



**New York Women's Bar Association and  
the New York City Bar Association**

*invite you to the*

**Annual Summer Program & Reception:  
"What It's REALLY Like to Practice Law  
in NYC As a Woman"**

**Wednesday, July 25, 2007**

from 6:00 p.m. to 9:00 p.m.

at the House of the Association of the Bar  
of the City of New York  
42 West 44th Street, NY, NY  
(between 5th and 6th Ave.)

RSVP to [summerprogram@nywba.org](mailto:summerprogram@nywba.org).

This event is free of charge,  
but open to LAW STUDENTS ONLY.

Your are invited to celebrate and participate in a reception to be hosted by the Honorable Jacqueline Silbermann to launch the New York Women's Bar Association Pro Bono Matrimonial Law Project. All matrimonial attorneys with a minimum of five years of experience are asked to volunteer 25 hours a year to help deserving pro se litigants in contested matrimonial actions. Come to the reception to register and learn more.

**Date: June 27, 2007**

**Time: 6pm – 8pm**

**Place: New York County Supreme Court  
60 Centre Street, Rotunda area  
New York, NY 10007**

RSVP: Judith White at (212) 750-1333 or [judy@iraegarr.com](mailto:judy@iraegarr.com)

**For the latest news and information on programs and  
events, check NYWBA online at [www.nywba.org](http://www.nywba.org).**

**PRESIDENT'S MESSAGE**  
**OUR WORK IS NOT DONE**

JUNE 2007



*Lisa A. Sokoloff*

I cannot express how proud and honored I am to serve as your president. I want to thank the nominations committee, the officers, the board members, both incoming and outgoing, as well as all the members of this organization for your tremendous vote of confidence.

As you may be aware, this organization was founded more than 70 years ago by pioneering women, who graduated law school and were admitted to the bar, only to find they were unwelcome at the existing bar associations. Since that time, this organization has endeavored to support women joining the bar and to promote women to the bench. It has become a major force in advocating for women and children, particularly in matrimonial law. Our parent, WBASNY, has become an important voice on developing issues in the law, the practice and in society. Since our organization was established, we have seen the number of women attending law school and practicing law grow to more accurately reflect the percentage of women in the population. There has been a huge increase in the number of women on the bench and more opportunities for women to maintain a career and have a family.

Despite the great changes that have occurred, it is not clear how much closer we are to our goal of equality. Our Committee on the Status of Women in the Law has prepared a survey to assess the true status of women in this profession, which has already gone out to several hundred firms in the city. In the fall, we hope to present an unbiased evaluation of the current status of women who practice of law in New York.

Although none of us know what the survey will reveal, I believe that our work is not done. In the past several years as an officer of this organization, I have met so many female attorneys who have been unable to achieve their career goals. Young lawyers coming out of law school have told me of the difficulty of finding not the job they want, but any job. Associates tell me about the uncertainty and difficulty involved in trying to become partner. In so many fields, female lawyers with significant experience find themselves suddenly without a job. Although we have many women on the bench, we

*Continued on page 2*

*President's Message continued from page 1*

only have one woman sitting in the Appellate Division, First Department. While she is our very own board member (Angela Mazzarelli), one woman, even Justice Mazzarelli, is not enough.

Being president of this organization is akin to riding a wild horse, because it has a collective 'mind of its own'. You can grab those reins, but it does not mean that it is going to take you where you want to go. This year, I'd like the NYWBA to focus on helping our members achieve their career goals. I have committed myself to this goal and I hope that you will commit yourself as well and join me on this journey.

We are committed to providing those services that have helped our members thus far. The NYWBA will continue to present vital continuing legal education programs to keep our members informed. On July 25th we will once again present with the City Bar our groundbreaking program for summer associates that was developed by former president, Meg Gifford, twelve years ago: What Its Like To Practice Law As A Woman. We will continue to provide many opportunities to meet and network, hopefully more of them free, such as our annual fall reception for members and prospective members and 'lunch with a judge', an opportunity to sit down and learn about judges' preferences over a brown-bag lunch.

However, I know we can do more to make a difference! Although we are already known for our mentoring, we are taking the concept to a new level. All new attorneys who become members will be assigned to one of three groups: they will become Betty Weinberg Ellerin members, Phyllis Gangel-Jacob members, or presidential members. The groups will meet with their mentors a couple times during the year to talk about the practice. Can you imagine what you might have achieved had you gotten advice from a respected, retired judge when you began your career? I hope that these young lawyers will forever be tied to each other and to our organization.

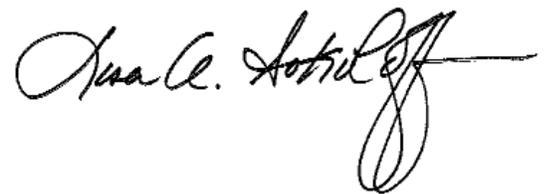
We also intend to introduce some innovative programs to help our members further their goals. As a follow-up to What it is like to Practice Law in New York as a Woman, we anticipate presenting What is an Associate is to Do?, a program focused on what associates need to do in order to become partner and if they chose not to do that route, what is out there and how to get it. We already have some incredible speakers lined up. We will also present a seminar on reinventing oneself for those who, out of need or desire, want to change careers. There are many women out there who have done it and some of them are going to sit down and tell us how they did it. We are going to have several events throughout the year that will focus on projecting a more professional image; some that will help young lawyers with their resumes and interviewing skills, others will focus on honing rainmaking skills.

