



WWBA news

Westchester Women's Bar Association

March 2010

www.wwbany.org

Lawyers as Employers and Employees in the Age of Electronic Communication

Kim Patricia Berg

Do employees have a right to privacy in their personal emails, postings, text messages or blogs even if those communications are conducted using employer provided computers, cell phones or other equipment? On the flip side, does your employer have a legal right to monitor employee emails, text messages, blogs or other electronic communications when there is a legitimate business reason to do so? These questions were addressed in a presentation given by the Employment Law Committee at the WWBA General Membership Meeting on January 20, 2010. Co-Chairs Kim Berg and Susan Corcoran, along with committee member Karen Zdanis, provided information about this emerging legal landscape, and practical tips on how to minimize risks.



Karen Zdanis, Kim Berg, Susan Corcoran

Why, as an employer, would you want to monitor employees' use of computers in your law office? You may have a legitimate need if you face potential liability for an employee's inappropriate text message to a co-worker, for a supervisor giving an unauthorized reference on LinkedIn in violation of company policy, or for a misrepresentation by an employee about something critical to your business. Employers also have legitimate interests in making sure employees spend time on company business as

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► PRESIDENT'S MESSAGE

In a letter to her husband, President John Adams, dated March 31, 1776, First Lady Abigail Adams wrote "...Remember the Ladies, and be more generous and favorable to them than your ancestors."



Although it is no secret that women like First Lady Abigail Adams have richly contributed to history, it was not until 1981 that their contributions were remembered when Sen. Orrin Hatch (R-Utah) and Rep. Barbara Mikulski (D-Md.) co-sponsored a joint Congressional resolution proclaiming a national Women's History Week. Thereafter in 1987, Congress wisely expanded the celebration to a month, and March was declared Women's History Month. Thus, it appears that it only took 211 years for Abigail Adams's plea to be heard!

As you know, we are celebrating the WWBA's history with 35th Anniversary events throughout this year. Fortunately, we recently learned that the WWBA had a predecessor organization, called the Westchester County Women's Bar Association (WCWBA) which was established in 1935 and ceased sometime during the 1960's. How did we learn of the WCWBA? Leon Krangle, the nephew of the WCWBA's first President Freda Rosenblum brought us documents about its history. Unfortunately, it appears that its members are deceased so we rely on the historic documents to learn about the remark-

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► SAVE THE DATE

WOMEN IN THE LAW LUNCHEON WITH JUDGES SEIBEL AND SMITH

MARCH 10, 2010

U.S. District Courthouse
White Plains

GENERAL MEMBERSHIP MEETING AND WOMEN AND THE LAW EVENT

MARCH 25, 2010

Pace Law School

WWBA FOUNDATION FUNDRAISER

APRIL 14, 2010

Wainwright House

▶ WWBA Member Newsletter



MARCH 2010

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▶ 2009-2010 WWBA Committee Chairs

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President's Message

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able women of the WCWBA.

We learned that their meetings and the concerns of the members of the WCWBA were very similar to those of the WWBA. Indeed, these women lawyers joined together because they needed a place to voice their opinions and to fulfill the goals of women lawyers. They established and formulated By-laws nominating and electing officers to do the work and be the voice of the WCWBA. Article II of the WCWBA By-laws states:

The object of this association shall be to advance and maintain a high standard of ethics in the legal profession, to bring about a spirit of cooperation among the members of the bar, to promote the interests of women lawyers and to extend their opportunities.

The membership ranged from a handful of women in the 1930's to about 42 women in 1947. Two stalwart members who served as President of the WCWBA, Freda Rosenblum and Dorothea Genzlinger were among the few women to become lawyers in the 1920's. So, they sought out others who were similarly situated and pushed forward to ensure that they had a group to further their interests.

Members of the WCWBA also attended monthly substantive meetings with speakers. For instance, their minutes indicate that at a December 12, 1938 meeting the speaker was Mrs. Joseph V. Meige on the subject entitled "Women Facing the Changing World." The meetings also covered topics such as: Foreign Divorce in New York State, the Chapter 11 Bankruptcy Act, Juvenile Delinquency, Current Legislation, Trusts and Their Practical Application Proportional Representation as it Effects County Government. Clearly, the WCWBA understood that it was important to address the overall needs of women lawyers in a "Changing World," as well to keep them informed and up to date on legal topics to maintain their professional skills. The WCWBA passed resolutions voicing their opinion, including its recognition of Dorothea Genzlinger as "eminently qualified by character education and experience as a lawyer to fulfill the duties of City Judge of the City of Yonkers."

