

THE BAR

Women's Bar Association of the District of Columbia

Words of Wisdom for Women Corporate Counsel

WBA welcomed Michela English, President of Discovery Consumer Products, as the guest speaker for our triennial Women Corporate Counsel Reception this past November.

English heads Discovery Communications, Inc.'s fast-growing consumer and educational businesses, which include Discovery-branded retail stores, a robust online shopping experience, mail-order catalogs, educational institutions and strategic third-party retail partners. English also has held the positions of President, Discovery Enterprises Worldwide, and President, Discovery.com, launching and rapidly developing new initiatives that build upon and enhance Discovery's television brands and consumer relationships.

The Honorary Committee for the event was composed of Megan M. Arthur, executive vice president and general counsel of Magellan Health Services; Diana M. Daniels, vice president, general counsel and corporate secretary of The Washington Post Company; Ann Kappler, senior vice president and general counsel of Fannie Mae and Maud Mater, executive vice president-general counsel and secretary for Freddie Mac.

Amidst the well-appointed backdrop of the Baker & Hostetler, LLP office suite, the group of over 100 women attorneys (mostly in-house counsels), listened intently as English touched upon the key qualities that today's CEO's and business leaders seek in a good corporate counsel. English observed several advantages in-house counsel possess and are able to leverage in their favor.



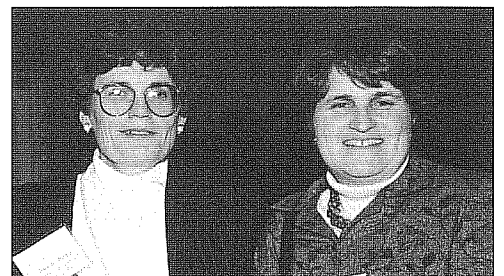
Michela English, President, Discovery Consumer Products.



L-R: Honorary Committee member Diana Daniels, Washington Post Company; keynote speaker Michela English; WBA President Deborah J. Israel, Piper Marbury Rudnick & Wolfe, LLP and WBA President-Elect Ellen Jakovic, White & Case, LLP.



L-R: Nancy Nord, Eastman Kodak; WBA President-Elect Ellen Jakovic, White & Case, LLP.



L-R: WBA Past President Jennifer Porter, Coates Davenport & Gurne, PLLC; Natalie Lichtenstein, The World Bank.

We're Moving!

see page 8 for the details

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HIGHLIGHTS

- 4**Personal Business Plan
- 3**How to Network
- 8**WBA is Moving
- 9**Hiring & Managing Associates
- 10**Managing Criticism
- 11**WBA Calendar

—continued on page 6

RAISING

Paparazzi

2001 WBA CORPORATE COUNSEL RECEPTION



A Publication of

THE WOMEN'S BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA

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Raising The Bar is published 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*, 1717 K Street, NW, Suite 503, Washington, DC 20036.



L-R: Kathleen Miles, Fannie Mae and Ann Pelham, Legal Times Publisher

L-R, below: Bonnie Pinzel, Fannie Mae; WBA Board Member Joanne Young, Baker & Hostetler, LLP; WBA Past President Pat Gurne, Coates Davenport & Gurne, PLLC; and Kathleen Troy, ITT Defense.



L-R: Betty Southard Murphy, '87 WBA Woman Lawyer of the Year, Baker & Hostetler, LLP and Dawn Oakely, Swissport USA, Inc.



L-R: Janet Penz and Beverly Burke, Washington Gas & Light Company



Client Development The Easy Way

PART TWO - HOW TO NETWORK

BY MARY ADELMAN LEGG

The first step in networking is to attend meetings that will attract people who may be in a position to benefit your career. You are very limited in your ability to meet new people if you do not go out, on a regular basis, for the primary purpose of meeting people. To determine which organization meetings you should attend, evaluate their subject matter and likely attendees. Would meetings, or at least particular meetings, of the Chamber of Commerce draw people who may be of value to your career? Many attorneys become involved in charities and political organizations, making significant donations, with the expectation that they will make valuable contacts. They do, but a key strategy to ensure making those valuable contacts is to become involved in the activities of the organizations. Committee work provides a chance to get to know key individuals on a personal level in a non-threatening atmosphere. Along the same lines, get involved with local bar organizations. Do not dismiss bar functions as not being worthwhile simply because virtually everyone in attendance is an attorney. Attorneys do make client referrals outside their law firms (their firm may not handle a particular type of case or may be conflicted out of a matter) and involvement in bar associations can highlight your abilities to prospective clients.

Once attending a meeting or function of your choice, make sure you meet someone new. Consider attending the function alone to ensure that you are not hanging onto your colleague (and that your colleague is not hanging on to you) for security, thereby limiting your ability to meet new people. You must remember that you are attending this function with the goal of meeting someone new. If you do attend with colleagues or know people at the event, be sure to introduce the people you know to people they don't know. The "favor" will be returned, and you could meet a friend of one of your old colleagues, while catching up with your colleagues.

