

LADY JUSTICE

 Primerus

November 2020



A PUBLICATION OF
THE PRIMERUS
WOMEN LAWYERS
SECTION

WLS Committee

Women Lawyers Section Updates



Jessica Klotz – Chair

Lewis Johs Avallone Aviles, LLP
New York, New York
Phone: 631.755.0101
jklotz@lewisjohs.com
www.lewisjohs.com



Amy Howland – Immediate Past Chair

Burch & Cracchiolo, P.A.
Phoenix, Arizona
Phone: 602.274.7611
ahowland@bcattorneys.com
www.bcattorneys.com



Karina Sterman

Greenberg Glusker
Los Angeles, California
Phone: 310.553.3610
ksterman@greenbergglusker.com
www.greenbergglusker.com



Adina Johnson

Roberts Perryman
St. Louis, Missouri
Phone: 314.421.1850
ajohnson@robertsperryman.com
www.robertsperryman.com

WLS Membership Calls – The membership calls take place on a quarterly basis. Here is the call schedule for 2021:

- February 23rd at 1:30 pm ET
- May 18th at 1:30 pm ET
- August 10th at 1:30 pm ET
- November 9th at 1:30 pm ET

WLS Listserv

- women@primerus.com

Primerus Contact for the WLS:

- Katie Bundyra - kbundyra@primerus.com

CHAIR COLUMN



Jessica Klotz is the current Chair of the Primerus Women Lawyers Section. She is Senior Counsel with Lewis Johs Avallone Aviles, LLP in New York, New York. Her practice concentrates on the defense of individuals, corporations, professionals and municipalities in areas of civil litigation, including premises liability, personal injury, property damage, employment law and sexual harassment, intentional torts, professional liability, maritime law and civil rights violations in both state and federal courts.

As Chair of the Women Lawyers Section (WLS), I would like to welcome you to the fourth publication of the Women Lawyers Section Newsletter, *Lady Justice*. The Women Lawyers Section is excited about this publication and the articles and content it contains. This publication continues to feature member interviews and articles written by women members of Primerus. We also have included a special section where our members share their thoughts and reflections on the passing of the late, great, Honorable Ruth Bader Ginsburg and the impact of her legacy.

We hope that this publication will encourage participation in the Women Lawyers Section. The Women Lawyers Section (WLS) of Primerus was created in 2016 with the goal of promoting the women lawyers within Primerus, and providing a network for supporting women lawyers, to assist in development and expansion of business and to promote and develop their own personal brand. The section hosts quarterly calls which focus on networking, but also have guest speakers who discuss topics which may be of particular importance to women lawyers. Our next networking call will be on December 15th at 1:30 p.m. ET. Details will follow. The dates for

the 2021 calls are listed within this edition of *Lady Justice* so you can save the dates. Please join us on these calls and introduce yourself. We welcome new voices and perspectives to our discussions.

When I reflect upon Justice Ginsburg's life and career, it makes me feel like a slacker and makes me want to be better in the various aspects of my life. Like many women lawyers, I struggle to juggle being a lawyer, mother and wife, and also carve out time for myself. Like many female professionals, I often feel like I am not successfully devoting enough time or attention to one of those categories at any given time. Long before the phrase "work-life balance" was ever uttered, Ruth Bader Ginsburg successfully managed marriage, motherhood and law school, then a career as a trailblazing attorney and brilliant jurist. (And it's worth noting that she went to law school while married with a toddler and tending to her husband Martin, who was fighting testicular cancer, attending his third year law school classes in addition to her own second year classes). Even when she was in her 80's, she found time to work out in the Supreme Court gym with a retired Army reservist as her trainer.

I wish I had her drive. Maybe it's because she was born and raised in

Brooklyn, New York. Maybe it's because she was the child of immigrants. Maybe it's because her mother died right before she graduated high school. Maybe it's because she grew up in the 1940's and 1950's. Maybe it's because she was continually told as an adult (in words or actions) that she wasn't good enough because she was a woman. This is a woman who was demoted from a job at the Social Security Administration when she became pregnant, who was told she was taking one of the men's spots at Harvard Law School by the Dean, who couldn't find a job when she graduated from Columbia Law tied for first in the class after serving on both the Harvard Law Review and the Columbia Law Review, who was rejected by Supreme Court Justice Felix Frankfurter for a clerkship position due to her gender and who was told by Rutgers Law School that she would earn less as a professor than her male counterparts because she had a husband with a well-paid job.


