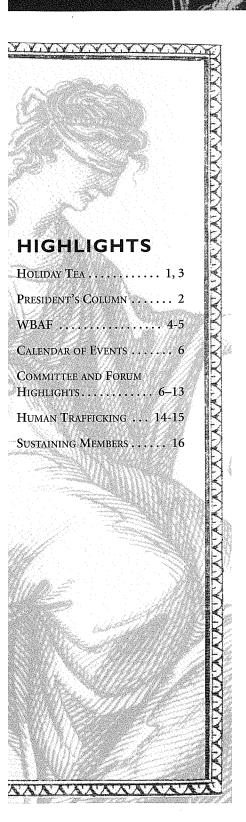


WBA RAISING THE BAR

WOMEN'S BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA 2007–2008, ISSUE 3





Jennifer Duane, Susan Kimmel, Lynne Milne, Laura Mow, Linda Greenhouse & Lorelie Masters

THE COMMUNICATIONS LAW FORUM HOSTS ITS ANNUAL HOLIDAY TEA

On December 12, the Communications Law Forum of the Women's Bar Association of the District of Columbia (WBA) hosted its Annual Holiday Tea at the historic Willard Intercontinental Hotel. Linda Greenhouse, the U.S. Supreme Court correspondent for the New York Times, was this year's featured speaker. Over 110 attendees filled the Willard's elegant Crystal Room, which was festively decorated for the holiday season, to hear Ms. Greenhouse's remarks, meet and mingle with their peers in the communications industry and enjoy tea, scones, sandwiches and desserts.

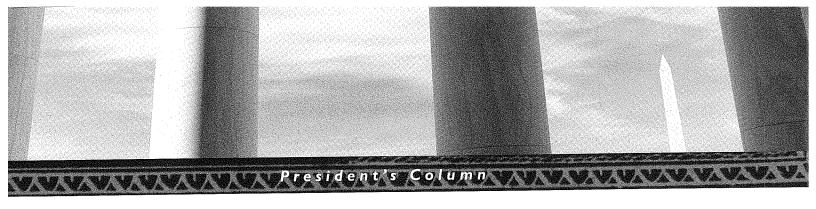
Lynne Milne, co-chair of the Communications Law Forum, began the program by welcoming the attendees, briefly describing the WBA's mission and activities, and thanking the event's sole sponsor, the law firm of Kilpatrick Stockton LLP, for continuing its generous support of the Holiday Tea. Co-chair Laura Mow introduced Linda Greenhouse and highlighted her many notable career accomplishments and awards. In addition to her current position chronicling the activities of the Supreme Court, which she has held since 1978, Ms. Greenhouse has appeared regularly on the PBS program Washington Week since 1980. She was awarded the Pulitzer Prize in Journalism in 1998 for her coverage of the Supreme Court. She has also authored a biography of Justice Harry A. Blackmun entitled Becoming Justice Blackmun



Linda Greenhouse, The New York Times U.S. Supreme Court Correspondent

that was published in 2005. Among her many professional affiliations, Ms. Greenhouse is a fellow of the American Academy of Arts and Sciences and an honorary member of the American Law Institute. She is a frequent lecturer at many universities, law schools, and judicial conferences. She is also the recipient of numerous awards. For example, she received a Ford Foundation Fellowship to attend Yale Law School, where she earned a degree in Masters of Studies in Law. Additionally, Ms. Greenhouse has received eight honorary degrees from various universities throughout the country.

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THE WOMEN'S BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA

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The WBA in Its 91st Year

When I began my career in the I 980s, the WBA was working to give voice to our desires for equal opportunity and inclusion in developing workplace policies, developing business in law firms, and working on the most challenging and interesting cases available in our places of work. In the years since, the WBA has continued to provide the benefits that all bar associations work to

provide: training in leadership, business development skills, and substantive legal skills; community service; offering opportunities to help expand our connections to one another, enlarging our circle of friends. However, we can do, and we have done, much more.

Since its founding in 1917, the WBA has weighed in on many issues of great social importance to families and women lawyers. In its earliest years, the WBA weighed in on behalf of women's suffrage. Within my lifetime, the WBA has supported passage of the Family Medical Leave Act and been a voice to promote diversity in the profession. Today, we continue work of our Initiative on Advancement and Retention of Women in the Profession. Our "Creating Pathways to Success" report not only debunked myths about why women lawyers leave law firms in disproportionately high numbers—but more importantly, provided our "Roadmap" for change.

The WBA Board of Directors last year with Tracy Durkin as President approved a plan to continue the important work of the Initiative—

- One, to focus on the issues of race and gender that affect women lawyers of color;
- Two, to develop professional-development programs for law students so that they enter the profession with an understanding of the business of the law, and of business-development:
- Three, to address issues that confront women corporate counsel and develop a dialogue between women corporate counsel and women in law firms about how we can work together to enhance everyone's success in the practice of law.

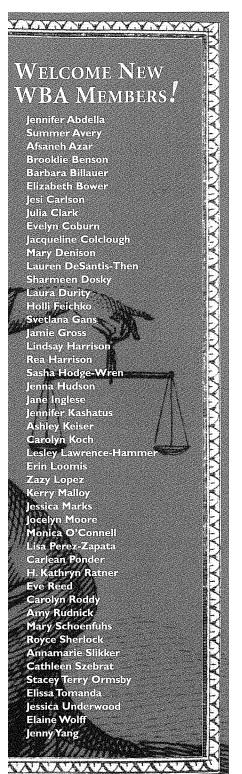
On January 30, I had the opportunity to discuss the work of the WBA with colleagues at Patton Boggs, President-Elect Jennifer Maree's firm. Our work on the Initiative stimulated an interesting discussion about our goals as women lawyers and leaders. It is discussions like these that convince me that what women lawyers want is an equal chance to succeed, unfettered by the unexamined assumptions about our goals and aspirations. These discussions also convince me of the importance of our work to take the Initiative forward. We will help fulfill our mission to further the career goals of our members by pursuing not only the three-part plan outlined above, but also by also by continuing to address retention issues—and the WBA's Roadmap for change.

