past President Jo Ann Douglas, Director Dawn M. Cardin, Committee Chair Jocelyn Jacobson, Vice President Jennifer P. Brown, Advisory Council Member Marjorie Martin (second row), Director & Committee Chair Kay Marmorek (first row), President Hon. Jacqueline Silberman (first row), Treasurer & Committee Chair Deborah G. Rosenthal (second row), NYWBA Past President Elizabeth Bryson, Past NYWBA Officer and Incoming WBASNY Recording Secretary Amy Saltzman, and Past President of NYWBA & WBASNY Martha E. Gifford (l-r)



Incoming WBASNY Officers for 2013-2014, including NYWBA member Amy Saltzman (second from left)



NYWBA Past President Elizabeth A. Bryson, recipient of WBASNY's 2013 Marilyn Menge Award, and NYWBA President Hon. Jacqueline W. Silberman (l-r)

NYWBA Committee Chairs Kick Off 2013-2014

By Elizabeth A. Bryson

On July 9, 2013, President Hon. Jacqueline W. Silbermann presided over a meeting of NYWBA Committee Chairs for 2013-2014. (A full list of all Committee Chairs appears on page 2 of this Newsletter and on our website.)

The annual "orientation" meeting of Committee Chairs serves several purposes, including to:

- Introduce the new and continuing Committee Chairs to NYWBA's 2013-2014 Officers and Directors;
- Provide an opportunity for the Chairs to hear directly from the President about the Association's key objectives for the year and to ask any questions they may have about our long-term mission and immediate goals;
- Provide the Chairs with guidance concerning their administrative and fiscal responsibilities, as well as background information about NYWBA and our statewide sister organization, WBASNY, including the need for some Committees to send representatives to bi-monthly meetings of WBASNY Committees that have a similar missions to those of NYWBA Committees;
- Confirm rules about Committee membership and the need for members to be current on their dues;
- Inform the Chairs about how to organize programs, including CLEs and major events, how to secure venues and funding for programs, how to clear proposed program dates, opportunities for co-sponsorships with other committees and organizations, etc.; and
- Provide guidelines and templates for publicizing programs and events, including in our Newsletter, on our website, etc.

Congratulations to this year's Committee Chairs. They are a great group – distinguished in their respective fields, and enthusiastic about their role in ensuring that NYWBA has a successful and prosperous year.

If you are interested in serving on a Committee, sign up at www.nywba.org/CommitteeChoice, and feel free to reach out to the Chair(s) of the committees in which you have an interest. (Contact info for Chairs is available on our website at www.nywba.org/members/committees.shtml.)

Elizabeth A. Bryson is a NYWBA Past President, a past Officer of WBASNY, and a current NYWBA Director. She is an appellate attorney and litigator in Manhattan.



NYWBA President Hon. Jacqueline W. Silbermann (seated, center) welcomes 2013-2014 Committee Chairs



NYWBA Working Parents Committee

"Brown Bag Lunch Meeting"

The Committee's first brown bag luncheon of 2013-2014 is just around the corner, and you won't want to miss it! During this meeting, the Committee will discuss professional goals as working parents and programming for the upcoming year. NYWBA members and prospective members are welcome.

Date: Tuesday, Oct. 8, 2013, 12:30 p.m.

Place: The Met Life Building, 200 Park Ave., NYC (above Grand Central; 40th Fl.)

RSVP: Email to Co-Chairs Victoria Turchetti, Melanie Anne Chieu & Christine Harman (host) at WPChairs@nywba.org by Monday, Oct. 7 to register. (RSVPs required for building security.)

If you cannot attend but are interested in joining the Committee, send your contact info and any ideas for future programs and events to the Co-Chairs at WPChairs@nywba.org.

The Committee thanks **Christine Harman and MetLife** for hosting.

COMMITTEE NEWS

(cont'd from pg. 3)

• The **Working Parents Committee** will hold its first "Brown Bag Lunch Meeting" on **Oct. 8** at 12:30 p.m. at 200 Park Ave., 40th Fl. (The Met Life Building), NYC. Email WPChairs@nywba.org to RSVP. It also plans to hold similar meetings on **Nov. 12** and **Dec. 10** at 12:30 p.m. at the same location. See notice, p. 6.

