

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 **Teresa Schiller, Esq.**, tel. no. 212-878-3003, email newsletter@nywba.org. We reserve the right to edit or not publish submissions.

NYWBA List Serve

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

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

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NEW YORK WOMEN'S BAR ASSOCIATION

presents

LUNCH WITH A JUDGE

featuring

Hon. Paul G. Feinman
Acting Supreme Court Justice
sitting in the City Part

Thursday, September 15, 2005, 1:00 p.m.
Robing Room, Courtroom 289, 80 Centre Street

Space is limited to 15 attorneys, and advance registration is required. To reserve a seat or obtain more information, please contact Ingrid Castillo at 212-644-4420 x271.
(Note: Pending matters will not be discussed.)

PRESIDENT'S MESSAGE

September 2005

What have we learned since September 11th?

You are reading this column in early September, but I started writing it on July 4th. As I watched the fireworks on television, and listened to the array of music accompanying the fireworks -- from John Philip Sousa to Gloria Estefan -- I thought of the things I love about the U.S. I wondered how many more times we would celebrate July 4th without a recurrence of the attacks of 9/11. That led me to ponder the changes since 9/11, and the things that have not changed.



Christina Kallas

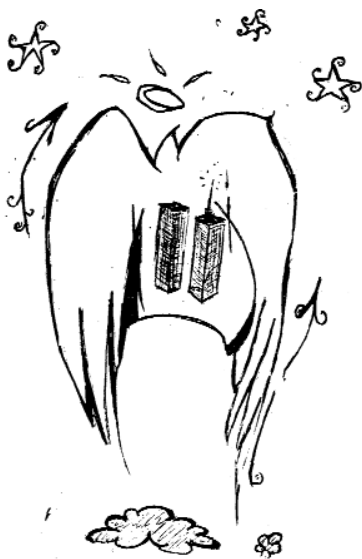
Photo: Daryl-Ann Saunders

On the ABA Solosez Listserv, as the horror of 9/11 unfolded, the topic of conversation rapidly turned to what we, as lawyers, could do. Days passed, filled with images of rescue workers looking grimly determined, *en route* to rescue those who might still be alive and to retrieve the bodies of those who had died -- potentially so many. Everything about them -- their body language, their facial expressions -- conveyed that they were men, in the best sense of that word, going to do a difficult job that had to be done. There was a grim pride about them, echoed by the crowds that lined the streets cheering them on and handing out water and food. We were lawyers, unaccustomed to being helpless and standing by; what could we do?

I am proud to say that the speed and creativity that are hallmarks of our profession were immediately evident. My ABA colleagues organized a listserv to help affected lawyers, offering equipment, office space, and technological expertise. Rather than cancel, American Lawyer Media changed the focus of its annual NY Tech Show, offering free admission to displaced lawyers and seminars on disaster planning and recovery.

In about two weeks, the trusts and estates bar, working with the Surrogate's Court personnel, put together a procedure to allow relatives of the missing to proceed with probate and administrative proceedings. The word went out -- volunteer lawyers were sought to learn the new procedure for obtaining an expedited death certificate. Hundreds of lawyers went to ABCNY for the program; the line snaked all the way down both sets of steps, through the lobby, out onto the street, and down the block. Lawyers waited patiently -- with that same grim determination I had seen on the faces of the men going to Ground Zero -- to be admitted to the training. Many lawyers were turned away.

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

NYWBA MENTOR GROUP PROGRAM ACCEPTING NEW PARTICIPANTS

In the Fall of 1994, the NYWBA launched a unique program designed to develop and encourage mentoring relationships among our members. The Association perceived, correctly, that mentoring is important to professional success and development, and that traditional mentoring relationships -- mentor and protégé in a one-on-one relationship -- were increasingly unavailable to young lawyers, particularly women. Experienced practitioners facing a changing economy had less time to devote to mentoring, and when they did have time, they tended to do what came naturally: they selected younger versions of themselves, typically not women or persons of color, as their protégés.

This Association counts among its members some of the most prominent and accomplished women lawyers in the City, whose commitment to mentoring has spanned seventy years. However, the traditional mentor-protégé structure was not readily adaptable to a bar association, whose members practice throughout the City. Accordingly, in 1994 the Association's Committee to Advance Women in the Profession developed "mentoring circles" to utilize the Association's mentoring resources to meet the needs of the membership.

Each mentoring circle consists of eight to ten members from different practice areas who work for different types of employers, and who have varying levels of seniority. The group is expected to meet six times during the year to discuss any topics of interest to the group. New groups are encouraged to begin with formal discussion topics, such as "how to deal with difficult clients and adversaries," or "how to delegate effectively." As members get to know each other better, formal topics are no longer necessary. Members must agree to attend all group meetings during the year.

Over time, successful groups develop trust and cohesiveness and foster the honest exchange of practical advice, perspective, wisdom and friendship that is the goal of traditional mentoring relationships. Because of the emphasis on variety within groups, every member of the group is potentially a mentor to the others.

When a mentor group works the way it should, participant satisfaction is high. Participants have said that their groups have supported them through job searches, career changes and the challenge of balancing work and family.

There will be openings this fall for new participants. Because regular attendance is essential to the cohesiveness of your group, you must be willing to commit to attending the meetings of your group. This newsletter contains a sign-up form. If you are interested in joining a Mentor Group, please fill it out and send it in by October 5, 2005.

THE NEW YORK WOMEN'S BAR ASSOCIATION GROUP MENTORING PROGRAM

The program organizes groups of members at different career levels and positions into "mentoring circles" that meet six times during the year to discuss career issues. If you would like to participate in one of these circles, please answer the questions below and return to the NYWBA by fax or regular mail by October 5, 2005.

