



NEW YORK WOMEN'S BAR ASSOCIATION

PRESIDENT'S MESSAGE

JUNE 2016

It is an honor and privilege to serve as President of the New York Women's Bar Association after having been sworn in by **Justice Betty Weinberg Ellerin** at our fabulous Awards Dinner on May 2.



Deborah G. Rosenthal

I have had the privilege of serving as Treasurer of this Association under three remarkable Presidents: **Hon. Jacqueline W. Silbermann**, **Yacine Barry-Wun** and **Jennifer P. Brown**. Each of them has left an indelible mark on this Association. I thank all of them for being such exceptional and wise leaders. Each of my three predecessors as President has achieved record membership in this Association and handled her many duties and responsibilities of the position of President with dignity, grace and professionalism. I have very large shoes to fill. In particular, I would like to thank immediate Past President Jennifer P. Brown, for being a wonderful mentor and a friend.

I am pleased to announce that on May 11, 2016, we were advised that the NYWBA became an accredited provider of CLE in New York State. I would like to thank Vice President **Amy B. Goldsmith**, for her tireless efforts in this regard. Now that we are an accredited CLE provider, I hope that we will be providing even more free CLE offerings to our members.

Congratulations to **Jo Ann Douglas**, Past President, annual dinner co-chair and long-time Board member, who, on May 16, 2016, received the **Kathryn A. McDonald Award** for her commitment to service in her practice in the New York City Family Courts from Chief Justice Janet DiFiore at the New York City Bar. It is an honor that is well deserved.

On July 13, 2016, we will be co-sponsoring a program that we created more than 20 years ago entitled "**The Martha E. Gifford Annual Summer Program: What It's Really Like to Practice Law as a Woman.**" At that program a distinguished panel of women lawyers will provide insights and guidance to hundreds of law students and junior attorneys starting their legal

(Continued on Page 2)

Announcements & Calendar of Upcoming Events

- 6/2 – CLE: The Art of Talking to Children in Custody Cases, Part IV – p. 2, 3
- 6/7 – Reproductive Rights & Women's Health Comm. Mtg. – p. 3
 - 6/9 – LGBT Comm. Mtg. – p. 3
 - 6/14 – Int'l Women's Rights Comm. Mtg. – p. 3
 - 6/14 – Program & Events Comm. Mtg. – p. 3
- 6/16 – CLE: Practicing in the Appellate Term – p. 2, 3
 - 6/21 – Civil Courts Comm. Mtg. – p. 3
 - 6/22 – Committee Chairs Mtg. – p. 3
 - 6/30 – Comm. to Advance the Status of Women – p. 3
 - 7/13 – What it's Really Like to Practice Law as a Woman – p. 1

Check www.nywba.org for more Meetings, Programs & Events.

NYWBA Committee Chairs Event

All Committee Chairs are encouraged to attend. The event will include a discussion of continuing education requirements for your committee programs, requests for reimbursement and reimbursement for committee expenditures, and committee guidelines and expectations.

- Date:** *Wednesday, June 22, 2016*
- Time:** 6:30 – 8:30 pm
- Place:** *Blank Rome LLP*, The Chrysler Building
405 Lexington Avenue, NYC
- RSVP:** *ED@nywba.org*

NEW YORK WOMEN'S BAR ASSOCIATION and NEW YORK CITY BAR ASSOCIATION

present

The Martha E. Gifford Summer Program

“What It's (Really) Like To Practice Law As A Woman”

Law students, summer associates, summer interns, new attorneys, and recruiting coordinators are invited to hear an outstanding panel of attorneys share their experiences in government, large firms, small firms, non-profit organizations and in-house law departments and discuss the issues that significantly affect women lawyers just entering the profession.

Speakers TBA

- Date:** *Wednesday, July 13, 2016*
- Time:** 6:00-7:30 p.m. - Program
7:30-8:30 p.m. - Networking Reception
- Location:** *The New York City Bar Association*
42 West 44th Street, (btwn 5/6 Aves), NYC
- Sponsors:** Law firms, companies and other employers are asked to consider making a \$500 donation to help defray event costs. Sponsors will be acknowledged at the event, on the NYWBA website and in the NYWBA Newsletter.
- Cost:** *FREE* for summer associates, interns, law students and junior attorneys.

To register to attend this program, go online to <http://archive.nywba.org/SummerProgram/>

For questions or to make a donation to support the program, contact SummerProgram@nywba.org.

President's Message (Continued from Page 1)

careers. I thank past and present NYWBA Board Members and **Cassandra M. Porter** and **Victoria A. Turchetti** for organizing this program, which has been a great success for so many years.

