

WOMEN'S BAR ASSOCIATION

OF THE STATE OF NEW YORK

WESTERN NEW YORK CHAPTER

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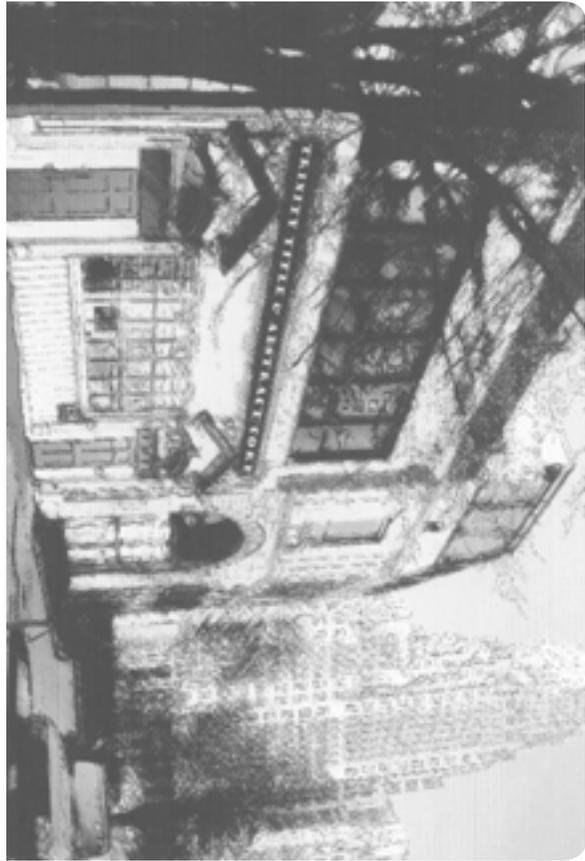
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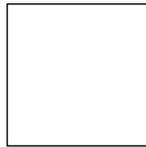
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AUDREY J. CZESAK
PRESIDENT & CEO

**It's time to renew
your membership!**



CELEBRATING 20 YEARS AS A UNITED VOICE
FOR OUR MEMBERS



PRESIDENT'S MESSAGE

During the September 23, 2004 Installation Dinner held at the Twentieth Century Club, Karen Richardson followed her swearing-in ceremony with these words:

I would like to begin my remarks by expressing my sense of good fortune to be leading this dynamic organization. My professional development and sense of career satisfaction has benefitted greatly from the camaraderie I have enjoyed amongst the members of this chapter. It is wonderful to be surrounded by so many amazing women who are dedicated to improving their status within the legal profession and by so many attorneys – male and female – who are committed to the goals of this organization.

As we recognize our history here this evening, we have many accomplishments to celebrate. The Chief Judge and the majority of the Judges for the Court of Appeals for the State of New York are women; the

Appellate Division, Fourth Department saw the appointment of the first female Presiding Justice; and the Eighth Judicial District has seen its first female Administrative Judge and first woman Surrogate. We have also witnessed the appointment of the first woman as United States Attorney for the Western District of New York and the first female Magistrate Judges in both Buffalo and Rochester.

And yet, there remains much progress to be made: Currently, women comprise 6 of 27 State Supreme Court Justices in the Eighth Judicial District; 1 of 11 Justices for the Appellate Division, Fourth Department; 1 of 5 Magistrate Judges for the Western District of New York; 0 of 7 District Judges for the Western District of New York; and 4 of 24 Judges for the Court of Appeals for the Second Circuit. In the five largest firms in Buffalo, women represent less than one quarter of partners.

The Erie County Commission on the Status of Women esti-

mates that women attorneys continue to earn less than men – approximately \$26,000 less. The New York State Bar Association's Survey, Observations & Recommendations on Gender Equality in the Legal Profession found that even when years of practice were factored into the equation, women lawyers are paid much less than their male counterparts.

These statistics demonstrate why we need a Women's Bar Association. In my opinion, however, the more important question is what can be done to improve these statistics. I think the Women's Bar Association is addressing that question in a variety of ways which benefit not only our members, but the legal profession as a whole.

First, we provide visibility for our members. We highlight their achievements and demonstrate the capabilities of women in all areas of this profession.

Second, we provide a strong support system for women attorneys. Every attorney should have multiple individuals they can turn to for career advice and encouragement. In an economic environment where law firms find themselves with less opportunity to mentor their associates and where many women are in smaller practice environments, the Women's Bar Association offers a supportive group of attorneys at all levels of experience who practice in diverse areas of the law and varied practice environments.

