



■ Chief Judge Annice Wagner

"Chief Judge Wagner is an outstanding selection as our 2003 Woman Lawyer of the Year. Her efforts to combat gender bias in the courts and to promote and mentor young women attorneys have paved the way for the next generation of women lawyers and judges."

— WBA President Ellen M. Jakovic

"Chief Judge Wagner has led the D.C. court system—during a time of great change and expansion—with grace, great public presence, and an overriding concern for protecting the core mission of the courts."

—Hon. Gladys Kessler,
United States District Court
for the District of Columbia

The Honorable Annice Wagner Named as 2003 WBA Woman Lawyer of the Year

The Women's Bar Association of the District of Columbia has named the Honorable Annice Wagner, Chief Judge of the District of Columbia Court of Appeals, as this year's recipient of its prestigious Woman Lawyer of the Year Award. Judge Wagner's award adds additional luster to the already extraordinary career of a longtime supporter of the WBA and the local bar.

"Chief Judge Wagner has reached the pinnacle of our profession as the Chief and Presiding Judge of the highest court of the District of Columbia," commented WBA Board Member and experienced D.C. Court litigator, Diane M. Brenneman. Judge Wagner's road, however, was not an easy one nor one to which women were easily or readily admitted. She was the first woman to serve as General Counsel of the National Capital Housing Authority, then a federal agency. At the time of her appointment to the Superior Court in 1977, the bench was composed predominantly of male judges.

Leading the way, Judge Wagner has steadfastly and actively supported the appointment of qualified women to the bench. Today, women hold close to half of the judicial positions on the Superior Court. As chairperson of the Task Force on Gender Bias in the Courts, Judge Wagner directed a comprehensive study of the bias in our local courts and actively sought ways to eliminate the subtle and pernicious discrimination against women in the legal profession. In October, 2002, Judge Wagner spearheaded the organization of a conference devoted to a ten year retrospective of the work of this task force, as well as the Task Force on Racial and Ethnic Bias. She is ever mindful of the need to be constantly vigilant to protect and promote the rights of women.

Chief Judge Wagner was appointed to the D.C. Court of Appeals in 1990 by President George H. Bush. She has served as Chief Judge since 1994, and recently was reappointed

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PRESIDENT'S COLUMN

Toppling the Maternal Wall, Shattering the Glass Ceiling

BY ELLEN M. JAKOVIC



Since the 1970's, women have entered the legal profession in increasing numbers. Women now constitute almost 30% of American lawyers and over 50% of law school entering classes. Increasingly, many of us expect to combine, or already are combining, a career with significant family responsibilities.

What we are discovering, however, as documented in the recent study by the ABA Commission on Women in the Profession, *Balanced Lives: Changing the Culture of Legal Practice*, is that traditional legal workplaces designed for men with little or no family responsibilities who can devote virtually unlimited time and energy to their careers, are not compatible with many women's lives. Women attorneys struggle unsuccessfully to fit into the male competitive model, while shouldering the lion's share of domestic and child-rearing responsibilities. The result is an alarmingly high attrition rate for women attorneys, especially among law firms, and thus, a significant barrier to the advancement of women attorneys into leadership positions.

Although legal employers increasingly are adopting alternative schedules and flexible workplace arrangements to improve work/life balance, these policies frequently are inadequate, not truly supported by management, or viewed as jeopardizing career advancement. Indeed, many law firm policies do not allow women to advance toward partnership. The Commission's recent study reports that although about 95% of law firms have policies that allow part-time work, only 3% of lawyers actually use these policies. Moreover, many firms that allow reduced-hours schedules significantly restrict their availability. Only 6 percent of surveyed firms make their programs available to all lawyers, irrespective of seniority or practice area.

The inability to achieve work/life balance in the legal profession is not just a "mommy"

issue, although its impact is manifested disproportionately among women with families.

Recent surveys by the National Association for Law Placement and Catalyst, a national non-profit organization dedicated to advancing women in business and the professions, document that the single biggest source of dissatisfaction among both men and women lawyers is the inability to achieve work/life balance. At a recent WBA Communications Forum program titled *The Glass Ceiling Revisited—A Reality Check for Women in the Workforce*, Ange Williams, Counsel at Bryan Cave LLP and a member of the ABA Commission on Women in the Profession, confirmed that women attorneys without families increasingly are dissatisfied with careers that do not allow time for personal interests or commitments.

Still, women attorneys without family responsibilities may be more worried about the glass ceiling than work/life balance. To shatter the glass ceiling, however, we first need to increase the number of qualified women attorneys in the workforce at the time of decisions on partnership and promotion. And that means slowing significantly, if not stopping, the exodus of women from traditional legal employers for work/life reasons. As Professor Joan Williams, Director of American University's Project for Attorney Retention, explains: "Most women never get near the glass ceiling; they are stopped by the maternal wall."

It's time we topple that wall.

