



NEW YORK WOMEN'S BAR ASSOCIATION

Celebrating Our 75th Year

THE NEW YORK WOMEN'S BAR ASSOCIATION'S
Professional Ethics & Discipline Committee
and Matrimonial & Family Law Committee

Present

LITIGATING UNDER THE NEW ETHICS RULES: A CLOSE LOOK AT RULE 3.3 and GENDER BIAS IN THE COURTHOUSE

- When:** Tuesday, May 11, 2010, 6:00 to 8:00 pm
- Where:** Supreme Court, 60 Centre Street, Room 300, NYC
- MCLE:** 2.0 CLE Credits (Professionalism and Ethics)*
- RSVP:** For instant registration, go to our website:
www.nywba.org/EthicsRSVP
- Note:** ALL participants MUST pre-register to be admitted to the program by building security. Space is limited, so register ASAP!
- Cost:** \$35 - Members (NYWBA and WBASNY Chapters);
\$60 - Non-Members
All registrants pay \$25 surcharge after May 7th!

Moderators: **Hon. Barbara Jaffe**, Acting Justice of the New York Supreme Court, New York County and **Sarah Diane McShea, Esq.**, Law Office of Sarah Diane McShea

Speakers: **Hon. George D. Marlow**, Statewide Judicial Director of Ethics Education and Counsel; **Hon. Andrea Masley**, Civil Court Judge, Bronx Family Court; **Jeremy Feinberg**, Statewide Special Counsel for Ethics, NYS Office of Court Administration; and **Prof. Ellen Yaroshesky**, Benjamin N. Cardozo School of Law

For further info, send a note to EthicsCLE@nywba.org or call 212-490-8202.

* CLE Accreditation: NYWBA is a founding chapter of WBASNY, an accredited CLE provider. Approval of CLE credit is pending in accordance with the requirements of the NYS Continuing Legal Education Board for a maximum of 2.0 credit hours (Ethics) for established and newly admitted attorneys.

Financial hardship scholarships: Full and partial scholarships based on financial need are available. For information, contact Yacine Barry, CLE Coordinator, at: NYWBA, 132 East 43rd Street, # 716, The Chrysler Building, New York, NY 10017-4019 (CLE@nywba.org or 212-490 8202). All requests are confidential.

For the latest news and information on programs and events, check NYWBA online at www.nywba.org, and on [facebook](#) and [LinkedIn](#).

PRESIDENT'S MESSAGE Mothers and Role Models

MAY 2010



Donna M. Praiss

As we honor our mothers this month, I thought it appropriate to mention other strong women we admire and look forward to honoring this spring.

NYWBA Director and incoming delegate to WBASNY, **Hon. Jacqueline W. Silbermann**, will be awarded the first annual Judith S. Kaye Access to Justice Award on Friday, May 21, 2010 at this year's WBASNY Convention. Justice Silbermann, now in private practice, had a transformative impact across our state through her leadership in the court system as the former Administrative Judge for Matrimonial Matters throughout New York State. In all of her many roles, Judge Silbermann has demonstrated her professionalism, good will, and service to the State of New York. Like Judge Kaye, Judge Silbermann is one of those rare people to whom you would want to give any task that is too tough, too complicated, or too sensitive for others.

Also at the WBASNY Convention, NYWBA Past President **Teresa Schiller** will be installed as WBASNY President-Elect for 2010-2011 on Saturday, May 22, 2010. Teresa has a long history with and strong commitment to the Women's Bar. During her many years of involvement with WBASNY and NYWBA, Teresa consistently contributed her positive attitude, initiative, and fiscal responsibility to the success of these organizations and many programs to benefit young lawyers.

On June 10, 2010, we will honor New York Supreme Court Justice **Hon. Sherry Klein Heitler** with the President's Special Award during the NYWBA Annual Awards Dinner. NYWBA has had the privilege of Justice Heitler's active and productive participation on its Board for many years and we commend Justice Heitler on her appointment this year as Administrative Judge, Civil Matters, New York County.

We will posthumously honor at the NYWBA Annual Awards Dinner, a dynamic woman who started it all for NYWBA and countless others, **Hon. Florence Perlow Shientag**, NYWBA Founder, Past President and Benefactor. Judge Sheintag was a strong woman admired for her intellect, resourcefulness, determination, and prescience that has enriched the Association and its mission for many more years to come. I hope you will join me in honoring these amazing role models. *Continued on page 2*

2009-2010 NYWBA COMMITTEE CHAIRS

STANDING COMMITTEES

- By-Laws and Amendments Elizabeth A. Bryson
- Cooperation with Other Bar Associations Kelly O'Neill Levy
- Employment and Equal Opportunity for Women Felice B. Ekelman, Louis Pechman
- Judiciary TBA
- Legislation Jane Bevans
- Membership Heather K. Leifer, Jessica A. Ventarola
- Professional Ethics and Discipline Hon. Barbara Jaffe
Sarah Diane McShea
- Programs, Events and Arrangements Diana G. Browne
Patricia Ann Grant & Jo Ann Douglas (Annual Dinner)
- Publicity / Press Tamara Lannin, Allison Lurin

