# THE BAR

Women's Bar Association of the District of Columbia

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### WBA KICKS OFF ANOTHER GREAT YEAR

o you like to golf, or just to hang out and look athletic? Are you a Washington Freedom fan? Want more issues of *Raising The Bar* this year? Would you like to know what programs the WBA has planned, and how you can best benefit from your membership? Then read on about what is coming up this year.

First, the WBA's Fall Kick-Off will be on September 20, 2001. The Kick-Off is a reception for members and non-members where the WBA will showcase the upcoming activities and programs of our committees and forums. Refreshments will be available, and great company will abound. Come re-establish ties and make new contacts. The cochairs of the committees and forums will be on hand to talk to you about their groups and how you can get more involved, the WBA President and Board will be available to meet you and discuss the WBA, and the editor of Raising The Bar will be around if you want to talk about article ideas.

The WBA
Fall Kick-Off
is a great
time to . . .



. . . catch up with friends . . .



. . . introduce new associates to the WBA . . .



... and pick up information and get involved in WBA Committees and Forums.

The Kick-Off isn't just for members. Non-members can learn about WBA member benefits and leadership opportunities, and enjoy the camaraderie that the WBA is famous for. Members are encouraged to bring along potential WBA members to introduce them to our organization. (Ed. note: Be sure to see page 3 for information about how you can earn rewards for getting new members.) As a special bonus, members of the Washington Freedom, D.C.'s women's professional soccer team, will be on hand to help the WBA Kick-Off properly! More information about signing up for the Kick-Off is available on page 18. Many thanks to White & Case, LLP, for sponsoring the Kick-Off.

### GOLF! GOLF! GOLF!

October 3 is the date, South Riding Golfers Club is the place for the First Annual WBA Golf Classic. This Wednesday event will give you a good reason to avoid traffic and stay close to home (if vou live near the intersection of Rt. 66 and Rt. 50 in Northern Virginia). A tournament for players of all skill levels, this is a Captain's Choice format which allows all players to hit from the best ball hit by members of their foursome each time they move toward the green. For merely \$100 per person each player gets a continental breakfast, lunch, awards, door prizes and the opportunity to participate in contests

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### IGHLIGHTS

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A Publication of

### THE WOMEN'S BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA

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# The Unfinished Agenda: The 'No Problem' Problem

BY DEBORAH J. ISRAEL

he title I originally intended for this article was so chock full of profanity that I had to have assistance to arrive at an appropriate and printable title. I have just read the recently-released report of the ABA's Commission on Women in the Profession, The Unfinished Agenda—Women and the Legal Profession. If you have not read it, run, don't walk, to pick up a copy. It is available on the Internet at www.abanet.org/women/. And when you read it, please let me know if you found it at the same time both so affirming and so disturbing that you might also have used profanity.

Part of the work of the ABA's Commission on Women in the Profession is the identification of gender issues and the impact of gender as well as strategies for removing and addressing barriers for women in the legal profession. The first report of the Commission, submitted in 1988 by Chair Hillary Rodham Clinton, predicted that, "time alone is unlikely to alter significantly the underrepresentation of women in law firm partnerships, judicial appointments and tenured faculty positions." More than a decade later, the Commission's second report confirms that prediction. Based upon a compilation of research and surveys together with its own investigation, the Commission reports that "barriers persist, and a central problem is the lack of recognition that there is a significant problem. Ironically enough, women's increasing progress has created its own obstacles to change."

But perhaps no findings of the Commission could be as disturbing as those with respect to the underrepresentation of women of color in our profession. According to the Commission, "[w]omen of color account for only 3% of the profession. . . . Minority women hold fewer than 1% of equity partnerships and their attrition rate after 8 years is virtually 100 percent." That is not a typo—100 percent attrition rate. No person of conscience and certainly no one in the WBA can read these numbers and sit silently. The question for us, right here, right within the WBA, is what will we say and what will we do this year in response to these alarming statistics? I can assure you that your Board is focused on this. I am



focused on it. And I ask you to focus on it and to offer any suggestions to us that you may have.

But the Report offers more to consider. By way of surface skimming, I note the following statistics, points, observations and conclusions offered in the Report:

- On average women make \$20,000 less than men in our profession.
- Men are at least twice as likely as similarly qualified women to attain partnership. According to the "New York Bar Glass Ceiling Study, women were three times less likely to become partners (at law firms) as men. In the American Bar Foundation Study, women's chances were less than half of men's. . . . The disparities are especially pronounced for equity and managing partners. . . . Only about 5 percent of managing partners in surveyed firms are women."
- Sexual Harassment: "Almost threequarters of female lawyers believe that [sexual] harassment is a problem in their workplaces. . . . About half to two-thirds of female lawyers and a quarter to half of female court personnel, report experiencing or observing sexual harassment."
- Perceptions: "Between two-thirds and three-quarters of women report experiencing bias, while only a quarter to a third of men report observing it and far fewer report experiencing it."
- Gender inequalities in the legal p fession are pervasive; perceptions of inequality are not. A widespread assumption is that

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### REWS FROM THE WBA OFFICE

### 2001 MEMBER-GET-A-MEMBER PROGRAM

We need your help to spread the word about the WBA, and we'd be happy to reward you for a job well done. In August, the WBA Board approved a member incentive program that provides rewards for those who bring in new members. The program is in effect from now until May 2002

The rewards for bringing in new members by May 2002 are:

- Bring in 1 new member and receive a free brown bag lunch coupon.
- Bring in 2 to 4 new members and receive a collector's item WBA desk paperweight.
- Bring in 5 to 9 new members and receive a collector's item WBA business card holder.
- Bring in 10 to 19 new members and receive your choice of a one-year free membership for yourself or a ticket to the Annual Dinner.
- Bring in 20 or more new members and receive a free WBA Sustaining Membership for yourself (valued at \$250!!)

Call the WBA office for membership forms, and be sure your name is filled in on each form as the "Source" for each new member you recruit!

### **MORE RTB**

In response to the members, the WBA Board voted to increase the publication schedule of *Raising the Bar*. You can look for this publication six times during the 2001-2002 season, and seven times in 2002-2003. *Raising the Bar* will be published on the following schedule: September/October 2001, November/December 2001, January/February 2002, March 2002, April 2002, and Summer 2002.

Just a reminder that advertising in Raising the Bar is an incredibly affordable way to attract new hires, publicize a promotion, or otherwise celebrate your accomplishments. Let your HR and marketing departments know about us!

### WBA RECEIVES EQUIPMENT DONATION

WBA thanks board member Heidi Sorensen for her generous donation of a new CD burner for the office. This equipment will allow the WBA to efficiently store back-up files on CD's, which hold much more than a diskette. We also thank George Klimes of the Klimes Computer Consulting Group for installing the equipment at no charge to the WBA. ■

### AROM THE EDITOR

### BY CYNTHIA THOMAS CALVERT

really. We are very glad you want more of RTB, and we are thrilled to be in your In-Box six times this year, and seven times next year.

That's right—six issues packed with news about WBA activities, your colleagues, issues important to women lawyers, and practical advice for enhancing your career. In addition, we are restoring the ever-popular Job Bank. As before, we will carry both information about job openings in the government and nonprofits, and ads from firms and corporate legal departments. Please help us build a terrific jobs database by asking our legal employer to list openings with us. (Crass commercial note here: We need paid ads to keep RTB going.

Our classified and display ad rates are very reasonable, and buying ad space is a great way to show support for the WBA. Who do you know who could benefit from an ad in RTB? Do her a favor and tell her today.) Be sure to check the WBA's website for additional listings that don't make it into RTB.

While we're appealing for your help, I want to renew my request for articles. Articles related to your area of the law, tips for success, and professional news are all welcome. Remember that whenever you publish with us, you can double your exposure: first to your WBA colleagues who can refer business to you, and second to potential clients when you reuse your article in your marketing materials. Call me and let's discuss your ideas.

Of course, RTB isn't the only news around the WBA.

The Fall Kick-Off and the golf class (see cover story), the new government attorney forum (see p. 10), and a slew of terrific programs (see calendar on pp. 18-19) are all headliners. Even mentoring is news-Sharon Saylor Schaefer's wonderful cover article discusses new trends in mentoring relationships. And don't miss the profile of WBA member Dr. Beth Burrous—her practice is based on news that is so hot some of it hasn't even happened yet. Finally, be sure to read Lucy Thomson's article on threats to your privacy, which explains the real concerns



behind the hoopla in the media.

Thanks for your support.
We look forward to seeing you more often—in your in-box and at WBA programs. ■

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### Creating Value for Clients

### A FEW MINUTES WITH BETH BURROUS

BY CYNTHIA THOMAS
CALVERT

BA member and biotechnology intellectual property lawyer Beth A. Burrous heads the Biotechnology and Pharmaceutical Practice Group in the Intellectual Property department at Foley & Lardner. She has an undergraduate degree from Cornell University and a Ph.D. from the Massachusetts Institute of Technology, both in Nutritional Biochemistry. Dr. Burrous received her J.D. from Georgetown University Law Center (class of '93). She was a patent examiner while in law school, and later clerked for the Honorable Pauline Newman of the United States Court of Appeals for the Federal Circuit. In 1995, she joined Foley and Lardner as an associate. She was made a partner in 2000, and became head of its Biotech/Pharma Intellectual Property practice later that year. Here are some excerpts from our recent conversation:

RTB: Let's start by talking about what you do. Can you give us a description of your practice?

