

NYWBA

NEW YORK WOMEN'S BAR ASSOCIATION

PRESIDENT'S MESSAGE

SEPTEMBER 2018

Summer was a perfect time for me to dive into my presidency and work with my directors and officers, and even more important, our wonderful, dedicated committee chairs who have been working tirelessly to help meet my three goals: Transform. Recruit. Persist.



Virginia A. LoPreto

In keeping with these goals, we once again sponsored the **Martha E. Gifford Summer Program**, "**What it's REALLY like to Practice Law as a Woman**" where over 200 young attorneys and law students (and some high school students) gathered to hear a panel discussion with five remarkable women. Each participant shared her unique experiences, pathways and focus on different areas of the law, in government, private practice and law firms. Special thanks to the Committee Chairs, **Hon. Lisa A. Sokoloff** and **Victoria A. Turchetti**. This program is our platform to Transform our Association to cover all practice areas; to Recruit young women to lead and excel; and to Persist in our fight for equal opportunity and the evisceration of sexism in the practice of law. See article p. 6.

Here is what we have done so far:

Transform: Before the take-off of our membership drive on **September 6, 2018** at the **Annual Membership Cocktail Reception**, I am pleased to welcome the 28 new members who have already joined the NYWBA, each of them practicing law in diverse areas as evidenced by their interest in joining several of our Committees, such as the Federal, the International Women's Rights, the Litigation and the Employment and Equal Opportunity Committees. Our **Calendar of Upcoming Events**, printed in this issue and always available on our web page, illustrates the diversity in our programs, CLE presentations and social events. Just to highlight a couple of these events, the Litigation Committee is meeting on September 27, 2018 at the Beer Bar (MetLife Building) for an evening of socializing and trivia; the Solo and Small Practice Committee is hosting "Practice and Perfect Your Elevator Pitch" on September 20, 2018 at the law offices of Committee Co-chair Gail Bader.

Recruit: Because every picture has a story to tell, I ask you to turn to **page 9** in this issue for the first edition of "**Meet Your Committee Chairs**." During my presidency, each newsletter will feature select Committee Chairs along with their pictures and a brief bio so you can see who is working for you in this Association.

In July we held the first of several meetings with the Committee Chairs, each of whom has made a

(Continued on Page 2)

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
- Fun social and networking events

Date: *Thursday, September 6, 2018*

Time: 6:00 – 7:45 p.m.

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

Cost: *Complimentary*

RSVP: *By August 31, 2018 at <https://bit.ly/2OSuBgI>*

Announcements & Calendar of Upcoming Events

- 9/6 – Membership Reception – p. 1
- 9/13 – Civil Courts Comm. Mtg. – p. 3
- 9/20 – Solo and Small Practice Comm. Mtg. – p. 2, 3
- 9/24 – Criminal Law Comm. Mtg. – p. 3
- 9/26 – Program & Events Comm. Mtg. – p. 3
- 9/27 – Elder Law and Disabilities Comm. Mtg. – p. 3
 - 9/27 – Litigation Comm. Mtg. – p. 3
- 10/15 – **CLE:** ADR Procedures in the Supreme Court – p. 3
 - 10/22 – Criminal Law Comm. Mtg. – p. 3
 - 10/25 – Litigation Comm. Mtg. – p. 3

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

President's Message (Continued from Page 1)

commitment not only to the NYWBA, but to all of us, as they endeavor to address thorny legal issues, best practices, networking and overall mindfulness in our practice of law. In the past, this was an annual meeting, but now it will be a quarterly opportunity to regroup, adapt, and brainstorm about new and exciting ways to carry on our Association's mission. I can assure you that every Committee Chair has made a commitment to this endeavor and is proud to be identified for the work they have done and will do. Once again, we are fortunate to have our experienced members continue to mentor and guide our younger members and as you can see from the pictures and bios, we have made room for younger members to take on leadership roles and have strengthened our committees in all practice areas.

