



NEW YORK WOMEN'S BAR ASSOCIATION

The Association is proud to present several wonderful programs and events in April and May.

ETHEL DANZIG MEMORIAL LECTURE

Co-sponsored with the Metropolitan Women's Bar Assn and the Women's Rights Committee of the NY County Lawyers' Assn

Hon. Carolyn Maloney, Representative, U.S. Congress

Monday, April 19, 6 p.m.

NYCLA, 14 Vesey Street (between Broadway and Church)

ANNUAL MEETING OF THE ASSOCIATION and NYWBA ANNUAL ETHICS FORUM

Ethics and Professionalism for Judges and Lawyers - Perspectives from the Bench, Bar & Grievance Committee

Hon. Betty Weinberg Ellerin, Deborah A. Scalise, Andral Bratton & Robin E. Eichen (moderator)

Wednesday, April 28, 6:00 to 8:30 p.m.

New York Life Insurance Co., 51 Madison Ave. (44 E. 27th)

NYWBA FOUNDATION ~ SPEAKER SERIES EVENT

featuring

Gail Collins, Editorial Page Editor, *The New York Times*
Author, *America's Women: Four Hundred Years of Dolls, Drudges, Helpmates, and Heroines*

Tuesday, May 4, 8:00 to 9:30 a.m.

The Harvard Club, 27 West 44th St. (5th and 6th Aves.)

NYWBA ANNUAL DINNER

Installing 2004-05 Officers and Directors and honoring

Hon. Jacqueline W. Silberman, Chief Administrative Judge for Matrimonial Matters for the New York Supreme Courts, with **The President's Special Award**,

Linda Greenhouse, Pulitzer Prize-winning Journalist and U.S. Supreme Court Correspondent, *The New York Times*, with the inaugural **Joan L. Ellenbogen Award**

and **Blank Rome LLP** and **Davis Polk & Wardwell** with the **NYWBA Award of Merit**

Wednesday, May 26, 6:00 p.m., Grand Hyatt Hotel

Tribute Ads for Dinner Journal being taken now! Contact NYWBA Journal Editor at 212-360-7055 or info@nywba.org

PRESIDENT'S MESSAGE

April 2004

WOMEN MAKING HISTORY



Elizabeth A. Bryson

Photo: Daryl-Ann Saunders

On March 24th, I was honored to attend an event at Gracie Mansion to celebrate Women's History Month. Mayor Michael Bloomberg and Anne Sutherland Fuchs, Chair of the New York City Commission on Women, hosted the evening and adopted the theme of this year's National Women's History Project - "Women Inspiring Hope and Possibility." In that spirit, they paid tribute to eleven incredible women - Lilliam Barrios-Paoli, Amalia Betanzos, Sarah Buel, Edna Campbell, Jill Ker Conway, Marian Wright Edelman, Joanne Jaffe, Maxine Hong Kingston, Susan Love, Leslie Marmon Silko, and Vilma Martinez. These are women who make history every day.

Next month's newsletter will include an article about the honorees. Their accomplishments range from serving as the highest-ranking woman in the New York City Police Department to being a professional basketball player whose experience with breast cancer caused her to make a difference in the lives of others.

Women's History Month always causes me to reflect on just how far we have come. In mid-March, I was on a business trip to New Orleans, which will be the host city for the Annual Convention of the Women's Bar Association of the State of New York in May. More about the Convention in a moment, but I must share with you an example of the enormous impact of the women's movement and the greater recognition of women's issues.

Nearly a year ago, WBASNY passed a Resolution supporting the asylum petition of Rodi Alvarado Peña and victims of domestic violence or other forms of brutality inflicted on women. The violence in each case was directly or indirectly supported by the victims' homelands' governments, and it was undisputed that the women would be tortured, mutilated, or even killed if they returned home. The resolution was spearheaded by our amazing past President, Heather Martínez Zona, who raised the issue when Attorney General John Ashcroft questioned whether existing immigration rules should be modified (as proposed by his predecessor, Janet Reno) to grant a right of asylum to these women.

Our voices and those of other organizations have had a profound impact. Recently, the press reported that the Department of Homeland Security advised AG Ashcroft that granting these women asylum did not jeopardize any

Continued on page 2

**ANNUAL MEETING OF THE
NEW YORK WOMEN'S
BAR ASSOCIATION
April 28, 2004 - 6:00 PM**

On April 28, 2004, the Association will hold its Annual Membership Meeting at the offices of New York Life Insurance Company, 51 Madison Avenue, New York City. President Beth Bryson will report on the Association's activities, and Janet Cord will provide her Treasurer's Report. Members in good standing will also vote on the following candidates who have been nominated to serve as NYWBA officers, directors and delegates to WBASNY.

NYWBA Officers

President	Elizabeth A. Bryson
Vice President	Christina Kallas
Vice President	Lisa Sokoloff
Vice President	Teresa Schiller
Treasurer	Janet I. Cord
Recording Secretary	Lisa A. Bauer
Corresponding Secretary	Jo Ann Douglas

NYWBA Directors

<u>Class of 2002-05</u>	<u>Class of 2004-07</u>
Hon. Laura E. Drager*	Susan L. Bender
<u>Class of 2003-06</u>	Catherine M. Foti
Robin Eichen*	Myra L. Freed
Kelly O'Neill Levy*	Loretta Ippolito
Milagros Matos*	Amy Saltzman
(*Candidates to fill	Wendy Schwartz
vacancies for indicated	Elise Yablonski
unexpired terms).	