BAB: What I do is traditionally called intellectual property "transactional" work, and I help clients to use their technology and IP to create value for their companies. Leveraging technology is important to company success. That involves developing the technology and exploiting it, so an important part of the business is that you have a proprietary right in the technology that you've developed. It is broader than getting patents; it involves strategic business counseling. With respect to patenting, I look at the technology and evaluate whether the company can get a patent on it, and whether a patent is the appropriate type of protection.

The other things I do dovetail with that. One thing that is important in high tech industry is "freedom to operate." If you are in a hot area, chances are that some of your competitors are working on similar technology. In the context of deciding whether a company can move forward with

its technology, you have to evaluate at an early stage whether a third party has a patent that could block you from doing what you want to do. If there is a problem, there are two general options: secure a license to operate under the patent, which involves paying money to the patent holder; or "design around," which means re-designing client technology so that it does not infringe third party patents, thereby creating freedom to operate.

We also evaluate the worth of intellectual property. Clients may want to acquire an entire business, or buy or license a portfolio of technology from a third party. I've worked on some deals where a client was going to buy a business and the whole value of the business really derived from intellectual property, and so we had to evaluate its worth and, working with other attorneys in our firm, we had to look at real estate, employment issues, environmental issues, and the like.

### RTB: Is all your work patent-related?

BAB: No, because we counsel clients on the best way to protect their intellectual property, and that may not be through the use of patents. Sometimes, patenting technology isn't always the way to go. A trade secret doesn't expire the way a patent does; it ends only if it is made public. It can be advantageous, because while a patent gives you a limited monopoly, you have to give full disclosure to the public about how to make and use your invention—patent documents are public.

### RTB: What types of companies do you represent?

BAB: I personally represent pharmaceutical and biotechnology companies. I represent a variety of small to mid-sized companies, some of which are publicly traded, in addition to a major pharmaceutical company. My clients develop technology relating to genes (DNA), proteins, and small molecule "pharmaceuticals," or "drugs." Our biotech group as a whole represents a wide range of clients. Many of Foley's clients are companies related to the health industry. We also represent other types of chemical companies, which are involved in industrial chemical processes.



Dr. Beth Burrous

RTB: Do you represent a lot of start companies?

BAB: Our firm represents about 100 start-ups—I personally work with several. It is really fun to work with a new company that is just putting everything together, and you can help the company chart its course, from patents to trade secrets to stock options and retirement plans.

RTB: You have developed quite a niche practice for yourself, which is what marketing consultants advise us to do. Do you find that you have to put a lot of time and effort into business development?

BAB: I put in a fair amount of time. I don't know anyone who has perfected the art of business development; we are always trying new things to see what will work. I spend 40 to 100 hours a month on non-billable activities. They aren't all marketing, but some months half of that is marketing. We are involved in the local and national technology communities, with meeting sponsorships, speaking engagements, and the like. Marketing is something that you always have to do, especially as a practice group leader. We need be out there, getting our name out and looking for new opportunities.

RTB: Tell us about heading up the firm's biotech/pharmaceutical IP group. What do you do as practice head?

BAB: A lot of different things. One of my main responsibilities is to make sure that all the people in the practice group are getting the right kind of work, the work they want to do. So there is work flow allocation, and also professional development. I spend time making sure that people are developing as professionals so they'll have the full range of skills they need to work as senior associates and partners and to be successful in this business. Every six months, I do performance evaluations of everyone in the group. The biotech group has around 30 professionals: attorneys, law clerks and patent agents. In conjunction with our mentoring activities, I hold practice group meetings once a month, where we discuss important legal developments and firm-related activities. In addition, I am responsible for developing the business plan and working on the budget for what our group needs to do, including continuing legal education. I am expected to promote the group and the firm, so I do speaking engagements. I go to professional etings and I work with our marketing people to find good opportunities to sponsor events, and to get Foley people involved as speakers and conference organizers. I also spend a lot of time on recruiting. It is a lot of work.

RTB: You went from associate to practice head in just five years with the firm. We would all like to know how you did that.

BAB: I don't know exactly. I had the support of my department chair, Rick Florsheim. He felt I was a leader to the people in the group and I have a lot of energy. Also, I enjoy working with people, which is essential because I deal with management/people issues every day.

RTB: So what is a typical day like for you? BAB: I do not have a typical day.

RTB: Is that one of the appeals of the position?

BAB: Yes, it really is. Sometimes it is a little frustrating because I'll really want to get a particular project done and then I just have to come in very early to get it done

ore the phone starts ringing and people at knocking on my door. For the most part, however, that is what I like about my job. Something new comes up every day.

Biotechnology really is an exciting field. There are a lot of new legal issues that have not been fleshed out by the courts and it is so new that there are a lot of issues that have not even been presented in litigation. It constantly amazes me how many legal issues come up that require you to figure out a creative way of dealing with for clients. In the end, clients want solutions to their problems. It is pretty easy to identify the problems and to say "this is what you can't do." But clients always want a solution for how they can move forward and be successful, so doing that is really a challenge, but it makes the job quite interesting.

In the end, clients want solutions to their problems.
It is pretty easy to identify the problems and to say "this is what you can't do." But clients always want a solution for how they can move forward and be successful.

RTB: Does your job leave you much time for a life outside the office? Do you have that elusive work/life balance that we all are seeking?

BAB: Not enough. I have been a practice group leader since last September. If I am going to be honest, I have to say it has been a little too heavy on the work-side in the past year. Last year was also my first year as a partner. To some extent, I just decided that I was going to go all out the first year to get myself established. So I am working on better time management and delegation skills, so that I can have a better balance. I've not had to work many weekends this summer, which has been great. The firm is very supportive of people having a balanced life, but as a practice group leader, I obviously took on additional responsibilities.

RTB: Have you had any unexpected challenges since becoming practice head?

BAB: I don't think that I thought that managing people was going to be so

complex. I knew I'd spend time on management issues, but managing people so that the client is happy and the group is happy and you are happy is difficult, and I'm not sure I appreciated quite how hard it would be. Also, I spend more time on recruiting than I thought I would.

RTB: I've heard you use a team approach.

BAB: Teams are paramount. I try to get people on the team for a particular with the right background and skills. Those are the core team members, and all of them can be responsive to the client. I make sure that the team members understand the client's whole business, and I am very liberal about letting all team members have client contact. Everyone talks to clients. Team-building depends on personal and professional relationships, and I make an effort to get to know everyone I work with.

RTB: Intellectual Property used to be a man's field. Do you see more women getting involved in the IP fields?

BAB: Yes, a lot. In the biotech group, there are quite a few women. Most attorneys in intellectual property have a technical background of some sort. Traditionally, there have been more women in the biological sciences and chemistry, and areas like mathematics and engineering have been more male-dominated. There is a carry over into IP.

RTB: Do you have any tips for successful practice?

BAB: This sounds mundane, but it is true. You have to be organized and responsive to your clients—and provide topnotch, creative legal services. It is very basic. I deal with a mind-boggling number of different matters, and a client will call and want to know what is happening with a specific one. I have to be organized so I can tell them right away. Timeliness is also important; my experience with clients is that even if you give them a good work product, if it is late, you've lost credibility with them. Organization also means getting the right information from the client, identifying and solving the problem, and then giving advice to the client in a fashion they can understand. I am constantly working to keep my practice organized so I can provide the best service to my clients. I feel good about how I work with my clients, but I never want to let myself get complacent—I always keep working at it. ■

### Mentors in Law

### A TIME-HONORED RELATIONSHIP THAT IS CHANGING

BY SHARON SAYLOR SCHAEFER

entoring" is a hot topic in legal circles. Books, articles, web sites, conversation, and legal conferences give evidence of the attention and contro-

give evidence of the attention and controversy being paid to a time-honored practice in law. New styles of mentoring are emerging, offering new opportunities for lawyers.

### THE DEMAND FOR MENTORS

The demand for mentoring is high. Law school graduates and lawyers making lateral moves are pressing for access to mentors, and law firms are realizing that effective mentoring is key to recruiting and retention.

The NALP Foundation study "Keeping the Keepers" concludes unequivocally that law graduates and associates looking to make a lateral move put the availability of mentoring high on their criteria list. Young lawyers compare notes about firms in chat rooms and newspapers. Articles like "Finding a Mentor" in the August edition of the ABA's The Young Lawyer appear regularly. The 1996 study by Korn Ferry and Columbia Business School, "Diversity in the Executive Suite," found that having a mentor was an important variable for the minority executives who progressed most rapidly in experience and compensation. The requirement for good mentoring is not going away.

### "CLASSIC" EXPERIENCES OF MENTORING

Many senior lawyers speak eloquently of their experiences as young lawyers when they had a relationship with a more experienced lawyer who taught them and offered guidance and sponsorship as their careers developed. For women and men who have practiced twenty or thirty years, the mentors were almost always men:

### A Woman Partner

He mentored by example. He had an interest in people as human beings. Believe it or not, he would make home visits for clients. I went with him. I witnessed. I learned. What is interesting upon reflection is that he wasn't scheming or trying to get

an edge on the market, although what he did turned out to be good business.

