WLJ
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No. 5

Rising Together

Strength Through Unity

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NAWL NEWS & SPOTLIGHTS

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ABOUT THE WOMEN LAWYERS JOURNAL

EDITORIAL POLICY
The Women Lawyers Journal (WLJ) is published by the National Association of Women Lawyers (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's policies or official positions. Publication of an opinion is not an endorsement by NAWL. Articles about current legal issues of interest to women lawyers are accepted and may be edited based on the judgment of the editor. Editorial decisions are based on potential interest to readers, timelines, goals, and objectives of NAWL, as well as the quality of the writing. The WLJ also accepts book reviews related to the practice of law. We reserve the right to edit all submissions.

Send submissions via email to dpayne@nawl.org.

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CONTACT
National Association of Women Lawyers
American Bar Center
321 North Clark Street, MS 17.1
Chicago, IL 60654
nawl@nawl.org
www.nawl.org

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Cover image: Members of the 2025 Annual Meeting Host Committee at the event at the Hilton Chicago on July 23, 2025.

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About NAWL

The mission of the National Association of Women Lawyers is to provide leadership, a collective voice, and essential resources to advance women in the legal profession and advocate for the equality of women under the law. Since 1899, NAWL has been empowering women in the legal profession, cultivating a diverse membership dedicated to equality, mutual support, and collective success.

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• **Networking** | Connect with attorneys of all levels and practice areas in person and virtually at our events and through our groups.

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• **Leadership Development** | Build leadership skills through our Affinity Groups, Committees, Leadership Program, and other initiatives.

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• **Advocacy** | Participate in the work of the Advocacy Committee and Amicus Committee.

Contact NAWL

National Association of Women Lawyers
American Bar Center, 321 North Clark Street, MS 17.1
Chicago, IL 60654
T 312.988.6186
nawl@nawl.org | www.nawl.org

Dear Reader,

We are delighted to present this issue of the *Women Lawyers Journal*, which intentionally borrows from and builds on the theme from the 2025 NAWL Annual Meeting: *Rising Together: Strength Through Unity*. In a profession that has long valued individual achievement, it is important to remind ourselves of the power of collaboration, shared leadership, and mutual support to drive meaningful change and collective advancement. This issue highlights the collective strength and resilience of women lawyers as they navigate and address critical legal issues through collaboration and advocacy, exemplifying the theme of *Rising Together: Strength Through Unity*. By showcasing diverse initiatives and the impactful stories of women who are leading bipartisan efforts for change, we illustrate how unity can drive meaningful progress in our profession and society at large.

We begin the issue by honoring the legacy of NAWL heroine and trailblazer, **Selma Moidel Smith**, who passed away in July 2025 at the age of 106. NAWL Executive Director, **Karen M. Richardson**, pays tribute to Selma's commitment to service and scholarship and recognizes Selma's remarkable impact on NAWL and generations of women lawyers.

Next, read and be inspired by the remarks delivered by NAWL President **Gigi Rollini** at the 2025 NAWL Annual Meeting.

We further reflect on the Annual Meeting with a spotlight by **Kirsten Silwanowicz** on the distinguished recipients of the Arabella Babb Mansfield Award: **Professors Leah Litman, Melissa Murray, and Kate Shaw**. These remarkable individuals, celebrated for their impactful contributions to the legal profession, are co-hosts of the popular Strict Scrutiny podcast. Through their platform, they have transformed the discourse surrounding constitutional law, ensuring that complex legal issues are accessible and engaging to a broad audience. In their acceptance remarks, these influential scholars emphasized the importance of elevating underrepresented voices in legal conversations, mirroring the legacy of Arabella Babb Mansfield, the first woman to be admitted to a state bar in the United States. Their commitment to fearless advocacy and education reflects the spirit of unity and collaboration that is vital in our profession today.

Additionally, we are privileged to share the inspiring words of **Illinois Governor JB Pritzker**, one of the 2025 Lead By Example awardees, whose dedication to championing causes that promote equity and justice resonates deeply within our community. Please join us in congratulating all of the 2025 award recipients.

Then, author **Karen L. Prodromo** details the conversations had and connections made at the "Dine-Around" dinners organized in connection with the NAWL Annual Meeting in Chicago. Readers who have not participated in a Dine-Around before will understand why those who have often identify the small-group dinner gathering as a highlight of the Annual Meeting experience.

Next, **Julia Jaremko** provides an important glimpse into the legal and medical complexities faced by patients and physicians in Texas post-*Dobbs* in: *When Statutes Collide with Care: The Legal and Human Stakes of Zurawski v. Texas*. *Zurawski v. Texas* was a lawsuit brought on behalf of Texas women denied abortion care that sought to clarify the scope of Texas's "medical emergency" exception under the state's abortion bans. While the Texas Supreme Court's ruling provided no such clarity, the groundbreaking case proved to be a catalyst for collective action among advocates for reproductive rights, patients, and physicians.

Recognizing the importance of effective communication as a tool for leadership and advocacy, we bring you the first in a two-part series: *Communicating to Persuade, Lead, and Understand*. In this first installment, authors and communication experts **Elizabeth Conlisk, the Honorable Mary Colleen Roberts (ret.), Kari B. Sheinfeld, and Nicole Smithson** focus on the building blocks for effective communication (clarity, connection, and consistency), communication as an effective negotiation tool, and best practices for cross-cultural communication.

Chaya Gourarie highlights the united endeavors of female attorneys and advocates who championed the passage of the significant legislation that is the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021. This Act, which amended the Federal Arbitration Act, empowers individuals who are asserting claims of sexual assault or sexual harassment under federal, state, or tribal law to pursue their cases in a court of law. The landmark legislation bars mandatory arbitration agreements that previously required such claims to be resolved outside of the public eye —an arena often to the detriment of the survivors themselves. Gourarie elaborates on how this legislative shift marks a crucial step to ensure that victims are no longer coerced into silence by binding arbitration clauses that historically shielded perpetrators from accountability. However, as the Act continues to be interpreted by the courts, questions arise regarding its application, particularly concerning the timing of when a dispute is

deemed to arise. The ongoing legal discourse reflects the diverse opinions on the statute's reach and its potential to enforce a more transparent judicial process. The collective modern movement to dismantle the barriers posed by forced arbitration illustrates a societal commitment to uphold the rights of victims, granting them the agency to seek justice on their terms.

Next up, **Liane Noble** highlights women coming together in bipartisan efforts to reshape the legislative landscape and advocate for meaningful reforms. The article illustrates how women lawyers, such as Yiota Souras of the National Center for Missing & Exploited Children, prioritize dialogue and collaboration over division, fostering alliances to tackle crucial issues. It also features Lauren Jones from the National Center for Access to Justice, emphasizing the use of data to improve legal access and drive policy change. Additionally, the Texas Council on Family Violence demonstrates the impact of united advocacy on behalf of survivors. Through these examples, Noble underscores that women attorneys are not just responding to political division but actively working across party lines to create a safer and more just society.

Finally, readers will learn from author **Emily Harmon** about a fantastic resource available to NAWL members: the NAWL Coaching Roster, which identifies highly qualified, NAWL-vetted coaches who are ready to assist NAWL members seeking guidance and support to navigate challenges and opportunities in their careers. *Briefs, Benches, and Breakthroughs: Inside the NAWL Coaching Roster* will discuss some of the coaches on the roster, who benefits from participation, and how the program supports NAWL's mission.

As you turn the pages of this issue of the *Women Lawyers Journal*, we hope you are inspired to connect, collaborate, and continue rising—together.

In Partnership,

Lorena Guzmán-Díaz
Co-Executive Editor

Jacqueline Rogers
Co-Executive Editor

Debevoise & Plimpton

Debevoise proudly supports the National Association of Women Lawyers.

We applaud the National Association of Women Lawyers for the important work it does to advance and empower women in the legal profession. Generations of women lawyers have reaped the benefits of these efforts, as many more will in the years to come. We are honored to do our part.

To join the conversation about women in the workplace, visit the Debevoise Women's Review at women.debevoise.com.

Selma Moidel Smith: A Century of Service and Scholarship

BY KAREN M. RICHARDSON

Selma Moidel Smith gave her heart to NAWL. For more than eight decades, Selma was a steady presence—serving on over 20 committees, mentoring generations of attorneys, and preserving the history of women in law with unmatched care. She passed away in July 2025 at the age of 106, leaving behind a legacy that continues to shape NAWL and inspire all who follow in her footsteps.

Selma joined NAWL in 1943, the same year she was admitted to the California Bar. She was just 23 years old. From the beginning, she stood out—not only for her intellect, but for her warmth, generosity, and quiet strength. She was one of only a handful of women in her class at USC Law School. She didn't just break barriers—she documented them, honored them, and made sure others knew they could break them as well.

A SCHOLAR WHO MADE HISTORY VISIBLE

Selma was well known for her article, "Centennial History of the National Association of Women Lawyers," published in the *Women Lawyers Journal*, Summer 1999, Centennial Tribute issue. In it, she traced the organization's first one hundred years and her meticulous research gave voice to forgotten pioneers, such as identifying the first two women admitted to membership in the American Bar Association in 1918, and preserved their stories for future generations. While NAWL recognized Selma with its Lifetime of Service Award in 1999, she continued to be involved with NAWL for the remainder of her life.

She also served as editor-in-chief of *California Legal History* for 14 years. Her editorial work was praised for its clarity, tact, and scholarly rigor. In 2007, she launched the California Supreme Court Historical Society's student writing competition. In 2014, the Society renamed the competition in her honor, with tributes from Chief Justices Ronald George and Tani Cantil-Sakauye, and Justices Kathryn Werdegar and Joseph Grodin.

A NATIONAL AND INTERNATIONAL CHAMPION FOR WOMEN'S RIGHTS

Selma led the Women Lawyers Association of Los Angeles in 1947 and 1948 where she created a continuing legal education program for women—45 years before California required it. She also lobbied the California state legislature for the 1951 "Wives' Paycheck Bill," which secured married women's right to collect their own wages. The Los Angeles Business Women's Council awarded her a life membership for "Outstanding Service on Behalf of California Women."

She represented U.S. organizations at bar conferences worldwide. In 1948, she was invited to present a paper on clinical training in law schools at the International Bar Association Conference in The Hague where it was adopted by resolution. In 1956, the Dominican Republic awarded her the La Orden del Mérito Juan Pablo Duarte for service to international understanding.

Selma was the first woman to chair the editorial board of the ABA's *Experience* magazine and served on the governing council of the ABA Senior Lawyers Division. She was selected as one of 107 "women pioneers in the legal profession nationwide" for the ABA's Women Trailblazers in the Law Oral History Project.

In 2016, the American Bar Foundation honored her with its inaugural Life Fellow Achievement Award.

▲ *Top: Selma Moidel Smith speaking from the podium at NAWL's 2019 Mid-Year Meeting in La Jolla, California.*

A VOICE FOR ACCURACY AND INTEGRITY

My first interaction with Selma came by phone in 2013. She had noticed that NAWL had miscited one of her articles. She wasn't angry or harsh. She simply wanted it to be correct. Her tone was gentle, but firm. She cared deeply about the truth—not for her own recognition, but because history and accuracy mattered. Her call wasn't a complaint, but a reminder of the standard she held herself to, and the one she hoped we would uphold as well.

That moment stayed with me long after the conversation ended. It provided me a glimpse into the kind of person Selma was—gracious, exacting, and deeply committed to the integrity of our shared work.

Those who worked on the *Women Lawyers Journal* over the years also received calls periodically from Selma, particularly after the publication of a new issue. She provided feedback on the articles and always praised the work she knew went into creating each issue.

A LIFE OF GRACE AND HARMONY

Beyond law, Selma found joy in music. She was a gifted composer and pianist. Her son, Mark, created a website (www.selmamoidelsmith.net) for her 100th birthday that includes recordings of her original compositions—elegant, expressive pieces that reflect the same thoughtfulness she brought to her legal work. Music was her refuge and her celebration. It was another way she shared beauty with the world.

QUINTESSENTIAL SELMA

Selma's warmth and wisdom touched everyone around her. She had a gift for making people feel seen. She gave her time freely, never seeking recognition. She believed in the power of history, the importance of education, and the dignity of service.

Selma's life reminds us that service and scholarship go hand in hand. Her work lives on in the pages of this journal, in the competitions that bear her name, and in the lives of those she inspired.

We should all be so lucky to have a Selma Moidel Smith in our lives.

▲ *Top: Selma Moidel Smith on stage at NAWL's 2019 Mid-Year Meeting. Below: A birthday cake to celebrate Selma's 100th birthday at NAWL's 2019 Mid-Year Meeting.*

To learn more about Selma's extraordinary life, please read:

-Smith, Selma Moidel. Centennial History of the National Association of Women Lawyers, Women Lawyers Journal, vol. 85, no. 2, Summer 1999, pp. 16–33.
-Smith, Mark L. "Biographical Summary," www.selmamoidelsmith.net/about-selma.

Karen M. Richardson *is the Executive Director of NAWL. An attorney by training, she has over 10 years of experience serving NAWL and brings deep institutional knowledge to her role.*

A Special Tribute Section
for the

NAWL LEGACY

National Association of Women Lawyers Centennial

"The issues of importance to NAWL were those affecting women in general, and women lawyers in particular. Public expression of those concerns began in 1911 with the founding of the Women Lawyers' Journal, a magazine that continues to appear (minus the apostrophe) each quarter, and may be found in most law and university libraries."

From "The Centennial of the National Association of Women Lawyers" by Selma Moidel Smith. Published in Volume 85, Issue No. 2 of the *Women Lawyers Journal,* Summer 1999.

1899-1999

Researched and written by Selma Moidel Smith

2025 President's Remarks

Delivered at the
2025 ANNUAL MEETING
at the
HILTON CHICAGO

By 2025 NAWL President Gigi Rollini

▲ *2025 NAWL President Gigi Rollini delivers her remarks from the podium at the 2025 Annual Meeting on July 24, 2025.*

NAWL leaders, members, allies, and friends, welcome to NAWL's Annual Meeting! My name is Gigi Rollini. My official job is Managing Partner of Florida Government Law Partners, a boutique Florida government & administrative law firm in Tallahassee, Florida. But today, I stand here as NAWL's 2025 president—NAWL's 98th president since its founding in 1899.

Of course, no one stands in this position alone. We have a powerful group of leaders within NAWL. Their tireless efforts are impactful and they deserve a shout out. So that we can recognize you properly, current NAWL Board members, would you please stand and remain standing? If you are a NAWL past president or past board member, please join them standing. Now, as they remain standing, NAWL committee and affinity group leaders and chairs, please stand as well. And last but certainly not least, if you are a member of a NAWL affinity group or a NAWL committee, please stand so that we can give you all a round of applause! Thank you all for giving your time and talents to NAWL. NAWL is stronger because of you.