Finally, we are expanding our tours of the courthouses. This year we put together a tour of Supreme New York to help young lawyers and those new to this area, navigate the clerks' offices and the court system. Although this type of program has been presented before, we have a twist. Our program ends with an

in-courtroom demonstration on answering the calendar calls. This summer, we will be presenting a tour of the Civil Court, which is a first. Those who attend that tour will not only get to meet the Administrator of the Civil Courts, the Hon. Fern Fisher, but also the administrator of the Civil Court of the County of New York, and Housing Court administrator. They will also meet the various clerks and get to have some in-courtroom discussions with some of our accomplished member judges.

Although I have spoken almost exclusively about women, we all know that we cannot do it alone. We have many brothers (spouses, fathers, friends) who are members or otherwise support us. I want to thank them and hope they will continue to support us for what we believe will be an important year. I also want to thank Heather Zona, Elizabeth Bryson, Christina Kallas and Teresa Schiller, the four dynamic prior presidents in whose footsteps I am proud to walk.

Finally, I want to congratulate the honorees at our Annual Gala (Myra L. Freed, Susan Bender, Hon. Betty Weinberg Ellerin and Marcia Goldstein) for making a difference in peoples lives. Most of us become lawyers to make a difference. Somewhere along the way, many of us stop worrying about the world around us and start to worry about security, providing for our families and making money. These women remind us that being a lawyer is not only about remuneration or compensation; it's about affecting the lives of others in a positive way. For the next year, I hope we all can emulate them and improve the lives of future generations of female lawyers.



Join us at

**JALBCA's Annual Dinner**

at Water's Edge, Long Island City

June 13, 2007

6 pm cocktails, 7 pm dinner

Visit [JALBCA.org](http://JALBCA.org) for more information

*Past NYWBA Presidents  
Barbara A. Ryan and Mikki Golar  
will be receiving the Leadership Achievement  
Award that evening  
and JALBCA's incoming co-President is  
NYWBA's Hon. Eileen Bransten*

## Update on the Network of Bar Leaders

By *Cassandra Aquart (our Network Delegate) and Annie Ugurlayan*

At the Network of Bar Leaders meeting in April, judicial compensation and judicial selection (specifically, the lack of judges of color) were discussed. On the issue of judicial compensation, the Hon. Jacqueline Silbermann expressed her concern for an impending crisis if the Legislature does not increase judicial salaries by the end of June 2007 and asked bar leaders to get more involved by creating a stronger visible presence in Albany, a sentiment echoed by the Hon. James Yates. He lamented that the Legislature and the Governor are engaging in a political tug-of-war over the compensation issue, noting that Chief Judge Kaye had set aside \$111 million for retroactive pay but that funding was used to provide for hospitals; however, \$69 million set aside for increasing judicial salaries is still viable. Judge Yates also called upon state bar leaders to continue their letter writing campaign, telephone calls, and to use their resources to get the media's attention and, in particular, by going to Albany on Law Day to lobby for an increase in judicial compensation. Excluded from consideration on this issue are magistrate judges, who oppose the bill unless they too are included. Magistrate judges have joined a union and are lobbying separately for a pay increase. Judges also feel disenfranchised because they do not belong to any special interest group (e.g., minority, women or homosexuals), by the lack diversity on the bench (Governor Pataki has not appointed a single person color as judge) and by the lack of fraternal connection to the legislators (only one-third are attorneys), all of which could be contributing to inaction on their pay raises.

Concerning the issue of judicial selection and the lack of judges who are persons of color, Daniel R. Alonso, chair of NY Hispanic Bar Association Task Force on Judicial Selection, discussed the findings of an extensive report on judicial selection, which was a collaborative effort by several Hispanic bar associations. The committee rejected an open primary, including the convention system with the primary bypass, due to the continued tradition of a lack of diversity on the bench (Governor Pataki's executive order, unlike that of Mayor Bloomberg, has no diversity goal), which the committee feels will remain the norm due to the lack of public financing. Instead, the committee favored a commission-based appointed system, selected on a double-blind basis, which has never been done in New York. The panel would select three to five names that will be binding on the appointing authority (the governor or mayor). However, the New York State constitution would have to be amended to afford the possibility of a commission-based appointed system. Accordingly, in the interim, the committee favored allowing for a more open convention system by granting the right to address the convention. One bar association president opined on the open primary system, rejecting it outright because it enables judges to act as politicians and disadvantages minorities due to their districts being underfunded, adding that some minorities are underrepresented in the judicial screening committees.

## NOTES ON MEMBERS

*Has something noteworthy happened to you or another member? Send us your news at [newsletter@nywba.org](mailto:newsletter@nywba.org).*

We offer our heartfelt condolences to **Myra Freed** on the death of her mother Gladys Vener Freed.

## An Update on Legislation Day in Albany

By *Annie Ugurlayan*

On April 17, 2006, Jane Bevans, the NYWBA's delegate to the WBASNY Legislation Committee, and Lisa Schreibersdorf, co-chair of WBASNY's Legislation Committee, met with legislators as part of WBASNY's day of lobbying in Albany. WBASNY's Legislation Committee regularly reviews state and federal legislation and drafts proposed legislation of interest and concern to the Association (subject to approval by the Board of Directors), which is submitted to the appropriate legislature.