New York Women's Bar Association
551 Fifth Avenue, Suite 3025
New York, NY 10176
Tel 212-490-8202
Fax 212-687-4016

Name _____	How would you characterize your practice area? _____
Address _____	_____
_____	Year of Law School Graduation _____
_____	Are you committed to attend all group meetings? Yes _____ No _____
Phone _____	What topics are you interested in discussing? _____

SENIOR MENTORS ARE ESPECIALLY NEEDED Objectives of Mentoring Circles

- assist in career and personal development •
- provide insight for career moves •
- develop positive relationships with other female attorneys •
- develop communication and networking skills •

If you have any questions, please contact
Elise A. Yablonski, Chair, Mentor Program at 212-969-3976 or eyablonski@proskauer.com.

Meet our new Executive Director: Arlene Stock, President of Dynamic Management Services Inc.



Like many of our members, Arlene Stock came to her current role as professional manager through a diversified background, having been a trained classical musician, an office work subcontractor, and a professional court reporter who achieved the highest recognition in that field.

In 1989, Ms. Stock founded Dynamic Management Services, Inc., an association management company that provides facilities, staffing, and consulting to organizations in the areas of administration, member services, financial management, event planning, publications, and Web site maintenance.

Ms. Stock holds the Certified Association Executive credential awarded by the American Society of Association Executives, and has distinguished herself as a member of Toastmasters International, first as District 46 Champion in the 1999 Table Topics Contest, and ultimately rising to the rank of Competent Leader in 2001.

We are looking forward to a long and mutually rewarding relationship with her.

If you have any questions about your membership or any of our upcoming programs, you can reach Arlene and her staff at our new telephone number: 212-490-8202.

A Celebration of Legal Information for Families Today

On a sweltering June evening in Tribeca, Legal Information for Families Today (LIFT) hosted a reception to celebrate its nine years of public service to the children and families of New York. For their work on behalf of New York City's children and families, LIFT honored NYWBA Vice President Teresa Schiller, who is the Manager of Pro Bono and Community Programs at Clifford Chance US LLP, and the 16 members of the New York City Council Women's Caucus.

The mission of LIFT is to empower children and families and to educate the community by expanding access to information regarding family law and child welfare. Through its newly launched bilingual hotline -- 212-343-1122 -- educational workshops, and physical presence in Family Court, LIFT provides information in English and other languages to unrepresented petitioners in Family Court. LIFT also offers referrals to community-based social service agencies offering drug treatment, counseling, mediation, and other assistance needed by families. LIFT has been recognized by the Association of Family and Conciliation Courts as an Exemplary Family Court Program.

Examples of its Family Court Resource Guides on various topics and descriptions of its programs are available on its website: <http://www.liftonline.org>.

NOTES ON MEMBERS

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

The NYWBA expresses sympathy to past President **Elizabeth Bryson** on the death of her father William MacLean Bryson. Mr. Bryson retired as a Commander from the United States Navy and served as a college administrator after his Navy retirement. In lieu of flowers, donations may be made to the American Diabetes Association (www.diabetes.org or 1-800-DIABETES). Messages of condolence may be sent to Beth at: Elizabeth Bryson, 51 Madison Avenue, New York, NY 10010.

WELCOME NEW MEMBERS

Joyce Campbell Priv  terre
Melissa Col  n
Elizabeth R. Gorman
Kristine Grigorian
Heather Harris
Despina Hartofilis
Kathryn M. Liberatore
Sara Martin

Liv Mills-Carlisle
Suzanne L. Stolz
Denice M. Szekely
Ariana J. Tadler
Lisa Marie Valletutti
Jennifer L. Weitz
Lauren D. Zaccagnino
Carrie Zimpritch Michaelis

Judge Betty Weinberg Ellerin to Receive Abely Award for Leading Women and Children to Safety

Our long-time member and past NYWBA President, the Honorable Betty Weinberg Ellerin, will be this year's recipient of the Abely Award for Leading Women and Children to Safety. The award will be presented by Sanctuary for Families' Center for Battered Women's Legal Services ("Sanctuary") at Davis Polk & Wardwell on September 26, 2005.

The Abely Award honors the memory of Maryellen E. Abely, who was a very active member of the NYWBA and the Bankruptcy Committee before her death in 1995 after a long battle with cancer. Maryellen, an alumna of Columbia Law School, an associate at Davis Polk & Wardwell, and one of the first pro bono attorneys for Sanctuary, was a tireless advocate for the rights of victims of domestic violence.

Since 1997, The Abely Award for Leading Women and Children to Safety has been presented annually to a person who has made a difference in the lives of victims of domestic violence and who shares the compassion, zeal, energy, and dedication that Maryellen exemplified. Past recipients have included The Honorable Ruth Bader Ginsburg, U.S. Senator Charles E. Schumer, The Honorable Judith S. Kaye, and New York Assembly Speaker Sheldon Silver.

We extend a hearty congratulations to Judge Ellerin for winning this prestigious award. To find out more about the awards event, contact Sanctuary at 212-349-6009, ext. 444, or abely@sffny.org.

What It's (Really) Like to Practice Law in NYC As a Woman

The NYWBA co-hosted a panel discussion called "What It's (Really) Like to Practice Law in NYC As a Woman" on July 20 at the Association of the Bar of the City of New York ("City Bar"). The panel discussion was well-received by the more than 300 women summer associates who attended the event.

NYWBA President Christina Kallas and City Bar President Bettina B. Plevan gave opening remarks. Christina endeavored to put the attendees at ease, pointing out that, "There is no one way to practice law. If you have no idea how you would like to practice, you're in good company this early on in your career."

Lorna G. Schofield, a partner at Debevoise & Plimpton LLP, moderated the distinguished panel. The panelists were Pamela Chen, Assistant U.S. Attorney for the Eastern District of New York, Julia A. Domonkos, Executive Director at My Sisters' Place, Laurin Blumenthal Kleiman, a partner at Sidley Austin Brown & Wood LLP, and Rhonda McLean, Assistant General Counsel at Time Inc.

