

HIGHLIGHTS

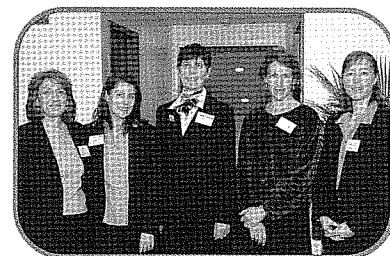
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WBA LAUNCHES ITS INITIATIVE ON THE ADVANCEMENT AND RETENTION OF WOMEN

The much-heralded WBA four-session Initiative On the Advancement and Retention Of Women premiered to a packed, enthusiastic audience on January 6, 2006, at the George Washington University Law School. One of the foremost legal experts on the subject, Professor Joan Williams of Hastings Law School, praised the Initiative as one "of national significance."

Karen M. Lockwood, President of the Women's Bar Association, underscored the goals of the Initiative: to draw together all facets of the legal community at the highest managing levels - firms, corporate law departments, agencies, men and women - (1) in a frank and constructive exchange identifying the stumbling blocks and opening new pathways to improving the advancement of women; and (2) to make it the norm to encourage open constructive conversation about these issues.

In a single week, 115 registrants had turned out for the morning-long Session I, including some 20 managing partner or executive-level managers. In that week, ten law firm sponsors had come forward with meaningful financial contributions toward the cost of this major Initiative. Others have since joined the sponsorship ranks of this groundbreaking project. "The firepower of the people in this room proves that these issues are important, and that you are committed to change," Ms. Lockwood told the audience. "We aim to make a difference nationally."



President Lockwood and the panel.



Distinguished Professor Joan Williams presents her findings.

SESSION ONE - JANUARY 6

Session I on January 6, entitled "The Experts Present the Research," laid a foundation by addressing the current status of women lawyers in four segments: demographics; stereotyping; stories of why women leave practice; and flexibility for both men and women. The Session was designed to provide a common base of facts, not myths, upon which future panels can build when seeking more pragmatic recommendations for advancing women further.

SUMMARY OF THE DEMOGRAPHIC RESEARCH

Brande Stellings, Esq., Catalyst's Senior Director and leader of its Advisory Services projects on women in the legal profession, summarized "Demographics, Trends and Perceptions of Their Cause." A comprehensive 2001 Catalyst study, for example, revealed a large continuing disparity in the percentage of women in practice, despite

The Initiative on Women

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approximately equal representation among law school graduates. The "pipeline" myth does not explain the disparity. Women have been entering law schools at increasing rates for decades: 40 percent in 1995 and almost 50 percent in 2000. However, women represent only about 16 percent of law partners nationwide, a career milestone that, for most, takes less than 9 years. Nor has the divergence halted among recent law graduates: research on the class of 2000 shows that almost 10 percent more men than women who entered law firms remained there four years later (64% women and 73% men).

Ms. Stellings addressed a second myth: the invalid presumption that women leave private practice by choice to be with their families. An Off-Ramps and On-Ramps study showed that women drop out of private practice either because their career was not satisfying or enjoyable or because they felt stalled in their career, not through any choice to give up a career for children, much less any lack of ambition. Over 90 percent of women lawyers who take time off want to return to work, but 90 percent of that group do not want to return to work for their same employer — they leave to work somewhere else.

Further, while both men and women want work-life balance, women absorb the impact of that mutual goal disproportionately by having to cut back to part-time schedules (34% vs 9%), even though both men and women recognize the negative impact on advancement. Ms. Stellings noted one positive sign: that the so-called "Gen X and Gen Y" groups, men and women alike, place increased importance on flexible work arrangements. In the study *Life's Work: Generational Attitudes Towards Work*

and *Life and Integration* (2000), 82 percent of men aged 21 to 39 cited, as their top job criterion, a work schedule that permitted meaningful family time. Retention of all lawyers — women and men — will need to address this concern in an era when billable hours requirements have risen above the 1750 to 1800 hours that was the norm in the 1970s.

STEREOTYPING BEHIND THE DEMOGRAPHICS

Professor Joan Williams, Distinguished Professor of Law at Hastings Law School, drew from her extensive expertise on gender equity to address stereotyping that contributes to this glass ceiling. She observed that the traditional approach, to count the numbers of women and minorities and call for change, unfortunately "offers people of goodwill little guidance." Her Project for Attorney Retention, founded in 2000, provides some concrete guidance on what to do. Professor Williams focused her remarks on January 6 on "what not to do." Drawing from experimental social psychology, she introduced the two basic types of stereotyping — explicit intentional bias, and "uncorrected implicit bias." Her singular review of over 150 independent studies on stereotyping done over 35 years, which used scientifically valid measures such as the Implicit Association Test, established that "although explicit intentional bias has really plummeted in the last couple of decades, implicit bias has changed almost not at all." Yet, she said, it is that uncorrected implicit bias that "creates a chilly climate for women."

Positing whether implicit uncorrected bias is controllable, Professor Williams emphasized that popular opinion suffers

The Initiative on Women



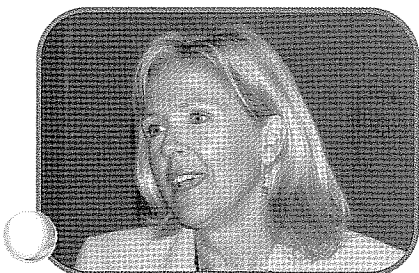
Cynthia Calvert presents her remarks.



Brande Stellings of Catalyst delivers her remarks.



Dr. Ellen Ostrow delivers her presentation.



