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A sold out crowd in the Willard's Crystal Room.

COMMUNICATIONS LAW FORUM HOSTS ANNUAL HOLIDAY TEA

By Jennifer Duane

On December 12, 2008, the **WBA Communications Law Forum** hosted its annual Holiday Tea at the famed Willard Intercontinental Hotel. This year's featured speaker was the **Honorable Patricia McGowan Wald**, who, among her many notable accomplishments, holds the distinction of being the first woman appointed to serve as a judge on a U.S. Court of Appeals. Over 110 attendees filled the Willard's elegant Crystal Room to hear Judge Wald's remarks, meet and mingle with their peers in the communications industry, and enjoy tea, scones, sandwiches and desserts. The Crystal Room was festively decorated for the holiday season and background harp music provided a further touch of elegance.

With the afternoon high tea service underway, **Lynne Milne**, co-chair of the Communications Law Forum, kicked off the program by welcoming the attendees and highlighting a few of the activities that the forum has held over the past year. Activities include multiple brown bag lunches that spotlighted many of the Federal Communications Commission's Bureau Chiefs and the initiation of the forum's Women of Distinction lunches in November. She also thanked the event's sponsor, the law firm of **Kilpatrick Stockton LLP**, and invited firm representative **Svetlana Gans** to the podium. Ms. Gans related the firm's pleasure in continuing its generous support of the Holiday Tea. Communications Law Forum co-chair **Laura Mow** then introduced Judge Wald, recounting some of the many milestones of her long and distinguished legal career, which can accurately be described as a series of "firsts." In 1979, for example, President Jimmy Carter appointed her, the first woman, to a judgeship on the U.S. Court of Appeals for the District of Columbia Circuit. Between 1986 and 1991, Judge Wald served as the first female chief judge of the DC Circuit Court, often referred to as the country's second most important court because of its proximity to the nation's capital. She presided over several significant cases during the course of her 20-year career on the bench. In 1999, United Nations Secretary-General Kofi Annan appointed Judge Wald to serve on the International Criminal Tribunal for the Former Yugoslavia. The only woman judge to sit on the panel at The Hague in the Netherlands, she presided over trials to determine the

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A VICTORY FOR WORKERS' RIGHTS TO EQUAL PAY!

On January 29, 2009, President Obama signed his first piece of legislation into law: the Lilly Ledbetter Fair Pay Act of 2009 ("Ledbetter Act"). The Ledbetter Act was drafted specifically to overturn the United States Supreme Court decision in *Ledbetter v. Goodyear Tire & Rubber Co., Inc.*, 127 S. Ct. 2162 (2007). Enacting the Ledbetter Act signals a renewed interest in protecting civil rights, including protection against pay discrimination.

For approximately 20 years, Ms. Ledbetter worked as an area manager for the Goodyear Tire & Rubber Company – one of the few female supervisors at the plant in Gadsden, AL. Initially, she received a salary similar to her male counterparts. Over time, however, a pay gap developed between her and her male colleagues that had widened considerably over the years as she received smaller raises based on her performance evaluations. By the end of her career at Goodyear, Ms. Ledbetter was the lowest paid area manager, earning less than other male managers that were junior to her, which was, in some cases, up to 40 percent less. Ms. Ledbetter also claimed she was faced with sexual harassment and was told by her supervisor that he didn't think a woman should work at the plant.

After Ms. Ledbetter filed a complaint with the Equal Opportunity Employment Commission, her claim went to trial. The jury that heard the case awarded her back-pay and approximately \$3 million in compensatory and punitive damages. Goodyear appealed the case to the 11th Circuit Court of Appeals which overturned the lower court's decision. The Circuit Court found that because the allegedly discriminatory evaluations occurred more than 180 days before she filed her charge with the EEOC, her claims were time-barred. The Supreme Court affirmed the 11th Circuit's reversal, stating that the fact that a discriminatory pay decision had a continuing effect was not sufficient to maintain a discrimination claim. The decision essentially precluded plaintiffs from prevailing in lawsuits where ongoing pay discrimination was alleged but was not discovered until years after the discrimination began.

In her dissent, Justice Ginsburg, joined by Justices Stevens, Souter, and Breyer, wrote that the majority failed to understand the realities of compensation discrimination in the workplace. The effect of discriminatory pay decisions is cumulative and usually goes undetected because most employers keep salaries confidential, precluding employees from comparing salaries. In effect, an individual who believes she has been discriminated against must promptly file a claim within six months of receiving the first paycheck that reflects the discriminatory conduct.

Congress responded to this decision by introducing the Lilly Ledbetter Fair Pay Act, which clarifies that if an individual is subject to a discriminatory compensation decision, it will be renewed each time the individual receives a paycheck that reflects the discriminatory act, effectively resetting the 180-day statute of limitations clock with each new paycheck.

