

Women lawyers' Journal



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Spring 1998

Her History of LAW

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Also inside

Secrets of success / Judicial vacancies
Reports on NAWL honors and projects

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

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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

Women Lawyers Journal Networking Directory Information

☐ List me at my (check one) ☐ office ☐ home address (I have added the necessary \$20 fee for this service in four issues of the Women Lawyers Journal) and list me as concentrating my practice in these areas:

☐ I do not wish to be listed

The name and address of a professional reference (required only if necessary for directory verification):

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☐ International \$50 ☐ Law student \$20 ☐ Networking Directory listing (4 issues) \$20

Total enclosed (paid in U.S. dollars) \$

Professional or student bar associations wishing to affiliate with the National Association of Women Lawyers should contact NAWL for details. Nonlawyers also should request details about associate membership.

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

Date

'Progeny' of this case is a family

The issues are reproductive choice, women's health and the cost of treatment. But in this case, the woman's choice was to have infertility treatments to allow her to become pregnant.

A female Chicago police officer, Anita Bielicki, was able to give birth to two children (now ages 2 and 4) after in vitro treatments. The medical assistance cost her thousands of dollars and the city, which is self insured, refused reimbursement and alleged that her claimed disability, reproductive failure, was not a permanent condition.

Pat Collins was the lead plaintiffs' counsel.

What is the background that lead up to this case?

"For the majority of couples, having children is an important, yet relatively effortless, activity. But for the minority who suffer from infertility...procreation is denied. The Americans with Disabilities Act (ADA) was intended to protect the minority from discrimination on account of their disabilities. This includes discrimination in health care benefits.

"Most would find it patently unfair if an employer excluded heart disease or cancer or immune system diseases from insurance coverage. There is no basis to exclude infertility, a disease affecting the reproductive system.

"Couples who have tried for years to have children but have suffered from repeated miscarriages or can't become pregnant need medical assistance...Infertility coverage was mandated by [Illinois] state law in 1991 after testimony by medical experts."

Could you outline the plaintiffs' claims, based on the background you just described?

"The two most important claims we made were that refusing to pay for infertility treatments was disability and pregnancy discrimination.

"A 'disability' under the ADA is an impairment of a body system which substantially limits a major life activity. There is no dispute that infertility is an impairment of the reproductive system which substantially limits procreation.

"The only debate among the courts is whether procreation is a major life activity. Work is an example of a major life activity under the ADA. It seems obvious that procreation is at least as important as work. The courts in



Patricia A. Collins

City Chicago.

Practice Partner in Asher, Gittler, Greenfield, Cohen & D'Alba, representing labor unions in all labor law matters and individual employees primarily in employment discrimination and termination matters.

Recent accomplishments With lawyer Margaret Angelucci received a favorable federal court decision, subsequently settling a landmark case with the City of Chicago (*Bielicki v. City of Chicago*) in which the city agreed to provide insurance for infertility treatments and reimburse 350 class members for treatments during the past 11 years.

NAWL member Since 1996.

Chicago (the federal Northern District of Illinois) have agreed in three cases.

"The pregnancy discrimination claim is based on singling out infertility treatments for exclusion while covering every other physical impairment or disease.

"The purpose of infertility treatments is to accomplish a pregnancy. We estimate 90% of the cost is for treatments to women even when the problem is caused by male infertility. The invasive procedures of egg removal and implantation are performed on women even if the cause of the infertility is slow sperm or no sperm. This is also true of most of the expensive hormone treatments. In addition, the urgency of becoming pregnant seems to be intrinsically tied in to the female biological clock.

"Opponents of this kind of coverage complain about the cost of the coverage, while citing no studies. In fact, studies have shown that coverage for infertility treatments would cost approximately \$3 annually per person. In addition, Illinois law has required insurance companies, (the City of Chicago self insures) to cover infertility treatments since 1991. We are unaware of any financial disasters as a result of that law. Insurance companies provide coverage for far more expensive treatments: heart disease, cancer and other chronic diseases. One must ask who is making the decision to exclude infertility — men or women?"

What do you see as the impact of this case?

"This hidden disability comes to light when couples are trying to have a family. With limited time left for child bearing, women go through not just this medical and emotional crisis but the couple is faced with devastating financial expense."

What were you able to accomplish through this litigation and settlement?

"After the court's refusal to dismiss the complaint, the City of Chicago made the right decision to settle.

