



WWBA news

Westchester Women's Bar Association

JUNE 2016

www.wwbany.org

LSHV TRAINING PROGRAM IS A SUCCESS

Judith Zinn-Hyman, Esq.

On April 14th, the Westchester Women's Bar Association joined Legal Services of the Hudson Valley (LSHV) for a Consumer Law CLE program entitled "Representing Low-Income Clients in Consumer Matters." Robert Nahoum, Esq., of The Law Offices of Robert J. Nahoum in Nyack, New York, gave an excellent summary of relevant consumer law, with a focus on consumer rights, and trained *pro bono* attorneys in how to defend debt collection cases.



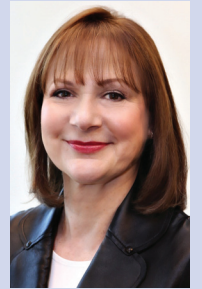
Sandra R. Geller, Esq. and Robert J. Nahoum, Esq.

The response from the community to this opportunity to volunteer to help low-income clients in consumer matters was overwhelming. LSHV often receives requests for representation in consumer law issues, particularly from consumers who find themselves in the process of having their wages garnished or who find out

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► PRESIDENT'S MESSAGE

In this last column of my Presidency, it is tempting to talk about how much I enjoyed my tenure in this role, how bittersweet it is that my time in office is coming to an end, and how excited I



Robin D. Carton

am for the incoming President of the Westchester Women's Bar Association. All of those remarks would be appropriate and true.

However, instead of focusing on the end of a term and the beginning of a new one, the more apt and macro view of our organization must be centered on its membership. The Westchester Women's Bar Association does not rise and fall with the installation of officers and its success does not depend on who is at the helm.

You, the members of the Westchester Women's Bar Association, are the lifeblood of the organization. You, the members, inspire the leadership to serve you and your community and to enhance the community's respect for the legal profession. You, the members, stimulate exciting presentations on timely and relevant topics. You motivate charitable activities, globally and locally, and share your hard work and good will with colleagues and those in need. You prompt the judiciary to attend our CLE programs and to be the featured speakers, so that you can benefit from their perspectives, their professional practice tips, and their expertise.

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► SAVE THE DATE

WESTCHESTER WOMEN'S BAR ASSOCIATION ANNUAL DINNER AND INSTALLATION OF OFFICERS

June 8, 2016

Mamaroneck Beach and Yacht Club
Mamaroneck, New York

GOIN' CAJUN BBQ AND BLUES NETWORKING EVENT

June 15, 2016

Bayou Restaurant
Mount Vernon, New York

▶ WWBA Member Newsletter



JUNE 2016

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

~ 2015/2016 Officers and Directors ~

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▶ 2015-2016 WWBA Committee Chairs

STANDING COMMITTEES

By-Laws	Anna L. Georgiou	Membership	Kim Berg, Helene Cote
Corporate & Commercial	Lisa M. Bluestein	Networking	Jennifer L. Gray, Patricia McCluskey
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AD HOC COMMITTEES

Annual Dinner	Robin D. Carton, Lisa M. Denig, Jennifer L. Gray, Stephanie Melowsky, Jennifer N. Netrosio	Golf & Tennis Outing	Gail M. Boggio, Theresa O'Rourke Nugent, Susan Mills Richmond
Annual Dinner Souvenir Journal	Amanda C. Fried	Holiday Party and Boutique	Dolores Gebhardt, Jennifer N. Netrosio
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Bankruptcy	Susan Mills Richmond, Wendy Marie Weathers	Litigation	Angela Morcone Giannini, Jacqueline Hattar, Kimberly Sheehan
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Collaborative Law	Kathleen Donelli, John J. Grimes, Lynn J. Maier, Hon. Sondra M. Miller	Mediation	Geris S. Krauss, Hon. Sondra M. Miller, Lauren S. Morrissey, Abby Rosmarin, Jane Silverman
Community Outreach ...	Deborah A. Scalise, Hon. Lisa Margaret Smith	Network of Bar Leaders	Donna E. Frosco
Continuing Legal Education	Ann M. McNulty	Pace Board of Visitors	Gail M. Boggio, Lonya A. Gilbert
Diversity in Membership	Jacqueline Hattar, Stephanie Melowsky	Past Presidents	Jane Bilus Gould, Mary F. Kelly, Linda Markowitz
Domestic Violence	Natanya L. Briendel, Audrey E. Stone	Practice Management	Jamieson L. Keiser, Wendy Marie Weathers
Education Law	Adrienne J. Arkontaky, Julie P. Passman, Susan Mills Richmond	Pro Bono	Marcia Levy, Marian Genio
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Employment Law	Kim Berg, Hillary Raimondi	WCA Board Delegate	Anthony Morando
Environmental & Land Use	Lucia Chiochio, Anna L. Georgiou, Jennifer L. Gray, Katherine Zalanis	WWBA Foundation President	Julie S. Kattan
Gender Dynamics	Hon. Terry Jane Ruderman	WWBA Representative Director to the WCBA Board ..	Dolores Gebhardt