NYWBA Delegates to WBASNY

Lisa Bauer	Christine Harman
Jo Ann Douglas	Christina Kallas
Hon. Betty Weinberg Ellerin	Phyllis Koffman
Martha E. Gifford	Marjorie Martin
Amy Halpert	Teresa Schiller

WBASNY Officers

WBASNY officers will be installed at the Convention on May 21, 2004. Mindy Zlotogura (currently President-elect) will be sworn in as WBASNY President. At the NYWBA Annual Meeting on April 28, 2004, members will vote on the following candidates to serve in the other WBASNY officer positions (listed by office, name and chapter):

President-elect	Andrea Phoenix (Nassau)
Vice President	Maria Cortese (Bronx)
Vice President	Deborah Scalise (Westchester)
Vice President	Elizabeth Bryson (New York)
Treasurer	Risa Sugarman (Orange-Sullivan)
Secretary	Elaine Avery (Brooklyn)

We hope you will join us at the Annual Meeting at 6:00 p.m., which will be followed at 6:30 p.m. by our annual Ethics Forum, a terrific program with 2 CLE ethics credits.

President's Message continued from page 1

interests of the United States. While I was not surprised that the local papers in New Orleans picked up this news, I was astonished and thrilled to read an editorial by the leading local newspaper supporting asylum for these women as a matter of right. We await AG Ashcroft's final decision, but this just goes to show how important it is for us to constantly advocate for women's rights.

Being in New Orleans also gave me a chance to check out the French Quarter and the Hotel Monteleone, where our Convention events will take place. The Convention is going to be fabulous. There are lots of wonderful CLE programs planned, and numerous excursions (including a Riverboat Cruise). For your convenience, we have included a registration form for the Convention. Also, if you, your firm, or anyone else you know would be interested in providing support for the Convention, contact WBASNY Executive Director Linda Chiaverini (212-362-4445).

I am also looking forward to the Convention for personal reasons. The officers will be installed on the final night of the Convention, and I am honored to have been nominated to serve as a Vice President of WBASNY for 2004-05. It will be a challenging year, but I look forward to bringing our Association's perspective to the statewide organization, and sharing WBASNY's perspectives with our Association. We are blessed to have talented, hard-working people as officers of both organizations, and I know we will accomplish so much. I am also thrilled that my mom, Natalie Bryson (whom many of you know from past events), will be joining us in New Orleans and then in New York at the Annual Dinner. She is excited to see everyone again.

As you can see from the list on page 1, we have some incredible events planned for April and May. I want to thank Justice Betty Weinberg Ellerin and the other panelists who will be speaking at our Annual Ethics Forum on April 28, 2004 (registration form pp. 5-6). In addition to earning those important ethics CLE credits, we will hold our Annual Meeting that evening, as well. The Annual Meeting is the Association's "plenary session." It is when we elect our officers and directors and when we discuss the "State of the Association." I hope you will plan to attend both events.

I also want to thank Nance Schick and Brenda Pomerance for their "NYWBA Success Stories," published this month and in the February issue. I love reading about how the Association has influenced people's lives in such unique and positive ways. We have received terrific feedback from this new feature, so please let us know your story. It's easy - just send a note to me or to our wonderful Newsletter Editor, Teresa Schiller (newsletter@nywba.org or 212-878-3003).

As Women's History Month draws to a close, I want to acknowledge all of the people whose stories and courage have made it possible for us to accomplish so much as an Association. Won't you join us in making a little history?



NYWBA SUCCESS STORIES

The NYWBA Success Stories column is a forum for members to share stories and successes in their lives that occurred because of their NYWBA membership or participation in NYWBA events, programs, and activities. The second in our series of NYWBA Success Stories is from member Nance Schick:

A reluctant New Yorker, I was searching for a small pond of friendly fish in this great sea of lawyers. Through my involvement with the Western New York chapter of WBASNY, I had found two fantastic mentors. So, after I moved to Manhattan in 2001, I decided to compare the local chapter and registered to participate in the NYWBA mentor group program.

Our first meeting was in a beautiful office in Midtown with all of the furnishings of a firm with resources far greater than the small, struggling litigation practice where I was working. I felt completely out of place in the name-brand suit I had bought on clearance the previous season. But I quickly learned that the office was merely a beautiful playhouse for an ensemble cast that was less concerned with wardrobe than the content of our impromptu productions. Our group consists of partners, associates, solo practitioners, a court attorney, and a law student. We practice in corporate, criminal, insurance, international, matrimonial, and patent law. We are a truer sampling of the profession than any of the attorneys in the publications I have been receiving since my first year in law school.

I introduced myself and told how I had found an incredible opportunity to manage a department in a small litigation firm - within two weeks of my swearing-in! I was definitely baptized by fire and was exhausting myself with my effort to keep my employer afloat. I was succeeding, but I needed to know that this was not the norm. I needed to turn this situation into another opportunity, but I had no idea how. I was too inexperienced and too tired to see the trail, even while I was on it.

The attorneys in my mentor group thought I was exaggerating at first, but they allowed me to be the topic of conversation for several of the next meetings. We discussed setting and achieving goals, balancing our lives, dealing with difficult people, and building a book of business. They soon learned that I had misplaced loyalty to an unappreciative employer with a dismal future, and they helped me see that success would come from repositioned loyalty to my clients.

