



NEW YORK WOMEN'S BAR ASSOCIATION

PRESIDENT'S MESSAGE

JANUARY 2018

As Queen Elizabeth once famously said: *this is not a year I shall look back on with undiluted pleasure.* For many of us, this has been an *annus horribilis*.

Since the November 2016 election, hate crimes have been up in this country, against individuals (including members of the press), and against institutions and houses of worship.



Myra L. Freed

In August, two days of violent rallies by white supremacists and Nazis in Charlottesville, Virginia, lead to the tragic murder of Heather Heyer and the deaths of two police officers. This was followed by incoherent and offensive remarks by the President.

Our fellow citizens suffered the wrath of powerful and deadly hurricanes Harvey, Irma and Maria. Much of Puerto Rico still remains without water and electricity. It is reported that 2000 of Puerto Rico's 5000 roads have been completely destroyed. And although there are many local political, environmental, and infrastructure-related reasons for each area's own significant flooding and damage, the President chose to blame Puerto Ricans for their plight, after being informed where Puerto Rico is located.

There was the continual epidemic of carnage from mass shootings. The recent massacre by a single gunman in the First Baptist Church in Sutherland, Texas, was just one of many in 2017. We have seen it over and over, in schools, houses of worship, places of entertainment, someone with an automatic weapon, with a grudge, an illness, a twisted point of view, can murder our neighbors, children, parents and grandparents, veterans, teachers and local heroes in minutes. Politicians offer thoughts and prayers but never any hope for concrete solutions. The six-year war in Syria continues with no end in sight. It is estimated that 480,000 people have been killed; 5 million people have fled the country and 6.3

(Continued on Page 2)

Announcements & Calendar of Upcoming Events

- 1/8 – Comm. To Advance the Status of Women – p. 8
 - 1/16 – Criminal Law Comm. Mtg. – p. 8
 - 1/16 – Program & Events Comm. Mtg. – p. 8
- 1/18 – Solo & Small Law Firm Comm. Mtg. – pp. 3, 8
 - 1/22 – Legislation Comm. Mtg. – p. 8
 - 1/23 – Civil Courts Comm. Mtg. – pp. 3,8
 - 1/25 – Elder Law & Disabilities Comm. Mtg. – p. 8
- 2/7 – Comm. To Advance the Status of Women – p. 8
 - 2/19 – Legislation Comm. Mtg. – p. 8
 - 2/27 – **Annual Judicial Reception** – p. 1

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

The New York Women's Bar Association invites you to join us in honoring our special guests

The Newly Elected, Newly Appointed, and Re-Elected Judges of New York County

at a Cocktail Reception

Tuesday, February 27, 2018

6:00 to 8:00 p.m.

The Yale Club, 50 Vanderbilt Ave., NYC
(at 44th St., across from Grand Central's west entrance)

Cost: **\$85 Members** (*paid in advance*);
\$100 Non-Members (*paid in advance*);
\$115 for all, at the door (*space permitting*)

Note: **No charge for:**

- Judges of the New York Court of Appeals
- Judges of the United States Court of Appeals for the Second Circuit
- Justices of the Appellate Division, First Dept.
- Judges and Magistrates newly appointed in the Southern District of New York
- Judges and Justices who are *newly elected, newly appointed, or re-elected* in New York County

Sponsorship: Law firms, companies, and individuals are invited to make a donation to help support this event at the following sponsorship levels:
Platinum (\$1,000) Gold (\$750) Silver (\$500)

Sponsors will be acknowledged at the event, on our website, and in the NYWBA Newsletter, and they will be entitled to free admissions (Platinum-3; Gold-2; and Silver-1) (*Contributions of \$100 or more are welcome and will be recognized at the "Friend" level.*)

(Send an email to JudgesReception@nywba.org for details on how to contribute at the Friend level.)

Info: For questions or information, call (212) 490-8202 or email JudgesReception@nywba.org.

RSVP: <http://bit.ly/2y8MeOx>

President's Message (Continued from Page 1)

million people have been displaced internally. And right now, genocide and ethnic cleansing is taking place against the Rohingya people in Myanmar, including the war crime of the mass rape of women and young girls, in their homes, in flight and in refugee camps.

But despair is not a viable option for us.

I was raised by optimistic parents who lived through the horrors of two world wars, the Holocaust, Hiroshima, the Red Scare and the Jim Crow era and so much hate and ugliness in the world. I, too, remain an optimist at heart. Here's why:

Since day one after the Presidential election, protesters expressed their opposition, determination and strength in front of that office tower at 745 Fifth Avenue and all over the country. I am proud that my daughter and her friends were among them.

A hugely successful and exhilarating Women's March took place all over the country, and all around the world on the day following the inauguration. For some it was their first experience participating in a protest march; for others it was a return to a decades-long history of protest marches. We in the NYWBA proudly marched in New York, while some of our colleagues marched in Washington and in their home cities and towns. Near our group in Manhattan a young mother carrying an infant proudly stated that it was not her baby's first march, while a young man nearby led chants of "her body, her choice." There were great displays of diversity, collaboration, unity, wit, humor and strength. Everywhere people shouted, "this is what democracy looks like." Those words, that great feeling, still gives me strength today.