Lunch speaker Deborah P. Kelly, Dickstein Shapiro, Morin & Oshinsky.

from the confused assumption that if the bias is automatic and unconscious, it is uncontrollable. She corrected this thinking with a study of mock juries deciding a locker room fight in which the black/white and victim/defendant positions were randomized. When race was made salient in the jury presentation, e.g. the only person of color was the defendant, jurors took care to check their instinctive reactions in order to consciously achieve a fair result, precisely because they were conscious of the race element. When race was invisible as a factor, e.g. in a mixed-race courtroom scenario, juries gave a biased result. Professor Williams concluded: "implicit stereotypes are context-dependent, which is good news for all of us who are interested in changing" law practice. "Does the local culture prime bias or does it prime bias correction?"

Applying this science to the law practice culture, she asked whether we should worry more about the formal hiring interview or evaluation or promotion, or instead the 500 hallway encounters and interactions that precede those meetings and make the evaluative result virtually inevitable. Traditionally, work on gender equity has assumed we should address the former. Professor Williams established that it is the latter that we should worry about - the culture and context of the workplace interactions. She suggested that the properly framed questions include: whether women need accommodation (her answer: no, not accommodation, but equal opportunity); and whether women "choose" to leave, or opt-out (her answer: women make choices, but choice does not preclude the existence of bias; instead, bias creates a "push factor" that strongly forces the "choice" of leaving).

From this starting point, Professor Williams synthesized the evidence from the 150 studies to describe multiple types of bias at play in the positioning of women lawyers. Gender bias, in the form of attribution bias (he's skilled, she's lucky); recall bias (women's mistakes remembered and men's not); leniency bias (objective rules applied more rigidly to women; women superstars are evaluated better than men but those who are merely excellent fall off the map in relation to men). At the core of these and other types of bias is a basic tension between competence and success: women find it harder to be perceived as competent, but when competence is acknowledged it is often punished. Professor Williams called it the "she's a bitter, selfish, effective manager" phenomenon. Related to the competence dichotomy is the assessment of leadership in women: behavior seen as evidence of leadership in men may either not be noticed in women or be attributed as something very different, asynchronous with the stereotypical image of womanhood. Even so-called benevolent stereotyping is an implicit uncorrected bias. For example, two lawyers, married, found their firms merged. They had a baby. At the end of the workday, she was sent home reliably at 5:30 - she had a baby to take care of. He was kept late - he had a family to support. Professor Williams summarized: "best intentions in the world, but it really is not the role of the employer to push a family into traditional gender roles."

This stereotyping analysis is applicable in the maternal wall scenario as well as in glass ceiling situations. The fact that jobs often have been designed around masculine patterns, Prof. Williams explained, can discourage mothers from the pool

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Raising The Bar now has an Editorial Board to assist in the timely dissemination of important WBA and WBAF news. Please contact any of the following Editors if you would like to contribute an article, program advertisement or photograph to an upcoming issue. We encourage submissions regarding matters of interest to our members, upcoming events, past events, flyers, squibs, blurbs and everything and anything that you would like publicized. However, please note that some copy editing might be necessary, and that space limitations may prevent every item that you submit from being published in the issue or format that you request.

All copy and photographs must be submitted by our publication deadlines:

February 5th - Issue 4, mailed to members on February 20th

March 5th - Issue 5, mailed to members on March 20th

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Please contact an Editor if you have any questions. Thank you in advance for contributing to Raising the Bar.

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WBAF AWARDS THE LEGAL AID SOCIETY \$2,500 TO HELP VICTIMS OF DOMESTIC VIOLENCE IN SOUTHEAST

The WBA Foundation recently gave its first ever grant to the Legal Aid Society of the District of Columbia, DC's oldest general civil legal services program. For more than seven decades, Legal Aid has provided legal assistance to DC's lowest income residents. The WBA grant will be used to help fund an innovative public/private one-stop shop for victims of domestic violence known as the Domestic Violence Intake Center Southeast Satellite at the Greater Southeast General Hospital (DVICSES). The grant will also help Legal Aid serve women like Monica Jones (name changed to protect client confidentiality) whose story is described below.

Monica Jones, a 21-year-old mother with a young child, came to Legal Aid in January 2005 after having been assaulted and threatened by her child's father. When she first talked to her Legal Aid attorney, she had already filed for a civil protection order at the DVICSES. In the early stage of her case, Ms. Jones was extremely afraid of the respondent. This was the first time she had had the courage to report the abuse, and she was reluctant to come to Legal Aid's downtown office because of the difficulty of travel and because the respondent lived and worked near Legal Aid's Metro Center offices. However, her Legal Aid attorney was able to meet with her at the satellite office for the initial client

interview and to prepare her case. With the assistance of counsel, Ms. Jones obtained a protection order that awarded her temporary custody and directed the respondent to reimburse Ms. Jones for medical expenses and property damage caused by his violence.

Unfortunately, several months later, Ms. Jones was assaulted again by the respondent. This time, Ms. Jones and her Legal Aid attorney took the case one step further; they filed a motion for criminal contempt of the protection order. The respondent was found guilty of criminal contempt. In addition, because the respondent has failed to comply with other terms of the protection order, Legal Aid remains committed to assisting their client with further representation as needed. Ms. Jones has also been connected with an array of community resources so she can remain safe and free from violence. Without Legal Aid's help, there is no knowing what could have happened to her.

Ms. Jones is just one of hundreds of residents of Southeast DC to be served at the Domestic Violence Intake Center at Greater Southeast Hospital. The Center is an all-inclusive location for domestic violence victims, where clients are able to obtain social and supportive services, legal representation from Legal Aid, and temporary protection orders via video teleconferencing with the DC Superior Court. The Center focuses its attention on victims of domestic violence in Southeast DC, where the average neighborhood income is 14% of median income for the city as a whole. Through the generosity of the WBA Foundation, Legal Aid will be able to help more women like Ms. Jones in the coming year.