This year, our Association's **Committee on the Advancement of the Status of Women in the Profession** will be revising and updating its study of women in New York law firms, which was first completed nearly 10 years ago. That investigation was the first such study in the nation. It reached the conclusion that, although women and men enter Manhattan law firms in nearly equal numbers, women have a substantially reduced chance of becoming partner versus their male counterparts. I urge all Manhattan law firms to participate in our new study of women in the legal profession.

I encourage you to participate in our many programs, including our free CLE offerings and our award-winning Mentoring Circles. These Circles are a fabulous networking opportunity for attorneys in all areas of practice and in all arenas. Participants include lawyers in large and small law firms and solo practitioners, lawyers in government and corporations and judges. This year we will be initiating a task force to improve and strengthen our mentoring circles. If any of you are interested in participating in this task force, please let me know.

I am proud that several of our members are vying for the position of Civil Court Judge in the next election, and I wish you all the best of luck.

Chief Justice Janet DiFiore has initiated an "excellence initiative." The purpose of this initiative is to provide a comprehensive review of the entire court system to determine areas for improvement. Chief Justice DiFiore has invited Bar Associations, members of the public, judges and lawyers to submit comments and suggestions to be taken into consideration as part of this evaluation. I have asked **Virginia A. LoPreto** to Chair our Committee regarding this initiative. We hope to provide suggestions to WBASNY, which will, in turn, be submitted to Chief Justice DiFiore.

I look forward to working with **Jacqueline P. Flug**, incoming President of the Women's Bar Association of the State of New York, at raising our profile and increasing our voice.

One of the most troubling issues women and girls face in society is human trafficking. Human trafficking is a huge problem here in New York State, nationwide and worldwide. It is only recently that girls and women in New York State, who have been victims of human traffickers, have begun to be treated by the police and the Courts as victims rather than criminals, and the process is still evolving. One of my goals this year is to initiate an annual conference and CLE about human trafficking to increase awareness of this societal problem. Recording Secretary **Amanda B. Norejko**, will be spearheading this effort.

To achieve this Association's mission of advancing the status of women in the legal profession, we have a lot of work to do. Our goal is at least 50% women at all levels of law firm practice, in-house corporate legal departments, government and in the New York State and Federal Judiciary.

In order to further our goal of advancing the status of women in the profession and in society at large, we must increase our numbers. At present, the Women's Bar Association of the State of New York is the second largest statewide Bar Association in New York State, and we are its largest chapter. We need to grow to gain even greater power and influence. I implore you to join, and ask your friends and colleagues to join.

Our membership year begins on June 1. I urge you to enlist your partners and associates (both men and women) to renew their membership or to join as new members of the New York Women's Bar Association. It is through our numbers that we can make a difference in advancing the status of women in the legal profession and in society at large.

I look forward to serving as your President over the next year and to striving even further in the fight for gender equality in the legal profession and in society.

Deborah

NYWBA's Matrimonial and Family Law and Children's Rights Committees together with the **Association of Family and Conciliation Courts** and the **Assigned Counsel Plan of the First Department**

present

The Art of Talking to Children in Custody Cases: Part IV

Please join us for part four of this free lunchtime CLE program addressing: The *Lincoln* Hearing. An interactive program on the nuts and bolts of in cameras with children.

Speakers: *Hon. Lori S. Sattler, Hon. Jacqueline W. Silbermann, and William H. Kaplan, M.D.*

Date: *June 2, 2016*

Time: *1:15 – 2:15 p.m.*

Place: *New York County Family Court
60 Lafayette Street, 10th Floor, NYC*

CLE: *1 Credit**

RSVP: *Email Reception@brmatlaw.com
Advanced registration is required.*

**CLE: Provided by App. Div., First Dept., an accredited CLE provider.*

NYWBA Litigation, Civil Courts and Criminal Law Committees

are proud to sponsor a CLE Program

Practicing in the Appellate Term: Practical Tips from Judges & Practitioners

featuring

Presiding Justice Richard B. Lowe III, as Moderator
Justice Martin Schoenfeld
Justice Martin Shulman

Frank Polizano, Chief Clerk, Appellate Term New York County
Harold V. Ferguson, Jr., The Legal Aid Society
Jeffrey R. Metz, Adam Leitman Bailey PC

Light refreshments will be served

Please join us for what promises to be a lively and informative program. Learn practice tips for succeeding in the Appellate Term, First Department, including the standard of review, how to tailor your arguments and effective use of citations, including citation to the Record.