The group spoke about issues that significantly affect women lawyers just entering the profession. They covered a variety of topics, including the importance of career plans, mentoring, networking, gender insensitivity, and balancing professional and personal interests. The panelists had a wealth of advice to confer regarding networking. Rhonda reassured the attendees, saying "No matter what your personality, you can find a style of networking that works for you." She also emphasized the importance of "peer mentoring" and setting up "informational interviews" with people you admire, rather than waiting to approach them and ask them for a job. Lorna advised the attendees to "meet people, keep track of them, and don't be afraid to ask for things." On mentoring, Laurin said "Mentoring is networking with a purpose." She cautioned the attendees that they should not be "narrow-minded about what a mentor should look like," explaining that wonderful mentors do not necessarily have to be female or Caucasian.

The panelists also addressed the issues of sexual harassment and gender discrimination. Pam took the lead, acknowledging that "People are people, sexual harassment does exist in the workplace." Both she and Lorna advised those in attendance that, should they experience such harassment, the preferred approach is to inform someone who is in a position to help them. Several of the panelists recounted anecdotes about highly supportive people in senior management positions. On family, Julie counseled the attendees to get the best, most dependable child care that they could afford, even if it meant spending their last penny. She also felt that timing could be critical: in her case, she found that she could work a full schedule while her children were infants, as infants tend to need parental interaction less than do older children. Laurin said, "There is no perfect time to have a child other than the time you want to have children." Laurin also summarized the tone of the evening by telling the attendees "You control the career. Not the other way around. I decided early on that if my career interfered with my being a mother, my career would have to go." She acknowledged that she has a husband who does 50 percent of the parenting, which

JOB ANNOUNCEMENTS

Legal Momentum (the new name of NOW Legal Defense and Education Fund) seeks a Staff Attorney to work at its headquarters in New York City. Go to: www.legalmomentum.org/.

The City University of New York seeks an Assistant General Counsel. For more information, go to <http://portal.cuny.edu/cms/id/cuny/documents/jobposting/012371.htm>.

Seton Hall University, the oldest and one of the largest Diocesan Universities in the nation, seeks a General Counsel in New Jersey. For more information, go to <http://domapp01.shu.edu/dal/Postv4.nsf/dd8cf67f1a44ec59852561da0042959f/186b0f0c01ea4d738525701a005cdb4c?OpenDocument>.

certainly makes a difference, and counseled people to think seriously before marrying someone who isn't willing to be an equal partner when it comes to parenting.

The panel discussion was followed by a wine and cheese reception, where attendees were joined by NYWBA board members and other senior practicing attorneys who were happy to chat about their experiences and answer questions.

Many thanks to NYWBA Recording Secretary Lisa Bauer for coordinating the event, to the City Bar for providing the venue, to the NYWBA members who attended, and of course, to our passionate, informative panelists.

For information on our mentoring programs, please contact our Executive Director, Arlene Stock, at info@nywba.org, or 212-490-8202.



Rhonda McLean, Larin Blumenthal Kleiman, Lorna G. Schofield, NYWBA President Christina Kallas, Pamela Chen, NYWBA Recording Secretary Lisa Bauer, Julia A. Domonkos (l. to r.).

NYWBA Co-Sponsors Thurgood Marshall Junior Mock Trial Competition

The Association was pleased to co-sponsor the Eighth Annual Thurgood Marshall Junior Mock Trial Competition. Junior high school students from schools in New York, Bronx, Queens, and Westchester Counties squared off in the Bronx Supreme Courthouse in June. Winning team members received computers, and the best advocates each received the Kenneth Kase Memorial Scholarship of \$2,000. St. Ignatius Loyola School in Manhattan won the seventh-grade competition, and Louis Pasteur Middle School 67Q in Queens won the eighth-grade competition.

The purpose of the mock trial program is to provide junior high school students from public and private schools with a positive introduction to the judicial system, exposing them to role models and careers in the legal field. Attorneys volunteer their time to coach the students for the mock trial competition. The students act as prosecutors, defense attorneys, witnesses, and jurors. Actual judges preside over the mock trials, and court officers and stenographers staff the courtrooms for the competitions.

For more information about the Thurgood Marshall Junior Mock Trial program or if you are interested in coaching, please contact NYWBA Member Liz Taylor at (718) 590-3670.

~ Liz Taylor

President's Message continued from page 2

guards in buildings, and random searches of backpacks in subways, only to be told that another attack is certain no matter what we do.

How do we make terrorism ineffective? One step is to become informed about what our enemies believe, rather than demonizing them and dismissing them. The mediator in me wonders: is it a coincidence that the word "kafir," which describes how the Islamic world sees Westerners, translates as "infidel," the same word that many Christians have used historically to refer to Muslims?

Another step is to pay attention to what others say, to really listen, which is the beginning of understanding. To what do Americans pay attention? Most of us can identify Paris Hilton, but not Iraq's President Jalal Talabani. We are all busy earning a living, raising our children, caring for our elders. But let us take the time to do what must be done. Join the NYWBA. Attend committee meetings and CLE programs. Learn and think about the issues confronting us. Consider the stands that WBASNY is taking on proposed legislation. Become educated and voice your opinion. Vote in the primary on September 13th. Run for office.

For a brief time after 9/11 we did not think of our elected officials as "they" -- who had an obligation to "do something" about the situation -- and ourselves as "we"; we all felt a need to pitch in. Let's hold on to that feeling and allow it to motivate us.

Christina

NYWBA Nominee James McElligott Receives Bernard Botein Medal

NYWBA Nominee James McElligott received the Bernard Botein Medal "for outstanding contributions to the administration of the courts" in the First Judicial Department. The award, administered by the Association of the Bar of the City of New York ("City Bar"), is in memory of Bernard Botein, a former Presiding Justice of the Appellate Division and a former President of the City Bar. Mr. McElligott, who is the Chief Matrimonial Clerk for New York County and known simply as "Jim" to those in the matrimonial field, received the award at a City Bar ceremony in the spring. In a warm and wonderfully articulated thank-you speech, he acknowledged and thanked the NYWBA for having nominated him.

