



NEW YORK WOMEN'S BAR ASSOCIATION

PRESIDENT'S MESSAGE

TIME'S UP, NOW!

FEBRUARY 2018



Myra L. Freed

I write this message in the days leading up to Dr. Martin Luther King, Jr.'s birthday and for our February newsletter--the month in which we celebrate Black History--with the message resounding everywhere: Time's Up, NOW!

For many of my generation, watching Dr. King's March on Washington was one of the earliest and most powerful memories of our lives. On August 23, 1963, I sat with my mother in our living room, watching the events of that day on our little black-and-white television. I knew from my mother that I was watching one of the most important moments in American history. I can still picture her sitting still, her beautiful face taut, holding back her emotions, full of hope, her eyes glistening with tears. I am thankful she shared that day with me. I will always picture the "I Have A Dream" speech as I viewed it from my living room. I consider it one of the greatest speeches I have ever heard, and Dr. King one of the greatest orators of all time. He was only 34 years old on that incredible day, something I have often thought about at various stages of my own life. I also learned around that time about the important work that lawyers did as part of the Civil Rights struggle--one of the reasons I and many members of my generation became lawyers.

It wasn't until much later in life that I read another powerful writing of Dr. King's. "Letter from Birmingham Jail" was written weeks earlier (on April 16, 1963), under darker circumstances, and is perhaps more poignant. It should be read in its entirety. To repeat just a part, Dr. King wrote in response to critics:

I cannot sit idly by in Atlanta and not be concerned about what happens in Birmingham. Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single gar-

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Announcements & Calendar of Upcoming Events

- 2/6 – Diversity Committee Mtg. – p. 3
- 2/7 – Committee to Advance the Status of Women Mtg. – p. 3
 - 2/19 – Legislation Comm. Mtg. – p. 3
- 2/20 – Civil Courts Express Lunch Series – p. 3
 - 2/27 – **Annual Judicial Reception** – p. 1
 - 2/28 – Program & Events Comm. Mtg. – p. 3
 - 3/13 – Criminal Law Comm. Mtg. – p. 3
 - 3/14 – CLE: *Raise the Age!* – pp. 3, 5
 - 3/19 – Legislation Comm. Mtg. – p.3
- 3/22 – CLE: *Civil Court Express Lunch Series* – pp. 3, 5

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)

ment of destiny. Whatever affects one directly affects all indirectly. Never again can we afford to live with the narrow, provincial "outside agitator" idea. Anyone who lives inside the United States can never be considered an outsider...

Dr. King's Letter goes on to powerfully describe the poison of segregation and racism, and why it was no longer tolerable to "wait." We in the NYWBA try to live by Dr. King's message. In these divisive times, we must be all the more vigilant for the rights and dignity of all, particularly the most vulnerable in our society. I thank all those members who bring to our attention events, actions, the work of other Associations and the appellate cases we can get involved in to better carry out our mission and live by Dr. King's words. We will never know how much better a nation we could be if Dr. King and other great leaders of that era had not been assassinated.

In January, we reached out to those who have not yet renewed their membership. If that includes you, please renew now. You can renew online, at www.nywba.org or if you have membership questions, contact our membership committee chairs at membership@nywba.org. NYWBA is currently the largest chapter of our statewide organization, The Women's Bar Association of the State of New York. WBASNY itself is now the second largest statewide bar association. This gives our chapter a bigger voice and more votes on the issues, controversies and priorities we care about. If you want a voice on the issues of the day, help us maintain our membership, and help our membership grow. And please help support all the great work and programs we do with your dues.

We are a proud co-sponsor of the Museum of the City of New York's lecture series, which accompanies the exhibit *Beyond Suffrage: A Century of Women in Politics*, open through July 22, 2018. It is a wonderful exhibit to see. On January 24th the Museum held a panel discussion, *The Legacy of Shirley Chisholm*, and showed the documentary "*Chisolm '72: Unbought & Unbossed.*" Shirley Chisholm, a Brooklyn Congresswoman, was the first African American woman to run for President, and the first woman to run nominated by a major party.

On Saturday, January 20th, we all joined once again with our friends, families, colleagues and allies in New York and around the country, in the 2018 Women's March.

