

→ **WILS CONNECT** ←



A publication of the Women in Law Section
of the New York State Bar Association



INSIDE:

How Women in Law Grew from a Committee to a Section

The Voice of a Trailblazer: “Just Tish” from Brooklyn

Member Spotlight: Wendy Hoey Sheinberg

. . . *and more*

Message from the Chair

For more than 30 years, the Women in Law Section (WILS) and its predecessor, the Committee on Women in the Law, have been at the forefront of advancing women in NYSBA, the profession, and all women under the law. As we celebrate this year's Centennial Anniversary of women's suffrage, our theme for WILS is empowering women—empowering women to get a seat at the table, to stand up against bias (conscious and unconscious), to attain equal pay, to gain more leadership positions, in short, empowering women to have an equal opportunity to succeed in the legal profession.

In less than a year-and-a-half, WILS has grown from a small committee limited to 50 members to nearly 1,000 members and includes women and men from upstate and downstate, states across the U.S. and from countries around the world. WILS is the fastest growing Section in NYSBA history. We are excited to launch the *WILS Connect* e-newsletter—one of our many initiatives—which will discuss current issues facing women lawyers, the work of our committees, legislative and policy matters WILS is focusing on, spotlight members of WILS and the programs held (and to be held) by the Section.

It is an honor and privilege to chair this Section and to continue the work of the exceptional past chairs, including founding section Chair Susan Harper. We would like to include our members' voices in addressing the many critical issues impacting women attorneys today. Get active—join a WILS committee and help shape and influence the laws and policies impacting women, develop research initiatives to turn a spotlight on issues important to women, or create innovative programs and events that enhance your professional development. We are here to help.

There are many ways to be involved: WILS has 13 committees (see pp. 20-21) that help carry out the WILS mission. For example, the Legislative Affairs Committee's memos cover subjects that impact women and our families, including constitutional equality, pay equity, paid family leave, sexual harassment in the workplace, domestic violence, revenge pornography, cyberstalking and women's health. The Champions Committee consists of men and women working together to help promote women lawyers and is holding innovative events that focus on some of the hardest issues confronting women in the legal profession. The General Counsels Committee is launching a series of Toolkit webinars addressing hot topics for in-house counsel and the Partners' Committee focuses on the unique challenges that affect women who are part-



Terri A. Mazur

ners in law firms. We honor women trailblazers such as NYS Attorney General Letitia James, as well as attorneys who advance diversity and the advancement of women. We will continue to give presentations on the history of women's suffrage based upon the Centennial Suffrage exhibit created by WILS, which has been traveling among the New York State courts to rave reviews. **Please email our Section Liaison, Tiffany Bardwell (tbardwell@nysba.org), today to indicate the committee(s) you wish to join.**

I look forward to seeing you at our 16th Annual Edith I. Spivack Symposium, *Staring Down Implicit Bias in the Legal Workplace*, on January 28, 2020 at the NYSBA Annual Meeting and encourage you to sign up for a committee and participate in our activities and events.

Warm regards,

Terri A. Mazur

TERRI A. MAZUR, Chair of the Women in Law Section, concentrates in the areas of antitrust, securities and financial services litigation. She has been a partner of Mayer Brown LLP, Kaye Scholer LLP (now Arnold & Porter Kaye Scholer) and Greenberg Traurig LLP. She has been a member of WILS and CWIL for more than 13 years and is the previous Co-Chair of the Annual Meeting Committee.

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Message from the Co-Editors



Margaret Sowah



Kathleen Scott

Dear Members,

We hope you enjoy this inaugural issue of *WILS Connect*, the publication of the Women in Law Section. Our inaugural issue offers a sampling of the some of the exciting events that have taken place in the year and a half since the Committee on Women in the Law converted to a full-fledged Section of the New York State Bar Association, and we hope it will inspire you to take an active role in your Section.

We would like to thank founding Chair of the Section, Susan Harper, and current Chair, Terri Mazur, for their guidance and support as we shepherded the inaugural

issue of WILS' own publication into existence. We would also like to thank the members of the Reports, Surveys, and Publications Committee, whose hard work and collaboration resulted in this publication: Danielle Ciraola, Lori Epstein, Leona Krasner, Samantha Persaud, Marni Rae Robin, Wendy Hoey Sheinberg, and Vita Trujillo, former Co-Chair of the Committee, who also edited submissions.

We welcome your suggestions and feedback.

Margaret Sowah and Kathleen Scott

NEW YORK STATE BAR ASSOCIATION



If you have written an article you would like considered for publication in *WILS Connect*, or have an idea for one, please contact the Editors:

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Articles should be submitted in electronic document format (pdfs are NOT acceptable), along with biographical information.

REQUEST FOR ARTICLES



Message from the President

Diversifying the Legal Profession: A Moral Imperative

By Hank Greenberg

No state in the nation is more diverse than New York. From our inception, we have welcomed immigrants from across the world. Hundreds of languages are spoken here, and over 30 percent of New York residents speak a second language.

Our clients reflect the gorgeous mosaic of diversity that is New York. They are women and men, straight and gay, of every race, color, ethnicity, national origin, and religion. Yet, the law is one of the least diverse professions in the nation.

Indeed, a diversity imbalance plagues law firms, the judiciary, and other spheres where lawyers work. As members of NYSBA's Women in Law Section, you have surely seen this disparity over the course of your law practices.

Consider these facts:

- According to a recent survey, only 5 percent of active attorneys self-identified as black or African American and 5 percent identified as Hispanic or Latino, notwithstanding that 13.3 percent of the total U.S. population is black or African American and 17.8 percent Hispanic or Latino.

- Minority attorneys made up just 16 percent of law firms in 2017, with only 9 percent of the partners being people of color.

- Men comprise 47 percent of all law firm associates, yet only 20 percent of partners in law firms are women.

- Women make up only 25 percent of firm governance roles, 22 percent of firm-wide managing partners, 20 percent of office-level managing partners, and 22 percent of practice group leaders.

- Less than one-third of state judges in the country are women and only about 20 percent are people of color.

This state of affairs is unacceptable. It is a moral imperative that our profession better reflects the diversity of our clients and communities, and we can no longer accept empty rhetoric or half-measures to realize that goal. As Stanford Law Professor Deborah Rhode has aptly observed, "Leaders must not simply acknowledge the importance of diversity, but also hold individuals accountable for the results." It's the right thing to do, it's the smart thing to do, and clients are increasingly demanding it.

NYSBA Leads on Diversity

On diversity, the New York State Bar Association is now leading by example.