Jim was honored for changing the tenor of the matrimonial office with his hands-on approach to the devilish and overwhelming challenge of processing nearly 17,500 uncontested divorces last year alone. ("Uncontested" does not mean without disputes, controversies, and complications. It simply means that Jim's office helps attorneys to resolve issues without court intervention.) Jim and his fine staff are able to process divorces in 30 to 60 days from submission, down from the prior average of four to six weeks. Jim also supervises the Court Guardianship and Fiduciary Office, and he is a member of the Uncontested Forms Committee, which works to unify forms. Best of all, when you need an answer to a question, Jim is on hand to give it, and if he cannot tell you himself, he knows the right person to send you to see.

We extend warm congratulations to Jim and a hearty thank you from all of us!

~ Jane Bevans



NYWBA ANNUAL RECEPTION FOR MEMBERS AND PROSPECTIVE MEMBERS

Date: Tuesday, October 11, 2005
Time: 6 p.m. to 8 p.m.
Place: Skadden, Arps, Slate, Meagher & Flom LLP
4 Times Square, 37th Floor
New York City
Fee: Complimentary

RSVP (required for security purposes)
to info@nywba.org or 212-490-8202.

*NYWBA acknowledges with gratitude the generosity of
Skadden, Arps, Slate, Meagher and Flom LLP for
providing the venue and refreshments.*

THEY HAD A BALL



WBASNY concluded the year-long celebration of its 25th Anniversary with its annual convention in Cooperstown, New York, on May 13-15, 2005. The convention was held at the gracious Otesaga Resort Hotel on the banks of scenic Lake Otsego. Everyone who attended had a ball.

The Otesaga has a grandeur and elegance that reflects a time when people summered upstate, leaving behind the steamy hot pavement of the City. Each guest room in the hotel was unique in size, shape, and furnishings. Many had chandeliers and other beautiful and unexpected touches. The hotel was set up for relaxing: it had a large veranda lined with Adirondack-style chairs, which overlooked the lovely poolside, the lake surrounded in the distance by mountains and the world-class golf course. Every afternoon, tea was served in the first-floor parlors. Many of our members took their tea and books out to the veranda to unwind in the dewy air.

The main drag of Cooperstown, with its Baseball Hall of Fame and myriad bat and souvenir shops, was barely a five-minute walk from the hotel. Nary a guest went home without a Yankee edition of Monopoly, an engraved bat, or some other souvenir of baseball for a special child, niece/nephew, or grandchild.

Unlike the 2004 convention in New Orleans where wild times were had eating oysters and drinking hurricanes (but who is telling!), convention 2005 was very family-friendly. Lured by the famous golf course and the Hall of Fame, many spouses and children came to Cooperstown. Little Sidney Weiner, one-year-old daughter of board member Sue Moss and Michael Weiner, was the belle of the convention. She giggled and played peek-a-boo throughout the weekend. Sidney made a lot of friends and learned how to "shake hands" with her feet.

The awards dinner on Friday evening celebrated the reign of outgoing WBASNY President, Mindy Zlotogura. In a humor-filled, but nonetheless poignant speech, Mindy thanked the two people who inadvertently launched her involvement with the women's bar. The first was a nameless woman at her county (Rockland) bar association who suggested she attend a start-up meeting of their women's bar chapter when she sounded hesitant to attend her county's monthly lunch meetings in a real bar. The second was a court officer in Orange County who mistook her for a client when she was walking with a summer associate, and told her that she could not go somewhere, as it was for "attorneys only." That struck a cord with every female attorney who had ever been asked by a male judge if she was the court reporter.

The Friday evening awards dinner also honored Hon. Melinda Aikens Bass, a Westchester member and former president of WBASNY, with the Joan L. Ellenbogen Founders Award. Ms. Bass, too ill to attend, was sorely missed. The Hon. Deborah A. Kaplan (a New York County Civil Court Judge, long-time Brooklyn chapter member and former WBASNY President as

well) received the Marilyn R. Menge Award. Her husband Harlan, young son, and the Brooklyn and New York chapters cheered Judge Kaplan on as she delivered an articulate acceptance speech.

There were many well-received CLE programs presented Friday afternoon and Saturday, including a program on advanced appellate writing featuring Myrna Felder (our 2005 NY Chapter President's Special Award honoree) and the year's best ethics program (and many a member's reason for attending the convention) with Hon. Betty Weinberg Ellerin and former WBASNY and New York State Trial Lawyers President, Lenore Kramer. Our Vice President, Jo Ann Douglas, and Board Member and former WBASNY President, Susan Bender, created the informative Law Guardian program which focused on differences in handling guardianship issues among the four departments.

After lunch on Saturday, there was an eventful softball game organized by our former president, Elizabeth Bryson. Every participant received a wonderful baseball cap from WBASNY. The game unfortunately was not without incident: a former WBASNY president took a pitch in the face. She is okay but her glasses are a goner. Despite the mishap, the game was full of typical women's bar humor. Heard at the game were "please don't get me dirty; this is a brand new sweater set from Talbots" and "there is no kissing on the field."

The Saturday evening installation dinner celebrated incoming President Andrea Phoenix, from the Nassau Chapter. Andrea gave a rousing speech that encouraged women to become enlightened about the laws under which they are living and not to be satisfied by "ignorance." She ended her speech with the following quote, which brought everyone to their feet and caused even the wait staff to join in the applause: "I am Andrea Carla Phoenix, the great granddaughter of sharecroppers and a descendant of slaves. I am your president. My commitment to public service and to the betterment of women and children in society has prepared me to dare to lead this bar association. My life experiences across this country, including New York, Georgia, Virginia, Ohio, Florida and the Mississippi Delta, have shaped me into who I am today. I invite you to join me as WBASNY continues a struggle that began 150 years ago in the birthplace of the Women's Movement, Seneca Falls. Together, let us continue to advance our bar association's important work to ensure that some day women will enjoy all the rights they want."