Third, the Women's Bar Association plays an integral role in the professional development of women attorneys, through programs such as Tips from the Bench and our upcoming program for criminal defense practitioners – a practice area where women

“Working together, we can continue to advance the status of women in the legal professional and society as a whole.”



KAREN E. RICHARDSON
PRESIDENT

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PRESIDENT'S MESSAGE (CONT'D FROM FRONT PAGE)

are noticeably under-represented.

Fourth, we address issues which impact our members' career goals – balancing work and family obligations, finding quality daycare, accessing services to care for elderly parents, and this spring, a program discussing how to make alternative work schedules work.

In addition to these efforts, the Women's Bar Association continues to champion the cause of women and children in society as a whole – lobbying the legislature for laws which protect child abuse and domestic violence victims and working with the legislature to draft a no-fault divorce bill, as well as working with the United Nations' Commission to combat international trafficking of women and children. Closer to home, we are co-sponsoring a conference to address gender equity in education and athletics on Saturday, October 16th.

We have a full agenda for the year ahead, both as a local chapter and a statewide organization. I look forward to serving as your president and welcome your suggestions, concerns, and comments. Working together, we can continue to advance the status of women in the legal profession and in society as a whole.



Karen Richardson, President

KUDOS & CONGRATULATIONS TO:

- Lisa L. Smith for being named one of *Buffalo Business First's* 2004 Women Who Mean Business.
- Kathleen Sweet for being selected as one of *Buffalo Business First's* Forty Under Forty.
- Tara Hart-Nova for being named in the "Who's Who in Law" by *Business First* and *The Buffalo Law Journal*.
- Hon. Ann T. Mikoll for being named the Buffalo & Erie County Historical Society's 2004 Red Jacket Award winner.
- Monica and Rowland Richards on the birth of Rowland "Quade" Richards, IV on September 25, 2004.
- Sheri L. and Joseph L. Mooney as they welcomed Clare Ryan Mooney to their family on September 28, 2004.
- Tracy & T.R. Woodrow on the birth of their son, Colin Michael, on September 29, 2004.
- Hilary Banker and Jeffrey Leichtman on their wedding of August 28, 2004.
- Dianna Ramos-Caywood and Mitchell Caywood on their wedding of September 4, 2004.
- Carolyn C. McGrath and Michael Schopp on their wedding of October 23, 2004.

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It's time to renew your membership!

CALENDAR OF EVENTS

MEET THE CANDIDATES NIGHT October 27th at the YWCA, 190 Franklin Street, Buffalo, New York.

JALBCA EVENT Tour of Gilda's Club. Date and time TBA.

INFORMAL NETWORKING DINNER November 10th at 6:00 p.m. at India Gate Restaurant, 1116 Elmwood Avenue, Buffalo. Please RSVP no later than November 9th to WBASNYEVENTS@hotmail.com

8 MINUTE MENTORING November 11th at the Faculty Lounge of the UB Law School. Times TBA. Please RSVP to: president@wnychapter-wbasny.org.

M. DOLORES DENMAN LADY JUSTICE AWARD FOR LIFETIME ACHIEVEMENT LUNCHEON Hon. Judith S. Kaye, Chief Judge of the New York State Court of Appeals shall be presented with this award on April 15, 2005. Location TBA.

WBASNY ANNUAL JUDICIAL CANDIDATES' RATINGS

STATE SUPREME COURT CANDIDATES

Frank Caruso: **Highly Qualified**

Excellent Sensitivity to Community & Women's Issues
 Excellent Judicial Temperament
 Very Good Reasoning Ability & Communication Skills
 Very Good Legal Experience & Background for Position Sought

Lynn A. Clarke: **Highly Qualified**

Excellent Sensitivity to Community & Women's Issues
 Very Good Judicial Temperament
 Excellent Reasoning Ability & Communication Skills
 Very Good Legal Experience & Background for Position Sought

Hon. John M. Curran: **Highly Qualified**

Excellent Sensitivity to Community & Women's Issues
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 Excellent Reasoning Ability & Communication Skills
 Excellent Legal Experience & Background for Position Sought

Hon. Timothy J. Drury: **Highly Qualified**

Very Good Sensitivity to Community & Women's Issues
 Very Good Judicial Temperament
 Very Good Reasoning Ability & Communication Skills
 Very Good Legal Experience & Background for Position Sought

Paula L. Feroletto: **Highly Qualified**

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Hon. Joseph R. Glownia: **Highly Qualified**