This year, through the presidential appointment process, all 59 NYSBA standing committees will have a chair, co-chair or vice-chair who is a woman, person of color, or otherwise represents diversity. To illustrate the magnitude of this initiative, we have celebrated it on the cover of the June-July *Journal*. (See <http://www.nysba.org/diversitychairs>)

Among the faces on the cover are the new co-chairs of our Leadership Development Committee: Albany City Court Judge Helena Heath and Richmond County Public Administrator Edwina Frances Martin. They are highly accomplished lawyers and distinguished NYSBA leaders, who also happen to be women of color.

Another face on the cover is Hyun Suk Choi, who co-chaired NYSBA's International Section regional meeting in Seoul, Korea last year, the first time that annual event was held in Asia. He will now serve as co-chair of our Membership Committee, signaling NYSBA's commitment to reaching out to diverse communities around the world.

This coming year as well we will develop and implement an association-wide diversity and inclusion plan.

In short, NYSBA is walking the walk on diversity. For us, it is no mere aspiration, but rather, a living working reality. Let our example be one that the entire legal profession takes pride in and seeks to emulate.



Hank Greenberg

HANK GREENBERG can be reached at hmgreenberg@nysba.org.

How Women in Law Grew from a Committee to a Section

By Susan L. Harper

For 30 years before it became a Section, it was the Committee on Women in the Law (CWIL). Many movers and shakers were members and leaders of CWIL during those three decades. Individually and collectively they made *enormous* contributions to advance women in law and address legislative and policy efforts. (To read more of CWIL's 30-year accomplishments, please [click here](#).)

NYSBA Committees are limited in the size of their membership and the resources available to perform their work. CWIL's membership was limited to approximately 53 members and was term limited. Many CWIL members were interested in remaining on the Committee and had contributed significant value to NYSBA and to the advancement of women through CWIL. New NYSBA members seeking to join the Committee had to be turned away because committee membership was often closed due to the cap on committee size.

Women rotated off the committee to make room for others were often disappointed because they wanted to continue their participation in the committee's work. These women were valuable NYSBA members and volunteers and felt a strong sense of sisterhood and belonging that was both empowering and a tremendous asset to NYSBA. CWIL felt strongly they should work to retain all of these women.

Over the past 10 years, issues concerning women in law and women's rights gained traction. CWIL leaders thought it was time for the Committee to grow their membership through conversion to a Section. As a Section, membership is open to all NYSBA members, women and men alike, and Sections have no limits on the number of Section members and no term limits. Conversion to a Section provides a tremendous increase in opportunities to participate in shaping a Section and, in turn, provides many more minds and hands to devise and implement projects to benefit all women and in the legal profession, and we truly need these hands.

Section Campaign

In order to convert CWIL into a Section under NYSBA bylaws, the NYSBA House of Delegates was required to consent to the establishment of a new Section. Before CWIL could present its case to the House of Delegates, it was required to obtain approval from the NYSBA Executive Committee to conduct a survey to assess if there was



Susan L. Harper

adequate interest in a Section. With the input of the CWIL Task Force on Section Feasibility, CWIL leaders prepared a formal memo requesting that the NYSBA Executive Committee authorize CWIL to conduct that survey as the first step to forming the Section. CWIL Committee Liaison Kathy Baxter, who also is the NYSBA General Counsel, supported CWIL in navigating that process.

As CWIL Chair, I made a presentation to the NYSBA Executive Committee at the June 2018 NYSBA House of Delegates Meeting held in Cooperstown, New York. CWIL's initial goal was to attain permission to conduct the survey and report on the results to the House of Delegates at the next meeting. However, after hearing the CWIL presentation, the Executive Committee voted unanimously to approve conversion of CWIL to a Section and requested that CWIL immediately make its presentation to the House of Delegates the next day because the Executive Committee members saw no need for CWIL to conduct a survey and wait until November to learn the results. After hearing the CWIL presentation the next day, the House of Delegates voted unanimously to approve the conversion of CWIL into a Section.

Initial Section Priorities

Before CWIL even made a proposal to convert to a Section, CWIL leaders wanted to ensure that it would

have financial support from NYSBA in the initial years, and then-President-elect Michael Miller agreed to provide that support. NYSBA Committees are allocated a certain sum of money from NYSBA, but a Section is required to be self-sufficient and must rely on Section member dues and other revenue streams, such as sponsors of Section programs.

The Section launched several promotional campaigns to build awareness of the new Section both within and outside the NYSBA, such as offering free Section membership for the remainder of 2018. After a six-month promotional campaign, the Section grew from a 53-member committee to a Section with over 700 members by November 2018. Today the Section has nearly 900 members. Our members are based throughout New York State and in other states and countries.

A Section infrastructure had to be created, a mission statement developed, bylaws drafted, membership, fundraising and engagement strategy to be developed, and committees established. In addition to establishing Executive and Nominating Committees, seven new committees were created, all of which are fully up and running with active members: (1) Champions Committee, (2) Gender Issues Committee, (3) General Counsels Committee, (4) Legislative Affairs Committee, (5) Membership and Engagement Committee, (6) Partners' Committee, and (7) Reports, Surveys & Publications Committee. Other committees, such as Emerging Lawyers and Women in the Association, will be activated in 2019-2020 under Chair Terri Mazur's leadership. The new Section continues to run previous CWIL programs, including: Women on the Move, the Awards programs, and the Annual Meeting program.

What NYSBA Members Can Do Now

The Section is working to meet the needs and expectations of its members, to make sure that they are aware of upcoming events and opportunities for engagement and involvement in Section activities.

All members are encouraged to get involved in a committee, and much of the work can be done by telephone or email. As an example of committee projects, the Gender Issues Committee has been heavily involved in thinking about the impact of arbitration in the profession and non-disclosure agreements, especially in sexual harassment cases.

This is not the time to sit on the sidelines. WILS needs NYSBA fellow attorneys' legal minds to think through issues that affect women and devise solutions.

SUSAN L. HARPER, founding Chair of the Women in Law Section, is the Managing Director, NY/NJ, Bates Group LLC, a financial services litigation, regulatory investigations and compliance consulting firm.

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Reflecting on the Past, Looking Toward the Future: Q & A with Susan L. Harper and Terri A. Mazur

As WILS celebrates its first birthday, Susan L. Harper, the first Chair of the Section, and Terri Mazur, the Section Chair as of June 1, 2019, were asked to talk about the Section, its accomplishments and future plans, and why female NYSBA members should consider joining WILS and a Section committee and get involved.

Susan Harper, First WILS Chair

What Section successes over your term as Chair would you like to highlight for us?

I am very proud and grateful to the CWIL Task Force on Section Feasibility Transition Team, Executive Committee, and the NYSBA leadership and staff for their invaluable support and efforts to convert CWIL to a Section. I was thrilled with how quickly the Section came together and its growth, including the creation of our thirteen committees, including NYSBA's first Champions Committee, and the many amazing NYSBA members and non-members who have joined us!