An aggrieved individual can recover back pay for up to two years preceding the filing of the claim. At the signing ceremony for the Ledbetter Act on January 29, 2009, President Obama declared that discrimination in the workplace will not be tolerated:

I intend to send a clear message: That making our economy work means making sure it works for everyone. That there are no second class citizens in our workplaces, and that it's not just unfair and illegal – it's bad for business – to pay someone less because of their gender, or their age, race, ethnicity, religion or disability.

JENNIFER MAREE WBA President

WELCOME NEW WBA MEMBERS!



Kristen Aiken
Chelsea Andrews
Felicia Clelia Battista
Anna Bonny
Gloria Chan
Eunice Chung
Ramona R. Cotca
Jessie Elizabeth Di Gregory
Jessalyn P. Dingwell
Karen E. Escalante
Christa Forman
Martha Lea Goodman
Patricia Lauretha Harris-Bentley
Margaret Hu
Keisha Hylton-Rodic
Tricia Jefferson
Marcia Johnson-Blanco
Mandi Marie Martini
Mita Mukherjee
Jennifer C. Mullins
Daria E. Neal
Anissa Parekh
S. Mona Reza
Christine M. Sarapu
Kristianne Schotzinger
Sharon White Senghor
Melissa B. Silverman
Eulonda G. Skyles
Carolyn Stennett
Joan Stewart
Shannon L. Stokes
Hilary Weckstein
Anne-Marie Zell

WBA AMICUS COMMITTEE VOTES TO SIGN ONTO TWO AMICUS BRIEFS

By Beth Davidson, Foley & Lardner, LLP

In the second half of 2008, the WBA **Amicus Committee** signed onto amicus briefs in two cases relating to women's rights.

Fitzgerald v. Barnstable School Committee is a Section 1983 preemption case. The issue is whether a Title IX plaintiff may also bring an equal protection claim under Section 1983. Jacqueline Fitzgerald, a kindergartner, was sexually harassed on the school bus by a classmate for several months. She told her parents about the harassment, and they contacted school administrators. After an investigation by the school and local law enforcement, the school determined not to take disciplinary action against the classmate. The school offered to put Jacqueline on a different bus, but the parents felt that was punishing Jacqueline and not the harasser. The school refused to put a monitor on the bus, and Jacqueline continued to see the boy at school, which upset her.

The Fitzgeralds filed suit in the U.S. District Court for the District of Massachusetts, claiming violations of Title IX, the Equal Protection Clause, and Massachusetts state law. The district court dismissed the Equal Protection claim, holding that it was foreclosed by Title IX. The First Circuit upheld the dismissal. There is currently a circuit split on the preemption issue. In the amicus brief, the ACLU and the NWLC argue that Title IX does not preempt Section 1983 claims because the Court should not find a plaintiff's ability to enforce constitutional rights eliminated without a clear indication from Congress, and that Congress did not intend to preclude Section 1983 suits to address unconstitutional sex discrimination.

The second case, *AT&T v. Hulteen*, relates to pregnancy discrimination with regard to retirement benefits. The issue is whether Title VII allows an employer to discriminate for purposes of retirement benefits between women who took pregnancy leave before the Pregnancy Disability Act came into effect, and employees who took other types of temporary disability leave during that time period. AT&T argued that it could provide partial credit for pregnancy leave in calculating pension benefits for women who took the leave before the 1979 effective date of the Pregnancy Disability Act, but who retired decades later. The Ninth Circuit found that AT&T violated Title VII in giving less credit for pregnancy leave than for other types of leave. The NWLC's amicus brief, signed by the WBA, argues that the Ninth Circuit's ruling should be upheld.



A CALL TO SERVICE

Where you stand depends upon where you sit.

This maxim neatly captures the truth that none of us forms our principles and beliefs *sui generis*; rather, we are shaped by our upbringing, experiences, training, and positions as much as, if not more than, our innate qualities. This has come home to me rather forcefully as I serve as the Women's Bar Association Foundation's president this year: I tend to evaluate most events, big and small, in terms of their relevance to and impact upon the WBA Foundation and its ability to carry out its mission.

That is why I view one of President Obama's pre-inauguration initiatives as one of the most significant things he may do during his presidency. I am talking about his call for a national day of service on January 19, 2009, the day on which we as a nation honored the memory of Dr. Martin Luther King, Jr. Sounding a theme that also found its way into his inaugural address, the President (then President-elect) called upon the very best in each of us to avoid turning this holiday into just another opportunity to hunt for bargains or enjoy a vacation weekend, but instead to do community service and to help those who need it the most.

Thank you, Mr. President! For you have articulated the same concerns that led the Women's Bar Association to create its Foundation in 1981. The WBA recognized that it is not enough for us to come together as lawyers to help ourselves, important as that is; those of us who are privileged to have enjoyed at least some measure of success have a moral obligation to help those who do not enjoy the same opportunities.