In June we marched in the Gay Pride Parade with LeGal, following a breakfast at the City Bar with Governor Andrew Cuomo and newly appointed Court of Appeals Judge, Hon. Paul G. Feinman. We have worked with LeGal and other groups through WBASNY on several important appellate briefs, thanks to our wonderful Amicus Committee.

Our news media have gotten stronger and better despite the current administration's continual threats and attempts to discredit them, their parent companies, and individual journalists. While some echo the President's cries of "fake news," in fact, our news media provide thoughtful, nonstop analysis of the important stories of the day and fact-check every lie and obfuscation promulgated by the Oval Office whether by tweet or press conference. Cable news programs and talk show hosts play their role keeping the focus on the quickly changing news and chaos. The opposition is strong and active.

More people than ever before have joined and donated to groups like the Southern Poverty Law Center, NOW, the Center for Reproductive Rights, Council on American Islamic Relations, Planned Parenthood, and others.

State Attorneys General around the country have organized, been vigilant and have played an important role in protecting our rights.

Lawyers, law schools, and law students were able to organize and rush to airports all over the country to help people within hours of the first anti-immigrant orders.

In November, a transgender woman was elected to replace a vile homophobe for public office in Virginia. The first African American transgender woman was elected to public office in Minneapolis. The first Sikh was elected mayor of Hoboken, NJ.

There has finally been a tsunami of women speaking up and out against their harassers and abusers, taking

(Continued on Page 6)

NYWBA NOMINATIONS COMMITTEE REPORT

At its December 6, 2017 meeting, the *NYWBA Committee on Nominations* nominated the following candidates to serve for the positions and terms stated below. The elections will be held at the Association's Annual Membership Meeting, date TBD. (See *meeting notice*, page 3.)

OFFICERS (2018-2019)

President:	Virginia A. LoPreto
Vice Presidents:	Amanda B. Norejko Amy B. Goldsmith Magnolia D. Levy
Treasurer:	Jocelyn L. Jacobson
Recording Secretary:	Sabrina E. Morrissey
Corresponding Secretary:	Dawn M. Cardi
Proposed: Immediate Past President:	Myra L. Freed, Proposed

BOARD OF DIRECTORS

Directors to be Installed – Class of 2018-2021

Yacine Barry-Wun	Julie Hyman
Leona Beane	Kay Marmorek
Melissa Ephron-Mandel	Nidhi Shetye
Catherine M. Foti	

Directors to be Installed (filling vacancies for unexpired terms)

Class of 2016-2019: Meaghan E. Carey

Class of 2017-2020: Jennifer P. Brown & Fran R. Hoffinger

Directors Continuing in Office

Michael W. Appelbaum	Susan M. Moss
Hon. Laura E. Drager	Morgan Fraser Mouchette
Felice B. Ekelman	Deborah G. Rosenthal
Hon. Judith J. Gische	Francesca A. Sabbatino
Hon. Sherry Klein Heitler	Andrea Vacca
Hon. Kelly O'Neill Levy	

COMMITTEE ON NOMINATIONS - Class of 2018-2020

Yacine Barry-Wun	Hon. Kelly O'Neill Levy
Patricia Ann Grant	Hon. Lisa A. Sokoloff

NYWBA DELEGATE NOMINEES TO WBASNY BOARD (2018-2019)

Yacine Barry-Wun	Myra L. Freed
Jennifer P. Brown	Julie Hyman
Elizabeth A. Bryson	Marjorie A. Martin
Dawn M. Cardi	Deborah G. Rosenthal
Jo Ann Douglas	Hon. Jacqueline W. Silbermann
Hon. Betty Weinberg Ellerin	Hon. Lisa A. Sokoloff

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.

NOTICE TO MEMBERS – ANNUAL MEETING & ELECTIONS

The **NYWBA Annual Membership Meeting** will be held at a date and location TBD, when the President & Treasurer will present reports on the state of the NYWBA and its finances, and the Association will hold elections for Officer, Director and Delegate positions. (See p. 2 for the *NYWBA Nominations Committee Report*, which includes a list of all open positions, terms of office and nominees, as well as a list of Directors continuing in office.)

Article XIV, Section 1 of the By-Laws provides that only members who are in good standing and whose membership dues were received by **January 31st** may vote at the Annual Meeting. If you have not yet renewed your dues for the 2017-2018 fiscal year, please do so now!

Article XVII, Section 10 of the By-Laws provides that any fifty members eligible to vote at the Annual Meeting may, by a writing delivered to the Corresponding Secretary not less than *forty days* prior to the Annual Meeting, propose candidates for officer or director positions to be voted on at the Annual Meeting. Such petition must be received by no later than **March 15, 2018** and must be addressed to Corresponding Secretary **Dawn M. Cardi**, New York Women’s Bar Association, The Chrysler Building, 132 East 43rd Street, # 716, New York, New York 10017-4019.

Immediately after the elections, NYWBA will present an **Ethics CLE Program** (details to be announced soon).

NOTES ON MEMBERS

Best wishes to Newsletter Co-Chair **Alexandra Campbell** on the occasion of her wedding in December!

Condolences to long time NYWBA Foundation Director **Katherine B. Posner** and her family on the passing of her father, Max Burks.

Warm congratulations to former Reproductive Rights Committee Co-Chair, **Mai Ratakonda**, on the birth of her daughter, Nadia, in October.

The NYWBA remembers the life of the **Hon. Stanley L. Sklar**, a distinguished jurist, who passed away in November.

