



NEW YORK WOMEN'S BAR ASSOCIATION

MENTORING CIRCLES

The NYWBA's Mentoring Circles Program allows members at all stages of their careers to join with their peers to foster their personal and professional development. Participating members benefit from direct mentoring as they share ideas for meeting challenges in a supportive and encouraging environment.

The Annual Mentoring Circles Reception

October 14, 2010

6:00 - 8:00 PM

New York Life Insurance Company

51 Madison Ave., NYC

(Enter at 44 East 27th Street)

*This program is open to all current 2010-2011 members.**

RSVP to Mentoring@nywba.org.

The Reception allows members who have not participated to learn about Mentoring Circles. It also allows new members of Mentoring Circles to meet other members of their circle, and allows current Mentoring Circle participants to share their experiences and learn from others' progress.

If you are not part of a Mentoring Circle but would like to join, send an email to Mentoring@nywba.org.

**If you are not a current member for 2010-2011, go to www.nywba.org/Membership to sign up, or send an email to ED@nywba.org to have a membership form sent to you.*

Look inside for our other October events, including:

A Celebration of the Life of Rebecca Rolland - Oct. 7th - p. 3

Using Your Website to Build Your Practice - Oct. 19th - p. 6

Lunch with a Federal Judge - Oct. 20th - page 3

Various Committee Meetings - p. 2

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

PRESIDENT'S MESSAGE

Harvest

OCTOBER 2010



Gretchen Beall Schumann

The month of October is traditionally associated with harvest. While the word "harvest" immediately evokes images of amber waves of grain, ripe grapes on the vine, and crops in abundance, harvest has many meanings. In addition to its typical agricultural associations, Merriam-Webster's Dictionary defines harvest, the noun, as "an accumulative store or productive result." Harvest, the verb, can mean, among other things, "to gather in" and "to accumulate a store of." When used in connection with collecting and retaining data, the word harvest is not seasonal.

In this edition of our Newsletter, attorney Brenda Pomerance reviews the recently released book, *When Everything Changed: The Amazing Journey of American Women from 1960 to the Present*. In her thought-provoking review, Ms. Pomerance, Co-Chair of the NYWBA's Committee to Advance the Status of Women in the Profession, impresses upon us the importance of continuing to pursue equality, and how gathering information about work conditions, specifically accounts of women's experiences as laborers, is essential to evaluating the progress that women have made in their professions.

In 2007, NYWBA conducted a ground-breaking survey of the status of women attorneys in Manhattan law firms. The survey, which took more than two years of exhaustive work to launch and was initiated by Donna M. Praiss (later President, 2009-2010) and Elizabeth A. Bryson (President, 2003-2005), was spearheaded by the Committee to Advance the Status of Women in the Profession (then chaired by Ms. Praiss and Ms. Pomerance). After receiving detailed responses from 47 firms, the Association released its comprehensive survey report (www.nywba.org/survey_of_law_firms.shtml).

The report, the first of its kind, assessed the status of women attorneys working in Manhattan law firms, with an emphasis on women attorneys' "successes, opportunities for advancement, and working environments." (NYWBA Press Release, January 13, 2009.)

The report garnered attention with its emphasis on: the Ascension of Women Attorneys to Equity Partnership, Participation of Women Equity Partners in Firm Management, Rainmaking and Business Development, Parenthood and Equity Partnership, Availability and Utilization of Alternative Work Arrangements, Programs to Facilitate Marketing Efforts by Women Attorneys, and

Continued on page 2

2010-2011 NYWBA COMMITTEE CHAIRS

STANDING COMMITTEES

By-Laws and Amendments Elizabeth A. Bryson
Cooperation with Other
Bar Associations Kelly O'Neill Levy
Employment and Equal
Opportunity for Women . . . Felice B. Ekelman and Louis Pechman
Judiciary Bonnie E. Rabin
Legislation Jane Bevans and Jennifer P. Brown
Membership Heather K. Leifer and Jessica Ventarola Kane
Professional Ethics and Discipline Hon. Barbara Jaffe and
Sarah Diane McShea

Programs, Events and
Arrangements Diana G. Browne and Donna M. Praiss
Patricia Ann Grant and Jo Ann Douglas (Annual Dinner)
Publicity / Press Tamara Lannin

SPECIAL COMMITTEES

Advance the Status of Women
in the Profession Brenda Pomerance and Rachel J. Minter
Alternate Dispute Resolution . . . Andrea Vacca and Leona Beane
Awards Orrit Hershkovitz
Business Law, Taxation and Bankruptcy Cassandra M. Porter
and Monique McClure

Children's Rights and Issues TBA
Continuing Legal Education Yacine Barry
Criminal Law Isiris I. Isaac and Kathryn E. Salensky
Diversity Jillian L. Goorevitch and Caitlin I. Somerman
Domestic Violence Amanda B. Norejko and Laura A. Russell
Elder Law and Disabilities . . . Miriam Davidson and Kay Marmorek
Immigration Law Annie J. Wang and Jennifer Durkin
Intellectual Property Maria L. Palmese
International Law and Practice Christa M. Bosch and
Rebecca Adams Hollis

