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NYWBA Annual Judges Reception

On January 15, 2008, the NYWBA hosted its annual reception for newly elected, re-elected and newly appointed Judges of New York County at the Commerce Bank located on Madison Avenue at the corner of 42nd Street. Thanks to the generosity of Commerce Bank, NYWBA members, sitting judges and court attorneys attended for free. This was our association's fourth free event of the year.

Over 250 guests attended the reception, which honored newly elected Supreme Court Justice Paul Feinman, Civil Court Judges Andrea Masley and Robert Reed; re-elected Justices and Judges Fern Fisher, Sheila Abdus-Salaam, Harold Beeler, Lucy Billings, Dorothy Chin-Brandt, Charles Ramos; and newly appointed Appellate Division Justices Karla Moskowitz and Rolando Acosta. The event also honored special guests: the recently re-appointed Justice of the Court of Appeals, Carmen Beauchamp Ciparick, and newly appointed Presiding Justice of the Appellate Division, First Department, Jonathan Lippman.

The judiciary turned out in record number to honor their colleagues. Among those who attended were: Chief Judge Kaye; Administrative Judges Judy Harris Kluger and Jacqueline W. Silbermann (our board member); Appellate Division Justices John T. Buckley, David Friedman, Angela Mazzaelli (our board member), and Peter Tom; and Judges/Justices Eileen Bransten, Arlene Bluth, David Cohen, Matthew Cooper, Laura Drager, Helen Freedman, Ellen Gesmer, Judith Gische, Pamela Jackman Brown, Debra James, Deborah Kaplan (former WBASNY President), Barbara Kapnick, Shirley Werner Komreich, Rita Mella, Richard Price, Martin Shulman, George Silver, Stanley Sklar, John Stackhouse, and Milton Tingling.

WBASNY President Maria Cortese attended and congratulated those being honored. Justice Lippman, a longstanding friend of the Women's Bar, reiterated his support for our concerns. Pictures from the event will be posted on our website.

The NYWBA thanks Commerce Bank for its continued support and event co-chairs Sylvia DiPietro, Myra L. Freed and Diana Browne for their efforts in making the reception such a success.



(l. to. r.) **Honorable Jacqueline Winter Silbermann**,
Administrative Judge of the Supreme Court, Civil Term, New York County
Honorable Harold Beeler, Acting Justice, Supreme Court, New York County
Honorable Paul G. Feinman, Supreme Court Justice, New York County
Honorable Judith Kaye, Chief Judge of the State of New York
Honorable Dorothy Chin Brandt, Acting Justice, Supreme Court, Queens County
Honorable Carmen Beauchamp Ciparick, Associate Judge of the Court of Appeals

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Please RSVP to Teresa Schiller at
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News from the Network of Bar Leaders

On January 16, 2008, Lois Woll represented the NYWBA at a Network of Bar Leaders meeting held at New York County Lawyers. Former Network President Judge Lizbeth Gonzalez chaired a program concerning the current crisis in Pakistan as it pertains to the judiciary and lawyers. Matthew Easton, the Director of Human Rights First (formerly, "the Lawyers Committee for Human Rights") was the guest speaker. Mr. Easton opined that there would be no end to the current violence in Pakistan until marshal law is revoked, judges are re-elected and fair elections take place again. It was noted that Barry M. Kamins, President of the New York City Bar Association, wrote to the President of Pakistan on behalf of his bar association to implore the immediate restoration of the pre-November 3, 2007 constitution and laws and to release all individuals, including lawyers who have been detained or under house arrest, and to restore the rights of a free press.

Encouraged by the New York City Bar Association, the Network of Bar Leaders promised to aid in this cause. The Network will extend membership to the Supreme Court Bar Association of Pakistan and will send representatives to meet with the Pakistan Consulate and request that lawyers in Pakistan under house arrest be released. The Network also urged each of its individual Bar Association members to consider extending honorary membership to the Pakistan Bar Association in a gesture of solidarity and to aid in this crisis.

The Network will host its annual Breakfast for the Judiciary on **June 13, 2008** at 7:30 a.m. at County Lawyers. The meeting will enable elected officials to answer and address important topical issues.

ADR Committee Hosts Program on Securities Mediation

By Annie M. Ugurlayan

On October 17, 2007, the NYWBA ADR committee hosted a program on the basics of the Financial Industry Regulatory Authority (FINRA) Arbitration & Mediation. FINRA is the largest non-governmental regulator for all securities firms doing business in the United States and was created in July 2007 through the consolidation of the National Association of Securities Dealers (NASD) and the member regulation, enforcement and arbitration functions of the New York Stock Exchange.

