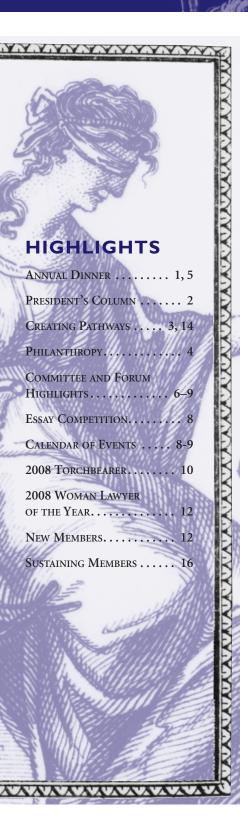


# WBA RAISING THE BAR

WOMEN'S BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA 2008–2009, ISSUE







# 2008 ANNUAL DINNER: JUSTICE RUTH BADER GINSBURG AND MARY E. KENNARD AND CELEBRATING Creating Pathways to Success for All

On May 15, 2008, the WBA celebrated another successful year of service at its 2008 Annual Awards Dinner. The WBA's Annual Dinner recognizes and supports the vital work of the WBA, its members, and its sister organization, the WBA Foundation. The WBA Foundation, the charitable arm of the WBA, provides grants to support such worthy causes as internships for law students and young lawyers, programs at a local center for women's employment rights, the provision of legal services and shelters for victims of domestic abuse, and programs designed to raise the self esteem of at-risk teenage girls.

For more than 90 years, the WBA, the country's fourth oldest women's bar association, has worked to expand opportunities for women lawyers and to help them reach their full potential. The event began with opening remarks by 2007-2008 WBA President Lorelie S. Masters, Jenner & Block, and 2006-2008 WBA Foundation President Ellen M. Jakovic, Kirkland & Ellis, who welcomed the more than 800 attendees to the celebration at the National Building Museum.

This year, the WBA honored two lawyers who have played critical roles in breaking down barriers facing women lawyers, Justice Ruth Bader Ginsburg and Mary E. Kennard, Vice-President and General Counsel of the American University. Justice Ginsburg, the second woman in history to serve on the United States Supreme Court, received the WBA's Janet Reno Torchbearer Award, created in 1996 to honor the first woman to serve as United States Attorney General. The WBA presents its Torchbearer Award periodically to an attorney who has blazed trails and opened paths of opportunity for women. Past recipients include Janet Reno (1996), Justice Sandra Day O'Connor (1997), Hon. Eleanor Holmes Norton (1999), Wilma Lewis (2001) and Judith Areen (2007). Justice Ginsburg not only served for many years with distinction on both the Supreme Court and D.C. Circuit, but also helped create the body of law protecting employment rights for women and all employees as the first Director of the Women's Rights Project of the American Civil Liberties Union. Justice Ginsburg is the only lawyer to be honored by the WBA both as a Woman Lawyer of the Year (in 1994) and Torchbearer.



#### A Publication of

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

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The cool nights are a clear sign that summer is waning and the first day of the new school year is just around the corner. The WBA will officially kick-off the 2008-2009 bar year with our annual Stars of the Bar networking reception on September 23 in the atrium of the

Columbia Square building, just below Metro Center. This event, which is free to all, provides the opportunity for the legal community to network in a casual setting and meet our local stars. Because it is a presidential election year, we will be honoring women in government service. The reception is also an opportunity to learn about and become involved in the WBA's many Committees and Forums that represent the face of this organization.

The next major event on the calendar is the WBA's signature Golf Classic, which will be held on October 2 at South Riding Golf Club in South Riding, Virginia. This is one of my favorite events because you do not need to have any golf skills to participate! After a round of golf, you can join us for lunch as we raffle off prizes. Invite clients and friends to join us for a relaxing day away from the office.

My inaugural letter as President of the WBA would not be complete without thanking you, our loyal members and volunteers, for your continued support and participation. All of our efforts to provide meaningful programming would not be possible without you, so I encourage you to get involved in the WBA this year and to take advantage of its many opportunities to network, make business contacts and develop life-long friendships. The WBA provides excellent opportunities to develop leadership skills and offers career development advice and mentoring to our members and the broader legal community, so renew your membership dues and get involved with one of our many Committees and Forums.

It is a privilege and an honor to serve as the President of one of the oldest women's bar associations in the nation and I look forward to working with you this year.

### JENNIFER MAREE

WBA President



### CREATING PATHWAYS TO SUCCESS FOR ALL

The WBA unveiled the latest results of its Initiative Task Force, a report entitled the "Initiative on Advancement and Retention of Women of Color in Law Firms: Creating Pathways to Success for All," at the WBA Annual Dinner in May. The report calls for action by law firms, individual attorneys, clients, law schools and bar associations to help women of color advance in the practice of law nationwide.

The Initiative Task Force held a one-day summit in March at Howard University Law School. The event was attended by over 100 law firm leaders, experts, lawyers, and law students who exchanged ideas on issues of recruitment, retention, and promotion of women attorneys of color that affect every law firm. The result of the summit was Creating Pathways to Success for All, which builds on the WBA's nationally recognized 2006 Initiative Report, Advancement and Retention of Women: Creating Pathways to Success. The 2008 report summarizes the findings of the summit and, based on the experience and findings from the WBA's 2006 and 2008 Initiative programs, makes recommendations for changes that law firms and others can implement to retain and promote women attorneys of color.