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▶ Editor's Note

"Well behaved women rarely make history." ~ *Laurel Thatcher Ulrich*
In celebration of WWBA's 35th Anniversary and Women's History Month, misbehave a little! ▶ ~ *Lisa*

▶ 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 editor). Submissions should be sent as email attachments to Imbluestein@optonline.net (Microsoft Word only other than flyers or photographs).

Articles should be 1,000 words or fewer. Authors must spell-check, cite check and blue book all entries before submitting. 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 Lisa M. Bluestein, 2009-2010, Corresponding Secretary and Editor-in-Chief of the WWBA Newsletter, by email (Imbluestein@optonline.net) or telephone (914-276-3935) to schedule all WWBA sponsored or co-sponsored events, including, e.g., 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. Bluestein, 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. A new 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.

All flyers for WWBA programs will be displayed either within the body of the newsletter itself or as a link to an electronic flyer on WWBA's website, rather than as a loose page distributed with the 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 Lisa M. Bluestein far enough in advance of the twelfth of the month to allow for review and approval.

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

Advertising Rates

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Members - \$50.00 first issue, \$25.00 each succeeding issue

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Lawyers in the Age of Electronic Communication

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opposed to personal emails or social networking, so what better way to ensure workplace efficiency than by monitoring employees' computer usage.

As a result of employer monitoring, or simply due to the fact that a posting on a social networking site may find its way into the hands of your employer, employees may find themselves facing disciplinary action or even worse, termination, for communications that are viewed as unprofessional or inappropriate by an employer. A supervisory employee may find they are the subject of a harassment claim if a text message is viewed as crossing the line beyond a professional invitation to join him/her for a drink after work. In these examples, unlike the orally spoken word, now there is a written record of what was communicated eliminating the "he said she said" battle often waged in employment cases.

Potential employers now have access to information about employment candidates they would not have known previously and potential clients have access to information about lawyers they would not have known previously. By simply running a Google search, looking at blogs or social networking posts (including photographs) a potential employer (or client) has a wealth of information that would not normally be shared during an interview or hiring process. Lawyers are held to a higher standard of professionalism, as we should be, but our "friends" on Facebook can destroy our professional image by the posting of one seemingly innocent picture or comment.

Legally, the case law governing the area of employer monitoring is still developing. Our research revealed a diver-

gence between some of the Federal Circuit Courts as to when employer monitoring is permissible and when it crosses the line of becoming unlawful. Aside from the federal privacy statutes found at 18 U.S.C. §2510, *et seq.* and 18 U.S.C. §2701, *et seq.*, many states have their own "privacy" statutes and penal law provisions which further complicate the legal landscape.

Perhaps one of the reasons for all the "grey" matter in this developing area is that: (1) employer monitoring is typically permissible when the employee consents to monitoring - simple in concept but not so when we see that consent does not have to be expressly given and can be implied from circumstances; and (2) in invasion of privacy cases, the key factor is often whether the person who alleges their privacy was infringed upon has a "reasonable" expectation of privacy - also simple in concept but not so when the definition of "reasonable" is determined differently by the courts.

For example, when the employer does not have a policy stating that employee's computer usage, including emails or other communications, are subject to monitoring, courts have often found a reasonable expectation of privacy exists even though the communications occurred on work - provided computers, as employees could not have impliedly consented to monitoring they were unaware of in the first place. We would all think that the opposite would logically apply - that when a policy is issued stating the employer reserves the right to monitor computer usage, a person's claimed expectation of privacy is not reasonable since they had advance notice of the monitoring and thereafter continued to

use the equipment for personal reasons thereby impliedly consenting to such monitoring.

Unfortunately, this is not as clear cut as we might think. A court in this area found an employee may impliedly consent to employer monitoring of employer email accounts but when the employer monitors a personal, password protected email account provided by a third party (i.e., Yahoo), a violation of law exists. See *Power Boot Camp v. Warrior Fitness Boot Camp*, 587 F.Supp.2d 548 (S.D.N.Y. 2008).

