



# NEW YORK WOMEN'S BAR ASSOCIATION

## PRESIDENT'S MESSAGE

MAY 2022

It is hard to believe that after two long years, this will be my last President's Message in our newsletter. We have been through some serious challenges together, and we have managed to keep our Association strong and connected. With over 700 members and great participation in our events and CLEs, we continue to thrive as we enter our 87th year since 11 intrepid women incorporated a new bar association that would help change the experience of women in the legal profession forever. The difficult times we have faced and their impact on women in the workforce have galvanized our resolve to keep working toward our mission to elevate the status of women.



Amanda B. Norejko

I am thrilled to pass the torch to our incoming NYWBA Officers, who were elected at our Annual Meeting on April 26, 2022. Congratulations to 2022-2023 President **Magnolia D. Levy**; Vice Presidents **Jocelyn L. Jacobson**, **Melissa Ephron-Mandel**, and **Sabrina E. Morrissey**; Treasurer **Lissett C. Ferreira**; Recording Secretary **Vivian Rivera Drohan**; and Corresponding Secretary **Morgan F. Mouchette**. The NYWBA will be in very capable hands, and I look forward to seeing it blossom as we begin to reclaim some of what we missed during the two long years of the pandemic.

There is also an exciting year ahead on the statewide level. NYWBA Past President **Deborah G. Rosenthal** will be installed as WBASNY's 2022-23 President at the upcoming WBASNY Convention. This is the first time our chapter has produced a WBASNY President since the legendary **Martha E. Gifford**, who served as WBASNY President from 2001-2002. Please consider joining us to celebrate this historic event at Convention, which will be held in person for the first time since 2019 at the Kartrite Resort in Monticello, NY from June 2-5, 2022. For more information, please visit <https://www.wbasny.org/convention-2022/>.

Once again this year, Frankfurt Kurnit Klein & Selz hosted an ethics CLE program following our Annual Meeting of the membership on April 26, 2022. A panel moderated by **Nicole I. Hyland** and including presenters **Hon. Shahabuddeen Ally** and **Elizabeth Tuttle Newman** addressed "Hot Topics and Current Developments in Ethics."

The NYWBA also offered a wide variety of other CLE programs in the month of April. On April 5th, the Pro Bono and Community Service Committee presented a CLE program on "Applying an Equity Lens to Pro Bono." On April 27th, the CLE Committee presented a program in col-

(Continued on Page 2)

### *NYWBA 2022 Annual Awards and Installation Dinner*

*Awards of Recognition will be presented to*

#### *Honorable Tanya R. Kennedy*

Associate Justice, Appellate Division, First Department

#### *Honorable Saliann Scarpulla*

Associate Justice, Appellate Division, First Department

*The Hon. Florence E. Allen Award will be presented to*

#### *Honorable Sherry Klein Heitler*

*The Doris S. Hoffman Service Award will be presented to*

#### *Honorable Judith J. Gische*

*Magnolia D. Levy will be installed as 2022-2023 NYWBA President*

#### *Incoming Officers to be Installed*

- Jocelyn L. Jacobson*, Vice President
- Melissa Ephron-Mandel*, Vice President
- Sabrina E. Morrissey*, Vice President
- Lissett C. Ferreira*, Treasurer
- Vivian Rivera Drohan*, Recording Secretary
- Morgan F. Mouchette*, Corresponding Secretary
- Amanda B. Norejko*, Immediate Past President

*Thursday, June 16, 2022  
Three Sixty°*

10 Desbrosses Street, Tribeca, New York

Cocktails at 6:00 p.m.  
Dinner and Program at 7:30 p.m.

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

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

laboration with the Data Privacy and Security Roundtable of USA500 Clubs on "So You've Been Breached, What's Next?" which was moderated by **Amy B Goldsmith**, NYWBA Board Member and CLE Committee Co-Chair.

Don't miss the upcoming May CLE programs, including "Computer Tech Skills Every Lawyer Needs to Know," which will be presented by the Solo and Small Firm Practice and Civil Courts Committees on May 5th; "Re-Thinking Careers in Post Pandemic World" presented by the Litigation and Students and New Lawyers Committees on May 10th; "Current Issues in Commercial L&T/Part 52 Practice" presented by the Civil Courts Committee on May 24th; and "The Ethics of Pro Bono Practice" presented by the Pro Bono and Community Service Committee on May 26th.

