

## RAISING THE BAR



#### November/December 2016



Wine Tasting Brings Together WBA Community to Support Founders Fellowship

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Susan Smith Blakely

## Recent Developments on Gender Pay Equity

By Susan Smith Blakely

One of the tenets of my *Best Friends at the Bar* program for women lawyers is "Be a discriminating listener, but do not listen for discrimination." In other words, some things are

not intended to be gender discrimination and are not harmful, and it is a waste of time to pursue them. It is better to save your thunder for the real thing that creates a disparate impact and is career damaging.

Having said that, however, gender pay inequality is the kind of discrimination that is definitely a big deal, and it always deserves a second look. The examination of this problem needs to be thorough and discerning and involve a fair comparison of "apples to apples" to assure reliable results. In other words, the comparison of what women lawyers are paid and what male lawyers are paid must involve a very strong similarity of work performed and benefit to the law firm. The volume of articles that have appeared recently on the subject of gender pay equity and also lawsuits, which have been filed within the last year by women partners alleging gender pay inequity at their law firms<sup>1</sup>, will be helpful in that analysis.

#### Raising the Bar Editorial Board

#### **Features**

### Recent Developments on Gender Pay Equity

(continued from page 1)

The concept of pay equity started with the federal Equal Pay Act of 1963, and there was renewed interest in gender pay equity when President Barack Obama signed the Lily Ledbetter Fair Pay Act in 20092. That Act extended coverage for wage discrimination in circumstances where the disparity had not been discovered within the period allowed by the statute of limitations and reset the limitation period with each new paycheck that was affected by the alleged discriminatory action. With that nod in the direction of the parties allegedly aggrieved, the subject of gender pay inequity became the focus of increased interest and transparency.

For years, the focus had been on statistics showing that women in the workplace made 79 cents on the dollar as compared to men, but there were no comparable statistics for gender pay equity in law firms until recently. However, when a study by legal consulting firm Major, Lindsey & Africa (MLA) and ALM Intelligence<sup>3</sup> was published early in the fall of 2016, all of that changed. The study concluded that women law partners are paid 44% less on average than male law partners, and open season on the subject of pay equity for lawyers was ushered in. It was an alarming statistic, and it caused a great deal of discontent and resentment among women practitioners. The internet lit up with articles and responses related to the study.

- 1 <u>www.law.com/sites/</u> almstaff/2016/10/14/is-origination-toblame-for-women-partners-lower-pay (login may be required)
- 2 Public Law No. 111-2 (2009)
- 3 <u>www.mlaglobal.com/news/is-origination-to-blame-for-women-partners-lower-pay</u> (login may be required)

The reaction is, of course, very understandable. Women lawyers work hard at their jobs and expect to be compensated fairly. However, it is important to look behind that alarming statistic and see what drives the compensation decisions and who is responsible. The immediate reaction is to blame law firm leadership (mostly male lawyers) for turning blind eyes to such inequity. But, that would impute a certain amount of intent that I am not sure is justifiable. I, personally, do not think that male lawyers spend hours each day intentionally devising strategies that are unfair to women. I give them much more credit than that, and I think that it is more likely that the culprit is the culture of law firms and the extreme competition between partners that has been encouraged by that culture. I wrote about the adverse effects of law firm culture recently in Corporate Counsel magazine and online4, and I see the toxic cultures of law firms as a very serious problem that needs to be addressed for many reasons, including pay equity.

Most Big Law cultures today focus on client generation (also known as business origination), and, according to the MLA and ALM survey, male partners reported average origination of \$2.59 million while female partners reported \$1.73 million. This is a big disparity, and current attitudes see a connection between client generation (and related fee credits) and pay inequity for women lawyers.

I agree with that conclusion, but that is the easy part. What to do about it is much more complex and may involve structural changes and law firm rebalancing that could prove to be very challenging for firms that

4 www.corpcounsel.com/ id=1202760663523/Is-WorkLife-Balance-a-Hopeless-Goal-in-the-Legal-Profession (login may be required)



Susan Smith Blakely

depend on a leveraged approach to revenues. There is a big difference between "finders" and "minders" in those traditional structures, and they are compensated differently.

Law firms traditionally compensate attorneys based on two things: Hours billed and business generated, and both can create significant obstacles for women lawyers. "Hours billed" invokes all of the work-life issues that challenge women professionals with child and family responsibilities, and "business generated" can be a quagmire that includes behaviors by law firm leaders that evidence implicit (unconscious) gender bias. Those behaviors and the unfortunate results of those behaviors need to be better understood.

There are important underlying factors of implicit bias and stereotypical perceptions that affect the way that lawyers "get" new clients, and those factors need to be examined in looking at pay differentials for male and female lawyers. One of the important considerations in that analysis is the way in which firms value the contributions of lawyers. Is value determined by whether work is performed well, whether the deal is advantageous to the client, or whether a lawyer is successful at trial? Or is value determined by whether a lawyer can land a big client?

Too often, the answer seems to be that client generation trumps all else, and that emphasis can seriously disadvantage women lawyers in ways they cannot control because of the effects of the "old boys network." Studies show that people like to be around others who resemble themselves, and, accordingly, male attorneys very often feel more comfortable with other male attorneys and prefer to work with them.

As a result, senior male lawyers often include junior male lawyers in the client pitches and set them up for future fee sharing.

Similar behavior does not benefit women lawyers equally because there are relatively fewer senior women lawyers to make certain that younger women lawyers are included in important client matters and are the recipients

of work passed down to them. According to Lauren Stiller Rikleen, president of the Rikleen Institute for Strategic Leadership and the author of "Closing the Gap," a 2013 report prepared for the ABA's Presidential Task Force on Gender Equity and Commission on Women in the Profession, "If women are not a part of that institutional inheritance of business in a firm, they are already at a significant disadvantage as rainmakers." 5

"It is surprising that this stuff goes on, but it does" says Philadelphia lawyer Roberta Liebenberg, former chair of the ABA Commission on Women in the Profession, who also points out that women rarely get full credit for bringing in clients. "It's just a steady drip, drip, drip. This is ultimately why women end up leaving law firms.<sup>6</sup>"

Bryan Cave chair Theresa Pritchard puts it this way, "To me it's just a fundamental fairness issue ... [that is] reflected in pay but before that in what kinds of opportunities we're

5 www.newyorklawjournal.com/this-weeksnews/id=1202770812810/Law-Firms-a-Petri-Dish-for-Implicit-Bias-Gender-Inequity (login may be required) creating for younger lawyers." Others point out that an increased presence of women on management committees is fundamental to improving gender pay equity in law firms. Statistics show that the percentages of women who are partners and in law firm leadership and management positions is discouraging, as reported annually by such groups as the National Association of Women Lawyers

"Women are feeling

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and some women sue."

Some women leave

a much greater

(NAWL) and the Center for Women in Law at the University of Texas School of Law.

The most egregious claims of the fundamental unfairness that Theresa Pritchard addresses arise when women lawyers are bringing in comparable business to the male lawyers, and the men are

being compensated at higher levels. That is very discouraging for today's women lawyers, who uniquely understand their rights and who no longer are afraid to assert them.

The new attitudes by aggrieved women lawyers are evidenced by the several lawsuits<sup>8</sup> filed in the last year by women lawyers alleging gender pay inequity and associated nefarious practices. These suits rely on the federal Equal Pay Act of 1963 and more recent state equal pay laws. In most of those newly-enacted statutes, like the one in California<sup>9</sup>, plaintiffs are not required

- 7 www.newyorklawjournal.com/home/ id=1202770759383/Partner-Pay-Equity-Long-Overdue-Say-Women-Law-Firm-Leaders (login may be required)
- 8 Michele Burke Craddock, a former partner at LeClairRyan, filed suit against the firm and alleging gender-based discrimination and retaliation, including allegations that after achieving her revenue and hours targets she was paid as much as half of what male attorneys were paid; Traci Ribeiro, an insurance partner in Sedgwick, filed suit against the firm this summer alleging that women at the firm are routinely paid less than their male counterparts; and Kerrie Campbell, a litigation partner in Chadbourne & Parke, filed a proposed class-action lawsuit against the firm alleging that women at the law firm were paid less and received smaller bonuses than their male counterparts.
- 9 California Fair Pay Act (SB 358)

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<sup>6</sup> www.newyorklawjournal.com/this-weeksnews/id=1202770812810/Law-Firms-a-Petri-Dish-for-Implicit-Bias-Gender-Inequity (login may be required)

to prove any intent to discriminate, and defendants have to justify the pay gap on non-gender terms. That puts the burden of proof more squarely on the defendant than ever before.

However, some attorneys, who are very familiar with what it takes to prevail in gender discrimination cases, raise red flags when it comes to suits brought by highly paid partners. Lori Andrus, a founder of the San Francisco-based plaintiffs firm Andrus Anderson, has this to say, "When you're taking on these top-shelf, white-shoe firms, you're advocating on behalf of people who have really made it. So, she made \$2 million instead of \$5 million? The average Joe on the street [and member of the jury] is saying, 'What? You're really complaining about that?"10

What we will learn from the lawsuits is uncertain. Many of them will never reach jury verdicts or judgments because of the risky precedential value of taking them to trial. Many will be settled or sent to mediation or arbitration, and the biggest losers will be the young women lawyers in the law firms who will not know what to expect for their futures.

