



NEW YORK WOMEN'S BAR ASSOCIATION

New York Women's Bar Association

Invites you to attend our

2011 Awards and Installation Dinner

The President's Special Award will be presented to the
HON. LORETTA A. PRESKA
Chief Judge of the United States District Court
for the Southern District of New York

The Doris S. Hoffman Award will be presented to the
HON. ANGELA M. MAZZARELLI
Associate Justice, Appellate Division, First Department

and

MARJORIE A. MARTIN, A.L.J.

Administrative Law Judge, NYS Dept. of Traffic Violations

We will install

PATRICIA ANN GRANT

as President of our Association and all other
Officers and Directors for the upcoming year.

When: Tuesday, June 14, 2011
6:00 p.m. - Cocktails, Silent Auction, and
Raffle to benefit the Honorable Betty Weinberg
Ellerin Fellowship
7:30 p.m. - Dinner and Program

Where: Capitale, 130 Bowery at Grand Street, NYC

Cost: \$215 per person; \$195 if a member of the Judiciary;
\$2500 per table of 10

RSVP: To reserve seats for the 2011 Annual Dinner or to submit a
tribute ad in the commemorative Journal, go to our website
(www.nywba.org/annual_dinner) to register. Space is limited, so register
as soon as possible.

Info: For questions or info, send an email to
AnnualDinner@nywba.org

We hope to see you there!!

PRESIDENT'S MESSAGE

Inspiration

APRIL 2011



Gretchen Beall Schumann

Inspiration comes in many forms. Often times we are inspired by our role models, other times we can be inspired by collaboration with others toward mutual goals and interests.

In this month's issue, we are honored to recognize two inspiring lives. We bring you a special profile of Justice Betty Weinberg Ellerin, the first female Justice to serve on the Appellate Division of the Supreme Court of the State of New York, First Department, and the first female Presiding Justice. Among other prominent positions, Justice Ellerin, a Past President of the NYWBA, also serves as Chair of the New York State Judicial Committee on Women in the Courts. Justice Ellerin, the Association expresses its gratitude to you for empowering generations of women lawyers and most recently, for your contribution to the overwhelmingly successful April 5th Symposium at New York University Law School: "Taking Stock: A Symposium Celebrating the NYS Judicial Committee on Women in the Courts 25th Anniversary", co-sponsored by the NYS State Judicial Committee on Women in the Courts and the NYU Review of Law and Social Change. This outstanding program provided a necessary forum for attendees to engage in candid dialogue about issues affecting women and families, in an atmosphere where law students, law professors, experienced attorneys, and judges could inspire each other with new approaches to obstacles and challenges.

This is a time to remember another extraordinary member of our Association. In March, we mourned the passing of trailblazer Geraldine Ferraro, who forever elevated the status of women, and this Association, when in 1984 she became the first female Vice Presidential candidate. A Past President of the Queens County Women's Bar Association, former Congresswoman Ferraro was an active member of the Women's Bar who later became a member of the New York County chapter. May Geraldine Ferraro's memory live on through all efforts to promote women to positions of power in government. We kindly request that you share your memories with our Archives and History Committee. Please send us your recollections and photos so that we can continue to celebrate a life distinguished and well-lived.

As for inspiration in numbers, for bar associations it is especially important to partner with other organizations in order to reach a wider audience. I would also like to take this opportunity to commend the President of the New

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2010-2011 NYWBA COMMITTEE CHAIRS

STANDING COMMITTEES

- By-Laws and Amendments Elizabeth A. Bryson
- Cooperation with Other Bar Assns Hon. Kelly O'Neill Levy
- Employment and Equal Opportunity for Women . . . Felice B. Ekelman and Louis Pechman
- Judiciary Bonnie E. Rabin
- Legislation Jane Bevans and Jennifer P. Brown
- Membership Heather K. Leifer and Jessica Ventarola Kane
- Professional Ethics and Discipline Hon. Barbara Jaffe and Sarah Diane McShea
- Programs, Events and Arrangements Diana G. Browne and Donna M. Praiss Patrice Ettinger and Jo Ann Douglas (Annual Dinner)
- Publicity / Press Tamara Lannin