Mother's Day falls on May 8th this year. While some of us may not have children, most of us have or had a mother or mother-figure at some time in our lives. My own mother recently told me that when she was young, she said she wanted to be a lawyer but was told that a girl like her from a poor family would be laughed out of the courtroom if she tried. Discouraged from her dream, she abandoned it and made a successful career as a nurse instead. When I expressed the same dream as a teenager and other mothers in our small town told my mother that she should make me give it up as unrealistic, she refused. Instead, she told them "Have you seen my daughter? She can do anything she sets out to do." She never told me that I couldn't do it, so I went ahead and did it. I will forever be grateful to her for allowing me to pursue my passion and build this career in the legal profession that has given me so much.

Many mothers face extreme hardship in trying to keep their children safe and give them a brighter future. In honor of Mother's Day, the NYWBA Domestic Violence Committee is encouraging our members to support mothers fleeing from lives of violence by donating gift cards to the Manhattan Family Justice Center (FJC). The FJC is a safe, caring environment that provides one-stop services and support for survivors of domestic and gender-based violence. Many legal services and social services organizations serving Manhattan residents meet their clients at the FJC. Those clients are often mothers in need of emergency financial assistance to buy food, clothing, diapers and wipes, and other small necessities. Gift cards handed to them by the FJC staff enable them to access these necessities near their home or shelter. Our Domestic Violence Committee asks that you join them in celebrating Mother's Day by helping a mother in need.

Finally, as I say goodbye to my time as NYWBA President, I want you to know that it has been an honor and a privilege to serve you. Your trust in me to carry out this position throughout my ongoing cancer treatment has inspired me to utilize whatever abilities I possessed to promote our mission even in the toughest circumstances, and I hope that I have done justice to the role. It is hard to believe that my second term is soon coming to an end, but I am thrilled to see where this Association is going next under the capable leadership of the next President.

I am grateful for all the work of our fantastic Officers, Directors, Advisory Council, Committee Chairs, and especially our Executive Director, **Karen Lu**. I would like to extend my deepest gratitude to the 2021-2022 Officers, Vice Presidents **Magnolia D. Levy**, **Jocelyn L. Jacobson**, and **Melissa Ephron-Mandel**; Treasurer **Sabrina E. Morrissey**; Recording Secretary

**WELCOME NEW MEMBERS**

Emma L. Bruder  
 Elodie E. de Bethmann  
 Michelle Foxman  
 Hannah Hage  
 Caitlin Nolan  
 Alea K. Roberts  
 Anna Zhuravlova

as of April 19, 2022

*Save-the-Date*

**The Martha E. Gifford  
 Summer Program  
 "What It's (Really) Like  
 To Practice Law As A Woman"**

**July 19, 2022**

***Your Opinion Matters***

NYWBA is seeking monthly opinions on legal matters. Please send your op-ed piece to ***opinions@nywba.org***.

***NYWBA MEMBERSHIP***

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.

**Lissett C. Ferreira**, Corresponding Secretary **Morgan F. Mouchette**; and Immediate Past President **Virginia A. LoPreto**, for their outstanding commitment to this Association as well as their creativity and vision. To our entire membership, I am thankful to you for the myriad ways in which you have all inspired me through your contributions of time, energy, and ideas. It is your continued presence that has sustained this Association through the pandemic and will lead the way into our next chapter and a brighter future for us all.

*Amanda*

"We must be authors of the history of our age." - *Madeleine Albright*

## COMMITTEE CALENDAR

**Animal Rights Committee** meeting by Zoom on **May 2** at 6:00 p.m. RSVP [animallaw@nywba.org](mailto:animallaw@nywba.org).

**Criminal Law Committee** in-person social event on **May 16** at 6:00 p.m. Place TBD. Email [CrimLawChairs@nywba.org](mailto:CrimLawChairs@nywba.org) for more info.

**Matrimonial and Family Law Committee** Presentation on the Part 137 Fee Dispute Resolution Program on **May 17** at 6:00 p.m. Meeting will be held in person. Details to follow.

**Programs & Events Committee** meeting on **May 4** at 6:00 p.m. The meeting will be in person and not by Zoom. For further information and RSVP, contact [events@nywba.org](mailto:events@nywba.org).