Committee & Forum Highlights



IP PROGRAM ON DECEMBER 15

On December 15, 2005, the IP Law Forum and Navigant Consulting co-sponsored a luncheon presentation entitled: "Topics in Patent Infringement Damages Calculation." The presentation featured two damages experts from Navigant Consulting: Josh Lathrop, MBA and Rod Bosco, AVA. Mr. Bosco led off the presentation with a brief introduction to patent infringement damages calculation, which included discussion of the famous Panduit factors and other historical Federal Circuit case opinions. Mr. Lathrop wrapped up the presentation with a detailed discussion of the current "hot" topics in the field of patent damages, including a discussion of the highly debated *MercExchange LLC v. eBay Inc. & Half.com Inc.* (Fed. Cir. March 16, 2005) case. Each attendee received a collection of what the experts considered to be the seven most interesting patent damages cases during 2005, and those who are Virginia bar members received one hour of CLE credit for their participation.

"GADGETS & GIZMOS"

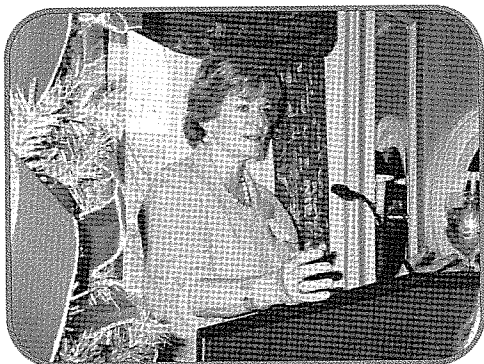
On November 9, 2005 the Litigation Forum, along with the Telecommunications Forum, presented "Gadgets & Gizmos: Women and Consumer Electronics." Our special guest presenter was Becky Ellis, General Counsel of the Consumer Electronics Association (CEA). As Ms. Ellis stressed, in recent years, a tremendous amount of marketing research has focused on women as the users and purchasers of consumer electronics. This, in turn, has led to a number of innovations in the industry, from those directly geared towards women as users, such as smaller, lighter laptop computers and laptop computer bags that double as everyday work totes, to those indirectly influenced by the increased influence of women in the purchase of home electronics, such as a greater focus on the "aesthetics" of how well electronics, particularly flat screen televisions, fit into home décor schemes. Ms. Ellis also presented a video showing some of the "latest and greatest" developments unveiled at the 2005 International Consumer Electronics Show, the world's largest consumer technology tradeshow and the CEA's "signature" event. Look for a cell phone that will let you program your oven so that dinner is waiting when you get home, to appear at a store near you!

The event concluded with a "show and tell" of the cutting edge gadgets Ms. Ellis brought for attendees to "play with" - no doubt giving a number of attendees great gift ideas as we headed into the holiday season. As a special treat, two of our guests won iPod Nanos, courtesy of the CEA.

The Litigation Forum would like to extend special thanks to Ms. Ellis, all attendees, and event co-sponsor Patrick Grobbel of Forensics Consulting Solutions for making "Gadgets & Gizmos" a smashing success!

The Communications Law Forum Holiday Tea

Holiday Tea



Speaker Stasia Kelly sharing her wisdom with the WBA.



Communications Law Forum co-chair Susan Kimmel welcoming the audience and introducing the speaker.



Everyone is all smiles at the tea!

THE COMMUNICATIONS LAW FORUM HOSTS ANNUAL TEA

While not quite as firmly entrenched as the Nutcracker Ballet, the Communications Law Forum is creating its own tradition with our Holiday Tea, held this year at the Willard Hotel on December 16th. More than “visions” of sugar plum fairies, the eighty or so attendees sipped special blends of tea and nibbled in an oh-so-elegant manner on an assortment of delectable bite-sized sandwiches, petite fours, tartlets, and, the piece de resistance, a fresh scone with clotted cream.

However, the festive décor and sumptuous edibles were no match for the highlight of the afternoon – our special guest speaker, Anastasia “Stasia” Kelly, General Counsel and Vice President of MCI Corporation. Recently having shepherded the company through a merger with Verizon, she graciously gave us her time and insights. And, boy, did she have some great stories to tell! With verve, wit, and aplomb, Stasia enthralled us by sharing her adventurous career journey, which brought her to her current position while leaving us in suspense as to what might lie ahead.

Several incidents along the way spoke to the disparate treatment of men and women in the workplace. Early in her career, Stasia was hired by a male-dominated trade association. Eventually, a colleague pointed out that the men in the same position received significantly better salary and benefits than she. With a little research she discovered that the men received the better compensation package as bargained for them as union members. But here’s the rub: only men could join the union! So, in the same vein as the events portrayed in the movie “North Country,” after she brought the matter before the grievance committee, Stasia was voted into the union and in the end collected her back pay. Vindicated but resented, she recognized it was time to move on.

Stasia was able to take advantage of her new and unusual expertise in ERISA, gained from performing the unenviable task of attending all the congressional hearings on the then new legislation. This brought her to the human resources department of a large company, which recognized Stasia’s abilities and sent her to law school. However, after passing the bar, the legal department was not ready to hire a second female attorney. So she went directly to the president of the company and asked if it would be alright for her to accept an offer she had received from a prominent law firm in DC. The president appreciated her forthright approach and they parted on good terms.