SPECIAL COMMITTEES

- Advance the Status of Women in the Profession Brenda Pomerance and Rachel J. Minter
- Alternate Dispute Resolution . . . Andrea Vacca and Leona Beane
- Archives & History Susan L. Pollet
- Awards Orrit Hershkovitz
- Business Law, Taxation & Bankruptcy Cassandra M. Porter and Monique McClure
- Children's Rights & Issues . . . Barbara J. Schaffer and Jill M. Zuccardy
- Continuing Legal Education Yacine Barry
- Criminal Law Isiris I. Isaac and Kathryn E. Salensky
- Diversity Jillian L. Goorevitch and Caitlin I. Somerman
- Domestic Violence Amanda B. Norejko and Laura A. Russell
- Elder Law & Disabilities Miriam Davidson and Kay Marmorek
- Immigration Law Annie J. Wang and Jennifer Durkin
- Intellectual Property Maria L. Palmese
- International Law & Practice Christa M. Bosch and Rebecca Adams Hollis
- Investment Management Regulation Carla P. Vogel and Allison Harlow Fumai
- Litigation Kathy M. Lynch and Marni Rae Robin
- Long Range Planning Elizabeth A. Bryson and Myra L. Freed
- Matrimonial & Family Law Briana Denney, Sophie Jacobi and Hon. Andrea Masley
- Mentoring & Mentoring Circles Andrea Vacca and Randy L. Shapiro
- Newsletter Stephanie M. Adduci
- Privacy & Cyberlaw Patrice S. Ettinger
- Pro Bono Gail M. Kempler
- Real Estate Law Donna G. Hopkins
- Reproductive Rights TBA
- Solo & Small Firm Practice Deborah G. Rosenthal and Gina T. Danetti
- Students & New Lawyers Stephanie M. Adduci and Jane CoCo Cowles
- Summer Program Cassandra Porter and Stephanie M. Adduci
- Technology & the Internet / Website Elizabeth A. Bryson and Theresa L. Widmann
- Trusts & Estates Leona Beane and Loretta A. Ippolito
- Women's Health Issues Denise Scotto
- Working Parents Christine M. Harman and Melanie A. Chieu

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

President's Message (Continued from Page 1)

York State Bar Association, Stephen Younger, for convening bar leaders and organization directors earlier this month in order to address issues related to diversity and inclusion, and ways in which various associations can work together to encourage bar association participation throughout the State. On April 11th, we were pleased to co-sponsor an important screening of the documentary "Very Young Girls", followed by a panel discussion, with the Gender Fairness Committees of the New York County Courts and the Brooklyn Women's Bar Association.

On a final note, this month's Newsletter would not be complete without mention of our upcoming Annual Awards and Installation Dinner to be held on June 14th (see *announcement on p. 1*). On that night, we will honor Chief Judge of the United States District Court, Southern District of New York, the Honorable Loretta A. Preska, with the President's Special Award, as well as two of our long-standing Board members and new Advisory Council members, the Honorable Angela M. Mazzarelli and Administrative Law Judge Marjorie A. Martin, with our Doris Hoffman Award. We look forward to an exceptional evening and hope that you will celebrate with us. To register, please visit our website at www.nywba.org/annual_dinner.



COMMITTEE NOTES

The **Business Law, Taxation, and Bankruptcy Committee** invites you to join our committee this year. The Committee meets on the fourth Monday of each month at the offices of New York Life Investment, 51 Madison Avenue, New York, NY 10010. We thank NY Life Investment and Director Monique McClure for hosting. Our next meeting will be on April 25, 2011. Upcoming meeting dates: May 23. RSVP to Co-Chair Monique McClure at Monique_mcclure@nylim.com. She and Co-Chair Cassandra Porter look forward to seeing you there.

The **Domestic Violence Committee** will be meeting on May 17, 2011. The guest speaker will be Catherine Shugrue dos Santos from the New York City Anti-Violence Project (AVP), who will give a presentation on domestic violence in the LGBTQ community. Meetings begin at 6:30 p.m. and will be held at our new location: Skadden, Arps, Slate, Meagher & Flom LLP, 4 Times Square, NYC (42d St. between Broadway and Sixth Ave). All NYWBA members are welcome. Contact Co-Chairs Amanda Norejko (anorejko@sffny.org) or Laura Russell (larussell@legal-aid.org) with any questions or to join the Committee.

The **Matrimonial and Family Law Committee** meets at 6:15 p.m. on the third Wednesday of each month at Blank Rome, LLP, located at The Chrysler Building, 405 Lexington Avenue, NYC. We thank Blank Rome for hosting us again this year. Next meeting: May 18, 2011. To RSVP for meetings, send an email to Co-Chair Briana Denney at bd@sladenewman.com. Send ideas and requests for meeting topics to Co-Chair Sophie Jacobi at sjacobi@msalaw-ny.com.

The **Students and New Lawyers Committee** meets from 6 to 8 p.m. on the fourth Monday of each month at New York Life Investment, 51 Madison Avenue, New York, NY 10010. We thank NY Life Investment and Director Monique McClure for hosting. Our next

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**~ Notice to Members ~
NYWBA ANNUAL MEETING & ELECTIONS**

The **Annual Meeting** and elections will be held on **April 27, 2011** at 6:00 p.m., and will be followed by a **CLE program on Appellate Practice** (see announcement on page 1).

