



# NEW YORK WOMEN'S BAR ASSOCIATION

## PRESIDENT'S MESSAGE

OCTOBER 2021

The past two months have been full of continued turmoil and threats to women's rights both domestically and abroad. Women in Afghanistan are facing a resumption of oppression under Taliban rule, and the lives of Afghan women judges, particularly those who previously presided over the trials of Taliban leaders, are in jeopardy. Meanwhile, women in Texas are facing increasing loss of control over their own bodies and lives with the passage of oppressive legislation curtailing their access to critical reproductive health care services. Here in New York, we continue to uncover years of hidden misogyny among our public officials, having seen an Attorney General, two governors, as well as some judges ousted from office due to their exploitation, harassment, and abuse of women.



Amanda B. Norejko

Although there are women who have reached great heights in government and in the legal profession, it is not sufficient that some women have acquired wealth or power. Individual "empowerment" does not overthrow structural inequality. In order to be truly effective at achieving gender equality, feminists cannot be content with touting the victories of a few women who manage to break the glass ceiling when nothing is done to stop the establishment from replacing the pane behind them.

As a bar association dedicated to elevating the status of women, the NYWBA will continue to shine a spotlight on laws and policies that continue to disadvantage women. Through WBASNY, we will make our voices heard about the issues that matter to our members and work to break down the systems that stand in the way of equal opportunity and equal access to justice. Until all women are emancipated from the shackles of theocratic and patriarchal oppression, no woman is truly free. Until all women are free, our fight continues.

The NYWBA cannot accomplish its goals, short or long term, without the strength of its members and their continued participation in our events and committee meetings.

On September 29th, we came together for our **Annual Membership Reception**, held virtually for the second time, and were fortunate to

*(Continued on Page 2)*

**The New York Women's Bar Association,  
Judges and Lawyers Breast Cancer Alert,  
SHARE, Bronx Women's Bar Association,  
Brooklyn Women's Bar Association,  
Queens County Women's Bar Association and  
Staten Island Women's Bar Association**

**Invite you to**

***Listen to Your Body Talk:  
Breast Cancer and Ovarian  
Cancer Awareness***

Featuring:

**Theresa Drescher**, Author, Motivational Speaker, and  
Personal Coach, volunteer for breast cancer helpline at  
SHARE

**Andrea Herzberg**, former news reporter, 26-year veteran  
of NYPD, retired sergeant of Special Victims Unit,  
coordinator for ovarian cancer helpline at SHARE

**Susan Broderick**, Program Director at the National DA's  
Association and Author of the soon to be published book  
"Make Mine A Double," breast cancer survivor.

**Amanda B. Norejko**, President, NYWBA,  
ovarian cancer survivor (moderator)

- Learn about breast and ovarian cancers from the unique perspective of survivors.
- Learn about risks, treatments, early detection, doctor-patient relationships and much more.
- Become empowered about your health.
- Have the opportunity to ask questions.

**October 26, 2021, 6:00pm to 7:00pm**

Via Zoom

**RSVP: <https://bit.ly/NYWBA1026>**

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

have **Hon. Anthony Cannataro** share his wit and wisdom with our members and prospective members. As we did last year, we raised funds to combat Period Poverty, which will benefit the clients of two local organizations dedicated to survivors of trafficking, domestic violence, and homelessness. My deepest appreciation goes to Judge Cannataro, Vice President **Magnolia D. Levy**, Immediate Past President **Virginia A. LoPreto**, Executive Director **Karen Lu**, and all of the Committee Chairs who helped make the evening fun and informative for all who participated.

I am pleased to announce the launch of our new membership system that will make it easier to renew your membership and update your information to ensure that you continue to receive NYWBA communications and publications. You will now be able to login through our website using your email address and a password to pay dues; change your address, telephone number, or firm affiliation; and add new practice areas and committee selections. You will be able to easily login to check on your membership status, and you can use your personal username or email address and password to access our "members only" features such as contact details for our Committee Chairs and our archive of NYWBA newsletters. One of the lessons we have learned from the pandemic is that online accessibility is a hugely important component of maintaining our connections, networking, and staying informed about developments in the law, court policy, and practice skills. The new membership system is the first step in our plans to provide additional resources to our members through the NYWBA website. The membership system was designed and implemented by TAGOnline in consultation with members of the Board of Directors, Advisory Council, and our Executive Director. Special thanks go to **Elizabeth Bryson**, Karen Lu, and the TAGOnline team of **Amy Gideon**, **Christina Rahhal**, and **Eric Zimmerman** for their extraordinary work developing this new system.

If you have not yet renewed your membership for the 2021-2022 year, please go to our website at <https://www.nywba.org/membership/> to set up your unique login and password and update your membership today.

I look forward to seeing you at our upcoming virtual events.

*Amanda*

*"I raise up my voice—not so that I can shout, but so that those without a voice can be heard. ... We cannot all succeed when half of us are held back." - Malala Yousafzai*

**Your Opinion Matters**

NYWBA is seeking monthly opinions on legal matters. Please send your op-ed piece to [opinions@nywba.org](mailto:opinions@nywba.org).

**NYWBA MEMBERSHIP**

**If you have already renewed, THANK YOU!**

If you haven't, it's time to RENEW your membership for 2021-2022.

