



NEW YORK WOMEN'S BAR ASSOCIATION

PRESIDENT'S MESSAGE

NOVEMBER 2023

There is much to write about in this November edition. One proposed amendment to our federal Constitution, the Equal Rights Amendment ("E.R.A."), and the 14th Amendment are foremost on my mind:



Sabrina E. Morrissey

On September 18th, I attended a 50th anniversary celebration of **Ms. Magazine** (and the publication of the book, **50 Years of Ms.**) held in conjunction with a presentation on the E.R.A. at the **Roosevelt House, Hunter College**. The keynote speaker was Tennessee State Representative **Gloria Johnson (D)**, one of the "Tennessee Three."

There was a panel discussion featuring **Ting Ting Cheng, Professor and Director of the Equal Rights Amendment Project at Columbia Law School**, and former Congresswoman **Carolyn B. Maloney**, now **Chair of the Fund for Women's Equality**. Professor Cheng said, "[t]he current U.S. Supreme Court wants to take us back to the 1700's." She said the U.S. has a "crack in the foundation" that the E.R.A. could start to mend. She said, "[w]e cannot call ourselves a democracy without the E.R.A." Congresswoman Maloney talked about the history of the E.R.A. passage effort and how difficult it was to pass any legislation protective of or supportive of women's causes.

The recent history of the E.R.A. is this. Through 1977, 35 of 38 states had ratified the amendment. Five states later rescinded their ratifications. The original ratification deadline was March 22, 1979. In 1978, Congress passed and **President Jimmy Carter** signed a joint resolution with the intent of extending the ratification deadline to June 30, 1982.

After 2010, Nevada, Illinois, and Virginia ratified the E.R.A. Proponents claim this brings the number of ratifications to 38. However, experts acknowledge legal uncertainty about the consequences of Virginia's ratification due to expired deadlines and five states' earlier revocations (see eracoalition.org).

Eleanor Smeal, Feminist Majority Foundation President, made clear the view of the Foundation that the Amendment has already been ratified and that both the House and Senate have reached a joint resolution to pass it. She said all that remains is for Congress to vote to make the E.R.A. the 28th Amendment. The view of some E.R.A. supporters is that if the E.R.A. were passed, decisions such as **Dobbs v. Jackson**, 597 US ___ (2022), and **Students for Fair Admissions, Inc. v. Harvard College**, 143 S. Ct. 2141 (2023), would be unconstitutional.

Senator Liz Krueger and **Assembly Member Rebecca A. Seawright**, drafters of New York's E.R.A. bill, also attended the event.

Where does New York stand on ratification? On January 24, 2023, the New York legislature passed the E.R.A.,

Continued on page 2

Animal Law Committee Meeting By Zoom.

November 3, 2023 12:15 pm
RSVP AnimalLaw@nywba.org.

NYWBA Alternative Dispute Resolution Committee presents a CLE Program:

Mediation Tips for Personal Injury Practitioners

Speaker: Tania Pagan, Esq.
Moderator: Marcy Einhorn, Esq.

- Date:** December 6, 2023
- Time:** 1-2 pm
- Location:** Zoom Webinar
- CLE:** 1 professional practice credit (pending)
- Cost:** Free – NYWBA/WBASNY Members**
\$25 – Non-members
- RSVP:** www.nywba.org/events/cle-mediating-personal-injury-cases/1701885600/
- Info:** If you have any questions, please contact cle@nywba.org

*CLE Credits: 1 professional practice 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 or 212-216-1135. All requests are confidential.

President's Message from Page 1

officially bringing the amendment to New Yorkers for ratification on the 2024 November ballot. The NY E.R.A. (S. 108-A Kreuger/A. 1283 Seawright) would prohibit discrimination by the government based on a person's ethnicity, national origin, age, disability, and sex — including their sexual orientation, gender identity, gender expression, pregnancy, and pregnancy outcomes. It would also protect against any government actions that would curtail a person's reproductive autonomy or their access to reproductive health care (see <https://www.nysenate.gov/legislation/bills/2023/S108/amendment/A>).

The E.R.A. has such a long, convoluted history at this point that more education is needed to teach younger generations why it is important. It is imperative to get out the vote for the E.R.A. in November 2024. In these efforts, we can make a big contribution.

Turning to the 14th Amendment, since Students for Fair Admissions was decided by the Supreme Court in June 2023, much concern has been expressed about the impact of the decision, not only in universities and law schools, but in the legal workplace and judiciary. The NYWBA has been at the forefront of examining the decision and expressing our opinions about how the holding may hurt the pipeline of law students, later to become lawyers and judges.

