

# women lawyers JOURNAL



Vol. 88 No. 3

SPRING 2003



Featuring Highlights  
from NAWL Midyear  
Meeting  
Seattle, Washington  
February 7-9, 2003

The Future of  
Roe v. Wade



Women,  
Lawyers and  
Mammography



Women  
Antitrust  
Lawyers



Don't miss NAWL's Annual Meeting August 7-10, 2003

# NAWL Annual Meeting August 7-10, 2003

## San Francisco, CA

Join NAWL for Annual Meeting 2003 August 7-10 and enjoy the beautiful city of San Francisco, meet NAWL's officers and work to shape the organization's national agenda.

**Visit [www.nawl.org](http://www.nawl.org) to register.**

### **Thursday, August 7:**

#### **Annual Meeting :**

Join NAWL's officers to address current issues in the field of women's rights and discuss NAWL's programming and agenda. Voting on the slate of officers for the 2003-2004 term will take place at the General Assembly.

#### **Executive Board Meeting: 2:00-4:00 p.m.**

Bingham McCutchen LLP

3 Embarcadero Center, 25th floor, SF

#### **General Assembly: 4:00-5:30 p.m.**

Bingham McCutchen LLP

#### **NCWBA and NAWL President's Reception**

5:30-7:00 p.m. ♦ Bingham McCutchen LLP

Welcome **Zoe Sanders Nettles**, NAWL incoming President, at the annual President's reception. Tickets for NAWL members only or by invitation. Call NAWL's office at 312/988-6186 for more information.

### **Friday, August 8:**

#### **NCWBA Women's Bar Leadership Summit "Building Our Future"**

9:00-4:45 p.m. ♦ Golden Gate University Law School

536 Mission Street, Rm 3214

This year's summit features a stellar assembly of local and national speakers addressing key issues for women lawyers, including mentoring, business and professional development, getting women on the bench, and changing the world. There will be a break for participants to attend the Annual Awards Luncheon. For ticket information for the Summit, contact Pam Nicholson at [pnicholson@ncwba.org](mailto:pnicholson@ncwba.org) or 503/657-3813.

#### **NAWL and NCWBA Annual Awards Luncheon**

12:30-2:00 p.m. ♦ St. Francis-Westin Hotel, Union Square

NAWL and the National Conference of Women's Bar Associations present the first ever National Women's Bar Association Luncheon, featuring **U.S. Senator Barbara Boxer** addressing the topic

"Threats to Freedom of Choice." **Barrister Stella A. Odife**, the National Coordinator for the Women's Organization for Gender Issues in Nigeria, will also serve as a keynote speaker. NAWL will recognize **Justice Barbara J.R. Jones**, Presiding Justice of the Court of Appeal, First Appellate District, Division 5 with the President's Award. The event will also feature the installation of NAWL officers and the presentation of NCWBA's Public Service Awards. The luncheon is co-sponsored by the ABA Women in Criminal Justice Committee, Queen's Bench and California Women Lawyers.

### **Saturday, August 9:**

#### **Executive Board Meeting:**

Stoel Rives, 111 Sutter Street, 7th Floor, SF ♦ 9:00 a.m.-1:00 p.m.

#### **Sunday, August 10: Women's Summit II: Practical Steps for Keeping Women on the Success Track**

Sunday, August 10, 2003 ♦ 9:00-11:00 a.m. ♦ Presidential CLE Center

The second Summit on Women is again presented by the ABA Section of Litigation and the ABA's Commission on Women in the Profession and co-sponsored by scores of Bar Associations, including NAWL. Join the profession's top leadership when Women's Summit II features the nation's foremost experts on key nuts and bolts strategies for success.



Keynote speaker Barbara Boxer (top) and Justice Barbara J.R. Jones, winner of the President's Award (bottom.)

In this issue of

# Women Lawyers Journal

Published by the National Association of Women Lawyers®/Vol. 88 No. 3

	<b>Page</b>
Letter from the President <i>by Ellen Pansky</i>	4
Highlights from NAWL's Midyear Meeting	5
Presentation of the President's Award to Hon. Anne Ellington	7
NAWL Slate of 2003-2004 Executive Officers	8
International Law Committee Report	10
Antitrust Law — Women Seek Power in Numbers <i>by Lauren Albert</i>	11
Women, Lawyers and Mammograms: A Perspective on Misdirected Advocacy <i>by Nancy Newman</i>	13
NAWL Salutes Professor Mary Moers Wenig	18
On <i>Roe v. Wade's</i> 30th Anniversary: Can <i>Roe</i> Survive One More Conservative Supreme Court Shift? <i>by Ederlina Y. Co</i>	20
Balancing Act: Living in Integrity to Stay in Balance <i>by Susan Ann Koenig</i>	24
The District of Columbia Bar Association vs. the Women Lawyers <i>by Grace Rohleder</i>	26

## **About NAWL**

Founded in 1899, NAWL is a professional association of attorneys, judges, law students and nonlawyers serving the educational, legal and practical interests of the organized bar and women worldwide. *Women Lawyers Journal*®, *National Association of Women Lawyers*®, *NAWL*®, and the *NAWL seal* are registered trademarks. ©2003 National Association of Women Lawyers. All rights reserved.

## **How to contact NAWL**

By mail: 750 N. Lake Shore Drive 12.4, Chicago, IL 60611-4497; by telephone: (312) 988-6186; by fax: (312) 988-6281; by e-mail: [nawl@nawl.org](mailto:nawl@nawl.org).

## **About Women Lawyers Journal**

**EDITORIAL POLICY** *Women Lawyers Journal* is published for NAWL® members as a forum for the exchange of ideas and information. Views expressed in articles are those of the authors and do not necessarily reflect NAWL® policies or official positions. Publication of an opinion is not an endorsement by NAWL®. We reserve the right to edit all submissions.

**ARTICLES** Book reviews or articles about current legal issues of general interest to women lawyers are accepted and may be edited based on the judgment of the editor. Editorial decisions are based upon potential interest to readers, timeliness, goals and objectives of the association and quality of writing. No material can be returned unless accompanied by a self-addressed, stamped envelope.

**TO ADVERTISE** Contact NAWL® headquarters for rate information.

**TO SUBSCRIBE** Annual dues include a subscription to the *Women Lawyers Journal*. Additional subscriptions or subscriptions by nonmembers are available for \$45 in the U.S. and \$65 international. Back issues are available for \$10 each.

## **NAWL Executive Board**

### **President**

ELLEN PANSKY  
South Pasadena, CA

### **President-Elect**

ZOE SANDERS NETTLES  
Columbia, SC

### **Vice President**

MARILYN IRELAND  
San Diego, CA

### **Treasurer**

MARGARET FOSTER  
Chicago, IL

### **Treasurer-Elect**

CHRISTA STEWART  
New York, NY

### **Recording Secretary**

NANCY J. NICOL  
Chicago, IL

### **Corresponding Secretary**

STEPHANIE SCHARF  
Chicago, IL

### **Members-at-Large**

LORRAINE KOC  
Philadelphia, PA

LESLIE AUERBACH LEWIS  
Winter Park, FL

E. BARRY JOHNSON  
Birmingham, AL

### **ABA Delegate**

MARGARET DREW  
Norwood, MA

### **Immediate Past President**

ELIZABETH BRANSDORFER  
Grand Rapids, MI

### **Past President**

GAIL SASNETT  
Gainesville, FL

## **Women Lawyers Journal**

### **Editor**

ELIZABETH BRANSDORFER  
Grand Rapids, MI

### **Managing Editor**

MEGAN WALSH

*Women Lawyers Journal* (ISSN 0043-7468) is published quarterly by the National Association of Women Lawyers (NAWL)®, 750 N. Lake Shore Drive, 12.4, Chicago, IL 60611-4497.

## From the President

by Ellen Pansky  
Pansky & Markle

2003 marks the best of times and the worst of times. Women continue to make strides in western society and renewed attention is being given to the plight of women in underdeveloped countries. NAWL has continued its efforts to eliminate sexual harassment and bias and to promote equal opportunities for women in the U.S. and throughout the world. NAWL recently lent its support to the national effort to protect female cadets at the Air Force Academy. Unfortunately, the rights of abused female cadets have been ignored for at least the past 9 years. NAWL continues to monitor the federal government's efforts to remedy this shameful situation.

NAWL has also spoken out upon the 30<sup>th</sup> anniversary of the Supreme Court's landmark decision in *Roe v. Wade*, to guard against the diminution of a woman's right to make her own healthcare decisions, including decisions relating to reproductive health. Unfortunately, in its decision in *NOW v. Scheidler*, the Supreme Court removed a powerful tool from the arsenal of available legal remedies used to deter violence against women and their doctors.

Women continue to make gains in attaining equality in this country. In most states, women attorneys constitute approximately 30 percent of all lawyers admitted to practice. Women lawmakers make up more than 20 percent of most state legislatures, and approximately 30 percent of the legislatures of 10 states. Hopefully, these numbers will continue to rise. In sports, women continue to break barriers, as evidenced by golfers Suzy Whaley, Annika Sorenstam and Michelle Wie, who are joining the men's professional golf tour. On the other hand, the chairperson of the Augusta National, location of this year's Masters Tournament, continues to assert a "constitutional right" to exclude women from membership at the private club where the competition was held.

Rather shocking allegations have been made in an action against Wal-Mart Stores, Inc., which has allegedly forced female employees to visit strip clubs as part of their business duties and subjected women to demeaning language by male managers. Despite the fact that approximately 75 percent of Wal-Mart employees are women, female employees are paid between 5 and 15 percent less than male employees. Apparently, even in 2003, male managers at Wal-Mart refer to female employees as "girls" and "little Janie Q's" and are rewarded for so doing.

We, as lawyers, may have attained a favored position in society and in the legal profession. Many of our sisters in the workplace have not been as fortunate. Notwithstanding any individual personal gains, it is clear that we must remain ever vigilant to ensure that hard won rights are not eroded by lack of attention or by apathy. NAWL remains true to this legacy.

*Ellen Pansky currently serves as the 2002-2003 President of NAWL. An officer of NAWL since 1995, Ms. Pansky is a principal in the law firm of Pansky & Markle, which specializes in legal ethics and professional liability matters. Ms. Pansky is a past president of the Association of Professional Responsibility Lawyers, a past chair of the Los Angeles County Bar Association Ethics Committee, a charter member of the ABA Center for Professional Responsibility and a lifetime member of both California Women Lawyers and Women Lawyers of Los Angeles.*



# NAWL MIDYEAR MEETING

## February 7-9, 2003

### Seattle, Washington

NAWL's Midyear Meeting in Seattle was a huge success. The featured event, the Midyear Luncheon, drew over 200 guests, including many representatives from the Washington State Supreme Court and other members of the Judiciary. The luncheon was co-sponsored by National Conference of Women's Bar Associations and the Washington Women Lawyers and was attended by many outstanding Seattle attorneys and public defenders from the West Coast. NAWL proudly presented the President's Award for Excellence to the Honorable Anne L. Ellington for her long and outstanding record as a member of the Washington State Court of Appeals. Judy Clarke, keynote speaker, dazzled the audience with her wit and insights into "The Bill of Rights Post 9/11." During the Executive Board meetings and the General Assembly, NAWL officers addressed current issues affecting women in the profession and heard reports from committees. NAWL members also participated in the NCWBA networking breakfast, which addressed the 2001 Self-Audit for Gender and Racial Equity performed by the Washington Glass Ceiling Task Force.



NAWL President's Award Recipient Judge Anne L. Ellington celebrates her award with NAWL President-elect Zoe Sanders Nettles and Washington State Supreme Court Justice Faith Ireland (shown L-R).

NAWL would like to thank the law firm of  
**Stoel Rives LLP, Seattle, WA**  
 for hosting our Midyear Meetings.

We also would like to recognize

**Ater Wynne, PC**

**Benjamin & Johansen**

**Cozen O'Connor LLP**

**Danielson, Harrigan, Leyh & Tollefson, LLP**

for sponsoring the 2003 Midyear Luncheon.

## Highlights from Midyear Meeting “The Bill of Rights Post 9/11”



NAWL was honored to have **Judy Clarke**, Capital Resource Counsel for the National Federal Defender Program, as our keynote speaker at the Midyear Luncheon. She addressed the topic “The Bill of Rights Post 9/11.”