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

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

**Save-the-Date**

The Matrimonial & Family Law Committee  
presents

***A Check-in with the Courts:  
An Evening with Court Attorneys***

**October 26, 2021, 6:00 p.m.**



**10% discount for NYWBA members**

**JAVON ZOW**  
Store Manager  
T. 212.421.4444  
[50th@SuperRunnersShop.com](mailto:50th@SuperRunnersShop.com)  
[JAVON.ZOW@SRS.COM](mailto:JAVON.ZOW@SRS.COM)

## WELCOME NEW MEMBERS

Shiva Bahmani	Meghan E. Kacsmar
Kyriaki A. Christodoulo	Sarah A. Kaufmann
Tenzin D. Dharlo	Maryn Lowell
Ruth Drinkwater	Kacey M. Martin
Leroy A. D'Souza	Jamie Sanderson
Sabrina M. Galli	Kelly Sloan
Vayuna Gupta	Frances A. Ziesing

as of 09/30/21

## 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.

*Ann Pinciss Berman  
Michele E. Kahn  
Karen Greve Milton  
Barbara A. Ryan  
Angela G. Tese-Milner*

## COMMITTEE CALENDAR

**Oct. 6, 6:00 PM - Program & Events Committee** meeting by Zoom. RSVP [events@nywba.org](mailto:events@nywba.org).

**Oct. 7, 5:00 PM - Immigration Committee** meeting by Zoom. RSVP [immigrationchairs@nywba.org](mailto:immigrationchairs@nywba.org).

**Oct. 7, 6:00 PM - Diversity & Inclusion Committee** meeting will be held by Zoom. RSVP [diversitychairs@nywba.org](mailto:diversitychairs@nywba.org).

**Oct. 8, 12:30 PM - EEOW Committee** meeting. RSVP [EEOWChairs@nywba.org](mailto:EEOWChairs@nywba.org).

**Oct. 21, 9:00 AM - Solo & Small Firm Practice** meeting by Zoom. RSVP [ssfchairs@nywba.org](mailto:ssfchairs@nywba.org).

**Oct. 25, 5:50 PM - Pro Bono Committee** meeting by Zoom. RSVP [probono@nywba.org](mailto:probono@nywba.org).

### Guardianship Mentoring Program

The **NYWBA Elder Law and Disabilities Committee** and the **Guardianship Diversity Initiative** have created a mentoring program for anyone who is interested in being appointed as Court Evaluator, Guardian or Counsel to Guardian. If you are new to the field or have interest in this area of law and would like to have an experienced attorney to help you with any one of these roles, or if you have questions about Mental Hygiene Law Article 81, please send an email to [elderlawchairs@nywba.org](mailto:elderlawchairs@nywba.org).

## NOTES ON MEMBERS

### Congratulations

Congratulations to our NYWBA Board Member **Alexandra King** on the birth of her new baby, Collins Rose King, born on August 31, 2021.

### Condolences

The NYWBA extends our sincerest condolences to our NYWBA Board Member **Judith E. White**, on the loss of her mother, Barbara White, who passed away on August 27, 2021 at the age of 90.

The NYWBA extends our sincerest condolences to our NYWBA Board Member **Fran Hoffinger** and her family on the loss of her father, Jack Hoffinger on September 7, 2021. Jack practiced law until age 92 at the Hoffinger Firm, alongside Fran and her sister. He served as an Assistant District Attorney in New York County and was President of the New York Criminal Bar Association.

### NYWBA Zoom with a Judge Series

**October 14, 2021, 1:00 p.m.**

Featuring:

**Hon. Erika M. Edwards**

**"Diversity and Inclusion  
in the Courtroom and Beyond"**

Discussion Facilitator: *Fran R. Hoffinger*

**October 19, 2021, 6:00 p.m.**

Featuring:

**Hon. Troy Webber**

Discussion Facilitator: *Lisett Ferreira*

**October 20, 2021, 1:00 p.m.**

Featuring:

**Hon. Tanya R. Kennedy**

Discussion Facilitator: *Ernestine J. Mings*

For more information and to RSVP go to  
[www.nywba.org](http://www.nywba.org).



## NYWBA's "What It's REALLY Like to Practice Law as a Woman" Goes National!

By Elizabeth A. Bryson, Crystal R. Villaseñor, Ernestine J. Mings and Zoe Swift

On July 14, 2021, the New York Women's Bar Association presented its prestigious "**Martha E. Gifford Summer Program, What It's REALLY Like to Practice Law as a Woman**" (the "Summer Program"). The Summer Program, which was previously held in-person at the New York City Bar headquarters, was held virtually this year due to the Covid-19 pandemic. The New York City Bar Association and Ms. JD (a national bar that supports law students and junior attorneys) served as co-sponsors for the event.

The Summer Program was originally created by NYWBA under the leadership of **Martha E. Gifford**, a distinguished antitrust attorney, and a Past President of both NYWBA and WBASNY. Since 1995, the program has provided countless law students, summer associates, summer interns, new attorneys, and recruiting coordinators within New York with an opportunity to hear panels of female attorneys share their experiences in large firms, small firms, non-profit organizations, government, and in-house law departments, and discuss the many issues that have impacted their practice and lives at various stages of their careers.

For the first time in the event's 26-year-history, NYWBA joined with the National Conference of Women's Bar Associations ("NCWBA") to present the Summer Program to a national audience! This was possible thanks to NYWBA Committee Chairs **Crystal R. Villaseñor**, **Ernestine J. Mings**, **Noelle Block-Lubin**, and **Melissa F. Glassman**, who worked closely with NYWBA President **Amanda B. Norejko**, Ms. Gifford, **Elizabeth A. Bryson** (a past President of NYWBA and current Vice President of NCWBA), and **Christina Simpson** (NCWBA's Executive Director).