### A Woman Partner

He spent a lot of time with me. I would listen to him when he talked on the phone. He took me to client dinners. He was a tough critic, but he showed me how to be good at marketing. He was egalitarian and he had a daughter of his own.

### A Woman Partner

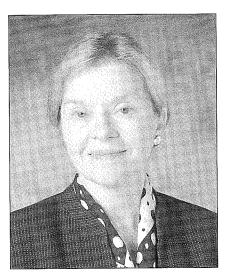
Before I came to the firm, I had had a previous career. I guess I seemed mature. I know I presented in a rather diffident and independent way so I was left to do my own work. After two years I went to the senior partners and said: "Look, I like what I am doing, but this is not why I came here. Assign me to your best litigator so that I can learn and develop." And so they did.

He lived large. He traveled the world for his clients. He had bag carriers and I was one of them. He was demanding. When I whined that I couldn't do it, he was not patient. "You are competent. Ask me for specific help and I'll give it to you." I watched him banter with and cajole his bag carriers. He was the brilliant son of a fisherman who clerked for the Supreme Court. He could be profane and rough, but he was a distinguished fellow who had a soul. I worked with him for a number of years. I learned to know his family. He was interested in mine. When he died, I inherited his practice.

In these "Classic" mentoring stories, a common thread is *time* and the opportunity for an ongoing *relationship*. The protégé spent time observing the mentor, having her work critiqued regularly and enjoying informal social occasions. The relationship did not seem to have a discernable starting or ending point. The protégé could trust that the relationship with the mentor would hold and during tough times the protégé could believe she and her developing career were valued by the mentor.

### BAD MENTORING OR NO MENTORING

Classic mentoring creates high expectations on the part of protégés. At the same time, potential mentors fear they do not have the time or abilities to mentor effectively.



Sharon Saylor Schaefer

Lawyers are vocal about the shortcomings of mentoring at their firms:

### A Composite of Reflections from Associates

- Regardless of my good history in the firm and my productivity, it is hard to find a mentor in my firm.
- I don't meet with my mentor. He sticks his head in my office to ask how I am doing, but he really doesn't wait for an answer. He has never sat down. I think he may be uncertain about how to mentor me. I am trying to figure the timing and a strategy for how to bring this to the senior partners. There is no mentoring committee that I know of.
- I know I am responsible for making time to be mentored, and this is hard. I also don't socialize much because I need to get home.
- I do not need handholding; I need a sponsor.
- I think I will be viewed as too aggressive or whiney if I try to talk about my concerns.
- A senior woman in the firm is partularly unhelpful. Her attitude seems to businesses. I did it. What is wrong with you? You don't want it as much as I did."

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### THE WBA—AN HISTORICAL PERSPECTIVE

BY NANCY LONG

or almost eighty-five years, the Women's Bar Association of the District of Columbia ("WBA") has served as a voice for women in the legal profession. The WBA is one of the oldest, largest and most influential women's bar associations in the country. It was founded to: "maintain the honor and dignity of the profession of law; to increase its usefulness in promoting the administration of justice; to advance and protect the interests of women lawyers, encourage their mutual improvement and encourage a spirit of friendship among its members.' Since its inception, the WBA has provided women with the opportunity to influence change within both the legal community and the community at large. But how did the WBA come about and evolve?

In 1917, there were only a handful of practicing women attorneys. On March 13, 1917, eleven women met to mark the niversary of the historic Suffrage Parade 🕅 1913. Ellen Spencer Mussey and Emma Gillette, together with nine other women, discussed the possibility of establishing a professional organization of their own. They felt a need for such an association because the Bar Association of the District of Columbia would not admit women lawyers. Two months later, on May 19, 1917, 31 women attorneys became charter members of the Women's Bar Association of the District of Columbia. Only three other cities-New York, Chicago and Omaha—then had such associations. Any woman in good standing of the Bar of the Supreme Court of the District of Columbia could join for annual dues of \$1.00. A permanent Constitution and By-laws were adopted, and the association was incorporated on November 19, 1917. Ellen Spencer Mussey served as WBA President for two years before being granted the status of "Honorary President" for life. Today, the original Minute Book dating from 1917-1937 can be found at the WBA offices.

Years before the WBA's founding, Mussey and Gillette had struggled to gain admittance for women into law school. In hopes of preparing women for law school, issey and Gillette, both graduates of Howard University Law School, offered law classes at Mussey's law office on Louisiana Avenue. Despite these classes, certain DC law schools refused to admit women. As a result, Mussey and Gillette formed the Washington College of Law ("WCL"). Advertisements proclaimed it "the only school south of Philadelphia admitting women." In reality, WCL was the only all-white school south of Philadelphia admitting women, since Howard University Law School had been accepting all races and both sexes for a number of years. It would be years before men and women of color were admitted to WCL. In addition, WCL had women deans only until it became "accredited" in 1949, and since that time, only men have served as dean of WCL.

From its inception, the WBA aggressively pursued its mission, primarily as an advocate. The WBA marshaled and campaigned to protect the rights of women by endorsing and testifying on matters of great

In addition, the WBA
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to the present day.

importance to women, including abolishing appalling child labor practices; requiring compulsory school attendance for children in the District of Columbia; removing restrictions on contractual rights of women; revising the law of descent and distribution, eliminating the preference for males over females; increasing educational standards for admission to the Bar; (and my personal favorite), submitting a resolution to President Roosevelt requesting that then District Attorney Leslie C. Garnett be relieved of his duties for stating "there's no place for women lawyers in this office (the District Attorney's office). . . . " In addition, the WBA championed the effort to support women in leadership positions in both local and federal courts as well as other professional associations, a practice that still holds true to the present day. As so eloquently stated by Mary Garner (WBA President 1956-58 and Longest Standing WBA member) in the WBA 80<sup>th</sup> Anniversary Video, the WBA "provided an

important opportunity to participate in the life and times and application of laws and how it affected not only women and their own best interests, but the community as a whole."

During the war years, women made incredible strides in the workplace as never before, and the WBA was there to assist. In 1942, the WBA's War Work Committee worked with the American Red Cross, gave to bond drives (the WBA was the first organization to purchase a war bond) and collected books for the Victory Book Campaign. One WBA member helped to develop a legal assistance program for service personnel. In 1946, WBA member Lieutenant Colonel Mary Agnes Brown received a Legion of Merit Citation for her distinct contribution to the successful operation of the Women's Army Corps in the Southwest Pacific area.

After the War, the attitude prevalent in society dramatically affected the WBA and its membership. Women were forced back into the kitchen, and they would stay there until the women's movement finally heated up in the mid 1960's. Law school attendance dropped dramatically, and for the first time in its history, the WBA membership decreased. Incredibly, the WBA survived and actually remained active. It created two programs that still exist. In 1954, the WBA launched a program in certain public schools in D.C. to foster good citizenship by giving certificates to high school seniors who received straight A's in citizenship; and the WBA held its first reception in honor of new citizens at the United States Courthouse after the monthly naturalization ceremony. But of course, the WBA actively pursued its mission, and among other things, supported the District of Columbia Legal Aid Bureau whereby the director stated that the WBA "was one of the first associations that recognized the usefulness of legal aid services. . . .'

In the 1960's and 1970's, society and the WBA changed dramatically. The women's movement emerged; law school attendance increased, and as a result, WBA membership increased. Women joined the WBA because "we could so many things in the outreach of the law such as emphasizing the rights of victims and speaking on legislative issues to Congress . . . that promote the needs of women, working women." The Honorable Joyce Hens Green (WBA Past President 1960-62 and Women Lawyer of the Year 1979), 80<sup>th</sup> Anniversary Video.

—continued on next page

# WBA's Thatcher Wins Ruling that Maryland Country Club Can't Discriminate

n August 10, 2001, Judge
Patrick L. Woodward, Circuit
Court Judge for Montgomery
County, issued a long awaited
decision in Betty Flaa's marital and sex
discrimination complaint against Manor
Country Club ("Manor"). Counsel for Flaa,
WBA member Linda Hitt Thatcher, Esq. of
the Thatcher Law Firm, LLC, has represented Mrs. Flaa since the initial complaint
filed with the Montgomery County Human
Rights Commission in 1993. [Editor's note:
RTB initially reported on this case in its Winter 1999-2000 issue, "Bringing Women Up to
Par at Maryland Country Clubs."]

Throughout the years of proceedings, Manor argued that it is a private club and not subject to county laws that prohibit discrimination in places of public accommodation. Judge Woodward rejected Manor's arguments and ruled that Manor is a public accommodation that is subject to county anti-discrimination laws and that it in fact discriminated against Betty Flaa based on her sex. The Court, however, refused to apply the "hostile environment" theory of sex discrimination to Manor. Nevertheless, the Court's decision requires Manor to comply with the earlier order of the Public Accommodations Panel of the Montgomery County Human Relations

Commission to "cease and desist from all activities and conduct that discriminate against women," and to "establish a formal, written policy against discrimination against women."