The WBA has been at the forefront of effort by promoting meaningful work/life policies that offer realistic opportunities

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A MATTER OF FOCUS

The Shy Lawyer's Guide to Disciplined Business Development

BY FELICE WAGNER

Until he saw Elizabeth in action, John thought he was a rainmaker. A new partner at a prominent Manhattan law firm, John had carefully prepared a personal business plan—after last year's firm retreat—that tied his career goals to his firm's most important objectives.

Since then, he had written several articles on topics important to his clients and spoke at twice as many events as any other new partner in the firm. The number of networking events he'd attended? He lost count at 15. And he'd been quoted in several prominent publications including the *Wall Street Journal* and his prospective clients' favorite industry rags. As far as he could tell, he was doing all the big things right.

Enough, the business was beginning to trickle in.

Elizabeth, also a new partner in the same firm, was known for her technical expertise but she lacked the gregarious personality of the traditional rainmaker. Like John, she had taken definite although less ambitious steps to build her reputation in the marketplace. Yet here's the kicker: In her first year as partner, she generated three times as much business as John did!

John wanted to know the secret. Fortuitously, Elizabeth was on a potential client's short list and was planning to meet with the in-house attorney responsible for hiring outside counsel. She invited John to accompany her.

Here's what happened.

PREPARATION

First, John and Elizabeth met to discuss what they knew about the client and to go over their approach to the upcoming meeting. While John had gathered some useful information, he was impressed by the degree to which Elizabeth had studied the client and its situation. In addition to checking for conflicts, she had gathered a wealth of information in five key areas:

- The client's organization
- The client's business
- The client's legal issues
- The client's competition
- The firm's competition

It was clear that she had scoured all available resources, from the firm's vast Intranet and reference library, to legal research applications and online databases. In addition, she had talked to several colleagues and referral sources. She had a solid grasp of data ranging from career histories and financial performance to the competitive landscape and industry trends. She had even bookmarked the prospective client's Web site so she could quickly access the latest information.

For Elizabeth, each new piece of information prompted further questions, many of which she had written in a notepad but had already committed to memory. She also had several ideas about where her firm's services might be of value and about ways in which the prospective client could benefit from an introduction to two of the firm's existing clients.

As John heard her, Elizabeth spoke with a blend of passion, curiosity and caring—as

if each piece of information about the prospective client was precious. Her preparation and eagerness to question made John feel as though, by comparison, he'd been winging it.

PEERAGE

On the way to the prospective client's office, John and Elizabeth discussed the way in which she planned to approach the meeting. Elizabeth explained that she preferred to keep things as simple as possible and focus on learning as much as she could about the client's situation. There were no PowerPoint slides or copies of the firm's glitzy brochure, just a well-prepared lawyer with a curious mind, a caring attitude and a notepad.

As they entered the prospective client's office, John and Elizabeth couldn't help but notice the golf trophy and the family portrait. While John would have made these items the topics of small talk, Elizabeth resisted the urge to trade on personal connections. Instead, she focused on the professional ones, including law schools, colleagues, and industry associations.

Later, Elizabeth told John that she felt that the best way to build rapport (the

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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!

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A MATTER OF FOCUS

foundation of mutual respect and trust) was to achieve "peerage," that is, helping the prospective client see the lawyer as his or her professional equal. She had learned from experience that peerage was best established on a professional level.

"Peerage earns you the right to listen, discuss important issues, ask difficult questions, and move the prospective client to the next step in the business development process," said Elizabeth. "It also earns you the right to connect on a more personal level later in the relationship."

"I noticed in your bio that you were at Law Firm X before you moved in-house," Elizabeth said to the prospective client. "What led you to make that move?"

The prospective client talked about the litigation she was handling for the company, which led to some very close professional relationships with members of the in-house team. As she spoke, connections popped naturally into Elizabeth's mind. She had recently read an article and attended an industry event about the interesting trend of lawyers moving in-house. She also knew a colleague who had worked on the same piece of litigation.

Elizabeth acknowledged the connections and quickly succeeded in breaking the ice and establishing peerage. Already, this meeting was taking a different course than John's meetings had in the past. The difference was subtle but palpable. John was beginning to understand Elizabeth's success.

BITE YOUR TONGUE

Sensing the client was at ease, Elizabeth waited for a comfortable pause in the conversation and said, "You know, Tom, I'm very interested in learning more about you, the organization, and the issues you're facing. If it makes sense to you, John and I would like to briefly tell you about ourselves and our firm and then spend most of our time together learning about you."

Elizabeth took no more than two minutes, starting with herself—her education, brief career history, decision to join the current firm—and ending with her current position, roles and responsibilities. She also touched on some of the firm's key competitive

advantages. Since she didn't know which of them mattered to Tom, she gave only enough detail to whet his appetite. As she spoke, John noticed that Tom was nodding approvingly and pointing out some other common professional ties, further evidence of peerage.

As they had agreed, John followed Elizabeth's lead with his own brief introduction, which was much shorter than his normal. It seemed odd to him, but he followed her lead.

They had established rapport and it certainly appeared that Tom was seeing John and Elizabeth as his equals. During a pause in the conversation Elizabeth moved to the next step.

