

NEW YORK STATE BAR ASSOCIATION Journal



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THE MOMENT IS NOW



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**Women in Law:
NYSBA's Newest
Section**
Edited by Susan Harper

STORIES FROM THE FRONT:
1950S TO TODAY
GOING SOLO: WOMEN LAWYERS
WHO STARTED THEIR OWN PRACTICE
WOMEN ATTORNEYS IN TECH

**LAW PRACTICE
MANAGEMENT:**
SEXUAL HARASSMENT
IN THE WORKPLACE





8 The Moment is Now

by Susan L. Harper

In this issue:

- 10** Stories from the Front
Women in the Law, 1950s to Today
by Cynthia Feathers
- 16** Going Solo
Insight on Why They Started Their
Own Law Practices
by Christian Nolan
- 22** Women Attorneys in Tech:
Four Industry Leaders Talk About Their Work
by Mark A. Berman
- 32** Women and the Law – New York’s Inspiring Judicial
Trailblazers
by Edwina Mendelson
- 34** The Bar Examination: Three Fundamental Principles
by Judith A. Gundersen
- 36** *Grand Larsony*
by Robert Kantowitz
- 38** Gotcha! Common Traps to Avoid in Vendor
Agreements
by Laurence Beckler
- 42** Non-compete Clauses: Supplemental
by Peter Siviglia

Departments:

- 5** President’s Message
- 45** **State Bar News** in the *Journal*
- 49** Law Practice Management:
Preventing and Handling Sexual
Harassment at Law Firms
- 54** Attorney Professionalism Forum
Vincent J. Syracuse, Esq.
Carl F. Regelmann, Esq.
Alexandra Kamenetsky Shea
- 59** Marketplace
- 61** 2018–2019 Officers
- 62** The Legal Writer
by Gerald Lebovits

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Stories from the Women in the Law, 1950s to Today

Women in the law have compelling stories to tell. Here are some from 10 lawyers admitted to the New York bar from the 1950s to the present. They are our colleagues in public service, the judiciary, the private sector, and the legal academy. Their journeys reflect discrimination and inspiration, blazing intellect and fierce drive, great strides and unmet goals.



Cynthia Feathers is the Director of Quality Enhancement for Appellate and Post-Conviction Representation at the New York State Office of Indigent Legal Services.



HON. BETTY WEINBERG ELLERIN ADMITTED 1953

At the age of 12, Betty Weinberg decided she wanted to be a lawyer. She went to NYU Law School, which was “ahead of the curve” with 22 women in a class of about 500. When Judge Ellerin started there, she was asked whether she just wanted to find a husband. She responded, “Actually yes, but when I saw what was available, I decided to get a degree instead.” She took no prisoners, but was not belligerent and had a sense of humor.

Upon graduation, her job search was “demoralizing and demeaning.” Firms said “no,” because they assumed she would marry and have children. Eventually, Judge Ellerin landed a job at a maritime law firm. She took it in stride whenever judges assumed she was a secretary when she entered a courtroom. Next came a lengthy trial court clerkship, when being a woman helped. “People thought so poorly of women lawyers that when you showed that you were competent, you were seen as brilliant or unusual.” In that position, she was able to balance her career with raising three children. Her husband was “ahead of his time” in sharing parenting. She later became a Supreme Court Justice, and many “firsts” followed. She was the first woman Deputy Chief Administrative Judge for the NYC Courts; the first woman Associate Justice in the Appellate Division, First Department; and the first woman to serve as Presiding Justice of that court. While there, Judge Ellerin sought to “elevate the sensibilities” of her male colleagues on gender and matrimonial law issues.

When she retired from the bench in 2005, she became a senior counsel at Alston & Bird, where she has taken many young lawyers under her wing. A visit to the firm’s Atlanta office helped seal her decision. “They were so enlightened. They had many female associates and partners and an onsite children’s center. That resonated with me.” Judge Ellerin’s many roles – at the firm, as a JAMS mediator, and serving on committees and boards – have been diverse and rewarding. They include having served as President of the National Association of Women Judges and continuing to serve as Chair of the New York State Judicial Committee on Women in the Courts, as Chair of the New York State Continuing Legal Education Board, and as a Vice-Chair of the First Depart-

ment’s Committee on Character and Fitness. She is particularly proud of having received the ABA’s Margaret Brent Women of Achievement Award in 1993 as one of six recipients that included Justice Ruth Bader Ginsburg and then-U.S. Attorney General Janet Reno.