"The City now provides coverage for infertility treatments, and will reimburse employees denied benefits for the last 11 years. The settlement reflects current thinking and recognizes the importance of this health care benefit to female employees in particular and to couples struggling with infertility."

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It's time to fill judicial

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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. ©1998 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.

About Women Lawyers Journal

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

ARTICLES Book reviews or articles about current legal issues of general interest to women lawyers are accepted and may be edited based on the judgment of the editor. Editorial decisions are based upon potential interest to readers, timeliness, goals and objectives of the association and quality of writing. 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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An empty bench hurts everyone

There is a crisis of justice in the nation. Vacancies in the federal judiciary have created inequality and limited access. Because of the extraordinary number of vacant federal judicial positions and the problems associated with delayed judicial appointment, dangerously crowded dockets, suspended civil case dockets, burgeoning criminal caseloads, overburdened judges, and chronically understaffed courts, justice in America is coming to a standstill.

Why? Because, since the 1994 elections, the Senate has slowed, delayed, and essentially halted the federal judicial confirmation process. The Senate Judiciary Committee has used secret "holds" on nominations to derail candidates by effectively blocking a candidate's name from going before the full Senate for a vote. The Committee has also held unnecessary second hearings to delay the process. This complete breakdown of the confirmation process is an attack on judicial independence in this country.

AS OF October 21, 1997, there were an astounding 94 pending judicial vacancies, or more than 11% of the number of authorized judicial positions. The functional vacancy rate in the federal courts is actually much higher: 149, comprised of 94 pending vacancies and the 55 new judicial positions which the Judicial Conference of the United States has determined are needed to unclog the courts. Overall, for the past year, approximately 100 of the 846 seats in the federal judiciary have been vacant.

Those courts hardest hit are among the nation's busiest; for example, the Ninth Circuit Court of Appeals has 10 of its 28 positions vacant, the Second Circuit, 4 of 13. At the district court level, six states have unusually high vacancy rates: 10 in Pennsylvania; 9 in California; 5 each in New York and Illinois; 4 each in Texas and Louisiana. In Washington State, candidates for the Ninth Circuit and the Eastern District of Washington have seen their nominations languish for months in the United States Senate.

EVEN MORE troubling is the length of time many vacancies have remained unfilled. A record 29 of these positions are classified as judicial emergencies—positions vacant for more than 18 months. During the Bush years, only 3 out of 195 nominations took as long as nine months to confirm.

During President Clinton's first term, the Senate confirmed 107 of 115 existing vacancies. Although it is not unusual during a presidential election year for an opposition party to slow down judicial confirmations, only 17 District Court judges were confirmed and no courts of appeals nominees were confirmed in 1996. Indeed, in his recent year end statement, Chief Justice Rehnquist observed that almost as many judges were confirmed in 1994—101—as in the following three years combined—111. By comparison, in 1992, during President George Bush's re-election campaign, the Democratic Senate confirmed 66 of the President's nominees. By the end of October 1997, this Senate had only confirmed 21 judicial appointments for the year.

SENATE DEMOCRATS and the Clinton administration argue that Republicans are in a deliberate slowdown to prevent President Clinton from possibly naming a majority of federal judges and reversing the Reagan/Bush conservative majority on the federal bench. Republicans counter that there is no stall, but rather the pace has been dictated by the slow speed at which nominations have been made by President Clinton, and the need for careful scrutiny of Clinton nominees to weed out "judicial activists." While the basis for the delay will never be agreed upon, the fact remains that the controversy over judicial nominations is having a dramatic impact on the ability of courts to handle their cases.

The delay in filling vacancies is particularly acute in civil cases because of the requirement of the Speedy Trial Act which gives court priority first to criminal cases. In San Diego, eight judges preside over a docket that includes 4,000 criminal cases, the largest of any district in the country, and 2,500 civil cases. At the Ninth



By Janice L. Sperow

Circuit Court of Appeals in San Francisco, the Court is functioning with only 18 judges. The Court is supposed to have 28 judges, and Chief Justice William Rehnquist has recommended an additional seven, which would bring the total to 35. Judges around the country have begun canceling circuit court settings: one District Court judge reported that he went for a year without hearing a civil case; other District Court judges have resorted to extraordinary measures to reduce their court's backlog, such as three-month marathon sessions.

The National Association of Women Lawyers is the national voice of women in the legal profession. As lawyers, we have a duty to improve the administration of justice and a special responsibility to insure that the federal courts, which serve all Americans, are properly functioning.