So the practical tip for employers today: have policies in place which clearly state that workplace equipment is to be used for exactly that - work - and not personal messaging, emailing or blogging. If employers are going to monitor employee's computer usage, they should include a clear statement to that effect in their

policy manual, make sure that monitoring is being done across the board rather than just to a single or select group of employees, and protect themselves by declining the urge to read emails or messages that are apparently personal, password protected or privileged.

For employees, the practical tip is that we all must be cognizant of the simple fact that what was once privately communicated is no longer maintained privately in this age of social networking sites, blogs, emails and computer data storage. Next time you post something on Facebook, click to send a personal email while at work, or text message a co-worker, think about the content of the message and the opinion the receiver of the message, as well as your employer or a prospective employer, may have of that communication. ▀



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Impact of "Greening of America" on Real Estate and Environmental Law

Claire Meadow

There has been much controversy over whether global warming and climate change have been sufficiently scientifically verified. The controversy continues as to whether man made greenhouse emissions leave a carbon footprint sufficiently impacting the environment to justify government intervention.

Despite the controversy, the reality is that the concept of "Green Living" for a climate friendly lifestyle in industries, communities, real estate developments and in individual awareness is moving full steam ahead. The areas addressed in new buildings for LEED Rating

"Despite the controversy, the reality is that the concept of "Green Living" . . . is moving full steam ahead."

and Certification are energy savings, water efficiency, CO2 emissions reduction, improved indoor environment. While LEED certified construction is much more expensive for developers, "Go Green," LEED certification seems to have become a marketing tool for real estate sales.

A recent New York case is indicative of the trend of courts to allow local town planning boards committed to minimizing negative impacts which

construction has on environment to be the determiners of approval or denial of construction applications. In the case of *Matter of Laidlaw Energy & Envtl, Inc. v. Town of Ellicott*, 59 AD3d 1084, on Feb. 6, 2009, the Appellate Decision unanimously affirmed the Supreme Court, Erie County's judgment dismissing the developer's petition seeking to annul the determination of the Town Planning Board denying its application for site plan ap-



Claire Meadow

proval for a cogeneration electrical power plant using wood chips (plant) as a fuel source instead of the natural gas used by previous owner as its power source. Cases cited by the court in finding

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▶ Westchester Women's Bar Committee Activities

Networking

Jennifer Reinke

The Young Professionals Networking Reception, held on January 27, 2010, was the first in a series of Networking Receptions that the WWBA will be co-sponsoring with the WCA and other local professional organizations. Over 100 people registered for the event which was held at SOMA Restaurant and Lounge on Mamaroneck Avenue in White Plains. Those in attendance included representatives from Avon, Bank of America, Northwestern Mutual and several local law firms. Each of the sponsoring organizations, including WWBA, greeted the attendees by saying a few words about their organization. Jennifer Reinke and Meredith Coleman, co-chairs of the Networking Committee, attended the event on behalf of the WWBA. The event was a great success! ▶

Domestic Violence

Tanya Briendel and Kitley Covill

On February 3, 2010, the Honorable Susan Capeci, Justice at the Integrated Domestic Violence Court (IDVC); Barbara Egenhauser, Chief of the Domestic Violence Bureau and Assistant District Attorney, Office of the Westchester County District Attorney; and Yvonne K. Borkowski, Senior Associate Counsel Criminal Division, Legal Aid Society Westchester County, gave a presentation on an introduction to the Integrated Domestic Violence Court. This was the first event of the WWBA's Domestic Violence Committee's 2010 Lunch and Learn lecture series. The three panelists provided the audience with an overview of the IDVC including the types of cases referred to the part, the jurisdictional requirements of cases referred to the IDVC, and the goals of the IDVC. Judge Capeci, presiding judge since January 1, 2010, outlined her plan for how to handle cases referred to the IDVC- she plans to hear matrimonial cases on two days and criminal and family law cases on two days. Her goal is to reduce the number of court appearances for litigants appearing before her.

The schedule for the Lunch and Learn lecture series is:

April 8, 2010: Domestic Violence and Child Support

June 2, 2010: Domestic Violence and Child Protective Services

September 8, 2010: Domestic Violence for the Criminal Law Practitioner

November 3, 2010: Domestic Violence and Financial Issues

All programs will be held in the Westchester County Supreme Court, 9th floor conference room between 12:00-2:00 pm. Attendees are invited to bring their own lunch.

To reserve call (914) 422-4069; (914) 995-2665, or email nbriendel@law.pace.edu; ksc1@westchestergov.com. ▶

Nominations

The following is the slate of officers and directors chosen by the Nominations Committee for the 2010-2011 term. A vote on the slate will be held at the General Membership Meeting on March 25, 2010.