It is time for some real soul searching in law firms as they look to the future of the profession. Tolerating implicit gender bias and gender pay inequity will create adversity within the law firm ranks and increased competition among team members. It will discourage camaraderie and will undermine best practices. It also will have a negative effect on law firm succession plans as mid-level talented women lawyers leave because of unfair and unwise practices.

To avoid these results, some law firms are addressing a return to lock-step compensation and bonuses at all levels of practice. An ALM Annual Survey of Law Firm Economics reported that, at the associate level where base salary is most likely to be lockstep, women on average earned 94 cents in 2015 for every dollar

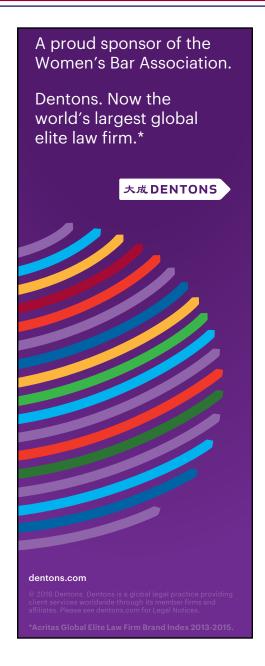
10 www.newyorklawjournal.com/home/ id=1202770759383/Partner-Pay-Equity-Long-Overdue-Say-Women-Law-Firm-Leaders (login may be required) paid to their male colleagues. Other firms like Ballard Spahr are taking the emphasis off client generation. According to Mark Stewart, chairman of Ballard Spahr, as reported recently in Law.com, while some may argue that origination credits rightly reward a partner for bringing in a client, that job is not done alone. Partners who bring in business rely on the firm's reputation and on the team that will be working on the matter. Still other firms, like Kelley Drye & Warren, plan to increase the number of female lawyers on the management and compensation committees as a step toward more effective law firm leadership on issues of diversity.<sup>11</sup>

"Unless law firms can ensure that their policies and practices for promoting and compensating partners are fair, other gender bias claims may emerge," says Ida Abbott, a law firm consultant. "Women are feeling bolder and there's a much greater awareness around the fact that women are being paid less for comparable work. Some women leave and some women sue." 12

Gender pay equity is complicated, and progress toward real solutions is likely to take more time than we once would have predicted. It will be interesting to see whether the kind of systemic changes that some law firms are undertaking will be widely accepted and will result in a more equitable and less contentious legal workspace. In the meantime, I will join thousands of women lawyers in working toward a comprehensive and equitable result.

Susan Smith Blakely is a lawyer and an award-winning author of books for young women lawyers and law firm leaders. Her career of over 25 years included both law firm practice and public service, and she retired as a law firm partner in 2006 to found LegalPerspectives LLC and the

- 11 <u>www.law.com/sites/almstaff/2016/10/14/is-origination-to-blame-for-women-partners-lower-pay</u> (login may be required)
- 12 www.americanlawyer.com/ id=1202766886215/Pay-Equity-Suits-Could-Impact-Recruitment-of-Female-Partners (login may be required)



Best Friends at the Bar. She is married to a fellow litigator, and they have two children, both of whom are lawyers. Her first book, "Best Friends at the Bar: What Women Need to Know about a Career in the Law," was published by Wolters Kluwer/Aspen Publishers in 2009. Her second book, "Best Friends at the Bar: The New Balance for Today's Woman Lawyer," was released in 2012 and the most recent, "Best Friends at the Bar: Top-Down Leadership for Women Lawyers," was published last year. More information can be found at www.bestfriendsatthebar.com.

### Janet Reno, In Memoriam

By Kerri M. Castellini, Price Benowitz LLP; WBA President-Elect



Congresswomen Eleanor Holmes Norton with Attorney General Janet Reno at the 1996 Annual Dinner

In 1993, Janet Reno was nominated and confirmed to serve as the first female U.S. Attorney General. She went on to become one of the longest serving in that position. On the eve of an election where the United States saw its first female presidential nominee for a major political party, Ms. Reno died, at the age of 78, of complications related to Parkinson's disease.

Members of the WBA joined in with many around the country to mourn Attorney General Reno's death. She spoke many times to the membership of the WBA, and helped to celebrate the WBA's 75th Anniversary. Some members and past leadership accredit her for shaping the current Annual Dinner.

In 1996, the WBA created the Torchbearer Award in honor of Attorney General Reno. The Torchbearer Award, is given on a periodic basis and recognizes exceptional women lawyers who, like Attorney General Reno, have blazed trails and created new opportunities for other women lawyers in the profession. In addition to the

award's namesake, Torchbearer Award recipients include:

1997 Justice Sandra Day O'Connor

1999 Eleanor Holmes Norton

2001 Wilma Lewis

2007 Judith Areen

2008 Justice Ruth Bader Ginsburg

2011 Dovey Johnson Roundtree

2012 Sheila Bair

2016 Attorney General Loretta E. Lynch

Prior to 1996, the WBA Annual Dinner was a small affair. However, because of the unprecedented turnout to in honor of Attorney General Reno as the first Torchbearer Award recipient, leadership quickly scrambled to find a new home for the dinner to accommodate the crowds of registrants eager to hear her remarks. The WBA chose a new home for the Annual Dinner, the National Building Museum, which remains the location for the Annual Dinner to this day. As the WBA is set to celebrate its Centennial celebration on May 17, 2017 at the National Building Museum, it would be impossible not to reflect on Ms. Reno's contribution to the

organization and give thanks to the doors she opened and her advocacy for women in the profession.

While Ms. Reno's tenure as Attorney General may be best known for her handling of events such as the federal raid of the religious cult in Waco, Texas and the Eliàn Gonzàlez case¹, to the WBA and many of its members, she is known as a trailblazer, mentor, supporter, and friend. The WBA hopes to keep her memory alive and honor her achievements through the Torchbearer Award, but her presence will continue to be missed by many.

<sup>1</sup> Carl Hulse, Janet Reno, First Woman to Serve as U.S. Attorney, General Dies at 78, N.Y. Times, November 7, 2016, at <a href="https://www.nytimes.com/2016/11/08/us/janet-reno-dead.html">www.nytimes.com/2016/11/08/us/janet-reno-dead.html</a>

# 100 Steps for Our Centennial: Selected Best Practices to Enhance the Success of Women in the Legal Profession in the Next Century

By Cathy Pagano, WBA Board Member

As the WBA continues to celebrate our 2017 Centennial, we reflect on our many achievements, but also move ahead toward goals not yet realized. A number of excellent studies and articles offer guidance on concrete steps we all can take to enhance equality, advancement, and social justice.

Our goal for this set of WBA feature articles is to find 100 or more specific steps or recommendations that can lead to greater equality and enhance the achievement of the WBA's goals. In the July/August 2016 issue of Raising the **Bar**, we focused on recommendations from an excellent report entitled, "Run Like a Girl...for Office: How Higher Education Can Advance Gender Equity in Politics," by Nancy Thomas and Kei Kawashima-Ginsberg. Their article explored what the education sector can do to help, and offered 11 specific recommendations to aid gender equality in the next generation of political leaders.

In the September/October 2016 issue, we offered additional concrete steps, drawn from a highly useful study entitled, "First Chairs at Trial: More Women Need Seats at the Table," by Stephanie A. Scharf and Roberta D. Liebenberg. This much-discussed study looked at a random sample of cases filed in 2013 in the U.S. District Court for the Northern District of Illinois, and found that women were significantly underrepresented in lead roles at trial. Our article reprinted 20 concrete step offered by the study's authors to advance women lawyers in these key trial leadership roles.

In this article, we focus on next steps and best practices drawn from <u>Creating Pathways to Success for All, Advancing and Retaining Women of Color in Today's Law Firms</u>, from our <u>2008 WBA Initiative on Advancement and Retention of Women</u>. At that time, the WBA explained its

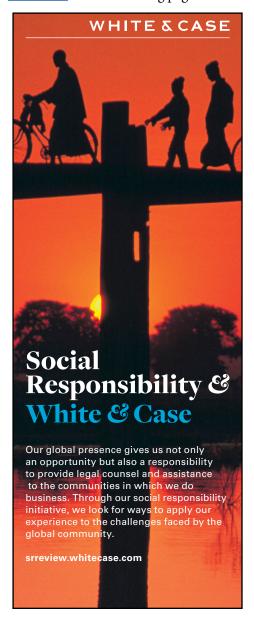
hope to create pathways to success for all through its Diversity Summit, Creating Pathways to Success for All, building on its <u>Initiative on Advancement and Retention of Women</u>. Our vision was to bring the legal community together, especially, but not exclusively, white women and women of color, to change the trend of dwindling numbers of women of color in law firms.

