



WWBA news

Westchester Women's Bar Association

December 2007

www.wwbany.org

MY VISIT TO THE UNITED NATIONS

Sandra A. Forster

On November 6, 2007, I participated in a group tour of the United Nations for the International Association of Women Judges. Judge Terry Jane Ruderman and I represented the women judges from Westchester. In addition, local judges from New York City and New Jersey attended. The most interesting group was the foreign women judges, which included women judges from Taiwan, Korea, Nepal and the Ukraine. The judge from the Ukraine brought her translator, because she was the only one who did not speak English. Certainly, we did not speak any of the judges' native languages.

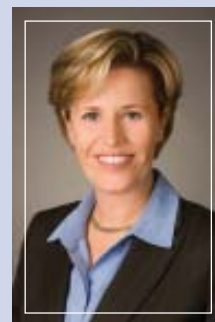
We were given a VIP tour which included a visit to the Security Counsel and the General Counsel, followed by an elegant lunch in the Delegates' dining room. We listened to several very fascinating lectures. The most interesting was the one given by a young Argentinean gentleman who was brilliant and who was an associate lawyer to the International Criminal Court.

During the day we had the opportunity to converse with the other women judges who were mostly from Asia. I learned that these societies look to America as the model of civil rights and rights for women and that they are dealing with divorce, domestic violence, custody of children and many of the same problems that we deal with here.

The world is definitely moving at a rapid pace and in many ways is becoming similar. The women judges that I met on that day were elegant, very bright, very learned (they speak several languages), were dressed in Western garb (except for the judge from Nepal who wore a pink and gold sari) and were definitely of the more privileged classes of their societies. I even learned that to become a judge in Taiwan, you must take an exam and the one who achieves the best results become a judge. How refreshing. It was a wonderful experience for me and I hope to remain in contact with these judges and to visit them in their native country. ▸

► PRESIDENT'S MESSAGE

At this time of the year we think of our families, the joys and bounties of the year, and we begin to look forward to new possibilities in the coming year.



I would like to take this opportunity to say thank you to my WWBA family for all your support, hard work and friendship during the year. I continue to be grateful for your enthusiasm, friendship, positive demeanor, and genuine interest in helping others. Thank you all for the joys and accomplishments of 2007. I truly look forward to continuing our mission in 2008.

Of course, many of our programs and activities would not be possible without the generous support of our sponsors. Please take some time during the holiday season to say "thank you!" to our many loyal sponsors. Let them know that their sponsorship of the WWBA is one of the reasons you use their services. Take a look in the directory, on the website, in our newsletter, or at one of our event flyers. These sponsors make it possible for us to function the way we do, to provide extremely low cost CLE, and to invest in community programs. Please take a moment to tell a sponsor that their involvement is very much appreciated.

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► SAVE THE DATE

Westchester Women's Bar Association

Holiday Party

December 5, 2007

White Plains Women's Club

▶ WWBA Member Newsletter



DECEMBER 2007

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Westchester Women's
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of the State of New York

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Holiday Party/Crafts	Beth Willensky	WWBA Delegate to WBASNY Mentoring Program	
Immigration	Sonia Lopez Gonzalez, Joanna M. Schaffer		Mary Beth Morrissey

President's Message

from page 1

"Thank you all for the joys and accomplishments of 2007. I truly look forward to continuing our mission in 2008."

One of the best events of the year, the WWBA Holiday Party, will take place on December 5th. Please see inside for details. Special thanks to Joy Joseph and Beth Willensky who took the lead in organizing the party. Expect to see vendors selling holiday gifts again this year. Admission is free, but we do ask that you bring a gift item for a teenager.

The Board of the Women's Bar Association of the State of New York (WBASNY) met in November. In an exciting development, the Board voted to support legislation on no-fault divorce as proposed by Adam Bradley, the son of Cheryl Bradley, the WWBA's first president. The Board also voted to support a resolution on judicial pay raises, specifically endorsing the recommendations of the Office of Court Administration. I personally feel judicial pay raises are an extremely important issue, essential to maintaining judicial independence, and long over due. The WBASNY Board also voted to support a campaign for a statewide public defender's association, which would promote fairness in the judicial system for those who cannot afford a lawyer and provide oversight and uniformity throughout the public defender system. One final note on WBASNY, if you are interested in an officer position in the organization, nominations are due by January 7, 2008.

Not to sound like a broken record, but please visit the website to renew your membership if you have not already done so: www.wwbany.org. Your membership is very important to us.

