



NYWBA Foundation, Inc. Breakfast Speaker Series

featuring

BETH HARPAZ

Journalist and Author of
*The Girls in the Van: A Reporter's Diary
 of the Campaign Trail* and
Finding Annie Farrell: A Family Memoir

Wednesday, December 1, 2004, 8:00 a.m.

The Harvard Club
 27 West 44th Street, Manhattan
 \$75 (\$85 at the door)

To reserve your seat,
 call Tonya Gaetan at (212) 894-6806.

WOMEN'S BAR ASSOCIATION OF THE STATE OF NEW YORK

*Presentation of the Inaugural
 Betty Weinberg Ellerin Mentoring Award to
 Honorable Betty Weinberg Ellerin*

**Thursday, December 2, 2004
 Cocktails 6 p.m., Dinner 7 p.m.**

The New York Botanical Garden, Bronx, NY

RSVP to Linda Chiaverini
 (info@wbasny.org or 212-362-4445)

NEW YORK WOMEN'S BAR ASSOCIATION

presents

Lunch with a Judge

featuring

Hon. Laura Drager

Acting Supreme Court Justice and NYWBA Board Member

Thursday, January 6, 2005, at 1:00 p.m.
 (For details, see announcement inside.)

PRESIDENT'S MESSAGE

SPEAKING UP AND BEING HEARD

December 2004



Photo: Daryl-Ann Saunders

Recent and upcoming events have given me the opportunity to appreciate once again how important it is that the Association and its members speak out on important issues. The recent judicial elections and a Commission hearing scheduled for December present two cases in point.

One of the most important things we do is to review the qualifications of people who would like to serve as judges. Judiciary Committee Co-Chairs Cathy Foti and Bernie Dworkin and the members of the Committee spend hours reviewing the credentials and writings of the candidates, as well as interviewing them and attorneys who have appeared with, against or before them. Their dedication to this incredibly important undertaking is impressive and humbling.

Admittedly, the process is also time-consuming for the candidates, since they appear before numerous screening panels. This year, four incumbent judges who were running unopposed unilaterally decided they would participate only in screenings conducted by the panels authorized by the NY Democratic Party and by the City Bar. At an emergency Board meeting, after an in-depth discussion, the Board voted to proceed with the screenings, recognizing that candidates (including sitting judges) who did not participate would be reported out as "Not Rated for Failure to Appear." Fortunately, two of the original four judges decided thereafter to participate.

While the Judiciary Committee's reviews were underway, the *New York Law Journal* published an article about the controversy and the impact on several local bar associations, including the NYWBA. Unfortunately, the article included some very incendiary comments, including an implication that several smaller bar associations used inappropriate litmus tests to determine who would be found "highly qualified," which is absolutely not the case with the NYWBA. Given the significant risk that people who read the article would be left with an inappropriate impression, I wrote a long letter to the editor, which was published (with minor edits) on October 25, 2004, and is reprinted in this Newsletter on page 4. Later that week, the Judiciary Committee completed its work and presented its recommended ratings to the Board, which unanimously endorsed them. The ratings were published in the *Law Journal* on November 1, 2004, and are reprinted on page 8.

The value of our role in conducting judicial screenings cannot be overstated. Given the importance of experience, wisdom, fairness and integrity in our judiciary, it is essential that bar associations

Continued on page 2

NYWBA MEMBER NOTICES

Need another reason to make sure your membership is current? Under the Association's By-Laws, only members whose membership is current by December 31, 2004 (with full payment of required dues) are entitled to vote in the elections of officers, directors and delegates held every April. The Nominations Committee is also interested in hearing from and about potential candidates for these positions. Here are your official notices:

NOTICE OF ELIGIBILITY FOR VOTING

Every member of the Association in good standing who has been admitted to the practice of law and whose primary women's bar association membership is with the **New York Women's Bar Association** shall be entitled to vote at any election of the Association, provided that said member's dues for the current fiscal year have been received by the Association no later than midnight of **December 31st** preceding the election at which such member will vote. Dues remitted by mail will be timely received if postmarked December 31st or earlier. (Under Article X of the By-Laws, members whose primary membership is with another women's bar chapter or who have not yet been admitted to practice may not vote.)

NOMINATIONS COMMITTEE

Laura M. Twomey has been elected to fill a vacant position on the Nominations Committee and will serve the remainder of a two-year term as a member of the Class of 2004-2006. The full Nominations Committee is as follows:

NYWBA President (2004-05)

Elizabeth A. Bryson

Class of 2003-05

Susan L. Bender
Hon. Laura E. Drager
Myra L. Freed
Barbara A. Ryan

Class of 2004-06

Laurie Berke-Weiss
Christine Harman
Phyllis S. Koffman
Laura M. Twomey

In January 2005, the Nominations Committee will meet to consider potential candidates for positions as officers and directors of the Association and for positions as the Association's delegates (directors) to the Women's Bar Association of the State of New York. If you are interested in serving or would like to recommend someone to the Nominations Committee, send a letter to the New York Women's Bar Association, 303 Park Avenue South, #1190, New York, NY 10010-3601 or send an email to info@nywba.org.