"Now, Tom, John and I would like to learn more about your situation and see if there aren't some ways we can help you."

At this point, John could tell that Tom felt very comfortable with them and, in response to Elizabeth's request, he did indeed begin to tell them his story. John and Elizabeth were now taking notes. After a few minutes, John glanced at Elizabeth's notes and saw that she had jotted down a couple of stories to relate to Tom. They were about matters she had just successfully completed with what appeared to be very similar fact patterns.

In fact, Elizabeth and John had discussed these matters in some detail before the meeting. John now thought it interesting how she bit her tongue, and wrote herself a note to remember to tell the stories at a more appropriate time. He wasn't so sure he would have been able to hold back like that.

As the conversation progressed, Elizabeth began to clarify the root issues defining Tom's problem. She also tried to determine how the hiring decision would be made by asking questions that dug deeper into those issues and encouraging Tom to continue talking. Most of her questions began with *who, what, where, when, why, or how.*

- What are the key issues?
- How did they come to know about them?

- Have they had to address similar issues in the past? If so, how did they handle them?
- How do the issues impact the company?
- What is Tom's personal interest in these issues? How will the outcome impact him?
- What does success look like to them? How will they measure success?
- Who else will be involved in the selection of a firm? What are the key factors that will drive the decision?
- What is the timeline for selecting a firm?

As Elizabeth moved through the questioning process, she discovered some very interesting things. First, while Tom seemed generally pleased with the technical work of outside counsel on past projects, he had concerns about service and responsiveness, both of which he clearly considered vitally important.

In addition, John and Elizabeth learned that Tom was on the short list of candidates for the general counsel spot and that the corporate decision-makers were very process-oriented and cost conscious. Although he didn't say so, Tom gave the impression that the success he achieved on this matter could very well determine his professional fate.

John and Elizabeth also learned a significant amount about the selection process. Although Tom had the final say, he planned to consult with a small team of in-house colleagues before making a decision on hiring outside counsel. In fact, each member of that team was meeting with outside counsel to speed along the selection process. Finally, John and Elizabeth learned that Tom expected to make his decision by the end of next week and that a key factor in his decision-making process would be outside counsel's past experience with similar issues.

John had felt the urge to jump in to tell Tom about the firm's capabilities throughout the meeting, but this was Elizabeth's show, so he resisted. Glancing over, he

noticed that she was scrolling through her notes, apparently scanning her mental checklist one more time to make sure she'd covered the bases. Then, she moved for a final confirmation:

"Tom, what I'd like to do now is summarize for you my understanding of the key issues surrounding this problem."

As she began, Tom interrupted her a few times to correct her perceptions. At the conclusion of this interaction, it was clear that Elizabeth knew what needed to be done, how it needed to be done, when it needed to be done, why it needed to be done, and who needed to do it.

SHOW, NOT TELL

Having clarified Tom's root problems and the means by which he would like to see her solve them, Elizabeth now focused on herself and her firm. Still, she limited that focus to how she and the firm had helped other clients in situations similar to Tom's.

Later, Elizabeth explained that she took this approach because she had learned through experience that examples of success speak far louder than proclamations of ability.

Rather than telling Tom, "We do this kind of work all the time," Elizabeth preferred to say, "We recently handled a similar matter for XYZ Corporation. They were trying to accomplish [fill in the blank] and we helped them to do that by..."

Interestingly, the stories Elizabeth told were not the ones John had seen her jot down in her notes. Instead, they were detailed stories about other matters involving other lawyers and practice areas within the firm. John knew of those matters only fragmentarily. Later, he realized that Elizabeth's more detailed understanding came as a result of her participation in firm activities where she was able to gain a close familiarity with what her colleagues throughout the firm were doing.

"You don't need to be a human encyclopedia," said Elizabeth, "but I've always found it useful to have a basic knowledge about what's going on in other practice groups. It never ceases to come in handy. Even when I'm stumped, I still know the right expert to bring to the table."

NEXT OBVIOUS STEP

Elizabeth learned so much and did such a good job establishing rapport that the next step was obvious.

"If it makes sense to you, what I'd like to do is return next week to meet with the rest of the selection team. This will allow us to think about what you've told us today, confirm our understanding with the selection team and propose how we plan to help you accomplish your objectives."

Elizabeth also suggested bringing along another partner from the firm with particular expertise in the client's industry, separate from her expertise in the substantive legal issues at hand. Tom agreed that this was a good idea, and he also agreed with Elizabeth's suggestion that her secretary contact his assistant to handle the scheduling.

As John and Elizabeth left the meeting, John couldn't help but think how easy Elizabeth made it look. It was all about the way she prepared, listened and cared. There was no pushing, prodding or pitching. There were no sales secrets. Elizabeth's confidence in her legal skills and her focus on helping clients succeed were what made her successful. Funny how such a subtle shift in mindset can have such a dramatic impact on attitude and behavior. As Yogi Berra would say: "Ninety percent of the game is half mental." ■

Felice Wagner, a former practicing attorney, is CEO of Sugarcrest Development Group, Inc., a D.C. firm that gives seminars and training programs throughout the country on business development and client loyalty. She is also President-Elect of the Legal Marketing Association's Mid-Atlantic Chapter. She can be reached at (202) 462-7046 or felice@sugarcrest.com. Want to see how you measure up as a rainmaker? Take the Rainmaker Reality Check today!

