



WWBA news

Westchester Women's Bar Association

OCTOBER 2014

www.wwbany.org

General Membership Meeting: APPELLATE PRACTICE SEMINAR AND DEMONSTRATION

Brian J. Divney

Those who attended the September 9, 2014 WWBA General Membership Meeting, "Arthur, Treachers, Fish & Chips v. Dan Arby" gained valuable insight into the do's and don'ts of appellate practice directly from the appellate bench.



Hon. Mark C. Dillon, Hon. Robert A. Spolzino, Hon. Jeffrey A. Cohen, Hon. Sondra M. Miller, J.P., Daniel Kolko, Dolores Gebhardt

The Honorable Mark C.

Dillon, Justice of the Appellate Division, Second Department, reviewed which orders are appealable and which orders are not appealable, as well as who may appeal. Judge Dillon explained that only those who are aggrieved may appeal. Thus, one who prevailed in the lower Court, but did not agree with the lower Court's reasoning, cannot appeal the order. He also emphasized that only orders and judgments of the trial court can be appealed, not decisions. If a Court issues a decision, it must be in the form of a signed order before it may be appealed.

continued on page 4 ➔

▶ INSIDE THIS ISSUE

OCTOBER 2014

- ▶ *WWBA Community Outreach on WVOX Radio* (page 5)
- ▶ *October Litigation Tip: Obtaining Cell Phone Data* (page 7)
- ▶ *An Interview with Hon. David S. Zuckerman* (page 9)
- ▶ *WWBA Upcoming Events* (page 12)

▶ SAVE THE DATE

LINDA WILEY MEMORIAL GOLF & TENNIS OUTING

October 7, 2014

Leewood Golf Club
Eastchester, New York

MAKING STRIDES AGAINST BREAST CANCER WALK

October 19, 2014

Manhattanville College
Purchase, New York

PACE WOMEN'S JUSTICE CENTER BENEFIT DINNER

October 22, 2014

Abigail Kirsch at Tappan Hill
Tarrytown, New York

▶ PRESIDENT'S MESSAGE

As many of you know, during the month of October, the WWBA focuses on three significant issues directly related to our core mission: Breast Cancer Awareness, Domestic Violence and National Pro Bono



Lucia Chiochio

Week. In keeping with our 40-year tradition, WWBA members apply their strength and support to all of these important issues and to those impacted by them.

For the sixth year in a row, our newsletter "goes pink" in recognition of Breast Cancer Awareness Month and "goes purple" in recognition of Domestic Violence Awareness Month. I decided to highlight Breast Cancer Awareness first because like many of our members, breast cancer has impacted my life in a very personal manner. And, the statistics support this result as the chance of a woman having invasive breast cancer during her life is about 1 in 8.¹ While that statistic is sobering, other statistics demonstrate the power of awareness. According to the American Cancer Society, breast cancer survival rates have increased due to early detection and better treatment.² In many ways, the WWBA made significant contributions to increasing the survival rate and obtaining advanced treatment. Once again this year, longtime WWBA member, Adrienne J. Orbach and her "Team Orbach," which includes many WWBA members, will raise thousands of dollars

continued on page 3 ➔

▶ WWBA Member Newsletter



OCTOBER 2014

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the Women's Bar Association
of the State of New York

~ 2014/2015 Officers and Directors ~

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Elder & Health Law	Patricia L. Angley, Shari R. Gordon, Mary E. Morrissey	WBASNY Convention	TBD
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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

President's Message

from page 1

for the Making Strides of Westchester Walk at Manhattanville College on October 19th. In addition to raising money, the Making Strides event highlights the strength of the WWBA member survivors, who inspire strength and courage in all of us. The statistics show that your support has the power to make a difference. Thus, I encourage you to donate, join Team Orbach and get involved. You can sign up or make donations directly through our website.