On March 19 at Howard University Law School, we will present our full-day symposium, "Creating Pathways to Success for All," developed by our Women of Color Working Group, and our Advisory Board of national experts on these issues. This program will bring together experts and law firm leaders to identify barriers to the advancement of women of color in law firms—and, as in 2006, to recommend concrete, "best" practices for eliminating those barriers.

To use the parlance of the day, we are in a global race for talent, and at least half of that talent pool—if not more—will come from our women lawyers and lawyers of color. These issues are vitally important not just to us as women lawyers, but to our families, our firms, our ommunities—and I believe our society as a whole. We can be your voice on the issues you care about. Join us, and be part of the change that we as an organization can effect!

LORELIE S. MASTERS WBA President, 2007-2008





Continued from page 1

Ms. Greenhouse delighted the audience with her remarks as she discussed how she began her career in journalism as the assistant to New York Times columnist James Reston after graduating from Radcliffe College at Harvard in 1968. Ms. Greenhouse also recounted highlights from her other New York Times assignments where she covered Congress and the New York State Legislature. She described some of the memorable cases and oral arguments she has witnessed while covering the Court and discussed changes in the composition of the Court during her tenure. Ms. Greenhouse then invited questions from the audience and responded with wit and candor on a wide variety of topics, including developments in Supreme Court jurisprudence as well as the challenges working women face in balancing family life and careers. In response to a question about social contacts with any of the Supreme Court Justices, Ms. Greenhouse described a rare afternoon social event with Justice Ginsburg and her law clerks.

This enjoyable afternoon concluded with Co-chair **Jennifer Duane** presenting Ms. Greenhouse with a teapot, purchased from the Lady Bird Johnson Wildflower Center, as a token of appreciation for her participation in what has become the Communications Law Forum's signature event. Preparations are already underway for another successful Holiday Tea in 2008.

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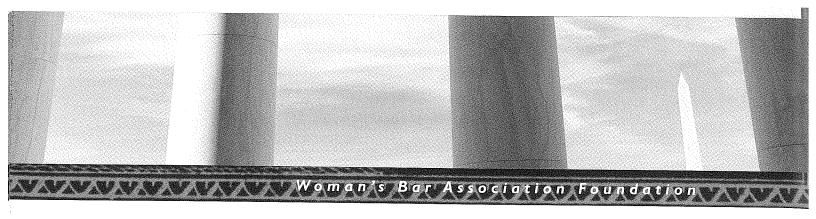
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CALL FOR NOMINATIONS FOR THE 2008 - 2009 WBA BOARD OF DIRECTORS

The following positions are open for the WBA's 2008-2009 year:

- President Elect
- Treasurer Elect
- Secretary
- Board Member (3 positions for 3 year terms: two expiring positions and one new position)
- Board Member
 (1 position for 2 year term)
- Board Member (I position for I year term)

The WBA Board has voted to expand the Board from 12 to 15 positions and will stagger the added positions so that one-third of the Board "renews" each year as envisioned by the WBA bylaws.

Please submit nominations of WBA members (including yourself!) for any of these positions directly to Chair Tracy-Gene G. Durkin at tdurkin@skgf.com.

Nominations are due by February 29.

WBAF GRANT RECIPIENT

The University of the District of Columbia David A. Clark School of Law Women's Bar Association Foundation Public Interest Summer Fellowship for the HIV/AIDS Legal Clinic

One of the stated goals of the WBAF is to "To promote the delivery of legal services to the disadvantaged and needy." This goal is clearly accomplished through the grant that funded the 2007 Women's Bar Association Foundation Public Interest Summer Fellowship for the HIV/AIDS Legal Clinic at the University of the District of Columbia David A. Clark School of Law. This grant funded the stipend for a law student to serve in the clinic for the summer of 2007. This past summer's fellowship recipient, Wayne Turner, stands out as a shining example of how our financial support can be used to facilitate change and empower others to accomplish important work within our community. Here is his story of how the HIV/AIDS Legal Clinic at UDC Law School impacts the lives of its clients, volunteers, and its interns.

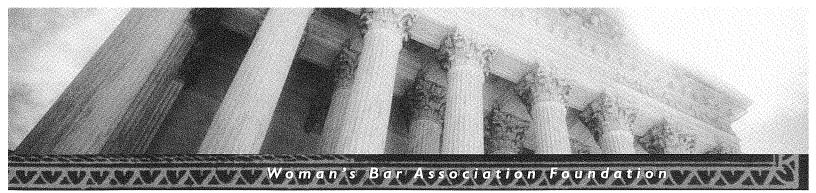
By Wayne Turner, University of the District of Columbia David A. Clark School of Law, Class of 2008, Summer Fellow for the HIV/AIDS Legal Clinic

I realized working in the HIV/AIDS Legal Clinic would present a special challenge. In all the client-based clinics at the David A. Clarke School of Law, students bear a heavy responsibility to zealously advocate for DC's most vulnerable populations who cannot otherwise access legal services. The clients of the HIV/AIDS Legal Clinic face some of the most difficult issues imaginable. Most are living with a deadly disease. The Clinic also serves the surviving family members who have experienced the horror of watching a loved one deteriorate and die.

The desperation and helplessness expressed by our clients was all too familiar. Nine years ago, my life partner Steve died from AIDS. Those of us who have directly experienced the AIDS tragedy share a bond—we are linked together despite our backgrounds and experience. I knew my work in the Clinic would force me to relive the darkest weeks of Steve's illness but that past could help me help others in their own struggle against this terrible epidemic.

The Clinic uses the client-centered approach. This means as legal advocates, we do everything we can to accommodate our clients in their specialized needs. HIV/AIDS Legal Clinic clients are often very sick or experiencing severe depression and other mental health challenges or a relapse into addiction. Some clients will disappear for weeks, only to resurface in a late night phone call full of anguish and fear. We do our best to serve these clients with patience and persistence.