ACCESS TO JUSTICE for all persons is a cardinal principle of our American judicial system. But, access to justice is impossible if we do not have sufficient judges to hear cases and resolve disputes. The proper administration of justice requires the courts to be open and staffed with judges in place to discharge their constitutional and statutory duties. As lawyers, we are outraged and appalled at this challenge to judicial independence and equal access.

Yet, as women, we have even more cause for alarm. Women and of-color nominees have been disproportionately harmed by these political maneuvers. Whether intended or not, the Senate Judiciary Committee's delaying tactics are disproportionately impacting women candidates and nominees of color for the federal bench.

EIGHT OF the 14 Clinton nominees waiting the longest for Senate hearings or confirmation are women. Two of the 14 are African-American, three are Hispanic, and two are Asian. Seven of these nominations have been pending since 1995, four since 1996, and three since early 1997. Conversely, while women candidates languish, the confirmation of male candidates is swift by comparison. A full twelve of the 14 nominees with the shortest confirmation processes in 1997 were men; only 2 were women.

Lawyers committed to equality seem to be particularly targeted for derailment. Margaret Morrow's

Continued on page 6

nomination, whose appointment has twice been recommended by the Senate Judiciary Committee, stalled once it reached the full Senate over objections to her membership in California Women Lawyers, a bipartisan bar which represents women lawyers in California. Imagine if you were being considered for federal appointment and the only thing holding up your confirmation was an objection to your membership in NAWL! Another female candidate has been criticized for working pro bono on a case which successfully challenged a ballot initiative to limit the rights of homosexuals.

THUS, IN ADDITION to the shocking discriminatory effect of its imbalanced practice, the Senate Judiciary Committee's actions could well have an enormous chilling effect. Qualified women and of-color candidates may no longer submit their names for federal judicial consideration in order to avoid the protracted and unjustified invasion of their privacy, thereby costing this country the value of their contributions. Or, the President may, as a politically expedient matter, simply choose not to nominate as many women and candidates of color in the hopes of getting more nominations through the confirmation process. Or, women and of-color candidates may decide not to join women and minority bar associations, take on controversial cases, defend our civil liberties, engage in pro bono services or otherwise do anything that might cause the Senate Judiciary Committee to screen them out, hold their nominations, or simply ignore their confirmation through inaction. This chilling effect, and the resulting loss to our country of the many talented men and women in public service who were forfeited in this process, is simply too high a price to pay for the Senate's politics.

NOTWITHSTANDING THE intensely political nature of the process, historically, the critical duty to appoint and confirm federal judges has been done with bipartisan cooperation to ensure a highly qualified and effective federal judiciary. Unfortunately, the spirit of bipartisan cooperation in the realm of filling federal judicial appointments has been lost in today's political environment. The result is the ever-growing crisis in the federal courts.

The time has come for the Senate to devote the time and resources necessary to expedite the selection and confirmation process for federal judicial nominees. The backlog on nominations simply must be reduced. The political branches of government must discharge

their constitutional responsibilities to the judicial branch of government.

Inadequate staffing of the judicial branch of government adversely affects the enforcement of the criminal laws by impairing the ability of the courts to provide the speedy trials required for defendants, delays the resolution of civil disputes, prolongs the adjudication of issues concerning benefits owed to citizens, and degrades the quality of review respecting matters pertaining to basic civil liberties. Unfair staffing of the judiciary undermines judicial independence and corrodes the fundamental principles of equality upon which our democratic system of government was based.

In addition, political branches of government must begin to act responsibly toward the men and women who agree to serve in the judicial branch. All candidates—women and men, white and of-color—must be reviewed fairly and in a timely manner. The Senate's constitutional obligation is to "advise and consent" on nominations, not to screen them through each senator's ideological prism. The integrity of our entire judicial system depends upon the Senate's ability and willingness to fulfill its constitutional mandate with equality.

BECAUSE WE ARE lawyers, because we are women, we must ensure that the Senate satisfies that obligation. To that end, the National Association of Women Lawyers has unanimously passed a resolution urging the Senate to

conduct the confirmation process in an expeditious and equitable manner. We have also agreed to co-sponsor a proposed American Bar Association resolution authored by the ABA Commission on Women in the Profession which urges the President to nominate and the Senate to confirm qualified candidates as quickly as possible.