Investment Management Regulation Carla P. Vogel and
Allison Harlow Fumai

Litigation Kathy M. Lynch and Marni Rae Robin
Long Range Planning Elizabeth A. Bryson and Myra L. Freed
Matrimonial & Family Law Briana Denney, Sophie Jacobi
and Hon. Andrea Masley

Mentoring & Mentoring Circles Andrea Vacca and
Randy L. Shapiro

Newsletter Stephanie M. Adduci and Allison M. Surcouf
Privacy & Cyberlaw Patrice S. Ettinger
Pro Bono Gail M. Kempler

Real Estate Law TBA

Reproductive Rights TBA

Solo and Small Firm Practice Deborah G. Rosenthal and
Gina T. Danetti

Students and New Lawyers Stephanie M. Adduci and
Jane CoCo Cowles

Summer Program Cassandra Porter and Stephanie M. Adduci

Technology and the Internet / Website Elizabeth A. Bryson
and Theresa L. Widmann

Trusts and Estates Leona Beane and Loretta A. Ippolito

Women's Health Issues Denise Scotto

Working Parents Christine M. Harman and Melanie A. Chieu

Contact info for NYWBA Committee Chairs, and the names and contact info for our
Delegates to WBASNY Committees and our Liaisons to other bar associations, can
be found at www.nywba.org/members/committees.shtml.

To join a committee, go to www.nywba.org/committeechoice. If you would like to
chair a Committee, send a note with your qualifications and contact info to
President@nywba.org.

President's Message Continued from Page 1

Programs to Facilitate the Retention and Promotion of Women Attorneys.

While the inaugural survey made it possible for NYWBA to issue significant findings, the only way to measure change, and to gauge the relative impact of firms' efforts to ensure equality and reap the benefits of hiring, retaining and promoting women attorneys, is for the Association to embrace the concept of "harvest" by again surveying firms about today's conditions.

I am therefore proud to announce that the NYWBA will conduct another survey on the status of women attorneys in Manhattan firms, under the direction of Ms. Pomerance and Co-Chair Rachel Minter. We invite all firms to participate, and to facilitate such participation, we have established a page on our website where firms can identify their contact person(s) to receive and respond to the survey (www.nywba.org/Survey/Firm_Registration).

To make the new edition of our survey a success, however, we need your help. Please join us in this important effort and volunteer to assist with the survey. We welcome not only full members of the survey team, but anyone who can spare even a few hours of their time. To volunteer or get more info about the survey, send an email to Survey@nywba.org.

Finally, one of the most important ways that women attorneys can support their own careers and assist others in the profession is through active mentoring. I invite you to participate in our Annual Mentoring Circles Reception on Thursday, October 14, 2010.

Gretchen

COMMITTEE NOTES

The **Matrimonial and Family Law Committee** had a great first meeting on Sept. 15, 2010 (for details, see article on pg. 7). The Committee meets at 6:15 p.m. on the third Wednesday of each month (excluding December) at Blank Rome, LLP, located at The Chrysler Building, 405 Lexington Avenue, NYC. We thank Blank Rome for hosting us again this year. Please save the date for additional meetings on Oct. 27th and Nov. 17th. To RSVP, send an email to Co-Chair Briana Denney at bd@slade-newman.com. Send ideas and requests for topics to Co-Chair Sophie Jacobi at sjacobi@msalaw-ny.com.

The **Students and New Lawyers Committee** meets from 6 to 8 p.m. on the fourth Monday of each month at the New York offices of Lowenstein Sandler, 1251 Avenue of the Americas, New York, NY 10020 (excluding December). We thank Lowenstein Sandler and Director Cassandra Porter for providing our meeting space. Upcoming meetings: Oct. 25th and Nov. 22nd. RSVP to Co-Chairs Stephanie M. Adduci and Jane CoCo Cowles at SNLChairs@nywba.org.

The **Business Law, Taxation, and Bankruptcy Committee** meets on the fourth Monday of each month at the New York offices of Lowenstein Sandler, 1251 Avenue of the Americas, New York, NY 10020 (excluding December). We thank Lowenstein Sandler & Director Cassandra Porter for hosting this year. Upcoming meetings: Oct. 25th and Nov. 22nd. To attend, RSVP to Co-Chair Cassandra Porter at cporter@lowenstein.com. She and Co-Chair Monique McClure look forward to seeing you there.

A CELEBRATION

of the life of long-time NYWBA member

REBECCA ROLLAND, ESQ. (1909-2010)

(Please see profile in our September Newsletter)

will take place on

Thursday, October 7, 2010

12:30 PM - 2:00 PM

Supreme Court, New York County

60 Centre Street

New York, New York 10007

(the room location will be posted

on our website at www.nywba.org)

RSVP to pgangelj@courts.state.ny.us

All are welcome to attend. RSVP required.