There were some truly joyful moments. This summer the clinic secured full legal custody for a grandmother who had been raising her daughter's children since they were born. One child was born infected with HIV, the other not. Their mother had been in and out of rehabilitation and prison for all of their lives but had given her consent for the grandmother's custody before vanishing again. The grandmother gave these children the love, security, and stability they desperately needed, and yet she could not authorize things like medical treatment without legal custody.



HIV/AIDS FACTS

- It is estimated that 1 in every 20 adults in the District of Columbia is infected with AIDS.
- HIV infection is the leading cause of death for African American women ages 25-34.
- Nationwide, someone under the age of 25 is infected with HIV every 30 minutes.
- Virtually everyone living with HIV/AIDS encounters legal problems associated with his or her health status. Many HIV-positive people cannot afford the representation they need to fight for their rights to continue working, maintain access to health care, or ensure their confidentiality.

Child custody proceedings are necessarily long and complicated, especially for third parties like grandmothers in order to protect the rights of the parents. The biological father had never been involved in these children's lives, so we had to conduct a diligent search to notify him and possibly obtain his consent. At the final hearing, our client described the love and care she provided in the only home these children had ever known. The custody petition was granted, and our client's heartfelt thanks underscore just how important the HIV/AIDS Legal Clinic's work really is, and how fulfilling public interest law can be.

The warmth of that moment was short-lived, however. Several weeks later another client died. She was a 34 year old woman with three children and in the advanced stages of AIDS when she first became a client at the clinic. Earlier in the year, students worked to finalize the Standby Guardianship documents, so that family members could assume custody of her children in the event she was no longer able to care for them. My colleague, John, was a rising second year student and was an intern in the clinic with me this summer. John visited our client in the nursing home where she was staying and was appalled by the conditions there. Our client was very weak, covered in bedsores, and was essentially being warehoused in a system understaffed and overwhelmed. John asked our client if she wanted to be transferred to a nicer facility where she could be properly cared for. She wasn't ready to die, she said, and refused to go to a hospice. John suggested a long-term care facility where beds usually are scarce, and she readily agreed.

John spent the next days wrangling with bureaucrats, caseworkers, and paperwork, and managed to find a much better facility which would take her. On the eve of her transfer, however, her health declined, and she was taken to a hospital where, after 10 days, our client died.

John was terribly shaken and upset. He began second guessing his actions, wishing he had somehow been able to cut through the red tape even faster than he did, or if he had made the trip out to the nursing home a few days sooner. I knew what John was doing. I went through the same questioning and self-doubt in the months after Steve died. But this disease called AIDS is bigger and more powerful than all our efforts combined and that sometimes even moving mountains to provide the best care possible just isn't enough.

But John gave our client a precious gift in the final weeks of her life—he gave her a choice. He gave her power over her own life to make her own decisions. He showed her respect. He restored her dignity as a human being. I hope that in the months and years to come, that John realizes that his efforts on behalf of our client were not in vain. Since concluding my work in the HIV/AIDS Legal Clinic, I have been healing too. The experience was emotional, analytical, grim, and joyful. This clinic is a powerful teaching tool, but it's more than that. For our clients, the HIV/AIDS Legal Clinic is quite literally a lifeline. I benefited from holding a piece of that lifeline and know that my career goals are enriched by the experiences I gained from the people I was lucky enough to serve.

WBA CALENDAR OF EVENTS

February 20, 2008 12:00 to 1:30 pm SOLO AND SMALL PRACTICE FORUM MONTHLY LUNCHEON Mark & Orlandos 2020 P Street, NW

February 26, 2008
12:00 to 1:30 pm
WORKING PARENTS FORUM:
CHILDCARE AND SCHOOL
SELECTION IN THE
DC METRO REGION
Jenner & Block LLP
601 13th Street, NW
Suite 1200 South

March 12, 2008 6:00 to 8:00 pm FAIR, IMPARTIAL AND INDEPENDENT COURTS Holland & Knight 2099 Pennsylvania Ave, NW, Suite 100

March 13, 2008 12:00 to 1:00 pm MEMBERSHIP ROAD SHOW RECRUITMENT Sonnenschein, Nath & Rosenthal 1301 K Street, NW

March 19, 2008 8:30 am to 6:00 pm WOMEN OF COLOR IN LAW FIRMS: PATHWAYS TO SUCCESS FOR ALL Howard University Law School 2900 Van Ness Street, NW

WORKING PARENTS FORUM HOSTS PPROGRAM ON CHILD CARE AND SCHOOL SELECTION

You're an expert at making important decisions for your child. So, why is finding the right child care or school program so difficult?

It doesn't need to be. In this Working Parents Forum event to be held Tuesday, February 26th at noon at Jenner & Block LLP, we will explore quality indicators of various types of child care and elementary education. We will provide an overview of your options by region and program type. Information and tips about registration and the application process will be shared. We will discuss what makes a great school great and how to tell what the right care or school choice is for your family. Knowing that the quality of the relationship you have with early childhood professionals in your child's life is critical to their happiness and success, we'll offer time-tested strategies for creating a productive partnership. You'll leave with a list of resources and ideas. Also, bring many questions because we'll leave lots of time for those! For more information or to register for the event, please visit www.wbadc.org.

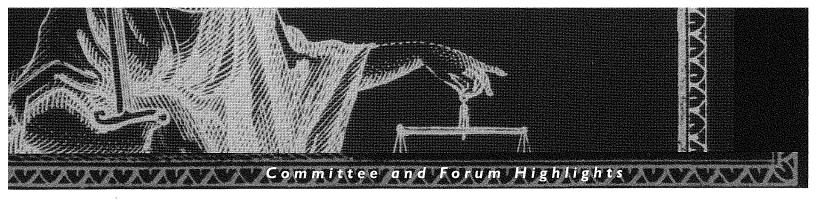
MEMBERSHIP OUTREACH PROGRAM

WBA "ROADSHOWS"

The WBA has begun a membership outreach program in an effort to introduce the many benefits of the WBA to various local law firms. The programs include an introduction by **Lorie Masters**, WBA President, followed by a videotape profiling the 80 year history of the WBA. In addition, current WBA members are on hand to share their experiences and answer questions about the WBA. The WBA held its first roadshow at Polsinelli Shalton Flanigan Suelthaus on November 28, 2007, its second roadshow at Jenner & Block on December 13, 2007, and its third roadshow at Patton Boggs on January 30, 2008. Another roadshow will be held at Sonnenschein, Nath & Rosenthal on March 13.