October is also Domestic Violence Awareness Month. According to the New York State Domestic Violence Dashboard Project, in 2012 the overall number of domestic violence incidents in New York increased.³ The project report notes that the increasing numbers may be attributed to enhanced evidence collection, improved community awareness, and local outreach efforts which lead to stronger domestic violence response and increased reporting. In turn, these efforts highlight the important need for victim services and criminal justice intervention.

Unlike diagnosing a disease with data and scientific testing, recognizing domestic violence is not a scientific process and thus, can be difficult to recognize, particularly for victims. And, similar to some diseases, the consequences of not identifying the problem in a timely manner may be life-threatening. The potential consequences were made all too real from the horrifying recent images of Ray Rice, a professional football player, assaulting his then-fiancée. Therefore, the work of the WWBA Domestic Violence Committee that includes raising awareness and providing assistance is critical.

In addition, the WWBA Foundation established the Linda Wiley Fund Against Domestic Violence in honor of our Executive Director Linda Wiley. Donations will fund programs that support survivors and victims of domestic violence. It is only fitting that donations to this fund will kick-off at the October 7th Linda Wiley Memorial Golf & Tennis Outing at Leewood Golf Club. Show how the strength of the WWBA can make positive changes by participating in the Golf & Tennis Outing and contributing to this important fund.

This month the WWBA also shows its
continued on page 6 ➡

▶ Editor's Note

In recognition of Breast Cancer and Domestic Violence Awareness Months, I urge each of you to consider contributing time or resources to help those and their loved ones who have been affected by cancer or domestic violence.

~ Jennifer

▶ 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.

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) 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 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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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.

APPELLATE PRACTICE SEMINAR AND DEMONSTRATION

from page 1

The Honorable Sondra M. Miller, who served on the bench in the Second Department for sixteen years, reminded the audience that you are submitting a “brief” to the Court so it should be just that – brief. She said that the brief should be simple and concise, written in the active voice as opposed to passive and not be dull. She cautioned to know your record and that of your adversary. Judge Miller also reminded the audience that you have an ethical obligation to disclose adverse authority.

Those in attendance also received the benefit of hearing the Honorable Jeffrey A. Cohen, Justice of the Appellate Division, Second Department, give advice as to the right and wrong things to do when arguing an appeal. Judge Cohen



Hon. Robert A. Spolzino, Hon. Mark C. Dillon, Hon. Sondra M. Miller, J.P., Hon. Jeffrey A. Cohen



Dolores Gebhardt (“Ruby Tuesday”) and Michael Adamovich



Daniel Kolko (“Roy Rogers”)

said that your argument should not be more than seven minutes in most instances, even though you may have requested fifteen minutes on your brief. Also, you should always lead with your best argument. He emphasized that you should never speak over, interrupt, or point at a judge during your argument.

The subject of appeals to the Court of Appeals was thoroughly covered by the Honorable Robert A. Spolzino, another former Justice of the Second Department. He said the majority of appeals to the Court of Appeals are those granted leave to appeal by permission. Judge Spolzino explained that the most common circumstance when a litigant may seek leave to ap-

continued on page 6 ➡



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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

WVBA COMMUNITY OUTREACH: Deborah A. Scalise and High School Intern Jacqueline Mazariego Appear on WVOX Radio to Discuss Sexual Assault on Campus

Jacqueline Mazariego

According to a recent report published by the White House, one of every five women will be raped on campus. And in New York State, one of every four women will be the victim of sexual assault while studying. More unfortunately, 80% of all sexual assaults are committed by an acquaintance of the victim. Furthermore, women are at a higher risk of attack when at social gatherings as 50% of sexual assaults are related to alcohol. These statistics were quoted in many recent headlines and are certainly something I took note of as I am about to enter college this fall.

I began my internship with Deborah A. Scalise, of Scalise & Hamilton LLP, in May of my senior year at Eastchester High School. Among the opportunities to participate, was an appearance on a local radio station WVOX in New Rochelle, the Murray Richman Show. The radio show is hosted by high-profile defense attorney, Murray Richman, in which he discusses "all crime, all the time." Ms. Scalise allowed me to research the topic of my choice to use as a basis for the show. As I will be attending New York University in the fall, the issue of sexual assault on college campuses was an appropriate and pressing issue. While researching the issue, along with the statistics I quoted above, I discovered that 55 colleges and universities are being investigated by the U.S Department of Education for violating Title IX for allegedly mishandling sexual assault accusations and cases.

