



NEW YORK WOMEN'S BAR ASSOCIATION

PRESIDENT'S MESSAGE

DECEMBER 2021

As 2021 draws to an end, many of us feel some relief that another challenging year is ending and hope that we will continue our climb toward a post-pandemic world. While it appears that COVID-19 and the variants of it that continue to prey upon us are not going away in the near future, the introduction of vaccines to more age groups provides a chance to minimize the spread of the virus and its impact upon vulnerable people. In the next year, the NYWBA will begin offering more opportunities to come together in person to resume the face-to-face networking enjoyed by our members since 1935.



Amanda B. Norejko

On March 3, 2022, we will hold our first major in-person event as we honor our newly-elected and newly-appointed judges at our annual Judicial Reception. All CDC guidelines, state and city regulations will be followed. This exciting event will finally give our members a chance to mingle and network without the aid of a screen. We hope that you will consider joining us for this historic event.

The NYWBA will continue to offer a fantastic array of virtual programs through out the winter. Some of our recent programs include CLEs on "Representing the Special Needs Client in Family Court," which was presented on November 3, 2021 by the NYWBA Diversity, Equity and Inclusion Committee and the Family Law Section of the Metropolitan Black Bar Association and on "Understanding Divorce from a Different Perspective: Intersection between divorce in Civil and Rabbinical Court," presented by the Matrimonial and Family Law Committee on November 9, 2021. On November 5, 2021, the NYWBA's Guardianship Diversity Initiative, which aims to recruit and mentor attorneys from under-represented groups to be eligible for court-appointed assignments in guardianship cases, presented an introduction to the Queens Guardianship Bench.

In addition, the NYWBA is engaging in long-term projects in support of our mission of elevating the status of women in the legal profession. On November 15, 2021, the NYWBA presented a program for the National Conference of Women's Bar Associations (NCWBA) to encourage other bar associations to follow our lead in presenting our Martha E. Gifford Program, "What It's REALLY Like to Practice Law As a Woman™." Past Presidents **Elizabeth A. Bryson** and **Martha E. Gifford** led off the discussion, followed by thoughtful and engaging presentations by **Melissa Glassman**, **Ernestine Mings**, and **Crystal Villaseñor**. The NYWBA

(Continued on Page 2)

The Guardianship Diversity Initiative

The Initiative seeks attorneys of diverse backgrounds for Article 81 Guardianships. Learn about the role of attorneys in these proceedings and how adding Guardianship to your practice could enhance it.

Introduction to the Bronx Guardianship Bench

Speakers:

Hon. Andrew J. Cohen

Hon. Laura G. Douglas

Hon. Lisa A. Sokoloff

December 2, 2021, 1:00 p.m.

RSVP: gdi@nywba.org

Introduction to the Kings and Richmond Counties' Guardianship Benches

Speakers:

Hon. Miriam Cyrulnik

Hon. Lisa S. Ottley

Hon. Leon Ruchelsman

Hon. Lisa A. Sokoloff

Hon. Charles M. Troia

December 6, 2021, 1:00 p.m.

RSVP: gdi@nywba.org

President's Message (Continued from Page 1)

has trademarked "What It's REALLY Like to Practice Law As a Woman™", a program we hold annually to provide important guidance to law students, new attorneys, and attorneys in career transitions and discuss key issues that impact women in the legal profession. It is our hope that other bar associations will license the right to put on this program in their own jurisdiction to uplift the next generation of women lawyers. We have developed a Toolkit for how to successfully organize the program, which will be made available to organizations who sign up to present the program in their area. The program is appropriate for law schools, law firms and corporations, as well as bar associations from the local to the national scale. We hope to see the impact of this program spread across the nation. If we wish to see gender parity in the legal profession in the next 50 years, women lawyers across the United States and around the world must be given the tools they need not just to get their foot in the door, but also to earn an equal seat at the table.

President Biden proclaimed November 2021 as National Veterans and Military Families Month, a time when America recognizes the sacrifices and challenges made by our service members and their families. The NYWBA helped pay tribute to the women in uniform with a film screening of "Homecoming: Veterans, Wives and Mothers" on November 22, 2021. The event was co-sponsored with the Queens County Women's Bar Association, the Nassau County Bar Association, and the NGO Committee on Mental Health. The program included a discussion with the filmmaker, a retired U.S. Navy Specialist featured in the film, and remarks by US Senator Kirsten Gillibrand.

As we head into December, there are many exciting events planned. Please consult the NYWBA calendar to RSVP for CLEs, committee meetings, and panel discussions.