Creating Pathways to Success for All notes that 86 percent of women of color leave their law firms by the end of their seventh year and that less than two percent of partners in major law firms are women of color. Ten percent of law firm associates, from whose ranks partners are selected, are minority women. Basing its conclusions in part on a WBA-conducted survey

of more than 500 attorneys, findings from the summit, and the available research, the WBA report attributes the dearth of minority women partners to their feelings of being "invisible, isolated, and alone."

"Exclusionary experiences—when repeatedly encountered—have a profound effect on lawyers seeking to find both a 'home' and a rewarding career in law firms," the report concludes. And making partner, the report adds, "does not eliminate this isolation." According to the WBA's survey, an astonishing 80 percent of minority female partners reported a sense of alienation or exclusion from the other lawyers at their firm.

Based on comments at the summit and survey results, the WBA concluded that women of color often do not get access to key social networks, mentoring relationships, and firm leadership positions that can help them advance. They often have less access to high-quality assignments and receive few opportunities to pitch new clients.

The work of the Initiative Task Force was lead by WBA 2007-2008 president, **Lorelie S. Masters**, a partner in the DC office of Jenner & Block, and Program Chair **Holly E. Loiseau**, a partner at Weil, Gotshal & Manges LLP.

"Our work shows that minority women want to advance in their firms and are stymied by many subtle factors that have not been sufficiently discussed until now," said Masters. "Our report found that minority women's problems are not due to out-and-out racism, nor are they the result of the cliché that women want to

work fewer hours and are satisfied with less prestigious assignments because they are raising children." The WBA's summit and the *Creating Pathways to Success for All* report are a continuation of our nationally recognized Initiative on Advancement and Retention of Women.

With these reports, the WBA has placed the local community on the national map as forward-thinkers whose leaders come together, listen to experts present the latest objective research, share best practices and frustrations, and undertake a frank self-appraisal of how to move forward. A collaborative effort by all stakeholders in this effort—law firms, lawyers, clients, law schools, and bar associations—can effect positive change. PDF copies of both reports are available on www.wbadc.org.

# For a list of Initiative Sponsors, see page 14



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### WOMEN'S ROLE IN PHILANTHROPY

### By Diana M. Savit, President, Women's Bar Association Foundation

Last May, I did what I have done every five years since 1973: I returned to my alma mater. The highlight of Reunions Weekend is what is lovingly known as "the one and only P-Rade:" all returning alumni and their accom-

panying families march through campus, class by class in chronological order from the oldest alumnus down to the graduating seniors, accompanied by bands, floats, signs, and the cheers of the viewing university community and locals.

Some of the loudest cheers are reserved for my Class of 1973, because we march under the banner "Coeducation Begins." Our numbers include the first 100 women ever to matriculate at Princeton University as freshmen. We are the rock stars of reunions; everywhere we go, we are asked with awe and wonder what it was like to introduce a woman's voice into an aggressively male institution with a long and proud history. Not easy, we say—but worth it. The university has benefited immeasurably from coeducation.

Our entry on campus was quite different. Coeducation was vigorously opposed by some. Among the arguments offered against coeducation was the fear that alumni giving would decrease as women joined their ranks; pointing to the historically lower fundraising numbers posted by women's colleges, Princeton's anti-coeducation forces argued that women would not—could not—be as generous as men, and that the coeducation decision would put the university on the road to financial ruin.

Nonsense. Coeducation brought Princeton one of the largest individual donations in its history, \$30 million from Meg Whitman (eBay's CEO), which built a complete residential quadrangle. In fact, Princeton has done so well since women's arrival on campus that it awards only grants, not loans, as financial aid.

What does all this have to do with the WBA and its charitable arm, the WBA Foundation (WBAF)? It shows that women are a powerful philanthropic force—and don't let anyone tell you otherwise! A 1999 survey by the National Association of Women Business Owners found that more than half of the 400 women surveyed donated \$25,000 or more per year to charity, and 19 percent gave \$100,000 or more. Moreover, most women want to feel an emotional connection to the charities they support, want to use their charitable giving to effect change, and control more than half the personal wealth in the United States, positioning us to, literally, put our money where our mouths are.

Your WBA membership means that you are committed to advancing the role of women in law and in the world, and likely to social justice on a broader scale. The WBAF is your readily available mechanism for achieving this. The WBAF's activities promote (a) women as leaders and role models, (b) gender equality, (c) understanding of legal issues important to women, (d) the legal profession's enhanced responsiveness to its members, (e) education and training of women in law and legal issues, and (f) the delivery of legal services to the disadvantaged and needy. Above all, we provide a forum for women attorneys to contribute to the community.

In the coming year, we will ask you to make an individual gift, in an amount of your choice, to the Foundation to enhance its work and to help effect positive change for women, the legal profession and our local community. We hope you will be prepared to help us meet this challenge when we call on you.



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Continued from page 1

Justice Ginsburg discussed the changes she has witnessed over the course of her legal career. She focused her remarks on the recent passing of Mildred Loving, the African-American woman at the center of the landmark civil rights case, *Loving v. Virginia*, in which the United States Supreme Court declared Virginia's anti-miscegenation statute unconstitutional. (For Justice Ginsburg's remarks, please see page 10.) Justice Ginsburg's husband and "best friend and biggest booster," *Martin D. Ginsburg*, was also present on the dais, and he entertained the crowd with amusing anecdotes from his wife's storied career and their long marriage.