If you are hesitant to start talking with someone whom you have never met, keep in mind that many go to functions to meet new people. It is common for people to strike up a conversation with the person standing next to them at the buffet or in line for drinks. If the event is seated, I recommend you not sit down until you must, and then once you

arrive at the table, introduce yourself with your hand outstretched and meet everyone at the table. You will have ample opportunity to speak with several people at the table.

Now that you have met a new person, what do you say? How do you know this is a person you want to meet? Fortunately, people love to talk, and they particularly love to talk about themselves. A few open-ended questions inquiring about the person or their reason for being there will provide you with plenty of information. Having the common bond of being a parent is a great connector – quite possibly the best. Parents can talk about their children forever! As enjoyable as talking about children is, however, I do recommend that you try to diversify the conversation and include some discussion about your professional lives.

Don't be too quick to judge whether a new acquaintance will be an asset for your network. I don't think any one factor or even a combination of factors can serve as an acid test for determining whether this person will benefit your career or otherwise contribute to your goals. Even someone who is your level in a firm – or even unemployed – can be a useful person to know. The D.C. legal market is close-knit, and they will know someone you need to meet.

When meeting someone, be careful to ask sincere questions and, above all else, listen to the answer they provide as though they are the only person in the room. Glancing around the room to see whom else you may want to speak with exceedingly disrespectful. Remember, one in the hand is worth two in the bush. If you enjoy the conversation with this person, if they seem like a person to whom you can relate, at least on a professional level, ask for their card, and give them yours. Offer to follow up to provide information you were not able to provide during this initial meeting, such as the name of a great vacation destination or hotel. But don't be disingenuous about it; if they are not interested in talking with you or in having you follow up with them, don't force the issue. If you are in a meet and greet situation, rather than seated at a table, and the conversation is not going well or you otherwise feel (and I do mean "feel" – listen to your intuition), shake their hand, tell them you enjoyed meeting them, and leave them alone. If they do give you their card (you may have to ask for it), when your conversation is over, make a note

on the card indicating where you met this person and anything else you learned about this person that you could remember.

Of course, you can meet more than one person per function, but by setting one person as your goal, you are not going to overextend yourself. Meeting one person and following up with that one person is a goal that is achievable. If you meet two or three people, that is great. But if you said you would follow up with them, make sure your honor your word.

Collecting business cards is just the beginning of networking. You must put the business card to use, immediately. If your conversation with someone did strike common ground, such that you need to follow up with her to provide additional information, you must do it by the next day. If you met her at a breakfast function, follow up by the end of that day. If there is no particular reason to follow up, send her a brief letter relating that you enjoyed meeting her, reference something that was said during your conversation, and conclude by noting that you look forward to speaking with her again.

This one contact after your initial meeting is just the first step in following up. In the gardening metaphor, you have now planted the seeds. Now you must water, fertilize, weed, and even spray before you may reap what you have sown. Attempting to reap too soon will only produce nascent seeds that may never sprout.

In their zeal to obtain clients, attorneys often try to immediately reap what they have sown. Unless you are an attorney with particular skills and a national reputation, one encounter, let alone one phone call, will normally be insufficient to sway anyone to turn legal work over to you. Moreover, asking for business too soon after meeting someone can be off-putting and may damage, delay, or even completely spoil the opportunity for business. The prospective client must become comfortable with you and your firm and develop trust

—continued on page 6



THE PERSONAL BUSINESS PLAN...

Developing a Road Map for Success

BY FELICE C. WAGNER

Have no fear: Personal business planning is not about writing a 50-page manifesto outlining every detail of every day of your professional life for the next 10 years. In fact, personal business planning can be as simple as you want to make it. You don't even have to call it a business plan—call it a career plan, if you prefer.

A personal business plan provides direction and focus to help you reach professional goals.

No matter how simple you make it or what you call it, personal business planning is about taking inventory of where you are, determining where you want to go, and building a road map for getting there. Once you have the plan in writing, all you have to do is revisit it periodically to check your course and make any necessary adjustments.

Still skeptical about the usefulness of personal business planning? Consider the following advantages:

- It allows you to chart a career course that matches your specific skills, abilities, and interests.
- It can help you to align your own goals with those of your firm.
- It becomes easier for you to review and revisit your goals on a regular basis, making sure that you do not stray too far off course.
- Because it can take years to develop legal business, a business plan focuses you on what you need to do now to ensure that you'll have business down the road.
- It will help you and your firm focus time and resources on those opportunities that offer the greatest chances for success.
- It can help you stay focused, even when you're bombarded with new ideas and opportunities. When a vast array of possibilities present themselves, your plan can serve as a personal constitution that forces you to make a careful analysis before making amendments or changing course.
- Finally, a properly written plan will help you measure and recognize the results of your efforts over time.

