



NEW YORK WOMEN'S BAR ASSOCIATION

Celebrating Our 75th Year

The NYWBA is proud to support the **Resilience Advocacy Project** as it presents a CLE Program on

"New York's Child Support Enforcement System & Its Implications for Low-Income Families"

This course provides comprehensive overview of NYS and federal child support enforcement programs, including the legal and administrative structure; parents' rights and obligations; Family Court and administrative agency procedures; implications & rules for low-income families & special populations; and special circumstances, such as minors and parents receiving cash assistance.

When: December 16, 2009, 3:00 pm to 6:00 pm

Where: Skadden Arps - 4 Times Square, NYC

CLE: 3 professional practice credits (transitional & non-transitional)

Cost: **\$150 (non-members)**

\$112.50 for NYWBA members (25% discount)*

Financial aid available in hardship circumstances.**

RSVP: Send email with your name, company/organization, address & contact info to training@resiliencelaw.org; include "CLE RSVP-NYWBA" in subject line.

* You must be a current member to get the discount. If you joined or renewed after June 1st, thank you. If you are not yet a member or need to renew, go to www.nywba.org/membership to access our secure online membership form, or email info@nywba.org to determine your membership status.

** To apply for financial aid, send an email with your name, contact info and hardship reason to Brooke Richie (richie@resiliencelaw.org).

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

PRESIDENT'S MESSAGE

DECEMBER 2009

Beyond Firsts



Donna M. Praiss

During this season of giving and thanksgiving, it has been heartwarming and encouraging to witness beloved past presidents and active members of the New York Women's Bar Association pay tribute to the Association, its Foundation, and future generations of lawyers. Each benefactor achieved remarkable feats in her career that are stunning by today's standards and even more phenomenal given the era in which they occurred. All lay claim to being the first woman in their particular endeavor in government, corporate and non-profit institutions. Although some have left us, their legacy continues to inspire those who knew them, worked with them, or followed their lead by being active in NYWBA. While each left an indelible mark in her particular practice, based on her high level of intelligence and professionalism, it is apparent that their relationship with NYWBA was of great importance to them in their journey. NYWBA deeply appreciates the recognition bestowed on it by and on behalf of our past leaders, in the form of a substantial financial bequest to the Association, a substantial donation to underwrite fellowships through the NYWBA Foundation, and a plaque that is now prominently displayed at the Columbia University Law Library.

Like these amazing attorneys, NYWBA is committed to advancing the status of women in the profession beyond the many "firsts" it has seen over its 75-year history. In addition to continuing its periodic survey of law firms in Manhattan to measure the progress of women in the profession, NYWBA corresponds with New York City's leading law firms to bring issues of concern to the attention of managing partners. This past month, we underscored that certain criteria that may be applied in layoff decisions are not gender-neutral, even though they may appear to be, and urged firms to support the principles and pledges contained in "The Austin Manifesto on Women in Law" issued by the Women's Power Summit on Law and Leadership to ensure that the progress achieved to date is not negatively impacted by this economic crisis. NYWBA reinvigorated its Mentoring Circles program, developed with the assistance of expert consultants and memorialized in "The Lawyers Guide to Mentoring," the definitive literature on the subject of mentoring attorneys by Ida Abbott. We enable law students to

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NOTICE TO MEMBERS

Website Password Change

Please note that the password for the "Members Only" pages on the NYWBA website has changed.

If you have renewed for 2009-2010, the new password was sent to you by email (or by regular mail if we do not have an email address for you).

If you have not yet renewed, go to www.nywba.org/membership to renew using our secure online membership form.

You will receive the new password with your membership confirmation.

For questions about your membership status, the "Members Only" pages, or the new password, send a note to info@nywba.org or call 212-490-8202.