Ms. Bevans and Ms. Schreibersdorf discussed many issues with our State legislators, including no fault divorce, judicial pay raises, judicial selection, civil legal services funding and anti-human trafficking legislation.

They met with Mariya Treisman from the Office of the Governor's Counsel to discuss WBASNY's support for amending the Domestic Relations Law to allow for no-fault divorce in New York State, as well the issue of judicial pay raises and as concerns the funding of legal services. They elucidated WBASNY's position on the need for the greater funding of civil legal services and the creation of an Office for Civil Justice in the Executive Branch to ensure a clear and transparent process for the distribution of funding to New York's civil legal services organizations. Ms. Treisman assured that she will discuss the issue of no-fault divorce with Governor Spitzer, that Governor Spitzer is in favor of judicial pay raises and that despite the submission of the 2008 budget, several items (such as this one) are still being considered as part of the final budget.

Ms. Bevins and Ms. Schreibersdorf also met with Assemblyman Jeff Dinowitz, who authored the Anti-Human Trafficking Bill, which has since been approved by Governor Spitzer, which makes sex trafficking and labor trafficking felony-level crimes and affords trafficking victims access to state social services. The WBASNY delegates raised concerns about the proposed felony charges for "johns" which would ultimately harm immigrant female prostitutes and their children as they would be left destitute as well as charges against travel agencies deemed to be facilitate prostitution when, in fact, they have no knowledge of the end use of their services. It was unclear whether Assemblyman Dinowitz would take these concerns into consideration<sup>1</sup>.

As to no fault divorce, Assemblyman Dinowitz responded more favorably to the WBASNY's proposed amendment of the Domestic Relations Law to allow for no fault divorce. WBASNY's position is based on the fact that 95 percent of all divorces in New York State are *Continued on page 11*

## CONVENTION CONFIDENTIAL

5/31/07, 5:00 a.m. Wakeup to blaring alarm after barely three hours of sleep.

7:00 a.m. Arrive at gate at Newark for Continental Flight. Spot Sue Moss, who lives ten blocks away. A V-8 moment: we both instantaneously realize that we could have traveled together. Mindy Zlotogura (Convention Chair), (WBASNY Past President) Lenora Kramer and her mother also on same flight.

8:45 a.m. The minute the plane pulls back from the gate, an elderly male passenger, ten rows in front of me, passes out and then has several seizures. Flight delayed nearly one hour while flight crew and then Continental ground crew stabilize him and help him off the plane. His family, who also eventually de-plane, claim that he had an allergic reaction to a bagel he ate before boarding. While I am no "House," passing out, seizing and then vomiting are not typical allergic reactions.

1:30 p.m. Arrive in Puerto Rico. Greeted by grey skies and light rain. Not the welcome we were hoping for. Drag luggage to the resort shuttle only to find that it is filled with WBASNY members who took the American flight from Kennedy. Catch up with WBASNY President, Elaine Avery, and members from Westchester while waiting for next shuttle. Someone has Pringles; time passes quickly.

2:30 p.m. Arrive at Rio Mar Resort and check in behind Burt Lipshie, who is wearing a pink, breast cancer awareness bracelet. He clearly appreciates his audience.

3:00 p.m. Late lunch. Hang out with Sue Moss and Jon Massey, from AXA Advisors, one of WBASNY's preferred providers, who agrees to present a financial planning workshop for NYWBA members.

7:00 p.m. Rain has stopped in time for the poolside party. Live band plays Latin music. Executive director and NYWBA past president, Christina Kallas, and her husband, Xen, dance under the stars. Pina Coladas and Margaritas flow, some of them even virgins. Fabulous island food served on the portico.

6/1/07, 10:00 a.m. Miss breakfast, but wander down to conference area in time for Burt Lipshie's CPLR CLE. No breakfast needed: buffet of pastries and fruit, juices, coffee and tea served in the conference area. Lipshie's class is better attended than he anticipated. We laugh for two hours straight. Now I know why he is invited to lecture for the judiciary every year.

12:30 p.m. Board Meeting. Ratify WBASNY's support of same sex marriage. One board member abstains.

2:00 p.m. Blow off rain forest tour to sit in the sun at "quiet" pool. Order pina coladas and hangout in pool with WBASNY pro bono honoree and Bronx chapter member, her friends and family from Riverdale. Mistakenly receive Riverdale crew's lunch bill with my drink bill: now that is one expensive drink!

7:00 p.m. Arrive for cocktails on lawn and learn that New York chapter took the chapter picture without me. Several other members arrived subsequently and we take a new picture inside

on the steps. Wearing heels, so I don't have to stand in the front with the other short people. At dinner later, Jo Ann Douglas is honored for her work with children. Although she threatens to merely say: "thank you", her acceptance speech is very moving.

9:00 p.m. Brooklyn-sponsored party for outgoing president Elaine Avery held at the cabaña on the lawn. 20 minutes into party, it begins pouring. Bartenders claim to serve 450 drinks to 75 people in the 30 minutes before the rain lets up.

6/2/07, 9:30 a.m. Actually wake up in time for breakfast. Have cream of wheat that tastes suspiciously like oatmeal.

10:00 through 11:00 a.m. "Volunteer" to sell raffle tickets. Stick my own tickets in chapter bags with gift certificates. Unfortunately, do not win. Our chapter bag is a Teresa-inspired taste of Texas.