Members in good standing whose 2010-2011 dues were received by **January 31st** may vote at the Annual Meeting. (By-Laws, Article XIV, Section 1.)

NYWBA NOMINATIONS COMMITTEE REPORT

At its December 10, 2010 and January 12, 2011 meetings, the NYWBA Nominations Committee nominated the following to serve for the positions and terms stated below.

OFFICERS (2011-2012)

President:	Patricia Ann Grant
Vice Presidents:	Hon. Jacqueline W. Silbermann Catherine M. Foti Julie Hyman
Treasurer:	Ann E. Gittleman
Recording Secretary:	Yacine Barry
Corresponding Secretary:	Jennifer P. Brown

BOARD OF DIRECTORS

Class of 2011-2014

Elizabeth A. Bryson	Susan M. Moss
Hon. Laura E. Drager	Deborah G. Rosenthal
Hon. Phyllis Gangel-Jacob	Gretchen Beall Schumann
Hon. Sherry Klein Heitler	

Class of 2009-2012 (to fill unexpired terms)

Bonnie R. Cohen-Gallet	Amy B. Goldsmith
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COMMITTEE ON NOMINATIONS

Class of 2011-2013

Elizabeth A. Bryson	Myra L. Freed
Jo Ann Douglas	Gretchen Beall Schumann

NYWBA MEMBERS OF WBASNY BOARD (2011-2012)

Jane Bevans	Marjorie Martin
Elizabeth A. Bryson	Donna M. Praiss
Dawn M. Cardi	Amy Saltzman
Jo Ann Douglas	Gretchen Beall Schumann
Hon. Betty Weinberg Ellerin	Hon. Jacqueline W. Silbermann

WBASNY COMMITTEE ON NOMINATIONS REPORT

President-Elect **Karen Richardson** (Western New York) will be installed as President at the WBASNY Convention on May 21, 2011. The WBASNY Nominations Committee nominated the following for other WBASNY officer positions:

President-Elect:	Maureen E. Maney (<i>Central New York</i>)
Vice Presidents:	Linda Kevins (<i>Suffolk</i>) Irene V. Villaci (<i>Nassau</i>) Donna E. Frosco (<i>Westchester</i>)
Treasurer:	Donna M. Praiss (<i>NYWBA</i>)
Recording Secretary:	Jacqueline P. Flug (<i>Bronx</i>)
Corresponding Secretary:	Andrea F. Composto (<i>Brooklyn</i>)

WELCOME NEW MEMBERS

Sheri Adler	Susan J. Kohlmann
Simone N. Archer	Linda J. Lovell
Amarilda Brahim	Suneydis Martinez
Sarah Connelly	Maureen McCloskey
Lauri DiPreta	Maeghan McLoughlin
Delaine Marie Duncan	Sharanya Mitchell
Jeanine M. Elbaz	Vanessa C. Mueller
Christine Essopos	Chaviva B. Negari
Nancy Fayed	Bijal Nitin Patel
Kate Fiscalini	Neelima Penta
Lisa Gora	Randi Proukou
Monique Gora	Alyssa A. Rower
Meredith K. Grauer	Swati M. Sawant
Casey Greenfield	Rachel Snyder
Katharine Griffing	Jamie L. Stroud
Heather Weiner Hart	Dana Swidler
Naomi K. Hills	Alison Trainor
Rachel Jacobs	Jessica Wald
Taylor D. James	Leah A. Witmer
Elisia M. Klinka	Linlan Zhou

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.

Susan J. Kohlmann
Karen Greve Milton
Irene A. Sullivan

NOTES ON MEMBERS

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

Honorable Barbara Jaffe, former NYWBA Board member (2001-2003) and Co-Chair of the NYWBA's Committee on Professional Ethics and Discipline, was honored by Brooklyn Law School's Brooklyn Entertainment and Sports Law Society & Art Law Association on April 5, 2011 at the Annual Alumni Awards Dinner. She was presented with the Dean Beryl Jones-Woodin Art Law Award. Congratulations!

Congratulations to Past President **Donna M. Praiss**, on her nomination to be the next WBASNY Treasurer. We are very proud and we know she will do a great job representing NYWBA at WBASNY.

Committee Notes (Continued from Page 2)

meeting will be on April 25, 2011. Upcoming meeting dates include: May 23. If you are interested in joining the Committee and attending our meetings, RSVP to Co-Chairs Stephanie M. Adduci and Jane CoCo Cowles at SNLChairs@nywba.org.

The **Working Parents Committee** invites you to our monthly brown bag lunch meetings at noon on the second Thursday of each month at MetLife, 1095 Avenue of the Americas, NYC (at 42nd Street). If interested in attending, RSVP to Co-Chair Christine Harman (christinemharman@yahoo.com, 201-704-9109). She and Co-Chair Melanie Chieu look forward to seeing you.

