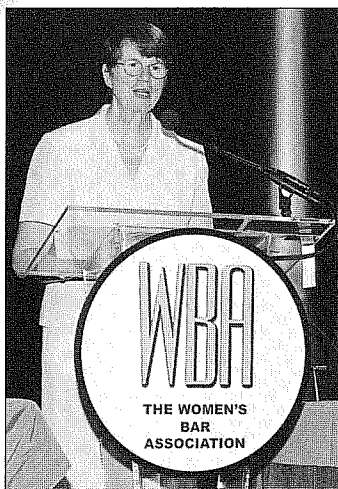


MAKING A DIFFERENCE IN THE NEW ADMINISTRATION

The WBA's Executive Endorsement Committee Supports Excellence in the Appointment Process

BY JOANNE W. YOUNG



■ United States Attorney General Janet Reno at WBA/WBAF Annual Dinner, May 2000

Farewell Reception for Attorney General Janet Reno

The WBA and WBAF will host a farewell reception for United States Attorney General Janet Reno on January 16, 2001. See p. 3 for details and registration information.

Now that the dust is settling from the 2000 presidential elections, President-Elect Bush and his transition staff are facing the enormous task of screening appointees for the new administration. In 1961, when President John F. Kennedy was naming his executive staff, there were fewer than 200 executive branch appointments. According to the Brookings Institution, there are now four times that many—almost 800—top-level executive positions to be named by the President, vetted by the White House, cleared by the FBI and confirmed by the Senate. It has been eight years since the large-scale executive appointments by the Clinton administration following the 1992 election—and who could forget the controversy and contention over many of the nominees and the drawn-out appointment confirmation process at that time? Following the “stranger than fiction” election process of 2000, we hope that the executive appointment process for the next White House administration progresses more smoothly.

As in past years, the WBA's Executive Endorsement Committee is ready to assist in the executive appointment process to ensure that qualified individuals are selected and appointed to executive positions and to ensure continued efforts in diversifying the top echelon of our government. Similar to our highly successfully Judicial Endorsements Committee (See RTB Article in the Fall Edition), the WBA Executive Endorsement Committee assesses the qualifications of candidates for high-level

positions in the Executive Branch of the federal government and in the District of Columbia government. The Committee's principal goal in recommending the WBA endorse such candidates is to ensure the appointment of qualified candidates with experience and history consistent with the mission of the WBA. Consistent with this goal, the Committee also seeks to advance the position of women and minorities and increase the numbers of women and minorities occupying high-level positions in the federal and local government.

The Committee carefully evaluates each candidate for endorsement by interviewing the candidate, reviewing his or her resume and a detailed questionnaire completed by the candidate, and discussing his or her qualifications and character with references and others in the community. A broad range of factors are considered, including educational background and scholarship, professional experience, integrity, judgment, temperament, leadership, common sense, communication skills, management skills, relationships with supervisors and subordinates, commitment to the community, freedom from bias, commitment to equal opportunity and justice under law, and other factors relevant to the position sought by the candidate.

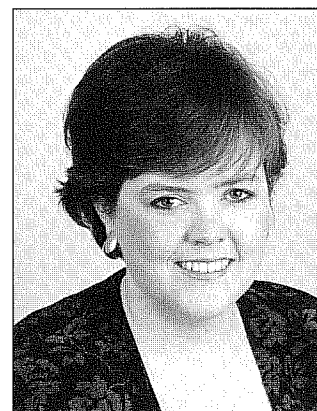
As with the WBA Judicial Endorsement Committee, WBA membership is not required for endorsement. In addition, the Committee will endorse only those candidates who demonstrate that they satisfy any statutory requirements

HIGHLIGHTS

- 2.....President's Column
- 4.....Susan Z. Holik
- 6.....PAR Update
- 7.....Professional Coaching
- 8.....Bankruptcy Crimes
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- 19.....Calendar

THE WBA INTO THE NEW MILLENNIUM

BY MARY KATE WHALEN



Forget last year's battles whether 2000 or 2001 is the "true" start of the new millennium. As of January 1, 2001, we are squarely in the new Millennium. The WBA has been working all year to ensure that the WBA continues to be an active, viable force in the Greater Washington Metropolitan legal community in this new century and in the next presidential administration. I am pleased to announce two new and exciting ventures for the WBA that will not only ensure the ongoing financial vitality of the organization, but will increase benefits to our many members and provide opportunities for new members to become involved in the WBA and in the D.C. legal community.

Updates on these and many other WBA events and projects can be found on our revamped WBA website—www.wbadc.org.

SUSTAINING MEMBERSHIP CATEGORY

At the October Kick-Off reception, I had the pleasure of announcing our new Sustaining Membership Category. As many long-time members and supporters of the WBA are aware, the regular WBA membership rates barely cover the administrative costs of operating the WBA office, publishing *Raising the Bar*, maintaining the WBA website, and offering reduced rates to law students—an invaluable tool in encouraging future lawyers to become involved in voluntary bar activities early in their legal careers. To ensure the continued financial strength of the WBA into the new Millennium, we have developed the Sustaining Membership Category. The annual rate for Sustaining Members is \$250. For anyone joining during fiscal year 2000-2001, this rate will cover your dues through May 31, 2002. In recognition for your contributions all Sustaining Members receive several benefits, in addition to the regular membership benefits, including an invitation to the President's Reception for this year's Annual Dinner. A complete breakdown of benefits is listed on

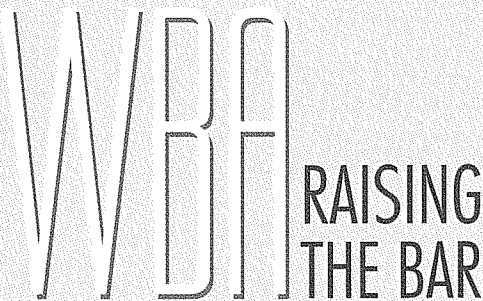
the next page along with a listing of the Charter Sustaining Members to date.

JOINT CORPORATE / WBA PROJECTS—THE CITY CLUB

In October, the WBA announced an exciting partnership between the WBA and the City Club of Washington. Through January 31, 2001, City Club will share with WBA one half of any new member initiation fee for WBA members or new City Club members who were referred to City Club by the WBA. The City Club is located in the Columbia Square Building in the heart of the legal, business and theater district. The Club is elegantly appointed in refined 19th century museum quality antiques and artwork. The City Club is truly on the cutting edge of creating an "office away from the office" for its Members in the DC area. Membership in the City Club includes Women's Executive Council Breakfasts held quarterly—a great way to network with local attorneys.

This is a great chance to support the WBA and to join a wonderful club where business and social relationships flourish. If you would like to find out more about this wonderful opportunity, please join the WBA at the City Club for a free networking happy hour in January (more information is available on the WBA web site). This event, like the recent WBA Kick-Off Reception, is free to all WBA members and non-members alike and provides a great opportunity to get to know, or become reacquainted with, the WBA and to see all that the City Club has to offer its members.

I hope everyone has a safe and happy 2001! ■



A Publication of

THE WOMEN'S BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA

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Raising The Bar is published four times a year by the Women's Bar Association of the District of Columbia. Subscription rate is \$100 annually. Materials for publication may be submitted to the Editor, *Raising The Bar*, 815 15th Street, N.W., Washington, D.C. 20005.

NEWS FROM THE OFFICE

WBA SUSTAINING MEMBERSHIPS

Support your WBA through a Sustaining Membership. Sustaining Members will receive, in addition to the undying gratitude of the organization and that warm, fuzzy feeling one gets from doing good, the following benefits: special recognition in *Raising The Bar* (see the list of charter Sustaining Members, right) and on the WBA web site; advance notice and preferred seating at the WBA/WBAF Annual Awards Dinner and other WBA Showcase events throughout the year; and invitations to any VIP receptions held prior to WBA events, including the prestigious President's Reception at the 2001 WBA/WBAF Annual Awards Dinner. Sustaining dues are \$250 and are in lieu of regular dues. As an added bonus, any member who becomes a sustaining member in 2000-2001 will have her or his dues covered until May 2002—a year and a half of special recognition and benefits for the price of one year!

Begin your Sustaining Membership now by calling the WBA office or visiting the WBA web site at www.wbadc.org. We look forward to being able to add your name to the Sustaining Member list in the next issue of *RTB*.