Judy Clarke has committed her life to searching into abuses, righting wrongs and bringing justice to the lowly, the oppressed and the forgotten.

In her position as Capital Resource Counsel, she supervises all capital federal cases. Just prior to this position, she served for 10 years as Executive Director of Federal Defenders of Eastern Washington and Idaho. She is a past President of the National Association of Defense Lawyers and has been named one of the top 50 women lawyers in the U.S. and one of the top woman litigators in the U.S.

Judy Clarke has represented some highly controversial people, including Susan Smith of Union, South Carolina and Theodore Kaczynski, commonly referred to as the “Unabomber.” She has recently been serving as assisting standby defense counsel for Zacarias Moussaoui, who is charged with involvement in the September 11th terrorist attacks. As a defense attorney for some of the most high profile cases of the day, she is used to fighting uphill battles. During her speech, Ms. Clarke shared a story about a young nephew who asked if she ever was able to win a case. Judy’s dedication and commitment to defending both her clients and the justice system has won her respect throughout the profession. She works to safeguard our liberty and secure our right to due process of law.

---

### ABA Award Winner: Laura Farber



NAWL President Ellen Pansky awarded Laura Farber a certificate of recognition from NAWL to acknowledge Laura’s ABA Spirit of Excellence Award.

NAWL member **Laura Farber** was awarded the ABA Spirit of Excellence Award by the ABA Commission on Racial and Ethnic Diversity in the Profession for her work leading the ABA Young Lawyers Division in addressing violence in schools. She helped create the “Tolerance through Education” initiative, which sent lawyers into classrooms to help children from third grade through junior high school learn to embrace racial and ethnic diversity and tolerance. President Ellen Pansky recognized Laura and presented her with a certificate of recognition from NAWL at the Seattle Midyear Luncheon.

# The President's Award Honoring Judge Anne L. Ellington Seattle, Washington

NAWL presented its President's Award to the Honorable Anne L. Ellington, distinguished member of the Washington State Court of Appeals, Division, I, at the Midyear Luncheon in Seattle. Judge Ellington, a powerful mentor for young women lawyers, is a founder of the Washington Women Lawyers and has spent her career working to further the ideals of justice, liberty and equality. NAWL is proud to recognize her as a leader who promotes the status of women by her own example.

In 1974, the Judge started her career as a law clerk to Justice Hamilton of the Washington Supreme Court. She became an Assistant Attorney General, working for the Washington State Human Rights Commission. Later she went into private practice, where she represented individuals and small businesses and specialized in employment, family and tort law.

In 1984, Judge Ellington was elected to the King County Superior Court, where she served in many leadership capacities, including Chair of the State Sentencing Guidelines Commission, as Assistant Presiding Judge and as Presiding Judge.

In 1995, she was elected to the Washington State Court of Appeals. In serving on the bench, she has not shied away from important and high profile cases. Her positions consistently demonstrate fair judgement. Great respect for her was shown by the number of supporters who attended the luncheon to recognize her success. From former clerks to fellow members of the Judiciary, it was clear that Judge Ellington's fan club runs deep.



NAWL President-elect Zoe Sanders Nettles (right) presents the Hon. Anne Ellington with the 2003 President's Award.

In addition to serving the State of Washington on the bench, she has served on numerous boards, commissions and committees, including the National Commission on Trial Court Performance Standards, the University of Washington Law School Alumni Board of Trustees and the Governor's Community Protection Task Force.

Judge Ellington's career as a lawyer and record as a judge demonstrates her commitment to ensuring as much liberty as justice allows and as much equality as justice demands. She is a superior lawyer and an outstanding judge. The Honorable Anne Ellington is an example for all women lawyers and NAWL is proud to honor her with the President's Award.

## **NAWL's President's Award**

NAWL seeks to promote positive role models and recognize law firms, advocates for women, attorneys, judges and law students whose contributions have shown a commitment to equality and justice. As the country's oldest professional association of women lawyers, we are proud that some of our earliest members included the nation's first federal judge, California's first woman lawyer, and women lawyers who argued for voting rights for women across the country. In the spirit of our proud history and the quality of our membership, we select trailblazers in and outside the profession of law for recognition in our awards program. President's Award recipients are selected by the current NAWL President. Past recipients have been awarded the honor in recognition of their **Excellence; Community Service, Advancement of Women in the Legal Profession, Advancement of Women and Distinguished Lifetime Service.**

### **Recent Past Recipients Include:**

- |             |  |
|-------------|--|
| <b>2002</b> | <b>Law Firm of Dickstein, Shapiro, Morin &amp; Oshinsky</b>    |
|             | <b>Law Firm of Jenner &amp; Block</b>                          |
| <b>2001</b> | <b>Hon. Judith McConnell and Judith Copeland, CA</b>           |
|             | <b>Illinois State Senator Lisa Madigan (currently Illinois</b> |
|             | <b>Attorney General)</b>                                       |
| <b>2000</b> | <b>Louise Raggio and Charlye Farris, TX</b>                    |

# NAWL Slate of Executive Officers

## Presented by NAWL's Nominating Committee

The following slate has been presented by the NAWL nominating committee for election to the designated offices at the 2003 Annual Meeting of the Association. Additionally, current President **Ellen Pansky** and Immediate Past President **Elizabeth Bransdorfer** will continue their service on the Executive Board as past presidents for the 2002-2003 term.

President <b>Zoe Sanders Nettles</b> Columbia, SC	Corresponding Secretary <b>Margaret Foster</b> Chicago, IL	Members-at-Large <b>Lorraine Koc</b> Philadelphia, PA
President-Elect <b>Stephanie Scharf</b> Chicago, IL	Treasurer <b>Christa Stewart</b> New York, NY	<b>Leslie Auerbach Lewis</b> Winter Park, FL
Vice-President <b>Nancy Nicol</b> Chicago, IL	Treasurer-Elect <b>Marilyn Ireland</b> San Diego, CA	<b>E. Barry Johnson</b> Birmingham, AL
Recording Secretary <b>Margaret Drew</b> Norwood, MA	ABA Delegate <b>Katherine Henry</b> Washington, D.C.	Alt. ABA Delegate <b>Margaret Drew</b> Harwood, MA

## Meet NAWL's newest Executive Board Member ***Barry Johnson***



Elizabeth Barry Johnson is an attorney with Johnston, Barton, Proctor & Powell LLP, located in Birmingham, Alabama. She specializes her practice in the areas of labor and employment and white-collar criminal defense. Drawn to law with dreams of becoming a "court lawyer," Barry attended University of Alabama School of Law, where she was a member of Order of the Coif and received many honors. Upon graduation from law school, she clerked for the Honorable Alex T. Howard, Chief Judge of the United States District Court for the Southern District of Alabama. One of the causes she is most interested in is finding interesting pro bono work for lawyers. She received the ABA Pro Bono Publico Award for her nine-year representation of Michael Pardue resulting in his release from prison after 28 years. She is active in the ABA Section of Employment and serves on the ABA Pro Bono Standing Committee. After joining NAWL, Barry became active on the Rainmaking committee, as she believes one of the greatest challenges facing women lawyers is recruiting new clients. When she's not working, volunteering her time or serving as one of NAWL's member-at-large Executive Board members, she enjoys reading and going to the beach.



# Focus on an Outstanding Law Student

## Ederlina Co Georgetown University Law Center

### outstanding law student

NAWL awards one law student from each ABA accredited law school the NAWL "Outstanding Law Student Award." Each recipient is chosen by their degree-granting institution for her contributions to the advancement of women in society; promotion of issues of women in the legal profession; motivation, tenacity and enthusiasm; demonstrated academic achievement; and for earning the respect of her colleagues.

Ederlina Co is the 2002 Outstanding Law Student from Georgetown University Law Center in Washington, D.C. Currently living in Arlington, Virginia, she is an associate at the law firm of Wiley Rein & Fielding LLP where she focuses on insurance and litigation. While interning at Equal Rights Advocates, a nonprofit organization in San Francisco that focuses on women's rights, she learned about the inequalities that women face in the workplace and their daily lives. This experience propelled her into studying law so that she would be able to effectuate change to help achieve equality for women. After graduating from Georgetown University Law Center, she had the opportunity to work with Professor Nina Pillard, lead counsel for respondents on *Nevada Department of Human Resources v. Hibbs*. This Supreme Court case will decide whether Congress constitutionally abrogated state sovereign immunity under the Family and Medical Leave Act and will clarify the scope of Congress' power under the Fourteenth Amendment to remedy sex discrimination. Ederlina said about her experience, "It was an extraordinary experience to work on a Supreme Court case that involved the very issues that attracted me to the legal profession and to work with Professor Pillard, who taught me so much about the law, practice and the kind of lawyer that I want to be."

As a young lawyer, Ederlina says that her greatest challenge is balancing her personal and professional life. Committed to working towards women's reproductive rights, equal employment opportunity, ensuring access to family and medical leave and ending violence against women, she is already a strong advocate for women's rights. This year she worked on a pro bono project with the International Human Rights Law Group involving law reform in Afghanistan ensuring the rights of Afghan women and is also an activist with NARAL Pro-Choice America, National Organization of Women and the Washington Area Clinic Defense Task Force. NAWL is proud to introduce you to Ederlina Co, one of the next generation of women lawyers fighting for equality and justice.

### Employment Opportunities for Women Lawyers Central European and Eurasian Law Initiative

CEELI considers attorneys for long-term positions with a minimum of five years of legal experience, bar membership, high level of energy and initiative, strong interpersonal skills, and demonstrated legal expertise in the substantive area of the position. International experience and foreign language skills are preferred, but not required. All participants over 2 months receive a generous support package that covers travel, housing, general living, and business expenses. In-country foreign language training, medical evacuation insurance and reimbursement for medical insurance premiums are also included.

GENDER ISSUES SPECIALIST FOR CEDAW ASSESSMENT TOOL - Russia  
(beginning October 2003)

- \* Direct the CEDAW Assessment tool project in Russia
- \* Conduct trainings on CEDAW, international women's rights, and Russia
- \* Facilitate working relationships between NGOs on the project and lay the groundwork for future activities
- \* Bring together all the research to produce a final CEDAW report
- \* Russian language a plus
- \* Must have solid background in CEDAW and international women's rights
- \* Should have background in working with local NGOs
- \* Should have strong research background and strong writing skills

For an application and to see more opportunities, contact CEELI by e-mail at [ceeli@abanet.org](mailto:ceeli@abanet.org) or visit the website [www.abaceeli.org](http://www.abaceeli.org).

# International Law Committee Report

By Eva Herzer  
Chair, NAWL International Law Committee

Since the last meeting in August 2002, the International Law Committee has engaged in the following activities:

## 1. NIGERIA

The Committee appealed to the Nigerian Ambassador and the President of Nigeria to repeal the death penalty for adultery and crimes related to sexual conduct and to abolish cruel punishment such as stoning to death. In particular, we urged the Nigerian government to review the death sentence by stoning for Amina Lawal. She was sentenced to death for bearing a child out of wedlock, while the father of the child was not charged with any crime.

## 2. NEPAL

The Committee lobbied the King and Prime Minister of Nepal to release women who have been sentenced to prison terms for having abortions. We had in the past lobbied the government of Nepal to decriminalize abortions. This effort was successful. However, at the present time, women jailed under the old law are still incarcerated.



## 3. JORDAN

Honor killing continues in Jordan. Following an international campaign in which NAWL participated, the Penal Code was amended to restrict impunity to those engaged in "honor killings". However, the law today still allows for much reduced sentences (3 months in prison) when a man finds the victim in an "unlawful bed". The Committee now is appealing to the Minister of Justice to repeal the code sections which allow for such reduced sentences.

## 4. TIBET

Committee Chair, Eva Herzer, traveled to India for 3 weeks to hold four 3-day workshops on how to draft and negotiate political autonomy arrangements in anticipation of possible talks between China and the Tibetan Exile Government. During her trip to Dharamsala, Delhi and Bangalore she met with representatives of the Tibetan Women's Association and with Women parliamentarians to provide technical assistance for educational workshops on human rights within the Tibetan exile community.

Members interested in joining the work of the International Law Committee are encouraged to contact Eva Herzer at [eva@igc.org](mailto:eva@igc.org).