WELCOME NEW MEMBERS

Geisa Balla
Martha Cappelluti-Tessler
Heather Cleary
Ilene Siegel Deutsch
Elyssa Emsellen
Elizabeth J. Fee
Rachel Faye Goldstein
Patricia E. Henneseey
Veronica S. Jung
Susheila Khachane
Simran Khanduja
Lois Lim La Londe
Meghan LaFronz-Emberger

Diana-Marie Laventure
Vanessa Maria Lewis
Erin McFadden
Anne Kennedy McGuire
Joyce Orobello
Ruxmani Tina Patel
Allyson Dale Pereg
Jamie Lynn Sinclair
Tea Solomonia
Crystal R. Villaseñor
Lisa S. Yao
Jill M. Zuccardy

SUSTAINING MEMBERS

With their generous contributions, our sustaining members make it possible for us to accomplish so much more. We honor and thank them for their support.

Ruth E. Bernstein
Ilene H. Guralnick

Pamela M. Sloan
Hon. Leslie Crocker Snyder

NOTES ON MEMBERS

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

Jocelyn L. Jacobson, a litigation partner at Reitler, Kailas & Rosenblatt LLC, has been appointed to serve as a member of the E-Discovery Working Group for the New York State Court System. The E-Discovery Working Group consists of lawyers, judges, and academics throughout New York who provide assistance as New York State courts address the many electronic discovery issues that arise in litigation. They help develop educational materials, identify best practices, evaluate pilot programs, and monitor trends. Congratulations, Jocelyn!

Congratulations to our new NYWBA Committee Chairs: **Orrit Hershkovitz** (Awards Committee), **Kathryn E. Salensky** (who joins **Isiris I. Isaac** as Co-Chair of the Criminal Law Committee), **Caitlin I. Somerman** (who joins **Jillian L. Goorevitch** as Co-Chair of the Diversity Committee), and **Denise Scott** (Women's Health Issues Committee).

Do You Know "html"?

NYWBA's Website Subcommittee is looking for a few members who are familiar with websites to join our team. Our website (www.nywba.org) is a terrific resource for members and the public. We need a few "techies" to join us as we enhance the site and provide exciting content for our members. If you are interested, send a note to WebDiva@nywba.org.

The NYWBA Litigation Committee

is pleased to announce the continuation of its esteemed "Lunch with a Judge" Series

Meet Honorable Loretta A. Preska

Chief United States District Judge,
Southern District of New York

WHERE: Judge Preska's Courtroom,
500 Pearl Street, NYC - Room 12A

WHEN: Wednesday, October 20, 2010, 1:00 p.m.

COST: Program is **free**, but space is limited. Priority will be given to NYWBA & WBASNY Chapter members,* so RSVP promptly.

RSVP: **RSVP no later than October 17, 2010.**
Send name and contact info for all attendees to Litigation Co-Chairs Kathy Lynch and Marni Rae Robin at LitigationChairs@nywba.org.
If you RSVP and later have to cancel, please notify Kathy and Marni, so we can release your seat.

NOTE: Bring your own brown bag lunch. The event will begin promptly at 1 p.m.; be sure to allot sufficient time to get through court security. **Discussion of pending cases at this event is prohibited.**

** While you do not have to be a current member to attend, go to our website (www.nywba.org/membership) to join or renew to ensure you are included in this event. If you are a member of another WBASNY chapter, please indicate that in your RSVP.*

SUMMER 2010 ELLERIN FELLOW GAINS PRACTICAL EXPERIENCE DURING SUPREME COURT INTERNSHIP

By Holly Arjune

The Justice Betty Weinberg Ellerin Fellowship has been an amazing professional and personal experience. Prior to my internship, the closest I had come to a courtroom was observing an oral argument through the NYU Lawyering Program during my 1L year. The Fellowship allowed me to work with the Honorable Marcy S. Friedman, Justice of the New York State Supreme Court, New York County, and her law clerks, Harvard Gregory and Jared Paioff. I obtained experience with complex litigation from the pre-discovery phase through inquisitions on damages. This invaluable experience allowed me to gain considerable understanding of the civil litigation process.

Justice Friedman, known to many who frequent her courtroom as a no-nonsense jurist, was a great mentor, personable and always willing to answer any questions or concerns I had. Along with her law clerks, Part clerk, and court officer, I was immediately accepted as a member of the team.

I had the opportunity to observe oral arguments on motions, typically heard once a week, on issues ranging from discovery in labor law to consolidation of asbestos cases. My main tasks included reading motions and supporting memoranda, reviewing cited authority and cases, conducting independent legal research on the relevant issues, and discussing my findings with Justice Friedman and her law clerks. My day-to-day workload allowed me to apply the training I received during my first year in law school, particularly in the areas of legal research, writing, and analysis, which were applied to a myriad of procedural and substantive issues. For example, I saw the real world application of judicial review on agency decisions; a scenario I had just studied in the prior semester in a course on Administrative and Regulatory State Law.