On Tuesday, February 27th, we will hold one of my favorite NYWBA events, our *Annual Judicial Reception*, honoring the newly elected and appointed judges of New York County. We have good cause to be proud of our New York County judges. As one who started going to court in 1980, I can attest that New York County was the most friendly, most civil county to women and young attorneys. Our judiciary now reflects more than ever our gloriously diverse city. New York County was the first place I saw a courtroom where everyone, from the judge and court attorney to the part clerk and court officer, was a woman, when I first stepped into Judge Joan Lobis's courtroom. Many of our honorees are people we have watched from the time they were brilliant and accomplished colleagues and court attorneys, as they ascended to the bench, where we knew they belonged.

The NYWBA supports a strong and independent judiciary. As we saw in 1963 as well as today, and during so many difficult times in between, it is courageous members of our judiciary who have helped protect and keep our democracy safe and strong.

With all this in mind, we are finally moving from the power of #MeToo to "Time's Up, NOW." There is no excuse for abuse of power. There is no excuse for not
(Continued on Page 5)

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 on April 26, 2018. *(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
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COMMITTEE ON NOMINATIONS - Class of 2018-2020

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Patricia Ann Grant	Hon. Lisa A. Sokoloff

NYWBA DELEGATE NOMINEES TO WBASNY BOARD (2018-2019)

Yacine Barry-Wun	Myra L. Freed
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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
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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 on April 26, 2018 at Frankfurt Kurmit Klein & Selz PC, 488 Madison Avenue, NYC 10022, 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).

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.

Mudita Chawla	Robin M. LoGuidice
William G. Goldsmith	Nancy M. Louden
Helaine Hausner	Elizabeth Marks
Adria S. Hillman	Jacqueline Newman
Marcy H. Katz	James J. Morrissey, Jr.
Lois J. Liberman	Alexis M. Wolf

WELCOME NEW MEMBERS

Shahabuddeen A. Ally	Jessica L. Morris
Laura K. Ashikaga	James J. Morrissey, Jr.
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Arielle Carla	Illana Ram
Susan R. Chalfin	Carolina Ramirez
Alyssa C. Clark	Vanessa C. Richardson
Lauren A. Curatolo	Stacey Richman
Sarah Depew	Lana Schlesinger
Gina M. Ferrara	Diana Sen
Jennifer M. Frankola Crawford	Lisa Vara
Kathleen E. Gill	Zara Watkins
Almir Hot	Allen E. Whitt
Samantha N. Jacobson	Dena Wurman
Regina Kiperman	
Sari Kolatch	as of 1/31/18
Elisabeth M. Kovac	
Souhella Makouri	
Jacklyn Mann	
Kristen E. Marinaccio	

COMMITTEE CALENDAR

Children's Rights Committee will host a **CLE: Raise the AGE!** on **March 14** from 1:00 – 2:00 p.m. at the New York County Family Court, 10th Floor Library. For info and to RSVP, email ChildrensRights@nywba.org. See notice p. 5.

Civil Courts Committee will hold its **Express Lunch Series** on **Feb. 20** at 1:00 p.m. The Committee will host a **Express Lunch Series CLE Event** on **March 22** entitled: **"Bankruptcy and Your Civil Court Litigation – Part 2, the Effect of the Automatic Stay,"** from 1:00 -2:15 p.m. All meetings will take place at 111 Centre Street, 8th Floor boardroom (entrance at White Street only), NYC. For info and to RSVP, email CivilCourtsChairs@nywba.org.

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

Criminal Law Committee will meet **March 13** at 6:15 p.m. at the offices of NY County Defender Services, 100 William Street, 20th Fl. For info and to RSVP email CrimLawChairs@nywba.org.

Diversity Committee will meet on **Feb. 6** at 6:15 p.m. at Blank Rome LLP, The Chrysler Building, 405 Lexington Avenue (btwn. 42nd/43rd Streets), 24th Floor, NYC. To RSVP or for more info email DiversityChairs@nywba.org. ID and RSVP required for admission to the building.

Legislation Committee will host its monthly meetings on **Feb. 19** and **March 19** at 6:15 p.m. at Cardi & Edgar LLP, 2 Park Ave. 19th Fl., NYC. For call-in information and to RSVP, email jcaputo@cardiedgarlaw.com by the 15th of the month.

Program & Events Committee will meet **Feb. 28** 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. *RSVP and ID are required for admission to the building.*

NOTES ON MEMBERS

Congratulations to NYWBA Foundation board member **Lesley Adamo** on the birth of her daughter, Charlotte.

