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Features

Employer Restroom Access for All Employees Based on Gender Identity

By Martha Villanigro-Santiago, J.D., Employee Relations Consultant, Compliance and Employee Engagement Solutions LLC



Martha Villanigro-Santiago

It is time for employers to make reasonable access to bathroom facilities for all employees, including transitioning employees, regardless of their designated sex at birth, policy, and practice. Employers cannot ignore or dismiss a transgender employee's request to have bathroom access consistent

with the gender he or she is presenting. The [*Guide to Restroom Access for Transgender Employees*](#), published in June 2015 by the Occupational Safety and Hazard Administration (OSHA), was released to ensure that employers provide a safe and healthy working environment for all employees.

Before interpreting the OSHA Guidelines and other documents referring to gender identity, you will need some basic knowledge. The term transgender refers to an individual whose gender identity or gender expression is different from both the identity assigned at birth and the identity familiar to the employer and public alike. Transitioning may involve social changes (such as going by a new first name), medical steps, and changing identification documents. Moreover, the term transsexual refers to persons who seek medical treatment to bring the body and gender identity into alignment. Lastly, transgender status may represent a different transitioning stage for each person.

There is no law protecting sexual preference or gender identity. [Title VII of the Civil Rights Act of 1964](#) does not explicitly include the employee's sexual orientation or gender identity in its list of protected bases. Some may argue, namely the Equal Employment Opportunity Commission (EEOC), that caselaw from the Supreme Court and other courts, has interpreted the statute's sex discrimination provision as prohibiting discrimination against employees on the basis of sexual orientation and gender identity.

In April 2015, the EEOC stated that transgender discrimination is discrimination based on sex and is prohibited under Title VII. In [EEOC v. Lakeland Eye Clinic](#), the EEOC sued the employer for firing an employee because she was transgender. Based on the employee's

discrimination complaint, the employee was terminated, because she was transitioning from male to female and/or because she did not conform to the employer's gender-based expectations, preferences, or stereotypes. The lawsuit was resolved with the agreement between the parties, approved by the U.S. District Court in Tampa. Specifically, the employer agreed to pay the employee \$150,000, to implement a new gender discrimination policy, and to provide training to its management and employees regarding transgender/gender stereotype discrimination.

Meanwhile, the courts have decided in favor of a transgender employee in few cases. In these cases, courts have continued to hold that Title VII prohibits sex discrimination when a supervisor has made an employment decision relying on an employee's nonconformity to male or female stereotypes. For example, in [Glenn v. Brumby](#) (11th Cir. Dec. 6, 2011), the court provided a lengthy explanation of case law establishing that a person is defined as transgender precisely because his or her behavior transgresses gender stereotypes. In *Glenn*, the 11th Circuit held that discrimination against a transgender individual because of his or her gender non-conformity is a form of sex discrimination. For more, go to <http://caselaw.findlaw.com/us-11th-circuit/1587416.html>.

Simply stated, a person who identifies as a man should be permitted to use men's restrooms, and a person who identifies as a woman should be permitted to use women's restrooms. This should be employers' practice, notwithstanding coworkers' objections or complaints. There is no reason for employers to ignore requests for access to and use of bathrooms for employees consistent with their gender identity. Employers may have options. Employers should check local laws and ordinances allowing the use of restrooms that correspond to the employee's gender identity. For example, the District of Columbia prohibits discriminatory practices in regard to restroom access. In addition, single-stall restrooms must have gender-neutral signage. ([See D.C. Municipal Regulations 4-802, Restrooms and Other Gender Specific Facilities.](#))

According to OSHA, employers need to find solutions that are safe and convenient and respect transgender employees. The Guidelines outline several options that an employer

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may offer employees; however they are not required to use the options. These include:

- a single occupancy gender-neutral (unisex) facility, and
- the use of multiple-occupant, gender-neutral restroom facilities with lockable single occupant stalls.

As important as providing access is the way that a supervisor or manager immediately responds to this

issue. Before the issue arises, employers may consider developing policy establishing that all employees, including transgender employees, have equal access to restroom facilities. Additionally, employers and managers should not ask transgender employees to provide any medical or legal documentation of their gender identity, in order to have access to gender-appropriate facilities. This policy may prevent later related concerns.

Navigating a Tide of Troubles: Working on Solutions to Help Our Oceans

By Cathy Pagano, Co-Chair, Government Attorneys Forum & Co-chair, Energy & Environmental Law Forum



Cathy Pagano

The importance of the ocean to the world's climate and resources can hardly be overestimated. The National Oceanic and Atmospheric Administration (NOAA) [reports that the ocean covers 71% of the Earth's surface and contains 97% of our planet's water](#). Over one-third of the U.S. Gross National Product originates

in coastal areas, and surprisingly, more than 95% of our world under the water remains unexplored.

Yet our oceans are in trouble. [According to the World Wildlife Fund](#), most land pollutants—including untreated sewage, garbage, fertilizers, pesticides, industrial chemicals, and plastics—eventually flow into the ocean, and this pollution is harming the entire marine food chain. But many countries are working together to find solutions. This past October, President Michelle Bachelet of Chile, a country with almost 4,000 miles of Pacific coastline, hosted the 2015 “Our Oceans” conference. Countries that participated are joining the effort to find workable solutions before it is too late. U.S. Secretary of State John Kerry attended, along with over 500 other participants, including 11 ministers from more than 50 countries. As a result, more than 80 new initiatives were announced, worth over \$2.1 billion, along with commitments to protect over 1.9 million square kilometers of the ocean, an area larger than the state of Alaska.

The U.S. is actively involved. The U.S. State Department hosted the 2014 “Our Oceans Conference” and will host the 2016 conference. [President Obama heralded the strategic importance of the 2015 conference](#) and also announced that the U.S. is creating our first new [National Marine](#)

[Sanctuaries](#) since 2001, one off the coast of Maryland and one in the Great Lakes.

A glance at [Our Oceans 2015 Initiatives](#) reveals some dramatic, new global efforts. To review just a few examples, Costa Rica announced that it will develop a National Policy on Wetlands, within a one year period, to address threats to its wetlands and associated resources. Chile has announced it will create a new Ocean Policy Council, in order to address the challenges facing its ocean waters and marine resources. The U.S. announced the start of Sea Scout, a new global initiative to unite governments and others to fight illegal, unreported, and unregulated fishing, through integration of new and emerging technologies. The European Commissioner for Maritime Affairs, Fisheries, and Environment announced that 10% of all European Union marine waters will be covered by Marine Protected Areas by 2020. New Zealand announced the allocation of NZ\$50 million (US\$32 million) to support the Pacific region to improve sustainable management of Pacific fisheries and pursue its Roadmap for Sustainable Pacific Fisheries. Norway announced the start of its new Fish for Development program, with a goal to include fish and marine resources in its future development assistance. India has started ecosystem modeling, shore line management, and study on anthropogenic stress on coastal zones.

These impressive efforts build on existing and ongoing policy efforts around the world. Here in the U.S., President Obama signed [Executive Order 13547](#), “Stewardship of the Ocean, Our Coasts, and the Great Lakes,” in July 2010. This order established “...a national policy to ensure the protection, maintenance, and restoration of the health of ocean, coastal, and Great Lakes ecosystems and resources...” Among other efforts, this Executive Order established the [National Ocean Council](#) and directed included agencies and other departments to participate in the process for coastal and marine spatial planning

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and to comply with Council-certified coastal and marine spatial plans.

Congressional policymakers also are working to preserve and restore the oceans. For example, on February 12, Representative Denny Heck (D-WA) introduced [H.R. 936, the Marine Disease Emergency Act of 2015](#), which now has 13 cosponsors. [In a speech on the floor of the House](#), Rep. Heck noted that around the Puget Sound and on the Atlantic and Pacific coasts, marine disease is “ravaging sea stars...20 species dying quickly, literally melting away...” He complained that no system is now in place to respond to marine emergencies. His bill gives the U.S. Secretary of Commerce the authority to declare a marine disease emergency, and after such a declaration, the Secretary can make grants, provide awards for expenses, enter into contracts, and conduct and support investigations into the cause, treatment, or prevention of the emergency. In addition, on September 28, Rep. Heck and Rep. Derek Kilmer (D-WA) introduced H.R. 3630, the “Promoting United Government Efforts To Save Our Sound” ([PUGET SOS](#)) Act, to enhance the federal government’s role and investment in the Puget Sound, the largest estuary in the U.S. by water volume. Among other efforts, the bill would establish in the Environmental Protection Agency (EPA) a Puget Sound Recovery National Program Office to be located in Washington State, and a Puget Sound Federal Leadership Task Force.

On September 10, Senator Sheldon Whitehouse (D-RI), co-chair of the Senate Oceans Caucus, introduced S. 2025, the [National Oceans and Coastal Security Act](#), to establish a fund to support programs and activities intended to protect, conserve, and restore ocean and coastal resources and coastal infrastructure. Programs can include ocean, coastal, and Great Lakes restoration and protection.