From my first day, Justice Friedman was clear about the importance of discussing cases as a team. Because my courses have been primarily non-clinical, this was a great lesson in understanding the effects of law on society and the importance of precedent. My first research discussion with Justice Friedman involved a conflict of law issue, which I assumed would be simple since I spent many days on the topic in my Civil Procedure course. However, Justice Friedman taught me that an understanding of the current legal standard must be combined with close study of factual nuances and possible consequences. As the summer progressed, our discussions did not become less challenging, but I was able to improve my speaking, writing, and research skills.

Working in chambers also provided insight into techniques of lawyering in litigation. Through observing oral arguments to sitting in on settlement conferences, I witnessed a broad spectrum of lawyering skills. I quickly learned how important it is for a lawyer to understand the procedural aspects of a case, the need for both excellent writing and oral skills, and how time-consuming the process is. Even for the supposedly slower summer period, Justice Friedman's docket was full and active during my summer fellowship.

Justice Friedman provided me with the opportunity to meet and observe other judges. I observed hearings in commercial litigation and matrimonial law, and spent some time meeting and speaking with the presiding judges. Justice Friedman, who served in Housing Court for a number of years and has written leading opinions concerning *pro se* litigants, encouraged me to spend a few days in New York County Housing Court. It was quite a different experience from complex litigation, and it allowed me to observe another facet of legal practice.

I would like to thank the New York Women's Bar Association Foundation for sponsoring the Ellerin Fellowship. My fellowship experience with Justice Friedman was both rewarding professionally and personally enjoyable. This experience will serve me well as I continue my legal career. The highlight of my experience, however, was gaining wonderful mentors and personal relationships with an intelligent, outstanding group of individuals.

Holly Arjune is a student at NYU Law School and a 2012 J.D. Candidate. She is an active member of the Women of Color Coalition at NYU, a research assistant for Law Students for Human Rights, and a member of additional student groups. She earned her B.A. in political science and economics from NYU in 2004, where she was a Presidential Scholar in the College of Arts and Sciences.

The New York Women's Bar Association Foundation, Inc. administers and funds several fellowships that place law students in paid internships in non-profit institutions that benefit women and children. The Ellerin Fellowship, which places students in paid internships in the New York courts, honors Justice Betty Weinberg Ellerin, a graduate of NYU Law School and the first woman to serve as a Presiding Justice of the Appellate Division in New York State. Funds for this Fellowship are raised primarily through auctions held at the NYWBA Annual Dinner. The Ellerin Fellowship and other fellowships are also supported by individual donations to the Foundation. For information about making a donation, go to www.nywbaf.org. The NYWBA Foundation is grateful to Justice Friedman for hosting and mentoring Ms. Arjune and to Judge Ellerin for her continued support of and advice on the Fellowship Program.

~ Martha E. Gifford, NYWBA & WBASNY Past President and NYWBA Foundation Vice President

~ REMINDER ~

Don't forget to RENEW your membership for 2010-2011!

It's easy ...

If you haven't renewed already, go to www.nywba.org and click on "Membership" to access our secure online membership form.

NOTE: The website password will be changed in October, and the new password will be provided only to current members.

BOOK REVIEW - *When Everything Changed: The Amazing Journey of American Women from 1960 to the Present*, by Gail Collins¹

Reviewer: Brenda Pomerance

When Everything Changed makes me proud to be a woman and an attorney. Gail Collins tells how, over the last fifty years, women changed attitudes, mostly one-by-one, thereby changing American society. These are stories showing what makes America great. Thanks to Collins, these extraordinary history makers can be celebrated by more of us. This book review presents one of the stories - the push for women's equality through advocacy for the Equal Rights Amendment.

Since 1920, Alice Paul and her Women's Party had tried to amend the constitution to bar discrimination on the basis of gender. Every time their Equal Rights Amendment (ERA) bill would be introduced, a poisonous amendment would be tacked on, declaring that the amendment would not apply to laws aimed at protecting women. The Women's Party would then ask that the ERA be withdrawn. Republican women tended to favor the ERA, but Democratic women were concerned that it would eliminate the protective laws they had struggled for prior to the Kennedy administration.

In 1960, women accounted for 6 percent of American doctors, 3 percent of lawyers, and less than 1 percent of engineers. Esther Peterson, a labor advocate who became head of the Women's Bureau in the Department of Labor during the Kennedy administration, proposed a special Presidential Commission on the Status of Women "that could be stacked with ERA opponents and then eventually issue a report on how to improve the lives of American women without the help of a constitutional amendment."

Marguerite Rawalt, a government tax attorney, was appointed to the Commission as a token ERA supporter. Rawalt was a past president of the National Association of Women Lawyers.

Meanwhile, in 1964, the Civil Rights Act was amended to protect women from employment discrimination. The then 80-year old Representative Howard Smith, who chaired the Rules Committee, later explained he had offered the amendment as a joke. It became clear that the Equal Employment Opportunity Commission (EEOC) - four male commissioners and one female commissioner - had no intention of protecting women workers. This frustrated Betty Friedan, the women's rights pioneer who was then networking with senior women government officials introduced to her by Pauli Murray, an African-American lawyer who was also on Peterson's Commission. In summer 1966, at a conference of state Commissions on the Status of Women, Friedan and Murray held a strategy session in Friedan's hotel room, and began creating the long-awaited "NAACP for women," calling it the National Organization for Women (NOW). As word spread at the conference, \$5 contributions from attendees poured in to launch NOW.