### *Lunch & Learn Elder Law*

### *Maximizing Medicaid Home Care Hours for Your Clients*

*Featuring: Vanassa Wills*

**VANASSA WILLS** is a social worker that specializes in geriatric medicine and is a life care manager with over 20 years in the field. She manages an eclectic practice which includes life care management, creating client centered care plans, accessing home care, guardianship care giver support and navigation of the Medicaid and Medicaid Long Term Care application process.

**May 10, 2022, 1:00- 2:15 PM**

By Zoom

RSVP [gdi@nywba.org](mailto:gdi@nywba.org)

Matrimonial and Family Law Committee presents:

### *Part 137 Fee Dispute Resolution Program*

Please join us for a presentation and discussion on the Part 137 Fee Dispute Resolution Program, which provides for the informal and expeditious resolution of fee disputes between attorneys and clients through arbitration and mediation.

*Speaker: Susan L. Bender, Esq.*

**Date:** *May 17, 2022, 6:00 p.m.*

**Location:** 99 Madison Ave., 8th Fl., NYC 10016  
(Limited to first 40 people to RSVP)  
- Or -

Zoom - invitation to follow upon RSVP

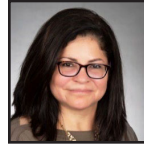
**Cost:** Free – NYWBA and WBASNY Members  
\$25 - Non-members

**RSVP:** By May 12, 2022 to [MFchairs@nywba.org](mailto:MFchairs@nywba.org)

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

## Meet the Committee Chairs

### Federal Practice Committee



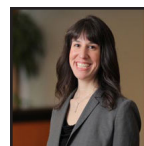
**Vivian Rivera Drohan** is a partner with Drohan Lee LLP and heads the Litigation group. Her practice includes representation of clients in the financial and hospitality fields in federal and state trial and appellate litigation, private arbitration and mediation, litigation before the Trademark Trial and Appeals

Board and various regulatory and self-regulatory agencies including the Equal Employment Opportunity Commission, Human Rights Division, Securities and Exchange Commission, Financial Industry Regulatory Authority, Commodities Futures Trading Commission and National Futures Association.

For nearly thirty years Vivian has successfully represented Insurance companies, public and private Investors and issuers, high net worth individuals, investment funds and managers, banks and brokers, as well as hospitality providers in a wide variety of complex financial and contractual disputes, regulatory enforcement, intellectual property and employment matters.

Vivian is a FINRA approved arbitrator and State Court Evaluator. She is a member of the New York Federal Bar Association and the New York State Bar Association's Federal and Commercial Litigation Committee. She serves as a Director of the New York Chapter of the Women's Bar Association in addition to the co-chair of its Federal Practice and Membership Committees. She currently serves on the New York City Bar Association Puerto Rico Task Force Committee. She has previously served on the Board of Directors of FamilyKind Ltd and continues to remain involved as pro bono counsel. She graduated from Fordham University in 1986, and earned her Juris Doctor from Brooklyn Law School, where she participated in the school's national Moot Court Honor Society. Since 2013 she has been recognized as a Super Lawyer in the New York Super Lawyers Editions under the Business Litigation area.

Vivian is admitted to practice in New York State, Colorado and Washington, DC. She is also admitted in the Southern and Eastern Districts of New York, and the United States Court of Appeals for the Second and Seventh Circuits.



**Elyssa Kates** concentrates her practice in the areas of domestic and international corporate finance and financial restructuring. She has extensive experience in insolvency, including bankruptcy and receiverships, secured transactions and financing, multi-tranche loans, commercial litigation, financial fraud, and debtors' and creditors' rights. She represents contract counterparties, creditors, debtors, trustees, asset purchasers, transferees and landlords/lessors in bankruptcy, district and state courts. Elyssa's practice spans such industries as financial services, real estate, retail, media, shipping and logistics, public relations, hospitality and healthcare.

Before joining the firm, Elyssa represented some of the largest national and international financial institutions, insurance companies, manufacturers, landlords and real property holders in commercial, bankruptcy, creditors' rights and banking litigation and mediations, including contract issues, asset purchases, injunctions, reclamation claims, avoidance actions, actions to withdraw references, rejection claims, bond offerings, loan restructuring, banking regulations and automatic stay issues.