Senator Whitehouse and Senator David Vitter (R-LA) introduced [S. 1523](#) on June 8, legislation to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program. The bill passed the Senate by [unanimous consent on August 5](#) and now awaits House action. The bill provides \$26 million a year for fiscal years 2016–2020 for competitive awards for programs to address

problems including extensive seagrass habitat losses, recurring harmful algae blooms, unusual marine mammal mortalities, invasive exotic species, jellyfish proliferation, flooding related to sea level rise or wetland degradation, and other purposes.

In addition, many state legislatures have introduced legislation addressing marine pollution, and a few examples illustrate the range of problems being tackled. In California, the Governor approved [Assembly Bill \(A.B.\) 888](#) on October 8, 2015, which would prohibit, as of January 1, 2020, a person from selling or offering for promotional purposes in California certain personal care products containing plastic microbeads. [California’s A.B. 300](#) (amended in August, 2015) would enact the Safe Water and Wildlife Protection Act of 2016, to require the State Water Resources Control Board to establish and coordinate the Algal Bloom Task Force. In Virginia, [Senate Joint Resolution 271](#) was introduced (as amended in 2015) requesting the Virginia Institute of Marine Science and other agencies to study the short-term and long-term effects of the storage and land application of industrial wastes and sewage sludge on public health, residential wells, and surface and ground water. In [New York A.B. 6314](#) was introduced on March 20, 2015, to establish a marine life protection task force to study marine resources and propose a marine life protection plan. Many other efforts are underway in state legislatures to protect oceans and other waterways.

What we can do to help: [An EPA link](#) lists a host of things we all can do to help protect our oceans and coasts, literally a priceless treasure. Measures as simple as conserving water in our everyday life, reducing, re-using and recycling each day, and minimizing use of fertilizers and pesticides on yards can make a difference in the health of our oceans. [NOAA also lists 25 things](#) we all can do to protect coral reefs. At the Smithsonian, the Natural History Museum’s [Sant Ocean Hall](#) contains fascinating exhibits to help educate us further about the ocean. [Their web also lists ways we all can help](#). In addition, many of our local governments sponsor efforts in our neighborhoods to clean streams and otherwise help protect the oceans.

Links for further reading:

[National Oceanic and Atmospheric Administration information on oceans “Our Ocean 2015”](#)

[World Wildlife Fund on oceans](#)

[President Obama’s video for the 2015 Our Oceans Conference](#)

U.S. Secretary of State John Kerry on Our Ocean 2015: Remarks at [Our Oceans Conference](#) and [Take Action for Our Ocean](#)

Executive Order 13547, [“Stewardship of the Ocean, Our Coasts, and the Great Lakes”](#)

[EPA Laws, Regulations and Treaties](#)

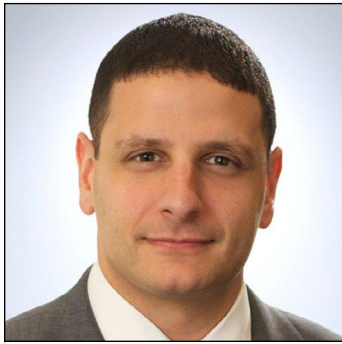
[From EPA, what we can do to help](#)

[From NOAA, what we can do to help](#)

Adapting the Collections Process to Accommodate Non-Traditional Data Sources

By Steve Ramey, Director, Navigant Consulting, Inc. and Katie Askey, Associate Director, Navigant Consulting, Inc.

This is the second article in a series focused on the collection, processing, and review of non-traditional data sources as it relates to eDiscovery.



Steve Ramey



Katie Askey

In our previous article, “Beyond Document Review: The Discoverability of Nontraditional Sources” (*Raising the Bar*, May/June 2015), we introduced the concept of nontraditional electronically-stored information (ESI) and the importance of capturing this data in a meaningful way. This article takes a deeper look into how the collections process can be affected by the [Computer Fraud and Abuse Act](#) (CFAA) and adapted for nontraditional ESI such as structured data, audio, chat, mobile device data, and social media.

The Computer Fraud and Abuse Act

Digital forensic examiners have the difficult job of balancing the investigation of leads as they are uncovered, while still remaining within the scope of their investigation. User names, passwords, account numbers, and protected and proprietary information are often uncovered, recovered, and provided during forensic investigations. Digital forensic examiners, in particular, have access to and are granted access to this information to perform their job. Digital forensic examiners are hired to collect information from cloud accounts, mobile devices, computers, and other digital storage media, whether physically present or across a network. These devices usually contain the life and soul of a person or a company. It is imperative that the digital forensic examiner exercises control over and protects the security of this information, as one misstep could turn the examiner into a criminal.

There are several regulations, laws, and ethical standards to which digital forensic examiners adhere. In particular, CFAA, Title 18 U.S. Code §1030, was written to protect against abusive behavior of accessing computer systems

without authorization. The CFAA is meant to lawfully protect computers and access to the information in those computer systems from intentional access that may cause harm to that system, government agency, business, or person through the theft or destruction of their electronic data.

During the course of a computer forensic investigation, the examiner must perform their analysis within a limited scope. This scope is specific to the matter and typically consists of analyzing several types of artifacts from many different devices. For example, when investigating the theft of intellectual property, artifacts such as internet history and the computer registry are analyzed to determine if the user navigated to websites to upload files, if the user researched how to cover his or her tracks, and to identify if files were opened from an external device. While those are just a few examples of what the artifacts can contain in support of an investigation, they can also contain user names and passwords, URLs, and other sensitive information that may or may not be pertinent to the investigation.

Typically, the scope for analysis rests solely on the device and the artifacts recovered from that device. As the analysis is conducted and new information is obtained (i.e., user name, password, and cloud account URL), the examiner should not act on that information without obtaining the necessary authorizations. The authorizations serve the following distinct purposes:

- The examiner is acknowledging that his or her analysis of the device has confirmed information that other storage repositories were used by the user.
- The examiner is seeking account owner information and authorization to access the system or account that was not originally in scope from either the user/owner, his or her representative counsel, or both.

Mobile devices can be a gold mine of personal and business-oriented information. They can contain email messages (business and personal), text messages, banking data, pictures, call logs, GPS locations, and stored passwords. As the use of mobile devices and the trend to include mobile devices in digital forensic analysis increases, the greater the exposure digital forensic examiners will have to account information for that user.

At no point should the examiner leverage the user names and passwords identified during analysis to preview the

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account contents in an effort to aid conversations and sway approval for accessing the system. Using the credentials without authorization may be in violation of the CFAA or other laws or governance. The mere fact that a burglar left an ID and house keys on your doorstep after robbing you, does not give you the right to return the favor and pay the burglar a visit. Likewise, the forensic examiner is a trusted source with a strong ethical commitment. Uncovering sensitive information is expected, but leveraging the information without authorization can present unanticipated complications.

Collections: Industry-Leading Practices

The IT infrastructures of organizations can be complex, because they can include more than just the user's assigned computer. Outsourced hosting, overseas data centers, clouds, virtualized environments, and bare metal systems are some of the common themes that can compromise organizations IT infrastructure. To further complicate their infrastructure, there are often several IT policies that should be taken into consideration. Backup frequency, retention, legal hold, end user permissions, encryption, and Bring Your Own Device are just some examples; not to mention data privacy laws of the outsourced and overseas systems. Further, what are the users within the organization actually doing with their data? Where are they storing their data? Do they have the ability to stand up a rogue server for their department's use, not administered by IT? Do they leverage non-company approved cloud services for data transfer and storage? In this world of ever-evolving technological enhancements, the identification of data repositories throughout organizations becomes that much more complex.

There is an industry-leading practice which can potentially alleviate the complexity and confusion of walking into an organization and simply imaging the users' laptops. Before the decision to collect is made, a conversation with IT should occur to understand the IT infrastructure, policies, privacy, and other infrastructure behavior that is "normal"

to their organization. Having the conversation up front will help save resources, solidify a collection strategy, and overall, be more cost-conscious. Oftentimes, it is worth involving experts early on to assist in this uncharted territory to save money on potential rework or legal fees.

In addition to this enhanced planning practice, unique considerations for each data source should be taken under consideration during the collections process.

Structured Data

Today, it is not uncommon for companies to have dozens (if not hundreds) of live and retired systems for their various functions—accounting, finance, human resources, and quality assurance, to name a few. Therefore, it is imperative to take the time upfront to thoroughly review the full list of available systems and data to determine what is relevant and potentially responsive. This practice can save significant time and cost while minimizing risk of exposure.