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Kathleen Gunning	Deborah R. Meshulam	Jinhee K. Wilde

FAREWELL RECEPTION FOR ATTORNEY GENERAL RENO

The WBA and WBAF are hosting a reception to honor United States Attorney General Janet Reno for her support of the WBA and her many contributions to the advancement of women in the legal profession on Tuesday, January 16, 2001 from 6:00-8:00 p.m. at the National Museum for Women in the Arts. Attendance at this event will be very limited. Tickets are \$100 each. To reserve your space, please call the WBA office at (202) 639-8880. ■

FROM THE EDITOR

Taking Stock

BY CYNTHIA THOMAS CALVERT

Now that the holidays are over and our lives are returning to their normal routines, it is a good time to examine where we are professionally. As an individual lawyer, as one of the sisterhood of women lawyers, and as a member of an organization by and for women lawyers, are you where you want to be? Get yourself a mug of tea, shut your door, and take a few minutes to think deeply.

As a lawyer, are you satisfied? Are you progressing professionally, developing clients, and taking on new challenges? If you would like a little push down the path toward satisfaction, take advantage of the WBA's special benefit for its members: six free executive coaching group sessions. Noted coach Ellen Ostrow is offering the sessions by tele-

conference to make participation as easy as possible. *Accelerate Your Ascension* provides more information about the benefits of coaching and about the sessions. This issue brings you more ideas and inspiration for career advancement: a profile of FannieMae's Susan Holik; WBA member Susan Colman's prescription for business development; and Sterling Harris's tips for connecting with juries.

How are women lawyers as a group doing? While more firms, corporations, and governmental agencies are being headed by women, recent statistics show that women are actually losing ground in law firms: the percentage of women lawyers holding equity positions in law firms—never a large number to begin with—declined slightly last year. In addition, the percentage of women leaving law firms

remains high. A key reason women are not advancing in the profession is the way law firm work is structured. Read more about it in the Project for Attorney Retention Update.

What is the condition of the WBA? The WBA continues to give its members skills and opportunities for professional advancement and to serve as a beacon for equality and justice in the legal system. But the WBA is at a point where it needs the help of its members. It needs your help to regain its financial strength through Sustaining Memberships. Please increase your level of financial support, if at all possible. It also needs your active participation on

committees and in leadership positions. Drop an email to Mary Kate and discuss with her how you can become more involved.

So, what did you think? Did you find that the state of your career, women lawyers, and the WBA to be good, but with room for improvement? Then let's get right on it! ■



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Having At It

A FEW MOMENTS WITH SUSAN Z. HOLIK

BY KATE CONNOR LINTON

Fannie Mae is a private company that ensures that mortgage money is available for low- and middle-income people. In terms of assets, it is one of the largest corporations in the country. WBA Member Susan Z. Holik is FannieMae's Vice President, Human Resources. FannieMae is well-known for its exceptional human resources policies. It offers its employees flexible work schedules, job sharing and telecommuting, financial assistance for higher education, assistance in caring for elderly parents, on-site emergency childcare programs and a host of additional benefits that help employees balance work/life demands. Ms. Holik recently joined the WBA to work on promoting flexible policies in the legal workplace.

Prior to joining Fannie Mae, Ms. Holik was Chief Counsel to Member Truesdale of the National Labor Relations Board, and before that General Counsel to the American Foreign Service Association. She received her J.D. from George Washington University law school and her Bachelor's from Williams College. Here are excerpts from a recent conversation with Ms. Holik.

RTB: Would you tell me a bit about your prior experience with the American Foreign Service Association?

SZH: It was a great opportunity for someone coming right out of law school. I tend to like to have a lot of balls in the air at one time, so to be in a position that allowed for a lot of creativity and a wide range of responsibilities was a fabulous experience. It was different than a typical first year associate position where you may be assigned very specific and discrete tasks and not get a sense of the big picture. I reported to the Board of Directors. I did all of our litigation, supervised the cases we sent out, and decided what cases to bring. I conducted my first arbitration hearing when I was 23, and was able to do a number of arbitrations before a "blue ribbon" arbitration panel. I registered as a lobbyist for the Association and helped shape federal legislation. I negotiated regulations,

and became our chief negotiator on matters of interest to the organization. It was a wonderful opportunity to shape policy and work on important issues in a way that is not often available to young lawyers.

RTB: Did you have any difficulties handling such a responsible position at such a young age?

SZH: It's funny, this was way back in the "Dress for Success" days. I wore formal suits, the blouse with the bow tie, my hair pulled back and glasses. I did it to make myself look as adult as possible. Now we spend time trying to look younger. The images for success are very different; the hot shot young executive look is big.

RTB: You stayed at the Foreign Service Association for a long time.

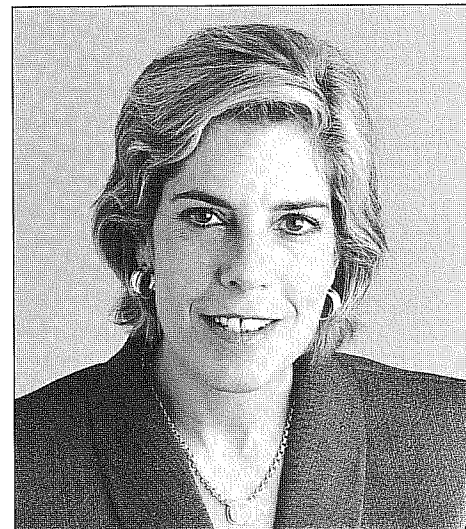
SZH: Yes, I was there for ten years. I had both of my children while I was there. This was a time when people weren't really sure how to address the fact that women lawyers had children. Again, there was a lot of focus on image and being able to handle everything. So, I had very fancy maternity business suits that I wore in court. Now there is a lot more flexibility given to women with families.

RTB: It must have been hard to leave.

SZH: It was, but then I had been there for a long time and I got an offer that I couldn't refuse, to go to the National Labor Relations Board. I had known I wanted to focus on employment law when I was in law school and had thought about going to the Board when I graduated. So when the opportunity came along to head up the staff on the Board side, I jumped at it.

RTB: How did you come to FannieMae?

SZH: At the time, the General Counsel who was here—who is now the General Counsel of Sears—hired me. She was just wonderful. The way she described the job was essentially "have at it." One of the first things I got thrown into here was a realignment of the organization. It was something I hadn't done before but I became familiar with the issues very quickly and had the



■ Susan Z. Holik

opportunity to work with the senior management of the biggest business segment of the Company. Since then I have done one challenging project after another.

RTB: Do you find senior management to be open to your ideas?

SZH: Very much so. This summer, for example, I sent a note to the president of the Company saying that I believe we need a human capital strategy to really look at the structure of the Company and we should start now. His response was "have at it," and be ready to present your initiative to the CEO in six weeks. My attitude under those circumstances is that it's going to get done because I've never not gotten it done, and we did.

As a result of this initiative, we really did change a lot in terms of the structure of the organization. The idea is for the lawyers to be strategic partners with our business so that they may operate at maximum efficiency. I ended up moving from the Legal Department to the Human Resources Department, although we continue to work very closely with the Legal Department. The Human Resources Department also has an Office of Corporate Justice and Employment Practices which handles the Code of Business Conduct, the ethics compliance functions for the Company.

also handle human resources and information securities policies, do investigation of internal complaints, and manage the arbitration program which we initiated.

RTB: *It sounds like a lot. What does a typical day look like for you?*

SZH: All the balls are in the air. From day to day, you never really know what you're going to be working on. Recently I have been very involved in the new e-business organization, talking to the president about governance and how that organization works. Last week, I was busy talking with our Single Family unit about how their organization should function. Most recently, I have been focusing on executive compensation issues. Last night I was here until about 10:30 going over compensation and promotion issues with the Compensation Committee of the Board. Next week, I will be giving a presentation at the officers' meeting on goal-setting and how goals fit into personal and corporate strategies.

RTB: *Where do you get all the information and expertise to handle tasks that have very little to do with what we learned in law school?*

SZH: I love to learn. My best attribute is that I'm a quick study and able to integrate a lot of different interests to inform my thinking on a particular issue. I really have a thirst to learn about a lot of different things. For example, recently I have been sitting in on the meetings of the Operations Transactions and Investments Committee. I have loved attending those meetings because they offer a very rich discussion of what is going on in the business. I also am comfortable with math, which is very important for compensation and benefits issues. I have to enjoy reading spread sheets to do my job well.

RTB: *Did you know coming in that you would have to be good at math?*

SZH: Absolutely not, but thankfully it is an aptitude I have. It was something that I repressed because I didn't want to be a math person but I use it a lot now.

