



# WWBA news

Westchester Women's Bar Association

DECEMBER/JANUARY 2015

www.wwbany.org

## WOMEN IN THE LEGAL PROFESSION: *Where Are We Now and Where Are We Going?*

Joelle M. Burton

Our November General Membership Meeting ("GMM") was impactful and inspiring, and reminded all attendees of the immense value that membership in the Westchester Women's Bar Association ("WWBA") provides. Our esteemed WWBA President, Lucia Chiochio, moderated a brilliant panel consisting of three leaders in our field: the Hon. Sondra M. Miller, J.P., Chief Counsel at McCarthy Fingar LLP; Patricia E. Salkin, Dean and Professor of Law at Touro College Jacob D. Fuchsberg Law Center, and Adrienne J. Arkontaky, Managing Partner of The Cuddy Law Firm, P.C. Thanks to the generosity of the Pace University School of Law, the program was held at Pace and the Pace legal community were among the attendees. The panelists candidly shared their stories and strategies on numerous topics including salary negotiation, work/family balance, and the promotion of more

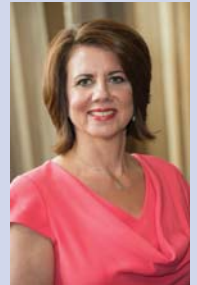
women into leadership positions. Regarding women in the law, the statistics can be discouraging. For example, only 17% of equity partners are women despite the fact that women make up 47% of law firm associates and 38% of law firm 'of counsel' positions. 29% of non-equity partners are women and only 20% are law school deans. Among the federal and state judiciary, only 30% are women. Gender stereotypes, a lack of support networks, and a workplace that fails to accommodate a balanced life remain the largest obstacles to the advancement of women into leadership positions. However, the WWBA, and events such as the November GMM, provide the perfect antidote: the sharing of information and strategies, a strong referral network, and enthusiastic moral support - all of which enable our members to continue to blaze trails in the legal profession.

We learned at the GMM that, among

*continued on page 5* ➔

## ► PRESIDENT'S MESSAGE

2015. It is hard to believe that we are ushering in a new year already! And 2015 is an exciting year for the WWBA -our 40th anniversary. I don't think of the WWBA as 40 years old, rather I think of us as 40 years strong with many more decades of strength and accomplishments ahead of us.



Lucia Chiochio

In 1975, the WWBA "Founding Mothers" consisted of about a dozen members who met in a member's home. As I reflect on the 40 years of the WWBA, I decided to review some of the issues and events that our Founding Mothers faced in 1975.

- ❑ The United Nations designated 1975 International Women's Year and held the first World Conference on Women in Mexico City.
- ❑ Title IX guidelines that required equal opportunities for women in intercollegiate sports were issued.
- ❑ In *Taylor v. Louisiana*, 419 U.S. 522, the Supreme Court ruled that states could not systematically exclude women from jury duty.
- ❑ In *Weinberger v. Wiesenfeld*, 420 U.S. 636, the Supreme Court held that it was a violation of the equal protection of the Due Process Clause of the Fifth Amendment to allow Social Security survivors' benefits for widows (female) and their minor

*continued on page 3* ➔

## ► INSIDE THIS ISSUE

### DECEMBER/ JANUARY 2014

- *WWBA Holiday Party*  
(page 4)
- *Making Strides Against Breast Cancer Walk*  
(page 6)
- *An Interview with Amy Gewirtz-McGahan*  
(page 7)
- *WWBA Upcoming Events*  
(page 12)

## ► SAVE THE DATE

### GENERAL MEMBERSHIP MEETING: CYBERLAW AND ETHICS

January 7, 2015  
BNY/Mellon  
White Plains, New York

### THE IRREVOCABLE LIVING TRUST

January 22, 2015  
11 Martine Avenue, 12th Floor  
White Plains, New York

### AN EVENING WITH BANKRUPTCY TRUSTEES

January 29, 2015  
120 Bloomingdale Road, 1st Floor  
White Plains, New York

## ▶ WWBA Member Newsletter



**DECEMBER/JANUARY 2015**

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## ▶ 2014-2015 WWBA Committee Chairs

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Employment Law .....	Kim Berg, Hillary Raimondi	WCBA Director .....	Lisa M. Bluestein
Environmental & Land Use .....	Lucia Chiochio, Anna L. Georgiou, Katherine Zalantis	Members on WCA Board .....	Lucia Chiochio
Gender Dynamics .....	Hon. Terry Jane Ruderman	WWBA Foundation President .....	Kim Berg
Golf & Tennis Outing .....	Gail M. Boggio, Theresa O'Rourke Nugent, Susan Mills Richmond	WBASNY Judicial Screening Committee Delegate .....	Gail M. Boggio
Holiday Party .....	Dolores Gebhardt, Jennifer N. Netrosio	WBASNY Mentoring Program Delegate .....	Mary E. Morrissey

**“For 40 years, the WWBA members have worked tirelessly to fulfill its mission . . . [but] despite the WWBA’s hard work, much more work is needed for true equality and diversity.”**

children but not for widowers (male) who cared for minor children.