The program has always featured women from diverse backgrounds with a wide variety of experiences within the practice of law, and this year's esteemed panel was no exception. Hosted by Ms. Bryson, the panel included:

Moderator **Hon. Saliann Scarpulla**, a Justice of the New York Supreme Court, Appellate Division, First Dept., former big firm litigator, former Senior Counsel to the FDIC, and a past Co-President and current Board member of Judges and Lawyers Breast Cancer Alert.



**Prof. Maleaha Brown**, an Associate Professor at Southwestern Law School in California, former Legal Aid attorney representing domestic violence victims in Texas and Los Angeles, and current Board Chair of Ms. JD, a national organization for law students and junior attorneys.



**Rennee R. Dehesa**, a bilingual estate planning and administration attorney and partner at Jones, Lester, Schuck, Becker & Dehesa, LLP, a past President of the Mexican American Bar Association, and the current President of Ventura County Women Lawyers.



**Amy Dunn**, a personal injury attorney and principal at Amy Dunn, PC, in Texas, who is multilingual and is a certified yoga instructor and a classically trained musician.



**Pam Kohli Jacobson**, a patent attorney and former scientist, who is now a partner and the "Firmwide Practice Group Coordinator of Intellectual Property Procurement & Portfolio Management" for the K&L Gates law firm in Seattle, WA; she is also a past Board Member of Washington Women Lawyers.



Judge Scarpulla opened the discussion by referencing the controversial ABA Journal article entitled "Are Women Lawyers Paying Enough Attention to Upward Mobility?" by Susan Smith Blakely, along with the subsequent response penned by current ABA President Patricia Lee Refo. While acknowledging that there was still "a long way to go" to effectuate systemic and consistent change within the legal profession for women, several panelists noted that the initial article put the onus almost entirely on women to advance their own careers, and – as Ms. Refo's response pointed out, – there are many systemic challenges and ongoing bias (both manifest and sometimes "unconscious") within the profession that conspire to keep women from achieving their potential. Drawing attention to the perspectives and challenges raised in both articles is important to developing more effective ways to ensure the advancement of women in the legal profession. In drawing a parallel between the attention driven to the Black Lives Matter movement after George Floyd's murder and the ABA Journal controversy, Ms. Brown noted that too often the burden is disproportionately placed on those experiencing disparate treatment to bring attention to these issues. Ms. Dehesa agreed, adding there is an often an invisible expectation on those experiencing disparate treatment that it is their burden to provide solutions to roadblocks that firms and employers have in place that often impede progress for women in the profession.

Notwithstanding these challenges, bringing light to these issues and building confidence was identified as critical to dispelling outdated assumptions about women attorneys. Judge Scarpulla noted that early in her career, there was an outdated perception that women who had children should be placed on the "mommy-track," given fewer opportunities for career development, for salary increases, and to develop crucial litigation skills. Similarly, women who were not physically in the office from 8:00 a.m. to 7:00 p.m. would generally not be considered "successful" or "committed" lawyers. On the job mentoring and sponsorship clearly makes a major difference. Ms. Jacobson, who has four children, recalled that the mentorship she received in the early stages of her career helped solidify her confidence and develop her sense of resilience as a new attorney. As part of that, she learned early the importance of developing business and having clients of her own. As a result, the experience and confidence she built early in her career was essential to preempting any outdated assumptions that she has encountered about female attorneys, particularly those that have had children. Ms. Dunn also noted that the confidence she built over the course of her career has been instrumental in dispelling outdated assumptions that clients, or other practitioners, may have had about women.

Making connections with other attorneys, according to the panelists, was another critical aspect of their early career development. Ms. Dehesa recalled struggling to connect with other lawyers in the early stages of her career as a first-generation attorney in her family. There was no "blue-

(Continued on Page 6)

***The Franklin H. Williams Judicial Commission and the Appellate Division, First, Second, Third and Fourth Departments, invite you to attend a virtual Zoom CLE webinar***

***Attorneys for Children and Assigned Counsel  
A Lawyer's Role in Promoting Justice  
for Children and Families***

***Wednesday, October 13, 2021 from 12:00PM – 2:15PM***

Join us for a virtual Zoom CLE webinar discussing the application process and initial training requirements for the Attorney for the Child (AFC) and Assigned Counsel; pathways to becoming an AFC and building your own practice through AFC and Assigned Counsel assignments; a day in the life of an AFC; challenges and rewards of AFC and Assigned Counsel practice; zealous advocacy by the AFC; the importance of diversity in contributing to a talented, dedicated and vibrant panel of attorneys; and fusing the public and private sector in a diversified law practice.

*Remarks by:*

***Hon. Shirley Troutman***

Associate Justice, Appellate Division, Fourth Department  
Co-Chair of the Franklin H. Williams Judicial Commission

***Hon. Troy K. Webber***

Associate Justice, Appellate Division, First Department  
Co-Chair of the Franklin H. Williams Judicial Commission

*Speakers include:*

***Hon. Cheryl A. Joseph***

Supervising Judge for Matrimonial Matters  
Supreme Court, Suffolk County, Central Islip, New York

***Linda J. Kostin, Esq.***

Director, Attorneys for Children  
Appellate Division, Fourth Department

***Fredericka P. Bashir, Esq.***

Panel Attorney for the Child and Assigned Counsel for Adults  
Kings County, Brooklyn, New York, Second Department

***Maria V. De La Cruz, Esq.***

Panel Attorney for the Child and Assigned Counsel for Adults  
Queens County, Queens, New York, Second Department