The International Law Committee advocates for women's rights in the international arena and for United States support of international action protecting women. NAWL has been an observer at the United Nations with NGO status for decades and has a delegate to the International Bar Association, La Federation Internationale des Femmes des Carrieres Juridiques (FIFJA) and the International Federation of Women Lawyers.

# Antitrust Law— Women Seek Power in Numbers

**By Lauren S. Albert, Partner  
Axinn, Veltrop & Harkrider, LLP**

It is common knowledge – and cause for concern – that the number of women entering professions requiring quantitative skills is far too low. One of those professions is the economics-laden field of antitrust law.

The field is a vibrant one, requiring the lawyer to master complex facts in diverse industries and evaluate the competitive effects of the client's conduct or the proposed merger on the marketplace. It requires a comprehensive understanding of the products or services involved, the markets in which they compete and the effects of the conduct at issue on the prices or quality of a product or service. The depth of the issues is vast in any type of case, regardless of whether the product is as simple as ice cream or as complex as a computer software program. Often the lawyers work with economists and other experts to assist them in understanding the competitive effects of the conduct or merger on the marketplace.

Antitrust issues arise in nearly every type of industry; no one industry dominates this area of law. The most famous of the recent cases is the one brought by the Antitrust Division of the Department of Justice against Microsoft. The government challenged Microsoft's conduct relating to, among other things, its Windows operating system. But antitrust issues are not just the concern of huge corporations. The size and variety of antitrust issues are born out by a sampling of recent cases: a merger involving companies that sell glassware to restaurants, a merger of two businesses in the disaster recovery business for computer data, challenges to Visa and MasterCard's agreements with banks, challenges to the prices charged by the pharmaceutical manufacturers to drug wholesalers and challenges to the rules set by sports associations.

The resolution of an antitrust issue often has a direct impact on the consumer in terms of the price paid for the product or service or the availability of the product. For example, the Antitrust Division of the Department of Justice recently announced that it would seek to enjoin the merger of DIRECTV and Dish Network because it believed the merger would result in higher prices to consumers of direct broadcast satellite television, particularly in areas where cable services are not available. As a result, the parties dropped their merger plans, and consumers will continue to enjoy the benefits of price competition between DIRECTV and Dish Network. Conversely, the Federal Trade Commission, the other federal agency charged with enforcement of the antitrust laws, recently allowed the merger of two cruise lines to proceed, finding that prices to consumers were unlikely to increase as a result of the acquisition.

Despite the surge in the number of mergers and acquisitions (and the legal workload that results) over the past few years, the percentage of women lawyers practicing in the field remains low. Only 19 percent of the members of the American Bar Association's Antitrust Section are women. At the federal antitrust agencies, the Federal Trade Commission and the Antitrust Division of the Department of Justice in Washington D.C., the number of women at the staff level is fairly respectable, but the number of women at the senior levels is abysmal. In fact, only one woman, Anne Bingaman, has ever headed the Antitrust Division (from 1993 to 1996) and only one of the five current FTC Commissioners is a woman.

Whether it is because antitrust is based on economics, and women unfortunate-

*Despite the surge in the number of mergers and acquisitions over the past few years, the percentage of women lawyers practicing in the field remains low.*

*Public recognition by ones' peers helps in client relationships and increases the likelihood that women will remain and progress in the field.*

ly do not gravitate to math-based professions, because of an "old-boys" network in the antitrust field, or for other reasons, women (and some men) antitrust lawyers realized that women should have a larger voice in the profession. In the fall of 2000, the New York Women's Antitrust Lawyers Group was formed to provide an opportunity for the few women practicing antitrust in New York to get to know one another, provide the same type of networking opportunities and resources afforded to men, and hopefully, encourage more women to enter the field.

The New York group started with only a handful of women attorneys. Since then, it has met on average of every other month and the number in attendance has grown. The group invites leading women (and, on occasion, men) in the antitrust field or in fields related to antitrust to have lunch, breakfast or cocktails with them at one of the law firms around town. Guests have included high-ranking women from at the Antitrust Division of the Department of Justice and the Federal Trade Commission. The group has succeeded beyond what its founders could have hoped for and requires larger and larger conference rooms for its events because of the growing size of the group.

Has the networking paid off? The antitrust area of law has been so long dominated by male attorneys that progress will be slow, but members now feel a camaraderie that they did not have before and have at their disposal an invaluable resource base. Whether it's at an antitrust conference, before an antitrust agency, or in court, members see the familiar faces of their female colleagues. Public recognition by ones' peers helps in client relationships and increases the likelihood women will remain and progress in the field.

The New York group is one small step. Networking groups of this kind are needed in Washington, D.C. and other major cities throughout the United States to retain the women antitrust lawyers already there and so young

female attorneys can see the area as a realistic career option and receive encouragement from women already in the field.

The services of antitrust lawyers have been and will continue to be in demand. The stakes are high in antitrust litigations and mergers and the issues are complex and challenging. Hiring a team of lawyers with experience in the field and that are trusted and respected is crucial. Over time, the business executive making the hiring decision is increasingly likely to be female, and the profession will benefit if she has the option to hire a team led by and/or containing more than one or two women lawyers.

More than 49 percent of law school students are female so there is optimism that at least some will be encouraged to pursue careers in this growing field. Strong networking groups, much like those enjoyed by men through the years, will help and guide these young female attorneys to achieve successful and rewarding careers in antitrust law.



*Lauren S. Albert is a partner with the law firm of Axinn, Veltrop & Harkrider LLP. Her practice areas include antitrust litigation, mergers and counseling as well as commercial litigation. She is co-founder of the New York Women Antitrust Lawyers Group. E-mail her at: [lsa@avhlaw.com](mailto:lsa@avhlaw.com).*

# Women, Lawyers and Mammograms: A Perspective on Misdirected Advocacy

By Nancy J. Newman<sup>1</sup>

women's health

I got it again. Half a dozen times now, I have received an e-mail that is making its way around networks for women lawyers, asking me to click on a website to buy mammograms for poor women. A lot of time, money and well-intentioned clicks are promoting the “get a mammo-gram” message. From pink-ribboned billboards on the train, to flowery messages on our grocery bags, the message is everywhere. But the scientific evidence that mammography really helps women is not so clear. Instead of promoting mammography, we should advocate that women get the facts to make an informed decision about getting a mammo-gram. To make a real difference in women’s lives, we should direct our resources to other issues.

I used to spread the mam-mography message. I have clicked on that web-site and thought I was making some small difference. I had heard that mammography saves lives, that it is an important weapon in the fight against breast cancer. So when my doctor told me to get my first mammogram at age 40, for my “baseline,” I did not give it much thought. I am a lawyer, not a doctor. I did not know that in scientific circles mammography is controversial, let alone understand the reasons for the controversy. While the debate has raged in medical journals for years, the forces that promote mammography have successfully kept the controversy largely hidden away in the scientific community and out of the minds of many mainstream feminists, even women lawyer advocates like me. This meant I did not have the facts to weigh the pro and cons of mam-mography, to make an informed decision, before I had the test.

So I had my first mammogram. That led to a call back, a re-test and a biopsy, after which I was told I had breast cancer. My life was turned upside down. I

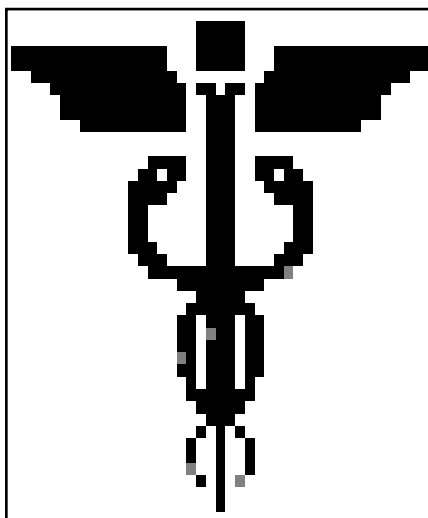
was suddenly drawn into a battle I perceived to be for my life. I had two surgeries. Then my treatment was over, about four months after that first fateful mammogram.

It is now two years later. I certainly hope that the pain and stress of my treatment saved my life, or at least added some years to it. I will never know if it

did. In the last two years I have learned about the mammography controversy, and learned about issues never mentioned to me before I went for that first mammogram and was pulled into an irresistible vortex of medical intervention. I realized that most women lawyers, who have been promoting mammogra-phy, are unaware that its value is uncertain or that it carries risks. As advocates, lawyers should understand the controversy, and work to help women get the information they need to make an

informed choice, rather than encouraging women blindly to follow a path to the radiologist.

Why is mammography controversial? Simply put, despite decades of studies, researchers continue to disagree on whether the benefits of mammography screening outweigh its harms. Because so many women die of breast cancer, reducing breast cancer deaths should allow women to live longer. That is, a reduction in breast cancer mortality should lead to a reduction in overall mortality. But while mammography has been shown in some studies to reduce deaths from breast cancer, a comprehensive analysis of these studies published in October 2001 in the medical journal *The Lancet* called their results into question and indicated that mammography screening did *not* decrease overall mortality.<sup>2</sup> This analysis of mammography studies involving nearly 500,000 women worldwide found “*not even a tendency to a*



Bias is more likely in analysis of breast cancer mortality because people can argue about cause of death, but whether or not someone is alive or dead is generally not debatable.

decline in overall mortality.” There is slim to no evidence to date that mammography screening actually *prolongs* life. This is the crux of the controversy.

The only reliable way to assess the risks and benefits of mammography is with randomized trials. Unfortunately, randomized trials are not of uniform quality and reliability. The higher quality randomized trials show a smaller reduction in deaths from breast cancer (if any) than those that were not done as well. What experts disagree on is whether the poorer quality trials provide any meaningful information, whether an effect on breast cancer mortality matters if there is no effect on overall mortality, and whether the costs and risks of the procedure are worth the small and uncertain benefits.

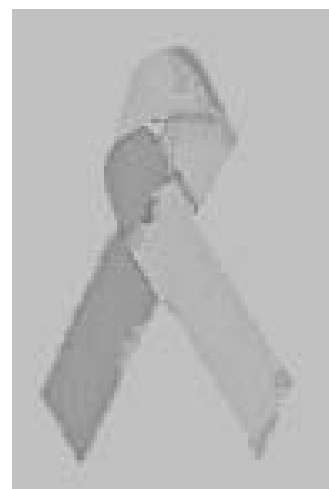
One study widely cited as evidence that mammography prevents breast cancer deaths is the New York Health Insurance Plan (“HIP”) study. To be scientifically valid, the women must be *randomly divided* between the group getting mammography and the control group. But the recent review of this study in *The Lancet* determined the randomization methodology was flawed. When the researchers noticed that the screened group had far fewer women than the control group, they retrieved unpublished data from the original research to explain this anomaly. They discovered that the HIP researchers did a more complete investigation and exclusion of women who had already had breast cancer from the mammography group than from the control group. If the groups were treated the same, about the same number of these women would be excluded from both groups. Because of the methodological flaw, however, 517 more women with previous breast cancer were excluded from the mammography group than from the control group. The total difference in breast cancer deaths was only 44 women. Thus, the *Lancet* authors noted that if only 10% of those very high-risk exclusions had become breast cancer deaths, the breast cancer deaths in the mammography group would actually have been *higher* than in the control group. This is why some researchers believe the HIP study provides no evidence of a reduction in breast cancer deaths from mammography.

Researchers also disagree about whether a small (if any) effect on breast cancer mortality even matters, if total mortality is not reduced. After all, the goal is to save lives. So a recent review by the U.S. Preventive Services Task Force of the same mammography trials analyzed in *The Lancet* article did little to resolve

the debate. The USPSTF review concluded that mammography screening reduced breast cancer mortality among women aged 40-74.<sup>3</sup> Unfortunately, this review failed to address key issues noted in *The Lancet* article. For instance, the USPSTF review rated the HIP study as “fair” rather than “flawed,” but discussed only the published data; it contains nothing to rebut the methodological flaw. The *Lancet* authors uncovered through their retrieval and analysis of the unpublished data. The recent review does not address the adverse effects of the increase in surgery from mammography, noted in *The Lancet* article. Nor does it address the most troubling finding from *The Lancet*: that mammography screening, even in the poorest quality trials, appears to have *no effect* on overall mortality.