Happy Holidays to everyone! See you at the Holiday Party on December 5th! ▶

- Dawn

▶ Editor's Note

Whichever holiday you celebrate, or whether or not you celebrate any holiday, may the joy the holiday season brings be with you and yours.

- JK

▶ Making Dates and Getting Published

We welcome your submissions! The deadline for newsletter submissions is the **twelfth of the month prior to publication**. Submissions should be sent as email attachments (do not submit proposed text in the body of the email itself) to juliek0601@aol.com (Microsoft Word only other than flyers or photographs). Photographs must be high-resolution (150 dpi or more). Articles should be 1,000 words or fewer. Authors must spell-check, cite check and blue book all entries before submitting. 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. (E.g., Lois Lane is a 2006 graduate of Pace law school and is awaiting admission to the NY bar; Jimmy Olsen is in private practice in White Plains where he concentrates on matrimonial matters).

Please **telephone** Julie S. Kattan, 2007-2008, Corresponding Secretary and Editor-in-Chief of the WWBA Newsletter, at (914) 235-4750 to schedule all WWBA sponsored or co-sponsored events, including, e.g., committee meetings, speakers, CLE programs, panels, etc. To view existing event postings first visit our website: www.wwbany.org and click on the Calendar tab. Conflicts in scheduling will be assessed on a case by case basis, with priority for early submissions.

Once you have gotten the date reserved with Ms. Kattan, 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.

Any opinions expressed in the articles contained herein are solely those of the author(s) and do not constitute positions taken by the WWBA. Materials submitted allow the WWBA limited copyright and full permission to reprint the material in any WWBA publication or on its website without additional consent.

Members who wish to receive the newsletter electronically only should email lindasurace@wwbany.org with that request. ▶

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Call Julie Kattan at (914) 235-4750 for any questions regarding advertising.*

AN INTERVIEW WITH PAST-PRESIDENT KATHLEEN DONELLI, ESQ.

Susan L. Pollet, Archive and Historian Chair

Kathleen Donelli was President of the Westchester Women's Bar Association from 2003 to 2005

Q. You have been so active in the Westchester County Bar Association and as Past President of the White Plains Bar Association. What keeps you involved in the Westchester Women's Bar Association?

A. All of the bar associations that I have been involved with provide excellent opportunities to network with other lawyers, improve legal skills and knowledge and advance our legal profession. The WWBA, however, is particularly focused on expanding opportunities in the law for women and on issues affecting families. With over 650 members, the WWBA is the largest Chapter in our parent organization of the Women's Bar Association of the State of New York, which we affectionately call "WBASNY." Through WBASNY, we are able to lobby for legislative change that will have a positive impact on women and families. WBASNY is currently working to enact Assemblyman Adam Bradley's No-Fault Divorce bill. Adam has been an active WWBA member: his mother, the Hon. Cheryl J. Bradley, was the First President of the WWBA. Adam and other NYS legislators are particularly influenced

by WBASNY's support for this bill, since the National Organization of Women and some domestic violence advocates have remained opposed to No-Fault divorce.

Q. In your view, what were the greatest achievements of the WWBA during your Presidency?

A. Due to the boundless energy, vision and technical skills of my predecessor, Kathy Rosenthal, shortly after I became president, the WWBA launched its website, leading the way for other bar associations to do so. We also partnered with the Northern Westchester Shelter and received a substantial government grant to help victims of domestic violence through the Survivor's Law Project. We also collaborated with the Westchester County Bar Association on many projects, including cosponsoring an annual event to promote diversity in the Westchester legal community. The Hon. Sam Walker, who was the President-Elect of the WCBA at the time, made a special effort to reach out to the WWBA, inviting me to give the invocation at the WCBA Past President's Dinner. In response, during my presidency, I became more involved in the WCBA and encouraged other WWBA members to do so.

Gloria Markuson recently stated in the WCBA Newslet-

ter that the WWBA represents a "step back in the pages of history" because women are now accepted as members in the WCBA, unlike when she started practicing law in 1952. Unfortunately, I think her comment lacked an understanding of the positive relationship that has evolved between the WWBA and the WCBA, as co-leaders in the Westchester County legal community. Since I have been practicing law, I have never heard a past leader of the WCBA question the need to have a women's bar association. On the contrary, the leaders of the WCBA have recognized that the WWBA has its own interests.

Q. What type of mentorship is most important for women lawyers?



Kathleen Donelli

A. The best mentorships are through the strong bonds that our members are able to make with other incredible attorneys, judges and law professors. I am eternally grateful that through the WWBA, my mentors include Judge Sondra Miller, who is Chief Counsel in our law firm, and Prof. Janet Johnson, who I just had the

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Potential Litigation Arising Out of Lead Paint Toy Recalls

by Tara C. Fappiano, Esq.