❑ In *Stanton v. Stanton*, 429 U.S. 501, the Supreme Court held that a Utah law providing different ages of majority for males and females was unconstitutional. The statute required divorced fathers to support sons through age 21 and women only through age 18.

❑ 34 states ratified the Equal Rights Amendment, which has yet to be adopted.

Now, 40 years later, the WWBA has grown to over 500 members strong with approximately 20 standing and 37 ad hoc committees. For 40 years, the WWBA members have worked tirelessly to fulfill its mission “to promote justice for all, regardless of sex; to advance the social, economic and legal status for women through the law; to expand opportunities for women and to raise the level of competence and integrity in the legal profession.” Yes, we’ve worked hard and made progress.

However, as many of us learned at the November General Membership Meeting (GMM), despite the WWBA’s hard work, much more work is needed for true equality and diversity. Today, women earn approximately 87% of what their male counterparts earn. Women make up only 17% of the equity partners in law firms.<sup>1</sup> In New York, women constitute approxi-

*continued on page 11* ➡

**▶ Editor’s Note**

*Wishing You a Successful, Happy and Healthy 2015!*

~ Patricia

**▶ Making Dates and Getting Published**

We welcome your submissions! The deadline for newsletter submissions is the twelfth of the month prior to publication (submissions received after the twelfth of the month are subject to the discretion of the editor). Submissions should be sent as email attachments to: [jgray@kblaw.com](mailto:jgray@kblaw.com).

Articles should be 1,000 words or fewer. Please remove all pagination, headers, footers or other formatting, other than bold, underline or italics. We encourage authors to submit their photographs for publication with their submissions. Authors must include a short biographical statement with their submissions. Materials submitted allow the WWBA a limited copyright and full permission to reprint the material in any WWBA publication or on its website without additional consent.

Photographs must be high-resolution (150 dpi or more) and all persons in each photograph fully identified. Photographs submitted without identifying their subjects will be rejected.

Please contact Jennifer L. Gray, 2014-2015 Corresponding Secretary and Editor-in-Chief of the WWBA Newsletter, by email ([jgray@kblaw.com](mailto:jgray@kblaw.com)) or telephone (914-946-4777) to schedule all WWBA sponsored or co-sponsored events, including committee meetings, CLE programs, etc. To view existing event postings, first visit our website: [www.wwbany.org](http://www.wwbany.org) and click on the calendar tab at the home page. Conflicts in scheduling will be assessed on a case by case basis, with priority for early submissions. Once you have reserved the date with Ms. Gray, you can submit an event form online at our website’s calendar tab, which will publicize your event on both the website calendar and in the printed newsletter calendar. We will also consider event form submissions from outside organizations regarding upcoming events that may be of interest to our members. An event recap form on the calendar tab is available on the website as well, so that you can report on the success of your event and provide photographs of speakers and participants that can be included in an upcoming newsletter.

Before a flyer can appear in the newsletter or on the website, it must be approved by one of WWBA’s program chairs, so please submit your flyers to Susan D. Edwards and Lonya A. Gilbert far enough in advance of the twelfth of the month to allow for review and approval. ▶

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Members - \$50.00 first issue; \$25.00 each succeeding issue; Non-Members - \$75.00 per issue

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*Deadline for all ads is the 12th of the month prior to publication. Ads are subject to space limitations. Call Jennifer L. Gray at (914) 946-4777 for any questions regarding advertising.*

# 2014 Westchester Women's Bar Association ~ Holiday Party ~

Lucia Chiochio

The Westchester Women's Bar Association ("WWBA") held its Annual Holiday Party on December 10, 2014 in the grand ballroom of the beautiful and historic C.V. Rich Mansion, home of The Woman's Club of White Plains. A little snow certainly did not deter attendees from enjoying delicious hors d'oeuvres and a buffet of tasty cuisine while networking, catching up with