RTB: *Do you find it difficult developing new areas of expertise?*

SZH: It's a lot like being a litigator. You have to learn different subjects quickly in order to be an effective advocate. I've never

been comfortable with bluffing my way through an issue. I want to know the most and be the best-prepared. I have always found that I have been given credit because what I say is true. In a negotiation, for example, your credibility is key; if you don't have it you spend a lot of time and energy trying to convince someone that what you say is true. So I want to be sure that what I am saying is accurate to maintain my credibility with my colleagues.

RTB: *What's the hardest part of your job?*

SZH: I guess it's keeping all these balls in the air and still having a life. And I do, I have a wonderful husband and two kids—a boy 13 and a girl 15. While my daughter finds me to be somewhat of a nut, she's very much like me.

I've never been comfortable with bluffing my way through an issue. I want to know the most and be the best-prepared.

RTB: *She goes 100 mph too?*

SZH: It's hard not to be that way when you're hard-wired that way. Thank heavens I have a lot of energy, and luckily I don't need a lot of sleep.

RTB: *FannieMae is well known for very flexible work policies. Have you personally been able to take advantage of any of those?*

SZH: Personally, because of all the things I have had going on, no. But that's just me. I know the policies are there if I need or want to use them. A lot of folks at all levels of the Company are able to benefit from our flexible work/life policies.

RTB: *Is there any resentment or dissatisfaction from those who do not take advantage of the policies towards those who do?*

SZH: We address that by not making our policies need-based. It is all based on how you're going to get your work done. We are very clear in the way we set that up. There are a lot of people who don't have kids or families who still take advantage of the flexible policies to pursue other interests outside of work. For example, one of the things we do that's phenomenal is

assist in higher education. People pursue sports interests, community activities, faith-based activities and they take full advantage of the flexible programs to do those things.

RTB: *When did this become part of FannieMae's philosophy?*

SZH: We have always been a family-friendly company, but it really became a focus with our previous CEO, Jim Johnson, and our present one, Franklin Raines. They are both big believers in it and really pushed for it. You couldn't do it if you didn't have a CEO who believed in it.

RTB: *Has it been a big transformation?*

SZH: Absolutely. There are a lot of people who could work anywhere—including big law firms—but who choose to be here because of the work/life balance they can achieve. It's not like people don't work hard here, they do. It's the flexibility to do it where and when it's most convenient, and the sense that you won't be penalized for doing it differently. We have people who have been promoted while on flexible or part-time schedules.

RTB: *What do you see in your career future?*

SZH: I have become very interested in the business side of things, reawakening the math side of me, I guess. I am interested in being creative and growing in that area.

RTB: *Has getting a seat at the business table been difficult?*

SZH: Surprisingly, it has not been as hard as you might imagine it would be. The folks here have been terrific. It helps that I don't make it a practice to say no you can't do this or that. I imagine I would be disinclined if I were to do that. I focus on presenting alternatives that are helpful rather than telling them they can't do something.

RTB: *You must see a lot of lawyers who are interested in coming to work for a great employer like FannieMae. What advice do you have for them?*

SZH: Know something about the business. Be open to knowing your area and other things as well. Be ready for immersion learning. FannieMae is a great place to work and we always welcome talented people. ■

Be Heard ATTORNEY BURNOUT

BY MARY KATE WHALEN

On December 4, 2000, the Women's Bar Association of Massachusetts released a report "More than Part-Time: The Effect of Reduced Hours on Retention, Recruitment and the Success of Women Attorneys." The report presents a grim view of the disproportionate number of women attorneys opting to leave the profession of law than our male counterparts, despite the fact that women make up over 50% of most graduating law school classes and first year associate classes in law firms. In addition, the study highlights the ongoing drain of legal talent from law firms—especially in

the 3-4 years associate range—due to early burnout. According to the study, as reported in the December 4, 2000 edition of the Boston Globe, "women lawyers, burned out and fed up with what they perceive as the grueling hours and lack of flexibility at the state's major law firms, are eschewing six-figure salaries and the prestige of a partnership for jobs in government, business or at smaller firms where hours are shorter and personal satisfaction is higher. Of those who leave these firms 40% reported that their firm's reaction to reduced-hour working arrangements led to their resignation." [Editor's note: The text of the report can be found at www.law.com/ma/wbareport.shtml.]

In the current climate of skyrocketing salaries and the resulting increase in billable hour requirements in law firms, many more attorneys—both men and women—will be faced with the decision whether to leave their law firms in search of a balanced life. Further, this issue no longer is limited to women trying to balance their work and their families but is becoming a quality of life issue for many people.

The Project for Attorney Retention (PAR), a project founded by WBA member (and former WBA Board member) Cynthia Calvert along with Joan Williams, a professor at American University and a new WBA member, is in the midst of completing a similar study focusing on the high rate of attrition among attorneys, primarily women attorneys, at D.C. law firms. The end result of the project will be a set of recommendations for law firms about setting up reduced-hours schedules and altering law firm culture so as to permit male and female attorneys to work fewer hours but still advance in their careers. The WBA supports PAR and greatly anticipates the results of the study.

What have your experiences been at D.C. law firms? Are you satisfied with the quality of life at your firm? Have you been able to have a personal life outside of the office? Do you have tips for balancing your responsibilities at work and at home? Have you left or considered leaving a law firm for lifestyle reasons? Do you have experience with part-time work or flexible work schedules—good or bad? Your experiences are important—change can happen only if each person gives evidence. Be heard. There are many places to provide input on the PAR web site, www.pardc.org, and PAR has short, lunch-time focus groups to discuss work/life issues. In addition, if you have a story to tell about your work experiences, please email the WBA. We want to make law firms good place to work for all attorneys, providing quality of work and quality of life—before the next Millennium. ■

Project for Attorney Retention Update PAR Details Firms' Part-Time Policies, Launches Newsletter

The Project for Attorney Retention, a project funded by the Sloan Foundation and supported by the WBA and American University, has been studying part-time policies at D.C. law firms and ways firms could retain their attorneys through more effective part-time programs. Information about the project is available on the PAR web site, www.pardc.org.

The site has recently been updated to include information about the part-time policies of the 90 largest firms in D.C. A chart summarizing key features of the policies, such as whether part-time associates stay on the partnership track, allows easy comparisons of firms. More detailed information, including gossip about what part-time attorneys at the firms say firm life is like for part-timers, is also available. In addition, the site has tips for making part-time schedules work and anecdotes from attorneys who have worked part-time.

PAR is still seeking your input. How do you balance work in a firm and life outside the office? Fill out the survey on the web site or attend a focus group on the topic. Responses will be used—anonously—for the Project's interim report about the current state of part-time work, which will be issued at the end of February. PAR is also interested in hearing from men who have an interest in work/life balance; please tell your male colleagues about the project and encourage them to complete the survey on the site. PAR would also like to know your opinion of how part-time works at your firm to include in its web site. The more inside information the site can provide, the more useful it will be for everyone.

PAR has also begun a free e-mail newsletter with current information about part-time work for lawyers. You can subscribe on the web site. PAR would appreciate it if you would forward copies of the newsletter to your friends and co-workers. ■

Accelerate Your Ascension

Professional Coaches Help Build Success

BY CYNTHIA THOMAS
CALVERT

You no doubt have heard of football coaches and Lamaze coaches, but do you know what professional coaches do? Many corporate executives have used professional coaches to advance their careers and increase their personal effectiveness, and coaching is spreading to the legal world as well.

Coaches help their clients to clarify their objectives, develop plans of action, and overcome resistance. They provide sympathetic listening ears, act as sounding boards, and cheer their clients' efforts. They can teach or hone interpersonal, organizational, or communication skills. Most importantly, they keep their clients on track as they move toward their goals.

It is easy to see how working with a coach could benefit a busy lawyer who wants to move ahead, learn how to make rain, or find a balance between work and home. Fewer female than male lawyer make use of coaches' services, however. Ellen Ostrow, professional coach and founder of LawyersLifeCoach.com, says it

may be that men are more comfortable with the concept of coaching because they have been coached in sports, or that men have more time to devote to their careers. "Many women lawyers lead impossibly busy lives and it is hard for them to fit in one more

"Coaching is particularly effective for women, who often don't have mentors and role models at work."

activity. And yet coaching is exactly what they need, because coaches will save them time by helping them to set their priorities and by speeding up the rate at which they achieve their success," says Ostrow.

To address the issue of time, Ostrow has developed "virtual coaching." She typically has an initial meeting with a client in person, and then coaches the client by phone,

fax, and email. Such flexibility allows her to give instant feedback and support when her clients need it, and allows the clients to communicate with her on their time without the hassle of making an appointment for an office visit. Ostrow has coached clients who were on their way to the airport and on breaks from meetings, as well as clients who were sitting in their offices at the end of a busy day.