SPECIAL COMMITTEES

- Advance the Status of Women in the Profession Brenda Pomerance
Rachel J. Minter
- Alternate Dispute Resolution Andrea Vacca, Leona Beane
- Awards Amy Saltzman
- Business Law, Taxation and Bankruptcy Cassandra Porter
Monique McClure
- Children's Rights and Issues Denise Scotto
- Continuing Legal Education Yacine Barry
- Criminal Law Isiris Isaac
- Diversity TBA
- Domestic Violence Amanda Norejko, Laura A. Russell
- Elder Law and Disabilities Miriam Davidson, Kay Marmorek
- Immigration Law Annie Wang
- Intellectual Property Maria Palmese, Marylee Jenkins,
Dana Kaplan Richter
- International Law and Practice Christa M. Bosch
Rebecca Adams Hollis
- Litigation Kathy M. Lynch, Marni Rae Robin
- Long Range Planning Elizabeth A. Bryson, Myra L. Freed
- Matrimonial & Family Law Briana Denney, Sophie Jacobi,
Hon. Andrea Masley
- Mentoring & Mentoring Circles Andrea Vacca, Randy L. Shapiro
- Newsletter Carla P. Vogel, Anahid ("Annie") Ugurlayan
- Privacy and Cyberlaw Patrice S. Ettinger
- Pro Bono TBA
- Real Estate Law TBA
- Reproductive Rights TBA
- Solo and Small Firm Practice Deborah G. Rosenthal
Gina Danetti
- Students and New Lawyers Stephanie M. Adduci
Jane C. Cowles
- Summer Program Cassandra Porter
- Technology and the Internet / Website Elizabeth A. Bryson
Theresa Widmann
- Trusts and Estates Leona Beane, Loretta A. Ippolito
- Women's Health Issues TBA
- Working Parents Christine Harman

To join a committee, go to our website (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

I also hope you will join us at our Annual Ethics Program on May 11, 2010. An extraordinary panel of speakers will discuss the new ethics rules, with a particular focus on the impact of the new Rule 3.3 on litigation. The panel will also discuss the results of the NYWBA's recent survey on gender-based incivility in the practice of law. We thank Hon. Barbara Jaffe and Sarah Diane McShea, the Chairs of the Committee on Professional Ethics and Discipline for spearheading this exciting program, the Matrimonial and Family Law Committee, CLE Chair Yacine Barry and Past President Elizabeth Bryson for their invaluable support.



COMMITTEE NEWS

Domestic Violence Committee - The next meeting is on May 12th, 6:30 pm to 8:00 pm, at O'Melveny & Myers LLP, Times Square Tower, 7 Times Square, NYC. RSVP to Co-Chair Amanda Norejko (anorejko@sffny.org).

Elder Law and Disabilities Committee - The next meeting is May 18th, with speaker Peter J. Strauss, Senior Counsel, Epstein Becker & Green, to be held from 6:30pm to 8pm at the offices of his firm located at 250 Park Avenue (between 46th & 47th Street), 14th Floor. Mr. Strauss, who will be speaking on the the new NYS Family Health Care Decisions Act, has practiced T&E law and handled estate and guardianship litigation since 1961. He has extensive knowledge of the legal problems of the aging and persons with disabilities, and he was one of the first attorneys in the country to focus on elder law. Email kmarmorek@nywba.org to RSVP and confirm meeting details.

Immigration Law Committee - Congratulations to Annie Wang on being named Co-Chair of the Committee. Members who are interested in joining the Committee should send an email to ImmigrationChair@nywba.org.

Solo and Small Law Firm Committee - Meetings are scheduled for May 13th at 8:30 am and June 8th at 8:30 am. To RSVP and obtain locations email SSL@nywba.org.

Matrimonial and Family Law Committee - The Committee meets on the third Wednesday of the month at 6:15 pm at Blank Rome LLP, 405 Lexington Ave., NYC. See page 9 for more detailed information about the May 21st meeting. To RSVP, email Co-Chairs Briana Denney, Sophie Jacobi & Hon. Andrea Masley at M&F@nywba.org or call Ms. Denney at 212-684-1000.

Trusts and Estates Committee - The next meeting is on May 11th at 6:15 pm at Willkie Farr & Gallagher LLP, 787 Seventh Avenue, NYC. Topics will include recent appellate cases and the new Power of Attorney. Refreshments will be provided. Advance RSVP is required for building security purposes -- email your RSVP to apiazza@willkie.com.

Working Parents Committee - The Committee, which focuses on the issues of working families and promotes the balance of family life and career, will host a brown bag lunch on Wednesday, May 12th. Contact Co-Chair Christine Harman (201-704-9109 or christinemharman@yahoo.com) to RSVP and confirm location.

Other Committees - Other committees also host programs and hold substantive meetings throughout the year, and many are looking for new members.

Wardrobe Workshop a Success

By Diana Browne

On February 22, the Carlisle Collection's penthouse at 16 East 52nd Street was the site of another evening of cocktails, networking, fashion and fun, jointly sponsored by Carlisle and Goodhearts. Goodhearts, which provides workshops and wardrobe consulting services to Carlisle, treated us to a workshop entitled "A Closet Full of Clothes and Nothing to Wear." The workshop was organized by Jean Teo of Carlisle and Goodhearts, with the help of all our good friends at Carlisle whom we met at last October's Carlisle Collection event. It was presented by Adair Keating Weiss, who showed us how to put together a beautiful wardrobe for business and beyond with the Carlisle Collection's versatile and remarkably affordable pieces. We had the opportunity to preview the spring collection, and many of the guests made appointments for one-on-one consultations and shopping with a member of the Carlisle staff. It was an educational evening and great fun, too.

For those who were not able to attend but who would like to see the collection, you can call Carlisle at (212) 751-6490 to make an appointment. It's a wonderful way to shop, and there is absolutely no pressure to buy.

Diana Browne is Co-Chair of the Programs and Events Committee of the NYWBA and a member of the Board of the NYWBA Foundation. She is of counsel at Sonnenschein Nath and Rosenthal LLP, in the Capital Markets group.

