



NEW YORK WOMEN'S BAR ASSOCIATION

Celebrating Our 75th Year

THE NEW YORK WOMEN'S BAR ASSOCIATION

Invites you to join us in honoring our special guests

Hon. Jonathan Lippman

Chief Judge of the State of New York

and

**The Newly Elected, Newly
Re-Elected and Newly Appointed
Judges of New York County**

at a Cocktail Reception

Thursday, January 21, 2010

6:00 to 9:00 pm

Cost: \$40 - Members (NYWBA and WBASNY)
\$65 - Non-Members

(\$15 Surcharge for payment at the door)

Note: No charge for New York County Judges; Justices who are newly elected, newly re-elected, or newly appointed; Justices of the Appellate Division, First Department; and Judges of the New York Court of Appeals

**The Williams Club
24 East 39th Street, NYC**

Guests are asked to bring new hats, scarves and mittens for donation to children and families in need.

Space is limited, so RSVP asap at our website www.nywba.org or call (212) 490-8202

PRESIDENT'S MESSAGE

The New Life Balance

JANUARY 2010



Donna M. Praiss

When I began practicing intellectual property (IP) law in the late 1980's, IP attorneys essentially associated only with themselves in specialty boutique firms. It seemed as if the rest of the legal profession had no idea and no interest in us or our legal precedent. This was the era before advertising by the legal profession (hard to imagine now). Only patent and admiralty lawyers could hold themselves out as specializing in a particular area of law, so we boldly printed this fact on our business cards and handed them out sometimes (this was also the age before mandated CLE). We litigated only before select courts -- the federal district courts and one patent appeals court (the "Federal Circuit"). The United States Supreme Court had not taken up a patent case in decades. The hot issues of the day were Kodak's infringement of Polaroid's instant camera patent, dilution of Mead Data's "Lexis" database trademark by the new luxury cars that Toyota labeled "Lexus," and whether "timeshifting" a television broadcast using the new "Betamax" recording technology violated copyrights. Exposed to a patent or IP case as a member of the bench, the bar, or as a potential juror, your initial impulse was probably to duck.

So when the Judges and Lawyers Breast Cancer Alert announced its annual symposium with the topic "Patenting Genes: Does This Stifle Research, Offend the First Amendment, and Impact Patient Care?" I immediately thought "oh no, no one will show up." I could not have been more wrong.

The weighty subject for the panel of judges and lawyers was a pending declaratory judgment action filed by the ACLU in the Southern District of New York on behalf of individual plaintiffs against the patent owner (University of Utah Research Foundation) and manufacturer (Myriad Genetics) of a diagnostic test for BRCA1 and BRCA2 genetic markers associated with elevated risk of developing breast cancer. The ACLU's position is that patent claims based on a genetic sequence are not patentable subject matter, and they "constitute patents on thought, knowledge, and ideas in violation of the First Amendment." Sandra Park, Staff Attorney in the ACLU Women's Rights Project, characterized the problem with patenting a genetic sequence per se as you "can't design around a gene" and that the patent to such a sequence "could be a stumbling block to future

Continued on page 2

For the latest news and information on programs and events, check NYWBA online at www.nywba.org.

WELCOME NEW MEMBERS

Rebecca Bloom
Hon. Susan S. Danoff
Beth M. Kaufman
Marissa N. Lefland

Jessica Lauren Naclerio
Dana Pisacane
Jaclyn Sitjar
Elizabeth H. Wang

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.

Judith Coulston
Joan M. Gilbride

Julie Hyman
Michele Tortorelli

Congratulations to the NYWBA's 2009 "Super Lawyers"

The NYWBA congratulates our 2009-2010 members whose legal acumen and accomplishments have been acknowledged by their inclusion in *"New York Super Lawyers - Metro Edition (2009)"*.*

Elkan Abramowitz¹
Susan L. Bender²
Laurie Berke-Weiss
Sheila L. Birnbaum^{1 2 3}
Karen E. Blaustein
Lizabeth L. Burrell
Kenneth D. Burrows
Aurora Cassirer
Nancy N. Chemtob
Harriet Newman Cohen^{2 3}
Janet I. Cord
Felice B. Ekelman
Myrna Felder
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Andrea Hyde
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Michele A. Katz²
Harold A. Mayerson
Susan M. Moss
Gloria S. Neuwirth²
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Stanley Plesent
Katherine B. Posner
Cynthia B. Rubin
Lisa A. Sokoloff
Debra Brown Steinberg
Michele D. Tortorelli
Annie J. Wang
Mary T. Yelenick

¹ Members included in "The Top 100 Lawyers."