Proponents of mammography think any effect on breast cancer mortality must necessarily translate into a reduction in overall mortality and that the studies have simply not gone on long enough to show a reduction in overall mortality. Others believe that analysis of overall mortality is more important than analysis of breast cancer mortality, because it can indicate if the treatment increases deaths from other causes and because it is inherently less biased. Bias is more likely in analysis of breast cancer mortality because people can argue about cause of death, but whether or not someone is alive or dead is generally not debatable. Indeed, a recent article from the Journal of the National Cancer Institute noted: “Major inconsistencies were identified in disease specific and all-cause mortality end points in randomized cancer screening trials. Because all-cause mortality is not affected by bias in classifying the cause of death, it should be examined when interpreting the results of randomized cancer-screening trials.”<sup>4</sup> Moreover, the lack of a discernible effect on overall mortality means that if mammography leads to early diagnosis of breast cancer and prolonging of life in some women, it may lead to over-treatment or even a *shortening of life* in just as many.

How could this be? One explanation is that the treatments for breast cancer carry their own mortality risk. For



example, many women diagnosed with breast cancer through mammography may have radiation treatments. Radiation treatments reduce deaths from breast cancer, but they can also increase deaths from other causes.<sup>5</sup> So if a woman gets a mammogram, is diagnosed with breast cancer and treated with radiation and later dies of a heart attack from the cardiovascular effects of radiation treatment – she may not have added any years to her life by getting a mammogram. Yet, because of the tendency to think that treatment was successful, she would not be classified as a breast cancer death. This is how bias in favor of mammography can creep into statistics on breast cancer mortality. These issues underscore the basic problem with using any statistic other than a demonstrated reduction in total mortality to measure the effectiveness of a screening test.

Advocates for mammography say that it is the best tool we have for diagnosing breast cancer before a lump is palpable and that, in general, the sooner one finds a cancer, the better are the odds for successful treatment. Breast cancer, however, is a wide variety of diseases; some grow so fast that early detection will not affect the outcome, while others may remain in place, causing no symptoms and growing so slowly that they do not pose a threat to life. *The Lancet* researchers found that mammography leads to diagnosis and treatment of not only cancer, but also of this kind of “pseudodisease,” that is, “cell changes which are histologically cancer but biologically benign.”<sup>6</sup> They found that women in the mammography groups were substantially more likely to have lumpectomies, mastectomies and radiation treatments than women in the control groups, while the statistical effect on overall mortality from mammography screening was *zero*. Thus, they noted that mammography consumes resources, can lead to physical and psychological trauma and apparently does not save more lives than it costs.

Without question, this is a difficult pill for many women to swallow. Those of us who were diagnosed through mammography and treated for breast cancer have an overwhelming desire to believe that the psychological and physical trauma we endured prolonged our lives. I also know that you cannot unring the bell; that is, having had the mammogram and been told you have something that may cause you to die of breast cancer, it is virtually impossible to resist the desire to treat it. That is why it is so important that women be provided with information about the controversy *before* they get a mammogram, so that they can

decide for themselves whether the benefits of mammography are worth the risks.

Dr. Peter C. Gøtzsche, co-author of the study in *The Lancet* and Director of the Nordic Cochrane Centre<sup>7</sup> thinks this is the most important issue in breast cancer screening. He noted that “screening organizations have adopted a paternalistic approach and have given women information about possible benefits, but have usually omitted information about harms, even major harms such as those resulting from overdiagnosis and overtreatment.” Dr. Gøtzsche believes the best information women can presently get on the subject is from the National Breast Cancer Coalition, which states “there is insufficient evidence to support blanket recommendations for or against screening mammography in any age group of women. ... The decision to undergo screening must be made on an individual level based on a woman’s personal preferences, family history, and risk factors.”<sup>8</sup>

Yet our culture’s allegiance to and psychological need for screening tests is obscuring these facts. Mammography is a veritable sacred cow. Indeed, when a consensus panel of the National Institute of Health recommended “informed decision making” instead of a blanket recommendation for mammography screening in women aged 40-49 in 1997, the resulting political furor included a 98-0 vote in the US Senate to change their view. “Given the large numbers of women affected and their frustration over the paucity of knowledge on primary prevention, breast cancer has become a very politicized disease with an enormously effective advocacy lobby.”<sup>9</sup> While most women do not know about this incident, it provoked deep concern in the scientific public health community: “If the legacy of the breast cancer consensus conference is any guide for the future, physicians and the public have reason to be concerned about the integrity of good science and prudent health policy in the years to come.”<sup>10</sup> Not surprisingly, while acknowledging awareness of the *Lancet* article, the current government mammography screening guidelines continue to omit any notion of “informed decision making,” by unequivocally recommending mammography every one to two years for women in their 40s and every year for women 50 and above.<sup>11</sup> The result is that important facts about mammography are not disclosed to patients to allow them to make an informed decision.

Notably, the leading government website providing cancer information for doctors and patients, the PDQ website operated

*The result is that important facts are not disclosed to patients to allow them to make an informed decision.*

*The issue  
is about  
saving lives,  
not about  
saving the  
institution of  
mammo-  
graphy.*

by the National Cancer Institute, does not clearly recommend mammography screening, even though NCI officially does. Even the PDQ website, however, fails to mention any of the risks associated with mammography screening in its information for patients, thus depriving women of the information they need to make an informed choice.<sup>12</sup> In contrast, the PDQ information for doctors acknowledges that the benefit from mammography is uncertain and notes the many shortcomings of the test:

The existence of benefit is uncertain due to the variable quality of the evidence and the inconsistency of results across studies... Screening mammography detects noncancerous lesions as well as in situ and invasive breast cancers that are smaller than those detected by other means, and is associated with more diagnostic testing, surgeries, radiotherapy and anxiety. Some of these cancers would never become clinically significant so their diagnosis and treatment constitutes overdiagnosis and overtreatment. Screening mammography is more likely to miss cancers in women with radiographically dense breasts, as well as cancers that are more rapidly growing.<sup>13</sup>

Moreover, until last fall, this PDQ website, in its information for doctors, appeared to agree with the *The Lancet* analysis, stating: "In conclusion, screening for breast cancer does not affect overall mortality, and the absolute benefit for breast cancer mortality appears to be small."<sup>14</sup> This key sentence was deleted without explanation in November 2002, although no new evidence made it any less true.

What is at stake here is the right of women to make an informed decision. When the article in *The Lancet* was published in October 2001, it set off a firestorm of criticism from the American healthcare establishment. Clearly, many people do not want patients to be informed that the screening test doctors have classified as a major weapon against breast cancer might be firing blanks. But the editor of *The Lancet* responded that women are entitled to the facts:

I cannot imagine anybody wishing that screening mammography does not succeed in reducing both breast cancer and overall mortality among women. But the public believes mammography to be far more effective than it really is. Women deserve an accurate assessment of the benefits or harm from screening mammo-

graphy. That means encouraging an open debate about the issue. Some senior scientists have said to me that this debate should not be taking place in public. Screening mammography is, they argue, too important to have its image damaged by questioning the techniques' efficacy and safety. Such paternalism assumes that women cannot decide for themselves whether the available evidence supports or refutes the case for mammography. Discouraging a discussion with women about the evidence for and against mammography is more harmful to women's health, not less, if doctors truly believe that patients should be active partners in making decisions about their care.<sup>15</sup>

If women are provided the information, we must recognize and accept the rational choices that follow from understanding the facts of this issue. Women should be advised that the evidence to date has not shown that screening mammography prolongs life and that the reduction in breast cancer mortality is small and uncertain. They should be advised that mammography is widely recommended as the best way to diagnose cancerous lesions early and also that it leads to overdiagnosis and overtreatment of benign conditions. With this information, a woman could decide to get a mammogram, accepting its risks. A woman could also decide not to get a mammogram. And women everywhere could decide that because of the state of the evidence, promoting mammography may not be an effective use of our energies for women's health care. As Fran Visco, the president of the National Breast Cancer Coalition, noted in her testimony before Congress last year:

Precious time, resources and attention continue to be diverted away from promising research and funneled into an oversold panacea for breast cancer detection. The issue is about saving lives, not saving the institution of mammography.<sup>16</sup>

Now let's look at that website we have clicked on to fund mammograms for poor women, [www.thebreastcancersite.com](http://www.thebreastcancersite.com). The corporate sponsors of the site sell everything from holiday ornaments to prescription drugs for breast cancer. The site does not disclose that government programs already exist to provide mammograms to low-income women who want them.<sup>17</sup> The site also provides no information about the current controversy, suggesting that all poor women would necessarily choose to have a mammogram, if they could afford it. And according to the website's Daily Results, in February 2003, the site was clicked on



4,634,277 times, resulting in donation of 116.4 mammograms. So it takes nearly 40,000 clicks on all that advertising to buy one mammogram. What a waste of all the good will of so many of us who have clicked on this site and forwarded it on, hoping it would make a difference.

Women must understand the potential risks and harms, not just the benefits, of mammography screening for breast cancer. We need the facts to make an informed decision for ourselves, and also to advocate that each woman be allowed to make her own informed decision about whether or not to get a mammogram. To make a real difference for women's health, we should re-direct our energies. We should promote research and funding for breast cancer *prevention and treatment*, to figure out what is causing the epidemic of breast cancer and how to cure it when it strikes. On the broader front of women's health care, we should promote and protect women's access to reproductive health care services. That kind of advocacy really will *save women's lives*.

*Nancy J. Newman is a partner of Hanson, Bridgett, Marcus, Vlahos & Rudy in San Francisco, where she practices real estate and commercial litigation in state and federal courts. She has extensive experience handling litigation to recover money, regain possession of property, and enforce business agreements or commercial leases, as well as representing commercial landlords in tenant bankruptcies. Ms. Newman is also a dedicated advocate on behalf of women in the law and society. She is a life member and past president of Queen's Bench Bar Association in San Francisco and is the immediate past president of the National Conference of Women's Bar Associations. Ms. Newman can be reached at Hanson Bridgett, 333 Market Street, Suite 2300 San Francisco CA 94105, Telephone: (415) 995-5052 Facsimile: (415) 541-9366 E-mail: [nnewman@hansonbridgett.com](mailto:nnewman@hansonbridgett.com).*



<sup>1</sup> Ms. Newman gratefully acknowledges the assistance of her brother, Thomas B. Newman, MD, MPH, Professor of Epidemiology and Biostatistics at UCSF School of Medicine, for his invaluable advice and assistance with this article and with her own health care decisions.

<sup>2</sup> Olsen O, Gøtzsche PC. Cochrane review on screening for breast cancer with mammography. The Lancet (Oct. 20, 2001) 358:1340-1342. This article summarizes a comprehensive review and analysis of the evidence by these authors, entitled "Systematic review of screening for breast cancer with mammography," which The Lancet made available in pdf format at the following URL: <http://image.thelancet.com/lancet/extra/fullreport.pdf>.

<sup>3</sup> Humphrey, L, Helfand, M, Chan, B, Woolf, S. Breast cancer screening: a summary of the evidence for the U.S. Prev. Services Task Force. Ann. Intern. Med. (Sept.2002) 137 No. 5 (Part 1): E-347-367 at 348.

<sup>4</sup> Black, C, Haggstrom, D, Welch, HG. All-cause mortality in randomized trials of cancer screening. J Natl Cancer Inst 2002, 94:167-73.

<sup>5</sup> Early Breast Cancer Trialists Collaborative Group. Favourable and unfavourable effects on long-term survival of radiotherapy for early breast cancer: an overview of randomized trials. The Lancet (2000) 355: 1757-1770. This was a meta-analysis of 40 randomized clinical trials, about 20,000 women involved. Absolute risk reduction in breast cancer mortality after 20 years was 4.8%, while mortality from other causes increased 4.3%.

<sup>6</sup> Olsen, O, Gøtzsche, PC. Systematic review, *supra*, pp. 16-17.

<sup>7</sup> The Nordic Cochrane Centre is part of The Cochrane Collaboration, an international network of individuals and institutions committed to preparing, maintaining, and disseminating systematic reviews of the effects of health care.

<sup>8</sup> National Breast Cancer Coalition, Positions, Facts and Analyses, Mammography Screening, [www.stopbreast-cancer.org/bin/index.htm](http://www.stopbreast-cancer.org/bin/index.htm).

<sup>9</sup> Ernster, V. Mammography screening for women aged 40-49 – a guidelines saga and a clarion call for informed decision making. Am. J. of Public Health (1997) 87: 1103-1106, at 1105.