On June 23, 2003, I reluctantly became a solo practitioner. I was horrified that so early in my law career I had only myself to depend on. My mentor group reminded me that I was almost wholly self-dependent within the practice of my employer. They also reminded me that I could turn to them for support and guidance. Each of us beamed with joy (and a hint of disbelief) when my first cases and clients followed me. Now, we each share my success.

I plan to hire my first assistant soon, and I am already outgrowing the small office that I rent from a colleague. It can still be as exhausting and demanding as when I worked for others. But I try always to make time for my mentor group and the NYWBA.

I have an NYWBA "success story" because this is a diverse organization of women with vision, humility, and a genuine interest in continuously improving the profession to meet the changes in the communities we serve. Through these amazing members, I have learned that there is a place for each of us because each of us has unique gifts to offer a grossly diverse client base. We are all very lucky to have this vehicle to implement

NOTES ON MEMBERS

Marjory D. Fields of the New York firm of Beldock Levine & Hoffman, returned to New York City on March 1, 2004, after seven months in Japan consulting with women's groups working to improve services and legal remedies for victims of domestic violence. She has also joined forces with International Family Law Chambers in London as Special Counsel for New York matters. The firm's solicitors are qualified in England and Wales, as well as Australia, Germany, and Sweden.

The Association is delighted to announce that past NYWBA President **Norma Z. Paige** will endow a professorship at New York University School of Law. She invites NYWBA members to attend the Inaugural Lecture of the Chair, which will be held on Thursday, April 22, 2004 at 6:00 p.m. at NYU Law School, 40 Washington Square South, Vanderbilt Hall, Greenberg Lounge. The lecture will be presented by Jennifer H. Arlen, whose topic will be "Beyond Vicarious Liability: Holding Managed Care Organizations Accountable for Physicians' Negligence." A reception will immediately follow the lecture. Please contact Damali Smith (damali.smith@nyu.edu or 212-998-6419) with any questions and to RSVP.

NYWBA congratulates the **Honorable Helen E. Freedman**, Justice of the New York Supreme Court, on being honored by the Civil Court Practice Section of the New York County Lawyer's Association on March 1, 2004, in celebration of National Women's History Month. A long-standing member of NYWBA, Justice Freedman sits in the Commercial Division in New York County, manages mass tort cases throughout New York State, and is the Presiding Justice of the New York State Litigation Coordinating Panel. She is also the author of *New York Objections*, and she teaches Mass Torts at New York Law School. In addition to being honored by NYCLA, Justice Freedman wrote a wonderful article about the history of women in the judiciary for NYCLA's March/April Newsletter.

The Association is pleased to congratulate member **Bettina B. Plevan** on her nomination as the 61st President of the Association of the Bar of the City of New York. A partner at Proskauer Rose LLP, Ms. Plevan is a nationally known employment law expert, and she is on the *National Law Journal's* list of top labor and employment lawyers in the country.

The NYWBA is delighted to congratulate past NYWBA President **Laurie Berke-Weiss** on her nomination to serve on the Audit Committee of the Association of the Bar of the City of New York. She is currently a board member and vice-president of the City Bar. In addition to being a past president of NYWBA, she remains very active in our organization. She serves on the NYWBA Foundation Board of Directors, the NYWBA Nominations Committee, and in other capacities.

We are pleased to announce the appointments of two members as co-chairs of important committees of the New York County Lawyers' Association. The **Honorable Barbara Jaffe** has been appointed Co-Chair of NYCLA's Civil Court Practice Section. She has served the Association and WBASNY in many leadership roles, including her service as an NYWBA board member. NYWBA Member **Sylvia E. Di Pietro** has been named Co-Chair of NYCLA's Real Property Law Section. Congratulations to Judge Jaffe and Ms. Di Pietro on their appointments.

change on large and small scales: in our lives, the lives of our peers, and in this great profession.

~ Nance

NYWBA MEMBERS ADVOCATE FOR CHANGE ON LEGISLATION DAY

NYWBA Legislative Committee Co-Chair Jane Bevans provided the following report about this year's Legislation Day.

March 23 was Legislation Day in Albany for WBASNY. Several members attended, including our stalwart and indefatigable Susan Kaufman, the co-chair of the WBASNY Legislative Committee. Among the bills that WBASNY supports, there were four bills that we had chosen to discuss with the legislators. They are as follows:

Emergency Contraception Bill: This would allow pharmacists and nurses to dispense emergency contraception without a doctor's prescription. This is an important bill, since it makes available to victims of rape immediate prevention of pregnancy in a situation where such a person cannot obtain medical attention from a doctor or a hospital, either because of cost or distance from such facilities, which is not an infrequent concern in poor rural areas of New York.

Timothy's Law: This bill ensures that private health insurance plans' coverage for mental illness and chemical dependency is comparable to coverage for physical illness. This bill has passed in many states, but there has been great resistance to passing such legislation. Evidence supports the cost-effectiveness of such insurance, since good mental health care keeps more people in the workforce, reduces absences from work, and increases the functioning of workers. The bill has a good chance of passing in both houses this year, but it will first go to committee for the differences in the house and senate versions to be worked out. This bill also proposes to expand the definition of "household" for the purpose of issuance of Orders of Protection to include former spouses and unrelated persons who continually or at regular intervals reside or have resided in the same household as the petitioner.