Afternoon spent by the "not so quiet" pool. Arrive to find Lisa Bauer, Sue Moss and Cathy Chester taking dancing lessons by drink cabana. Join in for Salsa. Enjoy Limon rum and lemonade poolside.

5:30 p.m. Walk along the beach before going in to change for dinner. Find beautiful sand dollar in front of hotel.

7:00 p.m. Cocktails in front of main ballroom. Feel underdressed as Teresa Schiller is wearing elegant brown satin dress that makes her look like a princess, Lisa Bauer is wearing lavender Marilyn Monroe dress and Cassandra Porter looks fab in black. Chapter sits together at dinner again. Coordinated by Sue Moss, we all yell loudly (even usually quiet Meg Gifford) when Teresa is installed. Commissioner of Housing, Margareta Lopez is keynote speaker.

9:30 p.m. After dessert and coffee sponsored by Bronx Chapter (chapter of incoming president, Maria Cortese), join everyone at lobby bar for Salsa dancing.

11:30 p.m. Feet give out and leave dancing to Cathy Chester, Lisa Bauer, Cassandra Porter and those much younger than me.

6/03/07, 10:00 a.m. Plenary session. Because they had to ship all goodies from stateside, there are fewer after conference give-aways.

12:00 p.m. to 3:30 p.m. Hangout at pool with Mindy Z, Lisa B, Hon. Ellen Spodek, Hon. Cynthia Kern, Hon. Deborah Kaplan and many others. Water aerobics instructor does not show, so I paddle around in my water hands. Bid goodbye to Judge Kern, who along with Hon. Matt Cooper and Judge Kaplan, has split her time between the Brooklyn and New York Chapters.

4:30 p.m. Enjoy sunset catamaran trip along the island shore. Although no magical colors at sunset, wind and water make this ride beautiful and soothing.

## CONVENTION CONFIDENTIAL

8:30 p.m. Dinner at Italian restaurant at resort with Dawn Cardi and husband Ken, Elaine Avery and family, Hon. Deborah Kaplan and family, Nancy Bannon, Brooklyn's new president, Pam Elisofon and her husband, Ellen Spodek, Mindy Z, and several from Rockland Chapter.

6/4/07 9:30 a.m. Quick breakfast at David's Cookies with Judge Spodek and Mindy Z, then off to Old San Juan.

11:00 a.m. Check-in at Sheridan Old Juan. Dump bags and begin tour of City. Hear my name called while walking down street. Run into other WBASNY members and join them for

lunch. Walk almost entire Old City before finding birthplace of pina colada. Really enjoy sample. On the way, find Coach outlet and score some wristlets.

7:00 p.m. Dine at Aquaviva. Manager treats us like royalty.

6/5/07, 9:00 a.m. Breakfast outside old San Juan Starbucks -- yes, they have them too! Local vendors set-up for cruise ship arrivals, but the ships do not dock while we are waiting. Enjoy the last of balmy weather before heading home. Goodbye Puerto Rico -- hello New York.



*Former President Meg Gifford and Jim Daniels*



*Member Cathy Chester and her sons*



*Vice President Lisa A. Bauer, Director Cassandra Porter and Member Jessica Lipson, "ready to salsa"*



*Cassandra Porter and Lisa Bauer enjoying the island*



*Jo Ann Douglas receiving the Stephanie Kupferman Juvenile Justice Award*



*Teresa Schiller being inducted as WBASNY Recording Secretary*

## THE ANNUAL BASH WAS A FABULOUS CELEBRATION

On May 16, 2007, members of the New York Women's Bar Association, friends and supporters, gathered at the Puck Building, on Lafayette Street, for our annual gala. The celebration was the first at this new location and also the first to feature a new format, with a shortened program (over dessert and coffee), leaving more time for mingling over cocktails and finger food. A silent auction was conducted in one ballroom, with bidding on items donated by Eileen Fisher, Warren A. James, John Barrett Salon, John Shag Salon, Gramercy Appraisers, La Grenouille, Landau Jewelry, Marcy Einhorn Designs, Myriad Restaurant Group, The New York Law Journal, The Liberty (Women's Basketball Team), Westlaw, David Yurman, just to name a few. The proceeds from the auction will benefit the Honorable Betty Weinberg Ellerin Fellowship. For more information on the fellowship, or to view the Gala Journal or photographs from the evening, please visit our website [[www.nywba.com](http://www.nywba.com)].

Jo Ann Douglas, Vice President and Event Co-Chair, welcomed those who attended the program. Thereafter, Teresa Schiller, the outgoing president noted how far the organization has come during her tenure. She commented on the programs the NYWBA has sponsored, which have recognized the importance of the judiciary. She also highlighted the good work of many of our committees including the committee to advance the status of women in the profession, the technology and internet committee, the international law and practice committee, the alternative dispute resolution committee and, of course, the matrimonial law committee. After summing up her year, Teresa was thanked for a job well done on behalf of the Association by the incoming President.

Continuing with our longstanding tradition, the Honorable Betty Weinberg Ellerin installed the incoming officers, directors and delegates to the Women's Bar Association of the State of New York. Our new President, Lisa A. Sokoloff, noted that while we have come along way, our work is not done. She purposed new programs to help our members achieve their career goals. Portions of her address, minus many thanks, are set forth in the President's Message in this issue and also on our website.