Date: *Thursday June 16, 2016*

Time: *6:00 – 8:00 p.m.*

Place: *NY County Civil Court
111 Centre Street, Room 1121, NYC*

CLE: *2 Professional Practice CLE Credits **

Cost: *Free*

RSVP: *Please email aostrau@nycourts.gov
Materials will be emailed to you.*

**CLE: Provided by App. Div., First Dept., an accredited CLE provider.*

COMMITTEE NEWS

- **Civil Courts Committee** will meet on **June 21** at 1:00 pm at the Civil Courthouse, 111 Centre St., Room TBD, NYC. RSVP CivilCourtsChairs@nywba.org. The Committee will also co-sponsor a CLE program with the **Litigation and the Criminal Law Committees** entitled, **"Practicing in the Appellate Term: Practical Tips from Judges and Practitioners"** on **June 16** from 6:00 – 8:00 pm at the New York County Civil Court, Room 1121. RSVP Aostrau@nycourts.gov. (See notice p. 2)
- **Committee to Advance the Status of Women in the Profession** will meet on **June 30**, at 6:00 pm, location TBD. RSVP to AdvanceStatus@nywba.org.
- **International Women's Right Committee** will meet on **June 14** at 6:30 pm at Le Pain Quotidien, 81 West Broadway, NYC. RSVP IntlChairs@nywba.org.
- **LGBT Committee** will meet on **June 9** at 5:30 pm at the Offices of Brady, Klein and Weissman LLP, 506 Fifth Ave., 19th Fl., NYC. RSVP LGBTChairs@nywba.org.
- **Matrimonial & Family Law Committee** along with the **Children's Rights Committee**, together with the Association of Family and Conciliation Courts and the Assigned Counsel Plan of the First Department presents Part IV of the CLE series: **"The Art of Talking to Children in Custody Cases"** on **June 2**, from 1:15 – 2:15 pm at the New York County Family Court. RSVP Reception@brmat-law.com. (See notice p. 2)
- **Reproductive Rights & Women's Health Committee** will meet **June 7** at 6:30 pm at Blank Rome LLP, 405 Lexington Ave., NYC. RSVP ReproductiveRights@nywba.org.
- **Programs and Events Committee** will meet on **June 14** at 6:00 pm at Kirkland & Ellis LLP, 601 Lexington Avenue, Conf. Rm. 43A. RSVP Events@nywba.org. RSVP and an ID are required.

SAVE THE DATE!

NYWBA Annual Membership Cocktail Reception

Meet the Officers, Directors, Committee Chairs, NYWBA members and prospective members at this complimentary cocktail reception.

Join with your colleagues and friends, network, and discover the many benefits of NYWBA membership, including:

- Member discounts at NYWBA's exciting CLE courses
- Committees to enhance your knowledge of substantive areas of the law and help address important legal and social issues
- Legislative and legal efforts to promote the fair and equal administration of justice and to help fight against attempts to compromise the rights of women and equality for all persons under the law
- NYWBA's highly-praised "Mentoring Circles" program
- Fun social and networking events

Date: Thursday, September 8, 2016

Time: 6:00 – 7:45 pm

Place: Skadden, Arps, Slate, Meagher & Flom LLP
4 Times Square, NYC

Cost: Complimentary

RSVP: By September 2, 2016 at

<http://archive.nywba.org/MemberReception/>

NOTES ON MEMBERS

Hearty congratulations to NYWBA Past President and Director **Jo Ann Douglas** who won the *Kathryn A. McDonald Award* for excellence in the service to the New York City Family Court.

Warm congratulations to NYWBA Past President and co-chair of WBASNY's Diversity Committee **Yacine Barry-Wun** on her election as the Corresponding Secretary of Network of Bar Leaders.

Our deepest condolences to **Justice Judith J. Gische**, who sits on the NYWBA Board of Directors, on the passing of her father in law, Julius Schurkman.

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

WELCOME NEW MEMBERS

Meagan Chen
Susan M. Doherty
Margaret Farmer
Arielle Feldshon
Kelly J. Garrone
Irene M. Hurtado

JJ. H. Leitner
Edith A. Lohman
Charlotte Morgan
Vitoria Pinhas
Stacy Schneider
Jessica E. Soultanian-Braunstein
as of 5/17/2016

Time to Renew Your Membership for 2016-2017!

If you have already renewed, THANK YOU! If you haven't, it's time to RENEW your membership for 2016-2017.

