

Women lawyers Journal®



Vol. 83, No. 3

Fall 1997

SUCCESS

Jana Howard Carey shares her secret for making creativity part of her law office strategy.



LAW

A look at the U.S. Supreme Court decisions that will have lasting impact on women.

CAREER



New lawyer Sarah Curi offers a voice of real

experience on finding a first job after law school. Also, how practicing lawyers can help open doors.

Gender BIAS

*What a new NAWL survey
discovers about practicing
law in the '90s*

If you've been meaning to ask a friend to join NAWL, but can never seem to find a membership application in the piles of paper in your office, here's a completely uncluttered place to turn.

NATIONAL ASSOCIATION OF WOMEN LAWYERS MEMBERSHIP APPLICATION

Mail to National Association of Women Lawyers, 750 N. Lake Shore Drive, 12.4, Chicago, Ill. 60611-4497

Name (please print or type):

Addresses: Office

Home

E-mail

I prefer to receive NAWL mail at ☐ Office ☐ Home

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Areas of law practice concentration (or occupation if not a practicing lawyer):

Jurisdiction(s) admitted to practice:

Law school: Year first admitted to practice: 19.....

The person who suggested I join NAWL (if applicable) is:

I am a member of the American Bar Association (asked for statistical purposes only): ☐ Yes ☐ No

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Signature (I have checked this form and all information on it is correct)

Date

Being creative always gives lift

Jana Howard Carey knows it takes hard work and long hours to be successful in the legal profession, but she also credits creativity as the differentiating factor for her career.

"Forcing yourself to think creatively makes the practice of law more fun. It adds a new dimension. With every new case I get, I try to take a fresh approach—to try to come up with new and different things that I can do organizationally, procedurally or substantively to get a faster 'win,'" she says.

Can you provide some examples of using creativity in your practice?

"One of my first cases as a beginning lawyer involved claims of handicap discrimination under the federal Rehabilitation Act against one of our major employer clients. This was in the early days of disability discrimination law, and I quickly realized that, although I could readily find law review articles by advocates for the disabled, virtually nothing had been published that analyzed the issues from the standpoint of the employer. After I finished the case, I filled the gap by publishing a couple of articles based on what I had learned from the litigation. Due to the void of employer-oriented articles, I became an 'instant expert' on the subject, and this led to more writing opportunities, and then to speaking opportunities...and enhanced credibility on the subject with clients and others.

"Creativity in approaches to litigation can often result in substantial cost savings for the client. All too frequently, for example, lawyers take the standard approach of filing a motion for summary judgement only after completing expensive and time consuming discovery on all the issues, and then filing a comprehensive and lengthy motion. I've found that judges are often delighted to find lawyers thinking creatively about how to cut short the process. Consequently, I've found them willing to grant my requests to stay discovery on some issues pending the outcome of a summary judgement motion that would dispose of the case. In addition, they've been persuaded to bifurcate summary judgement so that, even if we have completed full discovery, we initially brief only isolated dispositive issues, and then proceed to the second stage of briefing other (and more detailed) factual issues only if summary judgement on the initial issues is denied.

"Thinking creatively has also helped in



Jana Howard Carey

City Baltimore.

Practice Chair of labor and employment law department of Venable, Baetjer & Howard; represents private and public sector employers.

Recent accomplishments Listed in The Best Lawyers in America each year since 1987; named one of Maryland's Top 100 Women by The Daily Record newspaper.

NAWL activities Member of Gender Bias Committee; coordinator and moderator of "The Shoemaker's Children: Employment Issues Affecting Women Attorneys and Families Within the Legal Profession," presented at meetings in Baltimore in 1996 and San Francisco in 1997.

collective bargaining negotiations and in mediations to settle litigation. It's often essential to 'back off,' free up your thinking and get outside of the problem in order to figure out a way to resolve it - the key thing is to focus on the ultimate objective. If you can do that, and see the big picture, you'll find that there often are any number of different ways to 'skin the cat.'"

Is creativity an intuitive thing you were born with, or a skill you've developed?

"Thinking creatively is largely a learned skill, in my view. It takes persistence - you have to keep focusing in on the problem, looking for what you

have not yet seen - regardless of whether you're trying to come up with a legal argument for distinguishing existing case law, a clause for a collective bargaining agreement that does what management wants without offending the union, or a way to settle a nasty piece of litigation."

What is the most creative thing you've tried in your practice?

"One thing I really enjoy doing is trying to come up with better ways to use computer technology in my practice. I've done the obvious things, like used computerized document control systems and data bases, and I always use a graphics program for my speeches and presentations. Now, I'm focusing on how I can use the computer more effectively during depositions and during trial. For example, I almost always have my deposition outline on the computer, and hook up to the court reporter's computer so that the deposition transcript is showing up on my screen literally as the deponent speaks. During the course of the deposition I can toggle between my outline and the transcript to review the deponent's answers, and to adjust my approach accordingly. And the nicest thing is that I never have to write a word - the legal pads and pens stay home. Sometimes, I even have the critical documents scanned into my computerized document control system so that I don't have to take a box of documents to the deposition - I can just print them out as I need them at the deposition. I'm also trying to make better use of the computer's charting, spread sheet and graphic design capabilities to create exhibits and graphics for trial."

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About NAWL

Founded in 1899, NAWL is a professional association of attorneys, judges, law students and nonlawyers serving the educational, legal and practical interests of the organized bar and women worldwide. Women Lawyers Journal®, National Association of Women Lawyers®, NAWL®, and the NAWL seal are registered trademarks. ©1997 National Association of Women Lawyers. All rights reserved.

How to contact NAWL

By mail at 750 N. Lake Shore Drive 12.4, Chicago, Ill. 60611-4497; by fax at (312) 988-6281; by telephone at (312) 988-6186.

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ARTICLES Book reviews or articles about current legal issues of general interest to women lawyers are accepted and may be edited based on the judgment of the editor. Unsolicited articles by nonmembers will not be published. No material can be returned unless accompanied by a self-addressed, stamped envelope.

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NAWL agenda will have impact

One of the greatest joys—and, indeed, significant responsibilities—as incoming President of the National Association of Women Lawyers is to guide the organization's attention, resources and considerable talents to social and legal issues affecting women here and abroad.

Since no organization can properly and effectively address all issues concerning women, each year the National Association of Women Lawyers identifies its top three priorities. This year we will tackle the critical issues of workplace violence, diversity, and health care.

The beauty of these three priorities is that they are both sufficiently concrete to focus our attention and sufficiently broad to encompass all members' interests.

For example, under our health care priority, we will address a gambit of pivotal issues affecting women from reproductive rights and choice, breast and cervical cancers, environmental toxins, and tobacco-free zones to female genital mutilation in the international arena.

Focusing on workplace violence will allow us as an organization to examine societal violence from a variety of perspectives as employers, lawyers, employees, advocates, mothers, sisters, daughters and members of a violent society.

FROM THESE UNIQUE perspectives, we will analyze an employer's responsibility to safeguard employees, practical and cost effective measures to increase safety awareness, and appropriate legislative and judicial remedies.

Workplace violence will also force us to tackle the broader social issues of spousal abuse and domestic violence, since, unfortunately, workplace violence is all too frequently domestic abuse which has entered the workplace.

Similarly, our spotlight on diversity will encourage us to work to fight the national backlash against affirmative action and diversity goals, to promote and, indeed, celebrate those aspects of our gender and cultural makeup which make us unique, and at the same time to acknowledge that fundamentally we are all human beings deserving of equal respect, dignity and legal rights.

Our diversity priority will also cause us to look inward to examine the composition of our own membership, committees, and leadership positions.

I hope that, like me, you are excited and inspired by NAWL's three priorities. Over the course of the year, the Women Lawyers Journal and my column will reflect issues focusing particular attention and scrutiny in these key areas. For example, this issue emphasizes diversity by reporting and analyzing our survey on gender bias in the legal profession.

THE REPORT ON THAT STUDY is just one of many informative articles I hope you will find in this issue of Women Lawyers Journal. As you read it, you may notice that we have made some changes to its familiar appearance. Much of the content remains the same—news about NAWL and its members, articles about legal developments that affect women, reviews of books that are worth putting by your bedside—but the packaging is different.

After years as volunteer editor, doing everything from writing a column to soliciting and editing stories and working with our printer, Roni Boda decided this past spring she needed to devote more time to her paid job. We knew then it would be difficult to replace her.

As an interim step until we find another volunteer who can do it all, I have tacked the editor title onto my NAWL duties—but in honesty, I must tell you that the real work is being done by others

Kenneth Gillis, a NAWL member and state court judge in Chicago, has taken on responsibility for planning and even writing many of the articles. Peggy Golden, our executive director, is also helping with editing and production, and has found us a volunteer design consultant.

So, from getting involved with us on our three themes to reading the Journal, I hope that you, like I, are looking forward to an exciting year with NAWL.



*By Janice L.
Sperow*

Meet the new president

Janice L. Sperow, the 69th president of NAWL, is the managing partner of the San Francisco education, employment and labor law firm of Ruiz & Sperow, LLP. The firm, which represents public sector employers throughout California, will open a San Diego office Jan. 1, which Ms. Sperow will head.

A member of NAWL since 1991, Ms. Sperow has chaired several committees for the association and was elected to the executive board in 1993.

Ms. Sperow is a magna cum laude graduate of the University of California at Berkeley and summa cum laude graduate of Hastings College of Law, University of California, San Francisco.

AFTER CLERKING for Judge Richard J. Cardamone of the 2nd Circuit U.S. Court of Appeals at New York, she joined the San Francisco office of Morrison & Foerster, where she specialized in complex commercial litigation.

As a senior litigator at Morrison & Foerster, Ms. Sperow worked on the largest Title VII class action in history, involving 1,093 claimants and an estimated \$2 billion exposure. She also served as lead counsel for an alternative energy manufacturer in its \$100 million breach of contract and fraud suit against the local utility, Pacific Gas & Electric.

IN 1989, SHE RECEIVED the State Bar of California Board of Governors' Award for Outstanding Pro Bono Contribution and in 1993, a Most Effective Advocate award for her pro bono efforts on behalf of the financially disadvantaged in the San Francisco Bay Area. Until 1995, she served as chair of the Health Care Task Force of California Women Lawyers.

Outside the legal profession, Ms. Sperow has served on the San Francisco Public Health Department Ad Hoc Advisory Committee, co-chaired its Women's Health Advisory Council, and was appointed to San Francisco's Medical Managed Care Program Committee. She regularly testifies on women's health issues, health care reform, and development of model health care delivery systems for women.

She is former treasurer and policy committee chair for WORLD—Women Organized to Respond to Life-threatening Diseases, a nonprofit organization devoted to helping women who are HIV-positive.

Gender Bias

**A NAWL
SPECIAL
STUDY**

It's still happening, and its biggest impact may be to dry up rainmaking opportunities



*By Ellen A.
Pansky*

In 1996, the National Association of Women Lawyers conducted a survey of its members exploring the extent to which female lawyers have experienced gender bias demonstrated by their clients. The questionnaires were disseminated to approximately 500 members of NAWL, and 117 valid responses were received, from virtually all regions of the nation. Of the respondents, approximately 74% have been practicing law for five years or more.

The survey questions sought to determine whether female attorneys observed gender bias on the part of clients generally, as well as whether the individual respondents to the survey were personally subjected to biased conduct. The survey thus expressly distinguished the general perception that gender bias demonstrated by clients occurs in connection with the provision of legal services, from specific incidents of bias experienced by the particular respondents in relationship with clients with whom the attorneys personally dealt.

Additionally, respondents were asked to address whether they were provided support in

dealing with any bias they may have encountered, the extent to which a female lawyer's ability to bring business into a law office is affected by gender bias, and possible techniques in effectively responding to demonstrated gender bias. Numerous narrative comments were recorded, in addition to compiling scaled responses.

A substantial majority of respondents to the NAWL survey, 73%, had observed gender bias directed towards female attorneys by clients. A somewhat smaller percentage, 61%, reported having personally experienced gender bias demonstrated by clients they had represented. While only 14% of respondents reported never having observed gender bias directed toward female attorneys by clients, 27% disagreed with the statement that they had personally experienced gender bias on the part of clients. That is, substantially more respondents have observed that clients engage in biased conduct toward female lawyers than have actually been the victim of such conduct.

Twenty-five percent of respondents had observed clients engaging in sexual harassment of female attorneys and 19% of respondents had personally experienced sexual harassment by a client. Thus, sexual harassment of attorneys by their clients does not appear prevalent, yet is significant.

Twenty-one percent of respondents reported that their supervisor(s) had

Ellen A. Pansky is chair of the NAWL Gender Bias Committee and a principal of Pansky & Markle in Los Angeles. This report was compiled from a NAWL survey. Copies are available from NAWL headquarters.

acquiesced in the client's biased conduct, while 37% reported that the supervisor(s) did not acquiesce in the client's conduct. However, 43% of respondents neither agreed nor disagreed that their supervising attorney or partner had acquiesced in biased conduct, which would appear to reflect a combination of those situations in which the respondents had never experienced gender bias by clients, as well as those in which the supervisor took a neutral stance in the face of gender bias demonstrated by a client toward a female attorney.