I am also inspired by the number of leaders in this room from our sister bar associations, with which NAWL is honored to stand. Let's take a moment to recognize you: Officers and board members of any bar association other than NAWL, please stand. Thank you for the passion you bring to your role and for your partnership with NAWL.

Whether you're an attorney, student, judge, elected official, NAWL past president, board member, one of our incredible NAWL staff members, a leader of a partner organization, or even dear friends who are just here because you never would have heard the end of it if you hadn't come, the opportunity we each have today is the result of incredible women and men who came before us, who worked to forge a better way for our collective future.

Since NAWL's founding in 1899, there have been critical times for our NAWL leaders, members, allies, and friends to come together, united with purpose and courage. That journey started well before any of us were born.

NAWL's founders in 1899 were lawyers before they could even vote. Individually, they had little power. Indeed, they were limited by systems intended to ensure they stayed that way. But in joining together, they became a force for change.

Together, they disrupted, and then began to remake those systems, in small and big ways, to make them more equitable, more just. Without that vision, that courage, that roll-up-your-sleeves work, many of us would not be in this room today.

After all, the NAWL founding cause was a little project called women's suffrage. NAWL's founders were focused and fearless!

"Without that vision, that courage, that roll-up-your-sleeves work, many of us would not be in this room today." – **Gigi Rollini**, on the founders of NAWL

Recognizing the power of togetherness and strength in unity, NAWL joined a broad collation of like-minded organizations in a larger movement to secure the vote for women in this country. For more than a decade, that movement worked in bold, smart, creative, and probably some less than popular ways. Those efforts culminated twenty-one years later in 1920 with the 19th Amendment to our Constitution.

While I can only imagine the resulting celebration that ensued, NAWL had no intention of stopping there. NAWL turned its advocacy most significantly to the Equal Rights Amendment and to enacting laws to ensure women's independence and autonomy.

For instance, uniform divorce laws. While they might not seem like the most exciting topic of the day, NAWL's Immediate Past President Kristin Bauer so eloquently described on this stage a year ago their importance, drawing inspiration from a Texas legal legend, Louise Raggio, who explained that back then, married women in Texas had the same rights as children and prisoners—they could not enter contracts. Louise used to say that when a woman and a man married, "they became one, and the man was the one."

Through the leadership of women lawyers using their unique skills and areas of expertise to be champions of change, uniform laws were enacted throughout the country to secure property rights for married women that provided a path to independence and autonomy for women and their children.

And we know that kind of work matters. It's no coincidence that landmark protections also adopted in the 1960s and 1970s like the Equal Pay Act, Title VII, the Voting Rights Act, the Pregnancy Discrimination Act, *Roe*, and Title IX led not just to some, but large-scale progress for women. As just one of many examples, we saw the percentage of women entering law school skyrocket from just 10-20 percent in the early 1970s to almost 50 percent by the late 1990s.

Policy has strength and power precisely because it has impact.

NAWL's advocacy for women's equality continues to be a centerpiece of its platform to this day.

"Policy has strength and power precisely because it has impact."
– Gigi Rollini

Surely if these incredible women who came before us, who were consistently underestimated and counted out, who had little power to speak with their authentic voice, could take on such large-scale efforts and make them happen, we, with all our collective power, resources, and purpose, can too be women of historic impact.

We can't assume that progress is unstoppable, or that it can't be rewound and undone. And I doubt that any of us want to be a part of that historic story.

To continue its 125-year history of advancing women's equality, NAWL has launched initiatives and programs critical to women lawyers that foster networks and communities of support. These programs allow us to individually and collectively work toward greater independence, autonomy, advancement, and equality.

▼ *From left: Gigi Rollini delivers remarks to 2025 Annual Meeting attendees gathered in the Grand Ballroom at the Hilton Chicago; she stands on stage with 2025 Lead by Example Award Recipient and Governor of Illinois JB Pritzker.*

This work, this network of togetherness, support, and friendship matters. It matters not just to our individual quality of life and our ability to achieve individual success, but to our overall quality of life and our ability to achieve collective success.

And while at times we may not feel that attainment, and we might feel knocked down by those who seek to empower themselves by disempowering others, we should not get discouraged. We can't sit back and just let others do the work.

To move progress forward, we at NAWL know a little about the power of togetherness. As we are reminded by the story of NAWL's founders: Even when we may feel disempowered in the moment, together we're a force.

We know we can find inspiration by remembering how far we've already come and how we did it: By being focused not on the politics and culture wars of the day, but on our core mission, values, and strengths; by taking a stand on those core values; by joining with like-minded organizations in areas of shared mission; and by identifying those friends and allies that will walk arm-in-arm with us to champion our cause.

When our NAWL members encourage and mentor students and young lawyers and help them build a bridge to a network of support and caring, we grow stronger together.

When we champion fellow members to help them succeed and advance in their workplaces or in other positions, we grow stronger together.

When we show up in force to serve our community or speak up about matters of import, we grow stronger together.

And when we all stand together to ensure those in our community can achieve success and are treated with dignity and respect, and when we educate the public in matters essential to the success of women lawyers, the rule of law, and what it takes to protect our democracy, our entire community grows stronger together.

We are forever grateful to each one of you in this room and within this organization who have chosen to be a part of this network of mentors, champions, advocates, and friends. We are honored to be a part of this journey with you.

We are equally privileged to call our distinguished guest today, Illinois Governor JB Pritzker, a true NAWL ally. Because women are still not equally represented in the legal profession, NAWL celebrates its allies in positions of power who strive to close the gap.

We see Governor Pritzker's impactful work on issues at the core of NAWL's mission, including equal pay, reproductive rights, and protections against gender-based violence and workplace harassment.

And how can any of us help but love that he also reminds each of us to show just how smart we are by proudly displaying our kindness and empathy to one another, as an essential step to overcoming weaponized cruelty and moving toward a more civilized and just society. That is precisely what our world needs more of right now.

Because of these feats and the many we're sure are still to come, we recognize Governor Pritzker with one of NAWL's 2025 Lead by Example Awards, NAWL's highest ally award. On behalf of the entire NAWL community, thank you, Governor Pritzker.

Gigi Rollini *is the Managing Partner of Florida Government Law Partners, PLLC in Tallahassee, Florida's capital city.*

These remarks drew inspiration from Immediate Past President Kristin Bauer's framing of NAWL's legacy, commemorating its 125th anniversary at the 2024 NAWL Annual Meeting in Chicago.

▼ *Members of NAWL's Board, Affinity Groups, and Committees stand to be recognized during Gigi Rollini's remarks.*

2025 ANNUAL MEETING AWARD RECIPIENTS

Arabella Babb Mansfield Award

Leah Litman
Professor of Law, University of Michigan Law School

Melissa Murray
Frederick I. and Grace Stokes Professor of Law and Faculty Director, Birnbaum Women's Leadership Center, New York University School of Law

Kate Shaw
Professor of Law, University of Pennsylvania Carey Law School

M. Ashley Dickerson Diversity Award

Janai Nelson
President and Director-Counsel, Legal Defense Fund (LDF)

Public Service Award

Tammy Duckworth
U.S. Senator from Illinois

Lead by Example Award

Marc Elias
Firm Chair, Elias Law Group, and Founder, Democracy Docket

JB Pritzker
Governor of Illinois

Virginia S. Mueller Outstanding Member Award

Jasbir Kaur Khalsa, Assistant General Counsel, Microsoft

Bridget K. Marsh, Executive Vice President & General Counsel, LSTA

Nicole M. Smithson, Principal Attorney, Indigent Defense Services Office

Catherine van Kampen, Senior Counsel, *Bernstein Litowitz Berger and Grossmann*

▲ *From top: Nicole M. Smithson, Jasbir Kaur Khalsa, NAWL Executive Director Karen M. Richardson, Catherine van Kampen, and Bridget K. Marsh pose for a photograph; Janai Nelson and Marc Elias share the 2025 Annual Meeting stage for the closing session; 2025 Annual Meeting attendees watch Senator Tammy Duckworth's Public Service Award acceptance video.*

Strict Scrutiny Podcasters Honored with NAWL's Highest Award

BY KIRSTEN SILWANOWICZ

A video of this interview was originally presented at the 2025 Annual Meeting on July 24, 2025.

Leah Litman
Professor of Law,
University of Michigan Law School

Melissa Murray
Professor of Law,
New York University School of Law

Kate Shaw
Professor of Law,
University of Pennsylvania Carey Law School

In 2025, the ***Arabella Babb Mansfield Award***—the highest honor recognizing women in the legal profession—celebrates a trio whose voices have become indispensable in shaping our national legal discourse: the co-hosts of the Strict Scrutiny podcast.

Professors **Leah Litman**, **Melissa Murray**, and **Kate Shaw** have transformed constitutional analysis into a platform for informed public engagement, fearless advocacy, and accessible legal education.

Named after Arabella Babb Mansfield, the first woman admitted to a state bar in the United States, this award honors trailblazers who advance gender equity, justice, and the rule of law. Through rigorous scholarship, incisive commentary, and a commitment to centering women's experiences in law and democracy, Litman, Murray, and Shaw continue Mansfield's legacy by opening doors, challenging systems, and inspiring a new generation of lawyers and leaders. In this interview, these remarkable honorees reflect on their work, their voices, and the transformative power of telling the truth about the courts and the Constitution.

Introduce yourself and share what inspired you to start the *Strict Scrutiny* podcast.

I'm Leah Litman, a professor of law at the University of Michigan Law School. Starting the podcast was a way to work through various feelings I have about the Supreme Court and the commentary surrounding it. I wanted to elevate the voices of people who haven't always been heard talking about the Supreme Court, in a tone and register where the Court isn't often discussed.

I'm Melissa Murray, and I joined the podcast at Leah's behest. I'm happy to do anything that Leah tells me, and this was an easy ask. I, too, wanted to ensure that underrepresented voices were heard in the conversation about the Court. That's one of the things we've been very particular about on the podcast. We want to elevate the individuals we feature to ensure a broader range of expertise is both seen and recognized as expert on the Court.

I'm Kate Shaw. I said yes when Leah approached Melissa and me about launching this podcast almost exactly six years ago, in June of 2019. In addition to everything that Leah and Melissa said, this was a moment of transition for the Supreme Court. You had Gorsuch and Kavanaugh installed relatively recently. It was pretty clear to us that the Court and the law would undergo significant changes in the coming years. We wanted to add a different kind of voice and analysis to how people understood those changes.

Can you talk about how Arabella Babb Mansfield and others have inspired you?

Shaw: Mansfield was admitted to the Iowa bar in 1869. That's a crucial moment. Also, there's a crucial moment that points in the other direction four years later, when the Supreme Court rules in *Bradwell v. Illinois* that the state of Illinois, a neighboring state, can continue to exclude women from the practice of law and from the bar. I think this comparison is essential and revealing in a couple of ways. One, progress and equality are not linear. There are steps forward and steps back. Second, in moments when the Supreme Court fails us in implementing the full guarantees of equality and liberty in the Constitution, states can sometimes fill the breach. When the Supreme Court said Illinois could exclude women, Iowa could actually include women. I think there are several lessons that the Mansfield-*Bradwell* contrast drives home.

Murray: Arabella Babb Mansfield had a very storied career. She did a lot of different things in the law, including serving as a law professor. She was the dean of a law school at a time when very few women were leading law schools. She laid a path of iconoclasm that a lot of women lawyers also have to pursue as they make their way in their careers. Yes, we have lots of women lawyers, but for many of the women who have gone before us, they were often "the first" and "the only" in their respective fields and spaces. That can be really lonely, and I imagine it was incredibly lonely for Arabella Mansfield. Now her name is used for Diversity Lab's Mansfield rule, which is a certification program for those who want to be credentialed by Diversity Lab to ensure that any search that they're doing is one where a true critical mass of underrepresented minorities, including women, are represented. I think it's kind of lovely that her name today is one that is used to make sure that women are not "the one" or "the only" in the fields where they're represented.

Litman: To that, I would just add two things that I at least personally draw from Arabella Babb Mansfield's career. One is the "I'm going to do it anyway" energy that I think we all need to replicate. The second is fighting to break into spaces and positions of power and authority that women have too long been excluded from. Those are two themes that I draw from her career.

This past Supreme Court term was especially impactful. What decisions stood out most to you and why?

Murray: It's been a really eventful term for the Court, and that's been the case the last couple of terms. That's not actually typical. Usually, there's more of an oscillation. The Court will decide a big case and then kind of retreat and decide a bunch of smaller things that aren't really as cataclysmic for the culture. But in each of the last three years, since the Court has had a six to three conservative supermajority, it's overruled a major case in every one of those terms. In 2022, the Court infamously overruled *Roe v. Wade*. In 2023, it overruled the line of cases that culminated in *Grutter v. Bollinger*. Then just last term, it overruled *Chevron*. I would say it also overruled *United States v. Nixon* in its *Trump v. United States* ruling–that perhaps is debatable, but I think there's a good argument to be made. This term, we have this absolutely cataclysmic ruling on nationwide

injunctions. I think it's going to set the stage for really reordering the relationship between the executive branch, the courts, and the people. I guess I'm not surprised necessarily. This has been its wont for the last couple of terms, but it's no less jarring once it actually materializes. I'm not even getting into some of the other cases, like *Skrmetti* and *Medina* that have real consequences for the health and welfare of women throughout the country.

Litman: I would actually say two decisions that weren't on the regular docket but were orders and decisions from the shadow docket, and that's *DHS v. D.V.D.*, the case about third country removals, and then *Trump v. J.G.G.*, which was one of the initial Alien Enemies Act cases. I think those two cases are so significant because they are instances where the Supreme Court blocked or paused lower court orders, removing the government's continuing obligation to comply with the lower court orders that, in my view, the government had clearly violated. In that sense, they are disempowering lower courts at the same time. They are empowering an administration that is attacking lower courts and the legitimacy of having lower courts enforce the law against the administration.