WBASNY was one of 12 local bar associations that met over the summer to draft and sign off on a letter responding to the Supreme Court's decision in Students for Fair Admissions. The letter was published to affirm our commitment to maintain and improve diversity, equity, and inclusion in the judiciary. I was fortunate to sit in on one of the meetings and review drafts of the letter. **Marea Wachsman, Esq., President-Elect of WBASNY**, participated fully in the process and approved the letter on behalf of WBASNY. I was proud to be a part of this coalition.

- The 11 other groups who signed the letter were:
- Asian American Bar Association of NY
 - Caribbean Attorneys Network
 - Dominican Bar Association
 - Haitian American Lawyers Association of NY
 - Hudson Valley Hispanic Bar Association
 - LGBT Bar NY
 - Metropolitan Black Bar Association
 - South Asian Bar Association.

A copy of the letter is reprinted in this newsletter and will be published in the "Resources" section of our website. On September 1, 2023, the **New York Law Journal** published the letter on the front page. **Newsire** also published the letter, which was reprinted by 346 other organizations. I am gratified by the broad outreach of our efforts. This work is directly supportive of our mission statement, to promote the advancement of women in the legal profession and the fair and equal administration of justice.

On September 20th, the NYWBA hosted a Continuing Legal Education panel discussion on **D.E.I.B., or Diversity, Equity, Inclusion, and Belonging**, in light of the Students for Fair Admissions decision. **Amy Goldsmith, Esq.** was the impetus for this event, and I thank her for her efforts. We were fortunate to have **Tara Toeves Carolan, Esq.**, Partner at Tarter, Krinsky and Drogin, LLP; **Dean William Treanor** of Georgetown Law School; and **Sidnie Wilder, Esq.**, former Vice President of Global Human Resources at Tiffany, on the panel. Dean Treanor explained the holding of the Court, in short, that the admissions programs of **Harvard** and the **University of North Carolina** violated the **Equal Protection Clause of the Fourteenth Amendment**. He highlighted language from the decision, which is, "Universities may not simply establish through application essays or other means the regime we hold unlawful today.

... [W]hat cannot be done directly cannot be done indirectly." In other words, the student must be treated based on his or her experiences as an individual, not on the basis of race. This part of the holding was reiterated in response to the question of what universities may continue to do to diversify their student body. Dean Treanor said, in his opinion, schools will continue to use a variety of means to ensure that everyone who applies has an equal chance at success, such as essays, interviews, and scholarships.

Tara reassured us by recounting the different workplace laws that provide protections against discrimination, including the **New York City Human Rights Law**, the **New York State Human Rights Law**, and under Federal Law, **Title VII of the Civil Rights Act of 1964**. She included a quote from the **Equal Employment Opportunity Commission** press release dated June 29, 2023:

Today's Supreme Court decision effectively turns away from decades of precedent and will undoubtedly hamper the efforts of some colleges and universities to ensure diverse student bodies. That's a problem for our economy because businesses often rely on colleges and universities to provide a diverse pipeline of talent for recruitment and hiring. Diversity helps companies attract top talent, sparks innovation, improves employee satisfaction, and enables companies to better serve their customers.

Tara spoke about the immediate impact of the decision on employer practices and said it has prompted employers to evaluate their current hiring practices and initiatives.

Sidnie discussed the meaning of Diversity, which refers not only to race and gender, but also sexual orientation, age, national origin, physical ability, religion, and more; Equity, how fair and impartial the workplace is, with the goal of giving all employees equal opportunities to grow and progress; Inclusion, creating a welcoming environment for all; and Belonging, the newest addition to DEIB, representing affinity and positive relationships between employees of various backgrounds. She explained why these concepts are important, not only in the workplace, but for vendors, suppliers, and everyone coming into contact with a business, and that D.E.I.B. is crucial to maintaining employee satisfaction and retention.

On September 28th, I attended a D.E.I.B. presentation sponsored by the **New York City Bar Association**. The speaker was **Tanya Martinez-Gallinucci, Esq.**, Executive Director of the City Bar's Office for D.E.I.B., who opined that Students for Fair Admissions will cause irreparable harm to the legal pipeline. She underscored the importance for everyone to learn about and understand bias and D.E.I.B. principles, stating, "[w]e cannot be taken in by the false rhetoric of colorblindness that the Court used as a foundation for its decision. That line of reasoning wrongly assumes that equal protection under the law can be guaranteed uniformly to both the historically privileged and the historically excluded. As Justice Jackson wrote in her dissent, the Court majority asks us to forget the injustices of our common past in order to assert that somehow 'preventing consideration of race will end racism'."

As with the E.R.A., there is much work to be done to protect and enhance D.E.I.B. both in the workplace and in the pipeline of future lawyers.

Since our last newsletter was published, our members have been busy. Our delegates attended the WBASNY Board Meeting at St. John's University in Queens. I am happy to report that after a full vote, two of our nominees will be supported by WBASNY for awards: for the Inns of Court Award, **Harriet Newman Cohen, Esq.**, and for the Ruth G. Schapiro Award, the **Hon. Edwina Richardson Mendelson, J.S.C.** We congratulate each nominee and are hopeful that she will receive her award.