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

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.

Rosemary B. Boller

Jeffrey Cohen

Carol A. Schragar

WELCOME NEW MEMBERS

Eroide Alphonse

Alice E. Goldenberg

Phylcia D. Pearson

Amy Barasch

Allison V. Green

Dan Quart

Bridget G. Brennan

Rebecca E. MacKay

Chelsea Schell

Jeffrey Cohen

Catherine McKinney

Vitalia Yurchak

Allegra L. Fishel

Taylor A. Muller

Kaitlyn Zacharias

Stephanie L. Fox

Ginny Nunez

as of 12/08/17

COMMITTEE NEWS

Committee Chairs Look Ahead to the New Year

The **Advance Status Committee** is excited to continue the work of advancing the status of female attorneys. To that end, we are planning our third annual March Women’s History event, which we hope will have a CLE component this year. Details TBA! We are grateful to our individual members who continue to inspire us and our corporate partners who generously sponsor our events.

The **Civil Courts Committee** will continue its Express Lunch Series in 2018, which presents lunchtime programs on topics including those related to the Civil Court, Housing Court and Small Claims Court, a number of which offer CLE credit to attendees. Our anticipated 2018 programs include topics relating to drafting effective litigation documents, the effect of a bankruptcy stay on Civil Litigation, the effect of a party’s death on Civil Litigation, guardianships, evidence, and collection on monetary judgments. We also look forward in the coming year to working with our colleagues on other NYWBA committees to participate in and expand the topics of our programs.

The **CLE Committee** looks forward to helping each of our Committees run a CLE program in the New Year. Please contact cle@nywba.org with your ideas. **Amy B. Goldsmith**, **Ariel D. Chesler** and **Elizabeth J. Shampnoi** would be pleased to help you.

The **Litigation Committee** has a number of interesting events planned for 2018. Our meetings are held on the 4th Wednesday of each month.

In January we will host a New Year’s networking meet and greet. It is an opportunity to meet your fellow committee members, network and become more involved with the programs and CLE’s planned for the coming months. In February we are beginning a three-part series entitled “Commercial Division Boot Camp.” The program is designed to assist new and experienced practitioners navigate the New York County Commercial Division. The Litigation Committee welcomes all Association members and encourages an exchange of ideas on how our committee can best serve the organization and its membership.

The **Solo and Small Law Firm Committee** will kick off the year with a meeting on Thursday, January 18th at 8:30 a.m. (location TBA), to feature guest speaker **Stan Lozinski**, Certified Financial Planner, on the topics of “Financial Planning, Exploring Investment Options, Health Care & Insurance Options.” Please come with questions you have on these important topics for a lively discussion.

The **Trusts & Estates Committee** co-chairs are planning the following programs: Program on Fiduciary Liability presented by **Daniel J. Arciola**, President of Brown Brothers Harriman Trust Co. to be hosted at his office, 140 Broadway, NYC in Mid-March 2018. An additional Program on Handling Will Contests (to include **Angelica Kontoroff**) is currently being finalized. Further details will be provided over the next months regarding both programs.

New Women's Leadership & the Lippman Commission

By Olivia Sohmer

Criminal justice and mass incarceration are women's issues, **Dr. Alethea Taylor** told attendees at a panel presentation on Women's Leadership & the Lippman Commission. The panel, held on November 1, 2017, was sponsored by the New York Women's Foundation.

Dr. Taylor, of the Hunter College Silberman School of Social Work, explained the charge of the Independent Commission on New York City Criminal Justice and Incarceration Reform — to study the criminal justice system in New York City, with a particular focus on what should be done with the jail located on Rikers Island.

The experience of women affected by Rikers Island illustrates the important role women play in the operation of the facility and the challenges they confront that are distinct from those faced by their male counterparts. Incarcerated women have fewer visitors than incarcerated men. And incarceration of a woman is more likely to have a direct impact on the living situation of a child. In fact, most visitors to Rikers are women visiting incarcerated men. And women make up about half of the staff at Rikers — 45 percent of the guards and 60 percent of management.

Although the Commission was commonly known as the Lippman Commission after its Chair, **Hon. Jonathan Lippman**, it was called into existence by a woman: City Council Speaker **Melissa Mark-Viverito**. Four of the women on the Commission staff appeared as panelists to discuss their experience.

The panel was moderated by **Courtney Bryan** who, while she was working as Staff Director for the Lippman Commission, was also Director of Criminal Court Operations for the Center for Court Innovation. Bryan

has since become Executive Director for the Eastern Region of JP Morgan Chase Global Philanthropy. Bryan described that it was serendipity, not design, that resulted in the core staff of the Commission all being women. She attributed the success of their work to “three L’s: Lippman, Luck, and Leadership.”

The other panelists were **Margaret Egan**, chief of staff for the ‘Future of Jails’ subcommittee, whose “day job” at the time was Senior Fellow at the CUNY Institute for State and Local Governance and who is now the Director of Strategic Initiatives at the City University of New York; **Insha Rahman**, Project Director at the Vera Institute of Justice and staff lead for the “Rethinking Incarceration” subcommittee; and **Jane Marshall** of Forest City New York, one of the two lead staff for the subcommittee that was “Reimagining the Island” from a real estate development perspective. Rounding out that core group (though not present at this panel) were **Rachel Ben Haim**, also of Forest City New York; **Marcia Maxwell** and **Lauren Beirman** of Global Strategy Group, handling communications and public engagement for the Commission; and **Nora McDonnell**, a Planner at the Center for Court Innovation, who served as unofficial chief of staff to the Staff Director.

