



## **24<sup>th</sup> ANNUAL ELLEN P. HERMANSON MEMORIAL SYMPOSIUM**

### **LEGISLATING GENETIC TESTING: IS KNOWLEDGE POWER?**

**December 9, 2020**

#### **BIOGRAPHIES**

##### **SYMPOSIUM PARTICIPANTS**

**PATRICK J. BURKE, Esq., Partner, Chair of Data Technology & Cybersecurity Group, Phillips Nizer LLP**

Patrick J. Burke chairs the Data Technology & Cybersecurity Group at Phillips Nizer LLP. For two decades, Patrick has specialized in the lawful protection and use of organizations' data, including cybersecurity, data privacy, and digital investigations, with recent working experience in Blockchain technology and cryptocurrency. He has pursued his career as both in-house and outside counsel, as an academic, and as a state regulator.

Prior to joining Phillips Nizer, Patrick served as a Deputy Superintendent at the New York State Department of Financial Services (DFS), where he launched and headed the Office of Financial Innovation ("OFI"). As head of OFI, Patrick oversaw a specialized team of cybersecurity examiners and had certain other responsibilities involving DFS's trail-blazing Cybersecurity Regulation which, for the first time, required comprehensive protection of information collected and processed by over 300,000 banks, insurance companies, credit reporting agencies and other financial entities licensed by New York State. DFS's regulation serves as a model for other states, and already has formed the basis for the National Association of Insurance Commissioners' model cybersecurity law.

The OFI also administered DFS's issuance of "BitLicenses" and limited purpose trust charters to cryptocurrency exchanges, crypto-custody providers and other entities engaged in virtual currency business activities in New York State. Once licensed, his Office supervised and examined those licensed and chartered entities, requiring compliance with robust policies and procedures to address risks and apply DFS's strong standards regarding anti-money laundering,

anti-fraud, transaction monitoring, consumer and cybersecurity protections. During his tenure, DFS authorized Gemini Trust Company LLC and Paxos Trust Company LLC to each offer a price-stable cryptocurrency – commonly known as a “stablecoin” – pegged to the U.S. Dollar.

Since 2006, Patrick has counseled organizations on protection of personal data and compliance with US and global data privacy laws and regulations. He guides companies on how best to manage their data – including data belonging to customers and other third-parties – and implement policies, procedures and training that ensures compliance with data privacy and protection laws in the US, Europe, Asia and globally. He earned the Certified Information Privacy Professional/Europe (CIPP/E) designation from the International Association of Privacy Professionals for proficiency with respect to European data privacy.

Patrick’s experience in digital investigations and electronic discovery dates back to 2001, including seven years as in-house counsel at Guidance Software, maker of the leading digital investigation software, EnCase. He is known for his reasonable and cost-effective approach to discovery obligations in cases of all sizes. He specializes in assisting global organizations in cross-border discovery, cognizant of the various applicable privilege and data privacy standards. His approach to e-discovery is informed by his experience as a litigator at Paul, Weiss, Rifkind, Wharton & Garrison LLP and Linklaters LLP -- and as a Law Clerk to a Federal District Court Judge.

Patrick founded the Cardozo Data Law Initiative at the Benjamin N. Cardozo School of Law in New York City, where he served on the faculty and taught courses on Information Governance and E-Discovery, Digital Evidence and Computer Forensics.

**HON. BARBARA JAFFE, Acting Justice, Supreme Court, New York County**

Justice Barbara Jaffe, a proud member of JALBCA’s Board of Directors, received her B.A. in Fine Arts, cum laude, from Syracuse University, which awarded her a graduate fellowship in Italian Renaissance Art in Florence, Italy, and an MA. Upon her return to the United States, she joined Madison Galleries, Ltd. in Manhattan. After several years with that firm, Justice Jaffe attended Brooklyn Law School, which awarded her a JD in 1984. She then joined The Legal Aid Society, representing criminal defendants on appeal, following which she successively served as principal court attorney to two Supreme Court justices, was elected to the New York City Civil Court, sat in the New York City Criminal Court and then in the New York City Civil Court, and was then appointed to the New York State Supreme Court. Justice Jaffe presides in an Individual Assignment Part and is specially assigned to try asbestos cases.

