

Elder and Special Needs Law Journal



A publication of the Elder Law and Special Needs Section
of the New York State Bar Association



Featured Member Spotlight: Fern Finkel

Interview by Katy Carpenter

Q Where are you from?

A Brooklyn, New York. Originally I am from Canarsie (which I consider “real Brooklyn”). It’s deeply ethnic with a sense of community where you know all of your neighbors. Now I live in Brooklyn Heights which is more like city living, where you know some of your neighbors and there’s no real “block.”

Q Tell me about your family.

A I’ve been married to a fantastic man, Tony Gentile, a trial lawyer, for 31 years. We have three children together: Scott, our classical pianist/conductor who is getting married to the beautiful Emily Kate Naydeck in June; Matthew, our filmmaker/director in L.A.; and Miriam—she just passed the Bar and is working at Brooklyn Defender Services! I have two stepchildren: Will, also a trial lawyer, and Katie, a mediator and mom. My brother is a lawyer, my sister is a professional organizer, my father is 90 and a retired lawyer. My mother was an artist and mom extraordinaire; she was the best person I have ever known.

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Fern Finkel (second from right) and family

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Q Where is your favorite place you have traveled to?

A Gustavus, Alaska, an island off of Glacier Bay. We went twice and fished, hiked, biked. It’s heaven on earth! It’s a tiny town of less than 500 people. One year we sent 340 pounds of halibut and salmon back home; our friends and family ate it for a year.

Q How did you come about practicing in the area of Elder Law?

A I began my career as a medical malpractice trial lawyer. Then I had three kids in five years and I didn’t want to work full-time trying cases and taking verdicts at the pace I was going, so I opened a small home office to handle some per diem work and figure out my next steps. My dear friend and former office manager Marie Diresta recommended that I take classes in what was then emerging as a new field—“Elder Law”—so I took CLEs (before they were required) and volunteered through the Brooklyn Bar’s Volunteer Lawyer’s Project and Brooklyn Legal

Services to learn. Turn around and a few years later, I was an elder law attorney!

Q Have you had any turning points in your life?

A Besides becoming a mother, which was life altering, and becoming an elder law attorney, which I truly believe is my calling, I would have to say it was forming a partnership and starting a firm with Julie. I left the comfort of my home office after 25 years of solo practice and have never looked back. It's fantastic.

Q Tell me about a project or accomplishment that you consider to be the most significant in your career.

A My continuous commitment to pro bono service. I've spent almost 25 years doing presentations and community outreach and have helped countless people—probably in the tens of thousands—prepare and execute Health Care Proxies. I call it my never-ending commitment to the aging population.

Q What did you want to be when you were 13?

A I knew I wanted to be a lawyer by the time I was seven. I would go with my father to work at his office, ironically in the building my office is now in, 16 Court Street, and play "lawyer." For a brief time I wanted to be a social worker for children with special needs; my work is a marriage of the two.

Q Do you have any memorable advice for young attorneys?

A So much! Learn from everyone around you—the good and the bad—learn what to do and how to be, and what not to do. Guard your reputation carefully; it's hard, if not impossible, to recover if harmed. Find your passion. If you don't love your field, look to where you'll be better suited—you spend so much of your life working so make it meaningful. Always act like a professional. Ask advice when you don't know the answer. As an attorney, the opportunities for your own life, and the ability to have an impact on others, are limitless. Use your gifts to make the world a better place.

Q What are your hobbies or special interests?

A I love our upstate house in Mount Tremper, New York, especially our fire pit, swings, long walks, lakes and hiking. I do yoga almost every day. Spending time with my husband, kids, family and friends—this is my heart!

Q Is there anything else you want people to know about you?

A I would rather live in a tent with those I love nearby than be alone with all the riches in the world. I'm so grateful for the many gifts and blessings in my life. I'm committed to making this world a better place and to giving back!

COMMITTEE SPOTLIGHT: GUARDIANSHIP COMMITTEE

The goal of the Guardianship Committee is to keep the Section apprised of important issues facing guardianship practitioners in the areas of Mental Hygiene Law Article 81 and to work toward the betterment of a system serving disabled individuals and their families. The Guardianship Committee provides a forum for practitioners to discuss issues that are of concern to them and keeps the Section apprised of actual changes as well as needed changes in guardianship law and guardianship practice. The Committee's primary legislative focus this year has been the drafting of a law that would permit guardianship courts to issue orders

of protection and have those orders registered in the same way that orders of protection issued by the Family Court and the various criminal courts are registered. The hope is to submit a final draft of this legislation for approval by the Executive Committee at the Annual Meeting in January, 2019. The Committee will also continue to seek to improve the Part 36 compensation structure implemented through the Office of Court Administration that impacts all practitioners acting as Guardians, Trustees, Court-Appointed Attorneys and Court Evaluators.