Personally, I am excited for December because, for me, it is the heart of baking season. Those who know me best are aware that two of my greatest passions are baking and the law. It is fitting, therefore, that my love of baking began in my 1L year at NYU School of Law. It may seem like a strange place to practice the culinary arts, but I found that engaging in creative outlets helped me balance the demands of a rigorous legal education. The products of my work in the kitchen also helped me forge relationships with my fellow students, from whom I learned a great deal about how to navigate law school and the legal profession, an utterly new world to me as a first-generation law student with no attorneys among my family or the rural community in which I grew up. Offering up a decorated cake or container of tasty cookies to a study session, event, or social gathering was the easiest way to introduce myself and overcome my feelings of being a very small fish in a very big pond. Throughout my career, I've used this sweet approach as a key ingredient in forming enduring relationships with a wide network of valued colleagues from whom I continuously learn and grow. To this day, I always feel better when I know I have something useful to contribute to any gathering, whether it comes by way of my oven, my computer keyboard, or directly from my brain.

Many people think of the holiday season as a time of giving. My family's tradition was always to make cookie trays and boxes of up to 13 different flavors of cookies for the holidays. For as long as I can remember, my parents brought these sweet offerings to their co-workers, family, and

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, networking events and Committee meetings, access to the "Members Only" sections of our website, access to our Newsletters online, and other benefits.

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

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.

neighbors every year. In retirement, they still deliver several dozen decorated and individually-wrapped gingerbread cookies, as well as cakes and pies to local charity bake sales. I grew up with the lesson that there is little that feels quite as good as putting good out into the world.

Even if spending hours in the kitchen is not for you, I recommend that you figure out what you most enjoy bringing to the table. It feels good to share with others and the benefits come back to you tenfold. Whether it is your time, your unique ideas, your expertise, or a hidden talent, you may be surprised how much others appreciate what you have to offer.

For our NYWBA members looking for a chance to give a little of yourself and put some good out into the world, please don't be afraid to reach out to me at president@nywba.org to talk about what you'd like to share with our legal community. You may be surprised how many people will delight in what you present.

Amanda

*"An effort made for the happiness of others lifts us above ourselves."
- Lydia M. Child (1802-1880), American abolitionist, women's rights activist, Native America rights activist, novelist and journalist.*

NOTES ON MEMBERS

The NYWBA congratulates the following members who have passed New York's July Bar Exam:

Justine Drohan
Rebecca Grossberg
Kate Rael
Carly Wheaton

Olivia Sohmer (Criminal Law Committee and Newsletter Committee co-chair) will be singing in "GCB and Friends," a Holiday-themed concert live in person (!!) on Sunday afternoon, December 12, as a member of the Grace Chorale of Brooklyn (ticket information at www.gracechorale.org). During the pandemic, she participated in several virtual projects, including Eric Whitacre's Virtual Choir 6, *Sing Gently* (on YouTube) and several other pieces that are viewable on the Grace Chorale website. A happy crossover with her career as a lawyer was the opportunity to sing the Fifth and Sixth Amendments from *The Constitution, A Secular Oratorio* by Benjamin Yarmolinsky.

COMMITTEE CALENDAR

Animal Rights Committee meeting on **Dec. 6** at 6:00 PM via Zoom. RSVP AnimalLaw@nywba.org.

Diversity, Equity and Inclusion Committee Meeting, will meet in-person on **Dec. 14** at 6:00 PM (with COVID-19 safety protocols in place) at Blank Rome, LLP, 1271 Avenue of the Americas, NYC (16th Floor), and also via Zoom, RSVP to Diversitychairs@nywba.org by Dec. 10, 2021.

Advance the Status of Women in the Profession Committee and Students and New Lawyers Committee present a Panel Discussion via Zoom:

Pathways to Success: How to Advance Your Career

Speakers:
Yasmin Dwedar
Claire P. Gutekunst
Morgan Fraser Mouchette
Amrita Mahabaleswara

Moderator: Dyan L. Gershman

Date: December 9, 2021
Time: 6:00 pm – 7:00 pm
Place: Panel Discussion via Zoom
Cost: Free
RSVP: Before December 8, 2021 to AdvanceStatus@nywba.org
Info: If you have any questions, please contact AdvanceStatus@nywba.org.

WELCOME NEW MEMBERS

Shaindy Black
 Karen Bohrman
 Tracy Cole
 Allison Flood
 Adina Glass

Beth Herstein
 Alexander C. Mahoney
 Cynthia Robinson
 Asia Scarlett-Jones
 Felicienne von Skerst

as of 11/16/2021

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.