In 2008, our challenge in implementing this vision was stark and daunting at the outset. The National Association of Law Placement (NALP) had reported that, of law firms listed in NALP, just 10.07% of associates were minority women and just 1.65% of partners were minority women nationally. The statistics in Washington, DC, were only slightly better at 10.33% for minority associates and 2.11% for minority partners. The ABA Commission on Women's study, Visible Invisibility, had reported that less than 1% of minority women remained at law firms by their eighth year and that women of color had vastly different experiences at law firms than their male and white female counterparts. The WBA noted then that these statistics provided us with a starting point and a powerful call to action.

In 2016, much work remains to be done. While NALP has reported that women and minority partners continued to make some small gains among law firm partners as a whole in 2015, and while the percentage of minority associates had inched up each year since 2011, the numbers are still not advancing quickly. For example, among all employers listed in the 2015-2016 NALP Directory of Legal Employers, just 7.52% of partners were minorities and 2.55% of partners were minority women. Moreover, NALP noted that many offices report no minority partners at all. In addition, representation of Blacks/African-Americans among associates slid every year since 2010 and stood then at just under 4% of associates. In 2015, NALP reported .64% of partners in the firms

studied were Black/African-American women and 2.25 of associates were Black/African American women. 1.07% of partners and 6% of associates were Asian women, and .62% of partners and 2.03% of associates were Hispanic women. See report, "Women and Minorities at Law Firms by Race and Ethnicity-New Findings for 2015", *NALP Bulletin*, January 2016 (www.nalp.org/0116research).

With much work yet to be done, we now reprint 40 of the thoughtful and in-depth recommendations from our <u>Creating</u> <u>Pathways to Success for All, Advancing and Retaining Women of Color in Today's Law Firms</u> on the following pages.



All of these recommendations provide excellent food for thought and concrete ideas that can be implemented today. Next steps from our 2008 WBA report include the following:

#### For Law Firms

- 1. Support firm-sponsored affinity groups and other environments that will allow women of color both to express themselves openly, without fear of reprisal or unfounded criticism, and to build relationships with others like themselves inside and outside the firm. These groups should recognize the unique concerns of women of color.
- Women should be encouraged to make critical connections with affinity groups that are forming within client organizations.
- 3. Establish pipelines for diverse attorneys to communicate their concerns to firm management in an anonymous and non-threatening way (including perhaps appointing as ambassadors trusted partner(s) or senior counsel(s) who may, but need not, be women and minorities).
- 4. Express management's commitment to consider new ways of doing things to improve the firm environment on an ongoing basis including confronting outmoded patterns or inappropriate behavior from even the most senior partners and rainmakers so that attorneys feel that they can effect change, rather than leaving the firm without airing their concerns.
- 5. Support "reverse mentoring" to promote dialogue among women of color and law firms. In this process, associates sensitize partners to the experiences of associates in that group, their priorities, and expectations.
- 6. Develop lines of open communication that will work to address concerns before women of color decide to leave a firm. Ideally, attorneys first would give firms a marker, and candidly discuss any problems or concerns before the attorney has made the final decision to leave, to allow the firm a chance to address those issues. Those conversations can help the attorney assess her reasons for leaving and help the attorney gauge the firm's response.

7. Conduct exit interviews ("blind" or anonymous, by a third party) to understand why the women are leaving and to foster an environment encouraging women to be open in their answers.

#### Successful strategies also include:

- 8. Giving junior partners, including representatives from diverse groups, the opportunity to transition into leadership roles, bringing fresh ideas and a broader perspective to firm management.
- 9. Appointing co-leaders or co-chairs as an effective interim solution. In practice, participants reported that appointing co-leaders has not diluted the leadership role because it includes sufficient responsibility already. Firms can be proactive in minimizing the risk that women of color co-chairs might be restricted to a secondary position or be perceived as such.
- 10. Tying success to compensation to ensure accountability.
- 11. Creating diversity checklists and scorecards to help make firm leadership and partners accountable for diversity, particularly when diversity metrics are tied to compensation.
- 12. Compiling objective data and statistics, making these issues easier to present to managers than anecdotal accounts, which can be explained away.

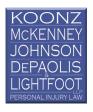
#### Other steps include efforts to:

- 13. Include women of color in important client relationships.
- 14. Identify those women of color whom the firm can groom to take over important client relationships and firm management roles.
- 15. Pair women of color with senior partners to promote training so that women of color can take over these leadership roles and client relationships.
- 16. Recognize the unique opportunities and approaches to business development that firms create by actively supporting the participation of women of color in external organizations and communities, even those that fall outside the mainstream.

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- 17. Engage in peer review. Pair women of color with other partners to work together on business development. Partners can learn from the different techniques and strategies that they observe.
- 18. Market successful diversity efforts to firm clients and find ways to work together; many companies are struggling with the same issues.
- 19. Provide opportunity for choice in the mentor mentee pairings.
- 20. Institute mechanisms for mentee feedback and mentor accountability in the mentoring relationship, to ensure that mentors are engaged in the process and to improve future pairings.
- 21. Train on mentoring to increase the effectiveness of formal programs. For example, it would be helpful for firms to explain to new associates what to expect from a mentoring relationship and how to use the relationship to support their professional development. Communicating clear expectations for partner mentors would increase uniformity in practice.

#### Successful efforts also include:

- 22. Exploring types of formal mentoring relationships other than the traditional partner/associate mentoring typical at most firms. For example, linear mentoring pairs attorneys at the same level of professional development so that they can share different perspectives, coach peers, and exchange knowledge.
- 23.Implementing stronger measures to manage and standardize the feedback process for all attorneys.

- 24. Ensuring that attorneys receive substantive feedback on all significant projects and instituting accountability for providing such feedback.
- 25. Designating a manager to review all written evaluations to help spot inconsistencies in content and candor.
- 26. Where inconsistencies exist, conducting in person meetings with the supervising attorneys to flesh out and resolve any inconsistencies in their evaluations.

## Next Steps for Clients, Successful Strategies include:

- 27. Developing and communicating diversity goals and benchmarks that clients want firms to achieve.
- 28. Working with law firms to identify diverse teams and ensuring that fees or other credits are allocated to all with significant responsibility for the client team.
- 29. Establishing mentoring or partnering relationships between in-house lawyers and diverse firm attorneys.
- 30. Insisting on accountability for maintaining and retaining diverse teams.
- 31.Implementing lines of communication between clients and law firms that help ensure reciprocal feedback and input from all team members, including women of color.
- 32. Requesting that firms measure, and communicate to all, diversity metrics.

#### **Next Steps for Law Schools include:**

33.Educating students regarding the dynamics of firm culture.

- 34. Providing broader skills training on networking and client development.
- 35.Offering forums, internally and externally, for women of color to begin networking and developing professional support systems.

## Next Steps for Bar Associations include efforts to:

- 36. Provide information on best practices for improving the advancement and retention of women of color, as well as current statistics and relevant studies.
- 37. Create formal or informal mentoring programs.
- 38. Provide networking opportunities.
- 39. Offer training programs for law students and practicing attorneys that focus on developing leadership, networking, and business generation skills.
- 40. Provide opportunities for open and safe discussions on issues of diversity for all stakeholders.

Added to the 31 "Next Steps" from our two earlier Raising the Bar articles, we now have shared 71 steps we can continue to work on for the WBA's next century. We look forward to continuing this dialog with our WBA members and friends. Please share your ideas and thoughts by sending an email to Board member, Cathy Pagano, <a href="mailto:cvpages10101@gmail.com">cvpages10101@gmail.com</a>. Thank you for working together, as we look forward to our next century.

# We join WBA in promoting diversity in our profession and in our community.

We are proud of our partner, **Susan Kovarovics, the WBA President.** At Bryan Cave, we believe that diversity makes us a better firm and enables us to provide superior results for our clients.

**Diversity at Bryan Cave LLP** bryancave.com/bryancave/diversity



## Poverty — Just Another Part of Being a Millennial Woman

By Brandie Temple, Public Policy Fellow, National Women's Law Center

Reprinted with permission by the National Women's Law Center. <u>Click here for the original article</u>, which was published on October 21, 2016. For further information about the issues discussed here, and other legal issues affecting women, visit <u>www.nwlc.org</u>.

Do an image search of the word "millennials" and what comes up might leave you with the impression that this generation spends most of its time taking selfies and eating pizza – sometimes taking selfies while eating pizza – carrying no less than one smart phone and one tablet (or two) at all times, smiling their way through life in packs of three or more.

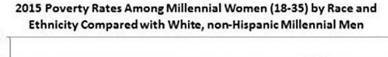
Despite navigating adulthood during the worst economic recession since the Great Depression and contending with the highest rates of unemployment in several generations, the millennials seen in stock photos don't really seem to be worried about anything, much less money or economic security.

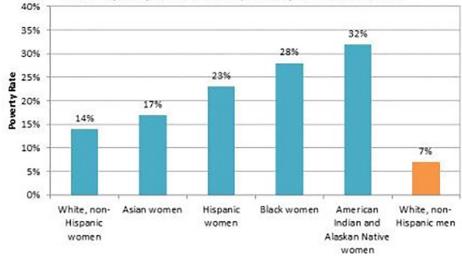
But the numbers from this year's Census provide a very different narrative of the lives of many millennials, including millennial women and especially millennial women of color.