Take for instance, a client that had over 900 systems due in part to user-created databases and multiple acquisitions. Obviously, collecting all of this data was neither desirable nor practical. It took about five months to review the list, track down subject matter experts within the company, and pare the list down to 40 systems that were ultimately deemed responsive and relevant. The upfront resources required to perform this large system review were well worth the effort to avoid performing collections on hundreds of non-relevant systems. While this may be an extreme example, almost all companies could benefit from a smaller version of this exercise.

Once the list of systems has been finalized for collection, it is recommended that all data stored within the system is collected. This includes all back-end tables, views, and relationships. It is much easier and more efficient to prepare a subset of the full system than it is to make another collection if something is found to be missing.

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Audio

Audio files can take many forms including voicemails, recorded meetings, and webinars. In many instances, companies outsource the storage of audio files. Whether or not this is the case for your organization or client, it is very important to understand what type of metadata and lookup information is available in order to efficiently and confidently request data at the time of collection. There have been too many instances when clients do not explicitly ask for the metadata lookup information required to adequately perform their collection, analysis, and review. This not only causes frustration, but also may result in additional time and increased costs if the data has to be requested again.

Other options for storing audio files include storing on local hard drives and/or on an email server. Understanding how to identify, request, query, and analyze this information will help to determine scope and contribute to a successful collection strategy.

Chat

Lync, Communicator, Google Chat, and Bloomberg are just a few examples of products used by companies as an internal communication tool for employees. Identification of these systems and collections from them can be challenging, as the rights to access may lie solely with the user or with the hosting organization. In addition, the export format may present its own challenges. It is particularly important to determine the overall processing, review, and production strategy in advance when including chat data in the collections process. The preferred format of chat data may be dictated by the discovery strategy. For example, some formats lend themselves more easily to near deduplication and elimination of noise words. This can ultimately help to greatly reduce the volume of data for review.

Mobile Devices

The biggest challenge with collecting mobile device data can be attributed to the ever-evolving landscape of the industry. Mobile device hardware and software are continuously evolving at a rapid pace to meet the demands of the consumer. To make the evolution process more complex, there is no standardization between device manufacturers nor within the manufacturers' product line. For example, Apple's iPhones, though they look similar, each have a different encryption, complicating the process for accessing certain areas of the device and limiting the content that can be extracted during forensic acquisition by model and, in some cases, by the operating system version. In order for mobile device forensic acquisition and analysis software to keep up, the forensic software and hardware manufacturers have to obtain the new device, reverse-engineer it, and then

release an update to their products. This can be a lengthy process and results in a delay before the newer devices are supported and able to be collected easily.

Additionally, these collections often require some level of cooperation by the owner, specifically to obtain the passcode. For instance, no one has been able to find a way to break the Blackberry device encryption; while methods do exist, they may not necessarily guarantee results. Other times, the phone needs to be configured in a very specific way to allow access without a password. There are even devices, such as those created by Silent Circle, which are heavily encrypted and designed to ensure that data cannot be collected.

Mobile Device Applications

There are millions of applications available for download from Google's Play Store and Apple's App Store. Amazon, Sony, and Samsung also offer downloadable applications. In addition, there are countless other stores offering content to download applications globally. As new applications are created and used, new forensic analysis methods are needed to analyze the data. It also goes without saying that there is no standardization to the software, requiring, in some instances, unique approaches to capturing and recovering the application information for analysis during investigations.

The type of data that can be collected from applications is largely determined by how the application itself is written. Luckily (or unluckily depending on which side you are on), many popular applications such as Snapchat, Evernote, and WhatsApp have structured logs and data. Even when an application is deleted, the data can typically be recovered unless the application is written in such a way that the database is compacted.

Social Media

Social media applications and websites bring their own unique sets of challenges. The ease in which social media data can be collected is dictated by the application program interface (API). The API is the software code that the social media websites use to allow external developers access to the social media site, functionality, and data. Additionally, social media companies typically require a subpoena, court order, or search warrant to access account information. However, information can be acquired from social media accounts with forensic acquisition software in a couple of ways:

Publicly available information: Screen scrape the account's public page as a visitor would view the page. This typically does not contain private information like private messages or hidden information available to account friends.

Private information: Authorization from the user or account holder and obtaining his or her user name and
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password can allow for acquisition of private information as well as public information. As mentioned earlier, leveraging account information without authorization can lead to legal complexities.

Conclusion

With the numerous complexities related to identifying systems, adhering to regulations, and staying abreast of

technology enhancements, forensic acquisition has become much more involved and complex. Long gone are the days of simply “pulling a hard drive” and creating a forensic image. Having the foresight to create company policies in anticipation of litigation and investigations can prove beneficial to reducing costs, decreasing response time, and eliminating frustrations. Perhaps with a little help from the experts, these collections can be made relatively painless with great potential benefit to your cases and your clients.

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To Better Manage Millennials, Check Your Biases

By Anne Collier, Founder, Arudia

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Anne Collier

“Everyone views others through their own lenses—and generation is one of the most powerful. For baby boomer managers supervising millennials, awareness of these biases is the first step to effective team management.”

While simple, it is not easy to suspend judgment of others. We typically judge others by our own standards. It is as if we are wearing red glasses and we need everything to look good in red—except, let's face it, not everything looks good in red.

Now, imagine that you are evaluating your more junior colleagues through your own generational lens—for most managers, that means baby boomer (born between 1946 and the mid-1960s) or Generation X (born between the mid-1960s and early 1980s). In fact, it is almost impossible not to. If you are a boomer, you are likely judging millennials (born between the early 1980s and early 2000s)

by how well they fit into the system and what you believe it looks like to be serious about one's work.

Here is why: baby boomers' views were shaped by the fact that they have always had to, and still expect to, compete to succeed. Post-World War II schools were overcrowded because of the baby boom, and competition existed alongside a need to fit into the system. To succeed, baby boomers had to stand out from the crowd, and that is their lens: you win by being both competitive and ambitious.

By contrast, many millennials grew up with boomer parents who were both working hard to stand out. These parents raised their children to be team members and often to get

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recognition simply for participating (the trophy for “just showing up”). In college, millennials’ sense of collaboration was reinforced by constant team projects and team grading.

Many millennials entered the workforce in a weak economy and had difficulty finding their first job, leading to a focus on creating a “better way” to work. Many aim to structure life to enjoy it, seek flexibility in their jobs, and define success their own way. The millennial lens is a unique combination of self-interest and teamwork.

What can you, as a manager, do about these differing generational viewpoints? If you are a boomer boss, how can you create a high-functioning team despite the differences between how you see workplace rules and performance and how the millennials you supervise do? Here are a few tips:

Be aware that you perceive others through your own lenses and that you judge millennials for theirs. You can raise your awareness of your own filters by considering your views of millennials in light of your generational bias. Ask yourself, “If being ‘competitive and ambitious’ or ‘fitting into the system’ were not important, what would my view of the millennials I work with be? Am I happy with a particular millennial’s work product and results?” Consider your other lenses and gain self-awareness by taking assessments such as the Myers-Briggs Type Indicator or DISC, and ask yourself the same questions.

Now, consider millennials’ filters. Know that they value teamwork and the flexibility to create a life that works. So,

again, focusing on results, ask yourself, “Assuming that the flexibility that millennials ask for is both appropriate and the norm, does allowing a millennial the flexibility to occasionally work at home compromise his or her work?” And do not mistake the friendly, informal nature of millennials’ interactions with their more senior colleagues for a lack of respect. Instead, to better leverage millennials’ focus on teamwork, ask yourself, “How can I better include this employee, making him or her feel more a part of the team?” This ensures that you distinguish work style from results, creating a win-win for you and your young employees.

Suspend your judgment. This can be a challenge, and it is worth doing. If you judge others without taking into account your generational and other biases, you are likely getting a “false negative”—an inaccurate picture of the other person that may lead you to judge him or her unfairly.

Focus on engagement. Use deliberate, open-ended questions to guide millennials in doing their best thinking so that they can work more effectively.

By following this simple process, you mitigate the effects of your own generational lens (and any others you may have). The result is beneficial for everyone: you engage millennials in developing their best ideas to solve the problem you have delegated to them. Do this, and in the end, instead of complaining, you will rave about how smart, dedicated, and creative your millennials employees are.

Anne Collier is a professional certified coach and founder of Arudia, an executive coaching and training firm in Washington, DC.

Public Sector Unions: Smaller Wage Gaps, More Equality for Working Women

By Andrea Johnson, Fellow, and Katherine Gallagher Robbins, Director of Research and Policy Analysis, National Women’s Law Center

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At a time when women make up two-thirds of the low-wage workforce and the gender wage gap refuses to die, public sector unions are a beacon of hope for working women. As our new analysis, “[Public Sector Unions Promote Economic Security and Equality for Women](#),” reveals, public sector unions provide much-needed economic security and equality for working women.