I was excited to be a part of the radio show. In attendance were Mr. Richman, his intern Stephanie D'Angelis, who will be a law student in the fall, Ira A. Gould, a notable bail bondsman, Ms. Scalise, and me. I had never been to a radio station, so the environment was a bit overwhelming for me. And, appearing on the radio



Murray Richman, Jacqueline Mazariego,
Deborah A. Scalise



EHS WISE Intern High School Intern
Jacqueline Mazariego

show to be interviewed would be something completely new, so I was unsure of the questions Mr. Richman would ask.

As the conversation developed, I felt more at ease because I knew that I had reliable, yet shocking evidence that would assist me in defending the points I made. However, I admit that I did have a few moments of hesitation on the air, as I was trying to accurately and concisely explain my beliefs. When Mr. Richman asked how I felt about the issue of sexual assault on campus, I stated that I felt unsure about going to my college administration if I were to be the victim of a sexual assault. I would rather go to the police who are more equipped to handle the issue. We discussed that colleges often treat these cases as academic issues rather than a criminal issue. We posited that action needs to be taken at the high school level because according to the

New York State Coalition Against Sexual Assault, 56% of girls and 76% of boys in high school believe that forced sex is acceptable under certain circumstances. These shocking figures prove that educating young people about sexual assault is critical.

In addition, we discussed that young women are not alone when it comes to sexual assault, it happens to male students too. But, sexual assault of male students is rarely discussed. It seems male victims are less likely to report their attack because they feel shame and embarrassment, which Ms. Scalise and Mr. Richman noted used to be the case for women until rape shield laws were enacted. Men need to become aware that they too can be victims, and, perhaps, with time they will become more open to admitting they were assaulted.

Unfortunately, many colleges have no uniform policy or standards for addressing sexual assault. Although most colleges have policies on how to deal with hazing, alcohol, and drugs, sexual assault is considered to be so unspeakable that it is rarely addressed. This needs to change. Sexual assault has to be confronted and education about the issue will begin with much needed discussion. That will lead to future changes in actions taken by colleges regarding sexual assault. Hopefully, a uniform procedure will be created so the allegations, which are serious, will be handled appropriately. Doing so will help all involved, whether they are the victim or the accused, understand the process and may also help to deter some of this behavior.

Being on the radio show gave me a great opportunity to express my opinions on a topic that will impact me and my fellow students in college. As a young woman who will study in New York City, this alerted me to be aware of potential dangers that may lie

continued on page 8 ➡

President's Message

from page 3

support for the important work of the Pace Women's Justice Center by participating in their Making a Difference Benefit Dinner on October 22nd. This year, Congresswoman Nita Lowey and WWBA member, Robi Schlaff will be honored. And, as a reminder, the Pace Women's Justice Center provides free short-term legal assistance and guidance via their Helpline at 914-287-0739.

Lastly, we recognize the strength of the WWBA's significant contributions to help those much less fortunate by celebrating National Pro Bono Week from October 19th through 25th. National Pro Bono Week is a national focus on the need for pro bono services and celebrates the exceptional work of lawyers who volunteer their services throughout the year. On September 17th, the WWBA co-sponsored Project Protect: Pro Bono Lawyers Representing Immigrant Children, where volunteers were given training, supervision and mentoring to provide representation and counsel to immigrant youth to address the plight of immigrant children.