² Members included in "The Top 50 Women Lawyers."

³ Members featured in special profile articles (2009 or 2008).

If you are a Super Lawyer but are not a current member for 2009-2010, go to our website (www.nywba.org/membership) to join or renew using our secure online membership form, or send a note to info@nywba.org to have a membership form sent to you or to inquire about your member status. The Newsletter will acknowledge additional "Super Lawyer" members in future editions.

* *Super Lawyers* is a registered trademark of Key Professional Media, Inc., an independent publication that utilizes its own criteria for selecting attorneys for its annual listings. For information, or to see full attorney listings (by location and practice area), go to www.superlawyers.com.

ATTENTION MEMBERS:

Coming in January: NYWBA will be on **facebook** and **LinkedIn**. Watch for an email announcement and article in the February Newsletter.

President's Message continued from Page 1

research." Martin Pavane, Partner, Cohen, Pontani, et al. armed the audience with fundamentals of patent law, including the Federal Circuit precedent that an isolated gene combined with a use for it is entitled to patent protection. Larry Norton, MD, Head of the Division of Solid Tumor Oncology, Memorial Sloan Kettering Cancer Center, representing the scientific community on the panel, passionately described the effort to fund the invention development.

The presentation was clear and balanced from my perspective. Nevertheless, I scribbled dozens of questions, should crickets chirp during Q&A. Again, I was needlessly concerned about pallid audience participation. The line at the microphone went almost to the door.

With "Health Care Reform," "Biosimilar Pathway," and "Patent Reform" legislation looming over us this 111th Congressional Session, I worry that success in healthcare is being measured by how cheap it is, versus how safe and effective it is. The comment that some parts of the BRCA1 and BRCA2 genes should be available for use by other commercial laboratories contorts the principle that others confronted with a pioneering-blocking patent will design something else to detect an elevated risk for breast cancer - not just detect this particular gene. The comment that more than one laboratory should be able to carry out a diagnostic test turns on its head Article 1, Section 8, Clause 8 of the U.S. Constitution, which grants Congress the authority to "promote the Progress of Science and the useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries."

The purpose behind our intellectual property protections is not to protect inventions, original works, and brands we could do without. Rather, they ensure we will always have more choices and more opportunities in the future. The debate on these various pieces of legislation must recognize it is a balancing act. The fundamentals of IP rights are important in the balance, because they reflect our national investment in continued access to life-saving medicines.



We Want Your Ad!



With a monthly circulation of more than 1,000 in the NYC Metro Area, the NYWBA newsletter is a great place to advertise.

Ads must be submitted by the 10th of the month for publication in the following month's Newsletter. Please email newsletter@NYWBA.org with any questions or to submit your ad.

Advertising Rates Per Issue

Full Page:	\$500
½ page:	\$300
¼ page:	\$180
Business card:	\$100

(10% discount with payment for three or more issues)

CLE Tour of New York County's Civil Court

By Yacine Barry

On November 16, 2009, the NYWBA, under the leadership of past President, Lisa A. Sokoloff, sponsored the third Tour of the Civil Court of the County of New York. This CLE program is designed to assist those new to the practice of law, or simply new to New York practice, navigate the court system.

