

April 2010

Women in the Profession



All photos by Nanette Kardaszewski

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A supplement to: The Legal Intelligencer

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From the Boardrooms to the Water:

BY ROBERTA JACOBS-MEADWAY
Special to the Legal

You have cancer." It is not the best news I've had all day. Peace, Lance Armstrong: this is not the best thing that has ever happened to me.

It is one of those game-changing moments. Priorities lurch. Suddenly, whether that article gets written by the promised date matters less than whether I will be there when the kid graduates from college next spring.

The Schuylkill was flowing, the sun about to set./ We were hot, we were tired, we were soaking wet./ All we wanted to do was go home and get in bed./ We looked to our coach, and this is what she said..."

The e-mail announcements flood the in-boxes of women in the legal profession: Come to this program on how to develop business. Sign up for that program about work/life balance. Learn to golf here. Network there.

After a time, it all looks and sounds and smells the same.

This is not to denigrate such programs, or the people who run them. These programs have their place, although suspicion dawns that many are an older or male lawyer's view of what younger female attorneys need, and fail to reflect the constantly changing realities of a life in the law for women who have been practicing for



ROBERTA JACOBS-MEADWAY is a member at Eckert Seamans Cherin & Mellott in Philadelphia, where she serves as a nationally respected intellectual property attorney. She can be reached at 215-851-8522 or at rjacobsmeadway@eckertseamans.com.

far fewer years than they.

What the electronic traffic seems to miss is the range of answers to the question: What lies beyond the next case or matter file beside the next case or matter file?

There are as many answers as there are attorneys. The specific answer may matter much less than this proposition: at some point in our established careers, as members of the legal and our own communities, and to mark our place in them, we have the ability and the opportunity to give back something of what we have received in the course of developing our careers.

I am not proposing abandoning business development and the finding, minding and grinding aspects of the business.

First, I love what I do, and have done so for some 35 years. Second, I am not ready for retirement. Third, not everyone is similarly situated.

That being said, there is much to be gained by looking beyond and moving beyond what we do each day for the additional satisfaction of being a part of a helping community.

Our region offers an incredible array of avenues for members of the legal community to give back, extend, stretch, and grow.

"Put your boobs to your buddy, put your back to the shore./ Rotate and reach out just a few inches more./ You keep your eye on the stroke, you keep your head in the boat,/ And shout out with pride: We are Hope Afloat!"

My path has been on the water.

In May 2007, I received my diagnosis. Surgery was in June. Radiation was in July. I was not looking for a support group. I was not looking for a place to display pink ribbons. I was looking to forget as much as possible, as quickly as possible, that I was now a member of a too-large sorority.

Then an e-mail circulated at the firm I was then with: there was going to be a boat in the October dragon boat festival and paddlers were wanted. Practices would be with a breast cancer survivor (BCS) dragon boat team, Hope Afloat.

I did not jump on board immediately.

I was no star athlete in school. No one sought after me to be on a team. I am pre-Title IX.

A Personal Story On Giving Back

But my partner and spouse was game to volunteer, and our son reminded me this festival team was hardly a major time commitment. So we went down to the river.

"There was a newbie in the boat, she was beat she was sore,/ She didn't know if she could take any more./ The others in the boat they were kind they were nice./ They told the newbie: Just take this advice."

The October festival came and went. That might have been the end of it, except that the kid had seen mom get pretty stoked about the practices and the racing.

"I don't have time for a team," I told him. "You'll make the time," he reasoned.

The season was over. But seasons return. There are second acts on later stages.

The 2008 season was my first full season as a member of Hope Afloat USA. Welcome to a new world. Some 50 women from all over the area, from their 30s into their 70s, from every field, went down to the docks several times a week to load up in two oversized canoes sitting two abreast to practice for races held from Canada in the north to Florida in the south.

But it was not, is not, simply a club team paddling in the breast cancer survivor (BCS) division against some

Boat Racing continues on WIP28



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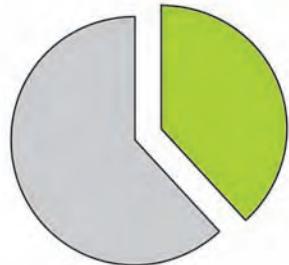
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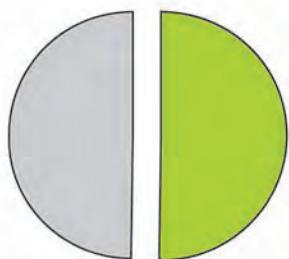
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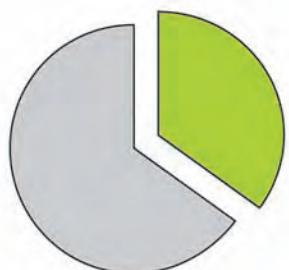
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Is It Still a Man's World? (From a Woman's Perspective)

COMMENTARY

BY JILL FISHER

Special to the Legal

Men, I'm certain, don't spend a lot of time wondering if it's a man's world.

No one can dispute that historically, men have dominated the legal profession. But has that changed? Do men still dominate the legal profession, or have women made significant inroads?

Statistics show that enrollment of women in law schools has significantly increased over the years (now, more than 50 percent female). It follows logically that there is an increasing number of female associates being hired by law firms, and eventually making partner. According to the 2010 Goal III Report Card by the American Bar Association's Commission on Women in the Profession, female lawyers currently account for 31 percent of the profession (compared to 3 percent in 1951). Yet, the proportion of equity partners (the partners with power) at law firms has not kept pace.

There are a number of factors that explain why women are under-represented in the upper levels of law firms. One is the disproportionate number of women who practice part-time (typically because they have school-aged children). According to statistics compiled by NALP, the Association for Legal Career Professionals, in 2009, 5.9 percent of lawyers were work-



JILL FISHER is co-chair of the employment law practice group at Zarwin Baum DeVito Kaplan Schaer Toddy. She has extensive experience advising, educating and training business owners and management in the areas of harassment, discrimination and other employment-related issues, including reductions in force, wage and hour compliance, federal and state family and medical leave, and employee discipline and discharge. She can be contacted at 215-569-2800 or jfisher@zarwin.com.

ing part-time, and the majority of them, about 73 percent, were women.

In the past, working part-time was not the best route to success in private firms (even for male attorneys), but technology today allows both genders to work from home, at any hour of the day or night.

While family and child-rearing burdens traditionally fall on women, that landscape appears to be changing. A growing number of male attorneys (particularly the fathers of young children) are opting for more balance between their work and non-work lives. More young lawyers today, men and women, seem to be less interested in billable hours as they shift their focus from quantity to quality of their work and lives. Unfortunately, there are still some senior partners who view this attitude as lack of drive or commitment.

Another factor in the disparity between the sexes is the lingering real and perceived stereotyping and bias some women face in the profession. Many times, women are denied the opportunity to advance, not because they lack the requisite skills or ability, but because of the assumptions some men make about either their commitment to the profession or their ability to juggle home and office responsibilities.

On the other hand, to be fair, some women impede their rise to the top echelons of law firms because of their own perception of cultural expectations, i.e., acceptance of what (they think) society thinks they "should" be: mother and housewife. Generationally, these types of stereotyping barriers have been and are continuing to be broken down. With each passing generation — Baby Boomers to Gen Xers to the Millennials or the Net Generation — female attorneys are seeking more responsibility and involvement in decision-making.

Additionally, there remains a double standard in the legal profession (as in many other professions and industries), even though the double standard lines are blurring. Commonly, men are urged to be, and even expected to be, aggressive and assertive. But a number of female attorneys I spoke with said that when they have been assertive, they were viewed by some men as being too pushy. Two female attorneys confided in me, separately, that they were told (one recently and one several years ago) they

were being paid less than their male counterparts because the men had families or had to pay for college — clearly a double standard.

Alexandra Sacavage, a female attorney who passed the bar in October 2009, related the following experience she had (while still in law school) interviewing with recruiters from law firms, all of whom were men. After a particularly grueling interview in which she was asked a tough series of legal questions, she asked several of her male friends who had interviewed with the same recruiter if they had a similar experience. The answer was: "No, he just talked to us about sports." (Sacavage, an avid Phillies fan, said she would easily have aced an interview steeped in sports questions.)

Another reason why women are under-represented in the upper echelons of law firms is that women's networking has not yet caught up with the "old boy's network." Conjure up your own image of the men who belong to that network. No matter what picture you paint, the upshot is that women (and other minorities) miss out on many serious business opportunities.

Mentoring is another area in which women still lag behind men. In the past, when there were fewer women in the profession, it was more unusual for a female attorney to be mentored. Male lawyers who mentored typically mentored younger male attorneys, not women, without even realizing that bias.

Perspective continues on WIP28



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Give Credit Where Credit Is Due

Making Origination Credit and Compensation Systems Fairer

BY ROBERTA D. LIEBENBERG
AND JULIA M. RAFFERTY

Special to the Legal

Although women have been graduating from law schools at approximately the same rate as men for the past two decades, women still comprise only 16 percent of law firm equity partners. The representation of women in law firm leadership positions is even smaller.

In order to ameliorate the longstanding "leaky pipeline" phenomenon, in which attrition takes an increasing toll on women the longer they are out of law school, it is imperative that more women achieve positions of power, influence and leadership in their law firms.

Since the attainment of such positions is often dependent upon being considered a "rainmaker," it is critically important that origination credit and compensation systems fairly reflect the contributions made by women partners in attracting and growing their firms' business.

Statistics compiled by the National Association of Women Lawyers (NAWL) underscore the extent of the problem. The October 2009 NAWL Survey on Retention and Promotion of Women in Law Firms, which tracked the progress of women at 200 of the nation's largest law firms, reported that women are grossly underrepresented in the top levels of leadership at these firms.



LIEBENBERG



RAFFERTY

ROBERTA D. LIEBENBERG is a partner at Fine Kaplan & Black and is the chair of the American Bar Association Commission on Women in the Profession. She can be contacted at rliebenberg@finekaplan.com.

JULIA M. RAFFERTY is an associate at Stradley Ronon Stevens & Young and is a member of the Women in Law Leadership Academy Committee. She can be contacted at jrafferty@stradley.com

WHERE ARE THE WOMEN?

On average, women comprise only 15 percent of the governing committees of the firms surveyed. Remarkably, 14 percent of these firms do not have any women on their governing committees, and only 6 percent of the respondent firms have women managing partners. Equally distressing is the fact that almost half of the firms have no women among their top 10 rainmakers.

The dearth of women in law firm governance adversely affects all women at a

firm. Firm leaders determine the policies within a firm regarding compensation, billable hour requirements, assignments, elevation to partnership, part-time, flex-time and other alternative work arrangements, and overall firm culture. If firms do not have a critical mass of women in these policy-making roles, the decisions made by the firm in these all-important areas are far less likely to be accommodating to the needs of women and, as a result, their opportunities to advance and succeed will be impaired.

The attainment of leadership in a firm is often dependent upon being considered a successful business-getter. Therefore, ensuring the fairness of origination credit and compensation systems can go a long way toward addressing the leadership gap.

This should lead, in turn, to the implementation of more women-friendly firm policies that will hopefully help stem the tide of attrition of women lawyers. The end result is a win-win for women lawyers and their law firms, which have invested considerable resources in recruiting and training their women lawyers, and thus have a strong self-interest in retaining them.

ORIGINATION & COMPENSATION

An increasing number of firms have recognized that business origination credit should not be given just to a single partner, but instead should also be

accorded to partners who have worked on the client's matters once the client has come in the door. A woman who has done significant work for a client, resulting in substantial fees and the client's referral of additional matters to the firm, ought to be recognized for her contribution. This teamwork approach not only incentivizes everyone to pitch in and help grow the client's business, it also strengthens the client's ties with a larger base of firm partners.