In addition to recognizing these three significant issues, the WWBA was very active last month with our General Membership Meeting, CLE programs and networking programs. Very special thanks to our members Hon. Sondra M. Miller, Hon. Jeffrey A. Cohen, Hon. Mark C. Dillon and Hon. Robert A. Spolino for their valuable insights on Appellate Practice at our General Membership Meeting. We also appreciate the efforts of our WWBA member "actors," Dolores Gebhardt (aka Ruby Tuesday) and Daniel Kolko (aka Roy Rogers) for coordinating a highly entertaining demonstration. Thanks also to our program sponsors: Counsel Press for coordinating the fantastic program materials and Hudson Valley Bank, the WWBA Diamond Sponsor, for hosting our program at their facility.

As I have mentioned many times in the past, one of the several benefits of WWBA membership is the network of support. That benefit was clearly evident at last month's second annual Meet the Officers event, where members, officers and board members made connections and introduced new members. Thank you to the Networking Committee, New Lawyers Committee and Membership Committee for planning another successful networking event.

The importance of your network as a source of support was also the theme of "The Verdict Is In: Your Safety NET WORKS" breakfast program, co-sponsored with the NYSBA Lawyers in Transition Committee. Through an interactive session, attendees learned valuable networking skills.

Thanks are also in order to Hon. Joan Lefkowitz and the WWBA Litigation Committee for the informative program on the Pre-Trial Settlement Conference Part.

Be sure to review the WWBA calendar in this newsletter and the website to keep up-to-date of the several informative and entertaining events scheduled for October, including the CLE program the WWBA is co-sponsoring with the NYSBA: "Women on the Move" featuring WWBA Past President Deborah A. Scalise. I look forward to seeing you at some or all of these great events. ▀

¹ <http://www.cancer.org/cancer/breastcancer/overviewguide/breast-cancer-overview-key-statistics>

² Id.

³ <http://www.opdv.ny.gov/statistics/nydata/2012/nys2012data.pdf>

Appellate Practice Seminar and Demonstration

from page 4

peal to the Court of Appeals is from a final order issued by the Appellate Division. He stated that the Court grants leave on appeals that concern issues that have statewide significance.

The second part of the program included a mock appellate argument over which the panel of appellate justices presided. Retired court officer, Michael "Mookie" Adamovich, called the case and kept order throughout the proceeding. Counsel for the appellant, "Ruby Tuesday," was played by Dolores Gephardt, WWBA Past President and partner at McCarthy Fingar LLP in White Plains. Dolores gave

an award-worthy performance as an attorney who did everything one should not do when arguing before an appellate Court. She was opposed by "Dan Arby," played by solo practitioner and Appellate Practice Committee co-chair, Daniel M. Kolko. Daniel gave an equally stellar presentation as to the proper way to present an appellate argument. The panel took questions from the audience at the conclusion of the mock argument.

Sincere thanks to the distinguished panel, presenters and our generous sponsors Counsel Press and Hudson Valley Bank. And a special thanks to Mookie for donating his time to add authenticity to the proceedings. ▀



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▶ October Litigation Tip

◆ TOPIC: OBTAINING CELL PHONE DATA INCIDENT TO AN ARREST

“Modern cell phones are a pervasive and insistent part of daily life that the proverbial visitor from Mars might conclude they were an important feature of human anatomy.” These words appear in the recent decision of our highest Court, *Riley v. California*, 134 S. Ct. 2473 (June 25, 2014). The decision, authored by Justice John Roberts, concerns two criminal cases which address obtaining cell phone record data without a warrant.

While California and the United States argued that officer safety and the prevention of destruction of evidence justified warrantless searches incident to arrest, the U.S. Supreme Court disagreed. The Court was unwilling to extend the precedential decisions of the related search cases of *Chimel*, *Robinson* and *Gant*. Even though the Court recognized an arrestee has diminished privacy interests, the Fourth Amendment remains in place and not every search is acceptable solely because a person is in custody. The Court reasoned that digital data stored on a cell phone cannot itself be used as a weapon to harm an arresting officer or to effectuate the arrestee's escape. Law enforcement officers remain free to examine the physical aspects of a phone to ensure it will not be used as a weapon, but once an officer has secured a phone and eliminated any potential physical threats, the data on the phone can endanger no one. As to destruction including remote wiping and data encryption, the Court held these would involve actions of third parties not at the arrest, there was no evidence presented that such acts were prevalent, and there are other ways of prevention like powering off the phone or enclosing it in a pouch that prevents radio waves.