Extended Orders of Protection: This bill allows a judge to issue an order extending an existing Order of Protection, or even make an Order of Protection permanent in aggravated circumstances. Modification of an existing Order of Protection would be on notice to the protected party. The Women's Bar suggested that the bill be amended to include a presumption of continuance of the existing order so that the burden for modification would be on the moving party.

Closed-Circuit TV Testimony of Child Witnesses: This act would extend the age of child witnesses who are deemed vulnerable from 12 (the present law) to 16 for the purpose of testifying in court.

Other Issues: In addition to these bills, Women's Bar representatives advocated to the legislators about other issues of importance, including the repeal of the Rockefeller drug laws and same sex marriages. A proposal to amend New York's Domestic Relations Law to include a "no fault" provision was also discussed and will no doubt be a hot topic in the coming year.

I personally met with Senator Liz Krueger, Assembly Members Danny O'Donnell and Deborah Glick, and Lara Kassel, who is a senior legislative associate to Assembly Member Richard Gottfried. I also met with representatives of Concerned Clergy for Choice (CCC). As its name suggests, CCC is an ecumenical group of clergy who support choice. CCC is on the same side as the Women's Bar on many issues, though not all.

The day was exhilarating and worthwhile. We need additional support from members to create more avenues to influence what is happening in Albany. I urge people to get involved in the issues that interest them so that we can have an impact on what our legislators do, by voicing our views on future Legislation Days and throughout the year. All in all, Legislation Day was a great day!

~ Jane

NYWBA ANNUAL DINNER TO BE HELD ON MAY 26, 2004

On Wednesday, May 26, 2004, the New York Women's Bar Association will host its Annual Dinner at the Grand Hyatt New York Hotel.

The **Honorable Jacqueline W. Silbermann** will be honored with the **Joan L. Ellenbogen Award**. The award is being underwritten by NYWBA past President **Sheila Birnbaum**, who will make a substantial gift to a charity in the name of the honoree. Justice Silbermann is the statewide administrative judge for matrimonial matters, as well as the chief administrative judge for the Supreme Court in New York County, and we are so pleased that she will receive this award in its inaugural year.

Linda Greenhouse will receive **The President's Special Award**. Ms. Greenhouse is the U.S. Supreme Court correspondent for *The New York Times* and a Pulitzer Prize-winning journalist.

Davis Polk & Wardwell and **Blank Rome LLP** will each receive the Association's Award of Merit for their outstanding support of the NYWBA's mission and their work to promote issues of importance to women.

The 2004-05 Officers, Directors and NYWBA Delegates to WBASNY will also be installed at the Dinner by the **Honorable Betty Weinberg Ellerin**, Justice of the Appellate Division, First Department, and a past President of NYWBA. Thanks to the generosity of our founder and past President, the **Honorable Florence Perlow Shientag**, the Association will also present the **Florence Perlow Shientag Award** and \$10,000 check to a deserving law student who submits the most outstanding essay on an issue of constitutional law.

A cocktail reception for the honorees will begin at 6 p.m., with dinner following at 6:45 p.m. Invitations will be sent out soon, with options for buying tables and individual seats. We expect a wonderful turnout for the Dinner, so be sure to make your reservations early. This year, we will have a new, larger-format dinner journal, and you are invited to place congratulatory greetings, tributes and advertisements.

For further information about the Annual Dinner or submissions for the Dinner Journal, please contact NYWBA Executive Director **Marta Toro** at info@nywba.org or (212) 360-7055.

The New York Women's Bar Association

Presents

ETHICS AND PROFESSIONALISM **FOR JUDGES AND LAWYERS**

Perspectives from the Bench, Bar & Grievance Committee

- Moderator:** **Robin E. Eichen, Esq.**
Senior Attorney, Federal Trade Commission, Northeast Region
- Speakers:** **Honorable Betty Weinberg Ellerin**
Associate Justice, Appellate Division, First Department
- Andral Bratton, Esq.**
*Deputy Chief Counsel, Departmental Disciplinary Committee
First Department*
- Deborah A. Scalise, Esq.**
*Professional Ethics Chair, Women's Bar Association
of the State of New York and former Deputy Chief Counsel,
Departmental Disciplinary Committee, First Department*
- CLE:** 2 Ethics Credits*
- Date:** Wednesday, April 28, 2004, 6:30-8:30 p.m.
Refreshments provided.
- Place:** New York Life Insurance Company, 51 Madison Avenue, NYC,
1B Conference Center (after 6:00 p.m., enter at 44 East 27th
Street, between Madison Avenue and Park Avenue South)
- Cost:** \$30 NYWBA Members; \$50 Non-Members;
\$60 Registration at the Door
(Please complete the attached registration form.)
- RSVP:** Marta Toro, NYWBA, (212) 360-7055 or info@nywba.org.
(RSVP is required to ensure admission to the building)

* CLE: Approval of CLE credit is pending in accordance with the requirements of the NYS Continuing Legal Education Board for a maximum of 2 credit hours in ethics, acceptable for transitional credit for established and newly admitted attorneys. NYWBA is a chapter of the Women's Bar Association of the State of New York, which is an accredited provider of CLE credits.