Mary Kennard was honored as the 2008 Woman Lawyer of The Year. Ms. Kennard was introduced by her good friend and law school classmate, **Jacqueline M. Roberts**, who moved many in the crowd with her touching and telling story of the many obstacles Ms. Kennard faced in her career. Like many women lawyers, Ms. Kennard faced challenges in blending her professional life with the demands of motherhood but succeeded in reaching the top ranks of general counsel leading major educational institutions in the United States. Ms. Kennard is currently President-Elect of the 3,000-member National Association of College and University Attorneys, as well as the immediate past president of the Washington Metropolitan Area Corporate Counsel Association. Her supporters at the Annual Dinner filled two tables and included her two sons and colleagues from The American University, which she serves as General Counsel. Ms. Kennard spoke eloquently of the challenges she has faced and singled out the WBA for its support of women lawyers. (For Ms. Kennard's remarks, please see page 12.)

This year's Annual Dinner Honorary Committee was made up of six women who have also all been recognized for their remarkable contributions to society: United States District Court Judges Joyce Hens Green, WBA President in 1960-1962, and Gladys Kessler; the President-Elect of The American Bar Association, Carolyn Lamm, White & Case; Congresswoman Linda T. Sanchez; and United States Senators, Barbara A. Mikulski and Olympia J. Snowe.

A highlight of the WBA's 2008 Annual Dinner was the unveiling of the WBA's 2008 Report by its Initiative on Advancement and Retention of Women, *Creating Pathways to Success for All*. The Report represents the organization's commitment to fostering the change that will stem the loss of women and minorities from the profession. Ms. Masters, joined by **Holly Loiseau**, Weil, Gotshal & Manges, Chair of the Initiative's Women of Color Committee, discussed key findings and recommendations for change and inclusion in the WBA's 2008 Report. *Creating Pathways to Success for All* includes action items that all of us can take to deal with these challenges. For more information on this groundbreaking Report, please see page 3.

The 2008 Annual Dinner was a tremendous success, and the WBA and WBA Foundation thank all of the members and sponsors who contributed to making this such a memorable event. A special thanks to the Annual Dinner co-chairs, **Heather Lorraine Hodges**, Crowell & Moring, **Jenny Kim**, Koch Industries, Inc., and **Joanne Jordan**, LECG, and all of the members of the Annual Dinner Committee who helped make the WBA/WBA Foundation's 2008 Annual Dinner an elegant and memorable celebration of the achievements of Justice Ginsburg and Mary Kennard and the WBA's Initiative and Women of Color Committee.



Committee and Forum Highlights



# CONGRESSWOMAN STEPHANIE TUBBS JONES

regret to report Congresswoman Stephanie Tubbs Jones passed away on August 20, 2008. Rep. Tubbs Jones was the first African American woman elected to the United States House of Representatives from Ohio, was serving her fifth term in Congress, and was a member of the powerful Ways and Means Committee. She introduced the WBA's Woman Lawyer of the Year, Kim Keenan, at the WBA's Annual Awards Dinner in May 2007. Our condolences go to the Congresswoman's family, friends, staff, and colleagues.

### SHARED HISTORY OF WBA AND WCL

In honor and celebration of the shared history of the WBA and American University Washington College of Law, which were both founded by Ellen Spencer Mussey & Emma Gillett, we invite you to join us for *Preserving the Past, Celebrating the Future: A Dinner and Keynote Address* to be held on Thursday, October 16, 2008.

The WBA and the WBA Foundation are merging their collective historical archives, spanning more than 90 years, and showing the impact of Mussey and Gillett on the professional training and progress of women lawyers in this community. WCL has generously offered to house these historic archives in its Pence Law Library, which will professionally preserve and make available for display, research, and electronic access, the meeting minutes, reports, pictures, programs, and other pieces comprising the historical archives of one of the first women's bar associations in the United States.

Mark your calendar now and plan to join us on Thursday, October 16, 2008, from 6:30–9:30 pm at American University. For the most up-to-date details, visit www.wbadc.org.

# HUMAN TRAFFICKING: A LOOK AT MODERN DAY SLAVERY

The WBA sponsored two programs on human trafficking this summer. The first program gave a glimpse into the problem of human trafficking in the world today and how it impacts the Washington, DC metropolitan area and private corporations working with the United States government. Speaking at the luncheon were **Andrea Bertone**, Director of Human Trafficking.org; **Tenley Carp**, Partner at Cohen Mohr; **Gayatri Patel**, U.S. State Department; and **Karen Strauss**, Managing Attorney and Policy Counsel at the Polaris Project.

The second program discussed the actions that various organizations—private, public, and non-profit—are taking to combat human trafficking and how participants could get involved. The program also provided attendees an opportunity to speak with government agencies and non-profit organizations who are actively engaged in the fight against human trafficking. Speaking at the evening event were Martina Vandenberg, Associate at Jenner & Block LLP; Veronica Puente-Duany, Ayuda; Greg Bristol, Special Agent with the FBI; Brad Myles, Deputy Director at the Polaris Project; Stacey Herzlinger; Detective with the Alexandria Special Victims Unit; and Bill Livermore, Director of Thought Leadership Programs at LexisNexus.

Due to the large response to these programs, the WBA is currently planning followup programs which will provide a more in-depth discussion of the myriad of issues involved in human trafficking.

The WBA thanks LexisNexus for sponsoring the evening reception as well as McGuire Woods, LLP and McDermott, Will & Emery for hosting the events.