Annie Ugurlayan, co-chair of the NYWBA ADR committee, welcomed the speaker, Kenneth Andrichik, who is Senior Vice President and Director of Mediation and Business Strategies, Dispute Resolution, at FINRA. Mr. Andrichik provided an overview of FINRA's work and its benefits. At the outset, he noted that the NASD and NYSE entities will be folded together. FINRA will use the newly revised NASD Code of Arbitration Procedure under which all cases filed on or after August 6, 2007 will be administered. However, the cases remaining at the NYSE (roughly 300) will be finished under the NYSE rules. FINRA dispute resolution functions are wide-ranging, from arbitration and mediation services, to consulting services, to arbitrator training.

Concerning FINRA's caseload, Mr. Andrichik explained that 70 percent consists of investor disputes with broker/dealers (e.g., suitability, misrepresentation, breach of fiduciary duty). That docket fluctuates with market changes. The remaining 30 percent are employment disputes such as wrongful termination or discrimination. For those who avail themselves of FINRA arbitration, they have a roster of 6,500-6,700 arbitrators in 73 cities (at least one in each state) from which to choose. Parties choose arbitrators from computer generated lists. Arbitration panels consist of 2 public members (i.e., not in the securities industry) and one non-public member, though all are considered neutral, and the chair must be a public member. There is also an extensive background check on all arbitrators to ensure that they can participate under FINRA rules. Hearings last an average of three to four days and arbitrators are not required to provide written explanations of their decisions. However, over 70 percent of arbitration claims are resolved prior to the hearing, more than 50 percent of which are settled by parties directly and through mediation. In arbitration cases brought by investors, combining settlements and favorable awards, more than 70 percent of them result in compensation for investors. Expedited arbitration proceedings (averaging 10.9 months to hearing versus 16.5 months in regular cases) are available for elderly or infirm parties.

Mediation is voluntary for all parties and the parties must agree on their mediator. Mr. Andrichik explained the other ways in which mediation differs from arbitration, starting with the considerably smaller (approximately 1,000) roster of mediators. There is also a separate qualification process for mediators and arbitrators. Arbitrators are not automatically mediators (and vice versa) and potential mediators are asked for their mediation

experience, which differs from arbitrators who are asked about their practical experience, character, and fitness. FINRA provides mandatory training for arbitrator candidates but expects mediator candidates to have completed substantial mediator training.

In each mediation case, parties choose their mediator usually from a list created from party preferences. For mediators, unlike arbitrators, it is difficult to get selected as the control is in the hands of the parties and attorneys tend to select familiar mediators. Counsel have expressed a preference for mediators who have arbitration experience. The scale of pay also varies widely. Arbitrators are paid a set fee based primarily on the length of hearings. Mediators set their own fees, usually hourly, based on supply and demand. Mr. Andrichik encouraged attendees to consider becoming an arbitrator or mediator.

In addition to its arbitration and mediation services, FINRA is engaged in ongoing initiatives such as continuing to improve processing times for hearing cases to decision, and implementing proactive measures to control discovery abuse, increase the speed and efficiency of the discovery process, and improve award payment. FINRA also strongly supports the expansion of law school legal clinics to assist parties who have smaller claims and are unable to retain an attorney.

Mr. Andrichik provided an insightful overview of FINRA arbitration and mediation as a viable ADR mechanism and one which the attendees and others can consider when advising clients, or even participate in as arbitrators and/or mediators. For more information about FINRA, please contact Kenneth Andrichik at Ken.Andrichik@finra.org. For more information about the NYWBA ADR Committee, please contact Christina Kallas at CKallas@nyc.rr.com or Annie Ugurlayan at anahide@aol.com.



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Spotlight on Members - Julie Hyman



You may have noticed Julie Hyman in commercials for Underoos, Dannon Yogurt, and Macy's. She has also had roles on "100 Centre Street" and "As the World Turns."

Hyman, who's now in her 30s, was discovered in an ice skating rink when she was six years old and landed a principal role in an Avon Commercial. She went on to have a successful career in commercials, modeling, television and film.

"My acting career was a total accident - I was in the right place at the right time," says Hyman.

When she reached six feet tall, she realized that acting would not be a long-lasting career. "Luckily, I was always a good student." Her income from acting enabled her to attend the Horace Mann School, Barnard College, and Cardozo Law School.