Financial hardship scholarships: Full and partial scholarships for this program based on financial need are available. For information on the guidelines and procedures for applying, please contact the NYWBA at 212-360-7055 or info@nywba.org. All requests are confidential.

The New York Women's Bar Association

303 PARK AVENUE SOUTH, #1190, NEW YORK, NY 10010-3601
212-360-7055 • 212-937-2371 (fax) • info@nywba.org

ETHICS AND PROFESSIONALISM **FOR JUDGES AND LAWYERS**

Perspectives from the Bench, Bar & Grievance Committee

Registration Form

To register, please include your credit card information below and fax your registration form to NYWBA at 212-937-2371. If paying by check, make the check payable to "New York Women's Bar Association" and mail a completed registration form and the check to the address listed above.

Please contact the NYWBA at 212-360-7055 or at info@nywba.org with questions.

Registrations will be accepted at the door if space permits.

Registrants must provide at least 24 hours' written notice of cancellation in order to receive a full refund. Please fax cancellations to NYWBA at 212-937-2371.

Name: _____

Firm: _____

Address: _____

Phone: _____

Email: _____

Cost: ___ \$30 WBASNY/NYWBA Member ___ \$50 Non-Member (\$60 at the door)

- I am a member of the New York Women's Bar Association.
- I am not a member of the New York Women's Bar Association.
 - I would like to receive a membership application.

Payment Method: ___ Check enclosed ___ Credit Card (MasterCard or Visa, please)

Cardholder Name: _____
Appears on Card)

Account Number: _____ Expiration Date: ____/____

Cardholder Signature: _____

Thank you!



WBASNY CONVENTION 2004
25TH ANNIVERSARY CELEBRATION
HOTEL MONTELEONE - NEW ORLEANS, LOUISIANA
MAY 20-23, 2004

REGISTRATION FORM

Name (please print) _____ WBASNY Member
 First time attendee

Firm/Organization Name _____ WBASNY Chapter _____

Address _____ City _____ State _____ Zip Code _____

Phone _____ Fax _____ E-mail _____

Full Convention Package: (Includes 3-night hotel accommodations, all scheduled meals including riverboat dinner jazz cruise, and Continuing Legal Education programs)

Double occupancy room (per person) \$ 700 \$ _____

Single occupancy room \$ 925 \$ _____

Name of Roommate: _____

Children under 17 sharing room with adult - no additional room charge. The fee for ordering a roll-away bed is \$25. Cribs are free, based on availability. Crib Roll-away bed \$ 25 \$ _____

Name(s) of Child(ren): _____

2-Night Weekend Package: (Includes 2-night hotel accommodations, all scheduled meals, and Continuing Legal Education programs)

Double occupancy room (per person) \$ 550 \$ _____

Single occupancy room \$ 700 \$ _____

Name of Roommate: _____

Children under 17 sharing room with adult - no additional room charge. The fee for ordering a roll-away bed is \$25. Cribs are free, based on availability. Crib Roll-away bed \$ 25 \$ _____

Name(s) of Child(ren): _____

CLE Deduction - if no CLE, deduct \$75.00 - \$ 75 \$ _____

SUBTOTAL \$ _____

Extra Night Stay:

- Hotel Only -- Double Occupancy (Wednesday, May 19 or Sunday, May 23) \$ 75 \$ _____
 - Hotel Only -- Single Occupancy (Wednesday, May 19 or Sunday, May 23) \$ 150 \$ _____
- Specify Date: Wednesday, May 19 Sunday, May 23

Partial Weekend/Meals: (no hotel accommodations)

- Thursday Riverboat Dinner Jazz Cruise \$ 55 \$ _____
- Friday Full Day (includes CLE programs, receptions and dinner) \$ 150 \$ _____
- Friday Dinner (includes receptions and dinner) \$ 90 \$ _____
- Saturday Full Day (includes CLE programs, receptions and dinner) \$ 160 \$ _____
- Saturday Dinner (includes receptions and dinner) \$ 90 \$ _____
- Full Convention Meal Package (Thursday-Sunday) # _____ X \$ 350 \$ _____
- Full Weekend Meal Package (Friday-Sunday) # _____ X \$ 90 \$ _____
- Child(ren)'s Full Weekend Meal Package (Friday-Sunday) # _____ X \$ 90 \$ _____
- Continuing Legal Education (full weekend) \$ 75 \$ _____
- Continuing Legal Education (one day) \$ 40 \$ _____

TOTAL \$ _____

- Please indicate your room preference: non-smoking smoking handicapped accessible
- Please indicate any dietary restriction: vegetarian Kosher other: _____
- Please indicate your entree preference for Friday Dinner: Beef Fish Poultry
- Please indicate your entree preference for Saturday Dinner: Beef Fish Poultry

CLE PROGRAMS AND SEMINARS - I plan to attend the following CLE programs:

- Effective Legal Writing Lawyer as Employer
- Professional Ethics Update State Court Issues and Bankruptcy Court
- Where is the Money? Women in Leadership

I would like to apply for a CLE scholarship (a written request must be forwarded to WBASNY President, Jo M. Katz, at the address listed below). All requests are confidential.

PAYMENT:

Enclosed is my check, made payable to "**WBASNY**", together with my registration form.
Mail to: WBASNY Convention 2004, Post Office Box, 936, Planetarium Station, New York, NY 10024-0546.