Shaw: I'll take one more beat on a case Melissa mentioned, *United States v. Skrmetti*. The holding of the case: the Court upholds Tennessee's ban on gender affirming care for minors, but there is a great deal of reasoning in the opinion that also calls into doubt long-settled precedent regarding the equal protection guarantees of the Constitution in the context of sex equality. The Court revives the opinion in *Geduldig*, a case part of what is often considered the anti-cannon. The Court held in that case that as a matter of constitutional law, pregnancy discrimination is not sex discrimination. The case lay dormant as Congress repudiated its logic as a statutory matter in the amendments to the Civil Rights Act and the Pregnancy Discrimination Act. Generally speaking, the logic of *Geduldig* has been viewed as wildly wrong, and the Supreme Court clearly revived it in *Skrmetti*, and seems to be laying the groundwork for reimagining many of our long-settled views about how sex equality guarantees are provided by the 14th Amendment and how laws that distinguish on the basis of sex are to be scrutinized under the Equal Protection Clause. I think there are a lot more shoes to drop in the Court's rolling back of the sex equality guarantees of the Constitution that *Skrmetti* points the way toward.

Are there any rulings that you felt have been under discussed in mainstream media but deserve more attention?

Litman: The entire last Supreme Court term has been under discussed. I think so much oxygen has been sucked out of the room with everything the Trump administration is doing that there has just been precious little coverage and focus on the Supreme Court. If I had to identify two decisions or rulings that we haven't yet talked about, I would probably say *Medina v. Planned Parenthood*, which said patients and providers cannot enforce a federal law when states violate it by booting Planned Parenthood from the Medicaid program. That decision is not just about Planned Parenthood. It effectively greenlights states' ability to bounce any provider out of the Medicaid program in violation of federal law. The other under discussed decision is *Mahmoud v. Taylor*, which recognizes that parents have a right to opt their children out of certain instruction in public schools, including storybooks involving LGBT characters. That decision is potentially going to blow a hole through the existing law concerning public education, but also laws that burden religious practices more generally, because we just don't know what the Supreme Court is going to say is the precise set of policies that they feel are so severe a burden that they are going to review and treat differently than others.

Murray: I'd also add another case, this is again dealing with the question of anti-discrimination law, specifically employment discrimination law: *Ames v. Ohio Department of Youth.* The Court said that the evidence that a litigant has to proffer in circumstances where she's alleging workplace

discrimination, but her supervisors aren't necessarily of a group that would be likely to discriminate, is just not necessary. I think that is going to open the door for a lot of other litigants, perhaps men (i.e., claiming that certain workplace provisions to increase the representation of women and other underrepresented minorities are unfair), who will have a lower bar to clear in making those claims of reverse discrimination going forward. That wasn't a case that got that much attention in the mainstream media. It went largely overlooked, as did a quite significant concurrence from Justice Thomas, where not only did he sign on to the majority's reasoning, he actually said he would go further and completely reevaluate the *McDonnell Douglas* framework for dealing with the burden shifting in employment discrimination cases. That is an invitation to new litigants to bring claims to undermine *McDonnell Douglas*. I think that's something that's going to percolate for a while before it actually comes up to the Supreme Court. Again, really no coverage of that case whatsoever.

Shaw: I'll mention one more case on the shadow docket. In addition to *D.V.D.*, which is one of the cases that Leah mentioned, the Supreme Court in a May order essentially put on hold two lower court opinions that had found the Trump administration's executive order banning military service by transgender individuals were likely unconstitutional under the Equal Protection Clause. In carefully reasoned rulings, lower courts had found that the order likely violates the Constitution. Then the Supreme Court, without a word of reasoning, put those lower court rulings on hold and allowed the administration to begin implementing this ban that involves actually discharging active-duty military service members, many of whom had quite distinguished records. The Court did not deign to say anything about why it was allowing that order to go into effect in the face of these uniform and carefully reasoned lower court opinions finding the order likely unconstitutional. I think the shadow docket is always under-covered as a part of the Court's work, but it is increasingly—both in volume and actual impact—sometimes a more important aspect of the Court's work than its merits docket. The press that covers the Court is still catching up to that important change in the Court's practices.

"The shadow docket is always under-covered as a part of the Court's work, but it is increasingly -- both in volume and actual impact -- sometimes a more important aspect of the Court's work than its merits docket."
- KATE SHAW

Do you think the current Court is changing how legal professionals think about precedent and constitutional interpretation?

Shaw: As Melissa said, I think the Court bulldozing over important precedents in recent terms is a hugely important development. I also think that this is an area where numbers don't tell the whole story. There is sometimes a defense of the Court that goes along the following lines: as a matter of raw math, the Court has not overruled as many cases in recent terms as it did during some terms of, say, the Warren Court. And that is true, but of course, what the opinions are and their impact on all of our lives is, in many ways, more important than the number of opinions.

I do think that the Court has overruled enormously important opinions, like Melissa mentioned, obviously, *Roe* and *Casey*, and also the line of cases permitting a degree of race consciousness in government policy, including higher education admissions. The numbers, again, don't tell the whole story. Equally important is the Court's willingness to disrupt long-standing practices of the executive branch and of the lower courts in ways that don't necessarily translate into headlines like "Big Case X Overruled," but have enormously destabilizing effects on the practice of law. One example is the *Trump v. CASA* case, finding that lower courts, and maybe courts in general, with the under-explained exception of the Supreme Court, do not have the power to issue nationwide or universal injunctions. That is something that courts have issued regularly in recent years, and so that is an

enormous change in the way lawsuits will be framed, brought, and decided that the Court inaugurated overnight.

Litman: I would add that in addition to overruling cases, the Court also declines to overrule cases and invents a bunch of ridiculous distinctions with those cases, and in so doing, makes a mockery of the law, like it is overruling the concept of law itself.

From this last term, in *Free Speech Coalition v. Paxton*, the Supreme Court didn't overrule the courts for prior cases that had applied strict scrutiny to laws that attempted to restrict minors' access to non-obscene explicit material that also burdened adults' access to non-obscene explicit material. It just said all of them were different because they had *prohibited* rather than just *burdened* adults' access to the material, and also because "porn." Those are not actual distinctions with the prior cases.

"The Court also declines to overrule cases and invents a bunch of ridiculous distinctions with those cases, and in so doing, makes a mockery of the law, like it is overruling the concept of law itself."
- LEAH LITMAN

Similarly, in *Mahmoud v. Taylor*, the Court just announced that, when something is an objective real threat and danger to instilling the religious values in your children, then we don't have to apply our prior case in *Smith*. These are just nonsensical word games. When the Supreme Court allowed Donald Trump to fire the heads of two multi-member commissions, they added, oh, but not the Fed, because that's a unique quasi-private distinct entity with a discreet historical tradition. Those are just words that isn't law, which again, they are just making an utter mockery of.

Murray: It's not simply that the Court is ignoring precedents. Sometimes they're ghosting precedent —precedents that are inconvenient or are an obstacle to the Court reaching its desired outcome. They just ignore it all together.

A really great example of this is *Smith.* As Leah said, in *Mahmoud v. Taylor*, *Smith* is directly on point and the Court just brushes it off. Another example would be *Lemon*, which the Court "poo-pooed" in a number of cases. And then a few terms ago in *Kennedy v. Bremerton School District*, the Court announced that *Lemon* had been abandoned. What they didn't tell us is that the people who had abandoned *Lemon* were the Court itself, which refused to cite *Lemon* or even engage *Lemon* in any of the cases where it was actually relevant.

These precedents weren't just vaporized. The Court put them into a lockbox where we don't use them, and now the Court says they are not in use anymore. It is absolutely tautological, circular, and the Court does it all the time.

How do you approach making complex legal issues accessible to both legal professionals and non-lawyers?

Litman: I just try to talk like a person, talking to actual people, who isn't trying to prove that I am smarter than everyone else in the room and that things are more complicated than you might think. I feel like we are having conversations between friends. That's what we want the podcast to be, and in that way, they're just normal normies that everyone should be a part of and feel empowered to participate in.

Murray: I honestly think that's the easiest part of our job. I mean, we started off with the view that this podcast had to be a podcast that laypeople could listen to. You didn't need a law degree to listen to the podcast, and we also wanted it to be fun. There are lots of podcasts about the Supreme Court and we just wanted to be one that was maybe a little irreverent to sort of demystify the Court.

The Supreme Court justices are normal people. They get up every day, they double park to pick up their barbecue—they're normal people. It shouldn't be the case that what they say and what they do are beyond analysis. They're an important part of our society. They make the rules of the road that we all must live by, whether we want to or not. And we should be talking about them the same way we talk about anyone else in our system.

"The Supreme Court justices are normal people. They get up every day, they double park to pick up their barbecue—they're normal people. It shouldn't be the case that what they say and what they do are beyond analysis."

- MELISSA MURRAY

Shaw: I'll just say it's a work in progress as well. We try to stop and define terms that for us are second nature, because we do have a lot of non-lawyer listeners. But we also want to actually delve into deep jurisprudential implications of the Court's cases, so we are kind of toggling between those different registers.

But I think it really is just a conversation between friends. We collaborate together, we write together, we podcast together. I think that people are getting an authentic snapshot of the way that we interact, and hopefully it works.

Litman, Murray, and Shaw close with deep gratitude for this recognition.

Speaking for the group, Murray states, "We do not take it for granted—nor do we take for granted the many women lawyers who have stood with us from the beginning. You sustained us and helped this podcast become what it is today. Thank you for your attention, your support, and your steadfast encouragement. We are profoundly grateful, and this honor truly means the world to us."

▲ *2025 Annual Meeting attendees watch the video presentation featuring Leah Litman, Melissa Murray, and Kate Shaw in the Grand Ballroom at the Hilton Chicago.*

Kirsten Silwanowicz *is the Chief General Counsel of the Detroit Housing Commission in Detroit, Michigan, and a member of the Women Lawyers Journal Editorial Board.*

Governor JB Pritzker

Receives the 2025 NAWL Lead by Example Award

Remarks delivered at the 2025 Annual Meeting on July 24, 2025, at the Hilton Chicago

What an honor it is to be recognized at his moment in history by an organization whose members are on the front lines in the battle to preserve our rights, our constitution, and the rule of law.

Along with my gratitude for this award, I want to thank you for setting an example to the world. 2025 has not been a quiet year for members of the legal profession ... but the work is a powerful testament to the necessity of it.

As late night lawsuits have been filed, as immigration attorneys have taken on unforeseen challenges and heartbreaking phone calls, as most judges have said with conviction—*not in this constitutional republic!*—we've borne witness to the fact that democracy in action takes place in courtrooms as much as at the ballot box and in the streets.

To those who have dedicated your nights and early mornings and weekends fighting unconstitutional actions, battling executive orders that pervert justice, counseling clients faced with some of the most painful moments of their lives—thank you.

The professional circumstances for many have forced newfound dedication to the meaning of justice. All our values are being tested about what brought us into the law in the first place.

155 years ago, a stone's throw from where we gather today, Ada Kepley crossed the stage at what is now the Northwestern School of Law—the first woman to get a law degree in the United States, and she graduated with honors, no less.

◀ *Governor of Illinois and 2025 NAWL Lead by Example Award Recipient JB Pritzker delivers remarks from the podium at the 2025 Annual Meeting on July 24, 2025.*

For the century and a half since, women have continued to bend this profession more toward the justice it seeks to serve—a skill often honed, for better or for worse, by the experience of growing up and growing old in a world that wasn't designed with your equal rights in mind.

Women know how to do the work—and the work is needed now more than ever.

President Eisenhower once said, "the clearest way to show what the rule of law means to us in everyday life is to recall what has happened when there is no rule of law."

That message is personal for me. I'm a Ukrainian-American Jew whose family fled the Russian organized massacre of Jews and immigrated here as refugees.

I'm not an American by accident. My family chose America to escape to, and America opened its doors to us. And three generations later it's my job to pay it forward.

The vast majority of Americans are here because our ancestors sought the security, safety and opportunity afforded to every person in this Constitutional Republic.

That's what the founders had in mind—all of them forced to expatriate themselves from a tyrannical king who arbitrarily took away their rights.

The purpose of government is to improve our lives—and when the separation of powers is ignored, when the will of the people is set aside, when due process is tossed out the window, when the constitution is turned into a tool to benefit only the wealthiest or most powerful, the idea that created this country has become distorted.

But you give me hope. Every single generation of Americans has had to fight for our democracy. None of our ancestors in this country has ever been spared.

It would be hubris to think that we would be the first.

And through every generation's battle to preserve this nation, we have won.

But today we have our work cut out for us. Institutions that once defined the rule of law are stomping on it. There are fires to be put out everywhere—from the Oval Office down to the County Courthouse.

It's a whole lot at once. There are no magic words that ensure peace, civility, democracy in a society. It's a commitment for all of us, by all of us, that "all are equal before the law."

You all have seen firsthand the power of that principle. This profession carries the responsibility of shaping lives, livelihood, and liberty—every day.

And lest you think your work has nothing to do with the frontline fight—remember that there is nothing that does not rest upon the legitimacy of our institutions.

So we all need to find our footing—and hold fast to the oath we all took to uphold our Constitution. Because the hard choices between what is easy and what is right are here. And it's our obligation to keep the promise of this country alive for another generation. Thank you.

***JB Pritzker** has served as the 43rd governor of Illinois since 2019.*

◀ *Top: Governor Pritzker delivers remarks to 2025 Annual Meeting attendees gathered in the Grand Ballroom at the Hilton Chicago. Below: Gov. Pritzker laughs with a group of attendees.*

ANNUAL MEETING SPOTLIGHT

Dining, Connecting, and Laughing Through Chicago

BY KAREN L. PRODROMO

The recipe for a memorable NAWL evening? A Chicago landmark, good food, and even better company. At this year's Annual Meeting, NAWL's signature Dine-Arounds—small-group, pay-your-own dinners hosted by NAWL members at restaurants across the city—mixed all three to perfection. Designed to bring together attendees from different practice areas and regions, these gatherings turned casual meals into evenings of laughter, meaningful conversation, and genuine community.

Hosted by NAWL members at restaurants across the city, the Dine-Arounds gave attendees a chance to explore Chicago's vibrant dining scene while forming genuine relationships beyond the conference agenda. From the iconic deep dish at Lou Malnati's to a spirited karaoke session at TAK Korean Bistro, these dinners proved that sometimes the best networking happens over shared stories, not business cards.

Deep Dish and Deeper Connections

At Lou Malnati's, host Sara "Wilson" Wilson expected a cozy group of six—but word spread quickly, and soon nine attendees gathered in the hotel lobby for the short walk to Chicago's deep dish institution. "The energy was great from the start," Wilson recalled. "People were chatting right away about where they'd flown in from and what drew them to NAWL."

Once seated at their long wooden table, conversation easily found its rhythm—blending lighthearted storytelling with personal reflection. Attendees compared notes on their early years in practice, how they balanced demanding workloads with family life, and what first inspired them to join NAWL. "It struck me how open everyone was," Wilson said. "By the time the pizzas hit the table, it already felt like a group of old friends catching up, not strangers meeting for the first time."