Also installed on Saturday evening were President-Elect Elaine N. Avery (Brooklyn); Vice Presidents Maria Cortese (Bronx), our own Beth Bryson, and Linda Morrone (Suffolk); Treasurer Gail M. Boggio (Westchester) and Secretary Cynthia J. Schrock (Adirondack). Our Chapter acknowledged Beth's installation with a beautiful bouquet of flowers.

Each night after the banquet dinner, there was a reception in the downstairs lounge. The highlight of the reception was dancing to the live band, which played great Motown-inspired music. Many got up for one dance and did not

Continued on page 7

Evolving Career Opportunities for Women Attorneys

NYWBA sponsored a free CLE program after its annual meeting in April, entitled: "Evolving Career Opportunities for Women Attorneys". The focus of the panel discussion was the question of where women attorneys have the best opportunities for success, a discussion near and dear to the heart of many of us. Our panelists, whom we thank heartily, included Professor Marina Angel of Temple University, a winner of the 2004 ABA Margaret Brent Women Lawyers of Achievement Award; Deborah Epstein Henry, the Founder and President of Flex-Time Lawyers LLC, who was named 2004 Pennsylvania Lawyer on the Fast Track by American Lawyer Media; Carol M. Kanarek Esq., a former Wall Street lawyer who is now a Consultant with Legal Career Management; and Kathryn J. Rodgers Esq., the President of Legal Momentum (formerly known as the NOW Legal Defense and Education Fund). The discussion was moderated by our own Brenda Pomerance, who is in private practice here in Manhattan.



Many thanks to the speakers at our April 21, 2005 CLE Program pictured above with former President Beth Bryson (in the middle); from left to right, they are: Prof. Maria Angel, Deborah Epstein Henry, Kathryn J. Rodgers, and Moderator Brenda Pomerance (not pictured - Carol M. Kanarek).

They Had a Ball continued from page 6

sit down until the band broke. "Who knew she could dance" was most often heard the morning after.

In addition to those previously mentioned, our board member -- always a convention regular -- Marjorie Martin, former WBASNY President Meg Gifford and our Vice President Lisa A. Sokoloff were among the members from the New York Chapter who attended.

The convention closed, as it always does, with the plenary session, during the continental breakfast on Sunday. Issues

discussed included judicial raises, no-fault divorce, and other upcoming legislative issues.



WBASNY President Andrew Phoenix, WBASNY Vice-President Elizabeth A. Bryson and WBASNY Immediate Past President Mindy Zlotogura (l. to r.).

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proxy, the proxy remains in effect until revoked. Copies of the proxy should be distributed to and discussed with the agent, as well as the principal's doctor, his or her attorney, and any other family members or friends who might have strong feelings about the matter.

In 1993, New York addressed the issue of health care decision-making for incapacitated persons on whose behalf a Guardian has been appointed under Article 81 of the Mental Hygiene Law. Mental Hygiene Law § 81.29(e) provides that "[n]othing in the article shall be construed, to either prohibit a court from granting or to authorize a court to grant, to any person the power to give consent for the withholding or withdrawal of life-sustaining treatment including artificial nutrition and hydration." The New York statute, however, defines life-sustaining treatment as "medical treatment which is sustaining life functions without which, according to reasonable medical judgment, that patient will die within a relatively short time period." M.H.L. § 81.29(e). By contrast, the Cruzan statute specifically stated that "any procedure to provide nutrition and hydration" was not considered medical treatment.

A decade later, the New York legislature addressed the issue of health care decisionmaking for the mentally retarded. On March 16, 2003, the legislature passed the Surrogate's Court Procedure Act Section 1750-b, which allows a guardian to make health care decisions for a mentally retarded person who is unable to make such decisions, including decisions to withhold or withdraw life-sustaining treatment. Procedural safeguards must be followed. The attending physician and another physician must confirm to a reasonable degree of medical certainty that the mentally retarded person lacks capacity to make health care decisions. In the case of a decision to withdraw or withhold artificially provided nutrition or hydration, the attending and consulting physicians must confirm that there is no reasonable hope of maintaining life, or that the artificially provided nutrition or hydration poses an extraordinary burden. The guardian's decision to withhold or withdraw treatment, nutrition or hydration must either be made in writing and witnessed or made orally to the attending physician and one other witness.

The U.S. Supreme Court recognized in Cruzan the constitutionally protected right of a competent individual to decide all aspects of his or her own health care in all circumstances. The Florida court in the Terry Schiavo case applied federal and state law in its decision granting the guardian permission to withdraw life-sustaining treatment. Nonetheless, the upheaval in response to the Terry Schiavo case exposes a deep-seated ambivalence in our nation to laws which permit health care agents to withdraw food and nutrition from persons in persistent vegetative states.

Miriam Davidson, Esq., is the Co-Chair of the NYWBA Elder Law Committee. She is a member of the Elder Law and Trusts and Estates Sections of the New York State Bar Association, a Panel Member of the City Bar's Legal Referral Service, and a member of the National Academy of Elder Law Attorneys. In her practice, she handles estates and trusts, elder law and guardianship matters.



PRACTICE ALERT

It May Be the Law, But Not Everyone Likes It: The Authority of a Health Care Agent to Make Health Care Decisions

By Miriam Davidson

Prior to the Supreme Court's decision in Cruzan v. Commissioner, Missouri Department of Health, 497 U.S. 261 (1990), New York did not have a health care decisionmaking law. Following Cruzan, New York enacted legislation granting competent adults the authority to appoint health care agents, and granting guardians for incapacitated and mentally retarded adults the authority to make health care decisions for their wards. Given the much-publicized issues raised recently in the right-to-die case of Terry Schiavo, a brain-damaged woman whose guardian was permitted to remove her feeding tube in accordance with Florida law, and the similar polarizing effect on the country that the Cruzan case had in its time, it may be instructive to look back at the Cruzan decision and how our society has evolved in its beliefs about medical decisionmaking authority.