Please charge to: MasterCard _____ Visa _____

Name on Card: _____

Billing Address: _____

Card No.: _____ Expiration Date: ____/____

Signature: _____

- If paying by credit card, you may fax your registration to: (212) 721-1620 or register on-line at: www.wbasny.org.
- Inquiries should be directed to: Linda Chiaverini at (212) 362-4445 or Ichaverini@wbasny.org.

FOR OFFICIAL USE ONLY

Member ID: _____ Received: _____ Check #: _____

Registration ID: _____ Entered: _____ Amt. PD: _____

WEB CITES

Welcome to the fourth tech column, sponsored by the Technology & Internet for Lawyers Committee. This month and next, we feature **Securities** law.

A "security" is an interest based on an investment of money in a common enterprise rather than on direct participation in it (*Black's Law Dictionary, 7th ed.*).

1. The Securities and Exchange Commission website is an essential source for securities information. It provides access to relevant laws, administrative decisions, forms, and other information about federal securities laws (<http://www.sec.gov>). The SEC site (<http://www.sec.gov/edgar.shtml>) is also the home of "EDGAR," which is where public companies electronically file their securities filings. EDGAR is an extremely helpful source of information about public companies.

2. The National Association of Securities Dealers (NASD) is the self-regulatory arm of the securities industry (www.nasd.com). The NASD website publishes regulations and rules that govern public companies (www.nasdr.com) and provides "investor alerts," "member alerts" (alerts to companies regulated by the securities laws), and other resources. It also provides the "NASD Broker Check," a resource to check if a securities broker is licensed.

3. "WashLaw Guide to Legal Information on the Internet," a website that is hosted by Washburn University School of Law (<http://www.washlaw.edu/subject/securities.html>), has many links to securities law topics.

4. Cornell University School of Law web site (<http://www.law.cornell.edu/topics/securities.html>) also provides links to securities laws and relevant case law. It also provides an overview of the securities laws that is very helpful for people who are new to the topic.

5. Beam & Astarita, LLC hosts a website that provides information about federal and state securities laws (<http://www.seclaw.com>), with links to federal laws, "Blue Sky" laws, articles, news, and discussion groups.

Next month: the litigation side of securities law.

Please send comments and suggested websites to Eleanor Vale (techcolumn@nywba.org). We look forward to your contributions. Whatever your area of practice may be, if you come across a web site you value, share it with the rest of us.

Remember, you can also enter the word "securities" in various search-engines such as <http://www.google.com>, <http://www.altavista.com>, and <http://www.yahoo.com>.

~ Eleanor Vale

We intend this as a service to our members. As with all research tools, you should use your judgment in assessing the accuracy and completeness of the information you find on the Internet.

COMMITTEE CALENDAR

The **Technology & Internet For Lawyers Committee** will meet on **Monday, April 26, 2004 at 6:15 p.m.** at the offices of NYWBA President Elizabeth Bryson, New York Life, Room 2612, 44 East 27th Street (between Park and Madison Avenues). New members are welcome. Light refreshments will be served. For information or to RSVP, please contact Co-Chair Kay Marmorek at 212-748-5967 or til@nywba.org.

The **Trusts & Estates Committee** will meet on Monday, **May 3, 2004 at 6:00 p.m.** at the offices of Fulbright & Jaworski, 666 Fifth Avenue (between 52nd and 53rd Streets), 31st floor. The speaker will be Steven G. Lockwood, Esq., a leading expert on employee benefits and estate planning with IRAs and pension plans. Please RSVP to Co-Chair Loretta Ippolito at lippolito@wilkie.com, or call Loretta's secretary, Annette Piazza, at 212-728-8334. (Your RSVP will ensure that your name will be on the security list.)

GAIL COLLINS HEADLINES FOUNDATION EVENT

The NYWBA Foundation is proud to announce that **Gail Collins** will be the speaker at its next "Breakfast Series" event with notable women. In August 2001, *The New York Times* made history by naming Ms. Collins as Editor of its editorial page, the first woman to hold this position. Previously a *Times* columnist and editorial board member, Ms. Collins has brought a distinct, fresh style to the newspaper's editorials. She is also the author of *America's Women: 400 Years of Dolls, Drudges, Helpmates, and Heroines* (Morrow 2003), an engaging and fascinating tour through women's lives from the time of the colonies to the present.

Ms. Collins has gained a reputation as an entertaining speaker with a style that showcases the directness of her viewpoints. We know that she will be a terrific addition to our speaker series. Join your colleagues, bring a friend, and know that your tickets will support the Foundation's internships at public interest legal organizations that serve women and children.

The program, with continental breakfast, will take place on May 4th from 8:00 to 9:30 a.m., at the Harvard Club, 27 West 44th Street. Bring your copy of Ms. Collins's book, or buy a copy at the breakfast, and Ms. Collins will autograph it. Tickets are \$75 in advance, \$85 at the door. The Foundation is an IRC 501(c)(3) charity, and approximately two-thirds of the cost, as well as your purchase of a book at the event, is tax-deductible. The Foundation also encourages participants to purchase an extra tax-deductible ticket to enable a student from Washington Irving High School who is interested in law to attend the event and learn firsthand about women who make history.

For information, call Foundation President Kathy Posner at (212) 894-6730. The Foundation Board extends its thanks to Ms. Collins, her agent, and her publisher for generously donating the books to be sold at the Breakfast.