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New D.C. Estate Tax Law Changes Prove Significant for Married Residents

BY YAHNE MIORINI

Many married couples have had the experience of being assured by their estate planner that, because of a formula clause used in their estate planning documents, no estate tax will be imposed on the death of the first spouse. Basically, the formula provides that a trust shall be created for an amount equal to the federal estate tax exemption, and the rest is allocated to the surviving spouse. With this approach, each spouse can use the federal tax exemption (currently \$1 million per person), meaning a total of \$2 million can be exempted from federal estate tax.

Until recently this formula worked well because the estate tax charged by Maryland, Virginia and the District of Columbia was based on the federal estate tax calculation—if the federal estate tax were zero, the local estate tax would also be zero.

Congress recently enacted a series of scheduled increases in the amount exempt from federal estate tax, and the states have not all gone along with these increases. On July 23, 2002, as a result of the District of Columbia's "Inheritance and Estate Tax Emergency Act of 2002", the D.C. estate tax exemption (which is frozen at \$675,000) does not any more follow the federal estate tax exemption (which is now \$1 million and climbing). All residents with taxable estates over \$675,000 will have to pay a D.C. estate tax, even if the federal estate tax is zero.

Now, in D.C., all formula clauses based on the federal exempt amount will result in a D.C. estate tax on the difference between the federal exempt amount and the D.C. exempt amount. Today, if the deceased's will has a classic formula clause and a taxable estate of \$1 million, there would be no federal estate tax, but there would be a D.C. estate tax on \$325,000 (the amount exceeding the D.C. exempt

amount of \$675,000). The D.C. estate tax would be about \$33,000 (an average tax rate of about 10%). In 2004 (when the federal exempt amount is scheduled to increase to \$1.5 million), the difference will be \$675,000 and the D.C. estate tax will be about \$68,000. In future years, as the federal exempt amount increases, the taxable difference (and the D.C. estate tax payable upon the death of the first spouse) is likely to increase.

While circumstances (and the law itself) are certain to change, we now know that the traditional formula clause in the District of Columbia has a different effect than originally intended. Because of the new law every D.C. married couple should review their own documents and consult with their estate planner to determine whether a change is in order. ■

Yahne Miorini is an attorney practicing estate law at the firm of Craighill, Mayfield, Fenwick, Cromelin & Cobb, LLP.

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Interesting Developments in Inventorship Law

BY ANTIGONE G. KRISS & MICHELE C. BOSCH

One of the most difficult concepts to elucidate relevant to patent law is inventorship—who invented the subject matter claimed in a patent. It is especially problematic where multiple individuals, companies, or development teams are working together for mutual benefit and a patentable invention results. An incorrect determination of who is entitled to be named an inventor could render the patent invalid or unenforceable. And less-than-militant practices relating to documenting research and diligently working towards filing a patent application describing the new invention could result in a loss of an award of priority of invention during an interference proceeding determining who was the first to invent. This article explores a few of the common issues raised by recent patent cases addressing inventorship.

An "inventor" by patent law standards is someone who invents and has earned the right to apply for a patent for the invention. Sounds easy. But if in filing a patent application describing that invention a mistake is made in identifying the inventors, the patent owner may not be able to enforce the patent against anyone. Sounds pretty drastic. The U.S. Court of Appeals for the Federal Circuit has furthermore recently indicated that it may



■ Antigone G. Kriss



■ Michele C. Bosch

ignore whether or not there was an actual mistake in determining inventorship when refusing to enforce a patent due to a finding of inequitable conduct. Sounds unfair, but is it?

The Federal Circuit has handed down two strikingly different opinions recently which deal with the defense of inequitable conduct where improper inventor designations were alleged. In *PerSeptive Biosystems, Inc. v. Pharmacia Biotech, Inc.*, 225 F.3d 1315 (Fed. Cir. 2000), the court found that the named patentees had engaged in inequitable conduct by providing "misinformation about inventorship" but stated that these false statements could be independent of the claims and yet still be material. The lower court did not find that the omitted collaborators were actually inventors, but rather refused to enforce the patents-at-issue because of the conduct of the named inventors before the USPTO in characterizing the activities of the non-named collaborators.

Contrast this with *Frank's Casing Crew & Rental Tools, Inc. v. PMR Technologies, Ltd.*, 292 F.3d 1363 (Fed. Cir. 2002), where the court noted that inventorship is based on what the claims of the patent describe as the invention and a determination as to whether inequitable conduct occurred based on representations about inventorship must start with the claims. Here, it chastised the lower court for not making the claims the central focus of the inquiry into whether the named patentees had engaged in inequitable conduct in omitting inventors from the patent.