# ELECTION POLICIES DISCUSSION SAVE THE DATE

Join us for what promises to be an informative discussion of what to expect for communications hot topics in 2009. On Tuesday, October 21, 2008, from 12:00 to 1:30 p.m., the Communications Law Forum will host a brown bag lunch program entitled: Obama or McCain? Communications Policies of the Next Administration.

Lauren Belvin, a former advisor to Senator McCain, and Scott Blake Harris, an advisor to Senator Obama, will provide perspectives on the next president's communications policies.

The program will be held at Harris, Wiltshire & Grannis LLP, 1200 18th Street NW, Suite 1200, Washington, DC 20036. The registration fee for WBA members, government employees and students is \$8; the fee for non-WBA members is \$18.Additional information and registration is available online at www.wbadc.org.

# INITIATIVE TO PREPARE WOMEN LAW STUDENTS

On July 15, the Law Student Project of the WBA's Initiative on Advancement & Retention of Women hosted **Jane DiRenzo Pigott**, Esq., the first woman to serve on Winston & Strawn's Executive Management and Compensation Committees, for a captivating look at what law students need to know in order to succeed as new associates at law firms. More than 70 summer associates and firm representatives attended the event. The event was the second event in the Law Student Project's "Claiming Your Success" series which strives to offer programs that offer pragmatic strategies for success at an earlier point in women lawyers' careers when it may have even more impact.

For more information on how you can get involved in the WBA Initiative's groundbreaking work with law students contact **Linda Bray Chanow** at LindaChanow@pardc.org or **Consuela Pinto** at consuelapinto@verizon.net.

### GOLF CLASSIC

Join the WBA for our Eighth Annual Golf Classic on Thursday, October 2, 2008 at South Riding Golf Club. Registration is now open to individual golfers and foursomes. Individual golfers are \$125 and foursomes are \$500. Go to www.wbadc.org and click on calendar of events to download the registration form.

The WBA Golf Classic brings together attorneys, legal professionals, business partners, and vendors from the Washington, DC area for a day of recreation and networking. This is a great opportunity to reward an associate or to enjoy time with a special client. The camaraderie provides excellent networking and exposure for you and your firm. For those of you who have played in previous years, we are sure you remember the fun, the networking, and the great prizes.

If you have any questions regarding sponsorship, registration or volunteering, do not hesitate to contact the WBA office at (202) 639-8880 or events@wbadc.org.

# CALENDAR OF EVENTS

AAAAAAAAAA

Saturday, September 13, 2008 8:30 am to 1:00 pm REAL WORLD TRAINING FOR FUTURE SUCCESS Howrey LLP 1299 Pennsylvania Avenue, NW Washington, DC 20004 WBA Members: \$20; Non-Members: \$30

Tuesday, September 23, 2008 6:00 to 8:00 pm 2008 STARS OF THE BAR NETWORKING RECEPTION Columbia Square 555 13th Street NW Washington, DC 20005 No charge

Thursday, October 2, 2008 8:00 am to 4:00 pm WBA GOLF CLASSIC South Riding Golf Club 43237 Golf View Drive South Riding, VA 20152 Individual golfers: \$125 Foursomes: \$500

Wednesday, October 8, 2008 12:00 to 1:30 pm SOLO AND SMALL PRACTICE MONTHLY LUNCHEON Marc & Orlando's 2020 P Street, NW Washington, DC 20006 No charge

Tuesday, October 14, 2008 6:30 to 8:30 pm THE PRESIDENTIAL APPOINTMENT PROCESS City Club of Columbia Square 555 13th Street, NW Washington, DC 20004 Details at www.wbadc.org

# INVITATION TO SUBMIT ESSAYS FOR THE ARCHIVES ON WOMEN LAWYERS PROJECT

The WBA and American University Washington College of Law (WCL), which were both founded by Ellen Spencer Mussey & Emma Gillett, share an important history in advancing women in the law. In celebration and recognition of this history, *The Modern American* has announced an essay competition, which is open to all full-time and part-time law students enrolled in and attending an accredited law school in the United States.

Entries to the competition can discuss the author's selection of a topic of interest or importance affecting women in the law, such as issues ranging from the history of struggles confronted by women lawyers in their careers to issues that women lawyers face today in a male-dominated environment at the higher levels of the profession. This competition not only gives semi-finalists the opportunity to work alongside WBA members by receiving response pieces from them, but also gives semi-finalists and the winner of the competition the opportunity to attend the dinner commemorating the WBA's and WCL's shared history on October 16, 2008, at WCL. The winner of the competition will also receive a \$1,000 cash prize and have a chance to publish his/her essay in *The Modern American*.

The deadline for submitting essays is noon on October 1, 2008. They should be emailed to tma@wcl.american.edu, along with one cover page that includes all personal information (name, address, phone number, email, law school, title of essay).

#### **RULES & REGULATIONS**

Any student regularly enrolled in and attending classes full-time or part-time at an accredited law school in the United States is eligible to enter.

All entries shall be the original, unpublished work of an individual student, but may have been prepared as a course assignment. Some guidance of law school faculty is permitted, except for any guidance by the competition judges.

Papers must be typed, double-spaced, on 8-1/2 by 11 inch white paper, 20-30 pages in length, and MUST be within the subject matter described in the introduction above. Use endnote form, which will be included in the paper's length. Citations and endnotes are to be in accord with the current edition of A Uniform System of Citation (The Bluebook).