# Eighteen percent of millennial women (ages 18-35) live in poverty – double the rate of millennial men.

More than half of these poor women are mothers and they are almost five times more likely to live in single female-headed households than millennial women overall. Data show that millennial women have the highest rates of poverty than any other adult age group. It also shows that millennial women of color are much more likely to live in poverty than white, non-Hispanic millennial men.

This is despite the fact that many millennial women are college educated. About 40 percent of millennial women of color living in poverty went to college, and 16 percent have an Associate's





Degree or higher. These high poverty rates make rising college tuition and high levels of student debt an especially pressing concern for millennials, adding another barrier for millennials living in poverty to get ahead.

#### Even though millennial women are more educated than millennial men, the wage gap still persists.

Forty percent of millennial women have college degrees compared with 32 percent of millennial men. Yet, millennial women make only 75 cents for every dollar made by their male counterparts—which means they lose \$10,000 in income each year to the wage gap. Assuming that gap remains the same over a 40-year career, millennial women can expect to lose \$400,000 over a lifetime.

Similar to other generations, millennial women of color face an even worse wage gap. Black millennial women make 68 cents, American Indian and Alaskan Native millennial women make 63 cents, and Latina millennial women make 60 cents for every dollar made by white, non-Hispanic men in the same age group. Millennial women of color will lose more than half a million dollars over a 40-year career to the wage gap.

# For millennial women, access to reproductive health care is important, but many don't have the access they need.

The overall uninsurance rate fell to a record low this year. However, about a quarter of millennial women in poverty do not have health insurance coverage, which means they do not have access to covered preventive services, such as birth control or well woman exams.

Millennial women in poverty also have difficulty accessing abortion care. Forty-three percent of millennial women living in poverty rely on Medicaid for health coverage. However, the Hyde amendment denies health coverage of abortion to individuals enrolled in Medicaid, with very narrow exceptions for rape or incest or when the woman's life is in danger. This essentially prevents these low-income women from accessing abortion.

Stock photos of millennials and popular news articles about this generation paint a picture of a homogeneous group of carefree, parent-loving praise hounds, who ride hover boards at work and don't understand fax machines or office hierarchies. But the reality for millennial women, especially millennial women of color, is complicated by higher rates of poverty than millennial men, wage inequality despite gains in education attainment, and barriers to essential reproductive health care.

## Rainmaker Q&A: Orrick's Christina Guerola Sarchio

WBA member Christina Guerola Sarchio is featured in the article below, which originally appeared on Law360's website on October 26, 2016. The original can be read here: <a href="www.law360.com/articles/848815/rainmaker-q-a-orrick-s-christina-guerola-sarchio">www.law360.com/articles/848815/rainmaker-q-a-orrick-s-christina-guerola-sarchio</a>

Christina Guerola Sarchio, a partner at Orrick Herrington & Sutcliffe LLP in Washington, DC, and New York, is a member of Orrick's board of directors and chairwoman of the class action strike team. She has received national recognition for both her legal skills and business acumen. Guerola Sarchio, a former prosecutor, concentrates her practice on general business litigation, class actions and white collar criminal defense matters.

Guerola Sarchio's representation spans several industries, including oil and gas, financial, pharmaceutical, transportation, consumer products and sports.

Described as "charming in person, deadly in the courtroom," Guerola Sarchio has successfully tried more than a dozen jury trials in federal and state courts, and has negotiated with a number of agencies, including the U.S. Securities and Exchange Commission, U.S. Food and Drug Administration, the U.S. Department of Justice and various U.S. attorney offices. Her cases have received media attention in The Wall Street Journal, The New York Times and FOX News, among others.

Recently named one of the Top 50 Women Lawyers in DC, Guerola Sarchio has received a number of awards, been profiled by Law360, Powerful Latinas, and the Minority Corporate Counsel Association, and has been recognized by numerous publications. She has been named as one of "20 Elite Women" by Hispanic Business Magazine, a "Top Washington Lawyer" by the Washington Business Journal, and one of the "100 Most Influential Hispanics" by Hispanic Business Magazine.

## Q: What skill was most important for you in becoming a rainmaker?

A: Learning how to gain the trust of clients. While trust itself isn't a skill, per se, there are skills that I have developed

that help me build relationships with clients, where they come to trust my judgment. These skills include the ability to manage the client relationship — reaching out, advising them at all stages, and knowing how to assemble the best team for their needs.

Being diligent about the work I do and committed to my client's cause also goes a long way to building trust. Ultimately, I want them to walk away feeling that they have received the best representation possible, irrespective of the outcome.

## Q: How do you prepare a pitch for a potential new client?

A: I study a client's needs and interests, both in the short term and in the long term. While it's important to understand the particular legal issue that the client presents, I think I add real value when I can also advise a potential client on how this individual issue fits within their larger business strategy or their industry as a whole. Once I have a sense of their needs and interests, I assemble the best team I can to match these.

# Q: Share an example of a time when landing a client was especially difficult, and how you handled it.

A: Every time! No, but seriously, it takes a long time to build client relationships. For one of my clients — a Fortune 10 company — it took me 10 years to get my first matter from them. You have to remember that there are lots of lawyers out there, and lots of relationships already in place. So persistence and resilience are key.

I met this particular client from a contact through the bar association I am active in. Over the years, I would reach out from time to time, but not in a sales-y kind of way. I would send them articles that I thought were relevant to their business, and look for places to interact with them at third-party events. Eventually, they gave me one case, and when I won that case for them, they gave me another, and then another. With all potential clients, I approach the relationship as the long game that it is.



## Q: What should aspiring rainmakers focus on when beginning their law careers?

A: Developing a network of people who share your vision and help you grow as a lawyer. When I was a young lawyer, I wasn't getting the mentorship I saw others receive. Maybe it was because I am a woman, maybe it was because I am Hispanic, or maybe it was my switch from the public sector to the private, but I had a hard time feeling like I fit in. So I sought out mentorship opportunities elsewhere.

I joined the DC Bar Association and the Hispanic National Bar Association. These organizations offered me not only mentors and legal training, but also opportunities to lead. Many of my early client relationships came from people I met through contacts in these groups. For any new lawyer, I would recommend joining groups outside of work related to causes you are passionate about. It is in these environments that you'll have the chance to cultivate your skills, meet a network outside of your colleagues and be able to shine.

## Q: What's the most challenging aspect of remaining a rainmaker?

A: The practice of law is changing. It used to be that law firms had institutional clients who would rarely leave the firm. Now, there is a lot more movement, and so the top firms are constantly vying for the same clients. What this means for me is that I have to continue to prove myself every day. There is no sitting back and relaxing — I have to impress my clients over and over. But this is also what keeps it exciting and challenging. And I'm always up for a challenge.

## Solos to the Rescue: Debunking the 'No Bono' Myth

It's widely believed that pro bono service is a Big Law thing — after all, what would a sole practitioner do if a case happened to be outside his or her usual area of practice? And does a solo really have a lot of hours to spare? The truth is, there are ways around these and other obstacles, writes David Lash at Above the Law; not only can solo lawyers contribute significant pro bono service, but many of them already do. If you've ever hesitated to ask your bar's solo members to participate in pro bono projects, read on abovethelaw.com.

# Gen Why Lawyer Podcast: Female Lawyer Exodus

Nicole Abboud has an interesting and accessible series of podcasts. You can find them on iTunes, Sticher and her website, genylawyer.com. Here's what she says about a topic crucial to women's bar associations: "Why are there so many women leaving the practice of law? Even though 47% of law degrees are awarded to women, female lawyers make up only 36% of the profession in 2016. What is up with those numbers? I decided to reach out to several thought leaders on the issues of women in the law to

hear their thoughts on what's causing women to leave the law, or at the very least, leave big law firms. My guests share their insight on where women are going when they depart, what needs to change in the profession in order for more women to remain in the profession, and how more women to make it into top leadership positions at firms." Her guests are Ronda Muir, Marlisse Silver Sweeney, Deborah Epstein Henry and two Gen Y male attorneys, Ryan and Ben. To listen to the podcast, click here.



The WBA is committed to being the preeminent professional and personal resource for women at all points in their legal careers. As we approach the WBA's Centennial in 2017, it's a very exciting time to be a part of the WBA.

WBA offers many benefits and resources, just a few of which are:

- Discounted event registrations, including to our tailored programming, such as the Leadership Task Force, Solo & Small Practice Forum, and 20+ Years Expertise group
- Access to monthly Business Hour programs, held via teleconference, free and members only!
- Access to the online Job Bank, which lists career opportunities within private firms, corporations, the government, and non-profits

- Access to the Raising the Bar newsletter archive
- Participation in our mentoring program
- Listing in and access to the online Member Directory
- Access to numerous leadership and networking opportunities

Visit www.wbadc.org for information on membership categories and rates.