Persist: While there are some positive developments to report (more than 400 women are running for political office in the United States; 56 of them for governor as of May 2018) the news across the board has been a sobering reminder of the work that still needs to be done. Top of my list is the utterly devastating article that appeared in *The Atlantic* regarding "no crying motions!" Lara Bazelon recounted the experiences of, among others, Elizabeth Faiella, a trial attorney in Florida who has been the target of numerous "no crying motions" which seek to prevent her (and other women trial attorneys) from becoming "too emotional" during a trial and thus "swaying juries." Although the motions are never granted, Ms. Faiella ruefully noted that by filing them the "damage is already done" with the trial judge.

Recently, the US Court of Appeals for the 5th Circuit issued a stunning rebuke to a veteran judge sitting in Federal Court in Houston, Texas. After dismissing the indictment based on mistakes made by the prosecutors (women) the judge stated "We didn't let girls do it in the old days." The Appeals Court not only reinstated the indictment but directed that the case be heard by a different judge.

In July 2018 an article in the National Association of Women Lawyers noted that a male attorney opposed lead counsel's request for a continuance as she was soon to give birth, likening her pregnancy to an illness and going as far as to suggest she purposefully got pregnant to delay the trial. Fortunately, the trial judge did not agree and the attorney who made those remarks has been suspended from his law firm pending further review.

Closer to home I have been informed by a couple of our younger members that they have had to endure sexist remarks during depositions—from being mistaken for the stenographer, to being "schooled" on how to defend or conduct a deposition. Our Litigation and Advancing the Status of Women in the Profession Committees will be holding a CLE program to address how to combat such comments and how and when to bring them to the attention of the presiding judge.

News of the ABA's recent survey of big law firms commissioned by its President, Hilarie Bass, is no less ominous. The report is due after Labor Day, but meanwhile Ms. Bass reports that almost half of the women in these law firms are gone by the time they reach 50. One of the largest areas of divergence between male and female attorneys was compensation.

In my first Message, I looked to Eleanor Roosevelt for a quote to inspire us to do accomplish the mission of NYWBA. This month, given the state of the practice of law for women, I am drawn to Madelaine Albright's quote: "There is a special place in hell for women who don't help each other."

Virginia

NYWBA Solo and Small Practice Committee

presents

***Practice and Perfect
 Your Elevator Pitch***

This program will be an opportunity for you to make your "pitch" to the other members and get some constructive feedback. Remember elevator pitches are typically short (30-60 seconds) and should be just enough to make people want to talk to you further.

Date: *Thursday, September 20, 2018*

Time: 8:30 a.m.

Place: *Office Of Gail I. Bader, Esq.*

830 Third Avenue, 5th Floor, NYC

Cost: *Free!*

RSVP: Email ssfchairs@nywba.org



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.

It's Time to Renew Your Membership

If you have already renewed, THANK YOU!

If you haven't, it's time to RENEW your membership for 2018-2019.

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, 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.

WELCOME NEW MEMBERS

Anna Aboody
 Sydney L. Abualy
 Sujata Awasthi
 Janelle Baptiste
 Danielle A. Bates
 Molly C. Burke
 Cassidy Carlen
 Michelle M. Carmon
 Hallie R. Cohen
 Judy K. Dahl
 Lydia Devine
 Sara-Catherine Gerdes
 Evelyn Gong
 Jack S. Hoffinger
 Laura-Michelle Horgan

Alexis E. Kim
 Erica Lerner
 Jeri Milan
 Erica Mobley
 Kerry Mulvihill
 Meghan N. O'Brien
 Avni P. Patel
 Erika Pedersen
 Terri S. Rosenblatt
 Karla P. Rosero Kahn
 Julie Shiferman
 Sophie A. Webb
 Cody M. K. Yorke
 Miriam Zakarin
 Raquel Zilberman

as of 08/21/2018

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.