Lead paint litigation is about to take a new turn, as millions of toys, baby bibs, and other related items were recalled this past summer by leading toy manufacturers Mattel and Fisher Price, as well as others.

In one of the largest toy recalls in recent history, in August of 2007, Fisher-Price recalled approximately a million toys, including familiar, licensed Sesame Street, Dora the Explorer, and other characters, due to high lead paint content. Just two weeks later, nineteen million additional toys were recalled worldwide, including 436,000 Pixar toys cited for high lead paint content. Then, several weeks later, Mattel announced a third recall including more than 800,000 Barbie accessories, including lead-tainted puppies and cats, GeoTrax trains and toy

bongo drums.

Mattel is not alone. In June of 2007, toymaker RC2 Corp. was forced to recall 1.5 million wooden railroad toys and set parts from the Thomas & Friends Wooden Railway product line. Wal-Mart and Toys R Us pulled vinyl baby bibs manufactured by Hamco, Inc. from their shelves fearing lead content, following warnings issued by the Consumer Products Safety Commission (CPSC) in May of this year. Toys R Us also removed from its shelves Imaginarium wooden coloring cases manufactured by Funtastic due to lead contained in packaging and black watercolor paint. Spongebob Squarepants journals and some additional Thomas the Tank Engine and Curious George products were also removed from shelves. Approximately 6,000 Robbie Ducky Kids Watering

Cans sold exclusively at Jo-Ann Fabrics stores were also recalled. Finally, children's "Divine Inspiration" bracelets manufactured by Buy-Rite, Inc. and some metal children's jewelry manufactured by Toby N.Y.C. were also cited as having high levels of lead. This list is not all-inclusive.

Lead paint on children's toys has been banned in the United States since 1978. Under current regulations, children's products found to have more than 0.06 percent of lead are subject to recall.¹ However, approximately 80% of all toys sold in the United States are manufactured in China. Indeed, Mattel has had some of the longest relationships with Chinese contractors in the industry, producing the first Barbie in China in 1959. Reportedly, Mattel requires its Chinese toymakers to use paint from eight approved and certified suppliers but, in the case of recent recalls, those protocols were not followed. Of late, Mattel has also allowed suppliers with which it has long relationships to perform their own toy testing, with Mattel only performing periodic spot-checking.

While Mattel appears to have taken immediate action to tighten controls, remove affected toys from shelves, and conduct its own testing, it, along with other manufacturers, distributors, and suppliers, is likely to be facing litigation for a long time to come. In fact, it has already begun.

Identifying the Hazard

The recalled toys and other items fall into very specific categories. Mattel and RC2 Corp. published lists of their recalled products on their web sites. A complete list of all lead-related toy recalls can be found on New York's Department of Health's Lead Hazard Product Recall Web Site² or the CPSC's Web Site.³

Children should not be permitted to play with recalled toys.

Many stores and manufacturers are allowing parents to return recalled products to the stores for refund or replacement.⁴ Some parents may opt instead to destroy or discard the item. This, however, raises an issue that may become apparent in future lawsuits. In states like New York, for example, any manufacturer being sued may raise a defense of spoliation. That is, the defendant may argue that if a product has been destroyed, mutilated, altered or concealed when a party is on notice that the product will be needed for future litigation, then the action may be dismissed.⁵ The rationale is that the defendant has a right to test or otherwise inspect the product to potentially argue that there is no hazard.⁶

Because it may not matter that a litigation has not yet been commenced for the sanction of dismissal to be imposed,⁷ it could be potentially argued that any suit that is commenced is barred if the product at issue is no longer available for testing. The obvious answer, therefore, is for potential litigants to either retain the item (safeguarded from their children) or to provide the manufacturer, distributor and/or supplier with notice that an item that could be the subject of a future claim is available for independent testing.

