

LADY JUSTICE

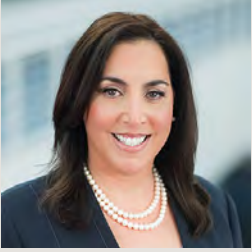
 Primerus

July 2020



A PUBLICATION OF
THE PRIMERUS
WOMEN LAWYERS
SECTION

WLS Committee



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

Women Lawyers Section Updates

WLS Membership Calls – The membership calls take place on a quarterly basis. Here is the call schedule for the remainder of 2020:

- September 15th 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 in New York City, New York. Her practice concentrates in 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 third publication of the Women Lawyers Section Newsletter, Lady Justice. The Women Lawyers Section is very excited about this publication and the articles and content it contains. This publication continues to feature member and client interviews and articles written by women members of Primerus.

We hope that this publication will encourage participation in the Women Lawyers Section. The Women Lawyers Section (WLS) of Primerus was created in 2015 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. The dates for the remaining 2020 calls are listed within this edition of Lady Justice. Please join us on these calls and introduce yourself. We welcome

new voices and perspectives to our discussions.

There have been some changes on the Executive Board. We said goodbye to one of our members, Karin Klempf Franco of Barcellos Tucunduva Advogados in Sao Paulo, Brazil. We will miss working with Karin. The Executive Board added a new member, Karina B. Sterman of Greenberg Glusker Fields Claman & Machtinger LLP in Los Angeles, California. We look forward to her contributions to the group!

The first half of 2020 has been tumultuous, to say the least. We are all weathering the global Covid-19 pandemic and its impact on us personally and as lawyers. As we re-emerge from being in quarantine or “on pause”, questions arise regarding how to balance personal freedom with safety of the community at large. The practice of law as we knew it pre-Corona and global travel have changed, and it is questionable when and if things will return to its prior status. The tragic death of George Floyd followed by both riots and peaceful protests have led to discussions and debates on systemic

racism and police reform. In the midst of these ongoing issues and concerns, the U.S. Supreme Court issued its landmark ruling in *Bostock v. Clayton County, Georgia*, clearly stating that an employer who fires an individual merely for being gay or transgender defies Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on sex, *inter alia*.

As we move forward, the WLS will continue to have quarterly meetings based on the schedule included in this newsletter. Additionally, we hope to host a webinar as well. This is a collaborative endeavor for the entire section, and we welcome your ideas, input, and contributions. We hope that you will enjoy the “Meet a Member” section of the Newsletter, and that you will use the publication to note dates for upcoming networking calls and conference dates. Our next networking call will be on September 15th at 1:30pm ET. For more information, contact Katie Bundyra at kbundyra@primerus.com. We hope you can join us! 



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.



Melissa Demorest LeDuc joined Demorest Law Firm, PLLC in 2005. She focuses her practice on business formation, mergers and acquisitions, other business transactions, and estate planning. She serves as outside general counsel for many small businesses, providing guidance in employment, real estate, contract, and other business matters. Melissa also has particular experience with woman-owned businesses. Melissa also leads our firm's appellate practice.

WHAT YEAR DID YOU START PRACTICING LAW?

I started practicing in law in 2005.

WHAT IS THE FOCUS OF YOUR PRACTICE?

I focus in business law, including entity formation, mergers & acquisitions, real estate transactions, and outside counsel advising.

WHY DID YOU BECOME A LAWYER? HAS THE PRACTICE OF LAW MET YOUR EXPECTATIONS?

My dad is a lawyer, so I grew up spending a fair amount of time at his office, but I didn't decide until later in college that I wanted to apply to law school. I didn't really know what to expect, but I enjoy helping my clients buy and sell businesses and real estate, and helping them build and run their businesses along the way.

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

Practicing law is nothing like law

school. It can take many years to really feel like you know what you're doing (or to actually know what you're doing).

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


Don't be afraid to tell a client that you'll look into something and get back to them later. It's far better to do a little research than it is to give inaccurate information or bad advice.

DESCRIBE YOUR PHILOSOPHY ON CLIENT CARE.