Michael W. Appelbaum
 Gail I. Bader
 Jennifer P. Brown
 Elizabeth A. Bryson
 Harriet Newman Cohen
 Janet I. Cord
 Hon. Laura E. Drager
 Felice B. Ekelman
 Hon. Betty Weinberg Ellerin
 Robyn L. Enes
 Melissa G. Ephron-Mandel
 Catherine M. Foti
 Myra L. Freed
 Martha E. Gifford
 Amy B. Goldsmith
 William G. Goldsmith
 Patricia Ann Grant
 Adria S. Hillman
 Fran R. Hoffinger
 Julie Hyman
 Elyssa Kates
 Robert M. Kaufman

Gary Roy Klein
 Denise Mortner Kranz
 Anne L. LaBarbera
 Katharine S. Law
 Virginia A. LoPreto
 Kay Marmorek
 Karen Greve Milton
 Jacqueline Newman
 Bonnie E. Rabin
 Aimee L. Richter
 Deborah G. Rosenthal
 Amy Saltzman
 Carol A. Schragar
 Hon. Felice K. Shea
 Heather Shulman
 R. Ellen Sigal
 Hon. Jacqueline W. Silbermann
 Michelle B. Spector
 Teresa Grant Stoeth
 Angela G. Tese-Milner
 Victoria A. Turchetti
 Andrea Vacca

Summer Interns at joint JALBCA/NYWBA/WBASNY Table at the 15th Annual Caren Aronowitz Unity in Diversity Program, June 1, 2018



COMMITTEE CALENDAR

Alternative Dispute Resolution Committee will host a **CLE: ADR Procedures in the Supreme Court, New York County** on **Oct. 15** from 6:00 - 8:00 p.m. at the Supreme Court, 60 Centre Street, Room 300, NYC. For more info email ADRACLE@nywba.org.

Civil Courts Committee will meet **Sept. 13** at 1:00 p.m. at the Civil Courthouse, 111 Centre Street, 8th Fl. conference room, NYC. RSVP CivilCourtsChairs@nywba.org.

Criminal Law Committee will meet **Sept. 24** and **Oct. 22** at 6:15 p.m. at The Hoffinger Firm PLLC, 150 East 58th Street, 16th Fl., NYC. RSVP CrimLawChairs@nywba.org.

Elder Law and Disabilities Committee will host its first meeting **Sept. 27** at 1:00 p.m. Location TBD. This will be a planning meeting and anyone interested is welcome to attend. RSVP ElderLawChairs@nywba.org.

Litigation Committee will meet on **Sept. 27** at 6:00 p.m. at Beer Bar, MetLife Building at 45th Street at Vanderbilt, for socializing and trivia. The Committee will meet on **Oct. 25** and monthly on the fourth Thursday of the month. For more info and to RSVP LitigationChairs@nywba.org.

Program & Events Committee will meet **Sept. 26** at 6:00 p.m. at the offices of Kirkland & Ellis, 601 Lexington Ave., NYC. RSVP events@nywba.org. RSVP and ID are required for admission to the building.

Solo and Small Law Firm Practice Committee will meet **Sept. 20** at 8:30 a.m. at the office of Gail I. Bader, Esq., 830 Third Ave., 5th Fl., NYC. The topic will be **Practice and Perfect Your Elevator Pitch**. RSVP ssfchairs@nywba.org. See notice p. 2.

NOTES ON MEMBERS

NYWBA sends sincere condolences to **Honorable Michael Katz** on the passing of his mother in June.

NYWBA sends sincere condolences to NYWBA Past President and Board Member **Honorable Jacqueline W. Silbermann** on the loss of her son, Jeffrey, who passed away in June after a brief illness.

NYWBA sends sincere condolences to NYWBA Past President **Elizabeth A. Bryson** on the passing of her mother, Natalie E. Bryson, a business owner and philanthropist who was a regular presence at NYWBA and WBASNY events for nearly 25 years. Condolences may be send to the Beth and the family c/o PO Box 2000, Silverdale, WA 98383-2000. Information about charitable donations may be found at nataliebryson.org.

NYWBA sends sincere condolences to Board Member **Fran Hoffinger** on the passing of her mother in July.

Congratulations to NYWBA Past President **Yacine Barry-Wun** for being elected First Vice President to the Network of Bar Leaders.