During law school, Hyman was exposed as a law clerk to matrimonial law. She clerked for Myra L. Freed, Esq., a Board member of the NYWBA and alumna of Cardozo Law School. Hyman attributes her membership in NYWBA to Freed who first introduced her to law. "There is something unique about the NYWBA. It's a group of smart, successful women

mentoring the next generation of women lawyers. You cannot find that at any other bar association."

During her twenties, Ms. Hyman honed her legal skills by working for matrimonial law firms. She was also elected National Board Member of Screen Actors Guild (1999-2002). She still volunteers her time at Screen Actors Guild, lecturing twice a year to parents of child actors at "Young Performer" Seminars. Hyman is a member of SAG and AFTRA, and also a member of the NYWBA, where she currently chairs the Publicity Committee.

In November 2004, Hyman launched her own law firm specializing in matrimonial and entertainment law from a home office dining room table. "I had two months' rent in my checking account," Hyman recalls. "It was truly a sink or swim situation. I decided to swim." Freed came to Hyman's rescue and offered her per diem legal work and reject cases. She also introduced Hyman to Walter F. Bottger, Esq., of Berkman Bottger & Rodd, who also offered her per diem work, reject cases, and a Manhattan conference room.

Ms. Hyman loves being a lawyer and working from her home office with her two small dogs Vegas, a five-year-old maltese-poodle, and Rocky, a six-month-old maltese toy. She welcomes per diem work from the matrimonial community and reject cases as she continues to build her law practice.

For more information about Julie Hyman, visit her website, www.juliehyman.com.

A World Fit for Children: A Five-Year Review & Appraisal

by Denise Scotto, Chair, NYWBA Children's Rights Committee

From December 11 through December 13, 2007, the United Nations General Assembly convened a special session to review the World Fit for Children (WFFC) Plan of Action adopted five years ago in May 2002. There were approximately 93 youngsters from 53 countries participating as observers to the GA as well as participating as speakers at the kick off Children's Forum. There were an estimated 250 NGO observers representing 75 organizations from 52 countries and more than 140 member states.

The special session focused on the four outcome areas of the WFFC Plan of Action: promoting healthy lives; combating HIV/AIDS; providing quality education and protecting against abuse, exploitation and violence. Other issues that were included were children and climate change, child-friendly policies and legislation and gender equality.

Secretary General Ban Ki Moon delivered a statement via video feed from Bali, where he was involved in the UN Climate Change Conference. Member states in their interventions during the high-level plenary highlighted their efforts to achieve the goals of the WFFC Plan of Action. In particular many discussed legal reforms that had been made in compliance with the Convention on the Rights of the Child. Many also discussed specific national policies which were enacted to improve the quality of children's lives, create

protection from child trafficking and sexual exploitation, and implement HIV/AIDS education and prevention.

Speaking on behalf of the European Union, youth delegate Rita Sobral expressed how despite the progress, millions of youngsters continue to be victims of hunger, violence, discrimination, HIV/AIDS and all forms of exploitation. She further remarked how girls suffer immensely because of their gender and called on governments to act to end all discriminatory practices toward girls.

At the conclusion of the special session, the GA adopted a short declaration in which member states reaffirmed their commitment to and renewed their political will to fulfill their obligations under the WFFC Plan of Action. Building on the work of Prof. Pinheiro and the recent UN Violence against Children study, one significant outcome is the creation of the post of UN Special Representative of the Secretary General for Violence against Children. This new post aims to coordinate the efforts of all UN specialized agencies, programmes and funds working on the issue of violence against children in addition to investigating such complaints.

REPORT OF THE NEW YORK WOMEN'S BAR ASSOCIATION COMMITTEE ON NOMINATIONS

At its January 8, 2008 meeting, the Committee on Nominations nominated the following candidates to serve during 2008-2009 and for other terms as stated below. The elections will be held at the Association's Annual Membership Meeting on **April 10, 2008**.

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NOTICE TO MEMBERS - ANNUAL MEETING & ELECTIONS

The **Annual Meeting of the Association** will be held on **April 10, 2008** at 6:00 p.m. at the Offices of Fulbright & Jaworski LLP, 666 Fifth Avenue, New York, NY 10103.

Article XIV, Section 1 of the By-Laws provides that only members of the Association who are in good standing and whose 2007-2008 dues have been received by **January 31, 2008** may vote at the Annual Meeting.

Article XVII, Section 10 of the By-Laws provides that any fifty members eligible to vote at the Annual Meeting may, by a writing delivered to the Corresponding Secretary not less than forty days prior to the Annual Meeting, propose candidates for officer or director positions to be voted on at the Annual Meeting. Any petition for a candidate must be sent to Corresponding Secretary Kelly O'Neill Levy, New York Women's Bar Association, 5009 Broadway, Suite 604, New York, NY 10034, and must be received by no later than **March 1, 2008**.