### President's Column

By Sonia W. Murphy, WBA President

#### Greetings!

On the Monday before Thanksgiving, my daughters, their father, and my nephew were in a serious car accident. The airbags deployed, emergency responders were called to the scene, and I was contacted and told to come quickly – with no further information beyond the fact that there had been "a bad accident" and my children were involved. The less than five minute drive from my house to the scene was the worst drive of my life. I could hear the sirens and I knew they were going to the same place as I. But I knew nothing else.

As it turns out, my family is fine. My oldest daughter has severe whiplash and a muscle strain in her neck. She's getting less stiff every day and is well on the road to recovery. My youngest daughter and her cousin were in the back seat, strapped in their seatbelts, and were uninjured. But I walked away from the whole ordeal completely changed—I am more grateful now than ever.

Last issue, we talked about self-love and how easy it is to forget to take care of ourselves when we are busy with work and caring for others. During these times especially, when professional and personal demands are commanding our attention, it's also easy to forget to step back and count your blessings. Having spent the week of Thanksgiving in hospitals and doctor's offices, I am keenly aware that the outcome of the accident could have been much different. But it wasn't, and for that, I am grateful.

Many of my colleagues and friends have expressed sadness and frustration over the Presidential election results and some of the troubling events that have followed, including the harsh and disrespectful treatment towards minorities or those of diverse backgrounds, beliefs, or cultures. As Boston Bar Association President Carol Starkey wrote to members of the Boston Bar (see the following page) – "the work of the Boston Bar Association, and its mission, have rarely been more relevant." I agree. And as we approach the December holidays, the time of year when many individuals, including lawyers, suffer silently



Sonia W. Murphy

with the holiday blues, I encourage you to push through any feelings of despair and adopt an attitude of gratitude.

We are privileged to be a part of a profession that advocates for justice. We are uniquely positioned to impact change and social justice. And at the end of the day, most of us are fortunate enough to be able to go home to our loved ones. We have much to be grateful for. And much to do. Let's get to work.

All my best, Sonia

The Women's Bar Association of the District of Columbia: crucial then, relevant now, and vital for the next 100 years.

Let's forge "onward to 100" and beyond!

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## Bar Associations Speak Out

Recent events have lead some bar associations to speak out about their role in the community, to reassure their members and others that support systems will be deployed, and emphasize their commitment to standing up to hate and discrimination.

Below is a press release from the Boston Bar Association and a joint statement from the Hispanic National Bar Association (HNBA), the National Asian Pacific American Bar Association (NAPABA), the National Association of Women Lawyers (NAWL), the National Bar Association (NBA), the National LGBT Bar Association (LGBT Bar), and the National Native American Bar Association (NNABA).

### A Letter from Boston Bar Association President Carol Starkey to All Members

Dear Colleagues and Friends,

I have always seen the practice of law as one of the most significant means of participating in our unique American democracy. As lawyers, we are accustomed, by training and practice, to embracing an adversarial role while still advancing a principled position.

Still, many of us in the bar could not help but be deeply troubled by the implications of some of the rhetoric in this year's election campaign upon our long-held principles of American jurisprudence, including respect for the rule of law, due process, equal rights, and access to justice. Like so many of you, I have been angered and saddened to hear comments, and learn of events, that disrespect individuals who identify as minorities, or come from diverse backgrounds, beliefs and cultures. Such conduct erodes our Constitutional democracy, resulting in divisiveness, fear, and anxiety, all of which are felt acutely not only by adults, but perhaps most disturbingly, by our children as well.

In this context, I wanted to reach out to my colleagues at the bar to let you know that I believe the work of the Boston Bar Association (BBA), and its *mission*, have rarely been more relevant.

The BBA has a strong record of rising above division, finding common ground, and inspiring diverse groups to overcome disagreement to advance access to justice and excellence in the practice of law. We are—and will continue to be—a solutionsoriented convener that welcomes all stakeholders to exchange ideas and build relationships. But we also bear a responsibility, to one another and in the service of our communities, to be ever watchful and vigilant in ensuring that individual and due process rights remain valued and protected as bedrock principles in the implementation of our laws.

I write to our members now, to assure you that the BBA stands ready, willing and able to answer any necessary call to action resulting from this climate of uncertainty and ever changing events.

Over the past week, we have heard many expressions of concern, both from our

members and from local organizations with whom we partner. But we have also experienced a true sense of inspiration by the commendable desire of those same members and organizations to become actively engaged. We recognize that as lawyers, we are at our best when we are dealing with well-defined issues and actual cases and controversies. I want to state — unequivocally — that we remain committed to our work on the following fronts:

#### **Immigration:**

- The BBA is committed to protection of due process rights for all, as enumerated in the United States Constitution, with its Bill of Rights, and our Massachusetts Constitution, with its Declaration of Rights. Yet it is not enough for us to remain watchful. We will be empowering others to do the same through "Know Your Rights" programs in our communities and schools.
- We must remain cognizant of deportation as a potential collateral consequence of involvement with the justice system. Just this week, the SJC heard arguments on a case regarding the so-called Annie Dookhan defendants, in which the BBA filed asking the Court to vacate all remaining convictions without prejudice. The risk that any of these individuals might face deportation proceedings on the basis of a conviction supported by tainted drug-lab evidence adds greatly to our argument for a "global remedy."

LATHAM&WATKINS LLP Hong Kong Beijing Boston Houston Riyadh\* Latham & Watkins is a proud sponsor of the London Los Angeles Century City Madrid Milan Women's Bar Association Frankfurt New Jersey Orange County on with the Law Office of Salman M. Al-Sudai

## Harassment, discrimination, and hate crimes:

- I share the concern of many of our members over the recent spike in acts of violence and intimidation against members of minority populations. Such actions must never be tolerated. Following the announcement this week by Attorney General Healey of a statewide hotline, I reached out to the Attorney General and offered the BBA as a resource on this issue.
- We will continue to work with our partners at the six local affinity bar associations—and seek ways to engage with other, similar organizations—to defend individuals and groups that are under threat, and to educate people about their rights.

#### Access to justice:

 Our advocacy on behalf of access to justice for all residents will not waver. Join me on January 26th at Walk to the Hill as we once again make the case to the Governor and the Legislature, for a substantial increase in funding for civil legal aid, building on the BBA's Investing in Justice taskforce report. Providing all with access to justice is more important than ever.

The BBA will continue to do everything we can to support the core values of meaningful access to justice and of diversity and inclusion that are at the heart of who we are as an organization of lawyers. Now is the time for all of us at the BBA to show Boston, the country, and the world that we can continue to advance respectful, innovative, and common-ground solutions to big challenges. But that must start at home with listening to one another and getting involved. I am proud and grateful to work with all of you, and I have no doubt that you will continue the great tradition in this Commonwealth during times of change or uncertainty, by rolling up your sleeves and asking the simple question, "How can I help?"

See the online press release here: www.bostonbar.org/membership/publications/news-release?ID=340

### Diverse Bar Associations Statement on Recent Increase in Hate-Motivated Violence and Harassment

The following is the joint statement of the Hispanic National Bar Association (HNBA), the National Asian Pacific American Bar Association (NAPABA), the National Association of Women Lawyers (NAWL), the National Bar Association (NBA), the National LGBT Bar Association (LGBT Bar), and the National Native American Bar Association (NNABA) on the recent increase in hate-motivated violence and harassment.

In the aftermath of this particularly divisive presidential election, there has been a surge of bias-motivated and hate violence across the nation targeting many groups, including Muslims, immigrants, women, members of the LGBTQ community, and African Americans. We call on lawyers across the country and our elected officials to denounce and take action against this hate.

The FBI recently released its annual hate crime statistics for 2015, which demonstrated a six percent increase in hate crimes and an alarming 67 percent surge in hate crimes targeting the Muslim American community in the past year. The Southern Poverty Law Center has recorded almost 900 cases of hate-based harassment and intimidation that occurred following the election including a large number targeting immigrants and taking place in schools and on college campuses.

As diverse bar associations, we have a unique opportunity to serve as voices for individuals and communities who are targeted based on race, religion, gender, gender identity, immigration status, national origin, sexual orientation, or disability. The recent increase in reported hate crimes is a salient reminder that we must work together to speak out against hate in all forms. As bar associations

representing the interests of diverse lawyers around the country, we embrace the solidarity and strength of our robust communities and we are committed to our collective mission to serve as the voice of minority communities in the legal profession.

To assist our members who may be part of or work with communities affected by hate violence, we have created a Hate Crimes Resources Toolkit, which has information about reporting incidents, supporting community organizations, offering legal services, and coordinating with government agencies.

We call on our elected officials, in a letter to the leadership of the Senate and the House of Representatives, to denounce the rising tide of hate. We encourage them to take steps to combat these incidents and promote an inclusive America where all receive equal protection under the law.

As members of the legal profession, we have a special responsibility to ensure the continuity of our best legal traditions, and to defend and uphold our commitments to justice, fairness, equality, and the rule of law under our Constitution. As national diverse bar associations, we remain steadfast in our commitment to expanding equal rights, fighting discrimination and combating hate crimes to protect minority and underserved communities.