Lou Malnati's famous deep dish—gooey mozzarella, buttery crust, and tangy tomato sauce—became more than dinner; it was the centerpiece of a night that set the tone for the rest of the conference. For newer attendees, the dinner created a built-in network of familiar faces to greet in sessions the next day. "The next morning, I'd spot people from the dinner, and we'd wave or sit together," Wilson said. "It's a simple thing, but it makes a huge difference—especially for anyone attending alone."

Karaoke, Kimchi, and Confidence

While the deep dish crowd bonded over pizza, Amanda Arriaga was leading what might have been the most unconventional (and unforgettable) Dine-Around of the week: dinner at TAK Korean Bistro, followed by karaoke in a private dining room.

"I wanted to host something that encouraged people to let loose a little—a place where we could be ourselves and laugh," Arriaga said. The meal began with shared plates of kimchi pancakes, spicy pork, and japchae noodles, paired with lively conversation about the year's conference sessions and the wide range of practice areas represented at the table—from criminal law and employment litigation to, surprisingly, space law.

That revelation sparked an ongoing joke throughout the night. "When we learned one of our guests worked in space law, we started queueing up every song we could find with the word 'space' in it," Arriaga laughed. "It became the theme of the evening."

Even guests who swore they "couldn't sing" eventually found themselves joining in, and the laughter that filled the room quickly erased any trace

▲ *Top: The Chicago skyline at sunset.*

of self-consciousness. “Karaoke is the ultimate icebreaker,” Arriaga said. “It’s not about who can sing—it’s about cheering each other on and celebrating being together.”

The evening ended with hugs, exchanged contact info, and promises to keep the “Karaoke Dine-Around” tradition alive at future meetings. “That’s what NAWL is about,” Arriaga reflected. “Creating spaces where women lawyers can support, encourage, and genuinely enjoy one another.”

The Heart of the Annual Meeting

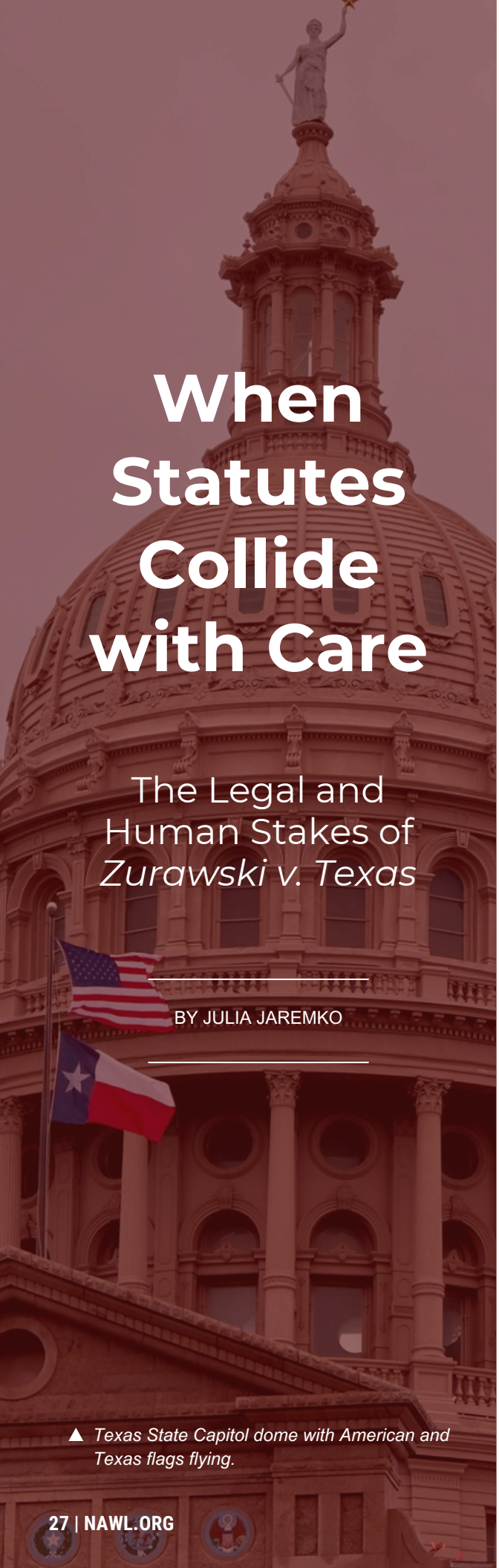
Whether over deep dish pizza or a microphone, this year’s Dine-Arounds reflected what makes NAWL unique—a mix of professionalism, authenticity, and joy. Each dinner took on the personality of its host: Sara Wilson’s warm hospitality set the stage for meaningful connection, and Amanda Arriaga’s playful spirit turned a dinner into a night to remember.

More than just meals, these Dine-Arounds were reminders that the bonds built through NAWL often start with something simple—a shared table, a shared laugh, or even a shared chorus of “Rocket Man.”

So next year, when sign-ups open in the conference app, don’t hesitate. Pick a restaurant, bring your appetite (and maybe your singing voice), and see where the night takes you. You might just walk away with new friends, new confidence, and a Chicago story you’ll never forget.

Karen L. Prodromo *is a partner in the Walnut Creek, California, office of Lewis Brisbois Bisgaard & Smith LLP, and a member of the Women Lawyers Journal Editorial Board.*

A boat on the Chicago River at night. ▶



When Statutes Collide with Care

The Legal and Human Stakes of *Zurawski v. Texas*

BY JULIA JAREMKO

▲ *Texas State Capitol dome with American and Texas flags flying.*

Zurawski v. Texas,[1] is a landmark post-*Dobbs* case brought before the Texas Supreme Court because it was the first lawsuit brought on behalf of women denied abortions since the United States Supreme Court ("SCOTUS" or the "Court") eliminated the constitutional right to abortion in 2022. *Zurawski* sought clarity on the scope of "medical emergencies" permitted under Texas's three state laws banning abortion (the "Abortion Bans").[2] The Texas Supreme Court unanimously upheld the Abortion Bans and declined to further delineate on the permitted medical exceptions. This case, and its aftermath, highlights the legal and medical complexities faced by patients and physicians in Texas and has broader implications for abortion access across the United States.

This article first recaps the evolution of abortion law in the United States, from the foundational precedents of *Roe v. Wade* to the transformative impact of *Dobbs*. It then examines the emergence of trigger laws and pre-Roe bans, setting the stage for the legal landscape in Texas and nationwide. The article considers the broader implications for patients, physicians, and advocates, highlighting how *Zurawski* has shaped legislative responses and public discourse, and what its legacy may mean for the future of reproductive rights and healthcare access in America.

ABORTION LAW PRECEDENT: *ROE*, *CASEY*, AND *DOBBS*

The constitutional right to an abortion was first established in the 1973 Supreme Court decision: *Roe v. Wade* ("*Roe*"). In *Roe*, ruling 7-2, the United States Supreme Court ("SCOTUS" or the "Court") recognized a fundamental "right to privacy" within the Due Process Clause of the Fourteenth Amendment, which protected a pregnant woman's choice to have an abortion up until fetal viability. The Court balanced this right against the government's interests in protecting women's health and the "potentiality of human life." *Roe* established a framework of when the state could regulate abortion access, based on the trimester of a pregnancy. In the first trimester, the decision to have an abortion was left to the woman and her physician; in the second trimester, the state may regulate abortion procedures in ways that are reasonably related to maternal health; and in the third trimester, once the fetus reaches viability, states can prohibit abortions except when necessary to protect the mother's life. This framework initially served as a national benchmark for abortion laws.

[1] *State v. Zurawski,* 690 S.W.3d 644, 653 (Tex. 2024).
[2] Texas has three state laws banning abortion: (1) a trigger ban which outlaws abortion entirely, (2) S.B. 8, the "vigilante" ban that prohibits abortion after about six weeks of pregnancy; and (3) a pre-*Roe* criminal ban that several courts have determined to be implicitly repealed. *Zurawski v. State of Texas*, Center for Reproductive Rights (May 31, 2024), https://reproductiverights.org/cases/zurawski-v-state-texas/.
[3] *Roe v. Wade*, 410 U.S. 113 (1973).

Two decades later, in 1992, the Court heard *Planned Parenthood of Southeastern Pennsylvania v. Casey*[4] ("*Casey*"), challenging the Pennsylvania Abortion Control Act of 1982, which imposed certain requirements on women seeking abortions, including requiring women to obtain informed consent, imposing a 24-hour waiting period, parental consent for minors, and spousal notification for married women. In a narrowly decided 5-4 ruling, SCOTUS reaffirmed the essential holding of *Roe* (that women have a constitutional right to obtain an abortion), but the Court rejected the trimester framework of Roe, replacing it with an "undue burden" test. The undue burden test determines whether a law is unconstitutional 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." Applying this standard to each provision, the *Casey* Court found only the spousal notification requirement to be unconstitutional.

In 2022, in *Dobbs v. Jackson Women's Health Organization*[5] ("*Dobbs*"), the Court reviewed the constitutionality of Mississippi's Gestational Age Act, which banned most abortions after 15 weeks of pregnancy with exceptions for medical emergencies and fetal abnormalities. In a 5-4 opinion, the Court ruled that there is no constitutional right to abortion, upending over fifty years of precedent. The Court determined that "procuring an abortion is not a fundamental constitutional right because such a right has no basis in the Constitution's text or in our Nation's history." As a result of *Dobbs*, abortion regulations are now left entirely to the states.

TRIGGER LAWS AND PRE-*ROE* BANS

Following the *Dobbs* decision, many states allowed restrictive abortion laws to take effect almost immediately through trigger laws that would automatically ban abortion in the first or second trimesters if *Roe* were overturned. Thirteen states already had such laws in place:[6] Arkansas, Idaho, Kentucky, Louisiana, Mississippi, Missouri, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah, and Wyoming. In addition, nine states had never repealed their pre-Roe bans, which became immediately enforceable: Alabama, Arizona, Arkansas, Michigan, Mississippi, Oklahoma, Texas, West Virginia, and Wisconsin. The rapid implementation of trigger laws and the revival of total abortion bans created significant medical and legal uncertainty, at best, and dangerous impediment, at worst, for women across the country.

Several states, however, moved in the opposite direction, to expand abortion access. California, Oregon, and Washington proposed measures such as eliminating co-pays for abortion services, funding travel costs for patients from restrictive states, and enshrining the right to abortion in their state constitutions.[7] Kansas, Kentucky, and Montana voters prevented anti-abortion amendments.[8] The absence of a constitutional guarantee to abortion has resulted in a patchwork of protections and restrictions on abortion access throughout the United States.

ZURAWSKI V. TEXAS

Amanda Zurawski's story highlights serious patient harms and the legal difficulties physicians face when caring for patients in states with murky abortion laws. After several rounds of fertility treatment, Ms. Zurawski became pregnant in 2022.[9] During a scan in her seventeenth week of pregnancy, physicians identified that her cervical membranes were prolapsing and informed her that the fetus would not be viable.[10] The Texas Abortion Bans prohibits all abortion, except for unclear "medical emergencies," so the physicians declined to perform an abortion, reasoning that she was not yet ill and had not gone into labor naturally.[11] Three days later, she went into septic shock, not once, but twice, and was left with a permanently closed fallopian tube. Even after her water broke, and her fever spiked, nurses would not confirm if the hospital would receive Ms. Zurawski for an abortion, citing a need to receive approval from the hospital's ethics board.[12]

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[4] *Planned Parenthood of Southeastern Pa. v. Casey*, 505 U.S. 833 (1992).
[5] *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215 (2022).
[6] The New York Times, *What is a trigger law? And which states have them?*, N.Y. Times, (May 4, 2021), https://www.nytimes.com/2022/05/04/us/abortion-trigger-laws.html.
[7] Erin Geiger Smith & Kathrina Szymborski Wolfkot, *Voters in Seven States Pass Measures to Protect Abortion*, State Court Report (Nov. 6, 2024), https://statecourtreport.org/our-work/analysis-opinion/voters-seven-states-pass-measures-protect-abortion.
[8] *Id.*
[9] Kate Zernike, *Five Women Sue Texas Over the State's Abortion Ban*, N.Y. Times, (March 6, 2023), https://www.nytimes.com/2023/03/06/us/texas-abortion-ban-suit.html.
[10] *Id.*
[11] *Id.*
[12] *Id.*

Ms. Zurawski was joined by other Texas women who were denied abortion care (and also faced risks to their health, fertility, and lives) and two Texas obstetrician-gynecologists. Plaintiffs sought clarity on medical exceptions, not a full overturn of Texas's Abortion Bans.[13] Plaintiffs argued that the laws contained conflicting language and non-medical terminology, which created confusion and chaos for physicians attempting to provide medically necessary care. Despite requests for guidance on the Abortion Ban from physicians and medical organizations, the state failed to offer any.[14] The ambiguity resulting from the language of the Abortion Bans had serious consequences because those found in violation faced a minimum fine of $100,000 and up to ninety-nine years in prison.[15] Under these conditions, physicians have been hesitant to provide lifesaving care, leaving patients with profound physical and emotional distress.

To the contrary, the State of Texas argued that the plaintiffs' injuries could not be traced to the actions of state officials, but rather to medical provider error, and further contended that the women's injuries were unlikely to recur because they might not become pregnant again.

The Texas Supreme Court ruled in favor of the state and upheld the Abortion Bans, signaling limits on patient standing but leaving the door open for future challenges. It also left physicians without any clarity as to when they can use their medical judgment to decide if they can provide abortion care without being prosecuted.

For example, the Court noted that exceptions can be made for life threatening conditions; it did not specify at what point during the patient suffering from the condition, the exception applied. Generally, abortions are not allowed for life threatening lethal, fetal conditions, only for life threatening conditions like preterm premature rupture of membranes that affect the mother. The Court declined to permit abortions even in cases where the fetus has a lethal condition, unless the pregnant woman faces a life-threatening complication.

BROADER IMPLICATIONS

On a broader scale, *Zurawski* highlights the inherent limits of patient-driven litigation, demonstrating that even direct challenges by affected women may fail when courts narrowly interpret standing and medical exceptions. The case has amplified awareness among reproductive rights advocates of the legal barriers patients face and the risks physicians confront when providing care under ambiguous laws. As a result, it has shaped advocacy strategies, encouraging states to adopt protective measures such as safe harbor laws, shield laws, and codified medical exceptions.

For example, a multistate amicus brief in *Zurawski* was filed by the attorney generals of New York, California, Arizona, Colorado, Connecticut, Delaware, Hawai'i, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, Washington, and the District of Columbia challenging the Texas laws, and arguing that the laws endanger pregnant women not only in Texas but also would have consequences for other state's health systems.