It is difficult to reconcile the rationales of the court in these two cases when looking at the similarity of the issues. The decision in *PerSeptive* seems especially problematic for companies and non-profit institutions such as universities that engage in collaborative R&D, given that the court determined that inequitable conduct occurred in relation to assertions regarding inventorship while ignoring the claims. Yet in both cases, the Federal Circuit upheld the district court finding of inequitable conduct where the facts of the case indicated *real* deceptive intent by the named inventors, even when affirmatively disclosing information relating to the inventorship issue. The moral extracted from these cases seems to be: Be honest about the contributions of collaborators to a particular invention and the court will likely forgive honest

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WBA Foundation *Fashion Show and Reception*

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Interesting Developments in Inventorship Law

mistakes. Be sly about what you disclose and carve out the claims so that they don't actually cover what some collaborators contributed and the court might refuse to enforce the patent anyway, just for bad behavior.

There are procedures to correct inventorship when an error is discovered after the patent issues. If the error occurred *without deceptive intent* on the part of the omitted inventor, the court can order correction of a patent through issuance of a certificate of correction by the Director of the USPTO. See 35 U.S.C. §§ 116, 256. Contrast this with the situation where a person was erroneously named as an inventor on a patent. These statutes have been interpreted as not requiring investigation into intent when removing a name from the list of inventors. See, e.g., *Whiteside Biomechanics, Inc. v. Sofamor Danek Group, Inc.*, 88 F. Supp. 2d 1009 (E.D. Mo. 2000). It is not entirely clear from the legislative history relating to these provisions that this disparate treatment was intended.

Recently a district court allowed a patent owner's filing of a request for correction in the USPTO after it became aware of the omission of an inventor on the national stage application of a Patent Cooperation Treaty (PCT) application from a § 102(f) invalidity challenge during litigation. In *Nichols Institute Diagnostics, Inc. v. Scantibodies Clinical Laboratories*, 218 F. Supp. 2d 1243 (S.D. Ca. 2002), the court held that the patent owner was not required to seek correction exclusively in the district court where the issue of nonjoinder was first raised by the alleged infringer. The court determined that nothing in the legislative history relating to § 256 provided any limitation on the ability to seek correction in the USPTO when all the parties concur in the correction.

This case is particularly interesting because of the different correction procedures before the USPTO and district courts. Both are required to determine a lack of deceptive intent, but the Office requires only a declaration from the omitted inventor stating that there was no deceptive intent in the erroneous nonjoinder. The court holds a hearing on the motion for correction and makes factual findings on the lack of deceptive intent. Alleged infringers have the opportunity to participate in the correction proceedings in court. One can easily see the opportunity for use of the USPTO correction process as an end run around the more rigorous and defense-favorable review process of the district court. And this agency proceeding essentially obviates the requirement that intent be investigated in a nonjoinder situation.

In *Kosower v. Gutowitz*, 2001 WL 1488440 (S.D.N.Y. Nov. 21, 2001), the court denied a motion to dismiss the plaintiff's motion for a declaration and order to amend pending patent applications, including PCT applications, and add him as a joint inventor. The defendants argued that the court has no jurisdiction to decide an inventorship issue with respect to a pending application, rather that issue should be addressed by the USPTO. But the court noted that it has jurisdiction under 28 U.S.C. § 1338(a) over any case arising under patent law and

that the plaintiff's well-pleaded claim to correct the inventorship designations implicates 35 U.S.C. § 116. Also, the court rejected the defendant's argument that the court has no power to issue a declaration of inventorship with respect to an international patent application, noting that the Federal Circuit ruled in *Chou v. University of Chicago*, 254 F.3d 1347 (Fed. Cir. 2001) that a court has the power to instruct a party to change the inventorship designation on a foreign application.

These latter cases indicate a judicial trend towards court involvement with potential inventorship errors, even where patents have not yet issued. This begs an interesting question: What if the defendants amend the claims of the pending application to carve out the contributions of the adjudicated joint inventor? And how is the inventorship question ripe for decision before the final claims are determined?

Our discussion on April 9, 2003 will address these and other issues relating to the concept of inventorship as it has developed in recent patent law. ■

Antigone Kriss is an Associate and Michele Bosch is a Partner at Finnegan, Henderson, Farabow, Garrett & Dunner, LLP in the Washington D.C. Office.

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COMMITTEE AND FORUM UPDATE

WORKING PARENTS & TAX AND BUSINESS FORUMS FINANCIAL PLANNING SERIES

April 7
12:15pm – 1:30pm

529 College Savings Plans: The Basics

Maria O'Toole Jones, a Member at Miller & Chevalier Chartered, will explain these popular college savings vehicles—what they are, how they work, their advantages, and the factors you should consider in choosing a 529 plan. Sponsored by Miller & Chevalier Chartered.