President's Message continued from page 1

But that is not yet a reality. The recent survey by the NYWBA indicates that the number of females making partner is disproportionately low. While women are no longer denied entry into law school and the workforce, the "glass ceiling" continues to obstruct opportunities for career advancement. Our status and influence in the legal, financial and ultimately political arena is therefore not equal to our male colleagues. This disparity hurts not only women, but diminishes the legal profession as a whole.

The NYWBA exists in large measure to help ensure that the next generation of female lawyers has greater opportunities than the last. As female lawyers, we must recognize that the relative parity in our profession that some of us now enjoy was brought about by the pioneering efforts of prior generations. Their vision, skills, perseverance, and achievement made it possible, and indeed a lot easier, for aspiring attorneys today to dream and to achieve success. We owe it to them, and to ourselves, to work until the true equality they sought is achieved.

In recognition of the 35th Anniversary
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THE CORNELL CLUB · NEW YORK
6 East 44th Street (between Fifth and Madison)
Thursday, March 6, 2008
8:00 a.m. to 9:30 a.m.
(Space is limited)

The Honorable Karla Moskowitz Receives New Judicial Appointment

On December 31, 2007 the Honorable Karla Moskowitz was appointed Justice to the First Department of the Appellate Term of New York Supreme Court. She has served as a Justice of the Supreme Court of New York, New York County since 1992, having become an acting justice in 1987. From 1982 to 1991 she was a Civil Court Judge in New York County. From 1978 to 1981 she served as an Administrative Law Judge at the New York State Department of Health.

Judge Moskowitz started her legal career in 1966 as an assistant to the First Assistant Attorney General of the New York State Attorney General's office, after which she was an associate counsel to the New York City Human Resources Administration. She then served as assistant counsel to the New York Health and Hospitals Corporation, after which she entered private practice for five years as counsel to Moskowitz and Moll, where she handled administrative, commercial, and matrimonial cases. She was a member of the 18-B criminal appeals panel and an arbitrator for the American Arbitration Association. Judge Moskowitz left private practice to serve as a hearing officer for the New York City Board of Education, where she heard appeals from decisions of committees on the handicapped.

Judge Moskowitz has spoken on and moderated many panels organized by the American Bar Association, New York State Bar Association, Canada-U.S.A. Women's Health Forum, Metropolitan Women's Bar Association, Cardozo Law School's Trial Advocacy Training Program, and Judges and Lawyers Breast Cancer Alert (JALBCA) (of which she is a co-founder). She has been actively involved in many bar associations, including the American Bar Association, in addition to serving on several boards of directors such as those of Columbia University Law School Alumni Association, Metropolitan Women's Bar Association, National Association of Women Judges, and Women's Bar Association of the State of New York. Judge Moskowitz is a past president of the New York Women's Bar Association.

Judge Moskowitz is also an active member of her community, and has served on the advisory committee of the Brotherhood Synagogue, Legal Outreach (a summer institute for inner-city high school students sponsored by Columbia Law School), and the Women's City Club. She is the recipient of numerous awards, including the Alfred University Abigail Allen Award for Distinctive Career Achievement, Phi Beta Kappa Award, the Edith I. Spivack Award of the Women's Rights Committee of the New York County Lawyers' Association, the Founder's Award of the Women's Bar Association of the State of New York, the Judges and Lawyers Breast Cancer Alert's Special Gavel Award, and the Metropolitan Black Bar Association's Jurist of the Year Award to judges of the Commercial Division of Kings and New York Counties. She is featured in *Portraits of Hope: Conquering Breast Cancer* in one of 52 inspirational stories of strength as a breast-cancer survivor and co-founder of JALBCA.

Update from Reproductive Rights Committee

On October 24th the New York Women's Bar Association presented a CLE on Fertility and the Law sponsored by Extend Fertility and Sonnenschein Nath & Rosenthal LLP. A panel discussion was moderated by Pamela Madsen, the Executive Director of The American Fertility Association. Panelists Carole M. Bass, Susan L. Crokin, and Nancy Ledy-Gurren discussed a variety of legal issues relating to assisted reproductive technology (ART), including the role of the law in creating ART families, estate planning and ART and ART provider issues. This program was the inaugural program for the new Reproductive Rights Committee of the NYWBA.