WELCOME NEW MEMBERS

Jody Agostinelli
 Chisom Ananaba
 Maria A. Arnott
 Janet A. Bastawros
 Jennifer Bellusci
 Tia Bonds
 Sarah J. Burger
 Sarah J. Camenzind-Huwylar
 Caitlin A. Carson
 Hilary Chernin
 Kelly Cheverko
 Aram Choi
 Baharak Courtney Doagoo
 Alice Dong
 Jenna E. Elkind
 Barbara F. Feldstein
 Mildred A. Frishman
 Renee Gavalas
 Anne E. Gittleman
 Nancy M. Green
 Jacqueline Kabigting
 Sarah Kirby
 Tamara Lannin
 Lucia Lappas
 Sharon Lee
 Sarah Gibbs Leivick
 Odelia Levy
 Stephanie Lomurro
 Ilana N. Lubin
 Sheila Lynch

Jaime M. Merritt
 Amanda R. Morin
 Mairead Murray
 Megan J. O'Neill
 Ambika Panday
 Marija Pecar
 Pauline Poon
 Hon. Robert R. Reed
 Jessica Taub Rosenberg
 Sushmita Roy
 Mimi K. Rupp
 Naita A. Semaj
 Laura A. Schettini
 Sherli Shamtoub
 Margery Miller Shanoff
 Randy L. Shapiro
 Olivia Sohmer
 Anna B. Solinsky
 Michelle Stalzer
 Tuuli Timonen
 Jenny Turpin
 Amanda Venturi
 Paula F. Vianna
 Lisa Viscount
 Megan Wagner
 Guan Wang
 Amanda Wayne
 Jiayuan Yu
 Rita A. Zanforlin

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.

Hon. Betty Weinberg Ellerin
 Patrician Ann Grant
 Loretta A. Ippolito

Eileen Sharon King
 Harold A. Mayerson
 Laura M. Twomey

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better prepare for a successful legal career with our annual program "What It's Really Like to Practice Law as a Woman," where attorneys in private, non-profit, government and corporate practices share practical advice and personal stories of triumph and perseverance. We offer many practical CLE programs, such as our "Courthouse Tours," and opportunities for dialog and insights into the judicial process, such as our "Lunch with a Judge" series.

In short, NYWBA actively supports the continued progress of women in all aspects of the legal profession, and we stand on the shoulders of those who blazed a trail to long-lived success to go well beyond those monumental firsts.



NOTES ON MEMBERS

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

Carla Vogel and her teenage sons, Brian and Matthew, participated for their fifth year in the Annual Dick Meighan 5K Memorial Run held Thanksgiving morning in Upper Saddle River, NJ. The run was inaugurated after the September 11th passing of long-time USR resident, Dick Meighan, who was a coach to hundreds of children in a variety of sports.

Upcoming Events

The NYWBA is making final arrangements for its **Annual Reception Honoring Newly Elected and Appointed NYS Judges**, which will be held in January 2010.

Go to our website (www.nywba.org) often for details on this and other upcoming events.

We Want Your Ad!



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

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

Advertising Rates Per Issue

Full Page:	\$500
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2009-2010 NYWBA COMMITTEE CHAIRS

STANDING COMMITTEES

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

SPECIAL COMMITTEES

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

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

COMMITTEE NEWS

The NYWBA is pleased to welcome **Amanda Norejko** and **Laura Russell** as Co-Chairs of our **Domestic Violence Committee**. Amanda is the Matrimonial/Economic Justice Project Director at the Center for Battered Women's Legal Services at Sanctuary for Families. Laura is the Supervising Attorney, Family/Domestic Violence Unit at the Legal Aid Society. We are thrilled to have such dedicated and experienced attorneys in this area to lead our Domestic Violence Committee.

Tamara Lannin and **Allison Lurin** were recently appointed to take the reigns of our standing **Publicity Committee**, which is so vital to the NYWBA's visibility. Tamara and Allison may be reached by emailing Publicity@nywba.org.

Matrimonial & Family Law Committee - See article below.

Other NYWBA Committees - Other Committees also host programs and hold substantive meetings throughout the year, and many are looking for new members. If you are interested in joining a Committee or attending a meeting, contact the appropriate Committee Chair (names and contact information are posted at www.nywba.org/committees), or send a note to info@nywba.org.

Busy October and November For Matrimonial Committee

By Sophie Jacobi

The NYWBA Matrimonial and Family Law Committee has had two wonderful and interesting meetings over the last two months. In October, we had most of the court attorneys from the New York County matrimonial parts present on the procedures and policies of each of his/her assigned Judge's Court Part. We learned the differences and similarities of the policies and rules associated with each Judge's Part, and we received guidance on how to proceed with problem cases and problem adversaries. We all appreciated that so many of the court attorneys generously shared their insights and thoughts on how to better our practice in their Court Parts. We would like to thank the court attorneys for taking the time to spend an evening with us.