We have also taken action in support of individual candidates. With the Board's unanimous support, NAWL sent a letter of support on behalf of Margaret Morrow, candidate for the federal district court in California. We also participated in a telephone campaign to contact key senators on her behalf. We have joined a coalition of bar leaders and other organizations to address the danger to the judiciary. But, that is simply not enough.

I urge each of you to fight this inequity personally. Write a letter to the editor of your local newspaper or, if you do not have time, then merely send the newspaper a copy of this article. More importantly, call or write your Senators urging them to address the judicial backlog and its impact on women and candidates of-color. Immediate action is particularly necessary in the following states: Arizona, Colorado, Delaware, Indiana, Michigan, Mississippi, Missouri, New Mexico, New York, Ohio, Oregon, Tennessee, Utah, and Virginia.

Only if our voice is used will it be heard.

MEET NAWL *in* San Diego

APRIL 7 AT THE U.S. GRANT HOTEL

When we honor U.S. Sen. Barbara Boxer of California for her work backing legislation designed to reduce the threats of violence against women.

Details on the western regional meeting are in the President's Newsletter and are available from NAWL headquarters through our Fax-Back service provided on the back cover of this issue.

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Precedents FOR OUR DAYS

BY NANCY R. PETERSON

Gentleman Margaret Brent.

This is how people in the original colonies frequently referred to the first woman lawyer in America, both in person and in court records, because they were unsure of what to call such a formidable woman.

Much has changed along the path which has led us to where we are today in America's legal profession, with two women Supreme Court Justices, an Attorney General, and numerous women on the federal bench. It is a necessary effort on our part to understand what we are doing in light of what we have done in the past and what we hope to do in the future.

Here are a few of the stories of the women who broke down barriers, forged new ground during their time and brought us to where we are today. As we celebrate Women's History month, let us make a pledge to ourselves, our history and our profession to renew the commitment and dedication that these true pioneers possessed in their steadfast efforts to break down the walls of gender bias in our profession.

MARGARET BRENT

Upon her arrival to the New World in 1638, Margaret Brent quickly made her mark as the first woman lawyer in the colonies. Historical records of Brent's practice describe her as a master negotiator, an accomplished litigator and a respected leader. She was the counsel to the Governor of Maryland,

Leonard Calvert, and later became the executor to his estate.

Despite the fact that the Maryland assembly ratified her position as Calvert's executor, it denied her the ability to vote in the Maryland assembly. In 1648, Brent demanded that as the governor's attorney, she have a "vote and voice" in the Maryland assembly. More than two and a half centuries later, *Harper's* magazine observed that, "by this action Margaret Brent undoubtedly placed herself on record as the first woman in America to make a stand for the rights of her sex."

While some women pleaded cases in Colonial courts relating to issues such as land entitlement, it was not until 1869 that another woman attorney appeared in historical records. Several factors emerged which provided women with the opportunity to break down some of the restrictions of formal society and have "some hope of professional achievement".

First, rapid industrialization brought many working class women out of the home and into the factory. The industrialization era provided women with new and unprecedented leadership opportunities. For instance, in 1828 the first women workers participated in a labor strike in Dover and a woman addressed a mixed public audience. Education was becoming more accessible to upper class women. Furthermore, the westward expansion in the 1830s and 1840s allowed women to fulfill roles which were traditionally

OUR STORY 1638

Margaret Brent is counselor to governor of Maryland.

1700s

Some women argue their own cases in colonial courts, although not lawyers.

1869

Arabella Mansfield passes Iowa Bar; becomes 1st official woman lawyer.

reserved for males. The first female judge in the United States was Ester McQuigg Morris, justice of the peace in South Pass City, Utah (1870).

ARABELLA BABB MANSFIELD

While never practicing law, Belle Babb Mansfield passed the Iowa state bar exam. Mansfield was able to register for classes at Iowa Wesley College because of the low level of applications during the Civil War. Later, Mansfield spent her legal apprenticeship in her brother's law firm. Despite a provision in the Iowa code which limited bar admission to "any white male person, twenty one years of age, who is an inhabitant of this State," Mansfield became one of the most accomplished advocates of her day.

The issue of Mansfield's bar admission eventually came before Justice Francis Springer, known as a progressive and liberal judge in Iowa. Justice Springer creatively circumvented the prejudicial Iowa Code by relying on another Iowa statute which stated that "words imparting the masculine gender only may be extended to females." Other states and the United States Supreme Court would soon be confronted with similar prohibitive code provisions. However, jurists in other states would not be as enlightened as Justice Springer.

