



NEW YORK WOMEN'S BAR ASSOCIATION
PRESENTS

**"WHAT WE NEED TO KNOW
ABOUT LONG TERM CARE"**

Munch on tasty hors d'oeuvres and sip fine wine while learning about Long Term Care and its place in financial and retirement planning.

**September 24, 2003
6:30-8:00 P.M.
North Fork Bank
424 Madison Avenue (49th St.)**

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WE'VE MOVED!

**NEW YORK WOMEN'S BAR ASSOCIATION
303 PARK AVENUE SOUTH, #1190
NEW YORK, NEW YORK 10010-3601
TEL: 212-360-7055
FAX: 212-937-2371
EMAIL: INFO@NYWBA.ORG**

Have you moved or changed your firm, mailing address or email information? If so, please send us a note with your updated information so that we can be sure you get our Newsletter, your membership renewal form and other announcements and benefits of membership.

PRESIDENT'S MESSAGE

September 2003

Making a Difference

We have exciting news - the New York Women's Bar Association has been selected to provide the very first *Law Guardian Training Program* after the enactment of the new Office of Court Administration Part 36 rules. This CLE program will provide the curriculum necessary to certify (and re-certify) attorneys to be selected as law guardians for appointment in domestic relations matters in the First Department. The program will be held on November 14, 2003. Featured speakers include the Hon. Jacqueline Silbermann, Chief Administrative Judge for Administrative Matters, as well as many luminaries of the matrimonial bar. Be sure to mark the date on your calendar and look for the formal announcement soon.



Elizabeth A. Bryson

Photo: Daryl-Ann Saunders

This is just one of many exciting programs and CLE's we are presenting this year. On Wednesday, September 24th, we are hosting a terrific program on *Long Term Care*. This event is the second of a series developed with goal of having a relaxed and social atmosphere combined with a presentation of information that is particularly important to members. It includes a reception and is open to members and their guests. The details are in the announcement at left.

October is Breast Cancer Awareness Month. We are proud to support the Judges and Lawyers Breast Cancer Alert as it holds the *Eighth Annual Ellen P. Hermanson Memorial Symposium*. This year, the Symposium will be moderated by Chief Judge Judith Kaye. The program will provide two credits of CLE and will be held at the City Bar on Thursday, October 2nd.

We are planning other exciting programs and events later in the year, including a membership reception in the fall, the annual reception for newly elected and appointed judges in January, and a wonderful skills CLE program in February on preparing clients and other fact witnesses for deposition and trial. It's going to be a great year for terrific and interesting programs that make a difference for our members!

Our Foundation also continues to make a real difference. Every year, the Foundation provides significant grants to allow three students from area law schools to work in clinics that provide concrete support to women in need.

Continued on page 2

Testimony On New Voting Machines

On July 10, 2003 NYWBA member Teresa Hommel testified before the NYS Task Force on the Implementation of the Help America Vote Act. Her helpful article on HAVA appears on page 4.

Ladies and gentlemen, thank you for the opportunity to speak before you today. My expertise is in computers, and my comments deal with issues concerning the use of Direct Recording Electronic (DRE) voting machines.

The need for a voter-verifiable paper trail.

All computers are inherently subject to programming errors, equipment malfunction, and malicious tampering. Computer professionals know this, but we aren't the only ones.

Casual users of computers also know that computers don't work right all the time. Ask yourself, how often does your PC crash? or lock? or lose a document?

The same kinds of problems have already occurred with DRE voting machines in various states around our country. We would be prudent to be forewarned by those experiences, and not duplicate them. That is why we need a voter-verifiable paper trail of each ballot cast. Without it, there is no way to count the votes when the computer malfunctions.

Banks give paper receipts, cash registers do, ATM machines do, even gas pumps give paper receipts. There are computer kiosks at train stations to sell tickets on paper, and at airports to print boarding passes. Printing receipts is not a big deal. But without those voter-verifiable pieces of paper from DRE voting machines, when election results are challenged, a recount is not possible.

Democracy can't survive if we let an anonymous bunch of people count our votes in secret behind

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Do you have a great idea for NYWBA's new logo?

Since 1935, the New York Women's Bar Association has been fulfilling its mission to ensure the equal and fair administration of justice. It's time we had a great "logo" that embodies our spirit and accomplishments.

