

# Altruism *Ingenuity* Practicality:

## TRAITS SHARED BY FAMILY LAW SPECIALISTS

Melissa Payton

Few legal specialties are as varied as those under the umbrella of family law. Child custody, adoption, divorce, estate planning, and various issues relating to same-sex and other non-traditional families are all within its purview.

Practitioners range from celebrity divorce lawyers to the so-called “18-b” lawyers who are appointed to represent the poor and who until recently made as little as \$40 an hour. Some family lawyers work within large law firms, but many others find specialties that fit within a solo or boutique practice. Women are especially well-represented, perhaps because of their traditional interest in children and families.

The Cardozo alumni profiled here represent the family law gamut, from matrimonial and immigration law to Family Court proceedings. All find satisfaction in their ability to help their clients. They said that although practicing family law may not lead to great riches, it does produce spiritual satisfaction.

### IS IT MATRIMONIAL OR DIVORCE?

Partners **Jay Butterman '88** and **Deborah Kahn '83** are in some ways the stereotypical Manhattan matrimonial lawyers: They're brash, articulate, and aggressive litigators. But even though they've handled their share of affluent and celebrity clients (Patricia Duff, ex-wife of billionaire Ronald Perelman, and Cyndia Tyler, the late Warhol star and ex-wife of Aerosmith's Steve Tyler, among them), they say practicing divorce law is not a guaranteed path to wealth.

"The bulk of the cases are, of course, average people—many times people who have very limited resources," Butterman said. "We don't turn away people just because they can't afford us."

Matrimonial lawyers who successfully represent the less affluent spouse, for example, are at best awarded their hourly rate. "But when we don't succeed in getting a large enough award to pay our fees plus enough money for our client to feel satisfied, we don't get fully paid," he said. "There is an impression that the great worthies [prominent divorce lawyers] make millions. The reality is that, with few exceptions, that is not the case."

About 70 percent of Butterman & Kahn's caseload is "matrimonial—the vast bulk of it divorce [cases]," Butter-

man said. Although the pair are known as litigators, they handle agreements as well: pre-nuptial, marital, and those for civil unions. Each has a side specialty: Butterman handles some entertainment and publishing cases, and Kahn does real estate law.

Kahn and Butterman, both 45, took slightly different routes to law school. Since high school, Kahn wanted to be a lawyer in order to help create social change. "I always liked a good argument," ("She still does!" her partner interjects) "and always liked to write." Her interest in family law came a few years out of law school, when she was in a litigation firm and was handed a tough matrimonial case. She got the "bug" and decided to join a small matrimonial firm.

Enter Butterman, who started law school later in life, after a career in public relations. In the early 1990s, Kahn was representing the husband in a divorce case, Butterman the wife. She called to introduce herself. "Jay launched into a diatribe," she said. "The decibel level was deafening. At some point I just put the receiver down on its cradle."

"She hung up on me!" Butterman said.

"We ended up getting together," Kahn said, "and settling the case, and we began to talk to each other civilly."

Deborah Kahn '83 and Jay Butterman '88



They became friends, and Kahn joined Butterman as a business partner in 1997. Although they aren't married, they are partners in life as well, they said.

One of their most significant cases was *Gindi v. Gindi* in 2001. Butterman and Kahn represented a young, childless woman in an unhappy Orthodox Jewish marriage who wanted a “get,” or religious divorce, which would allow her to eventually remarry with the approval of her community. Her husband had refused, and as is often the case, was holding out for payment, Butterman said.

The Brooklyn judge granted the woman Kahn and Butterman's suggested remedy of lifetime alimony payments. The woman's wish was granted: Her husband allowed the get to avoid the alimony.

This precedent may be challenged in the future, but for now, it has worked to encourage a number of recalcitrant husbands to grant gets, Kahn said.

Matrimonial law is “hugely satisfying,” Kahn said. “You really have an impact on people's lives in a very palpable way.”

The bottom line, Butterman said, is that “you are literally helping people, individuals who are sometimes in desperate circumstances. You're dealing with real human problems at the most basic level possible. That is the essence of what it is to be a lawyer.”

Despite its demands, matrimonial law allows greater flexibility for practitioners, he said and added, “I founded this firm two years out of law school, and I think our reputation is as good as any in the city.”

Butterman & Kahn runs an internship program with one or two law students or undergraduates every year, and it hires summer associates. The partners say they frequently hire Cardozo students and new graduates.

### A PIONEER REPRESENTING VICTIMS OF ABUSE

Family law attorney **Merritt McKeon '96** of Newport Beach, California, is a specialist in helping victims of domestic violence, an area of law that she said still has such a low profile that a judge she knew was once asked if he believed that domestic violence existed.