President's Message continued from page 1

representing the broadest possible constituencies participate in the screening process. I am proud of the Association, its Board, our Judiciary Committee, and, ultimately, the judges and candidates who participated. We stood up for principle and demonstrated our own fairness and integrity.

This leads me to another opportunity to be heard. Many of our members practice in solo and small firm settings, and you have an opportunity for your voices, concerns and experiences to be heard. You will see on page 9 a Notice of Hearings by the Commission to Examine Solo and Small Firm Practice, which was established in May by Chief Judge Judith Kaye "to examine the unique challenges faced by solo and small firm practitioners and to make recommendations for improvements that will benefit all litigants and attorneys statewide." The Commission will hold an all-day public hearing in Manhattan on December 8, 2004. It will hold additional hearings in Albany and Rochester in January and will accept written submissions until January 13, 2005.

In establishing the Commission, Chief Judge Kaye noted, "About 80 percent of all New York lawyers are solo practitioners or work in firms with fewer than 10 attorneys. These lawyers face daily challenges distinct from those of their larger firm colleagues and have developed valuable perspectives on how to improve the courts, the practice of law, and lawyer professionalism. The time has come to tap into their unique experiences and insights." I note with pride that the Commissioners include women's bar members from across the state, including past WBASNY President Joan McNichol.

It is clear that the members of the Commission are open to hearing any suggestions or concerns you may have, from how to make your lives and the lives of your clients easier when you go to court, to law office economics, to the technology that should be available to you - such as the convenience of electronic case filing from your desktop (instead of having to run to court to file papers). The Commission also wants to hear from attorneys who work in various substantive areas of the law.

I hope that those of you who practice as solos or in small firms will present your ideas and opinions to the Commission. Having had the privilege of serving as a member of an earlier Commission established by Chief Judge Kaye, I can assure you the Commission will welcome your ideas with open arms and receptive minds.

I hope you will also attend some of the wonderful events in December, including our Foundation's Breakfast Series Speaker Event on December 1st, WBASNY's 25th Anniversary Gala and presentation of its inaugural mentoring award to our own past President and mentor-extraordinaire Hon. Betty Weinberg Ellerin on December 2nd, and the New York Women's Agenda "Star Breakfast" on December 7th. Each of them promises to be a terrific time for very worthy causes.

Finally, we welcome new advertisers to the Newsletter, including TAG Online, the official website provider for the Association. Did you know that the Association's Newsletter accepts advertisements? The fees are extremely reasonable, and discounts are provided for repeat advertisers. Ad revenue helps underwrite the costs of producing the Newsletter and provides terrific exposure for the Association. If you know of a potential advertiser, just send a note to newsletter@nywba.org or call 212-360-7055.

Beth

WELCOME NEW MEMBERS

<p>Molly Brooks Cheryl Bunevich Hon. Kathryn E. Freed Shireen Hilal Amna Husain Hon. Melissa C. Jackson Soo Kim Huiwen Leo Anna Lewis Magill Merran Roya Mossoumi Jennifer O'Loughlin</p>	<p>Joanne Pacewicz Shoba Pala-Krishnan Stephanie Pham-Quang Rebekah Rollo Wendy Rosenthal Jennifer N. Scarpati Mandy Stupart Heather H. Volik Elizabeth R. Weiss Brigitte White Michelle Williams Tina Woo</p>
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Children's Rights and Issues Committee Moves Forward

The **Children's Rights and Issues Committee** held its first meeting on October 21st at Blank Rome LLP. Attendees worked together to formulate a program and agenda for the year. The members of the Committee are enthusiastic and creative, and the group has already devised several plans to pursue in the near future. One plan is to develop a proposal to provide equal, high-quality law guardian representation to all children, regardless of parents' ability to pay.

Co-Chairs Jo Ann Douglas and Hon. Ann O'Shea are very excited about the Committee. The Committee is open to all NYWBA members. The Co-Chairs anticipate it will be particularly attractive to members with interests concerning special education, special needs children, guardianship of children, terrorism and children, and the like. The Committee will also focus attention on family law issues, such as custody, visitation, and adoption. The Committee will also examine factors such as domestic violence, which can have a singular impact on children.

Please contact Co-Chair Jo Ann Douglas at 212-673-2895 or K9Kastle@aol.com for further information about meeting dates, or to share ideas for the Committee's programs.