Thirty participants attended the comprehensive half-day program, which featured presentations on court procedure, history and structure by Hon. Fern A. Fisher, Deputy Chief Administrative Judge for New York City Courts, as well as several judges and clerks from the Housing and Civil Courts, including Hon. Jean Schneider, Supervising Judge for Housing Court; Hon. Jeffrey K. Oing, Supervising Judge for Civil Court; Hon. Barbara Jaffe, Civil Court Judge; Hon. Joseph E. Capella, Housing Court Judge; Hon. Anil C. Singh, Civil Court Judge; Michael Boyle, Assistant Deputy Chief Clerk, Civil Term; Charles Quinn, Jr., Assistant Deputy Chief Clerk, Housing Term; and Floreese James, Associate Court Clerk, Small Claims Court. The tour included visits to the Civil and Housing clerks' offices and courtrooms in which participants were given information on how to commence an action, file motion papers and answer a calendar call.

Due to the tour's tremendous success, positive feedback and record number of registrations, the NYWBA is planning to hold another tour in early 2010 and will seek to offer the program in other counties on a yearly basis. A tour of the Supreme Court, New York County will also be offered in the near future. Look for announcements for these programs shortly.

We would like to thank Cassandra Porter and Lowenstein Sandler P.C. for providing copies of the handout materials and for their support.

Yacine Barry is a Senior Court Attorney with the Civil Court of the City of New York. She is currently serving on the NYWBA Board of Directors.

NYWBA Mentoring Circles Program

By Allison Surcouf

Last month, I attended the first meeting of a new Mentoring Circles group, and I am happy to report that I discovered the inherent value in any Mentoring Circle at that first meeting. The topic for our meeting was "transition," which the group discussed for more than two hours. Despite the different career stages and the career paths of each woman in the group, I believe that every participant left the meeting enriched. Through the counsel of the more experienced attorneys, I know that I (an attorney admitted less than five years) gained insight into what to expect in the future. With a better understanding of the common experiences of women in our profession, I left the group feeling more at ease about the discomforts inevitably associated with transition. The more experienced attorneys seem to have left the discussion with some new insights as well.

The benefits of a Mentoring Circle are the result of the relationships being formed simultaneously as professionals and as peers. The dynamic of a Mentoring Circle is geared toward problem-solving, in part because each member approaches the discussion as a lawyer. Thus, the discussion is inevitably more productive than what is often experienced in a direct peer relationship, where "venting" is more common than problem-solving. The open and confidential forum provided in a Mentoring Circle allows each member to speak freely in a way that she might not be inclined with co-workers or even office mentors. Finally, the focus of a Mentoring Circle forces a productive discussion around a particular topic and provides tools for each member to apply lessons learned to the circumstances of her own work situation.

I encourage everyone to become a member of the NYWBA Mentoring Circles program, as the rewards are invaluable and truly unique.

Allison M. Surcouf, Esq. is an associate with Condon & Forsyth, LLP. Her practice includes representing foreign and domestic air carriers and other clients in aviation accident litigation, airline claims, commercial litigation, and commercial transactions.



Hon. Fern A. Fisher, Deputy Chief Administrative Judge for NYC Courts



Hon. Jeffrey K. Oing, Supervising Judge



Hon. Barbara Jaffe, Judge of the Civil Court



Tour attendees listening intently.



Charles Quinn, Jr. (left), Assistant Deputy Chief Clerk, Housing Term

Columbia Law Library Collection Dedication Honors Past NYWBA President Dr. Edith L. Fisch

By Donna M. Praiss

On November 23, 2009, Columbia Law School unveiled a plaque honoring Dr. Edith L. Fisch, a past president of NYWBA, who generously bequeathed \$1.8M to endow the Law Library Collection in perpetuity. The handsome brushed nickel plaque that now adorns the law library entrance commemorates Dr. Fisch's many academic and professional achievements. The unveiling ceremony let her family and colleagues at Columbia and NYWBA share the wisdom and talents of Dr. Fisch that endeared her to so many.

Born in New York City in 1923, Edith Lond Fisch was the younger of two daughters born to attorney Hyman Fisch and Clara Lond Fisch. She survived childhood polio, but was confined to a wheelchair since she was twelve years old. As described by her sister, Dorothy Thomas, in "Jewish Women: A Comprehensive Historical Encyclopedia," Edith "...proceeded to live her life almost as if the illness never occurred." Her nephew and executor of her estate, William Thomashower, an intellectual property attorney, praised his aunt for her positive attitude and determination to succeed in an era where women were expected to follow a circumscribed path.