Congratulations to **Lourdes Ventura**, officer of WBASNY and former President of the Queens Women's Bar Association, who was honored at Queens Dominican Heritage Celebration on July 2.

Congratulations to NYWBA Past President **Elizabeth A. Bryson** on her election as Vice President of Fundraising and Strategic Planning to the National Conference of Women's Bar Associations.

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

2018 NYWBA ANNUAL DINNER



2018 NYWBA ANNUAL DINNER



What It's Really Like to Practice Law as a Woman

By Sydney Lauren Abualy



(l. to r.): NYWBA Committee Chair Victoria A. Turchetti, NYCBA President Roger Maldonado, Bridgette Y. Ahn, Hon. Abena Darkeh, Heather Heft, Erika Stallings, Lourdes M. Ventura, and NYWBA President Virginia A. LoPreto.

On July 19, 2018 the **New York Women's Bar Association** and the **New York City Bar Association** co-sponsored the **Martha E. Gifford Summer Program, What It's Really Like to Practice Law as a Woman**. Bar association members, current law students, and prospective students convened at the New York City Bar Association's landmark building on West 44th Street for an inspiring panel discussion followed by a networking reception.

The panelists, all acclaimed leaders in the New York legal profession, represented numerous practice areas. They included **Hon. Abena Darkeh** of the Criminal Court of the City of New York, **Lourdes M. Ventura**, a current nominee of the Democratic Party of Queens County for Judge of the Civil Court and partner at Ahmuty, Demers & McManus, **Bridgette Ahn**, accomplished intellectual property and technology attorney and past President of the Korean American Lawyers Association of Greater New York, **Erika Stallings**, copyright attorney at Broadcast Music, Inc. and founding co-chair for the Young Leadership Council of the Bassler Center for BRCA, and **Heather Heft**, savvy intellectual property attorney and partner at Schoeman Updike Kaufman & Gerber.

Victoria A. Turchetti, NYWBA Committee Co-Chair and Managing Attorney of the New York City Staff Counsel office for the OneBeacon Insurance group, moderated the discussion. NYCBA President **Roger Juan Maldonado** and NYWBA President **Virginia A. LoPreto** led with opening remarks.

The program began with an introduction from each of the panelists who shared their background and progression in the legal profession. The panelists spoke candidly about their career trajectories, taking the time to comment on the various paths they took to reach their respective apexes. The audience came to realize the importance of creating your own opportunities, having the confidence to ask for things that you want, being honest about your failures, and learning to overcome difficult career outcomes – such as a firm closing or being laid off. The panelists encouraged the audience to make the best of each opportunity that is offered. They emphasized that being open to opportunities that may not be one's first choice may ultimately shape the course of one's career for the better.

The audience was given the opportunity to ask questions which included how to navigate the legal realm as a woman in light of the #MeToo movement, as a woman of color, and as a first generation student. The audience learned about the importance of building your network, and knowing how to use it. This includes not just networking "up" with those in more advanced

positions, but also networking "down" and laterally. Each panelist expressed how flexible a career in the law can be by offering a vibrant perspective that resonated with everyone in the room.

Thank you to the NYWBA and the NYCBA for hosting this timely event. It is events like these, which encourage like-minded women to foster relationships in the legal profession, that truly generate change and continue the advancement of women in the law.

Sydney Lauren Abualy is a law student attending Brooklyn Law School.

CLE: Frankfurt Kurnit Litigation Ethics Summit

Nicole I. Hyland, co-chair of Frankfurt Kurnit Professional Ethics Committee and Chair of NYWBA Ethics Committee is presenting an inaugural Litigation Ethics Summit. Nicole and her partners will address important topics such as: responding to potential malpractice claims; communicating potential malpractice to clients, colleagues and carriers; plugging insurance loopholes; aggressive litigation tactics; stolen or inadvertently disclosed documents; tape recording clients; fee disputes, diversity and pay equity – and more.

Date: October 25, 2018

Time: 2:00 – 6:30 p.m.