President Dolores Gebhardt
Vice President Lonya A. Gilbert
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Dr. Perry-Bottinger's Presentation on Heart Health

Lisa M. Bluestein

In furtherance of WWBA's initiative to provide members with information on important health issues, Dr. Lynne Perry-Bottinger addressed the Board about heart health at its February 3, 2010 meeting. Dr. Perry-Bottinger is the President of Clinical and Interventional Cardiology, PLLC in New Rochelle, NY. She is also an Assistant Professor of Clinical Medicine at Columbia University and a Clinical Assistant Professor of Medicine at Weill Medical College of Cornell University.



Dr. Lynne Perry-Bottinger

New York women have the second highest cardiovascular mortality in the country. Dr. Perry-Bottinger explained what coronary artery disease is and how women are affected by this disease. She listed the risk factors for women and gave tips on questions to ask one's physician. Dr. Perry-Bottinger stressed that women often wait too long to see a doctor when warning signs for heart disease present themselves, and urged members to be proactive in obtaining medical advice and assistance. Board members were able to pose questions ranging from testing procedures to statin drugs.

The WWBA wishes to thank the American Heart Association for arranging such an informative and thought-provoking presentation. ▶

Got Balance? Effective Time Management Strategies for the Working Parent

Debra A. Hamilton

The WWBA Lawyer and Parenting Committee sponsored a presentation on January 22, 2010, featuring Wendy Kaufman, Founder and CEO of Balancing Life's Issues, Inc., who spoke to the group about solutions for achieving a successful balance among law practice, family and self.

Ms. Kaufman opened by noting that a work/life balance requires "flexibility." She suggested, at the outset, that a bed time be planned in the morning. Sleep deprivation, and its subsequent exhaustion and related side effects, does not permit us to coordinate the necessary elements of our lives. In fact, drug usage among working adults in the United States for the purpose of managing sleep issues is the highest it has ever been. She proposed three new skill sets to enable us to balance our personal lives, work issues and home environment.

The first skill is to rid oneself of guilt. Ms. Kaufman noted there are a limited number of times when saying "I am sorry" is meaningful in one's life. What can one do to change the thing for which the apology is being made anyway? Unless it is a crisis, "I am sorry" is unnecessary; guilt is destructive.

Ms. Kaufman's second skill involves setting three goals each morning. The goals cover the following categories: Self, Family and Ca-

reer. Self goals are things that are good for you. Family goals include making dinner or attending a sporting event. Career goals mean doing that retainer letter you put off to make dinner.

The writing of one's eulogy is the third component to the skill set. Ms. Kaufman explained that this exercise brings into striking focus what we have done with our lives. By writing down what one has already done, the present and the past become clearer and indicate changes we need/want to make. By looking at our lives in this way, we can facilitate becoming the person we want remembered.

The discussion concluded with additional resources to consider. For economic information, Ms. Kaufman suggested the site Mint.com. For life experiences and parenting, she noted the following books: *Bitch in the House* by Cathi Hansuer, *Bastard on the Couch* by Daniel Jones, and *Use What You've Got* by Barbara Corcoran.

Ms. Kaufman's website is www.balancinglifissues.com. ▀

Debra A. Hamilton practice areas include contract and civil matters, animal and not for profit law. Ms. Hamilton is a member of the WWBA, WBASNY, NYSBA, NY City Bar Association. She is a recent graduate of Pace Law School's New Directions Program and is currently studying for certification in mediation and collaboration law.

WWBA Foundation Invites You to the "Art of Dressing Professionally"

Linda Markowitz

On April 14, 2010 at the Wainwright House in Rye, the WWBA Foundation will hold its spring fundraising activity with the assistance of the New Lawyers Committee. The talented Tonia Tagliaferro of the "Art of Dressing" will entertain us as she offers a humorous critique of the "professional looks" of our male and female colleagues while we enjoy wine and soft drinks and hearty appetizers. Admission is priced at \$100 per ticket and \$250 for three tickets. Invitations will be sent via email and you can RSVP on the WWBA website. If you have any questions, speak to co-chairpersons, Robin D. Carton, and Jody Fay. Funds raised will be used to support the grants made by the WWBAF.