## Download a Free Report from Catalyst on Workplace Inclusion

Many law firms and legal departments now have diversity initiatives, but attracting and retaining women and minority attorneys continues to be a challenge for some. Catalyst has provided a free study entitled The Day-To-Day Experiences of Workplace Inclusion and Exclusion which provides a brief overview of strategies for leaders to build a truly inclusive workplace. Based on interviews and focus groups at companies in North America, India and China, the insights and suggestions are completely applicable to the legal workplace. Click here for the report.

### **WBA Foundation News**

### WBA Foundation President's Letter

By Monica G. Parham, WBAF President

On behalf of the Women's Bar Association Foundation, I would like to thank each of you for your support in 2016. Through your efforts, the Foundation has been able to reach even more of the most vulnerable members of our community through organizations dedicated to meeting the legal and related needs of women and girls facing challenges ranging from homelessness to domestic violence to workplace discrimination and intimidation. For 2016-2017 these needs continue to increase, with more organizations seeking WBAF funding to aid and assist our underserved and underresourced neighbors. We are committed to meeting this need - and invite you to join us in this ongoing mission.

The last quarter of the year has been a busy one for the Foundation. On October 27, the Foundation held its 14th Annual Wine Tasting and Silent Auction. The Wine Tasting is traditionally one of our signature events and key fundraisers for the year – and this year was no exception. Everyone enjoyed a "Pacific Northwest Palette," featuring wines of Oregon and Washington State along with other delectable treats and non-alcoholic beverages. Proceeds from the event benefitted the WBAF's Founders Fellowship, which provides a grant to a local law school to fund a law student's work with a local legal services provider on projects benefitting underserved women and girls. Indeed, the chance to hear our current Founders Fellow discuss his or her work on behalf of those in need is always a high point of the Wine Tasting event. Our 2016 Founders Fellow, Jessica Guinyard of the University of the District of Columbia David A. Clarke School of Law, was unable to attend but in her absence her remarks about her Fellows year were graciously presented by Dean Shelly Broderick of the David A. Clarke School of Law (herself a 2016 WBA Stars of the Bar Honoree!) The 2017 Founders Fellowship will be awarded to a student from Georgetown University School of Law likewise committed to the principles of service animating the Foundation and its work.



Monica G. Parham

In November, we partnered with the WBA's Young Lawyers' Committee for a happy hour featuring the Foundation's 2016 grantee organizations. The event was a great chance to meet team members at our grantee organizations, and for attendees to learn about opportunities to partner with these fantastic organizations that do so much for those in need. It was also an opportunity for those in DC's public service community to meet and network with each other, sharing insights and best practices. We look forward to future such gatherings.

As you finalize your year-end giving, please remember the women, girls and families in our community who so desperately need access to the legal system. Please donate and help give local women and girls a platform and a voice for moving forward.

While there is much to be done, as we close the year we want to thank you for a wonderful 2016! We look forward to your continued support and friendship in 2017.



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# WBA Foundation 2016–2017 Donors

Many thanks to our supporters! The following donors made a gift to the WBA Foundation between October 1 and November 30, 2016. 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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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 <a href="www.wbadcfoundation.org">www.wbadcfoundation.org</a> to make a donation, or contact Carol Montoya at <a href="carol@wbadc.org">carol@wbadc.org</a> for more information about estate planning.



## Wine Tasting Brings Together WBA Community to Support Founders Fellowship

The WBA Foundation hosted its 14th annual Wine Tasting and Silent Auction on October 27. The theme for the evening was "A Pacific Northwest Palette," and attendees sampled wines from Oregon and Washington, along with chocolate and cheese pairings.

The silent auction was once again a highlight of the evening. A variety of items were up for bid, including vacation home stays, jewelry, financial and coaching services, themed baskets prepared by the WBAF Board, and sports tickets and memorabilia.



The evening's program included remarks by Shelley Broderick, Dean of the University of the District of Columbia David A. Clarke School of Law. The school was the recipient of the 2016 Founders Fellowship, which supports an area law student to work with local legal services providers on projects to benefit women and girls in our community. Dean Broderick talked about the hands on experience the Fellowship provides. The 2016 Fellowship was awarded to Jessica Guinyard, who interned at Advocates for Justice and Education. Click here to read about Jessica's experience.

**Funds from the event will support the 2017 Founders Fellowship**, which will be awarded to a student at Georgetown University Law Center.

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.



#### Thank you to our Wine Tasting sponsors!

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#### Thank you to the following auction item donors!

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WBAF President Monica Parham welcomed attendees.



Sonia Murphy and Renee Weir celebrate their auction wins.



Gwenn Simmons, Marta Berkley, Kathleen Gunning & Diana Savit

# Election Sparks Renewed Interest in Civics Education

For bar associations that for many years have provided "lawyers in the schools" programs, it's no secret that civics education has been on a steady decline, perhaps because of the increased focus on standardized tests and the subjects they cover. In the wake of a presidential election fraught with "fake news" and vitriol — on both sides — this issue is now gaining new prominence. What are the bipartisan goals of civics education in school, how can it best be delivered, and what gets in the way? Learn more at Nonprofit Quarterly: nonprofitquarterly.org/2016/11/21/civics-education-teaching-anew-art-skills-participation/

(From ABA Division for Bar Services, Bar Leader Weekly, Issue 44)

## Tips to Help You Macromanage, Not Micromanage

If you're in a supervisory role, you know you're not supposed to micromanage (even if you still do). But what can you do with all the time you'll save? Try macromanaging instead, recommends Elsbeth Johnson at *Harvard Business Review*. That's the kind of big-picture, strategic work that is too often overlooked, she says. What can help you push yourself to tackle some of the big questions you might be ignoring? Johnson shares four tips to help you macromanage like a (really good) boss.

<u>Click here</u> to read Ms. Johnson's article, How Leaders Can Focus on the Big Picture (From ABA Division for Bar Services, *Bar Leader Weekly*, Issue 43)

# Think Fast! 9 Ways to Handle a Question You Don't Want to Answer

Say your boss, colleague, or client asks you a question you don't want to answer. Should you take a tip from the presidential debates and just start talking about something else? No — but there are some things you can do to buy yourself some time and get out of the hot seat, while being as forthright as you can at that moment. At Fast Company, Stephanie Vozza shares nine tips from corporate communications experts. Click here to read <a href="How To Successfully Respond-to a Question You Really Don't Want to Answer">How To Successfully Respond-to a Question You Really Don't Want to Answer</a>.

(From ABA Division for Bar Services, Bar Leader Weekly, Issue 41)

## Another Round of Scam Emails Hits Lawyers in Several States

It's an unfortunate fact of digital life: Scammers are adept at fooling people with fake email messages, and every so often, lawyers are the target. That's currently happening in a few states across the country, where lawyers are receiving messages that warn of supposed complaints against them. Clicking on a link to read the complaint results in installation of malware or ransomware (which blocks computer access until the user pays the scammer). In which states is this scam occurring, and are there particular subject lines and other details that members should look out for? *ABA Journal* has answers in its article, <u>Don't Click:</u> <u>Lawyers Get Fake Emails About A Complaint</u>.

(From ABA Division for Bar Services, Bar Leader Weekly, Issue 46)

# 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,
- smashed down the barriers confronting women, and women in the law.

We are including a series in *Raising the Bar* of vignettes from the history of the WBA written for its 50<sup>th</sup> anniversary in 1967. The eighth is below.

Learn more at <a href="wbadc.org/">wbadc.org/</a> <a href="mailto:centennial">centennial</a>. Please contact Carol
<a href="mailto:Montoya">Montoya</a> at carol@wbadc.org if you
<a href="mailto:would like to help.">would like to help.</a>

"The second banquet [of the WBA] was held November 23, 1918, honored by the presence of Judge Kathryn Sellers, who, on October 15, 1918, began her duties as Judge of the Juvenile Court in the District.

"The third banquet was held at the Burlington Hotel, and numbered among the honored guests the Honorable Annette Abbot Adams, Assistant Attorney General; the Honorable Mabel T. Boardman, District Commissioner; Mrs. Helen H. Gardner, Civil Service Commissioner.

On December 1, 1923, the banquet commemorated the Centennial of the Promulgation of the Monroe Doctrine."

## **Committee & Forum Highlights**

## Fighting Voter Suppression

By Celina W. Stewart, Esq., Co-chair, Diversity Committee

The Diversity Committee, in partnership with the Washington Council of Lawyers, hosted **Fighting Voter Suppression** on September 22, 2016. The program was a candid discussion on the history of the Voting Rights Act and the after-effects since the gutting of Section 5 in 2010. Panelists provided tips on how voter suppression could play out in the 2016 election cycle, offering guidance on meaningful ways to get involved.

Program attendees were treated to an up-close and personal talk by leaders in the voting rights arena, whom included: **Nicole Austin-Hillery**, DC Director and Counsel, Brennan Center for Justice; **Khyla Craine**, Assistant General Counsel, NAACP; **Katherine Culliton-González**, Chair of Voting Rights Committee, Hispanic National Bar Association; and **Jon M. Greenbaum**, Chief Counsel and Senior Deputy Director, Lawyer's Committee for Civil Rights under Law. **Jonathan Smith**, Executive Director, Washington Lawyer's Committee for Civil Rights and Urban Affairs moderated the panel.