GETTING THERE FROM HERE

Here are some simple steps you can take to build your own personal business plan:

1. Take an inventory of where you are.

The first step in the personal business planning process is to survey your current situation. Often, it helps to ask yourself a series of tough questions. What are your strengths and weaknesses? What practice areas and professional activities most interest you? What is the status of your network and your reputation? How does your personal situation compare with external factors such as your firm's goals and objectives? Are your goals in line with the objectives of your firm? What about the status of your competition, both internally and externally? Are you looking to succeed in a field packed with attorneys having similar skills and goals? What are the trends taking shape in your geographic region, in your practice area, and in your clients' industries? Do your goals and objectives capitalize on these trends? Given this analysis, what threats do you need to avoid and what new opportunities can you capitalize on?

2. Determine where you want to go.

Now you know where you are, but where do you want to go? Think about creating a mission statement for yourself. I know it sounds corny, but the mere exercise of trying to come up with one is enlightening. Answer this question: Why am I practicing law and what do I want to achieve? The answer doesn't have to be unique or earth shattering—it just has to answer the question.

Your mission statement doesn't have to be long or particularly eloquent. In fact, you should try to keep it to one sentence. The most important thing to remember is that whether you want to become a partner in your firm, help the less privileged, become a judge, move in-house, or start your own firm, your mission is yours and yours alone. Your parents were right: You can do, and be, anything you want.

3. Build a map for getting there.

All that's left now is to figure out the steps between your current situation and your destination as described in your mission statement. The best way to map out these steps is to start at the end and work

your way back to your current situation. Here is how your analysis might work:

■ Establish long-term goals. To accomplish your mission, first think about what long-term goals you will need to achieve. For example, if your mission is to become a partner, you might want to set long-term goals of winning a certain amount of new business or developing a new practice area. You might also speak with those people responsible for making partnership decisions, to hear what they want to see you accomplish in order to support the decision to make you a partner. Once you know their expectations, you can align your long-term goals with their expectations. And you can make exceeding their expectations one of your long-term goals.

If you are already a partner, your mission might be to become one of the firm's top rainmakers. To accomplish this, one of your long-term goals might be to develop a certain percentage of new business from your existing clients over the next two years.

■ Set objectives for this year. To accomplish your long-term goals, think about what objectives you can achieve by the end of the year. To continue the above example, if your long-term goal includes developing new business, you might make it your objective to win two new clients this year that represent a certain percentage of your long-term business development goal. To develop a new practice area, you might try to work on three projects related to the new practice area. If your goal is to focus on developing new business with existing clients, your objective might be to have a certain number of face-to-face meetings with your current clients to discuss their business and legal issues.

■ Start implementing your strategies today. Finally, to accomplish this year's objectives, think about what short-term strategies or steps you can start taking immediately. For example, to win two new clients, you might determine that you need to build your referral network and become more visible in your practice area. That might mean taking a leadership role in an association, writing articles, and giving speeches. You might run for office in a bar association section that interests you. Or you might join

Toastmasters, to hone your speaking skills. Identify writing opportunities, you could develop better relationships with key people in your firm's marketing department so that they think of you when there is a suitable writing opportunity.

To accomplish your objective of working on three projects in a new practice area, you might determine that you need guidance and additional skills. Then you could identify a mentor with experience building new practice areas. To acquire new skills, you could take continuing legal education courses or seek out opportunities to work on the types of matters that will develop those skills.

To develop additional business from existing clients, you might start by scheduling regular entertainment outings with key clients, and in the meantime educate yourself about their businesses. What's going on in their industries? What do their most recent annual reports reveal about their strategies? Who are their primary competitors? What legal needs might these clients have that your firm is not currently serving?

The key to building your road map is to make sure that each activity you plan to undertake has a clear deadline and is as specific, objective, and measurable as possible (e.g., "I will take two CLE courses in complex litigation techniques by June 1" or "I will entertain Mr. Jones from ABC Inc. once each quarter").

Also, when it comes to planning, the biggest landmines are complexity and procrastination. Try to avoid creating a plan that overwhelms you or anyone you tell about it. And remember that any plan is better than no plan at all. Strive to keep your plan simple and start taking action now.

As an attorney, you're well-versed in the areas of analysis and logic. In every work matter, you look at the current situation and connect the dots to accomplish the desired objective. Apply the same approach to personal business planning, and the dots you connect will lead you to the career you've always wanted. ■

Felice C. Wagner, a former practicing attorney, is CEO of Sugarcrest Development Group, Inc. Her Washington-based firm gives seminars and training programs throughout the country on business development and client loyalty. She is also program chair of the Legal Marketing Association's Mid-Atlantic Chapter. She can be reached at (202) 462-7046 or felice@sugarcrest.com. (c) 2001 NLP IP Company. All rights reserved. Reprinted with permission.

GET YOUR OWN PLAN!

The WBA Intellectual Property Law Forum presents

PERSONAL BUSINESS PLANNING

February 6, 2002 8:30am – 10:00am with continental breakfast

Meet FELICE WAGNER and learn more about developing your own personal business plan and how to make it work for you.