Ideally, the new logo should be small enough to make into a pin or sew on a cap but bold enough to make a great statement about our Association. Think of the great logos used by the Women's Bar Association of the State of New York, the Association of the Bar of the City of New York and the New York County Lawyer's Association. Each of them is stately and dignified, and when you see them you know instantly the name of the organization.

Send your ideas to NYWBA President Elizabeth Bryson (by email to "president@nywba.org" or by regular mail to 303 Park Avenue South, #1190, New York, NY 10010-3601).

It won't be too long before we celebrate our 70th year. Be a part of our history and our future by providing the idea for a logo that can take us through our next 70 years and beyond!

President's Message continued from page 1

Students from NYU Law School work at *InMotion* (formerly *Network for Women's Services*). Students from Fordham Law School work through *Sanctuary for Families*. Students from Columbia work at the *Lawyer's Committee for Human Rights*, which provides legal services to women seeking asylum. In addition to this important program, the Foundation also provides grants to NYWBA committees to fund CLE programs, and it sponsors our annual, very successful *Take Your Daughters to Work Day* at the Second Circuit.

The Foundation also administers the annual *Florence Perlow Shientag Award*, which provides funds to a deserving law student based on the preparation of a scholarly essay on constitutional law. This year, the \$5,000 Award was presented to Paulina Stamatelos of Cardozo Law School at our May Annual Dinner.

I am thrilled to report that Judge Shientag has announced that starting next year, the award will be \$10,000 to the student who prepares the best essay, plus \$2,000 to the runner-up. Judge Shientag has been an inspiration for the 68 years since she and five other women attorneys founded the Association. Her incredible generosity, not only with this award but in her personal mentoring of members of the Association, as well as her regular presence at Board meetings after all these years, demonstrates once again her continued commitment to ensuring the fair and equal administration of justice.

In speaking of equality, we are thrilled when a new milestone is achieved by a woman. In July 2003, Elena Kagan took the helm of Harvard Law School as its first female Dean. Dean Kagan is a New Yorker; she was born on the Upper West Side and attended Hunter College elementary and high schools. After graduating from Princeton University and Harvard Law she clerked for the Hon. Abner Mikva, U.S. Court of Appeals for the D.C. Circuit; clerked for the Honor. Thurgood Marshall, Associate Justice of the U.S. Supreme Court; taught law at the University of Chicago Law School; and served in a number of legal positions in the Clinton White House including Associate Counsel to the President and Deputy Director of the Domestic Policy Council. While Harvard is the oldest continuously operated law school in the United States, it was one of the last of the leading law schools to admit women, having done so only in 1953. It is wonderful to know that on the 50th anniversary of the admission of women to Harvard Law that the school now has a distinguished woman as its leader.

Finally, the NYWBA Foundation recently hosted its first "Breakfast Series," featuring a wonderful presentation by Linda Fairstein, renowned sex crimes prosecutor at the Manhattan District Attorney's Office until her recent retirement. Many thanks to Foundation Board member Denise Coleman for her article about the presentation and to the entire Foundation Board for inaugurating this important series.



NYWBA FOUNDATION, INC. BREAKFAST SERIES - LINDA FAIRSTEIN, ESQ. INAUGURAL SPEAKER

The New York Women's Bar Association Foundation, Inc. launched a new program on June 4, 2003, to an enthusiastic audience at the Harvard Club. The featured speaker in the Foundation's new Breakfast Series was Linda Fairstein, former Chief of the Sex Crimes Prosecution Bureau, Manhattan District Attorney's Office, and current bestselling author. Linda's dynamic and informative approach to her topic made it possible for her to cover a potentially disturbing subject over breakfast - and even left everyone eager for more. The torrential morning rain was just a prelude to the coming summer, but it did not keep away attendees who ranged from colleagues, lawyers and judges from around the city-those with many years experience and those recently out of law school-to those non-lawyers who either knew Linda personally or by reputation.

Throughout her twenty-five year career in the District Attorney's Office, Linda piloted the prosecutorial effort in the area of violence against women. "I am so glad that Linda Fairstein agreed to be the first speaker in our new series," said Katherine Posner, Esq., President of the NYWBA Foundation, Inc. "We achieved both our goals with this program; to provide an interesting and informative speaker, and raise money to support one of the Foundation's projects.