We also attended, as a group, a memorial service given for **Amanda B. Norejko, Esq.**, our past President, at

Continued on page 3

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.

Elkan Abramowitz
Ruth E. Bernstein
Susan R. Chalfin
Vivian Rivera Drohan
Patricia Ann Fersch
Catherine M. Foti
Hon. Jacqueline W. Silbermann

Congratulations to our Non-WBASNY Award Nominees

Hon. Edwina Richardson Mendelson
 Ruth G. Schapiro Award

Harriet Newman Cohen, Esq.
 Inns of Court

Best of luck to both!

did you know

we have writers and commentators in our group?

here are a few

Laurie Berke-Weiss, Esq., speaker at 25th NYU Law Employment Law Workshop and panelist at Cornell Law School: Legal Pitfalls and Protections for Fashion Professionals

Harriet Newman Cohen, Esq., book, magazine and newspaper article author

Mariann Singer, Esq., Our Hen House podcast

SAVE THE DATE

NYWBA JUDICIAL RECEPTION

MONDAY, MARCH 4, 2024

THE YALE CLUB
NEW YORK

WELCOME NEW MEMBERS

Dani H. Abitol
 Lisa M. Coyle
 Elizabeth Dembrowsky
 Jacqueline J. Drohan
 Nazly Duarte
 Margot Gendreau
 Dayrielis N. Guzman
 Kaliopi Vasiliou
 Bridget Wehrle
 Lia Zaaloff

as of October 15, 2023

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.

President's Message from Page 2

New York University on October 3rd. The Legacy Project presented an abbreviated version of the film made of Amanda's recent interview with **Hon. Lisa A. Sokoloff, J.S.C.** The service was touching and was a wonderful commemoration of Amanda's life and her devotion to domestic violence causes.

Our well-attended membership reception was on October 5th. We were fortunate to have **Olivia Wilson, Esq.** Director of the Manhattan Family Justice Center ("MFJC"), and **Elizabeth Dembrowsky, Esq.** of Elevated Access, speak to us about their life-saving work. The MFJC provides survivors of domestic and gender-based violence and their children with connections to a myriad of organizations to help with case management, economic empowerment, counseling, civil legal, and criminal legal assistance. The MFJC was the beneficiary of our Period Poverty Project this year, through which supplies and gift cards are donated for distribution to domestic violence survivors. Elizabeth was our keynote speaker and discussed the work of Elevated Access, the non-profit organization launched in 2022 in response to health care bans around the United States. She told us about the mission of the organization: to connect people seeking access to reproductive and gender-affirming healthcare to volunteer pilots and to provide those people with flights on private planes across the U.S. at no cost. Thank you to Olivia and Elizabeth and to our members who attended this wonderful event. A special thanks also to **Virginia LoPreto, Esq.** and the Events Committee and our Executive Director **Karen Lu**, for their planning efforts, and Blank Rome LLP for hosting our reception.

As always, we have many upcoming events that will enrich and educate you. Please sign up and enjoy. If you have not renewed your membership since March 1st, please do so now.

As we approach Thanksgiving, I wish you all a happy holiday, surrounded by those you love.

"Appreciation can make a day — even change a life. Your willingness to put it into words is all that is necessary." Margaret Cousins, suffragist.

Sabrina

JOINT STATEMENT OF TWELVE BAR ASSOCIATIONS ABOUT THE IMPORTANCE OF A DIVERSE JUDICIARY

In light of the Supreme Court's recent decision in *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, 143 S. Ct. 2141 (2023) (the "Students for Fair Admissions Decision"), the undersigned coalition of bar associations affirms its commitment to maintaining and improving diversity, equity, and inclusion in the selection and promotion of judges. To promote public confidence in the justice system, we must strive to ensure that our judiciary is as diverse as the public whom it serves. Diversity not only promotes public trust and confidence but, as set forth below, the interplay of diverse viewpoints also improves judicial decision making. The selection of judges must promote these important goals.

Efforts to advance diversity have always been important. However, the Students for Fair Admissions Decision adds another layer of complexity: by limiting the ways in which colleges (and, presumably, law schools) can ensure diversity in their classes, the decision threatens to adversely impact the pipeline of diverse candidates for the legal profession and, ultimately, for the judiciary.

A recent analysis by the Brennan Center for Justice, which collected research from numerous sources, demonstrates the truth of Justice Sonia Sotomayor's famous statement that "personal experiences affect the facts that judges choose to see." The research also shows that greater representation on the bench "fosters increased political engagement among young people" and improves respect for the court system. A robust pipeline of qualified diverse candidates for the judiciary is essential.