In reaching its decision, the Court recognized that cell phones for many Americans hold “the privacies of life” and the fact that technology now allows an individual to carry such information in his hand does not make the information any less worthy of the protection for which the Founders fought. Specifically, the Court mentioned cell phone data for many people include internet searches and a browsing history which could reveal an individual's private interests or concerns, medical information, historic location information that can reconstruct someone's specific movements, and mobile application software or “apps” which offer a range of tools for managing detailed information about all aspects of a person's life. The Court referred to the observations of Learned Hand in 1926 that “it is a totally different thing to search a man's pockets and use against him what they contain, from ransacking his house for everything which may incriminate him.”

Importantly, the Court's holding is not that the information on a cell phone is immune from search; it is instead that a warrant is generally required before such a search, even when a cell phone is seized incident to arrest.

What impact this decision will have on civil motor vehicle accident cases remains to be seen. In civil cases, the issue is not the data, but whether the phone was in use to cause a distraction. To date, civil courts have permitted discovery or in camera review of cell phone records where there is evidence that the individual was on the phone (or held a device) immediately or in close proximity to the happening of the accident. Thus far, it appears left to the trial judge to determine the admissibility of these records when offered to demonstrate negligence.

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

The Foundation's Designated Funds Support Victims of Domestic Violence

Kim Berg

In addition to general donations received through membership renewal, the annual "Mocktail" or the WWBA holiday party, the Foundation has two designated Funds to which you can earmark your donation. Please consider making a donation to help us continue to support survivors of domestic violence.

The Karen Z. Bell Memorial Fund

The Karen Z. Bell Memorial Fund was established in 2011 in memory of our esteemed colleague and friend, Karen Z. Bell, in recognition of her loyal service in numerous capacities to the WWBA. Karen served as President from 1993-1995, was a long-term Director of the Foundation, and made significant strides during her career in areas of law affecting women, children, and families. Your donations to the Karen Z. Bell Memorial Fund are utilized by the Foundation in its annual grant to the Pace Women's Justice Center Moderate Means Program. Karen was a founding member of the Moderate Means Program which continues to offer innovative

legal programs to help empower victims and survivors of domestic violence.

The Linda Wiley Fund against Domestic Violence

In honor of Linda Wiley, her dedication to supporting, improving and expanding the WWBA, her long-standing service as Executive Director, and her indomitable strength and will, the Foundation established The Linda Wiley Fund against Domestic Violence in June 2014. Your donation to the Linda Wiley Fund against Domestic Violence will be used to support programs and services aimed at eradicating domestic violence and providing necessary educational, legal and support services to survivors of domestic violence and their families. The Foundation Board has also pledged to earmark all mulligans purchased at the WWBA Linda Wiley Memorial Golf and Tennis Outing on October 7, 2014 toward this fund.

Please send your donations to WWBA Foundation c/o Gould & Berg, LLP, Attn: Kim Berg, Esq., 222 Bloomingdale Road, White Plains, New York 10605. ▀

Sexual Assault Discussion on WVOX Radio

from page 5

ahead. It is also important for other students to be aware and alert.

I learned that once an issue has been brought to attention via the media, real action and change may finally occur. More than that, I also learned that I can be a voice and participate in publicly discussing a major issue. ▀

.....
 Jacqueline Mazariego was the Senior Class President at Eastchester High School and will be attending New York University in the fall. She was a W.I.S.E. Intern for five weeks at Scalise & Hamilton LLP. The W.I.S.E. (Westchester Individualized Senior Experience) Program is a senior options program designed to allow seniors (with the guidance of faculty mentors) to create, implement, and complete a project based on their individual interests and/or career considerations. The students intern every May in local offices, businesses, hospitals and schools to experience a work environment. If you are interested in having a W.I.S.E. Student next year contact Community Outreach co-chair Deborah A. Scalise.