WBA member and professional coach Victoria Ruttenberg says that she is starting to see more female lawyers in her practice. "Recently, I have noticed more women turning to coaches. In the past year, I have actually had more women than men as clients," she says. "Coaching is particularly effective for women, who often don't have mentors and role models at work."

If you would like to try coaching to see what it can do for you, the WBA is pleased to offer its members six free group coaching sessions by teleconference with Dr. Ostrow. See the box below for more information. ■

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For WBA Members Only

Free Professional Coaching

Dr. Ellen Ostrow, founder of Lawyers-LifeCoach.com, will provide WBA members with group coaching by teleconference once a month for six months. Here is more information:

■ The first session will be Wednesday, January 24, 2001, from noon until 1:00 p.m. The topic will be "Defining Success on Your Own Terms and Developing A Plan For Achieving It." The remaining sessions are:

February 28: "Work/Life Balance: Priorities, Time-Management and Alternative Work Schedules"

March 28: "Effectively Managing Work Relationships: Boundaries, Responsiveness, and Negotiation with Clients and Other Attorneys"

April 25: "Effective Self-Promotion: Letting Others Know About Your Achievements and Talents"

May 23: "Rainmaking: Strategies for Bringing In New Business"

June 27: "Deciding About Job and Career Changes"

- Members can sign up for any or all of the sessions, but space is limited.
- Registration is on a first-come, first-served basis. To register, send an email to wba@lawyerslifecoach.com, or call Dr. Ostrow at (301) 585-5539.
- Once you are registered, you will receive instructions for calling and participating in the teleconference.
- More information about coaching and Dr. Ostrow is available at www.lawyerslifecoach.com. ■

Debtors In Prison

What Every Practitioner Needs to Know About Bankruptcy Crimes

BY STEPHANIE WICKOUSKI

Could your client commit bankruptcy fraud, or be the victim of bankruptcy fraud, without you even knowing it?

The safety net of bankruptcy protection is vital to entrepreneurial activity and, in turn, to our economy. Yet, the chronically overburdened American bankruptcy system is beset by increasing fraud. Experts estimate that ten percent of all bankruptcy cases involve fraud or abuse. High profile examples of fraud and abuse have shaken the public confidence in the bankruptcy system.

Until recently, criminal fraud occurring in bankruptcy cases received little attention or publicity. The increased volume of bankruptcy filings over the past decade brought about a heightened interest in criminal enforcement. Federal authorities have stepped up their enforcement efforts to address this problem, following the launching in 1992 of "Project Total Disclosure," which made enforcement of criminal bankruptcy statutes a nationwide priority. The consequent investigations have resulted in hundreds of indictments.

All attorneys, no matter what their area of practice, must be aware of what conduct can run afoul of federal criminal law. Clients' transactions may touch the bankruptcy sphere in unexpected ways, and responsible client service requires at least a basic understanding of bankruptcy fraud. Here is a quick primer on bankruptcy fraud and how it is prosecuted.

COMMON FRAUD SCHEMES

The ways in which fraud can be committed are virtually endless, but certain patterns recur.

The "bustout" is one of the most well known bankruptcy fraud schemes. A bustout scheme begins with the formation of a seemingly legitimate and financially sound business entity, which is almost always a corporation. The principal (an owner, shareholder, or manager) develops a

favorable credit rating, sometimes using false credit references or false financial statements. On behalf of the corporation, she orders inventory and pays for it promptly, thereby lulling suppliers to ship larger and larger amounts of merchandise on credit. Once a large inventory is in place, the business sells the inventory at prices which are substantially below market value, and perhaps are even below cost. Sometimes inventory is hidden in a related company. The principal, once a "good" customer, tells the creditors that the company is having a temporary cash flow problem, perhaps even blaming the problem on her own slow paying customers. In so doing, the principal persuades her creditors to hold off on taking legal action. By the time the creditors realize they have been duped, the assets (and the principal) are gone.

Another recurring scheme is looting. Looting begins with a failing company and a principal who wants to move the company's assets to a new business. The principal obtains a straw buyer to act secretly on her behalf and purchase the failing company's assets at a low price. The effect is to swindle the creditors who, of course, would never have released their claims against the assets at such a low price if they had known that the debtor's principal was the true buyer. Looting can take place right under the noses of the judge and the trustee, sometimes with the unwitting approval of both.

Another common scheme is skimming. Skimming has a number of variations, but the basic idea is to drain cash flow while not paying the mortgage or third party creditors. Skimming is most frequently seen in the commercial real estate context. Often, the property or an interest in the property will be transferred to a new entity, which will in turn file bankruptcy. Equity skimming schemes sometimes involve numerous pieces of property or numerous bankruptcy filings.

Not all bankruptcy fraud is committed by debtors. A popular modern bankruptcy



■ Stephanie Wickouski

crime is the bankruptcy mill scheme. This scheme can take on endless variations, but the basic fraud is the filing of bankruptcy petitions—either voluntary or involuntary—for a number of individual debtors, each of which is on the verge of foreclosure or eviction. In the typical scheme, the mill solicits business by advertising that it can stop foreclosures fast.

The fraud lies in the fact that the bankruptcy mill charges the prospective debtor a fee but misrepresents what it will actually provide. The debtor may not even realize that a bankruptcy petition is being filed on her behalf. Sometimes, the debtor is told that refinancing will be arranged or provided. The mill does not actually accomplish this, and in most cases, has no intention of obtaining refinancing for the debtor. The petition is filed without schedules or other required documents. The mill's client usually does not realize the consequences of a defective bankruptcy filing. Ultimately, the bankruptcy court dismisses the petition or lifts the automatic stay to permit the mortgage holder to foreclose, and the hapless debtor loses her house.

PROSECUTION

Bankruptcy crimes are almost exclusively a matter of federal jurisdiction. The federal criminal code (Title 18 of the United States Code) contains specific provisions applicable to bankruptcy crimes (chapter 9 of Title 18). The crimes set forth in chapter 9, however, are not the exclusive sections utilized to charge criminal conduct committed in a bankruptcy

Experts estimate that ten percent of all bankruptcy cases involve fraud or abuse.

context. Frequently, bankruptcy fraud will occur through the use of telephones, faxes, e-mails, or the mail, implicating mail and wire fraud statutes. RICO (Racketeer Influenced and Corrupt Organizations Act), money laundering, perjury, and conspiracy are among the other myriad federal criminal statutes which sometimes are

invoked in the prosecution of a bankruptcy fraud scheme.

The Attorney General has the original authority to prosecute federal crimes, including bankruptcy crimes. Her responsibility is delegated to the United States Attorney for each district. Certain officials have statutory responsibility to report suspected bankruptcy crime to the United States Attorney. These officials include United States Bankruptcy Judges, United States trustees, and bankruptcy trustees. Some creditors, such as federally insured banks, are also obligated by law to report suspected federal crimes.

Where a trustee has been appointed in a bankruptcy case, she is in a unique position to investigate allegations of fraud. Creditors or creditors' committees also make criminal referrals, although they are not usually obligated by law to do so, as are trustees or judges. Accountants for creditors' committees are often the ones who uncover fraud. In fact, a typical reason creditors or creditors' committees hire accountants is to investigate suspect financial transactions.

Once a referral is made to the United States Attorney, she is required to conduct an inquiry. At this point, the FBI (Federal Bureau of Investigation) may commence an investigation. FBI agents may interview individuals who may have knowledge of the alleged crime (such as employees, friends, relatives, creditors, neighbors). Often a grand jury is convened for the purpose of issuing a document subpoena to further the investigation. The government can also obtain wiretaps.

Once the investigation has progressed to such a point where the United States Attorney believes a crime has probably occurred, she will present the matter to the grand jury and seek an indictment.

CONCLUSION

Wittingly or not, clients can become ensnared in bankruptcy fraud. Practitioners of all legal specialties need to be aware of the potential criminal implications of their clients' business dealings if they are to represent their clients well. ■

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WBA member Stephanie Wickowski has recently authored *Bankruptcy Crimes* (Beard Books, 2000). A partner at Reed Smith Shaw & McClay LLP in Washington, D.C., Ms. Wickowski has long been recognized as an expert in business bankruptcy and insolvency, commercial transactions, and commercial litigation. She frequently writes and lectures about bankruptcy.

What made her write a book? "People told me I was nuts to write a book," she says with a laugh. "But I feel strongly about the importance of criminal enforcement of bankruptcy crimes, and there are no other books on the subject. I had written articles, but there is something different about a book. It takes a different type of effort and is a different type of product. I am happy that I have contributed to the wealth of bankruptcy law."