Marilyn B. Chinitz
Tracy Cole
Hon. Lyle E. Frank
Myrna Felder
William G. Goldsmith
Adria S. Hillman
Gary Roy Klein
Hon. Jacqueline W. Silberman
Andrea Vacca
Lisa E. Zeiderman



Super Runners Shop

10% discount for NYWBA members

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Some Changes to Note in Immigration Law

By NYWBA Immigration Co-Chairs Marcella Marucci and Zara Watkins

The winds of change are constantly blowing. There are few areas where this folkloric refrain rings more true than in immigration law. For a nation of immigrants, you would think we would by now have settled on a workable and fair standard for allowing into the country those who want to stay temporarily for work and those who want to eventually naturalize. But every twenty years or so (since the US was born in the late 1770s) our immigration laws undergo major systemic changes in which some types of immigrants or residents are favored over others and some types are excluded more than others.

Since the beginning of the Trump Administration and through the past two years of the pandemic, the ongoing changes in immigration laws have blown like a tornado. From the Muslim travel ban to the lowering of the number of refugee resettlements, from barring travelers from COVID-19 hot spot areas to years-long delays in processing visas, the whipping changes are enough to make even seasoned immigration attorneys dizzy. Though most attorneys (and their clients) might never think about what is changing in immigration law, we at the Immigration Committee think you might be curious to hear about three of them.

First, the most significant change in employment-based immigration law (Marcella's area of practice) is the issuance of the Presidential Proclamation that rescinds the COVID-19 travel bans restricting travel from countries like China, the Schengen Area, and India (to name a few). Noncitizens and nonimmigrants can now travel to the US if they are fully vaccinated (with certain exceptions, though none for religious or moral objections). While the travel bans were in place, countless nonimmigrants—many of whom seek to live and work in the US for extended periods—were delayed, rerouted, or entirely unable to travel to the US. Others were unable to leave the US to travel home out of fear that they would not be able to get back into the US, which would put their job and nonimmigrant status in jeopardy. All of this caused headaches, cost money, and instigated some creative lawyering. Hopefully the end of the COVID-19 travel bans will mark a return to calmer times with respect to the issuance and maintenance of nonimmigrant visas.

The second interesting change is taking place in asylum law (one of Zara's areas of appellate practice). A noncitizen can obtain asylum in the US if they can show that they have suffered past persecution, or have a well-founded fear of future persecution, on account of one of five enumerated grounds: race, religion, nationality, political opinion, or membership in a particular social group. The question of whether an asylum applicant has shown persecution on account of one of the five grounds is one of the most hotly contested areas of asylum law right now. This is in no small part because tens of thousands of immigrant hopefuls from Central America have filed claims for asylum in recent years seeking refuge from gang violence, police and government corruption, and domestic violence.

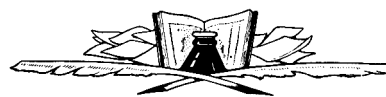
Those coming from Central America are almost entirely unskilled workers, and there is nothing in current immigration law that allows them to legally stay if they do not qualify for a family-based status change (for context, most of the immigrants from Eastern and Southern Europe during the 1800s and early 1900s were unskilled and they would have been

barred from immigrating under today's laws). Asylum has become a default mechanism for unskilled immigration, and applicants are daring in their applications. Seeking to articulate persecution on account of a political opinion, applicants claim they have an anti-gang or anti-corruption philosophy; for membership in a particular social group, they claim, for example, to be part of a group of "mothers of sons killed by gangs" or "women in abusive relationships." Applicants were having some success with these types of claims leading into 2016.

Then, under the Trump Administration, Attorneys General Sessions and Barr issued several precedent decisions that largely precluded such claims based on the reasoning that suffering violence at the hands of a gang or a domestic partner almost never qualifies as persecution on account of an enumerated ground. The decisions were a fatal blow to most Central Americans' asylum claims. But shortly after his confirmation, Attorney General Garland rescinded the precedent decisions entirely. This has resulted in a flurry of appeal arguments and motions to remand (that is, for readjudication or reconsideration) in cases where the Sessions/Barr decisions led to a denial of asylum, which is a boon to applicants but a whirlwind for the immigration lawyers trying to help them. Of course, the best change—though not expected—in this area would be to amend the laws to allow for unskilled workers to immigrate without seeking asylum.

The third change we want to tell you about is the most exciting because it is systemic: the Biden Administration has ordered certain agencies to retire use of the word "alien" to refer to those who are not US citizens by ordering use of the word "noncitizen" instead. Though the Department of Justice continues to use "A-numbers" and has not been ordered to refrain, and "alien" appears countless times throughout the immigration laws, change is in the air as Circuit Court judges and at least one Supreme Court justice have noted that "alien" is archaic and dehumanizing, even pejorative. We're not sure when "alien" was first used to refer to noncitizens, but we know it was a long time ago. Maybe the word was appropriate to convey a certain meaning at that time. It no longer is. Zara remembers how, as a young attorney writing immigration appeal briefs, she was uncomfortable with referring to a client as an "alien" and she employed semantic gymnastics to avoid using it whenever possible. Now she, and all of us, can comfortably refer to noncitizens with a word that is more suited for a civilized nation of immigrant-citizens. That is a change that is as welcome as a cool summer breeze.