President's Message

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“[T]he members of the Westchester Women’s Bar Association . . . awaken the hearts and minds of other professionals, lawyers and non-lawyers, to learn, to grow, and to give.”

You awaken the hearts and minds of other professionals, lawyers and non-lawyers, to learn, to grow, and to give.

Primarily, though, the strength of your voice as members of the Westchester Women’s Bar Association has spurred action by local and state government. The Westchester Women’s Bar Association, in coordination with the other eighteen chapters of the Women’s Bar Association of the State of New York, have influenced legislation on, for example, adoption disclosure, the standard of care for foster parents, amending the date of discovery rules in medical malpractice, raising the age of criminal responsibility, and bullying in the workplace. The Westchester Women’s Bar Association supported, to a successful conclusion, the construction of a new Family Court building for Yonkers residents, showing that you care about the administration of justice in a respectful, compassionate, and professional setting.

The Westchester Women’s Bar Association is sustainable at the highest level because you, the members, are its core strength. Continue, as you have been, to be the beacon of justice for all, regardless of gender, to advance the social, economic, and legal status of women in the law, and to expand opportunities for women. The future of your mission depends on your good work, and your work, so far, has been stellar. ▀

▶ Editor’s Note

“How did it get so late so soon? It’s night before it’s afternoon. December is here before it’s June. My goodness how the time has flown. How did it get so late so soon?”

~ Dr. Suess

▶ Making Dates and Getting Published

NEWSLETTER SUBMISSIONS

- ❑ Deadline for newsletter submissions is the 12th of the month prior to publication (submissions received after the deadline are subject to the discretion of the editor).
- ❑ Send submissions as email attachments to Lisa M. Denig at ldenig@westchesterda.net.
- ❑ Articles should be 1,000 words or fewer. Remove all pagination, headers, footers or other formatting, other than bold, underline or italics. Authors are encouraged to submit photographs for publication with their submissions and 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 the subject and all persons in each photograph must be fully identified.

PROGRAM SCHEDULING

- ❑ First visit the WWBA website: www.wwbany.org and click on the calendar at the home page to view scheduled programs. Conflicts in scheduling will be assessed on a case by case basis, with priority for early submissions.
- ❑ Contact Lisa M. Denig to schedule a WWBA sponsored or co-sponsored program, including committee meetings, CLE programs, etc.
- ❑ Once you have reserved the date with Lisa M. Denig, proceed with planning your program and creating your flyer.
- ❑ Flyers must be approved by the Programs Committee. In advance of the 12th of the month, please send your flyer to the Program Committee Co-chairs for review and copy the Executive Director. Once approved, please send your final flyer to the Executive Director, Lisa M. Denig and the President for publication on the website calendar and the newsletter calendar. The final flyer will also be emailed to the membership.
- ❑ We will also consider publicizing programs from outside organizations that may be of interest to our members.
- ❑ Post-event: You may report on the success of your program and provide photographs of the speakers and participants that can be included in an upcoming newsletter. Send your submission to Lisa M. Denig, following the guidelines above.