How, specifically, can you join the WBA Foundation in its mission? Financial contributions are, of course, always needed and always welcome. But we are about more than simply bringing in money and sending it out again. Each year, the WBA Foundation receives numerous requests for grants from worthy organizations that provide needed services to disadvantaged women and children, sponsor legal programs, increase educational opportunities for lawyers and others, and simply make the world a better place. Increasingly, those organizations are asking us not just for our money, but also for our time. In the past year, the WBA Foundation has supported—among other grant recipients—schools that could use the WBA's talented members as tutors and mentors, shelters that need contributions of the basics of life as well as a friendly eye and warm heart to spend time with their residents, organizations that provide *pro bono* or reduced fee legal services to those who cannot otherwise obtain justice (and who can always use more lawyers to pick up even one case apiece), and organizations that advocate for workplace fairness (who also can always use additional legal help).

Community service is now a mandatory or highly recommended component of high school education nationwide. For once, our children are leading us! We should join them in this important work.

For those of you who are particularly interested in carrying out the WBA Foundation's mission, our grant recipients provide an excellent place to start identifying organizations that would benefit from your help. Organizations that

have already been approved for WBA Foundation grants this year include: Calvary Women's Services; EduSeed; My Sister's Place; Our Place, DC; Survivors and Advocates for Empowerment; and The Washington Middle School for Girls. Additional grants will be awarded to other organizations when the WBA Foundation closes out its grants cycle for this year. All deserve your consideration to donate not only money for the WBA Foundation to use to support them, but also your time.

The goals of the WBA Foundation include:

- To promote women as leaders and role models.
- To ensure gender equality and eliminate workplace bias.
- To promote greater understanding, awareness and support of legal issues that are of importance to women.
- To make the legal profession more responsive to all of its members, reflecting the diversity of the community.
- To foster the education and training of women in law and legal issues.
- To provide a forum for women attorneys to contribute to the community.
- To promote the delivery of legal services to the disadvantaged and needy.
- Let's all work together to achieve these goals!

DIANA M. SAVIT
WBA Foundation President

LET LEXISNEXIS HELP PREPARE YOUR SUMMER ASSOCIATES

We are all looking for ways to save money.

If you are hoping that your summer associates can hit the ground running with effective, cost conscious legal research skills, there is a way to make that wish come true. Throughout the spring semester, LexisNexis law school representatives will be conducting specialized training just for summer associates through the LexisNexis Prepare to Practice program.

During our training program, students will learn:

- Cost Effective Research Techniques including the value of using FOCUS®
- Advanced Research Strategies
- Legislative History Research
- Regulatory and Administrative Law Research
- The area of law resources found on LexisNexis®

Sessions begin in March and run through the end of the school year so there is plenty of time for students to find a class that fits their schedules.

Encourage your summer associates to attend these short training sessions during school so that you can rest assured that they have the training they need to keep your costs low this year. The sessions are free, but the skills your summer associates learn are priceless!



Wine Tasting Co-Chair Narda Newby, WBA Foundation president Diana Savit, and Wine Tasting Co-Chair Kirra Jarratt



One of three wine tasting tables of the night.

WBAF STARS AND STRIPES: CELEBRATING AMERICAN WINES

The Women's Bar Association Foundation hosted its annual wine tasting and silent auction on January 29, 2009, at the offices of WilmerHale®. The theme this year was "Stars and Stripes: Celebrating American Wines." More than 100 guests explored American wines from California, New Mexico, New York, Oregon, Virginia, and Washington State.

Guests were welcomed with glasses of sparkling wine from New Mexico and light fare that complimented the American theme, including miniature hamburgers and macaroni and cheese bites. After introductory remarks by WBA Foundation President **Diana M. Savit** and Event Co-Chairs **Narda Newby** and **Kirra L. Jarratt, Suzanne McGrath** of Shirlington's The Curious Grape wine shop previewed the evening's featured wines and complementary foods. Ms. McGrath outlined the histories of the featured vintners, many of whom were women and/or African-American. After the presentation, guests mingled among three tasting stations, enjoying wine, cheese, and chocolate. The chocolate pairings at Table 3, which included a coffee-flavored sample by Vosges and an organic lime-flavored selection by Dagoba, were guest favorites. In support of the WBA Foundation's charitable activities, The Curious Grape donated 15% of its sales for the evening.

Throughout the evening, guests bid on a wide variety of auction items, including gift certificates to local restaurants, tickets to upcoming plays and sporting events, handmade items, unique experiences, and beautiful jewelry. Guests also had the opportunity to make a donation of any amount to the WBA Foundation's Founders Fellowship, a program that supports area law students to work with a local legal services provider on projects to benefit women and children in our community. This year's beneficiary will be a student at George Washington University Law School, and the WBA Foundation was pleased to welcome GWU faculty to the event.

The event raised approximately \$12,000 to support the WBA Foundation's charitable activities, including the Founders Fellowship. The WBA Foundation especially appreciates the many donors of auction items, as well as **WilmerHale®**, **Kirkland & Ellis LLP**, **TrialGraphix**, and **The Curious Grape** for their in-kind donations. Many thanks to those who attended and supported the WBA Foundation's work!