Speaking of change, if you are an immigration lawyer or interested in immigration law and want to get involved with some projects we have planned for the coming year, we would love for you to join us in the Immigration Committee. Email immigrationchairs@nywba.org for more information.



Reflections from Pearl Hertz, NYWBAF Fellow at Shalom Task Force: Sarah's Voice

This summer, I was honored to be the recipient of the New York Women's Bar Association Foundation Fellowship at Shalom Task Force: Sarah's Voice. Shalom Task Force: Sarah's Voice ("Sarah's Voice") is a non-profit organization committed to preventing domestic violence and dating abuse and aiding those who have survived it. The organization helps protect victims by offering free and confidential legal support and representation. Sarah's Voice mostly serves the low-income Jewish community, but the organization is committed to helping anyone who reaches out. When they are unable to represent a client, legal advice and counsel are provided along with referrals when available.

As a first-year law student at Benjamin N. Cardozo School of Law, I was excited to delve into a new area of the legal field and have the opportunity to help individuals who are often in difficult positions. From the outset, I was given many opportunities to learn about relevant laws and participate in case development. Throughout my fellowship, I worked on a broad range of matters associated with victim-survivors' needs including custody, immigration, contested and uncontested divorce, spousal support, visitation, subpoenas, document review, and child support. I also attended trainings on criminal law, benefits, child support, elder abuse, the intersection of social work and family law, and child services. With each new assignment, I met with a member of the legal team to discuss the purpose and necessity of the document or task and ask any questions.

Sarah's Voice has seen a large uptick in cases due to the coronavirus pandemic. This is likely due to the fact that many people are stuck at home and out of work. Despite my all-virtual fellowship, I had substantial client interaction and learned from the excellent legal team who were available at any time. Some of the most significant work I did was when I communicated with clients directly. I conducted intakes and spoke with clients about their immediate needs. It was very powerful and inspiring to hear the stories of abuse these individuals endured and to witness their resilience and hope for the future. Before my internship, I did not realize how many facets intertwined with family law. My discussions with clients often required conversations about safety planning, housing, immigration, and mental health, which can be very difficult for many individuals. I learned from my supervisor what it means to be compassionate and supportive while still obtaining important information needed to help the client. This skill is incredibly important, and I know it will be a crucial tool for my future legal career.

I also worked on a research memorandum comparing coercive control legislation and its impact in the United States and abroad on Get Refusal (the refusal to grant a divorce under Jewish law). Coercive control is described as recurring behavior which frightens, controls, or intimidates another individual. While not visible to the naked eye, it is hugely prevalent in domestic abuse cases worldwide. However, without it being included in the statutory framework, it is often challenging to prove a domestic abuse case unless it is accompanied by physical violence. By creating or amending coercive control legislation to be a reasonable basis for abuse cases, many more victim-survivors will have the oppor-

NYWBA FOUNDATION

THE NEW YORK WOMEN'S BAR ASSOCIATION FOUNDATION, INC. IS THE CHARITABLE ARM OF THE NEW YORK WOMEN'S BAR ASSOCIATION

The NYWBA created the New York Women's Bar Association Foundation, Inc. (NYWBAF) in 1995. Its goals are: (1) to eliminate gender bias and other forms of discrimination from the legal system and legal profession, (2) to promote the social and economic equality, safety and well-being of women and children, and (3) to address the unmet legal needs of women and children. The Foundation is a 501(c)(3) not-for-profit charitable organization which supports and funds charitable and philanthropic programs to aid women and children throughout Manhattan and beyond.

Fellowships funded by the NYWBAF provide law students with the opportunity to gain valuable training, experience, and professional connections while assisting in the important work of organizations that provide free legal services. To support fellowships like this, you can donate to the Foundation by contacting info@nywbaf.org or visiting <https://nywbaf.org>.

tunity to succeed in the courtroom. Researching and evaluating emerging legislation and law was particularly fascinating as I was able to identify and assess the trends of its backing and development.

I also had the ability to participate in cases involving immigration law. Specifically, I worked on obtaining lawful citizenship for a client through the Violence Against Women Act Pearl Hertz Shalom Task Force: Sarah's Voice Cardozo Class of 2023 (VAWA) self-petition, which is available for women who were married to a United States citizen or permanent resident who abused or violated them. Many of the women filing this petition are hopeful for the future but due to their uncertain immigration status, have a difficult time obtaining stability and independence without being able to work and earn an income. Gaining citizenship is often the gateway into a new life for women who have been deprived of their independence for, in some cases, decades. It was extremely meaningful to aid them in a process that can seem daunting and scary.