One of the highlights of the evening was the presentation of the Joan Ellenbogen award by the Honorable Angela M. Mazzarelli, Associate Justice of the Appellate Division, First Department, to the Honorable Betty Weinberg Ellerin, Susan L. Bender and Marica Goldstein for their contributions to the New York State Matrimonial Commission. The award is given to honorees, who support causes that benefit women and children in society and enhance the opportunities and status of women in the law. Judge Mazzarelli noted that these honorees personify everything we, as female lawyers, aspire to become. As many know, Joan Ellenbogen was the founding president of our parent, WBASNY, and a renowned matrimonial lawyer, who passed away in October 2001, after a valiant struggle with pancreatic cancer. The award in her honor is made possible by a generous gift from long-time member and past president, Shelia Birnbaum. The honorees requested that this year's

award be donated to the Joan L. Ellenbogen Scholarship at Brooklyn Law School. Award recipient, Marcia Goldstein, Joan Ellenbogen's partner, announced that she will be matching Sheila Birnbaum's contribution to the scholarship this year.

The other highlight of the evening was the presentation of the Doris S. Hoffman award by the Honorable Laura Drager, a former recipient, to Myra L. Freed. The Doris Hoffman award is named in honor and memory of our past president, Doris Hoffman, and is given to a person who has provided outstanding service to the Association but has never been president. In presenting the award, Judge Drager noted that Doris would have been proud of the award created to honor her as well as the member chosen to receive it. She noted that Myra has chaired two committees, one of them twice, since joining the organization in 1984 and has been a member of the Board of Directors since 1998 and Vice President from 2002 through 2004. In accepting the award, Myra Freed noted that it was Judge Drager, then serving on the nominations committee, who talked her into becoming an officer. She said that the award had special meaning to her because she knew Doris and found her to be not only smart, warm and welcoming, but also fierce in her support of the people and causes she cared about. She joked that she did not join the Women's Bar because she was smart enough to know how important joining and participating would be to her personal life, but to avoid being embarrassed by Diane Abelof, then president, for not joining. She kidded that the single most important thing she learned from the members of the working mothers committee was never to appear in court on the first Tuesday after Labor Day, the day one needs to continually dial private schools for applications. She credits her friends on the committee for helping her to get her daughter into the 92nd Street Y nursery school many years ago.

We hope that you will join us next year for another fabulous annual gala. It is never too early to volunteer. If you'd like to participate in next year's gala, please email your name, address and contact information to [info@nywba.com](mailto:info@nywba.com) and put 'volunteer - annual gala' in the subject line.



# NYWBA Annual Gala, May 16 2007



## ANNUAL NETWORK LEGISLATIVE BREAKFAST

The Network of Bar Leaders, an organization composed of 46 metropolitan area bar associations, held its annual Legislative Breakfast on May 25, 2007, at New York County Lawyers. The Breakfast provides political leaders with the opportunity to discuss current concerns, projects and bills that impact the legal community. Several themes emerged during the breakfast: gun control, judicial selection (election versus 'merit' selection) and pay raises. This year's speakers included Congressman Jerrold Nadler, Senator Diane Savino, Senator Eric Adams, Assemblyman Carl Heastie, Assemblyman Richard Gottfried, Councilman David Yassky, and Councilman David Weprin. NYWBA member Cassandra Aquart and vice president Sylvia DiPietro attended as representatives of our association. Kelly O'Neill-Levy, our corresponding secretary, also an officer of Network, was present as well.

U.S. Congressman Jerrold Nadler discussed the threat to our civil rights and liberties posed by the present administration, which has increased the power of the President, eroded habeas corpus since 9/11, engaged in warrantless wiretapping under the guise of national security, and politicized the Justice Department. He is working on a bill that would make it a crime to transfer assets across state lines in order to avoid paying child and spousal support, would seize the assets and return them to the state from which they were taken.

With respect to judicial salary increases, State Senator Diane Savino reported that the Legislature supports pay raises. She does not want the raises tied to campaign finance and hopes that the dispute is resolved by the end of this legislative session. She reported that the Governor wishes to reform the merit judicial selection process; however, she feels that the merit selection process is not a panacea. She is concerned about judicial diversity on the bench, emphasizing the percentage of people of color on the bench is not reflective of the general population.

Senator Savino also stressed the need to reform the Child Welfare and the Family Court Systems. She noted that the current system is dysfunctional and has not been reformed in decades. Caseloads for law guardians are too heavy in the Family Court. She and Senator De Francisco have drafted a bill to reform Article 10 of the Family Court Act, which has been presented to the Governor, who has apparently agreed in principal to the bill.

Senator Eric Adams expressed the desire to reform gun control, noting that people are permitted to purchase bullets for guns that they are not even licensed to carry. He claims that this legislation is needed especially in light of the Virginia Tech incident. Senator Adams would also like a rating system developed for the video and entertainment games that our children play, so parents are aware of the degree of violence that they contain. He noted that our children have a tendency to adapt very quickly and mimic what they watch, and that a

rating system for video games might inhibit development of future antisocial behavior.

Assemblyman Carl Heastie expressed concern about hasty judicial reform; he warned that selection of judges should not be taken out of the hands of the community. As a related concern, he also feels that open primaries would be a disaster for sitting judges, who would have to raise money. That would place judges at a disadvantage, especially if they were to face opponents who were presently in public office, and had spread a lot of funds around to various programs.