Identifying Potential Damages

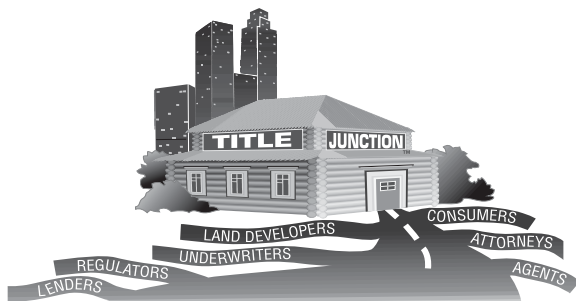
The CPSC states that young children are most commonly exposed to lead in consumer products from the direct mouthing of objects, or

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Potential Litigation Arising Out of Lead Paint Toy Recalls

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from handling such objects and subsequent hand-to-mouth activity.⁸ Thus, if a child has been frequently chewing on or placing a recalled toy in his or her mouth, in consultation with a physician, that child should probably be tested for lead.⁹ Many states, such as New York, require routine blood testing at ages one and two.¹⁰

The CPSC discusses the adverse health effects of lead poisoning in children and the "subsequent risk of adverse health effects" that may develop from an accumulation of lead in the blood.¹¹ These effects include neurological damage, delayed mental and physical development, attention and learning deficiencies, and hearing problems.¹² As such, many times symptoms will not become apparent in children exposed to lead for significant periods of time.

Due to tolling provisions in many statutes of limitations, a lawsuit arising out of exposure to lead in recalled toys may not be commenced for many, many years. With the exception of Connecticut, all states do apply a toll for minor plaintiffs. Nationwide, the statutes of limitations may begin to run at the age of 18, 20, or even 21 and the plaintiff may have from one to six years, depending upon the jurisdiction, to commence suit. Even if the product at issue is still available for inspection by the time the suit is commenced, it may be very difficult to prove that any adverse health effects are necessarily related to the recalled toy. There are many sources of lead in the environment and there are many reasons why a child may exhibit adverse health effects. Therefore, the issue of proximate cause is certain to be a significant defense to any claim arising out of the lead paint toy recalls.

In this regard, a claimant, particularly one who still possesses the recalled toy, will fare better if he or she has been tested for lead paint at or around the time that the toy was removed from his or her environment. According to the CPSC, the scientific community generally recognizes a level of 10 micrograms of lead per deciliter of blood as a thresh-

old level of concern.¹³ Many litigants, however, will argue that lead can have an adverse effect at an even lower level and efforts are continuing to be made to have the Centers for Disease Control formally reduce the threshold level of concern, though thus far the CDC has declined to do so.¹⁴

The lead paint toy recall has also spurred the "medical-monitoring" debate. At the time of this writing, class action law suits have already been filed against Mattel and RC2 Corp. Because there is not yet any evidence of physical harm, the suits demand that the companies pay for medical tests for children in possession of the recalled toys.¹⁵ Thus, the tests would purportedly determine which plaintiffs are able to bring cases against the manufacturers.

Whether such suits should be allowed to proceed depends largely upon the jurisdiction where they are filed. Fifteen states, including California and Illinois, where Mattel and RC2 Corp. are, respectively, headquartered would likely allow such lawsuits.¹⁶ However, Justice Stephen Breyer, of the Supreme Court of the United States, writing for the majority in *Metro-North v. Buckley*, expressed the Court's "uneasiness" with the remedy and that it was "troubled" by medical monitoring in general.¹⁷ In that case, the claimant sought damages and medical monitoring costs associated with his exposure to asbestos, though there had not been any physical harm. The Supreme Court held that when there has been recovery for medical monitoring in the absence of physical injury, traditional tort law does not allow for a lump sum recovery without certain special limitations on the remedy.¹⁸ Thus, in *Buckley*, the Court held that the common law did not support the unqualified rule of lump-sum damages recovery that had been allowed by the Second Circuit.¹⁹ However, what type of recovery should be permitted, if any, was left unresolved and likely could be determined in the context of the Mattel and RC2 Corp. class action suits in the near future.

No matter the outcome, it is clear that the litigation landscape will be peppered with class action and individual claims arising out of the recent lead paint toy recalls for a long time to come. ■

¹ 16 C.F.R. Part 1303.

² www.health.state.ny.us/environmental/lead/recalls/

³ www.cpsc.gov

⁴ Visit www.mattel.com or www.rc2corp.com to review the refund/replacement policies of these companies.

⁵ See CPLR 3126 (2)-(3) (McKinney 2007); *Kirkland v. New York City Housing Auth.*, 236 A.D.2d 170, 173, 666 N.Y.S.2d 609 (1st Dep't 1997); *DiDomenico v. C&S Aeromatik Supplies, Inc.*, 252 A.D.2d 41, 43, 682 N.Y.S.2d 452 (2d Dep't 1998).

⁶ *DiDomenico*, *supra*.

⁷ See *Bear, Sterns & Co. v. Enviropower, LLC*, 21 A.D.3d 855, 855-56, 804 N.Y.S.2d 54 (1st Dep't 2005).