In 1983, Nancy Cruzan, a 25-year-old married woman living in Joplin, Missouri, was involved in a one-car collision that left her in a persistent vegetative state. Doctors expressed the opinion that she had no hope of recovery. Her parents were appointed her co-guardians, and they obtained a divorce for their daughter, without objection from her spouse. Nearly five years later, her parents, with the approval of Nancy's siblings, petitioned the probate court for permission to remove her feeding tube. The Missouri Department of Health objected, claiming that under the Missouri Living Will Law adopted in 1985, a procedure to provide nutrition and hydration was not considered a 'medical treatment', therefore a person could not use a Missouri Living Will to refuse food and water provided through a tube. In other words, a Missouri citizen, even one with a Living Will, had no right to refuse food and water.

The Missouri law was modeled after the Model Health Care Consent Act of 1982 which was drafted by the National Conference of Commissioners of Uniform State Laws. It differed significantly, however, in that it emphasized the legislative desire to protect life, and explicitly stated that "this law does not condone, authorize, or approve mercy killing or euthanasia nor permit any affirmative or deliberate act or omission to shorten or end life." See, Colby, William H., Long Goodbye, The Deaths of Nancy Cruzan, Hay House, Inc. (© 2002) p. 92.

The impetus for the Model Health Care Consent Act was the increase in survival of patients with traumatic brain injuries as a result of technological advances in accident-site resuscitation, including such procedures as closed chest massage, cardiopulmonary resuscitation (CPR), portable respirators, intravenous fluid injections and medicines delivered in the field. Long Goodbye, p. 34. Accident, stroke or heart attack victims resuscitated in the field after being without oxygen for periods in excess of six minutes likely suffer extensive brain injuries, culminating, for some, in a persistent vegetative state, a relatively new syndrome defined in 1972 by Drs. Plum and Jennett in the medical journal The Lancet. Long Goodbye, p. 130.

A persistent vegetative state refers to a condition in which an individual has lost cognitive neurological function and awareness of

the environment but retains non-cognitive function and a preserved sleep-wake cycle. In the persistent vegetative state, the individual loses the higher cerebral powers of the brain, but the functions of the brainstem, such as respiration and circulation, remain relatively intact. Spontaneous movements may occur and the eyes may open in response to external stimuli, but the patient does not speak or obey commands. Patients in a vegetative state may appear somewhat normal. They may occasionally grimace, cry, or laugh. See, Healthlink, Medical College of Wisconsin, <http://healthlink.mcw.edu/921394859.html>.

In the Cruzan decision, the Supreme Court recognized a right of a competent individual to decide all aspects of his or her own health care in all circumstances, including the right to decline health care or to direct that health care be discontinued, even if death ensues as a result. Under federal law, a competent individual can execute a directive in advance of his or her medical need for one. In January 1991, in response to the Cruzan decision, the New York Health Agents and Proxies Law, Article 29-C of the Public Health Law, went into effect. Public Health Law § 2981 states that a competent adult (the principal) may appoint a health care agent to make medical decisions on his or her behalf. An agent is appointed pursuant to a form called a Health Care Proxy. The Health Care Proxy becomes effective when the principal lacks capacity to make health care decisions. The Health Care Proxy may include the principal's wishes or instructions about health care decisions and limitations on the agent's authority. The principal must sign and date the document in the presence of two witnesses (neither of whom may be the agent) who also sign and date the document. A competent principal who is unable to sign may request another person to sign and date the document at his or her direction.

Unlike the legislation involved in the Cruzan dispute that prohibited even competent adults from refusing nutrition and hydration, the New York law permits an agent to refuse artificial hydration and nutrition (provided by feeding tube or intravenous line) if the agent knows the principal's wishes from what the principal has said to him or her, or what the principal has written. The New York Health Care Proxy legislation does not mandate the use of specific language. Careful practitioners, however, recommend that the principal state that he or she does not wish artificial nutrition and artificial hydration, if this is the principal's wish, since both the Cruzan and Terry Schiavo cases demonstrate that having a feeding tube inserted is far simpler than having it removed. The agent is obligated to make his or her decisions based on the principal's wishes, so a principal wishing to refuse artificial hydration and nutrition should be encouraged to state this in the document, in order to bolster the agent's position.

The principal may appoint an alternate agent. The principal may also provide for expiration of the agent's authority, either upon a specified date or upon the occurrence of a certain condition. If no such date or condition is set forth in the *Continued on page 7*

Combating the Modern Day Slave Trade: A Panel on Anti-Trafficking Initiatives -- Domestic and International, May 25, 2005

On May 25, 2005 the New York Women's Bar Association, in concert with the State of New York Women's Bar Association, Queen's Women's Bar Association, Westchester Women's Bar Association, Brooklyn Women's Bar Association, New York Women's Bar Association, Pace Women's Justice Center, Jewish Lawyers Guild and Women's Rights Committee of the New York County Lawyers' Association presented a captivating CLE program titled "Combating the Modern Day Slave Trade: A Panel on Anti-Trafficking Initiatives -- Domestic and International" at the law offices of Skadden Arps Slate Meagher & Flom LLP. The program focused on the phenomenon of "human trafficking" and how the issue has attracted widespread attention due to the estimated 800,000 annual victimizations across international borders worldwide. Human trafficking has not only contributed to the proliferation of transnational organized crime but also has become exceptionally lucrative, generating an estimated \$8 - \$10 billion dollars in income annually. The program's impressive turnout was a function of the panelists' impressive experience and knowledge of the subject matter, coupled with the widespread recognition of the societal relevance of the issue.

The program emphasized that human trafficking saturates our society without our realizing it. The apparatus for the victimizations of such crime -- in the form of sexual exploitation, prostitution, hard labor and peonage, domestic servitude and abduction for military service -- varies, and includes fraudulent employment advertisements linked to promises of immigration status and security and benefits, illegitimate matchmaking and mail-order bride companies, illicit foreign adoptions and fraudulent educational program schemes. Given the sweeping effect of the victimizations, it is no wonder that the definition of "severe form of trafficking in persons" by the Trafficking Victims Protection Act (TVPA) of 2000 (P.L. 106-386) (reauthorized in 2003) is far-reaching: "(A) Sex trafficking in which a commercial sex act is induced by force, fraud or coercion, or in which the person induced to perform such act has not attained 18 years of age; or (B) the recruitment, harboring, transportation, provision or obtaining of a person for labor or services through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery." The definition does not mandate that a trafficking victim be physically transported from one location to another. It plainly applies to the recruitment, harboring, provision, or obtaining of a person for the above-mentioned purposes.