Location: Finnegan, Henderson, Farabow, Garrett & Dunner 1300 I Street, NW
\$15 for WBA members; \$20 for non-members. Advance registration required.

MEMBERS ON THE MOVE

Lucy Thomson, WBA Past President, has earned an M.S. degree from Rensselaer Polytechnic Institute, with a specialization in Management, Information Technology and eBusiness.

Diane Brenneman was presented an award for Outstanding Pro Bono Legal Services by the Archdiocesan Legal Network of Catholic Charities. Brenneman is on the WBA Board of Directors.

Hazel Groman has been elected Vice President of the Women's Bar Association Foundation. Groman is also on the WBA Board of Directors.

Jocelyn Fisher has been elected Recording Secretary of the Women's Bar Association Foundation. Fisher is also co-chair of the WBA Community Projects committee.

Nancy Long, WBA Past President, was recently nominated for the Athena Award, which is presented annually by the Greater Rockville Partnership and the Women Business Owners of Montgomery County.

Ellen Jakovic, WBA President-Elect, has been elected to the Board of Trustees of the Doane Stuart School, a pre-K through grade 12 coed college preparatory school in Albany, New York.

Jinhee Kim Wilde has officially launched her candidacy for election to the Maryland House of Delegates. Wilde, a long-time Democrat, is seeking one of three seats to represent District 15. Wilde has also moved to the firm of Johnson & Yang, P.C.

Angela Fisher has joined Sally McLuckie Properties LLC as a licensed realtor. Fisher is co-chair of the WBA Speakers Bureau, and her new endeavor in real estate is in addition to her current employment.

Ann Bushmiller has been named to the Women's Bar Association Foundation Board of Directors, and chair of the Legal Affairs Committee of the Bates College Board of Trustees. Bushmiller most recently served in the White House as Associate Counsel to President Clinton.



Hazel Groman



Jinhee Kim Wilde



Angela Fisher



Ann Bushmiller

WELCOME 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!

Tamara Ashford
Dayna Ann Barnette
Beverly Burke
Larissa Byers
Lindsay Childress-Beatty
Karen Christensen
Blessed Chuksonji
A. Lindsey Crawford
Stacy Delahunt
Elizabeth Diaz
Jeanne Falstrom
Allison Gassner
Nancy Grunberg
Constance Hannigan
Arielle Harry-Bess
Lisa Hodes
Diara Holmes
Suzanne Hruby
Sylvia Huckaby

Jennifer Kocher
Susan Kovarics
Wilma Lewis
Sylvia Lis
Allison McDonnell
Mary Margaret McLeroy
Ana Montiel
Nancy Nord
Paulette Parker
Jinnah Rose-McFadden
Deborah Roy
Michelle Schoeppe
Lisa Sofir
Natania Soto
Carroll Ann Varnon
Monica Welt
Hannah Williams
Stephanie Wilson

—continued from the cover

According to English,

- In-house counsel have the advantage of understanding the overall business context of a particular transaction;
- More often, they'll take a long-term view of what is in the best interest of the corporation;
- They are able to draw upon the all-important institutional memory when making recommendations or decisions;
- They have pre-existing personal and professional relationships with their colleague "clients." These relationships play a pivotal role in getting things done in the corporate environment.

Some of the challenges English perceives in-house counsel face:

- Company executives see themselves as clients and there are typically a lot of them, potentially with conflicting priorities.
- Helping fellow executives understand that the company is the client, not the individual executive.
- In-house counsels can sometimes get stuck with the awkward role of "traffic cop" if different executives or divisions have competing objectives.
- The "speed trap" ...an executive's push to get to the desired outcome may compromise the legal process or create discomfort for the in-house counsel. Many in-house counsels are generalists and may be hastily pushed into areas where they do not feel they have appropriate expertise.
- In-house counsel must continually make the effort to get involved early-on in business issues, and to stay involved. This is critical to their success.

On personal and professional qualities English values in corporate counsel:

- Ability to see the big picture and to understand the overall business context and goals of the organization.
- Flexibility. Being able to focus on the desired outcome rather than the process.
- Good judgment.
- Good business sense. A genuine interest in, and commitment to, achieving business results.
- A sense of humor is vital. ■

The WBA Corporate Counsel Reception was organized by WBA Past President Jennifer Porter of Coates, Davenport & Gurne, and by Patricia Apfelbaum, a former WBA Board member.

—continued from page 3

and confidence in your abilities before even considering giving you business. Additionally, you may have to give the prospective client a reason to use your services. She may have been using the same attorney or firm for years, and may be very pleased with the work she has been getting.

Keep in mind that many companies have firmly-established procedures that must be followed before they can send legal work to a firm. In an effort to contain costs, many companies require that the firm be placed on an "approved list" of firms to use. Achieving the status of an approved firm can be a laborious task, even if you do have the right contacts. If, however, you do not have the right contacts at the company, your chances of being placed on the approved list are miniscule. All of these obstacles can be overcome if you are willing to put in the time and effort. ■

Mary Adelman Legg, founder of Firm Advice, Inc., places attorneys in both law firms and corporations, and is Co-Chair of the WBA Working Parents Forum.