Very Good Sensitivity to Community & Women's Issues
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 Good Reasoning Ability & Communication Skills
 Excellent Legal Experience & Background for Position Sought

Hon. James A.W. McLeod: **Qualified**

Good Sensitivity to Community & Women's Issues
 Good Judicial Temperament
 Very Good Reasoning Ability & Communication Skills
 Very Good Legal Experience & Background for Position Sought

Gerald J. Whelan: **Highly Qualified**

Good Sensitivity to Community & Women's Issues
 Very Good Judicial Temperament
 Very Good Reasoning Ability & Communication Skills
 Very Good Legal Experience & Background for Position Sought

ERIE COUNTY FAMILY COURT CANDIDATES

Hon. Deborah Haendiges: **Highly Qualified**

Excellent Sensitivity to Community & Women's Issues
 Very Good Judicial Temperament
 Very Good Reasoning Ability & Communication Skills
 Very Good Legal Experience & Background for Position Sought

Margaret O. Szczur: **Highly Qualified**

Excellent Sensitivity to Community & Women's Issues
 Very Good Judicial Temperament
 Excellent Reasoning Ability & Communication Skills
 Excellent Legal Experience & Background for Position Sought

BUFFALO CITY COURT CANDIDATES

Hon. Thomas P. Amodeo: **Highly Qualified**

Very Good Sensitivity to Community & Women's Issues
 Excellent Judicial Temperament
 Very Good Reasoning Ability & Communication Skills
 Excellent Legal Experience & Background for Position Sought

Hon. Patrick M. Carney: **Highly Qualified**

Very Good Sensitivity to Community & Women's Issues
 Excellent Judicial Temperament
 Very Good Reasoning Ability & Communication Skills
 Excellent Legal Experience & Background for Position Sought

CARING FOR LOVED ONES (CONT'D FROM PG. 4)

for a resident of a different faith; or, a facility with a mediocre rehabilitation program may be caring and supportive of a patient who needs to wander the halls. Nevertheless, if a friend had a great experience at a specific facility or was horrified by the care, pay attention. Surveys (www.Medicare.gov/NHcompare/home.asp) are a useful, if not always timely, guide.

Frequently, patients go to nursing homes directly from a hospitalization, and that accesses Medicare coverage in the nursing home. Rapid placement into a nursing home can be positive since hospitals can be sources of infection, among other detriments. Still, hospital discharge can be an astonishingly fast process. Your loved one is likely to be hustled out of the hospital well before you think he or she may be ready. Thus, it pays to learn about discharge plans almost as soon as he or she is admitted. Know that you can delay discharge if you feel the delay is important, and that the delay will expose you to the threat

of a medicare termination notice. However, know the termination notice does not take immediate effect and is easily appealed so as to gain another day or two of covered hospitalization. If, in the midst of this situation, you believe that long term care may be necessary, use the hospitalization as an opportunity to make the change. Also, give serious thought to the institution that you select if he or she needs rehabilitation because the facility you select now may be the facility within which he or she remains once rehabilitation is completed.

You may be losing a loved one by inches, and there is no way to decrease the emotional impact. Nevertheless, you can at least know that you have served your loved one well, considered his or her wishes, kept them in mind, and that he or she knows you give your love and support.



20 YEAR ANNIVERSARY CELEBRATION AND INSTALLATION DINNER PHOTOS



Karen E. Richardson surrounded by her husband and parents, (L-R) Mark Touris, Karen E. Richardson, Glenn Richardson and Pat Richardson.

Front Row (left to right): Shari Jo Reich, Melissa H. Nickson, Deborah J. Muhlbauer, State President Mindy R. Zlotogura, incoming President Karen E. Richardson and Joy C. Trotter.

Back Row (left to right): Carol A. Condon, Barbara L. Schifeling, Linda J. Nenni, Gayle L. Eagan, Sheri L. Mooney, Ann E. Evanko, Melinda R. Saran, Sheila Weir Schwanekamp, Hollis M. Hite, Holly Baum, Judith M. Gerber and Linda J. Marsh.



The 2004-05 Officers and Board of Directors are installed by Erie County Court Judge Shirley Troutman. Left to right: Elizabeth Harned, Kelly J. Philips, Carolyn C. McGrath, Jessica V. Murphy, Roseanne J. Moran, Natalie A. Grigg, Dianna L. Ramos, James M. Gerlach, Hilary C. Banker, Lisa M. Mueller and Elizabeth R. Wright.