Connecticut's shield law was the first of its kind – it provides protections against out of state investigations and prosecutions. Importantly, not only do patients have protection, healthcare providers who provide reproductive health care services are now protected against professional discipline solely on the provision of reproductive care. In fact, providers are able to file claw back lawsuits to recoup any out of state court damages that were awarded Connecticut also has strong health data laws, much stronger than HIPAA.[16]

Zurawski has also transcended into federal policy debates—emphasizing the tension between state-level abortion restrictions and interstate access, underscoring the urgent need for legislative clarity and comprehensive protections for both patients and healthcare providers across the country.

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[13] Center for Reproductive Rights, *Seeking Clarity on Emergency Exceptions to Texas's Abortion Bans*, (March 6, 2023), https://reproductiverights.org/cases/zurawski-v-state-texas/.

[14] *Id.*

[15] Tex. Rev. Civ. Stats. arts. 4512.1–.6; Tex. Penal Code arts. 1191–1196 (1925); (ii) the trigger ban on abortions that took effect in August 2022 and subjects violators to criminal penalties, see Tex. Health & Safety Code §§ 170A.001–.007; Tex. Penal Code § 12.32; and (iii) Senate Bill (S.B). 8 that was enacted in 2021 and subjects violators to civil penalties through enforcement by private individuals, see Tex. Health & Safety Code §§ 171.201–.208

[16] Joan Feldman and Jack Ferdman, *Shield Laws and the Battle to Provide Reproductive Health Services*, (Sept. 10, 2025), https://www.jdsupra.com/legalnews/shield-laws-and-the-battle-to-provide-5555225/.

The Plaintiffs' stories in *Zurawski v. Texas* have raised public awareness of the importance of clear medical exceptions to abortion bans, as these stories put human abstract consequences on restrictive abortion laws.

Through sharing their experiences, the plaintiffs exposed how vague statutory language and the lack of medical clarity endangers women's health. Their testimonies were amplified by national media coverage and public recognition (Ms. Zurawski was named a Time Magazine Woman of the Year), and have transformed an abstract legal debate into a tangible account of suffering and systemic failure.

Their stories have deepened public understanding of how narrowly written medical exceptions fail in practice, sparking calls for legislative reform and clearer protections for both patients and physicians.

CAUTION, CATALYST, AND THE FUTURE OF ABORTION LAW

Zurawski v. Texas serves as both a cautionary tale and a catalyst.

Ms. Zurawski's experience exposes the human cost of restrictive abortion laws and the legal uncertainties they create, reminding courts and lawmakers of the stakes in reproductive healthcare. Physicians cannot be expected to provide care under the threat of prison time or professional ruin. Women deserve to walk into a hospital with the certainty that their health and safety will be protected, and that they will receive the care they need without compromise.

At the same time, the case has inspired protective legislation in other states, from safe harbor laws to expanded medical exceptions, showing how litigation can drive meaningful reform.

In the wake of *Dobbs*, *Zurawski* crystallizes the tension between restrictive statutes and patient well-being, signaling that the fight for clarity, access, and compassionate care is far from over.

"Their testimonies... have transformed an abstract legal debate into a **tangible account of suffering and systemic failure.**"

Julia Jaremko *is an attorney with Duane Morris LLP in Hartford, Connecticut, and a member of the Women Lawyers Journal Editorial Board.*

The Three Cs of Communication, Negotiation, and Cross-Cultural Communication

BY ELIZABETH CONLISK, HON. MARY COLLEEN ROBERTS (RET.), KARI B. SHEINFELD, AND NICOLE M. SMITHSON

In this two-part series, three leaders share the lessons and advice on effective communication they delivered during their highly regarded program at the National Association of Women Lawyers 2025 Annual Meeting. Part One explains the building blocks for effective communication, how negotiation principles apply in all communication situations, and best practices for communicating across cultures. Part Two will discuss coaching, feedback, and essentials for communicating during a crisis.

The Three Cs of Communication

At the core of effective communication are (1) clarity, (2) connection, and (3) consistency.

▲ *Top: Leah R. Bruno, Elizabeth Conlisk, Kari B. Sheinfeld, and Hon. Mary Colleen Roberts (ret.) presenting during their workshop at the 2025 Annual Meeting, "Speak, Persuade, Lead: Communication Strategies for Legal Impact."*

Clarity: More than anything, effective communication starts with clarity. Whether you're delivering good news or bad news, making an argument in court, or speaking to the media in a crisis, you need to be clear so that people understand your message. Do not use jargon. Make every word count. Structure your ideas logically in a way that people can follow. Within your structure, use a topic sentence, supporting facts, and next steps, if applicable. Order your ideas in a logical flow.

Generally, you want to make sure that after you give your statement, you allow for questions. You want people to leave thinking, "Oh, I get it."

Note that it is acceptable to address questions privately when appropriate. Other times, you may not be able to answer a specific question because it is not information that you have yet or that you are in a position to disclose. When that is the case, you can build trust by being transparent and saying that "This is all I can tell you right now, but when I learn more that I can share, I will."

Connection: In recent years, communicating with empathy and being human have taken center stage for good reason. Emotion and relevance move people. People respond to tone, not just text.

You keep your audience's attention when you are telling them information that matters to them while being empathetic and authentic.

Connecting while communicating largely involves understanding what matters to the other party. To understand, you must listen as much as you talk.

The best communicators are excellent listeners. Bringing curiosity to the conversation, asking questions to explore commonality, and taking advantage of opportunities to build bridges are great ways to connect with and learn about someone. Knowing more about who you are speaking with helps you adjust your message and how to deliver it.

When in the throes of a crisis, listening will help you get the facts you need to both make decisions and craft external messaging. You want to be able to say, "Let me get this straight. You said 'X.' Do I have that right?" Your listening skills are what will help you get the correct facts.

Consistency: We cannot overstate the importance of building trust in communication. Consistency builds trust: who you are as a person, who you are as a communicator, who you are as a lawyer, and that you're known as someone who does what they say they're going to do. People need to know they can count on you. When you are consistent, people believe what you tell them. It allows them to accept that "I can't tell you everything. This is what we know right now." And people trust that you will provide more facts if you can.

Top: Elizabeth Conlisk speaks from the 2025 Annual Meeting workshop stage. Below: Kari B. Sheinfeld shares her expertise with the 2025 Annual Meeting workshop attendees.

Negotiation

Listening is also an important negotiation tool. Asking questions, listening, and incorporating those answers into the conversation are central to negotiation and being an effective leader.

Wherever you are, be it a boardroom, a courtroom, or in a hallway conversation, our ability to communicate with clarity and negotiate with purpose determines our role. Are we an intentional leader or someone hoping others will follow? Effective communication and negotiation skills are tools we use daily.

When we frame an issue thoughtfully, we invite collaboration instead of triggering resistance. By asking purposeful questions and aligning interests because we've listened to the other side's answers, we can create a shared vision that moves the conversation forward. By using negotiation skills when we communicate, like interest-based negotiation, reflective listening, and recognizing and managing emotions, we can ensure that our voices resonate and that others will choose to follow us.

The two fundamental negotiation processes are positional bargaining and interest-based negotiation.

In traditional positional bargaining, each side plants its flag, crosses their arms, and commits to not giving an inch. The only acceptable win is total victory. We all know that this mindset does not lead to compromise or a mutually satisfactory resolution.

It's only when the parties start talking and learning what the other side's interests are, which is an interest-based negotiation, that they will start to understand how the other side's position may benefit and help them. This requires a collaboration between the two sides and going deeper than the fixed positions to uncover the motivations and concerns that are driving each party. By focusing on what people want and why, you can unlock creative solutions that satisfy everyone and forge stronger relationships. Using the skill of reflective listening is critical to ensure we understand what people are saying.

Strong leaders and successful negotiators also know that our emotions, whether generated by pride, frustration, optimism, or fear, are involved. While someone can think that they are being stoic during high-stakes or difficult conversations, most people get a little flushed, talk faster, or become silent. A good negotiator cues in on those outward emotional indicators.

Most people don't address emotional indicators because they're uncomfortable to talk about. Good negotiators, however, acknowledge those feelings and normalize them. When participants feel seen and understood, they become more open to talking and collaborating. Demonstrating empathy and showing your authentic self defines a great leader.

Listening is the glue that brings these skills together. If you tune into what is being said, pay attention to body language, ask questions, and make people feel heard, they are going to start to commit—not just agree. Commitment has the power to lead a situation from stalemate to synergy.

Communicating Across Cultures

The modern workplace frequently demands that legal professionals work with people from other cultures, people who speak English as a second language or not at all, and people who live and work outside the U.S. While the basics of effective communication apply across the globe, it is essential to cultivate a sense of curiosity about the other party's culture and understand the significant impact of culture on communication.

It is instructive to know whether the other person is from a low-context culture or a high-context culture. The United States has a low-context culture. Here, people are from all over and do not have many points of commonality. Because of fewer shared reference points and less shared knowledge, Americans need explicit communication (often in writing). They generally tend to be very direct and transparent.

On the other hand, high-context cultures are found in places like India or Japan. People from a high-context culture have many shared reference points, allowing for more implicit, layered, and nuanced communication. People in high-context cultures "read the air," and they have the ability to interpret unspoken messages.

Without shared context, the parties aren't really speaking the same language—even though they understand the words being spoken.

▲ *Hon. Mary Colleen Roberts (ret.) converses with the 2025 Annual Meeting workshop attendees.*

In her book *The Culture Map*, Erin Meyer relates a story about a low-context manager from Europe working with an employee in Asia. The manager asked if the employee could attend a client meeting on the weekend. The employee agreed, but then indicated that it was his daughter's birthday that weekend and he appreciated the manager for understanding. The manager thought the employee agreed to attend the client meeting and the employee was certain that he had communicated that he could not attend because he would be celebrating his daughter's birthday.

In addition to understanding a person's cultural context, getting people to open up to you about their culture and their lives helps build connections. Bringing that same curiosity, being open, understanding that people are coming from different perspectives, and spending time getting to know and appreciate what that perspective is, builds trust.

Be aware of your tendencies that are "American," and recognize that people from other cultures and places might engage differently. For example, some cultures are more relaxed about time than Americans tend to be, and a person from that culture may not prioritize being on time for meetings or gatherings. It is also important to be very patient and not interrupt people—especially if English is not their first language. Americans can speak in a rapid-fire manner, so try to center yourself, be patient, and listen. Finally, be humble. You are not necessarily the one who knows everything. People appreciate that.

Recommended Resources

- *Crucial Conversations: Tools for Talking When Stakes Are High, Third Edition* by Joseph Grenny, et al.
- *Dare to Lead Podcast* hosted by Brene Brown
- *Everybody Needs an Editor: The Essential Guide to Clear and Effective Writing* by Melissa Harris, et al.
- *Give and Take: Why Helping Others Drives Our Success* by Adam Grant
- *Managing Conflict Mindfully: Don't Believe Everything You Think* by Leonard L. Riskin
- *The Culture Map: Breaking Through the Invisible Boundaries of Global Business* by Erin Meyer

Elizabeth Conlisk *is a board member specializing in the oversight of communications, crisis management, and growth marketing. She has launched and scaled a successful TV sports network, managed real crises without losing sales or reputation, and transformed organizational cultures.*

Hon. Mary Colleen Roberts (ret.) *is a neutral at JAMS in Chicago. She served for 18 years on the Cook County bench. There she presided over a wide spectrum of matters—from complex commercial and professional liability disputes to family law, tax, and personal injury cases.*

Kari B. Sheinfeld *is Managing Director and Head of Global Lending Legal for Commercial & Investment Banking at JPMorgan Chase. Her team supports the Global Banking line of business in providing lending solutions to clients, including corporations, financial institutions, private equity, municipalities, real estate investors and owners, and not for profit organizations.*

Nicole M. Smithson *is the principal attorney at the Indigent Defense Services Office in Oakland County, Michigan, and a member of the Women Lawyers Journal Editorial Board.*

The views expressed in this article are those of the authors and not attributable to their employers.

▼ *Leah R. Bruno, Elizabeth Conlisk, Hon. Mary Colleen Roberts (ret.), and Kari B. Sheinfeld presenting to 2025 Annual Meeting attendees during their workshop, "Speak, Persuade, Lead: Communication Strategies for Legal Impact."*

Key Questions Regarding the Ending Forced Arbitration of Sexual Assault and Sexual Harrassment Act of 2021

BY CHAYA M. GOURARIE

▲ *The U.S. Capitol building with the House of Representatives*

The EFAA in the Courts: Questions Shaping the Future of Arbitration in Harassment Cases

The Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021 ("EFAA") was heralded as a major step toward restoring victims' access to court.

In November 2021, the U.S. House Judiciary Committee held a hearing titled "Silenced: How Forced Arbitration Keeps Victims of Sexual Violence and Sexual Harassment in the Shadows."[1] Lawmakers and witnesses examined how mandatory arbitration clauses —commonly included in employment contracts—prevent survivors of sexual harassment and assault from seeking justice in court or speaking publicly about their experiences.[2] Witnesses described how these secret proceedings often favor employers, conceal systemic misconduct, and silence victims through confidentiality requirements.[3] Committee members emphasized that forced arbitration, originally intended for commercial disputes between equals, had become a tool for powerful corporations to avoid accountability and public scrutiny.[4]

The hearing laid critical groundwork for the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021 (H.R. 4445), a bipartisan bill designed to invalidate mandatory arbitration clauses in cases involving sexual misconduct.[5] By restoring survivors' right to bring their claims to court, Congress sought to ensure transparency, deter workplace abuse, and reaffirm that victims of sexual violence and harassment deserve access to a fair and public legal process.[6]

Three years after its enactment, courts continue to define the statute's scope. Federal and state decisions shaping how and when the Act displaces mandatory

[1] The full transcript can be viewed at this link: https://www.govinfo.gov/content/pkg/CHRG-117hhrg46552/pdf/CHRG-117hhrg46552.pdf.
[2] *Id.*
[3] *Id.*
[4] *Id.*
[5] Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021, Pub. L. 117–90 (2022).
[6] *Id.*

arbitration. Three key questions dominate this evolving body of law:

1. Does the EFAA reach conduct that began before March 3, 2022?

The EFAA provides that it applies to "any dispute or claim that arises or accrues on or after [March 3, 2022]."[7] Although it is clear that the statute is not retroactive, courts have grappled with when a dispute or claim "accrues" within the meaning of the EFAA.[8]

In *Famuyide v. Chipotle Mexican Grill, Inc.*, the plaintiff alleged she was sexually assaulted by a coworker in November 2021.[9] Her counsel sent two letters to the employer in February 2022—one requesting preservation of evidence and another seeking information about potential claims.[10] The employer responded in March 2022.