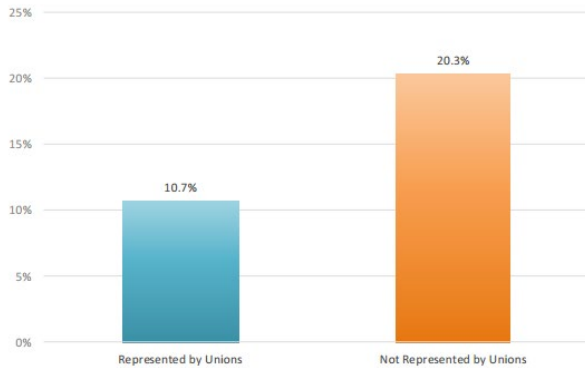
Women make up a majority of the public sector workforce, which includes nurses, first responders, teachers, and many other employees whose work is crucial to the health, safety,

and prosperity of our communities. Women also make up a majority of union-represented public sector workers. We show that these union-represented women have higher wages and increased participation in employer-based health insurance plans, compared to their non-union-represented counterparts. These women also experience greater equality in wages and health benefits with their male counterparts.

Here are five fast facts on why public sector unions are crucial to working women—and the families that so many of them support:

continued on next page

The Gender Wage Gap Among Union-Represented Public Sector Workers Is Half the Size of the Gap Among Non-Union-Represented Public Sector Workers



Source: NWLC calculations based on CPS 2010-2014 data using IPUMS-CPS. Figures are based on women's & men's median weekly earnings for full-time, year-round workers. The "represented by unions" category includes both members and those who are represented but not members.

www.nwlc.org

- Women represented by public sector unions are paid 24 percent more than their public sector counterparts who are not represented by unions (\$987 v. \$795);
- The gender wage gap among union-represented public sector workers is about half that among their public sector counterparts who are not represented by unions;
- Women represented by public sector unions are more likely to have employer-based health insurance coverage than their public sector counterparts who are not represented by unions (78 percent v. 62 percent);
- The gender gap in employer-based health insurance is one-third smaller among union-represented public sector workers than among their public sector counterparts who are not represented by unions;
- Compared to non-union-represented public sector workers, wages and health-insurance participation are higher for both public sector union members and the nonmember workers they represent.

At a time when there are still so many barriers to women entering, continuing in, and advancing in the workplace—

including pay discrimination, sexual harassment, pregnancy and caregiver discrimination, unpredictable work schedules, and exorbitant child care costs—the increased economic security and decreased gender inequality enjoyed by women represented by public sector unions offers a promising antidote.

Importantly, our analysis demonstrates that these benefits are felt by both public sector union members *and* public sector workers who are represented by a union but are not members of a union. This fact is especially important because the ability of public sector unions to promote equality and economic security for women union members and nonmembers alike is presently at stake in *Friedrichs v. California Teachers Association*, a case that will be heard by the Supreme Court this term. The case seeks to overturn a nearly 40-year-old Supreme Court precedent, *Abood v. Detroit Board of Education*, which held that public sector collective bargaining agreements may include “fair share” provisions. In short—everyone can choose whether or not to join a union at work, but when the majority of people in a workplace vote to form a union, the union is required by law to represent everyone in a workplace, whether that employee is a union member or not. Fair share provisions require employees who are represented by a union, but choose not to become union members, to contribute to the cost of securing the benefits and protections the union provides: collective bargaining, contract administration, and grievance processes. In the absence of such provisions, many individuals would decline to pay union dues while still seeking to take advantage of union services, thus weakening the ability of public sector unions to represent everyone in the workplace.

Public sector unions represent a promising path towards equality and economic security for working women. For the well-being of working women, their families, and their communities, the health of public sector unions must be protected.

Andrea Johnson is an Equal Justice Works Fellow at the National Women's Law Center. Katherine Gallagher Robbins, Ph.D. is Director of Research and Policy Analysis at the National Women's Law Center. She oversees the Center's research with a primary focus on women's economic security and educational equity.

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President's Column

By Susan Kovarovics, WBA President

I had the pleasure recently of attending the WBA/WBAF Past Presidents Dinner. This is an event held annually to bring together—yep, you guessed it—the past presidents of the WBA and our sister organization the WBA Foundation. Also invited to join the event are current board members of the two organizations.

This dinner is a great way to ensure current leadership has an opportunity to talk with those who built the organizations—often inspiring new and different ideas. And what better time to get together with a group of past presidents than when we are in the midst of planning for our **Centennial Celebration** in 2017 and working on preserving our oral history and archives. The past presidents were generous in sharing their time with current leadership, sharing ideas, telling stories, and generally reminding all of what great organizations the WBA and WBAF are and how far we have come as women lawyers, in no small part because of the long-time mentality of WBA members that “Advancing Together” is a much better way to proceed than advancing alone.

We heard Judge Wald's take on this **during her remarks** at the reception we hosted in October honoring recipients of the Margaret Brent Women Lawyers of Achievement Award, when she said, “we have to build our own career ladders and teach others not just to climb the ones already there, but to design new and better ones.” We certainly have our work cut out for us in this regard, helping not just other women lawyers, but using our legal and other work to help further the legal rights of women generally.

As we look back on our history as part of our Centennial Celebration activities, it is clear that the WBA has contributed significantly not just to the advancement of women lawyers, but to the rights and lives of women generally. Looking forward to the next 100 years, I am confident the WBA will continue to be a key player in these still much-needed efforts to improve the professional and personal lives of women and women lawyers, through pay equality, equal opportunity in education, fighting human trafficking, sexual and reproductive rights, and others.

Now is the perfect time to consider your own continued role in the WBA's efforts. We are beginning our nomination process for next year's officers and directors. Have you thought about moving into a leadership position? Do you want to be a co-chair of a committee or forum next year? Have you been thinking about running for a Board position? Do you see yourself around the table at a future Past Presidents Dinner? Find out more about the nomination process and the opportunities available by joining us for one of the upcoming programs about WBA leadership opportunities. As always, there are plenty of ways to be more involved in the WBA and to **Advance Together**.



Susan Kovarovics

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Past Presidents Dinner



l-r: Celeste Murphy, Joanne Young, Nancy Long, Delissa Ridgeway, Lorie Masters, Martha JP McQuade, Janine Harris, Kathy Gunning, Liz Medaglia, Hon. Diane Brenneman, Susan Kovarovics, Sonia Murphy, Ann Bushmiller, Paulette Chapman, Suzanne Reifman, Monica Parham, Elaine Fitch, Ellen Jakovic, and Diana Savit

Each year, WBA and WBA Foundation Past Presidents, along with current Board members, gather for an informal dinner. This year's dinner was held on November 5 at Acadiana.

WBA Centennial Celebration

The WBA turns 100 on May 17, 2017! We are planning the WBA's Centennial and invite your help. We want to create a year's worth of celebrations to celebrate our Founders, **Ellen Spencer Mussey** and **Emma Gillett**, and the charter members of the WBA who forced doors of opportunities open and made change, not just for women lawyers, but for all women.

They:

- marched for woman suffrage;
- demanded the right to own property;
- drafted legislation allowing women to keep their own wages; and
- broke through the barriers confronting women, and women in the law.

We are initiating a series in *Raising the Bar* of vignettes from the history of the WBA written for its 50th anniversary in 1967. The second is below.

Learn more at wbadc.org/centennial. Please contact Carol Montoya at carol@wbadc.org if you would like to help.



The creation of our Association was an outgrowth of the suffrage parade held in Washington on March 3, 1913. In that parade 10,000 women from all over the United States marched. The division of women lawyers was led by then 63-year-old Ellen Spencer Mussey. Four years later, on March 13, 1917, the first public gathering of women members of the bar of the District of Columbia was a dinner in honor of the four men who carried banners in this historic parade. On that occasion, the desire was expressed to form a permanent organization of women lawyers since the Bar Association of the District of Columbia did not admit women.

The desire became fact when the Women's Bar Association was incorporated November 19, 1917, with its purpose as expressed in the application for Articles for Incorporation:

"...shall be to maintain the honor and integrity of the profession of the law; to increase its usefulness in promoting the administration of justice; to advance and protect the interest of women lawyers of the District of Columbia and encourage their mutual improvement and social intercourse."

WBA Foundation



WBA Foundation President's Letter

By Nancy A. Long, WBAF President

The Women's Bar Association Foundation receives a historical gift—a Bequest from Suzanne Richards!

The Women's Bar Association Foundation is pleased to announce that **Suzanne Richards**, a prominent District of Columbia attorney, made a \$350,000 bequest to the WBAF earlier this year. The WBAF is so grateful to Suzanne Richards, and its stewardship of the bequest will be both strategic and thoughtful, keeping in mind the incredible legacy that is Suzanne Richards.