Significantly, the Court also ruled that the Public Accommodations Panel made an error of law and abused its discretion when it reduced Flaa's attorney's fees from \$120,481 to a mere \$3,000. The court cited the Supreme Court decision of City of Riverside v. Rivera, 477 U.S. 561, 106 S.Ct. 2686 (1986), written by Justice Brennan, which states that a computation of attorney's fees based on the amount of the damage award would frustrate the purpose of a civil rights case. "Because damages awards do not reflect fully the public benefit advanced by civil rights litigation, Congress did not intend for fees in civil rights cases, unlike most private law cases, to depend on obtaining substantial monetary relief." Id. at 2695. Furthermore, "[a] rule of proportionality would make it difficult, if not impossible, for individuals with meritorious civil rights claims but relatively small potential damages to obtain redress from the courts."

The farthest reaching impact of the Court's decision is its determination that Manor is a place of public accommodation and therefore subject to County laws



**■** Linda Hitt Thatcher

against discrimination. Manor failed to prove that it was exempt from the law as "distinctly private" because, despite its formal procedures for membership, it failed show that it was truly "selective." The same public accommodations issues are pending in another sex discrimination case concerning Bethesda Country Club. The complainants in the Bethesda case are also represented by Ms. Thatcher.

The WBA—A Historical Perspective —continued from previous page

In the late 1970's and the 1980's, women entered the legal profession in unprecedented numbers. The WBA doubled its membership from 1970 to 1980. As Patricia Gurne (WBA President 1978-79 and Woman Lawyer of the Year 1999) beautifully stated in the 80<sup>th</sup> Anniversary Video, during this time "women lawyers became a critical mass," and the influence of women in the legal profession was profound. For the first time, WBA members collectively made strides in the profession. In 1971, the Women's Legal Defense Fund (now The National Partnership for Women and Children) was founded, and several WBA members were co-founders.

By the 1990's, women lawyers and WBA members had achieved a number of monumental "firsts": Geraldine Ferraro was the first woman to be nominated for Vice-President of the United States; The Honorable Sandra Day O'Connor was the first woman to become a United States Supreme Court Justice; Senator Hillary Rodham Clinton was the first lawyer First Lady of the United States; The Honorable Janet Reno was the first woman to be appointed as Attorney General of the United States. The WBA remains an important and significant force in the D.C. legal community and actively pursues its mission through networking, mentoring and advocacy.

I must digress for a moment and address that portion of the mission statement that discusses the "spirit of friendship among WBA Members." The WBA has, throughout its long and proud history, provided a haven for women lawyers' friendships, including many of my own. Mary Garner stated that after she graduated from law school, she joined the WBA to "associate with a group of congenial women spirits and lawyers . . . ." The Honorable Joyce Hens Green further reiterated this point and stated that she joined the WBA because she found "a great deal of security in the sisterhood that was provided by the WBA . . ." 80th Anniversary Video. The friendships forged as a result of the WBA are everlasting.

Is the WBA necessary? ABSOLUTELY. The WBA provides a forum for women lawyers to fully and completely achieve equality in the legal profession. And even when equality in the profession is achieved, the WBA shall continue to provide a forum for women lawyers to come together, network, mentor, serve as role models and create ways to make a difference in the lives of women lawyers. . . and all women As Pat Gurne simply stated, "All kinds of public debate is informed by having a woman's voice" (80th Anniversary Video).

Happy 85<sup>th</sup> Anniversary WBA!!! ■

Nancy Long was President of the WBA 1996-1997.

# SEPTEMBER/OCTOBER 2001

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### -jBA Kicks Off Another Great Year —continued from page 1

such as "Longest Drive," "Closest to the Pin," "Straightest Drive" and more. Prizes will go to a female and a male player in each category. There will also be a Hole-in-One contest with a car as the jackpot prize. Teams with the Best and Most Likely to Improve scores will also get awards.

Space is limited, so challenge your partners, associates and clients to join you on the links and make your reservation today! Sponsorship opportunities are also available. For more information, contact Paulette Chapman, Esq. at Koonz, McKenney, Johnson, DePaolis & Lightfoot at 202/659/5500 or Gracemarie Maddalena, Esq. at Spherion at 202/737/9333.

### MORE NEW THINGS

Raising The Bar will be published more frequently, starting immediately. Thanks to popular demand, you will have two issues this fall and two next spring. Of course, this means more opportunities for you to share news and to showcase your practice by writing for the magazine. It also means the return of the ever-popular Job Listings section. More information about the new publication schedule is on page 3.

As if the foregoing isn't enough, a Government Attorney Forum is being launched this month. The GAF is for federal, state, and local government attorneys, and those who would like to becomen government attorneys. In addition, all the WBA mmittees and forums are offering a profusion of new promotes and events to entertain and educate you. See inside for more information, and watch upcoming issues.

### MEMBERS ON THE MOVE

Beth Shapiro Kaufman has joined Caplin & Drysdale as a partner in the firm's estate planning group. Ms. Kaufman spent the last six years at the Treasury Department's Office of Tax Policy. Prior to her post at Treasury, she was an associate at Caplin & Drysdale.

Kim Solomon of Jack H. Olender & Associates received the National Bar Association's Presidential Award. This is the third time Ms. Solomon has been honored with the award. She was also elected vice-president of the organization, an office she will hold for two years.

Sandra Robinson of Jack H. Olender & Associates has been elected to the executive committee of the Trial Lawyers for Public Justice Foundation, which is the parent of Trial 1-awyers for Public Justice.

### New Members

he 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!

Vikki Adams
Susan Comins
Kathleen Cooney-Porter
Patricia DiRuggiero
J. Erika Dwarkin
Adrienne Dwyer
Marci Finkelstein
Cathy Gebhard
Natalia Geren
Christa Haas
Rebecca Hess
Elizabeth Holt
Andrea Littlejohn
Wendy Marantz
Jody Marten

Lisa Matovcik
Kathleen Merlo
Maryse Mills-Apenteng
Elizabeth Ann Niemeyer
Kristen Osenga
Deb Ryerson
Lisanne Sanborn Cottington
James Sandman
Ellen Sazzman
Kathryn Sutton
Susan Yoder Torres
Jane Turner
Kathleen Therese Wach
Anne Weiss

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which D.C. law firms are best?
How does your firm rank?
What are recruits seeing?

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- promote part-time associates to partner
- appointed coordinators to advise and troubleshoot for part-time attorneys

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### The WBA Inaugurates a New Forum for Government Attorneys

BY SHERYL FLUM AND LYN RAHILLY

e are excited to announce that the WBA has established the Government Attorneys' Forum (GAF) for attorneys working for federal, state, or local governments (and those who may like to work for a government agency). This new forum is intended to promote the discussion of issues of interest to female attorneys employed in any branch of government. The GAF will offer programs tailored to the interests of and unique issues facing government attorneys, as well as opportunities for professional development, educational programs about government employment and benefits, and informational sessions for people interested in joining the ranks of government lawyers.

### INTRODUCING THE GAF CO-CHAIRS

The GAF is co-chaired by three federal government attorneys: Lyn Rahilly, Susan Gerson, and Sheryl Flum. Lyn Rahilly graduated from George Washington University Law School in 1995 and was admitted to the D.C. Bar in 1999. She has practiced law in both the public and private sector, including work for the U.S. Department of Labor and for a plaintiffs' class action firm. Currently, Lyn is an attorney-adviser at the U.S. Department of the Treasury specializing in ethics and general law issues.

Susan B. Gerson is an attorney in the Investigation & Prosecution Division of the U.S. Office of Special Counsel (OSC) where she litigates Hatch Act cases before the Merit Systems Protection Board, and prepares prosecution recommendations analyzing whether federal employees' and applicants' prohibited personnel practice claims warrant Board action. Prior to joining OSC, Susan associated with the law firm of Morgan, Lewis & Bockius LLP as a member of its Labor and Employment

Law Section, in Washington, D.C. Susan is a Phi Beta Kappa graduate from the University of Massachusetts at Amherst and received her law degree from Georgetown University Law Center in 1993.

Sheryl B. Flum graduated from the University of Miami School of Law in 1997, and accepted a position with the Department of Justice Tax Division through the DOJ's Honors Program. Sheryl has been a trial attorney in the Court of Federal Claims Section of the Tax Division for four years, where she has handled numerous tax refund cases—large and small, individual and corporate. Prior to law school, Sheryl worked for 10 years in the financial services industry in New York City. Sheryl was Vice President for Regulatory Reporting and Analysis for CS First Boston from 1991 through 1994, and in that position, dealt with the Securities and Exchange Commission, as well as other government agencies. Sheryl thoroughly enjoys worki for the federal government.

