



THE STRAIGHT SHOOTER

How Sylvia Goldschmidt fell into family law

BY NANCY ROMMELMANN PHOTOGRAPHY BY LUIGI CIUFFETELLI



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"I DID ONE LAST FRIDAY with a judge," says Sylvia Goldschmidt. "It wasn't the same."

It's late May and she's referring to a divorce case she's handling via teleconference. Like nearly everyone during the COVID-19 pandemic, the founding partner of Goldschmidt & Genovese, who normally works out of her offices in Manhattan and White Plains but is speaking from her home in Westchester, has had to improvise. This means court dates carried out via Zoom, with only attorneys and judge present. Goldschmidt knows it's a necessity, but she isn't a fan.

"You lose some of that intuitive ability to react," she says, "because you are only seeing a judge from maybe the chest up."

Even so, given that divorces can get heated, aren't there advantages to keeping emotional clients off-screen? Goldschmidt isn't buying that either. In her 38 years of practice she has learned that what is *not* said—a squirm here, a heavy sigh there—can inform in a way statements may not, and these can affect how she conducts a case.

"Somebody could be making motions with a hand like, 'Really?,' and you're not seeing that," she says. "I've heard from judges who've said, 'There's a potential to lose elements in assessing credibility when you do it by Zoom conference.'"

BORN IN THE BRONX to parents who'd emigrated from Germany—her father is a Holocaust survivor—Goldschmidt knew by the time she was in middle school that she wanted to help people.

"Both my parents were an influence in that regard," she says. "My mother was a very giving person. My father was a social worker, a career that necessarily has as its underlying principle the concept of assisting persons in need."

In high school in the late 1960s, in Bayside, Queens, Goldschmidt became involved in a local Young Men's and Young Women's Hebrew Association. "They had what was then known as a sensitivity training program and sensitivity training retreats. You learned to become introspective and learned about other people," she says. "I liked that."

Then it was on to State University of New York Buffalo (now University at Buffalo), which she chose because it was politically active—"It was occasionally referred to as the Berkeley of the East," she says—and where she majored in sociology and psychology. She was thinking of following in her father's footsteps into social work. First stop: a stint with the volunteer organization VISTA (now known as AmeriCorps) that sent her to Abilene, Texas.

"When I was told it was a dry town, I said, 'Oh, OK. So it doesn't rain much,'" she says.

Goldschmidt was also unprepared for a community where shotguns hung on the back of pickup trucks and the migrant community wasn't necessarily eager to stand up to the system. "They had community action programs," she says, "and I went to one of their meetings and said, 'Well, why don't you guys demonstrate?' They just looked at me like I had two heads. They said: 'Then we don't have any work and we can't feed our children or our family.'"

In addition to starting an after-school tutoring program, Goldschmidt ran a local community center, where she became concerned about a bright boy's chronic misbehavior. "He was clearly a leader and had great leadership qualities," she says. "The problem was his leadership qualities directed him into the negative. He would get kids riled up."

After a particularly bad day, Goldschmidt decided to ask the principal whether anything unpleasant had happened to the boy at school.

"Yeah, I took the paddle to him," the principal told her.

"Of course the kid was in a bad mood when he came to me an hour later," she says. "[Abilene] wasn't a wonderful experience. It didn't make me particularly happy. But it explained a lot to me and opened my eyes."

Returning to New York, Goldschmidt began a master's degree in social work until a friend urged her, "You know, if you really want to effectuate change, become a lawyer."

"Then I went into law school!" she says with a laugh, still delighted at the ease with which she changed lanes. She graduated from Brooklyn Law in 1981 and, because she found tax law fascinating, went on to get an LL.M. in taxation from NYU Law the following year before changing lanes yet again.

"As it turned out, there weren't quite as many openings for women [in tax law] as one would have hoped in those days," she says.

Family law may not have been her first choice, but everything Goldschmidt had done to get there—psychology, sociology, social work, tax law—made her perfectly suited for the job.

"Family law took me to the area that satisfied my wish to try to help people," she says. "Helping them get through a tough time and hopefully they'll come out at the other end somewhat OK—I don't just mean economically; I mean emotionally OK—if I can guide them through it well."

One of the first things Goldschmidt learned was the importance of respect for one's col-

leagues and adversaries, and for the process and sanctity of the law.

"I was a young attorney working with this mega-senior lawyer, and we had a case and it was against a high-end nonmatrimonial law firm," she says. "I don't think they knew that much about domestic relations law, and [it looked like] we would wind up in trial. Then they brought in a matrimonial lawyer, and the partner I was working with said, 'Now we can talk settlement because there's somebody here that knows what he's talking about.' It really hit me. They had this incredible mutual respect for one another that allowed them to settle the case."

Now Goldschmidt has that kind of respect. She's been president of the New York chapter of the American Academy of Matrimonial Lawyers, a fellow at the International Academy of Family Lawyers and president of the U.S. chapter of the International Academy of Matrimonial Lawyers. Perhaps most important to Goldschmidt, who herself has been married for 38 years, is the bond she's able to form with clients.