~ Jo Ann Douglas

NEW YORK WOMEN'S BAR ASSOCIATION

cordially invites you to attend the

New York Women's Agenda Star Breakfast

**Tuesday, December 7, 2004
7:30 to 9:00 a.m.**

New York Hilton Hotel and Towers

NYWA consists of 100 women's organizations (including NYWBA), representing over 100,000 women. It sponsors many charitable programs.

For information about these programs or this important (and fun!) charity fundraising event, go to www.nywa.org or call 212-843-1706.

SUSTAINING MEMBERS

With their generous contributions, our 2004-05 sustaining members make it possible for us to accomplish so much more. We honor and thank them for their support.

<p>Eileen King Nancy M. Loudon</p>	<p>Norma Z. Paige Irene A. Sullivan</p>
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NOTES ON MEMBERS

Congratulations to member **Carole V. Aciman** on her installation as President-elect of the National Conference of Women's Bar Associations. The NCWBA promotes and assists local and state-wide women's bar associations and women's bar sections. It serves as a vehicle for the exchange of information and ideas among women's bar organizations; promotes the interests of women; and promotes the advancement of women in society. Ms. Aciman, counsel at Hughes Hubbard & Reed, has actively served as WBASNY's representative to NCWBA for several years.

Congratulations to member **Jessica Ressler** and her husband Shlomo on the birth of their baby boy, Zachary Aaron Ressler, on September 17, 2004. Best wishes can be sent to the Resslers c/o Mayerson Stutman LLP, 292 Madison Avenue, 18th Floor, New York, NY 10017. Welcome, Zachary!

In memory of **Hon. Jeffrey Oing's** son, David, who was killed in an accident earlier this year, a street will be renamed on Monday, December 6, 2004, at 12:30 p.m. at 84th Street and Park Avenue in Manhattan. NYWBA members are invited to attend.

NYWBA Vice President **Christina Kallas** was the featured speaker at the annual conference of the Greek American Women's Network on October 16, 2004. The topic was "What You Don't Know About the Law: Can it Hurt You?"

New "Lunch with a Judge" Program

The NYWBA is pleased to announce a "Lunch with a Judge" program, developed to enhance communications between the bench and the bar. (Attendees are invited to bring their own brown-bag lunches to the events.)

The inaugural "Lunch with a Judge" will be on **January 6, 2005**, featuring the Hon. Laura Drager, Acting Supreme Court Justice and NYWBA Board Member. The lunch will take place at 1:00 p.m. in her chambers or jury room, and she sits in Matrimonial Part 31, Courtroom 684, at 111 Centre Street. Space is limited to 15 attorneys, and advance registration is required.

Each month, a different judge will open her/his chambers or jury room to 15 attorneys to visit over lunch. The program is intended to provide attendees with the opportunity to learn more about the judge and each other, and to speak freely in an informal setting. While some lunches may focus upon a predetermined theme, there will be no speeches or moderation of content. It is important to note that no open or pending cases will be discussed.

To reserve a seat or obtain more information, please send an e-mail to info@nywba.org or call 212-360-7055.

NYWBA Responds to *New York Law Journal* Article on Judicial Screening

On October 20, 2004, the New York Law Journal published an article entitled "Pact Among Four Incumbent Judges Unravels," which discussed an initial decision by several incumbent judges not to participate in any bar association screenings other than the one conducted by the City Bar, and the subsequent decision by two of those judges to participate in the judicial screening process conducted by the New York Women's Bar Association after all. In response, NYWBA President Elizabeth Bryson wrote the following letter to the editor of the Law Journal on October 21, 2004:

As President of the New York Women's Bar Association, I read with interest your October 20th article entitled "Pact Among Four Incumbent Judges Unravels." I am writing to provide a fuller picture of our organization's judicial screening process and its importance in ensuring a fair and impartial judiciary.

The New York Women's Bar Association was formed 70 years ago by six attorneys who were denied admission to any other bar associations - including the Association of the Bar of the City of New York - simply because they were women. In forming the Association, the founders did not focus on the fact they were women, however. Rather, their intent was to form a full service bar association that was open to all. Indeed, our mission is to ensure the "fair and equal administration of justice." It is important that your readers understand that in all of its extraordinary work the Association focuses on fairness and equality, not partisanship.

Our Judiciary Committee is an important part of our organization. We believe that there has never been a more important time for clear and direct channels of communications between the bench and the bar. Concerns about the fairness and efficiency of our judicial system are expressed often these days. It is incumbent on judges and attorneys to focus on bringing the most talented and fair-minded among us to serve on the judiciary. The process of having candidates for judicial office present themselves for interviews by professional organizations is an important way to ensure the public that efforts will continue to make sure that we have the highest quality of justice possible.