REAL WORLD TRAINING FOR FUTURE SUCCESS: DIVERSITY PROGRAM FOR JUNIOR WOMEN ATTORNEYS OF COLOR

By Sonia W. Murphy, Howrey LLP



Attendees received advice and strategies for success during the full day program



Diversity Committee Co-Chairs and Volunteers Cathleen Szebrat, Sonia Murphy, Zazy Lopez, Andrea Clarke, and Nabila Isa-Odidi



Presenters were candid about their experiences

On November 8, 2008, the **Diversity Committee** and the **Young Lawyer's Forum** hosted a program entitled, "Real World Training for Future Success!" The event served as a follow-up to the WBA's March 19, 2008 "Women of Color in Law Firms: Pathways to Success for All" Summit, and focused on providing a forum for junior women attorneys of color to discuss their experiences, and to receive candid advice and strategies for success from more senior practitioners.

The program was divided into two panels. The first panel focused on "expectations," and speakers included **Tammie M. Gregg**, Principal Deputy Chief for the U.S. Department of Justice's Civil Rights Division—Special Litigation Section, **Shawnte M. Mitchell**, Associate at Ropes & Gray LLP, and **Tonya Gaskins**, Senior Associate at Howrey LLP. The second panel focused on challenges faced by junior women attorneys of color and identified potential solutions and strategies for addressing these challenges. The speakers on the second panel included **Sonia W. Murphy**, Senior Associate at Howrey LLP, and **Lyzette M. Wallace**, Senior Associate at King & Spalding. During lunch, **Yvonne M. Williams**, Counsel at Miller & Chevalier and co-chair of the WBA **Mentorship Committee**, facilitated a discussion regarding the importance of mentorship, particularly for women of color.

Some of the general strategies identified to foster career success included: creating a career development plan that includes personal goals; seeking mentors

and "champions" inside and outside the firm; maintaining a positive attitude and exuding confidence in promoting your strengths; proactively seeking out and executing work assignments; and developing good relationships with support staff.

The speakers advised that in order to effectively manage expectations (i.e., partner, peer, administrative, and personal), it is important to understand your firm or organization's culture and business model. Knowing what is valued at the firm is a key step towards determining how you might add value while remaining true to your own interests. Also, remember that there is always room to grow and making mistakes is a natural part of the process.

Much of the second panel focused on how to become integrated and avoid and/or cope with feelings of alienation. The panelists emphasized the importance of being proactive in building relationships with mentors and peers. Attendees were advised to attend office functions and be open to activities that may not be of overwhelming interest to you, especially since they provide opportunities to network in less formal settings. The speakers also stressed the importance of making time for the things you enjoy, where possible, because it is difficult to advance when you are unhappy.

The WBA Diversity Committee strives to present programming that is both beneficial and enjoyable. If you have suggestions for future programming, please don't hesitate to contact the co-chairs, **Andrea Clarke**, **Zazy I. López**, or **Sonia Murphy** at (202) 639-8880.

Committee and Forum Highlights

Raising The Bar 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.

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

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Susan Miller, Ph.D., center, with Public Relations Committee Co-Chairs Kathleen Yengst, left, and Elissa Tomanda, right

PUBLIC RELATIONS AND CAREER DEVELOPMENT COMMITTEES PRESENT SUSAN MILLER, THE “VOICETRAINER”

By Elissa Tomanda, Kelley Drye & Warren LLP

On January 15, 2009, the WBA's **Public Relations** and **Career Development Committees**, along with the law firm **Kelley Drye & Warren LLP**, co-sponsored an evening event featuring **Susan Miller, Ph.D., CCC-SLP**, a voice coach and communication consultant. Dr. Miller's presentation, "Maximize Your Impact Every Time You Speak," drew a crowd of over 40 women to Kelley Drye. The evening began with a networking and cocktail reception, after which Dr. Miller was introduced by **Elissa Tomanda**, co-chair of the Public Relations Committee and a Kelley Drye associate.

Dr. Miller is founder of Voicetrainer, LLC, serving clients in the Washington DC area, nationally, and internationally. Dr. Miller designs and implements programs to enhance clients' voice quality, diction, projection, communication, and presentation needs. She specifically catered her skills at the WBA program to inform attendees of tactics to apply during daily interaction and communication in any work environment. Dr. Miller, whose key objective is to empower speakers to be impactful every time they speak, addressed the importance of components such as body language and voice tone when delivering a message.

The presentation received very positive feedback from the attendees, who left the event with a better understanding of how to improve their speaking and communication skills. Dr. Miller provided the following advice to creating a foundation for improving your speaking skills: "When standing to speak, be certain that your weight is centered over the balls of your feet and that the weight of your lower body is grounded into the floor, so that someone could not easily push you over. . . Without this grounded stance, your breathing will remain shallow and your voice may quiver as you begin to speak." If you missed the event, pick up Dr. Miller's book, "Be Heard the First Time, The Woman's Guide to Powerful Speaking," which provides an "operator's manual" for oral communication, or visit www.voicetrainer.com.