Bankruptcy Crimes is a comprehensive treatise covering all areas in which bankruptcy and criminal law intersect, from investigation through sentencing, as well as the ethical and professional responsibilities of the practitioner. It can be ordered by calling 1-888-563-4573 or by sending an email to book-order@beard.com.

RAINMAKING

What We Could Learn From Our Dogs

BY SUSAN E. COLMAN

Several years ago a woman equity partner in a small intellectual property law firm told me over lunch that she was not a business-getter. She said she had tried in the past, in fact had given papers *two years in a row* at a conference, but, well, nothing came from it. She seemed to be quite content to have someone else in her firm subsidize her practice.

There have been tons of articles written over the years about the fine art of rainmaking. Some are good, some aren't. In light of the several realities covered by these articles, and in light of my own personal experiences, I am convinced that there is no single "right" way to get business. There are, however, two fundamental keys to success: perseverance and flexibility.

... reduced to bite-sized pieces, attempts to get business can be quite manageable and even enjoyable.

My own marketing activities tend to be reasonably fluid, as I find myself accommodating to the realities of the moment. But my core goals and objectives remain the same. Achieving them requires a combination of assertiveness and patience, tenacity, hard work and focus. As a sole practitioner, I am ever-mindful of the imperative to keep the business coming in at the same time the business already in needs to be done.

Here's how I do it. I lived in Sweden for three years during the mid-1970s (in Stockholm), but I have a 35-year history with the country due to an exchange program in the summer of 1965. Not only do I still speak Swedish fluently, but I know the people as they've never been known before. I know how they practice business and I know what they're going to do before they do. I travel to Sweden once a year or so, and I've even been known to show up in the winter. That alone shows them that

I'm serious. I persevere in maintaining my knowledge of Swedish business and my key contacts. I don't, however, always do the same things when I go to Sweden. I meet with people, give presentations, develop friendships, explore government offices, and more, depending on the needs of my trip and my marketing plan. If my activities don't seem to net me the type of business attention I want, I change them on my next trip.

So, where do the dogs come in? I know two dogs, both retrievers, who demonstrate patience, tenacity and focus to a degree unseen in many humans. Cannie (pronounced "Sahney") is a Nova Scotia Duck Tolling Retriever (no, really), and lives in a southeastern suburb of Stockholm. She's just past five years old and is brilliant as much as she is adorable. When Cannie was a puppy, the ball she was chasing in the backyard got caught in a tree for a few moments before it came down. Since then, every time she passes that tree . . . she looks up. She still looks to me for balls, and she still looks everywhere else, but she never fails to look in the tree. Cannie knows, unlike the woman equity partner, that you've got to keep looking. The point is, increase your sources—clients, like balls, can come from some unexpected sources. Just keep looking up.

Benjamin, a black Lab over 12 years old, lives in DC and weekends in Hagerstown. Ben has another way of getting what he wants. In Hagerstown, he has a swimming pool that he occasionally lets his owners use. When Ben was just a young guy, he was told to get in the pool to get his tennis balls. Initially, however, Ben barked at the balls. Due to the vagaries of the wind that day, well, whattya know? He didn't have to jump into the pool at all. The balls came to him! And now, whenever he is confronted with balls in the pool, the first thing Ben does is . . . bark. It certainly worked the first time. It's gotta work again. But when it doesn't work, Ben runs to another location and barks or jumps in the water. He gets his balls and he has learned that there is more than one way to get what you want.



■ Susan E. Colman

Both of these illustrations, while whimsical to be sure, also demonstrate the need to be careful about doing the same thing all the time, especially if that thing isn't working. In that light, I must reveal what I think is the most compelling definition of insanity I've ever heard: *Doing the same thing over and over again, expecting a different result.* Successful rainmaking demands creativity, flexibility and a great deal of stamina. If an approach is not getting results, find out why, and change the approach.

To be sure, both Cannie and Ben may be disappointed when the ball doesn't fall from the tree or come when it's barked at, but both continue to be optimists. They know they will get their balls one way or another. And unlike our non-business-getting equity partner, they certainly don't pack in their efforts if the balls don't come to them in the same way twice. ■

Susan E. Colman's practice includes IT-law, computer law, trademark and copyright law, both domestically and internationally. She can be reached at colman@intr.net.

It May Be What You Don't Say . . .

The Importance of Presentation Skills for Litigation

BY STERLING HARRIS

Presenting the facts and the law in court is the job of every trial lawyer. Each side argues its version to the jury. But, which side is the jury going to believe? Communications experts suggest that the lawyer with the best presentation skills many times makes the difference and wins the case.

Masters of persuasion understand the value of high quality presentation skills. They know that *how* they present the facts and the law is just as important, or more important, than knowing *what* facts and laws to present.

Experts in jury analysis agree that juries don't always reach their decisions based solely on the facts and the law. More often than not, they decide based on how well the attorney makes a favorable impression; other words, they decide emotionally and then figure out how to make their conclusions fit the evidence.

If this is true, then how important is it to make that favorable impression? What are the secrets that can increase your presentation and persuasion skills exponentially? Two of them are the power of the nonverbal and the power of anchoring.

THE POWER OF THE NONVERBAL

Think of *what* you present, the facts and the law, as the "verbal" portion of your presentation. This is the part every attorney must provide his or her audience.

However, a frequently overlooked yet critical element for the skilled presenter is the mastery of "non-verbal" language. The "non-verbal" portion is the way you present your case. Your use of gestures, your posture and appearance, the way you move, and the sound of your voice all add up to the impression you make.

How you interact with the client, the judge and the jury is a significant part of winning your case. Do your gestures and conversation exude confidence? Where you stand and how you use the space in the room can communicate much more than you might think. Are you shrinking into a corner, or do you take center stage and project your energy? Your grooming and neatness counts, also. Can the jury smell

your breath or the aroma of your body (whether you smell of tobacco or alcohol, strong perfume or after-shave)? Are your papers arranged on your table in an organized fashion? All of these non-verbal signals register dynamically at the subconscious level. That is, people are not consciously aware that they are being affected by what you do—but they are.

How you interact with the client, the judge and the jury is a significant part of winning your case.

Not knowing the secrets of non-verbal communication can sink your presentation no matter how solid your legal facts. Research shows that when a verbal and non-verbal message are in conflict, listeners believe the non-verbal. Even if they are not cognizant of being unconsciously influenced by the skilled presenter, they will probably say something like, "I can't put my finger on it, but I believe that lawyer, and there is something about the other attorney that just doesn't seem right."

I use the following exercise in my seminars to demonstrate the power of nonverbal language. I ask the participants to follow my verbal instructions. First, I say, "Put your hand on your head." And I place my hand on my head. The group places their hands on their heads. Then I say, "Put your hand on your nose." And I place my hand on my nose. Again, the group follows along. Finally, I say, "Put your hand on your chin." But this time I place my hand on my ear. In every instance, the vast majority of people place their hands on their ear. They've followed my *gesture* not my words. My *non-verbal* language more powerfully influences them than what I say. This simple exercise clearly demonstrates the impact of the nonverbal component in communication.

THE POWER OF ANCHORING

In the field of persuasion and influence an anchor is defined as a *stimulus which is linked to and triggers a psychological state*.

An example of an anchor would be a piece of music that brings back a pleasant memory. Every time you hear that particular tune, it evokes those pleasant feelings. And every time it does that, it strengthens the link. That would be an "auditory" anchor. Hear the tune; go into the emotional state.

What emotions come up for you when you see an old photograph of you and your friends from high school or college? Does it make you remember the time when your friend so-and-so did such-and-such? And do you suddenly find yourself laughing just as hard now as you did when "it" first happened. That photograph is a "visual" anchor. See the picture, feel the feelings.

Anchors occur naturally or can be set up intentionally. How useful would you find it to be able to anchor feelings of agreement, believability or sympathy in the minds of your jury. Let's say that you're making your opening statement to the jury and you begin something like this: "You're sitting here today and maybe you'd rather be somewhere else." *As you say it, you nod your head slightly and tap your pen against your finger in time with the last three syllables of the sentence.* You continue: "You've taken time away from your families, your jobs and your busy lives to serve on this jury." *As you say it, you nod your head slightly and tap your pen against your finger in time with the last three syllables of sentence.* "And you're saying to yourself 'O.K. so now I'm here, what's so important, what's this case all about?'" *As you say it, you nod your head slightly and tap your pen against your finger in time with the last three syllables of the sentence.*

You have just created a state of agreement in the jury's mind and anchored it. You gave them three statements that are obviously true and real for them. They feel, of course, in total agreement with you on each statement. We call this "matching their reality." By slightly nodding your head and tapping the pen, you gave them a unique stimulus that became unconsciously linked to their state of absolute agreement. That unique stimulus now becomes a trigger you can use to intentionally recreate that state. Remember: hear the tune, feel the feelings,

—continued on next page

The Importance of Presentation Skills for Litigation

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see the photograph, feel the feelings . . . see the pen tap, feel the feelings.