WELCOME NEW MEMBERS

Claudia Cecilia Bernal
 Emily Leah Binda
 Jenna L. Caldarella
 Nicole D. Cubides
 Jessica Cygler
 Heather A. Fiorella
 April Florence Freeman
 Samantha Freedman
 Jessica Giambone
 Shelley Goldfarb
 Aaron J. Greenblatt
 Leah Greenfield
 Susan Jill Hochberg

Lynn Leopold
 Michael P. Maloney
 Petra A. Maxwell
 Anjana Nair
 Leticia M. Ramirez
 Christina M. Rea
 Deirdre M. Salsich
 Louisa Schlieben
 Anita Carr Shapiro
 Verity Ann Van Tassel
 Marisa Haley Warren
 Stefanie J. Weiss

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.

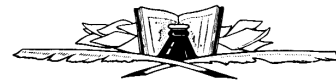
Tania M. Pagan, Esq.
 Teresa Grant Stoeth, Esq.
 Irene A. Sullivan, Esq.

NOTES ON MEMBERS

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

NYWBA extends heartfelt condolences to Past President & Director **Lisa A. Sokoloff** on the passing of her beloved mother Roslyn Evans. Donations in memory of Lisa's mom may be made to the **League of Women's Voters of New York** (www.lwvny.org to donate online) or the **Judges and Lawyers Breast Cancer Alert** (mail checks to JALBCA, 1324 Lexington Avenue, PMB 324, New York, NY 10128).

On May 6th, NYWBA Vice President and Newsletter Co-Chair **Carla P. Vogel** will be speaking at the Women's Investment Management Forum May Luncheon on "The Current Evolution of Compliance Risk Assessment and Testing." The program will be held at the offices of Willkie Farr & Gallagher LLP. Email Carla at carla.p.vogel@morganstanley.com if you would like information on the program.



JOIN THE ANNUAL DINNER COMMITTEE

NYWBA is looking for volunteers to work with the **75th Anniversary Gala Annual Dinner Committee**. Responsibilities include soliciting advertisements for the dinner journal, soliciting for our auction, preparation of pages in the dinner journal, etc. There is something for everyone! If you are interested, contact Dinner Chair Pat Grant at DinnerChairs@nywba.org.



Diamond

Reporting & Legal Video

Serving the legal community since 1980

Court Reporters ♦ Interpreters
Videographers ♦ Videoconferencing
Covering New York & New Jersey

Certified Woman-Owned Business Enterprise (WBE)
 Tel: 718.624.7200 ♦ 877-624-EBTS ♦ www.diamondreporting.com
DEPO CENTERS: Manhattan ♦ Brooklyn ♦ Queens ♦ Bronx ♦ Staten Island
 Mineola ♦ White Plains ♦ Hackensack, NJ ♦ Marlton, NJ

What Its (Really) Like to Practice Law as a Woman: An Intimate Discussion with Elaine Wood

By Stephanie M. Adduci

At the Fifteenth Annual Summer Program on *What Its (Really) Like to Practice Law as a Woman*, to be held on June 23, 2010, attendees will be informed and inspired by women representing a wide expanse of the legal career spectrum. One source of this informed inspiration will be Elaine Wood. As this year's moderator, Ms. Wood will work with the panelists to facilitate the presentation of their professional and personal experiences as women in the legal profession.

A graduate of Columbia University Law School, Ms. Wood began her career as an associate at Cravath, Swaine & Moore in 1986. She attained this crucial first job as the result of a campus interview. When asked the key to this successful interview, Ms. Wood credits luck and an independent perspective: "I looked at it as if I were interviewing them," laughs Ms. Wood. Despite her interview approach, Ms. Wood viewed her job at Cravath as an entry level position, trusting that hard work would lead to good experience. "This realistic view made me better prepared for work as a junior associate," shares Ms. Wood. When looking back on her Cravath experience, Ms. Wood speaks fondly of her time there. "I learned an important skill ... how to deal with an 'impossible' situation," Ms. Wood comments. The lesson learned – spend less time wringing your hands: "sit down, assess the situation, and start to work. You will be surprised at what you can accomplish."

After Cravath, Ms. Wood served as an Assistant U.S. Attorney working on cases ranging from fraud to racketeering. Currently, Ms. Wood is Managing Director of business intelligence and investigations at Kroll, an international consulting company. When she joined Kroll's New York Office in 1996, Ms. Wood was one of only two female partners in that office. But, "in the field of investigations, it can be an advantage when your abilities are underestimated because you are a woman," Ms. Wood remarks. "Your best weapons are your intellect and curiosity," explains Ms. Wood, and "these are gender-neutral talents."

Being more senior in her career at this point in her life, Ms. Wood recently joined the Board of Directors of Legal Momentum. Passionate about its goals, Ms. Wood stresses the importance of such a movement. Legal Momentum works for women's rights, helps to educate within schools on topics of gender equality, and brings an important 'gender lens' to legal policies and procedures, such as immigration.

When asked about strategies for how to keep afloat during this tough market, Ms. Wood suggested "networking and keeping up your contacts" is useful. Additionally, "bar association memberships can be interesting and helpful." Invest in mentoring relationships, as they are "very important in terms of succeeding and getting ahead." In tough times, you may also need to be flexible about your goals; it may come down to a "balancing act ... a question of desire versus necessity."