An added benefit of such a team approach is that in this increasingly mobile legal market, the departure of a single partner may not necessarily result in the loss of that partner's clients.

Also, as senior partners are winding down their practices and preparing for retirement, it is important that women be treated equitably in the succession process. Many firm clients are passed down from senior partners to more junior partners, and women must be given a fair opportunity to "inherit" clients for whom they have done substantial work.

Women attorneys at law firms are often impacted adversely not only by their firm's origination credit system, but also by its overall compensation system. Ever since women entered the legal profession, there has been a disparity in compensation between male and female attorneys. In fact, a U.S. Census Bureau

Title Insurance continues on WIP29

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Women of Distinction — 2010

BY THE LEGAL STAFF

Every two years, *The Legal* looks across the state to compile a list of women lawyers we hold in distinction for their efforts in the legal and public interest communities. Perhaps they led efforts to improve the standing of women in the profession, or maybe they closed some of the biggest deals or won significant pieces of litigation since the last time we named our Women of Distinction two years ago.

The criteria is admittedly broad and far from scientific. The women honored could hail from anywhere in Pennsylvania and could come from law firms, law departments, government agencies, public interest organizations or anywhere else lawyers may find themselves employed. We cull our archives and talk to different stakeholders in the legal community to make the list of names considered the most expansive it can be.

While we are sure the list could be doubled with names of women we haven't been fortunate enough to hear about, we are confident that each woman listed below is more than deserving of the legal community's respect and admiration.

The list includes general counsel, attorneys from large and small law firms, public interest advocates and government players. They hail from Pittsburgh, Harrisburg and Philadelphia, as well as

smaller communities across the state. They led departments in tough economic times, made history with the deals they closed or litigation they won, studied the effects of the recession on women, worked to root out the cause and solutions of racial tensions in public schools, created innovative methods to improve the criminal justice system, advocated on behalf of juveniles in the system, created new legal entities and rose to top leadership roles within their organizations.

We are honored to name the following women as *The Legal's* 2010 Women of Distinction.

CYNTHIA BALDWIN

After her interim position on the Pennsylvania Supreme Court concluded at the end of 2007, Cynthia Baldwin moved into private practice in the Pittsburgh office of Duane Morris.

Her tenure there was relatively brief, once she accepted another interim position halfway across the state with Pennsylvania State University. Baldwin agreed to pick up and move in February 2010 to the State College area to help create the school's first-ever office of general counsel and serve at its helm



BALDWIN

until a permanent GC could be found.

She was selected for the position because of her familiarity with the university, having served as the immediate past chairwoman of its board of trustees. She received both her undergraduate and master's degrees from the university.

Baldwin has her work cut out for her at Penn State. The school has a \$3.8 billion operating budget, more than 90,000 students, 39,000 employees, a law school, a medical college and 24 campuses. At the time of her move, she said the office would probably look to hire a paralegal and a staff attorney while the search for a full-time general counsel is under way. Baldwin said she would be handling legal matters as well as the administrative aspects of creating a general counsel's office.

MARISSA BOYERS BLUESTINE

Since the Pennsylvania Innocence Project began one year ago, it has processed requests from over 1,600 inmates, trained at least 225 attorneys and 200 law students, and is investigating 32 plausible wrongful conviction claims.



BLUESTINE

While the bulk of the work is done by volunteers, the first statewide project of its kind in Pennsylvania is being led internally by one of only a few full-time staff members — Legal Director Marissa Bluestine. She works closely with the project's other staff member, Executive Director Richard C. Glazer.

Bluestine has worked in both the private and public sectors: as a litigation associate at Duane Morris and as an assistant defender with the Defender Association of Philadelphia for over 10 years. In addition, Bluestine has been involved in advocating for the expansion of voir dire, more detailed jury instructions and improved lineup procedures to avoid the occurrences of wrongful convictions.

A member of the board of directors for the Pennsylvania Association of Criminal Defense Lawyers, Bluestine lectures across the state on issues related to criminal defense. She joined the Innocence Project, housed in Temple University's Beasley School of Law, in April 2009.

MARIA GONZALEZ CALVET

Maria Gonzalez Calvet is a litigation associate in the Philadelphia office of Morgan Lewis & Bockius and an active member of the Hispanic National Bar Association and the Hispanic Bar Association of Pennsylvania.

Women of Distinction continues on WIP10



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Pictured above: Blank Rome LLP Philadelphia Office Women Attorneys

Blank Rome LLP is dedicated to bringing together and cultivating its talented pool of women and addressing the opportunities specific to career advancement, leadership skills development, and sustaining and expanding a strong community of women. Through the Blank Rome Women's Forum, all of the Firm's offices share in an ongoing series of events and initiatives designed to strengthen the community of peers that exists for all lawyers at the Firm; monthly brown bag lunches, civic activities, and mentorship programs ensure that each woman has the benefit of both contributing to and drawing from the shared resources of her colleagues.

As a reaffirmation of the Firm's commitment to diversity and advancement of women in the workplace, Blank Rome conducted a Women's Symposium, which took place in its New York, Philadelphia, and Washington, DC offices and engaged more than one hundred of the Firm's women from across the country via video conference. Throughout the course of the half-day event, candid, interactive discussions were held on a variety of topics relevant to women in the workplace, and attendees discussed potential strategies and solutions to issues facing women on their path to a successful career.

The Firm's efforts also extend to enriching the ideas and experiences of the community beyond the Firm. Blank Rome's Women's Forum recently hosted multiple literary events featuring award-winning journalist and author Katie McCabe, who co-authored (with Dovey Johnson Roundtree) the book *Justice Older than the Law*, which chronicles the achievements of Ms. Roundtree, considered to be one of the nation's great women of the law. In accordance with the Women's Forum's goal of connecting women of various locations, levels of experience, and practice areas, the inspiring events were followed by networking receptions, and were attended by more than one hundred people, including Blank Rome attorneys, clients, and friends.

Women of Distinction — 2010

Calvet served as counsel for the national organization in relation to the Senate Judiciary Committee confirmation hearings of U.S. Supreme Court Justice Sonia Sotomayor.

In 2008, she was honored by the Pennsylvania Bar Association for her commitment to pro bono work, including the successful representation of a disabled child in a due process hearing and post administrative appeal on an issue of first impression to the 3rd U.S. Circuit Court of Appeals.

Prior to joining Morgan Lewis in October 2004, Calvet served as a law clerk for Judge Legrome D. Davis of the U.S. District Court for the Eastern District of Pennsylvania.

PAMELA PRYOR DEMBE

In the year-and-a-half since Philadelphia Common Pleas Judge Pamela Pryor Dembe entered her post, Dembe has overseen the court as it continues to strive



CALVET

to innovate new programs while its budget was slashed by a little over \$15 million due to the city of Philadelphia's budget crisis.

Dembe has openly cooperated with tightening the court's bottom line in light of a citywide fiscal crisis. But when Mayor Michael Nutter's administration floated the idea of further cuts to the court in the next fiscal year, Dembe showed her teeth by stating another cut was "outrageous;" the proposal of a further cut for the next fiscal year was shelved.

Dembe has been active in coordinating criminal justice policy in the city as the co-chair of the Criminal Justice Advisory Board, which convenes the stakeholders in the city's criminal justice system to work on cross-jurisdictional public policy problems. Dembe also has been vociferous in seeking reforms, including in the operation of the First Judicial District's court for criminal cases, the Clerk of Quarter Sessions, and her call to make Philadelphia's mass torts program more attractive to the mass torts bar.

DIANNE B. ELDERKIN

Last year was a good year for Dianne Elderkin and one of her largest clients, Johnson & Johnson. Elderkin, who took a team of lawyers from Woodcock Washburn to the Philadelphia office of Akin Gump Strauss Hauer & Feld in



DEMBE

February, helped secure the largest patent infringement verdict in U.S. history.

She represented Johnson & Johnson subsidiary Centocor Ortho Biotech Inc. in a patent infringement battle against Abbott Laboratories over technology used in the making of both companies' rheumatoid arthritis medications. A jury returned a verdict in June 2009, awarding Centocor \$1.67 billion in damages.

Elderkin had served on Woodcock Washburn's policy committee and was the chairwoman of its litigation practice services group when she moved to Akin Gump with partners and fellow litigators Barbara L. Mullin and Steven D. Maslowski and three other attorneys. Along with trying patent infringement cases, Elderkin counsels pharmaceutical and medical device clients on strategic patent matters.

RISA VETRI FERMAN

Montgomery County District Attorney Risa



ELDERKIN



FERMAN

Vetri Ferman became the first female district attorney in that county with her election in 2007. But Ferman's greatest accomplishment as a prosecutor has been with her leadership on assisting children victimized by crimes.

Ferman was part of the founding of a project to provide pro bono child advocate attorneys for abused children. The Montgomery Child Advocacy Project originated in the District Attorney's Office and became a standalone nonprofit in January 2005. Ferman also spearheaded the founding of another nonprofit, Montgomery County's child advocacy center, Mission Kids. The center opened its doors in 2009 to streamline the multiple child abuse investigative processes of police departments, prosecutors' offices and child welfare agencies into a collaborative model that minimizes the number of interviews alleged child abuse victims must go through.

In March, Ferman received a national award in recognition of her work in support of Mission Kids, the National Children's Advocacy Center's Outstanding Service Award for Prosecution. Ferman also has been leading her office in a time of budget squeezes and rising criminal cases.

Women of Distinction continues on WIP11

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Women of Distinction — 2010

KATHLEEN MISTURAK GINGRICH

Harrisburg attorney Kathleen Misturak Gingrich does a little bit of everything in her practice — business law, construction, labor and employment, environmental litigation.



GINGRICH

So far in 2010, though, the story for Misturak Gingrich has been an en banc Superior Court panel's decision to grant gay parents equal standing in child custody cases — an opinion she described as "long overdue."

In *M.A.T. v. G.S.T.*, Misturak Gingrich successfully argued that the panel should repudiate a 1985 Superior Court ruling, *Constant A. v. Paul C.A.*, that forced gay parents to prove there would be no adverse effect on their children if they were to be exposed to the relationship.

In the decision, the panel unanimously dismissed the requirement, giving homosexual and heterosexual parents equal footing in custody battles.

"It's a case of fundamental fairness," Misturak Gingrich said after the opinion. "We think the court recognized that and removed the unlevel playing field."

Though she'll be connected to the *M.A.T.* decision for some time, Misturak Gingrich is also her firm's assistant man-

aging member and chief operating officer.

Prior to joining Zucker Meilton Miner & Gingrich, Misturak Gingrich was a member of Eckert Seamans Cherin & Mellott, the Pennsylvania Attorney General's Office antitrust division and in-house counsel to Sprint's local telephone division.

SARAH V. HART

Sarah Hart, a deputy district attorney in charge of the newly created division for performance and policy, has been a key aide to former Philadelphia District Attorney Lynne Abraham and current District Attorney Seth Williams in addressing public policy problems like prison overcrowding and the efficiency of adjudicating criminal cases.

Hart, who was chief of the civil litigation unit under Abraham, sat with Abraham on the Criminal Justice Advisory Board, a stakeholder group for the city's top criminal justice leaders to coordinate public policy. In her role in the CJAB, Hart was part of crafting successful initiatives that led to the number of prisoners in the overcrowded



HART

Philadelphia Prison System falling by hundreds in the last year.

Hart also was one of the drafters of a prison reform package that also helped lead to the falloff in the number of inmates in city lockup because counties can now request that more of their state-sentenced inmates be transferred to the state correctional system. Now, she has been put in charge of quantifying the office's job performance and tracking for the public the success of Williams' policy goals for his office.