<sup>10</sup> Woolf, S, Lawrence, R. Preserving scientific debate and patient choice; lessons from the consensus panel on mammography screening. JAMA (1997) 278:2105-2107, at 2107.

<sup>11</sup> National Cancer Institute Statement on Mammography Screening, February 21, 2002.

<sup>12</sup> PDQ Website, Mammography Information for <http://www.cancer.gov/cancerinfo/pdq/screening/breast/patient/#6>, accessed 3/28/03.

<sup>13</sup> *Id.*, Information for Health Professionals. <http://www.cancer.gov/cancerinfo/pdq/screening/breast/healthprofessional/#17>, accessed 3/28/03.

<sup>14</sup> *Id.*, accessed 10/20/02.

<sup>15</sup> Editorial by Richard Horton. The Lancet (2002) 359: 441-442.

<sup>16</sup> Testimony by Fran Visco, before the US Senate Committee on Health, Education, Labor and Pensions, Subcommittee on Public Health and the Appropriations Subcommittee on Labor, Health and Human Services and Education, February 28, 2002.

<sup>17</sup> See, [www.cdc.gov/cancer/nbccedp](http://www.cdc.gov/cancer/nbccedp).

# NAWL Salutes and Remembers Professor Mary Moers Wenig



Professor Mary Moers Wenig.  
Photo courtesy of Quinnipiac School  
of Law

Once designated a "pioneer" by Supreme Court Justice Ruth Bader Ginsburg, NAWL member Mary Moers Wenig wore many hats in her life: that of a mother, attorney, professor, Representative Town Meeting Member in her town of Westport, CT and trailblazer for women in the profession of law. Born in New York City in 1926, Professor Wenig went on to become a nationally known expert in the fields of taxes, estates and trusts.

A graduate of Vassar College, she studied law at Northeastern University School of Law and graduated from Columbia Law School, one of six women in her class of about 160. After completing her first year at Columbia, she was awarded the prestigious Harlan Fiske Stone scholarship and served on Columbia's law review.

From the beginning of her career, Professor Wenig challenged traditional interpretations of women's place in the profession of law. Upon graduation, she was invited to join the New York City law firm of Cahill Gordon, but quit seven years later when they would not grant her maternity leave after the birth of her first child, Margaret. She next worked for Greenbaum, Wolf & Ernst, but at half-pay when she was

Professor  
Advocate for Women  
Trailblazer  
Tax Expert

putting in full time hours. Later she joined Skadden Arps as their 13th lawyer and only woman attorney.

Professor Wenig went on to teach at St. John's Law School in Queens and later joined the faculty of the University of Bridgeport Law School, which became Quinnipiac University School of Law. Some of her greatest academic work addressed the legal status of women in the area of matrimonial property. Her teaching credits include courses in taxation, trusts and estates, marital property and elder law.

She was active in her community, as well as her profession. She served as a commissioner on Connecticut's Permanent Commission on the Status of Women from 1985-1991 and was a founding member of the Connecticut Women's Education and Legal Fund. In later years, she served on the Tax Analysts' Board and as a Representative Town Meeting member.

The Professor was a mother of two children, Margaret (Maggie) Moers Wenig and Mike Moers Wenig. Her son said in the eulogy he gave at his mother's funeral, "Although Mom said that she always felt somewhat guilty for not staying home all those years, I frankly never felt slighted by her absence, given the quality of the attention Mom paid to us in the evenings and on weekends."

Professor Wenig passed away on January 18, 2003, after a long battle with cancer. Contributions in her memory should be made to Quinnipiac University School of Law in care of Dean Brad Saxton, 275 Mount Carmel Avenue, Hamden, CT 06518. NAWL salutes all of the hard work and accomplishments of a woman who truly furthered woman's place in the profession of law.

# World Women Lawyers' Conference



the global voice of  
the legal profession

**30 June - 1 July 2003**

*Royal Lancaster Hotel, London, United Kingdom*

## **Two days of focused conference sessions and networking events**

*Expected attendance: Over 1,000 international lawyers in attendance from over 100 countries.*

### **Keynote Sessions**

Women in Conflict Resolution  
Women and Economic  
Empowerment



### **Workshop Sessions**

- Academics' Forum
- Litigation
- Employment / Immigration
- Family Succession
- Human Rights
- Multicultural Business Negotiations
- Securities
- Energy
- Mergers & Acquisitions
- Banking
- Antitrust & Competition
- Management & Marketing

*Below:  
Outstanding  
International  
Women Lawyer  
Award Ceremony*

### **Past Speakers**

- Christiane Amanpour
- HE Cheryl Carolus  
*South African High Commissioner*
- Baroness Helena Kennedy QC
- Shaheen Sardar  
*Chair, Women's Commission of Pakistan*



*For further information, please contact:*

**International Bar Association**, 271 Regent Street, London W1B 2AQ, United Kingdom  
Tel: +44 (0)20 7629 1206. Fax: +44 (0)20 7409 0456. E-mail: [confs@int-bar.org](mailto:confs@int-bar.org). Website: [www.ibanet.org](http://www.ibanet.org)

## On *Roe v. Wade*'s 30th Anniversary: Can *Roe* Survive One More Conservative Supreme Court Shift?

By Ederlina Y. Co  
Wiley Rein & Fielding LLP

On Saturday, January 18, 2003, most people were beginning a relaxing three-day weekend. That morning, I woke to the painful sound of my alarm at 5:00 a.m. With the exception of a few stars peeking through the clouds, it was black outside. The temperature was below freezing and the ground was still covered in snow from the last winter storm. Nonetheless, I realized that I had an obligation to fulfill that morning. This was the third Saturday of January: *Roe v. Wade*'s 30th anniversary weekend. This was the weekend when reproductive health clinics in the Washington D.C. metropolitan area and nationwide would experience their most volatile anti-abortion protests of the year. Therefore, this was the weekend that I would stand in front of an abortion clinic wearing the words "PRO-CHOICE ESCORT" and offer assistance to any patients seeking access to reproductive health services. Indeed, even thirty years after *Roe v. Wade*, a woman's right to exercise all of her reproductive choices is still not certain. Although legal, that right remains susceptible to both challenge and change. Given that a Supreme Court Justice will likely retire soon, the question is no longer whether, but when and in what form that challenge and change will take place.

In 1973, in a 7-2 decision, the U.S. Supreme Court in *Roe v. Wade*<sup>1</sup> held that the right to privacy, founded in the liberty clause of the Fourteenth Amendment, is broad enough to encom-

pass a woman's right to decide whether or not to terminate her pregnancy. The Court noted that "[t]he detriment that the State would impose upon the pregnant woman by denying this choice is altogether apparent."<sup>2</sup> The Court adopted a trimester framework to test the constitutionality of restrictions on abortion. Under this framework, a woman's right to choose without state interference was afforded its greatest protection at the beginning of pregnancy and was most vulnerable when the fetus became viable.<sup>3</sup> Then, almost twenty years later, in *Planned Parenthood v. Casey*,<sup>4</sup> a splintered Court reaffirmed *Roe*'s central holding but announced a more deferential "undue burden" standard for determining the constitutionality of restrictions on abortion. "An undue burden exists, and therefore a provision of law is invalid, if its purpose or effect is to place a substantial obstacle in the path of a woman seeking an abortion before the fetus attains viability."<sup>5</sup> This undue burden test, announced by Justices O'Connor, Kennedy, and Souter, was applied to uphold a state law imposing informed consent, waiting period, and parental consent requirements, and it is still the governing standard today. Most recently, it was applied in *Stenberg v. Carhart*,<sup>6</sup> in which the Court in a 5-4 decision held unconstitutional a Nebraska statute that purportedly only prohibited the Dilation and Extraction abortion procedure. The Court determined that the statute impermissibly lacked a health exception for pregnant women and constituted an

undue burden because it swept broad enough to ban not only the Dilation and Extraction procedure, but also the Dilation and Evacuation procedure, which is most commonly used in pre-viability second trimester abortions.

Now, thirty years after *Roe v. Wade*, women have fewer reproductive rights than they did in 1973; and threats to that decision, its progeny and fundamental principles continue.<sup>7</sup> The threats come from all levels and branches of state and federal government in the form of paternalistic laws and “compassionate” politics. They also come from a conservative, and, in some cases extreme, anti-abortion grass roots campaign that often employs and justifies the use of harassment and scare-tactics. Threats to *Roe v. Wade* even come from pro-choice communities that have been lulled into a false sense of security and have become complacent in defending the right established in *Roe*. All of these threats are real and persist. They rarely offset or neutralized by courts, which were once relied on to uphold *Roe v. Wade*. Indeed, thirty years after that monumental decision, the most imminent threat to *Roe* arguably comes from the court that decided it: the U.S. Supreme Court.

Of the nine Justices currently sitting on the Court, Justices Stevens, Ginsburg and Breyer have faithfully defended the right conferred in *Roe v. Wade*. Justices O'Connor, Kennedy and Souter, observe *Roe*'s central holding but have demonstrated a more deferential view of restrictions on a woman's right to choose. Justices Rehnquist, Scalia and Thomas invariably oppose *Roe v. Wade*. Although currently there is an insufficient number of votes on the Court to overturn *Roe*, there has been a recent outbreak of speculation that one or more of the Justices will retire at the

end of the current term or at the end of next year's term.<sup>8</sup> It is therefore conceivable that President George W. Bush will have the opportunity to nominate one, two or even three of the next Supreme Court Justices. President Bush, who has touted Justices Scalia and Thomas as his model Justices,<sup>9</sup> has steadfastly opposed *Roe v. Wade*. His recent nominations and re-nominations of conservative jurists to fill vacancies in the federal courts demonstrate his unwavering commitment to his anti-abortion position. Although *Roe v. Wade* has withstood thirty years of changes in the Supreme Court's composition, can *Roe* survive one more conservative Supreme Court shift?

The Justices' birth dates listed below indicate which Justices are more likely to retire by reason of age in the foreseeable future.

Justice Stevens:

Born April 20, 1920

Age 83

Justice Rehnquist:

Born October 1, 1924

Age 78

Justice O'Connor:

Born March 26, 1930

Age 73

Justice Ginsburg:

Born March 15, 1933

Age 70

Justice Scalia:

Born March 11, 1936

Age 67

Justice Kennedy:

Born July 23, 1936

Age 66

Justice Breyer:

Born August 15, 1938

Age 64

Justice Souter:

Born September 17, 1939

Age 63

A woman's  
right to  
choose  
could  
nonetheless  
be rendered  
hollow with  
another  
conserva-  
tive shift on  
the Court.

Justice Thomas:  
Born June 23, 1948  
Age 54<sup>10</sup>

Justices Stevens, O'Connor and Ginsburg, three of the oldest Justices, recognize the constitutional right conferred in *Roe*. Should any two of these three Justices retire, the fate of *Roe v. Wade* is questionable. Only two votes are needed to overturn *Roe* and its progeny and send the legality of abortion back to the states to decide. On the other hand, should Justice Rehnquist retire, it is doubtful that his departure will affect *Roe*. Justice Rehnquist was one of the original dissenters in that decision, so a conservative appointment to fill his vacancy will likely maintain the status quo. If Justice Rehnquist and either Justice Stevens, O'Connor or Ginsburg retire, the current 6-3 majority upholding the right conferred by *Roe* will become 5-4, and more restrictions on a woman's right to choose will likely pass muster under the undue burden test. Similar calculations can be made about the remaining Justices; however, most speculation has surrounded Justices Rehnquist and O'Connor. Although they have both denied plans to retire, and Justices Stevens, Ginsburg and all other members of the Court have not announced plans to step down, the future composition of the Court will undoubtedly dictate the fate of *Roe v. Wade*.