Jane Gould, Hon. Terry Jane Ruderman, Jerold Ruderman, Joelle Burton



Gail Boggio, Lucia Chiochio, Hon. Mark C. Dillon, Shari Gordon

friends, and shopping at the gift boutique. The vendors at this year's gift boutique ran the gamut from jewelry, housewares, skin care, office supplies and desk accessories, handbags, totes and accessories, spa gift certificates, sports memorabilia and custom designed shoes. And, a special party treat this year included live piano music by Silverio Mazzella of The White Plains Piano Company. Once again this year, due to the generosity of Holiday Party

guests, a large collection of gifts for underserved teenagers were donated. All of the donated gifts were distributed to the Cardinal McCloskey Services by WWBA Past President Kathleen Donelli, and The Jewish Child Care Association in Pleasantville by Donna Genovese. Donated boxed and canned food was delivered to the Food Bank of Westchester by Immediate Past President Lisa M. Bluestein. Special thanks to Dolores



Hon. Sandy Forster, Sylvia Goldschmidt, Hon. Sondra Miller, Hon. Joan Lefkowitz

Gebhardt and Jennifer Netrosio, the Holiday Party Co-Chairs, and to our generous Holiday Party sponsors for making this year's event such a great success. ▸



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|

If you answered yes to any of these questions, your clients should meet us. Contact Susan Edwards, Esq. at (914) 948-5166 or [sedwards@wcf-ny.org](mailto:sedwards@wcf-ny.org)

# WOMEN IN THE LEGAL PROFESSION

from page 1

her many "firsts," Judge Miller was a member of Harvard Law School's first class to admit women, and in 1990, she was the first female New York Supreme Court Justice in the 9th Judicial District to be appointed to the Appellate Division of the Supreme Court, Second Department. With a great sense of humor, Judge Miller shared how she boldly, and in high heels, stepped into roles not "typical" for women attorneys despite those who tried to dissuade her by saying she was "taking jobs away from men."

Dean Salkin was appointed as the first woman dean of the Jacob D. Fuchsberg Law Cen-

ter following a successful career as the youngest Director of the Government Law Center of Albany Law School. She has achieved excellence in the field of land use and zoning, as she is the first, and still only woman to have written two multi-volume treatises on the subject. Throughout her career, Dean Salkin demonstrated her commitment to promoting women by ensuring that other women were invited to speak at programs and given opportunities to publish in publications that she edited. Dean Salkin described several situations in which she courageously and strategically negotiated her own promotions and salary in the face of "es-

tablishment" resistance. Adrienne J. Arkontaky is the Vice President and Managing Partner of the White Plains office of the Cuddy Law Firm, P.C. Adrienne has been instrumental in assisting families in obtaining appropriate educational services for children with special needs and providing for their families' future by setting up proper special needs estate planning. She has been named as a 2014 Super Lawyer Rising Star and one of the Top Female Attorneys in the State for 2015. At the GMM, Adrienne demonstrated how, with her charming and cheerful demeanor, she unambiguously declared to her employers her need to have

work/life balance. With boundless passion and energy, she became a "rainmaker," which allowed her to command more control over her working hours and conditions, ultimately leading her to partnership, and the executive ranks, of her law firm. Through WWBA's programs, our members gain insight and opportunity to carve their own paths and lead us all into a future of a majority of female partners, managers, administrators and executives in the legal profession. Our greatest days are ahead of us! Sincere gratitude to our distinguished panel, and to our fearless and tireless WWBA President, Lucia Chiochio. ▀

## Environmental and Land Use Committee's CLE Program Held on October 30, 2014

Anna Georgiou

On October 30, 2014, the Environmental and Land Use Committee of the Westchester Women's Bar Association presented the program "State Environmental Quality Review Act, Case Law Update and When to Litigate." The program was sponsored by Silverberg Zalantis LLP and the Westchester Municipal Planning Federation was invited to join the program.

In New York State most projects or activities are proposed by a state agency or local government, and all discretionary approvals from a state agency or local government, are subject to the State Environmental Quality Review Act, the state law and regulatory framework collectively referred to as "SEQRA." SEQRA requires the approving governmental body to identify and mitigate any significant environmental impacts of the activities it is proposing or permitting. If an agency, such as a local land use approval board, approves a permit or application for a project that is subject to SEQRA without undertaking a proper review, legal action may be commenced against the approval agency or board in the form of an Article 78 proceeding pursuant to the CPLR. As a re-

sult, compliance with SEQRA's substantive and procedural requisites is a critical issue for all land use practitioners.