MAUREEN L. HOGEL

Maureen Hogel is the first woman to serve as chief operating officer of Pittsburgh-based Duquesne Light Co. in the utility provider's 130-year history.

Hogel joined the company as an employment lawyer in 1996 and has logged a number of achievements since then, including having led the negotiations team that closed the \$3 billion merger between Duquesne Light and the Australia-based Macquarie Consortium in 2007.

Following that merger, the COO position sat vacant until Hogel was elected by a board of directors to fill the role in late 2008.



HOGEL

Prior to becoming COO, Hogel moved up the ranks during her 12 years at Duquesne Light, serving in a number of roles including vice president of legal matters; vice president of development, legal and administrative affairs; senior vice president of human resources and administration; and senior vice president and chief legal and administrative officer.

Now, as COO, Hogel is responsible for about 1,000 regional employees and also oversees the company's community work.

MARSHA LEVICK AND LOURDES ROSADO

When two Luzerne County judges announced plea agreements related to federal corruption charges in January 2009, the story grabbed Pennsylvania's attention.



LEVICK

To Marsha Levick and Lourdes Rosado, the chief counsel and associate director at the Philadelphia-based Juvenile Law Center, the news only marked the beginning of the end.

Even before the plea agreements, the Juvenile Law Center had been

Women of Distinction continues on WIP13

BRAVO



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Women of Distinction — 2010

fighting tirelessly for the rights of juveniles who were appearing before former Luzerne County judge Mark A. Ciavarella Jr. without counsel and without proper colloquies. But with news of Ciavarella and fellow former judge Michael T. Conahan allegedly accepting \$2.8 million in payouts from a former co-owner and builder of a private juvenile detention facility, the legal fight for juveniles in Luzerne County changed.

It took more than a year, but Levick and Rosado successfully argued that every juvenile who was adjudicated delinquent by Ciavarella between 2003 and 2008 should have their records vacated and expunged.

The two women have also led the charge by representing juveniles who appeared before Ciavarella in a civil suit for violating their due process rights in what Levick has called "the most significant and largest judicial corruption scandal in the United States."

ROBERTA D. LIEBENBERG

When she isn't focusing on her class action and antitrust litigation practice, Roberta "Bobbi" Liebenberg is focused



ROSADO

on her work as chairwoman of the American Bar Association's Commission on Women in the Profession.

The senior partner at Fine Kaplan & Black in Philadelphia was named to the leadership position on the commission in late 2008 for a two-year term. Under Liebenberg's watch, the commission has looked into how women and minorities were affected by recessionary layoffs, discussed how to remove bias from attorney evaluations, followed up on a 2006 report about minority women in the law and tracked statistics about women within the legal profession.

In 2009, the Commission on Women in the Profession and the Commission on Racial and Ethnic Diversity in the Profession teamed up to create "*Dear Sisters, Dear Daughters—Strategies for Success from Multicultural Women Attorneys*," a compilation of inspirational and instructional letters from 44 experienced women lawyers of color.

Aside from her work with the ABA, Liebenberg has previously served in similar roles for the Pennsylvania and Philadelphia Bar Associations.



LIEBENBERG

JODI LOBEL

Jodi Lobel, who was recently named the chief of the Philadelphia District Attorney's Office's charging unit, is leading an initiative that could make an epic difference in the administration of justice in Philadelphia's criminal cases. Lobel has been charged with improving the analysis that goes into charging defendants and ensuring that the cases approved for prosecution are more meritorious.

The goal is to improve conviction rates and improve stringency in the prosecutor's role as the gatekeeper in charging defendants. Lobel, who was chief of the felony waivers unit under former District Attorney Lynne Abraham, has been creating protocols for assistant district attorneys about deciding how defendants should be charged after receiving arrest information from the Philadelphia Police Department. With Williams' imprimatur, Lobel handpicked several experienced prosecutors from the trial division that she has supervised in the past to work in the unit for a six-month period. The unit's staffing has swelled to 13 attorneys.



LOBEL

While it is too soon to judge the effectiveness of Lobel's work, the stated goals in revamping charging by the Philadelphia District Attorney's office has been welcomed by other criminal justice leaders for the possibility that fewer cases will be pushed through the system just to fall apart.

SARA MANZANO-DIAZ

For Sara Manzano-Diaz, public service has meant spending her career advocating on behalf of working class families, women and children.

In February 2010, the U.S. Senate confirmed her as the 16th director of the Women's Bureau of the U.S. Department of Labor. She was nominated for the post by President Obama in October 2009.

She formerly served as deputy secretary for regulatory programs at the Pennsylvania Department of State, where she was the highest ranking Latina in the state's government. In that role, she was responsible for overseeing the licensure of approximately 1 million professionals throughout the state.



MANZANO-DIAZ

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Manzano-Diaz is also a member of Gov. Edward G. Rendell's STEM Initiative Team that supports the development of science, technology, engineering and mathematics education and workforce development programs. Previously, she served as deputy general counsel for civil rights and litigation at the U.S. Department of Housing and Urban Development.

JOAN ORIE MELVIN

It hasn't taken long for Justice Joan Orie Melvin to make her mark on the state Supreme Court.

Elected to the high court in November 2009, Orie Melvin let loose a fiery dissenting opinion in the legal showdown between the Judicial Conduct Board and the Interbranch Commission on Juvenile Justice less than a month into her time on the bench.

It's the independent, outspoken stand on reform the justice promised throughout her campaign and which she seems determined to follow.

During her campaign, Orie Melvin promised increased court transparency and "independent recusal," in which a panel of judges would decide whether



MELVIN

a fellow judge can sit on a case where there is a potential question regarding impartiality. She also called for a greater amount of information to be released from the state's Judicial Conduct Board in response to the Luzerne County judicial corruption scandal.

Orie Melvin was elected to the Superior Court in 1997 and retained in 2007. She made headlines in 2006 when she sued the state for the right to return her salary increase under the controversial 2005 pay raise bill. In addition to her appellate judgeship, Orie Melvin served seven years as an Allegheny County Common Pleas judge and five years as chief magistrate of Pittsburgh's Municipal Court.

SANDRA MAZER MOSS

Philadelphia Common Pleas Judge Sandra Mazer Moss has twice led Philadelphia's nationally recognized program for streamlined case management for mass tort cases. Moss was a key leader behind the creation of the program that became the Complex Litigation Center in 1987 when she was the asbestos calendar judge.



MOSS

In Moss' second time at the helm of the Complex Litigation Center, she has implemented a number of successful changes. Moss instituted the wider use of discovery and settlement masters in mass torts cases. Even as the number of mass tort cases has jumped up in the last year, Moss has prioritized getting cases to trial to meet her goal that no cases be out of compliance with the 1980s-era American Bar Association's general standard that civil cases should be concluded within two years of their filing. A serious backlog in the appeals from arbitration program has been largely wiped out. Moss also fostered an idea to add volunteer judges pro tem to hear arbitration appeal pretrial conferences.

HELEN P. PUDLIN

In 2009, Helen Pudlin was elevated from senior vice president and general counsel to executive vice president and general counsel of PNC Financial Services Group. She joined PNC in 1989 from Ballard Spahr and currently makes the commute each week from her Philadelphia-area home to PNC's Pittsburgh-headquarters, spend-



PUDLIN

ing Thursday night through Sunday at home in Philadelphia.

Over the course of the last year and a half, Pudlin has headed up integration efforts of the legal departments of PNC and National City Bank. PNC announced in October 2008 that it would acquire National City, and the deal was complete by the end of the year. Since then PNC has looked to sell off various National City branches.

Pudlin serves as co-vice chairwoman of The Wistar Institute, an independent nonprofit biomedical research institute that researches causes of various diseases. She also sits on the advisory board of the Public Interest Law Center of Philadelphia and various committees of the American Bar Association.

ANNETTE M. RIZZO

The mortgage foreclosure diversion program that Philadelphia Common Pleas Judge Annette M. Rizzo helped launch in April 2008 is now two years old, but the need for the innovative program is still strong as the fallout in the country's housing and job markets continue to reverberate. Rizzo.



RIZZO

Women of Distinction continues on WIP17

"If you have knowledge, let others light their candles in it."

— Margaret Fuller

Fox Rothschild and its Women's Initiative are dedicated to nurturing the personal and professional growth of our women attorneys and to the advancement of women attorneys within the legal profession.



For more information, contact the co-chairs of
The Women's Initiative at Fox Rothschild:

Linda J. Mack, Esq.
609.895.3325
lmack@foxrothschild.com

Lauren P. McKenna, Esq.
215.299.2754
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Women of Distinction — 2010

the judge overseeing the program's listings in City Hall 676, has been the most visible presence for the program and a tireless cheerleader for the need to provide conciliation conferences before sheriff's sales can be held on owner-occupied residences in foreclosure. The conferences provide an opportunity to work out refinancing of mortgages or payment plans with lenders, or to provide an opportunity for, as Rizzo puts it, a "graceful exit" for homeowners.

The program has been touted as a national example, and court leaders from around the country have visited Philadelphia in order to learn about it and implement their own homegrown versions. Rizzo, as well as the mortgage foreclosure program, have received numerous local, state and national awards in honor of the innovative court program.

GINA FURIA RUBEL

Gina Furia Rubel has had a busy few years to say the least. The non-practicing attorney has kept her hands in the bar, serving since 2008 as chancellor of the Justinian Society, a group for Italian-American lawyers. In that role she was successful in bringing Justice



RUBEL

Samuel Alito to speak in Philadelphia as well as prominent Pennsylvania jurists and lawyers.

Rubel also heads up the Bar-News Media Committee of the Philadelphia Bar Association, putting on a number of programs that bring together local lawyers with general circulation and trade press representatives.

As head of her woman-owned public relations agency, Furia Rubel Communications, she has been aggressive in growing her presence across the communications spectrum. She recently merged with HG Marketing Group, making their longtime affiliation official and adding a branding and marketing component to the firm.

Along with her representation of several law firms, Rubel has become a nationally recognized speaker on how law firms can use social media.

SUSAN DEVLIN SCOTT

When Susan Devlin Scott became the Bucks County Common Pleas Court's first female president judge in January 2009, she assumed a prestigious position and an unenviable situation.

The county board of judges unanimously elected Scott, who also holds the distinction of having started Bucks County's first female-owned law firm in 1976, to succeed David W. Heckler, who is now the county's district attorney.

But with that honor came the respon-

sibility of overseeing a bench that had only 10 active judges, three short of its full complement.

At the time, Scott told the *Legal* being shorthanded wasn't easy, but she lauded her colleagues on the bench for their willingness to take on more work in an effort to keep up case flow.

Fast forward to 2010: There are now 12 judges on the bench, and Scott is able to focus more administrative energy on overseeing the planning of a proposed \$100 million Bucks County justice center in Doylestown, which could break ground as early as this fall.

DEBORAH R. WILLIG

Deborah Willig has long been a glass-ceiling breaker and supporter of women in the profession just by the path her career has taken and the way she has modeled her own firm — Willig Williams & Davidson.



WILLIG

Willig served in 1992 as the first female chancellor of the Philadelphia Bar Association. And since 1979 she had been building her own firm, which now is comprised of 34.4 percent female attorneys and 6.3 percent minority lawyers, according to *PaLAW 2009* magazine.

Willig has focused her practice on labor relations and employment law since 1976, representing a wide range of labor unions. Over the past two years, she has worked on some of the largest labor deals in Philadelphia's history.

In 2008 she negotiated on behalf of the Philadelphia Federation of Teachers, non-professional employees of the school district, Philadelphia firefighters and the Cheltenham Education Association. In 2009 and into 2010, Willig represented those same unions along with the Hatboro Horsham Education Association and the United Steelworkers.

Willig currently serves as president of the French International School of Philadelphia, a nonprofit independent school offering a dual curriculum in French and English.