“There's a conspiracy to not talk about it,” she said. Most law school courses deal only with battered women



Merritt McKeon '96

JASON WALLIS

syndrome as a defense, McKeon said. “There's nothing about child custody, nothing about legal services to victims of violence. It's a vast vacuum.”

McKeon's interest in domestic violence is intensely personal. She started law school in the midst of a 10-year custody battle for her three children that began after she left their Iranian father in 1988, and he won a court ruling in Oregon to take the boys to Iran. Although she praises her ex-husband for the way he raised the boys, now 15, 17, and 22, she said she was abused during their marriage.

At Cardozo, McKeon started a group, Law Students for Children, with colleagues who shared her interest in abuse survivors, as well as adoption and social services for children. During McKeon's last year, then Professor and Family Court Judge Gertrude Mainzer, a Holocaust



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survivor and children's advocate, helped her get her children back. "She made a few phone calls and suddenly people in the US Attorney's Office were returning my phone calls," she said. Two years later, McKeon was reunited with her sons.

Back in Southern California after graduation, her interest in domestic abuse led her to volunteer for the Nicole Brown Simpson Charitable Foundation. She got to know Nicole Brown Simpson's father, Louis Brown, and eventually coauthored a book with him, *Stop Domestic Violence* (St. Martin's Griffin, 1997), that discusses how battered women can escape abusive relationships.

McKeon has a solo practice in a specialty where she is a pioneer. "I feel that the payoff comes if I can change the way domestic violence is treated in our courts. It doesn't mean getting more punitive, locking guys up. If I can make it easier for children to find protection, for people to keep their jobs and pay child support, and if attorneys could gather evidence of abuse and prosecute cases more easily, I would feel so great."

McKeon said she would be glad to mentor Cardozo graduates in Southern California. "I do a lot of appellate work, and I'm always looking for people interested in my wild and crazy appeals," she said.

#### ADOPTION: LAW WITH A HAPPY ENDING

**Susan Halpern '84** came to her legal career through a nontraditional route as well. "But it hit the spot when the

time came," she said. Halpern, an adoption lawyer in Manhattan, graduated from Smith College in 1961, with a degree in English literature, and later earned a master's in urban affairs. She raised two daughters and did a lot of freelance consulting. Twenty years later, living in Manhattan with one child still at home, she decided to go to law school.

"Cardozo appealed to me because the average student age was a little higher," Halpern said. "It was a very challenging experience after being out of school so long."

After graduating from Cardozo, she worked for the City of New York, in the legal departments of the Department of Housing Preservation and Development, and then the Department of Consumer Affairs. She gravitated toward adoption law after working at the Citizens Committee for Children, an advocacy group.

"I realized I loved children and wanted law with a happy ending," Halpern said. She works primarily with the city foster care system, engaged by foster parents who decide to adopt a child. She does some private adoptions and some international "re-adoptions"—handling the legal requirements for parents in this country after they have adopted the child overseas.

The hours are long but flexible, said Halpern, who went into practice for herself in 1991. Adoption law is fairly straightforward, with the major requirement being a thorough knowledge of the statutes. "If you really want to make a living at it, you have to broaden into private

adoptions and family law generally,” Halpern said.

Foster work adoptions involve a lot of paperwork, culminating in a short finalization hearing before a judge. “It’s like a wedding,” Halpern said. “There are a lot of tears of happiness. It’s especially satisfying in that so often the children [involved] are old enough to appreciate it.”

### ESTATE PLANNING, MEDICAID, AND MAKING A DIFFERENCE

Elder law attorney **Mary WanderPolo ’86** found her specialty in a roundabout and somewhat harrowing way.

“In my second year in law school, I had a stroke and was hospitalized with older people,” she said. “I got exposed to what was going on with them, and when I came

back to school a year later, I joined the Bet Tzedek clinic.” The Bet Tzedek Legal Services Clinic, staffed by second- and third-year students, helps elderly and disabled clients who cannot afford private counsel.

While a student and three months pregnant, she was hired by Robert Freedman, then a Bet Tzedek codirector, as an intern and ultimately as the first associate of his elder law firm, Freedman and Fish. After WanderPolo moved to New Jersey with her husband and daughter, she formed a partnership in 1995 with another elder law attorney. She has been a solo practitioner, in Montclair, NJ, since last July.

“I loved law school,” WanderPolo said. “I would have stayed for the rest of my life if I could support myself as an adjunct law professor. I liked the mental stimulation, the conversations, and discussions. I loved constitutional law class.”

Although a few elder attorneys make a “killing,” elder law is mostly a “middle-class” practice, said WanderPolo. “You can support a family.” She keeps regular hours most days. “If you want to be a mom or a dad, you can go to soccer games or take an hour off to take cupcakes to school.”