## GDI Presentation on Court Evaluator Role

By Sabrina E. Morrissey

**Hon. Lisa A. Sokoloff** gave a brief introduction to the Guardianship Diversity Initiative, which is a program created by the NYWBA Elder Law and Diversity Committee based on the vision of Judge Sokoloff, to bring in additional members of the bar to the practice of guardianship. We are looking for attorneys who have varied life experience, educational and work backgrounds, language skills and cultural diversity. We also have a mentoring program for anyone who needs assistance while acting as a court appointee in a MHL Article 81 case. If you need a mentor, or are interested in creating a guardianship practice or participating as a court appointee in guardianship cases, contact the Guardianship Diversity Initiative at [gdi@nywba.org](mailto:gdi@nywba.org).

Wednesday, March 23rd marked the first of several training GDI presentations on guardianship roles and was about the Court Evaluator. The speakers were **Philip Solomon, Esq.**, **Sylvia DiPietro, Esq.**, **Judy Mock, Esq.** and **Edmond Wong, Esq.**, all of whom have extensive Court Evaluator experience. Mr. Solomon started the program by giving a summary of the background of the Article 81 statute as it relates to the Court Evaluator role.

Sylvia DiPietro followed with a practical presentation on how to create a Court Evaluator's report and the exigency of the report. She discussed the importance of writing the report early, and creating a template based on past reports, so that the report is well-organized and contains contemporaneous information, which is a big timesaver. Guardianship cases are heard within 28 days of filing, unless the Court extends the date for good cause shown. Due to this short timeframe, the Court Evaluator's report must be sent to the Court in just over 3 weeks from appointment, and as a result, there is no time to waste in putting together the report.

Ms. DiPietro said she has a folder with sample Orders, which is a time-saver, as the Court may ask for an Order to be drafted quickly in the course of the investigation. She discussed Article 83, which is the Uniform Guardianship Act, and suggested that Court Evaluators should have a familiarity with this act, in the event an Alleged Incapacitated Person has been taken out of the state. In closing, she talked about various dispositional alternatives and the reality that some guardianship cases are ended without a guardian being appointed.

Mr. Solomon spoke again and reiterated that "time is of the essence" in preparing the report. He talked about how the report may serve as a series of guidelines for the guardian. He listed several investigative options, such as a subpoena for records and getting the subpoena "so ordered" and submitting the subpoena to the proper place. He also discussed visiting the AIP's home, even if it is necessary to get an Order to do so. He explained how to access confidential information, including medical information. For medical information, he recommended that a request should be made to the Court and said an Order or HIPAA waiver may need to be provided. Mr. Solomon noted that Counsel for the AIP may object. In closing, he discussed emergency actions that are available to the Court Evaluator, and how they should be used to protect the AIP. Any emergency actions taken should be disclosed to the Court immediately thereafter. He emphasized that the Court Evaluator should reach out to the Court with any questions about actions that may be necessary that fall outside the normal duties of the job.

Judy Mock discussed examining the critical service requirements as part of the report done by the Court Evaluator. She said, for example, face sheets, visitor logs and PRI's (in nursing home cases) have information on persons who might need to receive notice. She read from the statute (MHL 81.07) on who is to receive notice. One part of the Court Evaluator role is to be sure proper persons have notice of the proceeding. It serves not only as a jurisdictional requirement, but also as a possible way to reconnect the AIP with family members. She said she has, in the past, used a private investigator to find family members of the AIP, where there is no one listed to receive notice.

The last speaker was Edmond Wong. Mr. Wong reviewed the topics discussed by the other speakers. He talked about different responsibilities of the Court Evaluator and highlighted the importance of the Court Evaluator's role as a neutral, objective one, an information-gathering one, and not a decision-making one. He emphasized that decisions in guardianship cases are reserved for the Judges. This was a great program, with excellent information provided by the speakers. Thanks to Judge Sokoloff for all of her work on this important initiative. If you have any questions or want more information on the GDI or guardianship roles, please email [elderlawchairs@nywba.org](mailto:elderlawchairs@nywba.org) or [gdi@nywba.org](mailto:gdi@nywba.org). Judge Sokoloff also said general questions may be sent to her court attorney at [effernan@nycourts.gov](mailto:effernan@nycourts.gov).

*Olivia Sohmer invites you to*

GRACE CHORALE OF BROOKLYN



### **The Constitution, A Secular Oratorio** by Benjamin Yarmolinsky

Grace Chorale of Brooklyn  
Jason Asbury, Music Director

In collaboration with  
Vertical Player Repertory  
Judith Barnes, Artistic Director  
presents

**The Constitution, A Secular Oratorio**  
by Benjamin Yarmolinsky  
accompanied by chamber orchestra

a semi-staged musical performance  
of our nation's foundational document.