Committee and Forum Highlights

PREPARING WOMEN LAW STUDENTS FOR PRACTICE



Students and faculty during the speed networking reception

On Saturday, February 7, 33 3Ls, part-time 4Ls and judicial clerks from six area law schools participated in a strenuous full-day training conference organized by the Law Student Project of the WBA's **Initiative on Advancement and Retention of Women**. The groundbreaking program included lectures on communicating effectively and confidently with partners and clients, self promotion, and networking. Following each lecture, students participated in brisk learn-by-doing workshops of four to six students led by two faculty members. More than 45 distinguished leaders from the DC legal community gave generously of their time on a Saturday to serve as faculty members for the event.

The event, *Hit the Ground Running: Practical Skills You Need to Succeed*, was designed to respond to concerns highlighted in WBA Initiative reports, *Creating Pathways to Success (2006)* and *Pathways to Success for All (2008)*. The reports stressed the need to invest in women lawyers' success from an early stage in their careers when it can have the most impact. In fact, recent research by **MJ Tocci** of Fulcrum Advisors, a consulting firm that has been analyzing networks in law firms, indicates that for women and people of color the first 12 weeks at a law firm are critical to developing the relationships that give lawyers access to necessary resources throughout their careers.

"Attorneys need more than strong research and writing skills to succeed in the legal profession. The Law Student Project of the WBA Initiative seeks to bridge the gap between law school and practice so that women lawyers can immediately gain access to those opportunities that will feed their ambition and ultimately lead to successful careers," explains **Consuela Pinto**, WBA President-Elect and Co-Chair of the Law Student Project.

Linda Bray Chanow, Director of Research, Project for Attorney Retention (PAR), kicked off the agenda by challenging students to claim their success and become partners and key leaders within the legal profession. She stressed: "The 2006 and 2008 WBA Initiatives highlighted that a common thread for successful lawyers is access to three strategic tools – business development opportunities, high-quality assignments, and meaningful mentoring. Law students must proactively and aggressively seek out these strategic tools for success from the moment that they begin their careers." Ms. Chanow detailed practical strategies that students could implement immediately and resources available through the WBA and PAR to assist them.

Ms. Tocci presented a lively lecture on strategies for communicating confidently and effectively with partners and clients. She emphasized that too often women unknowingly undermine their creditability and described the common challenges that women face in communicating effectively. She provided strategies for overcoming those challenges including the interplay of physical presence, gestures, speech style, and listening skills in effective communications. Students then put these strategies into action in a simulated meeting with a "partner" (played by faculty members).

Continued on page 14

WBA CALENDAR OF EVENTS

March 11, 2009

12:00 pm to 1:30 pm

SOLO AND SMALL PRACTICE
MONTHLY LUNCHEON

Marc & Orlando's
2020 P Street, NW
Washington, DC 20006
No charge

March 18, 2009

12:00 pm to 2:00 pm

TAX AND BUSINESS LAW FORUM
ANTI-MONEY LAUNDERING AND
BROKER-DEALERS: A MODERATED
SEC PANEL DISCUSSION

Patton Boggs, LLP
2550 M Street, NW
Washington, DC 20037
WBA Members: \$15
Law Students: \$10
Non-Members: \$20

April 8, 2009, 2009

12:00 pm to 1:30 pm

SOLO AND SMALL PRACTICE
MONTHLY LUNCHEON

Marc & Orlando's
2020 P Street, NW
Washington, DC 20006
No charge

April 30, 2009

12:00 pm to 1:30 pm

COMMUNICATIONS LAW FORUM
WOMEN OF DISTINCTION:
LUNCH WITH DIANE CORNELL

Hogan & Hartson LLP
Lower Level Conference Center
555 13th Street, NW
Washington, DC 20004
WBA Members: \$5
Law Students: \$10
Non-Members: \$15

May 19, 2009

6:00 pm to 9:30 pm

WBA ANNUAL AWARDS DINNER

National Building Museum
401 F Street, NW
Washington, DC 20001
WBA Members: \$120
Non-Members: \$160

WBA ENDORSEMENTS FOR CANDIDATES FOR PRESIDENTIAL APPOINTMENTS

Founded in 1917, the WBA has a long-standing history of commitment to opening doors for women across the profession, and advancing the interests of women and girls. In this historic year, with a change-over in administrations, the WBA seeks to endorse highly qualified WBA members for positions in the incoming Obama Administration and is planning to identify and submit to the Obama Transition team for consideration a list of qualified WBA members who are committed to the ideals and goals of the WBA.

If you are interested in obtaining the support of the WBA, consistent with the WBA's Executive and Judicial Endorsements Guidelines, visit www.wbadc.org for more information, including a full copy of the guidelines and a candidate application.