"I always tell my clients, 'Do not hold back anything. Nobody's going to shock me and I'm not here to judge you, and I need it all,'" she says. "I need to hear and I need to know everything. If you did something wrong, if you did something right, if you made a mistake, let me know."

"She's a very down-to-earth person; you can trust what she says," says state Supreme Court Justice Linda Jamieson. "Trusting a lawyer is telling you the right story, that's so important to me. And Sylvia's very pragmatic. Families with children are going to have to know each other their entire lives; you want them to be able to walk away with some dignity. Sylvia does this. She makes it better for everyone because she sees the whole picture. She's a judge's lawyer."

Such credibility is key to Goldschmidt's success. "You can sink or swim in terms of professional level and in terms of how others treat you—and in terms of what a judge will think of you," she says. She mentions a recent preliminary conference, where she was asked, along with her client, to sign a form. "I refused, which is not something people usually do, but my client signing it would have meant she agreed to the content, and I felt very strongly against that. So I went to the judge to explain why, to show I wasn't just being obstructionist, because reputation is very important. And he said, 'Sylvia, I've never questioned your integrity. I have no intention of doing it now.' I felt great about that comment, absolutely great. He knew that I was a straight shooter."

What to Do When Clients Lie?

"Letting me know the good, the bad and the ugly—that which hurts as much as that which helps the client's position—is important. I explain to my clients: 'I have an obligation to represent you zealously and advocate for your appropriate position.' But it doesn't mean I'm going to help a client lie, cheat or be deceptive. It can harm your entire case because—if you're caught lying about something that's even small, that wasn't a big deal—that takes away your entire credibility.

"I can give you an example I often encounter: One party claims the other party has unreported cash income, or pays personal expenses through a business. It's then determined, through disclosure proceedings, that the spouse who was making such assertions was directly involved in the business—cash business checks and deposited funds in personal accounts or accumulated cash. All too often such clients have been advised to 'bring up the cash,' but fail to disclose their involvement.

"Is one parent involved in an extramarital affair? Doesn't generally matter *except* if the other party is very hurt; then that may become the focus, adversely affecting settlement discussions. I have been on the receiving end when a client did not advise of such a relationship, or of introducing the children to the new love interest. This can influence a judge's perception of the client, possibly viewing such action as exercising poor judgment, while I, as counsel, am arguing my client's great parenting skills.

"Have I on occasion said to clients who persist in not disclosing things to me, 'You're going to have to find another attorney to represent you'? Absolutely, absolutely." —*Sylvia Goldschmidt*



Goldschmidt has seen a lot of change in the practice. Women entered the workforce in greater numbers and became less financially dependent on husbands, and thus less willing to stay in a bad marriage or overlook infidelity. More, in 1980, New York shifted from a title state—ownership determined by title—to one that was subject to equitable distribution. "As an example, a business owned by a spouse by reason of the equitable distribution law also became an asset of the marriage," she says. "The nontitled spouse was entitled to receive compensation." This change, she says, "enhanced the potential for greater financial independence to the spouse in whose name assets were not held."

The "blurring of parental roles," as Goldschmidt puts it, has also caused fathers to demand "more custodial time than in the past." She's seen an uptick in gray divorces: elderly couples who decide to part ways.

And now there's COVID.

WITH COURTHOUSE CLOSURES, divorce petitions cannot be filed except in emergency cases. But what about once it's all over?

"One school of thought is that there's going to be more divorces, [as in] 'It was tolerable to begin with. Now it's *really* bad,'" says Goldschmidt. "At least when people were working or engaged in their separate lives, there wasn't as much opportunity for conflict. [Now it's] 'As soon as this is done, I'm out of here.'"

"The other school of thought depends on what happens with the economy. We saw in 2008 that there were people who were not getting divorced because they couldn't afford to get divorced, their portfolio collapsed, they didn't have the money. They couldn't sell their houses. We don't really know what the economic consequences of this will be."

Best to be prepared. This fall, Goldschmidt's firm took on two new partners: Kathleen Donelli and Dolores Gebhardt.

"The opportunity presented itself, and my law

practice partner Donna and I seized it," she says, adding that they are in the process of interviewing still others to come aboard. "I don't know if I can sufficiently express how excited I am about this. These are very strong, successful women who have accomplished much in their professional careers, and I very much look forward to this expansion and their inclusion in the firm."

Donna M. Genovese, who has known Goldschmidt for 30 years and partnered with her in 2002, is not surprised at her partner charging forward. "We met when she interviewed me—and hired me on the spot," she says. "She has the agility. She recognizes the need for change—personally and professionally—and has the ability to adapt."

So does this mean that Goldschmidt is gearing up for another lane change? "Oh, I'm not changing my field of law anymore," she says. "I am *in* this." 📍