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An Interview with Hon. David S. Zuckerman

Susan L. Pollet
Chair of the Archive and
Historian Committee

Q: Why did you join the WWBA?

A: Many years ago, my friend Shari Gordon began singing the praises of the Westchester Women's Bar Association. She raved about the WWBA's excellent events and interesting members. So, I joined and quickly found out that she was right! I especially enjoy the annual Holiday Party at the Woman's Club in White Plains and am looking forward to the 40th anniversary celebration next year. I also was honored to have Past-President Lonya Gilbert speak at my 2013 induction. She was so eloquent and gracious.

Q: Tell us about your legal career prior to ascending to the bench.

A: After graduating from law school, I served for four years as an Assistant District Attorney in the Bronx – and business was booming! I handled everything from violations to Class A felonies. In 1986, after prosecuting hundreds of cases, I opened a law office in the Inns of Court in White Plains. I was fortunate to have an amazing trial attorney, Carlos Cruz, as my law partner for 26 years. I often refer to it as my other marriage. He is the most honest person I've ever met. In 1998, we relocated to Mount Kisco and shared office space with Hon. Kevin Quaranta, whose recent untimely passing was mourned by so many of us. My practice concentrated on criminal defense. Prior to taking the bench, I also served

“. . . [A]s a judge, I am able to be a trial spectator. I truly enjoy watching litigators ply their trade.”

as a New Castle Town Prosecutor for 15 years and an adjunct professor at Mercy College.

Q: What types of cases have you handled as a Judge?

A: In 2007, I was elected New Castle Town Justice. I also sat as a visiting judge in numerous other courts throughout Westchester County. I presided over all types of criminal cases as well as landlord/tenant disputes, code violations, and small claims. In my local court, I started an internship program for high school students interested in the law. I also changed the court's community service protocols to provide assistance at the Westchester Food Bank.

In 2013, when I was sworn in as a Westchester County Court Judge, I was given two assignments: preside over the "SCI Part" in County Court and sit three days per week in Family Court. I enjoyed both of them immensely. In the SCI Part, I took well over 500 felony pleas. In Family Court, I heard numerous custody and visitation cases as well as the majority of the Juvenile Offender petitions. I also frequently served as the "duty judge," regularly adjudicating emergency applications.

Since the beginning of this year, I have been assigned to a criminal trial part and enjoy that

even more. Although the vast majority of my time is spent on criminal cases, I also serve as an Acting Supreme Court Justice to decide Article 78 applications.

Q: What "extracurricular" activities are you involved in?

A: Until recently, I was a "work-out addict." I used to train every day and competed in numerous triathlons and marathons – including the first ever Westchester County marathon. I also am certified as an EMT and, until recently, regularly volunteered for overnight shifts with the New Castle Volunteer Ambulance Corps. I also was active in my town Drug Abuse Prevention Council, serving as chair from 1993-1996, and was the mentor for my local high school mock trial team. Of course, mixed in were all of the activities associated with raising two children. Now that age has caught up with me, I choose more sedate pursuits – notwithstanding that my wife and I are "empty-nesters." Instead of running, I walk every day. I am an avid gardener (I even grow tomatoes behind the courthouse), and try to read as much history as I can. I particularly recommend WWBA member Judge Mark Dillon's recent book exploring 19th cen-



Hon. David S. Zuckerman

tury Montana vigilantism.

Q: How is being a judge most different from being a litigator?

A: The biggest difference for me is that, as a judge, I "have no dog in the race." I concur wholeheartedly with Court of Appeals Judge Robert S. Smith's remarks at a recent New Rochelle Bar Association event. He described the situation when, as a trial lawyer, you find that one piece of evidence, whether a document, witness or otherwise, which truly hurts your case. As the attorney, you tirelessly try to negate this evidence and, if possible, "turn a negative into a positive" to put the best spin on the situation. In contrast, as a judge, I never do that. Whether analyzing law or fact, I simply apply it as I find it – regardless of outcome.