I also am very proud of our legislative accomplishments through the CWIL and the Section, such as addressing bills on a New York State Equal Rights Amendment, paid leave, pay equity, salary history disclosures, cyber stalking, forced pelvic examinations and women prisoner's rights. During the #MeToo movement, we have worked hard to educate and support women and men, and in May 2018 we held a program called "Navigating Sexual Harassment in the Workplace." At NYSBA's Annual Meeting, I was honored to speak at the Presidential Summit on sexual harassment and to testify to the New York State Legislature at a historic hearing on sexual harassment, the first such hearing since 1992.

I was also excited to have led the creation of the first Women in Law-focused NYSBA *Journal* that addressed our 30-year history as a committee, women's rights and advancement, "Making Strides: How Women Are Gaining Under the Law and in Service to It" (available here).

This past year, we teamed up once again with the NYSBA Communications team on a second NYSBA *Journal* issue, "The Moment Is Now," featuring WILS and showcasing the many incredibly talented NYSBA women and their achievements (available here).

I also am extremely proud of our traveling Centennial Suffrage Exhibit and the companion pamphlet we created. A small team of us gave up our entire summer

in 2017 to conduct the research, write the copy, and fact check. We worked nonstop through November 2017. I am thrilled that it is on display at many courthouses and that so many are interested in learning about our history. (For more on the exhibit, please see the article by Margaret Sowah in this newsletter).

Has WILS enhanced your practice/career/enthusiasm for the law in some way? If so, how?

Absolutely. On a daily basis, I continue to be inspired by the amazing and very talented women and men I have met through the Section and NYSBA. Whether they are a member of the judiciary, a senior partner, a general counsel, a sole practitioner or a young lawyer starting out, I continue to be in awe of the common commitment and passion to advance women by so many. This enthusiasm energizes me to keep the course and continue getting up at bat.

Being an advocate who works to further legislation and policy to advance women and families has made me appreciate the power of the legal profession as individuals and collectively. We have the power to make positive change and we must use it. We have been so fortunate to always have great support from the NYSBA Presidents, its Executive Director and the Government Affairs team, too.

Over the years, it has also been inspiring to hear the many powerful women in law who have visited first the Committee and now the Section and shared their stories of success and challenges. With respect to WILS, I am a big believer in nothing ventured, nothing gained. The lesson I learned is that you need to take chances in life and in your profession and put yourself out there—you never know what you will gain. NYSBA is over 140 years old and has around 17,000 women members. It was time to take this step and kick the committee door down to open the door for more women to join and lead a robust and dynamic Section.

In your opinion, why is WILS so important for NYSBA and the legal community at large?

Gender disparity and inequality still are very real. It's hard to believe that in 2019—almost 100 years after women gained the right to vote—we still are fighting for

constitutional equality in the New York State and U.S. Constitutions, a national paid leave policy, and to close the salary wage gap.

A look at the numbers of women in the legal profession showed the need and opportunities for a Women in Law Section. For the past 20 years, approximately 50% of law students have been women. NYSBA estimates that currently 40% of attorneys in New York State are women. Women, however, make up only 19% of law firm equity partnership—up only 3% in a decade—and 30% of non-equity partners. American Bar Association data finds 24% of Fortune 500 companies have female general counsels.

There are nearly 17,000 women in the NYSBA (and possibly up to 20,000 members when factoring in paid and non-paid NYSBA members), which means that as many as 24% of all total New York State licensed female attorneys are likely NYSBA members (even if they do not reside in New York).

Since more women are members of our profession, are in the workplace and are the breadwinners, we need to ensure that women have a seat at the table and are actively participating in conversations that impact their professional and personal lives, including: workplace advancement, equal pay, family friendly policies, sexual harassment, and domestic violence, to name a few.

As the outgoing Chair, are there issues you will be able to work on in the WILS that you did not have time for before?

I plan to continue to encourage more women and men to get involved with the NYSBA and WILS. I love watching members in action and seeing leaders evolve. I also like seeing how we are creating a community of women and men who want more for women. I would like to spend some time producing more critical content impacting women and promoting women in law, especially women's rights and history, as well as supporting NYSBA in new ways.

Anything else you want to say about WILS?

This has truly been a transformative year: I would like to thank our outstanding members and leaders, Section Liaison Tiffany Bardwell, and the entire NYSBA Leadership and Staff. I am grateful for all that I have learned from my fellow bar members and leaders. And, I am very grateful to Claire Guntekunst, past NYSBA President and CWIL Chair, who would not take "no" for an answer when she reached out seeking to appoint me as CWIL's chair.

Do you have any advice for Terri, the incoming Chair?

Yes. Work hard, keep your eye on the ball, listen, and enjoy the experience!

Terri A. Mazur: New Section Chair as of June 1, 2019

What led you to join WILS? How long have you been a member with NYSBA?

I helped found and then chaired Mayer Brown's firm-wide Women's Initiative Committee when I re-located to the firm's New York office in 2005. When I heard about NYSBA's Committee on Women in the Law (CWIL) and the work CWIL was doing, I immediately asked to join the committee as I thought it would be helpful for the issues my firm's Women's Initiative was addressing and also for my own professional development. I have been a member of NYSBA for 14 years.

What inspires you about WILS?

I am constantly inspired by the passion and commitment of the members of WILS for women's rights, the advancement of women and women lawyers, and by our members' support for each other. The members of WILS are a talented and amazing group of women and men who truly support each other. They give generously of their time to WILS and work very hard on women's issues—all while juggling demanding legal careers and their personal commitments. I have also met and worked with many inspiring women and men through my work as co-chair of the WILS Annual Meeting Program—members of the judiciary, women's rights advocates, partners in law firms, attorneys in the public service sector and in-house counsel.

As you take on the role of Section Chair, what in your view are the Section's priorities for the upcoming year?

I look forward to working with all WILS Committees to better serve Section members and NYSBA's 17,000 female members. We have established a number of new committees—including the Partners' Committee, Equity in the Legal Profession, General Counsels, Gender Issues, Development and Sponsorship, Champions and Emerging Lawyers Committees, to name a few—and I am working closely with the chairs to continue to develop exciting programs that address the issues women in the legal profession, as well as all women, face.

My main priority for WILS for the upcoming year is to continue our efforts to advance women and women lawyers, to help them achieve equality (including equal pay) and to have many more women in positions of power and leadership in all types of legal roles. Another priority is to expand our membership and seek more participation from among the more than 17,000 women members of NYSBA, as well as more male attorneys. WILS is the fastest growing Section in NYSBA's history. In less than a year and a half, WILS has grown from a 50-person committee to nearly 1,000 members, both female and male, and we hope to continue that growth trend this year.

What current issues pertaining to women in the law are you following or are most concerned about?