Assemblyman Richard Gottfried is working on a universal health care plan. He explained that under past governors, it was extremely difficult to attain any resolution of issues, such as the Workman's Compensation Bill. Under Governor Spitzer, methods have changed. Governor Spitzer believes in staying with an issue until it is resolved, and thus resolution is clearly forthcoming. With respect to legislative and judicial pay raises, Assemblyman Gottfried believes that they should be removed from the legislative and gubernatorial arena and placed in the hands of a commission. Presently, there is legislation on the table to do just that and he hopes it passes.

Councilman David Weprin stated that unlike other periods where dollars had to be stretched, the City now has a large budget surplus. The Finance Committee is presently working on eliminating the "Budget dance" of past years where formerly submitted major proposals are eliminated and had to be re-requested in January. Some of the steps in the dance have been eliminated, which he hopes will have a positive effect on the distribution of some of the budget surplus. Some funds are base lined for the library system and ACS. Further, there is a negotiation presently in play with respect to what programs are working and not working. David Weprin has also put forth an initiative or a fund for civil practice legal services for indigents who are not eligible for legal aid. Such a fund is already in place with CUNY Law School.

Councilman David Yassky reported on the City's version of the False Claims Act, which focuses on "whistle blowers" who report acts of fraud committed by certain agencies. Presently under the City's version, the Corporation Counsel's office can stop a claim before it has been filed. To date, he contends that the Corporation Counsel has moved to terminate all claims that have been brought and that legislation should be passed to prevent the City from thwarting the intent of the Act. The Councilman also noted that in light of the Virginia Tech incident, we need a bill that allows private citizens to sue gun manufacturers directly, to put limits on purchasing guns.



## Tours Of The Courthouse: CLE For Attorneys New To Practice In New York City

The Women's Bar is proud to present programs to help our members to achieve their career goals. Towards this goal, the NYWBA will present two tours of the courthouse this summer: one of the New York Supreme Court, and the other of the Civil Court in and for New York County. Each tour carries approximately 3.5 CLE credits and will provide useful information in an enjoyable format. These programs are a fun and inexpensive way for newly admitted attorneys to earn Skills Credits and for more experienced attorneys to earn credits toward their Professional Practice requirement.

The tour for Supreme Court will be held on June 20, 2007 at 9:00 a.m. at 60 Centre Street, New York, New York. Jacqueline W. Silbermann, the Administrative Judge of the New York County Supreme Court, will provide welcoming remarks about the history of the court system. James Rosetti, the Chief Deputy County Clerk, and John Werner, Chief Clerk and Executive Officer for New York County Supreme Court, will guide the participants through each of the clerk's offices in the courthouse. Brian D. Giovanna, the court reporter in-charge of courtroom 2000, will also discuss the innovations of courtroom 2000. Each participant will receive the pertinent statutes pertaining to filings and other materials helpful in navigating the clerk's offices. The tour will cumulate with an in-courtroom demonstration with one of our member judges.

The tour of the Civil Court will be conducted on June 25, 2007, at 9:00 a.m., at 111 Centre Street. Welcoming remarks will be given by Hon. Fern Fisher, the Administrator for the entire Civil Court system, Hon. Martin Schulman, the Supervising Judge for the Civil Court in New York County, and Hon. Pam Jackman Brown, the Supervising Judge for the Housing Court, New York County. The Civil Court tour will also include discussion of the historical development of the Civil Court and its various parts. The tour will include visits to the main clerk's office, the small claims part of the clerk's office and the housing (landlord/tenant) clerk's office. There will be two in-courtroom demonstrations, one in the Civil Court, and one in the Housing Court, with demonstrations on how to answer calendar calls and a discussion on preparing for court appearances.

For more information on either program visit our website at [www.nywba.com](http://www.nywba.com) or contact Felicia Monte at [fmonte@fulbright.com](mailto:fmonte@fulbright.com). These programs are intended for young attorneys, including summer associates. Feel free to sign yours up.

The Association thanks, Gillian Thomas, an associate at Heidell, Pittoni, Murphy & Bach LLP, and Yacine Barry and Dakota Ramseur, both court attorneys, for their invaluable assistance in developing the tours.

### TOUR OF THE NEW YORK COUNTY SUPREME COURT

This program is intended to benefit attorneys new to the practice or just new to New York, who will be litigating in the Supreme Court. It will provide a comprehensive overview of the structure of the court and the organization of the various clerks' offices, as well as practical information on filing papers and answering calendar calls.

**Speakers:**    **Hon. Jacqueline W. Silbermann**  
*Administrative Judge, New York County  
Supreme Court*  
                  **James Rosetti, Esq.**  
*Chief Deputy County Clerk, New York County  
Supreme Court*  
                  **John Werner, Esq.**  
*Chief Clerk and Executive Officer, New York  
County Supreme Court*  
                  **Mr. Brian DiGiovanna**  
*Court Reporter in Charge of Courtroom 2000*

Date:            June 20, 2007 (Wednesday)

Place:           60 Centre Street, NY, NY  
                      Registration, 9:00 a.m. in room 228  
                      Program 9:30 a.m. to 12:30 p.m.