The overall feel after the event was one of a motivated army. The Diversity Committee was honored to assist interested voters in getting involved in their communities through the election process. WBA offers special thanks to the DC Board of Elections for providing each attendee with voter swag. It was a well-rounded event, chock-full of information!

If you would like to join the Diversity Committee and attend future events like this, please email <u>wbadcdiversity@gmail.com</u>.

# Young Lawyers Connect Members & Foundation Grantees

By Jen Mika, Co-Chair, Young Lawyers Committee

The Young Lawyers Committee hosted Brews and Pro Bono on November 16, 2016 at Iron Horse in Chinatown. This happy hour event brought together about 25 representatives from WBA Foundation grant recipients and WBA supporters interested in volunteering with great organizations that support women and girls in DC.

Would-be volunteers learned about opportunities at these great organizations and how they can help them further their missions to improve the lives of those most in need in the District. WBA Foundation grant recipients in attendance included DV LEAP, Bread for the City, DC Law Students in Court, Legal Aid of the District of Columbia, and Legal Counsel for the Elderly.



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Jen Mika and Rachel Hardwick



Dawn Dalton (Executive Director of DV LEAP) & two WBA supporters

# Minority Flight: Why Women of Color Are Leaving Law Firms & How to Turn the Tide

By Celina W. Stewart, Esq., Co-chair, Diversity Committee and Jacqueline Leonard, Co-Chair, Litigation Law Forum

On November 14, 2016, the Litigation Law Forum and the Diversity Committee hosted a panel discussion on how law firms can better serve and ensure success for women attorneys of color: Minority Flight: Why Women of Color are Leaving Law Firms and How to Turn the Tide. The event started off with a networking reception at the offices of White & Case with refreshments provided by Gibson Dunn, followed by a panel discussion of the issues faced by women of color at large law firms and other organizations.

Panelists included Michele Coleman Maves, Vice President, General Counsel, and Secretary of the New York Public Library; and Danielle Holley-Walker, Dean of Howard University Law School, both of whom were interviewed in the ABA Journal article that inspired the program. They were joined by Marianela Peralta, General Counsel and Corporate Secretary at Allegis Global Solutions, and Sanya Sukduang, Partner-in-Charge of Diversity and Inclusion at Finnegan. WBA President Sonia Murphy, Counsel at White & Case, moderated the distinguished panel.

Together, the panelists discussed such critical issues as the importance of sponsorship versus mentorship to promotion, the need to learn about a firm or organization's culture involving women early on to assess likelihood of success and fulfillment, and having the courage to take career risks in the event that a transition becomes necessary. The discussion started out with a dire reality: despite the fact that firms have employed women attorneys since the 1960s, the situation, as explained by Ms. Mayes, is like Groundhog Day—women of color are still leaving firms for the same issues they faced more than 50



years ago. They still struggle to find sponsors and allies among coworkers and are paid less than their nonminority and male counterparts.

Ms. Mayes argued that firms have not done enough to respond to these issues and must take proactive steps to retain minority women, who often tolerate the problems until finding a better opportunity. From his experience working with associates, Mr. Sukduang noted a recent shift, in that some associates do not necessarily strive for partnership. He expressed that this should concern firm leadership, because firms need junior associates to develop and eventually assume leadership roles. He further noted that Finnegan promotes a mindset of "ownership" over each task so that attorneys feel a sense of connection and pride for their work, even if they don't intend to be longterm employees of the firm.

The conversation shifted to best practices for firms to support, promote, and retain women attorneys of color going forward. The panelists discussed several options for instituting interrupters to overcome implicit bias, including how to establish an equitable review process and empowering women to request feedback from peers and managers. Additionally, they shared strategies for success with the audience.

Ms. Peralta encouraged young attorneys to find means of networking and capturing work authentic to them, as well as targeting less crowded niche practice areas where the firm may not do business in order to set themselves apart. Dean Holley-Walker encouraged young lawyers to adopt a long-term mindset when starting a new job

because it changes how a young lawyer perceives her role with her employer, how she interacts with her co-workers, and how she confronts problems. She also noted that many women spend too much time underestimating themselves and need to know their own value in order to advocate for themselves.

The evening closed out with questions from the audience and a productive discussion of how in-house counsel can also support women of color at law firms by utilizing the "power of the purse" to demand diversity in teams assigned to their work. Ms. Murphy drew attention to the fact that many young attorneys often find themselves over-mentored and under-sponsored, and encouraged all attendants to demand more from their employers, open up discussion, and turn the tide toward creating environments where women of color are fully equal team members.

The event was co-sponsored by the Tax and Business Law Forum, International Law Forum, Solo and Small Practice Forum, Leadership Task Force, Greater Washington Area Chapter/Women Lawyers Division/ National Bar Association, Law Form and Corporate Counsel Committee, Bar Association of the District of Columbia's Litigation Committee, DC Bar Litigation Section, Women Litigators Committee, the DC Chapter of the Iranian American Bar Association, and the DC Women's Forum of the Asian Pacific American Bar Association.

<u>Click here to view a photo montage</u> <u>of the event</u>. Many thanks to Jo Saint-George and Minority Counselor TV for producing the montage.

## Register Today for the Seventh Annual Mentoring Supper

Wednesday, February 15, 2017

Photo credit: Mark Van Bergh Phootgraphy

Calling all young lawyers, law students and lawyers in transition! Register today for the Seventh Annual Mentoring Supper from 6:30 to 9:00 p.m. on Wednesday, February 15, 2017. This popular, joint program of the Communications Law Forum and the Federal Communications Bar Association's (FCBA) Young Lawyers Committee will be held at Hogan Lovells US LLP in downtown DC. Space is sure to be limited, so don't wait! Register at wbadc.org.

The Seventh Annual Mentoring Supper is an opportunity for young lawyers, law students and lawyers in transition to interact with distinguished members of the communications bar while enjoying a catered dinner. Mentees will be paired with mentors in small groups, allowing for substantive discussions about career development and related topics. An outstanding roster of experienced lawyers have agreed to serve as mentors for this program, representing an incredible breadth of private and public businesses, federal agencies, large and boutique private law firms, trade associations, and non-profits.

Dinner is included in the registration fee. Through February 12, the discounted registration fee is \$15 for students, and WBA and FCBA members. The non-member price is \$25. After February 12, the registration fee increases to \$20 (\$30 for non-members).

We greatly appreciate the financial support of **Hogan Lovells US LLP**, Signature Sponsor of the Seventh Annual Mentoring Supper.



Confirmed mentors include: Joan Marsh, AT&T; Melissa Newman, CenturyLink; Ryan Wallach & Kathryn Zachem, Comcast; Julie Kearney, Consumer Technology Association; Anne Swanson, Cooley; Ann Bobeck & Yaron Dori, Covington; Barry Ohlson, Cox; Krista Witanowski, CTIA; Stacy Fuller, DIRECTV; Laura Phillips, Drinker Biddle; Brett Freedson, Eckert; Jessica Almond, Rachael Bender, Micah Caldwell, Brendan Carr, Diane Cornell, Matthew DelNero, Justin Faulb, Nese Guendelsberger, Michael Janson, Jean Kiddoo, Olga Madruga-Forti, Ruth Milkman & Gigi Sohn, FCC; Joseph Di Scipio, Fox; Megan Stull, Google; Scott Blake Harris & Christopher Wright, Harris; Mark Brennan, Michele Farquhar & Nirali Patel, Hogan; Rebekah Goodheart, Jenner & Block; Jennifer Warren, Lockheed Martin; Angela Giancarlo, Mayer Brown; Erin Dozier, NAB; Margaret Tobey, NBCUniversal; Jennifer Duane & Angela Simpson, NTIA; Sherrese Smith, Paul Hastings; Celeste Murphy, SEC; Kathleen Ham & Luisa Lancetti, T-Mobile; Grace Koh, U.S. House of Representatives Committee on Energy & Commerce; Lawrence Roberts, Venable; Robert Branson, Verizon; Roger Sherman, Waneta Strategies; Anna Gomez, David Gross & Kathleen Kirby, Wiley; Natalie Roisman & Bryan Tramont, Wilkinson; and Daniel Alvarez & Mia Hayes, Willkie.

#### Welcome New Members: The following persons joined the WBA in October & November 2016.

Brendan Ballard
Alison Barberi
Samina Bharmal
Tequila J. Brooks
Kennedy Cabell
Christina Canalizo
Crystallis Chang
Elizabeth Kathryn Conti
Rachel Counts
Ayeisha Cox
M. Colleen Currie
Claire Davidoski

Claire Catalano Dean
Lindsey Dennis
Jennifer Ann Durden
Samantha Evans
Michael Farmer
Naima Farrell
Alison Finneran
Drusti Gandhi
Ingrid M.C. Gardiner
Cindy Gierhart
Dawn Gile
Courtney Caldwell Hart

Katherine Heise
Heather Maria Johnson
Treasure Johnson
Hilary Johnson
Sheila Kadagathur
Geraldine Kalim
Kymberly Kester
Maryna Koberidze
Danli Lan
Rebecca LeGrand
Lois Liu
Chelsie Lyons

Raquel Martinez Sloan
Cara Esther Mazor
Heather McAuliffe
Jessica Micciolo
Samantha Ann Miko
Kristin Mitcham
Negar Mortazavi
Malgorzata Mrzyk
Valerie M. Nannery
Amanda Patanaphan
Khadijah Ameerah
Robinson

Amy Rios
Jaime A. Santos
Ariel Seiersen
Neeli Shah
Denise Simpson
Samara Michelle Spence
Julie K. Tibbets
Annie Tsao
Kristen Walp
Judy Wang
Rae Woods
Avie Zhao

For information regarding WBA Member Benefits and getting involved with a Committee or Forum, see <u>Membership & Benefits</u> and <u>Committees & Forums</u>.