At our November meeting, we had the pleasure of hearing from Susan Bender, member of Bender & Rosenthal LLP, about the significance of *Debra H. v. Janice R.*, a same-sex custody case involving a child conceived through alternative insemination, which is currently awaiting oral argument before the New York State Court of Appeals. Ms. Bender gave us a lively and informative history of the lines of cases that have influenced the issues around same-sex couples and their families leading up to *Debra H. v. Janice R.* The Committee would like to thank Ms. Bender for her thoughtful and engaging presentation.

There is no meeting in December - Happy Holidays to all! We look forward to seeing our Committee members back at Blank Rome, LLP for our January 20, 2010 meeting, when we will have a presentation by Judge Matthew Cooper and his court attorneys.

Sophie Jacobi is associated with Mayerson Stutman Abramowitz, LLP. She specializes in matrimonial and family law matters.

***U.S. v. Stevens* Recap: A Distinction Without a Difference -- Violence Against Animals is Obscenity, Not a First Amendment Right**

By Naomi Werne

The oral arguments in *U.S. v. Stevens*, as recently reported in *The New York Times*, and the issues posed by the Justices of the U.S. Supreme Court were surprisingly off focus. That Justice Ruth Bader Ginsburg drew the distinction that "the abuse of the dog and the promotion of the fight is separate from the filming of it" is, with all due respect, drawing a distinction without a difference. The law in question, 18 U.S.C. § 48, concerns the infliction and depiction of intentional animal cruelty for commercial gain. This law came into being because of the proliferation of dog fighting films, and "crush" fetish films, which depicted women in high heels intentionally crushing and killing small animals. This is no less prurient or obscene than child pornography - it has no redeeming social value. As Justice Ginsburg said, "the very taking of the picture is the offense - that's the abuse of the child." So it is with the intentional mutilation of animals in order to film it. This has no more redeeming social value than did the obscene "snuff" films of several decades ago.

In an early obscenity case, *Paris Adult Theatre I v Slaton*, 414 U.S. 49, 67 N.15 (1973), the Court noted that a primary motivation for banning cruel "sports" involving animal cruelty, such as bear baiting and cock fighting, was that they debased the spectators. Notably, the link between animal cruelty and violence against humans has long been recognized by both law enforcement officials and mental health professionals. See, "School Violence: Lessons Learned," Harpold M.S. & Band, Ph.D., FBI Bulletin, September, 1999, p. 9 (noting that among the five factors indicating a juvenile at risk for violence is acts of animal cruelty); "Another Weapon for Combating Family Violence: Preventing Animal Abuse," Lacroix, Charlotte, A., DVM, JD., 4 Animal L. Rev. 1 (1998).

Dog fighting is illegal in all 50 states. Bear baiting and cock fighting are illegal in most jurisdictions. The Animal Fighting Prohibition Enforcement Act (7 U.S.C. § 2156) bans most animal fighting ventures, including raising and transporting animals for those illegal ventures. Increased penalties for spectators (under such state laws as New York's Agriculture & Markets Law, Sec. 351(4)(b)) coupled with the Internet have fueled the demand for animal fighting videos. This demand, like the demand for child pornography, encourages an industry that further victimizes those who are among society's most vulnerable and who cannot speak for themselves. These animals are literally the underdogs.

Consequently, it is indefensible to argue, as a San Francisco columnist did, that it is a denial of equal protection or a content-based chilling of free speech to permit a documentary condemning dog fighting but not Stevens' video exalting it. This columnist metaphorically wrung his hands, condemning Stevens' videos but arguing that in a free society we permit speech with which we disagree. Filming an illegal act does not remove its illegality and transmogrify it into pure expression. The "snuff" films would then be pure expression, and we could show them on prime time television.