The program opened with panelist Cara Birrittieri, author of *What Every Woman Should Know About Fertility and Her Biological Clock*, speaking about the scientific reality of the "biological clock" and her own personal experience with infertility.

A principal theme of the evening was the evolving nature of the law in this area. Susan spoke about how parentage is being established in cases involving sperm and egg donors and gestational surrogates as well as the essential elements of donor/donee agreements. The language of the agreements and the need for separate legal representation of the donor and donee warrant special attention given the unsettled nature of the law, the vast differences in the case law by state, and the fact that most cases are being decided by courts without legislative guidance.

Along the same lines, Carole discussed how courts are dealing with the inheritance rights of posthumously conceived children when the majority of state statutes entirely fail to address these children. She stressed the importance of advance planning by individuals and couples who have banked genetic materials.

From a provider perspective, Nancy spoke about informed consent and pre-implantation testing in ART. She began with a discussion of the first case permitting pregnancy reduction, the scientific advances that made that possible and how later scientific advances have created additional reproductive possibilities as well as additional liability concerns.

Extend Fertility, the program's sponsor, provided materials on egg freezing for women who may want to manage their fertility on their own time schedule, taking into account the pressures of career and modern life. The program was educational for all and the NYWBA hopes to present similar programs on an annual basis.

The New York Women's Bar Association extends its congratulations to Judge Moskowitz on her many years of distinguished legal service and her contribution as a role model for women attorneys, and wishes her continued success in her career.

Newsletter Deadline and Contact Information

Submissions must be sent to the Newsletter Committee by the **10th** of the month for publication in the following month's newsletter. Please email articles, notes on members, committee calendars, and any other announcements to **Cassandra Porter, Esq.**, tel. no. 845-452-4200 ext. 4503, email newsletter@nywba.org.

NYWBA List Server

The NYWBA List Server provides up-to-the-moment information concerning events, programs, and job announcements through email. Please email us at info@nywba.org if you have an announcement you would like to post on the list server or if you would like to be added to the list server.

Have you changed your address, firm, phone number, or other information? Please call 212-490-8202 or send an email to "info@nywba.org" with the updated information. This will help us keep you informed and our records up-to-date.

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**THE NEW YORK WOMEN'S
BAR ASSOCIATION**

will present a

**CLE Program on Special Needs Trusts*
featuring Jay J. Sangerman, Esq.**

Special needs trusts are an essential element of planning for the future of disabled children or adults. They allow a disabled person receive gifts, lawsuit settlements, and other funds without losing eligibility for certain government programs.

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For more information, contact Beth Bryson at eabryson@gmail.com or Lisa A. Sokoloff at NYWBAPres@aol.com

A vote on the WBASNY Proposed Bylaws Amendment will take place at 5:45pm, before the CLE begins. To view the proposed amendments, please go to the website: www.nywba.org

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

PRESIDENT'S MESSAGE FEBRUARY 2008

**CONTINUING THE STRUGGLE
AGAINST GENDER BIAS**



In light of the presidential candidacy of Senator Hillary Rodham Clinton, gender bias and sexism are again in the news. But there's a new wrinkle to recent reporting: the appearance of a generation gap in the way women view these issues.

The New York Times recently reported that women over 40 perceived Senator Clinton's treatment by political pundits, the media and voters as sexist. Stung by sexism in society and in the workplace, women in my generation were purportedly offended by comments about the Senator's attire, tone of voice, and "likeability." Yet the Times also reported in the same article that younger women neither identify with the Senator's encounters with gender bias nor place great significance in her run for President as the first credible female candidate in our nation's history.

Many of us at the NYWBA wonder if that "generation gap" exists in the legal profession as well. Do young female lawyers share their older colleagues' sense of struggle against sexism? Or do they feel, like their peers in other professions, that the battle has been won and that gender bias is ancient history?

Female lawyers today generally do not have to deal with overt issues of discrimination: women are no longer denied entrance to law schools or face obstacles in obtaining comparable professional employment. This is something over which all attorneys -- young and old, female and male - should rejoice. At the same time, we should also reflect on whether gender bias is really a thing of the past. True, we have a predominance of female administrative judges in New York State. However, most, if not all, were appointed by a female Chief Judge. If the Chief Judge who succeeds Judith Kaye is not a woman or a feminist, will women still enjoy the power they have obtained in the Office of Court Administration? We laud Governor Spitzer for appointing women to the Appellate Division. If we do not support female candidates for the Appellate Division, will future governors be so enlightened?

We can hope that today's young female lawyers will never have to endure any kind of discrimination.

Continued on page 2