Towards the end of my internship, I prepared an emergency family offense petition to obtain an order of protection for a client who was undergoing severe abuse. It was amazing knowing I had a small part in helping someone at a most vulnerable and scary time. I continued to work on the case by drafting a support petition and attending a court appearance for the case. It was my first time observing a court proceeding and though it was through a video call, it was exciting and interesting to witness.

I would like to thank the New York Women's Bar Association Foundation for enabling me to work at Sarah's Voice through its stipend. I gained a significant amount of practical experience and was guided by knowledgeable and professional attorneys and support staff. I will forever be grateful for my time at Shalom Task Force: Sarah's Voice and the learning opportunities and involvement it afforded me.

Pearl Hertz is a 2L at Benjamin N. Cardozo School of Law

Meet the Committee Chairs

Animal Law Committee



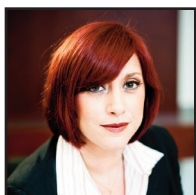
Lydia S. Antoncic is the Principal Court Attorney to the Honorable Tandra L. Dawson, Integrated Domestic Violence Court (IDVC) in Manhattan. Prior to her current position, Lydia was in private practice and represented private litigants in family and matrimonial court proceedings. She also represented children in neglect, custody, and other family court matters. Lydia is a trained mediator. As an experienced litigator for over 20 years, Lydia offered a uniquely personalized approach to her family and matrimonial law clients, with a child-centered focus and emphasis on helping her clients "land well" in their post-divorce life. Lydia's approach to matrimonial and family law is best illustrated by her own personal divorce experience, after which she and her ex-husband worked diligently to rebuild their friendship for the best interests of their son.

Lydia frequently presents and moderates legal and other programs. She is the author of *A New Era in Humane Education: How Troubling Youth Trends and a Call for Character Education are Breathing New Life Into Efforts to Educate our Youth on the Value of All Life*, *Animal Law Review*, Volume 9 (2003).

Lydia is a graduate of New York University, where she received a B.A. in Politics, 1991. She earned her J.D. from Catholic University Columbus School of Law in 1994, where she served as Notes and Comments Editor for the *CommLaw Conspectus* and was a recipient of the 1992 Students for Public Interest Law Stipend.

Lydia is a graduate of New York University, where she received a B.A. in Politics, 1991. She earned her J.D. from Catholic University Columbus School of Law in 1994, where she served as Notes and Comments Editor for the *CommLaw Conspectus* and was a recipient of the 1992 Students for Public Interest Law Stipend.

She is an active member of the New York Women's Bar Association and currently serves as co-chair of the Animal Rights Committee. She also is active in her community, serving on the Board of Directors of the National Federation of Croatian Americans and Brooklyn Technical High School's Reunion Committee.



Jennifer P. Brown received her B.A. from NYU and her J.D. from the Benjamin N. Cardozo School of Law. She started her career at a small family law office and in 2010 opened a solo practice, where she resolves matters through alternate dispute resolution, litigation, and trials. With NYWBA, she has co-chaired the Matrimonial and Family Law

Committee, our largest and most active committee, which organizes substantive programs on a monthly basis. She also co-chaired NYWBA's largest events, including the Annual Membership Reception; the Judiciary Reception honoring newly elected, re-elected, and newly appointed judges in Manhattan; and from 2011 to 2014, the Annual Awards and Installation Dinner. She was elected to the NYWBA Board in 2011. Prior to serving as President in 2015, she was a Vice President, Recording Secretary, and Corresponding Secretary. She has been on WBASNY's Board since 2012, as Co-Chair of the Legislation Committee, as Recording Secretary, and as a member of the Nominations Committee. She is active in her law school alma mater, speaking on panels, networking with students, and as a member of its Board of Family Law Advisors. She also serves as Pro Bono counsel for Badass Brooklyn Animal Rescue. A resident of the East Village for nearly 25 years, she lives there with her fiancé Bryan DiBlasi, their dog, Gigi, and their cat, Mimi.

Criminal Law Committee



Olivia Sohmer has been a co-chair of the Criminal Law Committee since 2017. She first joined the committee as an Assistant DA in Manhattan. Olivia worked for Robert M. Morgenthau's office for 20 years. She conducted her first jury trials of recidivists and pattern offenders in the Major Offense/Career Criminal Bureau. In the Labor Racketeering

Unit/Construction Industry Strike Force, she led an investigation that uncovered rampant unemployment insurance fraud at the Jacob Javits Convention Center and led to the eviction from that facility of IATSE Local 829. In the Appeals bureau, she argued often in the Appellate Division, First Department, and even once at the Court of Appeals.