Moreover, the film does not meet any of the exceptions articulated under the *Miller* test and included in 18 U.S.C. § 48 (i.e., "serious literary, artistic, political or scientific value") (*Miller v. California*, 413 U.S. 15, 24 (1973)). If Stevens had instead written a book exalting dog fighting, it would most likely be protected under the First Amendment. As in child pornography, absent photographic illustrations of an actual twelve year old girl having relations with an adult male, Nabokov's *Lolita* was not obscene under the *Miller* test. It consisted only of written words -- no actual child was harmed in its production. So too, no bull is taunted or tortured in the hot sun or bleeds slowly to death between the pages of *Blood and Sand* or any of Hemingway's other books. In any event, what Justice Antonin Scalia finds to be an "enobling" sport may soon be outlawed in parts of Spain.

But Justice Scalia misses the point. What is truly enobling are the countless heroic feats that animals perform for their guardians - the police dog who shields a police officer from a bullet; the countless search and rescue dogs, who tirelessly search to save men, women and children; the pitbull who dashes in front of a venomous cobra and gives up his life to save a family; the dog who saves a child from a burning building, or who saves the life of an epileptic before their seizure; or the cat that recently took heavy abuse for defending a little girl from sexual abuse (with the cat's wounds introduced as corroborating evidence).

Given the bent of the Justices' comments, it would appear almost impossible to pass a law that could meet their objections. A film depicting an animal's mutilation in violation of established anti-cruelty laws would be expression. This trivialization may make it more difficult to prosecute animal cruelty cases if the only physical evidence that remains is a film depicting it. Not so in a homicide case. If the film is a reliable record of the murder, such as a "snuff" film, the film would be sufficient to convict. On the other hand, an animal's body can be easily discarded. In the absence of a paw or a bloody trail, there is no corpus delicti, and this loophole will fuel the demand for such films.

It is clear from the district court's decision that the dogs in Stevens' film were intentionally tortured for the intended purpose of depicting that torture on film for commercial gain. Contrary to Millett's arguments defending Stevens, Congress did write the law with a scalpel and could not be more plain. But separating the intentional mutilation from its intended pecuniary purpose is a distinction without a difference. Invalidating the law would serve only to embolden perpetrators to do an end run around existing anti-cruelty laws in the name of free expression. We should heed the debasement that occurs with any intentional mutilation of an animal, lest the law's invalidation makes us all unwitting spectators.

Naomi Werne, retired New York City prosecutor and criminal defense attorney for 30 years, has been a member of the NYWBA, serving on the Newsletter and Criminal Law Committees. Ms. Werne, a recipient of the Doris S. Hoffman Service Award, currently serves on the LIPTA Committee of New York City Bar Association and is a member of NYCLA's Civil Rights and Liberties Committee. Her article on the Stevens case is also posted on the American Constitutional Society Blog.

Women's Bar Gains Recognition for Sotomayor Initiative

By Teresa Schiller

NYWBA members were pleased to play a part in the historic confirmation of Justice Sonia Sotomayor -- a fellow NYWBA member -- to the U.S. Supreme Court. They served on a WBASNY Committee that issued a well-documented statement and other communications in support of Justice Sotomayor's confirmation by the U.S. Senate. While crafting the statement, the Committee liaised with a White House lawyer, who was impressed by the Committee's efforts and characterized the statement as "excellent."

The following NYWBA members were among members across the state who served on the Committee: (1) WBASNY Past President Susan Bender; (2) NYWBA Director Dawn Cardi; (3) Past NYWBA and WBASNY President Martha E. Gifford; (4) NYWBA Vice President Catherine Foti; and (5) Past NYWBA President and current WBASNY Vice President Teresa Schiller.

WBASNY became involved with the initiative soon after President Barack Obama announced his nomination of Justice Sotomayor in late May by issuing a press release praising the President's decision. A few days later, during WBASNY's annual convention at Niagara-on-the-Lake, Canada, members discussed the need to provide additional support for Justice Sotomayor. Ms. Bender and Ms. Gifford spoke compellingly at the convention's plenary session on the topic. Ms. Bender stated that critics' attacks of the nominee were being reported widely in the press and that the confirmation hearings could be volatile. Ms. Gifford described how former WBASNY President Melinda Bass and other leaders advocated for Justice Sotomayor years before when she was a judicial candidate for the U.S. Court of Appeals for the Second Circuit. Those in attendance at the plenary session were motivated by Ms. Bender's and Ms. Gifford's remarks, and they approved the formation of a Committee to support Justice Sotomayor. Upon the meeting's adjournment, members from the NYWBA and other chapters began stepping forward to volunteer their help.