Nancy A. Long



Suzanne Richards

Following graduation from high school, Suzanne, a native of Cope, South Carolina, came to Washington in 1942, at the age of 15, to work as a government clerk. While working full-time she attended George Washington University and graduated magna cum laude. She earned her J.D., with highest honors, in 1958 from the George Washington University National Law School and was awarded the John Bell Lerner Award for having the highest cumulative grade point average in her graduating class. She was a member of the Order of the Coif. She also

received her L.L.M. from the Law Center.

In 1977, Suzanne was honored as the Woman Lawyer of the Year by the Women's Bar Association of the District of Columbia and was also elected President of the

continued on next page

Make a donation to support the Foundation's work or include the WBAF in your estate planning. The WBA Foundation does not receive membership dues; it instead relies on the support of donors, like you, who wish to support organizations that promote greater understanding, awareness, legal service representation, and advocacy for women and girls in our community. You can visit www.wbadcfoundation.org to make a donation, or contact **Carol Montoya** at carol@wbadc.org for more information about estate planning.

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WBA. She was active in the Bar Association of the District of Columbia (BADC) for over 40 years, and in 1989, she was elected as the first woman President of that Association. In 2002, she was named the Lawyer of the Year by the BADC.

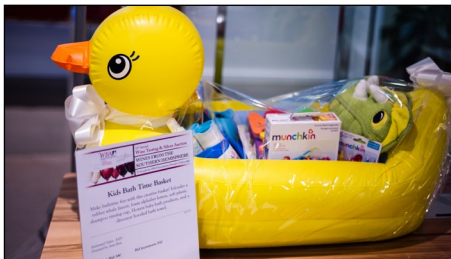
Suzanne was a member of many professional organizations. She was a member of the District of Columbia Bar, where she chaired the Family Law Section Steering Committee for three years and taught continuing legal education courses on family law for 14 years. In 1990, she received the D.C. Bar's Annual Recognition Award for Exceptional Service to the Continuing Legal Education Program.

Suzanne was a selfless and tireless mentor, leader, and role model for women in the District of Columbia. Her guidance helped to shape the careers of many lawyers. At her memorial service last spring, practitioners and friends shared their memories of Suzanne—her zealous and passionate representation of her clients, her humor, her devotion to her friends and her mentorship of so many young (and not so young) attorneys. Suzanne is deeply missed by the legal community that loved her so dearly!

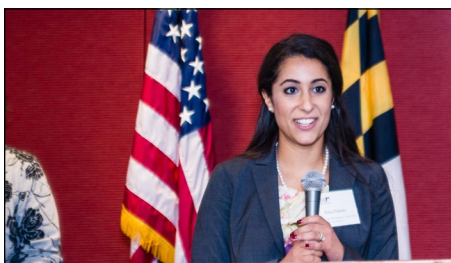
Wine Tasting Raises Funds in Support of Founders Fellowship



On October 29, the WBA Foundation hosted its 13th annual Wine Tasting and Silent Auction, "Wines from the Southern Hemisphere: Chilean and Argentinian Flavors." The evening's 170 attendees sampled wine and pairings and learned what makes vineyards in these regions so different and unique.



Guests were able to bid on a variety of items, including specialty baskets created by WBA Foundation Board members, sports tickets and memorabilia, beach house stays, collectables, jewelry, services, and more.



The evening's program included remarks by Heba Dafashy, the Foundation's 2015 Founders Fellow. Ms. Dafashy, a student at the George Washington University School of Law, talked about her experience this past summer as an immigration and family law intern at the Tahirih Justice Center. [Click here](#) to read her personal essay about her experience.

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WBA Foundation 2015–2016 Donors

Many thanks to our supporters! The following donors made a gift to the WBA Foundation between October 1 and November 30, 2015. These gifts will be used to support nonprofits that serve the legal and related needs of women and girls in the DC metropolitan community. For a list of all fiscal year donors and recognition of giving levels, visit wbadcfoundation.org.

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Founders Fellow Heba Dafashy

Many thanks to our host for the evening, **Sterne, Kessler, Goldstein & Fox P.L.L.C.**, and the wine connoisseurs from **The Curious Grape**, who gave a brief presentation about the wines sampled for the evening. Kudos to event co-chairs **Kathy Gunning** and **Gaffar Chowdhury** on organizing this successful event!



l-r: Jana Nelson, Kristine Ellison, Gail Westover, Laura Raden, and Irene Frippis



l-r: Kathy Gunning, Jack Keeney, and Liz Medaglia



Celeste Murphy and Lisa Horowitz



l-r: Isabel Kasten, Nancy Long, Tenley Carp, and Renee Weir



l-r: Sarah Razaq Sallis, Justin Sallis, and Sarah Bartels



Rebecca Valentino claims a door prize from Kathy Gunning.

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Thank you to our Wine Tasting sponsors!

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Committee & Forum Highlights

WBA Recognizes Recipients of the ABA Margaret Brent Women Lawyers of Achievement Award

By Maria G. Mendoza, Jewell Mendoza, LLC. Photo credits: Mark Van Burgh Photography



l-r: Marcia Devins Greenberger, Brooksley Born, Loretta Collins Argrett, Emma Coleman Jordan, Pauline A. Schneider, Hon. Ruth Cooper Burg, Jamie Gorelick, Hon. Patrica McGowan Wald, Hon. Vanessa Ruiz, Hon. Gladys Kessler, Stasia Kelly, Marna Tucker

On October 14, 2015, at the U.S. District Court for the District of Columbia, the Diversity and Centennial Committees organized a reception honoring recipients of the ABA's Margaret Brent Women Lawyers of Achievement Award. **Judge Patricia McGowan Wald** served as the keynote speaker. The Brent Award is one of the ABA's most prestigious awards; it honors women who have achieved extraordinary success and opened doors for other women.

The ABA Margaret Brent Women Lawyers of Achievement Award recognizes the achievements of **Margaret Brent** (1601–1671), who requested a vote in the Maryland Assembly at a time when women, queens excepted, were not allowed direct participation in political life. Margaret arrived in Maryland on November 22, 1638, with her sister and brothers. She came armed with orders from Lord Baltimore that they were to be granted land on the terms he had offered to the first adventurers of 1634.

Margaret's career in Maryland was remarkable in many ways. She and her sister, who as unmarried women were legally able to own and manage property, took up land and established an independent household. Margaret was active in importing and selling servants and lending capital to incoming settlers. She appeared for herself in court to collect her debts and in general handled her business affairs as a man would have done and without assistance from her brothers. With Governor Leonard Calvert, she was joint guardian of the daughter of the Piscataway "Emperor" Kittamaquand.

On January 21, 1648, Margaret made a move for which she is most famous today. She appeared before the Assembly to demand two votes, one for herself as a landowner and one as

Lord Baltimore's legal representative. The Governor refused and she departed with the statement that she "protested against all proceedings...unless she may be present and have vote as aforesaid." It is unlikely that she expected success, but she knew well that the Assembly was unwilling to vote taxes to pay soldiers whom Governor Calvert had promised to pay himself. That day she began the sale, thereby averting a crisis that might have destroyed the colony and its policy of religious toleration.



l-r: Kirra Jarratt, Lorie Masters, Dan Daughetee

In the District of Columbia, we are lucky to have many honorees of the ABA Margaret Brent Women Lawyers of Achievement Award residing in our community. Below is a list of local honorees, many of whom were present at the October 14 reception:

Justice Ruth Bader Ginsburg	Brooksley Born
Justice Sandra Day O'Connor	General Flora Darpino
Hon. Eleanor Holmes Norton	Jamie S. Gorelick
Hon. Mari Carmen Aponte	Marcia Devins Greenberger
Hon. Ruth Cooper Burg	Hauwa Ibrahim
Hon. Gladys Kessler	Emma Coleman Jordan
Hon. Vanessa Ruiz	Judith L. Lichtman
Hon. Patricia McGowan Wald	Arlinda Locklear
Eleanor Dean Acheson	Irma S. Raker
Loretta Collins Argrett	Pauline Schneider
Helaine M. Barnett	Marna Tucker
	Loretta A. Tuell
	Judith A. Winston

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Hon. Patricia McGowan Wald gave keynote remarks at the event. An excerpt is below. [Click here](#) for a complete copy of her remarks.

“I have been asked to make some brief remarks on this auspicious occasion. But in the end I think they are probably unnecessary, for as we good lawyers say *Res Ipsa Loquitor*—the thing speaks for itself. The DC Bar and the WBA have been both cause and the effect of a cascade of phenomenally talented and audacious women lawyers: 22 Margaret Brent awardees in two and a half decades. These women have come from the most diverse backgrounds and devoted their careers to the widest range of activities in law: they have been firm leaders, judges, legal service and legal cause pioneers, ambassadors, government lawyers, military advocates, Congresswomen, civil rights litigators and mobilizers, and more. Once the gates were breached, you rushed in to blanket the halls of justice. We have much to be proud of, but certainly much to give us concern still, about remaining tripwires and stumbling blocks to our own careers and to those coming along after us. Indeed, many of us have learned the hard way that we have to build our own career ladders and teach others not just to climb the ones already there, but to design new and better ones. And apart from our own careers, we cannot ignore the legal rights and legal plights of all women (including transgenders), those without LLBs, as they fight for their reproductive and sexual freedom, access to equal opportunity in education (Title IX, pay equality), etc.—fights that we thought we had won but which we found to our dismay have to be fought over and over again. Our victories, however modest, demand eternal vigilance as the price of sustainability.