On January 19, 2010 the Foundation Board met at the home of Foundation President, Linda Markowitz. Foundation Treasurer, Kathy N. Rosenthal reported that so far this fiscal year (July 1, 2009 through January 1, 2010) the WWBAF received approximately \$10,000 in funds from the fall fundraiser, other direct contributions, sale of note cards, and account interest.

At the meeting, the Foundation Board voted to award the Hon. Sondra Miller Scholarship (\$2,500) to Pace Law School student, Rachel Schwartzman. The Board also voted to give a contribution to the Women's Research and Education Fund of \$1,000; a \$250.00 award in honor of founding member, Cherry Krassner, to a New Rochelle student interested in the law; and \$500.00 contributions to each of the following organizations: Pace Justice Center, My Sister's Place, the Northern Westchester Shelter, Student Advocacy, the GEMS program at the YWCA, and the Harry and Jeanette Weinberg Center for Elder Abuse.

You can support the WWBA Foundation and the organizations we make grants to by attending the fundraiser in April! We also have the WWBA Foundation cards available for purchase. The cards are "In Memory of" and "In Honor Of" and cost \$25.00 per card. You can purchase them blank, or if you speak to Linda Markowitz, or Kathy Rosenthal, we will send them out for you. Alternatively, you can purchase the cards on the WWBA website. ▀

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▶ March Practice Management Tip

iPhone vs. Blackberry

Carol A. Seelig

Is there a best smart phone? The short answer is no. First you have to know why you want a smart phone. It could be needing a phone, receiving emails, sending emails, web search or any one of the hundreds of "apps" that exist today. What is best comes down to what is best for you.

Generally the iPhone is recognized as having a superb design. With Blackberry, there is more than one model to consider, the Storm, the Curve, and older models. If the principal reason you have a Smartphone is to have a phone then it depends on whether AT&T or Verizon have better coverage in your area. I have been a Verizon user for many years and find that it often works places where other carriers don't. If you want Verizon, you can't have an iPhone and if you want an iPhone you must have AT&T.

If you like the ability to touch the screen and make things happen, then the iPhone is the better choice. Blackberry's Storm is RIM's only product with a touch screen. The Storm's software has been improved since its original release but generally the perception is that iPhone has

a more effective screen. If "apps" are your primary concern then an iPhone is best since its screen is very easy to use.

As to display, the iPhone is recognized for its clarity and the size of the display. Others find the Blackberry Storm to have equal clarity. Other Blackberry models, such as the Curve, have a much smaller screen.

The last function to consider is sending emails. The keyboard on an iPhone is virtual, meaning it comes and goes as needed. There is no tactical sensation when touching a key. The iPhone's software does help you type by anticipating the next letter and is very good at spell checking. The Storm's keyboard is also on the screen. I found it hard to hit the right letter but as with the iPhone the keyboard doesn't take up display space. Af-

ter you've typed on other Blackberry's, the small keys don't inhibit or slow down the process. Also, there is the tactile sensation that some see as a positive that comes with an actual keyboard. You will find fans of both types of keyboards.

A subset of emails is receiving attachments. Blackberry had a reputation for not being able to read PDFs. In most of the newer versions that are on the market, a Blackberry can view a PDF. There had been problems with accessing a PDF filed on the Blackberry. Newer models have eliminated this problem and there is software now available that can be used to retrieve PDF files.

These are the principal features that need to be considered. Identify the priority of each one for you and it will help you make your choice. Then the only thing you need to be concerned about is not getting addicted to it . . . ▀

Carol A. Seelig is the founder of CSO Carol Seelig Operations LLC, which helps small businesses to grow by helping the owner to find and implement solutions to problems the business is facing. Her approach is unique, hands on and results in training employees how to continue to implement new operational procedures.

President's Message

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And they also located other Women's Bar Associations from the five boroughs of New York City and Nassau County to establish a Joint Committee of Women's Bar Associations, where among other things they discussed appointments of women judges and sent a letter to the Mayor of New York City commending him for appointing the Hon. Doris Byrne as a Magistrate.

Today the WWBA continues many of the same practices. We address the overall needs of women lawyers. We continue to offer programs on relevant legal topics and CLE to ensure that our members maintain their

professional skills.

