



# NEW YORK WOMEN'S BAR ASSOCIATION

## PRESIDENT'S MESSAGE

DECEMBER 2019

Every so often waiting until the last minute to get something done pays off. In this case, I waited to draft this message until the very, very last minute and while waiting I was informed that **Hon. Rosalyn Richter**, an Associate Justice of the First Department, is being honored by the New York State Bar Association with the **2019 Ruth G. Schapiro Memorial Award!**\*



Virginia A. LoPreto

This Award honors those who have made a noteworthy contribution to addressing the concerns of women such as domestic violence, child abuse, bias, health and gender equality. Justice Richter's legal career has focused on many of these important issues. She began her career with a firm focused on family law and thereafter became an Executive Director and the first full-time attorney of Lambda Legal Defense and Education Fund where she fought against discriminatory legislation. Justice Richter is a long time member of our Association and WBASNY and has served as a mentor and role model for countless women attorneys. Most recently as part of her work for the City Bar Association she facilitated the collection of data on women appearing in the First Department. **The Ruth G. Schapiro Memorial Award will be presented to Justice Richter at the NYSBA House of Delegates meeting on Friday, January 31, 2020 at 9:45 a.m.** I welcome our members to attend and show support for Justice Richter.

There is more welcome news: Women's organizations throughout the country are celebrating the 100th anniversary of the passage and ratification of the 19th Amendment. And our Association and WBASNY are no exceptions. This year, on November 15, 2019, WBASNY co-chairs **Liz Kraengel** and **Ravi Cattry** organized an event for WBASNY members in Seneca Falls in celebration of 100 years of suffrage in the United States. (See picture of our members attending this event on p. 2).

In addition WBASNY, along with our Association, is hosting an event on **January 24, 2020** to address the future of the **Equal Rights Amendment**. The national effort to adopt a Federal Equal Rights Amendment gained momentum following the elections in Virginia, a state poised to ratify the Amendment shortly. This event will provide a wonderful opportunity for us

*(Continued on Page 2)*

*NYWBA's ADR, Civil Court, Diversity, Domestic Violence, Litigation, Matrimonial & Family Law, and Trusts & Estates Committees and NYCLA's Civil Courts Practice Section are proud to present a CLE Program:*

### *Presumptive ADR in the NYS Unified Court System*

This program will enable participants to learn from judicial leaders and court administrators about presumptive ADR programs in the Civil, Surrogates, and Supreme Courts, and what practitioners need to know.

#### *Panelists:*

- Hon. Deborah A. Kaplan*
- Hon. Anthony Cannataro*
- Hon. Rita Mella*
- Hon. Carol Sherman*
- Lisa M. Denig, Esq.*
- Joan G. Levenson, Esq.*

#### *Moderator:*

*Lisa M. Courtney, Esq.*

- Date:** *Monday, December 2, 2019*
- Time:** *2:00 p.m. – 4:00 p.m.*
- Place:** *Supreme Court, New York County*  
*60 Centre Street, Room 300, New York, NY*
- CLE:** *Credits 2.0\**
- Cost:** *Free – Current NYWBA Members*  
*\$50 – Non-members\*\**
- Info:** *Email [Litigation@nywba.org](mailto:Litigation@nywba.org)*
- RSVP:** *<http://bit.ly/35tKymz>*

\*CLE Credits: (2.0 Professional Practice): 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.

\*\* Free NYWBA members, \$50, non-member: Full and partial scholarships based on financial need are available. For info on the guidelines and to apply, contact CLE Co-Chairs at [cle@nywba.org](mailto:cle@nywba.org) or 212-216-1135. All requests are confidential.

*President's Message (Continued from Page 1)*

to learn about the work that needs to be done to make the Amendment a reality. **So Save the Date!** This meeting will include wine and dinner and is being held at the offices of LoPreto+Levy, LLP starting at 6:00 p.m. The event is the night before the WBASNY board meeting so I am hoping our delegates, board members and Association members will attend.

With all eyes on women's rights, the challenges to *Roe v. Wade* remain formidable despite strong public support for safe abortion care. In an earlier message I referenced the many states who had enacted restrictions and bans on access to abortion care. The ACLU is now undefeated, with a 7-0 record challenging state abortion bans in court—bans in Alabama, Arkansas, Georgia, Kentucky, Missouri, Ohio and Utah have all been blocked. Our **Reproductive Rights and Women's Health Committee** has been active in coordinating with local organizations to address what we can do to ensure that there is safe, accessible and affordable abortion care. If you have not joined a committee or if you are looking for one that resonates with you, reach out to the chairs at [ReproductiveRights@nywba.org](mailto:ReproductiveRights@nywba.org). We can never have too many women fighting for us!