The panelists described the substance of their work, described in the Commission's Report, “A More Just New York City” (available at www.morejustnyc.org/). However, what made the Women's Leadership presentation special was the account by these core Commission staffers of the process of meetings that enabled the exchange of ideas critical to the preparation of the report. The core staff group met weekly in the War Room, for a face-to-face gathering and discussion of research and findings that all agreed was essential to the endeavor. Each subcommittee of the Commission met monthly, and the entire Commission met every six weeks or so and took testimony from stakeholders and experts. In addition, there

were community forums and roundtables through which the Commission heard concerns and gathered public feedback.

The panelists spoke about what they had learned from this process. Insha Rahman explained she learned a lot of diplomacy — how to work through disagreement to reach consensus. By the tenth month of the Commission's work, she found herself able to listen productively to things she would have disagreed with during the first month. Jane Marshall believed that she had the steepest learning curve. While all the criminal justice stakeholders were finishing each other's sentences, she was not familiar with their area of expertise, and at the same time they did not understand real estate and did not speak her language. Courtney Bryan was challenged to overcome her own “fight or flight” impulses. Leading the staff of a Commission was a messy, ambiguous process, she said, but she leaned in to it, resolving to trust in the people and not feel that everything had to be mapped out. In the end, the process did sort itself out — so much so that Meg Egan declared herself to have been impressed by the positive impact of well-defined roles and responsibilities within a group of people who respect each other's expertise.

After the panel presentation, the audience heard from **MaryAnne Gilmartin**, President & CEO of Forest City New York, one of the Commissioners and Chair of the Reimagining the Island subcommittee. Overwhelmed at first by finding herself responsible for what was essentially a third of the Commission's work, Gilmartin recruited Jane Marshall and Rachel Ben Haim to lead her subcommittee staff. Gilmartin opined that the Commission's work proved that if you want to get something done, you should get women to do it. In her experience, women are natural cooperators and collaborators, good at “managing up” and handling egos, good at multitasking, and with a dogged sense of urgency and purpose. The work done in the War Room was a “virtuous cycle of discovery and invention,” said Gilmartin, guaranteeing that the Commission's report will not gather dust on a shelf.



Students from Stuyvesant High School, at the March 20th Foundation Breakfast (see article p. 9).

(Continued on Page 6)

“Rikers and Beyond”

By Fran R. Hoffinger, Olivia Sohmer and Jessica A. Horani

Nearly one hundred people gathered at the NYU School of Law to watch *Rikers: An American Jail*, the powerful documentary produced by acclaimed journalist **Bill Moyers**, and hear a panel discussion relating to issues raised by the film. The October 19, 2017 program was sponsored by the NYWBA Criminal Law Committee, in an effort spearheaded by co-chair **Olivia Sohmer**, and co-sponsored by the NYU School of Law and the Assigned Counsel Plan of the Appellate Division, First Department.

The hour-long film presents, without any narration, the “testimony” of about half a dozen individuals who have been incarcerated on Rikers Island. Those individuals described violence in the jail – committed by both inmates and guards – and the generally dehumanizing character of incarceration there. Not only is the film a compelling testament to the argument that Rikers should be closed, but it also calls upon us as a society to rethink our concept of punishment, and particularly our bail system which leads to mass incarceration before conviction. The film is unique in that it does not rely on a presentation of the individuals’ innocence in order to compel empathy for them in the face of the brutal environment on Rikers.

The film was followed by a panel discussion moderated by **Kirk Anthony James**, Clinical Assistant Professor at the NYU Silver School of Social Work. Professor James, who completed his Doctorate in Clinical Social Work from the School of Social Policy and Practice at the University of Pennsylvania in May 2013, told the audience that he had been “across the bridge and back” from Rikers Island. He reminded the assembly that the history of prisons in America has been a history of abuse and racial disparity.

Panelist **Martin Horn**, as former Commissioner of the NYC Department of Correction and of the NYC Department of Probation, was one of the first to advocate for closing Rikers years ago. Horn declared that, because prisons will always be terrible, we need to work to reduce the use of incarceration. One way to do that is to rethink our current bail practices: pretrial detention, Horn opined, turns justice on its head, requiring those who are innocent to remain incarcerated until they can have their day in court, while the guilty bargain down their sentences and are released sooner. Another re-conception would be to replace the “mass incarceration model” of a single jail for the whole city, sited in a remote location difficult to reach for staff and visitors alike, with community-based jails near to or even physically connected to county court houses. Horn noted that Manhattan and Brooklyn already have such buildings, but they are underutilized, and facilities need to be constructed in the other counties. Horn explained that, in order to close Rikers, the jail population would need to be cut by

roughly half, to 5000 on any given day who could be housed in local jails.