***Yusuf El Ashmawy, Esq.***

Panel Attorney for the Child and Assigned Counsel for Adults  
New York County, New York, First Department

***Jaya L. Connors, Esq.***

Panel Attorney for the Child and Assigned Counsel for Adults  
Albany County, Albany, New York, Third Department

***Marissa Hill Washington, Esq.***

Panel Attorney for the Child and Assigned Counsel for Adults  
Erie County, Buffalo, New York, Fourth Department

***Hon. Shahabuddeen A. Ally, Moderator***

Supervising Judge, New York County  
Civil Court of the City of New York

*Registration Link:*

***[https://docs.google.com/forms/d/e/1FAIpQLSfeHfBQX9GQJovAXbRlak\\_nIlbo4mxni7qbFdb4WQosM900fw/viewform](https://docs.google.com/forms/d/e/1FAIpQLSfeHfBQX9GQJovAXbRlak_nIlbo4mxni7qbFdb4WQosM900fw/viewform)***

The NYWBA ADR Committee and Family and Divorce Mediation Council of Greater New York co-present

## ***Presumptive ADR Update***

***Event Chair: Michele Kern-Rappy***, Senior Settlement Coordinator, Supreme Court, NY County

***Moderator: Lisa M. Courtney***, Statewide ADR Coordinator, NYS Unified Court System

*Panelists:*

***Lisa Denig***, Special Counsel for ADR Initiatives, Office of Deputy Chief Administrative Judge for Courts in NYC

***Lauren Jones***, ADR Coordinator for NYC Surrogate's Courts

***Sharon Matthie***, ADR Coordinator, 9th Judicial District

***Jean Norton***, ADR Coordinator, Supreme Court NY County, Civil Branch

***Bridget O'Connell***, ADR Coordinator for the 5th-8th Judicial Districts and Court of Claims, Office of Deputy Chief Administrative Judge for Courts outside NYC

***Natasha Pasternack***, Mediation Coordinator for Kings County, Supreme Court-Matrimonial

***Virginia Torres-Villegas***, NYC Family Court's Mediation Coordinator

Date: November 3, 2021

Time: 12:00 p.m. – 1:30 p.m.

Place: Zoom Webinar- invitation to follow upon RSVP

Cost: FREE – NYWBA and FDMCGNY members

\$40.00 – Non-members

RSVP: PADR Update ([fdmcgny.org](http://fdmcgny.org)) BEFORE October 25, 2021

Info: If you have any questions, please contact [adr@nywba.org](mailto:adr@nywba.org).

**Summer Program** (Continued from Page 4)

print” for making connections with other attorneys – she had to find ways to make these connections on her own.

For Ms. Brown, also first-generation lawyer in her family, a simple question: “How can I be more involved?” has been a key aspect of creating opportunities for her career advancement. She also spoke about her experience as a new attorney at Legal Aid, where she was given many opportunities to handle big cases with very little supervision – a shared experience for many who pursue careers in the public sector. She also noted that an important aspect of career development is learning how to affirmatively ask for additional opportunities, and how to create opportunities when they have not otherwise existed.

While the panelists universally agreed that achieving a “work-life balance” – for both parents and those without children – can be an arduous journey, it is certainly worth the effort, even in the early stages of one’s career. Ms. Dehesa noted that “redefining what it means to be successful” was instrumental to her ability to find a better sense of balance between her professional and personal obligations. Ms. Dunn also acknowledged that finding some measure of “work-life balance” in the legal profession is critical for a successful long-term career. Practicing yoga, and reducing her daily workload, was critical to her being more “present, focused and satisfied” overall, which in turn led to greater success. She noted that “when you start taking care of yourself, you are better equipped to take care of others.”

The panelists expressed hope that the COVID-19 pandemic will continue to propel firms and legal organizations to reconsider outdated “face-time” requirements in the workplace and reexamine its purported relationship to employee productivity and client satisfaction. Ms. Dehesa, a partner at a small law firm, noted that her clients have appreciated her ability to host meetings virtually. She also observed that greater flexibility throughout the workday, while sometimes resulting in longer workdays overall, has significantly increased her productivity and sense of freedom. For several panelists, the ability to start work earlier in the morning, and take breaks to take a child to a swim class (or even attend one on their own!) has similarly resulted in developing a greater sense of satisfaction. Ms. Jacobson, who heads the Intellectual Property Procurement group at K& L Gates, also noted that her firm’s ability to find innovative ways to allow attorneys to work together despite being physically separated has greatly increased overall productivity and profitability firm wide.

While acknowledging the considerable progress women have made in the workplace in recent decades, the panelists acknowledged that we still are a long way from parity with men. In this regard, women’s bar associations can have a significant impact in addressing the institutional barriers that frustrate the advancement of women in the legal profession. Ms. Dehesa stressed the importance of outreach and mentorship with law school students as integral to the success of the new generation of female attorneys. Ms. Brown, who has met “some of her best friends” through the bar organizations, highlighted the importance of ensuring diverse representation within bar groups. She also described the significant impact of sharing ideas with others – as both a mentor and protégé – as critical to her career advancement.

Both Ms. Dunn and Ms. Jacobson stressed the importance of having mentors from different backgrounds, as well as embracing one’s unique talents, as important keys to longevity within the legal profession. Judge

Scarpulla agreed with the panelists, and she concluded the discussion by noting “it’s really about your ability to convey your fabulousness, find mentors and advocates who care about you, and making sure that they advocate for you.”