New Member Reception

The WBA hosts new member receptions several times a year to honor new members and the current members that referred them. The events feature drinks, hors d'oeuvres, and fabulous door prizes. In addition, many of our current board members and committee chairs are present so that new members can learn more about the association, how to get involved and how to get the most out of their membership. Our most recent reception was held on January 10th from 6:00 pm – 7:30 pm at Jenner & Block, LLP with approximately 15 new members in attendance.



WBA CALENDAR OF EVENTS

March 19, 2008 12:00 to 1:30 pm SOLO AND SMALL PRACTICE FORUM MONTHLY LUNCHEON Mark & Orlandos 2020 P Street, NW

March 25, 2008
12:00 to 1:30 pm
COMMUNICATIONS LAW
FORUM: LUNCH WITH HELEN
DOMENICI
Kilpatrick Stockton LLP
607 14th Street, NW

May 15, 2008 (New Date) 6:00 to 9:00 pm WBA/WBAF ANNUAL DINNER National Building Museum 401 F Street, NW

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

CARVING PATHWAYS TO SUCCESS FINDING YOUR UNIQUE CAREER PATH

The WBA forged new territory several years ago with its Initiative on the Advancement and Retention of Women Lawyers, revealing that women lawyers often face stumbling blocks on the road to becoming successful senior partners and rainmakers at large law firms. As a follow-on program, the WBA has planned an exciting event, "Carving Pathways to Success," at which we will explore successful career pathways of lawyers who took roads other than direct advancement to partnership in traditional law firms.

This interactive forum will explore the careers of several prominent DC lawyers who carved their own successful careers through interesting, varied, and ultimately rewarding paths, with stints in judgeships, academia, government, non-profit or ganizations, smaller firms, solo careers, political staffs, in-house counsel positions, business, and even non-legal careers. Indeed, some of these women have circled back into private practice and have become senior partners and rainmakers at large law firms.

The forum will be held on February 12, from 6:00-9:00 p.m. at the Women's National Democratic Club in DuPont Circle. Attendees will hear the panel presentation and also have the opportunity to speak directly with these prominent lawyers through small break-out discussion groups, each hosted by one of the panelists.

The following are confirmed panelists:

The Hon. Diane Brenneman, Magistrate Judge, DC Superior Court;

Debra S. Katz, founding member of Katz, Marshall & Banks;

Barbara Burr, founder of the Burr Law Firm;

Wilma Lewis, Managing Associate General Counsel, Freddie Mac;

Jamie Gorelick, Partner at WilmerHale; and

Monica Monroe, George Washington University Law School.

The program will be moderated by:

Kate Neville, Neville Career Consulting

Lisa Horowtiz, McDermott Will & Emery

The event is co-sponsored by Jenner & Block LLP, Huron Consulting, and The Women's Bar Association Foundation. Sponsorship opportunities are available. We hope you can join us Tuesday, February 12, 2008 from 6:00-9:00 p.m. at the Woman's National Democratic Club, 1526 New Hampshire Avenue, NW (Metro Red Line, DuPont Circle Stop). Appetizers, dessert, and open bar provided. Cost: \$35 for WBA members, \$50 for nonmembers. Please register online at www.wbadc.org.



DCPS Chancellor Michelle Rhee talks with attendees after the program



WBA President Lorie Masters, DCPS Chancellor Michelle Rhee, and Working Parents Forum co-chair Tina Hsu

PUBLIC SCHOOL REFORM

On January 18, about 50 people packed a conference room at Jenner & Block LLP to hear about the state of public school reform in the District of Columbia. The program, organized by the Working Parents Forum, featured DC Public Schools Chancellor **Michelle Rhee** and Friends of Choice in Urban Schools (FOCUS) Executive Director **Robert Cane**.

Public education in DC has undergone tremendous change in the past decade. Ten years ago, the enrollment in DC Public Schools (DCPS) was approximately 80,000; today, that number is under 50,000-a precipitous drop that reflects parents' general dissatisfaction with the city's schools, which were recently ranked among the worst in the country.

Many of the students that left DCPS have migrated to the city's public charter schools. It has been twelve years since the first public charter schools opened in DC, and in that time, charter schools have emerged as a critical aspect of public education in the District. About one-third of the public school students in DC are enrolled in one of the approximately 58 public charter schools. Charter schools are publicly funded and subject to the same standards as DCPS schools, but are not under DCPS management – they can, for example, hire (and fire) their own staff, and are responsible for their own facilities. According to Mr. Cane, head of FOCUS, the primary advocate for public charter schools in DC, the autonomy from DCPS allows charter schools "the freedom to be more innovative in exchange for increased accountability for improving student achievement." Charter schools are overseen by the DC Public Charter School Board and, as Mr. Cane explained, several have been shut down for poor performance.

DCPS has been poised for unprecedented change since last summer's appointment of Ms. Rhee as the Chancellor of DCPS. At the program, Ms. Rhee talked about her commitment to providing a quality education for all DCPS students. She spoke of her surprise that DC had no gifted and talented program, which she viewed as a shameful sign of previous administrations' low expectations of DC public school students. With regard to such programs, Ms. Rhee assured attendees that establishing a gifted and talented magnet school would be a high priority for DCPS, and that it was her intention that such programs would eventually be available in every school. Throughout her remarks, Ms. Rhee highlighted other priorities for DCPS, and described the feedback she has gotten from parents, teachers and students over the past several months.