Committee members labored many hours to prepare and position the statement; request an opportunity to testify before the U.S. Senate Committee on the Judiciary; and communicate with the press and Women's Bar Associations across the country. The Committee attended lengthy meetings at Bender & Rosenthal LLP, participated in many late-night teleconferences, and exchanged hundreds of emails. Some Committee members, including Ms. Schiller, spent many hours drafting the statement. The Committee consulted with many Women's Bar members and government leaders along the way.

WBASNY's statement in support of Justice Sotomayor ultimately addressed her extensive experience, moderate judicial philosophy, and distinctive, common-sense perspective. It spanned nearly five pages and contained more than thirty endnotes. To prepare the statement, Committee members digested Second Circuit rulings of Justice Sotomayor and other authorities and identified supportive arguments that (i) responded to critics' attacks on the judge; (ii) were consistent

October Membership Events

By Diana Browne

October was a month for some non-legal but very educational, and extremely enjoyable, events for the NYWBA.

On October 20, a wine tasting with Deborah Brenner of Women of the Vine was held in the offices of Sonnenschein Nath & Rosenthal. The group tasted and learned about five different wines and heard the inspirational stories of the individual women vintners who produced them. Deborah also told her inspirational story of how she left the corporate world to pursue her passion for wine and wine making. Everyone had a great time, and the event lasted far beyond the allotted two hours, as we had the opportunity to mingle and talk further with Deborah, and to taste and compare notes on our favorite wines. So thanks to Deborah and all the guests, and to Flik Catering and Sonnenschein Nath & Rosenthal, for making the evening so special.

On October 27, the Carlisle Collection hosted an evening in its elegant showroom on East 52nd Street. The group enjoyed cocktails and hors d'oeuvres, while learning about the philosophy behind the collection and admiring the beautiful clothes. Shopping there is by appointment, and it's a very special experience and the perfect way to shop. The evening included a raffle of their specially designed scarf, all the sales proceeds of which go to support breast cancer research. The lucky winner of the raffle was the Honorable Betty Weinberg Ellerin. Thanks to Simone, Leena, Viva, LuAnn and all the others at the Carlisle Collection, as well as to the guests, for another special evening.

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



with the mission of the Women's Bar; and (iii) were consistent with the judge's rulings.

The Committee arranged for extensive publicity through communications with U.S. Senators, President Obama, and the press. It also spread the word to Women's Bar Associations through the listserve of the National Conference of Women's Bar Associations.

Although the Women's Bar did not have the chance to testify on Capitol Hill, its public statements were received favorably. For example, the New York Law Journal published a letter to the editor from WBASNY President Cynthia Schrock Seeley on July 23rd. In addition, leaders of other Women's Bar Associations expressed interest in the statement.

The process of supporting Justice Sotomayor was an empowering experience. Thank you to everyone who contributed to this important effort! And, of course, best wishes to Justice Sotomayor!

Teresa Schiller is a former President of the NYWBA and currently serves as WBASNY Vice President.

INITIATIVES ADDRESSING VIOLENCE AGAINST WOMEN

By Shelly-Ann Maye

Several initiatives around the world have been taken to address violence against women. On September 9, 2009, delegates from the G8 nations gathered in Rome, Italy for a two-day conference to discuss the issue of violence against women. Among the speakers at the conference was United Nations Deputy Secretary-General Asha-Rose Migoro, who urged the G8 nations to continue to show leadership and commitment to the important goal of safeguarding women's rights and ending violence against women. In her address, Deputy Secretary-General Asha-Rose Migora praised UN Secretary-General Ban Ki Moon for his leadership in this area. Specifically, she pointed to the launch of the "UNiTE To End Violence Against Women" campaign, which seeks to create an international platform to address human rights violations against women and girls in all parts of the world.

The campaign has five main goals: (1) to adopt and enforce laws complying with international human rights standards; (2) to implement national action plans; (3) to establish systems for data collection and analysis; (4) to establish national and local campaigns aimed at combating violence against women; and (5) to establish policies that systematically address the issue of sexual violence in conflict situations.