We need to eliminate the gender disparity, unconscious bias and discrimination that exist in legal institutions—law firms, in-house law departments and in public service—which still serve as barriers to women lawyers attaining equality in power and pay. It is stunning to me that women still only make up about 19% of law firm equity partners and only about 24% of Fortune 500 companies have female general counsels (according to data from the American Bar Association), and that there is such disparity in compensation. Given the ground-shaking national and state developments relating to women over the past three years, including the #MeToo movement and the legal profession's focus on diversity and inclusion, I plan to continue WILS' work to eradicate the gender pay gap and help more women lawyers get their seat at the table. I am also very concerned about sexual harassment in the legal and general workplace—it is unacceptable

Why is WILS so important for NYSBA and the legal community at large?

NYSBA estimates that women make up approximately 40% of the attorneys in New York State, or around 70,800 female attorneys. NYSBA itself has more than 17,000 women members. WILS is the only NYSBA Section committed to exclusively addressing professional, legal, policy and legislative issues affecting women generally, and women attorneys, in particular. WILS also serves as a voice for professional women. Now is the time for NYSBA and WILS to take an even greater role

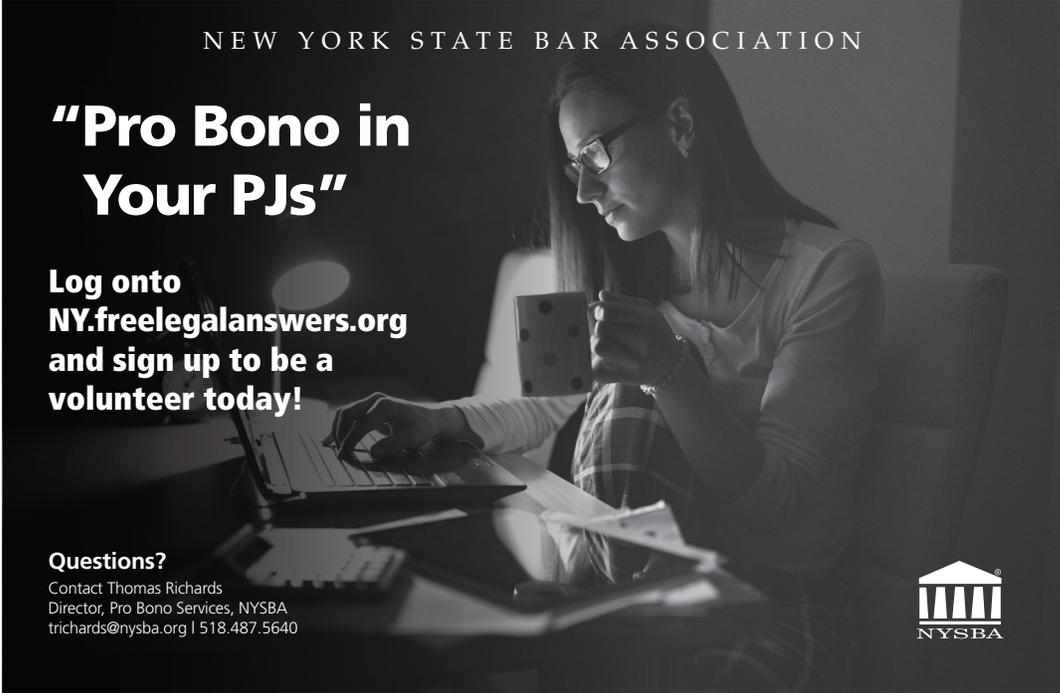
in the advancement of women attorneys, to help remove institutional and systemic barriers to the success of women attorneys. WILS must be at the table to examine the critical issues impacting women lawyers professional advancement.

Has the Section enhanced your practice/career/enthusiasm for the law in some way? If so, how?

WILS has played a very big role in my professional life and has significantly enhanced my enthusiasm for the law and for helping women lawyers. First, getting to know and working with the amazing women and men in WILS has been such a pleasure. I have also co-chaired the Annual Meeting of CWIL, and now WILS, for several years. Working with leaders of the legal profession from law firms, members of the state and federal judiciary, in-house counsel, public sector attorneys and other legal luminaries to develop relevant, interesting programs for women attorneys and listening to their successes and advice have enriched me professionally as a litigator and with my involvement with women's initiatives. On the personal front, WILS has led me to develop invaluable friendships with people whom I would not have otherwise met.

What would you say to an attorney who is on the fence about joining the Section?

Join!! WILS has something for everyone and our members are passionate and engaged in numerous issues and activities. You will meet a fascinating and diverse group of attorneys.



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The Voice of a Trailblazer: “Just Tish from Brooklyn”

By Wendy Hoey Sheinberg

The election of Letitia “Tish” James as the New York State Attorney General established several firsts in one fell swoop. She is the first woman of color in New York elected to hold statewide office; the first woman elected Attorney General in New York; and the first African American to hold that position.

On March 13, 2019, State Attorney General James graciously consented to be the inaugural speaker of WILS first Trailblazer Series program, “Lessons in Leadership,” hosted by Dentons. She inspired a diverse audience of attorneys with her remarks as she traced her trajectory as an African American girl in Brooklyn to Howard Law School, and her passion for using the law to achieve

Q: What is one habit, action, or approach that you take every single day that helps you do what you do?

A “I wake up every single day with this fire in my belly and I go to work and I sue somebody, it works, and my weakness is ice cream.”

justice. Ms. James spoke about the responsibility of her public office to give a voice to the marginalized and make a difference for individuals locked out of opportunities.

In her introductory remarks, the Attorney General spoke of the importance of advancing the careers of women and people of diverse backgrounds, speaking of the need to remove artificial constructs that divide people and recognize the need to step outside of our respective comfort zones and extend a hand to someone who is different and ask, “What can we do to help?”

Ms. James identified the late U.S. Representative Barbara Jordan of Texas, a member of the Nixon Impeachment Committee in the 1970s, as a woman she admired, recalling Jordan’s words: “My faith in the Constitution is whole; it is complete; it is total. And I am not going to sit here and be an idle spectator to the diminution, the subversion, the destruction, of the Constitution.” (State-



NYS Attorney General Letitia James

ment delivered July 25, 1974 to the House Judiciary Committee).

Encouraging the audience and reiterating her philosophy, Ms. James quoted the words of the late U.S. Representative Shirley Chisolm of New York: “If they won’t give you a seat at the table, bring a folding chair.”

A question and answer session with then-Section Chair Susan Harper covered a variety of topics both professional and personal. Some of the topics covered included the “Trump-Pence Gag Rule” and the proposed new regulations by Education Secretary Betsy DeVos, which many expect will adversely affect the investigation of sexual harassment claims on college campuses.