Papers will be evaluated considering: writing quality and clarity; the interest of the topic and content to a broad segment of lawyers; analysis and reasoning; timeliness, originality and creativity; quality and use of research; and compliance with these rules.

Papers will be evaluated, and the prize will be awarded, at the discretion of a panel of scholars and attorneys who will have no knowledge of the author's name or law school.



# CALENDAR OF EVENTS

AAAAAAAAAA

Thursday, October 16, 2008
6:30 to 9:30 pm
WBA, WBA FOUNDATION AND
AMERICAN UNIVERSITY
WASHINGTON COLLEGE OF LAW
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CELEBRATING THE FUTURE
American University Washington
College of Law
4801 Massachusetts Avenue, NW
6th Floor
Washington, DC 20016
Details at www.wbadc.org

Tuesday, October 21, 2008
12:00 to 1:30 pm
COMMUNICATIONS
LAW FORUM
OBAMA OR MCCAIN?
Communications Policies of the
Next Administration
Harris Wiltshire & Grannis LLP
1200 18th Street, NW, Suite 1200
Washington, DC 20036
WBA Members, Government
Attorneys, Students: \$8; Non-members: \$18; Box lunch: \$12 additional

Friday, December 12, 2008
3:00 to 5:00 pm
COMMUNICATIONS LAW
FORUM HOLIDAY TEA
Willard InterContinental Hotel
The Crystal Ballroom1401
Pennsylvania Avenue,
NWWashington, DC 20004
WBA Members and Government
Attorneys: \$40.00; Non-Members:
\$50.00

For more information or to register for these events, visit www.wbadc.org.

The winner, as well as all participants, will be notified regarding the competition results by mail on October 15, 2008. Thereafter, the winner will be commemorated at the Washington College of Law on October 16, 2008, at the Women's Bar Association/Washington College of Law Archives Project Dinner.

Once all essays are turned in, semi-finalists will get an opportunity to interact with a WBA member on a companion piece to be written by the woman lawyer. The companion piece resulting from this opportunity will be solely for the benefit of each student and will not be taken into account in making the award. The companion piece will be intended for submission for publication along with the winning essay. In addition, the winner of the competition will have the opportunity to receive mentoring from the companion piece author in order to perfect his/her essay in advance of its final review and processing by the editorial board of *The Modern American*.

Entry grants *The Modern American* the right of first publication of the paper and the copyright if published, constitutes certification of it as an original unpublished and unplagiarized work, and is the author's agreement to hold The Modern American and its members harmless from, and to indemnify them for, any and all damages and costs relating to copyright infringement or plagiarism.

Please notify tma@wcl.american.edu if any of your contact information changes after entry is submitted.

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# WBA LEADERS SWEEP 2008 DC BAR ELECTION

WBA is proud to announce that some of its finest members secured a number of top positions in this year's DC Bar election.

Kim Keenan, 2007 WBA Woman lawyer of the Year was elected DC Bar President-Elect and Leah Robins, Bar Treasurer. Amy Bess, Rebecca McNeil and Laura Possessky were elected to the DC Bar Board of Governors and will join current DC Bar Board members Paulette Chapman and Ellen Jakovic.

Additionally, Marna Tucker, WBA Woman Lawyer of the Year and the first female President of the DC Bar, was elected along with past WBA Presidents Karen Lockwood and Lucy Thomson to the ABA House of Delegates from the DC Bar. These delegates will witness recently elected Carolyn Lamm, current President-Elect of the ABA and 2009 ABA President, in action.

Membership and leadership activities with the WBA continue to be an important stepping stone to key positions in both the DC Bar and the ABA.

# 2008 JANET RENO TORCHBEARER AWARD RECIPIENT

COMMENTS BY RUTH BADER GINSBURG, ASSOCIATE JUSTICE, SUPREME COURT OF THE UNITED STATES

When Lorelie Masters asked me to pick the person I would most like to introduce me, I answered Marty without a moment's hesitation. Marty has been my partner in life for nearly 54 years. He is a very funny fellow, as you have just seen. He is also a tax lawyer and teacher nonpareil, the most favored caterer at quarterly lunches held by Supreme Court spouses, the best baguette baker in D.C., and my constant supporter in all things. The writer Norman Mailer - no feminist he - once said that a woman could be bending over a sink full of dishes, but he would not lift a finger to help her, unless he considered her work as important as his. Marty has thought that about my work since the 1960's. Illustrative evidence: With some help from our foodloving children, he banished me from the kitchen and made dinner preparation his exclusive domain nearly 30 years ago, even before I got my first good job in DC.

Marty and I have witnessed enormous changes in the law, the legal profession, and living in the USA since our law school days. A few numerical indicators. In 1956, when I was a I-L, across the country, women were just 3% of all first-year students enrolled in ABA-approved law schools. This year, women account for over 47% of first-year enrollees.

On the federal bench in 1956, only one woman, Florence Ellinwood Allen of Ohio, had ever gained a U.S. Court of

Appeals seat. Today, 55 women sit on federal Courts of Appeals, holding just over 30% of those posts. Ten have served as Chief Judges of their Circuits. State Supreme Courts in 17 of the States are today headed by women; among the 17 are North Carolina, South Carolina, Georgia, and Alabama. Over 30% of tenure-track posts at law schools are filled by women.