Contacts

Lisa M. Denig, Corresponding Secretary and Newsletter Editor-in-Chief: ldenig@westchesterda.net
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Lucia Chiocchio, Programs Committee Co-Chair: lichiochio@cuddyfeder.com
Robin D. Carton, President: president@wwbany.org
Ann M. McNulty, CLE Chair: ann.m.mculty@morganstanley.com
Liz Gallo, Executive Director: executivedirector@wwbany.org

Advertising Rates

Full Page Display Ad

5-10 Issues - \$525.00 per issue
1-4 Issues - \$575.00 per issue

Half Page Display Ad

5-10 Issues - \$275.00 per issue
1-4 Issues - \$300.00 per issue

Quarter Page Display Ad

5-10 Issues - \$165.00 per issue
1-4 Issues - \$180.00 per issue

Business Card Ad

5-10 Issues - \$60.00 per issue
1-4 Issues - \$75.00 per issue

Classified – office space, furniture/equipment, employment & situation wanted (up to 5 lines)

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

Back Cover (3/4 page)

5-10 Issues - \$650.00 per issue; 1-4 Issues - \$700.00 per issue

Deadline for all ads is the 12th of the month prior to publication. Ads are subject to space limitations. Call Lisa M. Denig at (914) 995-3485 for any questions regarding advertising.

LSHV TRAINING PROGRAM IS A SUCCESS

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they have default judgements against them with no prior notice of any proceeding. Over 30 people took the time to attend this program, most of them eager to make a commitment to take on pro bono cases despite the demands of their existing practices and busy schedules. The support from the legal community, supporters of LSHV and members of the WWBA, has already resulted in representation of people requesting services, and LSHV is continuing to pair clients with volunteer attorneys trained through this program on an ongoing basis.

This training was also

sponsored by PLI, who sponsors LSHV's Legal Trainer. The PLI liaison who attended the program followed up with LSHV to say how thorough the program and the materials were. Clearly, it was a valuable experience for all who attended.

Legal Services of Hudson Valley looks forward to future trainings, both in consumer law and in a variety of other substantive areas in which our clients need help. The next training is scheduled for June 15, 2016, in the area of name change, for both transgender individuals and other cases where name change proceedings are desired and/or necessary. ▀



Sandra R. Geller, Esq. and Judith Zirin-Hyman, Esq.

Westchester Women's Bar Association Committees Join Forces for CLE on Representing a Start-up

Lisa Bluestein

The Westchester Women's Bar Association's Corporate & Commercial and Intellectual Property Committees collaborated to sponsor a CLE entitled "Representing A Start-Up," which was presented on April 20, 2016.

Speakers Lisa M. Bluestein and Donna Frosco, along with moderator Theresa O'Rourke Nugent, gave an overview of the types of entities that can be formed and how they operate. The CLE program also provided attendees with

guidelines about entity-governing documents, intellectual property issues to think about, and lease provisions that may impact the lessee-entity. The attendees posed meaningful questions, which provided for interesting discussion and further practice tips.

The Westchester Women's Bar Association and the Corporate & Commercial and Intellectual Property Committees wish to thank Sterling National Bank for its hospitality. The committees hope to present a "Part 2" to this program in the near future. ▀

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An Interview with Cindy Kanusher

Susan L. Pollet
Chair of the Archive and
Historian Committee

Q: You have been devoted to the Pace Women's Justice Center for many years now. Can you tell us about your legal career before working at the PWJC, and about everything you have accomplished while at the PWJC.

A: I always knew that I wanted to be a lawyer. My father was a criminal defense attorney, as was my grandfather, and I used to go to court and watch them work. I was intrigued by how the justice system could be used to help those most in need. I knew very early in law school that I would pursue a career in public service. Upon graduation, I was elated to have been offered a job as a prosecutor at the New York County District Attorney's Office, where I worked for almost 10 years. I quickly began working on domestic violence and sex crimes cases. I transferred to the Office's Domestic Violence and Child Abuse Bureau when it was created, and there, I worked for several years prosecuting felony domestic violence and child abuse cases. Finally, during the last 2 years of my time at the Office, I worked in the Special Prosecutions Bureau, where I prosecuted financial crimes and also worked on elder abuse cases.

I started working at the PWJC 17 years ago, and much of my work has involved training, outreach and education. Initially, my responsibilities included training prosecutors, law enforcement officers, emergency first responders and advocates throughout rural parts of New York State on the tools and

"Our son, who is now 21 . . . is considering law school. Our daughter, who is now 18, left to attend college this fall, and has already made it quite clear that she will never be an attorney."

techniques needed to effectively prosecute sexual assault and domestic violence cases. Over the years, my responsibilities have expanded to include various other areas, including running the training component of the Westchester County Family Justice Center, overseeing the PWJC's teen dating violence training program, and working closely with the staff at the Weinberg Center for Elder Abuse at the Hebrew Home at Riverdale to create a model domestic violence in the workplace program. As part of that program, we developed policies and protocols for effective response and intervention, and in that regard, we have trained almost 2000 staff members. I have also overseen the PWJC's elder justice unit, and until quite recently, I served as the project coordinator of Westchester County's Abuse in Later Life grant. For the past 8 years, I served as the PWJC's assistant director, and in that role, I worked closely with the PWJC's prior Executive Director, Jane Aoyama-Martin, to expand our civil legal services and *pro bono* programs. I became the Executive Director of PWJC this past June.