But even if *Roe v. Wade* is not overturned by a future Court, a woman's right to choose could nonetheless be rendered hollow with another conservative shift on the Court. Indeed, the protection afforded to women and abortion providers alike does not end, but rather begins with *Roe*. Just as the Court has done so in the past, it will continue to

decide cases that expand or restrict the boundaries in which the anti-abortion movement orchestrates. Most recently, for instance, the Supreme Court in *Scheidler v. NOW*,<sup>11</sup> in an 8-1 decision held that the Racketeer Influence and Corrupt Organization Act and the Hobbs Act were improperly applied to anti-abortion protesters. The Court noted that "[t]here is no dispute in these cases that petitioners interfered with, disrupted, and in some instances completely deprived respondents of their ability to exercise their property rights . . . . But even when their acts of interference and disruption achieved their ultimate goal of 'shutting down' a clinic that performed abortions, such acts did not constitute extortion" under the federal statutes. In the near future, the Court may also decide *American Coalition of Life Activists v. Planned Parenthood of the Columbia/Willamette, Inc.*<sup>12</sup> In that case, the U.S. Court of Appeals for the Ninth Circuit, *en banc*, held that the "Nuremberg Files" website constituted a "threat" in violation of the Freedom of Access to Clinic Entrances Act of 1994. The court concluded that this website, which lists the names and addresses of abortion providers and draws a line through their names if they are murdered, was not protected speech under the First Amendment. A petition for writ of *certiorari* in this case was submitted last year and briefs in support of and in opposition to *certiorari* have been filed. The Supreme Court recently asked the U.S. Solicitor General's Office for its views on the case. Thus, similar to *Scheidler* and other cases relating to anti-abortion activities, this case could potentially extend the reach of the anti-abortion movement at the expense of a woman's right to choose. Thirty years ago, the Supreme Court with *Roe v. Wade* marked the end of a

dark era in which an estimated 200,000 to 1.2 million illegally induced abortions occurred annually in the United States and an estimated 5,000 to 10,000 women died each year from back-alley and botched abortions.<sup>13</sup> Thirty years ago, the Supreme Court also marked the beginning of a new era in which women had the freedom to control their reproductive lives and make choices about their future without undue interference from the state. Now thirty years later, the heart of that monumental decision is under attack and is increasingly vulnerable. Although three decades of Supreme Court precedent separate pre- and post-*Roe* eras, *Roe* itself should serve as a reminder that it only takes one decision to transform a woman's right to legal and safe abortion.

*Ederlina Y. Co is currently an Associate in the Insurance and Litigation practice groups with Wiley Rein & Fielding LLP. In 1999, she graduated magna cum laude from the University of California, Berkeley with a B.A. in Political Science. In 2002, she graduated cum laude from Georgetown University Law Center where she was the Editor In Chief of The Georgetown Journal of Gender and the Law and the recipient of NAWL's Outstanding Law Student Award.*



<sup>1</sup> 410 U.S. 113 (1973).

<sup>2</sup> *Id.* at 153.

<sup>3</sup> *Id.* at 164-65.

<sup>4</sup> 505 U.S. 833 (1992).

<sup>5</sup> *Id.* at 873.

<sup>6</sup> 530 U.S. 914 (2000).

<sup>7</sup> NARAL Pro-Choice America, NARAL Pro-Choice America News (Spring 2003).

<sup>8</sup> See, e.g., Mike Allen & Charles Lane, *President Set for Confirmation Fight Over High Court Nominee*, WASH. POST, Jan. 19, 2003 at A04; Charles Lane, *Will Chief Justice Retire . . . or Won't He?*, WASH. POST, Jan. 6, 2003 at A13.

<sup>9</sup> NARAL Pro-Choice America, *The Courts and Reproductive Rights*, Fact Sheet, at [http://www.naral.org/issues\\_abortion.html](http://www.naral.org/issues_abortion.html) (last visited Apr. 1, 2003).

<sup>10</sup> NARAL Pro-Choice America, *The Presidency and Supreme Court Justices*, Memorandum to Interested Persons (Feb. 22, 2000), available at <http://www.naral.org/mediaresources/fact/presidency.html>.

<sup>11</sup> No. 01-1118 (U.S. Feb. 26, 2003).

<sup>12</sup> 290 F.3d 1058 (9th Cir. 2002) (en banc).

<sup>13</sup> Center for Reproductive Rights, *Roe v. Wade – Then and Now*, Fact Sheet (Jan. 2003).

# Living in Integrity to Stay in Balance

By Susan Ann Koenig

Have you ever noticed how the energy in a conversation drops as soon as one person starts gossiping about another? Did you ever do less than your best and have the thought of it haunt you long after the task was completed? Was there ever a time when you were inconsiderate toward a co-worker and then felt grumpy for the remainder of the day?

These are examples of what can happen to us when, even for a short time, we do not live up to our own standards of integrity.

## Our Personal Values

Living in integrity means having our actions match our most closely held beliefs. It is our personal values that tell us who we really are and let us know when we are not being true to ourselves.

Our standards of integrity are the qualities that we hold in the highest regard. They are the attributes which we want to demonstrate in our every day lives. When we adhere to them, our hearts are warmed and our spirits are high.

It is useful to identify those values which you care about the most. They could include truthfulness, loyalty, compassion, generosity, enthusiasm, calmness or being hardworking. Each person has a set of values which are uniquely meaningful to them. Yours are likely to be the qualities you most admire in others.

Some days we forget to act in a way that is consistent with these personal standards. When that happens, we are more likely to be negative and unhappy. When you notice yourself in a bad mood, do a check to see where you might be out of integrity. Review the list of your personal standards to see if you have violated one or more of them.

Once you see that you are out of integrity in even a small way, take some action to put yourself back in line with your own values. Once you take this action, you will soon feel in greater balance.

Acting Consistently With Our Intentions  
As women lawyers, we have many won-

derful intentions for our lives. They might include:

- ♦ To be an excellent lawyer
- ♦ To be financially successful
- ♦ To be a supportive co-worker
- ♦ To be a loving mother/wife/sister/partner/daughter
- ♦ To be a contributor to the community
- ♦ To be physically fit and healthy

When we notice that we are not taking actions which result in the fulfillment of our intentions, we are not living in integrity and we know it.

If we are clear that we want to be physically fit and healthy but we are drinking too many colas and getting too little rest, we are not living in a way which is congruent with our intention.

If we say we want to be a loving sister but we miss the family reunion and sibling birthday celebrations, claiming we have to work, we are likely to experience dissatisfaction.

Frustration, resignation and cynicism are signs that we may not be taking action which is resulting in fulfilling our life intentions. Consider whether your actions lately have been in line with your goals and intentions:

Are you frustrated that you don't have time for relaxing?

Are you resigned to the fact that there is no room for exercise in your life?

Are you cynical about the ability to balance home and work life?

Identifying these emotions can be useful in recognizing the action to be taken to get back on track with creating the life you want. Rather than letting your past define the future, remind yourself that "Up until now, I have not taken this action. But today I will."

## Small Actions Matter

When life gets overwhelming, we can be tempted to give up on trying altogether.



When our efforts in some area of our life appear to have failed, we may have difficulty trying again.

Even smallest actions directed toward fulfilling one of our life's intentions can be a huge boost to our energy and get us back on track. Here are some possibilities:

- ♦ If you've been meaning to spend time with a good friend but have not, take 5 minutes to drop her a note.
- ♦ If you are overwhelmed by the paper on your desk, set 10 minutes aside to organize just one corner of it.
- ♦ If taking time off for a vacation with your family looks impossible right now, plan for taking just one day off which is devoted just for them.

We can become paralyzed or hopeless when the odds for achieving balance look stacked against us. When we realize that even a little act can change everything, life starts getting easier.

#### Making and Keeping Promises

Few things take us out of integrity faster than breaking promises. We may feel guilty, self-judging, disappointed or frustrated when we break a promise. We rarely feel good. Breaking promises to others not only damages our reputation for integrity, but also hurts us. We begin to actually believe that we are not trustworthy or that we are thoughtless, selfish or irresponsible. The more we hold these thoughts, the less likely we are to keep our promises in the future.

To move yourself toward your goals, make promises that are easy to fulfill. Start now and keep making them as you move one step closer to your goals with each action.

#### Promises to Ourselves

Some women who would never break a promise to another person, routinely break promises to themselves. We might follow through on every task we tell a client or fellow attorney we will accomplish, but ignore our promise to ourselves.

Ask whether you have broken any of these promises to yourself in the last 6 months:

- ♦ To schedule a physical exam, test or treatment
- ♦ To organize a room, a stack of papers, or a project
- ♦ To spend time with a loved one, or yourself
- ♦ To start a health and fitness program

- ♦ To participate in a spiritual practice

Every unkept promise is a leak of energy until it is fulfilled. Broken promises to ourselves are no less damaging than broken promises to others. They lead to negative judgments about ourselves and prevent us from reaching our goals and dreams.

If there is a promise you have made to yourself, make it specific. Set a date by which it can be accomplished. Identify and let in the support you might need for accomplishing it. Then enjoy how great it feels to have met your goal.

#### Practice, Practice, Practice

Like every skill, the one of making and keeping promises can be strengthened.

A great way to increase your ability to keep your promises is to make one small promise each day. Make it something which you know can easily be done that day. It could be something as simple as:

- ♦ Pay one bill
- ♦ Make one phone call
- ♦ Organize one stack of papers
- ♦ Buy flowers
- ♦ Meditate for 10 minutes
- ♦ Eat a healthy lunch

Be specific — and keep it easy. Tell another person your promise so you can report your success the next day when you keep your promise. Email can be a simple and fun way to do this, and I would encourage you to enlist a buddy for support.

As we develop the muscle of making and keeping promises, we realize the value of living in integrity. We no longer choose to live with the energy drain of unfulfilled promises. Making and keeping promises becomes something to look forward to rather than an overwhelming responsibility to dread.

Identify your personal standards of integrity. Take action as soon as you notice when you are outside of those values. Make and keep easy promises daily. You will soon see yourself moving toward the fulfillment of your hopes and dreams with ease, one small action at a time.

**Susan Ann Koenig** is an attorney in Omaha, Nebraska where she practices family law, estate planning, and gay and lesbian rights. She teaches Women and the Law at Creighton University School of Law. Susan writes and lectures on spirituality and the law.



# The District of Columbia Bar Association vs. the Women Lawyers

By Grace Rohleder

This article was originally printed in 1932, in the Winter Review of the Women Lawyers Journal, Vol. 19. In an effort to share some of NAWL's history, and the history of women lawyers in this country, we hope to reprint historical articles as a regular feature of the WLJ.

The sacred portals of the District Bar Association, kept inviolate for more years than the average lawyer cares to admit, are about to be invaded by a quartet of "lady lawyers," much to the consternation of the old-time barristers and to the huge satisfaction of the members of the bar who believe that membership in the association should be held open to all duly qualified members of the District courts.

A few weeks ago the ranks of the association were torn asunder when proponents of "equal rights" insisted that since there was no actual ban against the enrollment of women in the Bar Association, the membership committee was bound to act on the application of a few feminine members of the local courts who, other than for their sex, were entitled to membership.

That question became a Gordian knot for the membership committee, and those who composed it immediately passed the buck to the entire association. The resultant vote on the question left the matter exactly where it started and that left it squarely up to the ladies to make the next move.

## Women Act Quickly

They were not long in accepting the challenge that had been thrown down to them. Mrs. Rebekah S. Greathouse, a relative of Col. Charles Lindbergh, and a cousin of former Senator Morrow, of New Jersey, and in addition to that an assistant United States attorney here, was the first one to file a formal application.

She obtained the indorsements of Charles I. Long, John Fihelly and Peter Q. Nyce to her application for membership in the association. Her application was received by George Gertmann, who is secretary to the association, and was treated exactly as an application from a man. It should be explained that membership requirements say that three members of the association shall favorably indorse all applications.

Following shortly, came the application of Dora Palkin, whose activities in the District Supreme Court have made her well and favorably known to hundreds of well practicing attorneys and to the justices of the District Supreme Court. The application contained the indorsements of Lunsford L. Hammer, Lucas P. Loving and C. Clinton James.

The two had not long to remain alone. They were joined shortly by M. Pearl McCall, assistant United States attorney, and Burnita Shelton Matthews, and their applications likewise were accepted by Mr. German, who in truth could do nothing about it, even though he might have had the inclination.

Mr. Gertman, who was prominently mentioned for the position on the District Supreme Court bench that went to Justice Daniel W. O'Donoghue, promptly erased himself from the picture by sending out a printed list of all men (and women) whose applications for membership were to be acted upon at the January meeting of the association. The neat observation, "Objections to the applicants must be filed promptly with the secretary" appeared at the bottom of the printed list.

## Decision Due Soon

Thus, the Bar Association, which has for scores of years been a strictly masculine organization, where the trials and tribulations of the members could be discussed with equanimity, is faced with a problem that must be settled in a few days. The opinion of the members as expressed in a vote not so long ago, is about equally divided.