Ms. Rhee also described her most high-profile initiatives — legislation to facilitate the termination of non-union DCPS employees, and the plan to close and/or consolidate 24 under-enrolled DCPS schools — as necessary to achieve effective reform. Since Ms. Rhee's appearance at the WBA program came just the day after a marathon night of public meetings about the school closure plan, a few attendees came prepared to challenge both speakers on whether these reform efforts — and charter schools in general — would help or hurt DCPS. Ms. Rhee stressed that her focus was on how to best improve the quality of public education for the students. As the spirited discussion during the program — and the high turnout — demonstrated, education reform will be a hot topic for years to come. This program was recorded for the WBA by L.A.D. Reporting & Digital Videography (www.ladreporting.com). Please contact the WBA office at admin@wbadc.org if you are interested in obtaining a DVD of this program.



Ronalyn Sisson

Doing It Her Way: A Woman Entrepreneur's Path To Success

About two dozen women braved a surprise snowstorm on December 5 to hear speaker **Ronalyn Sisson** talk about her path to success as a founder and owner of a thriving woman-owned business. The program was co-sponsored by the Working Parents and Litigation Forums.

A litigator with a busy caseload, Ms. Sisson found that she wanted to make a career change when she became a mother. The legal staffing company Ms.

Sisson launched, Oxford Legal Associates (www.oxfordlegal.com), not only gives her the flexibility and control she wanted in her career, but also provides a way for other attorneys to practice law on something other than the standard law firm track.

Ms. Sisson offers these five tips for other attorneys thinking about launching their own businesses:

ESTABLISH YOUR VALUES/ PRIORITIES: Take time to reflect on the reasons you seek a change and be clear about the values underlying those reasons. For example, if the value is "time with family" you need to be clear about the type of business you seek to establish in order to be true to this important value.

APPLY S.M.A.R.T. ANALYSIS: From those values, make goals. The goals must be SMART: Specific, Measurable, Action-oriented, Realistic and Time-bound.

ASSESS DEMAND: Macroeconomics requires that in order to have a successful business, you must have demand for the service or product you are selling. Take the time to investigate this, via trade publications, networking, and industry events.

WRITE A BUSINESS PLAN: Time and again I hear people going into businesses without taking the time to create a solid business plan, including financial analysis and cash flow projections.

ASSEMBLE A SOLID TEAM: There was a woman recently on the cover of a business magazine who had made millions "without employees or overhead." Guess what? 95% of the time, you need a team of professionals (finance, sales, operations) to support your business and help you grow (and I know the woman had a team behind her). In the beginning, these professionals may not all be on your payroll, but their support is crucial to your early success.

More attorneys are leaving the practice to pursue careers in business. Hopefully these tips will spark awareness that there are other career paths for attorneys who find themselves feeling entrepreneurial.

This program was recorded for the WBA by L.A.D. Reporting & Digital Videography at www.ladreporting.com. Please contact the WBA office at admin@wbadc.org if you are interested in obtaining a DVD of this program.

NETWORK WITH SOLO AND SMALL FIRMS

The WBA's Solo and Small Practice Forum meets monthly on the second Wednesday. In any particular month, we may converse about a timely court case, legislation, setting up a website, which billing software works best, or just about our practices in general. Forum members agree that this informal networking opportunity is a real benefit of WBA membership.

Join us on the second Wednesday, 12:00-1:30 p.m. at Mark & Orlando's, 2020 P St., NW. It is convenient to the Metro Red Line, Dupont Circle stop. We split the cost for lunch. For more information or to RSVP, contact co-chairs: Jessica Adler, jadler@jessicaadlerlaw.com; Loretta Garcia, attorneygarcia@verizon.net; or Paula Potoczak, pmplaw@earth-link.net.

Non-Profit Forum's Successful Program on Corporate Governance

The Non-Profit Organizations Practice Forum hosted a luncheon discussion entitled "Best Practices: Non-Profit Corporate Governance" on December II, at the offices of Bernstein Global Wealth Management. Pat Read, Senior Vice President, Public Policy and Government Affairs at Independent Sector presented the latest information on corporate governance compliance requirements, Congressional activities affecting non-profits, and anticipated future government actions. The meeting was very informative and very well attended. Watch the WBA calendar for future events or to contact the WBA co-chairs, Dorothy Wyatt, Kedron Simon, and Terese Connerton. We are always pleased to welcome new members to our group.

FAIR PAY RESTORATION ACT (S. 1843)

On October 9, the WBA submitted the following letter via fax blast to U.S. Senators. The WBA seeks to actively support issues of special interest to women, and thus urged the passage of the Fair Pay Restoration Act (S. 1843), currently under consideration in the Senate. This bill, and the companion bill already passed in the House, would overturn the U.S. Supreme Court's recent decision in *Ledbetter v. Goodyear Tire & Rubber Co.*, in which the Court adopted a restrictive interpretation of the statute of limitations in Title VII of the Civil Rights Act of 1964 as applied to claims of discrimination in pay.

Re: Women's Bar Association of the District of Columbia Urges Support of Bills to Overturn Ledbetter v. Goodyear Tire & Rubber Co.

Dear Member of Congress:

Founded in 1917, the Women's Bar Association celebrates its 90th anniversary this year, making it one of the oldest and largest voluntary bar associations in metropolitan Washington, D.C. Today, as in 1917, we continue to pursue our mission of:

Maintaining the honor and integrity of the profession; promoting the administration of justice; advancing and protecting the interests of women lawyers; promoting their mutual improvement; and encouraging a spirit of friendship among our members.

In accordance with this mission, we strongly oppose discrimination in employment based on race, gender, national origin and other characteristics irrelevant to individual merit. In particular, we are dismayed by the Supreme Court's May 2007 decision in Ledbetter v. Goodyear Tire & Rubber Co., in which the Court adopted a restrictive interpretation of the statute of limitations in Title VII of the Civil Rights Act of 1964 as applied to claims of discrimination in pay. As it has now been construed, the statute of limitations will seriously erode the prohibition in Title VII against discrimination in wages based on improper factors, and will deny meaningful remedies to many victims.