Justice Jaffe is a Founding Faculty Member of New York County Lawyers Association’s (NYCLA) Art Litigation and Dispute Resolution Institute and is a member of its Supreme Court Committee. She has co-chaired NYCLA’s Civil Court Practice Section and has lectured at

numerous continuing legal education programs at NYCLA and elsewhere, including the New York City Bar Association, which she represented as a Delegate to the New York State Bar Association's House of Delegates. Justice Jaffe also has served on the City Bar's Committee on Nominations, Committee on Civil Rights, Art Law Committee, Special Committee on Capital Punishment, Committee on Civil Court, Committee on Criminal Law, and Special Committee on Public Service and Education. Justice Jaffe chaired a committee that produced, in six languages, the "New York State Criminal Justice Handbook." As a member of the Executive Committee of the New York State Bar Association's Entertainment, Art, and Sports Law Section, Justice Jaffe co-chairs its BMI/Cowan Memorial Scholarship Committee.

Justice Jaffe served on the Board of Directors of the New York Women's Bar Association and as co-chair of its Professional Ethics and Discipline Committee. She also co-chaired the Legislative Committee and the Criminal Law Committee of the Women's Bar Association of the State of New York, and is a Past President of the Association of Arbitrators of the Small Claims Court. In 2011, Justice Jaffe was honored to receive the Beryl R. Jones-Woodin Art Law Alumni Award from the Art Law Association of Brooklyn Law School.

**KRISTEN C. KIM, Esq., Associate General Counsel, Chief Regulatory Counsel, Memorial Sloan Kettering Cancer Center**

Kristen Kim is a health care attorney who has been the Chief Regulatory Counsel at Memorial Sloan Kettering Cancer Center since 2017. She advises the cancer hospital on a wide range federal and state regulations that affect hospital operations and research activities, including hospital licensure and accreditation, fraud and abuse, clinical research regulation, grants compliance, billing, privacy and other matters. Prior to joining Memorial Sloan Kettering, she was part of the in-house legal team at NYU Langone Health with a focus on legal issues affecting research operations. Kristen has also worked for Ropes & Gray and the U.S. Department of Health and Human Services Centers for Medicare and Medicaid Services (CMS). She is a graduate of Columbia Law School and Harvard College.

**HON. KEITH POWERS, Member, New York City Council and Committee on Health**

Council Member Keith Powers represents New York City's Council District 4, covering Carnegie Hill, Central Park South, Garment District, Koreatown, Midtown East, Midtown West, Murray Hill, Peter Cooper Village and Stuyvesant Town, Sutton Place, Times Square, Tudor City, Turtle Bay, Upper East Side, and Waterside Plaza.

In his time in office, Council Member Powers has introduced and passed legislation to make it easier to run for office, prevent tenants from unlawful eviction, broaden sexual harassment protections, and protect small businesses.

As Chair of the Criminal Justice Committee, Council Member Powers has worked to overhaul the criminal justice system and change the culture in our City's jails. He played a key role in stewarding the vote to close Rikers Island and has passed legislation to eliminate bail fees.

Council Member Powers has focused on affordable housing, including negotiating a historic housing deal between Waterside Plaza and NYC's Department of Housing Preservation and Development (HPD) to preserve affordable units at Waterside Plaza through the year 2098. In addition, he joined his colleagues in securing the passage of the East Side Coastal Resiliency Project, which will protect miles of Manhattan's waterfront from coastal flooding. Council Member Powers also led the way to the implementation of the 14th Street busway, the pedestrianization pilot of Rockefeller Center, and continues to be an advocate for improving the city's transportation network.

**ANYA PRINCE, MPP, JD, Associate Professor of Law, Iowa College of Law, and Member of the University of Iowa Genetics Cluster**

Professor Prince's teaching and research interests explore the ethical, legal, and social implications of genomic testing, with particular focus on genetic discrimination and privacy rights, use of big data and algorithms, and insurance coverage of genetic technologies and interventions.

Professor Prince is a former Visiting Assistant Professor of Law at Indiana University's Robert H. McKinney School of Law, where she taught *New Genetics: Ethical, Legal and Policy Issues* and *Employment Law*. She has published a variety of articles in legal, bioethics, and medical journals, including *North Carolina Law*, *Iowa Law Review*, *JAMA*, the *American Journal of Bioethics*, *Journal of Law, Medicine, and Ethics*, and *Genetics in Medicine*. She has presented and been an invited speaker at conferences across the country.