The UN has begun to implement the tenets of its campaign by taking a number of steps. The UN and certain States, such as the Democratic Republic of Congo, have launched a program to address sexual violence in conflict settings. In a unanimously adopted resolution, the UN Secretary General appointed a special representative to address the issue of sexual violence during armed conflict. As part of the resolution, Mr. Ban Ki-Moon called on the Security Council to set up an independent commission of inquiry in conflict zones in Chad, Sudan and the Democratic Republic of Congo. The resolution also called upon States to adopt a number of measures, such as bringing perpetrators of sexual violence in armed conflict to justice, and providing survivors access to justice.

As part of its efforts to combat sexual violence, the UN is also stepping up its information and analysis capabilities by creating a database to track gender-based violence. This database would provide information on measures being taken by member states to address the issue of human rights violations against women.

The United States has taken its own steps to signify the importance of addressing gender-based violence. On September 14, 2009, the United States House of Representatives passed a resolution commemorating the 15th anniversary of the passage of the Violence Against Women Act. The Act was signed into law by President Bill Clinton, on September 14, 1994, as part of the Omnibus Crime Bill. The Act not only strengthened criminal penalties for violence against women, but it also increased awareness of the issue through education and training. By addressing the issue of violence against women, the Act brought about improved coordination and communication among law enforcement, prosecutors, the judiciary, and victim advocates.

New York Women's Bar Association Foundation Giving Club

The New York Women's Bar Association Foundation's Giving Club is a great way to support the Foundation's many activities geared to achieving the Foundation's mission. The Foundation has hosted three very successful breakfasts this year, featuring Congresswoman Carolyn Maloney, leadership training expert Carol Frohlinger, and Hon. Judith S. Kaye, former Chief Judge of New York State, the proceeds from which allow law students to intern at organizations that provide legal services to women and children. The Foundation has also supported many worthwhile programs of the NYWBA and other organizations that work for the interests of women through its Grant Program. However, none of this can be accomplished without the support of our donors.

We appreciate that the fragile economic climate has taken a toll on everyone, but please consider making a donation, however modest, to the New York Women's Bar Association Foundation so we can continue our valuable work. All donations are 100% tax-deductible as charitable contributions.

If you are interested in making a donation, please mail a check made payable to the "New York Women's Bar Association Foundation," along with your contact information (name, address, employer [if any], telephone number, fax number, email address), to Christine Sebourn, Esq., 111 Worth Street, Apt. 11V, New York, NY 10013. Thank you!

Save the Date

NYWBA to Host a CLE Program on
ADR in the Courts



February 3, 2010

Details to follow

Congressman Gerry Connelly best summarized the importance of the Violence Against Women Act by stating that despite the progress made in the past 15 years, incidents of violence against women remain unacceptably high. Congress Connelly used the anniversary of this Act as a call to action to Congress and the American people to "rededicate ourselves to better protecting America's women from violence and to supporting survivors."

Shelly-Ann Maye is a graduate of New York Law School. She is currently a Volunteer Attorney with the New York Civil Court.

The White House Project: A Groundbreaking Report on Benchmarking Women's Leadership

By Annie M. Ugurlayan

On November 13, 2009, a standing room only crowd of over 250 women (and some men) gathered at the offices of Bloomberg, LP for a program hosted by The White House Project on its recent report on *Benchmarking Women's Leadership*. The White House Project is a nonpartisan, nonprofit, 501(c)(3) organization that was started 20 years ago to advance women's leadership in all communities and sectors. Its recent survey on the current state of women's leadership in 10 different fields, including academia, the legal profession, the military, the business sector and journalism, outlines steps to ensure greater representation of women in leadership roles going forward.

Introductory remarks were delivered by Melinda Wolfe, Head of Professional Development at Bloomberg LP; Anne Erni, Head of Leadership, Learning and Diversity, at Bloomberg LP; and Marie Wilson, the Founder and President of The White House Project. Ms. Wilson explained that despite a great level of comfort for women's leadership at the highest levels across all sectors, the numbers actually tell a different story and that this dearth was the reason for The White House Project's inception. She stated that The White House Project's Benchmarking Report is a call to action to put more women into leadership roles in all sectors to set an example for the next generation of leaders. Ms. Wilson stressed that there is a crisis with regard to women in leadership roles, as women hold less than 20 percent of the leadership positions across all sectors, and argued that getting critical mass (*i.e.*, at least 30 percent) is key.