According to Ms. Wood, it is "important to have a career plan, a vision of where to go and what's important to you." However, just

as important is to be aware that as life happens, "your career plan may need to change." You must not only be strategic in your professional life, but also in your personal life – "it won't happen by magic." With this in mind, when Ms. Wood took time away from the profession to start her family, she "never fully disconnected." The trick is to "keep current by keeping up with your CLEs, utilizing email and the internet to keep connected to your firm, attend bar association events, and use your community network," states Ms. Wood.

What makes for a successful career? According to Ms. Wood, "everyone must define what 'success' means to them personally ... you must listen to your own voice." And, as with your career plan, "you must be open to a changing definition of success." Other important aspects of achieving a successful career must be considered as well. "You must work hard absolutely," comments Ms. Wood, "and you must have a passion for your work." It is also important to "work with people you respect." Ms. Wood notes that you should "know your flaws and make those flaws work for you." "Admittedly," states Ms. Wood, "I am a procrastinator. It helped me as a litigator because it gave me a spark." "Attorneys can be risk-averse," adds Ms. Wood, "but, if you know your appetite for risk, stepping off track can yield interesting and challenging results."

A young lawyer looking to educate herself about the profession and the practice of law in New York would do well to "network ... it is about community, connection, and learning." "Stay connected to favorite professors, take people to lunch and ask them what they love about their work. Find out what success looks like to the people you admire and respect."

What Its (Really) Like to Practice Law as a Woman is an annual summer program co-sponsored by the New York Women's Bar Association and the Committees on Law Student Perspectives, Sex and the Law and Women in the Profession of the NYC Bar Association. This program provides guidance and insights for law students, summer associates, interns, law graduates awaiting admission, and lawyers in their first year of practice. The event will be held on June 23, 2010, at 6 pm, at the NYC Bar Association. Panelists will include: the Honorable Melanie Cyganowski, a partner at Otterbourg, Steindler, Houston and Rosen, P.C. (and former Chief Judge, U.S. Bankruptcy Court, Eastern District of New York); Kelli Muse, an Assistant District Attorney at the Kings County District Attorney's Office; Kim Susser, Director of NYLAG's Matrimonial & Family Law Unit; Stephanie Aranyos, an associate at Lowenstein Sandler, P.C.; and Moderator Elaine Wood, Managing Director at Kroll. A wine and cheese networking reception will follow the panel discussion. Check www.nywba.org for RSVP information.

Stephanie M. Adduci is Co-Chair of the Students & New Lawyers Committee.

NYS Family Health Care Decisions Act Signed into Law

By Annie M. Ugurlayan

On March 16, 2010, Governor Paterson signed the Family Health Care Decisions Act into law, ending a 17-year fight by health care, elder law and other advocates to bring the bill to fruition. New York now joins 48 other states that have passed similar laws. The law allows a patient's family member (referred to as a "surrogate") to make health care decisions when a patient is unable to do so but did not sign a health care proxy. "It has been a long effort to overcome the technical, ethical, religious, and political hurdles of this issue. I applaud Governor Paterson, Senator Duane, Senator Hannon, and an army of health care and patient advocates, medical ethicists, religious leaders, and others who helped make this happen," said NYS Assembly Member Richard N. Gottfried.¹ Mr. Gottfried introduced the bill, A.7729-D, in 1993 when it was submitted by Governor Mario Cuomo's Task Force on Life and the Law. WBASNY is among the over 100 organizations that have supported the passage of the Family Health Care Decisions Act.

Under the law, a patient is presumed to have decision-making capacity unless there has been a determination otherwise made first by an attending physician, a determination that may be subject to a concurring determination (e.g., by a health or social services practitioner).² The following family members may serve as surrogates: 1) a guardian authorized to decide about health care; 2) the spouse, if not legally separated from the patient, or the domestic partner; 3) a son or daughter 18 years of age or older; 4) a parent; 5) a brother or sister 18 years of age or older; or 6) under certain conditions, a close friend.³ The surrogate is responsible for making health care decisions in accordance with the patient's wishes. If health care decisions are not known and cannot be reasonably ascertained, an assessment of the patient's best interests will include: 1) consideration of the dignity and uniqueness of every person; 2) the possibility and extent of preserving the patient's life; 3) the preservation, improvement or restoration of the patient's health or functioning; 4) the relief of the patient's suffering; and 5) any medical condition and such other concerns and values as a reasonable person in the patient's circumstances would wish to consider.⁴ In all cases, the surrogate's assessment must be patient-centered, based on his/her values (including religious and moral beliefs).⁵ Decisions by surrogates to withhold or withdraw life-sustaining treatment will be made only if certain conditions are satisfied, such as whether a determination is made by the attending physician, with independent approval of another physician, that the patient's condition will result in his death within six months (regardless of treatment) or the patient is permanently unconscious.⁶ If the patient is in a residential facility, the surrogate's decision is subject to an ethics review committee, including at least one physician who is not directly responsible for the patient's care or a court of competent jurisdiction.⁷

The bill also covers decision-making standards and procedures for minors (including emancipated minors) that affords the parent or guardian of a minor patient to make decisions concerning life-sustaining treatment unless an attending physician (in consultation with the parent or guardian) determines that the minor has the decision-making capacity to make such a decision, in which case a parent or guardian's decision to withhold or implement life-sustaining treatment cannot be made without the minor's consent.⁸

Rev. Dr. Martha R. Jacobs, who is the founding managing editor of *PlainViews*, an e-newsletter for spiritual care providers, noted that the law will have a big difference on dying patients and their families.⁹ She referred to a case she handled in a hospital where she worked several years ago.¹⁰ A patient had suffered numerous strokes and was brought to the emergency room, no longer able to communicate or walk.¹¹ The family members informed the physician that he had no advance directive, and since there was no "clear and convincing evidence" that he did not want to be kept alive by artificial means, his condition was stabilized and he ultimately was transferred to a nursing home where he lived for quite some time before dying of an infection.¹² Rev. Dr. Jacobs described the exchange she had with the man's daughter on one of her visits to the ICU, where he had been placed on a respirator.¹³ The daughter reportedly cried and said that she "just knew" that her father would never want to be kept alive in this manner.¹⁴ This is a situation that can be avoided under the new law. The bill is available at http://assembly.state.ny.us/leg/?default_fld=&bn=A07729%09%09&Text=Y.