She said her work often involves social counseling in addition to legal advice. For example, one client has a husband with a variation of Alzheimer’s disease that makes him violent. She advised the client to move him to a psychiatric nursing home and give the staff three months to manage his medications. “I saw her again yesterday and she said, ‘You were right, he’s doing so much better.’ It’s nice to be able to comfort people and give them some hope, let them know they’re not alone,” WanderPolo said. “You can really make a fundamental difference in somebody’s life.”

She works with families on retirement and estate planning, and spends a lot of time helping clients negotiate the complexities of Medicaid regulations.

WanderPolo, who said she fell into her career despite health problems and giving birth during her last year of law school, advises law students to take every class they can that might be useful later on. “Once you’re out, you’re going to be so busy building a practice that you won’t have time to go back,” she said.

Another bit of advice: “Don’t expect to make the salaries they publish in the law journal your first year.”

Mary WanderPolo





## CARDOZO'S PROGRAM IN FAMILY LAW, POLICY, AND BIOETHICS

Cardozo has just heightened its profile in family law by pulling together current resources and planning additional offerings through the newly created Program in Family Law, Policy and Bioethics. The program, started in fall 2003, is codirected by Professors Edward Stein and Melanie Leslie '91, who offer broad experience to the program and its mission while also teaching a variety of courses, from the more basic Family Law and Trusts and Estates to the more advanced Child, Parent and State and Sexual Orientation, Gender, and the Law.

Professor Leslie, who graduated magna cum laude from Cardozo, was the executive editor of the *Cardozo Law Review* and a 1991 recipient of the Jacob Burns Medal for outstanding contribution to a law journal. She is the coauthor of a leading Trusts and Estates casebook and has focused her research on wills and trusts, and the attorney-client privilege. Before joining the Cardozo faculty in 1995, Professor Leslie clerked for Justice Gary S. Stein of the New Jersey Supreme Court and was a litigation associate at the law firm of McCarter & English.

Professor Stein came to Cardozo in 2000, the year he received his J.D. from Yale. He holds a Ph.D. in philosophy from Massachusetts Institute of Technology and taught that subject at Yale, Mount Holyoke College, and New York University. His areas of expertise encompass evidence, family law, and philosophy, and most recently, he has written and lectured about issues relating to sexual orientation, gender, and the law. In 2001–02, he clerked for Judge Dolores Sloviter of the US Court of Appeals for the Third Circuit.

"We want to make family law a more vital part of the Law School

and reach out to students interested in that area," Leslie said. "We also want to inspire faculty scholarship by bringing together academics from other law schools and other disciplines."

Professors Leslie and Stein are gathering a board of advisers made up of distinguished alumni, including Family Court Judge Jane Pearl '88, who has been profiled previously in *Cardozo Life* (Summer 2001), and other practitioners to offer guidance and help formulate new initiatives. In addition to broad course offerings, Cardozo boasts a spectrum of clinics, including the Bet Tzedek Legal Services Clinic, the Family Court Clinic, and the Immigration Law Clinic; the student-run Cardozo Advocates for Battered Women and Women's Law Journal, and a wealth of panels and symposia.

At the prompting of Dean David Rudenstine, the new program will also work to beef up Cardozo's bioethics curriculum. Issues surrounding the end of life and reproductive technology are of special interest, Professor Leslie said. Scholarly panels and speakers will be invited to discuss varying aspects of family law and bioethics; recently, a panel at Cardozo explored the Schiavo case, a Florida legal battle over the fate of a severely brain-damaged woman on life support.

Leslie also hopes the program can raise money and develop a way to forgive loans for students who go into the less lucrative areas of family law. "Someone who goes into public interest family law is altruistic to their bones," she said. "I think there are many students who would love to do this but can't afford to because they have to have a job that enables them to pay off their loans."

Leslie said she'd like to inspire alumni to donate to the cause. "I'd like us to figure out a way to support students who want to do something that is related to social change or social justice."

For information about the program contact Professor Stein at [Cardozofamilylaw@yahoo.com](mailto:Cardozofamilylaw@yahoo.com)

## USING SOCIAL WORK EXPERIENCES IN FAMILY COURT

As a support magistrate for Bronx Family Court, **Afua Afriye-Fullwood '84** presides over maintenance, child support, and uncontested paternity cases. She assigns counsel, authorizes discovery, decides motions, awards counsel fees, and conducts violation hearings subject to a Family Court judge's confirmation.

Afriye-Fullwood, who was a social worker before she turned to law, said, "Being in family court is an extension of social work, except that your role is much more direct-ed." She spends much of her time prodding clients to focus on support of their children, despite the problems—high housing costs, low wages, multiple families—that they face.

create a lot of hardship for families, and many of those that come before me don't have many options," she said.