The NYWBA fiscal year is June 1 to May 31. Be sure to renew your membership and enjoy all NYWBA benefits, including FREE NYWBA CLE PROGRAMS (which more than pays for the cost of membership), our award-winning Mentoring Circles, networking events and Committee meetings, access to the "Members Only" sections of our website, access to our Newsletters online, and other benefits.

Save paper & mailing costs, and expedite your renewal by using our secure online membership form at <http://membership.nywba.org>. You can also email Executive Director Karen Lu (ED@nywba.org) to confirm your member status or request a paper membership form by email.

SUPPORT THE NEW YORK WOMEN'S BAR ASSOCIATION FOUNDATION, INC.

The New York Women's Bar Association Foundation's goals are: (1) to eliminate gender bias and other forms of discrimination from the legal system and legal profession, (2) to promote the social and economic equality, safety and well being of women and children, and (3) to address the unmet legal needs of women and children. It is a 501(c)(3) not-for-profit charitable organization which supports and funds charitable and philanthropic programs to aid women and children throughout Manhattan and beyond.

NYWBAF initiatives are made possible through the financial contributions of members of the New York Women's Bar Association, colleagues and friends. Donations are tax-deductible as charitable contributions.

Help us advance our mission to aid women and children in New York and beyond by giving to the Foundation. To make a contribution please go to <http://nywbaf.org/donate>.

NYWBA AWARDS & INSTALLATION DINNER, MAY 2, 2016

The New York Women's Bar Association marched into its 82nd year with a capacity crowd at the Awards and Installation Dinner on May 2. Our honoree, **Cecile Richards**, the President of Planned Parenthood Federation of America (PPFA), made remarks that were both compelling and gracious. Her work is to be credited with enormous strides in the dissemination of critical health care information among women and men as well, and in the provision of those services. In a year when a woman's right to choose appears at risk, PPFA and our honoree rise to the forefront, where they belong.

Our new officers were installed as well, including President **Deborah G. Rosenthal**, Vice Presidents **Amy B. Goldsmith**, **Andrea Vacca**, and **Virginia A. LoPreto**, our Treasurer **Jean J. Han**, Recording Secretary **Amanda B. Norejko** and

Corresponding Secretary **Magnolia D. Levy**. The installation was conducted by **Justice Betty Weinberg Ellerin**, and included the new board of directors and delegates to the WBASNY board as well.

For those of us to whom "dinner" actually means food, we are happy to report that this Dinner was a superb first-ever event at 360°, a beautiful venue in Tribeca. We were treated to a stunning sunset, surrounded by sparkling views of New York and New Jersey. The cocktail hour was a wonderful, generous mix of delicious hors d'oeuvres and beverages of all kinds. The dinner itself was not routine or rote, but instead, an assortment of food options for every last one of us, from carnivores to pescetarians to vegans. The dessert assortment, too, was as bountiful as it was delicious.



2016 ANNUAL DINNER (cont'd)



NYWBA wishes to acknowledge the generous gift from
FOUNDER AND PAST PRESIDENT HON. FLORENCE PERLOW SHIENTAG (1908-2009)
Her financial bequest has helped to underwrite the cost of this Newsletter and many of our CLE programs.



Reflections by Syeda Tasnim, NYWBA Fellow at Her Justice

This spring semester, I had the opportunity to work part-time at Her Justice in New York as the New York Women's Bar Association Foundation Fellow.

As a second-year law student at NYU School of Law I was looking for inspiration and professional fulfillment. Prior to law school, I had worked for a pro bono law firm in Southeast Asia that provided legal assistance to women and children who were victims of trafficking. This experience inspired me to become an attorney, but law school study made the ability of law to vindicate rights and correct injustice too abstract. Working at Her Justice rekindled my inspiration.

Her Justice provides free legal services in the areas of family, divorce, and immigration law to low-income women and survivors of domestic violence, and provides services to pro se litigants. The staff at Her Justice is well versed in numerous languages which helps better serve their diverse client base. Her Justice also has a social services department to assist clients with personal and family needs that often accompany their legal problems.

During my Fellowship at Her Justice, I had the great opportunity to work on both immigration and divorce law matters. I worked under the guidance and supervision of Timothy Fallon, an immigration attorney. I learned how to assess the eligibility of clients for certain visa status: for example, victims of crimes who are assisting the police may be eligible for the U Visa while victims of trafficking may be eligible for the T Visa. I also learned to prepare paperwork necessary to undertake U or T Visa applications. I conducted client interviews, drafted HIPAA petitions, filled numerous types of USCIS forms, and conducted case studies.

I was not surprised to learn that immigration processes are encumbered with bureaucratic and administrative red tape. Clients have to wait for months, or years, to obtain a visa or work permit. However, the Her Justice lawyers are skilled at using the immigration processes masterfully to address the immediate needs of the client.