That we achieved our first goal was evident by the enthusiastic participants still calling out questions as Linda signed copies of her latest book, *The Bone Vault*. And, I am happy to report that we raised enough money to support a law student internship to a non-profit organization working on behalf of women who are victims of domestic violence."

The financial success of this program was due in part to Ms. Fairstein's generous donation of copies of her book, which she then graciously stayed on to sign. All profits from the sale of these books went towards funding the internship.

Most people in New York have heard of Linda's high profile prosecutions, including the Preppie Murder Case (Robert Chambers) and the Puerto Rican Day Parade Riots. When she joined the DA's office in 1972, there wasn't a department, or an attorney for that matter, responsible for handling reports of acts of violence against women, domestic violence, or rape.

The determination in Linda Fairstein's voice was almost palpable as she described how women were considered 'irrelevant' witnesses in rape and personal violence cases. "My eyes teared as she described how women would have to have corroborating witnesses, people who actually witnessed the rape, in order to be taken seriously," said Tamara Stephen, Esq., a young attorney who expressed her "fascination and appreciation of Linda's description of the evolution of the law, and of the attitudes with respect to sex crime victims as well as the role of prosecutors. I know there is still so much to do, but I am thankful for women like Linda Fairstein when I think of what

the women who came before me-both within the legal practice and out-had to deal with."

Carol Schrager, Esq. was impressed with Linda's knowledge of DNA and her practical understanding of its use. "She understands that with this scientific breakthrough we can do more than capture criminals. It will be extremely valuable in more ways than just clearing the innocent and identifying the guilty in current cases."

Linda spoke about how DNA made it possible, in 2001, for the District Attorney's office to begin clearing more than 16,000 rape cases that then sat in the cold case files waiting to be solved. Some of these women had not heard anything about their cases in ten years or more. "Every time we contacted women about cases that they believed had gone 'cold,' Linda told an engrossed audience, "they were overwhelmed and pleased that their attackers could still be brought to justice."

After discussing the recent advances in the use of DNA, and other rules of evidence in cases of violence against women, Linda warned the audience not to become complacent. She called upon foundations and other not-for-profit organizations to continue in their efforts to shine the judicial light on violence against women and children so prosecutors are given the tools needed to develop "winnable" cases. Linda applauded the Women's Bar Association for supporting her efforts for many years, but urged everyone at the breakfast to keep fighting.

"Linda has been a long-time member of the New York Women's Bar Association," said recently elected President of the Association, Elizabeth Bryson. "And now, as an ex-officio member of the Foundation Board, I am thrilled to be part of an organization that has presented such a dynamic woman in the field of criminal law and has, at the same time, raised funds to support its important mission."

While Linda has retired from the Manhattan District Attorney's Office, she continues to share her criminal justice experiences with us every day through the life and times of Alex Cooper, Assistant District Attorney, who lives on the pages of Linda's bestselling novels. "Alex Cooper is really me," Linda told her audience at breakfast, "only she's younger, thinner and blonder." However, it is clear Alex is not any more knowledgeable, because her cases are fictionalized versions of cases Linda has worked on.

The Bone Vault is the fifth book in the Alex Cooper series; each filled with suspense, police and courtroom procedurals, just enough romance, and healthy humor. In addition, Linda's non-fiction book *Sexual Violence: Our War Against Rape*, was a New York Times Notable Book in 1994.

As the participants left the prestigious Harvard Club on that overcast and rainy morning, there was a *Continued on page 7*

WELCOME NEW MEMBERS

Alicia M. Clifford
Beth J. Rotenberg
Paulina Stamatelos
Jaime Katz Sussner

Direct Recording Electronic Voting Machines: Ease of Use vs. Ease of Computer-based Fraud

by *Teresa Hommel*

Congress passed the Help America Vote Act of 2002 (HAVA) just before the 2002 elections. HAVA allocated \$3.9 billion for states to revise their election administration, and encouraged replacement of old lever-type and punched-card voting equipment with new machines such as optical scanners or Direct Recording Electronic (DRE) voting machines.

DREs typically resemble big laptop computers with touch-screen capability, like ATMs. Although optical scanners require the use of paper ballots that can be preserved and hand counted, election officials across the country say that voters, especially the elderly and disabled, prefer DREs because of their relative accessibility and ease of use.