However, rather than take the job with the law firm, at that juncture, Stasia’s husband received a promotion, which took them to Dallas, Texas. Stasia’s strong sense of family values overrode any tendency to consider this a sacrifice or detour – this was just another opportunity and she made the most of it, landing a job with a notable Texas firm. Several years later, upon returning to DC, Stasia was welcomed back by the original law firm. She enjoyed her work at the firm and excelled, but there was a “gender moment” when she came up for partner. Because consideration for partnership was scheduled to occur immediately following her return from maternity leave, it was suggested that Stasia postpone her review for another year. But Stasia always looked at



Holiday Tea



*WBA President Karen Lockwood and
Communications Law Forum co-chair
Terri McField*



*Speaker Stasia Kelly enjoying tea with
Laura Mow of Kilpatrick Stockton.*



Enjoying the afternoon!

the big picture and decided to go for it, thinking that if she didn't make partner then and there, she would just move on, once again. It turned out to be a wise decision and she was promoted to partner.

From there she was recruited to become general counsel, senior vice president and corporate counsel at Fannie Mae, followed by a stint as general counsel and senior vice president at Sears, Roebuck & Co.

We were all inspired to hear how she could balance career and family (including twin boys) all the while having the confidence to know that she would succeed in finding a solution that worked for her. What a woman!!!

On that high note, we would like to thank the two law firms who demonstrated how much they value the role of women attorneys practicing in communications and other high tech areas of the law by generously sponsoring this event, Kilpatrick and Stockton and Preston, Gates, Ellis, Rouveles and Meeds. Many thanks, too, to Lynne Milne, of the FCC, a classmate of Stasia's at the GWU National Law Center, without whose help the Tea would not have taken place.

Also, we should mention that at least two law firms and several individuals decided that a ticket to the Holiday Tea was a wonderful gift for their female employees and friends. We were delighted to welcome the Womble Carlyle women and those of Thompson Hine.

ANASTASIA "STASIA" KELLY

Anastasia "Stasia" Kelly is executive vice president and general counsel of MCI. In her capacity as the company's chief legal officer, Stasia leads MCI's domestic and international legal, regulatory, and legislative efforts. Prior to joining MCI, Stasia was senior vice president and general counsel of Sears, Roebuck & Co., where she was responsible for developing and implementing the corporate legal policy and strategy for that \$40 billion retail and financial services company. Before her tenure at Sears, Stasia served as the senior vice president, general counsel and corporate secretary at Fannie Mae. As part of her duties, she reorganized and upgraded the in-house law team to face the increasing complexities of Fannie Mae's marketplace and customer demands. Stasia also interfaced regularly with key government regulators and members of Congress.

CALENDAR OF EVENTS

Tuesday, February 14, 2006

9:00am until 1:30pm

WBA Initiative on the Advancement and Retention of Women, Second Session, "What Are the Stumbling Blocks to Improving Advancement of Women?"

Georgetown University Law Center, Hart Auditorium

Register at www.wbadc.org

Tuesday, February 28, 2006

12:00noon until 1:30pm

Working Parents and Tax and Business Forums present, "How to Hire and (Legally) Employ the Perfect Nanny" featuring Barbara Kline, President of the White House Nannies and Stephanie Breedlove, President, Breedlove and Associates Stern, Kessler, Goldstein & Fox, P.L.L.C., 1100 New York Avenue, NW, 8th Floor. \$10 members; \$20 nonmembers

Register at www.wbadc.org

Wednesday, March 1, 2006

12:00noon until 1:30pm

Health Law Forum presents, "Everything you Need to Know About the New Medicare Drug Benefit" Finnegan, Henderson, Farabow, Garrett & Dunner, 901 New York Avenue, NW. \$8 members; \$15 nonmembers

Register at www.wbadc.org.

Thursday, March 2, 2006

6:00pm until 8:00pm

"Speed Monitoring"

Howrey LLP, 1299 Pennsylvania Ave., NW

\$20 members; \$30 nonmembers

Tuesday, March 7, 2006

9:00am until 1:30pm

WBA Initiative on the Advancement and Retention of Women, Third Session "What is Working in Our Community's Efforts to Improve Advancement of Women?"

Georgetown University Law Center, Hart Auditorium

Register at www.wbadc.org

EVERYONE NEEDS MENTORING

By Mary W. Legg

YLC TAKES MENTORING SERIOUSLY

The Young Lawyers Committee of the WVBA, with its energetic co-chairs, Stephanie Denton, associate at White & Case, and Taryn Fielder, associate at Hogan & Hartson are re-energizing the need for mentoring. Ms. Denton & Ms. Fielder, in conjunction with Mary Legg, President of Firm Advice and chair of the Career Development Committee, have put together a syllabus of programs to activate the mentoring program.

MENTORING - GOOD FOR BOTH SIDES

Everyone, regardless of her position in her career, needs a mentor; someone she can talk with, bounce ideas off of, and turn to for unbiased guidance and feedback. Even people who don't have a career need guidance over the many hurdles of life. A career further complicates the decisionmaking process. We consult with friends and colleagues before we make relatively minor decisions, such as which plumber to use, or which hotel in a particular vacation destination is best. We all need similar guidance in our careers.

Most of us can provide guidance to one degree or another. A fourth year attorney can mentor a first year; an eighth year can mentor a fourth year; and those of us who have been out of law school longer than we would like to admit can mentor anybody, including our peers. Indeed, many women who might seem unapproachable because of their senior positions are eager to provide guidance, and wish to be turned to as mentors.