In 2015, she was awarded a five-year Pathway to Independence Award (K99/R00) from the National Human Genome Research Institute to examine the use of genetic information by life, long-term care, and disability insurers. In addition to this grant, Professor Prince is an investigator or consultant on three other NIH funded projects. She is also a Section Officer for the AALS Insurance Law Section.

Before joining the legal academy, Professor Prince served as a Post-doctoral Research Fellow at the UNC Center for Genomics and Society (CGS) in the Department of Social Medicine at UNC-Chapel Hill School of Medicine as well as an intern on the UNC Hospital Ethics Committee. In 2015, she received the UNC's Postdoctoral Award for Research Excellence and received additional funding from the Skadden Foundation for her work on the hospital ethics committee. In addition to her research role, Professor Prince has also worked as a Skadden Fellow and Staff Attorney at the Cancer Legal Resource Center in Los Angeles, California.

**KATHRYN M. RATTIGAN, Esq., Robinson & Cole LLP's Data Privacy & Cybersecurity Team and Business Litigation Group**

Kathryn Rattigan is a member of Robinson+Cole's Business Litigation Group and Data Privacy & Cybersecurity Team. She advises clients on data privacy and security, cybersecurity, and compliance with related state and federal laws. She represents clients across all industries, such as insurance, health care, education, energy, and construction. She advises clients on their development of privacy and security plans, including how best to handle high-risk data to avoid breaches and cyber intrusions, and she counsels clients facing government investigations over alleged non-compliance.

Kathryn also advises clients on all legal issues surrounding the use of commercial drones, including navigation of Federal Aviation Administration regulations, commercial registration requirements, Part 107 waivers, and managing privacy concerns. She reviews and prepares employee and subcontractor agreements for the piloting and use of drones. She advises commercial businesses on insurance options for adequate coverage for drone use.

**HON. ALAN D. SCHEINKMAN, Presiding Justice, Appellate Division, Second Judicial Department, JALBCA Board of Directors**

Alan D. Scheinkman is the Presiding Justice of the Appellate Division, Second Judicial Department, appointed by Governor Andrew M. Cuomo as of January 1, 2018, and a member of the Administrative Board of the New York State Courts. He has served by designation on the New York State Court of Appeals.

From June 2009 through December 2017, he was the Administrative Judge of the Ninth Judicial District and the presiding justice of the Commercial Division, Westchester County. He has also served as an Associate Justice of the Appellate Term, Ninth and Tenth Judicial Districts.

Justice Scheinkman is the co-chair of the Judicial Task Force on the State Constitution formed by Chief Judge Janet DiFiore, as well as a member of the New York State Bar Association Committee on the State Constitution. He is the Chair of the State Bar's Task Force on the Bar Examination, a member of the House of Delegates and the Committee on Courts of Appellate Jurisdiction. He serves on the Chief Judge's Advisory Council for the Commercial Division. He is a member of the Pattern Jury Instructions Committee – Civil of the New York State Association of Supreme Court Justices, having formerly served as a Reporter for the Committee for many years.

Justice Scheinkman obtained his law degree in 1975 from St. John's University School of Law. From 1975 to 1977, he was law clerk to Hon. Matthew J. Jasen, Associate Judge, New York Court of Appeals.

Prior to election to the Bench, he was in private practice, taught law full-time at St. John's University School of Law, and served as the Westchester County Attorney. He is the co-author, along with the late Professor David D. Siegel, of the New York State Bar Association handbooks on practice in the New York Court of Appeals and in the Appellate Divisions. He is the author of a two-volume treatise on New York domestic relations law and was, for many years, the practice commentator for McKinney's Domestic Relations Law. He has participated as a speaker and panelist at numerous judicial and bar association programs. He has also taught at Pace University School of Law, and at Rutgers University-Newark School of Law. He presently serves as a member of the Board of Visitors of Pace University School of Law.

**JULIA A. SMITH, MD, PhD, NYU Langone Perlmutter Cancer Center, Assistant Clinical Professor, Department of Medicine (Oncology) at NYU Grossman School of Medicine**

Dr. Smith is the Clinical Director, Cancer Screening Program, Laura and Isaac Perlmutter Cancer Center. Dr. Smith has had a longstanding commitment to cancer risk assessment, and screening and surveillance for patients at elevated risk for cancer.