KAY KYUNG SUN YU

Kay Yu recently moved her ERISA and employment law practice from Pepper Hamilton to Tucker Law Group where she became the firm's third equity partner. Yu said at the time she was interested



YU

Women of Distinction continues on WIP28



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ROUNDTABLE DISCUSSION

The editorial staff of The Legal Intelligencer has always been aware that the hiring and retention of female attorneys is a continuing concern in the legal community. Two years ago, 10 practitioners came together in our offices to discuss those and other issues facing women in the legal profession. The following discussion was held in February to follow up and see what, if any progress had been made, as well as how the economic downturn has affected female attorneys.

The editorial staff of The Legal invited 10 practitioners to share their thoughts on these issues, then edited the transcript. Deborah Willig served as a moderator. Excerpts from the roundtable discussion follow:

Nancy Frandsen: ... I'm from Woodcock Washburn, ... an intellectual property boutique. I shead up

the trademark and copyright practice group. ...

Cynthia Bernstiel: [I'm] from Nelson Levine deLuca & Horst. ... We focus solely on insurance matters. My specialty practices are arson fraud litigation and investigation. ...

Cheryl Krause: I'm [from] Dechert. I'm in the white-collar and securities litigation group. ...

Ajay Raju: ... I'm with Reed Smith. ... I run the Philadelphia office, [and] I'm the global vice chair for the transactional practice.

Catherine Barbieri: I'm a partner at Fox Rothschild. I'm in the labor and employment group there. ... I'm also the firm's hiring partner, so I run the summer program and do entry-level hiring as well.

Divya Wallace: I'm an associate with Pietragallo Gordon Alfano Bosick & Raspanti. ... I focus on

products liability, employment and commercial, and a little bit of insurance defense. ...

Lorraine Koc: I'm general counsel and vice president for Deb Shops, a national retail chain. ... I do a little bit of what a lot of you folks do, which is internally contracts, employment, buyer insurance and risk management. ...

Melissa Lore: I am a senior associate at Ballard Spahr, where I practice commercial litigation. ... I am on the firm's hiring committee [and] co-chair our female non-partner lawyer group.

Abbe Fletman: I'm a shareholder at Flaster Greenberg. I do ... intellectual property litigation, ... general commercial litigation and I also represent government entities, usually in complex class action litigation. ... I'm a former chair of the

American Bar Association's Woman Advocate Committee. ...

Deborah Willig: I'm the managing partner of Willig Williams & Davidson. ... We concentrate our practice in labor and employment law. I represent some of the biggest unions in the city of Philadelphia, and also I do a lot of health and welfare and pension fund work. And for those of you who are too young to remember, I was the first woman chancellor of the Philadelphia Bar Association. ...

I'm curious about whether people think things have changed for women lawyers in 35 years, since I started practicing law. Are there problems becoming a partner? Are there problems with being full-time versus part-time? And do people think, if at

Roundtable continues on WIP21

ROUNDTABLE PANELISTS

Catherine T. Barbieri, Fox Rothschild

Barbieri is a partner and management-side employment litigator, representing clients in the full range of employment matters. In addition, she counsels colleges and universities regarding student disability and harassment issues, and represents institutions of higher learning in discrimination litigation. She serves as the chair of the firm's Recruitment Committee, and is a member of the Diversity Committee. She also chairs the Women's Law Project's board of trustees and is a member of the Philadelphia Bar Association's Women in the Profession Committee.

Cynthia Bernstiel, Nelson Levine de Luca & Horst

Bernstiel is a partner in the firm's national insurance coverage group, concentrating her practice in the areas of arson and fraud investigation and litigation. A former top prosecutor from the District Attorney's Office in Montgomery County, Pa., she served as chief of the Investigating Grand Jury, overseeing complex, multi-jurisdictional criminal investigations. While in that office, she was instrumental in forming a specialized domestic violence unit to handle related assaults and homicides. Bernstiel is active in the Montgomery Bar Association, has served on the board of directors of the Montgomery County Child Advocacy Project, and provides pro bono legal services as a child advocate.

Abbe Fletman, Flaster Greenberg

Fletman is the co-chair of the firm's government relations and regulatory practice group, head of the litigation section of the intellectual property practice group, and a member of the commercial litigation practice group. She is a former co-chair of the Woman Advocate Committee of the Litigation Section of the American Bar

Association, and is a fellow at The Academy of Advocacy of Temple University Beasley School of Law, where she serves as an instructor for the L.L.M. in Trial Advocacy and is a barrister in the school's American Inn of Court.

Nancy Frandsen, Woodcock Washburn

Frandsen is a partner and trademark/copyright chair of the patent prosecution and client counseling service group. Her practice focuses on trademarks, copyrights, unfair competition, trade dress, cyberpiracy and domain name disputes. She is co-author of "What the General Practitioner Should Know About Trademarks and Copyrights" (6th Ed), published by ALI-ABA. Frandsen is a member of the Philadelphia Chapter of the Copyright Society of the U.S.A. (Chair, 2001-2003), the American Bar Association's sections on intellectual property and litigation, the Philadelphia Intellectual Property Association, the International Trademark Association and is on the Intellectual Property Advisory Committee for the Pennsylvania Bar Institute.

Lorraine K. Koc, Deb Shops Inc.

Koc is vice president and general counsel for Pennsylvania-based national retail chain Deb Shops Inc., which has over 3,000 employees in 41 states. Koc has a broad range of corporate legal responsibilities with an emphasis on employment matters. She also chairs the Corporate Counsel Committee (General Practice Section/ABA) and is a member of the Delaware Valley chapter of the Association of Corporate Counsel. She is also co-chair of the National Association of Women Lawyers (NAWL) Strategic Planning Committee, which tracks and plans NAWL's current and future membership and financial goals.

Cheryl A. Krause, Dechert

Krause concentrates her practice in securities enforcement defense, securities litigation and white-collar litigation. She has taught Evidence and CyberCrime at the University of Pennsylvania Law School and has published and lectured in many venues on sentencing issues, terrorism, and combating computer crime. Before entering private practice, Krause was a lecturer at Stanford and Columbia Law Schools, and served for five years in the U.S. Attorney's Office for the Southern District of New York.

Melissa J. Lore, Ballard Spahr

Lore is an associate in the firm's litigation and intellectual property departments and a member of the intellectual property litigation group, trademarks group, copyrights group, product liability and mass tort group, and franchise and distribution group. Throughout her career, Lore has been active in numerous pro bono matters, including the successful representation of a wrongfully convicted death-row inmate, who sought and received a pardon by the governor of Illinois on the basis of actual innocence.

Ajay Raju, Reed Smith

Raju is the vice chair of the firm's business and finance department, which comprises more than 700 attorneys in 23 offices around the world. He is also the office managing partner of the firm's Philadelphia office. His practice is national and international in scope, with a strong emphasis in structured finance and real estate capital markets transactions. He is also a member of the board of trustees of Lincoln University and a founding board member of I-LEAD, a Philadelphia community-based college degree program. Raju is also

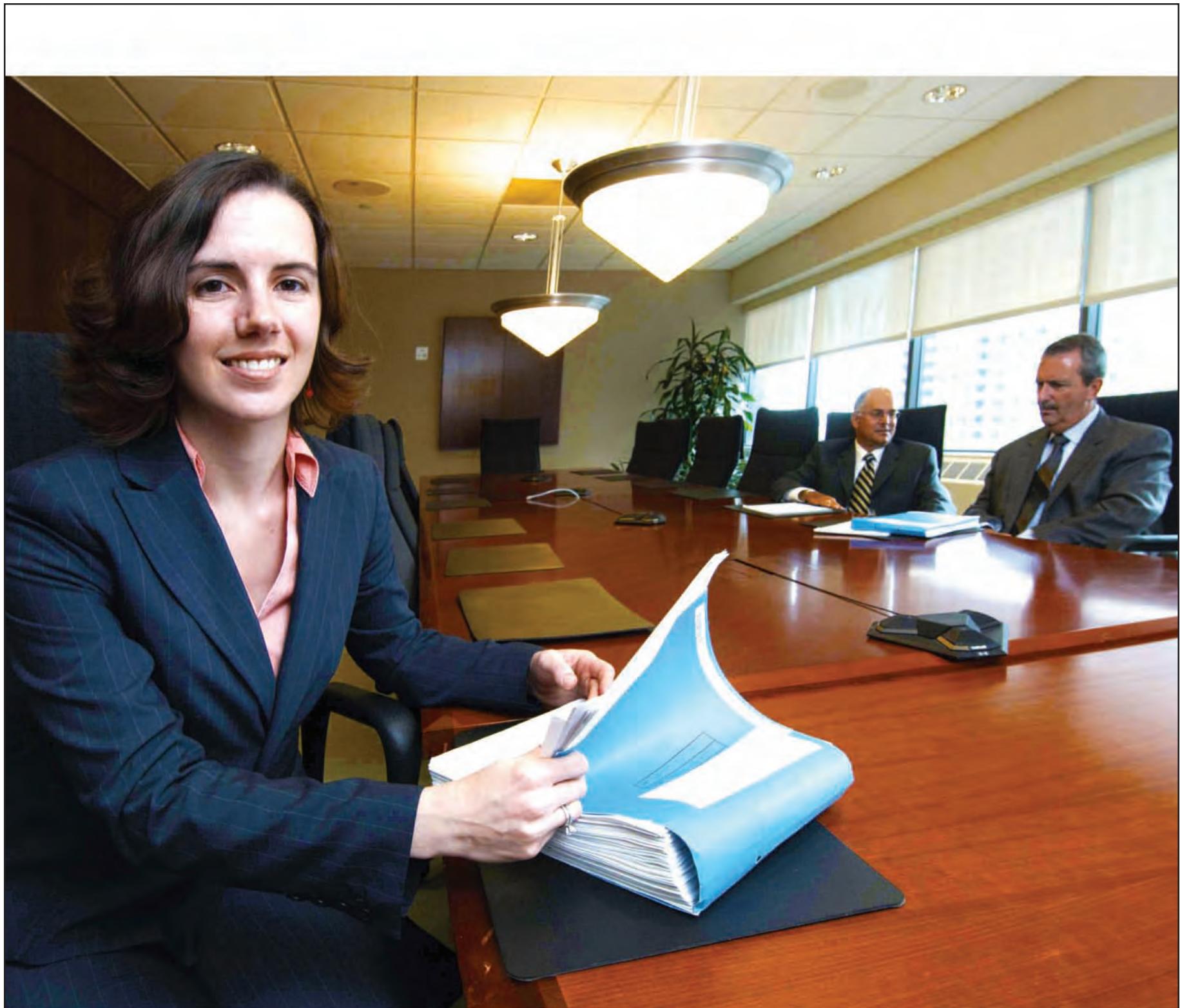
the founder and chairman of the Global Indian Chamber of Commerce, a 20,000-member nonprofit organization dedicated to promoting trade relationships between India and the West.

Divya Wallace, Pietragallo Gordon Alfano Bosick & Raspanti

Wallace is a litigation associate in the firm's employment and products liability practice groups. Previously, she served as a judicial law clerk with Lackawanna County Court of Common Pleas Judge Vito P. Geroulo, where her duties included conducting legal research and preparing judicial opinions/bench memoranda on numerous criminal law and criminal procedural issues. Wallace is a member of the Pennsylvania and Philadelphia Bar Associations, and was recently appointed co-chair of the Pennsylvania Defense Institute's Young Lawyers' Committee.