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

The Future of Reproductive Rights and the Importance of Bar Engagement

On October 4, 2017, the Center for Reproductive Rights partnered with the Sex and Law Committee at the New York City Bar Association to present *"The Future of Reproductive Rights and the Importance of Bar Engagement."* This event featured an introduction by Center President & CEO **Nancy Northup** who introduced the Lawyers Network and spoke about the vital role lawyers can play in safeguarding constitutional protections for bodily autonomy and reproductive decision-making. Slate Magazine Senior Editor **Dahlia Lithwick** then moderated a conversation between New York Attorney General **Eric Schneiderman** and the Alexander F. and May T. Morrison Professor of Law at Berkeley **Melissa Murray**. The speakers reflected on the 2016 Supreme Court decision in *Whole Woman's Health v. Hellerstedt* and the current state of reproductive rights law.¹

The following is an edited transcript of Nancy Northup's remarks.

Tonight, we are going to be talking about the state of politics of reproductive rights in the U.S. and the impact that has on women's health. I'm going to tell you about the new Lawyers Network that the Center for Reproductive Rights is launching to educate and engage the legal profession around this critical fight that we are in, but first I want to take us back to some fundamentals. There is so much "politics" around reproductive rights that we forget that at the heart of the matter are some key biological and medical facts. Now there are also social, cultural, economic, and other factors that form the basis for why reproductive rights are fundamental rights, but I just want to focus us all before we get into the politics, and law, and all that, on some of those basic biological and medical facts.

So, here's one. Fact: women and men have different reproductive systems. Fact: women risk their lives and their health to birth children. There's so much politics, so much fighting, so much partisanship that we forget these basic facts. For women to give birth to children they need to contribute an egg, which may or may not be a painful process depending on whether there must be assisted reproductive technology. Then for nine months they need to be the gestational carriers for first an embryo, then a fetus, and eventually a baby. Every step of those nine months there are huge physiological, biological, and hormonal changes, and then at the end of nine months, if they are able to

carry fully to term, they need to deliver either through the birthing process or through surgery.

Women's ability to control the number and spacing of their children, whether and when they want to have children, [and] how many children, is fundamental to their very right to life, as well as to their health - and other things that will come into play later like equality and dignity and the ability to make decisions. Without access to prenatal care and life-saving obstetrics care women can die, and that has been true throughout history; it's true today. If you look around the world in countries that are still developing in their health systems for example, in Nigeria a woman's lifetime risk of dying in connection with pregnancy is one in 20. So, if you are a woman in Nigeria you are very likely to fear death through pregnancy. One in 20 in Nigeria, in Italy it's one in 20,000. There's nothing different biologically about women in Italy than women in Nigeria. What is different is that they have access to healthcare.

Without access to contraception the average sexually active heterosexual woman would have ten children. That is why access to contraception is so fundamental to women's health and lives. The ability to access safe and legal abortion in this country [is critical]. Before *Roe v. Wade*, and throughout the world, if women cannot access safe and legal abortion, women will die. So, as I said it's not just these rights that refer to women's right to life and right to health but also her right to autonomy, dignity and equality. It is based on all these things that courts here in the U.S., courts in other constitutional systems around the world, and international human rights bodies have found that reproductive rights are fundamental human rights, but as everyone in this room knows it remains a contested issue in the United States and that brings us to the need for bar engagement.

We're still fighting here in the United States for access to safe and legal abortion. We're still fighting about whether contraception is preventative medicine that women should be able to access and have covered by their health insurance. We're still fighting about whether obstetrics care needs to be covered as a fundamental package in health insurance. So, when we think about bar engagement I want to take us back to June 2016 when the Center for Reproductive Rights won the *Whole Woman's Health v. Hellerstedt* case in the Supreme Court. There was tremendous engage-

ment by the bar in that case and even if we just think about this room we can see it right here. The New York City Bar Association, as you heard from John [Kiernan, President of the NYCBA], filed a very important amicus brief in the case, which talked about how the U.S. Court of Appeals for the Fifth Circuit - the case had come up from Texas - was abdicating its responsibility to have an affirmative duty to review the legislative findings. Attorney General Schneiderman, on behalf of fifteen states and the District of Columbia, filed an incredibly important brief as well, which took a stand not usually taken by states, who are in the business of defending legislative judgments, but again talking about the need for independent review of legislative overreach.