So much for the numbers. Women and men are not yet even, but we are getting there. Some days ago, thinking about what I might say to you tonight, I came upon a New York Times obituary and knew immediately what I wanted to convey. The news item reported the death of a woman named Mildred Loving. She was not a lawyer; indeed, she held no academic degrees, but a case she pursued together with her husband, Richard Loving, changed America. Just yesterday [May 15, 2008], columns in the Times and Washington Post lauded the Supreme Court decision bearing their names, Loving v. Virginia.

In 1958, the year I was a 2L, Mildred Jeter and Richard Loving drove from Caroline County, Virginia, to Washington, D.C., to get married. They could not marry in Virginia, where they had grown up, met, and wanted to build their family. The reason: Richard was white, Mildred was of mixed African-American and Native-American descent, and Virginia law (also the law in 15 other States at that time) banned interracial marriage. The couple, Mildred recounted just last year, had no mind "to make a political statement or start a fight"; they "were in love, and ... wanted to be married."

The Lovings returned to their home in Central Point, Virginia, and hung their marriage certificate on a wall in their bedroom. Five weeks after their return, "the county sheriff and two deputies, acting on an anonymous tip, burst into



their bedroom [at 2:00 a.m.,] [woke them by shining] flashlights in their eyes," and demanded of Richard: "Who is this woman you're sleeping with?" When Richard pointed to the marriage certificate posted on the wall, the sheriff responded: "That's no good here," then carted the Lovings off to jail. Richard spent the rest of the night locked up. Mildred, the spouse of color, spent that night and the next five days in jail. 4

Frightened and uncounseled, the Lovings appeared before a judge and pleaded guilty to violating Virginia's Racial Integrity Act. Their sentence was a year in jail, a term the judge would suspend provided that the Lovings "le[ft] the State and not return to Virginia together for 25 years." "Almighty God," the sentencing judge proclaimed, "created the races white, black, yellow, malay and red, and he placed them on separate continents.... The fact that he separated the races shows that he did not intend for [them] to mix." "6

Banished from the community where their families had lived for generations, Mildred and Richard Loving managed as best they could as residents of D.C. Some years later, inspired by the civil rights movement, and particularly, the "March on Washington," Mildred wrote to Attorney General Robert Kennedy. Kennedy replied, suggesting that Mildred contact the American Civil Liberties Union. With the aid of ACLU volunteer lawyers Bernard Cohen and Philip Hirschkop, the Lovings sought to vacate their convictions and gain Virginia's recognition of their marriage.

Their challenge, commenced in 1963, worked its way up to the Supreme Court, where, on June 12, 1967, Chief Justice Earl Warren announced the Court's unanimous holding: Virginia's

miscegenation law was unconstitutional. "There can be no doubt," the Chief Justice wrote for the unified Court, "that restricting the freedom to marry solely because of racial classifications violates the central meaning of the Equal Protection Clause." For good measure, the Court added, Virginia's ban on interracial marriage also "deprive[d] the Lovings of liberty without due process."

How did the 1967 press greet the case that ended law-backed apartheid in America? Not with the unreserved applause accorded yesterday by New York Times and Washington Post columnists Brent Staples and Ruth Marcus. A New York Times editorial immediately responding to the decision said this of the ruling: Young people (that meant 60s young people) would wise up, the editor hoped; they would no longer choose "racially mixed marriage as a gesture of defiance against law . . . rooted in rebellion more than . . . in affection."9 "Naturally," the Los Angeles Times observed, "there was nothing in the opinion that could be taken as lending encouragement to the idea of interracial marriage." 10 The Washington Post spoke kindly of Mildred Loving. It described her, not as a woman of courage, but as "an attractive, slender 27year-old Negro."11

Forty years after the muted zeal of first reactions to the landmark decision, Mildred Loving wrote: "I have lived long enough . . . to see big changes. The older generation's fears and prejudices have given way, and today's young people realize that if someone loves someone they have a right to marry." The last State to rid its laws of a miscegenation ban was Alabama, in 2000. Today, 4.3 million interracial couples reside in the United States. <sup>13</sup>

The first woman to run for President of the United States was Belva Lockwood, in 1884 and 1888. Cartoonists made her appear a laughable character. This year, the Presidential candidate of one of our major parties will be a woman or an African-American man, himself the child of an interracial marriage. Like Mildred Loving, I have lived long enough to see big changes.

Eleven years ago I introduced Justice Sandra Day O'Connor when she received the [WBA's] Janet B. Reno Torchbearer Award. I am honored beyond measure to join her, Eleanor Holmes Norton, Wilma Lewis, and Judith Areen as a recipient of the award. May I leave off with words Sandra wrote when she was the lone woman on the Court, words I have often borrowed:

For both men and women the first step in getting power is to become visible to others, and then to put on an impressive show. . . . As women achieve power, the barriers will fall. As society sees what women can do, as women see what women can do, there will be more women out there doing things, and we'll all be better off for it.

Loving, "Loving for All," Statement Prepared for Delivery on June 12, 2007, online at http://www.freedomtomarry.org/pdfs/mildred-loving-statement.pdf.

<sup>2</sup>Martin, "Mildred Loving, Who Battled Ban on Mixed-Race Marriage, Dies at 68," N.Y.Times, May 6, 2008, p. B7.

3lbid.

<sup>4</sup>Margolick, "A Mixed Marriage's 25th Anniversary of Legality," N.Y.Times, June 12, 1992, p. B20.