When I was advised that a number of incumbent judges had decided not to be interviewed by any bar associations other than the City Bar, I was told that the only reason for this was the time commitment that is required for candidates to be seen by numerous bar associations. We acknowledge and appreciate the significant time required both for judges who appear before judiciary committees, and for the attorneys who serve on them, but for all of us, it is a necessary obligation. It is through this vetting process that the bench and bar together seek candidates who show the "intrinsic qualities of ... fairness and sensitivity" in dispensing justice.

At no time until I read your article was I or the Association ever informed that there were any concern about any risks to "judicial independence" by having candidates participate in our or any other bar association's judicial screening process. Frankly, I find the argument unpersuasive. Over the years, the Association of the Bar of the City of New York, the New York Women's Bar Association, and other bar associations have certainly taken

strong positions on a wide range of issues. That they also screen judicial candidates to ensure that such candidates are qualified to serve as judges hardly creates any risk to judicial independence. To the contrary, it ensures that candidates for the bench are aware of the wide range of issues that could come before them in their roles as jurists.

The New York Women's Bar Association should not be lumped in with any other bar associations with respect to its criteria and procedures for determining which candidates are qualified, highly qualified or not qualified. Our criteria are based on attributes such as experience, education, judicial temperament, the ability to administer justice in a fair and impartial manner, and the like. There is no "litmus test" based on any particular issue. I cannot speak for the other bar associations that were tainted with the very broad brush in the article, but we absolutely do not reserve our highly qualified rating "for judges who reflect [our] 'partisan views'." A candidate will be found to be qualified if he or she meets our specified criteria, and will be found highly qualified if he or she demonstrates exceptional skill or talent with respect to the exact same criteria.

We are also concerned by the notion that the public should be satisfied simply because judicial candidates are willing to be screened by the City Bar and the New York Democratic Party's screening panel. We believe that society will get the best judiciary when the various professional bar associations that represent the broadest constituencies possible participate in the process.

Finally, while it is a minor point, we do not consider the New York Women's Bar Association to be a "specialty bar." Traditionally, that term has been applied to the patent bar, associations of criminal law attorneys or other associations that focus on a professional practice area. Our Association's membership consists of attorneys from every conceivable practice area, from litigators to corporate lawyers, students to court attorneys, intellectual property to criminal law, matrimonial law to antitrust and bankruptcy. Our membership includes both men and women. Our membership also includes state and federal judges at every level, including from the New York Court of Appeals and the United States Court of Appeals for the Second Circuit. In addition, the New York Women's Bar Association is part of the Women's Bar Association of the State of New York, a confederation of 16 women's bar associations across the state, each of which seeks to uphold the same traditions of fairness and equality.

In conclusion, we concur with Professor Roy Simon's considered observations in the article about the importance of having a broad spectrum of the profession reviewing the qualifications of the candidates who would serve on the bench. We also appreciate the fact that Justices Jacqueline Silberman and Emily Jane Goodman have reconsidered their original position and have decided to participate in our judicial screening process this year.

NYWBA Celebrates Its 74th Annual Dinner

On May 26, 2004, the NYWBA hosted its 74th Annual Dinner at the Grand Hyatt Hotel. A lively crowd of NYWBA and WBASNY members and friends gathered to honor those who have contributed so much to the NYWBA and to the New York legal community. The crowd was welcomed to the event by Dinner Chairs Myra L. Freed and Jo Ann Douglas.

Linda Greenhouse, Pulitzer prize-winning Journalist and U.S. Supreme Court Correspondent for *The New York Times*, received the President's Special Award and spoke about her experiences covering seminal cases in U.S. jurisprudence.

The Honorable Jacqueline W. Silbermann, Administrative Judge of the Supreme Court, New York County, Civil Branch, and Statewide Judge for Administrative Matters, received the inaugural Joan L. Ellenbogen Award. Chief Judge Judith S. Kaye and Sheila Birnbaum, past NYWBA President and sponsor of the award, made the presentation. Ms. Birnbaum gave a heartfelt speech about Joan Ellenbogen, an inspiring lawyer, friend and mentor. Judge Silbermann gave an equally heartfelt acceptance speech. Justice Silbermann presented the \$5,000 award donation to InMotion, and it was accepted by Catherine Douglass, InMotion President and NYWBA member. Many thanks to Ms. Birnbaum for her generosity in underwriting this Award.

Elizabeth A. Bryson, NYWBA President for 2003-04 and 2004-05, reflected on the Association's "extraordinary" year. She noted that "membership has increased more than 50% from only two years ago, and there is a wonderful enthusiasm within the organization." President Bryson underscored the importance of the work that has been done by the NYWBA committees and gave thanks to all of the

members who had volunteered their time to participate in committee programs. She also thanked all of the members responsible for coordinating and sponsoring a myriad of events during the year. These events included a program entitled, "What It's Really Like to Practice Law in New York City as a Woman," a Membership Reception, and a Reception to Honor Newly Appointed and Elected Judges.