Instead of letting these events defeat her or define her, she created her own opportunities and broke barriers. She learned Swedish and left her family behind while she lived in Sweden to co-author a book on Swedish Civil Procedure. She was a volunteer attorney for the American Civil Liberties Union

and co-founded the Women's Rights Project there. She later became a member of the ACLU's Board of Directors and one of its General Counsel. She co-founded the *Women's Rights Law Reporter* at Rutgers Law School, the first law journal in the United States focusing solely on women's rights. She was the first tenured female professor at Columbia Law School and co-authored the first law school casebook on sex discrimination. She was the second female and the first Jewish female justice of the Supreme Court. In death, like in life, RBG was a pioneer. She was the first woman and first Jew to lay in state at the Capitol.

Significantly, her professional successes were not at the expense of her personal relationships. She and her husband Martin had what can only be described as a true partnership. They met while attending Cornell University and married shortly after her graduation. They were married for 56 years until his death in 2010. Notwithstanding his own career as an international tax attorney, it was Martin who cooked the family meals and actively participated in

raising their children. As Justice Ginsburg stated during her Supreme Court confirmation hearing, "I have had the great good fortune to share life with a partner truly extraordinary for his generation, a man who believed at age 18 when we met, and who believes today, that a woman's work, whether at home or on the job, is as important as a man's." Their children are successful in their own right. Jane Ginsburg is a Professor at Columbia Law School, and has authored and co-authored a wide variety of legal textbooks. James Ginsburg is a record label executive who founded Cedille Records, a classic music label, twenty years ago when he was in law school.

We all know that Justice Ginsburg spent much of her legal career advocating for gender equality and women's rights. But her legacy is so much more than that. When I think of all she accomplished since she graduated from law school in 1959, I am truly in awe. When I think of how much has changed for women and working women in the U.S. in the last 60 years, I am eternally thankful – not just for myself, but for my

daughters as well. Justice Stephen Breyer said it much more eloquently when he relayed his thoughts about Ruth Bader Ginsburg in an interview on MSNBC shortly after her death: **"A great justice, a woman of valor, a rock of righteousness, and my good, good friend. Those are the things I thought she contributed. She made the world a better place for us to live in. So you think, oh, dear. And then you think, thank you, thank you."** 



A TRIBUTE TO RUTH BADER GINSBURG



"Women belong in all places where decisions are being made. It shouldn't be that women are the exception."

"When my sons were young and completely uninterested in learning about what their Mom does for a living, my family accompanied me at my swearing-in ceremony before the United States Supreme Court. It has been one of the highlights of my legal career to join the ranks of those who have walked those hallowed halls and presented cases in that grand and stately courtroom. At the reception after our swearing-in ceremony, I was thrilled to meet Justice Ginsburg as she had served as a role model, trailblazer, and inspiration to me and to so many women during her tenure on the Supreme Court. The icing on the cake, however, was the look of awe I witnessed in my sons' eyes as they participated in this experience. On the day Justice Ginsburg died, both of my sons called me. They were as upset as I was. Her legacy will continue to resonate in the lives she touched and improved, mine included."

- Connie Carrigan, Smith Debnam
Narron Drake Saintsing & Myers, LLP
(Smith Debnam) -

"In November 2019, I had the privilege to travel to Washington DC to be sworn into the Supreme Court of the United States. The trip was organized by my law school and we were told that a Justice or two may stop in to visit our reception after the admission ceremony.

As our group was posing for a group photo, the large meeting room door opened and a woman tinier than me, with higher heels, and white gloves entered surrounded by her clerks and court staff. We all clapped for Justice Ginsburg.

Many of us cried simply at seeing her. She stood only feet away from me and made a wonderful comment about how many women she saw in the group.