I always try to respond the same day if possible, or the next day if a same-day response is not possible. We have long-term relationships with many of our clients and like to be able to help them with whatever may arise in the life cycle of a business – formation, growth, employment issues, leases or other real estate transactions, funding, and eventually a sale or transition of ownership. Of course this doesn't happen with every client, but developing a relationship over time always helps with dealing

with (and even anticipating) a particular client's needs.

HOW DO YOU FIND WORK-LIFE BALANCE WITH TWO SMALL CHILDREN?

In normal, pre-COVID times, I only worked in the office Tuesday-Friday. I used Mondays for doctor's appointments, errands, and the like. That helped me to be present at home on the weekends, and to be present in the office Tuesday-Friday. My kids are normally both in daycare, including on Mondays when I had my "free" day. Now that we are all at home for the foreseeable future, my husband and I have a weekly sign-up schedule where we pick which shifts we will watch the kids and which we will work. Our shifts change from week to week depending on business needs. It's of course much harder to find a balance right now, but we're trying. 

HOW CAN ORGANIZATIONS INCREASE DIVERSITY IN LEADERSHIP?

By Clarissa Medeiros, MD



Clarissa Medeiros, MD is a pioneer consultant and speaker in integrating quantum science principles to leadership development and creativity, under the orientation of Amit Goswami PhD, quantum physicist, one of the great thinkers of actuality and global references in studies that unify science and consciousness. She is a strategic mentor, trainer and speaker, founder of Veritas International and the Brilliance Academy platform for women in leadership programs. She lives in São Paulo, Brazil.

This matter has been on my mind in the last 15 years, while I've been dealing with the challenges of building an authentic leadership style as a woman in the corporate world, and later as an entrepreneur. I could see the journey of promoting diversity by different angles and reflect on what still prevent executive teams from counting with more women in leadership and across organizations. The core task is that we need to face the discomfort of living and working with people that are substantially different from us and learn that true power is empowering others.

In the beginning of my career I used to provide corporate communication advisory for male leaders mostly, as a public relations consultant. Later, I became a corporate affairs director in a global packaging industry and learned what it means to be the only woman in the room, dealing with all those unconscious bias and the general belief system that was still "the males way".

During the last eight years I've been coaching and training women professionals that aspire career growth and entrepreneurs searching for clarity on personal and business development.

Later came the traditional male leadership, that today I mentor to become effective in promoting inclusion and skillful in managing diverse teams. During the talks and training programs, the core obstacle has been getting leaders engaged in dealing with their own mindset and behavior change, what can be really disruptive.

[CLICK HERE FOR FULL ARTICLE](#)

THE NEW FRONTIER IN ASSET DIVISION

By Lynne Strober, Elizabeth Featherman of University of Pennsylvania, Penn Center for Innovation, Jennifer Presti; and Joan D'uva of Eisner Amper



Lynne Strober and Jennifer E. Presti are both with Mandelbaum Salsburg, P.C. Lynne is Co-Chair of the Matrimonial and Family Law practice group and handles all aspects of divorce. Jennifer is Counsel to the firm, focusing her practice on the areas of family, trust, estate and guardianship litigation.