Q: How has the Westchester community changed over time with respect to its awareness

of, and the handling of, domestic violence cases?

A: Over the past 17 years, the Westchester community's response to domestic violence has changed dramatically, in ways that I can only describe as positive. The greatest change has been the development of a strong coordinated community response for victims of domestic violence. Many of the community organizations that provide services to victims of domestic violence and their families, legal services agencies, shelters and law enforcement agencies have come together to create a network of support and services for victims that are accessible, high quality, and focused on victim safety and offender accountability. A perfect example of this is the Westchester County Family Justice Center. Through this organization, the PWJC, Hope's Door, My Sister's Place, Victim's Assistance Services and other organizations work together out of one office located in the White Plains Family court to provide a wide array of much needed services to victims of family violence. This coordinated approach leverages the unique strengths of each organization, and provides a holistic approach to justice that protects victims, holds batterers accountable, and enforces the



Cindy Kanusher

community's intolerance of domestic violence.

Q: What work remains to be done in the domestic violence arena in Westchester County?

A: Although we have come a long way, there is still much work to be done to meet the needs of domestic violence victims in our communities. For example, we need to broaden our coordinated community response network to involve health care agencies, educational institutions, religious organizations, cultural groups and other pillars of our community in order to more effectively change the social norms and attitudes that contribute to domestic violence. I believe this is one of the best ways to stop domestic violence.

Q: What other community activities do you engage in other than your legal work?

A: My work at PWJC and my responsibilities at home with my kids have filled most of my time, until fairly recently. When they were younger, I was involved in my children's

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▶ June Litigation Tip

◆ ARBITRATION – PROCEDURE LIMITED REVIEW

Whether mandated by insurance policy, contract or by election of the parties, arbitration has become a very common means of dispute resolution. CPLR Article 75 governs arbitration in New York. A party may serve upon another party a demand to arbitrate or notice of intention to arbitrate. CPLR 7504(c). There are procedures to both compel and stay arbitrations. CPLR 7504(a) and (b).

At the arbitration hearing, the parties are entitled to present evidence and cross-examine witnesses. If a party fails to appear, but was given proper notice, the arbitrator may hear and determine the controversy upon the evidence produced. CPLR 7506(c).

When choosing arbitration, the parties should be alerted to the limited scope of review. Vacatur is dependent upon showing that the rights of the party were prejudiced. Judicial review of arbitration awards is extremely limited and a party seeking to overturn an arbitration award on one or more grounds stated in CPLR 7511(b)(1) bears a heavy burden and must establish a ground for vacatur by clear and convincing evidence. *David v. Bryon et al.*, 130 A.D.3d 772, 773 (2d Dept. 2015), citing *Matter of Denaro v. Cruz* 115 A.D.3d 742, 743 (2d Dept. 2014). Practitioners should also keep in mind the importance of establishing a factual foundation in the record. Where a party claimed there was “an express agreement” with the arbitrator to consider certain evidence, but then refused to accept the evidence without a factual foundation, the Court held that the parties were not deprived of a fundamentally fair hearing by the arbitrator’s refusal to accept the evidence. The evidence consisted of excerpts of testimony from other actions and arbitrations. *Merkin v. Born et al.*, 127 A.D.3d 576 (1st Dept. 2015). Moreover, the “adequacy of the arbitral award” is not grounds for review. *Id.*

The CPLR does provide for Court confirmation of the award. Upon application, a party can seek confirmation of the award if made within one year of its delivery. CPLR 7510.

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

▶ 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.

▶ Chapter News and Announcements

Classifieds

□ I am a current WWBA Board member and am also an experienced litigation, education law, employment, bankruptcy, and transactional attorney. I seek permanent or temporary legal work and am available immediately. Please email smillsrich@aol.com or call Susan Richmond at 845-641-1441. ▶

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An Interview with Cindy Kanusher

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school, as a Vice President in the PTSA, as well as other school and sports activities. Now that I am a newly minted “empty-nester,” I think I will definitely be looking to fill my time with other activities such as cooking classes, book clubs, and community volunteer work.