So, could there be other times when you would want the jury to feel those feelings of absolute agreement . . . like maybe in your closing remarks when you're asking them to accept your conclusions and decide in your client's favor?

Be aware of anchors and handle them with care. Keep in mind the following: anchors can be set naturally; negative feelings can be anchored as well as positive ones; and unintentionally-set anchors are just as powerful as intentionally-set anchors.

When presenting your case, *what* you say is the quality of your facts. *How* you say it is the quality of your presentation skills. High quality presentation skills can be the deciding factor. The nonverbal element and anchoring are just two high-level presentation skills that allow you to enhance your power to influence. ■

Sterling Harris is an award-winning speaker and trainer with over 20 years experience in television, theatre, government and business presentations, mediation and facilitation. He is certified in the communication analysis techniques of Neuro-Linguistic Programming (NLP) and Neuro-Semantics®. He is also a certified Hypnotist, a certified Mediator and certified in the Zenger-Miller Training

System of Leadership, Management and Teambuilding. Sterling conducts seminars, workshops and individual coaching on perfecting communication excellence. For more information and to subscribe to Sterling's exclusive on-line publication "Communication Tips, Tactics & Strategies," contact him at Businesspower2U@aol.com.

Solo/Small Firm Practice Committee Announces Programs

The Solo/Small Firm Practice Committee will hold the following programs:

- Tuesday, January 30, 2001, Meg Spencer, a time management consultant, will lead a discussion of techniques for dealing with procrastination.
- Tuesday, February 27, 2001, Gene Shipp, Office of Bar Counsel, will lead a discussion of Disciplinary and Ethical problems most often encountered by

solo practitioners and how to avoid them.

- Tuesday, March 27, 2001, networking meeting to discuss issues of interest to committee members.

All meetings are held at 12:15p.m. at the Law Offices of Jane Bergner, 1133 Connecticut Avenue, N.W., suite 1000, WDC (Farragut North, Red Line). Please bring a brown bag lunch.

Questions? Contact Susan Sanders or Elizabeth Calderon. ■

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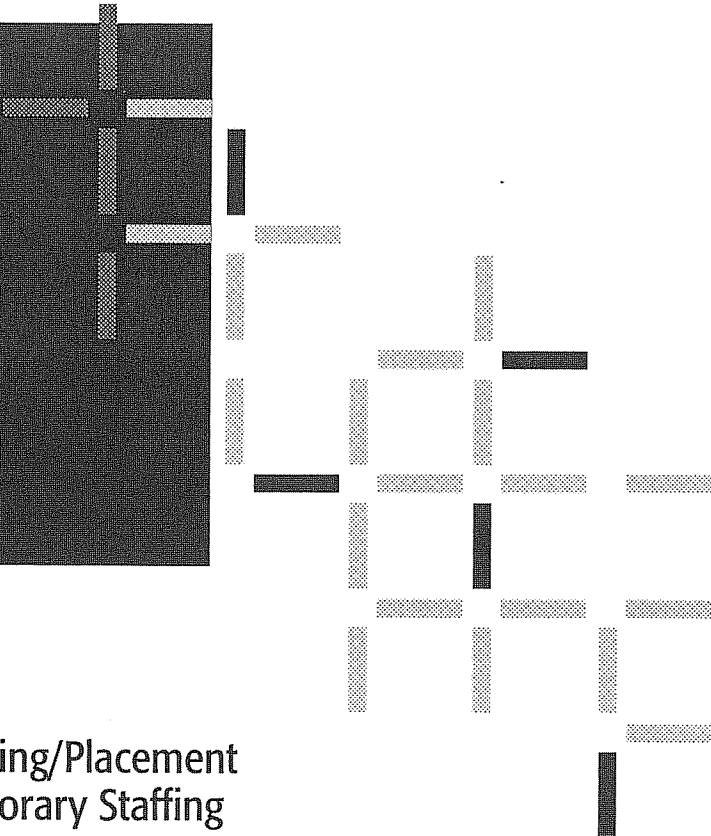
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COMMUNITY PROJECTS COMMITTEE TO TEAM UP WITH TURNING THE PAGE

The WBA's Community Projects Committee is getting involved with Turning the Page (TTP), a DC non-profit organization started by a group of young professionals and dedicated to increasing DC public schoolchildren's academic achievement. TTP is expanding its parent involvement initiative, Community Nights at the Library (Community Nights), and is seeking family mentors to read with the children of participating parents.

Few factors are as important to a child's success in school as parent involvement. TTP launched Community Nights last school year to foster and encourage parent participation in the educational development of their children, as well as community investment in neighborhood schools. Community Nights is a school-based program built around workshops led by area literacy groups, other organizations and TTP facilitators that specialize in educating parents about the best ways to help their children achieve in school. Community Nights provides a wonderful opportunity to bring together the schools, the community, and the parents of D.C.'s public school children.

Community Nights took place this fall at Bruce Monroe, Drew and Hendley elementary schools and featured Reading is Fundamental, Inc. (RIF), The Tellin' Stories Project, MegaSkills Institute, District of Columbia Public Library Children's Service Division, DC Family Literacy Project, Catholic Charities and the Right Question Project. Parents at participating schools selected one of the two three-week seminar series that were offered at each school. Additionally, as part of TTP's continuing relationship with RIF, all children of participating parents were given an opportunity to select soft cover books to take home at each event.

This fall, TTP added a Family Mentor program to Community Nights. The Family Mentor program is helping to ensure the continued participation of parents in Community Nights as teams of volunteers became mentors to the families participating in the program. The role of the family mentors include: 1) reading with and tutoring children while their parents are attending each seminar; 2) calling the

parents before an event to ensure that they attend; and 3) interviewing the families before and after the program using TTP Evaluation Forms. Volunteers commit five evenings each semester to the project.

On December 13 and 19, TTP celebrated the culmination of its fall 2000 Community Nights schedule and officially kicked-off its elementary school library revitalization initiative, "It's Not Just a Book . . . It's a Future" at Bruce Monroe and Hendley elementary schools, respectively, with two school wide events called "A Community Nights Celebration". Current parent participants in TTP's Community Nights initiative, the D.C. Public Library Children's Services (DCPL), Bruce-Monroe and Hendley faculty, the Greater Washington Urban League and the DC Chapter of the National Asian Pacific American Women's Forum joined TTP. TTP presented over \$10,000.00 worth of educational resources to each school on those

evenings. DCPL and WETA also sponsored and facilitated a workshop for parents to educate them on ways in which they can use the PBS television show, "Between the Lions" to increase literacy in the home. Students had an opportunity to read to their parents during these celebrations.

The Community Projects Committee is planning to participate with TTP in some of its activities planned for the Winter/Spring 2001. Look for further details in upcoming issues of the newsletter and the monthly activity mailings.

For more information on how you can get involved with TTP, please visit TTP's website, www.turningthepage.org or call (202) 343-9997. For information on how to get involved with the Community Projects Committee and their activities with TTP, please call Jennifer Duane (202) 585-1937, Jocelyn Fisher (202) 467-2543, or Tina Ott Chiappetta (703) 535-5244. ■

WBA/WBAF ANNUAL DINNER

The WBA/WBAF Annual Awards Dinner is scheduled for Tuesday, May 22, 2001 at the elegant National Building Museum.

We are already actively planning for this year's event. Look for updates in the next issue of Raising the Bar and on the WBA

web site. Also, we are looking for energetic individuals to assist in all aspects of the planning. If you are new to the D.C. area, new to the practice of law, or new to the WBA, this is a great way to become involved in the WBA. Log on to the WBA website for the dates of all planning meetings for 2001. ■

Learn Pointers from the Experts at Tax and Business Forum Brown Bag Lunches

- January 18, 2001
Getting to Yes—Effective Strategies for Improving Your Negotiation Skills
Speaker—TBA
- February 15, 2001
Working with In-House Counsel—The Keys to Successful Client Service and Business Development
Speaker—Linda Madrid, General Counsel, CarrAmerica

For both brown bags:
Time: 12:15 - 1:30

Place: Miller & Chevalier, Chartered,
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Price: WBA members \$7; Non-members \$12
Bring your own lunch. Beverages provided.