• **NYWBA** will co-sponsor the JALCBA (Judges and Lawyers Breast Cancer Alert) Symposium on **Oct. 9** at 6:00 p.m. at the NYC Bar Association, 42 W. 44 St. (btw 5th/6th Ave.), NYC. It will also co-sponsor the NY Supreme Court's Gender Fairness Committee and JALBCA Lunchtime Program entitled "What Every Person Should Know About Breast Cancer" on **Oct. 24** at 12:45 p.m. at the NY County Criminal Courthouse, 10 Centre St. (Jury Room 2/Room 535), NYC. See notices, pp. 1, 10.

• **WBASNY** will host a Children's Cultural Event and Breakfast on **Oct. 5** at 10:00 A.M. at 137-35 Northern Blvd. (Flushing Town Hall), Flushing, Queens. Email JFlug@wbasny.org to RSVP. See notice, p. 7.

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

CLE Program

“How to Try a Custody Case”

presented by

**New York County Lawyers' Association,
New York Women's Bar Association
Matrimonial & Family Law Committee,
College of Matrimonial Trial Attorneys, and
Benjamin N. Cardozo School of Law**

This two-day event will cover the fundamentals of direct and cross examination (party witnesses and experts), the preparation of clients for forensic-custody evaluations, evidentiary issues relating to custody-expert reports and testimony, the methodology of child-custody evaluations, and much more! Speakers include retired NYS Supreme Court Justices Harold B. Beeler and Saralee Evans; experienced attorneys in the areas of matrimonial and family law, including Dror Bikel, Jamie L. Weiss, Frederic P. Schneider, Elliot J. Wiener, Judith E. White, Andrea R. Ziegelman and Briana Denney; and Child Custody Consultant Jonathan Gould, Ph.D. For more info about speakers and this program, go to www.nytrialcollege.com.

- Date:** Oct. 9 and 10, 2013
- Time:** 9:00 A.M. to 5:00 P.M.
- Place:** Benjamin N. Cardozo School of Law
Moot Court Room
55 5th Ave. (btw 12th/13th St.), NYC
- CLE:** 16 Credits (NY & NJ)*
NY: 2 Ethics, 7 Skills, 7 Prof. Practice
(for Transitional & Non-Transitional)
NJ: 2 Ethics; 14 General
- Cost:** \$225 – Non-Members**
\$175 – Members***
*(NYWBA members get NYCLA price;
this event is not included in NYWBA's
free CLE initiative.)*
- RSVP:** Go to NYCLA website - [www.nycla.org/
index.cfm?section=CLE&page=CLE_
Detail&itemID=3263&dateID=20131009](http://www.nycla.org/index.cfm?section=CLE&page=CLE_Detail&itemID=3263&dateID=20131009)
for details and to register.

***CLE:** NYCLA is an accredited CLE provider.
****Financial Hardship Scholarships:** Full and partial scholarships based on financial need are available (contact NYCLA).
*****Membership:** Go to www.nywba.org/Membership to join or renew using our secure membership form if you are not a current member for 2013-2014. **NOTE:** New membership year commenced on June 1st.

NYWBA wishes to acknowledge the generous gift from
**FOUNDER AND PAST PRESIDENT
HON. FLORENCE PERLOW SHIENTAG
(1908-2009)**

Her financial bequest has helped to underwrite the cost of this newsletter and several CLE programs mentioned herein.

Attention Parents!

**Children’s Cultural Event & Breakfast
~ A Chance to Play and Network!**

“Cumbia for Kids”

Join master musician Pablo Mayor in an engaging program for kids showcasing the rich musical traditions of Colombia, featuring music samples from South America and a new perspective on Latin American Music. Students will learn the origins of traditional Colombian music and its instruments, as they get a historical tour of Colombia and learn a simple song in Spanish.

- Date:** Saturday, Oct. 5, 2013
- Time:** 10:00 A.M. – Light Breakfast
11:00 A.M. – Program & Music Lesson
- Place:** Flushing Town Hall, Queens
137-35 Northern Blvd., Flushing, NY 11354
- Cost:** Complimentary*
- RSVP:** Email JFlug@wbasny.org
- Info:** Go to [http://www.flushingtownhall.org/
education/pablom.php](http://www.flushingtownhall.org/education/pablom.php) for program info

Hosted by:

Women’s Bar Association of the State of New York;
New York Women’s Bar Association; Nassau County Women’s
Bar Association; Westchester County Women’s Bar Association
(full list of hosts & sponsors in formation)

**Many thanks to Farrel Fritz, P.C. in
Nassau County for underwriting the costs of this event.*

**NYWBA Solo & Small Firm Practice
Committee**

“How to Start and Grow Your Own Practice”

Join Co-Chairs **Jocelyn L. Jacobson** and **Elisabeth Ames** as the Committee offers practical tips for starting and growing a solo or small practice. Existing and prospective members* are welcome. Be sure to bring your business cards!