**SATURDAY MAY 14, 2022 - 7:00 PM**  
**SUNDAY MAY 15, 2022 - 3:00 PM**

**St Ann & the Holy Trinity Church**  
157 Montague Street, Brooklyn, New York 11201

For Tickets, visit [www.GraceChorale.org](http://www.GraceChorale.org)

**NYWBA's Solo and Small Firm Practice,  
Student and New Lawyers and Civil Courts  
Committees present a CLE Program:**

***Computer Tech Skills Every  
Lawyer Needs to Know***

*Presenters:*

**Stamatia Panuccio**, Network Systems Tech III  
Office of Court Administration  
New York Supreme Civil Court, 1st Judicial  
District

**Gail I. Bader, Esq.**

**Melissa Glassman, Esq.**

*Moderator:*

**Hon. James G. Clynes, AJSC**

**Date:** May 5, 2022

**Time:** 1:00 pm – 2:15 pm

**Location:** Via "Zoom"

**CLE:** 1 credit\*

**Cost:** **FREE** – NYWBA/WBASNY Members  
**\$25\*\*** – Non-members

**RSVP:** Email [CivilCourtsChairs@nywba.org](mailto:CivilCourtsChairs@nywba.org)

**Info:** Materials, Link and Passcode to attend will be sent via email after receipt of RSVP. If you have any questions, please contact [cle@nywba.org](mailto:cle@nywba.org).

\*CLE Credits: 1.0 Credit. The New York Women's Bar Association is an accredited CLE provider. Approval of CLE credit is pending in accordance with the requirements of the New York State CLE Board for the above-listed credit hours for experienced attorneys (those admitted to the New York Bar for more than 2 years) and as transitional credit hours for newly admitted attorneys. Please be advised that, in accordance with the New York State CLE Board Regulations and Guidance, while newly admitted attorneys are encouraged to participate in diversity programs, only experienced attorneys may earn credit in the Diversity, Inclusion and Elimination of Bias category of CLE credit.

\*\* Free 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 Amy B. Goldsmith or Stacey Better Phillips at [cle@nywba.org](mailto:cle@nywba.org) or 212-216-1135. All requests are confidential.

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.

**The NY Women's Bar Association Foundation**  
Invites You to an Evening Discussion with

**Shannon Prince**

author of

***Tactics for Racial Justice: Building an Antiracist  
Organization and Community***

The event will take place at Hudson Yards with light refreshments and will be followed by a book signing by the author. Books will be available for purchase on site.

**Date:** Tuesday, May 3, 2022

**Time:** 6:00 p.m. – 8:00 p.m.

**Location:** **Offices of Boies Schiller Flexner LLP**

55 Hudson Yards, 20th Floor  
Remote log-in information will be provided before the event.

**Cost:** **\$60 per person** – members and non-members (book not included). Your payment is tax deductible to the fullest extent allowed by law.

**RSVP:** RSVP and advance payment are requested by **April 28, 2022**. Please go to [www.eventbrite.com/e/305188786877](http://www.eventbrite.com/e/305188786877)  
Your RSVP will be confirmed upon payment.

**Info:** Email: [info@nywbaf.org](mailto:info@nywbaf.org)  
In-person attendees will be asked to certify compliance with venue Covid protocols and to fill out a guest screening questionnaire upon arrival.

***NYWBA – Cycle for Survival***

We are proud to announce that this year the NYWBA is coming together as a team to beat rare cancers. We will be participating in the Memorial Sloan Kettering Hospital and Equinox Cycle for Survival event on May 21, 2022.

We are so excited that you have decided to join us in raising money to beat rare cancers. As you know, 100% of Every Dollar Goes to Beat Rare Cancers.

The event will take place on May 21st between 1-5pm at the Wollman Rink in Central Park. All Participants must be vaccinated and provide proof of vaccination on site. This is a four-hour cycling event during which team members will sign up for 30-minute time slots. There is no training necessary. This is a high energy, fun event. There will be speakers, music and cycling instructors to keep our energy and spirits up.

We look forward to joining together and raising money for a great cause that, unfortunately, touches so many of our lives.