The Western New York Chapter of the Women's Bar Association of the State of New York held its Installation Dinner and 20-year Anniversary Celebration on Thursday, September 23, 2004 at the Twentieth Century Club in Buffalo. Sixteen of our 19 past-presidents were in attendance, and were honored at the dinner.



Incoming WBASNY WNY Chapter President, Karen E. Richardson, is sworn into office by Federal Magistrate Judge H. Kenneth Schroeder, Jr.



WBASNY WNY Chapter members and well-wishers (L-R): Erie County Court Judge Shirley Troutman, Incoming WBASNY WNY Chapter President Karen R. Richardson, Eighth Judicial District Administrative Judge Sharon S. Townsend and WBASNY State President Mindy R. Zlotogura.



Past WBASNY Chapter Presidents (L-R): Melinda R. Saran, Melissa H. Nickson and Sheri L. Mooney.



(L-R): Buffalo City Court Chief Judge Thomas P. Amodeo; WBASNY State President, Mindy R. Zlotogura; WBASNY Incoming WNY Chapter President, Karen E. Richardson; Lisa B. Rodwin and Erie County Court Judge Michael Pietruszka.



Appellate Division, Fourth Department Chief Justice Eugene F. Pigott, Jr. congratulates Incoming WBASNY WNY Chapter President Karen E. Richardson.

For additional photos from the evening, please visit our website at www.wnychapter-wbasny.org



CARING FOR AGED LOVED ONES

by Toby F. Laping, Ph.D, MSW

Toby F. Laping is the principal of Toby Laping Associates, a geriatric care management firm. If you have questions, Dr. Laping and staff may be reached at 884-3277 or at www.tobylapingassociates.com.

With life spans increasing, issues related to the health care needs of a parent, partner, relative or close family friend (“your loved one”), are overwhelming us. We need to look at what the individual wants, and what it will take to keep him or her reasonably safe, and us free from the anxiety of knowing our loved one is seriously at risk. Several issues must be raised, and addressing them sooner is best. All of the following is predicated on the assumption that the individual for whom you care has completed an adequate Power of Attorney form, health care proxy, and advanced directives (also sometimes called a Living Will).

Because the cohort of seniors age 85 and over is rapidly increasing, and those seniors are at high risk for memory impairing diseases, you may well deal with such a problem. The first step when you notice problems with memory is to make sure that the health care provider has assessed them. Let the doctor know what you believe are signs of illness; serious short term memory loss is not normal, healthy aging and should be investigated. To insure that you are taken seriously and that your loved one receives appropriate medical work up, you may need to write a letter followed by a phone call. If the primary care doctor refuses to complete a dementia examination, switch to a geriatrician or see a neurologist right away. Treatments are available for some causes of dementia, either to cure or to retard deterioration, and should not be delayed.

Following good medical work, if it seems likely that the condition will deteriorate, it is time to talk with your loved one. Do not make promises that will make you feel guilty and that you may be unable to keep (“I’ll never put you in a nursing home”). Instead, evaluate your loved one’s awareness of his or her infirmities so that you are able to ascertain what safeguards could be instituted without too much resistance. It is likely your loved one is aware and terrified. Give realistic support and unqualified love.

Be sensitive to signs of depression. Be aware that depression and solitude can exacerbate the problem of mental confusion. Typically, getting that loved one out on a regular basis to interact with other people is an appropriate approach. The old “use it or lose it” motto applies to mental exercises, and watching television rarely qualifies as “using it”.

If your loved one has long term care insurance, read the policy to understand what it covers. Financial/estate planning should have been done, but if not, act immediately. If you are not aware of the various Medicaid programs, within which the application of diverse rules depend upon the program selected, and if your loved one’s income and/or resources are limited, do your homework. If the cost of medications is a problem and your loved one is not eligible for Medicaid, check into EPIC at any pharmacy or look on the web at www.health.state.ny.us/nysdoh/epic/faq.htm. Alternatively, many drug companies have programs for supplying particularly expensive medications. One general web site is www.pharma.org/.

Driving is an issue that frequently causes distress, and taking away car keys is both symbolically and realistically a major event. Erie County Medical Center has an excellent driver evaluator program operated through its out patient occupational therapy department; a prescription including a diagnosis from your loved one’s physician is necessary in order for Medicare to pay for the test. You might also want to review a web site of the AAA Foundation for Traffic Safety, www.ama-assn.org/ama/pub/category/10791.html.