Judge Ellerin recently recounted that she had to smile when she attended a luncheon for past and present justices of the First Department. She had been the sole woman member for more than 10 years, so it was a joy to see that so many of the justices now on the bench are women.



SUSAN B. LINDENAUER ADMITTED 1965

In her teens, when *Brown v. Board of Education* came down, Susan Lindenauer decided she wanted to be a lawyer. “I thought, if lawyers can do that, then I want to be a lawyer.”

Smith College followed. An all-women’s school, Smith instilled confidence and helped students find their voice. Susan was one of only three females in her class who went directly to law school. When she attended Columbia Law School, only about 10 out of 280 students were women. She had just married her husband, now of 57 years, who was an “unabashed feminist.”

Upon graduation, Susan sought a job in the private sector and recalled being asked what type of birth control she used. “Until then, I did not have a sense of how complicated things might be.” At her first job, at Cleary Gottlieb, she received excellent training, but not the litigation opportunities she sought. Susan soon joined the Legal Aid Society of New York City, where she enjoyed a broad range of work and a welcoming environment for women attorneys. Things were different in the courtroom, where few women appeared, and courts often were not respectful. She wanted more responsibility and found it when she was named Legal Aid Society’s first general counsel, a position she held for 20 years.

A driving force throughout her career has been her many leadership positions at the State Bar Association, including being on the Executive Committee, and other bar groups. Bar activities continue unabated during her so-called retirement. Susan’s mission is to bring justice system reform, ensure that clients of limited means receive quality representation, and advance the profes-

sion. “The profession is very different today. Women were an oddity, but not now,” she observed, noting that the attorneys-in-charge of NYC Legal Aid Society’s three practice areas – civil, criminal, and juvenile rights – are all women.



**HON. CARMEN BEAUCHAMP
CIPARICK
ADMITTED 1967**

Judge Ciparick planned to teach social studies, but a Hunter College professor inspired her to choose the law. During the day, she taught junior high school classes, and at night she attended St. John’s Law School, which had only eight women students. The night students were not allowed to be on law review. There was only one woman on the faculty, and professors generally called the students “gentlemen.” When female students were called upon, the attention was not always welcome. For example, one torts professor grilled Judge Ciparick about whether an evening gown was inherently dangerous and quipped that it was what was inside that was dangerous. After graduation, during her brief stint as a Legal Aid staff attorney, one trial judge always referred to her as “princess.”

Judge Ciparick then served as assistant counsel to the precursor of the Office of Court Administration. She replaced the only other woman who had ever worked for that office. “Apparently one woman at a time was enough.” In 1972, she became the first woman chief law assistant of the New York City Criminal Court. Soon thereafter, she and her husband had a daughter. When Judge Ciparick applied for a judgeship in 1978, she was asked if she planned to have more children and if that would interfere with judicial duties. At age 36, she was named a Criminal Court Judge – the first Puerto Rican woman to serve on the New York bench. She loved the job, but did encounter some ageism and sexism. One attorney declared about a decision she made, “In all my years, I’ve never seen such a ruling!” Judge Ciparick coolly replied, “Well, you’ve seen it now.”

During her subsequent tenure as a Supreme Court Justice sitting in Manhattan, the number of women judges grew. In 1993, she was appointed as the second woman, and first Latina woman, to sit on the Court of Appeals. She joined Judge Judith Kaye, who became a friend, mentor, and role model. Judge Ciparick wrote some of the high court’s most significant decisions while serving there for 19 years.

Upon reaching mandatory retirement, she also entered the Big Law realm, becoming of counsel to Greenberg Traurig, where she co-chairs the national appellate practice group. She also finds great gratification in extensive public service activities, including as chair of the Board

of Trustees of the Historical Society of the New York Courts and co-chair of the New York State Justice Task Force. As chair of the Mayor’s Advisory Committee on the Judiciary, Judge Ciparick is “very conscious of the need for diversity.” She remarked, “Women are doing well in the judiciary, especially in New York City, and in the public sector. But we have a way to go in the private sector, where there still are not women equity partners in sufficient numbers or enough women named to governing boards.”