Q: How have you balanced your work life and your career? Tell us about your family.

A: I met my husband in law school, and we have now been married for almost 25 years. We are both attorneys, and there has always been a fair amount of “legal talk” around our house. Our son, who is now 21, seems to have been bitten by the same bug, and is considering law school. Our daughter, who is now 18, left to attend college this fall, and has already made it quite clear that she will never be an attorney. Balancing work and career, has been, well, a balancing act. I left the New York County District Attorney’s Office so that I could work part time and closer to home. The PWJC has been a perfect fit for me. The office is relatively close to my home, and PWJC was willing to accommodate part time hours. As my children got older, I have been able to ramp up my schedule with increased time and responsibility. PWJC’s extraordinary, family friendly work environment allowed me to balance my work and home life, which is why I have remained at the PWJC for the past 17 years.

Q: What would you like to see the WWBA accomplish in the years ahead?

A: The WWBA is in a unique position to effectuate real change for victims of

abuse. Legal representation and advocacy from professionals on criminal and civil matters are essential for victims of abuse. Research has shown that victims who receive legal advocacy report a decrease in abuse experiences. As attorneys, we need to work together to develop ways to make the legal system more accessible to victims of domestic violence and elder abuse. The WWBA can make an enormous contribution by focusing on ways to provide low cost – or even better yet, free – legal representation to those who need it the most, but cannot afford an attorney at current market rates. Shaping how our legal system responds to victims of abuse, and making sure that there is access to justice for all, will ensure that the WWBA continues to be part of the solution to end violence in our community.

Q: What would you personally like to accomplish in all spheres of your life in the years ahead?

A: As I previously mentioned, I was honored to become the Executive Director of PWJC this past June. After 17 years at the PWJC and with my youngest child off to college, the timing was perfect for me. I know that until domestic violence and elder abuse is completely eradicated, there will always be much important work to be done. I am very much looking forward to working closely with the PWJC staff, as well as our dedicated network of volunteers, students, attorneys and other professionals, to develop and implement innovative programs and services that strengthen the safety net, expand victim’s rights, and provide much needed legal services to victims of domestic violence and elder abuse in our community. ▶

▶ Become a New Member Today

The advantages of joining the Westchester Women’s Bar Association are countless. We were founded in 1974, and we 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 nineteen 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. ♦

▶ WWBA Schedule of Upcoming Events

COMMITTEE	DATE/TIME	PLACE	TOPIC	RSVP <small>(also online at www.wwbany.org)</small>
WWBA	6/8/16 5:30-10:00 pm	Mamaroneck Beach and Yacht Club Mamaroneck, New York	WWBA Annual Dinner and Installation of Officers	Register online at www.wwba.org or email Lisa Denig at lisadenig@yahoo.com
WWBA	6/15/16 5:30-8:30 pm Appetizers, Buffet Dinner, and Cash Bar	Bayou Restaurant 580 Gramatan Ave. Mount Vernon, New York	Goin' Cajun BBQ and Blues Networking Event	Register online at www.wcbany.org or contact Althema Goodson at cle@wcbany.org

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.

*The Westchester Women's Bar Association
requests the pleasure of your company at its*

Annual Dinner and Installation of Officers

~ Our Distinguished Keynote Speaker ~

Honorable Leslie E. Stein

Associate Judge of the New York State Court of Appeals

Wednesday, June 8, 2016

*Mamaroneck Beach & Yacht Club · 5:30 p.m. Cocktails · 7:00 p.m. Dinner
\$150 per person, \$1,300 for table of 10
\$90 per person for cocktails and networking only*

~ Contacts ~

Dinner: Lisa M. Denig, Esq. - lisadenig@yahoo.com

Souvenir Journal: Amanda C. Fried, Esq. - afried@cartonrosoff.com

Register online at www.wwbany.org

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

PLEASE REMEMBER TO RECYCLE



THE WWBA MEMBERSHIP PERIOD FOR
2015-2016 BEGAN ON JUNE 1, 2015.
PLEASE RENEW YOUR MEMBERSHIP TODAY AT
WWW.WWBANY.ORG