In November, NYWBA and NCWBA will present Part II of the national edition of “What It’s Really Like to Practice Law as a Woman” program, which is designed as a practical guide for local and statewide women’s bar associations throughout the country to develop Summer Programs in their own jurisdictions. The Part II panelists will present a new “toolkit” that will identify best practices for developing and planning the program, key selection criteria for potential speakers, and sample topics and questions for panelists.

*Elizabeth A. Bryson is a NYWBA Past President; a current Vice President of NCWBA; and a Past Officer and current Director and Committee Co-Chair of the Women’s Bar Association of the State of New York. She has had a long career as an Intelligence Analyst for the U.S. Department of Justice, as a litigator and appellate attorney in state and federal courts, and as a business executive at a Fortune 100 company in Manhattan. Crystal Villaseñor is a principal at Crystal R. Villaseñor, PLLC in Manhattan, where she practices matrimonial & family law, landlord-tenant law, and civil litigation. She is a member of the NYWBA Board of Directors and is a Co-Chair of its Civil Courts Committee. Ernestine Mings is an associate attorney at Blank Rome LLP, where she practices matrimonial and family law. She is the chair of the NYWBA Diversity and Inclusion Committee. Zoe Swift is an intern at NCWBA.*



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.



## Meet the Committee Chairs: Domestic Violence Committee



**Shani Adess** is the Associate Director of NYLAG's Domestic Violence Law, and the Project Director of Project RISE. Shani works with survivors of domestic violence, abuse, and sexual assault, both adults and immigrant youth. In addition to her own practice, Shani supervises staff who serve these populations through direct representation in matrimonial, family law, immigration law matters. Shani leads trainings and participates in panels in related substantive law; working with survivors of trauma and abuse; trauma's psychological, physical, and physiological impacts; and provision of client-centered trauma-informed representation. She is a Co-Chair of the Domestic Violence Committee and Judiciary Committee with the New York Women's Bar Association, and a member of the Lawyer's Committee Against Domestic Violence, the New York City Bar Association, and the ICE out of Courts Coalition. Previously, Shani was the Senior Supervising Attorney for Safe Horizon's Immigration Law Project (Dec 2015 – August 2017), and an Advocacy and Communications officer with Jesuit Refugee Services in the Southern Africa Region (2009-2010). Shani has a Bachelor of Arts Degree in International Relations from Emory University and a JD from Georgetown University Law School in 2009.



**Laura A. Russell** is currently the Director of the Family/Domestic Violence Unit of The Legal Aid Society in New York City. Formerly, she was the Matrimonial Director of Sanctuary for Families, Center for Battered Women's Legal Services and prior to this, the Director of SHIELD, a program of the New York City Bar's Justice Center. As a Supervising attorney, she supervises staff, works on domestic violence policy issues and coordinates family law matters for the two neighborhood offices. She has handled a variety of matrimonial and family law actions, including Contested Matrimonials, Orders of Protection, Abuse/Neglect matters and Custody/Visitation issues. She has also handled consumer and bankruptcy matters for DV survivors. She sat on Judge Miller's Matrimonial Commission, co-chaired the Lawyers Committee Against Domestic Violence Matrimonial Law Task Force and the Trial Practice sub-committee of the New York County Lawyers Association's Task Force on the Family Court, and sits on the Judiciary Committee of the New York City Bar as well as the Law Guardian Advisory Committee for the Second Department. Ms. Russell is admitted to practice law in both New York and New Jersey, and has lectured on various family law topics, including equitable distribution, domestic violence, coerced debt and Orders of Protection.



**Margaret Farmer** currently works as a Senior Staff Attorney at the Family Law Project at Sanctuary for Families, where she handles family and matrimonial matters across the five boroughs. She represents clients in custody, order of protection and divorce cases, and runs a high-volume legal help line with other attorneys. She also does outreach, training and legislative advocacy. Prior to

Sanctuary, she practiced law in the private sector. In law school, she advocated for women's organizations in Syria as part of a year-long clinic on International Women's Human Rights. She also worked as a sexual violence and domestic violence victim advocate. Prior to law school, Margaret completed a Master's Thesis on human trafficking at Central European University in Hungary. Margaret has been active in the legal community as the co-secretary of the Lawyer's Committee Against Domestic Violence for the last two years, as well as an NYWBA committee co-chair. She also is a co-chair for the WBASNY Domestic Violence Committee.

### The Students and New Lawyers & the Domestic Violence Committees present a CLE Program:

#### *Detecting Domestic Violence Issues Across Practice Areas*

#### *Speakers:*

**Jennifer Friedman**, Director of the Bronx and Manhattan Legal Project & Policy for Sanctuary for Families

**Shani Adess**, Associate Director, Domestic Violence Law Unit

**October 18, 2021 from 6:00 – 7:00 p.m.**

**Zoom Webinar**

<b>CLE</b>	0.5 Diversity, Inclusion and Elimination of Bias 0.5 Areas of Professional Practice
<b>Cost</b>	Free – NYWBA and WBASNY Members** \$25 – Non-members
<b>RSVP</b>	Before October 1, 2021 <a href="https://bit.ly/3uJoFwZ">https://bit.ly/3uJoFwZ</a>
<b>Info</b>	If you have any questions, please contact <a href="mailto:cle@nywba.org">cle@nywba.org</a> or <a href="mailto:snlchairs@nywba.org">snlchairs@nywba.org</a>

\*CLE Credits: 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 for NYWBA and WBASNY members; \$25, 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.