**SUSAN HORN
ADMITTED 1975**

Two factors drew Susan Horn to the law. Her cousin, Hon. Rosemary Pooler – a Second Circuit judge for 20 years – was a role model. In addition, while attending college, Susan admired lawyer-heroes of the civil rights, anti-war, and women’s movements. She became involved in politics, including in the campaign of lawyer-Congresswoman Bella Abzug. “I saw how people could use the law and court system to change the world.”

When Susan attended Syracuse University College of Law, 20 out of 200 students in her class were women. While women’s rights efforts were gaining steam, there was still overt discrimination. One manifestation of that was that a day would be set aside as “Women’s Day,” and only then would the professors call on women. A seminal event that influenced the direction of Susan’s legal career was the 1971 Attica Prison Rebellion and her involvement in a student project assisting in the defense of the mostly poor, black inmate survivors, leading to a lifelong commitment to criminal justice and public defense reform.

She pursued private practice at two junctures, including for five years at an all-women firm, which handled varied and interesting cases. But Susan found her true professional home at Hiscock Legal Aid Society in Syracuse. She began as a staff attorney and later became the President and CEO, a position she held for 27 years until her retirement. Susan’s public service continues through community and bar group involvement. She recently attended a joint meeting of State Bar Association’s Access to Justice and Legal Aid Committees. “It used to be that women in leadership were a small minority in civil legal services and public defense. At that meeting, it was wonderful to see the overwhelming number of women in charge.”



**SHARON STERN GERSTMAN
ADMITTED 1981¹**

At Brown University, Sharon Gerstman had a brilliant professor who taught a course on the law. “I ate

it up, I loved it.” She decided to go to law school and obtained her JD at the University of Pittsburgh and her LLM at Yale. At Pittsburgh, only 10 percent of the students were women; it was right before an explosion in the enrollment of women. There was only one woman on the faculty; female students were admonished that they were taking the place of a man with a family to support, and the placement director asked the women students if they knew how to type.

When Sharon taught at the University of Missouri-Kansas City Law School, she was the only woman on the regular faculty and became the “show girl,” being named to every committee. After marrying and moving to Buffalo, she worked for a law firm with no pregnancy leave policy and an unpromising track record toward female lawyers. She decided to join the court system and stayed for 29 years, working as a court attorney/referee and principal law clerk in State Supreme Court in Buffalo. Sharon and her husband had one child, and her husband’s job allowed him to provide a lot of coverage on the home front. After leaving Supreme Court, she became counsel to the Buffalo law firm of Magavern Magavern Grimm, where she concentrates in mediation, arbitration, and appellate practice.

Early on during her court attorney role, Sharon began her profound, enduring commitment to bar association work and leadership at all levels. She is the immediate past president of the State Bar Association and sits in the ABA House of Delegates. “I wanted to feel like I could make a difference.” She also wanted to help foster the success of women in the law. “Our generation overperformed, so that women would be looked at the same as men in the workplace.” Sharon observed that women can “find a place,” but still have to operate at a higher level than men. While law schools have moved toward equality for women, “we haven’t seen the same progress in the workplace,” Sharon noted, citing studies revealing pay gaps,² sexual harassment at law firms, and a high attrition rate among women fatigued and frustrated by institutional barriers.



**CHERYL KORMAN
ADMITTED 1991**

When Cheryl Korman attended St. John’s Law School, half of the students were women. Gender issues were not the concern; the economy was. Students who did not graduate in the top 10 percent of the class did not land a job. As graduation approached, she applied for a position at the Second Department, got the job, and “loved every minute” of her three-year tenure. She then joined Rivkin Radler and found a career home in the Appeals Practice Group. Today she is a general partner, based in the Uniondale office. The attorney who hired

her became a mentor and is now managing partner. “He did not see attorneys as male or female. He just looked for talented attorneys.”

A concentration in appeals brought more flexibility than trial litigation. “It is easy to bring the record home at night.” The firm had no maternity policy when Cheryl’s son was born, but by the time her daughter was born, the Family Medical Leave Act required three months’ leave. Her husband would arrive home first and take over from the nanny. Even with “an amazing support system,” attorneys who are parents “cannot have it all; you have to sacrifice something.” Early on, Cheryl made the decision that it was not critical that she be home every evening to cook dinner or eat with the family, and it was okay to not go to every soccer game or dance class. Going to work some weekends allowed her to stay ahead of things at the office.