The plaintiff later filed suit in federal court on April 20, 2023 (after withdrawing the state law complaint that had been filed in July 2022). In response, Chipotle moved to compel arbitration, arguing the dispute arose before the EFAA's effective date—either at the time of the assault (November 2021) or when it received counsel's letters (February 2022).[11] Both the district court and the Eighth Circuit disagreed. The Eighth Circuit held that no actual "dispute" existed until after March 3, 2022, because there was not yet a live controversy that could have been submitted to arbitration at the time of the assault or the preliminary correspondence.[12] Accordingly, the EFAA applied, allowing the plaintiff to litigate her claims in court rather than be compelled to arbitrate.[13]

In *Olivieri v. Stifel, Nicolaus & Co.*, in contrast, the plaintiff filed suit in 2021 alleging sexual assault, harassment, and retaliation.[14] After the EFAA took effect, she amended her complaint to add post–March 3, 2022 conduct.[15] Applying the continuing violation doctrine, the Second Circuit held that her hostile work environment claim accrued after the EFAA's effective date because the unlawful conduct persisted beyond March 3, 2022.[16] The EFAA therefore applied, exempting her claims from mandatory arbitration.[17]

In sum, under *Famuyide*, the EFAA can apply even where the alleged assault occurred before March 3, 2022, if the *dispute itself* (the actionable controversy) did not arise until after that date. Early investigatory letters do not trigger accrual.[18] In *Olivieri*, the Court confirmed that continuing violation doctrine, harassment or retaliation that continues after March 3, 2022, accrues post-enactment and is covered by the EFAA.[19]

Together, these cases reflect a broad, claimant-friendly interpretation of when a dispute "arises" under the EFAA—focusing on when a controversy crystallizes or continues, not when the initial conduct occurred.

2. Does the EFAA invalidate arbitration for the entire case—or only for harassment-related claims?

In many employment disputes, a plaintiff alleging sexual harassment also asserts additional claims—such as wage-and-hour violations, emotional distress, other forms of discrimination, or breach of contract. Courts are divided on whether the EFAA invalidates arbitration for the entire case or only for claims directly related to sexual harassment.

The statute provides:

> "Notwithstanding any other provision of [the Federal Arbitration Act], at the election of the person alleging conduct constituting a sexual harassment dispute …, no predispute arbitration agreement or predispute joint-action waiver shall be valid or enforceable with respect to a case which is filed under Federal, Tribal, or State law and relates to the … sexual harassment dispute."[20]

The "Whole Case" Approach

The emerging trend in the Second Circuit favors a broader, whole-case interpretation. In *Johnson v. Everyrealm, Inc.*, the court held that once a plaintiff alleges sexual harassment, *the entire case* is exempt from pre-dispute arbitration.[21] Emphasizing Congress's

[7] *Id.*
[8] *Id.*
[9] *Famuyide v. Chipotle Mexican Grill, Inc.,* 111 F.4th 895 (8th Cir. 2024).
[10] *Id.*
[11] *Id.*
[12] *Id.*
[13] *Id.*
[14] *Olivieri v. Stifel, Nicolaus & Co.,* 112 F.4th 74 (2d Cir. 2024).
[15] *Id.*
[16] *Id.*
[17] *Id.*
[18] *Supra* note 9.
[19] *Supra* note 14.
[20] 9 U.S.C. § 402(a) (emphasis added).
[21] *Johnson v. Everyrealm, Inc.,* 2023 WL 2216173 (S.D.N.Y. 2023).

use of the word *"case"* rather than *"claim,"* the court found that arbitration agreements are unenforceable as to all claims within that case.[22]

Following *Johnson*, *Diaz-Roa v. Hermes Law, P.C.* reached the same conclusion.[23] Judge Liman reasoned that once a case "relates to" a sexual harassment dispute, arbitration is barred for all causes of action.[24] On appeal, defendants argued that such a reading invites abuse—allowing plaintiffs to append harassment allegations solely to evade arbitration.[25] Plaintiffs and amici countered that: (i) the statutory text plainly forecloses a claim-by-claim parsing; (ii) claims in a single case often share overlapping facts; and (iii) courts should not engage in pre-discovery "relatedness" determinations.[26] That appeal is now pending before the Second Circuit.[27]

The "Claim-by-Claim" Approach

By contrast, in *Mera v. SA Hospitality Group, LLC*, the court held that the EFAA invalidates arbitration *only* for claims directly related to the sexual harassment dispute —not for unrelated claims such as wage-and-hour violations.[28] Judge Gardephe cautioned that a broader interpretation would allow plaintiffs to "elude arbitration for wholly unrelated claims."[29]

Mera has thus been read as imposing an additional "relation" requirement—namely, that non-harassment claims must independently relate to the sexual harassment allegations to fall within the EFAA.[30] Applying that standard, the *Mera* court held that the plaintiff's wage-and-hour claims were arbitrable because they did not "relate" to her sexual harassment claims.[31]

To many proponents of the EFAA, this outcome—claim-splitting—is inconsistent with the statute's purpose. Under *Mera*, a plaintiff must pursue her claims in two separate forums: sexual harassment claims in court, and wage-and-hour claims in arbitration.[32] This result recreates the very barriers the EFAA was enacted to remove. The *Mera* plaintiff, for instance, could find her harassment claims stayed pending arbitration of her wage claims; her witnesses unavailable to testify in both proceedings; or adverse arbitral rulings invoked against her in court under doctrines such as collateral estoppel or law of the case. Thus, even though her sexual harassment claims are nominally exempt from arbitration, the pre-dispute arbitration agreement continues to hinder her pursuit of justice, which is precisely the circumstance Congress sought to prevent through the EFAA.[33]

Thus, many courts have expressly declined to follow *Mera*, maintaining that the EFAA "demands only that the *case* relate to a sexual harassment dispute, not that each individual claim within the case must do so."[34] Likewise, in the case *Lambert v. New Start Cap. LLC*, Judge Woods observed that courts in the Southern District of New York "almost uniformly hold that 'if the EFAA is properly invoked and applies, the pre-arbitration agreement is invalid and unenforceable with respect to' the plaintiff's 'entire case.'"[35]

Multi-Plaintiff Actions

Lambert v. New Start Capital also addressed an important issue of first impression: whether the EFAA applies to all plaintiffs in a multi-plaintiff case when only one asserts a harassment claim. The court held that the Act applies only to the "case of the individual plaintiff or class alleging" such conduct, not to all plaintiffs joined in the action.[36] Once properly invoked, however, the arbitration agreement is invalid as to that plaintiff's entire case.

In *Lambert*, four plaintiffs who alleged sexual harassment claims, along with wage-and-hour violations and breach-of-contract claims, were permitted to pursue all of their claims in federal court. Two other plaintiffs, who only had wage-and-hour claims and no EFAA-qualifying claims, were required to proceed in arbitration. The court thus allowed the EFAA to apply on a plaintiff-by-plaintiff basis in multi-plaintiff cases, preventing claim-splitting within an individual plaintiff's case while distinguishing between plaintiffs based on the claims they asserted.[37]

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[22] *Id.*
[23] *Diaz-Roa v. Hermes Law, P.C.* (S.D.N.Y. 2024).
[24] *Id.*
[25] *Id.*
[26] *Id.*
[27] *Diaz-Roa v. Hermes Law, P.C.* (24-3223).
[28] *Mera v. SA Hospitality Group, LLC,* 2023 WL 3791712 (S.D.N.Y. 2023).
[29] *Id.*
[30] *Id.*
[31] *Id.*
[32] *Id.*
[33] *Id.*
[34] *Kelly v. Rosenberg & Estis, P.C.,* No. 25-cv-4776 (CM), 2025 WL 458141, at 11 (S.D.N.Y. Sept. 23, 2025).
[35] *Lambert v. New Start Cap. LLC,* No. 24-cv8055, 2025 U.S. Dist. LEXIS 153059, 2025 WL 2295254 (S.D.N.Y. Aug. 7, 2025).
[36] *Id.*
[37] *Id.*

Mera thus remains an outlier. The issue is now squarely before the Second Circuit in *Diaz-Roa v. Hermes Law*,[38] which will likely determine whether the EFAA bars arbitration for all claims in a case involving sexual harassment or only for the harassment-related claims.

3. What qualifies as a "sexual harassment dispute"?

The EFAA applies to disputes "relating to conduct alleged to constitute sexual harassment or sexual assault," but courts continue to refine that scope. In *Olivieri*, the Second Circuit adopted a broad view, holding that retaliation and hostile-work-environment claims are sufficiently related to harassment to trigger EFAA protection.[39]

Courts have also examined how the EFAA interacts with the New York City Human Rights Law ("NYCHRL"), which prohibits gender discrimination but does not create a separate cause of action for sexual harassment. This absence has created confusion in applying EFAA's "sexual harassment" prong. Some courts, such as *Ding v. Structure Therapeutics, Inc.*, have treated sexual harassment and gender discrimination as coextensive, providing EFAA protection to any plaintiff asserting a NYCHRL claim.[40] Under this approach, conduct constituting sexual harassment—sufficient to trigger the EFAA—includes any treatment of a plaintiff less favorably than others based on gender.[41]

Many judges view this approach as problematic, since the EFAA specifically requires sexual harassment, while the NYCHRL's broader definition of unlawful conduct encompasses more than harassment. Those courts have held that sexual harassment is a *subset* of gender discrimination; plaintiffs cannot rely on NYCHRL claims alone to invoke EFAA protections—they must allege conduct that meets the definition of sexual harassment. In line with this, Judge Oetken held that a plaintiff cannot invoke the EFAA merely by citing NYCHRL § 8-107(1)(a)(3); the alleged discriminatory conduct must meet the *definition* of sexual harassment.[42]

That inquiry is anything but straightforward. Determining what conduct qualifies as sexual harassment is similarly complex, as courts diverge on the issue. In *Prerna Singh v. MeetUp LLC*, the court required "romantic, sexual, or lewd conduct,";[43] however, most decisions—including *Owens v. PricewaterhouseCoopers LLC*, rejected this narrow view as inconsistent with the NYCHRL.[44] Under the prevailing interpretation, gender-motivated unwelcome verbal or physical behavior—such as insults, exclusion, or demeaning comments—can constitute sexual harassment, even if it is not sexual or lewd. Several Southern District decisions have followed this broader reading.[45] Thus, while defendants continue to invoke *Singh*[46] to narrow the EFAA's reach, most courts regard it as an outlier inconsistent with the NYCHRL's liberal remedial purpose.

Conclusion

The EFAA was enacted to dismantle barriers that forced arbitration imposed on victims of sexual harassment and assault in the workplace. Yet, three years on, courts and practitioners continue to wrestle with its boundaries: when a dispute "arises," what qualifies as "sexual harassment," and whether the Act bars arbitration for the entire case or only certain claims. As these questions reach the appellate courts, the contours of the EFAA will determine whether it fulfills its promise—ensuring survivors are no longer silenced by private arbitration agreements.

***Chaya Gourarie**, a partner at Bell Law Group, PLLC, and a member of the Women Lawyers Journal Editorial Board, specializes in labor and employment law and is lead counsel in* Lambert v. New Start Capital *(SDNY), achieving a key decision on the EFAA's scope.*

[38] *Diaz-Roa v. Hermes Law, P.C.,* No. 024-cv-2105 (S.D.N.Y. 2024); *Diaz-Roa v. Hermes Law, P.C.* (24-3223)
[39] *Supra* note 14.
[40] *Ding Ding v. Structure Therapeutics, Inc.,* 765 F. Supp. 3d 897, 899 (N.D. Cal. 2025). ("she has been treated less well than other employees because of her gender.") (internal quotation marks omitted).
[41] *Id; see also Delo v. Paul Taylor Dance Found., Inc.,* 685 F. Supp. 3d 173, 182 (S.D.N.Y. 2023) ("Under the NYCHRL, a plaintiff alleging a hostile work environment theory of sexual harassment only needs to show that she has been treated less well than other employees because of her gender.") (internal quotation marks omitted).
[42] *Prerna Singh v. MeetUp LLC,* 750 F. Supp. 3d 250, 256–58 (S.D.N.Y. 2024).
[43] *Id.*
[44] *Owens v. PricewaterhouseCoopers LLC,* 786 F. Supp. 3d 831 (S.D.N.Y. 2025).
[45] *See, e.g., Mitura v. Finco Services, Inc.,* 712 F. Supp. 3d 442, 453 (S.D.N.Y. 2024) (where the plaintiff was subject to "weekly, degrading comments and insults" related to her age, gender, and race); *Delo,* 685 F. Supp. 3d at 183-84 (where the plaintiff alleged that her supervisors made sexist comments, commented on her pregnancy, hovered over her desk while she was pumping breast milk, chastised her for bringing her baby on a performance trip, and fired her without a reason); *Brazzano v. Thompson Hine LLP,* No. 24-CV-01420 (ALC)(KHP), 2025 LX 287547, at *2, *7–8 (holding that, aside from the allegation of a lewd comment, the plaintiff alleged sexual harassment "in the form of a hostile work environment" where "she was subjected to [] objectively hostile and abusive" conduct such as insults, exclusion, and demeaning comments).
[46] *Supra* note 42.

Bridging the Divide

Legal Reform Led by Women, Informed by Purpose

BY LIANE NOBLE

If you only read the headlines, it's easy to believe that bipartisanship, compromise, and coalition-building are relics of the past. The national conversation often focuses on division and dysfunction. But beyond the front page, many lawyers—especially women—are doing the hard, often overlooked, work of bridging divides and advancing meaningful reform.

Across the country, women lawyers are working across ideological lines to address some of the most pressing issues of our time: child exploitation, access to justice, and domestic violence. Their focus on mission over partisanship, and their ability to build and lead coalitions rooted in shared values, is producing real results.

I had the opportunity to interview several of these attorneys to understand how their teams stay focused on their goals, even when the political environment is anything but cooperative.

What I found were leaders navigating complexity with clarity and purpose—women who are not waiting for consensus to emerge, but actively creating it.

Child Protection in a Digital Age: Yiota Souras and the National Center for Missing & Exploited Children

When I spoke with Yiota G. Souras, Chief Legal Officer at the National Center for Missing & Exploited Children (NCMEC), she was flanked by stacks upon stacks of files and binders—a physical sign of the pace and scope of her work. Despite the intense demands, she spoke with calm focus and a deep sense of purpose.

Souras has been with NCMEC since 2006, after working in corporate litigation and white-collar investigations. Today, she oversees all legal matters for the organization, including litigation, compliance, and governance. But her work is ultimately about protecting children.