- Date:** Thursday, Oct. 17, 2013, 8:30 A.M.
- Place:** Reitler Kailas & Rosenblatt LLC
885 Third Ave., 20th Fl.
(btw 53/54th St.), NYC
- Cost:** Free for Members*
- RSVP:** Email SSFchairs@nywba.org.
For building security purposes, advance registration is required.

* If you are not a 2013-2014 member, join or renew using our secure membership form at www.nywba.org/Membership. To inquire about your membership status, email Executive Director Karen Lu (ED@nywba.org).

What Every Woman Should Know about Healthcare Costs in Retirement

by Michael B. Salmon

On average, women live longer than men and face distinctly different challenges in maintaining their health. Perhaps as a result, women tend to spend more than men on out-of-pocket medical expenses in retirement. According to a 2012 Employee Benefit Research Institute (EBRI) study, retired men spent an average of \$124,000 on healthcare, while retired women spent \$152,000 – \$28,000 more than their male counterparts. (Employee Benefit Research Institute, “Savings Needed for Health Expenses for People Eligible for Medicare: Some Rare Good News,” October 2012.) In addition, women are more likely to need (and to spend more money funding) long-term care, some of which isn’t covered by Medicare.

With these expenses in mind, it’s not surprising that the cost of healthcare is one of the biggest retirement planning concerns for Americans. Though it’s essential that everyone plan financially for healthcare needs in retirement, it’s especially important that women understand the specific challenges they may face. This knowledge may help women work toward preparing for these expenses and to help avoid a financial shortfall in retirement. Start by:

- **Estimating your healthcare costs** — Begin by assessing your overall health and family health history. Calculate your current annual medical and dental expenses as a starting point. For help projecting what these costs may be in retirement, use an online healthcare calculator or estimator to help you become familiar with treatment costs for a variety of health and dental conditions. Also become educated about various long term care insurance options to determine if a policy might be right for your situation.
- **Being realistic** — If you think you’ve got it covered with Medicare, think again. Today Medicare only pays about 60 percent of retiree healthcare costs and it doesn’t reimburse for most long-term care expenses. (Id.) Plus, there’s uncertainty about how much it will cover in the future due to potential entitlement reform changes. Knowing the challenges you may face with your health – and what they may cost – can make a difference in being prepared.
- **Creating an emergency fund** — Reducing your debt and saving as much as you can before you retire is the simplest way to prepare for an unanticipated need — medical or otherwise. If your balance sheet is healthy, you’ll likely be better positioned to absorb medical costs not covered by Medicare.
- **Being proactive about your health** — Schedule and keep routine dental and medical check ups and stay up-to-date on preventative services including the flu and pneumonia vaccines, colorectal cancer screening and mammography. Thoughtful prevention and early detection can help prevent minor medical issues from becoming major ones. Maintaining a healthy diet, exercising regularly and avoiding tobacco and other addictive substances is important to quality of life at any age. It’s also one of the best and most inexpensive ways to keep medical bills at bay.

- **Consider setting up a health savings account (HSA)** — An HSA allows you to make tax-deductible contributions when you put money in. The money builds up tax-free and you can withdraw it tax-free for qualified medical expenses. Unlike a flexible spending account, you don’t lose money you don’t use. It rolls over and is 100 percent portable. Plus, you can use it anytime during your lifetime to pay for qualified medical expenses. Keep in mind that if you withdraw funds for non-medical purposes, you are subject to a tax penalty. (Note, however, that an HSA is available only with a high-deductible health insurance plan.)

Unfortunately, when it comes to healthcare costs in retirement, there is no silver bullet solution. But by following these tips, you can help take control of the things you do have influence over now to help prepare. Consider working with a financial professional who can help you factor real and potential healthcare costs into your overall financial plan for retirement.



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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Mark Your Calendars!

NYWBA MATRIMONIAL AND 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 New York 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, Dec. 4, 2013
- Time:** 6:00 p.m.
- Place:** Blank Rome, LLP, The Chrysler Building, 405 Lexington Ave. (at 42nd St.), NYC
- Cost:** Free for Members*
- RSVP:** Email MFRsvp@nywba.org

Due to space limitations, advance registration required, and ONLY current NYWBA members will be admitted.*

* 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.