Cost:            \$25 NYWBA Members; \$50 Non-Members

RSVP:          Felicia Monte [fmonte@fulbright.com](mailto:fmonte@fulbright.com) or  
                      (212) 318-3240

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*\* CLE: Approval of CLE credit is pending in accordance with the requirements of the NYS Continuing Legal Education Board for a maximum of 3.5 credit hours of Skills acceptable for transitional credit for established and newly admitted attorneys. NYWBA is a chapter of the Women's Bar Association of the State of New York, which is an accredited provider of CLE credits.*



## NYWBA Alternative Dispute Resolution (ADR) Committee CLE Program on Advertising Self-Regulation

*By Annie M. Ugurlayan*

Over 25 attendees joined the New York Women's Bar Association's ADR committee on April 25, 2007 for a CLE program on advertising self-regulation, which was hosted at the offices of Loeb & Loeb LLP in midtown Manhattan. The program explored the historical background for self-regulation in advertising as well as the pros and cons of different dispute resolution mechanisms that companies may consider when they want to challenge advertising claims of their competitors that they believe to be unsubstantiated.

The advertising self-regulation system, like other self-regulation systems (e.g., NASD), affords an alternative to the courts for the resolution of disputes. Over 35 years ago, amid increasing calls by the consumers advocacy groups for governmental oversight of advertising, the advertising industry decided to adopt a system of self-regulation to ensure the truth and accuracy of advertising. The industry formed a strategic partnership with the Council of Better Business Bureaus (CBBB) to create an independent self-regulatory body -- the National Advertising Review Council (NARC) - which sets the policies for the National Advertising Division (NAD), NARC's investigative arm, as well as other entities operating under NARC's umbrella<sup>1</sup>. The advertising self-regulation program has, among other things, helped develop a body of advertising law and increased consumer protection from unsubstantiated advertising claims.

Terri J. Seligman, a partner at Loeb & Loeb LLP, presented the pros and cons of different dispute resolution mechanisms that companies can consider when they want to challenge advertising claims of their competitors that they believe to be unsubstantiated. Ms. Seligman explained that companies typically contact their competitors with a demand letter, to demonstrate a good faith attempt to resolve the dispute amicably and with minimal cost. Similarly, companies are also apt to contact media outlets (e.g., major networks) with a request to pull a particular advertisement, and while the cost is low and resolution time is quick, there is no guarantee with either mechanism that the offending advertisement will be discontinued. Ms. Seligman noted that the NAD is another dispute resolution option, and oftentimes the first one that comes to mind because of the voluntary nature of the process, low cost vis-à-vis litigation and the speed with which disputes are resolved (60-120 days), though she noted that the limitations include additional costs incurred with the retention of counsel and experts and conducting tests and surveys (depending on the case) as well as questions regarding the precedential value of NAD decision in the courts.

Ms. Seligman explained that other options, while quite effective, also carry great risk. Companies can initiate a federal Lanham Act case and that can produce a quick result in certain instances (e.g., temporary restraining order), however the burden of proof is high (showing irreparable harm). She also noted that it can take years to resolve these cases and the process is very costly. Companies can also file a petition with the Federal Trade

Commission (FTC) or the State Attorney General requesting that they investigate the accuracy of a competitor's advertising, and while such complaints are taken seriously by competitors, there is no guarantee that any action will be taken and, as with a Lanham Act case, it may take a long time to resolve the case.

After Ms. Seligman's presentation, Andrea Levine explained the advertising review process at NAD. She provided an overview of NAD's mission and the benefits of participating in the NAD review process, namely leveling the playing field for advertisers, confidentiality of the proceedings (until the matter is resolved), boosting consumer confidence in advertising and freeing up regulatory agencies to tackle more egregious advertisers whose false and misleading claims may impact upon public health and safety. Ms. Levine noted that NAD cases generally result from competitor challenges though some result from NAD's monitoring efforts. Ms. Levine stressed that the NAD process is voluntary and, as such, differs from the FTC in that it does not issue subpoenas, nor does it award damages, although NAD decisions nonetheless often result in substantial changes to advertisements and provide valuable guidance to advertisers and their counsel.

Ms. Levine explained that the review process consists of two rounds of submissions, after which each party meets with NAD on an ex parte basis, a key aspect of NAD's "user friendly" process, after which the decision is drafted in which NAD determines whether the advertiser has a reasonable basis for its claims. To the extent that it finds the advertiser's evidence insufficient to support its claims, NAD will recommend that the advertising be modified or discontinued. Advertisers indicate whether or not they will comply with NAD's decision in their advertiser's statement, and to date, there has been a 96 percent compliance with over 4600 NAD decisions, though advertisers are free to appeal the NAD decision to the NARB. Ms. Levine then discussed a number of cases, both competitor challenges and monitoring cases, particularly more recent ones, that touch on nutritional and health claims (whether chocolate is really lowers your cholesterol and provides heart healthy benefits), and performance benefits relating to products such as face creams and cosmetic procedures ("look up to 10 years younger"; "look up to 20 years younger TOMORROW!"), teeth whiteners, dietary supplements and foods marketed as beneficial in weight loss and explained the substantiation presented in each case and whether it was sufficient to support the claims at issue. Ms. Levine explained the type of substantiation that NAD is looking for, depending on the case and claims at issue, such as head-to-head testing, actual product testing, statistically significant results that are consumer meaningful and, where scientific studies are presented, a correlation between the studies and the claims.