Reservations: Please call a day in advance number below, so we may reserve a large enough room.

Questions? E-mail or call Emily Mao at emao@alston.com; (202) 756-3374. ■

Making a Difference in the New Administration

—continued from page 1

for the positions they seek. Endorsement requests take approximately four to six weeks to process. In some cases, a longer period of time may be required, particularly if a large number of candidates request WBA endorsement at the same time.

So, is it too late if you want to seek a position in the new administration? It isn't, if you are looking for one of the nearly 5,000 positions that do not require Senate approval. Information is available at the transition team's web site, www.bushcheneytransition.org. The site includes an application and information about the appointment process. Be forewarned, however; the transition team has received thousands of applications already. To give you a leg up on the competition, here is some essential information from those in the know.

On April 13, 2000, the Executive

The Committee's principal goal in recommending the WBA

endorse such candidates is to ensure the appointment of qualified candidates with experience and history consistent with the mission of the WBA.

Endorsements Committee organized "The Presidential Appointment Process," a panel discussion moderated by Joanne Young and covered by CSPAN featuring senior women who served in the Carter, Reagan, Bush and Clinton Administrations—many of whom had been endorsed by the WBA. The panelists included:

- Kathleen Buck, General Counsel, Department of Defense (Reagan Administration);
- Helen Kanovsky, Special Assistant to both Secretary of Housing and Urban Development (HUD) and Health and Human Services (HHS) and Associate Executive Secretary for HHS (Carter Administration);
- Judith Miller, General Counsel, Department of Defense (Clinton Administration);



■ Speakers at the WBA Executive Endorsements Committee April 13, 2000 event featuring "The Presidential Appointment Process" held at City Club of Washington. From left to right: Judith Winston, Shirley Peterson, Judith Trent, Moderator Joanne W. Young, Helen Kanovsky, Judith Miller, Kathleen Buck and Thomasina Rogers.

- Shirley Peterson, Commissioner of the IRS and Assistant Attorney General (Tax) for the Department of Justice (Bush Administration);
- Thomasina Rogers, Chair, Occupational Safety and Health Review Commission (Clinton Administration);
- Judith Trent, Assistant Secretary of Transportation (Reagan Administration); and
- Judith Winston, General Counsel, Department of Education (Clinton Administration).

The Presidential appointees spoke candidly of their personal experiences and agreed such an appointment could be the "best job you could have" and that it is a "privilege to work for the government, to work on things that really matter and have significance." They gave helpful insights into the appointment process. In the event that you or someone you know is considering seeking an appointment, here's a summary of their advice. Candidates should:

- Be comfortable with and committed to the President and his agenda.
- Be convinced they are fully qualified for the job and able to convince others of their qualifications. Management skills are key.
- Keep focused and identify well-positioned people who respect them and can give advice. Specifically ask for their assistance.
- Be prepared to give up any sense of personal privacy and provide complete detailed information on one's entire life.

- Know how to lead, how to deal through others, and how to take care of people. Be inspirational to others.
- Be patient with the political process and realize one may become a pawn in a much larger battle over which there is little to no control.

Good luck! ■

For more information on the Executive Endorsements Committee, contact Co-Chairs Joanne W. Young at (202) 861-1532 jyoung@bakerlaw.com or Christine L. Prame at (202) 736-8059 cprame@sidley.com. Candidates seeking the WBA's endorsement may also contact the WBA office at (202) 639-8880 for information on how to begin the process.

MEMBERS ON THE MOVE

Sandra Mazliah has rejoined Passman & Kaplan, PC as a Senior Associate. Ms. Mazliah represents the firm's clients in a broad range of employment, labor and civil service issues before both courts and administrative tribunals. Ms. Mazliah will also be spearheading the firm's expanded plaintiff employee benefits practice.

Michele Woods has joined Arnold & Porter as of counsel. She represents clients in copyright litigation matters. Ms. Woods had previously been with Covington & Burling.

LITIGATION FORUM Media & the Law

The Litigation Forum recently presented a lively and informative program on "Facing the Media Gauntlet." The Litigation Forum was honored to have as panelists **Myra Peabody Gossens**, president of Ruder Finn, a media and PR company; **Jenna Greene**, editor and reporter for the *Legal Times*; **Karen Gray Houston**, Channel Fox 5 reporter; and **Beth Wilkinson**, a partner at Latham & Watkins.

In the context of their experience as professional journalists in front of a camera and in the columns of the *Legal Times*, Karen Gray Houston and Jenna Greene advised lawyers to establish clear rules before the interview—otherwise everything is "on the record." They advised against saying only "no comment" to press inquiries. When responding to inquiries, it helps to understand if the reporter is on a short deadline. An attorney can always tell

a reporter that she will return the call in five minutes. This allows time to collect your thoughts and decide how to get your message across in a concise and understandable statement. The media's job is to gather the news in quotable messages under deadline pressure. Given the complexity of most legal issues and the time and space limitations of most media stories, they advised lawyers not to relay detailed esoteric legal analyses. Instead, convey the legal position succinctly and colorfully.

Myra Peabody Gossens said the aim is not to "control the spin" but instead to credibly present the message. She recommends determining in advance what your take-away message will be and limiting it to three simple points. She also indicated that the more you talk in an interview or press conference, the less chance you have of getting your message through. Another tip—research the reporter before an important interview.

Beth Wilkinson, who was one of the lead prosecutors in the Oklahoma City bombing cases, discussed being thrust into the media spotlight and facing a courtroom filled with the media. She talked about how the presence of media affects the way lawyers present arguments or examine witnesses. She also provided an attorney's perspective on cultivating relationships with lawyers and making sure a client's message is heard.

In general, all panelists agreed that the rules that apply to presenting a case in a court of law—preparation, honesty, short sentences, stay on message, and control the timing—also apply in the court of public opinion. There was enthusiastic interaction with the audience composed of attorneys, journalists, and public relations specialists. Thanks to the panelists, the evening was both informative and enjoyable. ■

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WORKING PARENTS FORUM

Upcoming Programs on Self-Promotion, Kid-Friendly Vacation Sites, And The Project For Attorney Retention

Do you need a vacation? Have these cold winter days caused you to dream of warmer climates? If you're looking to get away but need a vacation spot to which you can take your entire family, join the Working Parents Forum for a brown-bag luncheon on **Wednesday, January 17, 2001** entitled "Kid-Friendly Destinations and Other Tips for Family Vacations." Come learn the best vacation destinations for families with children, and the "dos and don'ts" to ensure that your time away from home is happy and memorable.

Whether you work for the government or a law firm, are a solo practitioner or a stay-at-home parent, it is important to know how to effectively promote yourself. If you find "tooting your own horn" a difficult task, join the Working Parents Forum for a brown-bag luncheon on **Wednesday, February 21, 2001**, when Ellen Ostrow will speak about "Marketing Yourself: Subtle Yet Effective Strategies for Self-Promotion." Ostrow is the founder of LawyersLifeCoach.com, a professional and personal coaching firm.

On **Wednesday, March 21, 2001**, the Working Parents Forum will present a brown-bag luncheon entitled "Teaching Your Child Personal Safety Skills." Come learn to train your child to be safe at home, at the playground, at school or on the street.

On **May 16, 2001**, the Working Parents Forum will close out its 2000-01 season with a brown-bag luncheon presentation by Christine Jahnke on "Improving Communication at Home and Work." Jahnke, a professional communications expert, is president of Positive Communications, a Washington-based communications training firm that specializes in media training, message development, presentation style and communication coaching.

Each of the Working Parents Forum brown-bag luncheons will be held at the offices of Arent Fox Kintner Plotkin and Kahn, PLLC, 1050 Connecticut Avenue, N.W., Seventh Floor (metro: Farragut North) from 12:15 - 1:45 p.m. Please bring a bag lunch; beverages will be provided. The cost is \$6 for WBA members and \$10 for non-members.

In addition to its regular monthly brown-bag luncheons, the Working Parents Forum will be presenting a daytime showcase program on **April 18, 2001** featuring the work of the Project for Attorney Retention (PAR). The cost and location of this showcase are TBA.

On **October 18, 2000**, the Working Parents Forum enjoyed an insightful presentation on sibling rivalry by Irene Shere, Director of the Early Childhood Consultation Center. Shere analyzed the causes of sibling rivalry and discussed how to handle the inevitable competition that arises between siblings. At its November luncheon, Working Parents Forum members participated in a lively education roundtable where members answered other members' questions regarding educational choices in the D.C. Metropolitan area.