The path that Dr. Fisch forged made her the first individual to earn all degrees awarded by Columbia Law School. She received her LL.B. in 1948, her LLM in 1949 and her Jur.Sc.D. in 1950. She was the first woman to receive a Jur.Sc.D. from Columbia Law School. She practiced at the firm of Conrad & Smith from 1951 to 1957, focusing on trusts and estates. She formed Lond Productions in 1958, a small press that released her book "Fisch on New York Evidence" (1959) which has been annually supplemented to present. It is a law school text and routinely used by the bench and bar. In addition to almost forty law review articles, she also authored "The Cy Pres Doctrine in the U.S." (1951) and "Charities and Charitable Foundations"

(1974). She was the first woman to hold the position of law professor in New York State, at New York Law School from 1963 to 1965, where she was an Assistant Professor. She served as President of NYWBA from 1970 to 1971, as well as on the NYWBA Board of Directors and Advisory Council. She later served as counsel to Brodsky, Linnett & Altman from 1973 to 1975. Dr. Fisch, who passed away in 2006, was predeceased by her husband, Steven L. Werner.

Myrna Felder, NYWBA Past President 1976-77, spoke on behalf of NYWBA about Dr. Fisch's characteristic can-do attitude on life and law that came across in her practice, her leadership, her teaching, and in "Fisch on New York Evidence," the treasured treatise on evidence always in the litigator's bag. The treatise speaks to attorneys just as Edith spoke and approached all things - clearly and matter-of-factly. Ms. Felder remarked how Edith navigated life and New York City without any apparent encumbrance to those who knew her professionally, even though New York did not have any handicapped accessible sidewalks or facilities during Dr. Fisch's most active years.

Dr. Fisch was the first physically disabled person in New York City to obtain a high school "academic" diploma while on home instruction. She was awarded a B.S. in chemistry in 1945 from Brooklyn College, built on level ground and the only college to accept her. The stairs in most available graduate schools led her to pursue a law degree at Columbia University, and she took off from there.

NYWBA is proud to be associated with Edith Fisch and her string of firsts. We also appreciate Dr. Fisch making NYWBA an important part of her journey and to the Columbia Law Library for highlighting her relationship to a significant piece of Manhattan real estate with high visibility, permanence, and prestige.



Pictured left to right: David Schizer (Dean of the Faculty of Law, Columbia University), Marjorie Martin (NYWBA Advisory Council), William Thomashower (nephew of Past President Edith Fisch and Executor of Dr. Fisch's Estate), Myrna Felder (Past President NYWBA and WBASNY), Martha E. Gifford (Past President NYWBA and WBASNY), and Donna Praiss (NYWBA President).

The New York Women's Bar Association's ADR Committee

MEDIATION AND OTHER FORMS OF ADR IN THE NEW YORK COURTS

Wednesday, February 3, 2010, 6:15 to 8:30 p.m.
Blank Rome, 405 Lexington Avenue (at 43rd St.), NYC

Mediation is being utilized more frequently along with other forms of alternative dispute resolution as an alternative to litigation. Any attorney practicing in the Supreme Court, New York County and in other courts should attend this exciting program.

Moderator:

Hon. Betty Weinberg Ellerin,
formerly presiding Judge of the Appellate Division,
First Department; currently Senior Counsel, Alston & Bird LLP

Speakers:

- Daniel Weitz, Esq.,** ADR Statewide Director, OCA
- Leona Beane, Esq.,** Commercial Division Mediation Program
- Michele Silva, Esq.,** Phillips Nizer,
Matrimonial Mediation Program
- Shelley Rossoff Olsen, Esq.,** Mediation I,
Supreme Court, New York County
- Caroline Antonacci, Esq.,** Special Master,
Appellate Division, 1st Department
- Andrea Vacca, Esq.,** Collaborative Law

Light refreshments will be served.