SPEED MENTORING - KICK OFF THE PROGRAM ON MARCH 2

Before you can mentor someone, or someone can mentor you, the right "chemistry" must exist between you. Accordingly, on March 2, 2006, between 6 and 8 pm, we will hold a Speed Mentoring session at Howrey, LLP. Women will have the opportunity to meet other women for the primary purpose of finding a mentor, and finding someone to mentor. Later in March, we will hold a "shotgun mentoring" program. Four women panelists will make brief opening remarks about their career paths and how and why they made the decisions they made-if they know. We will then open the session for audience participation and questions of the panelists. Any topic that reflects on one's career is fair game, including: how to dress; dating; childbearing; and going part-time. Everyone in the room will benefit from the questions and answers.

Please join us on March 2, 2006 and later in March to help advance in the WVBA the support and sisterhood that benefits each of us.



Committee & Forum Highlights

CALENDAR OF EVENTS

Wednesday, March 15, 2006

12noon until 1:30pm

Working Parents presents,
"Child Care, Backup Child Care and
Montessori" featuring Lynn Wray,
Bright Horizons, Regional Manager
and Debbie Phelps, Bright Horizons
Sterne, Kessler, Goldstein & Fox,
P.L.L.C. \$10 members; \$20 nonmem-
bers

Register at www.wbadc.org

Friday, March 24, 2006

2:00pm until 4:30pm;

Reception from 4:30pm

until 5:00pm

WBA and National Association of
Women Lawyers present, "From
Backpacks to Briefcases"-

fe panel presentations:

"Big Picture: Recognizing the
Change from Law Student to Lawyer"

"Getting Off on the Right Foot"

"Working with Partners and Senior
Colleagues"

"Investing in Yourself"

McDermott Will & Emery, 600 13th
Street, NW

Monday, April 3, 2006

9:00am until 1:30pm

WBA Initiative on the Advancement
and Retention of Women, Fourth
Session "Lessons Learned; A
Synthesis and a Challenge to Other
Bars in the US"

Georgetown University Law Center,
Hart Auditorium

Register at www.wbadc.org

WORKING PARENTS FORUM

The newly revived Working Parents Forum is excited to announce a series of programs on childcare options. The first program was held on January 24th at Sterne Kessler Goldstein Fox, 1100 New York Ave., NW in Suite 800. Entitled "The Au Pair: Home-Based Childcare From Abroad," the program was co-sponsored by the Tax and Business Forum. The panelists included Rhonda Kaufman and Joanne Myers, local coordinators for Au Pair USA. Also joining the discussion was an au pair and fellow lawyers who have employed au pairs in their homes and who spoke about the application process and the unique opportunity to blend childcare and cultural exchange.

The next program in the Working Parents Forum's childcare series is: "How to Hire and (Legally) Employ the Perfect Nanny." Also co-sponsored by the Tax and Business Forum, this program will feature Barbara Kline, President of White House Nannies, Inc. (and author of *White House Nannies: True Tales from the Other Department of Homeland Security*) and Stephanie Breedlove, President of Breedlove & Associates. Ms. Kline has been placing nannies in Washington, DC area homes for 20 years and will draw from her extensive and colorful experience to talk about how to find the best nanny for your family. Ms. Breedlove is an expert on payroll and tax issues facing household employers and will offer advice on how not to make the next "Nannygate" headlines. Please join us for what will sure to be a lively discussion. The program will be held from 12:00-1:30 PM on Tuesday, February 28, 2006 at Sterne Kessler Goldstein Fox, 1100 New York Ave., NW in Suite 800. Lunch will be provided by the speakers, and copies of Ms. Kline's book will be available for purchase and signing. Register online at www.wbadc.org ("click on Calendar of Events"). We would appreciate your reservation by February 21. For more information about this event, contact Working Parents Forum Co-Chair Tina Hsu at 202.772.2236 or hsuc@ghrdc.com.

The final program of the three-part series addresses Child Care, Back-up Child Care and Montessori schools. The panel will include representatives from Bright Horizons Family Solutions, as well as a Montessori program with schools throughout the Metro DC area. The program will be held from 12:00-1:30 PM on Wednesday, March 15, 2006 at Sterne Kessler Goldstein Fox, 1100 New York Ave., NW in Suite 800. For more information about this event, contact Working Parents Forum Co-Chair Christina Ayiotis at 703.377.0399 or ayiotis_christina@bah.com.

The WBA/WBAF is pleased to announce the 89th Annual Awards Dinner, which will be held on Tuesday, May 16, 2006 at The National Building Museum, 401 F Street, NW, from 6:00pm until 9:00pm.

The Initiative on Women

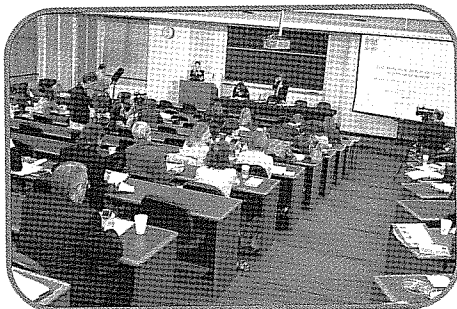
(continued from page 3)



President Lockwood and panelists Stellings and Williams enjoy a moment.



Andrea Field of Hunton & Williams poses a question to the panel.



The capacity audiences watches on.

of interested applicants. Ninety-five percent of attorney jobs, for example, are rated as 50-plus hours per week. A working mother also faces role incongruity, which is a cultural bias that she cannot function effectively as a lawyer and a mother. Stigmas attach to mothers and to part-time lawyers. Sobering research showed that housewives are rated among the least competent at levels next to (in the words of the researchers) "the elderly and retarded." Upon returning from maternity leave, women lawyers frequently confront reflections of a changed image of themselves in the eyes of others - now the housewife-lawyer, no longer the ambitious career-oriented achiever. In the words of Deborah Rhody's interviewee, "But I had a baby, not a lobotomy." Women who work part-time are viewed as less warm than housewives and less competent than fulltime workers. Attrition, according to the Boston Bar's findings, is very high among part-time lawyers. Professor Williams commented, "if you give people 'the haircut' (80% work for 60% pay) and that kind of social position, not surprisingly, they flee."