President Bryson presented the NYWBA Award of Merit to Blank Rome LLP and Davis Polk & Wardwell. Lois Liberman accepted the award on behalf of Blank Rome LLP, and Sharon Katz accepted the award on behalf of Davis Polk & Wardwell.

Jennifer Weiers, a New York University law student, received the Florence Perlow Shientag Award for winning an NYWBA essay contest. Jennifer received a check for \$10,000 for writing the most outstanding essay on an issue of constitutional law. Justice Shientag graciously underwrites the Award, which is administered by the NYWBA Foundation.

The Honorable Betty Weinberg Ellerin, Associate Justice, Appellate Division, First Department, installed the NYWBA officers and directors and WBASNY directors for 2004-05. (For a complete listing of our leadership, please see the mailing page of this newsletter.)

The 74th Annual Dinner was a huge success, with more than 400 in attendance, and the Dinner Journal that was handed out to attendees was extraordinary, with a terrific look and a record number of paid ads and tributes. Special thanks go to Dinner Chairs Myra L. Freed and Jo Ann Douglas, to the Dinner Committee and to Executive Director Marta Toro for their hard work.



Laura Twomey, Marjorie Martin, Gerry Fifer, Christina Kallas (l-r, seated); Xenophon Theophall, Diana Browne, Beth Bryson, Kay Marmorek (l-r, standing)



InMotion President and NYWBA Member Catherine Douglass, Hon. Jacqueline Silbermann



Laurie Versace, Hon. Eileen Bransten, Tricia Alden (l-r)

WBASNY President-Elect Andrea Phoenix, WBASNY President Mindy Zlotogura



President Beth Bryson presents Award of Merit to Blank Rome LLP, represented by Lois Liberman, and Davis Polk & Wardwell, represented by Sharon Katz (l-r)



Hon. Betty Weinberg Ellerin swears in NYWBA Officers: VP Christina Kallas, VP Lisa Sokoloff, VP Teresa Schiller, Corresponding Secretary Jo Ann Douglas, Recording Secretary Lisa Bauer, Treasurer Janet Cord



NYWBA's 2004 Annual



Hon. Angela Mazzarelli, President Beth Bryson, former United States Attorney Robert B. Fiske, Jr.



Hon. Betty Weinberg Ellerin, Past President and NYWBA Installation Officer



Past President Barbara Ryan, Scholarship winner Jennifer Weiers, Hon. Florence Perlow Shientag



President Beth Bryson, Hon. Judith Kaye, Honoree Linda Greenhouse, Honoree Hon. Jacqueline Silberman



Carole Schrager, Treasurer Janet Cord, Foundation President Katherine Posner (l-r)



Treasurer Janet Cord, Past President Heather Martinez Zona, Past President Toby Pilsner, Foundation Board Member Nancy Lazar, Carole Schrager, Douglas Zona



WBASNY President Mindy Zlotogura, Past NYWBA President Phyllis Koffman, Eleanor Vale



President Beth Bryson, Hon. Jacqueline Silberman

Dean Joan Wexler, Honoree Linda Greenhouse, Kathy Rodgers, Hon. Lucy Billings



Marilyn Sugarman, Judith Coulston, Sharon E. Grubin, Hon. Phyllis Gangel Jacob

Dinner a Huge Success!



Elisabeth Waldburger, Phyllis Solomon, Eleanor Gross



Sandra Katz, Randi Isaacs, Marnie Hafron, Aimee Richter (l-r)



*President Beth Bryson,
President's Special Award Honoree Linda Greenhouse*



Past President Sheila Birnbaum, Kathy Rodgers, Hon. Judith Kaye, Robert Kaufman



*Marti Stine, Hon. Lucy Billings, Hon. Debra James,
Past President Harriet Newman Cohen*

*Nancy Lazar, Myra
Freed, Beth Bryson,
Jo Ann Douglas (l-r)*



*Past Presidents Hon. Florence Perlow Shientag
and Myrna Felder*

*Hon. Eileen Bransten, past honoree Prof. Maria Marcus, Hon. Judith Kaye,
past President Hon. Karla Moskowitz*



Joan Mazur, Rita Stephanz, Debra Goldberg, Amy Halpert



NYWBA Announced Results of 2004 Judicial Candidate Screenings

In October 2004, the Association announced the results of its review of the qualifications of candidates for positions as judges on the New York State Supreme Court and Civil Court in Manhattan. The Association approved the ratings that were recommended by its Judiciary Committee, which determines its ratings after conducting personal interviews of candidates and reviewing written questionnaires, résumés, and writing samples such as decisions and legal briefs. The Committee also takes into consideration candidates' experience for the judicial positions sought, and references solicited from lawyers who either appeared before the candidates or were opposing counsel or co-counsel to the candidates. All interviews and deliberations remain strictly confidential. The Association's ratings, reprinted below, were published in the *New York Law Journal* on November 1, 2004.