Allowing this decision to stand without legislative intervention will seriously impede the progress towards wage equality of women and minorities. Although the wage gap has narrowed in the last 30 years, the most significant reductions in the wage gap occurred during the 1980s, with less progress in recent years. Alarming new research released in April 2007 by the American Association of University Women Educational Foundation shows that just one year out of college, women working full time already earn less than their male colleagues, even when they work in the same field. Ten years after graduation, the pay gap widens. In the first quarter of 2007, women earned 81 cents for every dollar earned by men, and African-Americans made 79 cents for every dollar earned by whites. The differential is even larger for minority women. Studies suggest varying reasons for the persistent wage gaps, but discrimination is prominent among them.



Women of Color in Law Firms: Pathways to Success for All

This one-day summit to be held on March 19 will address issues of race and gender issue affecting women lawyers of color at the associate, counsel, and partner ranks. This summit will focus on ways that law firms can win the talent battle for women attorneys of color and will result in a report compiling ideas and best practices. Our Women of Color in Law Firms: Pathways to Success for All program is the work of our Women of Color Committee, with advice and input from an Advisory Board of nationally recognized experts in the field, law-firm partners, and in-house counsel committed to stemming the attrition of women lawyers of color from our firms and corporations. This full-day summit will be on March 19 held at HowardUniversity Law School, 2900 Van Ness Street, Washington, DC. Our goal is to have our community again place itself on the national map as forward thinkers whose leaders have come together, listened to the experts present the latest objective research, shared best practices andsuccesses and frustrations, and undertaken a frank self-appraisal of how to move the ball forward in the continuing effort to improve retention of women attorneys of color and their advancement to the highest ranks of our profession.

Discrimination in pay is different than many other types of discrimination. In particular, it is more difficult for employees to discern such discrimination than it is to spot other, more overt employment actions, such as termination or failure to hire. Moreover, disparities in pay often occur in small increments that are unlikely to prompt comment or to yield patent differences in employees' lifestyles. Based on privacy concerns or other reasons, employers generally do not publicize the pay of similarly situated employees, and employees similarly do not broadcast their income. Discriminatory pay differentials therefore can persist without the knowledge of affected employees. Additionally, discrimination may occur when a company initially sets a new employee's salary, a time when the employee has little reason to suspect unequal treatment or to challenge it even if he or she is suspicious. Given the impediments to uncovering disparities in pay, many employees simply will not be in a position to file an EEOC claim within 180 days after the initial discriminatory decision. So long as that decision remains the sole trigger for the statute of limitations, those employees could well have no meaningful remedy under Title VII. Uncontested differences in pay will become "a fait accompli beyond the province of Title VII even to repair." (Dissent of Justice Ginsberg in Ledbetter). The statute of limitations as interpreted in Ledbetter will thereby lock in past discrimination and insulate it from legal challenge, despite the enduring discriminatory impact on current paychecks. By thus "grandfathering in" prior improper decisions regarding pay, the 180-day filing requirement - as it has now been construed - will impede further narrowing of the wage gaps between men and women, and between minority and white workers.

Thus, the WBA of the District of Columbia is compelled to speak out in favor of legislative action to reflect and implement this nation's continuing commitment to equal treatment under the law. We urge support of H.R. 2831, the Ledbetter Fair Pay Act of 2007, passed by the House on July 31, 2007, and its companion bill, the Fair Pay Restoration Act (S. 1843), currently under consideration in the Senate.

Sincerely, Lorelie Masters, PresidentOn Behalf of the WBA Board of Directors

WBA MEMBERS IN THE NEWS

Our Public Relations Committee has been working diligently to come up with and implement new and improved means of informing the media, the larger public, and WBA members about WBA events and news. As a part of these efforts and as a member of the PR committee, the WBA is spear-heading a new initiative called "WBA Members In The News." As a part of thee-mail blast in the first week of each month, the WBA will dedicate a section to recognizing individual or group professional accomplishments and changes. By way of example, if a WBA member is elected to partnership, a case important to the WBA's mission is won, or a WBA member changes firms or moves away from or into the area, we want to make sure others know! Please send your professional news to Elissa O. Tomanda at etomanda@kelleydrye.com, for inclusion in the first e-mail blast of each month. Thank you for your interest and continued participation in helping the WBA to "Raise the Bar."

WBA REPRESENTED IN THE ABA'S YOUNG LAWYER DIVISION

We are pleased to announce that Joyce Craig of Finnegan, Henderson, Farabow, Garrett & Dunner, LLP; Maria Lerner of White & Case LLP; and Shawnte Mitchell of Ropes & Gray LLP, will be representing the WBA, and the Bar Association of DC, as our delegates to the Young Lawyer Division (YLD) of the ABA for the 2007-2008 bar year. Joyce, Maria, and Shawnte will be reporting back to us about their experiences as YLD delegates to the ABA's Midyear Meeting in February in Los Angeles. Many thanks to Heather Hodges, who ably represented the WBA and BADC as our YLD delegate for the 2006-2007 bar year. Thanks also to BADC President, our own Paulette Chapman, and the BADC for making these opportunities available to the WBA and our members.

WBA TO HOST SEMINARS ON FAIR, IMPARTIAL AND INDEPENDENT COURTS

A fundamental principle of the American system of justice is open access to fair and impartial courts. However, observers have questioned whether we can have open, fair and impartial courts if judges do not represent a full spectrum of our citizenry. In addition, courts recently been attacked from partisans of all kinds following unpopular decisions, and their jurisdiction to hear certain cases has been removed. In her 2005 speech accepting the Stars of the Bar Award, **Justice O'Connor** challenged the WBA to join her in protecting the courts from political attacks.

The WBA has taken up these challenges to our judicial system by convening a task force on Fair, Impartial and Independent Courts this year to educate WBA members, other members of the Bar and the public about the critical importance of allowing our courts to function impartially as intended by the Founders. The highlight of the task force efforts will be a series of three seminars this spring exploring issues relating to the overall topic of creating and maintaining fair, impartial and independent courts.