## Annual Period Poverty Donation Drive

Several years ago, the NYWBA made a commitment to address the issue of lack of access to sanitary products needed during menstruation. Rationing of tampons, pads, or other menstrual products can cause humiliation, trauma, interruptions to school and work, and potentially life-threatening conditions such as toxic shock syndrome. We recognized that lack of access to these items was a serious threat to human rights and dignity and an impediment to gender equality. Under the leadership of Past President **Virginia A. LoPreto**, we drafted policy statements on lack of access to tampons, pads or other menstrual products for those who are incarcerated or held in immigration detention centers. Then, we took it a step further by helping provide hygiene products to those in need here in New York City.

Survivors of domestic abuse and human trafficking fleeing from a life of violence are often at a high risk for experiencing poverty. Homeless women and girls must often sacrifice buying hygiene products to buy food for themselves and their children.

In keeping with our theme this year that to achieve gender equality, we must all rise together, it is important to lift up those who are most in need. This year, the NYWBA will collect donations for the purchase of menstrual products and drug store gift cards for two local organizations.



**Covenant House New York** is New York City's largest provider serving youth experiencing homelessness. Annually, it provides shelter services to over 2,500 young adults ages 16-24, using trauma-informed principles to help homeless youth leave the streets and achieve independence. Covenant House New York provides housing, healthcare, and support services including workforce development, vocational training and educational support. It maintains an on-site clothing boutique, providing free shirts, pants, shoes, and other accessories for any young person who is in need.



**Sanctuary for Families** serves nearly 10,500 survivors of domestic violence, sex trafficking and related forms of gender violence in New York City every year. It provides a wide range of assistance including shelter, legal, clinical, and economic empowerment services to help clients transform their lives. Sanctuary for Families also maintains The Butterfly Boutique, an on-site space where clients can "shop" for donated clothing, toiletries such as menstrual products, accessories and other basic necessities to meet their immediate needs – 100% free of charge.

Both organizations are in need of hygiene products and drug store gift cards to distribute to their clients who cannot afford them.

The NYWBA asks its members to consider making a donation to this important cause. As we climb the ladder of professional success, it is important to lend a hand to boost others up as well. By supplying these sanitary products, we can help remove a significant barrier to employment and education as well as promote health and human dignity.

To donate, go to <https://www.nywba.org/donation/>.



**Friday, October 22, 2021**

**8:45am – 6:40pm**

**Live via Zoom**

### ***The Traumatic Impact of the Dissolution of the Family: An Interdisciplinary Approach***

The mission of this conference is to empower mental health professionals, lawyers and judges with the knowledge and skills to mitigate against the traumatic effects of family dissolution.

#### **Conference learning objectives:**

1. Explain the complexities of psychological trauma in the dissolution of families, and how to identify its symptoms.
2. Demonstrate how psychological trauma can be identified in families, well before family dissolution (intergenerational transmission of trauma, cumulative trauma within a particular family member, and past and present trauma within the family).
3. Examine how racism, sexism and other forms of bias contribute to psychological stress and trauma in family members before and during family dissolution.
4. Identify how the legal system and the court process unwittingly can create and/or exacerbate psychological trauma in family dissolution.
5. Explore alternatives offered by mental health and legal professionals to help mitigate the traumatic effects that can occur in family dissolution. What Can We Do?

#### **Conference Panels:**

**Panel A.** Trauma and PTSD: Conceptual Overview of the Neurobiological, Cognitive, and Emotional Consequences

**Panel B.** Added Stressors to Family Dissolution: The Cultural Context of the Family, Systemic Racism, and Sexism including LBGTQ Biases

**Panel C.** Under-Recognized High-Risk Factors that Impact Family Dissolution

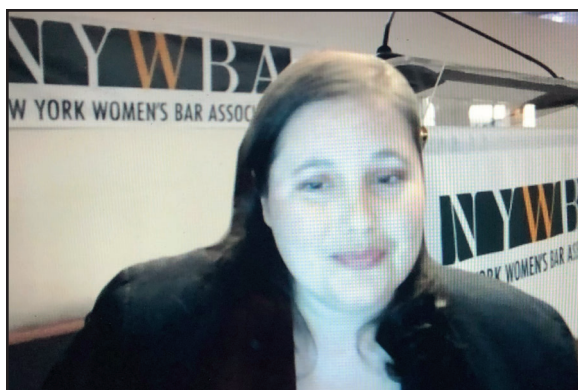
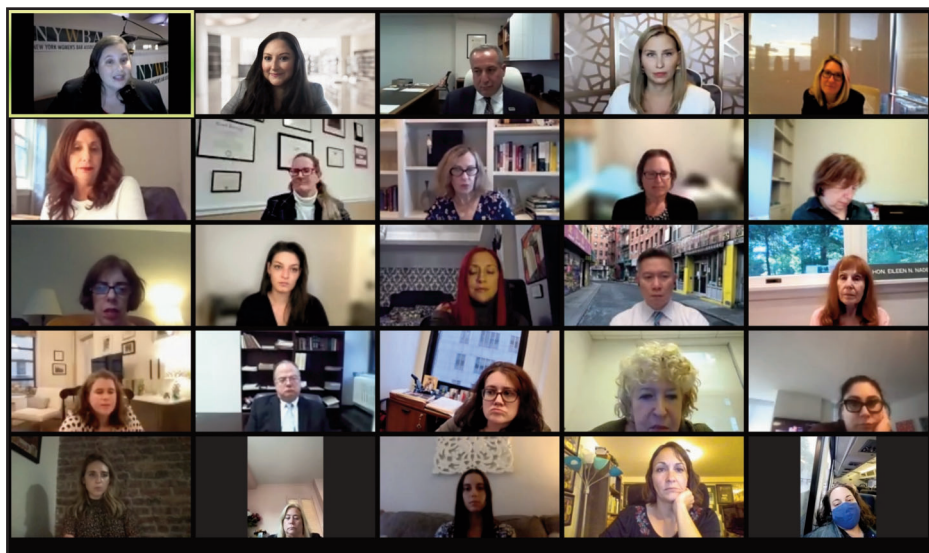
**Panel D.** Mitigating the Stress of Family Dissolution: What Can We Do?