We also believe that, when judges are being selected to serve in a broad array of appointed or elected positions, with a variety of advisory committees, nomination processes, and associated recommendations from multiple sources, the goals and benefits of a diverse judiciary can and should be weighed. Indeed, Chief Justice John Roberts appears to have implicitly recognized this when he acknowledged, in a footnote in the Students for Fair Admissions Decision, that the U.S. service academies "may" present different considerations from other educational institutions. For example, it was argued that diversity is needed in our armed forces' officer corps to maintain confidence, discipline, and esprit de corps among the enlisted forces that officers lead. Equally strong considerations warrant promoting diversity in the judiciary.

Historically, our organizations' collective efforts to ensure a diverse composition of our nation's judiciary have been broad and deep. Many of us conduct programs to help educate our members about paths to the judiciary, sponsor mentoring and outreach programs, participate in judicial evaluations, and conduct other pro-

grams to promote judicial diversity. These efforts will not only continue; they will redouble. In the future, our organizations and the courts should also consider programs such as outreach to schools and the general community, participation in job fairs, and recruitment at law schools and colleges. We will work together to ensure that these efforts more than counterbalance any negative impact that the Students for Fair Admissions Decision may have on that pipeline. As bar associations dedicated to promoting the administration of justice, we believe that this is an important part of our mission.

Asian American Bar Association of New York
Caribbean Attorneys Network
Dominican Bar Association
Haitian American Lawyers Association of New York
Hudson Valley Hispanic Bar Association
LGBT Bar Association of Greater New York
Metropolitan Black Bar Association
New York County Lawyers Association
Puerto Rican Bar Association
South Asian Bar Association of New York
Women Trial Lawyers Caucus
Women's Bar Association of the State of New York

**GIVE
GIVE
GIVE**



**Make a gift to the NYWBA
Foundation**

**Doing so helps us to provide the
stipends to deserving students who
work with deserving institutions that
support the mission of the NYWBA.**

Use the QR code here to donate now.

NYWBA 2023 MEMBERSHIP RECEPTION
October 5, 2023 at Blank Rome LLP



NYWBA 2023 MEMBERSHIP RECEPTION
October 5, 2023 at Blank Rome LLP



Mental Health Legal Toolkit: Part 2 – Ensuring Stability and Support

By Carolyn Reinach Wolf, Esq., and Sarah A. Chussler, Esq.

Family members, caregivers, and the attorneys involved in the care of a mentally ill individual should be familiar with the various mental health legal tools available to protect and support the individual in the community. In Part 1 of this series, **“Mental Health Legal Toolkit: Part 1 – Remedies for Stabilization and Safety”**, legal avenues to help stabilize an individual suffering from a mental health crisis and to help protect the individual and their family were discussed. Those legal options included interventions, legal proceedings to provide for treatment available under the **Mental Hygiene Law** (“MHL”), including mental hygiene warrants, inpatient hospitalizations, and the pursuit of treatment over objection, as well as protective measures in the form of **Family Court Act Orders of Protection** and **CPLR Article 63-a Extreme Risk Protection Orders**.

Once an individual is stabilized psychiatrically, it is critical that they have the appropriate mental health services and legal documents in place to guarantee the best chance of their success and stability in the community. In this part of the series, we will explore those supportive measures and future planning options that should be considered by attorneys when developing a plan for clients and their loved ones. These legal tools include **MHL § 9.60 Assisted Outpatient Treatment Plans and Case Management Services** which provide support and mental health treatment oversight, as well as decision-making support through legal documents including Health Care Proxies, Powers of Attorney, Trusts, HIPAA Releases, and, when appropriate, MHL Article 81 Guardianship.

Ensuring Treatment Compliance in the Community

It is not uncommon for individuals who suffer from mental health impairments to lack insight into their condition and refuse treatment. **New York State’s Kendra’s Law**, also known as **Assisted Outpatient Treatment** (“AOT”), provides for court-ordered treatment in the community for a qualifying individual with a mental illness who has a history of non-compliance with their mental health treatment.¹ The goals of AOT are to enable an individual to live and function in the community, to prevent a relapse or deterioration of their mental health condition, and to prevent re-hospitalization.² This is accomplished through a variety of court-mandated services, including case management or assertive community treatment (“ACT”) team services, and may include medication management, medication administration, therapy, substance use counseling, toxicology screenings, and a variety of other services.³

If an individual subject to an AOT order does not comply with treatment, they may be remanded to a hospital for a psychiatric evaluation.⁴ Reports published by the New York State Office of Mental Health demonstrate that participation in the AOT programs reduces re-hospitalization, incarceration, harmful behavior, substance abuse, and homelessness, making this a valuable tool for an individual’s success and stability in the community.⁵