The presentations were followed by a question and answer period. Ms. Levine explained that *Continued on page 11*

*Legislation Day continued from page 3*

uncontested and that such couples claim "constructive abandonment" in their divorce papers, when that is not the case, because they are not afforded the option of a no fault divorce. Assemblywoman Helene Weinstein, who is generally supportive of WBASNY positions, is resistant to no-fault, positing that her omnibus bill, The Divorce Reform Act of 1007, is preferable in that it affords couples the right to a divorce within three months after separating and settling outstanding differences and, though it would not eliminate fault grounds, would add new grounds (e.g., irreconcilable differences) under which divorce would be accorded. WBASNY believes that it is highly problematic that New York is the only state without 'no fault' divorce legislation and is an issue that deserves more media attention to educate the public on the merits of such legislation.

Whatever the final outcome of the WBASNY delegates' lobbying efforts, it is clear that this is an important function of our organization. Through regular meetings and correspondence with legislators, WBASNY's concerns and, importantly, the concerns of our members (the legislators' constituents), can be more fully addressed.

1. The bill in its final form states that "knowingly" selling travel-related services to facilitate prostitution is "prostitution tourism" and is classified as a class D felony of Promoting Prostitution in the Third Degree. In addition, in an effort to curb the demand for prostitution, the lowest-level patronizing of a prostitutes was elevated from a B to an A misdemeanor. See Press Release, *Agreement Reached on AntiHuman Trafficking Legislation*, May 16, 2007, <http://www.ny.gov/governor/press/0516071.html>.

*ADR continued from page 10*

cases that are referred to the FTC for non-compliance are routinely investigated, even though a formal action may not always arise, and that NAD, in certain cases, consults with independent experts concerning the substantiation in their cases (all confidential material being properly redacted). As to advertising trends, Ms. Seligman and Ms. Levine opined that green marketing, health claims, and advertising claims targeted to an aging population are becoming more prevalent. Concerning the issue of attorneys being asked to review an advertising campaign just prior to its launch, Ms. Seligman noted that although it is not always feasible to consult with the attorney while developing an advertising campaign, she added that it is preferable whenever possible to do so.

The New York Women's Bar Association ADR committee wishes to thank Loeb & Loeb LLP for graciously hosting this event. Individuals interested in joining the ADR Committee should contact Christina Kallas at [ckallas@nyc.rr.com](mailto:ckallas@nyc.rr.com) or Annie Ugurlayan at [augurlayan@nad.bbb.org](mailto:augurlayan@nad.bbb.org).

1. The Children's Advertising Review Unit, which analyzes and evaluates advertising directed at children under the age of 12 and uses its online privacy measures to protect children; The National Advertising Review Board, which is the self-regulatory forum's appellate body; and the Electronic Retailing Self-regulation Program, which resolves issues as to the truth and accuracy of claims made in direct marketing (e.g. infomercials).

## WOMEN'S RIGHTS IN ISLAM SEMINAR A SUCCESS

The NYWBA co-sponsored the successful Women's Rights in Islam seminar on May 23, 2007. Nearly 200 attorneys attended the free event, which was held by the New York City Bar Association in an effort to help the New York legal community better understand Islamic Law.

Robert E. Michael, Chair of the City Bar Committee on Foreign and Comparative Law, moderated the event. Professor Bernard Freamon, of Seton Hall Law School, explained how women's rights issues were framed in the formative years of Islamic Law. Professor Marion Holmes Katz, of New York University's Department of Middle Eastern and Islamic Studies, discussed how classical Islamic law has treated issues of women's rights. Farida Deif, the Middle East and North Africa Researcher for the Women's Rights Division of Human Rights Watch, addressed women's rights in practice today in Muslim-majority countries. Saleemah Abdul-Ghafur, author of the book *Living Islam Out Loud-American Muslim Women Speak*, presented a portrait of Muslim women's lives-those living in the United States. Janet Benshoof, Harvard Law School lecturer, pioneer in reproductive rights law, and Founder and President of the Global Justice Center, discussed the relationship of international human rights law and the treatment of women in Islamic jurisdictions and societies.

The program, also co-sponsored by the Muslim Bar Association of New York, was very informative in two areas. First, Mr. Michael and Professors Freamon and Katz dispelled the notion that women have negligible legal rights under Islamic law. Mr. Michael provided the historical context and early prophetic context; Professor Freamon spoke about the basic rules and traditions that were very progressive in the first two hundred years of Islam, and what froze them in place; and Professor Katz gave a marvelous presentation on how women's rights have been treated in the 1,000 years that followed. Then the more sobering presentations focused on the challenges faced by Muslim women around the world. The hardships of women in the Middle East were discussed by Ms. Deif and Ms. Benshoof, while Ms. Abdul-Ghafur talked of the unique issues faced by American Muslim women, especially those of the generations born here. All of the speakers, however, expressed hope and confidence in increasing efforts to improve the lives of Muslim women around the world based on advances in international law, legal enforcement efforts and the current theological re-evaluation of restrictive practices.



## Newsletter Deadline and Contact Information

Submissions must be sent to the Newsletter Committee by the **10th** of the month for publication in the following month's newsletter. Please email articles, notes on members, committee calendars, and any other announcements to **Diana Ceccacci, Esq.**, tel. no. 718-229-4932, email [newsletter@nywba.org](mailto:newsletter@nywba.org).

## NYWBA List Serve

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

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

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