Twenty-three percent of respondents reported a loss of business as a result of client bias, and 70% of respondents believe that a female attorney's ability to bring business into a law office is adversely affected by clients' gender bias. An overwhelming 84% of respondents believe that an attorney's ability to address gender bias initiated by clients is affected by the attorney's maturity and experience.

Nearly three-fourths of respondents have observed gender bias demonstrated towards female lawyers by clients. Nearly half of the respondents provided comments with their responses, including numerous anecdotes regarding personal experiences they have had with biased clients. Of these, reports were made to the effect that clients would initially refuse to accept an assignment of a female attorney, insisting upon a male attorney.

Some respondents reported that (male) clients automatically assume that any female attorney was junior to any male attorney involved in the matter, regardless of actual experience, training and ability.

A number also reported that clients deferred to male attorneys and seemed to implicitly assume that the male attorney was more knowledgeable than the female. Some respondents reported that clients - male and female - refused to contact them with questions, instead contacting the supervising attorney directly.

Many respondents also reported incidents in which male clients had difficulty relating to female attorneys on a professional basis. In those cases, the clients made unnecessary or inappropriate comments about the female attorney's appearance, engaged in affectionate or physical contact which the female attorneys found objectionable, which, in one report, the client considered "romantic" behavior. One respondent indicated that a client commented upon the attorney's "sexy voice." The perception of the female attorney as sexual object was one of the most frequent examples of gender bias.

Also, many respondents commented that male clients voiced concern that the female attorney would not be aggressive or "macho" enough on behalf of the client. Some lawyers also indicated that they were referred to by inappropriate language, including "lady lawyer," "hon," "dear," and "sweetie." These

comments were echoed by a few responses to the effect that some clients seem unable to see female lawyers without seeing their gender.

SEXUAL HARASSMENT OF FEMALE ATTORNEYS BY CLIENTS

Based on this survey, it appears that the incidents of sexual harassment of female attorneys by clients is neither widespread nor infrequent. Seventy-five percent of individuals responding to this survey did not agree that they had ever observed clients engaging in sexual harassment of female attorneys, and 81% reported that they had never personally experienced sexual harassment initiated by clients. However, 19% had experienced sexual harassment.

Most of the anecdotal reports regarding sexual harassment were in the nature of clients pressuring the female attorney to engage in sexual relations, or making offensive comments regarding the attorney's appearance.

Other than requesting hugs or kisses after a favorable result had been obtained for the client by the attorney, none of the respondents reported any other sort of inappropriate touching. Most of the reports of sexual harassment seemed to be in the nature of the client engaging in poor judgment and in failing to distinguish the female attorney from someone with whom a client might otherwise pursue a social relationship.

ASSISTANCE OF SUPERVISORS IN DEALING WITH GENDER BIAS

Approximately 21% of respondents reported that their supervising attorney or partner acquiesced in gender bias demonstrated by clients. Seven percent of respondents "strongly agreed" with the statement that the supervisor had acquiesced in such behavior, and 14% of respondents "agreed" that supervisors had acquiesced in such behavior. However, 79% of respondents did not agree, or were neutral as to whether their supervisors had acquiesced in biased conduct.

Those who included comments on their responses indicated that, for the most part, supervisors would respond to a client who expressed preference for a male attorney by explaining that the female attorney was either the best individual for the case, and/or that the firm would not agree to represent the client if the client insisted on reassignment of a male attorney.

In nearly all cases reported, the client elected to remain with the firm, and ended up being pleased with the representation provided by the female attorney. In only one comment was it reported that the client refused to continue to be represented by the female attorney.

Based on these responses, it seems clear that most law firms confronted with the situation will not permit a client to dictate whether a female attorney will be assigned to

What the survey found

Responses summarized in this table combine survey choices of "agree" and "strongly agree" as yes, "disagree" and "strongly disagree" as no and "neither agree nor disagree" as no opinion.

Generally, I have observed gender bias directed toward female attorneys by clients

**73% yes
14% no
13% no opinion**

I have personally experienced gender bias demonstrated by clients I have represented

**61% yes
27% no
12% no opinion**

I have observed clients engage in sexual harassment of their female attorneys

**25% yes
44% no
31% no opinion**

I have personally experienced sexual harassment by my clients

**19% yes
59% no
22% no opinion**

In those instances I have experienced gender bias initiated by a client, my supervising attorney or partner acquiesced in the client's conduct

**21% yes
37% no
42% no opinion**

A female attorney's ability to bring business into a law firm is adversely affected by clients' gender bias

**70% yes
11% no
19% no opinion**

I have experienced a loss of business as a result of my client's bias based on gender

**23% yes
36% no
41% no opinion**

An attorney's ability to address gender bias initiated by clients is affected by the attorney's maturity and experience

**84% yes
7% no
9% no opinion**

provide representation. Only a small number of specific examples of lack of supervisor support were included on survey forms.

DOES GENDER BIAS AFFECT FEMALE ATTORNEYS RAINMAKING ABILITY?

Not surprisingly, 70% of respondents believe that a female attorney's ability to bring business into a law office would be adversely affected by client gender bias. Happily, only a few of the respondents, 7%, strongly agreed that they had personally experienced loss of business as a result. Another 16% agreed that they may have lost business as a result of client bias based on gender, as compared with 36% of respondents who either disagreed or strongly disagreed that they had lost business because of gender bias.

Indeed, a number of respondents unequivocally stated that they had never experienced gender bias on the part of clients. A few of the respondents pointed out that particularly for female lawyers in private practice, the issue never arises, since the client would never retain the attorney in the first instance if the client were biased based on gender.

Two of the respondents noted that gender bias is less of a problem than other types of bias, such as racism. One respondent noted that bias is endemic, and that she is biased in favor of female lawyers. Such comments seem to assume that bias can never be completely eradicated, and that, realistically, bias demonstrated by a relatively small number of clients is not a major problem for female lawyers.

Eighty-four percent of those responding believe that an attorney's ability to address gender bias initiated by clients is positively affected by the attorney's maturity and experience. Many respondents indicated that an effective way of dealing with gender bias evidenced by clients is to maintain one's professionalism, and to attempt to ignore inappropriate comments. A number of the respondents believe that, when the attorney has successfully completed the legal services, the client will have no objection to the quality of the services or the outcome of the matter. In other words, by simply continuing to provide services in a competent and professional manner, the client's concerns will end up being allayed.

Similarly, many respondents indicated that the best way of dealing with gender bias demonstrated by clients is to maintain one's sense of humor, and/or to utilize a sense of humor directly with the client. Again, such comments imply that the potential problem may be overcome simply by the attorney's refusal to acquiesce in the client's perception that female lawyers are not able to provide services equivalent to those provided by male lawyers.

A few respondents repeated the age-old adage that a female attorney should strive to

be more competent than her colleagues and opponents. By being firm, professional, and obtaining a good result, the attorney will build her reputation, which will then assist in ameliorating the potential assumption that she is unable to provide competent services.

Finally, a number of respondents suggested seeking assistance from a more experienced attorney in the firm, and enlisting the support of that person. Several respondents pointed out that, if the client expresses the opinion that a male attorney would provide better service, it would be helpful to have an older male attorney in the firm explain to the client why the firm has selected the female attorney as the best individual to provide representation.

In those instances in which another attorney is not available to provide such help, respondents suggest a frank discussion with the client, in which the female attorney outlines her experience, abilities, and the approach she has developed for representing the client in the matter. Often, upon receiving such assurances, the client's problem is resolved.

Although the women lawyers surveyed by NAWL overwhelmingly agree that clients demonstrate gender bias against female attorneys, and while a majority of the respondents have personally experienced gender bias evidenced by clients, a sizeable minority of respondents has never experienced any gender bias demonstrated by clients. Moreover, the vast majority of respondents believe that most clients who evidence a belief that female lawyers are not as able as male lawyers will be "won over" by the good results obtained by their female attorney.

The prevailing attitude expressed by the respondents to the survey is that, as female attorneys continue to gain experience, and continue to maintain a visible presence in the legal profession at higher percentages, client concerns regarding female lawyers' abilities will fade.

Based on the majority of suggestions included by respondents for dealing with gender bias on the part of clients, a calm yet firm and direct approach with the client is the solution of choice. Most of the attorneys responding to our survey suggest that clients are satisfied with a female attorney's abilities, once clients are educated as to that attorney's ability, experience, training and prior successes.

In summary, gender bias evidenced by clients does not appear to be a major impediment to female attorneys. To the contrary, the respondents to the NAWL survey appear to take biased conduct in stride, deal with it, and move on.

At least based on the results of this survey, it appears that female attorneys are assertive enough not to allow client concerns regarding their abilities to impede their advancement in the legal profession.

Women's Docket

Along with one high-profile case, the U.S. Supreme Court served up a number of cases with women's names on them

BY KENNETH GILLIS

While *Clinton v. Jones*, 117 S.Ct. 1636, may have been the biggest headline maker of the United States Supreme Court's 1996-1997 term, other cases affected women's rights and women's issues.

In *Lambert v. Wicklund*, 117 S.Ct. 1169, the Court continued to fine-tune abortion rights, as against a state's right to legislate conditions for a minor having an abortion. In *Wicklund*, the district court judge and the Ninth Circuit Court of Appeals declared a Montana statute regulating "judicial bypass" unconstitutional, but the Supreme Court disagreed. The decision may have turned around the requirements that a young woman prove

"both" that it was in her best interests to have an abortion and that notification of parents was not in her best interests, or whether the "either" test was sufficient for judicial bypass of notification. The Montana statute seems sensitive to the situations of young women in this situation. (See statute at 117 S.Ct. 1173, where physical and emotional abuse may also be considered by a judge in permitting the abortion without notification to the parents.)

At stake was a minor's right to have an abortion without notification of the minor's parents or guardian. The district court found that either of two conditions may be met by the minor in order to bypass notification of the parents. The judge ruled that either

"whenever the abortion would be in the best interests of the minor," or when "notification would not be in the minor's best interests," that a judge could permit bypass of the notification.

But, the Supreme Court went back to, and relied upon, its earlier decision in *Ohio v. Akron Center for Reproductive Health*, 497 U.S. 502 (1990). The decision, called "Akron II", considered an Ohio statute "substantially indistinguishable" from the Montana statute now in question. The Court found the Montana statute sufficient.

JUSTICE STEVENS, joined by Justice Ginsburg, and Justice Breyer, concurred, stating that they "assumed" that the best interests of the young woman was a sufficient test for a judge to permit bypass. Justice Stevens wrote that, "(S)urely it was appropriate to assume that the Montana provision also requires the court to authorize the minor's consent whenever it is in her best interests, but that the question of whether a young woman would need to prove 'both that the abortion and non-notification' were in her best interests was a 'decision best left for another day.'"

Is *Lambert v. Wicklund* a signal that state legislatures should not attempt to add other requirements to the simple "best interests" test, even where the instant provisions are sensitive to the situation of young women?

Another case involved abortion rights and "free speech." In *Schenck v. Pro-Choice Network of Western New York*, 117 S.Ct. 855 the Court upheld some buffer zones, protecting those who seek abortion advice or services, from those who would harass them. Fixed buffer zones, ordered by the trial judge were upheld, but rejected were "floating buffer zones" (the "floating bubble" of protection).

CHIEF JUSTICE Rehnquist, writing for the entire Court except Justice Breyer, held that the "floating buffer zones prevent (abortion protesters)... from communicating a message from a normal conversational distance..."

The chief justice acknowledged that the "free speech" was often "physically abusive conduct," even involving the "harassment of the police," and that certain "peaceful conversations (can) devolve into aggressive and sometimes violent conduct," and in those situations there could be a limitation on "classic speech," but he - and the majority - concluded that this was not the case for "floating zones" of protection.

Key in this decision may be the difficulty of a trial judge enforcing the exact terms of the floating buffer zone, which might depend upon the rapid or unantic-

pated movements of persons in tense and troubled turmoil.

JUSTICE BREYER was the lone supporter of the "bubble," though he admitted that there could be constitutional problems with a concept so difficult to describe with precision. He held out hope the possibility that the "bubble" or "floating zone of protection" could be an appropriate term of an injunction by a trial judge faced with some situation proven to be possibly violent.

In *U.S. v. Lanier*, 117 S.Ct. 1219, another temporary setback may turn into eventual success in protecting women from sexual harassment and rape. Lanier was a former state court judge who had a strong local political background and had been mayor of a prominent city in his county. The federal government prosecuted Lanier for sexual attacks of five women in Lanier's judicial chambers. The prosecution was brought under 18 U.S.C. 242, a Reconstruction Era statute, which added criminal penalties to anyone who, "under color of law," deprived any person of rights protected by the Constitution.

THE FEDERAL government charged that Judge Lanier used his judicial office, as well as his judicial chambers, to sexually assault one litigant, two secretaries, a youth services officer, and a federal program coordinator.