Regarding the “Trump-Pence Gag Rule,” which prohibits health care providers from offering information or referrals for abortion services, the Attorney General noted that the Title X Family Planning Program (Public Law 91-572, “Population Research and Voluntary Family Planning Programs”) is the only federal grant program dedicated solely to providing individuals with comprehensive family planning and related preventive health services, and is designed to prioritize the needs of low-income families or uninsured people who might

not otherwise have access to these health care services. Its overall purpose is to promote positive birth outcomes and healthy families by allowing individuals to decide the number and spacing of their children. The gag rule would apply to 4,000 Title X-funded health care providers across the country, including community health centers, hospital-based clinics, and health departments.

Attorney General James noted that Title X was critical in providing low-income individuals and families with access to critical family planning and health services and that these new rules are “dangerous and unnecessary” and “will hurt millions of Americans.” Health centers like Planned Parenthood are not just about abortions—they provide access to health care services including birth control, cancer screenings, STD testing and treatment, and general women’s health exams. On March 5, 2019, New York State, the District of Columbia and 19 other states filed suit against the U.S. Department of Health and Human Services, challenging the Trump-Pence Gag

sault. The New York State Office of the Attorney General opposed the proposed regulations in a letter to Education Secretary Betsy DeVos. (Click here to read the letter.)

A networking reception followed the program. Many of the attendees were motivated by the supportive environment during the networking reception. Because the Section is not devoted to one practice area, the reception provided an opportunity to meet women who work as prosecutors, in-house counsel, securities litigators, and education and not-for-profit attorneys. Conversations were about more than work: there were conversations about children, spouses and significant others, conversations about wine and food, politics, legislation, theatre, and the never-ending search for functional work-appropriate attire.

Q: What are some initiatives the Office is focusing on?

A: “Right now we are working on a risk management committee to focus on the Department of Corrections. We are also looking into the overview of police-involved citizen shootings.”

Rule restrictions on Title X. (A copy of the complaint can be found at https://www.doj.state.or.us/wp-content/uploads/2019/03/Oregon_v_Azar_Complaint.pdf.) In July, 2019, the Ninth Circuit Court of Appeals declined to stay the regulation pending the outcome of appeals from three lower court decisions blocking the implantation of the regulation (*California v. Azar*, 928 F.3d 1153).

Attorney General James also spoke about new regulations proposed by the United States Department of Education that would roll back Title IX of the Education Amendments of 1972 protections for survivors of campus sexual assault and would discourage the reporting of sexual discrimination, harassment, and violence. Ms. James noted that the proposed rollbacks will make the process for investigating and resolving sexual assault allegations more difficult and questioned the logic of a rule that impedes the investigation of on-campus sexual assaults when statistics show that more than 90% of all sexual assault victims on college campuses do not report the as-

For more information on future events, please visit the Section page at www.nysba.org/womeninlaw.

WENDY HOEY SHEINBERG is partner in Rivkin Raddler’s Trusts and Estates Practice Group. She concentrates her practice in the areas of guardianship, elder law, special needs planning, trust and estate planning and trust and estate administration.

Suffrage Exhibit: A Centennial Commemoration of Women's Suffrage and the Achievement of Legal Rights

By Margaret Sowah

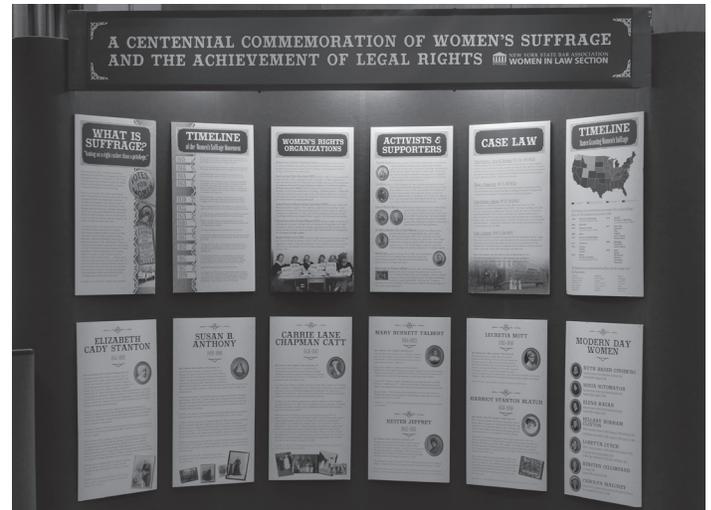
In 1917, New York State granted women the right to vote. Even though 13 western states or territories granted women suffrage before New York did, New York women still achieved the right to vote three years before passage of the 19th Amendment of the United States Constitution, which granted women in all states the right to vote. Importantly, New York's vote was a decisive moment in the national fight for women's suffrage.

New York's path to suffrage for women began with a tea party in Waterloo, New York, on July 13, 1848, hosted by Jane Hunt in honor of Lucretia Mott, a renowned Quaker and orator, and attended by other women suffrage leaders as such as Mary Wright, Mary Ann McClintock and Elizabeth Cady Stanton. Over tea, the women discussed the lack of progress on the attainment of legal rights for women generally and their inability to vote, and they decided to hold a Women's Convention, the first of its kind in the nation, to discuss these issues. The convention took place six days later on July 19 and 20, 1848, at the Wesleyan Chapel in Seneca Falls.

The convention drew over 300 attendees, including several dozen men. Elizabeth Cady Stanton read the Declaration of Sentiments, symbolically modeled after the Declaration of Independence: "We hold these truths to be self-evident: that all men and woman are created equal; that they are endowed by their Creator with inalienable rights." The declaration was signed by 68 women and 32 men. Thus began the fight for suffrage for women in New York. Over the next 70 years, women and men would wage an arduous campaign to achieve this goal on a state and national level.

WILS created "A Centennial Commemoration of Women's Suffrage and the Achievement of Legal Rights" exhibit, which chronicles women's and men's fight for suffrage in New York and the country. Specifically, the exhibit profiles New Yorkers who played a major role in the fight for women's suffrage, paving the way for the achievement of full legal rights of women and making possible the professional achievements of women today. The exhibit also profiles seven modern-day women whose illustrious careers are a testament to the legacy of the suffrage movement. The Section also published a companion pamphlet to the exhibit.

After being displayed at the 2018 and 2019 NYSBA Annual Meetings, the exhibit was displayed at New York County Supreme Court, Civil Branch, at 60 Centre Street, and on April 17, 2019, was formally recognized during



the Court's 2019 Women's History Month celebration. Women making remarks included New York County Civil Branch Administrative Judge Deborah Kaplan, Susan Harper, former Section Chair and Chair of the Centennial Suffrage Commemorations, and Terri Mazur, current Section Chair, who spoke about the creation of the Section, its mission and goals, and the enthusiastic response received from the legal community regarding the Section.

Since then, the traveling exhibit has been displayed at the Appellate Division, First Department, in September 2019, and at the Appellate Division, Second Department, in October 2019 and was on display in November 2019 at the Staten Island Supreme Court as part of the Court's 100th anniversary celebrations. The exhibit will be displayed at the Suffolk County Legislature or courthouse and Bronx County Supreme Court in 2020.