She was the first woman graduate from the New York University School of Medicine joint MD/PhD program in 1980, with a doctorate in cell biology. She then did her internal medicine training at Harvard Medical Center, followed by a fellowship in hematology-oncology at Memorial Sloan-Kettering Cancer Center. During that time, she completed a post-doctorate fellowship in molecular biology and retroviral genetics at Rockefeller University.

Dr. Smith has been a clinical expert in the field of risk assessment for cancer, with the goal of increasing surveillance, early detection, and prevention, since the inception of the field, educating the medical community and public around the United States as well as in other countries.

In addition to her role at the NYU Langone Cancer Center, she ran the first clinic for the underserved and underinsured population at Bellevue Hospital, established in 1998, with the Foundation & Caring Together Project for Women with Increased Risk for Cancer for the NYU Cancer Institute and the Lynne Cohen Cancer Screening and Prevention Clinic for High Risk Women.

**LISA A. SCHLAGER, Vice President of Public Policy, FORCE (Facing Our Risk of Cancer Empowered)**

Lisa Schlager is a recognized consumer advocacy leader for the hereditary cancer community. As Vice President of Community Affairs & Public Policy (2010-present), Ms. Schlager manages strategic partnerships and collaborations for FORCE, a national nonprofit dedicated to the hereditary cancer community. She also spearheads the organization's legislative and regulatory policy efforts, advocating for the unique needs of the high-risk cancer community.

Well-versed in health care and genetic privacy laws — i.e., Genetic Information Nondiscrimination Act (GINA), Women’s Health and Cancer Rights Act (WHCRA), Affordable Care Act, etc. — Ms. Schlager is the point person on national guidelines and advocacy issues affecting the hereditary cancer community. She possesses expert knowledge on policies impacting, and insurance coverage of, screening and preventive services for individuals at increased risk of cancer and targeted treatments for those diagnosed with hereditary cancers. Ms. Schlager serves in leadership positions for a number of cancer and health care initiatives in the government, nonprofit, and private sectors.

**ERIKA STALLINGS, ESQ., BRCA awareness advocate and attorney, Facebook Music**

Erika Stallings is a graduate of the University of North Carolina-Chapel Hill where she was the recipient of a Morehead-Cain scholarship and Georgetown University Law Center. She spent six years in private practice focusing on intellectual property litigation and trademark prosecution and enforcement before moving in-house to work at Broadcast Music, Inc, the largest performance rights organization in the United States. She currently is an attorney at Facebook Music. Erika serves as the co-chair for the Associates Board for Volunteer Lawyers for the Arts. She has been a featured speaker at the New York State Bar Association, the National Bar Association and the MONDO Music Conference.

In 2014, Erika underwent genetic testing and learned that she had inherited a BRCA2 mutation, a hereditary cancer mutation that significantly elevates the risk of developing breast and ovarian cancer. She underwent a preventative mastectomy in December 2014. Her experience led her to research disparities in breast cancer outcomes between black and white women and she has become a speaker and patient advocate for increasing awareness of hereditary breast cancer among women of color.

She has spoken about her experience with BRCA at the New York Junior League, Susan G. Komen of Greater NYC, the Association of Black Women Attorneys and the Basser Center for BRCA. She also serves as the founding co-chair of the Young Leadership Council for the Basser Center for BRCA, which has raised over \$75,000 to raise money to support research into cancers caused by BRCA mutations. She has written about her experience as a BRCA carrier for the New York Times, The Cut, the Huffington Post, Lifetime, HelloGiggles, and SheKnows.

**FRANCES VISCO, J.D., President, National Breast Cancer Coalition**

Fran Visco is the President of the National Breast Cancer Coalition (NBCC) and a member of its Board of Directors. Formed in May 1991, NBCC is a grassroots advocacy coalition of hundreds of organizations and tens of thousands of individual members. Ms. Visco is an honors graduate of St. Joseph’s University and of Villanova Law School, where she was an editor of The Villanova Law Review and a chair of the Women’s Law Caucus.

President Clinton appointed Ms. Visco to three terms as one of three members of the President's Cancer Panel. She was the first consumer to chair the Integration Panel of the Department of Defense Peer-Reviewed Breast Cancer Research Program. Ms. Visco co-chaired the National Action Plan on Breast Cancer and served on the National Cancer Policy Board. She is a member of the Board of Directors of Translational Research in Oncology, an international non-profit clinical trials consortium.