The first seminar will be on Wednesday, March 12, from 6:00-8:00 p.m. at the offices of Holland & Knight. It will focus on diversity among judges and clerks as an element of fairness and impartiality. The second seminar will on judicial ethics and accountability. We will highlight the new rules addressing judicial misconduct to be issued by the Judicial Conference this spring. We will conclude with a seminar on efforts to control judicial outcomes. One example is "court-stripping," a colorful term for efforts to remove a court's jurisdiction over certain matters, such as detained treatment and surveillance authorization. Panelists will discuss the constitutionality and policy implications of these efforts. Each of the early evening seminars will be followed by a reception for panelists and the audience. Watch your in-box for more details!

The task force will also develop policy resolutions supporting a fair, impartial and independent judiciary for approval by the WBA Board. It will explore appropriate accountability and other constraints on judicial action, and issues involved in attracting and retaining qualified persons to be judges. Its efforts will create informed WBA spokespeople to defend the judicial system and promote the importance of allowing courts to operate freely and fairly. If you are interested in helping the task force in its efforts this year, please contact the WBA office.

New Forum on Insurance Law

The WBA is pleased to announce the establishment of its Insurance Law Forum, which will serve the high concentration of insurance coverage practitioners in the DC area, and offer opportunities for both policyholder and insurer counsel to meet, discuss current insurance issues, and network. Details for the kickoff event will be announced soon. The co-chairs of the Forum are **Donna Wilson**, a partner with Kelley Drye & Warren LLP on the policyholder side, **Laura Foggan**, a partner with Wiley Rein LLP on the insurer side, and **Andrea Tecce**, managing director with Navigant Consulting. Suzan Charlton, special counsel withCovington & Burling LLP, will serve as a vice-chair.



Attendees are briefed on the role of publicly funded Non-Governmental Organizations.



Panelist Maria Longi, Managing Director for the Threshold Programs for Non-African Countries at the Millenium Challenge Corporation explains MCC's role in international development.

International Law Forum Hosts Two-Part Program on Trends in International Non-Governmental Organizations

On November 13, the International Law Forum and the Women's Foreign Policy Group hosted the first of a two-part series entitled "Trends in International NGOs." Part I, "Focus on Rule of Law Activities of Publicly Funded NGOs," shed light on key trends in the Rule of Law activities of international Non-Governmental Organizations ("NGOs") funded by public sources, including activities that incorporate transformational diplomacy and impact governance and civil society.

Speakers included **Maria Longi**, Managing Director for Threshold Programs for Non-African countries, Millennium Challenge Corporation; **Tom Reynders**, a retired foreign service officer who, among other things, has served as the Country Director for an American Bar Association Rule of Law project in Cambodia and is currently a Senior Associate with Checchi and Company Consulting, Inc; and **Francisco Zamora**, U.S. Agency for International Development ("USAID") Vice President for the American Foreign Service Association. The moderator for the panel was **Ann La Porta**, a lawyer who designed a Rule of Law project for the USAID in Mongolia and has, among other things, worked with Indonesian judges in Sumatra.

The panelists discussed the historical factors, including the conflicts in Iraq and Afghanistan, that have coalesced over the past several years and have raised the profile of international development assistance and impacted the manner in which such assistance is delivered. The speakers focused on the establishment of newly-focused governmental bodies to deliver aid; specifically, the Millennium Challenge Corporation and the new Department of State Office of Foreign Assistance (the "F Bureau"). They also addressed the broadening of assistance goals from specific actions, such as providing ballots and voting boxes, to providing "global public goods," such as improving health, environment, and security.

NGOs have also been greatly impacted by the emergence of large private assistance foundations. As a result, Part II of the series, tentatively scheduled for March 2008, will bring together those who work with and for foundations and other privately funded projects, such as the Gates Foundation and the Soros Open Society.

The International Law Forum is actively planning additional programs for the spring. If you want to become involved in the Forum, please contact co-chairs **Suzanne Reifman**, (202) 639-6577, sreifman@velaw.com, or **Carly van Orman**, (202) 585-6539, cvanorman@manatt.com



Huntsman

THE GOVERNMENT IS GETTING SERIOUS ABOUT HUMAN TRAFFICKING

By Connie Huntsman

Beware! The United States Government is getting serious about human trafficking. It is strengthening its administrative as well as criminal policies and sanctions for violations occurring both in the United States and abroad for the commitment of trafficking in persons, procurement of commercial sex acts, and the use of forced labor. Companies should be aware of the new

Federal Acquisition Regulation (FAR) and take action to ensure its compliance in the workplace.

Due to a new, key public policy initiative (FAR Subpart 22.17 with its newly promulgated associated contract clause at 52.222-50), the Government can reach overseas to penalize corporations for employee conduct, even when the conduct is legal in the foreign country and even when it takes place after business hours. The new policy, aimed at government contractors, is more than rhetoric; it authorizes termination of a government contract if a contractor or subcontractor engages in what the clause defines as "severe" forms of trafficking in persons, procures commercial sex acts, or uses forced labor in the performance of the contract.