Follow this link to sign up for our team: <https://bit.ly/NYWBACycle2022>  
Team Name: **New York Women's Bar Association (NYWBA)**  
Team password is **NYWBA2022**

Once you have joined our team, please use the following link to sign up for a timeslot to ride at the event: <https://bit.ly/NYWBACycleSignUp>

Thank you for joining the NYWBA Cycle for Survival Team,

**Crystal R. Villaseñor & Melissa F. Glassman**

The Pro Bono and Community Service Committee  
present a CLE Program:

***The Ethics of Pro Bono Practice***

Speaker: *Catherine Weiss*, Lowenstein Sandler LLP

- Date:** May 26, 2022, 1:00 p.m. to 2:30 p.m.
- Place:** Zoom – invitation to follow upon RSVP
- Cost:** Free – NYWBA and WBASNY Members\*\*  
\$25 – Non-members
- RSVP:** Before May 9, 2022 at  
<https://bit.ly/3qrTeWJ>
- Info:** If you have any questions, please contact  
[cle@nywba.org](mailto:cle@nywba.org)

\*CLE Credits: 1.5 Ethics Credits. The New York Women’s Bar Association is an accredited CLE provider. Approval of CLE credit is pending in accordance with the requirements of the New York State CLE Board for the above-listed credit hours for experienced attorneys (those admitted to the New York Bar for more than 2 years) and as transitional credit hours for newly admitted attorneys. Please be advised that, in accordance with the New York State CLE Board Regulations and Guidance, while newly admitted attorneys are encouraged to participate in diversity programs, only experienced attorneys may earn credit in the Diversity, Inclusion and Elimination of Bias category of CLE credit.

\*\* Free 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 Amy B. Goldsmith or Stacey Better Phillips at [cle@nywba.org](mailto:cle@nywba.org) or 212-216-1135. All requests are confidential.

The Litigation and Students & New Lawyers  
Committees present a CLE Program:

***Re-Thinking Careers in Post Pandemic  
World Panel Discussion***

Speakers: *William (Bill) Min, Andrew Sparkler,  
Rippi Gill & Beth Walker*

Moderator: *Sara Crasson*

- Date:** May 10, 2022, 7:00pm–9:00pm
- Location:** Zoom Webinar
- CLE:** 1.5 credits \*
- Cost:** Free – NYWBA and WBASNY Members\*\*  
\$25 – Non-members
- RSVP:** Before May 1 to [snlchairs@nywba.org](mailto:snlchairs@nywba.org)
- Info:** If you have any questions, please contact  
[snlchairs@nywba.org](mailto:snlchairs@nywba.org) or [cle@nywba.org](mailto:cle@nywba.org).

**RSVP BEFORE May 1 2022**

\*CLE Credits: 1.5 Diversity, Inclusion and Elimination of Bias. The New York Women’s Bar Association is an accredited CLE provider. Approval of CLE credit is pending in accordance with the requirements of the New York State CLE Board for the above-listed credit hours for experienced attorneys (those admitted to the New York Bar for more than 2 years) and as transitional credit hours for newly admitted attorneys. Please be advised that, in accordance with the New York State CLE Board Regulations and Guidance, while newly admitted attorneys are encouraged to participate in diversity programs, only experienced attorneys may earn credit in the Diversity, Inclusion and Elimination of Bias category of CLE credit.

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NYWBA Civil Courts Committees present a CLE Program:

***Current Issues in Commercial  
L&T / Part 52 Practice***

**Presenters:**

*Catharine Grad, Esq., Ranakdevi Londoner, Esq.,  
Melissa Ephron-Mandel, Esq., & Dani Schwartz, Esq.*

**Moderators:**

*Hon. James G. Clynes, AJSC & Hon. Ilana Marcus, JCC*

- Date:** May 24, 2022, 1:00 pm – 2:15 pm
- Location:** Via “Zoom”
- CLE:** 1 CLE Credit\*
- Cost:** FREE – NYWBA/WBASNY Members  
\$25\*\* – Non-members
- RSVP:** Email [CivilCourtsChairs@nywba.org](mailto:CivilCourtsChairs@nywba.org)
- Info:** If you have any questions, please contact  
[cle@nywba.org](mailto:cle@nywba.org).

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**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](mailto:info@nywbaf.org) or visiting <https://nywbaf.org>.

## The No Surprises Act - Will It Help Seniors? By Sabrina E. Morrissey, Elder Law and Disability Committee

A new Federal Law called the No Surprises Act of the 2021 Consolidated Appropriations Act took effect January 1, 2022. The law is cited as Pub. L. No. 116-260, 134 Stat. 1182, Division BB, § 109. The law prevents patients from receiving a surprise medical bill when they are unexpectedly treated by a health care provider outside their insurance network.