Anna Georgiou of McCarthy Fingar LLP presented the first part of the program, the "Case Law Update." Ms. Georgiou discussed recent litigation and court decisions on land use matters involving procedural and substantive aspects of SEQRA. Specifically Ms. Georgiou addressed recent court decisions involving standing, impermissible segmentation, the requisite hard look and SEQRA record, supplemental environmental impact statements, default approvals, and classification of actions.

The common theme among many of the decisions discussed was the importance of a thorough environmental review and an administrative land use board record reflecting that the procedural and substantive aspects of SEQRA have been satisfied. As such, not only is a full and fair review of land use applications required, this review should be carefully documented in written resolutions that memorialize agency decision making, supported by the record. With regard to standing under SEQRA, appellate courts continue to apply the established test for standing (that

there be an "injury in fact," that is different in kind or degree from that of the public at large, and that is within the "zone of interest" protected by the statute) to dismiss SEQRA claims.

Katherine Zalantis of Silverberg Zalantis LLP presented the portion of the program on "When to Litigate (Ripeness)." Ms. Zalantis discussed recent cases that dealt with the issue of when agency decision making arrives at a "definitive decision" on issues that inflict an actual, concrete injury. The question that practitioners and courts continue to grapple with is whether the underlying SEQRA determination or the land use approval itself triggers such injury. This becomes more challenging when a project includes multiple land use approvals and the practitioner must determine which land use approval is the trigger to preserve client rights.

This program (which included a delicious lunch) was well-attended and well-received. The Committee looks forward to presenting new programs in 2015, not only of interest to land use and environmental law practitioners, but also for all attorneys with an interest in learning more about the land use approval process and this area of practice. ▀

## MAKING STRIDES AGAINST BREAST CANCER WALK

Adrienne Orbach and Patricia McCluskey

The WWBA's "Team Orbach" participated in the "Making Strides against Breast Cancer" walk on October 19, 2014 at Manhattan College. It was a beautiful day to complete the five mile event to raise awareness for this disease and help support the countless women and their families going through treatment. After the event, walkers were treated to a wonderful

lunch hosted by Adrienne J. Orbach and Regina Colangelo at their home. "Team Orbach" walkers were among 18,000 walkers who teamed up to raise \$1,280,000 for the fight against breast cancer in Westchester County. Of this amount, "Team Orbach" was responsible for \$14,290.00! Congratulations to all of the walkers and donors who supported this cause and the American Cancer Society! ▶



Team Orbach



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# An Interview with Amy Gewirtz-McGahan

Susan L. Pollet  
Chair of the Archive and  
Historian Committee

Q: You have been quite involved with the WWBA for some time. Tell us about your work with the organization.

A: I first joined the WWBA in 2003; in fact, it is the first bar association I ever joined! I was a Director from 2007 - 2011 and have served as the co-chair of what was formerly called the Placement Committee and is now the Professional Development Committee for a number of years. I have also served as a Director of the WWBA Foundation.

Q: The WWBA has a big anniversary coming up. What do you think the WWBA has best accomplished so far, and what direction would you like to see it go in?

A: Congratulations to the WWBA on its upcoming 40th anniversary! What a wonderful organization! It's hard to answer that question, as I have never seen a harder-working, more dedicated group of women and men who, in addition to their busy practices and personal lives, take the time to commit to the WWBA and its work. On reflection, perhaps this is WWBA's greatest accomplishment: fostering an attitude of service to the community, inspiring loyalty in its members, and encouraging us to become involved. The WWBA makes it very easy to become involved with existing committees, and welcomes its members to start new committees where they see a need. This is the direction I'd like to see it continue to take for the next 40+ years!

Q: You have had an inspiring

***"As I picture those evenly-balanced scales of justice that are a symbol of our profession, I realize that my own work-life balance is never going to be that evenly distributed. Sometimes it's worked better than others."***

career. Tell us about the program that you developed at Pace Law School, and what led you to that path.