Deborah Willig, Willig Williams & Davidson

Willig has served as the firm's managing partner since the firm's founding in 1979. She has focused her practice on labor relations and employment law since 1976, representing a wide range of labor unions including teachers, and non-professional public school employees, public health, social, and recreation workers, firefighters, teamsters and orchestra musicians. She has held numerous leadership positions with the Philadelphia Bar Association during her career, including becoming the organization's first woman chancellor in 1992. She is a fellow of the American Bar Foundation and an active member of the Pennsylvania and American bar associations. Willig has received a wide array of awards and honors, including the Agent of Change Award from Women's Way and the Sandra Day O'Connor Award from the Philadelphia Bar Association.



The Earle Mack School of Law at Drexel University Salutes Women in the Legal Profession.

A handwritten signature in black ink that reads "Roger J. Dennis".

Roger J. Dennis,
Dean



Roundtable

continued from WIP19

all, that the economy has affected us?

BERNSTIEL: I'm part-time. I'm a partner, as I said. ... I work 80 percent, [but] that doesn't mean 20 hours a week. ... I have three children, ages 12, 4 and 2, ... and I think the key to retaining talented women is to offer flexible schedules.

I was very lucky that [my firm] was open to that. They have been very flexible with me, and that's enabled me to have a work-life balance that I wouldn't have had otherwise. ...

As we mentor [younger women] and teach them how to be superstar associates, ... I think if the time comes in their lives that they decide to marry and potentially have children, firms need to work with these women and be flexible.

FLETMAN: ... Everyone thought the brass ring was to become a partner. ... And, of course, those numbers have been stagnant for 20 years. I think it's 16 or 17 percent of equity partners are women. But NAWL last year for the first time also looked at rainmakers, and very few women in their firms are rainmakers. ...

Debbie ... has been mentoring women for many, many years. ... One of the things Debbie said to me [years ago] was about ... becoming a business generator at your

firm, because ultimately ... you have no security as a lawyer unless you have your own clients.

KRAUSE: I think that's a big impact with this economy. ... People's sense of security in their profession ... has been tremendously diminished. And as ... many firms — certainly larger firms — have had reductions in force, it's meant that teams end up smaller, but the client expectations are the same or higher. The demands ... to be working even longer hours and to be competing effectively for business are on the rise.

I think that really is at loggerheads with the hope and expectation that many women had in prior years of being able to have things like a flexible schedule that would be accepted or even encouraged by partners.

KOC: You guys are hitting the nail right on the head. I'm going to put my hat on as a past president of NAWL. ... Abbe is right, the survey collected some data on women and rainmaking ... of the AmLaw 200 firms. ... Forty-six percent of the respondents had no women in the top 10 rainmakers. ... And 72 percent had no women in the top five.

I think even folks who had some sense that there was less business development ... were surprised by those numbers. ... We are going into our fifth year of the survey, and most of the large firms have offered part-time. ... And there was



BARBIERI



BERNSTIEL

a huge disparity between ... the percentage of male attorneys versus female attorneys using those programs. ...

In terms of layoffs, ... NAWL Foundation [asked] as of Feb. 1, what were your statistics, and then we went back in about July. And men and women lost their jobs generally in proportion to one another. We didn't see a significant difference. ...

WILLIG: Did the survey ask ... whether ... there's a higher statistic of part-time [women being laid off]?

KOC: Bingo. ... For the full-time people, equal. ... [But] virtually 100 percent of the laid-off part-timers were women. ...

People in law firms say to me, "I know somebody that stepped away from being a partner because she said there's so much pressure to bring in business. There was the opportunity to go in-house, and she took it." It seems to me, ... there's increasingly less ability in a large firm ... to really accommodate those part-time issues at this point. ...

BERNSTIEL: I think business development is so hard for women because ... it's time-consuming. You have your billable hour piece, and you have your administrative piece, and then you have this business development piece. ...

FLETMAN: A piece of advice:

Roundtable continues on WIP22

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Roundtable

continued from WIP21

Drop the administrative stuff. The women always get — they are on the hiring committee, they do ...

BERNSTIEL: I mean more like your time sheets, your bills, ... getting the money in the door that you have now billed for and getting your associate's time paid, etc. ...

One of the highest compliments I got recently was from a parent in my son's pre-school class who ... was shocked to learn ... that I was a partner in a law firm, because I attend stuff at school. ... I'm there because I control my schedule. But I only can control my schedule because I'm the partner, and I have good support people working for me.

I think that's a key to mentoring young lawyers, to say not only do you have job security, but you will have some measure of control over your life. ...

For those of us who bill, we know how hard that is. ... But there are many nights where I work from 9 p.m. to 1 a.m., or from 6 to 8 a.m., and it all counts. You can have some measure of balance and not feel like you're constantly missing your children's activities. ...

BARBIERI: I want to come back to the point about rainmaking. ... I believe there's a direct relationship between our numbers as women equity partners ... and the fact that we don't have women in critical mass in those rainmaker positions. ...

Law firms have for years survived on the concept of the male partners retiring and passing on their business. And we don't have that ... referral source from our women partners yet. ... To the extent that you increase those women partner numbers, you collectively work on marketing.

Our firm has a women's initiative that recognizes that women market differently. ... We need ... to keep women in critical mass in those partnership positions, because that's the only way we are going to create additional rainmakers.

WILLIG: I wanted to focus ... on the rainmaking issue, because I think it is the key to almost everything we are talking about. Are you a rainmaker? If you are, how and what would you tell other women to try to bring in business? ... [For example], I've never played golf, and I'm the biggest rainmaker in my firm. I bring in 30 percent of the business. ...

FRANDSEN: ... I was first in a smaller firm, and when we merged our practice into Drinker Biddle, the senior partner gave me a lot of clients. He was a man who is now in his 80s. ... He was very supportive. ... He'd be the first to ask a woman that he was about to hire whether or not she was going to have kids, whether she was going to go on maternity leave, all the things you are not

allowed to ask. ... But I was lucky that I got a lot of clients from him.

Most of my friends don't work. Their husbands ... have very important jobs, [but] it's much harder for me to ask their husbands for work. People say, "You have got ... presidents of companies right at your fingertips." But for me to ask them for work, it's not that easy. ... It's a different relationship that men have with men, than women have with men. ... As long as there are so many men in positions of power in the corporate world, ... it still is more difficult. ... Maybe it will be easier for women to work with women.

KOC: It's interesting you say that. ... I think law firm people tend to think women in companies ... have it made. And that's really not true. If there's not sufficient power in the C suite, then we can't drive business to you. So that's a really good point ... why is it that you are dealing with heavily male presidential clients?

WILLIG: Do you have the ability, in your position, to drive business to other counsel? Do you hire litigation attorneys? And if ... yes, do you look for women attorneys?

KOC: I think that there is a movement amongst in-house women counsel who have the ability to send work out to look for the ... best qualified attorney, but there are now tons of qualified women here. So it should be easy for us ... to be cognizant. ...

The ABA Commission on Women is sponsoring the WILL Academy in Philadelphia at the end of April, about ... teaching people how to develop business. The day before that program, there's an in-house summit, and the theme is for women in-house lawyers to unleash our power; that if we have that power [to send business to other women], that we should exercise it. ...

I'll give you a good example: A number of years ago at my company, there was a large matter. ... The then-CFO ... said, "I know somebody really qualified." It was a buddy of a buddy of a buddy. And that was the first time I recognized that it wasn't this global search for the best lawyer; there were plenty of lawyers good enough. ...

KRAUSE: That's where the self-promotion and the leg work comes into play. ... It's having your name and reputation out there and establishing the relationship, so that when there is that opportunity that comes along, you are in the mix.

FLETTMAN: Which ... is the advice Debbie gave me 10 or 15 years ago.

WILLIG: ... When I talk to younger associates, particularly the women, ... I say to them, "Be active in the bar association." Because it's now 18 years since I was chancellor of the bar, but when somebody calls the bar association for a labor lawyer or an employment lawyer on the plaintiff's side, they call me. And there's a rea-



FLETTMAN



FRANDSEN

son for that. ...

I worked my way up, and people became familiar with [me]. There's also a presumption, rightly or wrongly, that if you are the chancellor of the bar, you must be a good lawyer. ...

It's fascinating and it's disappointing, I guess, that most of the women in my firm don't become active in the bar association, because it's to me a natural adjunct.

FRANDSEN: Is that because they feel like they have so many work-balance issues that they just don't have time? I mean, something has to go. ...

WILLIG: ... I hadn't thought about that. The people who are not interested or are not active [in the bar

association] are single, and not parents.

For example, one of the ways you become known in health and welfare and pension law is to become active in the International Foundation of Employee Benefit Plans. It is an internationally recognized organization that has a million conferences a year. ... I have seven benefits lawyers, six of whom are female, five of whom are part-time, and they all have children. And they all speak and they all write, and [these conferences] are not in Philadelphia. ...

I don't understand it. It's not because of the balance issue.

Roundtable continues on WIP23

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Roundtable

continued from WIP22

RAJU: ... I think the disparity gap between advancement opportunities for men and women is improving, and has improved greatly since 35 years ago. But I think it's still too wide. ...

And I slightly disagree with Abbe. ... I think one of the reasons that the disparity gap is closing is because you now have a pipeline within the firms where you have women in leadership positions, you have in-house lawyers, you have other people that are now creating opportunities; whether it's getting choice ... opportunities internally or getting a client to send business.

All of that is now happening because that pipeline is not filling in. And eventually it will start to ... you'll start seeing a balance of equality and more of an inclusion. I think it is probably a slow march toward that. ...

As far as rainmaking is concerned, it's the same advice that I would give to a woman associate ... that I would give to a male associate, which is: "Go out there, promote yourself, develop relationships. Hone your skills and develop a brand that lets outside counsel know that you can be a trusted adviser." ...

The disadvantage is I think some women ... would like to have 100 percent family life as well as 100 percent office life. ... The majority of the



KRAUSE



LORE



RAJU

women I know don't want to give up the primary caretaking responsibility in the family. ... They don't want to give up aspects of family life that a lot of men have been accustomed to giving up over the years. So they have a tougher choice to make when it comes to developing those long-term relationships; especially in the climate where the client rosters are shrinking, ... and the number of lawyers available who are competing is increasing.

It's difficult both for men and women to develop business in this environment, especially if ... you don't have the pipeline of relationships and a network of referral sources. ... And that is going to happen, but it's going to happen slowly as

women continue to advance. ...

WILLIG: With all due respect, ... enlightened policy for parenting is equal-equal, whether you are a dad or a mom, or two moms or two dads. ... All men in my firm have taken child-rearing leave ... in the same way the women who bore the child or adopted the child [did]. ... My guys go to their kids' soccer games and choir practices just as much as the women do.

To me, 35 years later, it's a lot easier to do it, because I have got this [holds up her BlackBerry]. And I think, as Cindy said, you can work from 9 p.m. to 1 a.m. or earlier. ...

BERNSTIEL: And guess what? A lot of my clients have little children of their own. They don't want to be

schmoozed. They don't want to be wined and dined. They want a solid, responsive, fabulous lawyer. ... I consider it part of my marketing to do a great job for my existing clients every single day. ... [The] phrase you used, the "trusted adviser," to me, that's what clients want.

I read a study where a client said, "I would rather have a responsive lawyer who wasn't as skilled as a more skilled lawyer." So because you have your BlackBerry, ... you respond. With some of my clients who I'm very close with, I might say, "Listen, I just picked up my son, [he's] in the background." And he'll say, "I don't care. My kids are in the car too."

Roundtable continues on WIP24

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Roundtable

continued from WIP23

They just want to be called back and they just want good service. And because it's a different day, you can be a part-timer and you can be a superstar. I believe that. ...

WILLIG: Very good point.

KRAUSE: I see young associates at many firms, and younger attorneys whom I have ... mentored, and it's really challenging. ... Not necessarily because there is something institutionalized in the firm about differential treatment, but ... just as Ajay is saying, in terms of choices that people make. Many women make the choice that they want to spend that hour of their evening, which is the only time that they are going to see their child, being home ... as opposed to being at the bar association meeting or ... marketing event or whatever the case may be. ...

