

**BRILL & MEISEL**  
ATTORNEYS AT LAW

ALLEN H. BRILL  
ELLIOTT MEISEL  
MARK N. AXINN  
CHRISTOPHER S. ALDRIDGE  
ASHLEY E. NORMAND  
MICHAEL J. WILLNER

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ROSALIND S. FINK  
COUNSEL

**Rosalind Fink** heads the employment practice at Brill & Meisel. She has been of counsel to the firm since 1994, representing both individuals and employers and writing and lecturing frequently on employment law, harassment and discrimination. Her resume is attached.

Ms. Fink graduated from Barnard College in 1968 and from the Yale Law School in 1972. After working as an associate in litigation at Proskauer Rose and a brief stint doing labor law at Dretzin & Kauff, she joined the New York State Department of Law in 1975. She eventually headed that office's Constitutional Litigation Group, supervising approximately 25 attorneys on all cases involving constitutional questions. Her major case was *Levittown v. Nyquist*, 57 N. Y. 2d 27 (1982), the original challenge to the state's educational finance system, where she was one of two Assistant Attorneys General conducting the eight-month trial. Her other cases covered a variety of constitutional issues and included several Supreme Court certiorari petitions and arguments in the New York Court of Appeals, the First Department, and the Second Circuit.

From 1980 to 1994, Ms. Fink headed Columbia University's Office of Equal Opportunity and Affirmative Action, developing a nationally-recognized expertise in non-discrimination and affirmative action laws and regulations and lecturing and writing frequently on the application of these laws to colleges and universities. She also taught a colloquium at Barnard College on civil rights and liberties, modeled after an introductory Constitutional Law class.

During her 17 years at Brill & Meisel, Ms. Fink has counseled over 2000 individuals or employers in employment-related disputes, representing approximately half of them in negotiations and, if settlement was not possible, in subsequent litigation or arbitration. While most of her cases settle before trial, she has had several notable trial victories. Chief among them was *Gallegos v. Elite Model Management*. After an eight week trial (with Robert Herbst, then of Beldock Levine & Hoffman, as co-trial counsel), the jury awarded Ms. Gallegos over \$5.2 million in compensatory and punitive damages under the City and State Human Rights laws, based on her employer's failure to accommodate her asthma by eliminating secondhand smoke in the workplace, creating a hostile work environment, and terminating her when she complained. The trial court reduced the award to approximately \$4.3 million, 1 Misc. 3d 907(A), 781 NYS 2d 624 (Sup. Ct. NY Co. 2004). On appeal, the First Department upheld the jury's liability findings but overturned the damages award because of jury tampering by one of the defendants. 28 A.D. 3d 50 (2005).

Ms. Fink was the first woman president of the New York County Lawyers' Association and remains actively involved with NYCLA. She also is currently president of the New York Inn of Court, which is affiliated with the New York City Bar Association, and heads a panel of the Departmental Disciplinary Committee, the arm of the court that recommends discipline for

attorneys. She has been active for many years in the New York State Bar Association, served on DACOWITS, the Defense Advisory Committee on Women in the Services, in the mid-1990's, was co-chair for many years of the Affirmative Action and Nondiscrimination Section of the National Association of College and University Attorneys, and has been active in Yale Law School alumni affairs since graduation. She also has headed the ABA Back to Business Law Program, which provides CLE programs and informal networking opportunities to attorneys who have temporarily left active practice, and served on the Advisory Board of ABA DirectWomen, which seeks to enable women lawyers leaving private practice to prepare for service as independent directors of publicly-held corporations.

#### **ADMISSIONS**

New York State  
United States District Court for the Southern District of New York  
United States District Court for the Eastern District of New York  
United States Court of Appeals for the Second Circuit  
United States Supreme Court

#### **HONORARY APPOINTMENTS**

Planning and Program Committee, Second Circuit Judicial Conference, 1998-2001.

Departmental Disciplinary Committee of the Appellate Division of the Supreme Court of the State of New York, First Judicial Department, 1990 - 1995, 1999-2004; 2007-; chair of Panel 7.

DACOWITS (Defense Advisory Committee on Women in the Services), 1994-1997.

Academy of Women Achievers of the YWCA of the City of New York. Inducted in 1997.

#### **RECOGNITIONS**

AV rating, Martindale-Hubbell  
Chosen as one of the New York Area's Best Lawyers, *New York Magazine* and *New York Law Journal*, 2010-2011  
Chosen as a New York Area Super Lawyer, *New York Times Magazine*, 2010 and 2011

**ROSALIND S. FINK**  
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Brooklyn, New York 11201  
Office: (212) 753-5599  
Home: (718) 858-0435

**EXPERIENCE**

1994 - **BRILL & MEISEL**, 845 Third Avenue, New York, New York 10022.

I am of counsel to this firm, specializing in employment law and with special emphases on discrimination, sexual harassment, disability and severance and employment agreements.

1991 - 1994 **BARNARD COLLEGE**, New York, New York

**Adjunct Associate Professor of Political Science.** I taught a one-semester colloquium for Political Science majors on Civil Rights and Liberties. The course was modeled after an introductory Constitutional Law class, beginning with an overview of the judicial system and some basic legal concepts, followed by analysis of key decisions and pending cases and consideration of public policy issues. Rights of individuals in the workplace and on campus were highlighted.

1980 - 1994 **COLUMBIA UNIVERSITY**, New York, New York

**Director, Office of Equal Opportunity and Affirmative Action.** As head of the Office responsible for assuring that the University was in compliance with all federal, state and local EO/AA laws and regulations, I developed a nationally-recognized expertise in Executive Order 11246, the ADA, the VEVRAA, the Rehabilitation Act, Titles VI and VII of the Civil Rights Act of 1964, the Civil Rights Act of 1991, Title IX of the Education Amendments of 1972, the ADEA, the Equal Pay Act, the FMLA, and P.L. 95-507, and also had extensive experience with New York City Executive Order 50 and the City and State Human Rights Laws.