Most rewarding for Olivia was her work in the Family Violence/Child Abuse Bureau, where she helped young children, adolescents, and teens who had been physically and sexually abused to find their voices and obtain justice. That work led Olivia to Children's Rights, Inc., where she worked on impact litigation to seek systemic reform of long-term foster care in Texas. She also volunteered with an interdisciplinary committee devising the Crossover Youth Practice Model to coordinate the Family Court experience of youth dually involved with the child welfare and juvenile justice systems, and with another seeking to interrupt the school-to-prison pipeline by engaging youth and school staff in Collaborative Problem Solving.

Since 2014, Olivia has worked as a Court Attorney, first in Brooklyn Criminal and Supreme Court for the Hon. Laura R. Johnson, and now in Richmond County Criminal Court for the Hon. Gerianne Abriano. After the long period of remote work, she is enjoying her beautiful commute on the Staten Island Ferry.

Olivia earned her B.A. from Queens College, CUNY, and her J.D. from the Yale Law School. This is her first year as a co-chair of the Newsletter Committee, and she is a charter member of a Mentoring Circle that has been active since 2009.

In her "other life," Olivia is a choral singer who has performed with Peter, Paul & Mary on Broadway and at Carnegie Hall with Essential Voices USA and the New York Pops and even performed under the baton of Leonard Bernstein and Philip Glass.

Olivia lives in Brooklyn with her husband who is not a lawyer. They have two sons who are juniors in college, and two cats who study mischief.



Catherine Christian is Chief of the New York County District Attorney's Office's Elder Abuse Unit and Special Assistant District Attorney for External Affairs.

She chairs the District Attorney's Association of the State of NY's (DAASNY) Elder Abuse Sub-committee and is a member of the New York State Judicial Committee on Elder Justice.

Catherine joined the office in 1988 and was assigned to the trial division where she prosecuted a wide variety of crimes, including domestic violence and homicides. She was co-counsel in the trial of a defendant charged with the homicide of a NYPD officer. In 1995, she joined the criminal defense

(Continued on Page 7)

Committee Chairs (Continued from Page 6)

practice of a law firm, and later served as an Assistant Counsel for the New York State Commission of Investigation. She subsequently served as the Principal Law Clerk to the Honorable Rosalyn Richter.

Catherine was reappointed an assistant district attorney in December 1998 and assigned to the Office of the Special Narcotics Prosecutor (SNP) serving in various positions, first as Senior Trial Counsel in the Special Investigations Bureau supervising complex long term investigations of international narcotics trafficking organizations, and ultimately as a member of the SNP's Executive Staff.

Catherine is a member of the Appellate Division First Department's Attorney Grievance Committee and Character and Fitness Committee. She is an active member of several bar associations and has served in various leadership roles, including Vice President of the 1st Judicial District of the NYSBA. From 2007-2008, she was President of the New York County Lawyers' Association.



Jessica Horani is a Senior Trial Attorney in the Homicide/Major Case Defense Unit at New York County Defender Services, a public defense firm in Manhattan. As one of four trial attorneys in the unit she handles offenses which carry a potential life sentence including intentional murder, predatory sex offenses, and cases where the client is facing mandatory persistent sentencing.

Prior to joining NYCDS in 2016, she was in private practice as a member of the Felony Assigned Counsel Plan in Manhattan and began her career in criminal defense as an Assistant Public Defender in Miami-Dade County in 2001. A graduate of Cardozo School of Law, she currently serves as a Vice-President on the Board of the New York State Association of Criminal Defense Lawyers and is Co-Chair of the New York Women's Bar Association's Criminal Law Committee.

A proud naturalized American citizen of Jordanian and German origin, she is dedicated to holding up the ideals of our constitutional rights for every client and using the law to fight for their humanity. As an avid (but not fast!) runner you might find her trading the din of a busy courtroom for the solitude of the trails whenever she can get away.

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.

An Elephant Goes to the Court of Appeals

By Mariann Sullivan

Early next year, the Court of Appeals will hear arguments in one of the most extraordinary cases of our time. On behalf of Happy the Elephant, the attorneys of the Nonhuman Rights Project will argue that she is currently imprisoned in lonely isolation in inadequate conditions and is entitled to habeas corpus so that she may be released to enjoy as much freedom and companionship as she can safely be afforded. Arguing in opposition will be Happy's "owner," the Wildlife Conservation Society, which runs the Bronx Zoo, where Happy resides.

Happy's case is not the first to argue that an animal is entitled to invoke the ancient common law writ of habeas corpus, but it is the first to reach the highest court of any of the 50 states. It is unlikely to be the last. Writing in a prior case involving chimpanzees, in which leave to appeal was denied for procedural reasons, Judge Eugene Fahey made clear why the idea is not as absurd as, perhaps, some imagine (*Matter of Nonhuman Rights Project, Inc. v Lavery*, 31 NY3d 1054 [Fahey, J. concurring]). The question has been considered seriously in courts around the world, and, indeed, the writ has been granted on behalf of an Argentinian orangutan.