When NOW had a total of 20 members, Friedan announced that NOW would sue the U.S. government for not enforcing the Civil Rights Act when it came to gender discrimination. Marguerite Rawalt, widowed and newly retired, threw herself, unpaid, into the cause. Rawalt agreed that NOW would represent plaintiff Lorena Weeks, without charge, in her EEOC case.

Lorena Weeks was a clerk at Southern Bell. Her application to be a switchman was turned down in 1966 because "the man is the breadwinner in the family and women just don't need this type of job." Weeks wrote to the EEOC, and an investigation was opened, but Southern Bell cited a Georgia rule that prohibited women from lifting anything heavier than thirty pounds. The switchmen used a piece of equipment weighing about thirty pounds, but it was on a dolly. Notably, Weeks had to lift her thirty-four pound manual typewriter onto her desk every morning and then put it away in the evening. Weeks lost her case in U.S. District Court, where she was represented by an attorney paid for by the union that told her the job should go to a man. The next day, Weeks refused to break Georgia law by lifting her typewriter onto her desk, and she was suspended by Southern Bell and sent home.

Sylvia Roberts of NOW represented Lorena Weeks in front of the U.S. Court of Appeals for the Fifth Circuit. Ms. Roberts had graduated in the late 1950s from Tulane Law School. In 1969, the Court decided *Weeks v. Southern Bell* in favor of Weeks, stating that Southern Bell's argument was just "romantic paternalism." For two more years, the telephone company refused to let Lorena Weeks take the test for the switchman's job. Finally, at a Christmas 1971 hearing in judge's chambers, the judge assigned to mediate was startled to learn that Weeks was still not on the job, and wrote an order requiring Southern Bell to appoint her as a switchman.

"And that," Weeks concluded triumphantly, "is exactly what saved everything."

When Everything Changed ends with the 2008 presidential campaign that turned Sarah Palin into a media star. Collins explains,

Younger men with no college education were the people who had always been most threatened by women in the workplace and often the ones most resistant to any idea of being bossed by a woman anywhere. In a somewhat roundabout way, Palin made many of them converts to a new way of thinking. "They bear us children, they risk their lives to give us birth, so maybe it's time we let a woman lead us," a former truck driver told a reporter during a Palin rally in North Carolina.

The point is, while we have made progress, there is still far to go until women are respected equally with men.

Endnote:

¹ Published by Little, Brown and Company (2009), 480 pages.

Brenda Pomerance is a solo patent attorney (bp@pomerancelaw.com). She co-chairs the NYWBA Committee to Advance the Status of Women in the Profession.

The Committee is in need of volunteers to work on this year's survey. If interested, please see ad on page 8 for details.

Gail Collins was the first female Editorial Page Editor at the New York Times (2001-07), where she is now an editorial columnist. Ms. Collins was a speaker at a NYWBA Foundation breakfast, where she discussed her previous book, *America's Women: Four Hundred Years of Dolls, Drudges, Helpmates and Heroines*.

United Nations Holds Conference on the Rights of Persons with Disabilities

By Denise Scotto, Esq.

From September 1-3, 2010, the United Nations (UN) Conference of States Parties (COSP) to the Convention on the Rights of Persons with Disabilities (CRPD) met in New York, where the Secretariat is based. This meeting marked the third session of the CRPD, which is one of the newer specialized human rights treaties. The agenda included the election of experts to the CRPD Committee, the body that monitors implementation of the treaty by States Parties. Ron McCallum, an Australian national, was elected Chair for a second term. The main theme of the COSP examined *Implementation of the Convention through Advancing Inclusion of Persons with Disabilities*. Two areas of concern related to inclusive education and planning for independent/community living (which included the closing of out-dated institutions).

The UN Special Rapporteur on Disability Rights, Shuaib Chalklen of South Africa, addressed the plenary session and met with countless representatives from the Non-Governmental Organizations (NGO) community, as well as government organizations. He also participated as a speaker in many of the official UN events and parallel events organized by the UN's many NGOs. Judith Heumann, Special Advisor on International Disability Rights, U.S. Dept of State, represented the U.S. at these events. The Special Advisor post was created by President Obama, and Ms. Heumann was the first to assume the role when she was appointed in June 2010.

The CRPD was drafted with the full participation of persons with disabilities during the Ad Hoc meetings held prior to its adoption. In December 2006, the UN General Assembly adopted the CRPD, which entered into force in May 2008. Currently, there are 146 signatories and 90 parties to the treaty. The U.S. signed the treaty in July 2009, and the Administration is conducting an assessment of current domestic law on disability rights. The treaty monitoring body, the CRPD Committee of Experts, conducts its sessions in Geneva, the seat of the UN human rights mechanism.