Likewise, we continue to speak out, not only to allow women to "face the changing world" but also to embrace and be part of the solution to ensure that women have a voice in this world. For instance in January, one of our members informed us of a call for a boycott by Pace Law Professor Bridget Crawford regarding a panel discussion organized by the Committee on Women in the Law to be featured during NYSBA's 2010 Annual Meeting (Their Point of View: Tips from the Other Side, Tuesday, January 26, 2010 at 11:00 a.m.) In fact, the program was adver-

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Impact of "Greening on America" on Real Estate and Environmental Law

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the Board's determination not to be "arbitrary and capricious" included *Matter of Jackson v. NYS Urban Dev. Corp.*, 67 NY2d 400, 417 [1986], *Matter of Gernatt Asphalt Prods. v Town of Sardinia*, 87 NY2d 668, 688 [1996] and *Matter of WEOK Broadcasting Corp. v Planning Board of Town of Lloyd*, 79 NY2d 373, 383 [1992].

City and Town Planning Boards in New York State that have adopted sustainable green standards include New York City, Babylon and multiple upstate municipalities. If you are representing builder and devel-

opers, additional legal resources are Article 8 of the Environmental Conservation Law (NY State Environmental Quality Review Act), as well as the December 9, 2009 New York City Council legislation for the New York City Energy Code, Lighting Upgrades, Sub metering of commercial tenants' electricity consumption, Benchmarking buildings' energy consumption, and Audits and Retro-Commissioning once each 10 years to determine energy efficiency. (Refer to www.nyc.gov/planyc2030 and www.council.nyc.gov.) ▀

An Interview with Marcy Einhorn

Susan L. Pollet
Archive and Historian Chair
Counsel and Director of the
New York State Parent
Education and Awareness
Program

Q: You were the Recording Secretary when the Hon. Jo Ann Fria and Karen Bell were President, as well as a local Director when Karen Bell was President. I know that you were active with the Lawyering and Parenting Committee, and probably active with much more. When I asked you to do this interview, you remarked that "WWBA was a big part of my history too." Can you tell us about all of your WWBA commitments?

A: I was also the Treasurer for a term, and served on the Domestic Violence Committee. I helped to organize or participated in several programs for WWBA's members, one on Domestic Violence and legal resources for survivors, and another on alternative work opportunities for women lawyers. I always enjoyed working on committees where the professional issues resonated with my personal values.

Q: What drew you to the WWBA as a young mother and professional?

A: When I first moved to Westchester in 1985, I'd already been an attorney for six years, and was 9 months pregnant with my second child. I asked a colleague what she thought the best route would be to maintain a professional connection, with two young children at home. She suggested that I join a bar association, and specifically a women's bar association,

since that was where I was bound to get the most support and collegiality. Needless to say, she was so right.

Q: In the early years you were in private practice for yourself. Can you describe that experience as well as your other legal employment throughout the years?

A: I used to call myself a "country lawyer," because I had a general practice, run out of my living room, and was willing to do anything to stay involved as a lawyer, while still the primary caretaker for two young children. Around the time that my youngest child went off to kindergarten, I moved the practice to Main Street, in Mt. Kisco, renting space from a real estate office. I was basically breaking-even as a business during those years, but I learned an enormous amount about serving clients and all the various issues they bring to a general practitioner. By staying visible and involved in the local bar association where I lived, I was eventually asked to run for Town Justice. The campaign was a wonderful lesson in grass-roots politics. Although I lost the election, the contacts I made by working really hard on the campaign, and the experience I gained, made my resume really stand out when I was ready to close my practice and look for full time employment. And this is where my involvement with WWBA really kicked in. I had closed my law practice to participate in the campaign. After the election was over, I let everyone know that I wanted to go back to work full time. The Placement Chair at the time (Susan, this was you...) notified me about a po-

sition being advertised in Yonkers City Court which was closing before the next newsletter would have been delivered. I got my resume in just in time, and have been working for the Unified Court System ever since, a total of about 17 years, including my current position in Supreme Court, New York County. When I first started in the court system, I found that all those years of general law practice really gave me a solid foundation and helped me hit the ground running.

Q: Anyone who attends our WWBA Holiday Parties can remember the beautiful jewelry you hand craft and sell. Tell us about your creative endeavors and other outside-law interests.

A: I still make jewelry. I started playing the flute in 2000. I love to travel and to ballroom dance. And I really love living in Manhattan.

Q: I can remember doing a Goldilocks and the Bear criminal trial with you in the courthouse in Northern Westchester for your son's class. How have your involvements influenced your children in their life's direction?