⁸ www.cpsc.gov/businfo/leadguid.html (Sept. 9, 2007).

⁹ The CPSC also advises consumers to exercise caution in relying on lead test kits available for purchase by the consumer, referring consumers instead to qualified laboratories using proper techniques and interpretation of results by qualified toxicologists. *Id.*

¹⁰ http://www.nyhealthgov/environmental/lead/recalls/questions_and_answers.htm (Sept. 9, 2007).

¹¹ www.cpsc.gov/businfo/leadguid.html (Sept. 9, 2007).

¹² *Id.*

¹³ *Id.*

¹⁴ See generally, Preventing Lead Poisoning in Young Children: A Statement by the Centers for Disease Control and Prevention, U.S. Dep't of Health and Human Servs. (August 2005) at <http://www.cdc.gov/nceh/lead/publications/PrevLeadPoisoning.pdf>.

¹⁵ See *Badillo v. American Brands, Inc.*, 117 Nev. 34, 16 P.3d 435, 438 (N.V. 2001) (discussing generally medical monitoring claims).

¹⁶ See, e.g., *Petito v. A.H. Robins Co.*, 750 So. 2d 103 (Fla. Dist. Ct. App. 2000); *Bower v. Westinghouse Elec. Corp.*, 206 W. Va. 133, 522 W.E.3d 424 (W. Va. 1999); *Bourgeois v. A.P. Green Indus., Inc.*, 716 So. 2d 355 (La. 1998); *Redland Soccer Club, Inc. v. Dep't of the Army*, 548 Pa. 178, 696 A.2d 137 (Pa. 1997); *Potter v. Firestone Tire & Rubber Co.*, 6 Cal. 4th 965, 863 P.2d 795 (Cal. 1993); *Hansen v. Mountain Fuel Supply Co.*, 858 P.2d 970 (Utah 1993); *Meyerhoff v. Turner Constr. Co.*, 210 Mich. App. 491, 534 N.W.2d 204 (Mich. Ct. App. 1995); *Burns v. Jaquays Mining Corp.*, 156 Ariz. 375, 752 P.2d 28 (Ariz. Ct. App. 1987); *Ayers v. Township of Jackson*, 106 N.J. 557, 525 A.2d 287 (N.J. 1987); see also *Carey v. Kerr-McGee Corp.*, 999 F.Supp. 1109 (N.D. Ill. 1998) (applying Illinois law).

¹⁷ 521 U.S. 424, 441, 443 (2001).

¹⁸ 521 U.S. at 440-41.

¹⁹ 521 U.S. at 444.

Tara C. Fappiano, Esq. is a founding partner of Havkins, Rosenfeld, Ritzert & Varriale, LLP. She concentrates her practice in toxic torts, environmental, labor law, and products liability litigation and is the Co-Chair of the Environmental Law Committee and Legal Referral Services Committee for the Westchester County Bar Association.



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Westchester Women's Bar Committee Activities

Practice Management

On Wednesday, October 24, the Practice Management Committee presented "Do Your Clients Like Your Fees? How to Create a Fee Structure that Works for You and Your Clients" to a small but enthusiastic group of lawyers interested in learning all about alternative billing arrangements.

The informative program was presented by **Allison Shields, Esq.**, a practice management consultant and former law firm administrative partner. In a lively discussion that extended half an hour past the scheduled end time, Allison demystified why, when, and how to implement alternative billing arrangements such as flat-fee, "fixed fee" and "staged" billing. Attendees in a wide variety of practice areas-including matrimonial, commercial litigation and immigration, among others-and with a similarly wide range of experience-from law students to established practitioners-came away with a clear understanding of this topic.

Allison's cogent advice on a variety of practice management topics will be regularly featured in the *Practice Management Tips* column. Turn to page 9 for this month's tip, "Need to Get Control of Your Practice? Systems May be the Key." ▀

Trusts and Estates

Ethics: Fees – Conflicts – Engagement Letters. What do you do when your client writes to the Grievance Committee because they think you charged them too much? Who are you representing when parents with their adult children come in to you for planning? Have you covered, in your engagement letter, potential conflicts when you represent couples, or family members of different generations, or fiduciaries?

The Trusts & Estates and The Elder & Health Law Committees will be presenting a program on Tuesday, January 15, 2008 from 5:30 to 8 p.m. with **Deborah Scalise** and **Robert Freedman** as the speakers. Deb Scalise is a WWBA member, and a partner at Scalise & Hamilton, LLP, in Scarsdale, and Bob Freedman is a partner at Freedman, Fish & Grimaldi, in New York City. Bob, who focuses on Elder Law and Trusts & Estates practice, and Deb, who represents attorneys on ethics issues, are both frequent lecturers for various bar associations and others.