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ANNOUNCEMENTS

From the Council

for Court Excellence

Educating on Applying for Family Law Judicial Vacancies

The Council for Court Excellence is undertaking a campaign to inform attorneys experienced in the field of family law about coming judicial opportunities. The Council is conducting general information sessions and a more specific "how to" session on the mechanics of the application process. For specific details contact Andrea Larry at the Council for Court Excellence, (202) 785-5917, www.courtexcellence.org.

Court Observation Project

The Council is also seeking volunteers to participate in their Court Community Observers Project. The project will be marshalling community volunteers to do in-court observation in the Criminal Division of the DC Superior Court from January through March 2002. The observers' findings and recommendations will be presented in a public report. Volunteers must be at least 18 years of age; be objective in evaluating the courts and their personnel; and be free of any conflicts of interest that could create the appearance of bias. To request more information,

including the volunteer registration form, contact Peter Willner at the Council for Court Excellence, (202) 785-5917, www.courtexcellence.org.

The Veterans Consortium Pro Bono Program

The Veterans Consortium Pro Bono Program is seeking attorneys to represent appellants before the Court of Appeals for Veterans Claims. Most cases can be completed in 50 hours and only those appeals that appear meritorious and meet income eligibility guidelines are referred to volunteers. Volunteers attend a training program, and receive a copy of the Veterans Benefit Manual, a comprehensive guide to litigating veterans benefits claims. For more information or to volunteer, contact the program at (202) 265-8305, ext. 126.

BPW/USA Policy and Action Conference

The Business and Professional Women/USA annual Policy and Action Conference will be held February 13-15, 2002, at the Wyndham Washington Hotel. The conference theme is "Workplace Equity and Work-Life Balance" and features sessions on advocacy and lobby-

ing, workplace equity; and balancing work and family. Participants also will attend a luncheon featuring members of Congress, and a half-day of visits on Capitol Hill. For more information contact Jennifer Sweeney, Manager of Public Policy at BPW/USA, (202) 293-1100, ext. 132, www.bpwusa.org.

Special Thank You **to Cynthia Calvert**

WBA wishes to thank Cynthia Calvert for her service as the editor of *Raising the Bar*. Since its introduction as a quarterly publication in Fall 1999 up through the Fall 2001, Calvert spent



countless hours managing the production of the publication and shaping it into a quality piece that provides a great service to WBA members.

Women Lawyers

Connect with in-house counsel throughout the country

For over a century, the National Association of Women Lawyers® has been dedicated to expanding professional opportunities for women lawyers. As part of its mission, NAWL publishes the **National Directory of Women-Owned Law Firms and Women Lawyers®**.

The Directory collects under one cover the names and specialties of hundreds of women lawyers throughout the United States, by practice area and location. NAWL distributes the Directory at no cost to bar and professional associations and in-house counsel at many of the largest corporations throughout the nation.

Non-women-owned law firms that list their women attorneys in the Directory demonstrate to clients, potential clients, law students and potential employees their support and respect for the contributions of their women attorneys.

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The National Association of Women Lawyers®

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News from the Office...



NEW STAFF

MEMBER WBA welcomes Sandy Quimbaya as the new administrative assistant. Sandy recently graduated from Trinity College here in Washington, DC. Sandy will assist in providing member

services. Members can reach her at sandy@wbadc.org.

EQUIPMENT DONATION WBA thanks WBA Board member Heidi Sorensen for her donation of a new scanner for the WBA office.

CALL FOR NEWSLETTER VOLUNTEERS

Do you have a way with words? WBA is seeking members to assist with writing and editing articles for Raising the Bar. Contact WBA Board member Diane Brenneman for a description of what is involved. Diane can be reached at (202) 362-1161 or dmbrenneman46@aol.com.

BOOKS DONATED THROUGH HOLIDAY

GIVING Over 100 children's books were collected at the WBA Holiday Party on December 4th. The books were eagerly received by Everybody Wins D.C., a program that promotes children's literacy through shared reading experience which can bolster children's self-esteem and expand opportunities for their success. Thanks to all who participated in the effort.

WOMAN LAWYER OF THE YEAR

The Nominations Committee seeks nominations for the Woman Lawyer of the Year Award, to be presented at the 2002 WBA/WBAF Annual Dinner. Send nominations to: Awards Committee, via fax: (202) 639-8889 or via email: wba@wbadc.org. **Deadline: February 5, 2002.**

WBA HEADQUARTERS RELOCATING

Effective January 31, 2001 the new WBA address will be:

1717 K Street, NW, Suite 503

Washington, DC 20036

Phone remains same: (202) 639-8880

Fax remains same: (202) 639-8889

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Hiring and Managing Associates...