### Sustaining Members

Kerry Adams Cory Amron Marina Lyn Beckhard Katharine Boyce Diane Brenneman Marjorie Burnett Ann Bushmiller Cynthia Calvert Paulette Chapman Jennifer Duane Tracy-Gene Durkin Teresa Dykes Karen Evans Zori Ferkin Krista Fogleman Diane Fuchs Jane Genster Susan Griffen Hazel Groman Kathleen Gunning

Patricia Gurne Anna-Liza Harris Julie Heflin Ellen Hennessy Sheila Hollis Kerrie Hook Deborah Israel Ellen Jakovic Laura Kalick John Keeney Alyza Lewin Deborah Luxenberg Victoria McEneney Le-Nhung McLeland Martha McQuade Elizabeth Medaglia Deborah Meshulam Elaine Metlin Juliana O'Reilly Michelle Parfitt

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### Privacy in the Technological Age

BY LUCY L. THOMSON

🖪 echnology is revolutionizing voice and data communications, creating paperless offices, and making eBusiness on the Internet the business model of the future. The use of new technology for personal and business communication leaves an electronic trail so detailed that virtually every aspect of an individual's personal, business, medical, and financial life is available in a database somewhere in the world. Privacy concerns are well-founded—companies making aggressive use of business intelligence and data mining are creating profiles of personally identifiable consumer information, often without the knowledge or consent of the individuals involved. At worst, the availability of personal data can lead to identify theft; at best it can result in annoying or embarrassing incidents.

This situation has lead to a fierce bate among privacy advocates and consumer groups; online advertisers, e-commerce retailers and other Web businesses; and policy-makers in Congress and the States about the appropriate use of personally identifiable information and the steps needed to protect individual privacy, while at the same time fostering vigorous growth of the Internet and eBusiness, and protecting freedom of speech and access to the Internet as a virtually free communications and content medium.

What are these threats to personal privacy, and what is being done to protect individual privacy?

Privacy in the technological age involves the intersection of conflicting Constitutional rights with personal and business interests. Moreover, individuals have different expectations of privacy. In a line of cases over more than 50 years, the Supreme Court has held that an individual's private activities and intimate details in the home (or in a setting where an expectation of privacy is reasonable) may be protected from government intrusion. With a variety of sophisticated new tech-

logies, however, the most personal communications about private affairs stored on a computer in that very home are available to a plethora of

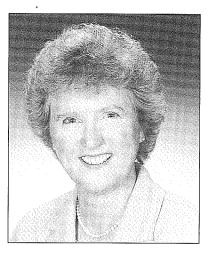
individuals and businesses around the globe.

Web site operators and Internet advertising companies are using invasive techniques to collect information from Web visitors, capture Internet Protocol addresses, and take files or information from their hard drives. This does not only occur online at home—use of mobile telephones, credit cards, and smart cards provide a wealth of data for profiling. At work, employee computer files, e-mail, and Internet use are monitored routinely.

For example, much has been written about network ad delivery companies such as DoubleClick that install "cookies" on users' hard drives to keep track of the ads each user has seen and which sites s/he has visited. This information is then correlated with personally-identifiable data supplied through special offers, sweepstakes, personalized web pages, and other sources. Less is known about "web bugs," barely visible tracking tags that permit marketers to monitor the behavior of consumers online. The bugs can also capture a user's Internet Protocol address and install pernicious files. By sending an e-mail with a web bug, a person can secretly obtain copies back when the e-mail is replied to or forwarded.

Under Federal Communications
Commission rules that will take effect on
October 1, U.S. mobile phone companies
are required to track the location of callers
in an emergency. This location technology
presents major privacy issues if it is available to pinpoint every call, and it is even
more of a problem if the location information is saved in a database. Smart cards,
soon to come into widespread use, will
have the capability to track everything from
your daily commute (through tollbooths)
to the details of every store purchase.

Employer monitoring of e-mail, computers, and Internet use is now commonplace. Some experts are urging employers to track employee Web site visits with web bugs, just as they track computer viruses. There are business interests that would justify interception of electronic communications, including preventing theft of a company's intellectual property or other illegal activities, and monitoring employee



**■** Lucy Thomson

conduct to prevent sexual harassment. However, companies can be criticized for aggressive efforts to enforce workplace productivity, and the resulting lack of respect for individual privacy.

Congress has addressed a number of privacy policy issues, creating a patchwork of federal laws affecting areas such as children's online privacy, privacy of financial, medical, student, and motor vehicle records, and telecommunications and entertainment information. More than 50 bills are pending before the 107th Congress designed to solve privacy-related problems, ranging from protection of social security numbers to curb online identify theft and a requirement of customer consent to the provision of wireless call location information, to providing for disclosure of the collection of information through "spyware" computer software. States have enacted a wide variety of differing privacy provisions, creating particular problems for Internet businesses.

Cases with privacy implications become complex when they require the balancing of conflicting Constitutional interests. Among the many recent cases in this area, two Supreme Court decisions merit attention, presenting significant privacy implications that also involve the use of new technology.

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Mentors in Law: A Time-Honored Relationship That Is Changing
—continued from page 6

### A Woman Partner's Response

Women and minorities still need an extra dose of help, attention and support. No apologies needed. Men who need it should get it too. Frank conversations with partners who have made it are invaluable. We shy away from mentoring people who appear "difficult" or different. When associates present themselves as active seekers and not just entitled members of the common enemy, they need to be heard.

### A Man Partner's Response

This is something I can relate to. As a man I have found it hard to figure out how to talk to women associates and especially

If you can't find a mentor at work, the WBA's mentoring program is what you need. The Mentoring Committee matches experienced WBA members with WBA members who would like to be mentored. Applications for mentors and for proteges are available at the WBA's website, www.wbadc.org, in the members-only section, or through the office. For more information, contact Cynthia Calvert at CynthiaCalvert@CynthiaCalvert.com.

minority associates. Because of my position in our firm, which isn't terribly large, I knew I needed to get some guidance. So I hired a coach. Now my managing partner wants to have some coaching for the Associates' Committee, which includes other partners who are mentors.

### A Minority General Counsel

Cream-of-the-crop applicants ask me "Do you have training, mentoring and time for pro bono work?" Minority lawyers talk about how they dislike being put on all committees having to do with mentoring or diversity. They get tired of the burden. Women and minorities are

put off by subtle and not so subtle implications that they want special treatment and demand too much anyway.

### Senior Associate

I came to the firm before the new head of my practice group was in place. I was eager to meet her and was happy-to know that she would be my supervisor. I had made a lateral move and I brought some business with me. Our interactions turned out to be anything but supervision or mentoring. She seemed interested in pumping me for information about the clients I had brought to the firm. I asked her why I wasn't invited to meet with the clients and I felt belittled and ignored. Gradually I realized there was no trust or reciprocity between us.

### **CULTURE CHANGE?**

There is less "classic" mentoring today. Michael A. Cooper, former president of The Bar of the City of New York, states it well:

Mentoring comes at a price—in time, attention and sympathetic interest—that too few senior lawyers seem willing to pay. Competitive pressures create a superheated atmosphere in which the end product, be it a brief or merger agreement, not only overshadows but totally eclipses in significance the interactive process by which it was created, and the professional and personal relationships among its creators.

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### Privacy in the Technological Age —continued from previous page

In Bartnicki v. Vopper, No. 99-168, 532 U.S. \_\_ (2001), a civil damages action, the Supreme Court ruled that the First Amendment protects disclosure by the media of a cellular telephone conversation that was surreptitiously intercepted and recorded in violation of the federal wiretapping law, 18 U.S.C. §2511(1)(c). The Court declared that this case presents a "conflict between interests of the highest order"-on the one hand, the interest in the full and free dissemination of information concerning public issues and on the other hand, the interest in individual privacy and, more specifically, in fostering private speech. Bartnicki, slip op. at 2. Efforts by Congress to legislate to protect privacy of personally identifiable information online or otherwise may implicate freedom of speech, including commercial speech by firms doing business on the Internet. The Bartnicki decision provides insight into the Court's balancing of conflicting interests in order to resolve con-

flicts between fundamental interests of speech and privacy. In this decision, privacy concerns give way when balanced against the overriding interest in publishing information of public importance. *Id.* at 18-19.

In *Kyllo v. United States*, No. 99-8508, 533 U.S. \_\_ (2001), the Court confronted the question of limits on the power of technology to shrink the realm of guaranteed privacy. The Court ruled that the government's use of a thermal imaging device to scan the outside of a suspect's private apartment from a public street to obtain evidence of a possible criminal offense (growing marijuana in the house with the use of halide lights) was a "search" within the meaning of the Fourth Amendment that could only be conducted after obtaining a search warrant.

As in *Bartnicki*, in *Kyllo* the Court was faced with evaluating two significant interests. In evaluating the competing

interests of law enforcement and privacy (unlawful search and seizure), the Court opted for privacy. Although technology is directly implicated in both cases, each involves an interest of greater public importance than marketing or other business interests. These cases suggest that a very compelling interest is needed to overcome privacy. Indeed, statutes designed to address some of the more pernicious online invasions of privacy will likely pass Constitutional muster.

Most experts agree that encouraging continued growth of the Internet and maintaining its accessibility are positive policy goals. The challenge for legislators is to strengthen consumer confidence and afford adequate levels of privacy protection, while ensuring that initiatives have the least possible adverse regulatory effect on the growth of e-commerce and on commercial free speech rights protected by the Constitution.

differs from the classic model in recognizing that more than one person can perform the functions of a mentor. The model also recognizes that either the protégé or the mentor can initiate the relationship, within or outside a formal program. It also recognizes that younger lawyers can be very effective as mentors. The goal is to provide the young lawyer with a wise, trusted counselor who offers a relationship to a protégé. The mechanism can be adapted to the needs of the lawyers who make the commitment to participate.