The COSP meeting concluded by acknowledging that the rights and needs of disabled people must be given attention in the upcoming UN General Assembly Special Session relating to the 10-year Review & Appraisal of the Millennium Development Goals and the ECOSOC functional commission sessions. The COSP also concluded that attention to disabled people should be mainstreamed throughout the work of the UN system. Governments, in turn, must also take their obligations under the CRPD and other international agreements seriously and reflect this perspective in their national laws and domestic policies.

Denise Scotto is a Former Social Affairs Officer, United Nations DESA. She also chairs the NYWBA Committee on Women's Health Issues.



The Solo & Small Law Firm Committee and Technology Committee present:

"USING YOUR WEBSITE TO BUILD YOUR PRACTICE"

featuring

D.K. Smith, Co-Founder & Principal, InteractiveBiz.com

D.K. Smith is a digital marketing expert with more than ten years experience in business-to-business and business-to-consumer e-commerce.

WHEN: Tuesday October 19, 2010
6:00-6:30 Networking
6:30-8:00 Program

WHERE: Reitler Kailas & Rosenblatt LLC
885 Third Avenue, 20th floor, NYC
(Lipstick Building, between 53rd & 54th Street)

COST: \$25.00 for members / \$35 non-members

RSVP: RSVP by October 15, 2010.
Make checks payable to "NYWBA." Send business card and payment to Deborah Rosenthal, Esq., Rosenthal, Attorneys at Law, P.C., 336 Northern Blvd., Great Neck, NY 11021. ALL participants MUST pre-register to be admitted by building security. Space is limited, so please register ASAP.

INFO: Contact Jalissa at the Law Office of Myra L. Freed (212-889-7184).

Refreshments will be served.

REMINDER

You must be a current, paid-up member for **2010-2011** to continue to receive the NYWBA Newsletter, so be sure to **renew today!**

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or email betterhelpers@verizon.net.

The Hidden Costs of Telecommuting and Outsourcing

By Jane CoCo Cowles

While it is true that businesses may save on salaries by finding labor in countries that have a lower cost of living or providing employees with the option of working from home in lieu of a salary increase, ultimately the choice may result in an additional expense - taxes. Remotely located employees may be held to have a taxable connection to the state where the business is located, which may be enough to create a taxable presence or nexus for a business with that state. This connection means higher taxes.

To determine whether a business' activities create a taxable presence, states look at a number of factors, including location of business offices, employment of individuals in the state, and the nature and consistency of the business' activities in the state.

In a recent case, the New Jersey Tax Court ruled that a Delaware Corporation headquartered in Maryland had a nexus in New Jersey because it had one employee working remotely from home and the employee was provided with a corporate computer (See *Telebright Corporation, Inc. v. Director, Division of Taxation* (New Jersey Tax Court, No. 011066-2008, March 24, 2010)). The most astonishing thing about this case is that the corporation's only contact with New Jersey was this one employee, who wrote computer programs from a home office.

What impact will the *Telebright* decision have on the future of outsourcing and telecommuting? Let us look at a case study to understand the potential tax impact remotely located employees can have on a business:

ABC Industries has its headquarters in Georgia, which has a corporate income tax rate of 6%. ABC hired a new executive, Calvin Smith in January 2010. Mr. Smith resides in New Jersey. New Jersey has a corporate income tax rate of 9%. So that Mr. Smith and his family did not have to relocate to Georgia, ABC set him up with a home office in New Jersey and provided him a company laptop and a VOIP (voice over Internet protocol) phone line. According to a recent New Jersey Tax Court decision, Mr. Smith's presence in New Jersey creates a nexus for ABC Industries in New Jersey such that taxes are due from the company to the State of New Jersey.

In 2009, ABC's taxable income was \$10 million, and it paid \$4.1 million in taxes to the federal and Georgia governments. If you assume that 20% of ABC Industries' taxable income will be allocated to New Jersey in 2010, this will result in an additional \$60,000 in income tax expense to ABC Industries.

Allowing employees to work remotely requires careful planning. To avoid the potential for additional state tax liability, businesses would be wise to limit the number of days employees work in a remote location, to not solicit sales in a state where an employee is remotely situated, to only have *de minimus* contacts with such a state, and to consult a tax advisor.

NYWBA's Matrimonial and Family Law Committee Explore New Legislation

By Sophie Jacobi

The Matrimonial and Family Law Committee opened our 2010-2011 term with a great, well-attended presentation about the new laws affecting our practice area that were passed by the New York State Legislature this year. Janet Fink, Deputy Counsel of the New York Unified Court System, provided an expansive overview of all of the domestic violence and family law legislative measures that were passed by the 2010 New York State legislative session, including laws affecting legal representation, child welfare, juvenile justice, child support, and matrimonial proceedings. The text of the legislation Ms. Fink discussed can be found at www.nysenate.gov or www.nyasembly.gov.