Location: Finnegan, Henderson, Farabow, Garrett & Dunner, Second Floor, Conference Room 2A/2B, 1300 I Street, NW (McPherson Square Metro)

Cost: \$15 WBA members; \$20 Non-Members; \$10 Students

Please register for this program by April 4th. For more information, contact Jeanette Dayan at jdayan@milchev.com or Helen Hong-George at helen_y_hong@hotmail.com.

LAWYERS AT HOME FORUM

April 11
9:30am – 11:00am

"Advocating for your Child"

Monroe Galloway and Melody Webb, experienced attorney advocates and parents, discuss effective ways to advocate for school children, particularly those with special needs.

Location: Cleveland Park Congregational Church, 34th and Lowell Streets, NW, Washington, DC.

Cost: Meetings are free to WBA members; \$5 at the door for all others.

Babies and small children are always welcome. Street parking is available.

INTELLECTUAL PROPERTY LAW FORUM

April 9
Noon – 1:30pm

Inventorship: Pitfalls, Traps, and Solutions

1.5 hours Virginia CLE

Michele Bosch and Antigone Kriss of Finnegan, Henderson, Farabow, Garrett & Dunner, LLP will discuss current inventorship law, including problems to avoid in prosecution, strategies for litigation, and how to render an opinion on inventorship.

Location: Finnegan, Henderson, Farabow, Garrett & Dunner, Second Floor, Conference Room 2A/2B, 1300 I Street, NW (McPherson Square Metro)

Cost of Program Only: \$7 WBA members; \$12 Non-Members

Cost of Box Lunch: additional \$12.

(In order to reserve a lunch, payment must be received by COB, Friday, April 4th, no refunds.

For more information about this event or the IP Law Forum or if you need special accommodations, please contact Rebecca McNeill, by phone (202) 408-4086, or email rebecca.mcneill@finnegan.com.

April 22
Noon – 1:30pm

Offensive and Defensive Strategies in ICANN Dispute Resolution Proceedings

The IP Forum will present a hypothetical case study of two parties (www.altavista.com versus www.altavistas.com) involved in a dispute over a domain name. Lisa Dunner of Sterne, Kessler, Goldstein & Fox will represent the trademark owner and will discuss strategies for the petitioner in an ICANN Domain Name Dispute proceeding. Roberta Horton of Arnold & Porter will represent the respondent and discuss defensive strategies for retaining the domain name.

Location: Sterne, Kessler, Goldstein & Fox P.L.L.C., 1100 New York Ave. NW, West Tower elevators, 9th Floor (Metro Center – Metro stop).

To register, contact Lori Aboulmouna by email loria@skgf.com, or by phone (202) 772-8614.

COMMUNITY PROJECTS COMMITTEE

The Community Projects Committee is working to assist the Multiple Sclerosis Society of D.C. in the preparations for the Annual MS Walk, which will take place on Saturday and Sunday, April 5th and 6th. The Committee will be organizing an evening to assist with the extensive preparations that must be done before the Walk. The activity will likely take place on a weeknight at the MS Society's offices on K St., N.W. Watch for an e-mail with further details. Meanwhile, we encourage all WBA members to register for the Walk by accessing the MS Society's website, www.msandyou.org. MS is one of the most common diseases of the nervous system, affecting hundreds of thousands of people worldwide, but especially young women in northern latitudes. If you would like to participate or learn more about Walk, please call Linda Donaghy on 301-774-8346 or Kimberly Brown at (202) 862-5046.

(continued on page 10)

WBA and the
WBA Foundation
salute
White & Case LLP
for their
continuing support.
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COMMITTEE AND FORUM UPDATE

(continued from page 9)

INTERNATIONAL LAW FORUM

April 30

Noon – 1:30pm

Deal and Trading Issues in Cross Border Securities Transactions

Join the International Forum for a brown bag lunch and discussion about deal and trading issues in cross border transactions. Our invited speakers will discuss the Sarbanes-Oxley requirements that might affect your deal; when and how the activities of non-U.S. securities traders become subject to U.S. securities regulations; and what obligations/hurdles you might face when dealing with the securities regulations of countries other than the United States.

Location: To be announced.

Cost: \$8 WBA Members/Government Attorneys/ Students; \$12 Non-Members.

Cookies and drinks will be provided. Please bring your own lunch.

LITIGATION FORUM

April 16

The ABCs of Depositions

Three experienced litigators will discuss the ins and outs of taking and defending depositions in civil litigation. Topics for discussion will include dealing with hostile counsel and difficult witnesses; document review and preparation; privilege issues; Rule 30(b)(6) depositions of corporate designees; and procedural requirements for party and non-party depositions. The presenters will be Karen Lockwood, a Partner at Howrey, Simon, Arnold & White LLP; Elizabeth Wallace Fleming, of Trout & Richards PLLC, and WBA President-Elect Paulette Chapman, of Koonz, McKenney, Johnson, DePaolis & Lightfoot.

Cost: \$5 WBA Members; \$10 Non-Members; \$5 Students. Cookies and drinks will be provided, please bring your own lunch.