A Security Problem

Most DREs on the market today do not provide a "voter-verifiable audit (or paper) trail."¹ This is a printout of each voter's ballot marked with his or her choices that can be checked for accuracy before being cast, and, after being cast, serves as the permanent record of the ballot for recount purposes. The problem is that without a voter-verifiable trail, independent recounts are prevented and the correct functioning of the machines cannot be independently ascertained.

The major manufacturers of DREs tout as security features their machines' ability to print post-election audit trails as well as complete marked ballots from computer memory. Barring total incompetence of the programmers, however, any post-election printouts should corroborate the machine's final tallies whether correct or corrupt. Independent corroboration of final tallies requires the counting of ballots that were confirmable by the voters who cast them and unalterable after confirmation. Any information in a computer can be altered.

Douglas A. Kellner, a Commissioner of the NYC Board of Elections, says, "My big concern is that using electronic voting machines to count ballots is akin to taking all the paper ballots and handing them over to a couple of computer tech people to count them in a secret room, and then tell us how it came out. That is not an acceptable way of conducting elections in a democracy."² The Resolution on Electronic Voting, proposed by Dr. David Dill of Stanford University and endorsed by over a thousand computer technologists, says that because of their insecurity, electronic voting machines "should not be purchased or used unless they provide a voter-verifiable audit trail; when such machines are already in use, they should be replaced or modified to provide a voter-verifiable audit trail."³

Inadequate Standards

HAVA failed to specify meaningful security standards for HAVA-funded voting machines. If Congress had waited until after last year's elections, which saw widespread (but minimally publicized) irregularities with new electronic voting equipment, HAVA might have included more security requirements.

HAVA mandates new standards to be developed, but they will be voluntary. Moreover, the first draft may not be ready until 2006--after most of the new machines will have been purchased (HAVA-funded voting machines must be in place for the November, 2004, election unless a state applies for an extension, and then the new machines must be in place in 2006).

Most DREs in current use are produced by three companies: Sequoia Voting Systems, ES&S (Election Systems & Software), and Diebold. These machines were certified according to older standards that are clearly inadequate--the Diebold software revealed as faulty in a study released on July 23, 2003, by computer scientists at Johns Hopkins University had been certified.⁴ The worst security errors found by the Johns Hopkins scientists had been called to Diebold's attention five years ago by Dr. Douglas W. Jones of the University of Iowa and a member of Iowa's board of examiners for voting systems. Says Dr. Jones, "[T]his story ... represents a black eye for the entire system of Voting System Standards promulgated by the Federal Election Commission and the National Association of State Election Directors. Not only did the ... Diebold touch screen system pass all of the tests imposed by this standards process, but it passed them many times, and the source code auditors even gave it exceptionally high marks. Given this, should we trust the security of any of the other direct recording electronic voting systems on the market?"⁵ Dr. Jones has called for de-certification of the Diebold equipment.

Accessibility for the Disabled

In New York City, an estimated 20% of voters have some disability that limits or prevents them from casting a private and independent vote with older equipment. Manhattan Borough President C. Virginia Fields and The Center for Independence of the Disabled in New York, Inc. published a report, "Voting Technology for People with Disabilities," in March, 2003.⁶ The report makes clear the many types of accessibility features needed.

With newer voting machines, audio devices are used to enable voters who are blind or have limited vision to perceive the original ballot. Similar audio mechanisms using a separate scanner, laser pen, or other data-to-voice device should also enable such voters to verify their ballot printout privately and independently.

The Process in New York

In New York, Governor Pataki appointed Republican Peter Kosinski to head a task force on HAVA implementation. Although Kosinski convened a task force, it met only five times and did virtually no substantive work.

Some observers of the process believe that a machine has already been picked for the state. The assertion stems from close ties between Sequoia Voting Systems and Albany. Jeff Buley, an

Continued on page 7

NYWBA MENTOR GROUP PROGRAM ACCEPTING NEW PARTICIPANTS

In the Fall of 1994, the NYWBA launched a unique program designed to develop and encourage mentoring relationships among our members. The Association perceived, correctly, that mentoring is important to professional success and development, and that traditional mentoring relationships -- mentor and protégé in a one-on-one relationship -- were increasingly unavailable to young lawyers, particularly women. Experienced practitioners facing a changing economy had less time to devote to mentoring, and when they did, they tended to select younger versions of themselves, typically not women or persons of color, as their protégés.