Candidates will be asked to submit:

- the name of the position(s) sought with a brief description of the position;
- a resume;
- the names, addresses, and telephone numbers of three references, two professional and one personal (note that the WBA will contact the references prior to making any recommendations);
- an executed release letter; and
- a draft letter of endorsement that highlights the candidate's qualifications for the appointment sought (the WBA reserves the right to alter the draft, should the candidate be selected for inclusion on the list).

The WBA may request additional information from either candidates or from other sources that may be useful in its consideration.

The Obama Transition Team also requires that all candidates apply online to the Transition Team at www.change.gov.

Cover Story: Annual Holiday Tea

Continued from page 1

guilt or innocence of those accused of crimes committed during the war between Serbians and Croats in the early 1990s, which broke new ground in having rape viewed as a form of torture.

Judge Wald delighted the audience with reminiscences about the early days of her legal education and career. She enrolled in Yale University's Law School at a time when there were few female law students and she counted less than a dozen other women in her entering class. She recalled how Yale University provided housing for the female law students in a somewhat seedy part of town, leading to a number of adventurous commutes to and from the law school for classes. After graduating from Yale, Judge Wald accepted a clerkship with Judge Jerome Frank of the U.S. Court of Appeals for the Second Circuit, where she was the first female law clerk in the circuit court. Some members of the audience were interested in her explanation of how she acquired the right type of recommendation from Judge Frank, as his recommendation was especially useful in getting a job as an associate attorney at the law firm of Arnold, Fortas, and Porter in Washington, DC. She left the firm the next year to have her first child and she would remain at home for the next 10 years to raise her five children – a step that she noted would be challenging for today's women lawyers to manage, given the demands of the legal profession and the need to keep one's legal and technical skills current.

Judge Wald returned to the practice of law in 1963 by taking on a series of research projects, including an innovative study of the country's bail system. Her findings led to her authoring a book, *Bail in the United States*, which proved instrumental in reforming the bail system. She then became an attorney with the Justice Department's Office of Criminal Justice and later joined the Neighborhood Legal Services Program. She also served as Director of the Mental Health Law Project until President Carter appointed her to head the Department of Justice's Office of Legislative Affairs. The first woman to serve in the post, Judge Wald worked to pass legislation prohibiting pregnancy discrimination and sought to extend the deadline for ratifying the Equal Rights Amendment.

Judge Wald offered the audience a number of insights that she gained from her legal experiences over her long and varied career, particularly the importance of balancing work and family life. A long-time member of the WBA, Judge Wald described how the WBA's support of her nomination to the bench proved invaluable as she navigated through the pitfalls of the Senate confirmation process and overcame opposition to her judicial appointment from some Senators.

Judge Wald continues to stay active in the legal profession. In 2004, President George W. Bush appointed Judge Wald to the presidential commission investigating intelligence failures surrounding the 2003 invasion of Iraq and Iraq's weapons of mass destruction. She currently serves on the Board of Directors of the Open Society Justice Initiative, an international coalition that develops legal initiatives to guarantee human rights in countries outside of the United States. Her legal and life experiences continue to serve as an inspiration to all women lawyers today. In recognition of her extraordinary achievements, Judge Wald received the WBA's Woman Lawyer of the Year Award in 1984 and its 75th Anniversary Award in 1992. She is also a recipient of the American Bar Association (ABA) Medal, the highest honor the ABA bestows.

This memorable afternoon concluded with Communications Law Forum co-chair **Jennifer Duane** presenting Judge Wald with a teapot as a token of appreciation for her participation in what has become the Communications Law Forum's signature event.



The Honorable Patricia McGowan Wald (center) with Communications Law Forum Co-Chairs Lynne Milne, Laura Mow, and Jennifer Duane and WBA Member Susan Kimmel



The Honorable Patricia McGowan Wald



YOU CAN MAKE A DIFFERENCE IN THE LIVES OF ABUSED WOMEN

By Jennifer Banks, Second Chance Employment Services

As women and attorneys, there are many demands placed on WBA members. Sometimes it's difficult to balance the many competing interests in your lives. Often when asked to provide assistance to others, a monetary donation is expected. But like WBA Foundation President Diana Savit discusses in her column in this newsletter, there are times when the most valuable contribution you can make is time. As women attorneys, WBA members can make a tremendous difference in the lives of domestic violence victims by providing them with legal services.

Second Chance Employment Services, Inc., provides comprehensive career training and job placement services to domestic violence victims. We seek to promote true financial security and independence for these victims, so they can find meaningful, long term employment that will enable them to support themselves and their children. Once these women have a career, they are better enabled to permanently break free from the cycle of violence.