The indictment read that the victims had the right "not to be deprived of due process of law, including the right to be free from willful sexual assault." Lanier moved to dismiss the charges for "vagueness" but the district court denied the motion. The jury convicted on some counts, and acquitted on others, but found Lanier guilty of an assault which caused "bodily harm," a finding which resulted in Lanier getting a substantial prison term.

A panel of the Sixth Circuit Court of Appeals affirmed the conviction and the sentence, but the full circuit en banc reversed the convictions, because of the "lack of any notice to public that this ambiguous criminal statute (Section 242) includes simple or sexual assault within its coverage." (73 F.3d 1380- (1996).)

At trial the judge instructed the jury that "included in the 14th Amendment is the concept of personal bodily integrity

and the right to be free of unauthorized and unlawful physical abuse...." The instruction went on to say that criminal conduct must be "so demeaning and harmful...as to shock the conscience." Another instruction stated that "every unjustified touching or grabbing" was not a violation of a person's constitutional rights.

The Supreme Court analyzed the case as one of "fair warning," because no person "shall be held criminally responsible for conduct which he could not reasonably understand to be proscribed."

Avoiding the issue of whether Lanier's crass and cruel conduct was "understood" to be wrong, the Supreme Court held that the Sixth Circuit set the standard for "fair warning" too high. Justice Souter wrote that the Sixth Circuit "added two glosses to the made-specific standard of fair warning," which were extreme and unnecessary to give fair warning. Hence the Sixth Circuit had applied an "incorrect standard" for "fair warning," and the case was remanded to the circuit court for further consideration.

WHEN, IN 1996, the Sixth Circuit sat en banc three judges wrote opinions that give hope. The first, by Judge Martha Craig Daughtrey, stated, "The (Sixth Circuit) inexplicably concludes that an individual has no recognized due process right to be free from sexual abuse by a judge who is able to effect those assaults solely by his position and by his power over the jobs and families of the victims."

Daughtrey stated that "(S)ince the sealing of the Magna Carta in 1215, Anglo-American jurisprudence has recognized the right of citizens to be free from interference with their bodily integrity... [T]he majority turns its back on 780 years of history on this subject."

Judge Damon J. Keith also dissented and stated that the majority of the Sixth Circuit was "thoroughly lacking in indignation for the outrageous acts perpetrated by Judge Lanier." Judge Keith also criticized the "insensitive tone and lack of compassion permeating the majority opinion..."

Judge David A. Nelson also dissented, stating that the woman was "literally (and humiliatingly) deprived of her liberty while locked in the defendant's

*Some temporary setbacks may
turn into new measures of
protection for women*

foul embraces." She was the litigant that Judge Lanier said (if the evidence is true) "her daughter would be taken away from her if she resisted." Judge Nelson said, "I simply cannot believe that the...Fourteenth Amendment, or the Congress that enacted Section 242 in 1874 would have had any doubt that the defendant's conduct was unconstitutional."

Blessing v. Freestone, 117 S. Ct. 1353, was a decision which went against mothers seeking child support payments for their Section IV-D of the Social Security Act. "4-D", as it's commonly called, authorizes local agencies to bring actions to collect child support from uncaring parents, but not without considerable budgets for local agencies.

In *Blessing*, five Arizona mothers sued an Arizona state agency stating that the state agency had not taken adequate measures to obtain child support payments for them and others. The majority ruled against the mothers, but the dissenting opinions of Justices Kennedy and Scalia may prove to make the case a blessing in disguise.

THE MAJORITY found that custodial parents under IV-D did not have an individual right of action under IV-D, and the Civil Rights Act, 42 U.S.C.1983, to hold a state agency to account for its effectiveness. Two earlier cases had likewise denied mothers' rights to bring such actions.

But, here's the "roadmap": Justice Scalia, with Justice Kennedy joining, suggested that the plaintiffs might succeed by filing a contract action, since they were third-party beneficiaries to the federal government's contract with the state agency.

Justice Scalia wrote, "Until relatively recent times, the third-party beneficiary was generally regarded as a stranger to the contract, and could not sue upon it. . . I am not prepared without further consideration to reject the possibility that third-party beneficiary suits simply do not lie."

This suggested theory has broad implications.

Returning to where we began, *Clinton v. Jones*, the Supreme Court was "unpersuaded" that history showed that the President of The United States had "absolute immunity" while in office. Earlier cases had found that presidents had immunity from damages "predicated on official acts," because of the "central concern" that the president should be left unimpeded for acting in the nation's best interests. The Supreme Court held that Ms. Jones, "Like every other citizen, who properly invokes (the jurisdiction of the courts), has a right to an orderly disposition of her claims."

Court term shows how nation works

BY KENNETH GILLIS

The 1996-97 term of the U.S. Supreme Court was a classic example of quiet American justice in action.

It was a term marked by extreme civility, more concurring opinions, and fewer dissents. It was a term of extraordinary decisions, but ones delivered in such a way that a University of Chicago law professor called it "boring."

It was as if the Supreme Court saw its role in our country today. The executive branch was politically wounded, the Speaker of the House sanctioned by his own ethics committee, and one American had killed more Americans in a single senseless act than ever before. The Court seemed to be resolved to keeping the ship of state steady and on course.

THE SUPREME Court seemed to be saying, "We are America, past, present and future. We are law. Law seeks a balance. The values which we hold highly must be preserved, even if new concepts must be denied."

Five decisions showed these principles at work. First, in *Agostini v. Felton*, 117 S.Ct. 1197, the Court reversed its earlier church-state holding in *Aguilar v. Felton*, 473 U.S. 402 (1985). The Court reviewed the use of federal funds to pay public employees who taught educationally deprived children in parochial schools. In 1985 it held that the Establishment Clause of the First Amendment barred such practices. Now it admitted it was wrong, and found that in 19 years there had never been a situation where an instructor "subtly or overtly" attempted to "indoctrinate the students in a particular religious tenet..."

THE CASE is important because it was pragmatic, and called upon experience, not events which are possible, in order to decide the case.

The Court, in *Abrams v. Johnson*, 117 S.Ct. 1925, an election remap case, decided to defer to the map drawn by the federal district judge. The map was not drawn on racial lines, but was consistent with the state's traditions. Again, the Court moved to trust Americans to fashion a system which works fairly and representatively, and to delegate more of the fine-line drawing to local authorities.

Printz v. U.S., 117 S.Ct. 2365, declared a portion of the Brady Handgun Violence Act unconstitutional. This portion required local officials to do back-

ground checks on firearm purchasers - a good idea, but should the federal government be able to force local governments to do certain acts? The Court said, "No," the framers of the Constitution were clear that the states could not be used as instruments of the federal government.

In *Reno v. ACLU*, 117 S.Ct. 2329, the Court declared the Communications Decency Act unconstitutional. The act attempted to intercept smut on the Internet, and keep cyberspace cleanly in its place. The Court, following traditional free speech decisions, held the act overbroad and unconstitutional. Maybe boring, but steady constitutional law.

Lastly, in *Bourne v. Flores*, 117 S.Ct. 2157, the Court declared the Religious Freedom Restoration Act unconstitutional. The case started innocently enough, as the bishop of a church sought a building permit to enlarge a church in a historic preservation district. The city denied the permit, and the bishop appealed under the act. The act was broadly drawn and could have created significant changes in American society for centuries. Finding the act unconstitutional was not popular in many sects, or sectors, of the country, but Congress has the power to enforce rights, not to dramatically change or create rights, the Court held.

AGAIN, MODERATION and proportionality came through. The act had upset the state/federal balance.

As for civility, Justice Kennedy dissented in one case, to add "a few observations." Justice Ginsburg concurred in another to add "a cautionary note." Only Justice Scalia found one majority opinion to be a "bizarre arrangement," and Justice Stevens, who wrote most of the dissenting opinions was, as is his nature, honest but gentle.

Many opinions sought guidance from the the Federalist papers, and other historical events, like President Jefferson getting a subpoena from Justice Marshall in the Aaron Burr case.

The Supreme Court examined the American people and ideas which brought us here. Some paths and past events were not good, but we had a tradition of freedom and balance. We grew with this tradition to where we are today, and—from now—we should grow consistent with it. We shall not sow radical new seeds. It was a quiet, historical, American term of the U.S. Supreme Court.

For new Lawyer, first job is to find a job

BY SARAH ELISABETH CURI

"How To Find A Job" - The best way to get a job is to be at the right place at the right time! The only problem is that nobody can tell you where the right place is or even when the right time is. With any luck, however, you will get lucky. One of my favorite quotations is, "The harder you work the luckier you get!"

But really, how do you find a job?

"NETWORK" - Network, network, network is what everyone told me I should do, and I really didn't. Why not? Quite frankly, I find this concept rather

daunting. Furthermore, networking seems like an exercise in futility - talking to people who most likely don't have a job to offer you, about the fact that you desperately need a job. Isn't it more efficient to talk to people with job openings?

But it works - well, sometimes it works. A classmate of mine was actually hired by the woman she sat next to at a women's bar association dinner. Practicing networking is on my list of things I really-really-really should do - but then, so is flossing.

Seriously though, I think it's very important to followup with people you meet and try not to be shy about letting others know you are job hunting. Start by making "business cards" for yourself. After three years of law school, my favorite six words are "Sarah Elisabeth Curi - Attorney At Law." You can get cards made rather cheaply at most copy places. As you meet a new person, hand them your card. It's a great facilitator of

business (and personal relationships), and saves people from scrambling around to find a pen and a scrap of paper.

And, if nothing else, send a few of them to your grandmother —she and her friends will definitely be impressed.

Become more productive: go to a bar association function or take a continuing legal education class - and introduce yourself to others. Then if you are feeling brave and adventurous, set up an informational interview. (I did one of these and lived to tell about it.)

"Cold Calling/Mass Mailing" - Someone promised me that I would get a job after I had sent out 100 resumes. Although it sort of worked for me, I think I sent out 102 before I received an offer from my current employer. There are no guarantees just sending out X number of resumes at random will produce a job.

One of my classmates sent out over 600 letters before getting one offer/one job. I suppose if you send enough resumes, sooner or later you are bound to get lucky, but I'm not sure this is the best way to go. Seems to me you will have better luck applying for a job that is actually available. One caveat is that if you have a strong sense of the market or a particular field (or an effective crystal ball) you might be able to position yourself for consideration before a job ever becomes available.

"FRIENDS & FAMILY" - Even if you are not lucky enough to have a parent, relative or college roommate who happens to be a nationally recognized jurist, your friends and family may still be able to help. A friend of mine got a really cool sounding job with a sole practitioner whose child is in her nephew's playgroup. My friend's sister happened to comment to the sole practitioner, "You look exhausted." The lawyer wearily replied that he was so swamped, he didn't even have time to look for somebody to help him. Voila! - a job for my friend.

"Look Around" - Keep your eyes and mind open. Apply for part-time jobs and apply at places which are looking for a law student. Conversely, apply for jobs that "require" a bit more experience than you actually have. Firms and companies may not know exactly what they are looking for until they meet you. Sometimes you'll find a treasure, or at minimum, a learning experience (and if the job pays, a bit of cash). The posting for my job called for a law student to work on a short term project 10-20 hours per week. I have been working at that for over 1 1/2 years full-time.

"KEEP YOUR SPIRITS UP" - Let's face it, searching for a job can be very disheartening and even depressing. Talk about how you're feeling to your

Sarah Elisabeth Curi is a 1995 graduate of Boston College Law School and a 1990 graduate of Wellesley College. During law school she helped to found, and served as the first president of, the National Women Law Students Association. She is currently working as in-house counsel for the Shields Health Care Group, a private health care provider in Massachusetts.

friends and family. Keep yourself busy: the job will not come to you. You will have to actively pursue it.

Keeping busy means more than just being diligent about making calls and sending out resumes. It also includes doing things you like to do, whether painting, going out with friends, hiking, etc. There are only 24 hours in a day and you can't spend all of them job searching. Besides, you never know who you will meet at the art museum or out walking

your dog - both great networking opportunities. Don't forget to remind yourself that you **WILL** get a job, and ultimately your dream job, in time. As an added bonus, a positive attitude will help you "sell" yourself in cover letters and interviews.

"DEAL WITH REJECTION" - Repeat after me, "I will not take rejection letters personally!" Rejections are usually more of a reflection of the job market than they are of you. How do you make yourself feel better when you get rejected from your dream job? This is a tough one.

"Everything works out for the best." Spare me the platitude! I was totally crushed when I was rejected by some fellowships that I wanted so badly I would have happily moved to New York City (apologies to those who want to live/work in NYC - I think that NYC is a great place to visit.) My best advice is to refer to "Keep Your Spirits Up."

"Short Term Survival Strategies" - Find a temporary job - do something! Although some parts of the country (Washington, DC and maybe L.A.) have temp agencies for new lawyers, it doesn't have to be a legal job. This keeps you busy and, importantly, brings in some cash. Also, you often can get tremendous experience if you can afford to volunteer (even just a few hours a week.)