For more details, please contact Karen Walsh at kjw@walsh-amicucci.com. ▀

New Directions: Moving Up and Out

Deb Volberg Pagnotta, Esq.
Director, New Directions
Co-Chair, Lawyering and
Parenting Committee, WWBA

In early 2006, Amy Gewirtz - a director of WWBA and Associate Director, Alumni Counseling & Relations, Pace University School of Law Center for Career Development -- had an inspiration. Given the recent public focus on assisting stay-at-home moms (and others who have left the workforce for other reasons) back to work, why not a program to help non-practicing lawyers transition back into the legal arena? Within months, Pace Law School and the Westchester Women's Bar Association, in close allegiance, began creating New Directions: Practical Skills for Returning to Law Practice. As Co-Chair of the WWBA Lawyering and Parenting Committee, Pace offered, and I accepted, the opportunity to

direct the program. Then-Dean Stephen J. Friedman (now President of Pace University) gave us a resounding green light, and off we went.

Momentum gathered swiftly. Pace and WWBA jointly designed a 3-part program: a forty-hour bootcamp week focusing on critical "soft skills" such as up-to-date online legal research and writing skills, networking and career capabilities, client interviewing and management, and ethics (altogether worth 21 CLE hours). Then, 10 weeks of substantive lectures on a variety of issues relating to matrimonial practice (2 half-days a week). (While we chose to focus on matrimonial law as the substantive base for the 2007 program, we designed the program to provide highly transferable skills and knowledge bases. As you will see below, many of our participants have chosen to follow paths other than matrimonial.) Finally, we required a 10 week externship for each participant, of their choice subject to our approval. On May

21, 2007, we opened our doors for the bootcamp week; and on December 4, 2007, we will be awarding certificates of completion to our 13 amazing and successful participants.

We are deeply proud of the program. WWBA members and other members of our Westchester legal community contributed mightily, giving many hours of presentations and insights during the bootcamp and subsequent ten weeks of lectures. Deb Scalise shone a light onto ethics for lawyers. Steven Jon Levine provided a clear overview of the framework of matrimonial laws. The Hon. Esther Furman spoke about spousal and child support. Loren Glassman provided nuts-and-bolts information on drafting pleadings. The Hon. Anthony Scarpino and Hon. Alan Scheinkman provided rich insights into courtroom skills, and the Hon. Alayne Katz ex-

plained separation agreements and stipulations of settlement. Joan Moo Young and Liz Swire Falker (the "storklawyer") discussed some of the fascinating legal issues relating to diverse ways to create a family, whether by adoption or more high-tech options (e.g., who gets the frozen embryo if the couple splits up). Kathleen Donelli and the Hon. Sondra Miller engaged our participants in spirited discussions relating to collaborative matrimonial law and mediation.

Pace faculty and friends also weighed in. Professor Merrill Sobie discussed the state matrimonial court system. Professor Gary Munneke explained how to draft a retainer agreement. Professor Vanessa Merton explained how immigration laws impact and interweave with family law. And Professor Bridget Crawford shed light on the impact of the tax code on matrimonial practice. Jane Aoyama-Martin, Director of Pace

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▶ December Practice Management Tip

NEED TO GET CONTROL OF YOUR PRACTICE? *Systems May Be The Key*

Although the practice of law requires you to “think like a lawyer,” it’s tough to do substantive legal work or to focus well if you’re distracted by piles of clutter in your office or anxiety about how you’re going to get it all done.

One way to reduce anxiety and to bring back the focus is by creating systems. Not everything that is done in a law office (or, indeed everything that lawyers themselves do) requires you to begin from scratch every time.

Readers of Michael Gerber’s E-Myth may be wondering how a law practice (or any professional service) can benefit from Gerber’s approach to “franchising” your practice. Although innovation, individual judgment and creation of legal arguments and strategies on individual matters cannot be systematized, there are many things in a law practice that can be.

Why systematize? Not only does creating a structure, systems and procedures for your practice help reduce anxiety, but it increases consistency and makes outsourcing and delegating much easier. If those systems/structures/procedures are also written, training new staff, associates, etc. becomes a much less daunting task—and it gives the new employee a reference to come back to when questions arise.

What kinds of things can be systematized in a law practice? Anything that is done repetitively can be systematized - at least in part. Systems can include checklists,

procedures, templates and forms.