New York Supreme Court

Hon. Emily Jane Goodman	Qualified
Hon. David B. Saxe	Not Rated for Failure to Appear
Hon. Jacqueline W. Silbermann*	Highly Qualified
Hon. Peter Tom	Not Rated for Failure to Appear
Hon. Louis B. York	Not Rated for Failure to Appear

New York Civil Court

Arlene P. Bluth	Not Rated - Withdrew Application
Hon. Debra A. James	Qualified
Hon. Shirley W. Kornreich	Highly Qualified
Milagros Matos*	Qualified
Hon. Jose A. Padilla	Not Rated for Failure to Appear
Hon. Martin Shulman	Highly Qualified
George Silver	Qualified

Note 1 - An asterisk (*) after a candidate's name indicates that the candidate is a member of the New York Women's Bar Association Board of Directors.

Note 2 - Pursuant to the NYWBA's procedures, the members of the NYWBA Board who are judges, candidates for judicial office, or law secretaries for a candidate did not participate in any aspect of the consideration of the above candidates.

We wish to thank Judiciary Committee Co-Chairs Catherine Foti and Bernard Dworkin and all the members of the Committee for their important work in the judicial screening process. Because of their efforts, the Association is able to speak knowledgeably about the important choices before voters concerning judicial candidates in New York County.

Geraldine Ferraro Chosen as WBASNY Nominee for ABA Margaret Brent Award

The Association has nominated the Hon. Geraldine A. Ferraro for the American Bar Association's Margaret Brent Women Lawyers of Achievement Award, and we are thrilled to report that WBASNY unanimously endorsed the nomination at a statewide WBASNY Board meeting in Latham, New York on November 13, 2004. WBASNY will submit the nomination to the ABA in early December. We expect a decision on the nomination in the spring.

The ABA Margaret Brent Women Lawyers of Achievement Award - named in honor of the first woman lawyer in America - was established by the ABA Commission on Women in the Profession in 1991 to recognize and celebrate the accomplishments of women lawyers. This award honors outstanding women lawyers who have achieved professional excellence within their area of specialty and have actively paved the way to success for other women lawyers. The award is presented each year to five women lawyers who excel in a variety of professional settings and who personify excellence on either the national, regional, or local level.

Ambassador Ferraro is certainly a worthy candidate for this award. This is the 20th anniversary of her nomination by Walter Mondale and the Democratic Party for the position of Vice President of the United States. She has served the country in a variety of roles, including as a Congresswoman who fought for the rights of women and as head of the United States delegation to the United Nations Human Rights Commission. She has served New York as well, including as an Assistant District Attorney in Queens County, where she established the county's first Special Victims Bureau to help women and elderly victims of violence and sex crimes. She has been a long-time member of the Queens Women's Bar Association and is also a member of the NYWBA. She began her legal career after going to law school at night while teaching English in the New York City public schools.

Thanks go to the Hon. Phyllis Gangel-Jacob and President Elizabeth Bryson for preparing the nomination. If you wish to add support or need additional information, please contact Elizabeth Bryson at president@nywba.org or 212-576-5738.



The Commission to Examine Solo and Small Firm Practice

The Commission to Examine Solo and Small Firm Practice was established by Chief Judge Judith S. Kaye in May 2004 to examine the unique challenges faced by solo and small firm practitioners and to make recommendations for improvements that will benefit all litigants and attorneys statewide. The Commission will hold three (3) public hearings. The purpose of the public hearings is to receive the views of interested individuals and organizations with regard to ways that the Judiciary can support solo and small firm practitioners in the practice of law, with particular focus on the following issues:

- Case Processing and Scheduling
- Attorney Regulation
- Enhancing Professionalism
- Technology
- Law Office Economics

Individuals interested in speaking at one of the public hearings must register at least ten (10) days prior to the hearing. Registration forms are available from the Commission and may be requested and submitted to the Commission by fax, email, or regular mail at the address listed below.

The Commission will make every effort to accommodate all those wishing to speak. Prior to the hearing, registered individuals will be notified of the time when their testimony will be heard. All comments will be limited to ten (10) minutes. Written submissions are encouraged and may be made in addition to or in lieu of spoken testimony. Written submissions may be sent via regular mail or email to the Commission at the address listed below and must be received by January 13, 2005.