To read more about the exhibit, go to: <http://www.nysba.org/workarea/DownloadAsset.aspx?id=77597>

MARGARET SOWAH is Deputy Clerk of the Court, Supreme Court, Appellate Division, First Department, and co-editor of *WILS Connect*.

For information on displaying the exhibit, please contact NYSBA Section liaison Tiffany Bardwell at tbardwell@nysba.org. We welcome inquiries from courts, associations, schools and local governments.

Drinks & Dialogue: “Pence Paranoia,” or Should Men and Women Never Meet Alone?

By Marni Rae Robin

On a warm early May evening, in a conference room with breathtaking views of the midtown Manhattan skyline, sat a spirited group of professional women and men gathered to discuss a topic that was on all of our minds, if not our lips: is the “Pence Rule”¹ the new norm as a result of the #MeToo movement? Should it be? What is its impact on business/professional relationships between men and women? The participants in this discussion included a diverse group of individuals in and around the legal industry, including attorneys of various ranks and titles (partners, non-partners, former and current general counsel, non-practicing attorneys, and a newly admitted attorney), mediators, legal service providers and business people (i.e., clients). The individuals in the room came to discuss this highly controversial topic, not as representatives of their firms or companies, but as professionals with genuine concerns, questions, information and/or opinions on the issues.

The reviews of the inaugural Drinks and Dialogue event of the Champions Committee of the Women in Law Section are in: “It was a hit!” “All the men (and women) loved it!” And, according to one attendee, “It was the best event I’ve ever been to in my whole career!”

In addition to the provocative topic of the evening, much of the success of the Drinks & Dialogue event was due to the intimate size of the group (under 20 people), and the confidential environment in which participants felt free to speak their minds openly and honestly without fear of backlash or retaliation. Much like a family dinner, participants sat around a large conference table engaging in the interchange of ideas and experiences while enjoying a delicious assortment of gourmet appetizers and desserts.

The discourse was commenced by a recital of two diametrically opposed articles written by different women on the topic of the evening. The first article was written with the point of view that the majority of working women are sensible and understand nuance in the conduct and speech of their male colleagues with whom they just want to get along and be treated the same. Implementing the Pence Rule in business, according to the first author, is an uncalled-for overreaction to society’s finally taking sexual harassment and assault more seriously. The second article, on the other hand, defends the Pence Rule, with an assortment of the author’s “tweaks,” as a good one for any man or woman who wants to avoid accusations of



Marni Rae Robin

workplace harassment or who easily succumbs to temptation. The second author suggests that the Rules should, however, apply to everyone.

For every discussion had among the group, a new thread of discussion was developed. The discussions ranged from what is “bad conduct” versus “rude conduct” to how perceptions vary from person to person. It was even noted the degree to which people lack self-awareness and the realization that this vexing topic does, indeed, apply to most of us, especially if we think it doesn’t. We debated the wisdom of various solutions for everyday business or professional situations, such as meetings in and outside the office, where to have them and who pays. We discussed the impact of the Pence Rule on business development, mentoring and sponsorship. We even discussed how the Pence Rule is interpreted across generational divides and under the law. And in all candor, we learned from each other that, even where it is not an employer’s policy, self-imposed Pence Rules are, in fact, being implemented in the business world.

While this Drinks & Dialogue event was not solving the world’s problems, it created a welcome opportunity for legal professionals and business people to discuss a divisive topic in a “safe zone” from which the participants walked away with new awareness and understanding of other points of view. We look forward to the next one.

The Champions Committee would like to thank Foley & Lardner for hosting our inaugural Drinks & Dialogue event and Neuman's Kitchen for the wonderful food. We also would like to thank our Committee Chair, Deborah Kaye, for suggesting the topic, organizing the event and implementing a thought-provoking evening with the help of Committee members Mark Berman, William Baker and Marni Robin. We also appreciate the tireless support of our past WILS Chair, Susan Harper.

MARNI RAE ROBIN is an attorney recruiter for Parker and Lynch Legal, where she places associates, counsel and partners in law firms and corporations in New York and Connecticut. She is a former practicing attorney (for 25 years) in the areas of securities litigation, arbitration and regulatory defense and white collar/criminal defense. Marni is a member of the NYSBA Women in Law Section Champions Committee and Reports, Surveys and Publications Committee.

Endnote

1. Vice President Pence's remark that he avoids any appearance of impropriety by never dining or having drinks alone with another woman other than his wife has become known in popular culture as the "Pence Rule."

Champions Committee

Single Malt Chocolate Tasting and Networking Event

By Laura Sulem

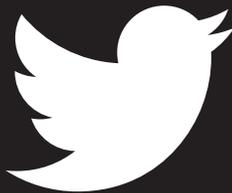
On May 30, 2019, the Champions Committee hosted a Single Malt Chocolate Tasting and Networking Event at Patterson Belknap Webb and Tyler LLP in New York City. The evening was a huge success with over 50 attendees, including Michael Miller, then outgoing president of NYSBA, and Hank Greenberg, the incoming president.

The evening began with signature cocktails, wine, and delicious appetizers from Neuman's Kitchen. Following the cocktail hour, Stephen Younger, a partner at Patterson Belknap and former President of NYSBA, welcomed the attendees and spoke about the importance of men serving as champions for women in the legal profession. Outgoing Chair of WILS Susan Harper also delivered welcome remarks and presented the 2019 Outstanding Champion Award to outgoing NYSBA President Michael Miller. Mr. Miller recognized Ms. Harper's many accomplishments as Chair of WILS, including bringing the former committee to Section status within NYSBA, and introduced incoming NYSBA President Hank Greenberg. WILS member and Champions Committee Co-Chair Deborah Kaye concluded the opening remarks by presenting artisanal cakes to Susan Harper and Michael Miller and thanking them for their service.

After the welcome remarks, it was time to taste the Westland Whiskey and Tolita organic dark chocolate! The many varieties of chocolate, harvested and produced exclusively in Ecuador, paired exceptionally well with the three types of Westland Whiskey on offer: American Oak, Sherry Wood, and Peated. Attendees heard from chocolate and whiskey experts and networked with colleagues throughout this fun and lively evening.

LAURA SULEM is the Senior Director of Litigation at Practical Law, a Thomson Reuters company, where she oversees editorial content and strategy for the 65-member litigation service. Laura sits on the Executive Committee of the New York State Bar Association's Women in Law Section and is the Co-Chair of the Section's Annual Meeting, Programming and CLE Committee.