Panelist **Michael Rempel**, as research director at the Center for Court Innovation (CCI), has authored articles on such topics as risk assessment and the use of bail, and has served on the staff of the Independent Commission on New York City Criminal Justice and Incarceration Reform (also known as the “Lippman Commission”) which reported its recommendations for the closure of the Rikers jail and the future use of the land on the island. Rempel summarized the hard numbers of who is incarcerated at Rikers. Every year, about 45,000 people are incarcerated there. The average stay in the jail is two months. On any given day, there are about 9,500 people in jail in New York City. 80% of those are on Rikers Island. Approximately 19% of those in jail have a serious mental illness. 75% of the total jail population are being held pre-trial, and 9% face only misdemeanor charges. The risk tool that is currently in use in New York City classifies about half of all defendants city-wide as posing a high risk for failure to appear – the only risk that bail in New York is supposed to prevent. CCI’s studies have shown, however, that, of those in that high-risk category, two-thirds posed only a minimal-to-moderate general risk of re-arrest, and 92% posed only a minimal-to-moderate risk of a future violent felony. In other words, only about 34% of all pre-trial detainees present a risk of violence in the community.

Professor James described that, in order to make their court appearances, Rikers detainees must wake up at 4:00 in the morning, after which they are strip-searched and left shackled to wait for the bus to attend court. Once in court, they wait – still shackled – in another cell until their case is called. When the case is on a pretrial calendar, all this may be for only a 3-minute appearance before a judge – if their attorney does not decide to “waive their appearance” altogether – after which they must wait until court concludes for the day to be transported back to Rikers. When they are on trial, this routine must be followed day after day. The description of this grueling schedule underscored the preferability of local jails, closer to each county’s courthouse, which would at the very least eliminate the need for extended travel time in both directions.

Panelist **Elizabeth Bender**, a staff attorney with the Legal Aid Society, pointed out that New York’s Criminal Procedure Law section 520.10, which enumerates the various forms of bail that may be accepted in New York, allows not only for cash and secured bail bonds, but also for the use of partially secured and unsecured surety bonds. Furthermore, CPL 510.30(2)(a)(ii) requires a court that is hearing an

application for recognizance or bail to take into account the defendant’s employment and financial resources which, in many cases, leave traditional cash and secured bail out of reach. As an example, Bender explained that a secured bond, which requires real property or personal property, is unavailable to most people who live in this city of renters. The Legal Aid Society’s new Decarceration Project (www.unlockjustice.org) works, through advocacy and litigation, to expand the use of such statutorily permitted alternatives and thereby decrease the number of people who are incarcerated before they have a criminal trial, even while they are still supposed to be clothed with a presumption of innocence.

Panelist **Mika Dashman** is an attorney and the founding director of Restorative Justice Initiative (www.restorativejustice.nyc), a clearing-house and networking organization working to spread the word about this alternative approach to the entire concept of justice. Dashman explained that, whereas our adversarial justice system asks: (1) what was the crime, (2) who did it, and (3) what should be the punishment, restorative justice asks: (1) what was the harm, (2) what are the needs and responsibilities of the people directly impacted, and (3) how can things be made as right as possible. In the context of the restorative justice paradigm, incarceration has a limited role. The use of restorative justice techniques in schools can slow the flow of youth through the “school-to-prison” pipeline. And, through programs in limited use in Brooklyn and the Bronx, restorative justice is already providing a more constructive outcome in certain criminal cases.

Panelist **Jordyn Lexton** worked for three years as a high school teacher at Rikers. That experience led Lexton not only to support the “Close Rikers” movement, but to found and work as the CEO of Drive Change, a social enterprise that uses the food truck industry to hire, teach and empower formerly incarcerated youth. Lexton exhorted everyone to “not reform, but reimagine” the system, and observed that governments and companies are just people who make decisions. As seemingly small a step as abandoning terms like “ex-convicts” in favor of viewing the formerly incarcerated as “returning citizens” can be a first step in facilitating the process of reentry.

The questions and comments from the audience focused primarily on the need for bail reform as the first and perhaps most obvious step in alleviating the problems seen in the film and raised by the panelists. Judges in New York City routinely direct that bail may be in one of two alternative forms, yet even though the bail statute lists nine available types of bail, in nearly every case only cash bail with a secured bond
(Continued on Page 6)

President's Message (Continued from Page 1)

down powerful men, men who have assaulted, humiliated, traumatized and manipulated women, harmed their careers, livelihood, dignity and progress in the workplace. Friends and foes alike have been named. We stand by the victims, support them, hear their voices, offer them strength, and look to them to help us craft solutions and further progress.

As a new year begins, I continue to be inspired by my NYWBA colleagues. I am forever thankful to all the Presidents who came before me for their example and leadership and for all the past presidents who continue help me with their counsel and continued participation in our organization. I am thankful to all our Committee Chairs for their amazing work on their meetings and programs that strengthen and educate us, and help us tackle the issues of the day.

I am thankful to all the supporters and sponsors who help us carry on our important work. And finally I thank all our members who help make us the largest chapter in a most important organization, who give us a voice at the table, who share their talent, knowledge, passion, expertise and heart with us to make us the great organization that we are.

I wish you and your family and friends a wonderful holiday season and a wonderful 2018. Let's continue to do great and important things together in the coming year.

Marya

Rikers (Continued from Page 5)

alternative is ever considered. Judges, prosecutors and defense attorneys need to be educated further on the other authorized forms of bail and all need to consider other, more creative use of the bail statutes. And the entire culture of pre-trial detention needs to be rethought and its unintended consequences re-examined.