She sees the need for flexibility regarding family issues as not only a women’s issue, since many couples rely on dual incomes and many young fathers want to have a hands-on role. Despite the challenges of work and family, Cheryl has found time to become active in bar association work and currently co-chairs the NYSBA Committee on Courts of Appellate Jurisdiction. That work has presented an opportunity to identify and support talent. Early on in her committee role, she was impressed by a young attorney who had clerked at the Court of Appeals. She invited him to interview at her firm. Now five years later, he was just named a limited partner at the firm.



**CHRISTINA SWARNS
ADMITTED 1994**

When Christina grew up in Staten Island, “race relations were not at their finest,” and Howard University provided “four years of peace” and a safe, uplifting place that nurtured her drive to advance social justice. The University of Pennsylvania Law School was an elite school, but a welcoming place for women, and it offered a faculty that included giants in civil rights law. While gender issues were not a concern, the Socratic method was not favorable for women, who felt less comfortable than men in being publicly cross-examined.

Christina did not acutely feel the difference gender could make until working at a capital defender’s office, where the handful of women were called upon to handle the client visits and mitigation work, while their male counterparts did the legal work. Further, in her unit, the female lawyers would “work up the cases in state court,” and then the male attorneys would be given the prime opportunities to do the federal habeas litigation. She opened the eyes of the organization’s chief defender to the inequities. Christina’s outspokenness and successes led to exceptional opportunities for her, but her goal had

been to improve the situation for all women attorneys at the office.

In 2003, Christina was named director of the Criminal Justice Project at the NAACP Legal Defense and Education Project. She later became litigation director in 2014. Inside the organization, she did not experience gender issues, but in the world at large she did. Women were often underestimated and “talked over” by men. The women attorneys wanted to be heard and not let others diminish them, but without becoming those attorneys who always demanded to be the center of attention.

In 2016, in the U.S. Supreme Court, Christina argued the case of *Buck v. Davis*, concerning a Texas death row inmate whose trial was tainted by racially discriminatory expert testimony. She thus joined the tiny group of black women lawyers to have argued in what continues to be largely a white male bastion. There to watch her argument were her then 8-year-old daughter, whom she adopted as an infant, and Thurgood Marshall’s widow. Christina won the case (137 S. Ct. 759). Arguing in the Supreme Court was both a dream and a nightmare, as she had to rely heavily on a support network for child care while she did the grueling work to prepare. “There is no end to how hard it is to be a single parent and a full-time lawyer. You have to compromise on both ends.” Since 2017, Christina has been the president and attorney-in-charge of the Office of the Appellate Defender in New York City. Young lawyers there talk about wanting to have a career and a family. “It is fantastic that we are having these big open conversations.” She advises attorneys that they can be both serious attorneys and good parents, “but don’t expect it to be easy.”



JANE YOON
ADMITTED 2002

Growing up, whenever Jane Yoon was told that she could not do something, she never took it as a gender issue. She took it as a challenge, and said, “Why not?” She does not want to be seen as a woman lawyer or as a Korean-American lawyer. “I don’t want to be singled out in a category. I just want to be recognized for my own individual talents or faults.” The primary tension she has experienced has not necessarily been gender-related, but rather between her parents’ Korean values – which are often restrictive toward women – and American values. Still, it was not until Jane spent the year after college teaching conversational English to young students in Korea that she fully realized the disparate treatment there between men and women, who were not even allowed to smoke in public.

Soon after returning to the states, she enrolled in Benjamin N. Cardozo School of Law, where a number of students in her section were returning to school after having

taken time off to pursue other endeavors. Jane’s passion for public interest work was born through internships with the Attorney General’s Civil Rights Bureau and the Legal Action Center. After law school, Jane worked in both the public and private sectors and ultimately determined that a life of billable hours was not for her. One of her stints in the private sector was with a small, women-owned civil litigation practice, where she got a taste for the appellate work that she would settle into almost a decade later.

Jane thrived on the front lines at a Rochester nonprofit representing low-income clients in housing issues. When the opposing side sought unreasonable settlement terms, she litigated those cases and won warranty-of-habitability and Section 8 denial cases, as well as overturning the denial of a professional license due to a prior conviction. Jane could recall only one instance where she felt belittled because of gender and/or age. An older landlord talked down to her as if she were “a little girl,” even though she “knew the RPAPL inside out.” She beat him in court, too.