This may seem an obvious point to most if not all of you here tonight, but I make it because the public description of the Margaret Brent Award speaks mainly of being a leader in one’s field and paving the way for younger acolytes to follow one up the ladder. These are worthy and significant criteria, but I would like to infuse them with a wider dimension than perhaps the bare words transmit. Becoming a leader in one’s field is not just rising to the top levels of recognition—piercing the glass ceiling (though that certainly is a worthy objective) or making it onto the highest court or cabinet level position. A leader is—according to the dictionary—a guide, a pilot, a shepherd, a pioneer. Those definitions suggest someone who takes her organization or field of law in a positive direction that benefits not only herself or even women down the line, but a wider segment of the community or world she lives in. That kind of leader, unfortunately as we all know so well, too often herself gets bruised, even beaten, along the way and never makes it up to the masthead. But she does leave a legacy of change which others can build on at some future time. The dissenting agency board member division head, or judge who is passed over for the big job, but whose articulation of a different path, is vindicated by history. Some of you in the room tonight fit that bill: is just as much a leader as the ones who inhabit the pantheons at the top of the profession.”



Hon. Patricia McGowan Wald

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Commissioner Ohlhausen: “Getting Credit Where Credit is Due”

By Svetlana Gans, Federal Trade Commission; Co-Chair, Government Attorneys Forum & Leadership Task Force



Commissioner Maureen K. Ohlhausen

On October 28, the Government Attorneys Forum and Leadership Task Force hosted Commissioner [Maureen K. Ohlhausen](#) of the Federal Trade Commission for a discussion of “Getting Credit Where Credit is Due.” In the company of 30 women in various stages of their careers, Commissioner Ohlhausen spoke about the challenges women still face in advancing to leadership roles in their careers and offered strategies to combat those challenges. Based on her own experience and supported by

numerous studies of women in the workplace, the Commissioner identified an implicit, but prevalent, assumption that men are leaders and women are in support roles. To combat this hurdle to career advancement, she emphasized the importance of women getting recognition for their work.

Citing the advice of one of her mentors, the Commissioner encouraged women to seek out opportunities and make sure to be noticed. She gave examples of steps she has taken to make her views visible, such as joining the ABA Antitrust Section, publishing articles, and, eventually getting speaking opportunities. Furthermore, she emphasized the importance of networking and seeking out mentors.

In offering her advice, Commissioner Ohlhausen acknowledged that studies suggest that while confidence is a key to success, unfortunately women seem to have less confidence than men, even if they have the same abilities. She discussed her personal growth in confidence, noting that there is a first time for everything and that it is okay to be scared, but ultimately, achievement spurs confidence. Closing her remarks with the words of Prime Minister Margaret Thatcher, she told the audience “you can’t lead from the crowd” and encouraged women to seek opportunities to showcase their skills and put themselves on the path to leadership.

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Government Attorneys Forum Pathways Program A Great Success!

By Cathy Pagano, Co-chair, Energy & Environmental Law Forum



Margaret Doane



Kathryn Thomson

Following the Government Attorneys Forum’s terrific October program featuring Federal Trade Commission Commissioner Maureen K. Ohlhausen, our November program offered a unique opportunity to hear career advice from two leading agency general counsels.

Thanks to stellar presentations by [Margaret Doane](#), General Counsel at the

continued on next page

Nuclear Regulatory Commission and [Kathryn Thomson](#), General Counsel at the Department of Transportation, the “Pathways to Success” Program on November 18 was a big success! Our moderator, Government Attorneys Forum co-chair **Laura Goldin Ames**, posed thought-provoking questions that elicited a great conversation with our audience.

Our panelists discussed many tips on carving our own individual pathways. They shared that taking the time to build relationships with colleagues and friends at every level of an organization is critical—and keeping a lookout for new, and sometimes less obvious, opportunities is a skill to nurture.

They suggested that you do not have to go it alone; take advantage of talking to colleagues and listening to their ideas. Sometimes this can result in valuable mentoring. For example, asking a question as simple as, “Is this how you would approach this assignment?” can be invaluable. Then dig in, even on assignments or in positions that may not on the surface seem high-level or challenging. Even when faced by a challenging situation or assignment, stop, regain your composure, and remember that you have it in you to do it. Ms. Thomson shared that Eleanor Roosevelt suggested doing one thing each day that scares you. Also, have a sense of purpose and laugh more! When promotions are hard to come by, bloom where you are planted. Also, remember to be a mentor as well as a mentee.

The program was a great opportunity for everyone to hear valuable career advice, and the Government Attorneys Forum looks forward to seeing you at other upcoming programs!

Sign up for our highly popular program, [“Acing Applications,”](#) to be held on Wednesday, January 27. Learn tips from the experts about enhancing your search for that perfect federal job.

February 25 will be our follow up program on finding state and local government employment! Contact your [Government Attorneys Forum co-chairs](#) with any questions.

Register Today: Sixth Annual Mentoring Supper



Photo credit: Mark Van Bergh Photography

Calling all young lawyers and law students! Register now to attend the popular [Sixth Annual Mentoring Supper](#) on Wednesday, February 24, 2016 from 6:30 to 9:00 pm. This joint program of the WBA's Communications Law Forum and Federal Communications Bar Association's Young Lawyers Committee and the will be held at Hogan Lovells US LLP, Fulbright Center, Columbia Square, 555 13th Street, NW. The closest Metro station is Metro Center.

While enjoying a catered dinner, young lawyers and law students will interact with distinguished members of the communications bar in small groups throughout the evening. Do not miss this opportunity for substantive discussions about career

development with some of the best mentors in the District! Attendees will benefit from this mentoring experience, even if not interested in a communications law practice. For a list of mentors currently participating in this evening program, and to register, please visit the [WBA website](#).

Save the Date: Social Media Boot Camp 2.0 Coming Soon!



The WBA's Social Media Committee is planning a “Social Media Boot Camp for the Seasoned Practitioner” on February 2, 2016, in partnership with the 20+ Years Expertise Committee. While details are still being finalized, it is our hope that this follow-up Boot Camp will continue to fuel the momentum gained from the “Social Media Boot Camp: A Lawyer's Guide,” held in the fall. The intended focus of this Boot Camp will be how to overcome the obstacles faced by lawyers when creating and/or maintaining their online presence. We invite all lawyers, especially our seasoned colleagues who feel the need brush up on their social

media skills, to attend the event. Keep your eyes out for information coming soon!

Member News

Castellini Joins Price Benowitz LLP

Kerri M. Castellini has joined Price Benowitz LLP as head of the firm's Trusts & Estates practice group. Ms. Castellini offers a diverse suite of services within the trusts & estates field, including estate planning, administration, guardianships for incapacitated adults, and business succession planning.

At the Catholic University of America, Ms. Castellini was the managing editor of the *Journal of Contemporary Health Law & Policy* and was active in moot court and the Columbus Community Legal Services clinic. She is a member of the WBA Board of Directors, where she currently serves as chair of the Governance Committee.



Kerri Castellini

BADC Recognizes WBA Luminaries

The Bar Association of the District of Columbia (BADC) and the BADC Foundation hosted their annual black tie banquet on December 5. The first Suzanne Richards Award was presented at the event. Named after the late **Suzanne Richards**, the BADC's first female President, the award will be made annually to a DC nonprofit. This year's recipient was the **DC Affordable Law Firm**. Ms. Richards was WBA's Woman Lawyer of the Year in 1977 and was President of the WBA in 1978. She recently made a bequest to the WBA Foundation (see [page 13](#)).

WBA Foundation Past President **Hon. Diane Brenneman** received the Judge of the Year Award. Judge Brenneman is a Magistrate Judge on the DC Superior Court and is a member of the Superior Court's Family Rules Advisory Committee. She was introduced at the event by WBA Past President **Paulette Chapman**.

WBA Torchbearer recipient Congresswoman **Eleanor Holmes Norton** received the Annice M. Wagner Pioneer Award.



Hon. Diane Brenneman

Welcome New Members

The following persons joined the WBA in October & November 2015.