CE credits for mental health professionals and CLE credits for attorneys are pending.

***For further information please contact the program manager at [FACTS@ICPNYC.org](mailto:FACTS@ICPNYC.org).***



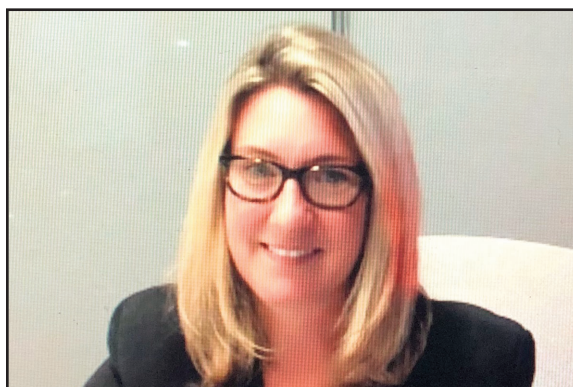
## NYWBA VIRTUAL MEMBERSHIP RECEPTION, September 29, 2021



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Amanda B. Norejko*



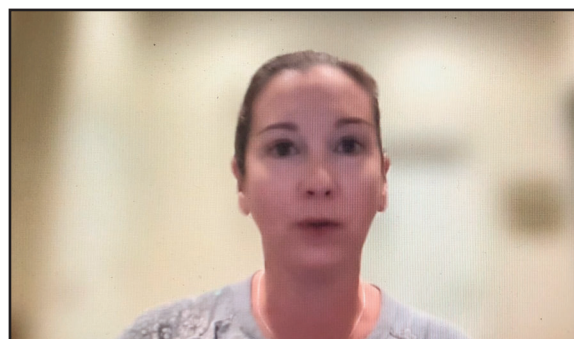
*Hon. Anthony Cannataro  
New York Court of Appeals*



*Gretchen Beall Schumann, NYWBA Foundation President & NYWBA Past President*



*Jayne Bigelson, Covenant House New York*



*Emily LoBue, Sanctuary for Families*

## Truth behind the 'Billion-Dollar' Illicit Antiquities Market

By Maria Goretti Tai

*During 2020, The Museum of the Bible in Washington D.C. repatriated several thousand items that likely originated from Iraq and Egypt, but for which there was insufficient reliable provenance information. This followed a years-long action by the Department of Justice. In July 2021, Hobby Lobby -- whose President, Steve Green, is Chair of the Board of the museum -- forfeited ownership of a tablet containing a portion of the Epic of*

*Gilgamesh which it had purchased at auction in 2014, but had originated in the area of modern-day Iraq and entered the United States contrary to federal law, according to the DOJ.*

*The following article was first published in the Winter 2020 issue of the American Bar Association Section of International Law's Art & Cultural Heritage Law Committee's newsletter.*

When art rises to be a matter of national security, it certainly has drawn 'Un Certain Regard' from the regulatory world. The United States Senate Permanent Subcommittee on Investigations described the art industry as the 'largest, legal unregulated market' nationwide, whereas the media has often depicted the trading of illicit antiquities as a source of terrorism finance. While there is no one angle to get to the true market condition of cultural property, be the object an artwork or an antiquity, RAND took the first step by conducting exploratory research based on publicly available open-source data. By applying the parameters developed by RAND to the Subcommittee's report ('report'), it becomes clearer how useful the report recommendations will be in regulating the art industry. After all, as an oriental idiom goes, 'Paper can't wrap up fire'.

### Art market sales

The Subcommittee proposed the art industry should be subject to the Bank Secrecy Act because it is a multi-billion-dollar industry. Based on observable market channels like auction sales and online platform sales, RAND found the market is too small to yield a billion dollars a year.

The 2019 Art Basel and UBS Global Art Market Report, quoted by the Subcommittee, identified the United States as the largest art market worldwide. Occupying 44% of global sales, the art market in the United States yields roughly USD 28.3 billion in value. The report acknowledges art sales are divided into public auctions and through private dealers. Sales by private dealers form the majority of market share (nearly 60%), whereas sales through auction houses made up the rest.

Putting together the markets for both licit and illicit antiquities transacted through traditional auction houses and online auctions, RAND calculated the art industry yields a few hundred million dollars annually at most. This is the case considering the primary channels, including the visible platforms of advertised auctions and the volume traded on key online sales channels like eBay. The illicit market alone is valued at no more than tens of millions of dollars per year.

RAND points out the key element of the antiquities market is the transition from a near-term market to a long-term market, where the legality of source becomes more obscure along the stages. Despite the general belief that end consumers of cultural goods are located in Europe and North America, there exists another substantial local market within the Middle East, including Turkey, Iran, Jordan and the UAE.

It should also be remarked the prices of artifacts sold in the Middle East are actually similar to that in Europe and North America. Even for well-advertised auctions promoting museum-quality goods, 25% failed to sell on average. Hence it is more unlikely that large volumes of looted antiquities will be sold through observable channels in these traditional end markets. The difficulty in selling cultural property has been understated, which is evidenced by the ways in which trafficking networks operate.