Do something that you always wanted to do: it may be as close to home and as short term as volunteering at a battered women's shelter or taking Spanish lessons, or as involved as hiking the Appalachian Trail or joining the Peace Corp.

"DO WHAT NEEDS TO BE DONE" - "You only need one job," my mother said. Well, my mother was a bril-



Sarah Elisabeth Curi

... perseverance pays off

liant woman and most often correct - but this is the '90s and it may take more than one job. At one point in my search, I had three jobs for several months (one was close to full time, one was 12 hours a week, and one was about 2 hours a week) which just about added up to the rent.

"WHO ARE YOU & WHAT DO YOU REALLY WANT?" - I think it's really important to know who you are. Then sell yourself honestly (at least to yourself) on your strengths and weaknesses. If you know you would rather listen to someone scratch their nails down the chalk board than: do divorce work, work 100-plus hours a week, live in a musty law library, etc., why apply for that job? What's the point of getting a job that you know you would absolutely hate? (Caveat - ignore these last questions if you are desperately in need of ANY job). Ask yourself what you want and what you are willing to

sacrifice. Most of the time I love my job and hate my commute. It's a trade off that I am willing to make, at least for now.

Also, try to assess what kind of job would be ideal/livable/completely out of the question. Would you be happy working at a tiny/large firm? Do you really want to move to the suburbs/city/rural area? What about hanging out your own shingle or changing professions completely? How much do you want to make big money? How much do you need to make big money? (Please note: These are different questions.) What kind of lifestyle do you want? What other commitments do you have? Are you really willing to move?

"So You Hate Your Job" - You got lucky and finally got a job. Your job search was successful, but you are miserable. You hate the work you're doing/the people you have to work with/the hours/your boss. Well, first, milk the experience for all it's worth. Learn everything you can. The skills you develop in one job, or dealing with the world's most evil boss, may help you down the road in dealing with the world's most evil client/opposing counsel/judge/next door neighbor. And you guessed it: find a new job! Begin your job search anew. And maybe this time you will get really lucky and not only will you be at the right place at the right, but also you will find the right job!

Lawyers can help grads

Elizabeth Armour, director of career planning for the Boston University School of Law, has written about the continuing responsibilities of law schools to recent graduates. But her words mirror the responsibilities of the profession as well.

Dean Armour wrote: "Despite the numbers touted by so many law schools concerning the employment success of their graduates, a large number of recent graduates are not employed at graduation. And, they face a protracted and often frustrating search.

"It goes without saying that today's law school graduates must be proactive, persistent, and creative job seekers - willing to work in a combination of contract, part-time and volunteer positions in order to prepare and position themselves for full-time opportunities when they arise. They must garner necessary interview skills and other job-searching tools, learn of job openings, and sustain themselves with cheerleading sessions that an effective career counsellor provides.

"Law school faculty and deans are essential allies to recent graduates in their career searches. The task need not be difficult

and the rewards are many. Your 'helping hand' can make a world of difference to the struggling seeker.

"Tell graduates what you know and experienced. Share your insights and perspectives. Job seekers need to meet as many people as possible who do the kind of work in the location they desire. Your role is to provide the connections to make the chain of events possible.

"Most importantly, your words of encouragement and support do immeasurable good. One of the most taxing aspects of a long job search for graduates is the effort to remain buoyant.

"The good news, despite the issues presented here, is that recent law school graduates do get hired. Knowing this reality, and knowing how you can help to make the road less arduous, will ensure that sooner or later they will be happy and productive practitioners, and grateful and loyal alumni. This is a goal we all share."

These comments are from a longer article, "Success for the Class of 1997," in the Spring 1997 *Syllabus*, published by the ABA Section of Legal Education and Admissions to the Bar.

*Launching a local mentoring
program doesn't need a lot
of overhead to provide ...*

Helping Hands

BY MICHELLE A. MCGOVERN

The Polk County (Iowa) Women Attorneys (PCWA) is an organization of approximately 175 members, open to both men and women, most of whom are women attorneys, judges, and law students living, working or studying in the metropolitan Des Moines area. The organization was founded to provide a forum for discussing legal issues relevant to women, low-cost continuing legal education seminars, and a network for women attorneys.

In 1992, two board members, Barbara G. Barrett and Susan Boe, designed a voluntary mentoring project for PCWA members. They presented a program and written materials detailing the goals and benefits of mentoring at a monthly luncheon meeting. As a result, the attendees proposed a mentoring program.

The organizers established monthly mentoring breakfasts set at different local restaurants on different days of the week. All volunteers were placed into

mentoring groups consisting of eight to ten participants. A group leader contacted each member prior to the monthly breakfast, reminding participants of the upcoming event. The membership soon learned that if a contact person neglected to communicate with her group members, the participation was much less than if they were reminded.

THE MENTORING groups were designed to involve individuals with various years of experience, in different areas of practice, including the judiciary. No volunteer was excluded. Participants were encouraged to bring new members and guests, including women legislators. Each group was designed to include less experienced lawyers, especially new admittees to the bar. Where possible, a woman judge was included in each group. Corporate counsel and government practitioners were placed in the various groups, too. Originally, attempts were made to include at least one board member in each group.

The topics for discussion were left to the attending participants. Generally, the participants focused on networking, career paths and opportunities, problem solving, and learning to balance personal

life with career. However, the participants also peppered the discussion with general social conversation.

The designers considered assigning topics, but they quickly abandoned the idea. The program planners believed assigned discussion topics would result in artificiality and would hinder rather than encourage communication.

After the first year, some groups combined due to a loss of active participants. In order to be a viable mentoring group, the membership had to be large enough to insure diversity and adequate participation at each breakfast. In some instances, the contact person was changed to someone with more time to devote to communicating with the members prior to the breakfast.

IN FALL 1996, another innovation was introduced by Nancy C. Johnson, a PCWA board member and coordinator of the program. She invited students from Drake University Law School to attend a special mentoring breakfast designed to explain the program to interested students. The breakfast was held in a different location, several blocks from the law school and easily accessible to the students. The participants encouraged the students to join the groups during the academic year. As a result, some students became active members. The student participation has been so well accepted that students will be encouraged to participate again.

Currently there are two breakfast groups, one designed for the early birds before 7:00 A.M. and the other on a different day and later time.

Because not everyone is a morning person or able to attend an early breakfast, one luncheon group formed in 1996. Rather than meet close to downtown, the group meets in the western suburbs. Thus, individuals who do not routinely travel downtown can participate without having to spend considerable time commuting.

While the groups have decreased in number since the onset of the program, the participants have continued to benefit from the counsel and guidance of one another, meeting with experienced women attorneys and judges on a regular but informal basis. The groups have become a source for networking. Potential job opportunities are often explored. Less experienced attorneys are provided a forum for becoming involved in the organization. Members are often recruited to serve on various PCWA committees. Students are introduced to issues facing women in the practice. Above all else, the participants discover there are matters common to all women in the legal profession.

Michelle A. McGovern is deputy industrial commissioner of the Iowa Division of Industrial Services. She is the NAWL liaison to the National Conference of Women's Bar Associations.

New board ready to help lead

As president-elect, Chicago attorney **Susan Fox Gillis** will oversee the Association's programs and seminars during the coming year. She is immediate past treasurer of NAWL and has served on the executive board since 1995, after concluding her term as president of the Women's Bar Association of Illinois. An attorney with Schoen & Smith, Ltd., she specializes in personal injury defense litigation.



Susan Fox Gillis

Ms. Gillis serves on the Board of Managers of the Chicago Bar Association. She is a member of the Illinois State Bar Association, the American Bar Association, and the Women's Bar Foundation; a director of CARPLS and the Constitutional Rights Foundation; chair of the Grateful Hand Foundation; and a past president and founding member of Our Children in the Courts Foundation.

A 1988 graduate of the IIT/Chicago-Kent College of Law, Ms. Gillis was the recipient of the law school's 1996 Young Alumnae Award. Prior to entering law school, she was a claims representative and supervisor with several major insurance carriers, which led to her interest in law as a career.

She lives in the River North section of Chicago with her husband, Judge Kenneth L. Gillis. She has two children: John W. Fox who is with Arthur Andersen, and Nancy Fox Ardell, an attorney with ABN-AMRO.

Ms. Gillis will serve as president of NAWL beginning in August of 1998.

New to NAWL's executive board this year, member-at-large **Linda Diane Bernard** believes that individuals have a responsibility to leave footprints wherever they go. She serves as president and CEO of Wayne County Neighborhood Legal Services (WCNLS) which, under her leadership, has become the largest and most efficient provider of legal services to the poor in Michigan. With a budget of \$6 million annually and a staff of 150, WCNLS has a client intake of approximately 30,000 annually and serves almost 50,000 people through

legal, community education, mediation and special programs.

When *Native Detroit* magazine named Ms. Bernard one of their "Women of the Year", they noted the development of trendsetting projects in child welfare, homelessness, housing, landlord/tenant disputes, and domestic violence victimization. She created a law studies program, "Street Law", for Detroit public school students and an employment and training program for ex-felons. These programs have been studied by representatives from Mexico, El Salvador, Guatemala, Ecuador, Argentina, Costa Rica, South Africa, Kenya, Kazakhstan and the Ukraine.

Her accomplishments won designation by the Michigan Chamber of Commerce as a "Future Leader of the State of Michigan" and as one of "America's Top 100 Black Business and Professional Women" by *Dollars and Sense* magazine.

Ms. Bernard is a graduate of Wayne State University's Monteith College and Wayne State University Law School. She was the first African-American to receive a Masters of Law degree from the University of Pennsylvania School of Law. She began her career at Ford Motor Company, but at the request of then-Detroit Mayor Coleman Young, she joined the city's law department as supervising assistant corporation counsel, creating the city's Business, Contracts and Commercial Law Division. She served as the general counsel for the Massachusetts Port Authority while living in Boston and has also worked in general corporate practice.

Ms. Bernard has been a member of NAWL since 1994 and currently chairs the Outreach and Resolutions committees as well as serving on the International Law and Legislation committees. Ms. Bernard is also chair of the ABA General Practice Section's Civil Rights and Responsibilities Committee, co-chair of that section's State and Local Government Committee, and former vice-chair of their Committee

on Charitable and Non-Profit Organization Law. She is a member of numerous bar, education and community associations and was recently appointed to the boards of the Black Sports Agents Association and the Black Entertainment Sports Lawyers Association, of which she is secretary.

Elise E.

Singer served

as the regional representative for district 4, which includes Pennsylvania,

prior to being elected member-at-large for the executive board this

year. Ms. Singer is a partner in the law firm of Duane, Morris & Heckscher, with whom she has been affiliated since 1983. Her practice concentrates in class action litigation, securities and antitrust law, intellectual property litigation and complex commercial litigation.

Ms. Singer is a cum laude graduate of the University of Michigan Law School. Although Philadelphia is her home, she also has ties to Chicago. She graduated from the University of Chicago with a B.A. with honors in economics and first practiced law with the Chicago firm of Wildman, Harrold, Allen & Dixon.

A NAWL member since 1994, Ms. Singer also serves on the Business Torts and Unfair Competition Committee of the ABA Antitrust Law Section and is co-chair of the Rainmaking Committee of the ABA Litigation Section's Women Advocates. She is a member of the Defense Research Institute, the Federal Bar Association, the Philadelphia Bar Association, and the Intellectual Property Owners Association. Like most working mothers, she is also involved with school programs and after-school activities.

NAWL's executive board this year includes a retired judge, a law school professor and an associate dean of students, a CEO of a legal services corporation, a sole practitioner, a managing partner and a founding principal of two small-to-medium law firms, a large firm partner, and four law firm associates.