Interview of the Hon. Betty Weinberg Ellerin

By Susan L. Pollet



Q: When and why did you become involved in the NYWBA?

A: When I was in law school, I clerked for a woman lawyer who took me to a women's bar association meeting. At the time, it did not seem as if they were particularly concerned with issues unique to women and the organization did not much interest me. In 1969, when I was a law clerk to a Supreme Court Justice (incidentally I was the first woman to clerk for a regularly elected Supreme Court Justice in New York State) I received a call that 'I must run' to be President of the NYWBA. I had three children and did not really think I had the time, but I was convinced to do it anyway. I ran in a contested election and the slate which I headed won. The reason I agreed to run was to focus the organization on women's issues. Despite the contested election, I soon bonded with all factions, and we went on to have a very productive year that set the course for the Association's future endeavors.

Q: What were the issues of the day when you were President of the NYWBA?

A: The agenda was largely focused on issues affecting women and particularly women lawyers. First, was our commitment to getting more women on the bench and into significant governmental positions. When I was President the legislature passed abortion reform which we had worked for. We were involved in trying to break barriers with eating clubs which were for men only. I recall an incident when I went to the Harvard Club with my husband. We were walking up the front stairs, and we were quickly met by a uniformed man who said that women could not go in that entrance. I retorted, "Not this woman," and stormed off. I just would not accept that, and worked to change that.

I have always recognized that women lawyers can take care of themselves, but that our poorer, less educated and disadvantaged sisters must have someone to speak for them. We as women lawyers have a unique role to fill, and that was a lot of what I focused on as President and thereafter. Fifteen years ago I became the Chair of the New York State Judicial Committee on Women in the Courts, and I have been able to work on these issues in that context as well.

Q: In what ways has the NYWBA changed over time?

A: Some of the issues have changed, and some have not yet been resolved. There are now significant numbers of women on the bench and in significant policy roles in the judiciary so that issue has been largely resolved. The issue involving men-only eating clubs has been resolved. While freedom of choice still exists we must be vigilant so that the forces which seek to diminish that choice do not succeed in turning the clock back.

With respect to domestic violence, it was not even a 'blip on the radar screen' during my time as president. Police were casual about domestic violence thinking of it as a family affair. Today, the police take it more seriously, the courts take it more seriously, and people are talking about domestic violence in a way we could not have imagined years ago but, unfortunately, it still remains a very

serious and difficult issue and we have a new problem in sex trafficking. Likewise, in the early years in rape cases, I can remember ADA's 'snickering' about the cases. Things have changed since then.

The economics of divorce have changed somewhat, although we have a new set of problems. When equitable distribution came into being, I felt it important to sensitize my male colleagues about the lack of women's opportunities in the work place, and the needs of women who had been in a long term marriages. Today there are some additional issues. Some women are doing well financially, and if she is the more affluent one, it has to be divided in a fair way too. More and more judges understand what equitable means and they address the economic disparity in their decisions although many still "don't get it" and there is still a problem insuring that the right judges sit in matrimonial parts. I was involved with the development of the child support guidelines as well in my capacity as Chair of the Women in the Courts Committee at the City Bar.

Q: What memories do you have of people and/or events involving the NYWBA?

A: What springs to my mind are the "larger than life" personalities of people like Joan Ellenbogen. We have been supportive of each other and I have made many close friends through the NYWBA. I think about the fun we had at conferences and conventions, and are still having.

Q: Yes Judge Ellerin. I can remember seeing you on the dance floor at 2:00 a.m. at some of those conventions! In which direction would you like to see the NYWBA go in the future?

A: Women still have a way to go although I think that needed changes are within sight. In large law firms there is still a gap between the power partners and the women in those firms. We have to work to enhance the position of women in large firms and women partners have to serve as mentors. The political structure is largely male if you look at the Governor, Assembly and Senate. There are more women judges today and we don't have women fighting over one slot reserved for a woman. On the contrary, women are far more supportive of each other. I am concerned that the NYWBA is not involved enough with women who cannot speak for themselves, and we should endeavor to change that. Immigrant women are a big concern. The poor and underprivileged women must have access to counsel. We have to try to expand pro bono programs. We have an obligation to insure that all litigants get a 'fair shake.' As far as Family Court is concerned, there are multiple issues too numerous to list here. I was on the Matrimonial Commission, and am currently on the Office of Court Administration's Matrimonial Practice Advisory Committee and am involved in the Family Court Task Force at the NY County Lawyers.

Q: Your professional and personal life is of great interest to our members. Please tell us the trajectory of your career, and why you took the different paths that you did.