A: In brief, that son is now a first-year student at Fordham Law School and my daughter became an elementary school teacher!

Q: You are always passionate and involved in whatever you do. What are your latest passions?

A: I'm passionate about motivating under-represented consumer-debt litigants to take responsibility for their legal affairs. I have written an e-book for



Marcy Einhorn

consumers: "What to Do When Creditors Sue!"; have a website devoted to the issue; and give seminars to community groups and professional organizations that serve this population.

Q: What words of wisdom can you share with our members about the law and life for women?

A: I recently joined a Mentoring Circle through the New York chapter of WBASNY. It gives me a chance to share my experience, and to learn about the concerns of young women just entering the profession. What I've seen is that some of the challenges never change, one of them being how to balance personal goals with professional aspirations. There's no one answer for everyone, nor is anyone's answer clear at all stages of their personal and professional lives. Each of us has to define what we want and how we want to make it happen, but the support of colleagues who are making, or have made the same types of decisions is invaluable. Simply put, join a women's bar association, and be as active as your life will allow you to be. ▀

▶ Chapter News and Announcements

Announcements & Notes on Members

On January 27, 2010, the **Hon. Janet DiFiore**, Westchester County District Attorney and Co-Chair of the WWBA Grievance-Ethics Committee participated in the New York State Bar Association's (NYSBA) CLE program entitled "The Lawyer Media Relationship: Confronting The Ethical Issues." The program was moderated by Joel Cohen and the panelists included Geraldo Rivera (Fox News); Nathan Koppel (Wall Street Journal); Alan Friedberg, Chief Counsel to the Departmental Disciplinary Committee; and renowned defense attorney Gerald Shargel. The lively discussion focused on an attorney's ethical obligations and use of the media with respect to the matters they handle. The program was presented by the (NYSBA) Committee on Professional Discipline, which is chaired by Sarah Jo Hamilton of Scalise & Hamilton, LLP, who also serves as Co-Chair to WBASNY's Professionalism and Ethics Committee.



Standing: Sarah Jo Hamilton, Joel Cohen, Martin Minkowitz. Seated: Hon. Janet DiFiore, Alan Friedberg, Nathan Koppel, Geraldo Rivera, Gerald Shargel

WWBA President **Deborah A. Scalise** authored an article for the New York State Bar Association's (NYSBA) Attorney Professionalism Column in its January/February 2010 Journal. The article focused on ethics and professionalism issues related to conflicts of interest that may arise when moving from private practice to government service.

Congratulations and best wishes to the **Hon. Jeffrey Cohen**, the **Hon. Francesca Connolly**, the **Hon. Charles Wood**, and the **Hon. John Colangelo**, who were sworn in on January 21, 2010, at a ceremony presided over by the Hon. Alan Scheinkman, Administrative Judge for the Ninth Judicial District.



From left to right: Hon. John Colangelo, Hon. Charles Wood, Hon. Alan Scheinkman, Hon. Francesca Connolly, Hon. Jeffrey Cohen

Sylvia Goldschmidt, Co-Chair of the WWBA Legislative Committee and former Co-Chair of WWBA's Matrimonial Committee, has become the President-Elect of the U.S. Chapter of the International Academy of Matrimonial Lawyers. Sylvia will become the President of this prestigious association in 2012 at its Annual Meeting.

Elizabeth Silleck recently accepted a position as a Regional Coordinator of the Energy \$mart Communities Program, an outreach project of the New York State Energy Research and Development Authority (NYSERDA). Elizabeth serves as co-chair of the WWBA's New Lawyer Committee, and serves on Pace's Public Interest Law Scholarship Organization (PILSO) fundraising committee. Elizabeth founded and manages Clean and Green, an environmental awareness and education project in collaboration with the City of White Plains and the White Plains Business Improvement District (for more information, visit www.clean-and-green.org). In her new capacity as an Energy \$mart Communities Coordinator, Elizabeth will provide marketing and outreach in Westchester and Bronx counties, informing about and facilitating participation in NYSEDA's financial incentives designed to encourage energy efficiency and renewable energy projects at the residential and commercial levels. For more information about the Energy \$mart Communities program, visit www.getenergysmart.org. ▀