Professor Williams emphasized that this work on stereotyping is a whole new approach to retention and promotion of women. "Our model is to target these very specific patterns of stereotyping and bias in order to bring this implicit, this unexamined bias to the surface,... a model designed to offer institutions concrete sorts of help."

Ms. Williams noted that Washington, DC area firms surpass other metropolitan areas in California in permitting part-time attorneys to be considered for partnership, and in eradicating the part-time "haircut" of less work for much less pay. Professor Williams made it clear that

even increased consciousness of the issues and awareness of the possibility of bias reduces the operation of implicit bias - biases that are discussed and examined become far less operative in the context of the workplace culture.

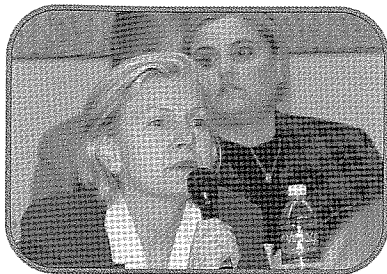
A FEW STORIES ABOUT WHY WOMEN LEAVE

Dr. Ellen Ostrow, President of LawyersLifeCoach LLC, and a Ph.D. in psychology, addressed through anecdotes how subtle bias can be seen in her experience to affect individual women lawyers' decisions to leave their positions. Having counseled hundreds of women attorneys over 20 years of executive coaching, she spoke about "What The Women Say When Men Aren't Around." Among her frequently startling stories, as perceived by someone outside the legal profession, Dr. Ostrow told of an aspiring, competent associate who played a major role in a Supreme Court victory for her firm. When this attorney's name was omitted from a congratulatory announcement circulated by the managing partner, she informed him of his oversight. The following day he sent a supplemental announcement listing her and names of the support staff (most of whom were women). But, separately, he emailed the associate, "scolding her for being a prima Donna." Exemplifying the competence dilemma, she had been criticized only the week before by a senior partner as "lacking confidence" because she had not advocated aggressively enough for herself. According to Dr. Ostrow, "male lawyers have to work almost as hard to prove their incompetence as women their competence."

Dr. Ostrow counseled that in taking charge of their careers, women not confuse "job" with "career." Firms and companies that have women in leadership



The Initiative on Women



Marcia Wiss of Hogan & Hartson shares with the audience.



Michael Nannes, Managing Partner, Dickstein Shapiro, Morin & Oshinsky.

roles are helping other women in that firm to grow and succeed in their careers. She noted: "it is easier to succeed where you're not a 'token.'"

FLEXIBILITY AND BALANCE FOR WOMEN AND MEN

Cynthia Calvert, Director of the Project on Attorney Retention (PAR), founded PAR with Professor Williams in 1990. She spoke with an optimistic and energetic sense of the pragmatic. In her own experience, Ms. Calvert was an associate in a major DC firm, starting her family while at the firm, achieving promotion to partner while working part-time, and then painfully making a decision to leave. She underscored the importance for the profession to carry on programs like this Initiative, and for women in the profession to have people who can advise them as they make their own career-determining decisions.

PAR, with a grant from the Sloan Foundation, initiated a major study into the reasons that women are not fairly represented among law firm partners. The study is available on the PAR website at www.pardc.org. Among other points, the study found that high billable hours requirements were a major factor for retention, for men and for women. It concluded that although most large and mid-size firms had some part-time policy, few took advantage of it - 3% of lawyers versus about 15% of professionals in all professions. The contributing factors to lawyers' reluctance to work part-time included numerous very pragmatic concerns: schedule creep (part-time work becoming a full-time occupation), disqualification in fact or in effect from partnership consideration, loss of respect by law colleagues, and communication gaps between management-level attorneys and associates.

In response, PAR changed the language from "part-time" to "balanced hours." Ms. Calvert defined balance as reduced hours designed to meet the business needs of the firm while maintaining the attorney's ability to work and develop professionally without stigma. It requires active management of workloads in proper proportion to hours, emphasis on client service, and promotion of firm values. A basic ingredient of a sound balanced hours program, in PAR's estimation, is the need "to take a holistic view and figure out what its values are, what its client service priorities are, and make sure that all of that comes together." To be effective, balanced hours programs should allow attorneys to meet their obligations outside the office and also create a climate inside the firm that rewards productive and profitable work.

The cost of attrition-related losses has been estimated at between \$200,000 and \$500,000 to replace a second or third-year associate. Non-economic costs make the cost far higher, including risk to client goodwill, loss of stability, and potential conflict when lawyers leave to go elsewhere. Ms. Calvert emphasized that corporate clients of firms are often quick to understand the connection between balanced hours and low attrition, and the firms cost-effective representation of the client. She encouraged attendees to turn to the PAR Usability Test, a set of objective criteria that combines easily gathered data on a firm to permit a quick examination of the effectiveness of a firm's part-time programs. Other measures are also available on PAR's website to assist a legal office in measuring its need to balance hours.

Ms. Calvert shared some preliminary ideas on what needs to change in order to increase attorney retention, and that



The Initiative on Women

of women. First, look at whether the values being rewarded are those that the firm wants to encourage - billable hours metrics, for example, versus quality of work product, skills, judgment, and other qualities. Second, find ways to eliminate the stigma of part-time. Have leaders of the firms, those in management committees as well as practice heads and major rainmakers, deliver the message that balanced hours is a business initiative of the firm that all partners will support. She stressed that there should be no fear that all lawyers will elect reduced hours; the most successful part-time programs among DC firms report only 7 to 8 percent usage. The important characteristic is that stigma is eliminated and quality of work and professionalism is valued.