A REFRESHER FOR SOLO AND SMALL PRACTITIONERS

BY REGINA A. DEMEO

GETTING STARTED

Prior to hiring an associate, the solo practitioner or small law firm should conduct an internal analysis to determine if this is truly in the firm's best interest. Factors to consider include (i) the amount of work transferable to an associate; (ii) the quality of the work, e.g., having direct contact with clients, drafting substantive documents, being primarily responsible for cases; (iii) the financial ability to support an associate's salary and benefits, as well as the additional office equipment and space necessary; and (iv) the availability for training and mentoring of the new associate. From this analysis, the firm may conclude that instead of hiring an associate, it only needs a law-clerk, an experienced paralegal, a part-time associate or a contract attorney.

Once the decision is made to hire a full-attorney, contact the career development centers at the local law schools. These career centers typically do not charge for the employment listings, which may be geared to not only students about to graduate, but also to alumni with a few years of experience. In addition to printed advertisements in local periodicals, word of mouth advertisement should not be overlooked, particularly in specialized practice areas.

Throughout the interview screening process, the employer should not only focus on the potential candidate's qualities, but also discuss the firm's qualifications. Traits that associates will look for in their employers include (i) opportunities for mentoring; (ii) an employer's availability to discuss issues that may arise; (iii) a clear sense of direction for the firm, e.g., a developed marketing strategy, vision of growth; (iv) receptiveness to new ideas; (v) opportunity for client-base development; and (vi) understanding with respect to family/personal obligations.

MANAGING ASSOCIATES

Once you have hired your associate, do not assume that the interview process is over. Just as you will continually analyze the associate's capabilities, the associate will be assessing the firm to determine if there is a future for him/her at the firm. The goal is to have a give and take relationship; if that goal is not being met, the relationship will not endure.

Effective communication is essential to the assurance that everyone's expectations are being met. Do not assume that because you are interacting on a daily basis with your associate you are communicating effectively. It is very common for one person's behavior, as well-intentioned as that individual may be, to be misinterpreted by another. Without an open-dialogue, issues are not addressed and resentment/alienation builds, which eventually leads associates to leave. Therefore, to facilitate the communication process, time should be set aside on either a daily or weekly basis to discuss an associate's case load, answer any questions that the associate may have with respect to his/her assignments and address any other concerns.

Do not assume that because you are interacting on a daily basis with your associate you are communicating effectively.

An official review, which should cover the firm's visions/goals as well as a review of the associate's work and salary should be held every six months or twelve months. Prior to conducting a review, the employer should ascertain the following:

- ▼ The associate's billable hours for the past six/twelve months.
- ▼ The associate's non-billable activities, including pro bono work, publications, awards, committee memberships and participation in various bar associations.
- ▼ The quality of the work performed by the associate, as well as the possibility of increasing the associate's involvement in substantive tasks.
- ▼ The average salary for an associate in that field, at that level.
- ▼ The firm's growth/development/marketing plans.

FINAL THOUGHTS

Even the best employers lose employees, therefore, the employer must be able to accept this as a cost of doing business. Natural reasons for an associate's decision to leave may include (i) a desire to change practice area or pursue another career; (ii) the need to attend to family obligations and/or personal matters; or (iii) the lure of a higher salary. With respect to the latter, while money is not everything, the average law student is graduating with \$100,000 in student debt, which requires repayments in excess of

\$1,000 per month; this makes compensation a critical factor for many associates.

Although small firms typically cannot compete with the salaries offered by the larger firms, they tend to offer associates a better quality of life with more flexible schedules and/or less demanding hours. By



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RESTORING CIVILITY TO LAW FIRM RELATIONSHIPS: Effectively Managing Criticism

ELLEN OSTROW, PH.D.

Countless women attorneys have described to me their ongoing concerns about being harshly criticized by angry partners – not necessarily men – in their firms. Some women were dressed down, loudly and harshly, in front of other lawyers in the firm. When I suggest that they respond by setting limits, they insist that any statement of protest will be taken as confirmation that they're "not tough enough" to be successful in the firm. Not surprisingly, many of these women conclude that the only way to protect themselves from verbal assault is to change professions.

This belief creates a lose-lose situation for any attorney who accepts it. If you tolerate verbal abuse, it will undermine your confidence and distract you from the work to which your gifts, passion and training have led you. Tolerating this kind of criticism doesn't demonstrate your toughness; rather, it signals that you are afraid of responding, leading your critic to believe that s/he can treat you like that again.

As we all know, abusive criticism is ineffective. Management literature abounds with evidence that recognition of success encourages more success and that feelings of powerlessness and humiliation interfere with productivity.

The fact is, standing up for yourself in the face of unwarranted or inappropriately harsh criticism is a sign that you are "tough enough." My own experience and conversations with successful women lawyers suggests that a carefully planned approach to this situation can be extremely effective.