According to CNN's Tami Luhby, in an article dated December 28, 2021, surprise medical bills can number in the millions each year. According to the CNN article, two in three adults say they worry about unexpected charges, as reported by the Kaiser Family Foundation, and about 20% of emergency room visits include at least one surprise out-of-network bill.

Will it impact seniors? Possibly. If a senior is not yet 65, not on Medicare, or is working at a job still where she has private, employer-sponsored healthcare, it is likely that she has been subjected to "balance billing," which is just what it sounds like. Balance billing happens when a health care provider charges the patient for the balance over what insurance has paid. Avoiding balance billing is one goal of the No Surprises Act.

Medicare and Medicaid are largely prohibited from balance billing already.

How does the No Surprises Act work? Suppose a patient receives out-of-network services during an emergency visit or from a provider at an in-network hospital without advance notice. As a result of the No Surprises Act, the provider is prohibited from billing the patient more than the applicable in-network cost sharing amount. The provider must find out the patient's insurance status before submitting the out-of-network bill directly to the health plan. However, patients can give written consent to waive their rights under the No Surprises Act and be billed more by out-of-network providers.

What aspects of medical care are covered? The No Surprises Act covers most emergency services provided in hospitals, freestanding emergency departments and urgent care centers licensed to provide emergency care. It also applies to air ambulance services, but not ground ambulances. Also, the law covers non-emergency care from out-of-network providers at in-network facilities -- such as an out-of-network anesthesiologist working with an in-network surgeon or an out-of-network radiologist reading an X-ray ordered by an in-network doctor.

The no Surprises Act applies to nearly all private health plans offered by employers (including grandfathered group health plans and the Federal

Employees Health Benefits Program), as well as non-group health insurance policies whether through or outside of the marketplace.

The No Surprises Act allows patients to appeal disputes over coverage of surprise medical bills to an external reviewer. The Affordable Care Act (ACA) also requires that all consumers in non-grandfathered health plans have the right to appeal denied claims, first internally, and then, if the plan upholds its denial, to an independent external reviewer.

For states, such as New York, which already have a version of the No Surprises law, the new federal law supplements state billing laws but does not supplant them. The No Surprises Act instead creates a "floor" for consumer protections against surprise bills from out-of-network providers. For more information, including policy information and fact sheets about consumer protection under the No Surprise law, visit [cms.gov](https://www.cms.gov).

In next month's newsletter, I will have an article on how ambulance services are billed in New York, as there are special rules covering this service. I have found these services to be particularly problematic for seniors, who sometimes do receive what they believe is a "surprise" bill, after they are taken to the hospital by ambulance.

The Lawyers' Division of JALBCA invites you to join us at our

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May 9, 2022

THE ZIEGFELD BALLROOM

141 West 54th St., New York, NY 10019

6 p.m. Cocktails ♦ 7 p.m. Dinner

Business Attire

This venue requires all guests to show proof of vaccination upon entry.

## ***This Mother's Day, the NYWBA Supports Mothers Experiencing Domestic Violence***

As Mother's Day approaches on May 8th, I'm thinking of all the mamas in my life. For me, this day is about acknowledging all the hard work mothers do in raising our next generation. Their unpaid labor often goes without recognition or thanks. Like many things in life, mothering is difficult, although it can be immensely rewarding too.

Mothering is made more difficult when the other parent, or partner, is abusive. Although it is a silent pandemic often hidden from public view, domestic violence is pervasive in NYC. Since March 2020 when COVID-19 began, domestic violence rates exploded with the increased isolation and stress, and the numbers remain stubbornly high.

Moms face specific barriers to fleeing: they are often trapped by financial dependence and fears about fighting for or losing custody of their children. When present, they feel they can protect their children, but if they separate, who will be there to ensure the children are okay? Additional stresses and burdens include finding (affordable) childcare, a safe and big enough space for themselves and their kids, and new schools or daycares, and the shame and pressure to maintain the family unit for the children. And these are only a fraction of the challenges faced.