The panelists, a remarkable group of experts in the field, discussed various aspects of human trafficking including specific and U.S. federal legislation addressing trafficking, immigration considerations, visa alternatives, potential ramifications of criminal conduct of trafficked persons and

Mentors Needed for WBASNY's LINK Program

WBASNY is seeking NYWBA members to be mentors for its LINK program. LINK is designed to provide a "link" to resources in the legal community for law students and new graduates transitioning into legal careers.

LINK was established in late 2002 because WBASNY recognized that women needed greater access to mentoring, a proven marker for success. LINK has the following goals: (1) to orient mentored students and new lawyers to law firm and/or institutional cultures; (2) to introduce new lawyers to expectations of them as professionals; (3) to assist less-advantaged female professionals; and (4) to help students and new lawyers pave the way to a more satisfying and productive career. Third-year law students and first-year practicing attorneys are eligible to apply as "proteges." (For third-year law students, the mentoring relationship is expected to continue into the first year of practice.) WBASNY's mentoring program is not meant to be a replacement for a headhunter or career services organization, for on-the-job training, or a "fast track."

Because many protege applications have been received for the Manhattan area, our chapter in particular has been asked to provide more mentors. If you are interested in mentoring, please contact NYWBA Mentoring Program Liaisons Loretta Ippolito (lippolito@willkie.com) and Jennifer Weitz (jweitz@willkie.com).

We all have valuable advice for those who are new to the profession. Please take the time to "LINK" up!

~ Lisa Bauer

human rights based concerns. We extend sincere thanks to our impressive speakers: Denise Scotto Esq., Vice-Chair of the UN NGO Committee on the Status of Women, Suzanne Tomatore, Esq., the Director of The Immigrant Women and Children Project with the Association of the Bar of the City of New York Fund, Inc., Christa Stewart, Esq., Director of Legal Services at the Door, a non-profit youth organization, Juhu Thukral, Esq., Director of the Sex Worker's Project at the Urban Justice Center, and Sumantra Guha, a UNIFEM Program Specialist.

The program undoubtedly raised awareness of the many aspects of human trafficking. While the victims of human trafficking clearly pay a horrible price, we were made cognizant that the trafficking victims' physical and psychological harm often has long-lasting ramifications, alienating them from their families and communities and distancing them from opportunities for social, moral, educational and spiritual development. Fundamentally, trafficking in persons violates the universal human right to life, liberty and freedom from slavery in all forms. We are grateful to our speakers for sharing with us their experiences and knowledge and heightening awareness of this very important issue confronting not only international borders, but our own society.

Women's Bar Participates in Supreme Court Anti-Bias Event

The NYWBA and WBASNY participated in a diversity event hosted by the New York Supreme Court Anti-Bias Committee on June 10, 2005. The event was held in the Rotunda at 60 Centre Street. More than 25 bar, court, and judicial associations staffed tables. Each association served food evocative of their membership, including Chinese food delivered fresh from Chinatown from the Asian Bar, deli from the Jewish Lawyers Guild, chicken and greens from the Tribune Society, antipasti from the Columbian Lawyers, and lots of desserts from the Supreme Court Justices, some of whom even baked.

The program began with several numbers from the Court Pipe and Drum Corps. Justice Jacqueline Silberman, the administrative judge for New York County Supreme Court (and our board member), delivered the welcoming remarks. The program included a beautiful tenor solo by Franc Perry (Court Attorney to Peter Moulton in the Civil Court), who then led a sing-a-long to "America the Beautiful."

NYWBA Vice President Lisa A. Sokoloff, and members Anna Lewis, Andrea Masley, Denise Palmeri, and Joyce Priveterre, staffed the NYWBA table, dispensing information about our organization along with newsletters, dinner journals, and membership applications. As all food is women's food, the NYWBA served a variety of finger foods (fried chicken, BBQ chicken sandwiches on cheddar cheese scones, and gourmet tuna sandwiches). According to Lisa, "We received many thanks from the Anti-Bias Committee for participating and tons of kudos for the fabulous food. Many people said our food was hands down the best."

WBASNY Vice Presidents Elizabeth A. Bryson (immediate past President, NYWBA) and Linda Morrone staffed the WBASNY table with its theme: "chocolate is women's food". They provided information about the Women's Bar chapters across the state and handed out brochures, membership forms, and other information. As a perfect complement to the NYWBA's spread, WBASNY served Neuhaus chocolates, as well as a wonderful variety of cookies, brownies, and strawberries. Beth summed up the day by saying: "I am pleased that the diversity event was a great success. It was also great fun."

Many thanks to the Court and to all of the NYWBA and WBASNY members, including new Board Member Sue Moss, who turned out for the event. We look forward to participating again next year. For more details on this and other events, check the postings on our website calendar at www.nywba.org.j2

President's Message continued from page 1

I was privileged to go to Pier 54 on that first day. Pier 54 had been an unoccupied pier; in about two weeks, it was stocked with everything you could think of to help the victims and their families. Security was tight -- your name had to be on a list of volunteers, and you had to wear your badge at all times; police were ubiquitous, everyone was edgy. News reporters were not allowed in, notwithstanding how voracious they were for information; they pounced on the volunteers as we emerged late in the day. I imagine that they must have been feeling as we were -- a desire to help, along with a desire to "return to normal" by doing their jobs.