~ Meg Gifford

WBASNY Questions Three Proposed Rule Changes Recommended in Interim Report of the Commission to Promote Confidence in Judicial Elections

In February, WBASNY submitted a comment letter to the New York State Office of Court Administration on several proposed rule changes that are contained in the Interim Report of the Commission to Promote Confidence in Judicial Elections. While WBASNY commended the Commission for seeking to address the important issue of public confidence in the judiciary in general and particularly with respect to judicial elections, it explained that three proposed changes, as written, are a cause of grave concern.

Among other issues, the proposed rules would require disqualification from a litigation of any judge whose campaign for judicial office had accepted more than \$500 from any lawyer or party (or from anyone in their law firms or companies). The proposed rules would also require a litigator immediately to disclose all campaign contributions to a judge during the first court appearance. (Currently, lawyers are not allowed to discuss or disclose campaign contributions to judges, and judges are not allowed to inquire about them.)

There are a host of practical and ethical problems with the proposals, as described by the following excerpt:

Our concerns with the draft proposals lie not with the notion of having limits on donations to judicial campaigns. Rather, the specific methodologies chosen and expressed in the current proposed rules to implement the limits would have the effect of limiting an attorney's ability to financially support judicial candidates at all. It is our opinion that this will have a chilling effect on the ability of female and minority candidates to effectively raise funds to run for judicial office. There is a great need for diversity on the Bench, and these rules will present real obstacles to any progress in that regard.

NYWBA President Elizabeth Bryson chaired a task force of WBASNY chapter presidents who examined the proposed rules and drafted the response. She was honored to work with Greater Rochester Assn. of Women Attorneys President Elizabeth Wolford, Nassau County Women's Bar Assn. President Irene Villacci, Western New York Women's Bar Assn. President Melissa Hancock Nickson, and Westchester Women's Bar Assn. President Kathleen Donelli.

After review by the Task Force and the WBASNY officers, the WBASNY Executive Committee unanimously endorsed the 12-page comment letter (with abstentions by judicial members).

You can download the complete comment letter at the WBASNY website (www.wbasny.org), or contact Ms. Bryson (president@nywba.org or 212-360-7055) for a copy.

Justice Ellerin to Speak at Annual Ethics Forum

The Honorable Betty Weinberg Ellerin will be a featured speaker at NYWBA's Annual Ethics Forum on April 28 at 6:30 p.m. The forum's topic will be "**Ethics and Professionalism for Judges and Lawyers: Perspectives from the Bench, Bar & Grievance Committee.**" Justice Ellerin will be joined on the panel by **Andral Bratton**, Deputy Chief Counsel of the Departmental Disciplinary Committee for the First Department; **Deborah A. Scalise**, WBASNY Professional Ethics Chair and former Deputy Chief Counsel of the Departmental Disciplinary Committee for the First Department; and **Robin E. Eichen** (moderator), Senior Attorney at the Federal Trade Commission for the Northeast Region and Co-Chair of the NYWBA Ethics and Professional Discipline Committee. Attendees will receive 2 Ethics CLE Credits. (See the flyer and registration form in this issue for more details.)

The forum will follow the NYWBA Annual Meeting to elect officers, directors, and WBASNY delegates, which is scheduled for 6 p.m. (See the slate of candidates, p. 2 in this issue.) The Annual Meeting and Ethics Forum will be held at New York Life Insurance Company, 51 Madison Avenue, NYC (at 27th Street). If you have any questions or to RSVP, please contact NYWBA Executive Director Marta Toro at info@nywba.org or (212) 360-7055.

The Association expresses particular thanks to Deborah Scalise, Robin Eichen and the members of the Ethics and Professional Discipline Committee for their terrific work in preparing the CLE materials and making the arrangements for the Ethics Forum this year, and to Justice Ellerin and Andral Bratton for their participation.

WBASNY JOINS AMICUS BRIEF IN LANGAN CASE, SEEKING COMITY FOR SAME-SEX UNIONS

In January, WBASNY joined in an *amicus* brief in support of plaintiff John Langan in his wrongful death suit against St. Vincent's Hospital. The case arises from the death of attorney Neal Spicehandler, whom Mr. Langan had wed in a civil union in Vermont. The hospital contended that Mr. Langan did not have standing to sue because he was not the legal spouse of the decedent under New York law. The lower court disagreed, holding that New York law was required to recognize Mr. Langan as Mr. Spicehandler's spouse under Vermont law.

The case is currently on appeal to the Appellate Division, Second Department. WBASNY joined in the *amicus* brief with the Association of the Bar of the City of New York, the New York County Lawyers' Association, and the American Academy of Matrimonial Lawyers-New York Chapter. The City Bar kindly took the lead on the brief.

The WBASNY Amicus Committee, under the leadership of Co-Chairs Melinda Saran and Sandra Jacobson (past President, NYWBA), prepared WBASNY's supporting papers for the brief, and they, along with several WBASNY Officers and members (including NYWBA members), were involved in reviewing the brief. In March, the Second Department issued a ruling to accept the *amicus* brief for filing (which the hospital had opposed). We await the decision on the merits with interest.