When it comes to ... the work demands that are placed on associates, those billable hours are very often more than full-time, and it does make for hard choices. ... I think it remains the case for partners, too.

As a new mom, ... I see many of the same challenges. And I'm heartened to hear that people have found a way to balance that. Because I think it's not ... intuitive or obvious on how you navigate.

LORE: As an associate, I would actually agree with that. I think it

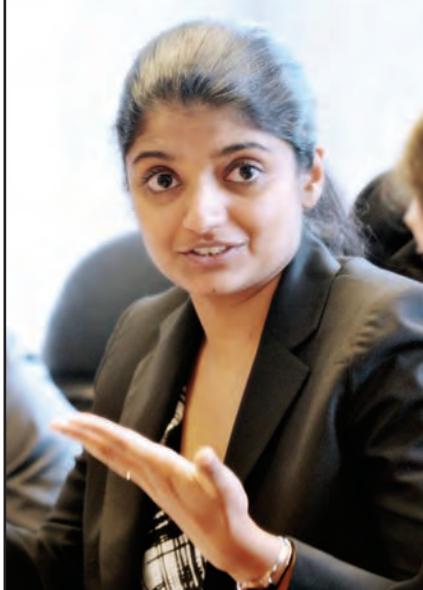
is very different when you are a partner ... and you can delegate your work to someone else when you have something coming up.

I think this actually goes to the retention issue. We can get 50 percent of the women in the door ... at a law firm, and we just can't keep them. ... I have been at two different large law firms, and ... the women who are ... at the senior associate or even junior partner level are women who are either single or women who have a spouse or partner who has a much more flexible job. They can help out at home. ...

To succeed at a firm ... does take that extra level of energy, effort and commitment. I'm able to do that because I have a spouse who [has] a more flexible schedule than I do and who can get home to

spend time with our children. As Ajay was saying, ... I want to make that choice, ... I want ... me or my husband to be home with our family. ...

Maybe the expectations for what it takes to get to the partner level are just really high, and it creates a barrier. ... Some women just are not trying to go out



WALLACE



WILLIG

going to make it if they don't have that balance.

*A lot of my clients
have little children
of their own. They
don't want to be wined
and dined. They want
a solid, responsive,
fabulous lawyer.'*

WALLACE:

As a younger associate, ... I'm obviously not giving advice on rainmaking, I'm the one who is getting the advice on rainmaking. But I've been told various different things on how to do that, which is to write articles, do speaking engagements, there with the

Philadelphia Bar Association. That's something that's really emphasized in our firm.

And ... what I see with myself and ... some of my friends [who] are married and are thinking about having a family, you reach a crossroads and you wonder what to do; because you want to succeed in your career, but at the same time you want to start a family. ...

My friend was about four years out, she worked at a big law firm. ... She went out on leave, had a baby, came back part-time. ... She said it was really difficult for her to do the rainmaking because she had to make a choice to try to spend more time with

Roundtable continues on WIP25

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Roundtable

continued from WIP24

her family. Because she wasn't able to bring the business in, she eventually left and went to something in-house part-time.

For younger associates, there's always that thing in the back of your head when you are thinking about starting a family but you still want to succeed in your career — at what point do you figure out a way to balance those two? ...

As a younger associate, I want to do great work so I can advertise myself as someone who does great work. ... I want to make sure I'm getting all my billables ... but sometimes it's difficult to balance. ...

Something that is helpful for me is I started out with writing articles, because you do the research and the writing by yourself, ... you send it out there, and then you get feedback and you can kind of build from that. ... It's [also] helpful when partners take me to ... client meetings and I can put myself out there. I think that it's really, really important to have that mentoring within the firm; to have someone come and tell you it's okay if you want to do this, these are your different options.

BARBIERI: As somebody who does entry-level hiring, I'm seeing a trend toward women attorneys not ... delaying family and focusing on career initially.

I made partner when I was about eight months pregnant with my first son, so I had pretty much wrapped up my associate years by the time I had my first child. But I'm seeing less of that now, which is interesting, and I think it does create a new challenge for firms.

I think flexibility is the key, ... not only in terms of firm life [and] not necessarily just offering part-time

arrangements. ... But flexibility in terms of not requiring useless face time. ... If it means you do the work sometimes at home, as I often do in the evenings, like my colleague across the table, ... that's okay.

And also flexibility in terms of your own life. Recognizing that you cannot necessarily make every event that your child might have. I was in court when my son had his holiday play. My husband went. I can't make everything. Recognizing that to the extent that the firm offers you flexibility and you recognize you're going to have to create some of the flexibility in terms of your own life arrangements.

WILLIG: I think this is probably true. Do you think that there is a dichotomy for the flexibility between partners and associates?

BARBIERI: I don't, actually, in my firm, because we've had a number of women become partner who were part-time. ...

We moved recently to different offices, and I found my old paperwork concerning our efforts to create a policy for partners to be able to work part-time. ... And it's almost funny to look at it now, because we have had any number of women partners who are part-time. We have had people come up through the partnership ranks and become partners while they are on part-time. ...

As a partner — and someone recognized this — you are in control a little bit more of your own time. So

I can schedule my own court appearances ... and client meetings. If I need to drop my son off at school on Monday morning, I will plan to meet with the client at 10, not at 9 o'clock. With associates, oftentimes you are beholden more to a partner's schedule. ...

KOC: ... I think, Cindy, you made a really good point about the availability of e-mail and technology that makes it quite easy. ... I'm really optimistic about [technology] being able to help.

On the other hand, Ajay, I would respectfully say that the math is wrong.

... Empirically,

statistically, when you look at the surveys, the pipeline we have had for the last 25 to 30 years, what we call the 50-15-15 problem, the numbers are virtually unchanged. Approximately 50 percent of women are law students, but only about 15 — and it's moved up to 17 percent — are equity partners.

The MCCA does a survey for CLO, and approximately 17 or 18 percent in their last survey. So that number has been very stagnant despite the pipeline issue. The pipeline is a myth.

RAJU: Then I think we agree. Because my point was that while the disparity gap is closing, it's still pretty wide. ...

FLETMAN: It's not closing.

KOC: No, it's not closing.

RAJU: But under that premise, that means we are still static, ... that 35 years ago —

KOC: Correct. It's the same picture as Debbie had 30 years ago.

FLETMAN: It's been static for 20 years.

RAJU: I don't see that. I do see that there has been improvement in the past 20 years. ... I say this for the following reason. You look at almost every large law firm these days, you look at the executive committee ranks, you look at senior management ranks, you look at top women rainmaker ranks; I would make the guess that 35 years ago you probably did not have the same amount or percentage that you do today. ...

But I can't accept the premise that after 35 years of Deborah's influence in the bar, 35 years of other women partners — Colleen Davis, who is in our senior management team and heads our global litigation practice — that that is not an advancement. ...

I still will maintain that demands on a woman, whether as a partner, associate, etc., I think are greater. ... And I know the argument is that it's the same thing for men and women. ... But generally, a majority of the women lawyers that I speak with are always struggling with, "I would like to do both." ... I'm always amazed at how they balance it. But I don't think it's easy for them. ...

BERNSTIEL: ... There are some women I know who say it's easy. And the women who say it's easy have live-in au pairs. They walk in at 8 o'clock at night, and the kids are bathed and the homework is done and the children are fed, and there's a warm dinner in the oven. [But] my husband and I like to have dinner with our kids every night. That's very hard. ...

KOC: Let me make two points. ... Number one is that the statistics really don't lie. ... In fact, just so you know, only 6 percent of managing

Roundtable continues on WIP26

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Roundtable

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partners are women. So that's a huge disparity touching back on your retention issue.

However, to your point about making hard choices, law firms need to make a profit to exist. It's a capitalist economy. ... On the other hand, law firms have done things. I started at Fox Rothschild, and ... there was an unwritten policy ... that you needed to be in on Saturdays. It didn't matter why you were in; if you were cleaning off your desk, okay. Or if you got some work done like I did, and then went to the Hitchcock festival afterwards, as long as you were in from 9 to noon. It was expected.

And today I don't really care where Abbe is doing work, as long as it gets done. So that's helpful. And certainly some of the policies that your firm has ... are really helpful so that we can actually make those choices. But in the end you are right, there are certain choices.

BERNSTIEL: ... If you can do your rainmaking before you have children, it helps. Like Catherine said, it is helpful when you get those difficult years out when you are young.

But be unique, have a niche, do something. I think writing articles is great, but make yourself unique.

I have been lucky enough to develop this arson and fraud niche. That's my brand. ... Find something that you are passionate about and develop that niche. It makes it easier once you make partner and you have children, because you are somewhat of an expert at something. You are in a comfort zone, not reinventing the wheel. You are doing cases that ... you are passionate about and that you're good at, and that makes marketing a lot easier. ... For me, that's been key in enabling me to ... sell myself to my clients, because I bring something unique to the table.

FRANDSEN: ... We also had mandatory Saturdays when we started. And I went to law school late, and so as soon as I got out of law school and started working I had my first baby. ... It was full time. A lot of women didn't have options — I had to work. We started late, my husband and I both — we met in law school, we both had loans to pay back. ...

We figured out a way to make it work. We did have a live-in au pair, but that didn't make my life easy. It was a quality of life that I wanted for my kids to be able to be at home. ... But I liked having dinner with my kids at home, too. ...

I like to talk to the younger attorneys, the women who are just having babies. Probably the nicest compliment my oldest son ever told me

is he was dropping me off at work one day and I was sort of grousing about going to work. He said, ... "My friends and I all think you are the coolest mom because you are the one who works." And I practically started crying. ... He was 20 years old and he was proud of me.

I told that to a young associate who just had a baby, ... and she said that just made her day. She just felt like she could move on to the next task. ...

So you try to find women who have been in this situation. Because I know there are a lot of women in management in the larger firms who made sacrifices and maybe decided not to have children, but there are a lot of us out there that did.

LORE: ... I actually think firms today, at least in my experience, are much better in terms of the flexibility that they offer even [to] associates. I have two small children at home. After my first child I took six months maternity leave. I came back full time, but I worked one day from home a week. I went to the chair of the litigation department, and I said, "This is what I want to do." He said, "Okay." I mean, there was no question. No one ever said anything to me about, "Oh, you are not here on Fridays," or anything like that. I also made myself available, and if I needed to be in on Fridays I was.

WILLIG: That's part of the key, I think.

LORE: I think that's the key in general — responsiveness, whether it's to the client or to the other attorneys you are working with. As long as you're responsive, I don't think anyone really cares where you are or when you are doing the work, as long as it gets done and done well. ...

I actually think the whole retention issue boils down to the rainmaking issue. ... I think women get to a point where, ... even with all of the things firms have done to try to make our lives easier, ... there's just not enough time in the day. ... And they feel like the one thing that they don't have time to do is the business development; or they feel like they don't have the skills to do it or they haven't had the training, and that's when they start looking for other options.

Some of it is internal with the particular women, [but] some of it is external at the law firms where ... whoever has the business controls the decisions. So you can have women in management at the law firm, [but] if they don't have the business, they are not the ones calling the shots.

WILLIG: There's the old saying, "He who has the gold makes the rules."

LORE: That's it. If you don't have those women who are handing the business down ... or those big rain-

makers who can train the next generation of women and say, "This is how you do it, and come with me to pitch this client," then those women don't get that training, and they don't know what to do. ...

FLETMAN: I really think it's an enormous mistake to spend your time billing the hours and not doing the rainmaking. You would be better off, long term, billing 100 or 200 fewer hours a year and spend the time on the rainmaking. ...