When assisting domestic violence victims, many obstacles must be overcome before they can be ready to compete and succeed in the job market. Second Chance works with many volunteers and organizations that donate clothes, transportation, child care, and housing. Second Chance also encounters numerous women who are in dire need of legal representation, and we are seeking to expand the number of attorneys who are able to assist these clients. Some women do qualify for legal aid or *pro bono* services, but the assistance is limited and often does not meet all of their needs, or it comes too late. Some women are caught in an extremely difficult situation—they “technically” have marital income or assets, but the abusive spouse has cut them off from all access to such funds. Or, if they do have access to a small amount of money, they know they will need it for basic survival if they gain independence from their abuser.

Our current goal is simply to build a resource list of attorneys who may be available to provide an initial consultation for Second Chance clients in Washington, DC, Maryland, and Virginia, and to consider representing our clients, based on workload or other conflicts at the time needs arise. There is no definitive commitment necessary at this time. Some of our clients can pay for legal services in full, others – only after their attorney assists them in obtaining access to the marital funds, others – on a sliding-scale, and others may be *pro bono*. If you are interested in assisting domestic violence victims in the DC metropolitan area, please contact us at (703) 503-0915 or jenniferbanksesq@gmail.com.

ARE YOU BUILDING CAPITAL FOR YOUR CAREER?

By Ellen Ostrow, Ph.D., CMC, Lawyers Life Coach LLC

In the current financial meltdown, few of us are imagining the possibility of building capital. At the very best we hope not to lose too much. But there is one form of capital you can build: social capital.

Social capital is the sum of the actual and potential resources that are embedded within, available through, and derived from a network of personal and business relationships. Social capital is distinct from human capital. It does not refer to personal assets. Rather, social capital resides within and flows through relationships. It includes knowledge, information, ideas, leads, trust, goodwill, business opportunities, power, influence, emotional support, cooperation, advice, help, affirmation as well as material goods and financial capital.

Like financial and human capital, social capital is productive. It enables us to get things done, achieve goals, make contributions and create value. No one could survive – much less succeed without it. Social capital makes possible the achievement of goals that would not be possible in its absence.

There is a broadly perpetuated myth of individualism within the legal profession, and within Western society in general. Too many lawyers believe that competence, talent and intelligence reside within an individual. Lawyers gain status for “heroic” acts of individualism like billing 2800 hours or responding to interrogatories while on the gurney being wheeled into the operating room. But the reality is that no one succeeds alone. Every successful attorney stands on the shoulders of parents, professors,

mentors, colleagues, and friends. Try to remember the last time you completed a project completely alone. Without the cooperation of paralegals, assistants, junior attorneys, and senior advisors, could you have accomplished what you did? Competence and talent may masquerade as individual assets, but they require development through relationships with others. Even luck is social: the luckiest people build a web of relationships and thereby increase their chances of beneficial encounters.

Research – and my experience as a coach for women lawyers – suggests that women feel less comfortable networking than do men. However, studies indicate that, after one controls for having a mentor, the size and diversity of one’s network is more strongly correlated with career success and satisfaction for women than it is for men. Women’s lack of social capital prevents them from ascending to the highest levels of law firms and corporate legal departments to a much greater extent than it does for men. On the other hand, research consistently demonstrates that the advantages of rich social capital include faster promotions and at a younger age, better compensation, greater influence, finding better paying and more satisfying jobs, having access to more information both within and outside your organization, new and repeat business, and better mental and physical health.

The problem is that too many women lawyers perceive networking as utilitarian. Viewing it as manipulative and exploitive leads many women to shun

networking activities. Even when networking is not rejected, misunderstanding how social capital is developed leads many lawyers to do it badly.

Would it surprise you if I told you that building social capital is fundamentally about generosity? The paradox of networking is that the only way you receive the benefits of social capital is by giving to others. The principle of reciprocity is what makes networking beneficial. If you network with the sole intention of getting something you will not succeed. Social capital benefits ensue only from your investments in *meaningful* activities and relationships. Reciprocity begins with an act of generosity without the immediate expectation of return. But your generous act gets resources flowing through social networks producing all the kinds of social capital mentioned earlier.

I recently conducted an exercise demonstrating the power of reciprocity during a workshop I presented for the New York City Bar Women in the Profession’s Leadership Subcommittee. Participants in break-out groups described a social capital benefit they needed – an introduction to a potential client, a job contact, a childcare provider. Group members who could offer needed benefits gave the requesting participant their business card. Every woman lawyer who attended the program left with a stack of business cards. All were stunned by the rich social capital available through the connections they made at the program. Each left feeling a “giver’s high” – the positive feeling that comes from altruistic action. Since then I’ve heard from



Building Capital

many of these women lawyers. They are growing and maintaining these relationships and continue to benefit from their efforts to give to one another.

It would be great if you had nothing but time to connect with others and generously offer to help them. But time is limited – particularly for women lawyers who not only have demanding jobs but also carry the brunt of family care responsibilities. Obviously you can't wait until you need something in order to receive social capital benefits any more than you can expect to reap dividends from financial capital in which you invested just days ago.