PART I OF OUR SPECIAL SERIES ON LONG-TERM CARE INSURANCE

Competent financial planning is an important issue to our members, and in December 2003, we were delighted to sponsor a program on long-term care insurance. The program was kindly underwritten by North Fork Bank and featured a wonderful lecture by Marilyn Lavender, a certified specialist on long-term care. The program was such a success that we have prevailed on Ms. Lavender to write a series of articles on the subject. In the first article, she discusses the reasons why people should consider purchasing long-term care insurance and the impact on families and caregivers when they do not have appropriate coverage in place.

IS YOUR LIFESTYLE IN JEOPARDY?

By Marilyn Lavender, CLTC¹

Several years ago, one of my clients asked me to help a friend of hers, a woman in her mid-40s who was married with a teenage daughter. She had developed MS soon after her daughter was born and had not been able to work for years. Her husband was approaching retirement age and had passed his peak earning years. Their expenses were skyrocketing as her illness progressed. Her mother, then in her 70s, moved in with them since they could not afford hired help. After caring for the woman for several years, the grandmother died of a heart condition. Then the woman died from MS. The husband was left in financial ruin with a child who was still not self-sufficient.

If I had met this family earlier, before the woman became ill, I might have been able to show them how to insure their lifestyle. Had this family been properly insured, the financial burden might not have been so heavy. Perhaps the grandmother might have lived longer. Perhaps the woman's life might have been more bearable without the financial strain. Perhaps her daughter might have had a more normal childhood. Perhaps the husband would not have had to declare bankruptcy.

There are several relevant points to this story.

- Long-term care is not just for the elderly.
- Health insurance and disability insurance do not pay for long-term care costs.
- Long-term care costs are paid for primarily from one's own assets.
- You can generally only get LTC insurance BEFORE you need it.
- Long-term care insurance is "lifestyle insurance."

As the population continues to age and medical advances keep us alive longer, almost everyone will be touched in some way by this growing need. It is estimated that 50% of us will require some type of long-term care at some point in our lives. If we are among the lucky 50% who do not need care ourselves, there is a high probability that we will become caregivers for our parents, parents-in-law, spouses or other family members.

Although women have made remarkable strides professionally over the past 30 years, we still bear the major responsibility of caregiving when family members becomes ill. Consider the following statistics:

- Two-thirds of caregivers are women.²
- One-quarter of all households are currently providing elder care services.³
- Caregivers average 18 hours of care per week.⁴
- Significant numbers of American women spend a longer time caring for parents than for children.⁵

- Average caregiving time is 4.5 years.⁶
- 41% of caregivers also have at least 1 child under the age of 18 at home.⁷
- Caregivers whose family members have long-term care insurance are twice as likely to stay in the workforce as those whose family members do not have LTC insurance.⁸
- Average lifetime cost to caregivers who are employed is \$659,000.⁹

Currently, the average cost of custodial care in New York City exceeds \$100,000 both for full-time care at home and in nursing homes. These costs are projected to triple over the next 15-20 years. It is no wonder that *The Wall Street Journal* warns that the lack of planning for the possibility of long-term care needs is the biggest threat to successful retirement planning. The need for long-term care can also be a threat to our careers.

If someone you loved needed care, how would your life be impacted? Could you find 18 hours in your week to be a caregiver? How would that affect your career? Your finances? Your children? Your spouse?

For more information visit www.Guidelns.com.

Next article - Long-Term Care Myths and Misconceptions.

¹ The author is a long-term care insurance specialist who provides solutions to individuals and businesses, as well as consulting services to other financial services professionals.

² Spillman, Brenda C., Ph.D. and Pezzin, Liliana, "Potential and Active Family Caregivers: Changing Networks and the 'Sandwich Generation,'" The Urban Institute; Johns Hopkins University School of Medicine, *The Milbank Quarterly*, Vol. 78, Nov. 3, 2000.

³ *The MetLife Study of Employed Caregivers: Does Long-Term Care Insurance Make a Difference?*, MetLife Mature Market Institute, Mar. 2001.

⁴ *Report, Findings and Recommendations of the Working Group on Long-Term Care*, U.S. Department of Labor, Advisory Council on Employee Welfare and Pension Benefit Plans, Nov. 2000.

⁵ Olson, Laura, "The Public and Private Worlds of Women and Elder Care in the U.S.," *Hallym International Journal of Aging*, 2000, p. 15.

⁶ "Chronic Illness and Care Giving," survey conducted by Harris Interactive on behalf of The Robert Wood Johnson Foundation, Johns Hopkins University, and Partnership for Solutions, Mar. 17-Nov. 22, 2000, published Feb. 26, 2001.

⁷ Turk, Michele Pullia, "The Caregiver Generation," USA Weekend, Nov. 20-22, 1998.

⁸ *The MetLife Study of Employed Caregivers: Does Long-Term Care Insurance make a Difference?*, MetLife Mature Market Institute, Mar. 2001.

⁹ *Balancing Care Giving with Work and the Costs Involved*, National Alliance for Care Giving and the National Center on Women and Aging at Brandeis University, MetLife Mature Market Institute, Nov. 1999.

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 e-mail articles, notes on members, committee calendars, and any other announcements to **Teresa Schiller, Esq.**, tel. no. 212-878-3003, email newsletter@nywba.org.

NYWBA List Serve

The NYWBA List Serve 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 serve or if you would like to be added to the list serve.

Have you changed your address, firm, phone number or other information? Please call 212-360-7055 or send an e-mail to "info@nywba.org" with the updated information. This will help us keep you informed and our records up-to-date.

Mark Your Calendars!

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