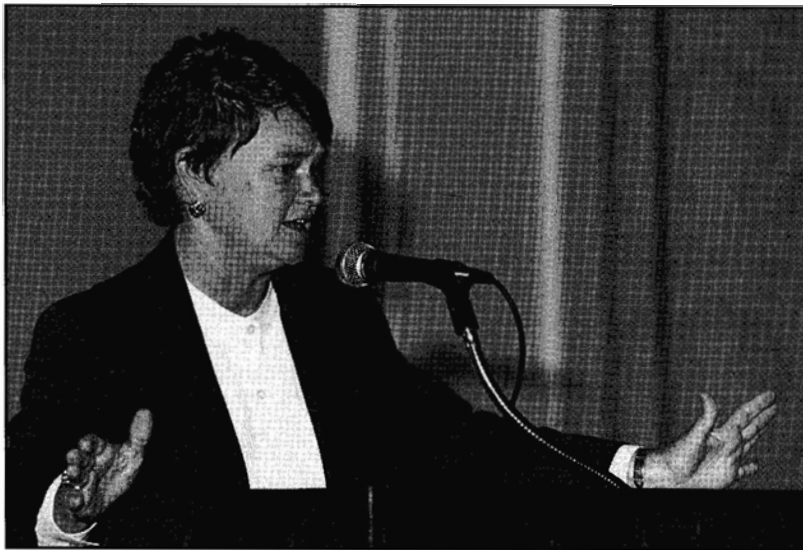
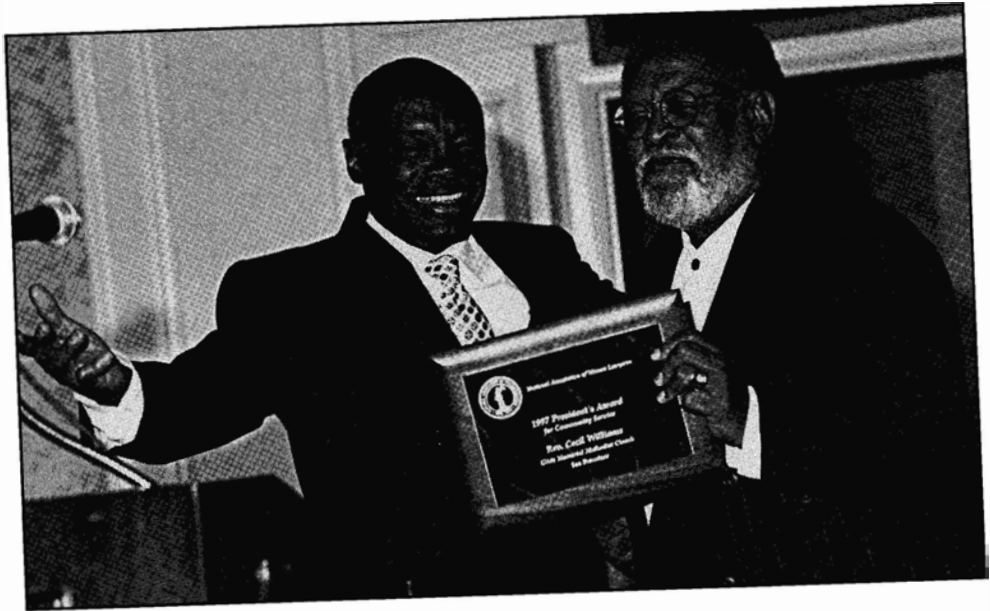
Elise E. Singer



Linda Diane Bernard

Meeting is a picture of success

NAWL's 1997 annual meeting in San Francisco Aug. 1-2 included a joyous celebration of diversity and triumph. Mayor Willie Brown set the tone as he presented an award for community service on NAWL's behalf to the Rev. Cecil Williams (right) of Glide Memorial United Methodist Church. Below, Sheila Kuehl, first woman to serve as speaker pro tem of the California Assembly, made an impassioned plea for more women to run for elected office.



Michigan members Peggy Costello (pictured below) and Sally Lee Foley shared the 1997 Toch Award for their successful member recruitment. Ms. Costello, who is with the Detroit law firm of Dykema Gossett, sent a personal letter to Michigan's new women bar admittees, inviting them to learn more about NAWL.

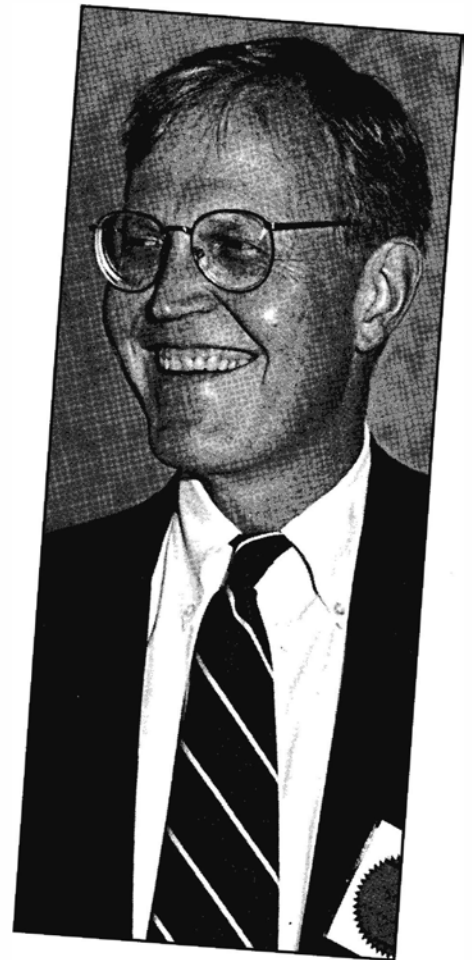


U.S. District Judge Bernice B. Donald of Tennessee (right) received NAWL's highest honor, the Arabella Babb Mansfield Award, during the "Celebration of Diversity" luncheon Aug. 2.





In "The Shoemaker's Children: Employment Issues Affecting Women Attorneys and Families Within the Legal Profession," Chicago litigator Susan Bogart points to the multiple barriers of the "glass ceiling" thwarting women's leadership.



What international law firm with over 575 attorneys in 14 offices has one of the highest female-partner ratios among U.S. law firms? Morrison & Foerster, with over 20 percent. Plus nearly 50 percent of the firm's associates are women attorneys. Managing Partner Stephen S. Dunham accepted our 1997 President's Award for the Advancement of Women in the Profession on the firm's behalf.



Workplace violence panelist Jan Kang, assistant general counsel of Lam Research Corp., is involved in matters concerning employee safety, including violence. Lam employs over 4,000.



Panelist Portia Moore shared her emotional conflicts in trying to balance demands of her successful law career with demands of motherhood in a segment of "The Shoemaker's Children."

Honors, changes mark careers

The Hon. **Mattie Belle Davis**, retired judge of the Dade County (Fla.) Court, NAWL's 1965-66 president and current historian, and Justice **Florence**



Mattie Bell Davis

K. Murray of the Supreme Court of Rhode Island were honored for "exceptional dedication and contributions to justice" at the joint reception of the Judicial Division of the American Bar Association and the National Association of Women Judges in San Francisco Aug. 3. Judge **Bernice Bouie Donald** was also recognized

for receiving NAWL's Arabella Babb Mansfield Award the previous day. The Hon. **Shirley A. Tolentino**, president of NAWJ, presented Judge Davis with a silver bowl engraved with her name "for her leadership in advancing women in the legal profession."

Environmental lawyer **Nancye Bethurem** was the headliner for Hawaii Women Lawyers' May workshop. Structured for attorneys not practicing environmental law, the workshop examined some of the connections between environmental and land use law and covered the basics of the Endangered Species Act, the Clean Water Act, RCRA and CERCLA. In addition to serving on NAWL's Environmental Law Committee and as our regional rep for Hawaii, Ms. Bethurem has been elected to the board of directors for Hawaii Women Lawyers. She is also a member of the Hawaii Professional Women's Association and has been working to reactivate a dormant chapter of the National Organization of Women. Ms. Bethurem currently represents the U.S. Army in Hawaii.

NAWL's 1996 Outstanding Law Student award recipient for Seattle University's School of Law, **Katrina Anne Foley**, has become an associate with the Law Offices of Michelle A. Reinglass in Laguna Hills, Cal. The firm's emphasis is in the area of employment litigation, including sexual harassment, discrimination and wrongful termination.

When **Anne M. Kornbau** of Washington, DC, renewed her membership dues this year, she went one step further and initiated a law student membership for her daughter. Now a member of the class of 2001 at Georgetown, **Mary Anne Kornbau** is also working as a paralegal at her mother's firm, Browdy and Neimark. The happy mother writes, "Although I am pleased that my daughter is following in my footsteps, I am particularly proud that she also wants to practice patent law. We may be the first mother-daughter patent attorneys in a few years!"

Moving from the ivy walls of Harvard to the hallowed halls of the Supreme Judicial Court in Boston, the Hon. **Margaret H. Marshall** is completing her first year as Associate Justice. At Harvard University she had served as vice president and general counsel.

Betty Southard Murphy of Washington, DC, was reelected by the ABA Board to serve as one of four ABA representatives to the Union Internationale des Avocats Delegate Assembly.

Edith G. Osman was the first recipient of the Florida Association for Women Lawyers' Outstanding Achievement Award. The award was presented to Ms. Osman at FAWL's annual installation luncheon in Orlando, held in conjunction with the Florida Bar's annual convention. The first woman ever elected to the Executive Committee of the Florida Bar Board of Governors and, in 1996, the first woman to receive the Council of Bar Presidents' Outstanding Past Voluntary Bar Presidents Award, she served as 1989-90 state president of FAWL and 1987-88 president of the Florida Association for Women Lawyers in Dade County. This past year, Ms. Osman chaired the All Bar Conference of the Florida Bar. She has been a member of NAWL since 1987.



Edith G. Osman

Southwestern University School of

Law received the Women Lawyers Association of Los Angeles' 1997 Myra Bradwell Award in September, given to a "law firm, corporate, government office or other entity that has been exemplary in promoting and advancing women lawyers and issues important to women". Founded in 1911, Southwestern's first graduate received her diploma in 1915. One-third of the full-time faculty members are women, including NAWL members Prof. **Linda Brackins-Willett**, the 1995-96 president of WLALA, and Prof. **Myrna S. Raeder**, NAWL's president from 1994-96. All three associate and assistant deans are women, as is 50% of the student body. Other NAWL members affiliated with Southwestern: Prof. **Judy Beckner Sloan**; students **Linda Marie Brooks** and **Lynn Whitcher**; the 1997 Outstanding Law Student award recipient, **Grace Vance**; 1997 graduates **Constance McKenna** and **Tracy Dianne Olgin**; alumni **Kate Meehan**, **April Verlato**, and **Patricia Bellasalma**, NAWL liaison to The Feminist Majority.

Dr. Meredith P. Sparks, 1981-82 president of NAWL, has moved from Florida to Texas: Brighton Gardens, 1600 Augusta Dr., Houston, TX 77057.

Changing firms: **Jennifer L. Jordan** of Grand Rapids, Mich. is now with Miller, Johnson, Snell & Cumiskey; **Anne C. Keays** of Chicago is now with Schwartz & Freeman as a member of their Technology Law Practice Group; **Margaret K. Minister** moved from Washington, DC, to Portland, Me., joining the firm of Pierce Atwood.

THINKING OF A CAREER CHANGE?

The University of South Carolina School of Law seeks applications for faculty appointments beginning in the 1998-99 academic year. A superior academic record, professional experience, and a commitment to teaching and scholarship are required. Minorities and women are encouraged to apply. Send resume, including area of teaching interest, to

Dean John Montgomery,
USC School of Law, Columbia,
SC 29208. An EOE/AA Institution

Committee efforts underway

Most of the work members do on behalf of the National Association of Women Lawyers is through committees that are open to everyone. Among groups with recent activities are a committee organizing a 100th anniversary celebration for NAWL, the international law committee and a new workplace violence committee that is just getting organized to begin its work.

Centennial

Plans shaping up to mark association's 100 years in '99

The NAWL centennial celebration will take place in 1999. At present, we are anticipating four separate special events. The kick-off will be in conjunction with the 1999 ABA Midyear Meeting in Los Angeles, with a projected date of Feb 5 through 7. The second event is expected to be at the regional meeting in Chicago in May, 1999. The third will coincide with the 1999 ABA Annual Meeting in Atlanta, over the weekend of Aug. 6 through 8. The last event will be staged in New York City, birthplace of the Women Lawyers Club that became NAWL, occurring in late fall.

The theme will revolve around the accomplishments of women over the past 100 years, and projections and visions for the next 100. These conferences will not only concentrate on women lawyers, but will cross over into all fields in which women have made progress, since the law interconnects all walks of life.

The Georgia Women Lawyers Association will be working with us in Atlanta. We are in need of liaisons for Los Angeles, Chicago and New York City who will help supervise and coordinate the conferences in those locations. Any volunteers?

There are many, many opportunities for members to become involved in this special anniversary. We are seeking suggestions for speakers and topics for seminars for the conferences. We will encourage attendance and participation in each area by local and national legislators and prominent women, so we'll be seeking nominations for recognition awards. Local as well as national sponsors and grants will be sought; we'll need help contacting potential sponsors and writing grant applications to underwrite the costs of the centennial celebration.

We also need people who will help us coordinate with other local and national women's organizations and to assist in public relations, press contacts and publicity. We've even contemplated a commemorative stamp series; anyone interested in pursuing that project should contact me immediately!

Most of all, we need to establish local committees in each of the four cities to help with coordination and detail work. To participate, just call me at the numbers below or contact Janice Sperow. Only with the help of everyone - even if only a little - will this centennial become as wonderful as we have envisioned.

— by Caryn Goldenberg Carvo,
Chair, NAWL Centennial Celebration

Contact Ms. Carvo at her Ft. Lauderdale law office (954) 772-5151 or her residence (954) 345-6064.



NAWL's Eva Herzer introduces Judge Noonan of the 9th U.S. Circuit Court of Appeals to the Dalai Lama at a dinner this summer in San Francisco, co-sponsored by NAWL, with the International Committee of Lawyers for Tibet.