A WITTY LUNCH WITH A VIEW

The program continued over a luncheon, which featured speaker Deborah Kelly, of Dickstein Shapiro Morin & Oshinsky, LLP. She presented "A Light-Hearted View From the Top." At once a partner, the firm's general counsel, head of the firm's employment practice, and a member of the firm's executive committee, Ms. Kelly entertained participants with a reflection on the consequences of her exit from law school to Dickstein (her first job) - pregnant with triplets (her first offspring). She credited her longevity and success at the firm to the firm's willingness to remain open to suggestions, and decision to try a part-time arrangement for Ms. Kelly rather than turning her elsewhere to start her career. Years later, having achieved partner on that reduced-week arrangement, she remains part-time and very effective. At each turn, when Ms. Kelly approached the firm leaders with part-time, flexible, and telecommuting work arrangements, the firm's repeated response was "okay,

let's see if it works." Flexibility, by both the firm and Ms. Kelly, allowed the modifications to the traditional lawyer's workday to work more successfully for both.

Ms. Kelly cautioned that there are costs to taking up this schedule - notably a slippage in "housework, hair and hygiene." Through comedic humor, she pointed out that clients do not care when, or where, the attorney does the work, a truism that applies to mothers of young children as readily as to partners on business travel. Regarding the common experience of hearing resentment from colleagues expressing jealousy over her determination to leave the office at a stated hour, Ms. Kelly invited them too to give up 20 percent of their pay in order to do 20 percent less work. She cautioned that pragmatic choices will remain when facing seemingly irreconcilable conflicts between work and home. To be realistic, for example, if one wishes not to travel on business, likely one will not consistently be lead litigator in a major federal trial practice. Ms. Kelly underscored that major corporations are serious in requiring diversity in their outside counsel, and in seeking law firms that reflect the client's core values.

REMAINING SESSIONS OF THE INITIATIVE: FEBRUARY 14, MARCH 7, APRIL 3

Building off of Session I, the WBA Initiative will take up particular issues in panels featuring corporate, firm, and government managing and executive level lawyers who are active in this area as well as those who wish to learn and do more. Those three sessions will emphasize pragmatic aspects of the issue - (1) what are the stumbling blocks that hold back unfettered advancement of women in this region, (2) what are the programs

that are working, and (3) what new can be done to improve retention of all lawyers and to help women advance in equal proportion on an equal opportunity basis.

All persons are welcome to register to attend any and all of the remaining sessions. Those who register will receive summaries of the prior sessions to assist their full participation in making contributions to the marketplace of ideas. The results and findings of the full Initiative will be published for national distribution after the final session.

As of presstime for this issue of RTB, twelve lead firms and the WBAF have provided major financial sponsorship for this groundbreaking contribution to the practice of law. (See Sidebar p. 13.) The WBA has received active concrete inquiries from numerous other financial sponsors, and welcomes all who wish to contribute to this effort. Sponsorships are needed to underwrite the gathering and presentation of the advanced substantive material, the publishing of the session summaries, and the creation of media, both print and electronic, which will enable the contributions of the WBA sponsors and participants to be accessed and used nationwide.

To register, please go to www.wbadc.org and click on "calendar," or call the WBA office, 202/639-8880. To learn more about sponsorship opportunities, please call President Karen M. Lockwood, or Executive Director Nancy Long, or speak to any member of the Women's Bar Association Board of Directors.


The WBA thanks the DC community for its enthusiastic interest and active participation that makes this Initiative a national success.

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**NOMINATIONS SOUGHT FOR THE
WBA WOMAN LAWYER OF THE YEAR AND
WBA TORCHBEARER AWARD**

Nominations are sought for the 2006 Women's Bar Association Woman Lawyer of the Year (WLY) and WBA Janet Reno Torchbearer Award.

The WLY Award recognizes a woman for her exceptional achievements in the legal profession and/or for her extraordinary contributions to the advancement of women in the profession. The 2006 WLY Award will be presented at the 2006 Women's Bar Association's Annual Awards Dinner on May 16, 2006 at the National Building Museum.

The committee also considers each year the possibility of recommending a Torchbearer Award, named in honor of Janet Reno, the first woman to serve as U.S. Attorney General and the first recipient of the Award. It is presented at the Annual Awards Dinner periodically, rather than annually, to an attorney who has blazed trails to open the path of opportunity to, and forever changed the world for, women.

Please send your nomination to the attention of: WBA Past President Paulette Chapman via email pchapman@koonz.com, fax (202 785-3719), or first class mail (c/o Koonz, McKenney, Johnson, DePaolis & Lightfoot, 2001 Pennsylvania Avenue, N.W., Suite 450, Washington, D.C. 20006) by Friday, February 10, 2006.

**HEARING COMMITTEES OF THE BOARD ON
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There are 12 Hearing Committees of the Board assigned to hear lawyer discipline cases brought by Bar Counsel and petitions for reinstatement, filed by attorneys who are disbarred or suspended and required to prove fitness to practice as a condition to reinstatement. Each Hearing Committee is composed of two attorneys and one public member. In addition to the 12 standing Committees, there is a roster of alternate Hearing Committee members, who serve when a regular member is unavailable.