*Virginia*

\* Justice Richter was nominated by NYWBA for this award to WBASNY who thereafter supported her nomination to the NYSBA. Special thanks to our Awards Committee Co-chair, **Elyssa S. Kates**, for her work in preparing the packet to WBASNY and NYSBA.



*(l. to r.): NYWBA members Patricia E. Hennessey, Amy Saltzman, and WWBA member Alayne Katz.*

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

**Individual Liability for Corporate Wrongdoing:  
How Thick is the Corporate Veil?**

*Speaker: Charles M. Miller, Esq.*

- Date:** December 4, 2019
- Time:** 6:00 to 6:30 p.m. networking  
6:30 to 8:00 p.m. program
- Place:** **Tarter Krinsky & Drogin LLP**  
1350 Broadway, NYC
- CLE:** 1.5 professional practice\*
- Cost:** Free – Current NYWBA Members\*\*  
\$50 – Non-members
- Info:** Email [cle@nywba.org](mailto:cle@nywba.org)
- RSVP:** <http://bit.ly/CorpVeil>

*Beverages and Light Snacks Will Be Served*

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**NYWBA's Federal Practice Committee**  
**and the Federal Bar Association**  
*present a CLE Program:*

**Serving and Responding to Federal Non-Party  
Subpoenas: A Practical Overview**  
**LIVE AND WEBINAR**

*Speakers:*

**Matthew Handler, Esq. and Jason Canales, Esq.**  
**Vivian Rivera Drohan, Introduction**

- Date** January 23, 2020 — note new date
- Time** 12:30 p.m. – 2:00 p.m.
- Location** **Drohan Lee LLP**  
680 Fifth Avenue, 10th Floor, NYC
- CLE** Credits 1.5\*  
This CLE is also being offered via webinar.  
Sign in information to be provided.
- Cost** Free – Current NYWBA Members  
\$35 – Non-members\*\*
- Info & RSVP** Email [FederalPractice@nywba.org](mailto:FederalPractice@nywba.org)

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## WELCOME NEW MEMBERS

Jessy Albaz  
 Hadel Alfagir  
 Carol Barbash  
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 Francesca A. Rogo  
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 Goeun Son  
 Ashley M. Stephenson  
 Debra A. Vey Voda-Hamilton  
 Mira Weiss

as of 9/16/2019

On October 22nd, the *Civil Courts Committee* continued its lunchtime CLE series with a program titled *“Recent changes to RPAPL 745: Rent Deposit Law”* presented by *Hon. Judy H. Kim*, Judge of the Civil Court, *Hon. John Zhuo Wang*, Judge of the Housing Court, and *Crystal Villasenor, Esq.* Along with the presentation, which included a comparison of the law both before and after the recently enacted 2019 Housing Stability and Tenant Protection Act, presenters and attendees engaged in a lively discussion on the legal and practical effects of RPAPL 745 in light of its recent amendment.



(l. to r.): Committee Co-chair Crystal Villasenor, Esq., Hon. Judy H. Kim, Judge of the Civil Court (center), and Committee Co-chair Hon. John Zhuo Wang, Judge of the Housing Court

## COMMITTEE CALENDAR

- The *Committee to Advance the Status of Women in the Profession* meeting will be held on **December 5** at 6:30 p.m. at Harris St. Laurent, LLP, 40 Wall St., 53rd Floor, NYC. RSVP: [advancestatus@nywba.org](mailto:advancestatus@nywba.org).
- *Elder Law & Disabilities Committee* meeting/holiday get-together on **December 12**, 5:15 p.m. at Maxwell's, 59 Reade Street, NYC. RSVP [elderlawchairs@nywba.org](mailto:elderlawchairs@nywba.org).
- *International Women's Rights Committee* meeting on **December 10** at 6:30 p.m. Location TBD. RSVP [IntlChairs@nywba.org](mailto:IntlChairs@nywba.org).
- *Programs and Events Committee* meeting will be held at Kirkland & Ellis, 601 Lexington Ave., NYC on **December 18**, 6:00 p.m. RSVP and ID are required for admission into the building. RSVP [events@nywba.org](mailto:events@nywba.org).

## NOTES ON MEMBERS

Congratulations to Litigation Committee Co-chair **Sara J. Crasson** on her recently-published book *Own Your Magic: A Magician's Guide to Protecting Your Intellectual Property*.

NYWBA sends its deepest condolences to **Hon. Matthew F. Cooper**, whose mother Joan Cooper died on October 6, 2019. Donations in memoriam may be made to Doctors Without Borders.

Congratulations to Criminal Law Committee Co-chair **Jessica A. Horani**, who was featured in the Fall 2019 issue of Cardozo Law's Magazine's special feature on a *Legacy of Leadership, Cardozo Women*.