In order to truly make achieving safety accessible, we have to respond to domestic violence survivors intersecting needs: including safety planning, family law, housing, mental health, and financial. The Mayor's Office to End Domestic and Gender Based Violence operates Family Justice Centers (FJCs), that house legal and social service organizations- to create a one-stop-shop for survivors to have all of the intersecting needs met. Many Legal Service organizations serving Manhattan are found there, including: New York Legal Assistance Group, The Legal Aid Society, Safe Horizon, Sanctuary for Families, and Manhattan Legal Services, and key city agencies, such as the DA's office and the NYPD. There are counselors for children and adults, shelter providers, and emergency assistance for families: including clothing, food, diapers, wipes, subway passes, and other necessities.

This emergency financial assistance is so important for a survivor: who may be economically dependent on their abuser, may need to flee and in doing so leave all their and their children's belongings behind, and who needs stability so they can focus on addressing the mental health and legal needs of their family.

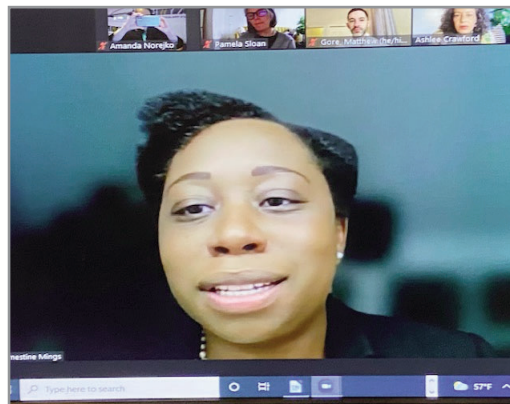
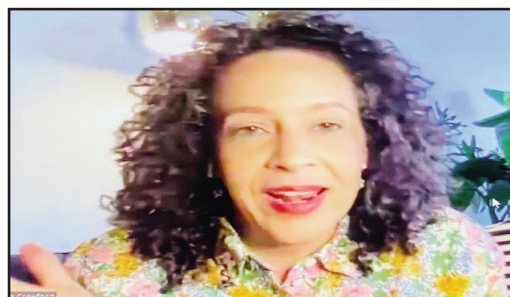
In NYC, the needs of domestic violence victims and survivors unfortunately far exceed the resources currently available. Domestic violence service providers are consistently at case capacity, while every day new victims are reaching out to them asking for help. To illustrate, in one study from New York, only 20% of civil legal needs of low-income persons are met. (See the Legal Services Corporation website for more stats about what they call the 'Justice Gap'.) Insufficient funding leaves many victims and survivors to litigate on their own, often causing them extreme fear and distress, and unjust outcomes for themselves and their children.

In honor of Mother's Day on May 8th, the Domestic Violence Committee is hosting a fundraiser for the clients of the Manhattan Family Justice Center. This will help the Center provide support to survivors who are in or who have left abusive environments, helping them and their children to find stability and safety. The Manhattan FJC would appreciate the support of NYWBA members in the form of gift cards, mailed or emailed to the FJC, that they will provide clients for their immediate, financial needs.

### ***INTERESTED IN LEADING A COMMITTEE?***

Members interested in leading a committee should e-mail [president@nywba.org](mailto:president@nywba.org) before **May 31st!** Please include **all committees** in which you are interested in serving.

***Equity in Action*** speaker series hosted by the ***Diversity, Equity and Inclusion Committee*** on March 22 with ***Hon. Ashlee Crawford***, and ***Ernestine J. Mings*** (Moderator)



**Please mail gift cards to:**  
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 80 Centre Street, 5th Floor  
 New York, NY 10013

**Or email gift cards to:**  
 Esmeralda Pena  
 Client Services Coordinator  
[esmeraldap@fjcnyc.org](mailto:esmeraldap@fjcnyc.org)

Visa gift cards are preferred, but gift cards from Target, Amazon and local grocery stores such as Key Foods and Trader Joe's are also very useful. Any small denomination (such as \$10, \$20, \$50) is appreciated.

Please send your gift cards today in time for Mother's Day on May 8th, however, any time in the month of May will be appreciated.

For questions contact Olivia Wilson, Esq., Executive Director of the Manhattan FJC, at [OliviaW@fjcnyc.org](mailto:OliviaW@fjcnyc.org).

Thank you for supporting survivors of domestic and gender-based violence this Mother's Day.

***Margaret Farmer, Shani Adess and Laura Russell,***  
 DV Committee Co-Chairs



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Current members should send updated address and contact information to [ED@nywba.org](mailto:ED@nywba.org). This will help us keep you informed about our programs, events, and other benefits of membership.

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