While RAND's open-source research did not attempt to calculate the exact size of the art market, the value the Subcommittee attached to the art market seemed unrealistic. By focusing the investigation on specific individual Russian oligarchs transacting in high-value art through shell companies while under sanctions, the report assumes hidden resources could continue accessing the American financial system, justifying the art industry should be subject to Anti-Money Laundering (AML) regulations. The Subcommittee's recommendations did not seem to have taken into account the variety of existing end markets.

### Art trafficking networks

Both the report and open-source study revealed the art market actors work on a secrecy basis. The relationship between them is based on trust, quasi-fiduciary in nature.

Art sales are transacted through art dealers and agents, who are collectively called 'art advisors' especially in the auction house setting. It is a trade custom for these intermediaries not to disclose the real identities of both sides. Purchaser is not supposed to ask about the true owner of the artwork, while the seller is not to inquire if the buyer is the

ultimate user. Here, the risk lies in customer's identity verification.

The report pointed out the four biggest auction houses (Sotheby's, Christie's, Phillips, Bonhams) have their own voluntary AML policies in place. However, a 'significant AML vulnerability' has been detected because none of them has ever asked for the identity of the art advisors' clients. They simply considered the art advisor as the 'principal purchaser' for due diligence purposes, even though they may have reasonable suspicions the ultimate buyer is someone else. Meanwhile auction houses rely on financial institutions to 'ensure the integrity' of their art-purchasing funds.

With respect to looted antiquities, there exist two types of trafficking networks. The markets in Syria and Bulgaria reflect a hierarchical structure that is typically associated with organized criminals who also trade drugs and weapons. There is a co-existing market in Iraq and Turkey with middlemen who are ad hoc and opportunistic smugglers and brokers, even amateurs. Their common objective is profit-oriented. However, irregular supply, piecemeal sales and few repeat customers compose the real market situation. The hard part of their jobs is to search for buyers. They need to advertise broadly, so social media and messaging apps come into the picture.

Despite the mistaken myth that dark web, deep web forums and Telegram channels facilitate the communications of traffickers, more open technology has been employed. Traffickers use secure communication apps -- including WhatsApp and Viber -- to coordinate sales. Facebook is a prominent hub for discussing antiquities, which normalizes looting and online trafficking in Arabic-language groups. The side effect is the creation of a large supply of cultural goods, even when market demand does not call for such a need. Adding salt to the wound is the difficulty in proving the illegality of antiquity advertised.

The Subcommittee acknowledges the insufficiency of the auction houses' voluntary programs and declares 'Secrecy, anonymity, and a lack of regula-

*(Continued on Page 11)*



*Antiquities (Continued from Page 10)*

tion create an environment ripe for laundering money and evading sanctions.' This conclusion is arrived after going through over a million documents from auction houses and obtaining testimonies from one private dealer, one independent public gallery and seven financial institutions. Is this truly representative when the same report found private dealers occupy nearly 60% of the market share and only one dealer had been interviewed? Has any study been conducted on the extent of centralization of trafficking networks? Why does law enforcement place a lower priority on illicit antiquities than drugs and weapons?

**Art real deal**

RAND recommended that policy responses should align with the market characteristics in order to achieve effectiveness. Through open-source qualitative and quantitative data, it can be observed the art market is multifaceted and more decentralized with more fragmented supply chain. The market, being geographically dispersed, is actually smaller in scale. Hence, disruption tactics should be broader-based and network-specific at the same time.

Based on the characteristics of illicit markets, policies can be tailored around how goods are advertised to consumers. Factors include the legality and openness of the market. The structure of the supply chain is characteristic of trafficking networks. In organized networks, secretive transactions crossing internationally face constant law-enforcement action at every stage of processing. The trafficking structure is different in the local market in the Middle East, where goods quickly transition from closed networks to more open direct structures. The transition of trafficking relationships from preexisting relationships built on ties of friendship, kinship, or prior transactions to a low-trust environment is a key element to be leveraged. Development of an on-the-ground network of contacts is recommended to provide market intelligence.

Much low-cost effort can be done on the social media front. Starting with undermining interpersonal trust among illicit actors, strategies can work to increase fear of law enforcement and counterfeits. Messaging campaigns to undermine trust in the technologies employed can also instill fear of law enforcement surveillance.

Looking carefully at the supply chain would be hard to notice a large portion of antiquities from systematic lootings and excavations in the Middle East conflict zones has not entered into the art market. Future research directions include the market structures in the Americas, Asia, Africa; the online sales in Asia; and surely the extent of illicit cultural goods entering the supply chain. With these concrete issues to tackle at hand, will subjecting the art market to the requirements of Bank Secrecy Act and AML regulations seriously do the job?

**Sources:**

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*Maria Goretti Tai graduated from UCLA LL.M. in 2020, she is an Incoming Associate at The Intellectual Property Group, P.L.L.C., New York, NY and Washington, DC.*

***NYWBA Past President Yacine Barry-Wun was sworn in a First Vice President at the Network of Bar Leaders (NoBL) Ceremony on Sept. 13, 2021***



*(l. to r.): Edwina Frances Martin, NoBL Recording Secretary, Yacine Barry-Wun and Michael Kohan, NoBL Treasurer being sworn in by Hon. George B. Daniels.*



*(l. to r.): Natoya McGhie, Past Brooklyn Women's Bar President; Joy Thompson, WBASNY President; Yacine Barry-Wun.*



*Yacine introducing guest speaker Hon. Diane Gujarati, U.S. District Court for Eastern District of New York.*



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