## 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.*

Rena C. Dawson  
 Antoinette Delruelle  
 Patricia Ann Fersch  
 Margery A. Greenberg  
 Adria S. Hillman

Hon. Karla Moskowitz  
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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.

## ***Defending their Lives: Domestic Violence Survivors Justice Act and Beyond***

***By Amanda B. Norejko and Laura A. Russell***

For Domestic Violence Awareness Month in October, the Criminal Law Committee and the Domestic Violence Committee co-sponsored a CLE panel on October 22, 2019, titled “***Defending their Lives: Domestic Violence Survivors Justice Act and Beyond.***” The focus of the panel was the DV Survivors Justice Act, which was passed after many years of debate in the legislature, and came into force on August 12, 2019. CLE credits were provided by New York Legal Assistance Group (NYLAG). The firm of Arnold & Porter Kaye Scholer LLP hosted the event.

The panel began with a moving video created by the Coalition of Women Prisoners, which was formed in 1994 by the Correctional Association of New York to fight for the rights of women and families in the criminal justice system. The video featured formerly incarcerated women, the majority of whom were survivors of domestic violence (DV), explaining how their experiences in the correctional system led them to activism to improve the lives of other incarcerated women. One of their successes is the passage of the DV Survivors Justice Act—the culmination of years of advocacy by advocates, including DV survivors who experienced incarceration and many more who could easily imagine themselves ending up behind bars as a result of the abuse they suffered.

This new law permits judges to sentence DV survivors convicted of crimes directly related to the abuse they suffered to shorter prison terms and, in some cases, to community-based alternative-to-incarceration programs instead of prison. It also provides DV survivors currently in prison the opportunity to apply to the courts for resentencing in narrowly defined circumstances.

The panel featured the ***Honorable Ellen N. Biben***, Administrative Judge of the Supreme Court, Criminal Term, New York County; ***Robert Dean, Esq.***, Executive Director, Center for Appellate Litigation; ***Kate Mogulescu, Esq.***, Assistant Professor of Clinical Law, Brooklyn Law School; ***Lawrence Newman, Esq.***, Chief, Domestic Violence Unit, Manhattan District Attorney’s Office; ***Ellen Rosenberg, Esq.***, Program Director, Women’s Prison Association Law Project; and moderator ***Tuozhi Lorna Zhen, Esq.***, Supervising Attorney, Domestic Violence Law Unit, New York Legal Assistance Group.

The speakers engaged in a spirited discussion of the new law and how it would impact criminal court practice, lives of future defendants and people who are currently incarcerated.

For a DV survivor to obtain the relief offered by the new law (CPL § 60.12 or CPL § 440.47), a judge must find that: at the time of the offense, the defendant was a DV victim subjected to substantial physical, sexual or psychological abuse inflicted by a spouse, intimate partner or relative, either by blood or marriage, and that the abuse was a significant contributing factor to the crime.

The view from the bench highlighted the way this law will provide judges with more discretion in cases where their hands were previously tied by mandatory minimum sentencing.

The prosecutor’s concerns (and the reasons why the District Attorneys Association of the State of New York had long opposed this legislation), included the possibility of the flood-gates opening to requests for resentencing by prisoners serving long sentences, a lack of closure for crime victims who could see cases reopen for defendants who were already sentenced, and the difficulty of investigating claims of domestic violence years later when witnesses and evidence may no longer be available. The DA Association also felt that they had already taken DV into consideration, and this might be just a tactic for a reduced sentence.

The view from the defense bar was that this law is a long-needed remedy to address an injustice inflicted on many DV survivors, as there is a long history of the court system failing to take DV into account. The fact that the overwhelming majority of women in prison have been subjected to DV prior to their incarceration shows that the legal system has not always afforded them due consideration for their circumstances in sentencing. A key aspect of this new law is that it is backward-looking, meaning the presence of DV can be considered for resentencing in older cases where DV may have not been a factor at the initial sentencing.

The panel also discussed the impact of incarceration upon women, particularly those who have suffered trauma, and the obstacles they face when trying to rebuild their lives after their release from prison. The speakers further noted the effectiveness of well-crafted alternatives to incarceration programs in addressing trauma and preventing recidivism. These programs have been developed by the Manhattan District Attorney’s Office as well as many not-for-profit organizations, including the Women’s Prison Association, and they attempt to address the root causes that led to the commission of an offense rather than merely punishing the defendant with a prison sentence.

Participants learned that the appellate public defenders are in the process of reaching out to all currently-incarcerated individuals, starting with the 800 women and then moving on to the 12,000 men whose sentences are lengthy enough to make them potentially eligible for resentencing under this law. The logistics of the process were explained, and the appellate defenders have developed materials providing guidance on how to navigate a resentencing application.