Middle aged children frequently tell me that they plan to wait to make essential changes until their loved one is less aware of what is happening to allow for an easier change, however, this often back-fires. As people become increasingly confused, resistance to change usually increases too. Your loved one is normal and reasonable if he or she says “no” to anything that might alter lifestyle and require adjustment to something new when even everyday routines cause confusion. Your loved one will forget specifics of the changes, but will remember your “interference”, becoming increasingly more frightened as time passes and the “event” draws closer. Typically with memory disorders, emotional recall will be stronger than factual recall. Therefore, you may need to keep information regarding changes from your loved one until just before implementation. Remember that these issues involve basic life and safety considerations, therefore your loved one may not have a choice.

The excruciating decision about whether to institutionalize your loved one or allow him or her to remain at home is not a single issue decision. It requires a balancing of (a) financial, (b) social support system, (c) personality, (d) medical, and

(e) community resource issues. Given sufficient resources, it is possible to provide even a nursing home type environment at home. Keep in mind, though, this may not be the wisest course of action. Although every individual situation differs, if your loved one has minimal resources, it may be wise to get your loved one into the long term care system earlier rather than later.

If the goal is to keep your loved one at home as long as possible, act now to provide an environment that supports maximum functioning. Review the living environment. Is the medicine cabinet too easily accessible for someone who may have forgotten how to take medicines? Are medications dispensed safely on a daily basis? Deal with throw rugs; some people, often as dementia sets in, begin to shuffle their feet as they walk. Are nourishing meals provided without your loved one having to cook? How is money management handled? Is there adequate attention to social stimulation? Can he or she safely be alone for periods of time? If not, what relief does the care-giver receive? If your loved one might wander, check the doorways and put locks on the doors in unusual places such as very high up, out of your loved one’s line of vision. Lower the thermostat on the hot water tank to prevent scalding. While considering safety, remember that your loved one may already have lost the ability to adjust easily to new devices even if they are designed to increase safety.

Home care is available and expensive, and may require trials with different personnel. Personalities need to blend, the level of help must be appropriate, and the hours of service must interface with family needs. Use an agency that listens to your needs and immediately resolves problems to your satisfaction. Clients who pay privately often have better response from agencies than do those supported by Medicaid. Therefore, if your loved one is spending down to Medicaid limits, hire a home health care agency that will agree to pick up the case once resources switch to Medicaid to ensure your loved one’s care givers remain consistent.

Be clear about the services you seek when exploring home care. Be aware of the risks posed by privately hiring in-home care givers. If you want the aide to drive your loved one, make sure that’s clarified before you settle on terms and personnel. You may want the person to cook, to take your loved one to the mall, to help with laundry, to do light housecleaning, and/or to walk around the block with your loved one if the weather’s nice. All of those are reasonable expectations.

If your loved one is cognitively intact but you have concerns about his or her physical well-being, a living environment change may be needed. If your loved one has elected, with full awareness of risks, to remain living at home knowing that it may shorten his or her life, it may not be an unreasonable decision. Many older people conclude that moving to avoid a possible catastrophe is not their preferred lifestyle.

If a move is indicated, the question of level of care is significant. That is typically determined by functional needs. The critical functional tasks are eating, transferring, and toileting. The more help an individual needs to complete the critical functional tasks, the higher the level of care that he or she requires. Typically, the goal is to keep people maximally functional. Since we all tend to rise or fall to the level of our environment, maximum reasonable independence is desirable. However, two intervening factors must be considered: (1) if the patient is demented, how disturbing will a second move at some future point be to his or her emotional and mental status, and (2) if resources are limited, it may be appropriate to use those monies now to “buy into” a quality institution that will work over the long haul.

Many nursing homes prefer to offer beds to patients who require more rather than less care, who are older, and who have 8 - 12 months of private pay resources. A form called a PRI (Patient Review Instrument) must be completed prior to any nursing home admission, and that form describes how much care is needed with basic activities of daily living. On the other hand, if you determine a lower (more independent) level of care is necessary, different paperwork is required in combination with a doctor’s appointment for evaluation within a month previous to admission.

When you are considering any adult care facility, understand its license, its level of care, and whether it will serve your loved one for the immediate future and/or for the long haul. If resources are limited, understand whether an entitlement will pick up when resources are gone and what impact resources will have on your loved one’s placement. Know the rules.

Institutions have very idiosyncratic characteristics and the best place for one patient may not be right for someone else. For instance, a facility that offers excellent rehabilitation services may be quite awkward when dealing with a dementia patient; a facility with strong religious roots may be quite inappropriate

PLEASE SEE “CARING” ON PAGE TWO