You need to think about strategic ways of building social capital. Most social network connections are homophilous – that is people tend to connect with others who are similar to themselves. For example, it's probably the case that many of your closest friends, colleagues and contacts travel in the same circles that you do. These kinds of networks tend to produce strong ties characterized by high levels of trust and emotional investment. These small, closed, internally-focused networks often form around practice groups, specialties and law firm offices. They are essential for leaders who rely on the cooperation, common purpose and loyalty of teams to get their work done.

However, homophilous networks disadvantage women because men control the decision-making and promotion processes of most legal workplaces. The tendency of women to form strong relationships with other women can easily lead to a network of limited

diversity and inhibit their access to essential career resources. A woman lawyer seeking career advancement would benefit from a more diverse network.

Women need strong ties to powerful men in their workplaces in order to counteract gender bias. The more superficial relationships that characterize weak ties make it easy for gender-based attributions of questionable competence and commitment to undermine a woman lawyer's success. Building strong ties to powerful men can mitigate the effects of being an "out-group," and therefore a suspect, organizational member. A woman in male-dominated workplaces needs the sponsorship of someone from the majority group to signal to decision-makers that she is legitimate and possesses the qualities automatically attributed to men.

Strong ties with powerful male advocates will facilitate a woman lawyer's career progress but not provide her with needed social support, role-modeling or access to information and opportunities outside her organization. Especially as women ascend to leadership roles, the paucity of other women at their level can make it difficult to know what behaviors will enable them to be effective as women occupying roles traditionally filled by men. There are few others to offer advice based on having overcome similar obstacles. New women leaders need safe, confidential relationships with other women who can help them develop strategies for overcoming gender-related obstacles.

For this reason, I've been facilitating a coaching group for new women leaders

since 2004. Six to 10 women meet twice a month in order to receive coaching and the support and advice of women from firms throughout the country who are facing similar challenges. The group is a remarkable demonstration of the power of reciprocity. One woman managing partner looking for ways to "incentivize" collaboration at her firm was assisted by another who had just worked on a compensation system to accomplish the same goal. A woman trying to establish a base of support from the power-brokers at the new firm she had recently joined as a lateral partner benefited from the experience of another group member who'd faced the same challenges the year before. And because the women are from different workplaces they provide one another with information, contacts and ideas that can only come from diverse connections outside the silos within which they work. This kind of diverse network enables them to add value within their own organizations. There is more for them to generously offer their internal colleagues and this enables them to develop those strong internal ties so important for career success. Social capital flows through this group – the members have made one another very wealthy.

Finally, in case you're thinking that you don't have time to invest in building social capital, try to remember that you re-create your network every day, everywhere you go. Connecting with others is a part of life. Take advantage of all of the opportunities your daily activities present – and you too can become rich.

*“Sometimes I feel
overwhelmed and think
there is no way that I will
be able to do it all.
Today, seeing so many
successful women, I think
that it is possible.”*

Student participant

Continued from page 8

Using a “closed” research file provided in advance of the conference, each student was tasked with giving a 2-3 minute presentation to brief the “partner” for an important first meeting with a client on a hypothetical employment compensation dispute under the Lilly Ledbetter Fair Pay Act of 2009. Faculty members provided detailed critiques on the presentations and students repeated their presentations taking into account the critiques. Prior to providing feedback to students, the faculty were coached on critique and feedback methods by **Karen Lockwood**, Partner at Howrey LLP.

No time was wasted at this event. Students moved directly from the communications skills workshops to a “mentoring” lunch program. Students sat at tables with senior, mid-level and junior lawyers and discussed the value of mentoring, the various types of mentors, how to find a mentor, and the responsibilities of a good mentee.

Immediately following lunch, **Paula Monopoli**, Professor of Law, University of Maryland School of Law, outlined the gender difference in promoting personal achievement and its implications for individual success in law firms. Professor Monopoli explained the difficulty many women feel with self promotion and the resulting tendency to self-edit, drop superlatives, and change “I” to “we” when discussing their achievements. Students then returned to their small groups to practice describing a recent professional achievement to faculty members who again critiqued their performance.

Bizunesh Scott, Of Counsel, Patton Boggs LLP, brought the day full circle with a presentation on tips for maximizing networking opportunities, working a room, and appropriately exiting a conversation. Students fine-tuned their networking skills in a “speed networking” workshop whereby pairs of students networked with a faculty member for 10 minutes at a time. The day concluded with a general networking reception.

Feedback from the event was extremely positive. Students reported that the critiques “were helpful and practical.” They praised the breadth and experience of the faculty members. Many faculty commented that they too left with refreshed skills.

The event was planned and implemented by the WBA Law Student Project Committee, which included Co-Chairs **Consuela Pinto** and **Linda Bray Chanow** as well as **Jamie Abrams**, **Yolanda Hawkins**, **Holly Loiseau**, **Bizunesh Scott**, and **Yvonne Williams**.

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