The Commission cannot take testimony from any litigant with a pending matter in the courts of this state. Individuals with pending matters may send general comments and observations in writing to the Commission. The Commission cannot accept comments, written or spoken, addressing details of individual litigation or complaints regarding individual judges or attorneys.

THE HEARINGS ARE SCHEDULED AS FOLLOWS

NEW YORK CITY

DECEMBER 8, 2004 • 10:00 A.M. - 4:30 P.M.

New York County Supreme Court, Ceremonial Courtroom - Room 300
60 Centre Street, New York, New York 10007

ALBANY

JANUARY 7, 2005 • 10:00 A.M. - 4:30 P.M.

New York State Bar Association, Great Hall
One Elk Street, Albany, New York 12207

ROCHESTER

JANUARY 13, 2005 • 11:00 A.M. - 4:30 P.M.

Monroe County Supreme Court, Hall of Justice - Courtroom 7
99 Exchange Boulevard, Rochester, New York 14614

CONTACT THE COMMISSION AT:

COMMISSION TO EXAMINE SOLO AND SMALL FIRM PRACTICE

Office of Court Administration

140 Grand Street, Suite 704, White Plains, New York 10601

TEL: 914-997-7980 FAX: 914-997-7781

E-MAIL: SOLOSMALLFIRMPRACTICE@COURTS.STATE.NY.US

PART II OF OUR SPECIAL SERIES ON LONG-TERM CARE INSURANCE

Competent financial planning is an important issue to our members, and in December 2003, we sponsored a program on long-term care insurance. The program was underwritten by North Fork Bank and featured a wonderful lecture by Marilyn Lavender, a certified specialist on long-term care. The program was such a success that we prevailed on Ms. Lavender to write a series of articles on the subject. In this article, she discusses common misconceptions about long-term care, clarifying the realities based on her industry experience.

Debunking Some Long-Term Care Myths

By Marilyn Lavender, CLTC¹

One of the first things I learned as a businesswoman was that a good "elevator speech" was imperative. An elevator speech is a thirty-second self-promotional answer to the question, "What do you do?" The goal of the speech is to respond in a manner that is intriguing, unique, and entices the questioner to ask for more information. I have struggled with this for quite some time, knowing that as soon as I utter the word "insurance," the listener will immediately get an attack of MEGO ("my eyes glaze over"). It is a challenge to create an elevator speech without mentioning my product or industry. Out of sheer frustration and downright omeriness, I have decided to fly in the face of conventional wisdom and introduce myself in the following manner:

I'm Lynn Lavender of Guidelns. I offer a product people don't understand, provided by companies that overwhelm them, to people who think they will never have a need.

This sounds like a daunting task, an uphill battle. So why have I chosen to be a long-term care insurance specialist? Because I know as a society we have not begun to address the problems, both economic and social, that we are facing as a result of increasing longevity and medical advances. A huge crisis is looming, and my job is to educate people about the problem and their options and to help them plan for the future.

Here are some of the many myths about long-term care that I combat every day.

Myth #1: Denial -- It Won't Happen to Me.

Most of us can only deal with our own mortality in a very abstract way. Intellectually, we know we have a finite amount of time on this earth. We tend to think that one day we just will not wake up. For some people, that may be true, but for most it is not. *In reality, 50% of us will need long-term care services at some point, and the older we get, the greater the chance of needing care.*

Myth #2: Long-Term Care is Nursing Home Care.

Over the past generation, many new methods of care delivery have been introduced, such as assisted living facilities, continuing care communities, and adult daycare. *Most long-term care services are often delivered in the home and community.*

Myth #3: My Family Will Take Care of Me.

Families should take care of their elderly and sick. However, very few people understand what that means. Are you prepared to bathe your dad or perform personal hygiene tasks for your mom? As difficult as it is for the caregiver, it is probably more

difficult for the patient. *In truth, supplementing family care with paid care allows the patient to maintain a sense of dignity and the caregivers the support they need.*

Myth #4: If I Need Care, I Have Coverage.

As a matter of fact, there is no universal long-term care coverage. Medicare is health insurance for seniors and covers skilled care, doctor bills, physical therapy, hospital stays, lab work, necessary tests, etc. However, once it is determined that care is not restorative in nature, benefits will cease. Medicare does not pay for unskilled or custodial care, the kind of care one needs to carry on normal activities such as bathing, dressing, and eating.

Although Medicaid pays for long-term care services for some, it is not an entitlement program. Rather, Medicaid was designed as a safety net for the poor. It is a welfare program and the eligibility requirements are stringent. In most states, Medicaid will only pay for care received in a nursing home and certainly will not pay for a private room. In New York, there is a limited benefit for home care, but the recipient must be "nursing-home ready" and the number of hours of care is limited.