A: Thank you so much for your kind words. I actually feel that I'm the one who has been, and continues to be, inspired by the amazing/extraordinary women and men I've met along the way. I started my career as an entertainment lawyer and worked for six wonderful years in theatre and in film. After the birth of my first daughter, now 25, I took a career break for a few years, and then transitioned to a totally different career in law school administration. I have been fortunate to work at two excellent and innovative law schools – my alma mater, Cardozo, and Pace. I have been with Pace since early 2001, coming in as a part-time career counselor, then becoming an Associate Director of Alumni Counseling and, since 2009, the Director of *New Directions for Attorneys*, a program that assists attorneys who have stepped aside from practice, (or never practiced) return to traditional law practice or an alternative legal career. We are so proud and honored to collaborate with the WWBA on *New Directions*. The "light bulb" moment for *New Directions* came when I began to realize in 2006 that I was starting to meet an increasing number of Pace alumni who had taken a career break and were interested in returning to practice but not sure

how to go about doing so. Around the same time, I read a few articles in *The New York Times* and *The Wall Street Journal* about how Harvard Business School and Tuck (Dartmouth's Business School) were developing reentry programs for their alumni. I thought "why not law schools, and particularly, why not Pace?" Stephen Friedman, then Dean of the Law School, and now President of Pace University, was very supportive of the idea. He wisely suggested that we reach out to the WWBA to work together on developing this program, which we happily did. The program enrolled its first group of participants in 2007, and when our current group "graduates" in January, we will have had over 220 participants, including 16 men. Many thanks go out to *New Directions'* first Director, Deb Volberg Pagnotta, and my former and current *New Directions* colleagues, who have shaped the program to become what it is today. Thank you for indulging me in a "shout-out" to my former colleagues Carroll Welch, Virginia Clarke, Stefanie Shabman and Norma Silverman, and to my current colleagues Katy Gutowski and Andrea Flink—each and every one a *New Directions* graduate!

Q: What do you see as the biggest obstacles for women in the legal profession today?

A: Because so much of my work



Amy Gewirtz-McGahan

for the past 14 years has been providing career counseling, I have tended to focus to some degree on the challenges inherent in transitioning from one life or career stage to another. In that light, I actually think that trying to figure out that elusive work/life balance continues to be the biggest challenge women-and-men face today. In that regard, please see my thoughts on the question posed below. "

Q: Do you have any thoughts on how women lawyers can best handle the work/life balance?

A. From my answers to several questions, I'm sure you can gather that I hope this issue will continue to be part of a national conversation. Let me start by saying, "be kind to, and forgiving of, yourself!" Constantly! We are not perfect and are not necessarily going to have 100% balance all of the time. As I picture those evenly-balanced scales of justice that are a symbol of our profession, I realize that my own work-life balance is never going to be that evenly distributed. Sometimes it's worked better than others. This

continued on page 9 ➔

## ▶ January Litigation Tip

### ◆ TOPIC: CPLR AMENDMENTS: CPLR 3113(c) CONDUCT OF THE EXAMINATION AND CPLR 3216 WANT OF PROSECUTION

No more potted plants! Horticulturists need not worry, this only applies to *non-party* depositions. CPLR 3113(c) was amended to now permit counsel for a *non-party* appearing at deposition to participate in the deposition and make objections on behalf of the *non-party* in the same manner as counsel for a *party*. The previous rule and case law provided counsel for the *non-party* could appear but not participate, hence, the potted plant. The amendment took effect on September 23, 2014 and applies to all actions pending on that date or commenced on or after said date. The remainder of CPLR 3113(c) is the same. When a deposition of a *party* is taken at the instance of an adverse party, the deponent may be cross examined by his or her own counsel and the cross examination need not be limited to the subject matter of the examination in chief. (The CPLR now includes references to her!)

The New Year brings an amendment to CPLR 3216 to further prevent delays in proceeding with litigation. This CPLR section permits a party or the Court to seek dismissal of the pleadings on terms for want of prosecution. While the condition precedents to dismissal included (1) issue be joined and (2) one year must have elapsed from joinder before seeking such relief, the amended section as of January 1, 2015, adds to the second condition precedent “or six months must have elapsed from the preliminary conference order whichever is later.” The party or Court seeking the relief must still serve a written demand by registered or certified mail on the party against whom the relief is sought to resume prosecution and the party served must file a note of issue within 90 days. A default by the party served to comply with the demand shall serve as a basis for a motion to dismiss. If the written demand is served by the Court, the amendment requires the Court to set forth the specific conduct constituting the neglect, which conduct shall demonstrate a general pattern of delay in proceeding with litigation. Practitioners should keep in mind that unless the order specifies otherwise, the dismissal is not on the merits. CPLR 3216(a), 3216(b)(2)&(3).