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Sponsorship: Breaking Through the Last Glass Ceiling

By Margaret Sowah

On May 21, 2019, the General Counsels Committee held its inaugural event, a presentation entitled “Sponsorship: Breaking Through the Last Glass Ceiling.” Julia Taylor Kennedy, Executive Vice President at the Center for Talent Innovation (see https://www.talentinnovation.org/about_CTI/), led an engaging presentation, followed by a question and answer session on why sponsorship is particularly critical to the advancement of the careers of women and minorities. Women and minorities were encouraged to recognize sponsorship opportunities (as a sponsor or person being sponsored) and to actively participate in it.

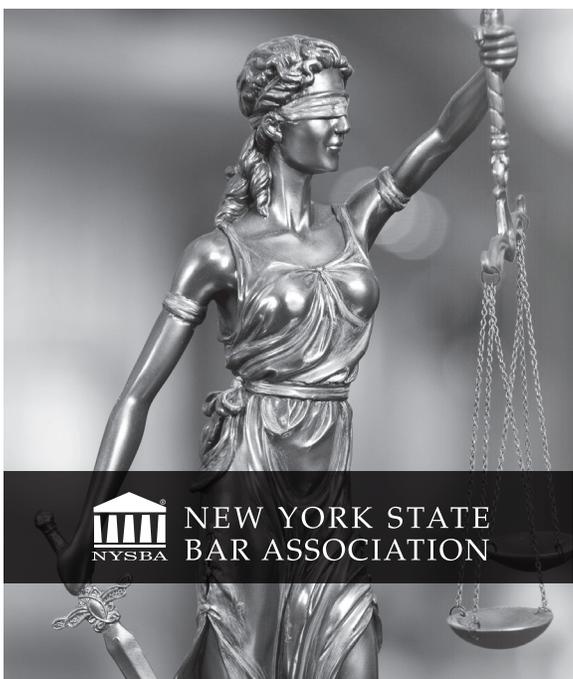
Ms. Taylor Kennedy explained the concept of sponsorship, which deals with the question of “who is going to advocate for you when you’re not in the room,” and boils down to knowing how to play the game. A sponsor differs from a mentor who may offer career advice, act as a sounding board, or even a teacher. A sponsor actively promotes the career of the individual she or he sponsors. In order to advance, it is important to have someone who will advocate on your behalf, put their reputation on the line and argue that you should be given an opportunity.

Ms. Taylor Kennedy presented statistics showing the glaring disparity in advancement between white men and women and minorities as they rose up in the leadership

ranks and noted that research shows that sponsorship or the lack thereof contributes to the problem of the proverbial glass ceiling that women and minorities face after reaching mid-management.

Sponsorship is a two-way street; the person being sponsored gets career advancement, and the sponsor gets loyalty, promotion, and leadership kudos from his or her organization. On the sponsored individual’s part, he or she must over-perform, be loyal, and add value to the team and to the sponsor’s reputation. The payoff for both protégés and employers is job satisfaction, retention of good employees and grooming the next leaders. Although sponsorships can be organic, leadership gaps in organizations have forced them to recognize the need for an intentional view of sponsorship and actively promoting sponsorship within their organizations. In so doing, organizations recognize the importance of diversity and avoiding what may be termed the mini-me syndrome; that is, only looking out for people who look like themselves.

The takeaway from the well-attended event is for women and minorities to recognize sponsorship opportunities (as a sponsor or person being sponsored) and to actively participate in them.



COMMITTEE ON PROFESSIONAL ETHICS ETHICS OPINIONS

The Committee on Professional Ethics has issued over 1100 opinions since 1964. It provides opinions to attorneys concerning questions of an attorney’s own proposed ethical conduct under the New York Rules of Professional Conduct. It cannot provide opinions concerning conduct that has already taken place or the conduct of another attorney. When an inquiry is submitted, it will be researched to determine whether an existing opinion is responsive to the question. If no opinions exist, the inquiry will be forwarded to the committee for preparation of an opinion.

Inquiries submitted to the committee are confidential, and no identifying information is included in the opinion.

If you have a question about your own proposed conduct, send your inquiry to the committee by **email to ethics@nysba.org**; by **fax to (518) 487-5564**; or by **mail to One Elk Street, Albany, NY 12207**. Please include in all inquiries your name, mailing address, telephone and email address.

To view Ethics Opinions, visit: www.nysba.org/Ethics/

Committee Spotlight

Legislative Affairs Committee

2019-20 Co-Chairs: Denise Bricker and Sarah Simpson



Denise Bricker



Sarah Simpson

The **Legislative Affairs Committee** is responsible for identifying and recommending the WILS's legislative agenda to the Section's Executive Committee (EC) for adoption. During the 2019 legislative season, the Committee drafted and submitted memos in support of the New York Equal Rights Amendment, the ban on requesting salary history, New York's equal pay law, a law banning nonconsensual pelvic exams on anesthetized women, and an updated anti-cyberstalking law. The Committee continues to monitor legislative activity in what has been a fast and tumultuous season and anticipates a busy 2020 cycle.

The Committee welcomes new members. Committee members participate in the identification of new or existing New York State legislation relating to issues of interest to women and draft written evaluations and memos in support of proposed legislation as it may affect women. Committee members are expected to participate in regular conference calls, to review potential legislation, to conduct research and make recommendations to the Section regarding the legislation, and to draft and edit memos supporting or opposing the legislation. Committee members may also be asked to participate

in a meeting with the State Bar's lobbyist, organize an educational program, or develop partnerships with other State Bar sections. The time commitment is estimated to be between 15-25 hours annually. The peak committee activities occur between January and June 30th.

If you are interested in joining this Committee, please contact Denise Bricker (dbricker@audubon.org) and Sarah Simpson (sarah.simpson@suffolkcountyny.gov).

DENISE BRICKER is Deputy General Counsel of the Audubon Society. She has been a member of WILS since 2018.

SARAH SIMPSON is counsel to the Suffolk County Legislature.

Member Spotlight

Wendy Hoey Sheinberg

Interviewed by Marni Rae Robin

What area of law do you practice and where? How long have you been practicing in this area?

I am a partner in a private practice law firm. Although our main office is located on Long Island, I practice primarily throughout Manhattan, Brooklyn, the Bronx, Queens, and Nassau and Suffolk counties. I have been admitted to practice in New York and Connecticut since 1992.

My main areas of practice are: elder law, estate/trust planning and administration, Article 81 and SCPA 17-A guardianship practice, and special needs planning.

I have focused on these areas since March 3, 1998. I remember the date that I changed the focus of my career because March 3rd was my Grandpa Benny's birthday.

Who or what inspired you to become an attorney?

My Grandpa Benny was a big inspiration to me. He drove a bread truck for a living and proudly called himself a teamster. Benny would sit and watch *Zoom* with me on PBS, walk with me in a snowstorm to get an ice cream cone, teach me to appreciate classical music and the importance of kindness. I was an annoyingly verbal and precocious kid, who needed to understand everything and accepted nothing at face value. Benny lovingly and prophetically referred to me as his "little Philadelphia lawyer." He taught me the importance of being self-reliant and self-supporting. A law degree is empowering; even in the worst of circumstances an attorney can hang a shingle and be able to put food on the table.