5388 U. S., at 3.

<sup>6</sup>Quoted in Loving v.Virginia, 388 U. S. I, 3 (1967). <sup>7</sup>388 U. S., at I2.

8lbid.

<sup>9</sup>"The Right to Marry," N.Y.Times, June 20, 1967, p.38.

<sup>10</sup>Donovan, "Ban on Interracial Marriages Struck Down by 9-0 Decision," Los Angeles Times, June 13, 1967, p. 7.

<sup>11</sup>Dewar, "Victor in Mixed Marriage Case Relieved," Washington Post, June 13, 1967, p.A11.

<sup>12</sup>Loving, supra n. 1.

<sup>13</sup>Sullivan, "Quiet Va. Wife Ended Interracial Marriage Ban," Washington Post, May 6, 2008, p. A1.



# WELCOME NEW WBA Members! Abigail L. Baker Debora Barr Elizabeth Mary Bartlett Shuchi Batra Ellen Traupman Berge Shayna Bloom Judith Bonderman Meghan Boone Lesley Bowling Sachs Jamie Brinkmeyer Megan Austin Burke Megan Austin Burke Lia G. Burnham Nancy M. Cacciatore Mary Chlebowski Eileen M Cole Patricia Mary Connally Alexis S. Conway Dawn R. Crumel Michele L. Dearing Mimi Saga Dennis Mimi Sage Dennis Carolyn Elefant Hannah Farber Monique Yvette Fortenberry April Hope Gassler Amanda Gilbert Laura Ryan Ginsburg Dana R Green Dana R Green Heron Greenesmith Karla Joyce Hardy Emily Godwin Hobbins Melissa Mary Ihnat Nabila Isa-Odidi Tevenia V Jacobs Anita Marie Josey-Herring Marla H. Kanemitsu Kirsten E Keating Tania Khan Kay Kornman Kay Kornman Ray Kornman Ngoc H. Lam Natalie Lichtenstein Arthur Lindberg Jean R. Love Katherine A. Mazzaferri Jennifer McDannell Elizabeth Quinlan McMurray Jan E. Merna Lynn Elizabeth Meyer Robin Cynthia Murphy Donna Mary Murphy Tara J Nelson Danielle Osler Anna Owsley Dana Pagan Erin Louise Palmer Marianela Peralta Michele M Riley Yesenia Rivera Ebony M Robinson Diana Joan Rubin Carolyne Arango Sanin Roberta Willis Sims Heidi Sorensen Robert James Spagnoletti Barbara Maria von Hauzen Heather Marie Zachary

## 2008 WOMAN LAWYER OF THE YEAR

COMMENTS BY MARY KENNARD, VICE PRESIDENT, GENERAL COUNSEL AND SECRETARY, AMERICAN UNIVERSITY

Thank you to the members of the Women's Bar Association and its board and the Women's Bar Association Foundation, for this honor and for the wonderful work that you do to promote women in the legal profession. Your support of women and minorities has truly defined the practice of law in the United States. Your support of women in the judiciary and women in corporate America are also proof of your commitment to your founding mothers Emma Gillett and Ellen Mussey. (but more about them later).

I am so very honored to accept this award. I am particularly honored to be here in the presence of Justice Ginsberg who is, as you know, a past recipient of this same award. It is also personally significant to me to have the opportunity to share this honor with my best friend and law school classmate Jacqueline Roberts. Jackie has taught me so much through the years about grace under pressure, whether during law school finals or in the practice of law.

I stand here tonight and can't help but reflect on how truly blessed I have been. Blessed to have two extraordinary sons who have given my life meaning and who are carving their own way in the businesses they have chosen. Blessed to work for an exceptional university, American University, where diversity is not only talked about but cherished since its founding.

I am rewarded each day to have the opportunity to work with brilliant lawyers, a fantastic office manager, wonderful students and law clerks. So, if you'll



indulge me a moment I'd like for all of you to know them and I'll ask that they and my sons please stand for just a moment. My sons Andrew and Charles Robinson; my faithful deputy, Bethany Bridgham, from Worcester, MA; my wonderful litigator, Hisham Khalid; my intellectual property counsel, Justin Perillo, from Johnston, RI; my immigration counsel, Thi Nguyen-Southern, born in Vietnam; my office manager, who keeps it all flowing, Minsun Lee; my former office manager and dear friend, Wanda Green; my wonderful student, Christina Khudyakova from Vladivostok, Russia; and mur law clerk, Kristina Doan, who is now entering her third year at the Washington College of Law. Thanks to each of you for the support you give me throughout each working day.

I am also blessed to have the help of so many talented lawyers in law firms and area companies who help me provide American University with the best legal representation available.

I'm so honored that you came tonight-but more important all of the support you give me throughout the year. Thank you.

Last year, I had the privilege of leading the DC chapter of the ACC. But I really could have done nothing without the support and friendship of attorney, Ilene Reid, its executive director. Next month, I assume the presidency of the National Association of College and University Attorneys. I am blessed to have a deep friendship and the support of its executive director, Kathleen Santora, and attor-



ney, Karl Brevitz. These two extraordinary attorneys work tirelessly to ensure the growth and development of the practice of higher education law.

Over the years, many people have asked me why I chose to practice law in higher education. My law school classmate Barbara Potts, who is here tonight representing Blank Rome in Philadelphia, probably wondered why I gave up law firm practice to go to work in higher ed law — it certainly isn't the money!