Lois J. Liberman, a partner at Blank Rome, and Emily Ruben, Attorney-in-Charge of the Brooklyn Neighborhood Office of The Legal Aid Society, Civil Practice, focused on the three new statutes that go into effect October 12, 2010: no fault divorce, temporary maintenance formula and factors, and counsel and expert fees in matrimonial actions. Ms. Liberman discussed the nuances of the three statutes and how practitioners should think about addressing these new laws with high net worth clients. Ms. Ruben touched on the legislative intent behind these statutes and whether no fault divorce and temporary maintenance guidelines may simplify matters, especially with low-income clients. All three presenters graciously fielded questions and provided templates for *pendente lite* motions and temporary maintenance equations. We thank our presenters for their thoughtful and insightful discussions on the new legislation. It will certainly be interesting to watch and experience how these legislative measures unfold in our cases in the years ahead.

Please note that as a result of scheduling conflicts, our next meeting will be held on October 27, 2010 at Blank Rome at 6:15 p.m. At this meeting, we will hear from all of the court attorneys working in New York County's matrimonial parts, including the integrated domestic violence part. The speakers will discuss the Parts' practices, preferences, etc. We hope to see you there.

Sophie Jacobi is associated with Mayerson Stutman Abramowitz, LLP and specializes in matrimonial and family law matters. Ms. Jacobi received her JD from Loyola University Chicago in 2003.

New Jersey is not alone. As states become more in need of revenue, they are adopting more expansive interpretations of the nexus. On June 1, 2010, the State of Washington enacted 'economic nexus' legislation. It requires businesses that have no physical presence in the state to pay business taxes when they make sales to Washington residents. As the financial desperation of the states continues to grow, and the definition of "presence" begins to expand in the lower courts, it will be interesting to see who challenges the constitutionality of these new nexus standards in the Supreme Court.

Jane CoCo Cowles is a tax attorney who resides on the Upper East Side. She also is Co-Chair of the NYWBA's Students and New Lawyers Committee.

NYWBA's Diversity Committee Connects with Cardozo Law Students

By Jillian Goorevitch and Caitlin Somerman

On August 26, 2010, the Diversity Committee of the New York Women's Bar Association participated in the Benjamin N. Cardozo School of Law Diversity Organizations Fair. The Fair was held at the School of Law and hosted many of New York's most active bar associations.

Jillian Goorevitch and Caitlin Somerman, Co-Chairs of the Diversity Committee, met with first year law students from all walks of life, all of whom are looking for ways to reach out to the legal community in New York City. As first year law students, many women were interested in getting involved in NYWBA's Mentoring Circles in order to determine what area of law to pursue and to learn from the NYWBA's experienced attorneys. They were excited to learn that NYWBA lawyers work in all practice areas, from private practice to corporate law practices to the public interest sector, government, and even areas outside of the law. Many students expressed interest in the NYWBA because of the unique issues facing female attorneys. And, of course, as law students in New York City, all of the women were very enthusiastic that all of NYWBA's events take place in Manhattan.

In addition to meeting first year law students, we also had the opportunity to mingle with representatives from other bar associations. We are looking forward to planning an event with some of the other local Women's Bar Associations!

The event was a great success, and we are pleased to welcome many new members to the New York Women's Bar Association from the incoming class of Cardozo Law School.

Jillian Goorevitch is the Manager of Legal Personnel at Weil, Gotshal & Manges LLP. Caitlin Somerman is an attorney at Weil, Gotshal & Manges LLP. Jillian and Caitlin are the Co-Chairs of the NYWBA Diversity Committee.

Annual Meeting of NYWBA Committee Chairs

NYWBA President Gretchen Beall Schumann hosted the annual meeting of the Chairs of the NYWBA's Committees on September 20, 2010 at the offices of Simpson, Thatcher & Bartlett.

Ms. Schumann and the Chairs discussed the NYWBA's By-Laws and policies, WBASNY and New York State requirements for CLE programs presented by the NYWBA and its Committees, NYWBA's fiscal rules concerning programs and expenses, ways to promote Committee membership, and related issues. Examples of committee event flyers and CLE flyers were circulated, and Ms. Schumann discussed upcoming events of interest to our members and Committees.

Participants also discussed the NYWBA website and methods for publicizing events and for using our new technology to send notices to Committee members and to the membership at large. Speakers at the meeting included Treasurer Julie Hyman, Newsletter Co-Chair Stephanie M. Adduci and Past President Elizabeth Bryson.

The Chairs were able to meet and mingle, to explore possible connections between Committees that could lead to joint programming opportunities, and to be inspired by their peers and the words of Ms. Schumann.

It was clear to all participants that 2010-2011 promises to be a wonderful, active year for our Committees. NYWBA thanks Simpson, Thatcher & Bartlett and past Board member Laura M. Twomey for graciously hosting the meeting.