Justice Ginsburg then told the story of Belva Lockwood, the first female lawyer admitted to practice in the Supreme Court. After being initially rejected, she successfully petitioned Congress to change the law in 1879. These words were a great reminder of the progress of female attorneys and made me thankful for the opportunities I have had.

My young daughter was with me on the trip, and while she won't remember meeting Justice Ginsburg (because she was only 2 and also had been taken back to the hotel with my husband after a tantrum in the Supreme Court's hallways), I cannot wait to tell her that story so she can understand the importance of Justice Ginsburg's legacy."

- Amanda Barreto, Schneider Smeltz
Spieth Bell LLP -

"Justice Ginsburg famously said: "I would like to be remembered as someone who used whatever talent she had to do her work to the very best of her ability." Although I frequently fall short of this standard, I aspire to live by these words. I strive not to take for granted the hard work of Justice Ginsburg in paving the path for all women and especially for women in the legal profession. Justice Ginsburg was an unrelenting force. Her life has inspired generations of women, not just to enter, but to thrive in a historically male-dominated profession."

- Melissa Tulis, Smith Debnam -

"One of my favorite quotes from RBG is – "In every good marriage, it helps to be a little deaf...when a thoughtless or unkind word is spoken, best to tune it out. Reacting in anger or annoyance will not advance one's ability to persuade." She would be the first to admit, she was an awful cook. In fact, her husband, Marty (also a lawyer) was in charge of all of the cooking. I'm an awful cook as well, and my husband (an equally busy doctor) has kindly taken on that role. The kitchen has become a special place for us because that is where he proposed. One of my favorite Marty quotes is "As a general rule, my wife does not give me any advice about cooking, and I do not give her any advice about the law. This seems to work quite well on both sides." RBG said that Marty was "by far the most fortunate thing that has ever happened to me." I feel the same way about my spouse. When we are working in such a demanding and mercurial profession, it is helpful to have a supportive partner who believes in you and is your biggest fan."

- Elizabeth Blackwell, Smith Debnam -

"I admired RBG's humor, wit, and her ability to forge relationships with those who didn't hold the same opinions as her. The world today seems so divisive; RBG found value in confidently speaking her mind but enjoying the challenges and lessons from others. I love her quote "You can disagree without being disagreeable.""

- Anne Claire Turpin, Smith Debnam -

MEET A MEMBER

One of the benefits of being a member of a large organization, or even a small group of similar attorneys, is the ability to learn from others' experience. In this section we will be highlighting members by asking them questions about their practice in different areas of the law.



Susan M. Dimond heads up Roberts Perrymans' federal motion practice. In this role, Susan leads the firm in removal to federal court, federal civil procedure and class actions. Susan also serves on the firm's legal malpractice defense, insurance coverage and extra-contractual liability teams. She has considerable experience defending attorneys in cases alleging violations of the Fair Debt Collection Practices Act and breaches of fiduciary duties related to collection activities. Susan also handles complex insurance coverage questions and has spoken extensively on Missouri bad faith law.

WHAT YEAR DID YOU START PRACTICING LAW?

I graduated in 2004 and started working for my partner, Rick Wuestling, as a law clerk. After I took the Missouri bar I was hired as an associate and never left. Our old firm, Wuestling & James (former Primerus firm) joined Roberts Perryman (current Primerus firm) in January of 2018. I have had the pleasure of working with the partners in my practice group for more than ten years.

WHAT IS THE FOCUS OF YOUR PRACTICE?

My practice focuses on defending professionals (primarily lawyers, engineers, architects) and coverage/bad faith litigation.

WHAT IS ONE PIECE OF ADVICE YOU WISH SOMEONE WOULD HAVE GIVEN YOU PRIOR TO STARTING THE PRACTICE OF LAW?

If you don't know the answer look it up! Do not try and BS the situation. Listen.

WHAT IS THE BEST ADVICE YOU HAVE RECEIVED SINCE STARTING PRACTICE?

Surround yourself with partners and employees with the highest moral character. Give yourself permission

to take breaks for your mental health. Show your gratitude.

DESCRIBE YOUR PHILOSOPHY ON CLIENT CARE.