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Elder Law Committee Hosts Two Programs Addressing Governmental and Private Non-Profit and For-Profit Services for the Elderly

By Mary McCorry

On February 8 and March 8, 2011, the Elder Law Committee presented programs which discussed the needs of elderly persons for assistance in daily living, ranging from minimal intervention to total guardianship. The Committee designed these programs to inform attorneys who have elderly clients of the services available in New York City when a client becomes physically or cognitively impaired and unable to perform the tasks of daily living. The growing problem of elder abuse and initiatives to address it also were discussed. Both programs were held at One Stop Senior Services, an Upper West Side non-profit organization that provides comprehensive services to the elderly.

ADULT PROTECTIVE SERVICES

The February 8 program was headlined by Lin Saberski, New York City Deputy Commissioner for Adult Protective Services (APS). Miriam Davidson, Elder Law Committee Co-Chair, moderated the program.

Ms. Saberski's presentation discussed the statutory and regulatory basis for APS services, including the types of services mandated by law, and the eligibility criteria. See NYS Social Services Law §473 (2006) and 18 NYCRR §457. She also explained how the process works, and the challenges APS faces in implementing its mandate.

Protective services have been available pursuant to New York State law for more than 40 years to all persons, regardless of income, who are 18 years of age or older and who have a mental and/or physical impairment that puts them at risk in the community (being "at risk" is not enough; the risk must be related to the impairment). The final criterion is that there be no other person (e.g., family member) who is willing and able to assist the individual responsibly. Anyone can make a referral to APS by calling its Central Intake Unit during regular business hours, 212-630-1853, or online at www.nyc.gov, by linking to HRA, then to Medical Insurance and Community Services Administration.

Ms. Saberski enlightened the audience about the heavy caseload that APS handles. At any one time, APS is serving approximately 7,500 clients. The program receives 1200-1500 referrals per month, of which 15-25% are referrals from Marshals at the time that an eviction order has been issued. As a safety net, a Marshal may refer the matter to APS to evaluate the tenant -- to determine if APS should step in -- before the eviction is executed. Housing evictions started to become a significant issue at APS about 12 years ago; now, 50% of APS referrals have an eviction component to them. Because APS frequently is first notified at the point that a judgment of eviction has been issued, it may not be possible to delay the eviction. APS must relocate the client, not an easy task in New York City, given the limited housing options available. APS tries to avoid having to refer the individual to a shelter, but cannot do so in all cases.

Elderly clients who are referred to APS often are distrustful, do not want help, and refuse to cooperate with APS caseworkers. Thus, the delivery of needed services is often delayed as APS caseworkers work to gain client cooperation.

When a client is referred, APS is mandated by law to perform and complete an assessment within 60 days. For most eligible clients,

APS includes a psychiatric evaluation (by an in-house psychiatrist), which enables APS to lay the foundation and speed the process for additional services that may need to be put in place after responding to the immediate issues that prompted the referral.

The largest single category of services APS provides is financial management. In those cases, APS becomes the Representative Payee for the individual, receiving the Social Security payments electronically and paying the client's bills. APS frequently uses the Representative Payee device in connection with nonpayment evictions (preventing the eviction by paying back rent through an emergency grant and assuring the court that APS will see that the monthly rent is paid). This device is also used in financial exploitation cases (where a child or other relative typically is the abuser), to deprive the abuser of access to the client's income.

"Hoarding" is another common issue for APS. Approximately 1,350 "heavy-duty cleanings" are completed each year, with 32% of those being at the most extreme level (e.g., floor-to-ceiling garbage and other items making passage in the home impossible). In most of these cases, APS tries to set up home care services following the cleaning to prevent future hoarding. However, sometimes clients simply will not cooperate and will refuse entry or stop the cleanings (roughly 25% of scheduled cleanings are stopped). In the last two years, APS has had to deal with bedbugs. The agency has developed a comprehensive procedure for assessing the problem and performing the extermination, including monitoring.

Ms. Saberski discussed APS's role as a "community guardian" of a client. When a client lacks the functional capacity to understand the consequences of the risk they are facing (often due to dementia), APS will petition the court for community guardianship. Under the statute, however, guardianship is to be the last resort. As a result, courts do not grant these petitions lightly or quickly. Currently, APS has 1,400 guardianship clients. These cases are referred to the Office of Legal Affairs of the Human Resources Administration (HRA) (APS is a division of HRA), at the rate of 30-50 per month. This volume and the onerous notice provisions under the law (to attempt to find some family member who may be willing and able to care for the individual) mean that it can take a long time before a petition can be brought and a hearing held with everyone required to be in attendance. APS contracts with three agencies to provide the guardianship services when petitions are granted: New York Foundation for Senior Citizens, Jewish Association for Services for the Aged (JASA), and Selfhelp Community Services.