Nor is this the first case in New York in which the writ has been asserted on behalf of animals. In past cases, all argued by NHRP attorneys, the courts have held for a number of reasons that habeas could not lie but have relied most heavily, perhaps, on the simple fact that the petitioners are not human, case closed. While the NHRP, of course, does not deny that Happy is, in fact, an elephant, they assert that the essence of the common law is its flexibility and its ability to grow to suit current facts based in principles of, inter alia, equality and autonomy. In light of current science, they assert, we now know that elephants are capable of considerable autonomy and, simply because Happy can't be released into the wild, it doesn't mean that she is not entitled to the freedom to live a rich and full life, such as in a sanctuary where she may enjoy the company of other elephants and sufficient room in which to roam.

The Court will, thus, be confronted with fundamental issues regarding the rule of law and our treatment of animals as subjects of human domination. Are the courts of New York ready to give these groundbreaking ideas the thoughtful analysis so many have come to believe they deserve? The extraordinary panoply of scientists, philosophers and legal scholars who have submitted amicus briefs on Happy's behalf seem to think so.

As Judge Fahey queried, "Does an intelligent nonhuman animal who thinks and plans and appreciates life as human beings do have the right to the protection of the law against arbitrary cruelties and enforced detentions visited on him or her? This is not merely a definitional question, but a deep dilemma of ethics and policy that demands our attention." It appears that it is about to get it.

Mariann Sullivan is a member of the NYWBA Animal Rights Committee, an adjunct professor of animal law at Cornell University School of Law and the host of the Animal Law Podcast.

ZOOM WITH A JUDGE

Zoom with Hon. Erika M. Edwards
on October 14, 2021



As part of its "Zoom with a Judge" series, on October 14, 2021, the NYWBA hosted a lunchtime zoom program with **Judge Erika M. Edwards** on the topic of "Diversity and Inclusion in the Courtroom and Beyond." During the program, Discussion Facilitator **Fran Hoffinger** asked Judge Edwards questions about the most critical areas in the court that need improvement as far as diversity and inclusion and what might be done to improve these areas, what can judges and practitioners do to make positive changes in the future and what can bar associations such as the NYWBA do to help in that effort. Judge Edwards, who currently serves in the New York State Supreme Court, Civil Term, previously served in the New York City Criminal and Civil Courts, and prior to being a judge was a prosecutor and a trial lawyer who handled both criminal and civil matters. There was also a discussion about the pipeline to prison crisis and what can be done to help end it. Judge Edwards' breadth of experience as both a lawyer and judge, as well as her service as past president of The Judicial Friends Association, an organization of judges of color who work in New York State and former co-chair of the Criminal Term's Gender Fairness Committee, made for a lively and interesting discussion.

Fran Hoffinger (private practitioner specializing in criminal and civil litigation and family law, Member of the Board of Trustees, Co-Chair NYWBA Legacy Project, former Co-Chair and current Member NYWBA Criminal Law Committee, Member NYWBA Judiciary Committee and Solo and Small Practice Committee).

Save-the-Date

The NYWBA Judicial Reception
Returns to the Yale Club

March 3, 2022, 6:00 p.m.



Also generously sharing their time to Zoom with a Judge in October were the **Honorable Tanya R. Kennedy** (pictured above), Associate Justice of the Appellate Division, First Department (moderator **Ernestine J. Mings**) and the **Honorable Troy Webber**, Associate Justice of the Appellate Division, First Department (moderator **Lisett Ferreira**).





NEW YORK WOMEN'S BAR ASSOCIATION

**THE ANIMAL RIGHTS AND MATRIMONIAL LAW COMMITTEES
PRESENT A CLE PROGRAM...**



WHO GETS THE DOG?
Pet Custody Battles Are Officially Here

December 16, 2021 | 6:00pm

SPEAKERS	DETAILS
Hon. Matthew Cooper , Associate Justice of Appellate Term, First Department. Decided the key case of <i>Travis v. Murray</i> related to consideration of the best interest of a companion animal when awarding possession during divorce proceedings. Judith E. White, Esq. Partner at Lee Anav Chung White Kim Ruger & Richter, LLP. Ms. White has worked on pet custody access issues, including crafting an access schedule for a dog (including supervised access for a time). Alexandra Horowitz, Ph.D. Author of the #1 New York Times bestseller <i>Inside of a Dog: What Dogs See, Smell, and Know</i> ; <i>Being a Dog: Following the Dog Into a World of Smell</i> ; and <i>Our Dogs, Ourselves</i> . Dr. Horowitz will address what factors warrant consideration when assessing the "best interest of a companion animal."	<p>Location: Zoom</p> <p>RSVP: Animallaw@nywba.org</p> <p>CLE Credits: 1.0 Area of Professional Practice</p> <p>Cost: Free for NYWBA and WBASNY Members / \$25 for Non-Members</p>