This Association counts among its members some of the most prominent and accomplished women lawyers in the City, whose commitment to mentoring has spanned more than half a century. However, the traditional mentor-protégé structure was not readily adaptable to a bar association, whose members practice throughout the City. Accordingly, in 1994 the Association's Committee to Advance Women in the Profession developed "mentoring circles" to utilize the Association's mentoring resources to meet the needs of the membership.

Each mentoring circle consists of eight to ten members of different practice areas and employers, and varying levels of seniority. The group is expected to meet six times during the year to discuss any topics of interest to the group. New groups

are encouraged to begin with formal discussion topics, such as "how to deal with difficult clients and adversaries," or "how to delegate effectively." As members get to know each other better, formal topics are no longer necessary. Members must agree to attend all group meetings during the year.

Over time, successful groups develop trust and cohesiveness and foster the honest exchange of practical advice, perspective, wisdom and friendship that is the goal of traditional mentoring relationships. Because of the emphasis on variety within groups, every member of the group is potentially a mentor to the others.

When a mentor group works the way it should, participant satisfaction is high. Participants have told me that their groups have supported them through job searches, career changes and the balance of work and family. The women in my own mentor group, whom I have now known for nearly nine years, have become an important part of my professional life.

There will be openings this fall for new participants. Because regular attendance is essential to the cohesiveness of your group, you must be willing to commit to attending the meetings of your group. This newsletter contains a sign up form. If you are interested in joining a Mentor Group, please fill it out and send it in as soon as possible.

THE NEW YORK WOMEN'S BAR ASSOCIATION GROUP MENTORING PROGRAM

The program organizes groups of members at different career levels and positions into "mentoring circles" that meet for six times during the year to discuss career issues. If you would like to participate in one of these circles, please answer the questions below and return as soon as possible to the NYWBA by fax or regular mail.

Name _____
 Address _____

 Phone _____
 Fax _____
 Email _____

New York Women's Bar Association
303 Park Avenue South, #1190
New York, NY 10010-3601
Tel (212) 360-7055
Fax (212) 937-2371

This form is only for new participants or those who want to be in a new group. Do not return this form if you are continuing to participate in an existing group.

How would you characterize your practice area?

Year of Law School Graduation _____

Are you committed to attend all group meetings? Yes ____ No ____

What topics are you interested in discussing? (If you participated last year but seek to be placed in a new group, please explain why.)

SENIOR MENTORS ARE ESPECIALLY NEEDED Objectives of Mentoring Circles

- assist in career and personal development
- provide insight for career moves
- develop positive relationships with other female attorneys
- develop communication and networking skills

If you have any questions, please contact Elise A. Yablonski, Chair, Mentor Program at 212-969-3976 or eyablonski@proskauer.com.

Testimony of Teresa Hommel (continued from page 2)

closed doors. A computer is the same as that bunch of people. American citizens should not be forced to accept the results of a computer in running our democracy.

To bring home what I am talking about, I have turned my laptop into a little voting machine. The software works two ways, either to "test the machine," or to run a "real election." When you test the machine, you will get an accurate count. But when you run a "real election," if any votes are cast, Mary Smith will always win over John Doe. [This software is now on the internet at www.wheresthepaper.org --Ed.]

In this demonstration, you can see what is going on. But if the individual votes were being cast in private, in voting booths, how would anyone know that the total counts and the authentic-looking, post-election audit trail were corrupt?

They wouldn't.

The need for computerized voting machines to go through at least the same security procedures and testing that computer systems go through before they are put into production in business and industry.

Purchasing new computer equipment is a "buyer-beware" situation. That is why in business, companies do exhaustive testing of computer systems before they "go live" in production. The old system and the new one run in parallel for at least one complete accounting cycle, so the results of the old system and the new one can be compared. Businesses that rely on computers know that if they get the wrong results, they could go out of business.

But around our great country, we see voting and elections treated with shocking disrespect. When corruption of the results occurs, the public is supposed to accept the results anyway. This is wrong.