I chose to practice in higher education law because education has always been important to my family. Higher education has been the means by which my family has advanced. And without opportunities for education, I would not be here today. As many of you know, in my dining room I have a portrait of my ancestor, George Irons. It has always held a prominent place in my home. When I was a child, my mother would cover it with a table cloth at night because it's one of those pictures where the eyes follow you wherever you go. But what is most striking about this portrait, is that George Irons was a union army soldier and enlisted to fight in the Civil War. He enlisted at a time when African Americans, according to the Dred Scott decision, were not even considered persons under the Constitution, as AU Professor of American History, Ed Smith, teaches us.

But he was willing to give his life for the cause of freedom from slavery. He was injured in the Civil War. I know this because in 1909, he wrote to the US government to seek the disability pension he was owed for his service. When he finally received it, he bought a house in western Pennsylvania. This is the home that my mother and grandmother grew up in. My family sold some of that land to pay for my uncle to attend Howard University College of Dentistry in 1923. My uncle used the income from his practice to pay for my mother to attend Howard University. In 1943, she became a chemist

and worked for the US Department of War and then the Philadelphia Naval Shipyard. My mother was one of the first black female chemists for the US Navy. In 1964, she was one of its first EEO officers. She helped countless men and women find jobs in the federal government. My mother, like my father, is unable to be here tonight because of illness. They worked hard to instill in me the value of higher education and created the opportunity for me to attend college and then law school.

So, you see for me, the Civil War and the sacrifice made by one man, is very close in time for me. His portrait is a living memory of the endurance and perseverance of my family to educate their children and provide professional careers through higher education.

Diversity for me isn't an abstract concept; it is a commitment and testament to freedom. Tolerance and ultimately celebration of our differences, is for me, a commitment to our life's work here on earth.

Many of you in this audience have been mentors to young lawyers, encouraged women to take the next challenge, battled at the courthouse, and from the bench, to ensure that we receive the full measure of what the Constitution fully intended equal rights and the full measure of justice under law. Your work is not in vain.

Each year, I see more law students of varying races and cultures enter the Washington College of Law. Each year I see students from all over the world come to learn and grow at American University. For me, serving as its counsel and helping to shape the goals and direction of this school, is in no small part my way of honoring my ancestor, George Irons. He was willing to sacrifice his life, so it is a small sacrifice for me to give my time and talent to help other women and minorities achieve higher education.

In the organizations that I work in, NACUA, WMACCA and the Washington

Trust Company, I have also looked for opportunities to bring in new and diverse faces. I've tried to create opportunities for mentorship. I've tried to work to breakdown barriers to access and break the glass ceilings of opportunity.

I hope that I have stayed true to the intent of the founders of the WBA and the Washington College of Law, Emma Gillette and Ellen Spencer Mussey. They created two enduring institutions dedicated to education and the advancement of women in the legal profession.

As Ellen Spencer Mussey said in 1920: "Knowledge of the law is not only a wonderful discipline for the mind, but the law is KEY to all social problems and the guide in commerce... A woman must show that she can make good!!!!"

Let us each find the opportunities to help another MAKE GOOD!

Thank you again for this extraordinary honor. I share this award with each of you who work each day to make equal opportunity a reality for others. Thank you to the Women's Bar for your commitment to Diversity in the legal profession. It is an honor to be counted among your ranks.



# OTHER REPORTS OF INTEREST

The National Association of Women Lawyers has released Actions for Advancing Women Into Law Firm Leadership. The report was prepared and written by WBA Board member Linda Chanow, Director of Research, Project for Attorney Retention. A copy of the report can be downloaded at www.nawl.org.

The ABA Commission on Women in the Profession recently released From Visible Invisibility to Visibly Successful: Success Strategies for Law Firms and Women of Color in Law Firms. A copy of the report can be downloaded at http://www.abanet.org/women/woc/wocinitiative.html.

The Commission on Women also recently released the second edition of Fair Measure: Toward Effective Attorney Evaluations authored by Joan C. Williams, Co-Director of the Project for Attorney Retention and WBA President-Elect Consuela A. Pinto, Director of Education for PAR. The book can be purchased at http://www.abanet.org/abastore/index.cfm?section=main&fm=Product.AddTo Cart&pid=4920043.

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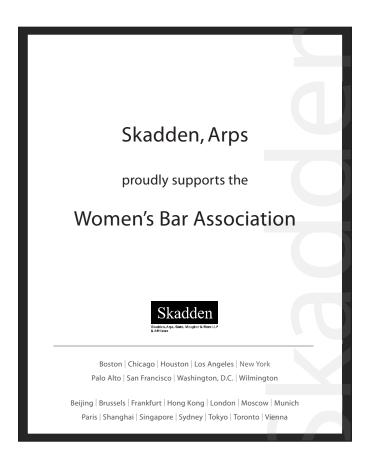
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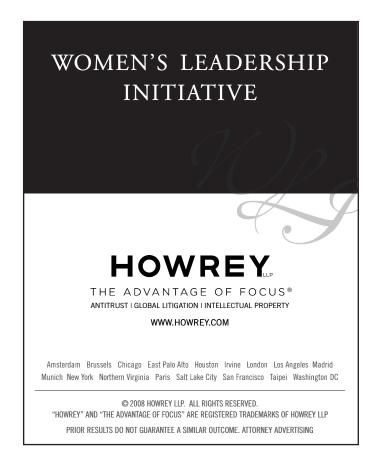
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