Place: **The Harvard Club**, 35 West 44th Street, NYC

CLE: 2.0 credit hours in Ethics and Professionals, 1.0 credit hour in Diversity, Inclusion and Elimination of Bias. *

Cost: **Complimentary with NYWBA Membership.**

15 spaces for NYWBA members on a first-come, first served basis.

RSVP: To register, please contact **Erika Tintle**, Marketing Coordinator at Frankfurt Kurnit, at etintle@fkks.com.

**This program has been approved in accordance with the requirements of the New York State Continuing Legal Education Board for a maximum of 2.0 credit hours in Ethics and Professionalism, and 1.0 credit hours in Diversity, Inclusion and Elimination of Bias. (Note: The content of this course is appropriate for both newly admitted and experienced attorneys, or non-transitional and transitional.)*

Surrogacy and New York Parentage Laws: Time for a Change? ***By Elena A. Tisnovsky***

On June 5, 2018, LoPreto + Levy, LLP hosted a CLE program “*Surrogacy and New York Parentage Laws: Time for a Change?*” organized by NYWBA’s *LGBT* and *Women’s Health & Reproductive Rights Committees*. The panel, moderated by *Hon. Ellen Gesmer*, Appellate Division, First Judicial Department, included the outstanding experts in the area of surrogacy and adoption law, *Denise Seidelman*, *Nina Rumbold*, and *Alexis Cirel*.

Hon. Ellen Gesmer started the presentation by introducing the esteemed panelists and giving an overview of the current legislation pertaining to compensated surrogacy. New York is one of only two states in the country that ban compensated surrogacy arrangements and impose fines and criminal sanctions upon people involved in such arrangements. Most states explicitly permit or do not have any laws regulating surrogacy. Consequently, intended parents residing in New York who want to have children through surrogacy are forced to enter into agreements with surrogates who live and will give birth outside of the State of New York.

Denise Seidelman and Nina Rumbold are law partners in the firm of Rumbold & Seidelman, LLP. They practice exclusively in the areas of adoption and reproductive law and, in their own words, their firm is a “a true partnership based on a true friendship.” Ms. Seidelman reviewed the terminology surrounding surrogacy, introduced assisted reproductive technology currently available to intended parents, including artificial insemination, in vitro fertilization and surrogacy, and described legal risks and liabilities presented by surrogate pregnancy. She also gave a brief analysis of the statutory law pertaining to surrogacy, explaining that the New York legislature has failed to keep pace with modern reproductive medicine. This has caused uncertainty and confusion as to the roles, rights, and obligations of donors, surrogates, and intended parents which will present future legal challenges. For example, since the parentage of intended parents of children born through surrogacy is not recognized under New York law, the hospitals are not certain who can give consent to perform medical procedures on newborns.

Under New York law, surrogacy agreements are not enforceable. Proposed legislation called The Child-Parent Security Act seeks to change that. Ms. Rumbold, a major contributor to The Child-Parent Security Act, dedicated her presentation to this proposed legislation. The purpose of the bill is to establish a child’s legal relationship to his or her parents where the child was conceived through third party reproduction, including gestational surrogacy. The legislation would permit compensation for gestational surrogates and ensure that the intended parents are recognized as the child’s legal parents at birth. The Child-Parent Security Act proposes to lift the current ban on surrogacy and to legalize ‘gestational carrier’ arrangements, in which the woman carrying the pregnancy has no genetic link to the child.

Alexis Cirel, a partner with the firm of Mayerson Abramowitz & Kahn LLP, concluded the presentation by providing a detailed, step-by-step analysis of the gestational surrogacy process and explaining the distinctions between traditional and gestational surrogacy, describing participants involved in each process and the roles each participant plays. Ms. Cirel stressed the importance of the extensive background screening, medical testing, and mental health evaluations of all parties involved in the process to ensure the integrity of the process and that each party is equally committed to the surrogate pregnancy. Ms. Cirel, whose own children were conceived via surrogacy, offered a unique perspective on the process and the challenges it involves. In a humorous and self-deprecating manner, Ms. Cirel shared with

New ADR Initiative in the New York State Courts ***By Leona Beane***

A new Alternative Dispute Resolution Initiative has been instituted by *Chief Judge Janet DiFiore* and *Chief Administrative Judge Lawrence K. Marks* to revitalize the court system’s commitment to alternative dispute resolution (ADR). The plan will promote the goals of the Chief Judge’s Excellence Initiative by helping to eliminate case backlogs and enhance the quality of justice.