Community Living Support

Services such as mental health case management, mental health professionals, and psychiatric experts can help an individual who is suffering from a mental illness or substance abuse remain safely in the community. Case management services are used to coordinate the delivery of services to mentally ill persons through state and local agencies or private organizations, such as **Intensive Case Management** (“ICM”), ACT teams, or private mental health care managers. A case manager, someone trained and experienced in the mental health area, can assess the individual’s ability and needs, arrange for and advocate for services, arrange for transportation and accompany the individual to medical appointments, assist with errands and maintenance of the individual’s basic needs, and monitor the individual’s overall well-being in the community. A mental health case manager can also assist with daily living skills, obtaining benefits, and finding housing or employment. Case managers develop relationships of trust and understanding with the individuals they support, and they are invaluable by observing and coordinating immediate plans of action to prevent an individual’s mental health and functioning decline in the community. They can also be the eyes and ears of a mental health attorney in order to assist with planning.

Legal Documents

When an individual with a mental health impairment has the requisite capacity and trusts a family member or other individual to help them, legal documents, including a Health Care Proxy, HIPAA Release, and Power of Attorney, provide appointed agents with the ability to work with the principal for future planning. These advance directives are legal documents containing an individual’s prior expressed wishes regarding financial affairs or medical treatment and appointing an individual as an agent with the authority to assist them. A Health Care Proxy in New York State is governed by Public Health Law, Article 29-C. A validly executed Health Care Proxy permits the appointed agent to make medical decisions when the principal becomes unable to do so. While a Health Care

Agent in New York State cannot necessarily make psychiatric treatment decisions for the principal, physicians are required to consider an individual’s directions set forth in their Health Care Proxy when developing a written treatment plan for applications for AOT.⁶

Like a Health Care Proxy, a HIPAA Release should be considered a valuable mental health tool as it would permit a treatment provider to release any and all records pertaining to the individual’s medical records, application(s) for benefits, or psychiatric treatment records, among others, and to speak with family members or other named individuals. Confidentiality rests with the patient. Due to state and federal confidentiality laws, treatment providers cannot release information about a patient without prior authorization from that individual or his or her legally authorized representative. A HIPAA Release can be signed as a stand-alone document, in connection with the execution of a Health Care Proxy, and/or in connection with a Power of Attorney.

Where a Health Care Proxy appoints an agent to make medical decisions, a Power of Attorney allows a principal with the requisite capacity to appoint an agent to make certain property management decisions as enumerated in the document. Powers of Attorney in New York State are governed by General Obligations Law § 5-1501 et seq. and can address financial and life management decisions. When an individual with a mental illness recognizes and understands potential future difficulties, they may grant specific powers to an agent under a Power of Attorney to handle their affairs, including financial transactions, legal proceedings, real estate transactions, insurance transactions, and the like, to apply for benefits, to engage in benefits planning, and to arrange for mental health case management services.

Similarly, where an individual’s mental health impairments impact their ability to manage their finances, a Trust may be an appropriate legal tool for the family or the individual to consider. The individual, as the beneficiary of the trust, can work together with a trustee to establish a budget and retain a degree of autonomy over their finances, while the trustee would ensure their needs are met, bills are paid, and assets are not wasted. For individuals with qualifying mental disabilities, a properly drafted Supplemental Needs Trust enables them to have assets held in trust for their benefit that would not be considered countable assets for purposes of qualification for certain governmental benefits.

Continued on page 8

Mental Health from Page 7

If properly executed, the foregoing legal documents may obviate the need for a MHL Article 81 guardianship proceeding in the future, thus protecting and preserving a mentally ill individual's privacy and self-direction. To be effective, however, these legal tools require cooperation, and the willingness of the individual to accept and to continue to accept their family's guidance and support, and the oversight and input of the person whom they choose to appoint.

Guardianship

When the foregoing future planning tools are not executed or valid, or where the legal authority granted does not go far enough, a MHL Article 81 Guardianship should be considered. A guardianship is a special legal proceeding in which a court appoints and oversees a legal decision-maker for another adult who, due to incapacity, is unable to manage their own affairs.⁷ The court can appoint a Personal Needs Guardian to make decisions regarding medical care, housing, housekeeping, meal services, and the like, and/or a Property Management Guardian to, among other powers, make financial decisions, establish a budget, retain counsel to represent the individual in legal proceedings, apply for benefits, and pay bills.⁸ The goal of seeking guardianship for an individual with a mental health impairment is to help them obtain and maintain a stable and functional lifestyle.

Conclusion

The mental health tools discussed in this series should be considered by practitioners whose clients or whose clients' loved ones suffer from a mental illness or substance abuse disorder. With the appropriate mental health legal tools in place, a loved one suffering from a mental health impairment has the strongest chance for recovery, stabilization, and success in the community.