I also had the great opportunity to work on divorce cases with Margie Bechara and Wendy Silva. Bechara allowed me to conduct client intake interviews, serve as the contact person for clients, draft divorce pleadings, and prepare and assist in the service of process to defendants.

In undertaking such responsibilities, I learned much about the practical difficulties of litigation and client interaction and management. Low-income clients are often unable to expend resources to track their abusive husbands and serve them personally with divorce papers in a manner that meets legal standards. However, Her Justice is making great strides in upholding the rights of domestic violence victims. Recently, Her Justice assisted a client who is a survivor of domestic violence to win a landmark award of 100% of the marital property.

Apart from working on specific immigration and divorce cases, I conducted legal research on issues such as the egregious conduct standard of marital fault in equitable distribution of marital property and service of process through social networking sites.

The tenacity and strength of the clients served by Her Justice inspire the lawyers and volunteers there to dedicate their legal practice to the public good. The work done at Her Justice has inspired me to look for meaningful ways in which I can assist those most in need of legal services. I am grateful to the New York Women's Bar Association Foundation for giving me this opportunity.

Syeda Tasnim is a 2L at New York University School of Law.

The Questionable Ethics of Better Call Saul By Diana Hamar

On April 20, 2016, the *Professional Ethics and Disciplinary Committee* sponsored a CLE program entitled "Don't Try This at Home: The Questionable Ethics of Better Call Saul." The event was presented by the Professional Ethics and Disciplinary Committee Co-Chairs *Nicole Hyland* and *Allison Ageyeva* and was hosted at Frankfurt Kurnit Klein & Selz, P.C.

Hyland presented the CLE and led the discussion with additional insight from guest commentators including the *Honorable Barbara Jaffe*, the *Honorable Joan Lobis*, and *Tyler Maulsby*, an associate in the Legal Ethics and Professional Responsibility and Litigation Groups at Frankfurt Kurnit, and the current Secretary of the Professional Ethics Committee of the New York City Bar Association.

After introducing the guest commentators, Hyland began the presentation by presenting a clip from the AMC TV show *Better Call Saul*. Throughout the evening, Hyland used highly entertaining clips from the TV show to demonstrate different ethical issues that often arise in the practice of law. Although the clips presented throughout the presentation were often highly dramatized, Hyland expertly grounded the content in reality by showcasing how attorneys often face similar challenges in their daily professional capacities.

For example, during a discussion about the duty of candor in advertising and litigation, Hyland analyzed the intricate requirements set forth in Rule 7.1 of the New York Rules of Professional Conduct ("NYRPC"). Maulsby discussed the policy implications of the detailed rule, particularly with respect to the First Amendment considerations.

Hyland also presented a clip that highlighted issues surrounding the formation of the attorney-client relationship and the establishing reasonable fees. Centered around the presentation of a clip from the show, Hyland then led an instructive discussion about the factors that must be considered in determining whether a fee is reasonable, as well as the differences between a proper retainer and an illegal fee.

After another entertaining, yet instructive clip from the show, Hyland discussed the applicable ethical rules regarding frivolous litigation and the award of attorney's fees. Hyland addressed the potential consequences of asserting frivolous claims, not only based upon the ethical rules, but also in the form of sanctions. Hyland then invited Justice Jaffe and Justice Lobis to provide their insights and perspectives regarding an application for sanctions based upon frivolous claims. Justice Lobis explained her perspective on the differences between frivolous and good faith arguments and her experiences in determining whether to grant such motions.

Finally, Hyland presented on the ethics of negotiation and the important differences between "bluffing" and misrepresentation during settlement negotiations, providing concrete examples of the differences between the two. Hyland presented the audience with a question as to one fact that cannot be withheld from an opposing party during settlement negotiations—an attorney must not conceal a client's death from an opposing party during settlement negotiations.

Attendees of this well-attended program fulfilled an ethics CLE requirement and were also treated to an entertaining and informative evening on the topic of legal ethics.

Diana Hamar is an associate at the New Jersey office of Wilson Elser Moskowitz Edelman & Dicker LLP where she focuses on professional liability defense.

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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 membership 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 (Chairs **Alexandra Campbell** and **Jessica Cygler Wagner**) 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 newsletternywba@gmail.com. Submissions should be proofed and cite-checked, and NYWBA retains the usual editorial discretion to omit or edit all contributions. Send an email to newsletternywba@gmail.com if you have questions or are interested in joining the Newsletter Committee.

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