Part of the initiative includes the formation of an Advisory Committee on ADR which is comprised of 25 individuals from throughout the state. The appointees include judges, lawyers, academics, experts, and court personnel. Of the 25 appointees, two are co-chairs of the New York Women’s Bar Association’s ADR Committee, namely *Michele Kern-Rappy, Esq.*, Senior Settlement Coordinator, Supreme Court, New York County, and *Lisa Courtney, Esq.*, Statewide ADR Coordinator, New York State Office of Court Administration, who will act as an advisor to the Committee.

The New York Women’s Bar Association and its ADR Committee are very proud that two of its ADR co-chairs are among the 25 appointees to this important statewide committee. A few additional members of the Committee include *Hon. Saliann Scarpulla* (Supreme Court, New York County, Commercial Division), *Hon. Rita Mella*, Surrogate, New York County, *Hon. Jeffrey S. Sunshine* (Supervising Judge, Matrimonial Matters, Kings County); and *Hon. Anthony Cannataro*, Administrative Judge of the New York City Civil Court. The chair of the ADR Advisory Committee is *John S. Kiernan*, past President of the New York City Bar Association.

The announcement of the Advisory Committee indicates that ADR, which comprises mediation, arbitration, neutral evaluation and collaborative law, among other approaches, has proven a meaningful, efficient and cost-effective way to resolve disputes in appropriate cases. It is generally confidential, less formal and less stressful than traditional court proceedings. ADR, and particularly mediation, can provide parties with greater opportunities to be more fully heard. ADR can also help parties gain insight into the strengths and weaknesses of their case in deciding whether to proceed with litigation. The ADR initiative will work to expand the use of ADR within the courts, with a focus on early resolution of civil disputes, provided they are deemed suitable for the ADR process.

The NYWBA’s ADR Committee welcomes collaboration with other NYWBA committees to achieve the objectives of the Excellence Initiative, improve the Court experience for all users, and to educate lawyers on how to be effective advocates in mediation. The ADR Committee has an upcoming NYWBA program in the Fall which will highlight the several ADR programs in New York County.

Leona Beane, a member of the NYWBA Board, is also a Co-Chair of the NYWBA’s ADR Committee.

.....
 the audience stories of her journey – from concerns about her surrogate mother’s “triple-meat burger” diet to diplomacy in addressing issues and challenges involved in the process to a careful, thought-out plan for every step to avoid potential jurisdictional pitfalls.

Elena A. Tisnovsky focuses her practice on matrimonial law and family law.

Sexual Harassment & the Law: A Call to Action for Lawyers in the Era of #MeToo ***By Vanessa C. Richardson***

On June 4, 2018, the New York City Bar sponsored a half-day CLE program on Sexual Harassment & the Law. The main theme for the program was, “***A Call to Action for Lawyers in the Era of #MeToo.***” ***Carmelyn P. Malalis***, Chair and Commissioner of the New York City Commission on Human Rights, welcomed participants to the program with an important reminder that action is required to truly make a difference on this issue. Commissioner Malalis encouraged attendees to think about what they could contribute to the #MeToo movement and how they would live up to their duty as members of the bar to work on this issue.

Commissioner Malalis noted that the NYC Commission on Human Rights recently released a report with the Sexuality and Gender Law Clinic at Columbia Law school about “Combating Sexual Harassment in the Workplace,” which gives an overview of the laws governing sexual harassment under New York City Human Rights Law. The report also discussed issues and themes raised during public hearing testimony, including recommendations for legislative and policy changes. Finally, the report set forth best practices for employers in reporting, investigation and training. The report is available here: https://www1.nyc.gov/assets/cchr/downloads/pdf/SexHarass_Report.pdf