To supplement the film and panel, attendees were provided with written materials that included the Executive Summary of the Lippman Commission's report, "A More Just New York City;" New York's bail statutes and a report on the use of "alternative" forms of bail in New York City's criminal court; and the guidelines and procedures of the New York Peace Institute's restorative justice program. The complete materials may be obtained from Olivia Sohmer by email request to CrimLawChairs@nywba.org. More information about the documentary is available at www.RikersFilm.org.

Fran R. Hoffinger, Olivia Sohmer, and Jessica A. Horani are the co-chairs of the NYWBA Criminal Law Committee. Olivia Sohmer conceived and organized the panel and selected the written materials for the program.



New Women's Leadership (Continued from Page 4)

Audience questioners challenged the presenters to address why no formerly incarcerated woman was appointed as a Commissioner, and why issues specific to transgender individuals are barely mentioned in the report. Vivian Nixon, Executive Director of College & Community Fellowship, herself released from incarceration in 2001, had testified before the Commission and had personally urged each of the three formerly incarcerated men on the Commission to fight to get a similarly situated woman named as a Commissioner. Closing speaker Ana Oliveira, President and CEO of the host New York Women's Foundation and a member of the Commission, identified herself as an out lesbian and acknowledged that special populations with unique needs were not represented on the Commission. Nevertheless, in her role as a Commissioner, she harnessed the NYWF's decades of experience to bring attention to the concerns of women in the criminal justice system. Courtney Bryan emphasized that it was one of the Commission's key values to solicit input from a range of voices and experience, not merely those that were officially represented.

Nixon noted that women have produced key original scholarship on the issue of mass incarceration. Michelle Alexander's *The New Jim Crow* has entered the lexicon, Elizabeth Hinton drew the connection *From the War on Poverty to the War on Crime*, Monique Morris in *Pushout* has examined the criminalization of black girls in schools, and a team of women at a coalition of policy organizations reported early in 2017 about *The Sexual Abuse to Prison Pipeline*.

Women are often an afterthought in the criminal justice system, but the criminal justice system is anything but an afterthought in the lives of women. Those who spoke at the November presentation—both the presenters and those in the audience—pledged to continue to seek ways to include and give voice to those who are marginalized from centers of power.

Olivia Sohmer worked for 20 years as a prosecutor in the Manhattan District Attorney's Office, and is now a Court Attorney in Brooklyn Criminal Court.

SUPPORT THE NYWBA 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 NY and beyond by giving to the Foundation. Please go to <http://nywbaf.org/donate> to make a contribution.

The *Domestic Violence Committee* and the *LGBT Committee* teamed up with the *LGBT Bar Association of Greater New York* and the *Joyful Heart Foundation* to host a CLE panel on November 29, 2017, at Pillsbury Winthrop Shaw Pittman LLP titled *“Recognition and Remedies: Domestic Violence in the LGBTQ Community.”*



Panelists, from left to right: Dale Melchert, Senior Staff Attorney, New York City Anti-Violence Project; Chanel Lopez, Senior Counselor/Advocate, New York City Anti-Violence Project; Jimmy Medina, DV Survivor and Mentor/Survivor Leader, Sanctuary for Families; Brett Figlewski, Legal Director, The LGBT Bar Association of Greater New York (Moderator); Mark M. Hager, Supervising Attorney, Matrimonial and Family Law Unit, New York Legal Assistance Group; Christopher E. Bromson, Executive Director, Crime Victims Treatment Center

NYWBA International Women’s Rights Committee “Too Young To Wed” CLE

By Irina Zamyatin

On October 17, 2017, the *NYWBA International Women’s Rights Committee* held a CLE entitled *“Don’t Marry Me Off: Strategies to End Child Marriage at Home and Abroad.”* The CLE consisted of an exceptional group of panelists including *Safia Mahjebin, Sonia Ossorio, Keerthana Nimmala & Bryan Hoben.*

Safia Mahjebin, our first panelist, provided us with an intimate look into child marriage as it exists in the US. Ms. Mahjebin was born in Bangladesh, received an education in New York, and has spent most of her life in Brooklyn. Despite her Brooklyn upbringing, her family still deemed it appropriate for young girls to get married. She detailed how her family and community at large viewed marriage as a child’s duty to her parents and a solution to any problem. The personal experiences which Ms. Mahjebin shared included her choice to walk away from her family in an effort to avoid being married off.

Sonia Ossorio, the President of the National Organization for Women, picked up after Ms. Mahjebin by discussing her work on new New York State legislation, passed in June 2017, which changed the legal age for marriage from 14 to 17. She described how difficult it was to get the legislation off the ground and how much pushback its supporters received. But despite these obstacles, the law was ultimately passed.

Keerthana Nimmala, a pro bono Immigration Fellow who also worked on the new legislation, gave us an in-depth look into what the law was before the new legislation and compared it to where we are now. Because of Ms. Nimmala’s input, there are now additional protections for children. The protections include an extended waiting period for any child who applies for a marriage license, the appointment of a court appointed attorney for the child that has received training in child marriage, an extensive background check of the would-be couple and their parents, and an *in camera* interview with a judge who must issue written findings indicating that the marriage is of the minor’s free will. While the law is not without its shortcomings, it’s a positive step in the right direction.