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Hon. Betty Weinberg Ellerin (*Continued from Page 4*)

A: When I was twelve years old my father talked about politics with me and I thought I wanted to be a labor lawyer and a U.S. Senator. (As I got older I realized that the labor movement had changed and I was 50 years too late). My parents were from Europe. My father was from Poland and my mother was from Russia. My mother was not interested in my going to college or law school because she thought that meant I would never get married. My father was involved in the labor movement and had a depression era mentality, and he thought that if I became a teacher or secretary I would have more security. My mother had an older sister in Chicago who had made her daughters become lawyers. That example of my cousins made me realize that I could become a lawyer too.

When I was in law school, a male law student asked me what I was doing in law school and asked if I was there to catch a husband. I replied that while originally I was, when I saw what was available in the class, I decided to get a law degree instead. Nobody ever asked me that question again!

After law school I first worked at a maritime law firm and also joined a political club hoping to someday run for office (by then I had realized that the U.S. Senate was a "little" out of reach). Later I became a law clerk to a City Court Judge, Harry Frank. That Court had maritime jurisdiction, and I drafted a decision on an issue which was later cited in federal cases. Once I got the job and performed well, I was given even more credit for my legal abilities because they expected so little of a woman. I always felt confident in my abilities, and men often came to me for advice. The bar got to know me, and my judge gave me a lot of responsibility. I had support from the bar and political people, and was nominated to become a judge of the Civil Court. Once elected, I was assigned to sit in the Criminal Court and after two and a half years was nominated for the Supreme Court.

At a NYWBA dinner in the late 1970's, when I was swearing in the officers, then Chief Judge Lawrence Cooke was present and I mentioned that there was not one woman administrative judge. A few years later he appointed me to be the city wide Deputy Chief Administrative Judge. Later I became the first woman on the Appellate Division, First Department, and I remained the only woman for 10 years until my very dear friend Angela Mazzarelli became my sister Justice. I became the first female Presiding Justice in the First Department and served on that bench for over 20 years total.

Because I had to retire due to my age in 2005, although I was not at all ready to retire, I looked into other possibilities and received a number of offers. I chose to become Senior Counsel with the firm of Alston & Bird after visiting their office in Atlanta. The managing partner took me to a window and pointed to an adjoining building. He identified it as their child care center where lawyers could go and see their children during lunchtime. I knew that this was my kind of firm.

Q: How were you able to balance your professional and family life?

A: I was very fortunate, my husband always engaged in joint parenting with me while raising our three children. We discussed how we did the same kind of work during the day (both lawyers), so we should change diapers and do the same kind of work in the

evening. There are always problems with balancing, but it can be done. You have to give sufficient time to the family, but at the same time women lawyers are ambitious about their careers. You do the best you can. You cannot have everything to the extent that you want it. One of the reasons I went into the court system is because I recognized that it was not smart to be in competition with my husband who was a successful trial lawyer. It also gave me more time for the children and more flexibility. Weekends were reserved for the children. I was fulfilled both as a law clerk and as a judge in that I really felt that I could make a difference in people's lives and do what was just, and at the same time be there for my family. One son became a lawyer, my other son became a lawyer, Ph.D. and now a radiation oncologist and my daughter is a health care consultant. Unfortunately, my husband now has dementia, but I intend to always take care of him at home. He was there for me and now I am there for him.

Q: What advice would you give lawyers starting out in the profession?

A: You should be a good lawyer and show that you have the skills. You should do work that you enjoy doing so that you will naturally give the best of yourself. You should do pro bono work because we all have an obligation to contribute to the needs of society, especially where 80% of litigants have no access to legal services. You should be active in professional associations so that you have input into the rules we live by.

Q: You are such a role model, and a vibrant, active person in every way. We did not have the room to list all of your past accomplishments in this interview. To name just a few for our readers, I know you were a past president of the National Association of Women Judges (1994-95) and that you are a recipient of the ABA's Margaret Brent Women Lawyers of Achievement Award (August 1993). I understand that other recipients of that award were the Hon. Ruth Bader Ginsberg and former U.S. Attorney General Janet Reno. What are the next mountains you want to scale?!

A: I continue to be very active in the profession. I am the Chair of the N.Y. State Judicial Committee on Women in the Courts; a Trustee Associate of New York University; the Chair of the NY State Bar Association's Committee on Court's of Appellate Jurisdiction; a Director of the NY County Lawyers Association and Co-Chair of its Task Force on Judicial Independence; a Vice-Chair of the Advisory Committee on Judicial Ethics and Vice-Chair of the Committee on Character and Fitness of the Appellate Division, First Department among other activities.

The issues I am most concerned about right now are legal services for the poor, judicial independence (comments by public officials on judicial decisions can have a 'chilling effect') and mentoring younger women lawyers in my firm so that they can become partners. I have always been concerned about mentoring, and was thrilled when in 2004 WBASNY named an award in my honor called the Betty Weinberg Ellerin Mentoring Award.