### GOOD MENTORING FOR TODAY'S LAWYERS

### A Young Associate

What can I say? She is interested in me. She is available. She is not my billing partner. She is treats me like a colleague, and I think she reflects the culture and values of the firm.

I'll give you an example of the culture. It's amazing to me that as a young associate, I can go to higher-ranking people in my for help. I don't need a partner to sponsor me. This would never have happened in my previous firm.

### A Former Partner

I enjoyed seeing my associates develop. I learned to discuss what was wrong or needed improvement. It's not always easy to discuss improvement when you are disappointed or angry, but better to say it than act it. I tried to be specific. Positive comments are important, as we all know. It was not uncommon for me to leave middle-of-the-night voice mails saying, "Good job" or "I appreciated your point in paragraph three."

I had a rough relationship with one young associate. Not very good chemistry. I thought he was lazy so I rode him a lot. I demanded. "You are not a failure, but I needed three things and you failed on two." It is hard to tell an associate: "You are out of step; you are your own worst enemy." Years later he came to me and said, "I made partner. You did not give up on me. You made me rise and see that it was possible."

### Sung Associate

One reason I joined this firm is the good summer experience I had. I was shown the ropes and mentored by an associate. He was sensitive to what I didn't

know, and he was willing to teach me. He was respectful, yet personal. It was also such a nice surprise to find that he was interested in my opinion. Now that I have joined the firm I consider him my de facto mentor. I also have a formally-assigned mentor.

### A Former Partner and General Counsel

My work as a mentor has been among the most rewarding work of my career. It has required problem solving at its personal best, and the results and the relationships have been lasting. My special successes have come with young lawyers whose backgrounds have not equipped them very well to use their talents for professional success—the unsophisticated, the too-sophisticated, the women who need special support entering a men's profession, and the minority lawyers who grew up outside the "establishment."

### An Associate

I'm looking for development and training. I work well with men, and the firm is giving me good training. And I have an assigned mentor. However, I think it is my responsibility to ask for what I need. I learned about a woman partner in the firm who takes younger associates under her wing. I respect her and I went to her to gain some perspective. She helps me think through how to handle my need to get more specific feedback from the partner I report to. I know I can speak confidentially to her, and I appreciate her interest in me.

In these lawyers' stories of contemporary mentoring, expectations for good mentoring are apparent. However, a common thread in their stories is that lawyers can take *initiative* and *personal responsibility* to seek a mentor, rather than simply accepting the firm's assignment. Young lawyers do not have to wait to be asked.

A good mentor does not necessarily come from inside the practice group, although the lawyers recognized the important function played by mentors in the same professional area. The stories reflect the lawyers' understanding that peers can be mentors, and that people outside the firm who can think unencumbered by the culture of the firm, can offer perspective and insight. The lawyers value reciprocal learning, which leads not only to success but also to mutual satisfaction.

In her book *The Lawyer's Guide to Mentoring*, Ida A. Abbott describes an

adaptation of classical mentoring. "By redefining the scope of the mentoring relationship and the people who can serve as mentors, the new model increases lawyers' ability to find mentors. Potential mentors may be more willing to serve when they know that their obligations are clearly delimited." Abbott emphasizes that one individual is no longer expected to perform all functions of mentoring. For firms this is good news. In what Abbott describes as the "New Model of Mentoring," an important function of a mentoring program is identifying a mentor for the new associate's first months. Group mentoring can also be useful for new associates. A good mentoring program figures how to provide a number of mentoring opportunities.

Veeta T. Richardson, CEO of the Minority Corporate Counsel Association, concurs with Abbott about the importance of a mentor in the first few months. She emphasizes that whatever is true for majority associates is especially true for those from minority groups. She believes that, without realizing it, senior lawyers can act out discomfort and subtle racism. This tendency must be addressed before it infects the atmosphere for entering lawyers. Good training for mentors can help.

"In focus groups, minority lawyers have told me again and again that the first months at the firm are critical to a sense that the young lawyer made a smart choice," Ms. Richardson observes. She thinks that a good experience in the first several months helps bolster the associate and makes it easier to ride out the inevitable bumps and disappointments of the early years with a firm. "Firms need to pay attention to the informal ways that young lawyers get to know the ropes. Many minority lawyers tell me they have never been invited to partners' homes, given tickets to concerts, or made to feel that their experiences before law school are interesting." An attentive mentor can easily make sure those informal opportunities are provided.

### CREATING SUCCESSFUL MENTORING PROGRAMS

The lawyers interviewed for this article were thoughtful and specific about their personal views on the importance of having a mentor. Although most of the lawyers' firms have mentoring programs, some lawyers do not think the programs are as effective as they could be. However, it seemed hard

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Mentors in Law: A Time-Honored Relationship That Is Changing —continued from previous page

for the lawyers to figure out how to address the problems they identified.

Many lawyers say that the mentoring program is only as good as the current partner who is responsible. Most of the lawyers did not describe the associates as being active in planning or evaluating the program. Apparently, because of shortcomings in structure and communication, some firms continue by trial and error, in some instances making the same mistakes over and over again.

Lawyers do agree almost unanimously on these points:

- Success of a mentoring program depends on the leadership and commitment of the management.
- An individual relationship cannot be orchestrated. "A level of mentoring cannot be imposed." Another lawyer was more adamant. "I disagree with programs that push people to match, but a mentoring program should provide opportunities for relationships to develop."

■ It is important to have a way to end a relationship that is not working.

Additional elements that predict success for a mentoring program include:

- A clearly delineated statement of goals.
  - Clear objectives that can be evaluated.
- Agreement on how to evaluate the program.
- A description of procedures that is clearly written.
- Ongoing feedback to mentors and protégés.
- Compensation or credit for lawyers who mentor.

Developing a new mentoring program or revising an existing program can seem daunting. However, the need for mentoring and the press of contemporary law practice have caused conceptual changes in the definition of mentoring that should

encourage forward-thinking firms and companies to invest anew in mentoring.

### CONCLUSION

Young lawyers especially need mentoring, but in all stages of their career development, most lawyers can benefit from a relationship with a mentor. George W. Kaufman in his book, *The Lawyer's Guide to Balancing Life and Work*, acknowledges a mentor of his: "[H]e helped shine a bright light on more that my frustrations as a practicing lawyer—he extended light so that I could see opportunities instead of problems."

My conclusion: Good mentoring extends light, which can help lawyers make rain. ■

Sharon Saylor Schaefer is a principal in Insight Coach Inc., a firm that serves executives, attorneys and physicians who are seeking to improve their leadership and communication skills through professional coaching. She also maintains a private practice in psychotherapy and counseling. She can be reached at (301) 229-8004.

### WBA Committee and Forum Chairs

he WBA has committees and forums to fit just about any interest or need. If you would like to help out with a committee, please contact the co-chairs. Directory information is available at www.wbadc.org.

Career Development Committee
Gracemarie Maddalena

Communications Law Forum Brad Hendricks Jennifer Hindin

Community Projects Committee Jocelyn Fisher

Executive Endorsements Committee
Susan Gerson
Christy Liverzani Prame

Government Attorneys Forum Sheryl Flum Susan Gerson Lyn Rahilly Health Law Forum Kimberly Suringa Rachel Tumidolsky

Immigration & Naturalization Committee
Irena Izabella Karpinski

Intellectual Property Law Forum
Lisa A. Dunner
Tracy-Gene Graveline Durkin
Rebecca McNeill

Judicial Endorsements Committee Evangeline C. Paschal Stephanie Wickouski

Lawyers at Home Forum Alex Acosta Julie Kaplan Dorothy Patterson Lin

Litigation Forum
Paulette E. Chapman
Christy Liverzani Prame

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Public Relations – Speaker's Bureau Angela Fisher

Solo & Small Practice Forum Regina DeMeo

Tax & Business Forum Jeanette Dayan Helen Hong

Women In The Law Cable TV Series Diane M. Brenneman

Women's Bar Association Technology Advisor *Kerry L. Adams* 

Working Parents Forum Celline Callahan Mary Adelman-Legg Yahn Miorini ■



# Brown Bag Lunch Brown Bag Lunch

he forum will hold its first event, a brown-bag lunch, on Tuesday, September 25, 2001, from 12:30-1:30 in the WBA office, 815 15<sup>th</sup> St. NW, Suite 815. We are fortunate to have a wonderful speaker for this event, Virginia (Ginny) Canter, the Treasury Department's Senior Counsel for Ethics. Ginny has worked for the Federal government for many years, including several years in part-time and job sharing arrangements. Before joining Treasury, she worked as General Counsel for the National Endowment for the Humanities, Associate Counsel at the White House, and as an ethics official at the SEC. Ginny will share her experiences as a government attorney and her thoughts about some of the issues facing women lawyers in government today.