If we're going to get DRE voting machines, these machines should be subject to the same security testing as computers that are used in business and industry. Security means not only that there are no hackers in the system, but also that the results of normal operation are correct. We should not rely on new systems until they are shown to work, and they consistently provide a voter-verifiable paper trail by which their accurate operation can be continuously spot-checked and verified-even when there is no challenge to election results. My bank sends me a statement every month, even when I don't challenge their accounting.

The need for adequate remedies when computerized voting machines do not work properly, and election results are corrupted.

I hope that we can learn from the experience of other states where DRE voting machines have malfunctioned, and where election results were challenged but there was no paper trail to verify the results. I hope that we don't have to duplicate those experiences.

As an American citizen, I am outraged to see our democracy and elections being treated like worthless formalities.

I suggest that New York State require companies that sell equipment to us to post bonds, and if elections are corrupted due to malfunction of equipment, these companies should pay the cost of holding a new election.

Either the machines work and provide the voter-verifiable paper trail to prove it, or we shouldn't use them, and the company that gets our money has to take responsibility.

The need for accessibility of voting machines.

The disabled community has been working for years to get accessible voting machines so that they can vote in private, without the need for assistance, so they can have the secret ballot that every eligible voter is supposed to have.

With the amount of money that the Help America Vote Act has allocated, we should be able to afford voting machines that are accessible as well as secure, machines that provide BOTH accessibility and a voter-verifiable physical record of each vote.

There shouldn't be any financial or technological excuse for saying it can't be done.

Thank you.

Third Annual Mediation Settlement Day October 30, 2003

The New York Women's Bar Association and a coalition of public service organizations, law schools, bar associations, state and federal courts and agencies, including the NASD, EEOC, and FAA, are sponsoring the Third Annual Mediation Settlement Day in New York. This year, the Honorable Janet Reno, former United States Attorney General, will serve as Honorary Chair of Mediation Settlement Day.

The first Mediation Settlement Day, in 2001, successfully promoted mediation in a wide variety of contexts, and provided a way for participating lawyers, mediators and ADR administrators to contribute to the healing of New York City in the aftermath of the September 11 tragedies. Those efforts furthered understanding of the mediation process and advanced the use of mediation in New York City. Activities surrounding the event encouraged judges, parties, and counsel to try mediation for the first time.

Watch for further announcements concerning special programs tailored both to encourage mediation and to educate potential parties and attorneys about the mediation process. The goal of the sponsors is to demonstrate that mediation is an effective tool in resolving all types of disputes.

SAVE THE DATE

Friday, November 14, 2003
8:30 a.m. - 5:30 p.m.

*The New York Women's Bar Association
will present a CLE-accredited Law Guardian
Training Program for certification as a
Law Guardian in First Department
Domestic Relations Matters*

Direct Recording (continued from page 4)

election law attorney who has served as counsel to leading Republicans and Governor Pataki, is also a registered lobbyist for Sequoia.

Lee Daghljan, Director of Public Information of the State Board of Elections, said on Sept. 3, 2003, "There is no clear cut answer yet" to the question of what procedure will be used to purchase New York's new voting machines with HAVA funds, or who will decide what machines to get. New York State requires "full face" ballots, a restriction in acquiring new machines. Only three DREs offer a full face ballot, and they do not provide a voter-verifiable paper trail at this time. At least one manufacturer could produce such equipment, however, if it was required.

Conclusion

Computer scientists and others concerned with this issue are working now against the short deadlines imposed by HAVA to protect the integrity of elections in New York and nationally. They are demanding that DRE voting machines provide a voter-verifiable physical record of each ballot cast as well as accessibility of both the original ballot and the verification printout. Across the country, some manufacturers are gearing up to produce DREs that meet these requirements, but secure and accessible voting machines will probably not be ready for the 2004 elections.

It is my opinion that we should take a position supporting those requirements. We should urge Governor Pataki to request his appointee Peter Kosinski to push for voting machines that have these capabilities; urge our state senate to pass legislation to require them (A8847 has already passed the Assembly); urge State Senator Morahan (R-38th Dist.), Chair of the Senate Committee on Elections to introduce and support a companion bill for A8847 in the NY State Senate; urge New York's Congressional Representatives to co-sponsor H.R. 2239, the Voter Confidence and Increased Accessibility Act of 2003, a bill introduced by Rush Holt (D-NJ) which would require voting machines to provide a voter-verifiable permanent record of each ballot cast as well as accessibility; urge Senators Clinton and Schumer to introduce a companion bill for H.R. 2239; and pass information about this issue to other groups in the legal community.