Most of us have quality-of-life expectations. How will you protect yours?

Next article -- Demystifying Long-Term Care Insurance.

¹ The author is a long-term care insurance specialist who provides solutions to individuals and businesses as well as consulting services to other financial services professionals. For more information, visit www.Guidelns.com.

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WEB CITES

Continuing our coverage of personal injury, this month we feature medical information.

For descriptions of injuries, click on "Research Articles" at <http://www.Healthfocusmedical.com>.

A British website that explains injuries in fairly simple terms, through the medical encyclopedia *General Practice Notebook*, is <http://www.gpnotebook.co.uk>. Click on "trauma medicine" for accident-related injuries.

To learn how to read a medical record and understand the acronyms and abbreviations in hospital and EMS call-reports, see JD.MD, Inc., at <http://www.jdmd.com/glossary>. For a fee, this website will evaluate your case and provide expert witnesses and other support services.

For codes used by medical staff, see Flash Code at <http://66.17.18.109/flashcode/home.jsp>, and PMIC at <http://pmiconline.site.yahoo.net/index.html>.

For information on drugs, see the website of the *Physicians' Desk Reference* at <http://www.pdrhealth.com>.

Remember that you can use search-engines such as <http://www.google.com>, <http://www.altavista.com>, and <http://webcrawler.com>. You can also visit websites for legal professionals, such as <http://www.findlaw.com> and <http://www.law.cornell.edu>.

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

~ Eleanor Vale

We intend this 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.

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COMMITTEE CALENDAR

The **Trusts & Estates Committee** will meet on **Monday, December 6, 2004 at 6:00 p.m.** at Fulbright & Jaworski, 666 Fifth Avenue (entrance on 52nd or 53rd Street), 31st floor. The speaker will be Jay Sangerman, Esq., and the topic is Supplemental Needs Trusts (SNT's). Refreshments will be provided. All members of the NYWBA are invited, but attendance must be confirmed in advance so that all names can be included on the security list. Please RSVP to Annette Piazza (Laura Ippolito's secretary) at apiazza@willkie.com or 212-718-8334.

The **Technology and Internet for Lawyers Committee** will meet on **Wednesday, December 8, 2004, at 6:15 p.m.** at the offices of NYWBA President Elizabeth Bryson, New York Life, 44 East 27th Street (between Park and Madison Avenues), Room 3204. New members are welcome. Light refreshments will be served. For information or to RSVP, please contact Kay Marmorek, co-chair, at 212-748-5967 or til@nywba.org.

The **Matrimonial and Family Law Committee** will meet on **Thursday, December 9, 2004, at 6:15 p.m.** at Blank Rome LLP, 405 Lexington (at 42nd Street), 24th floor. The Committee will welcome the Court Attorneys of the First Department Matrimonial Parts, who have generously agreed to speak about their Parts and about how matrimonial attorneys can work best within the rules and requirements of each Part. All NYWBA members are welcome. To ensure admittance, please RSVP to Jo Ann Douglas at K9Kastle@aol.com or 212-673-2895.

JOB ANNOUNCEMENT

ASSOCIATE POSITION AVAILABLE IN AFFIRMATIVE ACTION PRACTICE GROUP

Long Island office of a major national labor and employment law firm with a large, busy affirmative action practice seeks highly motivated associate with a minimum of 2 years experience, concentrating in employment law. Candidate must possess strong verbal and written communications skills. Experience with affirmative action plan preparation and counseling a plus. Firm offers excellent, comprehensive benefits package and salary commensurate with experience. Applicants only, please.

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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 e-mail articles, notes on members, committee calendars, and any other announcements to **Teresa Schiller, Esq.**, tel. no. 212-878-3003, email newsletter@nywba.org.

NYWBA List Serve

The NYWBA List Serve provides up-to-the-moment information concerning events, programs, and job announcements through email. Please email us at info@nywba.org 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 212-360-7055 or send an e-mail to "info@nywba.org" with the updated information. This will help us keep you informed and our records up-to-date.

JOIN US FOR A NIGHT AT THE THEATRE!

NYWBA Members Night at

"Menopause the Musical"

*A celebration of women, by women, and for women.
The music is great fun, the lyrics clever, the theme . . .
well, universal, and no one will look at you strangely
when you ask them to turn up the A/C.*

Thursday, January 13, 2005 at 8 p.m.

Tickets for NYWBA members
and guests are only \$50.50

Reserve your seat(s) by December 20, 2004, by mailing a check, payable to the New York Women's Bar Association, to Jo Ann Douglas, 170 Second Avenue, New York, NY 10003.

Questions? Send an e-mail to K9Kastle@aol.com or call 212-360-7055.

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