The woman who was head of the Pillsbury firm ... Mary Cranston, ... talks about how when she became the head of this global firm, man after man would ... make an appointment, come in to see her, [asking,] "How am I going to advance my career, what are we going to do," blah, blah, blah. And no women did that.

So you've got to get out there. ... There are women all around town who are happy to have lunch with you like Debbie did with me all those years ago, and give you advice. ...

Business development is nonlinear, and you just have to accept that. ... My general view is you have to be out there every day and something will happen. But if you are not, it's not going to happen.

BERNSTIEL: ... I understand if you are an associate and your requirement is 2,000 hours and you are billing 2,200. You're saying those extra 200, ... spend those on business development. But as a young associate, it's 2,000, I don't have the choice but to bill that 2,000. ... I guess you could say to your firm, "I would like a reduction in my billable hour requirement ... with, obviously, a commensurate reduction in pay — because I want to focus on business development."

But I think that's where the young associate says, "I have to do 2,000, and I have some minimum level of administrative responsibilities at the firm; meetings and time sheets and things of that nature. ... I'd love to shave off 200 of my billables to do business development." I don't have that choice.

FLETMAN: I'm not talking young associates.

BERNSTIEL: Okay.

FLETMAN: I would say five years and up.

WILLIG: What I hear is what I was afraid I was going to hear. In my firm, the bar association is counted as a billable hour. Or writing papers ...

BERNSTIEL: That's a very enlightened approach.

WILLIG: Right. And I'm afraid we are unique. But maybe ... the people in this room can go back to their firms and say, "You want me to be a rainmaker. I now have five ideas to be a rainmaker, but I need those hours to be counted, even half for one."

RAJU: I think the rainmaking can have multiple meanings for a younger associate. Rainmaking ... could also mean having an internal focus as well as an external focus. ... The community of potential sources where rain could come in could be the internal partners and other senior associates to develop a strong reputation. That develops a brand name internally. A lot of them eventually will move on to in-house positions, or a lot of them will be in a position to eventually give work, as you received work, over time.

But that is also valuable for a young associate; to hone the skills, to develop as many relationships as possible, but then also concentrate on a few key mentors who will then guide you along the way.

As you get to the fourth- and fifth-year level, you have to ... have more of an external focus and widen that net. I think the billable approach is not a negative thing, as long as it's [also] ... branding, developing good relationships, and going out there and promoting your name.

KRAUSE: ... While they may not treat business development time as billable, per se, ... those are things that firms look at in the mix in setting compensation, in making decisions about partnership elevation. And there is a recognition of the importance of those things as part of a broader gestalt of what makes an ... effective lawyer for the long term.

WALLACE: I agree. In our firm, ... we are not in a position where a marketing hour can be considered as a billable hour. But there is a section during our evaluation, especially for the younger associates, where marketing is a big consideration in terms of our compensation. So if we are going to bar association meetings, writing articles, doing speaking engagements, that's still considered in our evaluation.

BERNSTIEL: ... It distinguishes you as an up-and-comer, as someone who takes initiative. ... To me, as a young woman associate, that's huge.

KOC: ... From the client perspective again, I can't echo enough what great advice Debbie and Abbe are giving. If I am coming to any of you for a problem, to the extent that you are connected, ... you then can steer me to the right resource. And bar association activity really ... helps in that you can provide that connectivity to me and help get results. ... I have just stepped off of DELVACCA's board, and being able to know my counterparts and call them for the in-the-weeds problem, ... it's enormous. ...

I actually want to thank Ajay for being brave enough to come in[to] this circle of people. Because while we disagree on the statistics, I think he's made some really great suggestions

Roundtable continues on WIP29

N.J. Women Lawyers Raise Bias Concern Over 'Virtual Office' Ban

BY HENRY GOTTLIEB

New Jersey Law Journal

The president of the New Jersey State Bar Association said recently that he agrees with the state judiciary's advisory opinion warning lawyers they violate New Jersey's bona fide office rule when they list and advertise space rented on a periodic basis as their primary place of business.

"I don't think that's sufficient," bar chief Allen Etish said about offices lawyers rent by appointment only, with phones that are answered by receptionists shared among multiple tenants.

But a leading advocate for New Jersey women lawyers says the rubric might discriminate against them, since their juggling of family and professional responsibilities sometimes requires nontraditional office arrangements.

"This will certainly create a barrier," said Lynda Bennett of Herold Law in Warren, president of the New Jersey Women Lawyers Association.

The Advisory Committee on Professional Ethics and the Committee on Attorney Advertising said on March 26 in a joint opinion, ACPE 718/CAA41, that Rule 1:21-1(a), requiring bona fide offices, is violated by what the opinion identified as "virtual offices."

Those are defined as offices that are available by appointment only, usually staffed by "a receptionist with a list of all lessees who directs visitors to the appropriate room at the appointed time. Depending on the terms of the lease, the receptionist may also receive and forward mail addressed to lessees or receive and forward telephone calls to lessees."

Steven Mannion of DeCottis Fitzpatrick Cole & Wisler in Teaneck, N.J., who chairs the ethics panel, said the opinion — prompted by inquiries from lawyers — reflected the need for attorneys to be truthful in advertising. It also was based on an accurate interpretation of the rule as written. "The ACPE is not in a position to rewrite the court rules," he said.

Any lawyer or group of practitioners can ask the Supreme Court to review such opinions. The state bar has no plans to do so, though the subject merits further study by the association's Committee on Professional Responsibility and Unlawful Practice, Etish said.

Emerging technology permits lawyers to communicate in new ways, Etish said. Given that, he added, "I believe that the idea of a virtual office needs more study. It's something that's not totally wild-eyed or preposterous."

HENRY GOTTLIEB is a reporter for the New Jersey Law Journal, a Legal affiliate.

But he said, "The need for a bona fide office is necessary."

For example, a lawyer without an office is hard to tie down, in terms of service of process. At the very least, the lawyer should appear regularly — even if just once a month or once a week, the hours should be posted for all to see and a receptionist should be available to answer calls, he said.

A handful of women lawyers say, however, they are troubled by the opinion's potential impact, particularly in what it says about the relationship between home offices and the timeshare arrangements the committees call virtual offices.

The purpose behind the bona fide office rule is to ensure that lawyers have a place to keep client records secure and separate, a place where clients can meet the lawyer in privacy and a place where someone is available to take a message if the lawyer is absent.

Under the joint opinion, these criteria can be met in home offices, which are popular among women solos with children who want the flexibility to segue from lawyering to child care by merely going from room to room in the house. The standard office of this type has no secretary: just an answering machine with a remote access feature or call forwarding to the lawyer's cell phone.

Carolyn Elefant, a Washington D.C., practitioner whose blog at MyShingle.com is a popular site for solos, said the New Jersey opinions discriminate against women because they would require a lawyer who has a home office and a convenience office to list the home office as the bona fide office, creating security and privacy problems for the family.

Indeed, she works mostly at home to keep tabs on her two small children but obtained a "virtual" office as defined by the New Jersey committees for those security reasons, as well as to present a more professional face.

Bennett, the New Jersey Women Lawyers Association president, said these kinds of offices are "the best way for a woman to raise her prac-

tice to the next level." She said her group will look into the issue and find a way to give its perspective, "which wasn't thought of in these opinions."

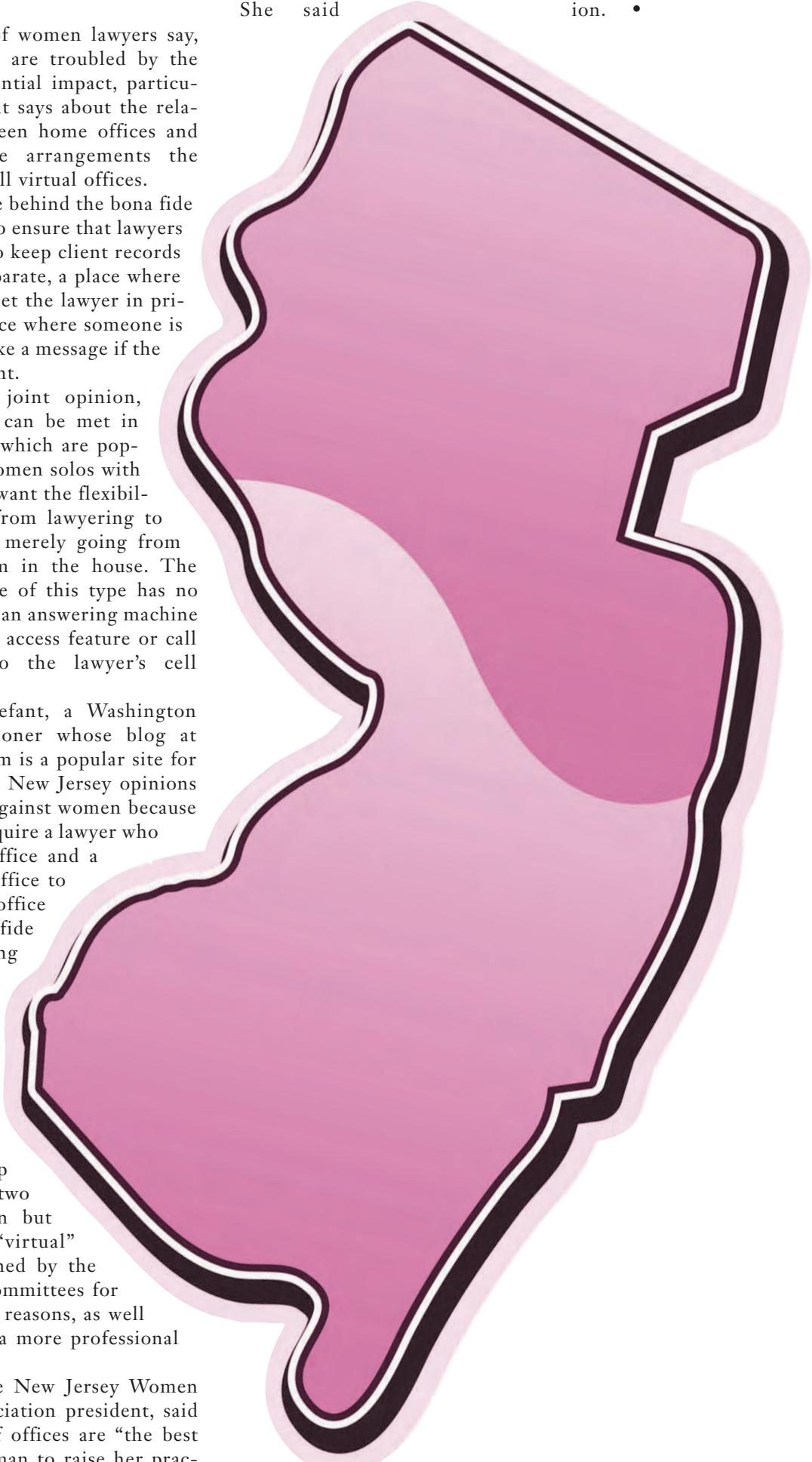
Mary Cece, whose husband died seven years ago, has a solo practice in her home in East Hanover, N.J., to be available to her children and keep down costs. But when she wants to meet clients and doesn't want to have them come to her home, she sees them in restaurants and other public places.

She said

it's impossible for attorney regulators in New Jersey to know whether home offices comply with the rule. Is anyone listening to phone messages? Are client files kept separate and under lock and key?

Cece said it's ironic that a home office of any kind is a bona fide office, but a time share that has a receptionist able to reach lawyers and the ability to keep files locked and separate is not.

"It seems like outdated, elitist nit-picking," she said of the joint opinion. •



Boat Racing

continued from WIP3

of the 60-plus BCS teams that have formed in the United States over the past 10 years. It is the vision of a Canadian sports medicine physician and exercise physiologist named Donald C. McKenzie, who threw aside the accepted "wisdom" that survivors could not lift and strain and do.