In addition, as a judge, I am able to be a trial spectator. I truly enjoy watching litigators ply their trade. I have been privileged to observe several very fine trial attorneys display the highest standards of lawyering in my courtroom. ▀

▶ Chapter News and Announcements

Announcements & Notes on Members

□ **Adrienne J. Orbach** is pleased to announce the formation of the Law Offices of Adrienne J. Orbach, PLLC. As of September 1, 2014 she will be Of Counsel to the law firm of I. Miles Pollack, PC. Contact information: 399 Knollwood Road, Suite 301, White Plains, NY 10603. Tel 914 592-2202; email: Adrienne@orbachlawny.com.

□ **Mary Beth Morrissey, PhD, MPH, JD**, health care attorney and gerontologist affiliated with Fordham University and President of the State Society on Aging of New York, is the author of a new book titled, "Suffering Narratives of Older Adults" (Routledge, 2014). In the book, Mary Beth draws on her research and an original construct of "Maternal Affordances" in framing narratives of seriously ill older adults that will help to inform practice in health and elder law, as well as guide the delivery of more empathic care across professions and health care settings.

□ **Patricia L. Angley** completed the course work for the Healthcare Management Certificate Program in Public Health, Palliative Care and Long-Term Care at Fordham University Graduate School of Business Administration. Ms. Angley was also recently appointed to the New York State Bar Association Committee on Women in the Law. ▶

Classifieds

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

□ Law firm at 81 Main Street, White Plains seeks tenant for large, windowed office with tree top view. Garage parking, receptionist, conference rooms, private phone lines, clerical space, and kitchen access available. Five minute walk to trains and courthouses. Available Now! Contact Elizabeth at (914) 683-2500, Ext. 322. ▶

Linda Wiley Memorial Golf & Tennis Outing October 7, 2014

Come join us for the first annual *Linda Wiley Memorial Golf & Tennis Outing* in memory of our beloved Executive Director, Linda Wiley, who passed away in 2013. Once again our event will be held at Leewood Golf Club (the Home of Babe Ruth©) in Eastchester, New York on Tuesday, October 7. The name change to the WWBA golf outing was announced last year at our 12th annual golf outing by Immediate Past President, Lisa M. Bluestein. The name was changed to commemorate Linda Wiley's years of dedication and service to the WWBA.

You may choose to play in a nine hole best ball of four format, where each player will keep their own score for nine holes. Prizes will be awarded for low gross and Calloway method low net scoring teams, as well as on-course skill prizes. Instead of best ball, you may participate in a three hour golf clinic featuring a 6 to 1 pro-to-player ratio, with specific concentrations in putting, driving and short game lessons, as well as an on-course playing lesson. A final choice that is new this year is a three hour tennis clinic with a 6 to 1 pro-to-player ratio, concentrating in cardio fitness, tennis lesson and a round robin tournament.

There definitely is something for everyone. Even if you don't want to play golf or tennis or learn to play, please join us for dinner and celebrate Linda's contributions to the WWBA.

Contact Gail M. Boggio at (914) 385-1026 or playgolf@wwbany.org for more information. ▶

▶ 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, or visit our website at 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.

2014 State Society on Aging of New York Conference

Mary Beth Morrissey

The State Society on Aging of New York (SSA) will be holding its annual conference downstate this year at the Fordham University Lincoln Center campus on October 22nd, 23rd and 24th. The conference features keynote sessions with Jason Helgerson, Director of the NYS Medicaid Program, Cary Reid, PhD, MD, nationally recognized palliative care researcher, Mae Carpenter, Commissioner of the Westchester County Department of Senior Programs and Services, Donna M. Corrado, Commissioner of the NYC Department for the Aging (DFTA), and Corinda Crossdale, Director of the State