## A REAL NICHE PRACTICE: IMMIGRATION AND GAY RIGHTS

**Lavi Soloway '92** intended to take up civil rights law after graduation, especially in the area of gay rights. But at a lesbian and gay law conference just after graduation, Soloway, a Canadian, realized that his student visa was expiring and asked if anyone knew an immigration law specialist. He was referred to **Noemi Masliah '79**, an outspoken activist on lesbian and gay immigration issues. "I hit it off with Noemi and started working with her," Soloway said. "She sold me on this practice and I love it."

"Someone who goes into public interest family law is  
*altruistic* to their bones."

At Cardozo, the Criminal Law Clinic under Barry Scheck "really changed my life," she said. "I met students that I'm still friends with today. I found a network of positive people who have been very supportive toward each other ever since."

After graduation, Afriye-Fullwood spent five years doing criminal defense work for the Legal Aid Society. Then she handled child abuse and neglect prosecutions for three years at Family Court before assuming her current job in 1993. The intensity of the magistrate's job and the large caseloads have led Ariye-Fullwood to consider other options. She ran unsuccessfully for the Democratic nomination for a Bronx Civil Court judgeship last summer.

Nevertheless, her current job "is a wonderful experience," she said. "Family Court legal practice requires that you not project your own prejudices and judgments onto the clients who are in a crisis. It's a job that requires creative thinking to confront difficult financial and personal situations. Having been a Bronx Family Court litigant myself, I treat people the way I would want to be treated."

Afriye-Fullwood, who has lived for nearly 40 years in the Bronx, said it helps to have a "strong spiritual base" for legal work like hers. "You have to love people and have a strong desire to help them.

"I do believe that man is basically good and that good triumphs over evil. The current economic situation does

Soloway began working with Masliah in 1994 as an associate. They formed Masliah & Soloway, PC, in 2004, specializing in helping gay and lesbian binational couples and refugees seeking asylum based on sexual orientation. They estimate there is only a smattering of lawyers with a similar specialty in New York. Masliah and Soloway belong to the 4,000-member American Immigration Lawyers Association and co-founded the Lesbian and Gay Immigration Rights Task Force in 1993. They also handle nonimmigrant and employment visas, permanent residence, family-based immigration, and citizenship applications. About half of their clients are gay or lesbian, they said. They also represent corporate clients who must contend with immigration issues affecting their workers.

Masliah noted that when she started her immigration law practice, gay and lesbian clients had little recourse. Until 1990, the United States could exclude all homosexuals from immigration. A few years after the ban was struck down, some gay immigrants began winning sanctuary in this country based on persecution abroad. Soloway is a coauthor of "Preparing Sexual Orientation-Based Asylum Claims: A Handbook for Advocates and Asylum-Seekers."

Still, gay and lesbian US citizens are not allowed to sponsor their foreign partners for immigration into this



Lavi Soloway '92 and Noemi Masliah '79

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country, as straight couples can. To address that inequity, Masliah and Soloway helped draft the Permanent Partners Immigration Act, introduced by Rep. Jerrold Nadler (D-NY) in 2001. It would treat same-sex partners the same as heterosexual spouses for immigration purposes.

Soloway and Masliah are hopeful for the Act's eventual passage. "The progress is ongoing," Soloway said. "We keep winning support from more members of Congress." And although their current caseload keeps them busy, Masliah said, the additional work would certainly be worth it.

She said that misinformation abounds about recent, celebrated court rulings in this country and abroad endorsing gay marriage. "People think it's great to get married in Canada, but they don't realize that if you want a divorce you then have to live there for a year," she said. Soloway said he has encountered clients and even judges who wrongly believe gay marriage is now legal in this country. (Vermont sanctions gay civil unions, and the Supreme Judicial Court of Massachusetts ruled it unconstitutional to deny marriage to gay and lesbian couples.)

Masliah, who was born in Cuba, said she always wanted to practice immigration law, despite a lack of course

offerings when she was at Cardozo. "You never tire or become blasé knowing that someone can stay here if they so choose. Why should where your mother gave birth to you determine your fate?"

Soloway said their clients are an "amazing, diverse group of people—they're really very inspiring. We get to learn from the heroism of asylum applicants who leave everything to come here, and families who come to build a new life for their children," he said. "We see the way lives are transformed."

Like their colleagues in other family law specialties, they said their jobs are demanding but allow a flexible schedule. "It's an excellent practice in which to have your own firm," Soloway said.

The partners hire interns and summer associates, including Cardozo students. Students today have many opportunities to volunteer for asylum and refugee work, Soloway said, and will have to study and cope with the shifting regulations surrounding the law.

"Because the regulations are so dense, and at times off-putting, it helps to have passion," Soloway said. "It also helps a lot to have someone you work with that inspires you every day and that you get along with—and I have that." ■