Location: Koonz, McKenney, Johnson, DePaolis & Lightfoot, 2020 K Street, NW, Washington, DC ■

The Honorable Annice Wagner Named as 2003 WBA Woman Lawyer of the Year

(continued from page 1)

to a third term. Prior to her service on the Court of Appeals, Judge Wagner presided as an Associate Judge of the Superior Court of the District of Columbia, having been appointed in 1977 by President Jimmy Carter. Judge Wagner has been a leader in judicial administration nationwide, currently serving as Chair of the Joint Committee on Judicial Administration, the policy-making body for the District of Columbia Courts; as Chairperson of the Board of Directors of the National Center for State Courts; and as Immediate

Past President of the Conference of Chief Justices, an organization of chief judges of the highest courts of the fifty states, the District of Columbia, and several federal territories.

The Woman Lawyer of the Year Award recognizes a woman for her exceptional achievements in the legal profession and/or her extraordinary contributions to the advancement of women in the profession. Chief Judge Wagner will be presented with the Award at the WBA/WBAF Annual Awards

Dinner on May 20, 2003, at the National Building Museum in Washington, D.C.

Toppling the Maternal Wall, Shattering the Glass Ceiling

(continued from page 2)

for career advancement and by providing support and resources to attorneys seeking balanced work arrangements. But we need your help. Unless women and men in positions of influence in the profession are committed to such policies and to effect the systemic and attitudinal changes necessary to make these policies effective, glass ceiling and work/life issues will continue to drive talented women from traditional legal practice. Unless women and men at all levels of the profession are willing to take

risks to change the way legal practice works—including challenging traditional workplace policies—attorneys will continue to be dissatisfied with the balance between their personal and professional lives. ■

Ellen M. Jakovic is Counsel in the Antitrust Practice Group of the Washington, D.C. Office of White & Case LLP. A wife and mother of two, she has been working a reduced-hours schedule since May, 2000.

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News From the Office

WBA ELECTIONS

In accordance with the WBA Bylaws, on or before March 31st, the Nominating Committee will post a slate of candidates for the 2003-2004 Board of Directors elections. Members have 10 days after the posting of the slate to nominate additional candidates by submitting a nomination by petition. The petition must contain the signatures of twenty-five or more members. Prior to March 31st, members interested in running for office should contact the Nominations Committee Chair, Deborah Israel, at (202) 861-3960 or email: deborah.israel@piperrudnick.com.

2003-2004 COMMITTEE AND FORUM LEADERSHIP

Are you ready to become more involved in the WBA? Serving as a committee or forum co-chair is a rewarding position that provides visibility in the legal community, helps develop your leadership skills, and puts you in contact with leaders in your practice area. If you would like more information about being a co-chair, please contact Kim Knight in the WBA office, at (202) 639-8880.

2003 WBA/WBAF ANNUAL AWARDS DINNER

The 2003 WBA/WBAF Annual Awards Dinner will be held at the historic National Building Museum, located at 401 F Street, NW,

on the evening of May 20, 2003. The theme for this year's dinner is "Creating Pathways to Leadership," a tribute to individuals who have been instrumental in paving the way for other women to succeed. Co-chairs of the 2003 Annual Dinner are Jill Dash, an attorney with the Federal Trade Commission, and Jennifer Duane, an attorney with Sprint Communications. Ms. Duane is also a member of the WBA Board of Directors. Dinner tickets are priced at \$95 for WBA members, and \$125 for non-members. Information on a variety of table sponsorship opportunities can be obtained through the WBA office.

WBA FOUNDATION ANNOUNCES NEW GRANT DEADLINES

The WBA Foundation Board has announced that they will implement new grant request deadlines effective June 1, 2003, the beginning of the new fiscal year. The new grant request deadlines will be July 25th and October 25th. ■

MARCH IS MEMBERSHIP RENEWAL MONTH

Membership renewal invoices will be sent out in late March.

MEMBERS ON THE MOVE

WBA members **Diane M. Brenneman** and **Linda J. Radvin** have released the "Domestic Relations Practice Manual," published by Lexis-Nexis in December 2002. Ms. Brenneman is a member of the WBA Board of Directors.

Mary Elcano is the new General Counsel and Corporate Secretary of the American Red Cross. Ms. Elcano served as General Counsel of the U.S. Postal Service from 1992 to 2000, and was most recently a Partner at Sidley Austin Brown & Wood LLP.

Loretta J. Garcia has been elected Treasurer of the Hispanic Bar Association of the District of Columbia. Loretta is an attorney with the firm Irwin, Campbell & Tannenwald, PC, and is a founding member of the Hispanic Bar-DC Foundation Board.

Meredith Fuchs recently was appointed as General Counsel of George Washington University's National Security Archive. Ms. Fuchs most recently served as a Partner at the Washington, D.C. law firm Wiley Rein & Fielding LLP, where she was a member of the Litigation, Insurance, Privacy and E-Commerce practice groups. Ms. Fuchs currently serves as an appointed member of the D.C. Circuit Judicial Conference Standing Committee on Bono Services.