Pier 54 was an astonishing facility. Each family was assigned a guide, who stayed with them the entire time they were going through the process at the Pier. They were escorted down a special aisle, complete with red carpet, lined with teddy bears sent by the people of Oklahoma City, who understand a thing or two about surviving a terror attack. There were translators available for hundreds of languages -- from Arabic to Quechuan. Family members could apply for food stamps, welfare, grants; they could speak with insurance companies, mental health professionals, city agencies, and religious advisors of all persuasions. Volunteers were monitored by the mental health professionals, and gently forced to take breaks after seeing each distraught family. There was a full-scale kitchen with all types of food available. It seemed incredible, the bureaucracy had simply vanished. Every skill was needed; every skill was valued. I was proud to be a lawyer, and proud to be a New Yorker.

If we could muster up the will power, the energy, and the resources to anticipate the problems of the survivors, and work together to address those problems in an expeditious and respectful manner, why has none of that spirit carried over (or has it?)

Terrorism is the calculated use of violence against civilians in order to attain goals that are political, religious or ideological in nature. The tactics of terrorism are intimidation and coercion. In response to the terrorist attacks, we have invaded Afghanistan and Iraq. (Iraq, by the way, has the fourth-largest proven oil reserves in the world, which is one reason our motives are questioned by others.) Is waging war an effective strategy for us? If the people of Iraq approve the proposed constitution in the referendum scheduled for October, will that help to counter the image of the U.S. as a "crusading" conqueror?

A credible argument can be made that our response to the attacks has been ineffective. We have spent hundreds of billions of dollars on war, dollars that we said we did not have, when it came to spending on education and universal health care for our own citizens. We are spending more money on the peace -- the end of which is nowhere in sight. We have lost face by not capturing Osama bin Laden.

How could we counter terrorism? We could make it ineffective. If we are not intimidated or fearful, the terrorists have not achieved their goal. This is the strategy our leaders have consistently encouraged -- go about your daily business as normal, do not let the terrorists intimidate you. On the other hand, we have spent billions on a new Department of Homeland Security, and on counterterrorism measures such as concrete stanchions to keep trucks filled with explosives from getting too close to buildings, magnetometers and additional security *Continued on page 5*

*For late-breaking news, changes in schedule,
job postings, and other time-sensitive data,
please check our website frequently:*

www.nywba.org

WEB CITES

Help for the "Grammatically Challenged"

Recently, while working on my first brief, I came to a startling realization. I found that researching law to support my arguments was not as difficult as remembering when it was appropriate to use a semicolon. I could not believe that after attending college and law school, I had forgotten rudimentary lessons taught in high-school English. If you too are suffering from fuzzy recollections of grammar, here are a few websites to help.

Grammar Bytes!

<http://www.chompchomp.com/menu.htm>

The goal of Grammar Bytes! is to cover each type of sentence error with depth and humor. (The author insists that she intended the name of the website, Grammar Bytes, "in the most slangy sense of the word," a rare pun in the world of grammar websites.) The site is directed to students, but can be used by anyone looking for practice and practical advice.

A Guide to Grammar & Style

<http://andromeda.rutgers.edu/~jlynch/Writing>

This site is a bit more mature than Grammar Bytes, but no less instructive. Its introduction addresses major points and problems of modern-day language. It also contains links to a well-cared-for reference library that itself is a great quick-find reference tool for almost anything from dangling participles to common misspellings. The site also offers a list of resources for further reading.

List of Commonly Misused Words

<http://web.mit.edu/jricker/www/writedoc.html>

The title is self-explanatory. You may wish to consult this site if, for example, you are unsure whether to "differ from" or "differ with" a colleague.

University of Purdue

<http://owl.english.purdue.edu/handouts/grammar/>

The University of Purdue's website offers tutorials, exercises, and guides to both basic and advanced grammar concepts.

Harvard Writing Center's Guide

<http://www.fas.harvard.edu/~wricntr/documents/GP.html>

Consult this site for quick answers to basic problems.

~ Cassandra Porter

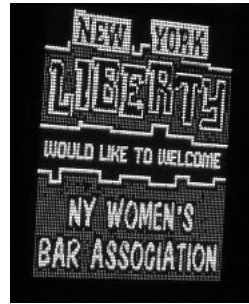
Please send comments and suggested websites to techcolumn@nywba.org. We appreciate your contributions.

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

COMMITTEE CALENDAR

The **Matrimonial and Family Law Committee** will meet on **Wednesday, September 28, at 6:15 p.m.** at the offices of Blank Rome LLP, 405 Lexington Avenue (between 42nd and 43rd Streets). Guest speaker Neil Kozek, Esq., will speak about "collaborative law." Please RSVP to Jo Ann Douglas at K9Kastle@aol.com by September 27.

WE GOT GAME!



On August 6, 2005, the New York Women's Bar Association enjoyed a special Garden Party, *sans chapeaux*. Special T-shirts were *de rigueur* for this event at one of our favorite gardens, Madison Square. Along with 12,000 other guests, 34 of our members, families, and friends -- including those from Rockland, Westchester, and Brooklyn -- enjoyed one of the best New York Liberty games of the season.

Meeting early, we seasoned veterans and fan converts felt the excitement build as we waited for the Garden staff to take us to our special waiting lounge, where we prepared to be the first to greet the Liberty players as they came onto the court through our "fan tunnel." Marching onto a new kind of court -- a first for many of us -- we welcomed the entire team as they came running out to practice. Each player swapped high-fives and low-fives with each fan. Our cheers and rally cries were heard at the top of the arena -- imagine being told you **MUST** scream in our courts.

And it worked! The Seattle Storm, 2004's league champions, were a mere drizzle that night. The Liberty won 79-67. Was it our good karma? Winning isn't everything (though players in our courts and theirs might challenge that), but it certainly felt very good to leave the arena with huge smiles and a closer chance at the Championship. We had enjoyed the game from great seats, where we didn't miss a shot, a pass, or a foul.

Of course, no NYWBA social event would be complete without a good meal. Those of us without little ones (we had some very cute young fans with us) had a late supper at Play By Play, the sports bar and restaurant in Madison Square Garden.

~ Jo Ann Douglas