▲ *Yiota G. Souras, Chief Legal Officer at the National Center for Missing & Exploited Children.*

NCMEC is a non-profit whose mission is to help find missing children, reduce child sexual exploitation, and prevent child victimization. Souras describes her role as a 'convenor,' as the organization brings together law enforcement, private industry, civil liberties advocates, and policymakers—regardless of political affiliation—around a shared mission. "Everyone's welcome at the table as long as you're focused on the mission," she told me. That approach has allowed NCMEC to maintain credibility and influence across the political spectrum, even as debates around topics such as tech regulation and privacy grow more complex.

One of the most charged issues that NCMEC is navigating today is end-to-end encryption. As more platforms adopt encrypted messaging and platforms, the number of reports NCMEC receives about child exploitation has dropped—raising concerns about the ability to effectively detect and respond to abuse. "We used to say, 'when they encrypt, we're going to lose reports,' and now we're seeing that impact," Souras said. She's continuing to dialogue with tech partners and legislators to find a path forward that prioritizes child

safety, while recognizing important privacy rights, acknowledging that the solution lies in the "gray space"—not in absolutes.

That gray space is where much of NCMEC's work happens. And it's where Souras believes real progress is possible—if people are willing to engage. But she's also candid about the forces that make that harder. "There's a knee-jerk tendency to name and shame," she said. "People react before asking questions or looking for context. Real progress comes from working together—otherwise advocacy just turns into reaction."

She's seen how this dynamic plays out in legislative and legal settings. "Everyone has a tough job—judges, prosecutors, legislators. We don't vilify people we disagree with. That doesn't advance the mission or help protect children."

> **"We don't vilify people we disagree with. That doesn't help the mission or help protect children."**
>
> - YIOTA G. SOURAS

Instead, she focuses on building relationships, even with those on the other side of a bill. "I'll call them and say, 'We're going to support this, and I know you're not. I just don't want you to be surprised,'" Souras said. "Someone who disagrees with you today might be the one helping or working with you tomorrow."

Souras doesn't see herself as a referee, but she does see value in dialogue over division. She makes time for video meetings and in-person conversations—in lieu of email—whenever possible. "We always invite people in," Souras said. "There's nothing secret about what we do. We want to be a place where people feel comfortable asking questions, even when they don't agree with us."

That openness is part of what makes NCMEC effective. It's also a reflection of Souras's own legal journey—from corporate litigation to public interest law—and her belief that lawyers are most effective when they understand the full range of perspectives. "If I'd stayed in a firm, I might not have seen the value of that," she said. "But here, I work with attorneys from every background—some from positions of power, others driven purely by mission. Recognizing that everyone approaches the law differently helps us find common ground and move forward."

Her advice to women lawyers interested in public interest or bipartisan legal work? Start with pro bono. Souras spoke with pride about a new pro bono initiative she helped launch in September 2025: the Backpage Survivor Remission Network. The project involves a partnership between NCMEC and 19 law firms—across the political and practice spectrum—to help connect survivors of trafficking with free legal support to seek compensation for their abuse through the DOJ remission process. "It's astonishing what pro bono work can teach you," Souras said. "Seek out opportunities that challenge and stretch you. They'll make you a stronger lawyer and a better advocate."

Data-Driven Justice: Lauren Jones and the National Center for Access to Justice

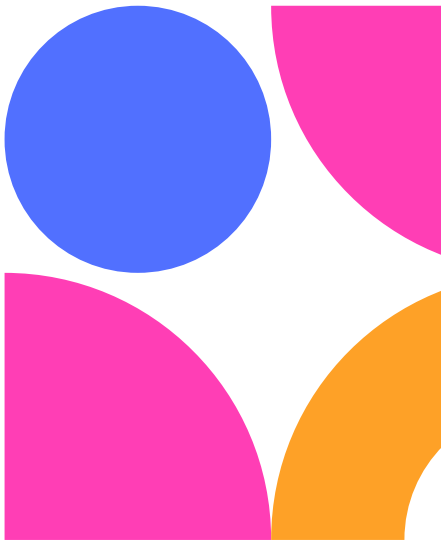
When I spoke with Lauren Jones, Legal & Policy Director at the National Center for Access to Justice (NCAJ), it was clear that while her work is deeply rooted in data, it's not data for data's sake—it's about using evidence to bridge the access-to-justice gap in ways that are both practical and human-centered. NCAJ advances access to justice through rigorous research and policy analysis. By identifying effective legal reforms, evaluating how states measure up, and supporting changes in the law, the organization works to ensure that everyone has a meaningful opportunity to understand the law, assert their rights, and receive its protection.

Lauren Jones, Legal & Policy Director at the National Center for Access to Justice.

Jones walked me through her organization's Justice Index, a 50-state ranking of how well different states provide access to justice, which was created with pro bono support from major law firms across the country. The Justice Index has become a tool for both accountability and momentum—encouraging states to improve by showing how they compare to their peers. It evaluates factors like interpreter access, disability accommodations, and legal aid availability. As part of the larger Justice Index, NCAJ also maintains a Fines and Fees Justice Index and a Consumer Debt Litigation Index, which examine best policies, like whether courts consider a person's ability to pay and whether defendants in debt cases receive basic procedural protections.

"The data helps break stereotypes," Jones said. "It shows that progress can come from anywhere."

> **"The data helps break stereotypes. It shows that progress can come from anywhere."**
>
> - LAUREN JONES



That insight is central to NCAJ's mission. The organization works with judges and court personnel, researchers, and advocates across the country to create a "race to the top"—offering states a blueprint for reform and a reason to act. And while the work is nonpartisan, it has found support across the political spectrum. States as ideologically diverse as New Mexico, Oklahoma, Texas, and Rhode Island have all adopted reforms aligned with the Justice Index. In Delaware, advocates and legislators cited its low ranking on the Fines and Fees Justice Index to drive reform, and the state quickly passed legislation overhauling its fines and fees policies. Today, a series of bills is pending in New Jersey that specifically cite the Consumer Debt Litigation Index and its goals of creating fairer court processes for consumers.

Jones emphasized that data alone isn't enough. Personal stories help translate policy into human terms. As part of NCAJ's Fines and Fees Justice Index work, Jones recounted one case where a woman was jailed for stealing a $7 bottle of mascara and ended up owing over $15,000 in court fines and fees. NCAJ comes to the table with the macro-level research and data about how fines and fees can add up to thousands of dollars, and how people who are unable to pay end up incurring additional fees or steeper penalties—including sometimes incarceration. But it's the individual stories like this one, about a woman and a $7 bottle of mascara, that often strike the chord. "That's the kind of story that makes the data real for policymakers," she said.

At the core of her efforts to work across ideological lines is a belief that justice reform is about people, not just numbers. "Some people learn history through dates and names of battles. Others learn it through stories and relationships," she said. "We try to connect both."

That balance—between data and lived experience, between policy and people—is what makes Jones's work so effective. And it's what allows NCAJ to build coalitions that cross political lines and focus on what matters: making the justice system fairer for everyone.

Coalition in Action: The Texas Council on Family Violence

At the Texas Council on Family Violence (TCFV), I spoke with Erin Mayes, Lauren Lluveras, and Molly Voyles one afternoon between their packed schedule of meetings. They were preparing for several major policy initiatives but made time to talk—together.

TCFV is the only nonprofit coalition in Texas focused solely on creating safer communities and freedom from family violence. With a statewide reach and direct local impact, the TCFV team works with lawmakers, service providers, and advocates across the state to shape policy, provide resources, and support survivors.

Mayes and Lluveras—both attorneys—serve as Public Policy Managers on the TCFV policy team. Voyles is the Director of Public Policy. What stood out immediately was how they spoke as a team. They took care to highlight each other's work, often pausing to make sure credit was shared and celebrated. It was a clear example of coalition-building in practice, not just in theory.

Their recent work includes helping to pass bipartisan

legislation to strengthen protective orders and expand legal protections for survivors of family violence. They've built coalitions that include law enforcement, healthcare providers, and community organizations—groups that don't always align politically but share a commitment to safety and justice.

"We focus on the people we serve, not the politics," Voyles said.

▲ *The Texas Council on Family Violence Policy Team.*

That approach has helped TCFV maintain its role as a trusted policy partner, even in a state with a complex and often divided political landscape.

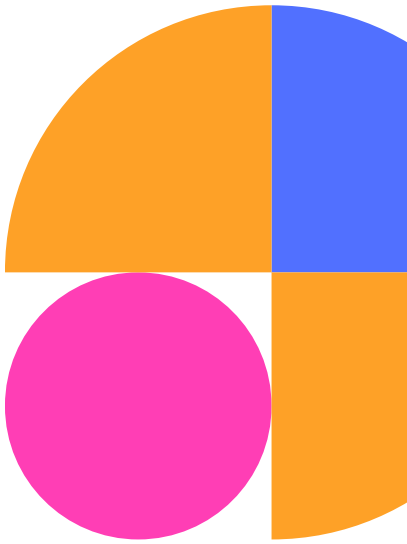
"Our team includes people who've worked in advocacy, criminal law, family law, and child protection," Mayes explained. "That range of expertise makes it easier to connect with stakeholders across the board." Their internal collaboration mirrors the external coalitions they build.

Their work on Texas Senate Bill 1559 is a case in point. The bill originally proposed mandatory transfers of protective orders between counties to streamline judicial processes. While the overall goal was laudable, TCFV raised concerns about unintended consequences for survivors—especially those who might be forced into jurisdictions where they lacked support or safety. The team worked with the bill's author and other stakeholders to understand and account for legislative intent, while also offering to revise the language to elevate safety as a priority. With support from lawmakers, provisions drafted by TCFV staff that require courts to consider survivor safety, allow victim input, and clarify how conflicting orders should be resolved were added.

This kind of legal maneuvering—identifying gaps in the law, proposing precise amendments, and aligning legislative intent with survivor safety—requires deep expertise. "It took a lot of creativity to figure out how the codes aligned," Mayes said. "We had to understand the case law, the statutory history, as well as the practical realities survivors face."

That blend of legal skill and strategic diplomacy is what makes TCFV effective. "We've been living in a bipartisan world in Austin for a long time," Voyles said. "Some of our strongest champions sit on opposite sides of the aisle from one another. We keep showing up, keep listening, and keep trying."

> **"We keep showing up, keep listening, and keep trying."**
>
> - MOLLY VOYLES



What Sets These Leaders Apart

Across these conversations, a few themes emerged. These women are not waiting for consensus to appear—they are building it. They are pragmatic, focused, and strategic. They know how to navigate political realities without losing sight of their goals, and they do it with a combination of legal precision and human insight.

They also understand that durable policy change requires more than a good idea. It takes relationships, data, and a willingness to listen. It takes the ability to translate legal expertise into practical solutions that resonate across ideological lines—and the patience to keep showing up, even when progress is slow.

What stood out most was their ability to hold space for disagreement without disengaging. Whether it was negotiating the language of a protective order bill or navigating the privacy implications of encryption, these leaders approached conflict with curiosity. They asked questions. They explained their positions clearly. And they gave others the benefit of the doubt, even when they disagreed.

They also brought creativity to the table—finding ways to align legislative intent with legal safeguards, or to reframe a policy problem in terms that could resonate with a broader audience. Their legal skills were evident, but so was their strategic generosity: a willingness to assume good intent, to listen first, and to keep the mission at the center of every conversation.

They are not afraid to challenge assumptions—but they do so with discipline, diplomacy, and a long view of change.

Looking Ahead

The challenges these attorneys are tackling—child exploitation, access to justice, domestic violence—are not going away anytime soon. But neither are the women leading the charge.

They are showing that legal reform doesn't have to be a partisan battleground. It can be a space for shared values, rigorous advocacy, and meaningful change.

Liane Noble *is a trial lawyer in the Complex Commercial Litigation section at Vinson & Elkins LLP in Austin, Texas, and a member of the Women Lawyers Journal Editorial Board. She represents clients in high-stakes business disputes, focusing on strategic advocacy and practical solutions in both state and federal courts. In the community, she dedicates her pro bono and other volunteer efforts toward advocacy for women and children.*

Briefs, Benches, and Breakthroughs: Inside the NAWL Coaching Roster

BY EMILY HARMON

The NAWL Coaching Roster is one of the many career-development resources NAWL provides to support the advancement and community of its membership. The Roster is overseen by the NAWL Membership Growth and Engagement Committee and includes 19 diverse coaches.

This article offers insight about the program including the identity of some of the coaches, who benefits from participation, and how the program underscores NAWL objectives.

How does the program work?

The Coaching Roster provides all NAWL members access to highly qualified NAWL-vetted coaches who help members overcome obstacles and thrive in their careers. The Roster offers a diverse range of career coaches with unique experiences, coaching approaches, and philosophies.

These coaches are trained professionals who are accountable to the highest ethical and confidentiality standards. Each coach has agreed to provide a complimentary 30-minute consultation to NAWL members. The consultation is intended to help members clarify their objectives and ensure the individual coach, and their respective approach, is compatible to the participant's needs and goals.

NAWL coach and former NAWL Board member Sheila Murphy, stated, "I always encourage prospective participants to take advantage of the complimentary session offered. It's a chance to 'test the waters,' ask questions, and determine if coaching—and the coach—are a good fit. Sometimes that first conversation alone is enough to spark important new insights." Another coach, Peter Gandolfo, encouraged, "Meet with two or three coaches to understand different work styles and chemistry. Ultimately, you want to find the right person for the work you need to do right now."

Coach David Jones added, "There's no pressure, no commitment, and no expectation to come in with the perfect agenda. You simply get to explore what's on your mind with someone who is trained to listen deeply and help you think in new ways. At best, you walk away with new clarity and next steps. At worst, you've spent [that time] reflecting on yourself, which is rarely wasted time."

Following the complimentary session, it is up to each NAWL member to work directly with the coach and agree on the length, objectives, and cost of the engagement. Some coaches on the Roster also offer group coaching programs, which can be a more affordable option. Group coaching also provides the benefits of harnessing the group's collective wisdom and building a community of support as each individual member works to gain greater self-awareness, embrace growth and change, and gain tools and strategies for overcoming the obstacles they face.

Meet some of the coaches

To assist members in selecting a potential coach, this article offers a small snapshot of the 19 coaches currently on the Roster, highlighting the diversity of their backgrounds along with their shared goals and dedication to personal and professional growth.