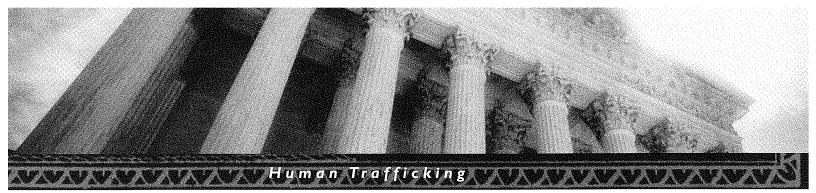
Don't think it won't happen to your client. Sex trafficking is an \$8 billion international business.² And, it's not just happening overseas in undeveloped countries. San Francisco is reportedly one of the largest commercial sex trafficking centers in the world.³ The United States Department of State estimates that worldwide 800,000 people, 80% women and girls, are trafficked each year for forced labor and sex, and almost 18,000 of these victims are brought into the United States yearly.⁴ Such is the story of one young woman. Hoping to pay off a \$40,000 debt incurred during college, You Mi Kim, a student in South Korea, was tricked into leaving her home with a promise of a high-paying hostess job, only to wind up being forced into prostitution 15-hours a day at a "spa" in the United States.⁵

To combat and prevent these deceitful practices, the Government is now requiring government contractors and subcontractors to implement specific safeguards in order to avoid serious contractual sanctions. Under the new FAR, contractors and subcontractors must notify their employees of the Government's zero tolerance policy against human sex trafficking, commercial sex and forced labor. Contractors and subcontractors must also notify their employees of actions that can be taken against them if they engage in such practices whether the act occurred within the United States or abroad, whether the act was legal or illegal in the foreign-host country, or whether the act took place during or outside of working hours. Further still, the contractor and subcontractor must immediately notify the Contracting Officer when the contractor becomes aware of an alleged violation and when a contractor or subcontractor takes action in response to such an allegation, even before the allegation is thoroughly investigated.

GIVE YOUR CAREER A JUMP WITH LADY LAWYERS BASKETBALL

Join the WBA for fun, fitness and networking as we meet up with lawyers and law students from across the city to play in the DC Lady Lawyers Spring Basketball League. League games are played weekly on Wednesday nights from 7-11PM at the Georgetown Law Sport & Fitness Center, near Union Station. The league begins on February 13th and the last play-off games will be held on April 16th. The "early bird" discount rate for the League is \$60 for current law students and \$85 for lawyers and friends who register by February 9th. Registration costs will increase for those who register later. Simply list "WBA" on your online registration form on the "players who you would like to play with" line and we'll add you to the group.

More information about Lady Lawyers' Basketball is available at: www.getinthegamehoops.com.



Members on the Move

Ellen Jakovic has joined Kirkland & Ellis's Washington DC office as a partner in the firm's antitrust and competition practice. She had previously coordinated White & Case's merger notification practice and advised clients regarding complex international transactions and joint ventures.

Joanne E. Jordan, Co-Chair of the WBA Woman of the Year Awards Dinner, has recently joined LECG, LLC as Director of Business Development in the Washington, DC office. Joanne advises outside and in-house counsel in the selection of experts with relevant expertise, including experts on antitrust, commercial damages, environmental, healthcare, intellectual property, labor & employment, property insurance and securities matters. Prior to joining LECG, Joanne was an environmental lawyer, litigation support consultant and business development manager, with over 17 years of experience working on complex litigation matters.

The FAR adds a layer of protection for victims by providing the Government with the ability to sanction the contractor in addition to criminally prosecuting the employee for the employee's unlawful actions. If the contractor fails to take corrective action against an employee when there is adequate evidence to suspect a violation, the FAR allows the Government to either: terminate the contract or subcontractor, suspend or debar the contractor, suspend contract payments, forfeit an award fee, or remove the employee from performance of the contract. Nonetheless, these corporate sanctions pale in comparison to the criminal penalties an employee may face for conviction of human trafficking, including up to 20 years or life in prison under Trafficking Victims Protection Act of 2000 (TVPA).⁸ Convictions are on the rise; the number of convictions of trafficking offenses almost tripled from FY '05 to FY '06.⁹ In FY '06, 35 perpetrators convicted under the TVPA received prison terms averaging over 18 years each.¹⁰

If you suspect a person is a victim of human trafficking, do not hesitate to call the Trafficking Information and Referral Hotline at (888) 373-7888. For information on how you can become more involved, please refer to these websites: www.state.gov/g/tip, www.usdoj.gov, www.ojp.gov/ovc/help/tip.htm, http://www.ojp.gov/ovc/help/tip.htm, www.acf.hhs.gov/trafficking, www.unicef.org, www.afesip.org, www.no-trafficking.org, www.humantrafficking.org, www.redlightchildren.org or www.somaly.org, or contact the author, Ms. Constance Huntsman at chuntsman@aol.com.

¹ See http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/pdf/07-3796.pdf (last visited 12 December 2007). Promulgated in August 2007, FAR Clause 52.222-50 applies to all government contracts, including contracts for supplies and commercial items defined by FAR 2.101. Contractors must incorporate this clause in all subcontracts. The clause does not apply to non-commercial purchases below the micro-purchase threshold and is not limited by type of funds used to finance the contract or the location of contract performance. Regulated employees must be "directly engaged in the performance of work under the contract" and have more than "a minimal impact or involvement in performance of the contract."

The clause is not limited to employees who are a direct cost to the contractor. Id.

 $^{^2}$ See http://www.humantrafficking.org/updates/466/ (last visited 12 December 2007).

^{3 &}lt;sub>ld.</sub>

⁴ id.

⁵ See http://www.humantrafficking.org/updates/467/ (last visited 12 December 2007).

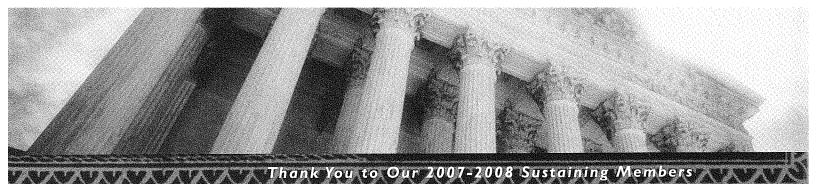
⁶ Supra note 1.

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⁸ Trafficking Victims Protection Act of 2000 Fact Sheet (Public Law 106-386), http://www.acf.hhs.gov/trafficking/about/TVPA_2000.html (last visited 12 December 2007).

 $^{^9}$ Attorney General, Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons Fiscal Year 2006, May 2007, p. 17,

http://www.usdoj.gov/ag/annualreports/tr2006/agreporthumantrafficing2006.pdf (last visited 12 December 2007). ¹⁰ Id. at 18.



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