As the law had only been in force for a couple of months prior to the date of the panel, its impact has not yet been fully realized. Panelists were eager to revisit this topic after more cases have been determined under these new provisions of the CPL so the full impact of this long-anticipated legislation can be analyzed. It remains to be seen whether the law will offer the relief for which advocates have been hoping or if the concerns raised by prosecutors will become a reality.

*Amanda B. Norejko and Laura A. Russell are two of the co-chairs of the NYWBA Domestic Violence Committee. Amanda is a Family Court Support Magistrate in New York County. Laura is Director of the Family Law/Domestic Violence Unit of the Legal Aid Society.*

***Eileen Fisher Outing Offers Fashion,  
Feminism, and Fun***  
By Anne Maly

On October 30, 2019, a group of NYWBA members and their guests attended an evening of shopping, networking, and discussion at the spacious and modern SoHo store of *Eileen Fisher*. The event was organized and sponsored by the *NYWBA Program and Events Committee*.

The evening started with light conversation over glasses of prosecco and refreshments. Then the attendees browsed and tried on clothing, many hoping for a “new look.” The fall collection highlighted cozy sweaters, jewel tones, and flowing, oversized pieces. Many attendees agreed that the true strengths of the brand were the architectural style of many of the pieces, the neutral basics, and, of course, the versatility of the items in black! The most popular style to leave the store that night was a pair of loose-fitting white pants, in cropped or tailored cut.

After an hour of browsing and trying on items, the chime of a singing bowl filled the store and it was time to start the “generous listening” session. After a brief introduction to the store and the brand, Rosie, the store manager, then invited the group to start with a moment of silence, which also was prompted with a chime of the singing bowl. Rosie explained that every meeting at Eileen Fisher, whether in a store or at the corporate headquarters, starts with a moment of silence to refocus and ground attendees in the moment.

Following the moment of silence, the attendees were paired off to take turns sharing their thoughts on “what is possible when women come together.” As our NYWBA members all know, anything and everything can happen when women come together! After the exercises, the attendees described finding something in common with their partners and learning new things about their partners that sparked their interest. The attendees also found differences in their reactions to the silhouettes and styles of the brand, yet when it came to a fellow attendee asking opinions on an item or outfit they liked, the group could all agree on whether it suited the wearer or not.

The evening closed with two prize drawings for a beautiful woven scarf and a sweater stone to remove sweater pilling. Overall, it was an evening filled with fashion, feminism, and fun. The attendees learned something, bought something, and walked away with new friends, new clothes, or both.

*Anne Maly received her Juris Doctorate and Masters in Tax Law from New York Law School and is an attorney with the IRS Office of Chief Counsel LB&I Division in New York.*

***Children’s Rights Committee enjoying a drink  
during their October committee meeting.***



*The NYWBA Trusts & Estates Committee is  
proud to sponsor a CLE Program on*  
***“Contested Probate Proceedings”***

*Featured Speakers:*

***Gary B. Freidman, Esq. and Eric Penzer, Esq.***

***Date***     *February 5, 2020*  
***Time***     6:30—8:30 p.m.  
***Place***     ***Paul, Weiss, Rifkind, Wharton & Garrison***  
                  1285 Avenue of the Americas, NYC  
***CLE***       1.5 Credits\*  
***Cost***       Free for members; \$50 for non-members\*\*  
***Info***       Email [techairs@nywba.org](mailto:techairs@nywba.org)  
***RSVP***     <http://bit.ly/ContestedProbate>

*Beverages and Light Snacks Will Be Served*

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The NYWBA Foundation held another in its breakfast speaker series on September 26, 2019, featuring ***Toni Jaeger-Fine***, Assistant Dean at Fordham Law School and ***author of the new book, “Becoming a Lawyer: Discovering and Defining Your Professional Persona.”*** Dean Jaeger-Fine engagingly provided valuable insights into the key elements of a successful legal career, which apply to professionals at all levels. A lengthy Q&A followed. Special thanks to Dean Jaeger-Fine and to our host, Fordham Law School, as well as to breakfast sponsors ***Berke-Weiss Law PLLC*** and ***Cohen Rabin Stine Schumann LLP.***

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# NEW YORK WOMEN'S BAR ASSOCIATION

A Founding Chapter of THE WOMEN'S BAR ASSOCIATION OF THE STATE OF NEW YORK

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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](http://www.nywba.org/Membership) to access our secure online membership form.

Current members should send updated address and contact information to [ED@nywba.org](mailto: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 **Dana E. Heitz**, **Gabriella Formosa**, **Jennifer Branca** and **Katelyn M. Brack**) 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](mailto: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](mailto:newsletternywba@gmail.com) if you have questions or are interested in joining the Newsletter Committee.

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