In addition to Ginny's words of wisdom, at this first brown-bag lunch we will discuss program ideas for the upcoming year. Please come and offer your input! There will be no cost for the brown-bag lunch and beverages will be provided. Please RSVP to the WBA at (202) 639-8880 by September 20<sup>th</sup>.

### FALL PROGRAM: WHAT TO DO AFTER WORK: ACTIVITIES IN WHICH GOVERNMENT EMPLOYEES MAY PARTICIPATE

The GAF's second program, a panel entitled "What to Do After Work: Activities which Government Employees May Gicipate" will take place on Wednesday, October 24, 2001, from 6:00-8:00 p.m. at 601 13th Street, N.W., Suite 600 South, Washington, D.C. We are very grateful to White & Case, LLP, for generously providing a conference room for the program. Several interesting speakers will educate us on the rules governing outside compensated

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Janice M. Rodgers and Jessica Rosenbaum will be at the panel. Ms. Rodgers is the Deputy Director of the Departmental Ethics Office, Department of Justice. Prior to that, Janice served as Senior Associate General Counsel for Legal Advice and Ethics for the U.S. Marshals Service and as an Associate Counsel for the National Treasury Employees Union. Ms. Rosenbaum is an attorney-advisor at the Department of State working with the Office of Children's Issues on international adoption and international child abduction matters. She is currently on detail from the Department of Justice to focus on implementation of the Intercountry Adoption Act of 2000. At DOJ, she was a counsel in the Office of Policy Development and served as the Department's Pro Bono Manager.

The cost to attend "What to Do After Work" is \$5.00 for WBA members and \$7.00 for non-members. Snacks and beverages will be provided. It should be an informative and enjoyable evening. Please mark your calendars for October 24<sup>th</sup> and RSVP to the WBA at (202) 639-8880 by October 19<sup>th</sup>. ■

### In Memoriam: Kathleen Buck

[Ed.'s note: Kathleen Buck, a partner at Kirkland & Ellis, died on August 12, 2001. Prior to joining the firm, she was General Counsel of the Department of Defense during the Reagan Administration. WBA Board Member Joanne Young delivered the eulogy at Ms. Buck's Funeral in Indiana and memorial service in Washington, D.C.; excerpts follow.]

t is a distinct privilege to pay tribute to my friend, Kathleen Buck. I admired her from the time we first met in the 70's—two women lawyers, newly married, looking to the future. Kathleen was a woman of great depth, whose principles were well thought out and mature. There was never a question of what she believed—whether it was politics or family, friends or law, or indeed her spirituality, Kathleen's principles were evident in everything she did, and she had the conviction to see things through to success.

As a lawyer, Kathleen was thorough, strategic, and insightful—capable of evaluating a problem from all sides. On a case we worked on that was litigated twice to the Supreme Court, Kathleen read the "tea leaves" brilliantly. As General Counsel to the Air Force and then to the entire Department of Defense, no important decisions were made during

the Reagan years on Defense or National Security without her review. Having been recognized by President Reagan in the 1980's to lead all Defense Department lawyers, and to advise him and the Congress, she was a true pathfinder for women and was recognized as such by the Womens Bar Association, Women in Government Relations, and the American Bar Association. She received three awards from the Department of Defense for Distinguished Public Service, and served on the Board of Visitors of the Indiana University School of Law. The Kirkland & Ellis partners' presence here today is testament to the high regard in which she was held by her colleagues. I know how highly she valued them.

Yes, she is free today and we miss her. But we know and can take comfort in the knowledge that, while on a distant shore, Kathleen is in a greater light for all time. ■

### TAX & BUSINESS FORUM

### NEW Brown Bag Lunch Series

he Tax & Business forum is kicking off the year with a great new series of brown bag lunches! Starting September 13, 2001, on the second Thursday of each month, our speakers will lead discussions on a variety of topics of both professional and personal interest to women. Come and get to know your colleagues and learn about financial planning, estate planning, and more! Our special package deal for WBA members includes all six brown bag lunches hosted by the Tax & Business forum for the 2001-2002 year for just \$30! Our topics for September through November are:

New Developments in Estate Taxes: What They Mean for You (9/13)

Smart Women Finish Rich: A Financial Planning Seminar for Women (10/11)

Hot Topics in Law Practice Technology (11/8)

DATES: Second Thursdays: 9/13, 10/11, 11/8, etc.

TIME: 12:15 - 1:30 pm

PLACE: Miller & Chevalier, 1450 G St., N.W. Suite 900

PRICE: WBA Members & Students \$7, Non-members \$12

SPECIAL: Package deal for WBA members—Get all 6 brown

bag lunches for just \$30!

Bring your own lunch. Beverages and cookies

provided.

Reservations: Please call the WBA office at 202-639-8880 at

least a day in advance, so we reserve a large

enough room.

Questions? Call or e-mail Jeanette Dayan at 202-626-6037,

jdayan@milchev.com or Helen Hong at 202-744-1672, helen\_y\_hong@hotmail.com. ■

### LAWYERS AT HOME

### Lawyer-Parent 101

he Lawyers at Home Forum begins the fall season, appropriately, with "Lawyer-Parent 101" on Friday, October 5, 2001. With the help of our colleagues at the Working Parents Forum, we've put together a panel of women attorneys who've "been there, done that" in meeting the challenge of adding children to the already delicate balance of professional and private life in a variety of ways. Come and hear what their choices have meant to them and explore what your choices could mean for you.

Join us at the Cleveland Park Congregational Church, 34<sup>th</sup> and Lowell Streets, NW, Washington, D.C. Doors open at 9:30 A.M., with coffee and refreshments. Street parking is available. LAH meetings are open to the public, so feel free to invite friends. Admission is free to WBA and LAH members; non-members are asked to contribute \$5. (Babies and small children are welcome, but please leave noisy toys at home.)

# COMMUNITY PROJECTS COMMITTEE America's Walk for Diabetes

he Community Projects Committee of the WBA needs your help in assisting the American Diabetes Association with its annual "America's Walk for Diabetes" scheduled for Saturday, October 27, 2001. Registration begins at 8:30 a.m. and the walk starts at 10 a.m. from Freedom Plaza in downtown D.C. America's Walk for Diabetes is a 10k charity walk that occurs in 275 cities nationwide and raises funds for research and prevention of this disease that affects 1 in 16 Americans. Our Committee has volunteered to assist with the logistics in the months prior to the event as well as providing on-site coordination the actual day of the event. If you are interested in helping with the planning and logistics for this event or would like additional information, please contact Jocelyn Fisher at 202-467-2543.

### Classifieds

### **HELP WANTED**

Part-time in-house litigator: DC corporation seeks attorney with 3 plus years litigation experience to work Monday and Tuesday in job-sharing arrangement. Strong credentials and experience required. Send resume to: Firm Advice, Inc., 1742 N Street, NW, Washington DC 20036; Fax: (202) 861-7707; MaryWLegg@aol.com

### FOR SALE

Two Samsung 3500 cell phones (use with Sprint PCS) plus accessories, \$100 each. Call Cynthia at (202) 253-1793.

### IP LAW FORUM

# Business Method Patents: Acquisition and Valuation

ohn Love, Director of Group 2100, U.S. Patent and Trademark Office, will discuss the efforts being made at the U.S. Patent and Trademark Office to implement special procedures for review of business method patent applications. Linda Alcorn Esq., Director, Sterne, Kessler, Goldstein & Fox P.L.LC., will discuss what constitutes a "business method" and the valuation of business method patents in today's economy. This September 18<sup>th</sup> brown bag lunch is also sponsored by the IP Law Section of the D.C. Bar. See the Calendar for more information.

### OSTIBA CAREER DEVELOPMENT COMMITTEE

# Alternative Legal Careers: Transitioning from Practitioner to A New Professional Position

oin the Career Development Committee on Wednesday, September 26, for this informative brown bag lunch presented by Arthur C. Hamm, Corporate Outplacement and Career Transition Consultant. Mr. Hamm has been a professional corporate outplacement and career transition consultant in the Washington area since 1989. His specialty is helping attorneys to find new positions or to develop new careers.Mr. Hamm will discuss:

- Some Poor Reasons for Wanting to Transition Out of the Practice of Law
  - Self-Assessment

- Developing Your Options—Being Creative
- A Few Typical Alternatives
- Maintaining Your Income Level
- Marketing Your Skills into Other Areas
- The Leverage You Bring to Non-legal Professions
- Working with a Professional Career Transition Coach

This is a brown bag program; please bring your lunch. See the calendar for more information. ■

### WBA LITIGATION FORUM AND IP LAW FORUM

# E-Discovery 101: What Electronic Evidence Means to Your Case

ost companies create and store the majority of their business documents electronically. This electronic data is a critical source of evidence in litigation and a fundamental element of the due diligence process in mergers and acquisitions. *E-Discovery 101*, a lunch program on October 2, will provide an overview of the current law relevant to these issues, with practical tips for making electronic discovery an effective part of your practice.

The program is presented by Virginia Llewellyn, an attorney with Applied Discovery, the leading provider of electronic-to-electronic discovery solutions. Ms. Llewellyn is a former litigation attorney with experience in complex litigation, including products liability and class action matters. Her work included representing one of the primary defendants in the fen-phen diet drug litigation.