Jane was surprised to find herself “in her element” upon joining the Monroe County Public Defender’s Office, where she arrived with no experience in criminal defense. In her early days at the office, that sometimes meant dealing with “cowboy” and conservative town justices, but she was able to navigate the apparent “old boys’ club” and earn the respect of judges. Jane eventually moved to the office’s appellate bureau and stayed there for several years. About a year ago, she seized the opportunity to help elevate public defense in New York when she joined the Statewide Implementation team at the State Office of Indigent Legal Services. “I wanted to become part of the exciting efforts to recreate public defense throughout the state.”



SARAH ROGERSON
ADMITTED 2004

As a 10-year-old, Sarah Rogerson was a “huge government nerd,” decided to become a lawyer, and never let go of the idea. Attending Seton Hall Law School in Newark was a transformative experience, because her work in local politics and low-income housing awakened her to issues of gender, class, and race. Law school was also a positive experience, with many female professors and a 50-50 representation of women and men among students. During early years in private practice, “the real world hit.” After an unsuccessful settlement conference, for example, opposing counsel declared, “Welcome to the big leagues, sweetie.” At her firm, efforts were made to bring attractive women to meetings. There was excitement about a job applicant whose resume included cheerleading experience and

disappointment upon finding that the applicant with a gender-neutral name was male.

Sarah is a tenured clinical professor of law and director of the immigration law clinic at Albany Law School, which provides a supportive environment for attorneys with families. Having two young children has taught her to delegate, trust others, and say “no” for the first time. She was able to time her pregnancies to give birth during the summer and took standard leaves of six to eight weeks. She would have preferred longer leaves and is excited to see the trend toward paid child care leave for both women and men. The young students she talks with have a healthy outlook about the tradeoffs between career and family. Sarah reminds them that their careers will be long and they will need to make short-term sacrifices, build their skills and connections, and opt to live on less and adjust their lifestyle. “You can’t have it all, so you have to decide what you want most at a given time.”

Sarah’s early passion about the government continues. She took joy in the gains by women in their House races, so that a record number of nearly 100 women, many with progressive agendas, will serve in the 116th Congress come January 2019. She is worried about the direction the U.S. Supreme Court might take on issues of reproductive rights that could be “damaging to society and send the wrong message to young women.” But she is encouraged that women are pressing the government for family-friendly changes in the workplace.

REBECCA WAGER CLASS OF 2019



Rebecca Wager decided she wanted to go to law school when, in a student affairs job at a western New York college, she assisted students who made sexual assault allegations. She saw how important

it was to respond with information and support at an overwhelming time of crisis and how the law can be used to protect people’s rights. The desire to help vulnerable persons continued when she co-chaired the Albany Law School Women’s Law Caucus last year and helped to plan the school’s annual Domestic Violence Vigil to bring awareness about issues of violence against women. The Caucus also focused on organizing events to reflect the experience of all women in the law, “not just white cisgender women,” by partnering with the many affinity groups on campus. “Individuals have many different intersections to their identities, and the identities of lawyers should reflect the clients and communities they serve.”

There are many women on the faculty, and they are very supportive of women students, but the same cannot always be said of Rebecca’s peers. She has observed how students unfairly respond to classmates who have young

children or are expecting children. “Mothers definitely face an extra layer of scrutiny from their own peers.” For example, one male student skeptically questioned why a classmate with a 3-year-old was applying for a Big Law job in New York City. Rebecca has observed that, in fact, often “mothers do very well in school – they are way up there in performance. It seems like being a parent makes them more focused, more motivated, and better as students.”

Her career goals are clear. Rebecca wants to practice in family law and employ both legal acumen and empathy for clients. Currently, she is thriving as a part-timer at a local law firm that concentrates in custody and divorce cases. One attractive feature of the firm is that it is women-owned. “That allows me to focus on what matters – the clients and the work. I don’t have to worry about being underestimated just because I am a woman in the firm setting, and I feel fortunate to be surrounded by the mentorship of strong women lawyers as I develop my professional identity.”

1. Admitted in Pennsylvania in 1975.

2. According to *A Current Glance at Women in the Law* (ABA, Jan 2018), women lawyers have salaries that are slightly more than three-fourths those of male lawyers. While about half of law students are women, only about a quarter of law firm partners and Fortune 500 general counsel are women. Women hold more than a quarter of state and federal judgeships and about a third of law school deanships.



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