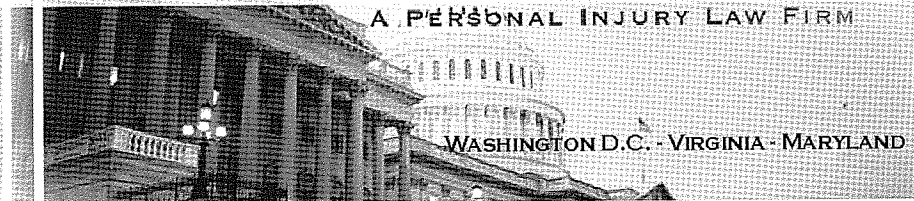
Hearing Committees consider evidence and the testimony of witnesses, taken under oath. Committees are generally guided, but not bound, by provisions or rules of court practice, procedure, pleading and evidence. At the conclusion of the hearing, the parties file briefs, and the Committee drafts a report to the Board, with findings of fact and recommended conclusions of law. Reports are usually drafted by the Committee Chair, but he or she may delegate the drafting to another member. Hearings can take from a few hours to several days. Each Hearing Committee considers approximately five cases a year. Hearings are open to the public.

Hearing Committee members are appointed by the Board on Professional Responsibility and can serve two consecutive three-year terms.

If you are interested in service on a Hearing Committee, please contact the Board's Executive Attorney, Elizabeth J. Branda, Esquire, for further information:

Elizabeth J. Branda, Esquire, Executive Attorney, Board on Professional Responsibility,
409 E Street, N.W., Building B, Room 208, Washington, D.C. 20001, (202) 638-4290,
ebranda@dcbpr.org

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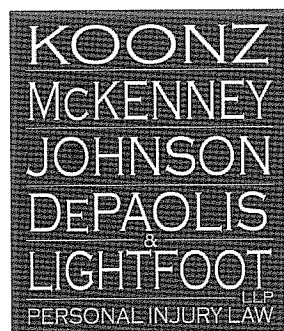


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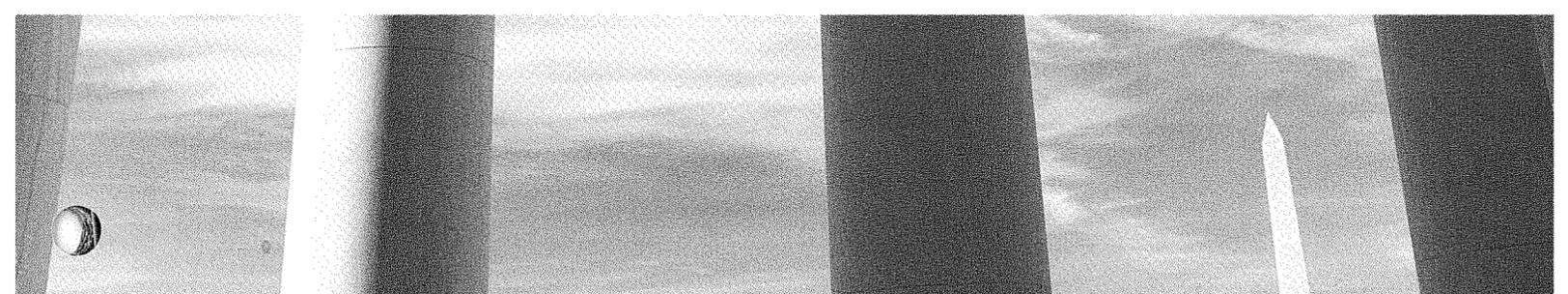
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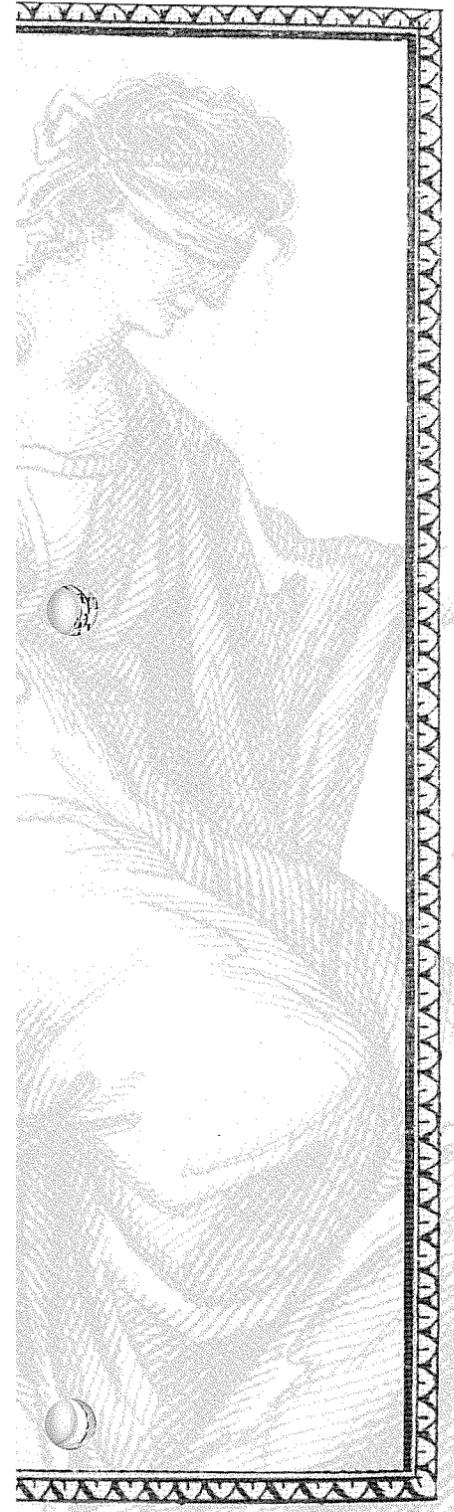
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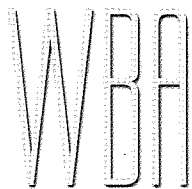
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