Ms. Visco has been appointed to several Institute of Medicine panels and served as a member of the IOM Roundtable on Evidence Based Medicine. She is a previous member of the Board of Directors of Women's Way in Philadelphia, the nation's oldest and largest women's funding federation. Ms. Visco presents throughout the country and internationally on the politics of breast cancer and women's health advocacy issues. She appears frequently on national television and in the press discussing women's health issues and has testified before various congressional committees and panels. Ms. Visco is a more than 30 year breast cancer survivor. She resides in Philadelphia.

## **SYMPOSIUM CO-CHAIRS AND PROGRAM DEVELOPERS**

### **DESIREE RIPO, ESQ., Partner, Ripo Alioto LLP, JALBCA Board of Directors**

Desirée Ripó, who joined JALBCA in 2018, serving as a committee member and now as a member of the Board of Directors, received a Juris Doctor from New York University's School of Law and a Bachelor of Arts degree in Philosophy from Boston University. She is a partner in the law firm of Ripo Alioto LLP in New York and co-chair of its Litigation Department.

Desirée is a skilled litigation counsel with extensive experience representing consumer product companies and employees in the food and beverage, construction, and technology industries in complex commercial class actions, multidistrict litigations, and regulatory matters. She advises sophisticated clients on FDA regulatory interpretation and compliance, and state consumer protection statutes, successfully disposing of non-functional slack fill, manufacturing process, country of origin, All Natural, health, dangerous ingredient, inaccurate labeling, and green claims. In that capacity, her food and beverage practice provides her with opportunities to help manufacturers fend off copycat complaints, alleging that their non-functional slack fill fills its product containers. She also negotiates settlements with little to no cash payments for distributors, retailers, and major herbal supplement manufacturers in labeling, marketing, and advertising suits affecting the food, beverage, alcohol, and supplement industry.

Recognized by Super Lawyers as a "Rising Star" for her contributions in the field, Desirée has also pioneered and been an integral part of the creation and development of food and beverage industry teams at several firms, including Law 360's Food & Beverage firm of the year, Winston & Strawn LLP, and Alston & Bird LLP, where she served as Of Counsel.

Desirée is admitted to the United States District Courts for the Southern, Northern, Western, and Eastern Districts of New York and the United State Court of Appeals for the Second Circuit, among other courts; has written and spoken extensively on topics such as non-functional slack fill, labeling, litigation and the law, and advertising claims and issues for alcohol manufacturers; and worked for Borough President James Oddo, during the period that he served as a councilman.

**ERIKA STALLINGS, ESQ., BRCA awareness advocate and attorney, Facebook Music**

See bio in Participants section, above.

**VIRGINIA K. TRUNKES, ESQ., Counsel, Robinson & Cole, LLP, JALBCA Vice President**

Virginia K. Trunkes is Counsel at Robinson & Cole, LLP, in the firm's Construction Law Group. She advocates on behalf of developers; apartment building, brownstone and condominium unit owners; cooperative boards of directors; construction managers, contractors and subcontractors; and design services professionals in negotiating their business contracts and adjacent-owner license access agreements. As former Chair of the New York City Bar Association's Construction Law Committee, Virginia has a broad overview of all issues implicating construction projects, including insurance and regulatory issues, which inform her practical approach in negotiating parties' respective obligations.

When complex disputes do arise, and when alternative dispute resolution cannot be achieved, Virginia litigates in state and federal courts, where she advocates fiercely on her clients' behalf. Common litigation issues include any and all construction disputes, including construction and design defects, bond claims, mechanic's liens, delay and lost productivity claims, and claims arising from force majeure events. In addition to her construction specific litigation experience, Virginia has handled civil matters ranging from contractual breaches, fiduciary obligations, licenses, the right to access, boundaries (trespass and encroachment), Zoning Lot Development Agreements, and interpretation of and compliance with administrative regulations. When not practicing law, Virginia performs volunteer work with organizations such as the Judges and Lawyers Breast Cancer Alert, where she is a Vice President, the Westchester Women's Bar Association, where she co-chairs the Corporate and Commercial Committee, and as a member of the Board of Directors of the White Plains Bar Association.

Prior to entering private practice at prominent Manhattan law firms, Ms. Trunkes served as a court attorney at the Appellate Division of the Supreme Court of the State of New York, First Department. She is a graduate of Brooklyn Law School J.D. and the State University of New York at Buffalo.