Annie Ugurlayan is a Senior Staff Attorney at the National Advertising Division. She is a Co-Chair of the Newsletter Committee.

1. http://assembly.state.ny.us/member_files/075/20100120.
2. A07729, section 2994-C(1)-(3).
3. *Id.* at section 2994-D(1).
4. *Id.* at section 2994-D(4)(A)(I-II).
5. *Id.* at section 2994-D(4)(B).
6. *Id.* at section 2994-D(5).
7. *Id.* at section 2994-D(5)(B).
8. *Id.* at section 2994-E(1), (2).
9. Martha Jacobs, *New York's Family Health Care Decisions Act: A Chaplain's View*, at <http://www.thehastingscenter.org/Bioethicsforum/Post.aspx?id=4591&blogid=140#ixzz0kdZ9INZF>.
10. *Id.*
11. *Id.*
12. *Id.*
13. *Id.*
14. *Id.*

Celebrating 75 Years!

At our Annual Dinner, to be held on June 10, 2010, we will be celebrating our 75th anniversary.

If you have any archival or historic material, such as photos, announcements or other memorabilia, please contact us at info@nywba.org

It's Time to Renew!

The 2010-2011 membership year begins on June 1st. It's time to renew your membership for the new year! Would your friends or colleagues benefit from NYWBA membership? We thank our current members for their continued support and involvement, and we look forward to welcoming new and renewing members. Take advantage of our many member benefits - join committees, network and participate in mentoring circles, attend our signature events, and get CLE credits at our innovative and compelling programs at significantly reduced cost.

It's easy to join or renew - go to www.nywba.org/Membership to access our secure online membership form.

BACK TO (BUILDING) THE FUTURE

By Judith Finer Freedman

2009 was one of the most challenging years on record for the legal profession. According to *Law-Shucks*, a legal industry blog, major firms laid off 4,633 lawyers in 2009. More people were laid off than all the previous years combined. Legal practices from firms, public interest to government put in unprecedented cost containment measures.

Today, practices are waking up to the economic downturn realizing they have to go *back to (building) the future*. Part of those building basics is solidifying the connection to entering lawyers, the future of the legal profession. My consulting practice, The Balanced Worker Project™ has helped firms grasp the differences in how work gets done that the Millennials (born 1982-2002) bring to the workplace. Senior legal practitioners should understand that, generally speaking, Millennials were socialized at an early age and were trained to delve into new activities, with Mom and Dad signing them up for every lesson under the sun. As such, Millennials tend to exhibit strengths such as being entrepreneurial and highly technological, having the ability to multi-task particularly with their media, and possessing a pack mentality. Their world has always been filled with change and they have an innate quality to adapt quickly, which has served them well during challenging economic times.

Millennials' entry into the legal profession has been fraught with frustration on both sides. For seasoned attorneys, new associates make their work demands known long before their experience would warrant their right to do so. As a result, Millennials enter the practice with high expectations of how to be treated like no other generation before them. Their attitude, often described as *entitled*, has ruffled feathers.

As a result, early first impressions are often not positive and difficult to reverse. Millennials possess a less formal style that can create a negative bias over how their work will be ultimately evaluated by senior lawyers. On the flip side, new lawyers are struggling to acclimate to the pressures and deadlines their new role demands. Another blow to their adjustment is foregoing the usual time they spend with their virtual and personal networks.

Legal practices need to add another element to their training arsenal for new associates. Yes, it is important to offer workshops on such topics as how to document billable hours, explain law firm economics and the assignment process. However, it is equally important to add another essential component of professional development: *understanding workplace protocol*. The benefits of teaching new hires the cultural norms within your practice will drive appropriate behavior and build a solid career base for new recruits. The new book entitled, "*Cracking the Code: Unlocking the Potential of Future Leaders in the Legal Profession*" is filled with cost-effective and time-friendly initiatives any legal practice can undertake to build a stronger connection to incoming lawyers.

The following excerpt describes identifying and understanding workplace protocol:

There is a range of common situations that can become stumbling blocks in new lawyers' development as they begin

their careers. Some of these are: entitlement to broader assignments, prioritizing family/personal commitments, sensitivity to workplace etiquette, transitioning from academic world to working world (e.g. communication, attire, protocol) and knowing when and whom to ask for help.

Senior partners are frustrated with basic workplace protocol that they find is missing in today's new lawyers. Comments heard concerning work habits, range as follows: "I had an associate come into my office complaining that the work was too mundane;" "They expect instant gratification and praise;" and "They expect the firm to work around their time schedule when they have a commitment." By identifying workplace protocol, new lawyers learn the unwritten rules of a practice's culture and receive the message that senior practice leadership support their career development.