*Written by Angela Morcone Giannini, Co-Chair, Litigation Committee  
Other Co-Chairs: Jacqueline Hattar & Kimberly Sheehan*

## Lawyering Across the Generations: Making it Work at Work

Lisa Denig

On Tuesday, October 28, 2014, the Professional Development Committee, along with the New Lawyers Committee, hosted an informative event entitled “Lawyering Across The Generations; Making it Work at Work.” Marcia Meislin, the guest speaker, involved the participants in an engaging conversation regarding the five different generations that

make up the workplace today.

Her insightful analysis of each of these generations - the Traditionals, the Baby Boomers, Generation X, Millennials (Generation Y), and the 9/11 Generation (Generation Z) - helped attendees understand what historical events influenced these different groups and, subsequently, how that affects the way they conduct themselves

in the workplace.

The participants – who represented almost every different age group – conducted a lively discussion about how to use this information to create a workplace that is more understanding, patient, and ultimately, more efficient.

Many thanks to Keene and Beane for the use of their conference room and to Community Savings Bank for sponsoring our dinner. ▶



Marcia Meislin



# An Interview with Amy Gewirtz-McGahan

from page 7

continues to be something we strive for and achieve with varying degrees of success at different stages in our lives. And I purposely say that, as the balance shifts at various points in our lives. I know in my own transition after a career break, when my two daughters, now 21 and 25, were younger, I recognized that a part-time position was going to be what worked best for my family. I was fortunate to be able to do that for many years, until my older daughter became a high-school junior and I was faced with the choice of becoming full-time or leaving my position. I realized that I could look at this choice, including rethinking what part-time vs. full-time actually meant. When I really stopped to think about it, the reality was that, although I was getting paid as a part-timer, as a committed professional, I was working closer to full-time. In addition,

Maja Hazell, the wonderful Dean of the career office at the time, offering great flexibility in when and where I was able to do my work, I could have a sense of predictability and control, which was really what mattered to me. These are factors I would encourage women (and men) to think about – what does part-time vs. full-time really mean in any given job? Part-time isn't necessarily "better" – maybe what you really want or need is that predictability and control over your schedule. I also learned not to be afraid to ask my "village" of friends for assistance with car-pools, babysitting, etc., and then I would return the favor. I'd also like to point out that in my vision of the perfect world, everyone at every stage of her/his professional life, would have a work/life balance. This is not a luxury, but a necessity. I feel optimistic in that I think the newer generation of attorneys is starting to ask prospective employers about this issue and em-

ployers may be listening. This is a demanding profession, with long hours, but I believe that there is some recognition by both attorneys and their employers that working 24/7 actually results in diminishing returns. At least that's my hope!

**Q: What do you see as the best opportunities for women in the legal profession today?**

A. That's a tough question to answer, as to some extent I think it depends upon the lens through which you're looking at the time. "Best" can mean a lot of different things to different attorneys at different life stages. I think that women have made tremendous strides in the legal profession, but there is still a ways to go. I think I will leave it at that.

**Q: What would you like to accomplish going forward, both professionally and personally?**

A. My personal and professional goals are connected. I

take tremendous personal satisfaction in believing that, in my twenty-plus years of working in two law schools in admissions, career counseling and with *New Directions*, I have been able to assist many professionals with their career paths. I truly enjoy meeting people, and learning about their stories. I love making connections between one person and another, and between a person and an organization that might be a good fit for her/him professionally. Though it might sound a bit "cheesy", networking is truly life's blood for me. I view networking as being about building relationships, and my personal and professional relationships are the most important things in my life. If I'm fortunate enough to be able to continue to nurture current relationships, and develop new ones, I will feel that I've accomplished my personal and professional goals. ▀

## Formation of New Municipal and Land Use Group



We are pleased to announce that Clinton B. Smith, Lester D. Steinman, Daniel Pozin and Anna L. Georgiou, have joined McCarthy Fingar LLP to form the Municipal Law and Land Use Practice Group. With over 30 years of experience, our new attorneys have been servicing clients in Westchester and the Hudson Valley Region in the Municipal and Land Use Area.

The practice group will develop comprehensive strategies for and serve the organizational and operational needs of municipal entities and private sector clients engaged in real estate projects involving zoning, planning, development rights and other land use issues. The group will also engage in administrative proceedings both before and on behalf of governmental units and related litigation.

Beyond the legal services of our new group, McCarthy Fingar also offers legal counsel in the areas of Matrimonial & Family Law, Collaborative Law, Appellate Practice, Charitable Giving, Exempt Organizations, Mediation & Arbitration, Trusts & Estates, Taxation, Business Litigation, IT and Surrogate's Court Litigation.