1975 - 1980 **NEW YORK STATE DEPARTMENT OF LAW**, New York, New York

**Assistant Attorney General and Leader of the Constitutional Litigation Group.** My major case was *Levittown v. Nyquist*, 57 N. Y. 2d 27 (1982), the challenge to the state's educational finance system by several suburban, relatively property-poor school districts and four of the Big Five Cities. I was one of two Assistant Attorneys General handling this case through the eight-month trial and Second Department appeal, leaving the Office after the briefs were filed. My other cases covered a variety of constitutional issues and included several Supreme Court

certiorari petitions and arguments in the New York Court of Appeals and the Second Circuit.

As Group Leader (beginning in 1977), I supervised approximately 25 attorneys on all cases involving constitutional questions.

1974 - 1975     **DRETZIN & KAUFF, P. C.** (now Kauff, McClain & McGuire, P. C.), New York, New York

**Associate.** As the only associate to the two partners in the firm, I participated in all aspects of their predominantly entertainment and labor law practice.

1972 - 1974     **PROSKAUER ROSE GOETZ & MENDELSON,** New York, New York

**Associate.** I worked primarily on securities litigation, doing research, drafting papers, reviewing and organizing documents for discovery, and preparing and participating in depositions. I also did some corporate drafting and research.

## **EDUCATION**

**Yale Law School,** J. D. awarded 1972

**Barnard College,** A.B. awarded 1968, magna cum laude with special honors in Government, Phi Beta Kappa

## **ADMISSIONS**

New York

United States District Court for the Southern District of New York

United States District Court for the Eastern District of New York

United States Court of Appeals for the Second Circuit

United States Supreme Court

## **HONORARY APPOINTMENTS**

**Planning and Program Committee, Second Circuit Judicial Conference,** 1998-2001

**Departmental Disciplinary Committee of the Appellate Division of the Supreme Court of the State of New York, First Judicial Department,** 1990 - 1995, 1999-2004; 2007-; chair of Panel 7.

**DACOWITS (Defense Advisory Committee on Women in the Services),** 1994-1997.

**Academy of Women Achievers of the YWCA of the City of New York.**

Inducted in 1997

## **RECOGNITIONS**

AV rating, Martindale-Hubbell

Chosen as one of the New York Area's Best Lawyers, *New York Magazine* and *New York Law Journal*, 2010-2011

Chosen as a New York Area Super Lawyer, *New York Times Magazine*, 2010 and 2011

## **OTHER PROFESSIONAL ACTIVITIES**

### **New York County Lawyers' Association**

President, 1997-1998

Executive Committee, 1990 - 1992, 1994-2000, 2011-

Board of Directors, 1982 - 1987, 1990 - 1992, 1994 - present

Recipient, Boris Kostelanetz medal, December 2011

Chair, William Nelson Cromwell Committee

Co-chair, Task Force on Judicial Selection, 2003- 2007

Recipient of Conspicuous Service Award, 1992

Former chair: Women's Rights Committee, Nominating Committee

### **New York City Bar Association**

Education Committee, 1985 - 1988

Civil Rights Committee, 1980 - 1983

### **New York Inn of Court (affiliated with Citibar)**

President, 2010-

Member, 2004-

### **ABA Back to Business Law**

Chair, Ad Hoc Committee on Back to Business Law, 2005-2008

Member, New York Advisory Board, 2005-2008

### **ABA Direct Women**

Member, Advisory Board, 2006-2008

### **New York State Bar Association**

Fellow

Member, House of Delegates, 1991 - 2008 (with one year off every six years); 2011-

At-large elected Member of the House for the First District, 2007-8

### **National Association of College and University Attorneys**

Affirmative Action and Nondiscrimination Section, 1982 - 1995  
Vice-Chair, 1983 - 1984; Co-chair 1984 - 1990

**Association of Yale Alumni**

Representative from the Yale Law School Alumni Association, 1996-1999,  
2003-2006

Nominating Committee, 2003

**Yale Law School Alumni Association**

Executive Committee, 1996-1999

Nominating Committee Chair, 1999-2000

Vice President, 2000-2002

**SELECTED ARTICLES, SPEECHES AND PRESENTATIONS ON EMPLOYMENT LAW**

Presentation and outline offering "Some Guidance When It's Time for a Change" at the October, 2011 conference of the Senior Lawyers' Section of the New York State Bar Association.

Presentation on "Mastering the Complex Art of Negotiating for Women" and handout entitled "Key Provisions in Private Practice or Institutional Contracts," Annual Meeting of the American Academy of Child & Adolescent Psychiatry, November, 2010.

Materials for presentation on "How to Handle an Employment Discrimination Case From Initial Client Contact Through Filing of the Complaint," New York County Lawyers' Association CLE Program, July 2007 (presentation given by a substitute due to illness in my family)

Script for "Fifty Ways to Leave your Law Firm," a musical CLE presentation to the New York American Inn of Court, May, 2007

Script for "Anyone can Whistleblow, A Sarbanes-Oxley Fable," a musical CLE presentation to the New York American Inn of Court, January, 2006.

Script for "Glass Ceiling," a musical CLE presentation to the New York American Inn of Court, March, 2005.

Presentation on New York law concerning non-compete claims, March 2004 Employment Litigation Seminar, Connecticut Trial Lawyers Association.

Presentation and outline on "Negotiating Non-Compete Claims," July 2003 conference of the National Employment Lawyers' Association, Vail, CO.