Some examples of tasks or processes that can be systematized within a law firm include:

- ❑ Potential client interviews;
- ❑ Intake;
- ❑ Conflicts checking;
- ❑ Depositions;
- ❑ Obtaining medical records and/or other evidence;
- ❑ Day to day file handling;
- ❑ Billing and accounts receivable;
- ❑ Closing files;
- ❑ Client contact;

For example, to create a system for intake/initial consultation, you might:

- Determine what information you need to obtain from every client (or every client in a particular practice area). Although every matter is different, you should know at least the categories of information you need to obtain from clients during an initial interview or consultation, the documents you’ll need to obtain, etc.;
- Create a checklist or questionnaire for use with every client so you don’t forget anything;
- Create templates or form letters to follow up with potential clients that haven’t yet signed an agreement;
- Create templates or forms

“Not only does creating a structure, systems and procedures for your practice help reduce anxiety, but it increases consistency and makes outsourcing and delegating much easier.”

for your retainer agreement and engagement letter;

- Create a timeline or list of items to follow up on after the initial intake, and enter any deadlines or follow up dates into your calendar system for follow up. Part of your system will include WHO will do WHAT (i.e. perhaps the lawyer does the initial consultation, but a staff member enters the information into the computer, e.tc.)

Do you need to create systems if you have a case management program?

Absolutely. Systems work hand in hand with case management and document management programs. In fact, those programs will be of limited value if you don’t use them consistently and apply them consistently to all of your matters.

Where should you start?

One easy way to get started is by working on your procedures



Allison Shields

as you’re working on an individual case or matter; as the case progresses, keep track of the steps you (and others) take on the matter, and the things you need to remember. Create the checklists, templates, etc. as it goes along. If it’s easier for you to dictate as you’re working, dictate the steps and have it transcribed into a written procedure.

Don’t keep your systems to yourself

Share your systems and procedures with others in your office so they can provide their input and update the procedures and systems as necessary. When everyone knows who is responsible for what and when, your office will run much more smoothly. ▀

Allison Shields is the Founder and President of Legal Ease Consulting, Inc., a consulting firm that helps lawyers create productive, profitable and enjoyable practices. Visit her website at: www.LawyerMeltdown.com and see her blog, www.LegalEaseConsulting.com for more information about how to improve your practice.

▶ Chapter News and Announcements

Notes on Members

□ **Frances M. Pantaleo, Esq.** has been elected a Fellow of the New York Bar Foundation. The New York Bar Foundation is the charitable arm of the New York State Bar Association. Election as a Fellow of the Foundation recognizes "outstanding professional achievement...dedication to the legal profession and...commitment to the organized bar." Fellows assist the Board in identifying potential grant projects and other causes that may benefit from the Foundation's assistance.

□ **Hon. Sandra A. Forster** won re-election as Greenburgh Town Justice for another four year term. ▶

WWBA Team Effort for Strides Against Breast Cancer

by Claire Meadow

I was recently at a meeting of executive business women. The speaker asked for a show of hands: "If any of you have survived breast cancer or are currently receiving therapy for the disease, please raise your hands and keep them up." "If any of you have family or friends afflicted with or survivors of breast cancer, please raise your hands as well." "If any of you have colleagues or acquaintances so afflicted please raise your hands." "Look around the room." Virtually everyone in this meeting of 80 women had her hand raised. Likely, there would be a similar show of hands at our Association.

The challenge for a cure is clear. The Westchester Women's Bar Association is not an organization to shy away from a pressing need or its challenges. It is not surprising, therefore, that among the 17,000 5K Westchester walkers on Sunday, October 21st was team WWBA, a contingent representing our Association under the leadership of Tanya Briendel.

It was sad to see groups walking in memory of a lost loved one or friend. It was emotional to see women with bandanas covering their bald heads as they continue to struggle through the distressing effects of chemotherapy. It was joyful to see walkers in pink shirts and caps marked "SURVIVOR." The sun shown beautifully that day. Hope permeated throughout. The atmosphere clearly reflected the March's theme "Hope Starts With Us".

Our team raised over \$500 in donations made to sponsor our walkers. A great start. Donations can still be made in support of the WWBA team by going to the American Cancer Society website www.cancer.org/stridesonline. For next year, we're aiming for more walkers and more sponsors so that by the time the young survivor daughters' little girls grow up, the scourge of this dreaded cancer will be history.