Linda J. Zirkelbach has left Venable to become Associate Counsel at the Recording Industry Association of America.

Brigida Benítez is the new President-Elect of the Hispanic Bar Association of the District of Columbia. Ms. Benítez, a partner at Wilmer, Cutler & Pickering, has a practice focusing on appellate and trial litigation matters before federal and state courts.

Elizabeth Wallace Fleming has joined Trout & Richards PLLC as Of Counsel. Ms. Fleming has also been nominated to the Board of Governors of the Army Navy Club and selected for promotion to full Colonel in the U.S. Army Reserves. Ms. Fleming is a co-chair of the WBA Litigation Forum.

Judith L. Wheat has left Venable to join Shaw, Bransford, Veilleux & Roth as a Partner. She will continue to focus on white collar criminal and civil litigation

Anna-Maria C. Garza has joined Luxenberg, Johnson & Dickens, PC as an Associate. Ms. Garza recently completed a two-year clerkship, in the D.C. Superior Court in the Civil and Family Division.

The Honorable Judith N. Macaluso was nominated by President Bush for an Associate Judgeship in the Superior Court of the District of Columbia, Family Division. She is currently a Magistrate Judge in the Superior Court.

Rachel Danish Campbell has joined the Office of General Counsel of the Surface Transportation Board. Ms. Campbell was previously with the firm of Foley & Lardner. ■

WBA CALENDAR OF EVENTS

MARCH

March 27
5:30pm - 7:30pm
WBA Foundation Fashion Show and Reception at Rizik Brothers
\$25 Regular;
\$45 Patron Supporter

Location: Rizik Brothers, 1100 Connecticut Avenue, NW (at Connecticut and L Streets, Farragut North Metro). Make checks payable to WBA Foundation.

APRIL

April 3
Career Development Forum Lunch Program
Work Your Career!
(Rescheduled from Winter)

Location: Kelley Drye, 1200 19th Street NW, Washington, DC 20036 (Dupont Circle Metro).

Cost: \$10 WBA members; \$15 non-members. Includes lunch.

April 7
12:15pm - 1:30pm
Tax & Business and Working Parents Forums
Section 529 College Savings Plans

Location: Finnegan, Henderson, Farabow, Garrett & Dunner, Second Floor, Conference Room 2A/2B, 1300 I Street, NW (McPherson Square Metro)

Cost: \$15 WBA members, \$20 non-members, \$10 students. Includes lunch sponsored by Miller & Chevalier Chartered.

Please register for this program by April 4th.

April 9
Noon - 1:00pm
Intellectual Property Law Forum
Inventorship: Pitfalls, Traps, and Solutions

1.5 hours Virginia CLE.
Location: Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, 1300 I Street, NW, Second Floor Conference Room 2A/2B.

Cost: \$7 WBA members; \$12 non-members. Box lunch additional \$12 if registering in advance.

April 11
9:30 - 11:00am
Lawyers at Home Forum
Advocating for your Child

Location: Cleveland Park Congregational Church, 34th and Lowell Streets, NW. On-street parking available.

Cost: Free to WBA members; \$5 donation requested of all others.

For more information contact Dorothy Patterson Lin via email: dpatte@nova.org.

April 16
12:30pm - 1:30pm
Litigation Forum Brown Bag Lunch
The ABCs of Depositions
Location: Koonz, McKenney, Johnson, DePaolis & Lightfoot, 2020 K Street, NW.

Cost: \$5 WBA Members; \$10 non-members; \$5 students.

April 22
Noon - 1:30pm
Intellectual Property Law Forum
Offensive and Defensive Strategies in ICANN Dispute Resolution Proceedings

Location: Sterne, Kessler, Goldstein & Fox P.L.L.C., 1100 New York Ave. NW, West Tower elevators, 9th Floor (Metro Center metro)

April 30
Noon - 1:30pm
International Forum
Brown Bag Lunch
Deal and Trading Issues in Cross Border Securities Transactions

Location: To be announced.

Cost: \$8 WBA Members/Government Attorneys/Students; \$12 non-members.

MAY

May 10
10:00am - 5:00pm
Women Speak: A Symposium for Women, Mothers & Daughters
Location: The Washington Plaza Hotel, 10 Thomas Circle, NW

Costs: \$100 per person. All proceeds benefit the Empower Program.

For more details contact Katy Otto at The Empower Program, (202) 232-8200

or visit www.empowerprogram.org.

May 20
6:00pm - 9:00pm
WBA/WBAF
Annual Awards Dinner Creating Pathways to Leadership

National Building Museum, 401 F Street, NW

Tickets: \$95 WBA members; \$125 non-members.

May 28
Money Shy to Money Sure: A Woman's Roadmap to Financial Well-Being
(Rescheduled from Winter)

Location: White & Case LLP, 601 13th Street, NW, Suite 600 South (Metro Center)

\$15 WBA members; \$20 non-members. Includes lunch sponsored by Salon Michel of Vienna, Virginia

TO REGISTER FOR A WBA EVENT,
CALL (202) 639-8880, EXT. 11

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