So it comes to pass that the four "patriots" whose applications, having been received in the regular order, will come up for positive action at a meeting of the entire association early in the spring, will blaze the way for "sister" members of the association, or will become members of the organization known as "those who didn't."



Introducing you to our three capable National Officers. At the top is Judge Georgia P. Bullock, our National vice president, who presides over the Domestic Relations Court in Los Angeles. Lower left is Grace Rohleder of Washington, D.C. our efficient treasurer, who has served the organization previously as corresponding secretary, and to the right is Marion Gold Lewis of the New York Bar, now in her 19th year as recording secretary of the organization.

The writer's personal opinion, which count for as much as a ruble, is that the ladies will establish a precedent, and will be admitted to membership. If such is the case, the amount of wails on both sides will be about equal.

*Grace Irene Rohleder, LL.B., LL.M., M.P.L., Washington College of Law, Washington, D.C., now residing in Washington, D.C.*

The following is an excerpt from Ms. Rohleder's bio published in the same issue of the Women Lawyers Journal.

Miss Rohleder was born in Petersburg, Virginia, the daughter of Frank William and Susan A. E. Rohleder (nee Gentry). Upon graduation Miss Rohleder had a business and secretarial course at the Smithdeal Business College, and entered upon a secretarial career. She opened her own office as public stenographer in the American National Bank Building and later moved to Washington, D.C. to work for Hon. Henry Carter Stuart (formerly Governor of Virginia), who was serving as Chairman of the National Agricultural Advisory Committee and

also as a member of the War Industries Board. Immediately upon coming to Washington, Miss Rohleder entered the Washington College of Law, having for two years in Richmond under an arrangement made--partially as the result of her efforts to secure such instruction--by educators and public spirited men and women connected with the Public School System of Richmond.

Miss Rohleder has always worked for the advancement of women. From the time of her graduation she has been a faithful and ardent member of the National Association of Women Lawyers, and served as corresponding secretary of that organization for three years before being elected to the treasurership.

Her great passion is to see women live up to their opportunity, although she asks very little in the way of recognition for herself. She has a modest practice in the law, and believes in bringing parties to an amicable settlement without litigation wherever such an arrangement is possible without defeating the ends of justice. Her friends have a great faith in her and believe she has a successful future before her.

# NAWL NETWORKING DIRECTORY

## Concentrations Key

Ad	Administrative
Adm	Admiralty
App	Appellate Appeals
At	Antitrust
AttMa	Attorney Malpractice
Ba	Banks & Banking
Bd	Bonds, Municipal
Bky	Bankruptcy, Creditors
Bu	Business
CA	Class Actions
Ch	Child; Custody; Adoption
Ci	Civil; Civil Rights
C	Collections
Co	Corps.; Partnerships
Com	Commercial
Comp	Computer
Con	Municipalities; Takings
Cons	Constitutional
Cs	Consumer
Cont	Contracts
Cor	Co-ops; Condos
Cr	Criminal
DR	ADR; Arbitration
De	Defense
Dis	Discrimination
Disc	Attorney Discipline
Ed	Education
El	Elder Law
Em	Employment; ERISA
Ent	Entertainment
Eng	Energy
Env	Environmental
Eth	Ethics
F	Federal Courts
Fi	Finance or Planning
FL	Family Law
Fo	Foreclosure, Creditors
Fr	Franchising; Distribution
GP	General Practice
GC	Government Contracts
Gu	Guardianship
H	Health
I	Immigration
Ins	Insurance
Int	International & Customs
IP	Intellectual Property (C-copyright; P-patents; TM-trademark; TS-trade secrets)
La	Labor
Ld	Landlord, Tenant
Le	Legal Aid, Poverty
Leg	Legislation
Li	Litigation
LU	Land Use
Mar	Maritime
M/E	Media & Entertainment
Me	Mediator
MeMa	Medical Malpractice
MeN	Medical Negligence
MA	Mergers & Acquisitions
N	Negligence
NP	Nonprofit Organizations
PI	Personal Injury
Pr	Product Liability
Pro	Probate
Pub	Public Interest
RE	Real Property
RM	Risk Management
Sec	Securities
Sex	Sex Harassment; Assault
SS	Social Security
Tx	Taxation
T	Tort
TA	Trade Associations
U	Utilities—Oil & Gas
W	Wills, Estates & Trusts
WC	White Collar
WD	Wrongful Death
Wo	Workers' Compensation
Wom	Women's Rights

The NAWL Networking Directory is a service for NAWL members to provide career and business networking opportunities within the Association. Inclusion in the directory is an option available to all members, and is neither a solicitation for clients nor a representation of specialized practice or skills. Areas of practice concentration are shown for networking purposes only. Individuals seeking legal representation should contact a local bar association lawyer referral service.

## ALABAMA

### *Birmingham*

**Shayana Boyd Davis**  
2900 AmSouth/Harbert  
Plaza 1901 6th Ave. N.  
35203; 205/458-9800  
Li, Bky, Pr

**Elizabeth Barry Johnson**  
2900 AmSouth/ Harbert  
Plaza 1901 6th Ave. N.  
35202-2618  
205/458-9485  
La, Em, Li, WC

**Angie Godwin McEwen**  
2900 AmSouth/Harbert  
Plaza 1901 6th Ave. N.  
35202  
205/458-9400  
RE, Co

**Jennifer Swain**  
1901 6th Ave. N.  
35203 205/458-9491  
La, Em

**Anne P. Wheeler**  
Johnston, Barton, Proctor  
& Powell, LLP  
2900 AmSouth/ Harbert  
Plaza, 1901 6th Ave. N.  
35203  
Fi, Ba, Com, Li, CA

### *Montgomery*

**Scarlette M. Tuley**  
PO Box 4160  
36104  
(334/954-7555)  
Bu, Env, T

## ARIZONA

### *Phoenix*

**Heidi C. Noll**  
620 W. Washington Ave  
Suite 420  
85003; 602/262-7047  
Em, Civ, La, Gov.

## CALIFORNIA

### *Beverly Hills*

**Allison J. Mella**  
Kaplan Marino  
9454 Wilshire Boulevard,  
Suite 500, 90212  
310/557-0007  
Cr De

### *Irvine*

**Jennifer Keller**  
18101 Von Karman  
#1400, 92612  
949-476-8700  
Cr

### *Laguna Beach*

**Helen Diamond**  
484 Cliff Drive #8  
92651; 949-494-1592  
DR, Bu

### *Los Angeles*

**Gloria R. Allred**  
6300 Wilshire Blvd  
Ste 1500, 90048  
213/653-6530  
Em(PI), Dis, FL  
**Rochelle Brown**  
355 South Grand Ave.  
40th Floor  
(213) 626-8484  
LU, Li, App, Cons

**Sharon Hartmann**  
3580 Wilshire Blvd. #2020  
90010  
213/637-9800  
Ci, Li

### *Oakland*

**Mary Vail**  
4406 Park Blvd.  
94602  
510/637-3312  
La, Em

### *Old Sacramento*

**Virginia Mueller**  
Law Offices of Virginia  
Mueller  
106 L Street  
95814; 916/446-3063  
FL, Pro

### *Palos Verdes*

**Kathleen T. Schwallie**  
Chevalier Law Firm  
18 Encanto Drive 90724  
310/530-0582 Bu, Me

### *Sacramento*

**Lorraine M. Pavlovich**  
1331 21st Street  
95814  
Bu, Lit

### *San Francisco*

**Hon. Isabella H. Grant**  
1101 Green Street, #703  
94109  
DR, Pro

### *Santa Monica*

**Christine Spagnoli**  
100 Wilshire Blvd. 21st  
310-576-1200  
Pr, PI

### *South Pasadena*

**Ellen A. Pansky**  
Pansky & Markle  
1114 Fremont Av, 91030  
213/626-7300  
AttMa, Disc, Li

### *Walnut Creek*

**R. Ann Fallon**  
Whiting, Fallon & Ross  
1500 Newell Ave. 5th Fl.  
94596-5191  
925/296-6000  
FL

**Renee Walze Livingston**  
Livingston Law Firm  
1600 South Main Street,  
Suite 380; 94596  
925/952-9880  
Pr, PI, Ins, WD

**Lauren E. Tate**  
Tate & Associates  
1600 South Main Street,  
Suite 380; 94596  
(925)287-8728  
PI, MeMa, Pr

# NAWL NETWORKING DIRECTORY

## **CONNECTICUT**

### *Torrington*

**Audrey B. Blondin**  
PO Box 1335  
06790-1335  
Ba, Bky

### *New London*

**Rita Provadas**  
43 Broad Street  
06320  
Ci, Lit, Pl, I, N

## **DISTRICT OF COLUMBIA**

### *Washington*

**Julia Louise Ernst**  
Ctr. for Reproductive Law  
& Policy  
1146 19th St NW 7th Fl  
20170 202/530-2975  
Int, Ci, Repro

**Katherine Henry**  
Dickstein Shapiro Morin &  
Oshinsky LLP  
2101 L Street, NW, 20037  
202/775-4758  
Li, DR, Ins

**Corrine Parver**  
Dickstein Shapiro Morin &  
Oshinsky LLP  
2101 L Street, NW  
20037; 202/775-4728  
H

**Marcia A. Wiss**  
Hogan & Hartson LLP  
555 Thirteenth St NW  
20004-1109  
202/637-5600  
Co, Int, Fi

## **FLORIDA**

### *Boca Raton*

**Charlotte H. Danciu**  
370 W Camino Gardens  
Blvd, Ste 210, 33432  
561/392-5445  
Ch, Surrogacy, FL

### *Ft. Lauderdale*

**Caryn Goldenberg Carvo**  
Carvo & Emery  
One Financial Plaza  
Ste 2020 33394  
954/524-4450  
Com Li, Matrimonial, RE,  
FL Cor

### *Orlando*

**Patricia Doherty**  
PO Box 568188  
32856  
407/843-7060  
Pl, MeN, WD

**Ava Doppelt**  
PO Box 3791  
32802  
407/841-2330  
IP, Fr, Ent

### *Miami*

**Jennifer R. Coberly**  
Zuckerman Spaeder  
201 S Biscayne Blvd.  
33131; 305/579-0110  
Civ, Em, Com, Int

**Eileen L. Tilghman**  
201 S. Biscayne  
Boulevard, Suite 2400  
33131 305/358-5171  
Com Li

### *West Palm Beach*

**Victoria A. Calabrese**  
Lewis Kapner, PA  
250 Australian Ave So,  
33401  
561/655-3000  
FL

**Jane Kreusler-Walsh**  
501 S. Flagler Drive  
33401  
407/820-8702  
Ci, App

**Rebecca Mercier-Vargas**  
501 S. Flagler Drive  
33401  
407/820-8702  
Ci, App

## **GEORGIA**

### *Atlanta*

**Dorothy Yates Kirkley**  
999 Peachtree Street  
Ste 1640, 30309  
404/892-8781  
Bu Lit, App, WC

**Jill Pryor**  
1201 W. Peachtree Street  
Suite 3900, 30309  
404/881-4131  
Com Li, App

**Sara Sadler Turnipseed**  
999 Peachtree Street  
Ste 1640, 30309  
404/817-6220  
Li

### *Marietta*

**Phyllis Layman**  
Abbott, Layman & Reeves  
25 Alexander St. Ste 3  
30060, 678-354-0326  
FL, El

## **ILLINOIS**

### *Chicago*

**Craig B. Hammond**  
77 W. Washington, #1805  
60602  
312-236-5006  
FL, El

**William Harte**  
111 Washington Street  
60602  
312/726-5015

**Kendra Johnson Panek**  
Altheimer & Gray  
10 S. Wacker Drive  
60606, 312/715-4666  
Com, Li

**Stephanie A. Scharf**  
Jenner & Block  
One IBM Plaza 60611  
312/923-2884  
Pr, Ci Li

## **INDIANA**

### *Indianapolis*

**Andrielle M. Metzel**  
Dann Pecar Newman &  
Kleiman  
One American Square,  
Suite 2300  
46282 317/632-3232  
Li, Em, Zon, RE