How did you get into elder and estate planning law? Why did you choose it?

At the start of my career, I represented banks and corporate clients. One day, Benny called me worried that Grandma Sylvia was forgetting things and behaving in a manner that was not typical for her. He was afraid of what would happen to Sylvia after he died; he had an incurable cancer and knew that he was not likely to live more than a few years. I had just read an article about elder law and advised Grandpa that he needed an elder law attorney. The Florida bar (Benny lived in Florida) provided him with the name of an attorney who created a plan for my grandparents. As a result, Benny's last years were not muddled by worry and panic; he had a plan which enabled him to spend his final years enjoying his family. I was inspired by that experience to change my



Wendy Hoey Sheinberg

practice. I wanted to spend my professional life helping people plan for the best possible outcome and to help provide order and security to the lives of my clients and their families.

What is most gratifying or satisfying about your legal practice?

The transformation that I see in the faces of my clients: from concern when they begin the planning process to expressed relief once their plans are in place.

What is most challenging about your legal practice?

Those online programs that are used by lay people and inexperienced attorneys to create documents. These programs give the false impression that estate planning and asset protection planning involve nothing more than filling out forms. Just because there is a program or a form out there does not mean that something is simple. The errors and faulty planning generally only become apparent when something has gone very wrong. The cost of fixing a problem is always greater than the cost of proper planning.

What would you change about your career if you knew then what you know now?

I love what I do; I would not change a thing.

What advice can you give to less experienced and aspiring women attorneys?

Know your worth. Know other women and network with them. Keep your resume current, not for job hunting purposes but for keeping a running inventory of your skills and accomplishments. Not only does this make you stand a little straighter, it helps you to know your worth. It is ok to ask for compensation that reflects your value and experience. Do not let people make you feel lucky to have a seat at the table; you are at the table because you earned it.

Why did you join the Women in Law Section of the NYSBA?

The opportunity to network with a group of strong and accomplished women was irresistible.

What committees or activities are you involved in for the WILS?

The Reports, Surveys and Publications Committee, the Partners' Committee, and the Membership and Engagement Committee.

NEW YORK STATE BAR ASSOCIATION

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UPCOMING WILS EVENTS

• **FEBRUARY 26, 2020, 6 P.M.:**

“CREATING YOUR PERSONALIZED PLAYBOOK”

Lisa Skeete Tatum, CEO & Co-founder of Landit
Hosted by Devevoise & Plimpton LLP, 919 Third Avenue, New York, NY

• **MARCH 2020:**

MARCH 11: “A DAY IN THE LIFE: PERSONAL PERSPECTIVES FROM GENERAL COUNSELS AND PARTNERS” (6:30 P.M.)

DATE TBA: PANEL DISCUSSION: “HOW TO BE A FOXHOLE BUDDY – EFFECTIVE COMMUNICATIONS AND WORKING WITH CLIENTS AS A NEW ATTORNEY”

Moderated by Deborah Kaye. Hosted by Murphy & McGonigle, NYC.

DATE TBA: WOMEN’S HISTORY MONTH PRESENTATION: A CENTENNIAL COMMEMORATION OF WOMEN’S SUFFRAGE AND THE ACHIEVEMENT OF LEGAL RIGHTS

Susan Harper, Terri A. Mazur, and Margaret Sowah

• **MAY 7, 2020: ARCHITECTURAL WALKING TOUR OF NYC AND RECEPTION, NEW YORK STATE COURT**

FOR MORE INFORMATION ON THESE AND OTHER EVENTS, VISIT NYSBA.ORG/WOMENINLAW.

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WILS Connect

Submission Guidelines

The *Journal* welcomes the submission of articles of timely interest to members of the Section in addition to comments and suggestions for future issues. Articles should be submitted to any one of the Co-Editors whose names and addresses appear on this page. For ease of publication, articles should be submitted via e-mail to any one of the Co-Editors. Accepted articles fall generally in the range of 7-18 typewritten, double-spaced pages. Please use endnotes in lieu of footnotes. The Co-Editors request that all submissions for consideration to be published in *WILS Connect* use gender-neutral terms where appropriate or, alternatively, the masculine and feminine forms may both be used. Please contact the Co-Editors regarding further requirements for the submission of articles.

Unless stated to the contrary, all published articles represent the viewpoint of the author and should not be regarded as representing the views of the Co-Editors or the Section or substantive approval of the contents therein.

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NYSBACLE

Being an Ally: Four Trailblazing Jurists Discuss Diversity and Inclusion

Wednesday, February 5, 2020 | Foley & Lardner LLP
90 Park Avenue | NYC

5:30 p.m.: Registration and Reception

6:30 p.m. – 8:00 p.m. | CLE Program

1.5 MCLE credits in Diversity, Inclusion and Elimination of Bias

In this program, four of New York's most noteworthy jurists discuss the importance of championing attorneys from historically underrepresented backgrounds.

Program Chairs: Kevin J Quaratino, Esq. | Commercial Division Law Clerk to Hon. Andrea Masley J.S.C. and Viktoriya Liberchuk, Esq. | Farrell Fritz, P.C.

Moderator: Rachel Silverman, Esq.

These jurists are:

Honorable Joel Cohen (Commercial Division, New York County)

Honorable Dora Irizarry (Chief Judge of the Eastern District of New York)

Honorable Saliann Scarpulla (Commercial Division, New York County)

Honorable Laura Taylor Swain (Southern District of New York)

This program will be an interactive discussion about topics in the profession relating to advancing female attorneys, attorneys of color, LGBTQIA+ attorneys, and attorneys with disabilities. The focus will be on how attorneys can work together to foster diversity and inclusion. The program will include hypotheticals with audience participation on a variety of areas such as how to be an ally, a sponsor, and a mentor. The program will also include hypotheticals about the importance of introducing attorneys from diverse backgrounds to clients.

This program is co-sponsored by the Commercial and Federal Litigation Section, the Young Lawyers Section and the Committee on Continuing Legal Education.

**Free for Commercial and Federal Litigation Section
and Young Lawyers Section Members**

\$50 NYSBA Members | \$150 Non-Members

Cancellations Are Easy: Full refunds are given with notice three days prior to the program date. Registrations cancelled less than three business days from the program date will be assessed a cancellation fee of \$25.00.

Tuition Assistance: Any New York attorney who has a genuine financial hardship may apply for tuition assistance for a CLE program. Learn more at www.nysba.org/TuitionAssistance.

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www.nysba.org/CLEProgramPolicies

Find more information at www.nysba.org/BecomingAnAlly



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