Yeve Chitiga

Yeve Chitiga is a wife, mother, attorney, and published author and speaker. Before pursuing law school Yeve spent her early career in the United Kingdom working for international financial institutions. Her legal career built on this background and has involved serving as in-house counsel for large international law firms. Yeve shared, through her various roles and experiences she "honed a

unique ability to discover what is hidden beneath the surface, solve problems creatively, hear the unspoken and tell compelling stories." Yeve considers herself "a personal trainer for the heart, mind and soul."

David Jones

One coach, David Jones, spent most of his professional life as a dairy farmer before transitioning into coaching. He shared how he began to recognize a deeper connection between the food his work provided and the sense of contributing to something greater than himself. David strives to help his clients find the same realization for themselves, specifically, "how their work connects to something beyond the next rung of the career ladder."

Karen Morris

Along with her advanced training as a coach, Karen Morris brings the context of over 30 years' experience as a lawyer and senior executive including serving as Senior Vice President, General Counsel for USAA P&C Group and as a Board member and President of NAWL. Karen shared that her "coaching philosophy is built on the foundational belief that we each possess all the capabilities and resources to achieve our goals and live our personal visions for our lives." She uses her knowledge of the neuroscience of change and modalities such as Internal Family Systems to "work with clients to understand and clarify their goals, support them as they work to see more clearly what they may be doing or not doing that is creating obstacles to achieving those goals, and co-create actions to shift their limiting beliefs and behaviors to overcome those obstacles."

Sheila Murphy

Sheila Murphy is a Roster coach who has "navigated the complexities of leading teams, driving business results, and building influence at the highest levels of corporate America and in law firms." Sheila's experience as a former Senior Legal Officer at a Fortune 50 company provides her "deep insight into what clients seek in lawyers, leaders, and firms they choose to hire, retain and promote." Sheila relayed, "As a trained legal career coach, I use powerful and probing questions to help clients confront the inner voices that may undermine their progress, develop effective habits, and confidently step outside their comfort zones. I've experienced first-hand the challenges of leading and influencing in demanding environments, and I now help others accelerate their journeys with clarity, confidence, and purpose."

Who benefits from the program?

The NAWL coaching program aims to provide each member with an opportunity to discover the benefit of career coaching. Sheila Murphy affirmed people "at all stages of their careers benefit from coaching. Each stage —entry, mid-career, leadership—presents unique challenges and opportunities. Continuous reflection, skill-building, and strategy are essential for creating the career and life you want, regardless of where you are on the journey."

Similarly, David Jones voiced, "I honestly believe just about anyone can benefit from coaching. Where I see it make the biggest difference is when someone is at a pivot point in their life or career, when they feel stuck, or when they're standing in front of a challenge they've never faced before."

Peter Gandolfo added, "I see coaching as a valuable lever for anyone who is wanting to deepen their self-awareness about what's important to them, how others experience working with them, and what's within their control to help them achieve their goals." Peter reflected, "The precipitating event could be reaching a significant professional or personal milestone and wondering what's next; noticing a shift in their level of satisfaction with the work; recognizing what got them to this point won't get them to where they want to go; or asking bigger questions about the future and their legacy. In all of these examples, the people who are willing to make the time to work on themselves, even when it's inconvenient, will get the most out of the experience."

How does the program underscore NAWL objectives?

The Coaching Roster serves NAWL's broader mission to provide leadership, a collective voice, and essential resources to advance women in the legal profession and advocate for the equality of women under the law. This

same mission drove the 2025 NAWL Annual Meeting theme: Rising Together: Strength Through Unity. This Annual Meeting aimed to explore how women lawyers are leveraging unity, collaboration, and shared leadership to drive change in the legal profession.

Karen Morris shared the Roster provides NAWL members access to information about NAWL vetted coaches, an essential resource that can help them advance in the profession. David Jones added that "when members have access to coaching and to one another, they are better able to support, challenge, and lift each other up."

Moreover, as Karen explained "there is a broad lack of compassion in our culture, in our society, and in the world today. Coaching enables self-compassion which helps us see ourselves more clearly and without shame. The more we grow self-compassion, the more we have the energy to engage and have a positive impact on our culture and our society. It starts out with helping individuals but the more we help individuals the more we can impact those broader issues." In that way, aiding individual progression is the building block to creating large-scale societal changes, including gender equality.

How do I get involved?

To learn more about the coaches, how coaching can support your goals, and to find a coach, navigate to the Coaching Roster at: https://www.nawl.org/coaching-roster.

Emily Harmon *is a law clerk and a member of the Women Lawyers Journal Editorial Board.*

◀ *From top: Karen Morris; Yeve Chitiga; and Sheila Murphy facilitate small group discussions with NAWL 2025 (un)conference attendees during the "(un)relenting: A Commitment to a Sustainable Workload and Workforce" session.*

Meet NAWL's New Board Members

Board members work to advance NAWL's mission to provide leadership, a collective voice, and essential resources to advance women in the legal profession and advocate for the equality of women under the law.

NAWL is thrilled to welcome two new Board members, who will begin their three-year terms in January 2026: Alexandra Bodnar and Helen Cantwell.

Alexandra ("Alex") Bodnar

Alex is the Chief Legal and People Officer at omni-channel intimate apparel brand, Thirdlove. She is a business-minded, collaborative, pragmatic, and hands-on leader skilled at helping businesses grow faster, sustainably and with less risk. With extensive experience both as an in-house legal and business executive and as a partner at two premier global law firms, she has a strong track record of providing sound judgment, thoughtful analysis, and constructive advice on legal, ethics, personnel, and compliance matters. She builds and leads successful legal and business teams, cultivating a high-performance workplace culture that fosters creativity, continuous improvement, and mutual respect.

Helen V. Cantwell

Helen is Co-Chair of the White Collar & Regulatory Defense Group and a litigation partner with extensive trial experience at Debevoise & Plimpton LLP. Her practice focuses on white collar criminal defense, regulatory enforcement actions and internal investigations for a wide variety of corporations, financial institutions and non-profits. In addition to advising clients on their responses to state and federal investigations, she also advises these clients on their compliance obligations.

She also has deep experience in conducting sensitive investigations involving allegations of sexual misconduct and sexual harassment, dating back to her service as a prosecutor in the Manhattan DA's Sex Crimes Unit.

Learn more about Alex, Helen, and the other members of NAWL's Board of Directors at nawl.org/board-of-directors.

Upcoming NAWL Events

Jan. 14, Feb. 3, 2026

The Essentials Re-imagined
Virtual

Mar. 4 – 6, 2026

2026 (un)conference
San Diego, CA

Mar. 25 – Apr. 29, 2026

2026 Leadership Program
Virtual

Jul. 22 – 23, 2026

2026 Annual Meeting
Chicago, IL

Oct. 14 – 16, 2026

2026 General Counsel Institute
New York, NY

Find all NAWL's upcoming events at nawl.org/events.

join us!

When Culture Walks Into Work

When cultural flashpoints occur, employers must have effective strategies to respect differing opinions, lower the temperature, and mitigate litigation risks. Innovative thinking and the holistic approach of Seyfarth Shaw LLP (Seyfarth)'s Cultural Flashpoints Task Force and People Analytics team, as well as expertise from around the firm, open up opportunities to support our clients with their novel, challenging issues in new and integrated ways. The best-intended, but siloed, fix in one place can create a problem in another. That's why a holistic approach is key.

Workplaces are not immune to polarization in American society, and cultural conflicts are on the rise. Politics, identity, religion, and global events now walk into the office with the morning coffee. Seyfarth's Cultural Flashpoints Task Force was created to intervene in workplace conflicts, help clients provide practical solutions to disputes, and reduce litigation and reputational risk.

The Task Force arose organically from Seyfarth lawyers actively listening to their clients, who, by mid-2023, had begun identifying a growing trend in polarization and cultural conflicts in the workplace.

"Our team recognized the need for a broad, holistic counseling practice—one that helps employers navigate competing employee viewpoints while fostering a culture of civility and respect, all within an evolving legal and regulatory landscape," said Dawn Solowey, Partner and a founding member and co-lead of Seyfarth's Cultural Flashpoints Task Force as well as the co-lead of Seyfarth's Appellate team. "We also recognized the litigation that was likely to follow from these flashpoints, and the need to position our clients best to defend that litigation while minimizing business disruption and reputational harm."

While the unique legal risks posed by Cultural Flashpoints occur in every industry and coast-to-coast, we've seen sectors like education, government, healthcare, technology, nonprofits, and business services tend to experience these shifts first, and that certain states, such as California, New York, New Jersey, and Illinois, have seen earlier and increased activity, often foreshadow broader trends for the rest of the nation.

The Cultural Flashpoints Task Force is a perfect example of Seyfarth's embrace of innovation, grounded in a deep understanding of our clients' needs and the human side of the workplace. Seyfarth endeavored to find a unique way to support companies that were attempting to navigate unknown terrain, whether it was objections to diversity programming, divisive content on employees' social media accounts, or displays of political expression on clothing, Slack, or even Zoom backgrounds.

The Task Force brings together highly trained labor and employment lawyers, policy

Dawn Solowey
Founding Member and Co-Lead,
Cultural Flashpoints Task Force
Seyfarth Shaw LLP

Sam Schwartz-Fenwick
Co-Lead,
Cultural Flashpoints Task Force
Seyfarth Shaw LLP

Annette Tyman
Practice Group Chair,
People Analytics Group
Seyfarth Shaw LLP

experts, and former government insiders to offer employers a uniquely integrated approach to managing these sensitive issues and competing legal risks.

A HOLISTIC VIEW

This innovative approach recognizes that decision-making in today's polarized environment must take a 360-degree look not only at the law, but at the ramifications a decision may have in the boardroom, courtroom, and the court of public opinion.

Organizations are feeling the impact of workplace cultural flashpoints at every level. How they respond has a ripple effect that often introduces new layers of nuance and obstacles, and potentially triggers political backlash. Our Task Force looks at the landscape holistically and provides guidance that addresses interconnected questions and competing perspectives.

A holistic approach starts with the premise that the same workplace issue can affect multiple areas: hiring criteria, training content, religious accommodations, benefit design, speech and attire policies, government contract requirements, and more. It can also escalate into workplace investigations or systemic litigation with the Equal Employment Opportunity Commission (EEOC).

"The sparks are inevitable," said Sam Schwartz-Fenwick, Partner and co-lead of Seyfarth's Cultural Flashpoints Task Force. "What matters is whether you've built the kind of playbook that keeps a tense moment from turning into a systemic case."

And the best playbooks are based on data, which is where our People Analytics team comes in.

A FOCUS ON PEOPLE

Seyfarth's People Analytics team of attorneys and analysts harnesses the power of data and analytics to help employers navigate the complexities of modern workforce management, including grappling with cultural flashpoints while fostering inclusion and belonging among diverse perspectives.

People Analytics helps organizations develop legally sound, data-driven strategies that promote inclusion and belonging while mitigating legal and reputational risk. For decades, Seyfarth's People Analytics practice has been a trusted source of diversity and inclusion guidance to a wide range of employers. As one of the very first law firms to counsel on this topic, we bring a deep knowledge of the legal framework and have extensive experience providing legal counsel and advice on diversity best practices for employers domestically and globally, with an eye towards legal, cultural, social, and other environmental considerations.

Our counselors and data professionals provide employers with the analytical framework necessary to support an inclusive workplace. Our metrics and attorney-client privileged analyses assist employers in identifying areas of legal risk. Additionally, we conduct comprehensive risk assessments of employer diversity, inclusion, and related programs and initiatives to proactively address potential challenges and ensure legal compliance. Our approach empowers organizations to build cultures of inclusion that withstand legal scrutiny, enhance employee engagement, and support long-term business success.

Government contractors, for example, operate under an extra layer of obligation. Companies doing business with federal and state governments face unique compliance requirements. From responding to heightened scrutiny, adapting to the rollback of "affirmative action" requirements, or proactively refining policies and practices to ensure compliant, non-discriminatory Diversity, Equity, and Inclusion (DEI) programs (as defined by employers) are in place, we help clients develop defensible and compliant solutions that stand up to regulatory review while promoting equal employment.

A SHIFTING LANDSCAPE

Even as some legacy review structures are winding down, complaints and new agency reviews, including those from the Department of Justice (DOJ), are on the rise. At the same time, programs that implicate Equal Employment Opportunity (EEO) law—including supplier diversity mandates, "diverse slate" policies, and identity-based outreach—demand careful review to ensure alignment with nondiscrimination requirements.

And when a matter escalates—especially if the EEOC is across the "v."—the litigation strategy needs to be welded to everything that came before. This is especially critical now, as a new administration reshapes the EEOC's priorities and introduces a shifting enforcement landscape for employers to navigate.

Recent guidance from the DOJ on DEI and antidiscrimination obligations signals heightened regulatory scrutiny, particularly around whether seemingly neutral policies mask impermissible considerations of race, sex, or other protected traits. In this evolving environment, even well-intentioned diversity efforts can

carry enforcement risk if not carefully structured.

Advancements in technology are also impacting how companies engage with employees. Our People Analytics team is on the cutting edge of providing legal advice to employers on the technological advances affecting data-driven decision-making. “Employers benefit when they invest in their employee workforce and cultivate belonging and inclusive workplace cultures that leverage the diverse perspectives of their talent,” said Annette Tyman, Partner, Practice Group Chair of Seyfarth’s People Analytics group. “We provide strategic and practical advice and analytics—all through a legal lens.”

Our approach also offers a framework of thinking about this fluid landscape in a way that integrates business advice, compliance, and litigation mitigation and helps organizations identify areas that are integral to the success of their business goals and aligned with their values, actions, and their strategic commitments. For example, when clients incorporated diversity as a company core value, we assist by evaluating the internal diversity programs for legal compliance, provide feedback on the first disclosures in investor presentations, and provide legal advice regarding the approach for incorporating diversity metrics in the annual incentive programs.

None of this happens in a vacuum. The through-line here is comprehensive collaboration.

A PREPARED APPROACH

Workplace flashpoints are inevitable. Positioning an employer in the best way to handle them is a choice that can foster and maintain a positive culture for all employees, while implementing strategies to minimize potential fault lines and mitigate litigation risk.

Seyfarth is the only firm to bring together such a team of leading specialists in this way to offer employers a holistic approach to managing these sensitive issues and competing legal risks.

When a tense moment surfaces, whether in a heated email thread or a pointed comment in a meeting, a thoughtful response depends on preparation. Conflicting demands are acknowledged, but the organization can take a measured, policy-backed approach.

Flashpoints won’t fade soon. But with data-grounded policies and clear processes, today’s leaders can protect equal opportunity, steady their organizations, and model the kind of workplace that NAWL’s mission envisions.

NATIONAL ASSOCIATION of WOMEN LAWYERS

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