There is camaraderie and an ongoing commitment to making a difference: initially in showing survivors and others that the diagnosis is not an excuse to shut down, give it up, turn it off.

"She thought races were all the buff and young./ Never thought she'd join in all that fun./ She watched from the side-lines sitting on her seat,/ She was feeling

lonely, sad and beat..."

Frankly, it is awesome to see this group of mostly middle-aged women pushing through a tough boot camp workout for off-water, off-season conditioning, and awesome to watch the boat, on the water, in season, glide toward Boat House Row as 20 paddles dig in in unison, propelling 800 pounds of boat past the 500-meter marker.

"Mission statement: to help survivors of breast cancer make positive emotional, spiritual, and physical changes in their lives through the ancient sport of Dragon Boat Racing. We encourage survivors, regardless of age or athletic ability, to 'awaken the dragon within' by providing them with hope, support, camaraderie and adventure."

It is inspiring to watch this group, paddles up, parading down

Philadelphia's art museum steps before the Race for the Cure. Of course there is more, and I am not yet talking about the racing.

Racing is a goal, primary for some, secondary for others. Paddling is a heck of a great workout, and the river is an incredible resource. Want to enter into a Wyeth painting? Make your way up-river in a dragon boat. Want to feel every muscle burn, including those you did not know you had? Keep a 62-stroke beat at 100 percent pressure for 2,000 meters, and do that again, and again. And take note of the other boats, sculls and kayaks and OC1s, mostly "manned" by the young and the buff.

"Then she joined this team, now she's an achiever./ It's been like a dream, she's so proud of herself./ She's strong and spry,

yeah, she's a real winner./ I believe in her, watch her fly!"

I will not kid anyone. The medals we win are nice.

But winning the medals is not nearly as satisfying as being out on the water, at the start line, and then leaving it all out there, then coming back to the dock, knowing we showed what we could do, the best we could do that day. The way we'll do it this season.

Some 90 BCS teams are gathering in Peterborough, Ontario, this June, from around the world. Hope Afloat will be there, going for gold.

Paddles up!

This article features lyrics by Nancy Glasgow, used with permission, from the Hope Afloat organization. For more information on Hope Afloat, visit www.hopeafloatusa.org. •

Perspective

continued from WIP5

Today, there are a larger number of experienced female lawyers to mentor their younger colleagues.

Philadelphia Court of Common Pleas Judge Marlene F. Lachman said she believes that the mentoring process is instrumental in helping women achieve equality in the profession. Lachman relayed that when she started out as a lawyer, there was no woman at her firm to guide her on the subjects of mobility or equality in her work environment. According to Lachman, the real question becomes, when will we reach a point when it does not matter who mentors whom? She said she hopes for the day when the mentoring process crosses gender lines more often.

Fox Rothschild partner Catherine Barbieri commented that while female lawyers have made some strides in achieving management positions in firms industry-wide, women have not broken into the top ranks of rainmakers. She attributed that, in part, to marketing obstacles at some firms.

(She did say that she has been given the same marketing-related coaching at her firm as her male counterparts.) Barbieri said she believes that in many firms, older male partners have passed their clients on to younger male partners, while female partners have not reached the critical mass necessary to ensure a similar referral source for their younger female partners.

Historically, women were not treated as equals at work. That is why various employment laws have been enacted specifically to provide for equality and protect women in the workplace. In 1963, the Equal Pay Act was enacted to ensure employers gave equal wages to men and women doing the same work. However, it is doubtful that most people thought men were making less money comparably than women.

One year later, when Title VII of the Civil Rights Act was passed, it is unlikely that the prohibition against discrimination based on sex conjured up an image of women victimizing men in the workplace. In the 1970s, when sexual harassment (a form of gender discrimination) first became a cause of action du jour, female to male harassment (or same-sex

harassment) certainly was not the immediate concern. In 1978, when pregnant women were given protection under the Pregnancy Discrimination Act (which amended Title VII), it was not untypical for firms not to hire women in their child-bearing years because they might request maternity leave shortly after being employed.

Today, there still is the need for protection against discrimination in the workplace, but that too is crossing gender lines. Federal and state family and medical leave laws protect both men and women who require time off for their own medical conditions or to care for family members. Family status and caregiving discrimination cases are on the rise. But, unlike earlier times, family responsibilities such as caring for children and elderly parents are the responsibilities of both sexes. According to the EEOC, caregiver bias/discrimination suits are a growing legal trend with increasingly favorable settlements and verdicts.

Fran Hoffman, who practiced at three law firms before going out on her own, brought up an interesting point. Although she said she believes, generally, that it still is a man's world in law firms,

in her experience, being a female attorney was never a problem for her male clients. Her male clients expressly recognized her talents and abilities and gave her credit for her results (and they never complained about her bills). Hoffman is hopeful that women can change the way law firms operate, but believes more women need to make a commitment to effectuating positive changes.

Hoffman's sentiment is echoed in the Goal III Report Card. While The Commission on Women in the Profession is "proud of the opportunities available to women today versus 20 years ago," it recognizes that women must renew their efforts to "open doors, break down barriers, and continue to fill the pipeline of women in all arenas in the legal profession."

Is it still a man's world? The consensus among women I spoke with was that barriers are coming down, but women still have obstacles to overcome before they achieve real gender equality within the legal profession. They would like to see a "world" that is neither man's nor woman's, just dedicated professionals striving to uphold the rule of law. •

Women of Distinction

continued from WIP17

in practicing at a smaller firm where she could more closely blend her public interest life and legal background.

When she isn't running marathons or handling litigation, Yu serves as the chairwoman of the Philadelphia Commission on Human Relations — a role she said has made her more public-service minded.

It is in large part her efforts on

that commission in 2010 that has landed her on this list. Yu is heading up a series of public hearings to address school violence, ethnic intimidation and racial tension in the Philadelphia School District. The impetus for these hearings was

December's racial conflict at South Philadelphia High School between Asian-American and black students that struck a chord in the community and many looking for answers. The hearings began in January and will last through the summer. •

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Origination

continued from WIP7

Report recently revealed that the median income of women lawyers is only 78 percent of their male counterparts.

Moreover, this income shortfall is even greater for women attorneys of color, who are paid less than both male and white female attorneys. The inequality in pay results in greater job dissatisfaction and higher rates of attrition for both junior and senior women lawyers.

According to the report, the wage gap between male and female lawyers is present at every level of employment, from associate to partner, and increases as lawyers become more senior. When women transition out of the associate ranks and into counsel, non-equity or equity partner positions, they receive less compensation than male attorneys, regardless of firm structure or status level in the firm. Indeed, the largest gap in compensation is between male and female equity partners. In 99 percent of large firms, the most highly compensated partner is a man.

As noted earlier, the paucity of women in positions of leadership at a

law firm has a significant effect on all women within a firm, particularly in the area of compensation. This is vividly illustrated by the findings of the NAWL survey — firms without any women rainmakers in their top 10 rainmakers have a much greater pay differential between male and female partners than other firms. Conversely, firms that have at least three or four women in the top 10 rainmakers have the smallest gap in male/female compensation.

MAKING CHANGES

Inasmuch as the current economic downturn is causing many law firms to re-evaluate their compensation systems, now is an opportune time to implement changes to such systems to make them fairer to women.

Changes that ought to be considered include the following:

- De-emphasize the role of the billable hour in determining compensation, and give greater emphasis to the quality of the attorney's work and the myriad contributions made by the attorney both to clients and to the administration of the firm;

- Review performance evaluation systems to ensure that implicit bias does not play a role in assignments, performance reviews, compensation and partnership decisions;

- Make compensation criteria more transparent;

- Ensure that compensation committees are diverse and include more than a token woman;

- Give credit for compensation purposes to attorneys who have excelled in mentoring and training women lawyers and those who have helped women in their business development; and

- Give women attorneys equal opportunities and resources to participate in client development and networking activities.

All of the foregoing subjects and many other cutting-edge issues of importance to women lawyers will be discussed at the fourth Women in Law Leadership (WILL) Academy, to be held in Philadelphia at the Loews Hotel April 29 and 30. Panelists will include many of the country's most prominent women general counsel, corporate executives, judges and private practitioners. Registration infor-

mation is available at www.abanet.org/women/will.html.

The day before the WILL Academy, the ABA Commission on Women in the Profession will be convening a summit for women in-house counsel in Philadelphia. During that summit, leading women in-house counsel from the mid-Atlantic region will examine, among other things, the role that in-house counsel can play to help ensure that women at the law firms who handle their companies' legal work receive full credit for the business that they help generate.

To be sure, women lawyers have made great strides and have attained considerable success in the legal profession. However, although progress has been made, much work still remains to be done to achieve true equality in the areas of compensation and law firm leadership and power.

Through our collective efforts, we can and must continue to press law firms to modify their origination credit and compensation systems so that they fairly reflect the substantial achievements and contributions made by their women attorneys. •

Roundtable

continued from WIP26

that apply equally to both men and women. ... While we certainly want to stress women helping women, ...

sometimes men can be the mentor for us; or perhaps in some situations men are able to have the power to break a logjam and say, "You can shift this matter over to her."

RAJU: ... It's not just the right thing to do, it's also the smart thing to do.

More and more in-house lawyers and others are insisting on inclusion and diversity. So law firms are doing it also not only for the right reasons, but they are also being smart about it.

WILLIG: ... I'm going to walk away from here thinking, I now know

a white-collar criminal lawyer. ... One of the best ways to be a rainmaker, other than the bar association, is to say, "Do I know any women lawyers who practice in this area?" And I assure you, unlike 35 years ago, in this day and age there are. •



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Anne K. Manley has been with Gross McGinley, LLP for 24 years. She became partner in 1996. Her practice emphasis is on general litigation in a wide variety of areas including creditor's rights, unemployment compensation and family law. She sat on the East Allen Township Zoning Hearing Board for 10 years. Anne enjoys mentoring young attorneys who join the firm.

Susan Ellis Wild is a partner with Gross McGinley, LLP and is Chair of the Litigation Group. She devotes her practice solely to civil litigation, and has been certified as a Civil Trial Advocate by the National Board of Trial Advocacy, a Pennsylvania Supreme Court-approved agency. She has litigated hundreds of cases to verdict, settlement or dismissal, and is a member of the Bars of Pennsylvania, Maryland and the District of Columbia, and has appeared in state and federal courts in multiple other states. Susan is frequently called upon by local courts and lawyers to assist in the mediation or arbitration of complex disputes.

Kimberly G. Krupka is a partner with Gross McGinley, LLP practicing law for twelve years. As a litigator, she focuses her practice on commercial litigation, employment related disputes, medical malpractice defense, and public utility law. Kimberly also assists companies with software licensing agreements and employment contracts. She is a director of the Lehigh County Bar Association.

Kimberly Spotts-Kimmel is a partner with Gross McGinley, LLP. She came to the firm in 2001, after clerking for the Northampton County Court of Common Pleas. Her primary practice area is business law, assisting small and large companies with formation and management, operating agreements and commercial leases, and employment issues. Her practice also includes wills and estates and she chairs the firm's Wills, Trusts and Estates Practice Group. Kim sits on the board for a local non-profit.

Catherine L. Kollet is an associate at Gross McGinley, LLP. Prior to joining the firm, she clerked at the Northampton County Court of Common Pleas. Her practice areas include family law, juvenile law, and criminal defense. She also enjoys volunteering on various non-profit boards in the community.

Ewald M. Cook is an associate at Gross McGinley, LLP in Lehigh County. She came to the firm from private practice in Bethlehem where she concentrated on family law. She is a former board member of the Northampton Community College Foundation in Bethlehem.



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