International

'Sex tourism' must be made trip to jail, committee chair says

After reading an Equality Now bulletin this winter about the sex tourism trade, Veronica Boda, then-editor of Women Lawyers Journal, requested the issue be reviewed by the Executive Board for potential action. The bulletin described the advertising and promotion of tours to Asia for "sex travel", particularly highlighting the activities of Big Apple Oriental Tours, located in

Bellerose, New York. Ms. Herzer presented the issue to Executive Board members during the 1997 Annual Meeting.

According to the Equality Now bulletin, "In both the Philippines and Thailand, primary sex tourism destinations, prostitution is illegal. Some countries from which sex tourism originates, including Australia, Germany, the Netherlands, Sweden and the United States, have passed legislation which criminalizes sex tourism, but such laws apply only to travel for the purpose of engaging in sex with minors. In the United States, the Violent Crime Control and Law Enforcement Act of 1994 makes travel with intent to engage in any sexual act with a juvenile punishable by up to ten years' imprisonment. To date there have been no prosecutions under this law."

At the Executive Board's direction, Ms. Herzer and Ms. Sperow forwarded a joint letter to Attorney General Janet Reno, New York Attorney General Dennis Vacco, and Queens District Attorney Richard Brown. Noting the terms of CEDAW, national and state law, their letter queried why prosecution had not been pursued. The letter concluded: "Your prompt action will make it clear to the business community and the public that the U.S. is committed to ending the

degrading and exploitative practices of sex tourism which destroy the lives of so many girls and women every day."

Responses were received from Ronda C. Lustman, Assistant Attorney General, Criminal Prosecutions Bureau for the State of New York; Terry R. Lord, Acting Chief of the Child Exploitation and Obscenity Section (CEOS), Criminal Div. of the U.S. Dept. of Justice; and Queens District Attorney Richard Brown.

Terry Lord noted that CEOS actively participated in the World Congress on Commercial Sexual Exploitation (Aug. 1996) and is providing training to foreign law enforcement and policy makers to enable them to join efforts to combat sex

tourism. "This is a long process but one that is necessary in order to be successful using evidence obtained in foreign jurisdictions."

Queens District Attorney Richard Brown's reply was more specific: "I have delayed responding to your letter of August 5th last with respect to the activities of Big Apple Oriental Tours in New York pending the completion of our investigation thereof."

"Our investigation, which has been thorough and complete and has included the use of undercover operatives as well as assistance provided by the FBI and the US Customs Service, has disclosed no provable violations of New York's criminal laws."

"While I abhor the exploitation of women that is occurring in countries such as the Philippines and Thailand, and the activities of companies such as Big Apple Oriental Tours in profiting therefrom, there exists insufficient evidence to conclude that anything other than the booking of hotel and airline reservations and the providing of information as to foreign locations in which such sexual exploitation is allowed to flourish is being provided. Under such circumstances, there can be no successful criminal prosecution under the provisions of our Penal Law...I'm sorry that we cannot be more helpful."

International Law Committee Chair Eva Herzer is an attorney and mediator in private practice in Kensington and Berkeley, Calif. Ms. Herzer headed the NAWL delegation to the United Nation's 4th World Conference on Women in Beijing and was our representative to the UN World Conference on Human Settlements (Habitat II) in Istanbul.

International

Efforts to stop genital mutilation have NAWL backing

NAWL's position on female genital mutilation as a form of persecution emerged in response to the predicament of Faiziya Kasinga, a young woman requesting asylum in the U.S. because she was threatened with female circumcision in her country after the death of her father, who had protected her. Prof. Myrna Raeder, in writing about the issue in her June 1996 President's Newsletter, described the practice as an issue of health as well as an issue of choice.

According to *Awaken*, a newsletter published by Equality Now in New York City dedicated to the eradication of female circumcision, the practice became

illegal in the U.S. as of Mar. 29, 1997. The provisions on FGM were attached to the Omnibus Appropriations bill signed by President Clinton Sept. 30, 1996. The legislation was sponsored by Congresswoman Patricia Schroeder and Senator Harry Reid.

The bill impacts the granting of foreign loans and also requires notification by the Immigration and Naturalization Service of the health and legal consequences of genital mutilation to visiting aliens entering the U.S. from countries where it is still practiced. California, Delaware, Minnesota, North Dakota, Rhode Island, Tennessee and Wisconsin adopted laws criminalizing female genital mutilation.

According to bulletins issued by Equality Now this summer, Gambia Telecommunications (GAMTEL), the state owned company which controls Radio Gambia and Gambia Television, has forbidden the broadcast of programs or information which oppose female genital mutilation or discuss the medical hazards of the practice.

In Egypt, an Egyptian court has overturned a government directive banning the practice of female genital mutilation by health workers. In the decision, Judge Abdul Aziz Hamade stated "doctors' right to perform their profession according to the law - which allows them to do surgery - cannot be restricted by a ministerial decree."

Sheikh Youssef El-Badri, the lead plaintiff in the lawsuit, indicated he would use the court's decision in another pending lawsuit of his against the Minister of Education "to have him remove from school books any mention of the negative impact of circumcision and replace it with the correct teaching that [female] circumcision is a must and that it should be practiced."

The July 1997 update from Equality Now asserts that there is no mention of the practice in the Quran, referring to the religious opinion issued by Mohammed Al Tantawi, when he was Grand Mufti of Egypt, recommending deferral of female genital mutilation to the opinion of doctors as a medical issue, not a religious one.

After considering the recommendations of the chair of the International Law Committee, Eva Herzer, the Executive Board of NAWL authorized Ms. Herzer and association president Janice Sperow to protest these actions to the appropriate officials in their respective countries.

Letters were sent to the president of The Gambia, the managing director of GAMTEL, Egypt's Minister of Health, and the president of the Egyptian Med-

ical Syndicate, Prof. Hamdey El-Sayed.

Prof. Ismail Sallam, Egypt's Minister of Health & Population, responded to NAWL: "I applaud the concern you have shown in your letter with regards to the negative effects female genital mutilation has on women."

"The official ban on [female genital mutilation] is an action which cannot survive alone. It must be, and actually is, complemented by a national campaign to enlighten people about its harmful after effects and to assure them that it has no religious bearing at all and is no more than an old firmly established habit."

Workplace violence

New committee will examine gaps in job safety

In one of her first actions as NAWL President, Janice Sperow authorized creation of a national workplace violence committee and appointed San Francisco employment and labor law attorney Rebecca A. Speer as chair.

Ms. Speer was the keynote speaker and workshop coordinator of NAWL's half-day conference on workplace violence, one of the programs presented at NAWL's 1997 Annual Meeting. The committee is charged with raising awareness about this issue within the legal community, particularly among attorneys who regularly help shape corporate policy and action.

Workplace violence, Ms. Speer told the conference, threatens lawyers and women—lawyers by disgruntled clients and women who are victims of domestic violence because a workplace is an easy place to find them.

Under Ms. Speer's leadership, the Workplace Violence Committee will speak nationally concerning proper approaches to workplace violence prevention and management. Next stop: Chicago, where she will be a featured speaker at the Chicago Bar Association's Alliance for Women lunch meeting October 28, 1997. NAWL member Martha A. Mills co-chairs the event sponsored by the Alliance's Subcommittee on Violence.

Ms. Speer was a survivor of the July 1993 rampage at the 101 California Street high-rise in San Francisco where 9 people were killed and 6 injured. That incident has been a motivating factor in her advocacy efforts for workplace violence prevention and management. Her two-part series concerning workplace violence and its legal implications appeared in vol. 83, issues 1 & 2 of this magazine.

Retired justice wins NAWL honor

Court wasn't in session, but all of the justices of the Michigan Supreme Court were there. Detroit's mayor, the Hon. Dennis W. Archer, provided moving personal testimony without a single objection being raised. The verdict was unanimous: retiring Justice Dorothy Comstock Riley was the deserving recipient of the 1997 NAWL President's Award for Distinguished Lifetime Service.

The award was presented during a luncheon held at the Detroit Athletic Club September 11, 1997.

In addition to the mayor, special guests included Chief Justice Conrad Mallett, Jr. and Justice Patricia J. Boyle of the Michigan Supreme Court, and Wallace D. Riley, Justice Riley's husband and past (1983-84) president of the American Bar Association.

IN HER introductory comments, Sally Lee Foley, immediate past president of NAWL, reiterated the Association's commitment to recognizing the efforts of women lawyers and judges who have pioneered and nurtured the representation of women members and leaders in America's private and public legal community and the judicial establishment.

In reflecting on the significance of Justice Riley as a mentor and role model to Michigan's women lawyers, Ms. Foley noted, "When Justice Riley graduated from Wayne State University Law School in 1949, she was already a pioneer. There were three women in her class...What we are celebrating today is her role as a leader among women lawyers and judges in opening the doors to private law firm partnership and public judicial appointments to other women by her outstanding example of professionalism in the quality of her public service to this state. Her integrity, hard work, intellect, and civility, were frequently noted by her colleagues... Many of us are here today inspired by her good example as a public servant in Michigan."

Justice Patricia J. Boyle opened her tribute to Justice Riley with a quote from de Tocqueville: "And if anyone asks me



In addition to NAWL's President's Award, presented here by Sally Lee Foley with Chief Justice Conrad Mallett, Jr., the Hon. Dorothy Comstock Riley received the State Bar of Michigan's Champion of Justice award later in September.



Justice Riley, seated with Detroit Mayor Dennis W. Archer, devoted 47 years to the legal profession, beginning in solo practice and eventually serving as chief justice of the Michigan Supreme Court from 1987 to 1991.



what I think is the chief cause of the extraordinary prosperity and growing power of this nation, I shall answer that it is due to the superiority of their women."

"When Alexis de Tocqueville said that, in 1840, he must have had in mind women with the quality of character of Dorothy Comstock Riley. All lawyers who care about the stature of the profession, and lawyers who are women in particular, can be proud of the fact that for more than a decade the character of the court and of our jurisprudence has been influenced by Justice Riley's principles and performance.

"DOROTHY IS the bench mark for the disciplined performance of the court's duties. In all the time that we served together, she was the only justice who never violated our internal rules for circulating majority opinions.

"Some of us did so occasionally - for some others it was a way of life. But not for Dorothy...More than any other justice, it was Justice Riley's example that led the court to accomplish what had not been done in modern times prior to 1990 - the completion of all the opinion work of the supreme court in the term in which it is submitted.

"And, as anyone familiar with jurisprudence knows,

Justice Riley's work was not simply done, it was done well. While there are those who suggest that all that is important in opinions is the result and that the explanation for what we are doing is unnecessary, Dorothy's opinions reflect her conviction that the result, like the law itself, is only as firm as its foundation.

"Each opinion is faithful to development of the guiding principle, the careful articulation of fact and the meticulous application of principle to fact. You can feel in her work, you can almost touch it, a degree of self assurance that is a product of faith and courage: the faith is that if principle is paramount, the people, the profession, and the institution have been served; and the courage to follow the principle whatever some may say or think about the result. It is the measure of

her colleagues' respect for those qualities that there was never a decision made around our conference table without one of us asking at some point not just how Dorothy would vote, but why. More times than I can count, I have said, 'Before I make up my mind, I want to know what Dorothy thinks.'

"No description of Justice Riley's service can fail to mention her devotion

**Her
opinions
applied
principle
and fact
to reach
a result**

to the court as an historic and ongoing institution. In the opinion writing process, she was willing to accommodate other views when to do so would avoid the perception of a fractures court, and she discouraged scorched earth rhetoric, for the same reason.

She is the architect for the plans for her dream of a law building for the court. And her belief that a respected institution should be housed in respectable surroundings produced the understated elegance of the court room in Lansing.

"Dorothy's style is elegant, but 'style is simply the hallmark of temperament stamped on the material at hand'. She is like bone china, elegant and delicate in appearance, but strong and enduring in composition.

In referring to Justice Riley's decision to retire, Justice Boyle commented, "I know Dorothy as a comrade in arms with the courage to confront every challenge. Indeed it was her sense that in the future she might not measure up to her own standards of responsibility to the court that led her to make the bravest decision of all."

JUSTICE BOYLE closed with a paraphrase of Thomas Wolfe: "To have a talent and not use it is to fail. To have a talent and use only half of it, is to partly fail, and to have a talent and learn somehow to use the whole of it, is to gloriously succeed and win a satisfaction and a triumph few men and women ever know'...To the success and the triumph of the Honorable Dorothy Comstock Riley, here - here!"

Ms. Foley served as chair of the event. Other NAWL members attending included Kimberly Cahill, immediate past president of the Women Lawyers Association of Michigan, Peggy Costello, Claire Morrison, Jean Rosella, and current WLAM president Laura Slenzak. Administrative assistance for the event was provided by the law firm of Plunkett & Cooney.