1. The concept and term were created by Dr. Rebecca Mercuri, internationally recognized expert on electronic voting, currently affiliated with Harvard's Kennedy School of Government. <http://www.notablessoftware.com/evote.html>
 2. Hudson Star-Register, Saturday, May 3, 2003, page A-1, "Mixed Reviews Greet Brave New World of Voting"
 3. <http://www.verifiedvoting.org/resolution.asp>
 4. <http://www.avirubin.com/vote.pdf>. The software had appeared on the Internet from an insecure ftp site maintained by Diebold.
 5. <http://www.cs.uiowa.edu/~jones/voting/dieboldftp.html>
 6. <http://cvfieldsmbp.org/Voting%20Technology%20for%20People%20With%20Disabilities.pdf>
 7. <http://assembly.state.ny.us/leg/?bn=A08847&sh=t>
 8. <http://holt.house.gov/issues2.cfm?id=5996>

Linda Fairstein continued from page 3

general sense of excitement that the New York Women's Bar Association Foundation was such a vital and compelling organization. Attendees left in small groups, discussing Linda's presentation, and speculating on who the next speaker in the series will be.

"This was a valuable experience for someone like me, who is not part of the legal profession. I found Linda's presentation informative, insightful and witty, and I am happy to support such a worthwhile organization," exclaimed Kate R. Whitney who came as a guest of Denise A. Coleman, one of the Foundation's Board members. "A good, energizing way to start the day. I hope the Foundation will keep me on their mailing list."

Due to photo policies of the Harvard Club, we are sorry that we cannot share with you any pictures of Linda presenting her compelling remarks.

**THE TRUTH ABOUT
DOMESTIC VIOLENCE AND RAPE**
**Points from Remarks by Linda Fairstein
June 4, 2003 NYWBAF Breakfast Series
Inaugural Presentation**

- Until the mid-1970's, victims were not allowed to testify in a sexual assault case unless there was independent corroboration of each element of the crime;
- Only 18 of 1000 defendants arrested for sexual assault were convicted in 1969;
- Under the 1977 "Rape Shield Law", if a women was "unchaste" the presumption was that she gave consent;
- The most dangerous times in a relationship with a history of domestic violence is when a woman tries to leave and during pregnancy;
- According to a Department of Justice study, the leading cause of death during pregnancy is homicide;
- 85% of the time the person who brought the victim for medical attention is the batterer;
- In 2001, there were 16,000 untested rape evidence kits, all of which have been outsourced for testing.

COMMITTEE CALENDAR

The Technology and the Internet for Lawyers Committee will be meeting on **October 23, 2003, 6:15 p.m.** at the offices of Elizabeth Bryson, New YorkLife, Room 2612, entrance at 44 East 27th Street [between Park & Madison]. New members welcome. Light refreshments to be served. For information or to R.S.V.P., please contact Kay Marmorek, co-chair, 718-590-8880 or kmarmore@courts.state.ny.us.

Newsletter Deadline and Contact Information

Submissions must be sent to the Newsletter Committee by the **10th** of the month for publication in the following month's newsletter. Please e-mail articles, notes on members, committee calendars, and any other announcements to **Diana E. Ceccacci, Esq.**, tel. no. 718-229-4932, email dceccacci@nyc.rr.com.

NYWBA List Serve

The NYWBA List Serve provides up to the moment information concerning events, programs and job announcements through email. Please email us at info@nywba.org if you have an announcement you would like to post on the list serve or if you would like to be added to the list serve.

Have you changed your address, firm, phone number or other information? Please send an e-mail to "info@nywba.org" with the updated information. This will help us keep you informed and our records up-to-date.

SAVE THE DATE

Thursday, October 2, 2003, 6:00 p.m.

Annual JALBCA Symposium on Breast Cancer Issues

NYWBA is a proud sponsor of the Judges and Lawyers Breast Cancer Alert's Eighth Annual Symposium. This year's topics are "Scientific Evidence in the Courthouse" and "The Patient's Roadmap to Medical Privacy Under New York and Federal Law".

Visit our website at www.nywba.org

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NEW YORK WOMEN'S BAR ASSOCIATION

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