## Member Spotlight: Shelly A. Mulkey

Compiled by Anjali R. Patel, Esq.

Striving to "always leave a place better than you found it," Magistrate Judge Shelly Mulkey uses this motto – picked up during her Girl Scout days – to this day, both in her professional and personal life. In fact, her commitment to bettering the world around her is one of her motivations for mentoring law students and new attorneys.

Before she began her judgeship at the DC Superior Court, Judge Mulkey provided legal services for the District's most vulnerable residents as an attorney in the Office of the Attorney General for DC's Child Support Services Division, a position that gave her "a tremendous amount of job satisfaction." Judge Mulkey also previously worked at the Law Offices of Alice Paré, where she represented clients in civil matters, such as domestic relations and bankruptcy cases.

As a Magistrate Judge, Judge Mulkey continues to mark her path as a dedicated public servant, but also looks forward to learning and growing professionally, while continuing her passion for mentoring. A WBA member since 2013, Judge Mulkey currently serves as a cochair of WBA's Mentoring Committee, is an active member of Hispanic Bar Association of the District of Columbia, and volunteers for Mentors, Inc.

As a mentor, Judge Mulkey enjoys sharing her experiences. For anyone considering a judgeship, Judge Mulkey advises, "Each path to the bench is unique. Figure out what your path will be, and start laying the foundation early in your career."

Judge Mulkey received a Bachelor of Arts degree in Sociology from Tulane University and her law degree from the American University, Washington College of Law. She is a former Dean's Fellow for Professor David E. Aaronson. Following law school, she clerked for the Hon. Eric M. Johnson, Sixth Judicial Circuit of Maryland. She worked in both private and government practice before becoming a magistrate judge.

## Why did you join the Women's Bar Association?

I joined WBA because I believe in the organization's mission and like the camaraderie it provides.

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

I became involved by attending the 2013 Stars of the Bar at the invitation of past president Magistrate Judge Diane Brenneman. I stayed involved by volunteering as a co-chair of the Mentoring Committee. In that capacity, I coordinate mentoring brunches every other month.

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

I have the opportunity to mentor law school students and newer attorneys. I have gained leadership experience. What words of advice do you have for women new to the profession? Get involved the community and make connections. Volunteer work is often more rewarding for the volunteer than it is for beneficiary of the services.

## What is the best advice you have received?

A lawyer's reputation is everything.

## In what other organizations are you involved?

I am active in Mentors, Inc., the Hispanic Bar Association of the District of Columbia, and the District of Columbia Bar, Family Law Section.

# What do you do when you are not working?

I enjoy attending country music concerts and Washington Nationals baseball games, and I make beaded jewelry.



Shelly A. Mulkey



Judge Mulkey's swearing-in on October 31, 2016. Chief Judge Robert Morin administered the oath. Judge Mulkey's aunt, Pam Trice, is beside her, holding her mother's bible.



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## **Upcoming Events**

Wednesday, January 11, 2017

#### New Year! New Career!

Presented by Young Lawyers Committee and Government Attorneys Committee

If you are new to the legal profession and want to readjust your career path, please join us for a discussion on career transitions! Our speakers have successfully navigated the road to their chosen practice areas and will share their insights. The program will cover 1) how to transition from a non-legal or quasi-legal job to a practicing attorney role; 2) tips on switching practice area tracks from a current attorney role to one that is more in line with a legal practice area closer to interests/passions; and 3) how to transition away from document review projects.

#### Thursday, January 12, 2017

#### 2017 WBA/WBAF Annual Dinner Committee Kickoff Meeting

The Annual Dinner Committee is responsible for event promotion, fundraising, volunteer recruitment, and oversight of logistics. After the initial in-person kick-off meeting, we will meet bi-weekly, mostly via teleconference, but sometimes in person. Volunteering for the Annual Dinner is a great way to get involved, meet other members, and make an impact with this hallmark event. If you would like to join the committee or have any questions, email Elizabeth Mueller at <a href="elizabeth@wbadc.org">elizabeth@wbadc.org</a>.

#### Friday, January 13, 2017

### A Diamond Affair: WBA Casino Night & Silent Auction

Join us for "A Diamond Affair," a black-tie casino night fundraiser to support the WBA Centennial Celebration. On May 17, 2017 the WBA will turn 100 years old and contributions to the Centennial Celebration will be used to celebrate the work of the WBA's first 100 years, and shape the future of women lawyers for the next 100 years.

Guests will try their luck at the gaming tables and bid on items in our silent auction, featuring upscale prize items to include electronics, vacation getaways, gift certificates to the hottest DC restaurants, and more. We hope you will join us on this special evening!

#### Wednesday, January 25, 2017

## Do Women Refer Work to Women? WBA Building Books of Business

Presented by International Law Forum and Litigation Law Forum Susan Kovarovics, Partner at Bryan Cave and immediate past president of the WBA will discuss how she has successfully developed her international book of business, and how women can better enable each other to advance in the law. After the presentation, Anna Rappaport will facilitate a workshop for attendees.

### Get Involved With the WBA

Join us at one of our three Leadership Information Sessions in January to learn how to become more involved in the WBA. Members of the Nomination Committee will discuss leadership positions and responsibilities and answer questions you have about available opportunities.

The events are free to attend, but registration is requested. Food will be provided.

Thursday, January 5, 2017

Tuesday, January 17, 2017

Tuesday, January 31, 2017

#### Thursday, January 26, 2017

## Energy & Environmental Law Winter Networking

Presented by Energy & Environmental Law Forum

Meet and mingle with your colleagues and enjoy great happy hour food and drink specials! This event is open to any and all DC area professionals who work or have an interest in energy and environmental law.

#### Tuesday, January 31, 2017

#### Let's Make a Deal: Employment Mediations

Presented by Employment Law Forum

Join us for an engaging discussion on employment mediation. The panelists will touch on factors involved in mediation for employment cases, including deciding to go to mediation, selecting a mediator, and strategies for a successful mediation.

### Saturday, February 4, 2017

#### Mentoring & Mimosas

Presented by Mentoring Committee

Meet your mentee or mentor for brunch and get to know other members as well. Seating is limited. Everyone who attends is responsible for the full price of his or her meal and gratuity. All are welcome to attend.

#### Wednesday, February 15, 2017

### Seventh Annual Mentoring Supper

Presented by Communications Law Forum

Calling all young lawyers, law students, and lawyers in transition! Enjoy a catered dinner while getting career advice from experienced attorneys. Don't miss this opportunity for substantive career development discussions with some of the best mentors in the District!

#### Thursday, March 9, 2017

#### A Women's History Luncheon

Presented by Communications Law Forum

As one of the oldest women's bar associations in the United States, the WBA has made tremendous contributions to advancing women lawyers. These WBA past presidents will offer their perspectives on the development of women in law and the role the WBA has played over the past decades. Join us for this fascinating glimpse of history!

#### Saturday, April 1, 2017

#### Mentoring & Mimosas

Presented by Mentoring Committee

Meet your mentee or mentor for brunch and get to know other members as well. Seating is limited. Everyone who attends is responsible for the full price of his or her meal and gratuity. All are welcome to attend.

#### Wednesday, April 19, 2017

#### Lessons in Rainmaking

Presented by Communications Law Forum

A key skill for any private practice lawyer is the ability to build and retain a client base. Potential clients can be found in many different industries, locations, and stages of development. This is your opportunity to learn from experienced women lawyers about how to attract new clients and create a trusted advisor relationship with existing clients. Join us to acquire valuable insights so you can best position yourself to be hired and "make it rain."

#### Saturday, June 3, 2017

#### Mentoring & Mimosas

Presented by Mentoring Committee

Meet your mentee or mentor for brunch and get to know other members as well. Seating is limited. Everyone who attends is responsible for the full price of his or her meal and gratuity. All are welcome to attend.

#### Tuesday, June 27, 2017

#### Consumer Electronics Show & Tell

Presented by Communications Law Forum
This is your chance to learn about the most recent developments in communications technology from Julius Knapp, the FCC's primary resource for engineering expertise. Chief of the Office of Engineering and Technology, Mr. Knapp will describe what is just over the horizon in terms of new technologies, services and equipment.

#### Save the Date:

Thursday, February 23, 2017 WBA Foundation Grant Awards Ceremony

Wednesday, May 17, 2017 WBA/WBAF Annual Dinner