The procedure for identifying workplace protocol begins with a forum of practice leaders identifying behavioral norms that they are observing and those that are missing that are integral to running a successful law practice. These behaviors are often common sense for the Baby Boomer and Generation X professionals but not for the Millennials. For example, a seasoned lawyer would expect a new associate to avoid being on a Blackberry during a meeting with senior lawyers. Yet, the Millennial lawyer may not see any respect barrier broken. The discussion in the forum guides the practice leaders to provide specific work examples with desired behaviors and anecdotal examples that new lawyers can relate to and learn from. For example, if a topic relating to "communication" has been raised, the facilitator probes deeper into sub-topics such as "virtual communication" such as email and text or "written communication" such as briefs and client communication.

Deborah Glatter, Director of Professional Development and Student Programs at Cassels Brock LLP, described the impact of the program as follows:

Not only does each firm have its own culture, but also each practice group has its own idiosyncrasies. The partners take it as a given that these cultural differences and idiosyncrasies are universal and self-evident. Nothing could be farther from the truth. The associates need to be schooled in these matters in order to avoid missteps.

All of the data provided by the senior practice leaders is shared in a seminar for new lawyers to learn the desired protocol and corresponding behaviors that fit into a practice's culture. New lawyers have a forum where they can ask questions without fear of career repercussions. The impact is a powerful retention tool that is cost-effective and builds retention in the early days of a career.

Judith Finer Freedman is the Founder of The Balanced Worker Project™. She facilitates forums with practice leaders and new attorneys. For more information on her book, Cracking the Code: Unlocking the Potential for Future Leaders (West, 2010) go to www.thebalancedworkerproject.com for a special promotional purchase offer. The book is also available at www.amazon.com.

When It's Hard to Talk to Your Client

By Jezra Kaye

Poet Elizabeth Barrett Browning, who penned the famous line "Let me count the ways," was writing about love. But like love, tough client conversations seem to come in endless varieties.

Fortunately, we can learn to "count the ways," and use proven communication strategies to make these difficult talks go better. As former NYWBA President Elizabeth Bryson recently commented, tough client conversations often fall into one of these three categories:

1. You have bad news to deliver
2. The topic itself is delicate or fraught
3. Your client is what we'll call "civility-challenged"

How are these situations similar and different? What are the best techniques for each?

The Basics

Just as you wouldn't go before the 1st Circuit Court of Appeals without moot court practice, you shouldn't "wing it" with tough conversations. Remember your core legal skills: You know how to write, how to practice, and how to deliver material.

Start by asking yourself these questions:

- **What, exactly, is my message?** State it bluntly for your own benefit; it's easier to soften your language later than to firm up a message that sounds like mush. If you mean, "I wouldn't take this case if you were the last client on earth because it has absolutely no merit," be clear on that point — at least with yourself!
- **What is my client's attitude toward me?** Does he or she think you're the fairy godmother, able to wave a wand and produce miracles? If so, you'll need to let them down easy. If they underestimate you, you'll need to approach them with firm resolve.
- **What do I want this client to do?** He's totally determined to sue, but you believe he's bound to lose. She's afraid of her soon-to-be-ex, but you want her to testify to his abuse. As soon as you've defined the conflict, it's easier to identify the approach you need your client to take.

The Players

Now, think about your client's personality (and your own), with regard to these two questions:

- Do they pride themselves on **objective thinking**, or on making **values-based decisions**?
- Do they prefer **well-ordered facts**, or like to make **conceptual leaps**?

There are no right or wrong answers. Rather, observing your client's preferences will help you choose the best language for them: The objective decision-maker will need an objective argument ("I've researched many similar cases, and almost all of them were dismissed"), while his or her values-based counterpart will want to hear about the human implications ("Are you ready to put your life on hold when there is such a small chance for success?"). Fact people respond best to facts ("I researched

30 similar cases; 90% were dismissed"), while concept people want the big picture ("cases like yours seem to fare badly, no matter what the specifics or judicial venue").

Chances are good that you already sense and respond to these style differences in daily life. It can provide confidence, insight and skill; and be particularly valuable when you're preparing to speak with someone who's preferences are opposite to yours.

The Framework

Nothing is more important to the success of a tough conversation than setting expectations up front. This is called "framing" - literally, setting the boundaries within which the conversation will occur.

Here is where your approach to the three "tough" categories above will differ:

1. You have bad news to deliver

Tell people this up front! Don't try to slip in negative news in hopes that your client won't notice. It's more likely that he or she will be confused, or decide you don't know what you're talking about. And remember their personality styles: "The news is bad" will work with some clients; others will want some sympathy!

2. The topic itself is delicate or fraught

If you're asking someone to take a personal risk, they'll need a compelling reason to agree. Don't muddy your argument with emotion; just tell them why what you propose is valid.

A great format for this sort of discussion is **set expectations | key message | supporting points | key message | "ask"**. In the example of an abused spouse, above, you might say, "Jane, I need to ask you something difficult, but I believe that you can make a good decision. Testifying about the abuse will make a big difference to your divorce. The judge needs to see what you've been through. Hearing the truth will discredit your ex-husband. And many women find that testifying helps them begin the healing process. I believe it would have a big impact if you could testify about the abuse. Do you think that you could do this?"

3. Your client is "civility-challenged"

Here, the expectation you're setting up front is about what won't be happening, *i.e.*, no yelling, cursing, demeaning, etc. Like toddlers who lack impulse control, too many adults think it's OK to vent their frustrations on those around them - particularly when they're paying the bills.

First, be sure you understand your firm's culture: Can you ask a client to leave your office? What happens if you raise your voice? Will the firm's (other) partners support you if you draw a line in the sand?

With that understanding in mind, put your difficult client on notice before they've gotten rude or worked up. "If you find this discussion frustrating, I trust that you'll be able to stay calm." Or: "If things get personal, I'll adjourn this meeting." Or: "My policy is to speak with respect, and I expect the same from you." If it's hard to imagine saying these things,

Continued on page 8

WBASNY CONVENTION REGISTRATION NOW OPEN!