▶ President's Message

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tised as follows "a distinguished panel of gentlemen from the legal field will discuss the strengths and weaknesses of women in the areas of communication, negotiation, mediation, arbitration, organization and women's overall management of their legal work." Although the program may have been well intentioned, we had to question why the panel was composed of gentlemen. Surely, there had to be distinguished women in the legal field who give similar advice? Especially since the law schools consistently report that half of the graduating lawyers are women. To that end, we brought this matter to the attention of our parent association WBASNY. Ultimately, the outcry led the initial speakers to withdraw and the NYSBA to have women and men on the panel and to change the advertisement ("a distinguished panel of attorneys, comprising women and men, will engage in a dialogue about the challenges faced by women in the workplace in the areas of communication, negotiation, mediation, arbitration, organization and management of work, as well as the role of mentoring"). Needless to say, while it may seem a minor victory to some, the issue itself indicates that there is still work to be done to ensure that successful women lawyers are recognized as leaders with relevant information to impart to other lawyers, be they women or men.

Simply stated, women's bar associations remain as relevant and necessary today as they did in 1935. I was amazed to learn of the history of the women lawyers of our predecessor organization, the WCWBA. I remain grateful to know that by virtue of our numbers and the hard fought battles of the women lawyers who were our foremothers in the WCWBA and the WWBA, we continue to be heard. I hope that you make some time to "remember the ladies" as we celebrate Women's History Month.

Four months and counting to our 35th,

Deb ▀

▶ 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.

▶ WWBA Schedule of Upcoming Events

COMMITTEE	DATE/TIME	PLACE	TOPIC	RSVP
WWBA Board Meeting	3/3/10 5:30 – 8:00 pm Light Supper	BNY Mellon 701 Westchester Avenue White Plains, NY		Deborah Scalise (914) 725-2801 if you cannot attend
WWBA 35 th Anniversary Event	3/10/10 12:30 – 1:30 pm Brown Bag Lunch	U.S. District Court Lobby 300 Quarropas Street White Plains, NY	Women in the Law – Lunch with the Hon. Cathy Seibel and Hon. Lisa Margaret Smith	Linda Loscalzo (914) 385-1051 or lloscalzo@mccarthyfingar.com RSVP by 3/5/10
Matrimonial Committee Event	3/12/10 12:30 pm – Meet and Greet 1:00 pm – Luncheon \$45	Laguna Restaurant 189 E. Post Road White Plains, NY	Luncheon in Honor of Justice Francesca Connolly	Linda Loscalzo (914) 385-1051 or lloscalzo@mccarthyfingar.com RSVP by 3/9/10
General Membership Meeting and Pace Event	3/25/10 4:00 – 6:15 pm – Panel Programs 6:30 pm – Cocktail Reception and Meeting Programs are free \$35 for Reception	Pace Law School 78 North Broadway White Plains, NY Moot Court Room (basement of library); Cocktail Reception at Student Lounge, 1st Floor, Preston Hall	Women and the Law – Pathways to Leadership See website for panel and speaker details.	Nicole Moncayo (914) 422-4607 nmoncayo@law.pace.edu Please indicate panel presentation(s) you plan to attend and/or whether you will attend the cocktail reception.
WWBA Board Meeting	4/7/10 5:30 – 8:00 pm Light Supper	BNY Mellon 701 Westchester Avenue White Plains, NY		Deborah Scalise (914) 725-2801 if you cannot attend
Domestic Violence Committee Lunch and Learn Program	4/8/10 12:00 – 2:00 pm Free – brown bag lunch	Supreme Court Westchester County 111 Dr. Martin Luther King Jr. Boulevard, 9th floor White Plains, NY	Domestic Violence and Child Support	Tanya Briendel and Kitley Covill (914) 422-4069 or (914) 422-4069 nbriendel@law.pace.edu ksc1@westchestergov.com
WWBA Foundation Fundraiser	4/14/10 5:30 – 8:30 pm \$100 per ticket; \$250 for 3 tickets	Wainwright House Inc. 260 Stuyvesant Avenue Rye, NY 10580	The Art of Dressing Professionally Speaker: Tonia Tagliaferro of Art of Dressing	Kathy Rosenthal (914) 347-1292 Rosenthal & Markowitz, LLP 45 Knollwood Road, 3 rd Floor Elmsford, NY 10523 kathy@rosemarklaw.com

*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.



Westchester Women's
Bar Association
45 Knollwood Road, 3rd Floor
Elmsford, New York 10523
(914) 347-3662
www.wwbany.org

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

PLEASE REMEMBER TO RECYCLE