### *Valparaiso*

**Tina M. Bengs**  
Hoepfner, Wagner &  
Evans 103 East Lincoln  
Way, 46384  
219/464-4961  
Em, Wo

**Elizabeth Douglas**  
Hoepfner, Wagner &  
Evans  
103 E. Lincoln Way, 46384  
219/464-4961, La, Em

**Nicole Grose**  
Hoepfner, Wagner &  
Evans  
103 E. Lincoln Way, 46384  
219/464-4961  
DR, Li, Ed, La, Em

### **Lauren K. Kroeger**

Hoepfner, Wagner &  
Evans  
103 E. Lincoln Way, 46384  
219/464-4961, Em, La, Ci Li

### **William F. Satterlee III**

Hoepfner, Wagner &  
Evans  
103 E. Lincoln Way 46384  
219/465-7005  
Me, Li, La, Em, Ed

## **IOWA**

### *Waterloo*

**Lorelei Heisinger**  
411 Four Seasons Drive  
50701  
515/224-6363  
Leg

## **LOUISIANA**

### *New Orleans*

**Lynn M. Luker**  
Luker, Siball & McMurtry  
616 Girod St, Ste 200  
70130, 504/525-5500  
Pr, Mar, T, Dis, CA

## **MARYLAND**

### *Bethesda*

**Nancy Sachitano**  
Moss, Strickler &  
Sachitano 4550  
Montgomery Ave.  
20814  
301/657-8805  
FL

### *Rockville*

**Jo Benson Fogel**  
5900 Hubbard Dr, 20852  
301/468-2288  
FL

## **MASSACHUSETTS**

### *Dedham*

**Faith F. Driscoll**  
14 Carlisle Rd, 02026  
781-326-6645 IP

### *New Bedford*

**Susan Maloney**  
227 Union St, Rm 611  
02740  
508/789-0724  
IP, Dis, FL, I, Me, W

# NAWL NETWORKING DIRECTORY

## *Norwood*

**Margaret B. Drew**  
477 Washington St, 02062  
617/255-9595  
Pro, W, FL,

## **MICHIGAN**

### *Detroit*

**Margaret A. Costello**  
Dykema Gossett  
400 Renaissance Ctr,  
48243  
313/568-5306 Li, Int

**Lynn A. Sheehy**  
150 W. Jefferson, Ste 900  
48226  
313/884-0607  
Li, Com, Pr, MeMa

### *Farmington Hills*

**Nina Dodge Abrams**  
30300 Nrthwstrn Hwy,  
Ste 112 48334  
810/932-3540  
FL

### *Grand Rapids*

**Elizabeth Bransdorfer**  
Mika Meyers Beckett &  
Jones PLC  
900 Monroe Ave., NW  
49503  
616/632-8000  
Com Li, RE Li, FL

**Jennifer L. Jordan**  
Miller, Johnson, Snell &  
Cumiskey  
P.O. Box 306, 49501-0306  
616/831-1778  
La, Em

**Jennifer Puplava**  
Mika Meyers Beckett &  
Jones PLC  
900 Monroe Ave NW  
49503  
616/662-8000  
Bu, Ci Li, IP-C, IP-TM, GC

## **MINNESOTA**

### *Minneapolis*

**Susan A. Miller**  
Tomsche Sonnesyn &  
Tomsche, PA  
888 Lumber Exch. Bldg.  
10 S. 5th Street 55402  
612/338-4449

## **Heidi Viesturs**

Robins, Kaplan, Miller &  
Ciresi  
2800 LaSalle Plaza  
800 LaSalle Ave.  
55402-2015  
612/349-8793  
Bu Li

## **MISSISSIPPI**

**Kristina Johnson**  
Watkins Ludlam Winter &  
Stennis, PA  
PO Box 427, 39205  
601/949-4785  
Bky, Com Li

## **NEBRASKA**

### *Omaha*

**Susan Ann Koenig**  
319 S. 17th St, Ste 740  
65102;402/346-1132  
FL, C, Wom

## **NEW JERSEY**

### *Haddonfield*

**Denise M. Keyser, Esq.**  
Archer & Green  
One Centennial Square  
PO Box 3000  
08033-0968,  
856-795-2121  
Em, La

### *Roseland*

**Geralyn G. Humphrey**  
Orloff Lowenbach  
101 Eisenhower Pkwy  
07068, 973/622-6200  
Co, MA

### *Westmont*

**Karen A. McGuinness**  
Brown & Connery LLP  
PO Box 539, 08108  
609/854-8900  
Li

## **NEW MEXICO**

### *Placitas*

**Gwenellen P. Janov**  
43 Placitas Trails Rd  
87043  
Li, Civ

## **NEW YORK**

### *New York*

**Leona Beane**  
11 Park Pl, Room 11  
10007  
212/608-0919  
Gu, Pro, W, DR, Gu

**Martha E. Gifford**  
Proskauer Rose LLP  
1585 Broadway, 18th Fl  
10036; 212/969-3490  
At, Cr, Li, Mac

**Jennifer Gray**  
504 East 6th Street  
10009; 212/895-2201  
Li, At

### **Gloria Neuwirth**

Davidson, Dawson & Clark  
330 Madison Ave.  
10017; 212/557-7700  
Pro, W, NP

**Helen Reavis**  
888 Seventh Ave.  
45th Floor, 10019  
212/757-0007  
IP, Em

## **NEVADA**

### *Incline Village*

**Lara Pearson**  
Law Office of Lara  
Pearson  
774 Mays Blvd. No. 10,  
PMB 405, 89451  
775/833-1600  
IP, C, T, TS

## **NORTH CAROLINA**

### *Raleigh*

Leto Copeley  
P.O. Box 27927  
27611; 919/755-1812  
Ci, Wo, PI

### *Research Triangle Park*

**Susan J. Giamportone**  
Womble Carlyle Sandridge  
& Rice  
PO Box 13069; 27709  
919/316-4243 - T Li

## **OHIO**

### *Columbus*

**Beatrice K. Sowald**  
400 S. Fifth Street,  
Suite 101; 43215  
(614) 464-1877  
FL, Pro

### **Elizabeth M. Stanton**

Chester Wilcox & Saxbe  
17 South High St, Ste 900  
614-334-6189  
Em, Ed, Dis, La, LU,  
*Worthington*

**Mary Jo Cusack**  
5565 N. High St.  
43085; 614/880-0888  
Pro, FL, PI, App, W

## **OREGON**

### *Portland*

### **Amy Carlton**

Williams, Kastner & Gibbs  
888 SW Fifth Avenue,  
Suite 1150  
206/628-6600  
Co, Fi

## **PENNSYLVANIA**

### *Bala Cynwyd*

**Nancy Omara Ezold**  
401 City Avenue, Ste 904  
19004, 610/941-4040  
Em, Sex, Com Li, PI

### *Philadelphia*

**Arlene Fickler**  
Hoyle, Morris & Kerr, LLP  
1650 Market Street,  
Ste 4900; 19103  
215/981-5850  
Com, Li

**Leslie Anne Miller**  
Office of General Counsel  
225 Main Capital Bldg  
717/787-2551  
17120, Li, DR

## **RHODE ISLAND**

### *Providence*

**Kimberly Simpson**  
Vetter & White  
20 Washington Place  
02903, 401/421-3060  
Li, Com, Pr

# NAWL NETWORKING DIRECTORY

## **SOUTH CAROLINA**

### *Columbia*

#### **Barbara George Barton**

Robinson Barton,  
McCarthy & Calloway  
PO Box 12287  
29201, 803/256-6400  
Bky

#### **Andrea Cornelison**

Nelson, Mullins, Riley &  
Scarborough, LLP  
1330 Lady Street  
29201-3332  
803/255-9309  
Pr, Bu Li

#### **Karen A. Crawford**

Nelson, Mullins, Riley &  
Scarborough, LLP  
P.O. Box 11070  
29211, 803/376-9513  
Env Li

#### **Catherine H. Kennedy**

P.O. Box 11070  
29211  
803/255-9402  
DR, Pro, Li

#### **Zoe Sanders Nettles**

Nelson, Mullins, Riley &  
Scarborough, LLP  
P.O. Box 11070, 29211  
803/376-9513, CA, Li,  
Crm

#### **Elizabeth Shuffler**

Nelson, Mullins, Riley &  
Scarborough, LLP  
P.O. Box 11070  
29211  
803/255-9454  
Bu, Li, Fr

#### **Nina N. Smith, Esq.**

Smith, Ellis, & Stuckey, PA  
1422 Laurel Street  
29201 803/933-9800  
Bu, Li, Sec, DR

### *Charleston*

#### **Natalie Bluestein**

One Carriage Lane  
Bldg D, Second Floor  
29407, 843/769-0311  
FL

### *Greenville*

#### **Elizabeth M. McMillan**

P.O. Box 10084  
29603  
Li, Env, Pr, Bu, De

### *Mt. Pleasant*

#### **Kathleen McMahon Harelston**

The Harelston Law Firm  
909 Tall Pine Road 29464  
843/971-9453 IP

## **TENNESSEE**

### *Chattanooga*

**Marcia Meredith Eason**  
832 Georgia Ave, Ste 1000  
37402, Li, Com, Pr, Fi

## **TEXAS**

### *Houston*

#### **Dawn S. Richter**

Winstead, Sechrest &  
Minick, LLP  
2400 Bank One Plaza  
910 Travis Street 77002  
Co, Eng, Sec, Fi

### *San Antonio*

#### **Cynthia Hujar Orr**

Goldstein Goldstein & Hilly  
310 S St. Mary's, Ste  
2900, 78205  
210/226-1463  
Cr, App

## **WASHINGTON**

### *Mount Vernon*

#### **Cathrine Szurek**

PO Box 336  
98273, 360/336-2196  
W, Pr, Tx

### *Seattle*

#### **Sheena Aeibig**

Williams, Kastner & Gibbs  
601 Union Street, Ste  
4100, 98101  
206/628-6600  
Bky

#### **Hon. Anne Ellington**

Washington Court of  
Appeal  
600 University Street  
98101  
206/464-6046

#### **Helen Johansen**

Benjamin & Johansen  
720 Third Street #1400;  
98104  
206/622-8953  
MeMa; Pro

### **Teena Killian**

Williams, Kastner & Gibbs  
601 Union Street, Ste  
4100, 98101  
206/628-6600  
Ins

#### **Susan Lehr**

Williams, Kastner & Gibbs  
601 Union Street, Ste  
4100, 98101  
206/628-6600  
Co, Fi

#### **Lisa F. Moore**

Moore Law Offices  
5424 Ballard Ave. NW  
Suite 203; 98107  
206/297-138

#### **Mary Spillane**

Williams, Kastner & Gibbs  
601 Union Street, Ste  
4100, 98101  
206/628-6600  
App, H, Li

#### **Kristina Udall**

Williams, Kastner & Gibbs  
601 Union Street, Ste  
4100, 98101  
206/628-6600  
El, W

#### **Sheryl Willert**

Williams, Kastner & Gibbs  
601 Union Street, Ste  
4100, 98101  
206/628-6600  
DR, Ci, Li, La, Em  
*Tacoma*

#### **Amy Thompson Forbis**

Williams, Kastner & Gibbs  
601 Union Street, Ste  
4100, 98101  
206/628-6600  
Li, H

## **CANADA**

### *Toronto*

#### **Lori Duffy**

Weir & Foulds  
130 King St West Ste  
1600 M5X 1J5  
416/947-5009 ComRE, W

## **MEXICO**

#### **Estela Rodriguez Botello**

Legarreta Y Asociados  
Carretera Pacacho Ajusco  
130-503  
Col Jardines en la  
Montana

# NAWL Members: Share Your Stories

## **Law Day 2003**

### **“Independent Courts Protect Our Liberties”**

NAWL is looking for stories about members who participated in Law Day 2003 for an upcoming feature in the Women Lawyers Journal. If you would be interested in sharing the work you did for Law Day 2003, contact the NAWL offices at 312-988-6186 or e-mail [nawl@nawl.org](mailto:nawl@nawl.org).

### **Calling all Outstanding Law Students**

If you were awarded the NAWL Outstanding Law Student Award from your law school upon graduating, we want to know what you are doing now. Send a short description of what has kept you busy between work, home and play to [nawl@nawl.org](mailto:nawl@nawl.org) with “Outstanding Law Student Update” as the subject.

#### **National Association of Women Lawyers**

750 N. Lake Shore Drive, MS 12.4  
Chicago, IL 60611-4497