1. MHL § 9.60.
2. MHL § 9.60(a)(1).
3. MHL § 9.60(i).
4. MHL § 9.60(n).
5. New York State Office of Mental Health, AOT Recipient Outcomes, available at https://my.omh.ny.gov/analytics/saw.dll?Dashboard&PortalPath=%2Fshared%2FAOT%2F_portal%2FAssisted%20Outpatient%20Treatment%20Reports&Page=Recipient%20Outcomes.
6. MHL § 9.60(i)(2).
7. MHL Article 81.
8. MHL § 81.21 and MHL § 81.22.

Carolyn Reinach Wolf is an Executive Partner at Abrams, Fensterman LLP and Director of the firm's unique Mental Health Law practice dedicated to serving individuals and families struggling with serious mental illness and/or substance use disorder. She also represents institutions, mental health, health-care, higher education, and related professionals. Ms. Wolf is a regular contributor to *Psychology Today* and was profiled by *The New York Times* in a 2013 story entitled "A Guide in the Darkness," which ran on the front page of the Sunday Edition Metro section. She has been selected for the New York Super Lawyers® list since 2013 and the Best Lawyers of America® since 2018. This year Ms. Wolf is being recognized as Lawyer of the Year for Health Care Law by The Best Lawyers in America®. She can be reached at cwolf@abramslaw.com or at (516) 592-5857.

Sarah A. Chussler is a Partner at Abrams, Fensterman, LLP. Ms. Chussler handles Mental Hygiene Law Article 81 guardianship proceedings and Article 9 mental health commitment and treatment proceedings. Ms. Chussler is a member of the NYSBA Elder Law and Special Needs Section, currently serving as the Vice Chair of the Elder Abuse Committee. Ms. Chussler was designated as a "Rising Star" in New York Elder Law by "Super Lawyers"® from 2019 through 2021, and has been selected as a Best Lawyers "Ones to Watch"® for Elder Law and for Health Care Law since 2021. She can be reached at schussler@abramslaw.com or at (516) 592-5857.

Save the Date! On November 30th at 6 PM, the NYWBA Foundation will host a fundraiser featuring the authors of "Thrive With a Hybrid Workplace," Felice Ekelman, Esq. and Dr. Julie Kantor. *We hope you will join us!*

Your Opinion Matters

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

I Poem by
Amy Goldsmith, Esq.

Search First

There once was a company named Zotz,
Which created toys for tots.
The newest toy, named Ketter™,
Recalled after a cease and desist letter.
Oh my, no trademark search, CEO Zotz?

First published in *Inside* magazine, NYSBA, Fall 2017
Published here with permission from author.

CEO Zotz could have received the cease and desist letter from someone who owned a federal registration, a pending federal application or used the mark KETTER™ before Zotz established its own rights to the brand. Conduct a preliminary US Trademark Office and online search. If it doesn't reveal the identical brand, conduct a comprehensive search. This is the only way to determine if there are any unregistered third parties who may oppose a trademark application or use of the mark in commerce.

Amy is a NYWBA Board Member and Committee Co-Chair. She is also a Partner at Tarter, Krinsky & Drogin, LLP, where she is Co-Chair of the Firm's Cybersecurity, Data Management & Privacy Practice and a Partner in its Intellectual Property Practice.

WBASNY NOW HAS A LISTSERV.

SIGN UP AT

www.wbasny.org/content/membership-resources/listserv/

Have You Renewed Your Membership?

If you haven't, it's time to RENEW your membership for **2023-2024**.

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 our Newsletters online, and other benefits.

Renew online using our secure online membership form at www.nywba.org/membership. You can also email Executive Director **Karen Lu** (ED@nywba.org) to confirm your member status or request a paper membership form by email.

The Brooklyn Museum's exhibit of "It's Pablo-Matic"

By Hon. Melissa T. Lewis

On a bright, unseasonably warm, early-September morning, NYWBA members and friends met in the lobby of the **Brooklyn Museum**. We were there to see "**Pablo-Matic**," the oft-reviewed and discussed exhibit curated by Australian **Hannah Gadsby**, best known as a comedian. As the name suggests, the show was not merely a celebration of **Pablo Picasso** as a cultural icon, though his works were certainly celebrated, but rather, the exhibit highlighted his complicated legacy through eye-opening discussions surrounding his antemortem rise to acclaim, his use of what has been described as misogynistic depictions, and sometimes questionable muses. While some had read the reviews and/or seen the exhibit prior to attending, others came with fresh eyes. I daresay we were all left with new information and opinions from what proved to be an insightful and truly thought-provoking exhibit. The tour was sponsored by the NYWBA Events Committee.