Showing empathy and vulnerability (Brene Brown shout out!) while being honest with clients seems to promote the most successful and productive collaborations when defending professionals. Representing lawyers is a privilege that I take seriously but with the privilege takes the responsibility to not mix words or sugarcoat the situation. In the context of my work with insurers, I enjoy analyzing unique coverage issues and strategizing with clients in forestalling and defending bad faith litigation. Missouri can be a precarious state for insurers and it is important to lay it all on the table early.

HOW DO YOU FIND WORK-LIFE BALANCE?

To be honest it is difficult. My husband went back to school full time two years ago and has been leading the charge on virtual learning for our sons, ages 6 and 7. I recognize the privilege of having a partner at home and having both of our mothers around to help. It really takes a village, especially now. I try my best to be present while at home and to stay away from my phone after work until they go to bed. I try to have one

on one time with both kids and my husband which gives our relationships an energy boost as does outside time/gardening, making meals together and dance parties.

WHAT IS YOUR FAVORITE/LEAST FAVORITE WORD?

I cannot appropriately answer this question :)

WHAT SOUND OR NOISE DO YOU LOVE /HATE?

I love the sound of my kids' laughter and loud rock and roll. I really miss the energy of live music and the buzz of a crowd. There are few things that make me as happy as the feeling when the lights go down before the start of a show.

WHAT PROFESSION WOULD YOU LIKE TO ATTEMPT?

I would like to try and write for fun instead of for work.

IF YOU WERE NOT AN ATTORNEY, WHAT WOULD YOUR PROFESSION BE?

Probably a professor. 📖

WOMEN AT THE TOP

By Eileen A. Pluijm, LL.M and Priscilla C.X. de Leede, LL.M



Eileen A. Pluijm, LL.M and Priscilla C.X. de Leede, LL.M are lawyers at Russell Advocaten in Amsterdam, the Netherlands. They advise national and international entrepreneurs and organisations in disputes concerning personnel, employee participation and contracts.

If you have any questions regarding this article, please feel free to contact them via:

@: eileen.pluijm@russell.nl and priscilla.deleede@russell.nl

t: +31 20 - 301 55 55

www.russell.law



Despite measures in Dutch legislation to stimulate more gender equality in workforce, equality between men and women at the top is difficult to achieve. One reason might be that labour participation of women as part-time employees is extremely high in the Netherlands.

In 2019, the percentage of women on management boards of Dutch listed companies was 8.5%. On supervisory boards, the share of women was 26.8%. This is a contrast to other European countries with high percentages of women in management boards, such as Iceland (45.9%) and France (45,2%). Thus, there still seems to be a long way to go before gender equality in leadership positions will be reached. We will discuss the recent EU and Dutch regulations to stimulate women to work at the

top and make a recommendation as to how more equality between men and woman at the top can be achieved.

EU regulations

At a European level, for example the United Nations Women Convention and the EU Directive on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation considers equality between men and women as a fundamental principle of Community law.

In addition, the European Commission (EC) aims at giving women a better chance to find a top position in companies. A 'Union of Equality' is one of the major priorities of the EU. Already in 2012, the EC approved a legislative proposal for a

directive that obliges EU countries to introduce a minimum target of 40% women on the boards of listed companies.

In March 2020, the EC presented its strategy for 2020-2025 for equality between women and men. The strategy commits to ensure that the EC will include an equality perspective in all EU policy areas and tries to bridge the gap between women and men. Key actions of the strategy are ensuring equal pay in the labour market and achieving gender-balance in decision-making and politics. In order to let women lead in business, the EC will therefore push for the adoption of the 2012 proposal for gender balance on corporate boards.

[CLICK HERE FOR FULL ARTICLE](#)



RIDESHARE AND FOOD DELIVERY INSURANCE IN NEW YORK - WHAT YOU NEED TO KNOW

By Rosa M. Feeney



Rosa M. Feeney, Esq, brings to Lewis Johs Avallone Aviles, LLP over 28 years of experience handling a variety of complex insurance coverage litigation matters. Her experience includes construction, Labor Law and commercial insurance litigation, with a focus on risk assessment and management and the most effective means of risk allocation through contract review and insurance coverage analysis. She also handles first and third-party commercial and personal lines property damage insurance disputes, homeowners, motor vehicles, supplementary uninsured/underinsured motorist litigations and arbitrations, life insurance disputes, professional liability claims, and extra-contractual claims. She also has experience in general contract litigation and has also drafted and orally argued appeals in the New York State and Federal Appellate Courts.