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## ▶ Chapter News and Announcements

### Announcements & Notes on Members

□ **Bernard A. Krooks** was elected into the National Association of Estate Planners & Councils 2014 Hall of Fame. He has been honored with the designation of Accredited Estate Planner.

□ **Stefanie Shabman** was named the Legal Director at Student Advocacy, Inc. in Elmsford, New York. Student Advocacy, Inc. is a nonprofit legally based advocacy agency that represents approximately 1,000 students and their families a year in school related matters, including at Superintendent's Hearings, MDRs and CSE Meetings.

□ **Rosenthal & Markowitz, LLP** is excited to announce that they have moved their offices to 399 Knollwood Road, Suite 107, White Plains, NY 10603. Their phone, fax and email addresses remain the same: phone: 914.347.1292; fax: 914.347.1293. ▶

### Classifieds

□ AV rated law firm located on Main Street in White Plains has two attractive windowed offices (13'6" x 9'6") available (one office cornered) in Class "A" office building within walking distance to courthouses and train. Use of conference rooms and kitchen. (914) 681-6006. ▶

### *Criminal Law Committee Presents CLE on Actual Innocence*

Lisa Denig

On November 19, 2014, Criminal Law Committee Co-chairs Hon. Sandra Forster, Kitley Covill and Lisa Denig presented a program analyzing the new law of actual innocence pursuant to *People v. Hamilton*, 115 AD3d 12 [2d Dept 2014].

Assistant District Attorney Lisa Denig began the presentation with a short history on actual innocence and its origination in the Federal Courts. She then discussed the new law, including what is required for a defendant to receive a hearing on his or her motion asserting actual innocence and the very high burden that a defendant faces if such a hearing is granted. Ms. Denig presented several cases involving actual innocence claims since the new law was decided and discussed her role in a hearing that was held in Westchester County this past April.

Subsequently, Karen Thompson, a staff attorney with the Innocence Project in Manhattan, presented statistics regarding wrongful convictions and the use of DNA testing to prove actual innocence claims. Ms. Thompson gave an insightful analysis of how the Innocence Project conducts its work and also addressed her concerns with what she regarded as an unfairly high standard for proving actual innocence claims pursuant to *Hamilton*.

A lively question and answer period followed the presentation and attendees were awarded 1.5 CLE credits. The Criminal Law Committee would like to thank WWBA Diamond Sponsor Hudson Valley Bank for the use of their facility for this engaging program. ▶



Hon Sandra Forster, Lisa Denig,  
Karen Thompson

## ▶ Become a New Member Today

The advantages of joining the Westchester Women's Bar Association are countless. We were founded in 1974, and are dedicated to promoting justice in the study, practice and application of law. Our diverse membership includes women and men who are attorneys, judges, law professors, public officials and public employees.

When you join the Westchester Women's Bar Association, you automatically become a member of the Women's Bar Association of the State of New York (WBASNY), at no additional cost. WBASNY is comprised of eighteen chapters across the state with more than 4,000 members. More professional and personal benefits include:

*Invaluable networking opportunities*

*Unlimited information resources*

*CLE programs*

*Seminars and lectures on timely legal issues*

*Attorney support systems*

*Legal advocacy on significant issues*

*Participation in various and diverse committees*

*Involvement in the Westchester County judicial process*

*Programs for new members and newly admitted attorneys*

*Membership directory cross-referenced by practice area*

*Information on professional opportunities*

*Friendship and fun*

To join immediately or for more information, e-mail [executivedirector@wwbany.org](mailto:executivedirector@wwbany.org), or visit our website at [www.wwbany.org](http://www.wwbany.org). ♦

## ▶ Westchester Women's Bar Association New Members

*The Westchester Women's Bar Association proudly welcomes our newest members:*

TO PROTECT THE PRIVACY OF OUR MEMBERS,  
THIS INFORMATION IS AVAILABLE TO MEMBERS OF THE WWBA ONLY.