Our docent was knowledgeable, personable, and urged us to see things from different perspectives through her questions and juxtaposition of the artwork displayed. We began with an exhibit by the Guerrilla Girls as a precursor to the lens through which Gadsby curated the exhibit. The Guerrilla Girls focus on the lack of representation of female artists throughout history from a feminist perspective, noting that a supermajority of renowned non-contemporary artists are male. Our docent then guided us through artwork by Picasso, but also by twentieth and twenty-first century female artists. Notably, we viewed work created by Dora Maar, known for being Picasso's muse and paramour, an artist in her own right, though less well-known and exhibited. This exemplified one perception of the exhibit: while, rightfully, Picasso is lauded and celebrated, is the extent of praise warranted and was it to the detriment of others, specifically women? Our docent noted that frequently, his subjects were female and nude, and the perspective was voyeuristic.

The tour, through its art and our docent, acknowledged the magnificence of Picasso's work while raising topics such as misogyny, feminism, and privilege, as well as a discussion of his African Masks period. The group was pensive and engaged in thoughtful discussion regarding how we viewed Picasso as a man and artist prior to and following our visit. We coalesced around the final works of art in the exhibit, all depicting women in positions of strength.

Our group then dined at The Norm, the museum's restaurant, for a more lively discussion about the exhibit, our areas of practice, and life. A memorable and moving experience for all. The Events Committee looks forward to organizing another tour in the near future.

Why I Joined

It is hard for me to remember a time when I was not involved in the New York Women's Bar Association (NYWBA). I graduated law school in 2008, during the economic crisis. I was fortunate to have a position as a matrimonial lawyer, but there were not many new matrimonial lawyers that year. I felt isolated. I cannot remember who recommended it, but I attended a meeting of the matrimonial committee, and everyone was incredibly welcoming. I started attending all of the meetings and got to know more about my colleagues. Each year, they would bring in the court attorneys for the New York County judges, and it was a wonderful way to meet them in a less stressful environment than court.

As I progressed in my field and started looking towards building my own book of business, I joined the solo and small firm committee, which I think is the hidden gem of our association. I met so many wonderful lawyers from outside my practice area from whom I have learned so much. I always have someone I can call with a question outside my field! From there, I joined the board and took on leadership roles, including chairing the membership committee and the **Women's Health and Reproductive Rights Committee**. I have served on the judiciary committee and as our chapter's liaison to the state nominations committee.

I encourage anyone, especially young lawyers, to get involved in our committees. It is a wonderful way to meet other lawyers outside of the more formal office environment. It is also a great way to make friends! I once met **Gloria Steinem**, and somehow she started offering advice. She said that, especially as you age, it is really important to have friends of different ages. Through the NYWBA, I am able to do just that, and I have learned from mentors and mentees alike.

Meaghan E. Carey

NYWBA Director & Committee Chair

NYWBA

NEW YORK WOMEN'S BAR ASSOCIATION

Join Our Ride In Memory of
Amanda Norejko

100% of Every Dollar Goes to Beat Rare Cancers

When: March 9, 2024, 1pm - 5pm

Where: Equinox East 61st Street

RSVP to join the NYWBA team by Feb. 15, 2024:

mfglassman@gmail.com



MEMORIAL SLOAN KETTERING | EQUINOX
FOR SURVIVAL

The *Membership Reception* featured the *NYWBA's Annual Period Poverty Drive* to help eliminate period poverty. Donations were given to the *Manhattan Family Justice Center* which supports victims of domestic violence and human trafficking.

Your contribution, big or small, matters greatly to support the work of MFJC.

To donate, please go to www.nywba.org/donation.

Thank you for your ongoing support.

DONATE



EEOW Report to NYWBA Board on Status of Women in the Profession

The Board was fortunate to have Diana Sen, Esq. speak at our October Board meeting. Diana is the Northeast Region Director at the Office of Federal Contract Compliance Program, and now also a Senior Counsellor at the U.S. Department of Justice to Assistant Attorney General, Kristen Clarke. In Washington, Diana will be working on a broad array of civil rights issues, including those affecting immigrants and women.

Diana focused her discussion on the pay gap between women and men, which is still overall at approximately 84%. She said this varies by profession, but it even greater in the legal profession, where women attorneys make 77.4% of their male counterparts. Several issues contribute to this differential, among them subjective bonus structures and the failure of women to effectively negotiate a higher starting salary, so that they are playing “catch up” from the outset. She reported that the average weekly pay for female lawyers is \$1,878 and for male lawyers of equivalent status, is \$2,200. She said the ABA has reported that the pay gap widens among partners in law firms and between equity partners and non-equity partners.

Diana reported that there are no jobs where women statistically make more than men who are doing the same work. She noted, pay gaps are not limited to high paying, professional jobs. She gave as one example, a case where a hotel was found to be paying male cleaners more than female cleaners, who were doing the same job.

The damage to women, Diana emphasized, is extensive. The average pay differential would result in a loss of \$10,000 per year, or over a lifetime of work, \$400,000, which is enough in most places to purchase a home.