You can learn to handle your "critics" with the same kind of skill that makes you successful in advocating for your clients. "Emotionally intelligent" responses to verbal assaults can increase the probability of your success in your firm, and in legal practice in general. Here are some suggestions about how to respond to harsh, inappropriate, or ad hominem criticism:

1. FEELING HURT IS NOT A SIGN OF YOUR FAILURE

Try to take criticism less personally. That does not mean it shouldn't hurt. Everyone feels humiliated when she's treated disrespectfully. But don't attribute this kind of criticism to your own failure. Even if you

made a mistake, no one deserves to be treated unjustly.

Often, the attorneys who speak in a demeaning manner may not even be aware of their style or its impact. If you hear the criticism as malicious, you'll feel hamstrung. Consider the possibility that what you're hearing is the uncontrolled voice of an overworked and stressed partner who has no idea how he comes across. Above all, don't buy into the idea that being hurt means you're not "tough enough" or a good-enough lawyer. All it means is that you're human.

2. WAIT FOR YOUR CRITIC TO COOL DOWN

Let the person criticizing you cool down before you respond. Communicate your willingness to address substantive issues, but use your "social radar" to gauge the other person's readiness to resolve the conflict. Sometimes the best you can say is, "I can see you're upset. Let's meet tomorrow to discuss this."

3. RESPOND TO THE COMPLAINT

Distinguish between the "what" and the "how" of the criticism. If the complaint has merit, take appropriate responsibility. But don't be self-denigrating. Communicate your genuine regret about any mistakes you made – but keep them in perspective.

It's also important to communicate your desire to learn and your need for training and mentoring. Lawyers under pressure can have very unrealistic expectations of less experienced attorneys. All you can do is your best – acknowledge your limitations, and seek information and guidance from mentors. You're less likely to make egregious errors this way.

4. RESPOND TO HOW THE COMPLAINT WAS EXPRESSED

The "how" refers to the manner in which the criticism is delivered. If the tone or working is inappropriate or disrespectful – regardless of its validity – then you need to address this.

First, try to assess your critic's mood and receptiveness. Be sure you're calm enough to show a willingness to work things out. Plan a response that is diplomatic and tactful. Try to reduce defensiveness with a softened "start up" – thank the other person for his willingness to discuss the issue. It's important to state your concerns in neutral lan-

"Being hurt by anger and criticism is not gender-specific. Secretary of defense nominee Bobby Ray Inman withdrew his nomination because he did not want to deal with what he regarded as extreme and unfair attacks. This sparked a new round of criticism for him being too 'thin-skinned.' In this connection, columnist Meg Greenfield wrote that 'thin skin is the only kind of skin human beings come with.'"

—DEBORAH TANNEN, "TALKING FROM 9 TO 5 - WOMEN AND MEN IN THE WORKPLACE: LANGUAGE, SEX AND POWER." AVON BOOKS, 1994. P. 190.

guage and with a non-argumentative tone. You might say something like, "I know you were really upset about... and I can understand that. I'm sure you didn't intend to be hurtful, but I wonder if you realize how demoralizing it can be to be on the receiving end of your criticism when you're that upset. I'd really like us to maintain a good working relationship. Can we talk about other ways we can handle problems when they come up?"

In my experience, this kind of response usually meets with some embarrassment and regret. Move on to something else quickly enough to allow your "critic" to save face. If you've received some kind of apology, and most likely you will, then you've created a more respectful and equitable relationship.

If you're "critic" reacts defensively, then it's probably time to talk to people in the firm with whom you've forged alliances. If they justify his behavior and criticize your reaction, you may want to consider working elsewhere. Most likely, other lawyers will want to support you. But don't expect them to be openly critical of their colleagues. They'll probably prefer to handle things behind the scenes.

5. BE OPTIMISTIC AND CONFIDENT

It's easiest to practice self-advocacy when you're optimistic and self-confident. By optimism, I mean that you're able to generate possible solutions to a problem, rather than resigning yourself to helplessness. Colleagues, mentors and coaches can help

—continued on page 11

Save the Dates!

for Reducing Stress

January 22, 2002 — 12:00 pm to 1:30 pm

Law is an extremely stressful occupation. Long hours, short deadlines, difficult opposing counsel, and demanding clients are all in a day's work. Add to that the demands of balancing family and work, worries over career advancement, and keeping up with volunteer commitments. How can you cope? The WBA Solo and Small Practice committee will present a 90-minute workshop helpful to all types of attorneys on reducing stress. In the workshop you will learn to identify primary stressors and ways to reduce their occurrence; employ calming techniques to maintain equanimity in stressful situations; and respond rather than react to difficult people and events. The program will be lead by Erika Neil, stress reduction, professional development, and mindfulness meditation instructor. Neil holds a bachelors degree from Harvard University, a law degree from Columbia University, and a Masters degree in social work from Catholic University. Location: Miller & Chevalier, 655 15th Street, NW, Suite 900 (McPherson Square metro). \$5 for WBA members and students; \$10 for non-members.

Going In House to Find Balance – Dream or Reality?