Finally, Bryan Hoben, the founder of Too Young to Wed, wrapped things up by looking at what his organization is doing abroad. His discussion began with a video that followed the experiences of various women worldwide who had been forced into marriage abroad as children. Mr. Hoben discussed the prevalence of child marriage in countries such as India where 1 out of every 5 marriages involves a wife who is a minor. To combat the prevalence of child marriage and make positive change, Mr. Hoben and his wife, a photojournalist, established Too Young to Wed. Their aim is to put faces and images out into the world so that lawmakers can see something besides numbers. Through the organization, they have created scholarships to send girls to school and a photojournalism project for girls who have run away from their husbands.

The event educated the audience on the realities of child marriage around the world. It detailed all the work put forth to make a change to this practice in New York and abroad. The takeaway is that, while there is a lot to do, positive changes have occurred through the work of exceptional advocates. We give special thanks to our host, New York University School of Law, and to all of our panelists who took the time to present and educate our audience on this important issue.

Irina Zamyatin, Esq., co-chairs the International Women’s Rights Committee and is in-house counsel at Liberty Mutual, where she practices insurance defense.



Wishing all the best to Hon. Karla M. Moskowitz, Appellate Division, First Dept. (centered, in light-colored suit) at her retirement party with her fellow First Dept. colleagues, past and present, as she reaches the next stage of her career. Karla was president of NYWBA in 1981, and one of the founders of JALBCA in 1992.

COMMITTEE CALENDAR

Committee to Advance the Status of Women in the Profession will meet **Jan. 8** and **Feb. 7** at 6:00 p.m. 71 Thomas Street, Room 103, New York, NY. For info and to RSVP, email AdvanceStatus@nywba.org.

Civil Courts Committee will host its monthly Express Lunch meeting on **Jan. 23** from 1:00 – 2:00 p.m. in the 8th floor boardroom of the Civil Courthouse, 111 Centre St., NYC. RSVP CivilCourtsChairs@nywba.org.

Criminal Law Committee will meet **Jan. 16** at 6:15 p.m. at The Hoffinger Firm, 150 East 58th St., 16th Fl., NYC and on **March 13** at the offices of NY County Defender Services, 100 William Street, 20th Floor. For info and to RSVP, email CrimLawChairs@nywba.org.

The **Elder Law and Disabilities Committee** will meet on **Jan. 25** at 6:00 p.m. and will present a discussion of **"Proper Investments for Elderly and Disabled Persons"** hosted by Nancy M. Heiser, Vice President at UBS at her office, 200 Park Avenue, 18th Floor, New York, New York 10166. For more info and to RSVP: ElderLawChairs@nywba.org.

Legislation Committee will meet **Jan. 22** and **Feb. 19** at 6:15 p.m. at Cardi & Edgar LLP, 2 Park Ave, 19th Fl., NYC. For conference call info or to RSVP contact Joseph Caputo at (212) 481-7770 or email jcaputo@cardiedgarlaw.com.

Matrimonial and Family Law Committee present a **CLE: How to Prepare and Present Your Financial Case Before a Special Referee** on **Jan. 10** at 6:00 p.m. at 451 Park Avenue South, 10th Floor, NYC. 2 Professional Practice Credits. Free for NYWBA Members; \$50 for Non-Members. For more info email MFChairs@nywba.org. See notice p. 9.

Program & Events Committee will meet **Jan. 16** at 6:00 p.m. at the offices of Kirkland & Ellis, 601 Lexington Ave. (@53rd St.). For more info and to RSVP email Events@nywba.org.

Solo and Small Law Firm Committee will meet **Jan. 18** at 8:30 a.m. at a location TBA. The topic is **"Financial Planning, Exploring Investment Options, Health Care & Insurance Options"** with speaker Stan Lozinski. For more info and to RSVP email ssfchairs@nywba.org.

**NYWBA is proud to co-sponsor
 The Museum of the City of New York's
 Presentation:**

**The Legacy of Shirley Chisholm:
 Screening and Conversation**

A screening of the documentary
"Chisholm '72: Unbought & Unbossed"

followed by a conversation with
**Director Shola Lynch and
 Congresswoman Barbara Lee**

Date: Wednesday, January 24, 2018

Time: 6:30 – 8:30 p.m.

**Place: Museum of the City of New York
 1220 Fifth Ave., NYC**

**Cost: \$10.00 [with discount code VOTE]
 Registration online at mcny.org/suffrage**

**The Civil Courts, Litigation, Criminal Law,
 and Advance the Status of Women
 in the Profession Committees**

Present

A Civil Court Express Lunchtime Series Event

Drafting Effective Motion Papers

Speaker:

Hon. Lisa A. Sokoloff

Date: Tuesday, January 23, 2018

Time: 1:00 - 2:15 p.m.

Place: NY County Civil Court

111 Centre Street, 8th floor boardroom
 (entrance at White Street only)

CLE 1 professional practice credit (Pending)

Cost: No Charge

RSVP: civilcourtschairs@nywba.org

Info: Space is limited & RSVP is required.

**Membership:* Members attend CLE programs for free. If you are not a member, go to www.nywba.org/Membership to join or renew using our secure online membership form.

NYWBA Civil Courts Committee

presents

A Civil Court Express Lunchtime Series Event

**Bankruptcy and Your Civil
 Court Litigation – Part 2
 The Effect of the Automatic Stay**

Speakers:

Dana P. Kane, Esq. & Kristin S. Elliot, Esq.

Date: Thursday, March 22, 2018, 1:00-2:15 p.m.