Theresa Androff	Kimberly Melvin
Megan Avalos	Laura Miller
Sarah Bartels	DiAnne Moore, MS, CSC
Magda Benfield	Jennie Morawetz
Ada Bennett	Selena Motley
Elizabeth Birch	Daniela Murch
Traci Biswese	Irina Nossova
Lilah Blackstone	Maureen O'Connell
Lindsay Boyes	Shana Olson
Arielle Brown	Leona Osborne-Skerritt
Maya Burchette	Sade Oshinubi
Shaniqua Butler	Tiffany Ouellette
Sheila Cahill	Inessa Owens
Nahila Cortes	Jean-Marie Padden
Christina Crockett	Sarah Pugh
Simone dos Santos	Sonya Rahders
Bree Ermentrout	Rachel Reddick
Jennifer Feldman	Tara Reinhart
Anyi Fomengia	Emily Renzelli
Elvia Gastelo	Rachel Rosenthal
Nikia Gray	Nakeasha Sanders-Small
Sarah Green-Golan	Lindsey Sarowitz
Esther Grenness	Stephanie Schmelz
Laura Higbee	Jeremy Schulman
Rachel Hunnicutt	Helen Serassio
Kimberly Jones	Holly Shaw
Michelle Kallen	Patience Singleton
Meridith Kelsch	Linsay Sobers
Larissa Koshatka	Yu Sun
Ma. Isabel Laluna	Pojjanart Suwanniroj
Carol Lee	Christa Thorpe
Jane Lee	Shaina Vinayek
Holly Letourneau	Sarah Wahl
Jessica Lim	Chengcheng Zhang
Madi Lottenbach	Ashley Zohar
Betsy Luxenberg	
Bridget Lynn	
Jill MacAlpine	
Vi Mai	

For information regarding WBA Member Benefits and becoming involved with a Committee or Forum, see [Membership & Benefits and Committees & Forums](#).

Top Reasons to Become a Sustaining Member

By Colleen Yuschak, Director, Navigant Consulting, Inc. and Co-Chair, Membership Committee (and Sustaining Member)

In 2017, the WBA will celebrate its 100th anniversary of serving the women in our legal community. Funded solely by membership dues and the generosity of its sponsors, the WBA supports its members through a wide variety of programming and initiatives designed and implemented by its many volunteers.

When you join the WBA, you are faced with the choice of your “membership category.” Often, this decision is based on where you are in your career or the size of your firm. However, I ask you to consider choosing Sustaining Membership. Not only will you celebrate the advantages of membership, but you will also make an impact in the ongoing work of the WBA. **Sustaining Membership** is a choice we can all make to help the WBA meet financial and operational goals that result in improved programs and services for all members.

Here are additional reasons to become a Sustaining Member:

- Access to the VIP only Presidents’ Reception and listing in the program at the Annual Dinner;
- Reserved seating at the Sustaining Member table at the Holiday Tea and select other programs;
- Free registration to select events such as Leadership Task Force programs, an “Evening at the Corcoran Gallery of Art,” and “Blazing Your Own Trail: A Conversation with the General Counsel of Arctic Slope Regional Corporation;”
- Invitations to Sustaining Member-only events;
- Improved visibility in the legal community with recognition in the monthly newsletter, on the WBA website, and in the WBA *News & Events* email blasts;
- WBA lapel pin;
- Recognition ribbon added to your name badge at for WBA events;
- Access to an exclusive network of Sustaining Members;
- And, perhaps most importantly, satisfaction in knowing that you are supporting an organization that has promoted and advanced women in our community for almost 100 years!

By adding a small amount to your membership fee, you make a big impact. If you would like to upgrade your membership to Sustaining Member status, please call our office at 202-639-8880 so that you can immediately see the benefits of becoming a Sustaining Member.

Colleen M. Yuschak is a Director in the Legal Technology Solutions practice at Navigant Consulting. For more than 18 years, Colleen has worked with clients on a broad range of engagements, including discovery and computer forensic investigations, breach of contract and contract termination cases for the government, construction dispute resolution, change management consulting, information systems consulting, insurer claims processing/cash flow managing, and market conduct examinations.

SUTHERLAND IS PROUD TO SPONSOR THE WOMEN’S BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA

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Member Spotlight: Charlotte Kuenen, CFP®

Compiled by Nina Ren, Attorney



Charlotte Kuenen

Charlotte Kuenen, Financial Advisor at Morgan Stanley, is the quintessential WBA member—tireless, devoted, and generous. Ever since she joined the Women’s Bar Association in 2012, she has worked to give back, whether by putting on interesting programs, creating relationships, or working to preserve our organization’s colorful history for the Centennial Celebration. She has celebrated her challenges, and throughout it all has made time for family and for providing us with a perspective on life from which we can all profit.

Charlotte did her undergraduate work at George Washington University and became a social worker for the Food Stamp Program in upstate NY. In that role, she learned a great deal about how people cope with the crushing weight of poverty and some of the programs designed to help.

After a few years, she returned to DC and had a 30-year career at what is now Bloomberg BNA, the legal and business publisher, where she ran electronic product development and marketing for the Legal Division in the 90s and early 2000s. “My BNA career taught me how to work on and lead multi-disciplinary teams to accomplish several major organizational goals. BNA was a special place to work. It has incredibly talented people, the highest quality products, and I have many lifelong friends from that organization,” said Charlotte.

Charlotte was recruited to do fundraising for a firm in Baltimore, and after that firm was sold about 10 years ago, she took the opportunity to return to grad school at Georgetown, work in finance, obtain the CERTIFIED FINANCIAL PLANNER™ designation, and help people through the financial planning and investment management practice at Morgan Stanley. Charlotte enjoys her work: “It is a great pleasure and an honor to work with individuals and families—to help prioritize their financial objectives, organize their assets, manage their investments—and help them with what they want to accomplish, both personally and financially. I feel passionate about the work I get to do here.”

Charlotte’s husband is a lawyer (aviation/transportation law), and her son is an independent film-maker in New York City. Her hobbies include making pottery, playing chess, and reading historical fiction.

Why did you join the Women’s Bar Association?

Several years ago, my husband’s law partner and WBA Past President, **Joanne Young**, invited me to attend several WBA events with her, where I met some terrific women, and that led me to join a few months later. Throughout my career I’ve focused on women’s issues, whether through social work, volunteer work, or workplace participation. For example, I headed an experiment related to female credit card discrimination for the Alexandria Commission on Women decades ago, and that got me hooked on championing women’s issues, including during my career at the legal publisher BNA. The WBA is a fantastic example of what I’ve always believed: that women can support each other in the workplace and in life and make real progress toward full equality. It’s an honor to be a part of such an important, supportive, and program-rich organization, and every year I am learning more about the impressive history of the WBA.

How did you get involved? How do you stay involved?

As I met more of the thoughtful, innovative women of the WBA, various volunteer opportunities organically

developed. For example, by talking with co-chairs of the Mentoring Committee in 2013, I was invited to organize a session on “New Year, New Career” with the energetic **Svetlana Ganz** and **Jen Mullins**, who are among the capable past and present co-chairs of the Mentoring Committee. The goal was to have a diverse panel of speakers who could address how a law degree and legal work experience can open doors to various types of legal careers—whether at a firm, in house, at nonprofits, or outside the legal field altogether—and under what circumstances it might make sense to switch to another type of legal career. We had great speakers lined up with wonderful, inspiring personal stories. The session was scheduled for early February 2014, and due to a crazy-wicked snow storm (by DC standards) on the day of the event, we had to postpone. We were able to reschedule the event for January this year. Amazingly, every one of the original speakers agreed again to be on the panel, and **Rachel Alexander** of Wiley Rein again generously agreed to host. Under the exceptional moderating skills of **Nancy Long** and **Jen Mullins**, we had a very successful event. It was so well-attended, in fact, that the Mentoring Committee is

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planning a similar session for 2016 year and may make it an annual event.

Separately, I met **Sonia Murphy** for coffee one day last fall, and she suggested getting involved with the Centennial Committee, which is preparing many important events, tributes, and historical preservation initiatives for the 2017 WBA Centennial Celebration. I thought that sounded exciting and rewarding, and as luck would have it, one of my friends is a co-chair of the Centennial Committee—**Lorie Masters**, another WBA past-President.

I first met Lorie through **Joanne Young**, and then I was fortunate enough to spend some time working on Lorie's campaign for DC Attorney General last year. Lorie was a terrific candidate, and it was a privilege to work with her and her amazing campaign staff. Subsequently, Lorie invited me to a Centennial planning meeting that involved, among many other initiatives, the goal of recording oral histories from WBA Past-Presidents and many other WBA women who have made their mark on the WBA and on society. We're now working with Lorie, and several other amazing WBA women—including **Diana Savit**, **Laura Possessky**, **Maria Mendoza**, **Monica Parham**, **Rebecca Prybell**, **Carol Montoya**, with the encouragement of **Susan Kovarovics**, **Sonia Murphy**, and **Paulette Chapman**—on capturing those oral histories. We are doing it in an ingenious, simple way, with mobile phone video capabilities. Members are doing it themselves on their phones. They pair up at various WBA events, and, armed with an interview question "template," they record 3- to 4-minute videos of each other. It's amazingly simple, and we have collected and scheduled over two dozen oral histories so far. Many more WBA women will be invited to provide their oral histories in the year and a half before the Centennial. It's a fun and exciting project that will lead to a rich, historical collection of impressions from so many important voices in the WBA. Excerpts also may be used in a Centennial video project that **Laura Possessky** is leading and perhaps on the WBA web site.