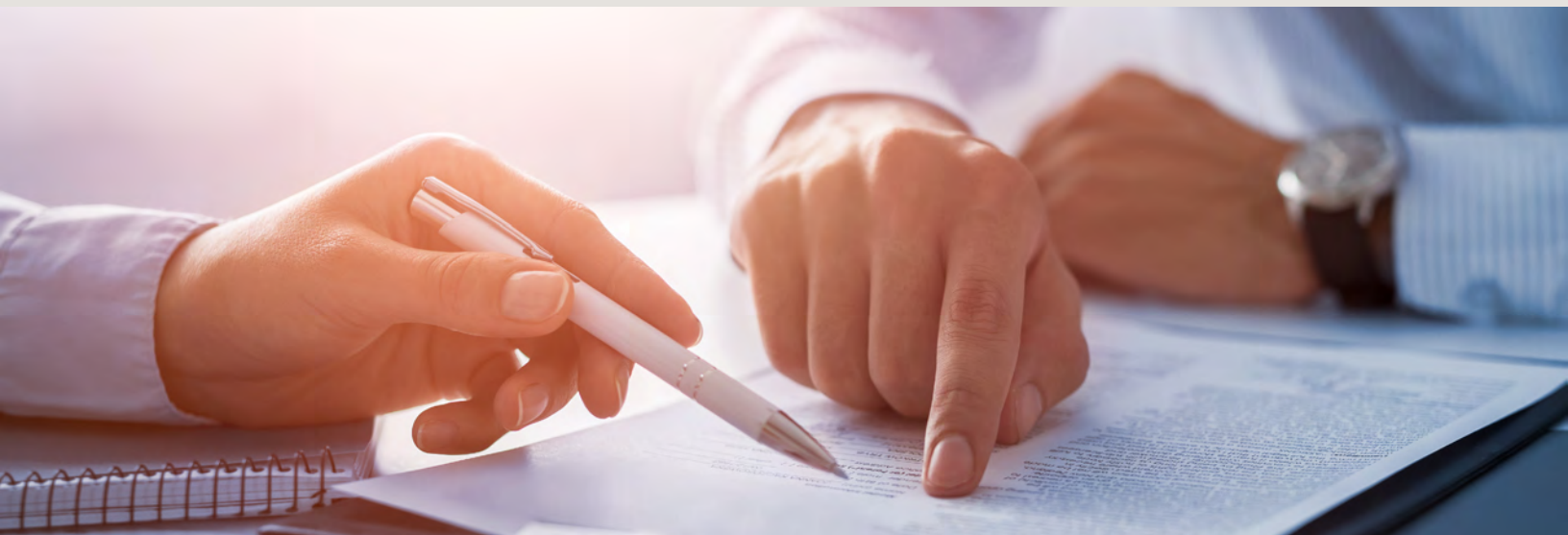
As we know, equitable distribution is the division of assets and obligations acquired during a marriage, whether individually or jointly. Equitable distribution may be effectuated by agreement, or by a judicial decree. In states that follow equitable distribution laws, as opposed to community property states, property acquired during the marriage will be divided between the spouses in a fair and equitable manner; however, there is no set rule for determining who receives what or the percentage distribution to each spouse. In the minority of states that apply

"community property" laws, when dividing a divorcing couple's assets and obligations, a judge divides the couple's joint assets and debts in half between the parties, however, valuation remains an issue. A court will not attempt to divide assets based on a framework of factors as states that follow equitable distribution laws do. There are only nine community property states; Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington, and Wisconsin.

Assets to be divided include real

estate, businesses, stock options and intellectual property. The value of a piece of art created by a party, an invention, or a script must be assigned a value or a plan for future distribution must be established. This area of the law of the division of intellectual property rights, has not yet been fully addressed by case law. Methodologies need to be established setting forth the best way to value and divide these assets.

[CLICK HERE FOR FULL ARTICLE](#)



HOW WE CHOOSE TO ACT DURING THE CORONAVIRUS WILL DEFINE US

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.

Although most of the States have set orders, guidelines or recommendations on where we may go, how far apart we should stand whether our place of business is open or closed, where and how we can travel—there are no set rules for how to handle ourselves in this pandemic. But in the context of family law, and the reality of where you might find yourself, please consider:

You may have started divorce proceedings, or told your spouse/partner, that you wish a divorce, but you may be still residing in the same house. Many divorcing couples are compelled to do this for financial reasons. Given New Jersey Governor Phil Murphy’s recent Executive Order, there are not many places one may go to in order to “escape” from home or from one’s spouse/partner.

Be mindful that your housemate may not wish to be quarantined with you any more than you wish to be quarantined with her/him.

Even if you solely own the house,

now is not the time to remind anyone of that. Now is the time to discuss how to function civilly, smartly and safely. Share resources. Money may be tight, and so are available food products. Plan together. Chances are one of you is more resourceful than the other at cooking, stretching supplies, improvising, sanitizing; one may be more adept at technology. Discuss it all, without rancor, without judgment. This crisis will pass; you will be back on track for your divorce. Perhaps the spirit of cooperation you engender now will carry over to your divorce negotiations.

But if you are in any way being physically abused by your housemate, do what you should do when there is no pandemic: call the police. Your safety comes first.

If you are in the process of a divorce or are divorced and you and your co-parent reside in different households, do not deny your children SAFE access to their other parent—Skype, Zoom, FaceTime,

telephone calls as frequently as desired. Social distance walking, bike riding, skateboarding, whatever your children are into. Try to imagine what it would be like if you were quarantined away from your children.