February 14, 2002 — 12:15 – 1:30pm

Hear from panelists including Harriet Mountcastle-Walsh, General Counsel at Honeywell Technology Solutions, Inc. and Honeywell Defense and Space Systems. This former DC law firm partner will provide personal insight from someone who's been on both sides. Cynthia Calvert, Project for Attorney Retention, will discuss issues relating to attorney retention in corporations. This program is co-sponsored by the WBA Working Parents and Tax and Business Forums.

Location: Miller & Chevalier

655 15th Street, NW, Suite 900

\$10 for WBA members; \$13 for non-members.

continued from page 10

you generate solutions when you're having difficulty doing so on your own.

Self-confidence comes from a clear recognition of your talents, gifts and skills. Make a list of all the assets you bring to your firm and your profession and update this regularly. If you're a young associate this might be difficult. A coach can help you accomplish this.

Your confidence will increase each time you successfully handle conflict. Avoidance, on the other hand, is not confidence-building. Doing something difficult and anxious-producing strengthens your ability to handle tough situations – with your cases or with your colleagues.

Ellen Ostrow, Ph.D.

LawyersLifeCoach.com ellen@lawyerslifecoach.com

WBA CALENDAR OF EVENTS

January

THURSDAY, 17 6:30PM

IP Forum Planning Meeting

Location: Sterne Kessler Goldstein & Fox

1100 New York Avenue, NW, Suite 600 (West elevator tower)

TUESDAY, 22 12:15PM – 1:30PM

Tips for Reducing Stress Brown Bag Lunch

Location: Miller & Chevalier, 655 15th Street, NW, Suite 900

\$5 for WBA members and students; \$10 for non-members

TUESDAY, 29 8:30AM – 3:45PM

Women in Government Relations - Professional Development Day 2002

Location: Capitol Hilton, 1600 K Street, NW

Contact: Kelly Dalton, Women in Government Relations (202) 589-2804

February

WEDNESDAY, 6 8:30AM – 10:00AM

Power Breakfast: Personal Business Plans

Location: Finnegan, Henderson, Farabow, Garrett & Dunner

1300 I Street, NW, McPherson Square Metro

\$15 for WBA members; \$20 for non-members

THURSDAY, 14 12:15PM – 1:30PM

Going In-House to Find Balance – Dream or Reality?

Location: Miller & Chevalier, 655 15th Street, NW, Suite 900

\$10 for members; \$13 for non-members

TUESDAY, 26 12:15PM – 1:15PM

Hot Topics in Ethics with Ernie Lindberg, DC Bar Ethics Counsel

Location: The Lewis Law Firm, 805 15th Street, NW

\$5 for WBA members and students; \$10 for non-members

March

WEDNESDAY, 6 12:00PM – 1:30PM

"Money Shy to Money Sure" with Olivia Mellan

Location: Miller & Chevalier, 655 15th Street, NW, Suite 900

\$10 for members; \$13 for non-members

FRIDAY, 8

WBA Judicial Reception *Details to be announced.*

WEDNESDAY, 20, 12:00PM – 1:30PM

Luncheon Discussion with The Honorable

Roscoe C. Howard, Jr., U.S. Attorney for the District of Columbia

Location: Sidley Austin Brown & Wood, 1501 K St., NW, 6th Flr

\$20 for WBA & ABA Young Lawyers-White Collar Crime Section. \$25 non-members.

RSVP and payment required in advance. Lunch will be served.

April

WEDNESDAY, 10 12:15PM – 1:15PM

Marketing Yourself into a Reasonable Work Environment

Location and cost to be announced.

WBA Board of Directors Elections

TUESDAY, APRIL 16

What Judges Want: Effective Advocacy in Technology and IP Cases

Featuring The Honorable Paul R. Michel, U.S. Court of Appeals for the Federal Circuit. *Details to be announced.*

May

THURSDAY, 16

WBA/WBAF Annual Dinner

Celebrating WBA's 85th Anniversary

National Building Museum, 401 F Street, NW

To register for any of these events, call 202-639-8880.

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Interested in becoming a Sustaining Member?

Sustaining Members support the WBA by contributing at an annual dues level of \$250. These contributions assist WBA's efforts to keep dues at a minimum for the rest of the organization, and our efforts to provide quality programs and member services. In return for this support, Sustaining Members are invited to all WBA programs, including events such as the recent "invitation only" Corporate Counsel Reception, and the President's Reception at the Annual Dinner. Look for the list of Sustaining Members in each issue of *Raising the Bar*.

W B A

Judicial Reception

MARCH 8, 2002

IN PARTNERSHIP WITH

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The Women's Bar Association is pleased to announce that we will partner with the National Association of Women Judges (NAWJ) in the offering of our triennial reception honoring members of the judiciary.

Leadership from the National Association of Women Judges will be in town for their mid-year meeting, and will join us on Friday evening along with a host of local judges.

Mark your calendar now, and watch your mail for the invitation and further details on this prestigious event.

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