The program's moderator, Toddi Gutner, Award-Winning Journalist and Contributing Writer for The Wall Street Journal, introduced the all-star cast of speakers: Lisa Caputo, Executive Vice President, Global Marketing and Corporate Affairs for Citigroup; Beth Brooke, Global Vice Chair of Public Policy, Sustainability and Stakeholder Engagement for Ernst & Young and a Board Chair of The White House Project; Laurie Hays, Executive Editor for Company News at Bloomberg LP; Colonel Michaelene Kloster of the U.S. Army Reserve; and Wendy Puriefoy, President of the Public Education Network.

Ms. Brooke noted that more research simply serves as an excuse to delay action, and all the speakers stressed that incorporating women into leadership roles spurs innovation and ultimately helps a company's bottom line. Ms. Gutner referred to the "Norway Mandate," which is Norway's new law requiring 40 percent of non-executive board directorships be occupied by women, and asked if quotas were the answer in the United States. Most of the speakers agreed that there should be some target level but emphasized the role of mentorships, with Ms. Caputo referring to women's leadership networks at Citigroup, where mentorship consists of, among other things, discussing important issues such as work-life balance. Colonel Kloster noted that in the military, women can work in 93 percent of the

Compliance With FTC Identity Theft "Red Flags" Rule Further Delayed

By Carla P. Vogel

The Federal Trade Commission has announced a further delay for compliance of its identity theft "red flags" rule until June 1, 2010 for financial institutions and creditors subject to enforcement by the FTC. The rule requires financial institutions and creditors with covered accounts to develop and implement written identity theft prevention programs to identify, detect, and respond to red flags that could indicate identity theft. The FTC granted the extension to allow Congress time to finalize legislation reducing the number of "creditors" subject to the rule, thereby excluding certain businesses, including health care, accounting or legal practices with 20 or fewer employees, from the rule on the basis that these smaller businesses know all of their customers or clients individually, only perform services in or around the residences of their customers, have not experienced incidents of identity theft or that identity theft is rare for businesses of that type.

The American Bar Association has brought suit to prevent application of the red flags rule to lawyers, and the U.S. District Court for the District of Columbia recently granted the ABA summary judgment on the grounds that application of the rule to lawyers is "in excess of statutory jurisdiction, authority, or limitations, or short of statutory right," under 5 U.S.C. § 706(2)(C). *American Bar Association v. FTC*, Civil Action No. 09-1636 (RBW) (D.D.C. Oct. 30, 2009). The court said that it would issue an opinion within 30 days. The FTC press release, with a link to the formal extension, is available online at <http://www.ftc.gov/opa/2009/10/redflags.shtm>.

Carla P. Vogel is a Vice President of the NYWBA and Co-Editor of the Newsletter. She is an Executive Director in the Legal and Compliance Department at Morgan Stanley Investment Management.

Looking for a Few Good Members!

In December and early January each year, the NYWBA Nominations Committee meets to consider candidates for the following year's Officers, Directors, Delegates to the WBASNY Board of Directors, and other leadership positions. If you would like to be considered, or would like to recommend another member, please send an email to Nominations@nywba.org with information about the potential candidate's professional experience, Women's Bar activities, and other qualifications.

specialties offered, owing to a system of education and leadership training that allows anyone to occupy these roles.

The message from the Report, as echoed by the program's speakers, is clear - women have a long way to go before they are adequately represented in leadership roles, and the key to getting there is by setting goals and through education and mentorship initiatives. The White House Project Benchmarking Report can be accessed for free until mid-December at <http://the.whitehouseproject.org/documents/Report.pdf>.

Annie M. Ugurlayan is a Senior Staff Attorney at the National Advertising Division. She joined the NYWBA as a student member and now serves as Co-Chair of the Newsletter Committee.

NYWBA Membership Information

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

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

Newsletter and Advertising Information

Submissions must be sent to the Newsletter Committee by the 10th of the month for publication in the following month's newsletter. Please submit articles, announcements, upcoming event programming, photos and committee or member news to newsletter@nywba.org. We retain the usual editorial discretion to omit or edit all contributions. Please call Carla Vogel at 201-679-6739 or Annie Ugurlayan at 212-705-0105 with any questions.

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