CLE: 2 Hours CLE (accreditation pending for 1.5 Skills & .5 Ethics)
Cost:* \$35 for Members (NYWBA & WBASNY); \$65 for Non-Members
Note: *Register Early! All registrants pay \$75 after Feb. 1st and at the door.*
RSVP: Go to www.nywba.org to register and for more information
*(*Scholarships available for hardship situations)*

BWBA Holds Its Holiday Party
By Jo Ann Douglas

On December 15, 2009, our sister Chapter, the Brooklyn Women's Bar Association (BWBA), held its annual Holiday Party at the Brooklyn Bar Association. The NYWBA was represented, of course, and the annual event is a must-do for all. BWBA's President Joanne Quinones greeted each guest individually and created a warm atmosphere for all. The evening was not just a get-together to celebrate ourselves. The price of admission was one of New York's best bargains -- a new, unwrapped toy for the Toys for Tots of the Safe Home Project. The collection was enormously successful, with over 200 toys and books collected. For those with a keen eye for retail, the two raffles did not disappoint, as prizes ranged from a high-end gift box of wine from a local merchant to a Coach bag to certificates for fine restaurants in Brooklyn and Manhattan. Chocolate lovers rejoiced in the "chocolate" raffle by Citibank, an event sponsor. The silent auction boasted fabulous original art work, theatre, concert and ballet tickets, a Kate Spade bag, Ben-Amun jewelry, and more. All the proceeds in excess of \$2600 benefitted the Safe Homes Project for victims of domestic violence.

Jo Ann Douglas is the Immediate Past President of the NYWBA.

The New York Women's Bar Association

is pleased to announce the continuation of its esteemed "Lunch with a Judge" series, which in 2009-2010 will feature New York Supreme Court Justices serving in the Commercial Parts.

***Meet Hon. Barbara R. Kapnick,
her Principal Court Attorney,
Michael L. Katz, and her Commercial
Division Law Clerk, Clara Flebus.***

- Where:** Justice Kapnick's Courtroom
60 Centre Street, Rm. 208
- When:** January 14, 2010, 1:00 p.m.
- Cost:** Program is free, but space is limited, so send your RSVP promptly. *Priority given to members.**
- RSVP:** Send name and contact information for all attendees to lsokoloff@nywba.org. If you RSVP and later have to cancel, please notify lsokoloff@nywba.org, so we can release your seat.
- NOTE:** Bring your own brown bag lunch. *Discussion of pending cases at this event is prohibited.*

** While you do not have to be a current member of the NYWBA to attend, you may want to join or renew now to ensure that you are included in this event. If you are a member of another WBASNY chapter, indicate that in your RSVP.*

**Privacy and Cyberlaw Committee
Kickoff Meeting**
By Patrice Ettinger

The Privacy and Cyberlaw Committee held its first meeting in November. Committee members ranged from transactional generalists, who face privacy issues within the context of deals, to attorneys focused on privacy from a regulatory and compliance perspective. A wide range of industries were represented including new and traditional media, financial services, direct selling and consumer products.

Participants engaged in active discussion concerning the objectives and agenda for the coming year. The Committee plans to meet monthly to discuss specified topics and facilitate networking. An upcoming session will focus on resources available to practitioners. Guest speakers will be invited as appropriate to address new laws and developments. The Committee also hopes to conduct a CLE program next year and is considering a program relating to online social networking.

Thanks to Avon Products, Inc., which provided space at its U.S. headquarters for the November meeting. The date and location of January's meeting will be available soon. We invite all interested members to join us. For further information, please contact Patrice.Ettinger@avon.com.

Patrice Ettinger is Senior Counsel, Global Privacy at Avon Products, Inc. and is a Certified Information Privacy Professional (CIPP). She chairs the NYWBA Privacy & Cyberlaw Committee.

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

Current members should send updated information to info@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 and committee or member news to newsletter@nywba.org. We retain the usual editorial discretion to omit or edit all contributions. Please call Carla Vogel at 201-679-6739 or Annie Ugurlayan at 212-705-0105 with any questions.

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