For more information on the upcoming luncheons and showcase, contact Ellen Jakovic (202) 626-3684, Marina Lyn Beckhard (703) 938-2612, or Alyza Lewin (202) 887-1877. ■

RESERVATIONS

Please specify the programs for which you would like to register. Catered events must be registered for in advance and are refundable until five days in advance of the event. Make checks payable to the WBA or include credit card information on form. Thank you!

Name: _____ WBA Member: ☐ Yes ☐ No

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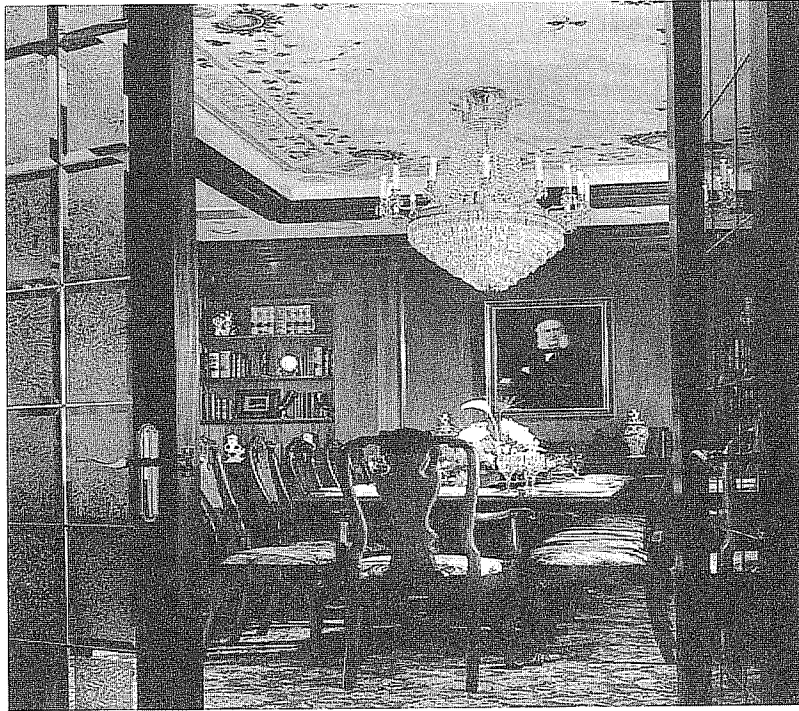
815 15th Street, NW,
Suite 815, Washington,
DC 20005

Reservations, with credit card information included, may be faxed to (202) 639-8889. You may also register at the WBA website, www.wbadc.org

Join us on Wednesday, January 17th for our monthly Business Networking Event



Elegant and Exquisite, an "office away from the office," located in the heart of the Washington's prominent legal, business and theater district.



We are pleased to inform you an exciting partnership between the Women's Bar Association of the District of Columbia and the City Club of Washington. This affiliate program extends an invitation to Membership at City Club to the members of the WBA. This offer encourages enrollment in the Club by sharing with the WBA, half of the initiation fee appropriate to your category of Membership. This is an excellent opportunity to join a wonderful Club where business and social relationships flourish and to support your organization.

Benefits to Belonging:

- ◆ Privileges at more than 250 Premiere Business and Athletic Clubs, Country Clubs and Resorts Worldwide
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- ◆ Women's Executive Council Breakfasts held Quarterly
- ◆ Monthly Business to Business Mixers
- ◆ Social Events including Theater Packages, Cooking classes, Theme Parties and more
- ◆ Dining Options Monday through Saturday

All WBA Members are invited to attend a Business to Business Networking Happy Hour

UPCOMING EVENTS

Please register for these events using the form on page 17.

January 2001

- Tues 16 6:00 p.m. – 8:00 p.m. WBA/WBAF Reception Honoring U.S. Attorney General Janet Reno. National Museum for Women in the Arts. \$100 Cocktail Buffet. Must Register in Advance with WBA Office 202/639-8880.
- Wed 17 12:15 p.m. – 1:45 p.m. WORKING PARENTS FORUM “Kid-Friendly Destinations and other Tips for Family Vacations” Speaker TBA. Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Avenue NW, Farragut North metro. Please bring a bag lunch; beverages will be provided. Cost is \$6 for WBA members and \$10 for non-members.
- Thurs 18 12:15 p.m. – 1:30 p.m. TAX AND BUSINESS FORUM *Getting to Yes—Effective Strategies for Improving Your Negotiation Skills* Speaker - TBA. Place: Miller & Chevalier, Chartered, 1450 G St., N.W., Suite 900 (Metro Center or McPherson Square Metro stations) Price: WBA members \$7; Non-members \$12 Bring your own lunch. Beverages provided.
- Tues 23 12:15 p.m. SOLO AND SMALL PRACTICE Meets on the fourth Tuesday of each month at Jane Bergner's office. 1133 Connecticut Ave., NW 10th Floor Conference Room.

Editorial deadline for the next issue of *Raising The Bar* is February 23, 2001.

February 2001

- Weds 7 Noon CAREER OPPORTUNITIES COMMITTEE *Job Seekers Network* (Brown Bag) in the WBA office, 815 15th Street NW, Suite 815. Bring a brown bag lunch. Free for WBA members, \$5 for non-members.
- Thurs 15 12:15 p.m. – 1:30 p.m. TAX AND BUSINESS FORUM *Working with In-House Counsel—The Keys to Successful Client Service and Business Development* Speaker - Linda Madrid, General Counsel, CarrAmerica Place: Miller & Chevalier, Chartered, 1450 G St., N.W., Suite 900 (Metro Center or McPherson Square Metro stations) Price: WBA members \$7; Non-members \$12 Bring your own lunch. Beverages provided.
- Wed 21 12:15 p.m. – 1:45 p.m. WORKING PARENTS FORUM “Marketing Yourself: Subtle Yet Effective Strategies for Self-Promotion” Speaker: Ellen Ostrow, founder of LawyersLifeCoach.com, a professional and personal coaching firm. Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Avenue NW, Farragut North metro. Please bring a bag lunch; beverages will be provided. Cost is \$6 for WBA members and \$10 for non-members.
- Tues 27 12:15 p.m. SOLO AND SMALL PRACTICE Meets on the fourth Tuesday of each month at Jane Bergner's office. 1133 Connecticut Ave., NW 10th Floor Conference Room.

March 2001

- Wed 7 Noon CAREER OPPORTUNITIES COMMITTEE *Job Seekers Network* (Brown Bag) in the WBA office, 815 15th Street NW, Suite 815. Bring a brown bag lunch. Free for WBA members, \$5 for non-members.
- Wed 14 12:30 p.m. INTERNATIONAL FORUM “US Sanctions: Do they Work? Where Do We Go From Here?” Lunch. Miller & Chevalier, 655 Fifteenth Street NW, Suite 900. \$15 WBA Members, \$20 Non-members.
- Wed 21 12:15 p.m. – 1:45 p.m. WORKING PARENTS FORUM “Teaching Your Child Personal Safety Skills” Speaker TBA, Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Avenue NW, Farragut North metro. Please bring a bag lunch; beverages will be provided. Cost is \$6 for WBA members and \$10 for non-members.
- Tues 27 12:15 p.m. SOLO AND SMALL PRACTICE Meets on the fourth Tuesday of each month at Jane Bergner's office. 1133 Connecticut Ave., NW 10th Floor Conference Room.

New Members

The WBA welcomes the following new members, approved by the Board of Directors. We encourage your active involvement in the WBA and look forward to seeing you at upcoming WBA events!

Dawn-Marie Bey
Christyne K. Bourne
Christina Burkholder
Delia Cadle
Cheryl Carson
Margaret D. Crowlie
Jill F. Dash
Karen E. Evans
Kelly Garrett
Jennifer Glaudemans
Linda K. Hansen
Maria J. Jimenez
Janet A. James
Ola Cole-Laryea
Christina Lebedeff

Tiffany Nichelle Lee
Michele Levy
Gayle Lomax
Deborah G. Matthews
Mary Ellen Maxfield
Alison Morris
Jennie O'Flanagan
Karen E. Owizarski
Tina Patel
Andrea B. Pearson
Tiffany Robinson
Sarah Sharma
Carrie B. Weinfeld
Tara Wilson
Carole Jill Yanofsky

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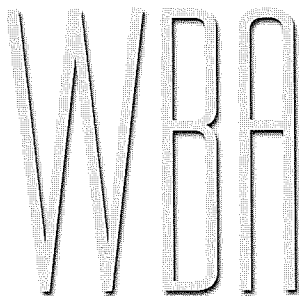
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