Susan L. Pollet is the Chair of the new NYWBA Archive & History Committee. She is the Coordinator of the New York State Parent Education and Awareness Program for the NYS Office of Court Administration. Look for more of Ms. Pollet's archival interviews of NYWBA Past Presidents, Officers, and Directors in future Newsletters and on our website (www.nywba.org/History).

Elder Law Committee (Continued from Page 5)

With regard to elder abuse, Ms. Saberski discussed the creation of a New York City Elder Abuse Center, initiated by Weill-Cornell/New York Presbyterian Hospital with multiple City and community-based organizations - to create a center for training and resources to address the problem. Ms. Saberski is a member of the Center's Steering Committee. Its first project has been to establish a multidisciplinary team that meets three times monthly in APS's Brooklyn office to discuss complex cases. In addition, APS has established working relationships with all five District Attorneys. Usually, APS will call the DA's office to discuss the merits of a potential financial exploitation case before making a written referral. APS is the only mandated reporter in New York for such cases, and must report suspected crimes constituting elder abuse or neglect to the NYPD.

In the Q&A, audience members asked questions about a variety of issues - delays, pets, asset-freezing, and fee-charging.

Ms. Saberski explained the reasons why the process for resolving client issues can be protracted: volume; client resistance; mandate to use least intrusive means, which requires that the agency go through many interim steps before a guardianship petition may be brought, even when it is likely that those steps will prove futile; mandatory notice provisions; and lack of availability of comprehensive automated monitoring. This last is being addressed with a new computer system for case management that should be in operation by 2012. A new automated system for financial management will be in place by the summer of 2011.

When a client is not capable of proper care of pets in the home, APS looks for a neighbor or friend of the client to adopt the pet. If a pet has been abused, APS will contact animal shelters who can take custody of the pet in such cases.

Although there is a process for freezing assets, APS rarely takes that step. To do so requires petitioning the court for an order freezing the assets and appointing a trusted third party to administer the frozen assets and pay the individual's bills. The procedure is handled by HRA's Office of Legal Affairs. Finally, even though APS is authorized by statute to charge fees for the Representative Payee service, it does not do so because in most cases the client does not have sufficient resources to pay them.

CARE MANAGEMENT

On March 8, NYWBA members learned about the availability of care management services for elderly clients, with or without financial resources. The purpose of this service is to enable the elderly to continue to live at home until the end of life, if they can do so with receipt of available community services. Elder Law Committee Co-Chair Miriam Davidson moderated the program.

Florence Lynch, L.C.S.W. (MSW, Columbia University School of Social Work), Director of the Care Management Program at One Stop Senior Services, discussed how this private non-profit agency delivers these services to people of limited means. Care Management was an outgrowth of One Stop's Case Assistance Program, funded by the NYC Department for the Aging since 1981. One Stop serves clients on the Upper West Side of Manhattan from Columbus Circle to 125th Street. Its Case

Assistance Program is available for clients who are physically and cognitively able to come to the walk-in clinic at One Stop to obtain the services they need. As the size of the elderly population grew and advanced aging resulted in more individuals living at home with significant physical and/or cognitive impairments, community advocates as well as homecare aides urged One Stop to initiate a care management program. The Program thus began in 2004, funded solely through philanthropic foundations and individual contributions. Staffed by four social workers, One Stop has served 450 clients since 2004 and has a current caseload of 92. Criteria for eligibility are a physical or cognitive impairment which prevents clients from coming to One Stop to obtain needed services, limited or no support from family or friends, limited financial resources, and residence within One Stop's service area.

Ms Lynch discussed referral sources. These typically are neighbors, other clients, friends, the Visiting Nurses Association, the Visiting Doctor's Project at Mt. Sinai and St. Luke's Hospitals, and other community service providers, as well as Legal Services Corp. attorneys and private attorneys with elderly clients. One Stop performs financial and housing environment assessments, and determines the availability of family to assist the client. If the client does not meet One Stop's criteria or the individual has enough family support or enough money for private care, One Stop advises the client as to the services that are available given his or her particular circumstances and closes the case.

When One Stop determines the client is eligible, the Care Manager will assure that all needed services in fact are obtained, such as Food Stamps, Medicaid, heating cost assistance (HEAP Program), rent abatement (SCRIE and DRIE Programs), Medicare Part D prescription drug benefits, home care attendants, home delivery of meals, transportation, and financial management. Once the needed services are in place, the Care Manager monitors the case on an as-needed basis to assure that the services continue and that with the services in place, the client is able to remain at home safely and comfortably.