Professor Melissa Murray whom you will hear from tonight was the lead author of a brief of constitutional scholars, that among other things talked about how Texas's abortion restrictions undermined women's dignity and stature as equal citizens. More than 100 women attorneys signed onto a brief, in their own names and with their professional affiliations, where they talked to the Supreme Court about the fact that they had had abortions. They let the Court know that that language that the Court used in the past in abortion cases, talking about how essential the ability to control one's reproductive health is for women in terms of their participation equally in the economic and social life of the nation, was true of their lives. They wanted to be sure that the right was protected for the next generation.

All in all, there were 45 amicus briefs in the case and 27 of them were authored by top law firms across the nation bringing to bear different clients with different perspectives but supporting the plaintiffs in *Whole Woman's Health*. Now, I like to point out that not one major law firm across the country came in support of Texas with an amicus brief.

Lawyers play a critical role in the protection of reproductive rights, but we can do even more. The Lawyers Network is not about pro bono support for cases or even just amicus briefs filed in cases. It's about the dialogue we all need to be having; it's about raising the salience of reproductive rights issues, which are not just about abortion rights. It's about obstetrics care, it's about health insurance coverage, it's about the emerging field of assisted reproductive technology. But in all of these issues we need to be educated and we need to bring

(Continued on Page 5)

Reproductive Rights (Continued from Page 4)

more people into the discussion within the bar, because while it's clear that these basic principles are enshrined in federal and state law, there is much to be done to ensure that the full force of the law protects these rights in both theory and practice.

So, in terms of this fundamental education, what can you be doing?

Well, bar associations and their leaders can influence their peers in law firms, corporate legal departments, government agencies and even on the bench. We want to have a lot more programs like this and they shouldn't just be coming out of the women and law committee or the sex and law committee--they should be coming out of the many, many different committees that our issues touch upon. Substantive programs and articles, writing, engagement, draft resolutions and policies for associations to support reproductive rights, and of course, assistance with amicus briefs and position statements. I would encourage you not to just think about what you can do here in New York, but what you can do [to engage] with your colleagues across the nation, you know, your law school classmate who is practicing in Louisiana or Texas or Mississippi or Georgia or Florida, or one of the many states where we have hard-fought battles. We are launching this Lawyers Network across the country. Call them up, find out how they might want to be engaged. We need leaders in those states to take on these issues of reproductive health and rights, even in those very tough environments. So join us, reach out to your legal colleagues across the nation, and let's work together to create the programs, articles and policies to make reproductive rights truly a right protected fundamentally in this country.

"I am proud to have met Nancy Northrup and heard her powerful remarks at the City Bar Program. I thank Nancy and the Center for Reproductive Rights for having her words transcribed for our Association members." — Myra

1. The Center for Reproductive Rights would like to thank the event's cosponsors, the New York City Bar Association Sex and Law Committee, the New York City Bar Association Pro Bono and Legal Services Committee, and the New York Women's Bar Association. A video recording of the event is available at <http://bit.ly/2zQE3tX>. To learn more about the Center and its work visit www.reproductiverights.org.

***NYWBA Children's Rights Committee
presents a CLE Program:***

Raise the Age!

**Wednesday, March 14, 2018
1:00 - 2:00 p.m.**

**NY County Family Court
10th Floor Library**

For more info, email ChildrensRights@nywba.org.

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*

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: *Email civilcourchairs@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.

*** 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.

President's Message (Continued from Page 2)

knowing how to treat people who are not of your gender, job title, race, ethnicity or religion. There is no excuse for denying anyone's dignity. Let us all work together to make real and lasting change. As Dr. King wrote in Birmingham in 1963,

...when you have to concoct an answer for a five-year old son asking in agonizing pathos, "Daddy, why do white people treat colored people so mean?" ...when your wife and mother are never given the respected title "Mrs."; when you are harried by day and haunted by night by the fact that you are a Negro, living constantly at tiptoe stance, never quite knowing what to expect and plagued by inner fears and outer resentments; when you are forever fighting a degenerating sense of "nobodyness" – then you understand why we find it difficult to wait. There comes a time when the cup of endurance runs over and men are no longer willing to be plunged into an abyss of injustice where they experience the bleakness of corroding despair. I hope, sirs, you can understand our legitimate and unavoidable impatience...

Time is now up, at last. Let's continue to fight the good fight together. We shall overcome, together.

Myra

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NEW YORK WOMEN'S BAR ASSOCIATION

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NYWBA Membership Information

We thank our current members for their continued support and involvement, and we look forward to welcoming new and renewing members. Take advantage of our many 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 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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