The morning plenary session featured “***A Discussion About the Changing Legal Landscape in the Wake of the Time’s Up & #MeToo Movements.***” The panel included ***S. Jeanine Conley***, Shareholder at Littler Mendelson PC; ***Carrie Goldberg***, Founder of C.A. Goldberg Law, PLLC; ***Andrea Johnson***, Senior Counsel for State Policy at the National Women’s Law Center; ***Cynthia Lowen***, Filmmaker and Director of NETIZENS; ***Elizabeth S. Saylor***, Partner at Emery Celli Brinckerhoff & Abady LLP; and ***LaDonna Powell***, plaintiff in the harassment lawsuit against Allied Universal Security Services, which contracted with the Port Authority of New York and New Jersey to secure John F. Kennedy International Airport.

The panel held an engaging discussion about how their practices have been affected by the #MeToo movement. Panelists described a sharp increase in caseload, because women are feeling more empowered and less ashamed to speak up against harassing or other inappropriate behavior. Panelists also noted that employers generally have been more willing to invest in training and other efforts to change their culture, including one-on-one coaching with higher-level executives. The panel went on to discuss the changing media appetite for these kinds of cases, noting that they receive a lot more coverage than they used to. However, some panelists said that the focus needs to expand to lower income women who find it more difficult to organize and are not likely to receive as much press attention.

The panel emphasized that having someone who is willing to tell their story publicly can be a powerful tool. For example, when Ms. Powell went on the news, dozens of other people came forward, leading to an independent investigation that led to the termination or transfer of several supervisors. Ms. Powell gave moving testimony about her experience dealing with sex-

ual harassment, and stressed the important role her lawyers played in answering her questions, giving her a voice, and helping her regain her sense of security.

The panel also discussed several legislative and policy changes, including extending statutes of limitations, limiting the use of non-disclosure agreements or mandatory arbitration, expanding coverage of the laws to independent contractors, or strengthening anti-retaliation protections. Panelists stressed the importance of working with policy makers to make sure that any changes put in place are thoughtful and don’t have unintended consequences. In addition, Ms. Johnson discussed the efforts by the National Women’s Law Center and the creation of the Time’s Up Legal Defense Fund (“LDF”), which has raised over \$21 million in funding to help defray legal and public relations costs in select cases. The LDF prioritizes cases where they can make the biggest impact, set precedent, and advance novel legal issues.

The panel closed with a note that this moment is a real opportunity to make lasting change. Defense counsel should stay aware of any changes in the laws and work with employers to set up effective internal reporting procedures or take other steps to improve their culture. Counsel representing plaintiffs should listen to their clients and understand that not all of them want to litigate and many would prefer a settlement. Ms. Powell exhorted all attorneys to put themselves in the shoes of the victims, and think about how they would feel experiencing such treatment.

The CLE program then continued with a series of smaller breakout sessions, including:

- Jurisdiction in Sexual Harassment: Where Criminal, Administrative and Regulatory Remedies Intersect
- #MeToo Academia: Special Considerations When Litigating Employment Discrimination Cases on Campus
- An Overview of Best Practices for Investigating, Preventing and Addressing Sexual Harassment in the Workplace
- Challenges and Strategies for Low-Wage and Immigrant Workers in Reporting Harassment

The CLE program concluded with a luncheon plenary on Sexual Harassment in the Legal Profession. The panel included ***Dahlia Lithwick***, senior editor at Slate who writes about the courts and the law; ***Gillian Thomas***, Senior Staff Attorney with the ACLU Women’s Rights Project; ***Paula T. Edgar***, Partner at Inclusion Strategy LLC and President of the Metropolitan Black Bar Association; and ***Michele Meyer-Shipp***, Chief Diversity and Inclusion Officer at Akin Gump Strauss Hauer & Feld LLP. The panel had a spirited discussion about certain high profile examples of problematic behavior within the legal industry that have come to light in connection with the #MeToo movement. Panelists noted that law firms and the courts should take the lead in addressing this type of inappropriate conduct.

Vanessa C. Richardson is a litigation associate at Cleary Gottlieb Steen & Hamilton LLP, specializing in disputes arising out of securities, M&A and derivative transactions, as well as on corporate governance issues.