New NAWL members

Among the lawyers, law students (indicated by *) and professional associates who have joined NAWL recently, and professional organizations which have become affiliates are:

Arizona

Robert B. Fleming

California

D. Jan Duffy
Molly Gallagher
Karen Bautista Hobin

District of Columbia

Alison M. Burke
Mary Anne Kornbau*

Florida

Lizabeth A. Moody

Georgia

Sarah E. Day

Illinois

Marina Ammendola
Patricia C. Bobb
Cheryl D. Cesario
Marilee Clausing
Hon. Judith Cohen
Daniel F. Gallagher
Hon. Kenneth L. Gillis
Jean M. Golden
Nancy L. Hirsch
Sheila Kalish
Holly Sofia Karris
Kerry J. Klumpe
Mary Anne Mason
Stephanie A. Scharf
Julie Ann Shea

Maryland

Constance K. Putzel

Michigan

Michelle L. Gullet

Minnesota

Robin M. Spencer

Missouri

Rebecca J. Brandau
Mavis Thompson

Ohio

Mary Lynn Readey

Oregon

Women's Law
Forum, University of
Oregon

Pennsylvania

Elizabeth C. Nourian
Hon. Kelley T. D.
Streib

Wisconsin

Ivanyla D. Vargas

Wyoming

Hon. Margie M.
Meacham

International Associate Mexico

Estela Rodriguez
Botello

Professional Associates

Individuals outside the legal
profession, sharing the
concerns and supporting the
interests of NAWL

Martha N. Corbett,
CPA,
Coopers & Lybrand
Detroit

Peggy L. Golden,
NAWL Executive
Director
Chicago

Prof. Eileen L.
McDonagh,
Department of
Political Science,
Northeastern
University
Boston

Rosemary Miller,
Financial Advisor
Prudential Securities
San Francisco

Q:

**Want to
spend a
couple of
days in the
country?**

A:

**Plan to be in
Nashville
Jan 30-31 for
the NAWL
mid-year
meeting.**

The best on campus

1997 NAWL OUTSTANDING LAW STUDENTS

These outstanding law graduates were selected by their schools to receive the NAWL Outstanding Law Student Award for 1997. The criteria went beyond academic achievement and earning the respect of the dean and faculty to also include actively contributing to the advancement of women in society; promoting issues and concerns of women in the legal profession; exhibiting

motivation, tenacity and enthusiasm.

Since 1899, the National Association of Women Lawyers has worked for the advancement of women in the legal profession and promoted the welfare of women in society. Those objectives remain as much a challenge today as a century ago. NAWL welcomes the opportunity to salute these graduates who have tackled such challenges.

American University Washington College of Law

Venita Carol Ray

Arizona State University College of Law

Brita Long

Boston University School of Law

Arlen Rebecca Percival

Brigham Young University J. Reuben

Clark Law School

Heather J. Norton

Brooklyn Law School

Erin Elizabeth Raccach

California Western School of Law

Meredith L. Rudhman

Campbell University Norman Adrian Wiggins School of Law

Wendy Raina Johnson

Capital University Law School

Amy M. Fulmer Stevenson

Case Western Reserve University School of Law

Lissa Carey Gipson

The Catholic University of America Columbus School of Law

Andrea Truppa

Chicago-Kent College of Law

Connie M. Tameling

The College of William and Mary, Marshall-Wythe School of Law

Tammy Hopkins

The Thomas M. Cooley Law School

Jeanne Huey-Erickson

CUNY School of Law at Queens College

Elaine L. Smith

DePaul University College of Law

Leslie M. Darling

The Dickenson School of Law

Susan MacDonald

District of Columbia School of Law

Camille Blake

Drake University Law School

Carrie L. O'Connor

Duke University School of Law

Stacey R. Friedman

Duquesne University Law School

Nancy Joanne Feather

Emory University School of Law

Janis Mary Gomez

Fordham University School of Law

Stephanie S. Gold

Georgia State University College of Law

Kim S. Dammers

Golden Gate University School of Law

Suzanne Cohen

Gonzaga University School of Law

Mary P. Gaston

Hamline University School of Law

Clarissa W. Cook

Harvard Law School

E. Vivian Hamilton

Howard University School of Law

Melissa Wood

The Indiana University School of Law at Bloomington

Nicole C. Daniel

Indiana University School of Law- Indianapolis

Jennifer L. Lewis

Thomas Jefferson School of Law

Marlene Z. Stanger

Louisiana State University Law Center

Kelsey B. Kornick

Loyola Law School, Los Angeles

Sandra Campos Muşoz

Loyola New Orleans School of Law

Karena J. Bierman

Loyola University Chicago School of Law

Beth M. Ascher

Marquette University

Rachael J. Gossens

The John Marshall Law School

Julie N. Yadgar

Mercer University Walter F. George School of Law

Melanie S. Stone

William Mitchell College of Law

Marna J. Johnson

New York University School of Law

Alison Beth Shames

Northern Illinois University College of Law

Cristy A. Tackett

Notre Dame Law School

Amy T. Dixon

Nova Southeastern University Shepard Broad Law Center

Ginger Miranda-Feldman

Ohio Northern University Claude W. Pettit College of Law

Carrie B. Weinfeld

Ohio State University

Barbara Underwood Nalazek

Oklahoma City University School of Law

Keri Coleman Prince

Pace University School of Law

Caryn E. Gerst

Pepperdine University School of Law

Michele L. Maryott

Quinnipiac College School of Law

Jane F. Korwek

Regent University School of Law

Maria E. Lawrence

Rutgers School of Law-Camden

Jo Astrid Glading

St. John's University School of Law

Tara S. Khan

Saint Louis University School of Law

Linda Holder

St. Mary's University School of Law

Michele L. Carlsen

Samford University Cumberland School of Law

Lori Hackleman Patterson

Seton Hall University School of Law

Danielle Pasquale

Southern Illinois University at Carbondale School of Law

Linda Hayes

Southwestern University School of Law

Grace R. Vance

Stetson University College of Law

Jennifer L. Sonnenfeld

Suffolk University Law School

Katherine Young

Temple University School of Law

Julie Rosenthal

Texas Southern University Thurgood Marshall School of Law

Carol Yvette Guess

Touro College Jacob D. Fuchsberg Law Center

Julie M. Hill

For new Lawyer, first job is to find a job

BY SARAH ELISABETH CURI

"How To Find A Job" - The best way to get a job is to be at the right place at the right time! The only problem is that nobody can tell you where the right place is or even when the right time is. With any luck, however, you will get lucky. One of my favorite quotations is, "The harder you work the luckier you get!"

But really, how do you find a job?

"NETWORK" - Network, network, network is what everyone told me I should do, and I really didn't. Why not? Quite frankly, I find this concept rather

daunting. Furthermore, networking seems like an exercise in futility - talking to people who most likely don't have a job to offer you, about the fact that you desperately need a job. Isn't it more efficient to talk to people with job openings?

But it works - well, sometimes it works. A classmate of mine was actually hired by the woman she sat next to at a women's bar association dinner. Practicing networking is on my list of things I really-really-really should do - but then, so is flossing.

Seriously though, I think it's very important to followup with people you meet and try not to be shy about letting others know you are job hunting. Start by making "business cards" for yourself. After three years of law school, my favorite six words are "Sarah Elisabeth Curi - Attorney At Law." You can get cards made rather cheaply at most copy places. As you meet a new person, hand them your card. It's a great facilitator of

business (and personal relationships), and saves people from scrambling around to find a pen and a scrap of paper.

And, if nothing else, send a few of them to your grandmother —she and her friends will definitely be impressed.

Become more productive: go to a bar association function or take a continuing legal education class - and introduce yourself to others. Then if you are feeling brave and adventurous, set up an informational interview. (I did one of these and lived to tell about it.)

"Cold Calling/Mass Mailing" - Someone promised me that I would get a job after I had sent out 100 resumes. Although it sort of worked for me, I think I sent out 102 before I received an offer from my current employer. There are no guarantees just sending out X number of resumes at random will produce a job.

One of my classmates sent out over 600 letters before getting one offer/one job. I suppose if you send enough resumes, sooner or later you are bound to get lucky, but I'm not sure this is the best way to go. Seems to me you will have better luck applying for a job that is actually available. One caveat is that if you have a strong sense of the market or a particular field (or an effective crystal ball) you might be able to position yourself for consideration before a job ever becomes available.

"FRIENDS & FAMILY" - Even if you are not lucky enough to have a parent, relative or college roommate who happens to be a nationally recognized jurist, your friends and family may still be able to help. A friend of mine got a really cool sounding job with a sole practitioner whose child is in her nephew's playgroup. My friend's sister happened to comment to the sole practitioner, "You look exhausted." The lawyer wearily replied that he was so swamped, he didn't even have time to look for somebody to help him. Voila! - a job for my friend.

"Look Around" - Keep your eyes and mind open. Apply for part-time jobs and apply at places which are looking for a law student. Conversely, apply for jobs that "require" a bit more experience than you actually have. Firms and companies may not know exactly what they are looking for until they meet you. Sometimes you'll find a treasure, or at minimum, a learning experience (and if the job pays, a bit of cash). The posting for my job called for a law student to work on a short term project 10-20 hours per week. I have been working at that for over 1 1/2 years full-time.

"KEEP YOUR SPIRITS UP" - Let's face it, searching for a job can be very disheartening and even depressing. Talk about how you're feeling to your

Sarah Elisabeth Curi is a 1995 graduate of Boston College Law School and a 1990 graduate of Wellesley College. During law school she helped to found, and served as the first president of, the National Women Law Students Association. She is currently working as in-house counsel for the Shields Health Care Group, a private health care provider in Massachusetts.

'Knott' series is judge's story

BY VALERIE DIAMOND

Deborah Knott is a Southern woman, a district judge, and the twelfth child of a former North Carolina bootlegger. Author Margaret Maron began the Deborah Knott series after returning from Brooklyn, New York to her native North Carolina, and the realistic details of life in the South are based on memories of her own North Carolina girlhood. The series opener, *The Bootlegger's Daughter*, won a panoply of awards, including the 1993 Edgar, Agatha, Macavity, and Anthony Awards. Later novels in the series have been nominated for the Agatha and Anthony Awards, and *Shooting at Loons* (number three) was an Edgar Award winner.

When Deborah was eighteen, the combination of her mother's death and an estrangement from her father caused her to make her home with her maternal aunt and uncle. In her mid-thirties, she still keeps the apartment in her aunt's home, which makes up in family closeness what it may lack in privacy.

A Columbia Law School graduate, Deborah came home to practice in fictional Colleton County, North Carolina, and aims to stay. A product of the '60s, Deborah can remember some wild times she would probably rather forget. Now, as a judge, she struggles to maintain a balance between correct judicial demeanor and common sense in both her professional and personal lives.

EACH NOVEL in the Deborah Knott series highlights a controversial or problematic aspect of modern society. The first book, *The Bootlegger's Daughter*, deals with homosexuality and homophobia. *Southern Discomfort* confronts the concept of child sexual abuse and the deadly backlash it can instigate. *Shooting at Loons* takes on the complexities of water rights, environmental regulations, tourism, and the deadly competition among those who make their living from the sea in a variety of ways, old and new. In *Up Jumps the Devil* rising rural land values prove an irresistible temptation to developers and owners alike, and lead to violence and death. Maron's newest, *Killer Market*, touches on the cost of single parenthood to both parents and children.

While neither convention is present

Valerie Diamond is Collection Development/Reference Librarian at the University of Maryland School of Law, Thurgood Marshall Law Library.

The Deborah Knott Mystery Series by Margaret Maron

The Bootlegger's Daughter

Warner Books/Mysterious Press, 1992.

Southern Discomfort

Warner Books/Mysterious Press, 1993.

Shooting at Loons

Warner Books/Mysterious Press, 1994.

Up Jumps the Devil

Warner Books/Mysterious Press, 1996.

Killer Market

Warner Books/Mysterious Press, 1997.

in the first book of the series, *The Bootlegger's Daughter* (1992), Maron initiates two interesting conventions in the second book, *Southern Discomfort* (1993), which she continues to employ throughout the series.

The first is the initial quotation which begins each chapter. In *Southern Discomfort* Deborah joins WomanAid, a local nonprofit organization, in building a house for a single parent family using all female labor. The introductory chapter captions, offering instructions on the construction of a building, are taken from the Rate Training Manual NAVPERS 10648-F, sixth edition, prepared by the Bureau of Naval Personnel, Department of the Navy.

IN THE LATER BOOKS Maron likes to use historical material as the source of her chapter captions. In book three, *Shooting at Loons* (1994), set on the shores of Harker's Island on the North Carolina coast, chapter captions become hymn verses with a nautical flair, taken from *Gospel Hymns: Numbers 1 to 6* by Ira D. Sankey, James McGranahan, and George C. Stebbins, Biglow and Main Company and the John Church Company, 1895.

The fourth book, *Up Jumps the Devil* (1996), in which land and its value take a starring role, uses chapter captions

from a 1773 pamphlet entitled "Information Concerning the Province of North Carolina, Addressed to Emigrants from the Highlands and Western Isles of Scotland," by an Imperial Hand, published anonymously by "Scotus Americanus."