CLE Program presented by NYWBA
Matrimonial and Family Law Committee

***“Basic Tax Issues for the
Matrimonial Lawyer - Part 1”***

featuring speakers

Honorable Ellen Gesmer

Justice, Civil Court of the City of New York, New York County

Joan Lipton

Partner, ParenteBeard, LLC

Jean J. Han, Esq.

Senior Manager, ParenteBeard, LLC

Heidi Tallentire, Esq.

Associate, Blank Rome, LLP

This is a must-have primer for matrimonial lawyers! At this CLE, distinguished panelists will provide a tutorial on reading and understanding income tax returns. Panelists will provide invaluable tips on how to incorporate information from these returns in applications for child and spousal support.

- Date:** Wednesday, Oct. 2, 2013
- Time:** 6:00 p.m. (no one will be admitted after 6:30 p.m.)
- Place:** Blank Rome, LLP, The Chrysler Building
405 Lexington Ave., NYC (at 42nd St.)
- CLE:** 2.0 CLE Credits* (1.5 skills and 0.5 Prof. Practice)
- Cost:** Free – NYWBA/WBASNY Chapter Members**
\$50 – Non-members***
- RSVP:** **Sold Out!** (Maximum enrollment reached;
waiting list closed)

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

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

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

**NYWBA Trusts and Estates Committee is
proud to co-sponsor a CLE Program with
the Puerto Rican Bar Association**

on

***“Practicing in the New York
County Surrogate’s Court
and Tour of the Court”***

featuring

HONORABLE RITA MELLA

Surrogate, New York County

Join us at this dynamic and exciting program, which is designed for new attorneys and for experienced attorneys who are interested in practicing in the New York Surrogate's Court, which handles cases involving the affairs of decedents, including the probate of wills and the administration of estates, as well as other matters of critical importance to clients and their families.

Meet **Surrogate Hon. Rita Mella** and court personnel, and find out what attorneys and judges actually do in this court. Pick up tips on filings, court appearances, conferences, and more! The event will conclude with a comprehensive tour of the Surrogate's Court.

- Date:** Wednesday, Oct. 23, 2013
- Time:** 10:00 A.M. to 12:30 p.m.
- Place:** Surrogate's Court, 31 Chambers St., Courtroom 503, NYC
- CLE:** 2.5 Credits (Prof. Practice)*
- Cost:** Free - Members**
\$50 - Non-members***
- RSVP:** Go to www.nywba.org/SurrogateCourtCLE
- Info:** Email TErsvp@nywba.org if you have questions or need additional info.

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Save the Date!

Thursday, Nov. 14, 2013

NYWBA Elder Law and Disabilities Committee

presents a CLE exploring

***“Basics of Special Education
Advocacy and Litigation in NYC”***

featuring Adrienne Akontaky

Mark your calendars for this cutting edge CLE program!
This program is being organized so stay tuned for more details.

NYWBA Newsletters Are Available Online

The current issue of the NYWBA Newsletter, along with past editions (back to 2004), is available online at www.nywba.org/members.

As part of our "green" initiative, half of our Newsletters now appear only in an electronic format. The "eNews" editions have the same layout and all of the great articles, photos and announcements as the print editions. You can easily read the eNewsletter on your computer or print it out.

Note: You must have the current user name and password to access the "Members Only" areas of the NYWBA website where the electronic editions of the Newsletter can be found. If you are not yet a member for 2013-2014, please join or renew using our secure online membership form at www.nywba.org/membership. Contact Executive Director Karen Lu (ED@nywba.org) to inquire about your membership status.

FREE Lunchtime Program

"What Every Person Should Know about Breast Cancer"

presented by

The Gender Fairness Committee of the
New York County Supreme Court and
Judges & Lawyers Breast Cancer Alert (JALBCA)

featuring

Mary Solomon

Scan Van Director with Project Renewal
(Mobile Mammography Provider)

Date: Thursday, Oct. 24, 2013
Time: 12:45 p.m.
Place: New York County Criminal Courthouse
100 Centre St., Jury Room 2 (Rm. 535), NYC
Cost: FREE
RSVP: Email Mauline Murrell at
mmmarsha@courts.state.ny.us.