Now more than ever, people are using food delivery services, such as Uber Eats, Instacart and DoorDash. In fact, as a result of the Covid-19 pandemic, revenue from Uber's food delivery business has surpassed its ride-hailing counterpart. However, companies such as Uber and Lyft continue to compete for their market share in the rideshare industry and all of these services have led to the evolution of new lines of insurance, to cover the various scenarios encountered when a vehicle is being used in those types of businesses.

Uber and Lyft have recently updated their insurance information which differs from what was previously reported by them, just earlier this year. While this column focuses on New York law, we urge anyone handling these types of accidents in other States, to review their particular State's requirements. In March of 2020, Uber announced that it has teamed up with certain insurance carriers to provide coverage for its drivers and riders and this differs State to State. Uber provides a color-coded map of the United States and designates the particular insurer

that provides the insurance for that State. You can also download the Certificate of Insurance on both the Uber and Lyft website for the particular State you are inquiring into.

As a review of New York insurance requirements, New York's Vehicle and Traffic Law (VTL) requires every owner of a motor vehicle to maintain minimum levels of insurance. Currently New York's VTL requires \$25K per person and \$50K per accident of liability coverage for injury to third-parties, Uninsured Motorist Coverage in the same amounts and Personal Injury Protection (No-Fault) of \$50K. Collision and Comprehensive coverage may also be secured under a personal auto policy for damage to the vehicle itself, however, this coverage is not mandatory.

The insurance needs of a rideshare vehicle differ from the typical taxi or livery in that the rideshare driver is usually operating a personal vehicle, which is used for both the rideshare business and for personal use.

[CLICK HERE FOR FULL ARTICLE](#)



JOINT OWNERSHIP OF INTELLECTUAL PROPERTY: THE LAND OF UNINTENDED CONSEQUENCES

By **Susan E. Chetlin**



Sue Chetlin is Of Counsel to Burch & Cracchiolo, P.A. in Phoenix, AZ. Sue is a Registered Patent Attorney and provides the full range of intellectual property protection legal services to her clients, including patents, trademarks, copyrights, trade secrets and IP ownership and disputes using an integrated approach. [1]



When collaborating with others, at first blush, intellectual property (“IP”) joint ownership seems like a really good idea. After all, it seems fundamentally fair for collaborators in a joint development effort to share the fruits of their labor equally. Fifty-fifty. However, what seems ultimately fair at first results in many unintended consequences, almost always leaving one party sorely disappointed.

There are three oft-repeated scenarios at the heart of disputes over IP ownership. One occurs when collaborators plunge into their project with no agreement. Another occurs when they have a “hand-shake deal” over how ownership, profits and expenses will be divided. And, a third arises when the parties actually do execute a written agreement, but it falls short in ways that can only be transmogrified in fierce litigation. What unites these scenarios is an unclear division about who owns

what, leading to needless expense, protracted litigation, opportunity for mayhem and uncertain outcomes – none of which the parties intended when they heartily entered into their joint ownership arrangement.

Joint ownership is a complicated subject that could fill volumes. This article offers a bird’s-eye view explaining why most IP lawyers when confronted with the prospect of joint IP ownership say, “Don’t do it.”

No Agreement

If joint creators do not have an agreement governing IP ownership, then the law decides who owns the IP, but the answers can be far from clear. The rules differ as between joint inventors for patent-eligible inventions and joint authors for copyrighted material.

[CLICK HERE FOR FULL ARTICLE](#)

[1] Sue wishes to thank Brandon Drea, a third-year law student at Arizona State University Sandra Day O’Connor College of Law, for his contributions to this article.

AT LEAST THERE'LL BE TURKEY: THANKSGIVING 2020

By **Madeline Marzano-Lesnevich**



Madeline Marzano-Lesnevich and her husband/law partner Walt Lesnevich (personal injury and medical malpractice law) founded Lesnevich, Marzano-Lesnevich, O’Cathain & O’Cathain, LLC. She chairs the firm’s family law department and is a family and matrimonial law attorney. Madeline has focused her practice on complex matrimonial law representing high net worth individuals, business owners, professional athletes, CEOs and the spouses of those individuals. She is also known for her expertise in high-conflict and relocation custody matters.