Thanks and God Bless for your love, encouragement and support. ▶

Celebration of Justice for Women Dinner

The 10th Annual "Celebration of Justice for Women" Dinner was held on October 18, 2007. Many WWBA members joined in showing their ongoing support of the Pace Women's Justice Center. The evening included an incredible silent auction and beautiful dinner. This event reinforced the Center's message that community support is essential to its mission to end violence against women. ▶



Hon. Francis Nicolai, Hon. Terry Jane Ruderman, Jane Aoyama-Martin, Executive Director Pace Women's Justice Center, and Dawn Arnold
(Photo by Margaret Fox Photography)

▶ MOVING UP AND OUT

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Women's Justice Center, and Emily Ruben of the Legal Aid Society of New York addressed heartwrenching issues of domestic violence. Assistant Dean Mark Shulman provided some of the finer points on proper - and improper -- legal writing. Amy Gewirtz spent many, many hours assisting the participants prepare resumes, prepare for interviews, and think through complex career issues.

We are equally, if not more, proud of our participants. Coming in the door, 13 participants (12 women, 1 man) arrived from diverse backgrounds. Some had practiced law with large firms, some with small, some in government, and some had never practiced at all. Each brought their own unique set of experiences, skills and hopes. Each worried, whether privately or publicly, if this was "do-able." And each was determined to move forward into a new phase of her or his life, in a thoughtful, careful and pragmatic way.

By mid to late summer, we began assisting the participants in finding just the right externship. Participants are required to work with a closely supervising employer for 10 weeks/150 hours on legal issues. Each participant made their own distinctive choice: one is working with a local law firm (Silverman, Bikkal & Sandberg) on immigration issues; another with the Criminal Appeals Bureau of the Legal Aid Society of New York; one with Westchester-based Pro Bono Partnership; one with the Pace Women's Justice Center; yet another with the New York State Attorney General's Office; and another with a NYC-based theatrical institution. At least two have been offered permanent positions. All are moving forward with updated resumes, refreshed skill-sets both substantive and procedural, renewed self-confidence and excitement about the future. Most importantly, they are moving with purpose and clarity and truly in a new direction.

For more information, check www.law.pace.edu, call us at 914.997.8888 or 914.422.4606, or email Amy Gewirtz at agewirtz@law.pace.edu. ▶

AN INTERVIEW WITH KATHLEEN DONELLI, ESQ.

from page 4

honor of presenting with this year's Leadership Award at the Annual Pace Law School dinner. These amazing women, together with all of the past presidents of the WWBA and other men and women I have met through the WWBA, continue to inspire and motivate me to be a better lawyer and person.

Q. What are the remaining challenges for women attorneys?

A. The leadership of the WWBA is now in the very dedicated and talented hands of our "post baby boomer" generation. While these younger women have not experienced the same degree of gender bias that many of our founding members suffered, the challenges they face are no less daunting: balancing career and family, while using the wonderful opportunities we have been given through our legal education to improve life for others.

Q. As a partner in a law firm, what is your advice for women following in your footsteps?

A. Choose your partners and clients well, work hard and maintain your integrity.

Q. You give so much to the Westchester community, to Pace Law School and to your family. What keeps you motivated?

A. I have always received more from the Westchester community, Pace Law School and my family than I have given. It's easy to remain motivated when the rewards are so plentiful. ▀

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 Susan L. Pollet is Counsel and Director of New York State Parent Education & Awareness Program and may be contacted at :
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 Work Cell #: 646-483-3536

▶ Westchester Women's Bar Association New Members

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

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 Law Student

▶ WWBA Schedule of Upcoming Events

COMMITTEE	DATE/TIME	PLACE	TOPIC	RSVP
WWBA	12/5/07 5:30-7:30 p.m. No Charge	Women's Club of White Plains	Holiday Party	
WWBA Board Meeting	12/12/07 Light Supper & Meeting 5:30-8:00 pm	The Bank of New York 701 Westchester Ave White Plains, NY	Board Meeting	Dawn Arnold at 914-381-7400 if you are unable to attend
WWBA Board Meeting	1/9/08 Light Supper & Meeting 5:30-8:00 pm	The Bank of New York 701 Westchester Ave White Plains, NY	Board Meeting	Dawn Arnold at 914-381-7400 if you are unable to attend
Matrimonial Committee	1/17/08 5:30-7:00 p.m. Cost: \$10	Hyman & Gilbert 1843 Palmer Avenue Larchmont, NY (914) 833-5297	Recent Updates in the QDRO and Valuation World	RSVP to Kay Mochulsky (914) 967-2114 or kmochulsky@ryelaw.com

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.



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

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