**Place: NY County Civil Court, 111 Centre Street
 8th floor boardroom (entrance at White Street only)**

CLE: 1 professional practice credit (Pending)*

Cost: No Charge **

RSVP: Email civilcourtschairs@nywba.org

Info: Space is limited & RSVP is required.

** 1 CLE credit, (Professional Practice Pending):* The NYWBA is an accredited CLE provider. Approval of CLE credit is pending in accordance with the requirements of the NYS CLE Board for the above-listed credit hours for established attorneys and as transitional credit hours for newly admitted attorneys.

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Message from the New York Women's Bar Association Foundation President Gretchen Beall Schumann

As we enter the holiday season, the **New York Women's Bar Association Foundation** would like to thank the Association members for their support throughout 2017. Your active participation has made it possible for the Foundation to further its objectives of eliminating gender bias and other forms of discrimination from the legal system and legal profession, promoting the social and economic equality, safety and well-being of women and children, and addressing the unmet legal needs of women and children.

In 2017, the NYWBA Foundation continued its commitment to funding several law student fellowships, including NYU Law School fellows who worked with **Her Justice**, Fordham Law School fellows who worked with **Sanctuary for Families Center for Battered Women's Legal Services**, and a law student from Cardozo School of Law's Public Interest Summer Stipend Program who worked with **Safe Horizon's Domestic Violence Law Project**.



Foundation President Gretchen Beall Schumann is second from the right.

The Foundation expanded its impact in 2017, with three grants to organizations which fulfill its mission. The recipients included the **NYWBA's Matrimonial Committee Pro Bono Project**, administered by New York Law School, and the **Sonia and Celina Sotomayor Judicial Internship Program**, where the Foundation's grant supported both a high school and a law student intern. The Foundation made another grant to **The Young Women's Leadership School of the Bronx** for the purpose of underwriting college-related initiatives, including college trips for approximately 70 high school juniors.

The Foundation's award-winning Breakfast Speaker series continued with two timely programs. On March 20th, the Foundation welcomed networking expert and entrepreneur, **J. Kelly Hoey**, author of *Build Your Dream Network*. During the interactive discussion, led by Board member **Marilyn C. Kunstler**, Ms. Hoey provided many lively insights and practical suggestions. The Foundation was pleased to have in attendance students from Stuyvesant High School, who each received copy of the book as a gift from Ms. Hoey.

On November 30th, in conjunction with the Association's Committee to Advance the Status of Women in the Profession, and Working Parents and Equal Opportunity and Employment Committees, the Foundation hosted a moderated panel discussion, "*Women in the Workplace – What's Holding Us Back?*," featuring **Vivia Chen**, senior columnist for *The American Lawyer* and creator of *The Careerist* blog, and **Lauren Smith Brody**, author of *The Fifth Trimester: The Working Mom's Guide to Style, Sanity and Big Success After Baby*. The November 30th panel, well-attended by members of the Bench and Bar and high school students from The Young Women's Leadership School of the Bronx, was moderated by Board member **Laurie Berke-Weiss**.

The Foundation aims to continue providing quality programs and to fund innovative projects through organizations that help fulfill our mission. Thank you in advance for your support as we enter 2018 and sincere best wishes for the New Year!

“Who Gets the Money?”

On November 12, NYWBA Director **Julie Hyman** hosted “*Who Gets the Money?*” a private event in her home, a thoughtful discussion of wills, powers of attorney, and health care proxies. The program was held in memory of Bronx Women's Bar Association (BWBA) member **William Madonna** and of **Mike Hodge**, Former President of SAG-AFTRA NY Local. BWBA Board Member **Karen DeVecchio**, William Madonna's niece, shared memories of Mr. Madonna's commitment to his work and the community.

Speakers included **Lorraine Coyle**, NYWBA Director and Committee Chair **Leona Beane**, **Rabbi Thomas A. Garner** and NYWBA Director **Sabrina E. Morrissey**, who discussed the importance of planning for end of life care and creating a will which will serve as a roadmap for one's heirs. Ms. Beane spoke about the benefits of creating a will and advised on the delays and costs, both financial and emotional to heirs when a person dies without a will. Ms. Coyle reviewed Medicaid planning and emphasized the importance of consulting with an attorney specializing in this area of law about the transfer of assets and eligibility for Medicaid care. Rabbi Gardner spoke about creating “ethical” wills and shared examples and considerations to be undertaken by the person creating a will. Ms. Morrissey described the inclusion of pets in wills and some of the legislative history and caselaw that has informed this area of the trust and estates law in New York. Sandra DeFeo, Executive Director of the Humane Society of New York, attended with two rescue animals available for adoption. Esther Yang, Executive Director of Super Happy Healthy Kids led a Pet Yoga session at the conclusion of the event.

NYWBA's Matrimonial & Family Law Committee

present a CLE Program:

How to Prepare and Present Your Financial Case Before a Special Referee

Speaker:

Marilyn T. Sugarman, Special Referee of the Supreme Court New York County

Date: *Wednesday, January 10, 2018, 6:00 - 8:00 p.m.*

Place: *451 Park Avenue South, 10th Floor, NYC*

CLE: *2.0 Professional Practice Credits*

Cost: *Free – NYWBA Members*

\$50 – Non-members

Info: *Email MFChairs@nywba.org*

This event is at capacity.

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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, Jessica Wagner and Dana E. Heitz**) 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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