### President's Message

from page 3

mately 25.9% of the federal bench and only 31.6% of the state bench.<sup>2</sup> And, the statistic that deeply concerns me is Catalyst's estimate that it will take more than a woman lawyer's lifetime to achieve equality.<sup>3</sup> That is simply too long. Fortunately, as the attendees of the November GMM learned, the strong WWBA will shorten the timeframe for true equality. Three amazing panelists – WWBA Found-

ing Mother, Judge Sondra Miller, Tuoro Law Professor Patty Salkin and WWBA Board Member and Managing Partner Adrienne Arkontaky – explained the importance of equality, particularly for the "bottom line", and provided insight on how to accelerate equality. So, fortified with lessons and insights from the last 40 years, the WWBA strives ahead in 2015 to continue the important work of its mission. My wishes for 2015 for

the WWBA are a year filled with success, meaningful progress and health. ■

<sup>1</sup> National Association of Women Lawyers and NAWL Foundation, Report of the Eighth Annual National Survey on Retention and Promotion of Women in Law Firms. February 2014.

<sup>2</sup> Center for Women in Government & Civil Society, Rockefeller College of Public Affairs & Policy University at Albany, Women in Federal and State-Level Judgeships, 2011.

<sup>3</sup> Catalyst. Catalyst Quick Take: Women in the Law in the U.S. New York: Catalyst, 2013.

## ▶ WWBA Schedule of Upcoming Events

COMMITTEE	DATE/TIME	PLACE	TOPIC	RSVP
Board of Directors Meeting and General Membership Meeting	1/7/15 5:30-8:00 pm Light Supper	BNY Mellon 701 Westchester Ave White Plains, New York	Hacking – It Could Happen to You: Cyber Law and Ethics	RSVP by January 2, 2015 to <a href="mailto:executivedirector@wbany.org">executivedirector@wbany.org</a>
Matrimonial Committee	1/15/15 5:30 to 8:00 pm Light Supper	McCarthy Fingar 11 Martine Ave 12 <sup>th</sup> Floor White Plains, NY	Show Me the Money: Tips for Divorcing Couples on Navigating the College Financial Aid Process	Linda Loscalzo <a href="mailto:lloscalzo@mccarthyfingar.com">lloscalzo@mccarthyfingar.com</a>
Trusts and Estates Committee	1/22/15 12-1:30 pm Brown Bag	McCarthy Fingar 11 Martine Ave, 12 <sup>th</sup> Floor White Plains, NY	The Irrevocable Living Trust	Linda Loscalzo <a href="mailto:lloscalzo@mccarthyfingar.com">lloscalzo@mccarthyfingar.com</a>
Bankruptcy Committee	1/29/15 5:30-7:30 pm	120 Bloomingdale Road 1 <sup>st</sup> Floor White Plains, NY 10605	An Informal Evening with Trustees- The Trustee's side of the Bankruptcy Practice	Wendy M. Weathers <a href="mailto:wweathers@cabanillaslaw.com">wweathers@cabanillaslaw.com</a>
Real Property Committee	2/26/15 12-1:30 pm Lunch and Learn	Trokie Landau, LLP 11 Martine Ave 12 <sup>th</sup> Floor White Plains, NY 10606	Contract Due Diligence and Contract Drafting	Melanie Finkel <a href="mailto:mfinkel@tlesq.com">mfinkel@tlesq.com</a>
Families, Children and the Courts Committee & the Matrimonial Committee	3/25/15 5:00-8:00 pm Light supper	Hudson Valley Bank 21 Scarsdale Road Tuckahoe, NY	How to Analyze and Challenge Forensic Testimony	Shari Gordon 914-962-2722 or <a href="mailto:shari@srgesq.com">shari@srgesq.com</a>

*Unless otherwise indicated, events are for WWBA members and invited guests only. The opinions expressed by any program presenter are the presenter's own, and do not reflect the official position of the WWBA.*

WWBA is a chapter of WBASNY which is an approved provider of CLE credit. Full and partial scholarships for CLE programs based on financial need are available. For information on the guidelines and procedures for applying, please contact the person running the program. All requests are strictly confidential. All programs are for transitional credit unless the program states otherwise.

**REMEMBER, YOU CAN FIND THE WBASNY WEB PAGE AT [WWW.WBASNY.ORG](http://WWW.WBASNY.ORG).**

**PLEASE REMEMBER TO RECYCLE**



### WWBA MEMBERSHIP RENEWALS AND NEWSLETTER

WWBA membership year is June 1 through May 31. Renew your membership for 2014-15 today on-line at [www.wwbany.org](http://www.wwbany.org) or contact Silvia Galgano at [executivedirector@wwbany.org](mailto:executivedirector@wwbany.org) to request a renewal form.

*Please note: All members will receive the WWBA monthly newsletter electronically unless otherwise indicated on your renewal form for 2014-15.*