1.0 MCLE credits pending in Virginia. *Space is limited, please sign-up in advance.* See the Calendar for more information. ■

### President's Column —continued from page 2

barriers have been coming down, women have been moving up and it is only a matter of time before full equality becomes an accomplished fact."

Perhaps discrimination is harder to identify and remedy because "few of the problems reflect intentional discrimination. . . . . . Women's opportunities are limited by traditional gender stereotypes, by inadequate access to mentors and informal networks of support, by inflexible workplace structes, and by other forms of gender bias in justice system."

The Report sets out an agenda for change which includes several suggestions

which the WBA already does and does well:

- Conduct formal and informal surveys of women's experience in areas such as compensation, leadership positions, promotion patterns, alternative work arrangements and satisfaction levels.
- Provide formal and informal training in nonsubstantive areas that affect professional development (e.g. marketing, leadership, communication and related skills).
- Create mentoring programs and women's networks.

This year, the WBA has planned a plethora of programs targeting substantive,

career-building and networking topics, all of which promise to be terrific. There are substantive programs with preeminent practitioners in areas of law like intellectual property and tax and business and litigation planned for this fall, as well as career development and networking programs. In fact, the WBA's first golf tournament is nearly sold out for October 3<sup>rd</sup>. (There are a few foursomes left, so please join us.) The Corporate Counsel Reception will be held in November and the Triennial Judicial Reception will be in the Spring. So please take advantage of these opportunities and use the WBA as your resource. We can make changes together.

### FALL 2001

Ser	ote	mber 2	2001	Wed	26	12:15 – 2:00 pm	WBA CAREER DEVELOPMENT COMMITTEE BROWN BAG LUNCH
•		12:15 – 1:30 pm	WBA TAX AND BUSINESS FORUM BROWN BAG LUNCH "New Developments in Estate Taxes— What They Mean For You" Miller & Chevalier, Chartered 1450 G Street, NW, Suite 900 (Metro Center or McPherson Square metro) Speaker: Maryann Mancini, Steptoe & Johnson \$7 for WBA members and students; \$12 for non-members Special package deal for WBA members—all 6 Tax and Business brown bag lunches for \$30				"Alternative Legal Careers: Transitioning from Practitioner to a New Professional Position" Featuring Art Hamm, professional corporate outplacement and career transition consultant Heenan Althen & Roles 1110 Vermont Avenue, NW, Suite 400 (McPherson Square metro) \$5 for WBA members, \$8 for non-members. Bring your own lunch. Contact: Gracemarie Maddalena, Spherion, (202) 737-9333
				0c	tok	er 200	)1
Tues	18	Noon – 1:00 pm	WBA INTELLECTUAL PROPERTY FORUM AND THE D.C. BAR IP LAW SECTION BROWN BAG LUNCH "Business Method Patents: Acquisition and Valuation" Finnegan, Henderson, Farabow, Garrett & Dunner 1300 I Street, NW \$8 for WBA or DC Bar members; \$10 for non-members Speakers: John Love, Director of Group 2100, U.S. Patent and Trademark Office and Linda E.	Tues	2	12:30 – 1:30 pm	WBA LITIGATION FORUM "E-Discovery 101: What Electronic Evidence Means to Your Case" Luncheon and Presentation sponsored by Applied Discovery and Piper Marbury Rudnick & Wolfe Piper Marbury Rudnick & Wolfe, 1200 19th Street, NW, 7th Floor \$10 for WBA members and students; \$12 for non-members, includes lunch Virginia CLE credit pending
			Alcorn, Esq., Director, Sterne Kessler, Goldstein & Fox, PLLC Contacts: Tracy Durkin (202) 371-2660 or Linda Alcorn (202) 371-2670	Wed	3	7:30 am	WBA First Annual Golf Classic 7:30 am—Registration/Continental Breakfast Warm-up 9:00 am—Shotgun Start
Wed	19	6:30 pm	WBA HEALTH LAW FORUM  Happy Hour  Gordon Biersch Restaurant  900 F Street, NW  Contact: Rachel Tumidolsky,				South Riding Golfer's Club, South Riding, VA \$100 individual; \$400 foursome—includes breakfast, lunch, warmup, prizes, etc. Registration form and information online at www.wbadc.org/wbagolfclassic.htm
			email: rtumidolsky@prodigy.net	Fri	5	9:30 am	LAWYERS AT HOME FORUM
Thurs	20	6:00 – 8:00 pm	WBA ANNUAL FALL KICK-OFF OPEN HOUSE Guest Speaker: Wilma A. Lewis, partner, Crowell & Moring, LLP. Guest Appearance by the Washington Freedom soccer team. The				"Lawyer-Parent 101" Cleveland Park Congregational Church 34th & Lowell Streets, NW Free for WBA and LAH members; non-members \$5 donation
			Homer Building, 601 13th Street, NW (Metro Center station) Cost: FREE, but please RSVP to the WBA Office Sponsored by White & Case, LLP	Wed	10	Noon – 2:00 pm	WBA WORKING PARENTS FORUM BROWN BAG LUNCH "Effective Communication in the Workplace"  Speaker: Udall DeOleo
Tues	25	12:30 – 1:30 pm	WBA SOLO AND SMALL PRACTICE COMMITTEE BROWN BAG LUNCH "Keeping Associates Happy" at the Lewis Law Firm 805 15 <sup>th</sup> Street, NW, Suite 200 (McPherson Square Metro)				Howrey & Simon 1299 Pennsylvania Avenue, NW \$8 for WBA members; \$10 for non-members Special package deal for WBA members, entire series for \$30
			Contact: Regina DeMeo, (202) 429-9400	Thurs	11	12:15 – 1:30 pm	WBA TAX AND BUSINESS FORUM BROWN BAG LUNCH
Tues	25	12:30 – 1:30 pm	GOVERNMENT ATTORNEYS FORUM Planning Meeting at the WBA office 815 15 <sup>th</sup> Street, NW, Suite 815 Open meeting. Bring your lunch.			1.50 μπ	"Smart Women Finish Rich: Effective Personal Financial Planning" Speakers: Adron Krekeler and David Brower, Morgan Stanley Dean Witter Miller & Chevalier 1450 G Street, NW, Suite 900 WBA Members and Students—\$7; Non-members \$12

### SALENDAR OF EVENTS

Wed 17 6:30 pm WBA HEALTH LAW FORUM Thur 12:30 -WBA TAX AND BUSINESS FORUM Happy Hour 1:30 pm **BROWN BAG LUNCH** Gordon Biersch Restaurant "Technology in the Law Practice" 900 F Street, NW Speaker: Kerry Adams Contact: Rachel Tumidolsky, Miller & Chevalier email: rtumidolsky@prodigy.net 1450 G Street, NW, Suite 900 \$7 for WBA members and students; 24 6:00 -Wed WBA GOVERNMENT ATTORNEYS FORUM \$12 for non-members 8:00 pm "What To Do After Work" White & Case, LLP Thur 15 WBA Corporate Counsel Reception 601 Thirteenth Street, NW, Suite 600 By invitation only. (Metro Center) Hosted by Baker & Hostetler Free, but pre-registration required 1050 Connecticut Avenue, NW Contact: Pat Apfelbaum, email: apfelbaum@juno.com Sat 27 8:30 am WBA COMMUNITY PROJECTS COMMITTEE America's Walk for Diabetes 17 8:00 am 14<sup>th</sup> Annual Help the Homeless Sat Freedom Plaza @ 14<sup>th</sup> & Pennsylvania Avenue, NW Walkathon Volunteers needed to assist with organizational (sponsored by the Fannie Mae Foundation) National Mall @ 7th Street Contact: Jocelyn Fisher, committee co-chair. WBA Community Projects Committee seeks (202) 467-2543; email: jfisher@aflcio-hit.com walkers to participate on the WBA team. Contact: Jocelyn Fisher, committee co-chair,

### November 2001

Wed 7 Noon – 2:00 pm WBA WORKING PARENTS FORUM

BROWN BAG LUNCH

"Client Development for the

Working Parent"

Speaker: Mary Adelman-Legg

Howrey & Simon

1299 Pennsylvania Avenue, NW

\$8 for WBA members; \$10 for non-members Special package deal for WBA members,

entire series for \$30

Contact: Mary Adelman-Legg, 703-759-0910

### 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!

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(202) 467-2543; email: jfisher@aflcio-hit.com

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

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# WBA First Annual Golf Classic Wednesday, October 3rd South Riding Golfer's Club South Riding, VA

Bring your clients...bring your friends...bring a sense of humor!

This event is loaded with prizes and fun. Everyone will feel like a winner!

Register today!
Call WBA at (202) 639-8880
or online at www.wbadc.org/
wbagolfclassic.htm



Individual players will be matched with others to complete a foursome.



### Annual Fall Kick-Off Thursday, September 20th

Attend this annual reception to help the WBA kick off a new season of stellar programs.

Meet the 2001-2002 Board of Directors and Committee & Forum co-chairs.

Network and learn about opportunities to become involved in the WBA.

6:00 pm-8:00 pm The Atrium at The Homer Building 601 13th Street, NW It's Free! Please R.S.V.P. to WBA Email: wba@wbadc.org

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