We know it’s the last Thursday in November (this year, Thursday, November 26th). We know there will be turkey.

And that’s about all we know for sure about Thanksgiving 2020.

The novel coronavirus pandemic has upended everything about the year, so why should Thanksgiving— and the traditional start of the holiday season— be any different? (Even the Macy’s Day Parade will feature no spectators, and be mainly virtual.) It’s hard to know what family members, or friends and family inside your bubble, consider safe to do this year, and it’s best to ask everyone outright as soon as possible; to engage your loved ones and dinner companions in a forthright talk: Are we all quarantining for 14 days prior to the

big meal? Are we able to get tested beforehand, as a safety precaution? Are we gathering, and if so, is it the same large group, or a smaller gathering? Or are we gathering virtually, via Zoom?

Add in, of course, the complications often wrought by divorce and co-parenting, in which children sometimes spend the holiday with an alternating parent and their family each year, or switch-off sometime over the holiday weekend. This year even more complicated questions may arise: Can we really switch-off if we’ve been exposed to relatives who are not in our bubble? Why should we agree on who gets the children for Thanksgiving when we have no real idea what Christmas Eve, Christmas Day, New Year’s and winter break

will be like in the COVID-19 era? And what if we’re just not comfortable with the level of safety protocols? (As in, Did Aunt Rhonda really wash her hands for 20 seconds? and Why is Uncle Larry’s mask below his nose?)

Whether you’re a parent, a co-parent or a guardian, here are three tips for dealing with Thanksgiving in these unprecedented times:

- Talk. And then talk some more. The key to enjoying Thanksgiving is to gauge everyone’s health and comfort levels, and set ground rules.

[CLICK HERE FOR FULL ARTICLE](#)



REAL ESTATE TAX EXEMPTIONS AND EFFECTS ON CLOSING

By **Julianne Bonomo**



Julianne Bonomo is an associate at Lewis Johs Avallone Aviles, LLP concentrating her practice in real estate and commercial transactions. Before Lewis Johs, Julianne worked as an Assistant District Attorney for Nassau County. Julianne received her Juris Doctorate from New York Law School in 2014. While in Law School she participated in groups such as the Criminal Law Society, the Italian Law Students Association, and the Domestic Violence Project.

When researching whether to buy or invest in real estate, one of the main issues for your client is to determine if this property is right for them. One of the initial questions should be how much will this cost? While the purchase price is the main factor, landowner's taxes can play a critical role when deciding if one can afford the property. In New York and many other jurisdictions, tax exemptions can play a big role in lowering the taxes on these properties.

I. Types of Tax Exemption

Some common tax exemptions available to property owners are Veterans Exemptions, Senior Citizen Exemptions Star Exemption, Enhanced Star Exemptions, Municipal or Religious Exemptions. If a Government entity or religious group owns the property they

are likely exempt from paying property taxes entirely. Each exemption has their own list of requirements that can be found on NY Department Taxation and Finance Homepage, under the subheading of property tax exemptions. Most taxing authorities have this information on their website. If a current homeowner qualifies for a particular exemption, it attaches to the property but belongs to that homeowner only. Once the property is transferred or sold, the exemption is automatically removed from the property. If the owner purchases a new property, they must re-apply and qualify for the exemption on the new property. Also, when a person who is entitled to an exemption no longer lives there or passes away, certain exemptions are suppose to be removed from the property. In

many cases, the exemption is left on the property. This is a dilemma and presents an issue when the property is sold and the exemption for the taxes are restored on the property. Unfortunately, this usually happens after the property is sold and the amount of the restoration for the taxes will be placed on the new owner's property tax bill.

II. Determining the Exemption:

When a person is interested in buying a home it is critical to determine what the current taxes are without any exemptions. In New York properties are assessed by the value of the property and the taxes are determined by the individual taxing authority.

[CLICK HERE FOR FULL ARTICLE](#)