Now might be the time to share with your children who undoubtedly, like it or not, miss their other parent, some of the good times you all had together. Look at old photos, past videos. If you have the technological capabilities, scan and send the children’s photos, drawings, letters, etc. to your co-parent. When it comes to your children, whether you reside with your co-parent or not, you are in this together; making it less painful to your co-parent will make it easier for your children as well.

All you do during this pandemic will be remembered by your children, your co-parent, your former spouse/partner—and by yourself.

LIABILITY WHEN THERE ARE PHYSICAL ALTERCATIONS IN MEDICAL FACILITIES

By **Theresa Scotto-Lavino**



Teri Scotto-Lavino specializes in the defense of physicians and medical facilities against claims of malpractice at Lewis Johs Avallone Aviles, LLP in New York, New York. She works with both medical and dental clients. Her caseload also includes the defense of medical facilities against premises liability claims. For thirteen years, Teri was practicing as a Registered Respiratory Therapist and supervisor in multiple hospital facilities in the metropolitan area. Prior to joining the litigation team at Lewis Johs, she was involved in the public interest arena prosecuting Family Court matters to verdict for the Administration of Children's Services in New York City where she became a supervising attorney.

All medical facilities are required to keep the premises "reasonably" safe for staff, patients and visitors. For any litigator, the definition of "reasonable" has significant ambiguity. Cases concerning verbal arguments escalating to physical altercations occurring within the facility, prove especially difficult to defend as the liability in these cases may overlap multiple areas: personal injury for those involved; workers compensation for injured staff; and claims based in theories of vicarious liability or negligent hiring and retention of security staff. The following article concentrates on the law relevant to a physical altercation occurring in a

large medical facility located in the State of New York.

The following is a synopsis of a security event occurring at a large medical facility: During visiting hours, Visitor A became embroiled in a verbal argument with Visitor B. This verbal altercation quickly escalated and became physical. A nurse and another visitor attempted to separate the two (2) individuals and the intervening visitor was knocked to the ground. Security was contacted and spoke with all involved. The injured visitor was asked if medical assistance was necessary and declined medical intervention. All individuals

involved in the altercation were asked if they wished security officers to contact the police department and police department involvement was declined. The initiating individual was escorted from the building. The remaining visitors were escorted to the lobby by security officers once their visit had concluded. Although refusing medical attention at the facility, the individual knocked to the ground is suing for personal injuries allegedly arising from the altercation.

[CLICK HERE FOR FULL ARTICLE](#)



BEYOND BUSINESS AS USUAL: RETURN-TO-WORK CHECKLIST FOR EMPLOYERS

By **Nancy A. Bertrando, Wendy E. Lane & Kelly M. Raney**



Nancy A. Bertrando, Wendy E. Lane, and Kelly M. Raney are all part of Greenberg Glusker LLP's Employment Law Group. Nancy has over three decades of experience working exclusively with employers in ensuring their compliance with increasingly stringent federal, state, and local employment laws. Wendy is Chair of the Employment Department, focused on employment counseling and litigation on behalf of a variety of clients. Kelly counsels and defends employers and management in the full range of employment law issues at the state and federal levels.

Employers everywhere are turning their attention to resuming business and allowing their employees to “return to work.” However, as they recognize, developing a return-to-work plan is no easy task.

Several weeks ago, the CDC issued a three-part plan for re-opening businesses, only to quickly take it down while it and other arms of the federal government draft new plans for general businesses and for specific sectors and industries, such as restaurants, schools, and

churches, in light of rapidly changing information.

Because guidelines by local and state governments in California are still in the preliminary stages and workers' compensation and general liability insurance carriers may also recommend best practices for allowing employees to return to work, this checklist provides preliminary guidance of general processes and safeguards which we anticipate will be recommended, if not mandated, when official recommendations and orders

for returning to work are issued.

Key goals of implementation should be safety, communication, and flexibility. Employers should assure employees that they can report concerns about their own medical conditions and health concerns, company safety policies, and/or the conditions of the workplace or of other workers without fear of retaliation.

[CLICK HERE FOR FULL CHECKLIST](#)