What benefits do you get from being a part of the WBA?

I immensely value the friendships formed as a result of my WBA involvement—that more than anything else. Having worked with members of the legal profession in various roles throughout my career, I feel a special kinship with the WBA. Some connections have turned into business relationships as well. The overall support and sharing of ideas and mutual mentoring within the WBA is remarkable. It

feels especially satisfying to collaborate on good work for the organization and for each other.

Do you have a mentor/hero?

I've been lucky enough to have several really special mentors and advisors in my career. My former boss, **Greg McCaffery**, currently CEO of Bloomberg BNA, was an amazing and sustaining influence, as was his boss, **Paul Wojcik**, CEO of BNA prior to the Bloomberg purchase of the company. There were many others there over the years.

More recently, I see **Lorie Masters** as a personal hero of mine. I am in awe of everything Lorie has accomplished and continues to pursue. She puts herself out there, commits to big picture projects and causes, gets results, and inspires great confidence in the many others around her, with her generous "big tent" philosophy. I also look up to **Joanne Young**, whom I've known for more than 20 years and who has been a constant supporter, and **Nancy Long**, my newest hero who bailed us out as a session moderator when the original moderator couldn't make it.

At my current workplace as a financial advisor, I work with a terrific partner, another CFP® named **Daniel Welch**. This is not a plug, but Dan is one of the smartest people I know, and he has been a wonderful partner and collaborator in my financial planning and investment advisory practice at Morgan Stanley.

What words of advice do you have for women new to the profession?

I would say "Get fully involved, both at work and with the WBA, early in your career." Try on different roles and assignments to see what "sings" to you. Work at getting a sponsor who can speak for you when you are not in the room. Don't hold back. Stay proactive in your working life and in your personal life. Try to keep a balance, accept how difficult that can be, and just keep re-committing to it. Be proactive, and know that people want to help you, because they were helped, too, and we all want to give back what we can.

What is the best advice you have received?

Well, because I am often accused of being a workaholic, a story I was once told about Betty Ford resonates with me. She reportedly said that on your deathbed, no one says, "I wish I had worked more hours." I took that as an important clue that work/life balance really is important, and I didn't recognize that for a long time. Now I make date nights with

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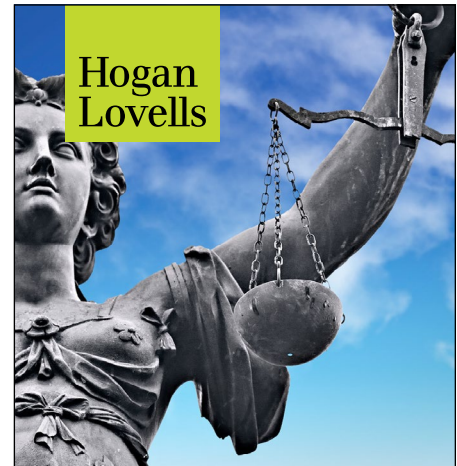
my husband a part of my calendar. And recently we had a date “morning” when we went to the movies at 9:00 am on a Sunday, followed by brunch—a great date, and wonderful way to unwind before another busy week ahead.

Another big piece of advice I received early on was to give credit to all those around you who are doing good work. Don't skimp on praise. If you appreciate someone for who they are, or for something they've done, tell them! And tell their boss, too.

What other organizations are you involved in (professional, civic, etc.)?

I'm a board member and chair the fundraising committee for The International Conservatory of Music (ICM). The ICM sponsors the long running John E. Marlow Classical Guitar Series.

I'm involved with fundraising for The Cleveland and Woodley Park Village Association, which helps people age in place as long as possible in their own neighborhood homes. The Village assists seniors with transportation, tasks around the house, and organizes social events for them.



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WBA Centennial Fund

Donations to the Centennial Fund will be used in our efforts to celebrate the work of the WBA's first 100 years, and shape the future of women lawyers for the next 100 years. We thank these donors for their support.

* Designates a 100 for 100 donor, one of the first 100 individuals to contribute \$100 or more to the Centennial Fund. We still have a few spots left; become a 100 for 100 donor today! [Click here](#) for a donor form.

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Upcoming Events

Wednesday, January 13, 2016

Solo & Small Practice Monthly Luncheon

Presented by Solo & Small Practice Law Forum

This event is open to lawyers from solo and small firms, as well as attorneys looking to join solo or small firm life.

Wednesday, January 20, 2016

New Year! New Career!

Presented by Mentoring Committee and Young Lawyers Committee

Back by popular demand! Join us for an inspiring discussion about optimal strategies to help you navigate career transitions. Our panelists will discuss their successful moves from/to in house, government, corporate, academia; and to/from legal to non-legal careers.

Thursday, January 21, 2016

A Woman's Place: The Underrepresentation of Women as First-Chair Trial Lawyers in IP Litigation

Presented by Intellectual Property Law Forum

A panel discussion that will look at the issue of underrepresentation of women in trial litigation as it impacts IP litigation in particular, and through the eyes of women judges.

Wednesday, January 27, 2016

Acing Applications 2016—How to Drill Down for Success in Federal Government Employment Applications and Interviews

Presented by Government Attorneys Forum

Learn the ins and outs of finding and securing choice positions by honing your search for employment on USAJOBS and agency websites.

Saturday, February 6, 2016

Mentoring & Mimosas

Presented by Mentoring Committee

Meet up with your mentor or mentee for brunch, and get to know other members as well. Seating is limited, and all attendees are responsible for the full price of their meal and gratuity.

Wednesday, February 10, 2016

Solo & Small Practice Monthly Luncheon

Presented by Solo & Small Practice Law Forum

This event is open to lawyers from solo and small firms, as well as attorneys looking to join solo or small firm life.

Wednesday, February 24, 2016

Sixth Annual Mentoring Supper

Presented by Communications Law Forum

Young lawyers and law students will interact with distinguished members of the communications bar in small groups throughout the evening. Don't miss this opportunity for substantive discussions about career development with some of the best mentors in the District!

Wednesday, March 9, 2016

Solo & Small Practice Monthly Luncheon

Presented by Solo & Small Practice Law Forum

This event is open to lawyers from solo and small firms, as well as attorneys looking to join solo or small firm life.

Thursday, March 31, 2016

Getting a Seat at the Table: Women as First Chairs at Trial

Presented by Litigation Law Forum and Leadership Task Force

This panel presentation will feature Roberta Liebenberg, co-author of the ABA's recent study, *First Chairs at Trial: More Women Need a Seat at the Table*. Discussion will be focused around the study's findings and how more women can become first chair.

Saturday, April 2, 2016

Mentoring & Mimosas

Presented by Mentoring Committee

Meet up with your mentor or mentee for brunch, and get to know other members as well. Seating is limited, and all attendees are responsible for the full price of their meal and gratuity.

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Friday, April 8, 2016

WBA Business Hour: The Promotion Factor

Presented by Mentoring Committee

Are you ready to advance in your place of employment? Do you find yourself in a position that is suffocating your potential? Are others receiving the promotions that you want? Are you looking for an effective strategy that will lead you to your next promotion? If so, it's time to develop The Promotion Factor. This teleconference is designed especially for those women who are ready to be promoted at work. Join in for guidance in developing a multi-step plan that will give you The Promotion Factor: the professional characteristic that makes you an employee whom your employer will want to promote.

Wednesday, April 13, 2016

Solo & Small Practice Monthly Luncheon

Presented by Solo & Small Practice Law Forum

This event is open to lawyers from solo and small firms, as well as attorneys looking to join solo or small firm life.

Thursday, April 14, 2016

WBA Foundation's Seventh Annual Grant Awards Reception

Presented by Women's Bar Association Foundation

The WBAF will recognize the 2016 grant recipients at this networking event. The evening will bring together supporters and friends in the Foundation's mission to leverage the generosity of lawyers and friends to support nonprofits that serve the legal and related needs of women and girls in the DC Metropolitan community.

Wednesday, May 11, 2016

Solo & Small Practice Monthly Luncheon

Presented by Solo & Small Practice Law Forum

This event is open to lawyers from solo and small firms, as well as attorneys looking to join solo or small firm life.

Wednesday, May 25, 2016

WBA/WBAF 2016 Annual Dinner

The WBA will be honoring the Woman Lawyer of the Year, who epitomizes the 2015–2016 bar year theme of **Advancing Together**.

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