Students & New Lawyers Committee

presents

"A Discussion with Hon. Lori Sattler"

The Students & New Lawyers Committee, chaired by **Morgan M. Fraser & Lisa Hughes Hoover**, is proud to present this program. **Judge Lori Sattler**, who sits in the New York Supreme Court, has kindly agreed to provide insights into the practice of law from her long and distinguished career. NYWBA members and prospective members who are law students, law school graduates awaiting admission, or attorneys new the profession are welcome.

Date: Thursday, Oct. 10, 2013, 6:00 p.m.
Place: Blank Rome, LLP, The Chrysler Building,
405 Lexington Avenue (at 42nd Street), NYC
RSVP: Send an email to SNLChairs@nywba.org to register. (RSVPs required for building security.)

If you cannot attend but are interested in joining the Committee, send your contact info and any ideas for future programs and events to the Co-Chairs at SNLChairs@nywba.org.

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

National Association of Women Lawyers

presents

9th Annual General Counsel Institute

"Resilience: Thriving as In-House Counsel in Changing Legal and Business Landscapes"

co-sponsored by:

WBASNY & NYWBA

(full sponsorship list in formation)

In today's rapidly evolving business environment, change is a way of life – in your company, your legal department, and your own legal career. At this event, you will be inspired by powerful personal stories of resilience. You will explore current legal issues and develop best practices to anticipate and respond quickly to your in-house clients' needs. Through substantive legal workshops and the open exchange of ideas with senior lawyers facing similar challenges, you will improve your skills to address issues head on, drive positive changes in your legal department, and marshal the strength not just to survive, but to thrive in a world of constant change.

Date: November 7-8, 2013
Place: Intercontinental New York Times Square
300 West 44th St., NYC (corner 8th Ave.)
CLE: Accreditation of this program is currently pending (anticipate up to 16 CLE credits)
Cost: Price varies based on NAWL membership, employment (reduced rate for gov't & non-profit), and the date you purchase tickets – see RSVP for details. (NYWBA's free CLE initiative does not apply to this program.)
RSVP: For detailed info about this program (agenda, topics, speakers, etc.) and to register, go to <http://nawl.timberlakepublishing.com/content.asp?pl=309&sl=389&contentid=389#GCI%20E-Zine>.
Registration is limited to in-house counsel.
Scholarships are available.

New York Civil Courts Committee

NYWBA Civil Courts Committee, chaired by **Hon. Andrea Masley, Judge of the Civil Court, Meryl H. Waxman & Melissa Ephron-Mandel**, has scheduled a meeting to discuss topics of interest to Civil Court practitioners and make plans for Committee activities and programs in 2013-2014. Current and prospective members are welcome.

Date: Thursday, Oct. 8, 2013, 1:00-2:00 p.m.
Place: New York Civil Courthouse, 111 Centre St.,
12th Floor Boardroom, NYC
RSVP: CivilCourtsChairs@nywba.org

Due to space limitations, advance registration is required.

IT'S TIME TO RENEW YOUR MEMBERSHIP FOR 2013-2014!

Go to www.nywba.org and click on "Membership" to access our secure online membership form or contact our Executive Director (ED@nywba.org or 212-490-8202) to have a renewal form sent to you.

NYWBA Programs and Events Committee

invites you to

~ WINE 101 ~

**The Basics of Wine, Wine and Food Pairings,
and Wine and Cheese Tasting**

*featuring wines and artisan cheeses from
The Hudson-Chatham Winery*

- Date:** Thursday, Oct. 24, 2013
Time: 6:30 to 8:30 p.m.
Location: **STASH**
 248 West 14th St. (btw 7th/8th Ave.), NYC
 (Use street level entrance to lower floor)
Cost: **\$35** per person (*paid in advance*)
 (\$10 surcharge at the door, *space permitting*)
RSVP: Go to www.nywba.org/WineTastingRSVP
At this premier event, space is extremely limited. RSVP as soon as possible.

Since its opening, the Hudson- Chatham Winery has won over fans and critics alike. It was voted the Capital Region's Best Local Winery two years in a row, and their 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. Those who attended last year's tasting will know that they are in for a real treat! *For more information, send a note to Wine101rsvp@nywba.org.*

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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 membership benefits - join committees, network, participate in mentoring circles, attend our signature events, and get CLE credits at our innovative and compelling programs at a significantly reduced cost. It's easy to join or renew - go to www.nywba.org/Membership to access our secure online membership form.

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

Newsletter and Advertising Information

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

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