Listen to Your Body Talk: Breast Cancer and Ovarian Cancer Awareness By Sandra Lespinasse

On October 26, 2021, the NYWBA partnered with the Judges and Lawyers Breast Cancer Alert (JALBCA), SHARE, Bronx Women's Bar Association, Brooklyn Women's Bar Association, Queens County Women's Bar Association, and Staten Island Women's Bar Association in a presentation to raise awareness about breast cancer and ovarian cancer.

JALBCA's Executive Director, **Claire Gutekunst**, gave introductory remarks on the work of JALBCA, which includes raising awareness about breast cancer as well as providing grants to fund programs that provide mammograms to uninsured and underinsured women and legal and social services to women and families in crisis due to a diagnosis of breast cancer.

The program's three panelists were all cancer survivors. The speakers were **Susan Broderick**, Program Director at the National District Attorneys' Association, author of the soon-to-be-published book "Make Mine A Double," and a breast cancer survivor; **Theresa Drescher**, Author, Motivational Speaker, and Personal Coach, and volunteer for the breast cancer helpline at SHARE; and **Andrea Herzberg**, a former news reporter, 26-year veteran of the NYPD and retired sergeant of the Special Victims Unit who serves as coordinator for SHARE's ovarian cancer helpline. NYWBA President and ovarian cancer survivor **Amanda Norejko** moderated the discussion.

This program gave participants a chance to learn about breast and ovarian cancers from the unique perspective of survivors. There was a discussion about risks, treatments, early detection, and navigating doctor-patient relationships to help women become more empowered about their health care.

I smiled, laughed, and cried. You will be touched by their courage and candor. If you were not able to watch the presentation, you can view the **video, now available on JALBCA's website, at <https://jalbca.org/events/listen-to-your-body-talk/>.**

Tips on becoming an empowered patient included:

1. Communicate with your doctors about how you feel.
2. Get medical information in clear and understandable language.
3. Ask questions. Write them down as they come up rather than hoping to remember them at a medical appointment. Ask the questions at the beginning of the appointment rather than when you are walking out the door.
4. If possible, take someone with you to ask questions and take notes. If this is not possible, have someone call in to the appointment or record the appointment (with consent of the doctor) to listen to it with a partner, family member or friend later.
5. Get a second opinion.
6. Do not see all your doctors at the same time. Spread out medical appointments throughout the year and tell all your doctors everything that is going on with you.
7. Know your family medical history.

In order to learn more or help support the great work of JALBCA and SHARE, you can visit their websites: <https://jalbca.org> and <https://www.sharecancersupport.org>.

Sandra Lespinasse is a Vice President of JALBCA.

The *Pro Bono and Community Service Committee* would like to suggest the following organizations for end of the year donations:

Little Essentials - Little Essentials offers at-risk families living in poverty urgently needed children's supplies and parenting education to promote the health, well-being and safety of their children under five years of age.

<https://www.littleessentials.org/donate>

Emma's Torch - Emma's Torch - Donate (emmastorch.org) - provides refugees, asylees, and survivors of human trafficking with culinary training, ESL classes and interview preparation.

NYC Food Bank - Donate Now - Food Bank For New York City (foodbanknyc.org)

New York Cares Coat Drive - <https://www.newyorkcares.org/coat-drive> - This winter, when you donate \$25 or more to the Coat Drive, you help distribute a brand-new coat plus a week of meals to someone who needs it most.

Big Brothers Big Sisters NYC - offers a variety of mentoring programs designed to support NYC youth across our five boroughs. Big Brothers Big Sisters of NYC (convio.net)

Catholic Family Center's Amazon List for Afghans resettling in Rochester - make sure to choose Catholic Family Center's address listed in other addresses - <https://www.amazon.com/registries/custom/11W1SJ0TKGI3Q/guest-view>. For more info: <https://www.cfcrochester.org/appeals/>.

Saint's Place (Rochester) - Amazon list for Afghans resettling in Rochester - [Amazon.com](https://www.amazon.com).

Long Island Cares - currently providing Emergency Food Assistance to over 255,000 Long Islanders in need. Donate Now 2.19.21 - Long Island Cares | The Harry Chapin Food Bank (licares.org).

Happy Holidays!



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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 **Jennifer Branca**, **Katelyn M. Brack**, **Elizabeth Friedrich** & **Olivia Sohmer**) 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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