President Gretchen Beall Schumann (seated, center) welcomes 2010-2011 Committee Chairs:



Seated (l-r): Annie J. Wang (Immigration Law), Past President Elizabeth A. Bryson (By-Laws, Long-Term Planning & Technology/Website), President Schumann, Diana G. Browne (Programs, Events & Arrangements), Melanie A. Chieu (Working Parents). Standing, front row (l-r): Isiris I. Isaac (Criminal Law), Director Stephanie M. Adduci (Newsletter, Students & New Lawyers & Summer Program), Kathryn Salensky (Criminal Law and Liaison to Network of Bar Leaders), Deborah G. Rosenthal and Gina T. Danetti (both Solo & Small Firm Practice), Rachel J. Minter (Advance the Status of Women in the Profession). Standing, back row (l-r): Jennifer Durkin (Immigration Law), Treasurer Julie Hyman (Board Liaison for Finance and Publicity Committees), Christa Bosch (International Law & Practice), Director Kelly O'Neill Levy (Cooperation with Other Bar Associations), and Briana Denney, Hon. Andrea Masley & Sophie Jacobi (all Matrimonial and Family Law). Not shown: Committee Chairs who attended the meeting by phone. For a full list of our Committee Chairs, see list on page 2.

Concerned About the Status of Women in the Profession? Want to Get Involved? Need Experience to Add to Your Resume?

The **Committee to Advance the Status of Women in the Profession** is preparing the next edition of the **NYWBA Survey of Manhattan Law Firms** and needs volunteers for this urgent project. Volunteers will call 3 to 5 firms to identify the correct person to receive a survey invitation and remind the firms to complete the survey promptly.

The Committee is also seeking assistance to review and make recommendations for updates to the NYWBA website pages dedicated to the NYWBA Survey and other surveys on the status of women lawyers.

If interested, email your contact info to Co-Chairs Brenda Pomerance and Rachel Minter at Survey@nywba.org.

NYWBA Past President Appointed to NYSBA

Congratulations to Past President and WBASNY Officer **Teresa Schiller** on her appointment as Director of Law Practice Management for the New York State Bar Association.

ATTENTION MEMBERS

-- Nominations Committee Notice --

The NYWBA Nominations Committee will be meeting in November and December to consider the slates for the Officer (President, Vice President, Treasurer, Recording Secretary, and Corresponding Secretary), Director, and WBASNY Delegate positions for next year.

The Committee invites you to send and email to Nominations@nywba.org with the names and qualifications of members who should be considered as potential candidates to fill the Officer positions for 2011-2012, Director positions for 2011-2014, and Delegates to the WBASNY Board of Directors for 2011-2012.



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Housing Discrimination and Landlord-Tenant Law

By Isiris I. Isaac and Yacine Barry*

On September 22, 2010, the New York Women's Bar Association held a Continuing Legal Education (CLE) course entitled "*Lawful Source of Income Discrimination in Landlord-Tenant Cases and the Application of Local Laws 10 & 44*" at the Civil Courthouse at 111 Centre Street.

Isiris I. Isaac, Co-Chair of the NYWBA Criminal Law Committee and an Associate Court Attorney with the New York State Unified Court System, discussed recent developments in landlord - tenant law that affect whether a landlord can refuse rent payments or other financial assistance from lawful sources made on a tenant's behalf. The presentation focused on provisions of the New York City Human Rights Law, which were amended by City Council in March 2008 with the enactment of Local Law 10 to prohibit discrimination based on "lawful source of income," and Local Law 44, which amended the J-51 Law in 1993 to include a similar provision. Such "lawful sources of income" include receipt by tenants of Social Security or other forms of federal, state, or local public assistance or housing assistance, including Section 8 subsidies.

The program offered helpful information about the application of these statutes and case law to tenants in residence, as well as potential tenants. In particular, Ms. Isaac explained that both Local Laws 10 & 44 have been held to apply regardless of whether an agreement to accept Section 8 rental assistance was included in a prior lease in buildings with six or more units, and that both laws apply to current and prospective tenants. However, Local Law 10 has been held inapplicable to dwellings that contain five or fewer units, except (i) those that are subject to rent control and (ii) where the landlord does not own a building in the City constructed or to be constructed with six or more units. In short, both laws offer broad protection to the vast majority of New York City tenants who receive income from public sources and live in buildings where the number of units falls within their scope.

The CLE was attended by a wonderfully attentive group of practitioners with varied legal backgrounds. Some attendees practice in the area of landlord-tenant law exclusively. Others had no experience in this field of practice, but attended because they wanted to be informed on the topic. The participants freely asked questions and were genuinely engaged throughout the discussion. A participant stated that the presentation was "very interesting" and informative. Participants also expressed concern that so little is known about the topic and thought that more people need to be informed about the law on this issue.

Isiris I. Isaac is an Associate Court Attorney with the NYS Unified Court System and Co-Chair of the Criminal Law Committee. Yacine Barry is a Senior Court Attorney with the NYS Unified Court System, the NYWBA's Recording Secretary, and Chair of the Continuing Legal Education Committee.

** Ms. Isaac appeared as a speaker at the program in her personal capacity. The opinions expressed during the program and in this article are solely those of the authors and should not be attributed to the Court, the NYS Unified Court System, or to any Judge or Court personnel.*

NYWBA Membership Information

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

Current members should send updated address and contact information to ED@nywba.org. This will help us keep you informed about our programs, events and other benefits of membership.

Newsletter and Advertising Information

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

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