MEET YOUR NYWBA COMMITTEE CHAIRS



Kelechi Acholonu is a Co-Chair of the **Committee to Advance the Status of Women in the Profession**. She is currently a court attorney in New York Supreme Court, Civil Branch, New York County. Ms. Acholonu earned her J.D. from Georgetown University Law Center and her bachelor's degree from Princeton University. Ms. Acholonu is admitted to the New York State Bar.

Diana M. Boyar is a Co-Chair of the **Committee to Advance the Status of Women in the Profession**. Ms. Boyar was a public defender in Brooklyn for nearly 20 years and Criminal Court judge for nearly five years. She is currently the principal court attorney to Acting Supreme Court Justice Ann E. Scherzer. Ms. Boyar received her undergraduate degree from the University of Arizona and her J.D. from Temple Law School.



Lisa M. Courtney is a Co-Chair of the **Alternative Dispute Resolution (ADR) Committee**. Ms. Courtney currently acts as the Statewide Alternative Dispute Resolution Coordinator for the NYS Unified Court System, where she works to promote the growth of ADR programs throughout New York State. She received her undergraduate degree from Columbia College and her J.D. from the Columbia University School of Law. She speaks Spanish and Hebrew.



Fran Hoffinger is a Co-Chair of the **Criminal Law Committee** and a member of the **Judiciary Committee** and sits on the Board of Directors. Ms. Hoffinger a partner at The Hoffinger Firm, specializing in criminal defense, civil litigation and family law. She received her undergraduate degree from Cornell University and her J.D. from Fordham University School of Law.



Jessica Horani is a Co-Chair of the **Criminal Law Committee**. Ms. Horani is currently a Staff Attorney at New York County Defender Services and works in both the Special Litigation and Juvenile Offender Units. She received her undergraduate degree from University of Nebraska at Omaha and her J.D. from Cardozo School of Law. She is a member of the Florida Bar as well as the Eastern and Southern District Courts of New York.

Elyssa Kates is a Co-Chair of the **Awards Committee**. Ms. Kates is currently an attorney at Baker & Hostetler LLP, where she represents clients facing many types of challenges, both in and out of litigation. She focuses much of her practice on representing trustees and other fiduciaries working on behalf of fraud victims. Ms. Kates received her undergraduate degree from Ramapo College of New Jersey and her J.D. from Seton Hall University School of Law.



Vivian Rivera Drohan is Chair of the **Federal Practice Committee**. She is the founding litigation partner for Drohan Lee LLP. Her practice encompasses commercial, employment and intellectual property litigation. Ms. Riveria Drohan graduated from Fordham University in 1986, and earned her J.D. from Brooklyn Law School. She is admitted to practice in New York and Washington, DC, as well as the Southern District of New York, the Eastern District of New York, and the United States Court of Appeals for the Second Circuit.



Michael Schreiber is a Co-Chair of the **LGBT Committee**. He practices as an Agency Attorney within the Appeals Unit at the New York City Office of Administrative Trials and Hearings (OATH). Mr. Schreiber graduated from Binghamton University with a degree in Political Science and received his J.D. from the George Washington University School of Law in 2003. He is a New York native and is conversational in Mandarin.



S. Yan Sin is Co-Chair of the **Committee to Advance the Status of Women in the Profession**. Ms. Sin is an associate at Cohen Goldstein, LLP, a matrimonial law firm in New York, New York. Prior to joining Cohen Goldstein, LLP she earned her J.D. from New York Law School and her bachelor's degree from the University of Virginia. Ms. Sin is admitted to the New York and New Jersey State bars.

Nicole Trivlis is a Co-Chair of the **International Women's Rights Committee** and currently practices with the law firm of Silva Thomas PC, focusing on family and matrimonial law. She is a graduate of the Catholic University of America and the Elizabeth Haub School of Law at Pace University. Ms. Trivlis is admitted to practice law in New York, Connecticut, the District of Columbia, the Southern District of New York, and the Eastern District of New York.



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