At this year's WBASNY Convention, two of our own NYWBA stars will be celebrated:

Honorable Jacqueline W. Silbermann, long-time NYWBA Director and former Administrative Judge for Matrimonial Matters throughout New York State, will receive the inaugural Judith S. Kaye Access to Justice Award on Friday, May 21st; and

NYWBA Past President Teresa Schiller will be installed as WBASNY President-Elect for 2010-2011 on Saturday, May 22nd.

The Convention will be held at the **Honor's Haven Resort & Spa in Ellenville, New York on May 21-23, 2010**. As those of us who have attended in the past can attest, the Convention is a great opportunity to get to know other members of the Women's Bar from across the state, earn those all-important CLE credits (including Ethics!), and relax and enjoy the company of friends and colleagues. This year, there are also a number of excursions, an interactive cooking class with accompanying wine provided, and other extras.

Registration information is available at the WBASNY website - www.wbasny.org -- just click on the Convention icon on the left side of the homepage.

Check out job postings on the NYWBA website:

http://new.nywba.org/job_postings/.

To post a job opening, please contact info@nywba.org.

We Want Your Ad!



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

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

Advertising Rates Per Issue

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

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

NYWBA Member in Line for State Presidency



The Women's Bar Association of the State of New York (WBASNY) has elected former New York Women's Bar Association President Teresa Schiller to serve as President-Elect. Ms. Schiller will be sworn in to this position at the annual WBASNY Convention in Ellenville, New York, on May 22, 2010. Under WBASNY By-Laws, Ms. Schiller will serve in this role for one year and then begin a one-year term as President in June 2011.

Ms. Schiller is excited about her upcoming year as President-Elect and is grateful to those who have supported her. She said, "WBASNY and NYWBA leaders have made it possible for me to benefit personally and professionally by helping me to develop strong skills and helping me to connect with accomplished lawyers. I am honored to serve as one of the leaders of the Women's Bar. One of my goals as WBASNY President-Elect will be to help others realize the same benefits of membership that have been so helpful to me."

For more than nine years, Ms. Schiller has served in a variety of Women's Bar roles. For example, she served as a WBASNY officer for the last three years and previously as a member of WBASNY's board for three years. In the NYWBA, Ms. Schiller was President (2006-2007), a Vice President for two years, and she is currently serving her fourth year as a member of the Board of Directors.

The NYWBA wishes Ms. Schiller every success in her new role.



When It's Hard to Talk continued from Page 7

that's where "moot court" practice comes in! Check your message with trusted advisors, then practice out loud until you sound confident.

The Take-Away

Difficult conversations are stressful; and nothing ups the stress like feeling unprepared or uncertain of our strategy. So take the time to think it through, to write out your message and — most of all — practice.

You'll feel more calm and powerful, and raise your chances of success!

Jezra Kaye is a speaker coach and communications consultant who shows women how to highlight their achievements and ask for what they want. To make suggestions for this column or discuss coaching services, send a note to jezra@yourownadvocate.com.

Modernization of Family Court Coming By Sophie Jacobi

The Matrimonial and Family Law Committee was honored to have Judge Edwina G. Richardson-Mendelson, Administrative Judge for the Family Court of the City of New York, speak to our committee on Wednesday evening, April 21st. She spoke with us about her plans for the future of the New York City Family Court system, and she patiently listened to, and addressed, our members' concerns about the policies and procedures of the City's Family Courts. We were all impressed with her energy, dedication and enthusiasm, and we look forward to seeing Judge Richardson-Mendelson's plans implemented throughout the Family Court system. In general, the modernization of the Family Court will be accomplished by a comprehensive assessment and analysis of court resources; streamlined and efficient case filing and management procedures; new and enhanced educational opportunities for judicial and non-judicial personnel; aggressive community outreach and education; implementation of new and upgraded technology features; improved records management and access; facility upgrades; and the implementation of a broad range of innovative pilot programs across the city. Her plans for the New York City Family Court system can be found on the New York state courts' website <http://www.nycourts.gov/courts/nycfamily/Plan-4-NYC-Family-Ct-Jan2010.pdf>.

The Committee was also reminded about the New York City Family Court Volunteer Attorney Program, which asks firms and organizations to commit to staffing a volunteer attorney office in New York, Kings and Bronx County Family Courts for one day a month for one year. The program is greatly appreciated by Family Court litigants and Support Magistrates and Judges alike. Contact William Silverman at silverman@gtlaw.com or Rosina Taffuri at rtaffuri@courts.state.ny.us for further information.

Our last meeting of the year will be held on May 21, 2010. Peter Theobald, of Klein Liebman & Gresen, LLC, and Lisa Zeiderman and Amy Reiss, authors of *Snooping: What's Legal, What's Illegal?*, will present on electronic discovery: what to do when your client – or your client's spouse discovers email, texts and other electronic evidence, and how attorneys can obtain it through discovery. The article was published in the *NYSBA Family Law Review*, Summer/Fall 2009, vol. 41, No. 2. We hope to see you there.

Sophie Jacobi is associated with Mayerson Stutman Abramowitz, LLP and specializes in matrimonial & family law. She received her JD from Loyola University Chicago and is Co-Chair of the NYWBA Matrimonial & Family Law Committee.