Maron's newest book, *Killer Market*, (1997) set among the tumult of the week-long International Home Furnishings Market in High Point, North Carolina, employs chapter captions about furniture from *The Great Industries of the United States*, Hartford: J.B. Burr & Hyde, 1872.

The other convention Maron employs in the last three books is the use of an interior dialog between two aspects of Deborah Knott's personality, labelled "the pragmatist" and "the preacher." The preacher's input tends toward conventional niceness, while the pragmatist's comments are often more cynical, or more realistic.

The Bootlegger's Daughter opens the series by bringing an eighteen-year-old crime to the surface when a graduating high school senior asks Deborah to help her find the secret behind her mother's murder before she goes off to college.

The woman's body was found on the property of the neighborhood's one established gay couple, now proprietors of a pottery business, and it is to them that Deborah first turns for clues. Deborah herself can recall the time of the murder, as the baby's teenaged sitter with an obvious crush on Dad, and is surprised to find that she, too, was once a suspect. The dead woman's best friends are another source of clues for Deborah, as intrepid a sleuth as she is a lawyer.

THE NOTORIETY of the investigation loses Deborah the election for a district judgeship, but, when an unexpected opening occurs on the bench, her father, notorious landowner and ex-bootlegger Kezziah Knott, reveals a scandalous secret, and offers his silence in return for Deborah's judicial appointment. Does Deborah want the bench enough to take it any way she can get it? Good characterization, tight plotting, and enthralling North Carolina background make this first Deborah Knott story a must-read.

Book two, *Southern Discomfort*, opens with a teasing, yet darkly malevolent prologue that entices the reader into the novel. The book revolves around Deborah's teenaged niece, Annie Sue, and her two friends, Cindy McGee and Paige Byrd, whose late father's seat on

the judicial bench Deborah now holds. Annie Sue is the most talented of her electrician father's children, and the only one likely to follow in his footsteps, but her father is unable to see past his feeling that she "should have been a boy."

The three girls, helping the Woman Aid group build a house, become enthralled with the flirtatious but married building inspector Carver Bannerman. When Bannerman begins an affair with Cindy, then attacks Annie Sue, and Deborah finds his body, two problems arise for the Knott family. First, who killed Annie Sue's attacker? Second, why is Annie Sue's father, (Deborah's brother, Herman), in the hospital as a poisoning victim?

MARGARET MARON confronts the problem of child sexual abuse and its ugly consequences, along with the sub-themes of gender equality and today's version of the problem of clashing cultural mores among what has traditionally been a nation of immigrants.

Shooting at Loons takes Deborah to the Crystal Coast of Harker's Island in the Outer Banks, where, a generation ago, citizens could live out their lives without ever setting foot on the mainland. Deborah moves into a cousin's beach house while substituting for a local judge, expecting a week of carefree boating, clamming, and sitting on the porch nursing a beer.

But times have changed since the Outer Banks summers of Deborah's girlhood. Coastal real estate has become popular and expensive, and the resulting development has endangered both local sea life and the watermen whose livelihoods depend on it.

Once-popular dishes like stewed loon are no longer on the menu, at least not officially. Local watermen, "netters, tongers, dredgers and trawlers" (*Shooting at Loons*) compete with "dingbatters and didots" (*Shooting at Loons*) (boaters and recreational fishermen) over water rights. Local developer Linville Pope explains to Deborah, "Every one of these people who are so vocal could find other ways to earn a living. They just do not want to. They are like those spotted owl loggers. They want to go on doing what they are used to doing. What their fathers were used to doing." (*Shooting at Loons*)

ON HER FIRST DAY on the island Deborah sets out to dig for clams but finds a corpse in the surf. When a second violent death occurs, Deborah begins to close in on the killer. Even her best friends, Judge Chet Winberry and his wife Barbara Jean, owner of an oceanfront fish meal factory imperiled by gentrification, are suspect.

An unexpected flashback is also in store for Deborah when her old law professor and lover turns up in her court with a young witness who speaks only through her puppet. As well as an old love, a new romantic interest also appears in the form of game warden Kidd Chapin, whom Deborah discovers lying in wait for poachers under her front porch.

In *Shooting at Loons* Deborah, removed from her usual home-town setting, stands alone without her usually ubiquitous family of a patriarch, brothers and other relations. Through her eyes the reader becomes acquainted with the battle of conflicting ocean interests. This work is a good murder mystery with an ecological conscience.

With *Up Jumps the Devil*, Deborah must face the changes time has brought to North Carolina closer to home, as rising land values turn more and more farm land into tract housing, advertising "gracious Southern living." (*Up Jumps the Devil*) Deborah's father's neighbor, Dallas Stancil, is shot to death by his third wife's family, in an attempt to gain control of his valuable land. His death brings a familiar but unwelcome face back to Colleton County - that of Allen Stancil, the man who had once accepted five thousand dollars from Deborah's father in exchange for an annulment of his marriage to the then eighteen-year-old Deborah!

FOR DECADES, whenever Deborah's father had a little money left over after the harvest, he bought land. Now, as developers apply pressure to Kezziah Knott's neighbors to sell, and even Deborah's brother, Adam, laid off from a fast-track job in Silicon Valley, comes home to sell his bit of land, the Knott family's way of life is threatened. When another Stancil and a real estate agent are killed, and Deborah believes the wrong suspect has been jailed for the crime, she goes into action to ferret out the real killer, even if he turns out to be uncomfortably close to home.

The North Carolina laws of inheritance come into play as Deborah explains that since Dallas Stancil died intestate and without issue, and his wife is unable to inherit because she planned his murder, his estate passes to his surviving parent, Jap Stancil, and from him to his closest relative, nephew Allen Stancil. Deborah finds the opportunity to explain the law of intestate succession often, but is the killer listening?

Deborah's view from the bench gives another dimension to the novel as she hears the case of the shoplifting granny, the family graveyard, and the paternity testing scandal. *Up Jumps the*

Devil is rich in local color, with details about shooting down mistletoe balls from the host tree, teaching young dogs to hunt rabbits, and local barbecue houses that sell t-shirts with the logo, "We don't give a fig how they do it in New York!" (*Up Jumps the Devil*) Like earlier Deborah Knott mysteries, *Up Jumps the Devil* provides just the right mix of personal detail, humor, rural North Carolina color, un-second-guessable plot, and timely, inescapable issues to intrigue even the most jaded reader.

THE NEWEST BOOK of the series, *Killer Market*, shows Deborah planning a new life that includes a house of her own, new furniture, and Outer Banks game warden, Kidd Chapin (*Shooting at Loons*).

When work takes her to High Point, North Carolina during the famous annual furniture show, Deborah has hopes of furnishing her dream house, but ends up helping to solve a murder. Away from home again, Deborah finds her impossible search for an available hotel room expanding to include an encounter with an eccentric woman, an unexpected reunion with old friends, and the making of a new friend, age seven.

The past greets Deborah when the sobering death of an old boyfriend from her teenaged past draws her deeper into the life of a former law school classmate. To identify the killer, Deborah, herself a suspect, must untangle the confused identities and secret alliances from the past that still exert an influence over the present.

Maron's background research into the furniture industry is formidable, although the book lacks the moral weight of the earlier titles which focused directly on environmental and social issues.

Deborah Knott is a believable and appealing heroine for today. A sharp, indefatigable sleuth, Deborah, the little girl who skinned her knees keeping up with eleven older brothers, is still tough, smart, and funny.

Her early impetuosity is tempered now, by age, experience and life on the bench, to a conscious attempt at good judgement, though not without a wistful backward look at the bad old days.

An ambitious realist, Deborah is still close to her roots in the rural South, with her strong family ties, her love of the land, her respect for the old customs, and her hope that, in her mid-thirties, she has not yet missed the chance for a lifetime love. If a long North Carolina vacation is not in the cards, curling up with the Deborah Knott Mystery Series is highly recommended as an enjoyable alternative.

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AttMa	Attorney Malpractice
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Bd	Bonds, Municipal
Bky	Bankruptcy, Creditors
Bu	Business
CA	Class Actions
Ch	Child; Custody; Adoption
Ci	Civil; Civil Rights
C	Collections
Co	Corps.; Partnerships
Com	Commercial
Comp	Computer
Con	Municipalities; Takings
Cons	Constitutional
Cs	Consumer
Cont	Contracts
Cor	Coops; Condos
Cr	Criminal
DR	ADR; Arbitration
De	Defense
Dis	Discrimination
Disc	Attorney Discipline
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El	Elder Law
Em	Employment; ERISA
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F	Federal Courts
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FL	Family Law
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Fr	Franchising; Distribution
GP	General Practice
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Gu	Guardianship
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Int	International & Customs
IP	Intellectual Property (C-copyright; P-patents; TM-trademark; TS-trade secrets)
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Ld	Landlord, Tenant
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Leg	Legislation
Li	Litigation
LU	Land Use
Mar	Maritime
M/E	Media & Entertainment
Me	Mediator
MeMa	Medical Malpractice
MeN	Medical Negligence
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NP	Nonprofit Organizations
PI	Personal Injury
Pr	Product Liability
Pro	Probate
Pub	Public Interest
RE	Real Property
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Sec	Securities
Sex	Sex Harassment; Assault
SS	Social Security
T	Tort
TA	Trade Associations
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Growing older means having better ties to senior lawyers

BY SELMA MOIDEL SMITH

The annual meeting of the ABA Senior Lawyers Division once again demonstrated the commitment of the SLD to the advancement of women in the profession. Held in San Francisco from July 30 to Aug. 4, it coincided with the NAWL annual meeting.

The leadership of the SLD was represented by immediate past chair Victor Futter of New York, outgoing chair John H. Pickering of Washington, D.C., and incoming chair Leigh B. Middleditch, Jr. of Virginia.

Victor Futter, who first proposed the appointment of a NAWL liaison to the SLD, will continue his commitment to the advancement of women lawyers as SLD liaison to the ABA Commission on Women in the Profession.

John Pickering dedicated his President's Message in the newsletter of December 1996 to diversity and the role of women in the SLD, expressing his high regard for their contributions to this division and to the profession, and urging even greater participation.

Leigh Middleditch, SLD's 1997-98 chair, says in praise of women lawyers, "I have worked with several wonderful women, a number of whom are now my partners. We in the Senior Lawyers Division are also blessed by our women lawyers, many of whom are taking leadership positions. In our division there is no 'glass ceiling' and gender difference is irrelevant."

This background of support for women lawyers led to the SLD's first time participation as a sponsor of NAWL's "Celebration of Diversity" luncheon during the annual meeting.

NAWL members are increasingly prominent in SLD positions:

Constance K. Putzel of Maryland is a member of the governing council, and of the nominating committee. She serves as chair of the committee on family issues, and is vice-chair of the diversity committee. She is also a member of the editorial board of *Experience*, the SLD's quarterly magazine.

The Hon. Margie M. Meacham of Wyoming is a council member, and is also the outgoing chair of the diversity committee. She is vice-chair of the joint committee of the ABA Judicial Division and Senior Lawyers Division on Retired and Senior Judges.

Lizabeth A. Moody of Florida is a new

member of the council and is vice-chair of both the continuing legal education and professionalism committees.

NAWL members mentioned previously in this series (January '97) hold new and continuing positions:

The Hon. Mary S. Parker of Los Angeles begins another two-year term as NAWL's delegate in the ABA House of Delegates. The Hon. Mattie Belle Davis of Florida continues as vice-chair of the judiciary committee. She is a past president of NAWL. Virginia



From left, John Pickering, Leigh Middleditch, Selma Moidel Smith and Victor Futter.

Mueller of California, another NAWL past president, is the incoming chair of the diversity committee. Clara Weiner Dworsky of Houston continues as the long-time chair of the Social Security law and practice committee.

Mary Pat Toups of California is secretary of the council, chair of the pro bono committee, and vice-chair of both the technology and continuing legal education committees. She was elected recently as one of two delegates in the ABA House of Delegates from her 6,000-member Orange County Bar Association.

The Senior Lawyers Division invites to its membership all lawyers who have attained the age of 55 or more, whether active or retired. "As chair," says Middleditch, "I look forward to welcoming new women lawyers. We need you and we look forward to your active participation."

Selma Moidel Smith is the first NAWL liaison to the Senior Lawyers Division of the ABA. She is a past president of the Women Lawyers Association of Los Angeles, and a former NAWL regional director for the western states. She followed her three brothers into the practice of law in the family firm of Moidel, Moidel, Moidel & Smith.

Back-Page Fax-Back

NAWL wants to make it easy for members to get involved and to stay in touch. All you have to do is jot your comments on this back page of the Women Lawyers Journal and fax it to NAWL headquarters at (312) 988-6281 (you don't even have to add your name because it's already on the mailing label).

☐ I would like to become active in NAWL's committee work and am particularly interested in issues relating to _____. Please have someone contact me.

☐ I would be interested in writing for the Women Lawyers Journal if there are any plans to publish articles on the topic of _____. Please have someone contact me.

☐ My new address or phone number (specify business or home) is _____

☐ Here is some news about me or my practice the Women Lawyers Journal might want to publish: _____

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