Asked about how guardianship fits into the care management model, Ms. Lynch said that when a client is unable to make his/her own decisions and there are no family members to assist, she then refers the client to New York City's Adult Protective Services (APS) (see discussion of this program above), advises APS of One Stop's assessment of what the client needs, and requests a psychiatric evaluation. While the guardianship process is pending, One Stop will continue to monitor and serve the client.

The private care management model was discussed by representatives of the firm of Sheila Fallik & Associates, a private geriatric care management firm, also located on the Upper West Side, but which provides services throughout the New York Metropolitan Area. Lisa Winter, L.C.S.W. (MSW, Fordham University School of Social Work), Samantha Fox (MSW, Hunter College School of Social Work), and Esther Grubb (MSW, Yeshiva University Wurzweiler School of Social Work), presented on behalf of the firm.

Lisa Winter discussed the founding of the firm by Sheila Fallik, L.C.S.W. (MSW, Adelphi University School of Social Work), who is also a member of the National

Continued on Page 8

Elder Law Committee (Continued from Page 7)

Professional Geriatric Care Managers Association, and described how the firm provides services.

Private care management is provided on an hourly fee basis. Referrals come from attorneys, community organizations, and family members. The firm provides the same array of services as One Stop, but they vary in intensity depending on the wishes and needs of the client or family. In addition to performing initial financial and home assessments as to the clients' needs, the services provided may be very intensive, including ongoing monitoring of the client, training and regular supervision of aides, monitoring the services of other providers to the client, and accompanying the client to doctor appointments or hospital visits. At the other end of the spectrum, services may be provided on an on-call basis. The client or family will contact the firm when in need of assistance. Unlike at One Stop, private care managers are available on a 24-hour basis when needed.

While each Care Manager in the firm has her own cases, the others are available when there are conflicting appointments, or a Care Manager is out of town or otherwise unavailable, so that the client has the services he/she needs when needed. Care Managers are expert in leveraging the government and community benefits and services that their clients need and are eligible for. They also attend to their client's social and intellectual needs by connecting them with appropriate activities in the community.

Ms. Fox noted that some long-term care insurance policies will pay for some or all of the services of the Care Manager within the total benefits available under the policy. Ms. Winter noted that one of the firm's goals is to preserve the assets of the client. This is essential because the client's circumstances may progress to the level of having to reside in an assisted living residence or nursing home due to a need for daily care and medical intervention beyond what can be provided in the home.

NYWBA members with clients who may be in need of care management may obtain more information by visiting the websites of the programs discussed by the panelists, at OneStopSeniorServices.org and SFallikAssociates.com.

The Elder Law Committee welcomes new members. If interested, contact Co-Chair Kay Marmorek at kmarmore@courts.state.ny.us.

Mary McCorry is an active member of the Elder Law Committee.

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Cordially invite you to attend

"Retirement Planning for Solo Practitioners & Small Firms"
Wine and Cheese Reception and Panel Discussion

Date: Tuesday, May 17, 2011
Time: 5:30pm -- 8:00pm
Where: TD Bank, 2 Wall St., 3rd Fl, NYC
RSVP: Please respond by May 10th to jenniferpbrownesq@gmail.com.
Space is limited, so register ASAP!

*You do not need to be a member to attend this program.
Membership is open to lawyers, judges, law students, and law school graduates.*

The Domestic Violence Committee Needs Your Help!!

If you practice matrimonial law in New York, we need your assistance. We're trying to figure out what is happening with interim maintenance and attorneys' and expert fee awards under the revised divorce laws that went into effect October 12, 2010. Please take a few minutes to fill out this survey, which can be found at <http://www.surveymonkey.com/divorcereform2010>.

Feel free to forward the survey link to any matrimonial practitioners you know. The more data we have (and the more varied the sources) the better.

Mark Your Calendar!

What it is (Really) Like to Practice Law as a Woman

July 21, 2011

Our panelists will discuss their experiences as attorneys and share tips, tricks, and suggestions on how to succeed (as a woman) in the legal profession.

This program is **free** for summer associates, interns, law students, and junior attorneys.

Law firms, companies, and other employers are encouraged to consider making a donation to help defray event costs.

For questions or to make a donation to support the program, contact SummerProgram@nywba.org.

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April Agostino, Esq., Assoc. Deputy Clerk,
Appellate Division, 2d Dept

Moderator:

Myrna Felder, Esq., Law Office of Myrna Felder

When: Wednesday, April 27, 2011

6:00 to 6:20 p.m. - NYWBA Annual Membership
Meeting and Elections

6:30 to 8:00 p.m. - Appellate Practice CLE Program

Where: New York Life Insurance Company, 51 Madison
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Current members should send updated address and contact information to ED@nywba.org. This will help us keep you informed about our programs, events and other benefits of membership.

Newsletter and Advertising Information

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

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