Office for Aging (SOFA). The conference is co-sponsored by the Collaborative for Palliative Care, DFTA, the Geriatric Mental Health Alliance of New York, and the New York State Psychological Association. The overarching theme of SSA 2014 is the 2015 White House Conference on Aging, which will be held on the 50th anniversary of the Medicare, Medicaid and the Older Americans Act. The following issues have been identified as priorities for next year's White House Conference on Aging: retirement security, long term services and supports, elder justice, and healthy aging. The SSA conference builds on these themes with specialized tracks in

Geriatric Education, Mental Health, Food Insecurity, and Palliative Care. Numerous other symposia, paper and poster sessions will cover diverse topics - caregiving, legal issues in long term care and guardianship, vulnerable populations, transportation and mobility, senior centers and older adult advocacy, to name a few. Recommendations that emerge from the 3-day conference will be submitted to the White House Conference on Aging. For further information, please go to www.ssany.org or you may also contact the SSA President Mary Beth Morrissey at mamorrissey@fordham.edu or 914-714-2241. ▶

▶ WWBA Schedule of Upcoming Events

COMMITTEE	DATE/TIME	PLACE	TOPIC	RSVP
WWBA Board Meeting	10/1/14 5:30-8:00pm Light Supper	BNY Mellon 701 Westchester Ave White Plains, New York		Lucia Chiochio president@wwbany.org if you are unable to attend
Linda Wiley Memorial Golf & Tennis Outing & Reception	10/7/14	Leewood Golf Club Eastchester, New York		Gail Boggio (914) 385-1026 or playgolf@wwbany.org
NYSBA & WWBA	10/8/14 1:00-5:00pm CLE 5:00-7:00pm Networking Reception	Larchmont Shore Club 1 Oak Bluff Avenue Larchmont, New York	Women on the Move: Negotiating Your Own Value	www.nysba.org/Womenonthe Move2014
Elder & Health Law & WCBA Health Law	10/14/14 6:00pm	Melting Pot 30 Mamaroneck Avenue White Plains, New York	Meet & Greet: The New Jazz in Health & Elder Law Practice	mamorrissey@fordham.edu 914-714-2241
Lawyering & Parenting	10/15/14 6:00-8:00pm	White & Williams LLP 427 Bedford Road, Ste 250 Pleasantville, New York	Take Back Your Life!	Joelle M. Burton joelle.burton@yahoo.com by 10/13/14
Making Strides Against Breast Cancer Walk	10/19/14 8:00am	Manhattanville College Purchase, New York		Team Orbach Sign-up or pledge online at www.wwbany.org or www.makingstrideswalk.org
Pace Women's Justice Center Annual Benefit Dinner	10/22/14 6:00pm Cocktails 7:00pm Dinner & Program	Abigail Kirsch at Tappan Hill Tarrytown, New York	Making a Difference Annual Benefit Dinner	www.law.pace.edu/pwjcbenefit
Professional Development & New Lawyers	10/28/14 6:00-8:00pm	Keane & Beane, P.C. 445 Hamilton Avenue, 15 th Flr. White Plains, New York	Multigenerational Dynamics in the Workplace	Amy Gewirtz agewirtz@law.pace.edu
Matrimonial	10/29/14 6:00-8:00pm	Bank of New York 701 Westchester Avenue White Plains, New York	Don't be a Dope: Everything You Need to Know About Drug & Alcohol Testing	Linda Loscalzo lloscalzo@mccarthyfingar.com by 10/22/14
Environmental & Land Use	10/30/14 12:00-2:00pm 1 Credit CLE Cost \$40 \$45 after 10/24	Ernesto's Restaurant 130 W. Post Road White Plains, New York	SEQRA Case Law Update and When to Litigate (Ripeness)	Anna Georgiou ageorgiou@wkgi.com ; or Kathy Zalanis zalanis@szlawfirm.net

*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.

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 or
contact Silvia Galgano at 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.*

**REMEMBER, YOU CAN FIND THE WBASNY WEB PAGE
AT WWW.WBASNY.ORG.**

PLEASE REMEMBER TO RECYCLE