What is worse, the pay difference between men and women is exacerbated for black and brown women. Hispanic women make 56% of their male co-workers, and African American women make 64% of their male co-workers.

In closing, Diana talked about several lawsuits that were brought to remedy disparities in pay and resulted in fines against the offending employers.

Diana was careful to state that the views she expressed were her personal views and not those of the Federal Government for whom she works.

The Board thanks Diana for her work on the Equal Employment of Women (EEOW) Committee and for sharing her expertise with us on this important issue.

Davis Polk & Wardwell LLP, Sanctuary for Families & Columbia Law School present the

26th Annual

Abely Awards

Thursday, November 30, 2023
6:00 p.m. – 8:00 p.m.

Davis Polk & Wardwell LLP
450 Lexington Ave
New York, NY 10017

HONORING

Abely Leading Women and Children to Safety Award



**The Honorable
Fernando M. Camacho**
*Judge of the Court of Claims Acting Justice,
NYS Supreme Court Suffolk County*

Abely Pro Bono Award



Dara L. Sheinfeld
*Counsel, Head of Pro Bono Litigation
Davis Polk & Wardwell LLP*

RSVP



Maryellen Abely
1961-1995

About the Abely Awards

The Abely Awards honor the memory of Maryellen Abely, an alumna of Columbia Law School, an associate at Davis Polk & Wardwell LLP, and a pro bono attorney at Sanctuary for Families' Legal Center.

Maryellen was a tireless advocate for the rights of victims of domestic abuse and one of the first pro bono attorneys at the Legal Center. After a long battle with cancer, she died in 1995. In remembering Maryellen, we celebrate the contributions of pro bono attorneys, law students, and legal assistants whose efforts enable Sanctuary to serve thousands of domestic violence victims each year.

PRESIDENT

Sabrina E. Morrissey
VICE PRESIDENTS
Jocelyn L. Jacobson
Melissa Ephron-Mandel
Vivian Rivera Drohan

TREASURER

Lissett C. Ferreira
RECORDING SECRETARY
Crystal R. Villaseñor

CORRESPONDING SECRETARY

Morgan F. Mouchette
IMMEDIATE PAST PRESIDENT
Magnolia D. Levy

NYWBA BOARD OF DIRECTORS

Jennifer Brown-DiBlasi
Dawn M. Card
Meaghan E. Carey
Tara Diamond
Hon. Laura E. Drager
Hon. Judith J. Gische
Melissa F. Glassman
Amy B. Goldsmith
Fran R. Hoffinger
Jessica A. Horani
Julie Hyman
Alexandra King
Virginia A. LoPreto
Kay Marmorek
Antonia J. Martinez
Ernestine J. Mings
Deborah G. Rosenthal
Olivia Sohmer
Nicole K. Trivis
Judith E. White

Executive Director

Karen Lu

Established 1934

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

WBASNY Immediate Past President

Deborah G. Rosenthal (NYWBA)

NYWBA Directors on

the WBASNY Board
Elizabeth A. Bryson
Dawn M. Card
Vivian Rivera Drohan
Hon. Betty Weinberg Elerin
Melissa Ephron-Mandel
Lissett C. Ferreira
Julie Hyman
Jocelyn L. Jacobson
Magnolia D. Levy
Marjorie A. Martin
Sabrina E. Morrissey
Hon. Jacqueline W. Silbermann
Crystal R. Villaseñor (Alt.)

NEW YORK WOMEN'S BAR ASSOCIATION

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

P. O. Box 1207, New York, New York 10150

(212) 490-8202 • Fax (646) 851-0616 • info@nywba.org

FIRST CLASS MAIL
US POSTAGE
PAID
TERMINAL PRINTING
COMPANY
07102

NYWBA Membership Information

We thank our current members for their continued support and involvement, and we look forward to welcoming new and renewing members. Take advantage of our many membership benefits: join committees, network, participate in mentoring circles, attend our signature events, and get CLE credits at our innovative and compelling programs at a significantly reduced cost. It's easy to join or renew - go to www.nywba.org/Membership to access our secure online membership form.

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

Newsletter and Advertising Information

Submissions must be sent to the Newsletter Committee (Chairs **Olivia Sohmer & Isiris Isaac**) 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 newsletter@nywba.org. Submissions should be proofed and cite-checked, and NYWBA retains the usual editorial discretion to omit or edit all contributions. Send an email to newsletter@nywba.org if you have questions or are interested in joining the Newsletter Committee.

TAG | Online

The official website provider for
the New York Women's Bar
Association

We are a woman-owned
business providing **web design,**
development, and **hosting.**

ASK FOR AMY

(973) 783-5583
TAGONLINE.COM



Visit our website at www.nywba.org
and follow NYWBA on