NYWBA 75th Anniversary Gala and Annual Dinner

Honoring

HON. SHERRY KLEIN HEITLER
Administrative Judge for Civil Matters, New York County
Supreme Court, with The President's Special Award

HON. FLORENCE PERLOW SHIENTAG
(1909-2009), Founder, Past President and Benefactor

Thursday, June 10, 2010
Capitale, 130 Bowery at Grand Street, NYC

For more information and to register, go to
www.nywba.org/Annual_Dinner

RECENT LAW FIRM SURVEY YIELDS INTERESTING RESULTS

By Brenda Pomerance

According to a survey released on April 19, 2010, by the Project for Attorney Retention (PAR), law firms made significant advances in retaining and promoting their women lawyers.

The good news:

- 34% of the new 2010 partners are female, compared to 28% of new partners in 2009,
- 23 firms made new 2010 partner classes that were 50% or more female, and
- Three firms had 100% female new partner classes: Sullivan and Cromwell; Munger Tolles; and Weil, Gotshal.

The bad news:

- 14 firms had all-male classes, and
- The overall number of women partners in law firms remains low, at approximately 19%.

This survey made no distinction between equity and nonequity partnership; other studies have shown that an even lower percentage of equity partners are female.

The survey included 118 firms, and the publication includes details for 43 firms. The Project for Attorney Retention, a non-profit organization that studies the advancement of women lawyers and work/life issues for all lawyers, is headquartered at the University of California Hastings College of the Law.

The full survey may be accessed at <http://www.pardc.org/PressReleases/NewPartners2010.pdf>.

Brenda Pomerance is a solo patent attorney and is co-chair of the NYWBA Committee to Advance the Status of Women in the Profession, which oversees the NYWBA's Survey of Manhattan Law Firms.

NYWBA 75th Anniversary Dinner Gala Journal

The NYWBA is pleased to offer the following options in our Dinner Journal for your ads, tributes and best wishes to our honorees, incoming or outgoing Officers and Directors, the Association or any other person:

- \$2,500 Outside back cover, Full color
- \$1,500 Inside covers, Full color
- \$ 650 Full black & white page with green color border ("Going Green")
- \$ 500 Full black & white page *
- \$ 250 1/2 page, black & white
- \$ 125 1/4 page, black & white

Reserve your space by going to www.nywba.org/Annual_Dinner. Submissions should be sent in as soon as possible and must be received by no later than **May 20, 2010**. Ads and tributes should be sent via email to Journal@nywba.org and should be in a word-processing, PDF, TIFF, JPEG, or similar format. Full-page ads are 7.5" wide x 10" high; half-page ads are 7.5" wide x 4.75" high; quarter-page ads are 3.5" wide x 4.75" high. (Display ads should be supplied "in position.")

* *Not a member of the NYWBA?* Purchase a full black & white page in the Journal (\$500) and join the NYWBA as a new member before May 20, 2010, and your page will automatically be upgraded to a full page with a "Going Green" color border!

NYWBA Membership Information

We thank our current members for their continued support and involvement, and we look forward to welcoming new and renewing members. Take advantage of our many member benefits - join committees, network and participate in mentoring circles, attend our signature events, and get CLE credits at our innovative and compelling programs at a significantly reduced cost. It's easy to join or renew - go to www.nywba.org/Membership to access our secure online membership form.

Current members should send updated 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 and committee, 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 or call 201-679-6739 if you are interested in joining the Newsletter Committee or have questions about the Newsletter.

Are You Satisfied With Your Website?

TAG
online is a One Stop Shop for all your website needs:

- ✓ Website Design
- ✓ Redesign and Updates
- ✓ Reliable Hosting
- ✓ Blog
- ✓ LinkedIn, Facebook & Twitter
- ✓ Email Newsletter
- ✓ E-Commerce
- ✓ Search Engine Advice
- ✓ Responsive Customer Service

Contact Amy at 973-783-5583
sales>tagonline.com • www.tagonline.com

We are the Official Website Provider for the
NEW YORK WOMEN'S BAR ASSOCIATION

Visit our website at www.nywba.org

- President**
Donna M. Praiss
- Vice Presidents**
Gretchen Beall Schumann
Catherine M. Foti
Carla P. Vogel
- Treasurer**
Julie Hyman
- Recording Secretary**
Bonnie R. Cohen-Gallet
- Corresponding Secretary**
Kelly O'Neill Levy
- Board of Directors**
Yacine Barry
Leona Beane
Jane Bevans
Elizabeth A. Bryson
Dawn M. Cardi
Jo Ann Douglas
Hon. Laura E. Drager
Myra L. Freed
Hon. Phyllis Gangel-Jacob
Patricia Ann Grant
Hon. Shery Klein Heitler
Randi S. Isaacs
Kay Marmorek
Hon. Angela M. Mazzarelli
Susan M. Moss
Cassandra M. Porter
Amy Saltzman
Teresa Schiller
Hon. Jacqueline W. Silbermann
Lisa A. Sokoloff
Andrea Vacca
- Executive Director**
Karen Lu
- NYWBA Delegates to
WBASNY Board**
Susan L. Bender
Jane Bevans
Elizabeth A. Bryson
Dawn M. Cardi
Jo Ann Douglas
Hon. Betty Weinberg Ellerin
Marjorie A. Martin
Amy Saltzman
Gretchen Beall Schumann
Lisa A. Sokoloff
- WBASNY Vice President**
Teresa Schiller

NEW YORK WOMEN'S BAR ASSOCIATION

132 East 43rd Street, #716, New York, New York 10017-4019
(212) 490-8202 • Fax (877) 282-1462 • info@nywba.org

ADDRESS SERVICE REQUESTED

PRESORTED
FIRST CLASS MAIL
US POSTAGE
PAID
TERMINAL PRINTING
COMPANY
07102