MYRA BRADWELL

In 1869, Myra Colby Bradwell was not as fortunate at her bar admission hearing. Bradwell attempted to argue the same point in Chicago as Mansfield had argued in Iowa, that when a statute refers to a party or person by words imparting masculine gender, females are to be deemed included. Bradwell went a step further and pointed to various laws such as the Illinois Declaration of Rights and Statutes pertaining to the rights of defendants to trial by jury where they only referred to parties by the masculine gender, which still pertained to women. Instead of receiving an admission letter, the Clerk's office denied her application based solely on her "disability" as a married woman.

Under Common law, a married woman and an unmarried woman had wholly different legal statuses. Once a woman married, she lost the ability under the law to inherit property, enter contracts and obtain goods and services on her own. These rights belonged solely to her husband. Thus, because Bradwell was married, the Clerk's office reasoned that she would not be able to enter into contracts regarding her fees as an attorney.

The Illinois Supreme Court issued an opinion on Feb. 5, 1870, which provided that not only was Bradwell a married woman and as such "disabled," but further rationalized its ruling by citing that there had never been any woman lawyers in England.

Bradwell's case eventually reached the United States Supreme Court, where Sen. Matt H. Carpenter of Wisconsin represented her cause. Sen. Carpenter argued that under Article IV of the United States Constitution, Bradwell was entitled to the same privileges and immunities as citizens of the other states and that under the 14th Amendment, Illinois

could not limit bar admissions to a class of citizens based on race and sex.

Despite the persuasive arguments of Sen. Carpenter, seven of the eight Justices ruled against Bradwell. *Bradwell v. Illinois*, 16 Wall 130 (1873). Because the United States Supreme Court refused to overturn Illinois' ban on women in the bar, women would have to engage in individual state struggles to obtain admission.



The author

Nancy R. Peterson is a lawyer with Blank Rome Comisky & McCauley in Philadelphia. She was the 1997 NAWL Outstanding Law Student at Villanova. Her article is based on Karen Morello's "The Invisible Bar: The Woman Lawyer in America, 1638 to the Present."

LAVINIA GOODELL

Another significant bar admission struggle occurred in Wisconsin. In that state, Lavinia Goodell had been representing clients and had her own law office but had not been admitted to the state bar. When one of her clients had a case that was appealed to the Wisconsin Supreme Court, Goodell needed to secure bar membership to argue the case. As Goodell prepared to argue points similar to Mansfield and Bradwell, she came upon Justice Edward Ryan of Milwaukee, well known for his anti-feminist view.

Not surprisingly, Justice Ryan denied Goodell's admission. But the voracity of Ryan's opinion was so shocking, it sparked a great outcry and prompted a movement for change. Among his reasons why women should not practice law:

"[The practice of law] has essentially and habitually to do with all that is selfish and extortionate, knavish and criminal, coarse and brutal, repulsive and obscene in human life. It would be revolting to all female sense of innocence and sanctity of their sex...Discussions are habitually necessary in courts of justice, which are unfit for female ears."

Due to the widespread press coverage of Ryan's opinion and Goodell's efforts, legislation was passed on March 8, 1877 which rewrote the Wisconsin statute to include women as eligible for admission to the bar.

BELVA A. LOCKWOOD

Gaining admission to the federal bench proved to be an equally challenging endeavor as the state process. One woman who struggled to represent her clients in federal court was Belva A. Lockwood. Lockwood established a practice in the

U.S. HISTORY

1630

Boston established.

1776

Declaration of Independence.

1791

Bill of Rights is effective.

1848

1st women's rights convention held at Seneca Falls, N.Y.

1869

Myra Bradwell passes Illinois Bar, but is denied license for being under disability of marriage.

1870

Ester Morris, Wyoming, is 1st woman judge (justice of peace). Five women lawyers in U.S.

1872

Charlotte Ray, a Howard Law graduate, is 1st black woman lawyer.

Washington, D.C. area and wanted to expand her practice to include claims against the United States government. Lockwood attempted to represent one client in the U.S. Court of Claims. Lockwood reasoned to the court that while she might be married and therefore under a 'disability', she was in court with the consent of her husband and wished to represent her client. The court's response was: "Madam, women do not speak in this courtroom: you will sit down."

After being rebuked by the U.S. Court of Claims, Lockwood set her sights on the U.S. Supreme Court, which had no gender restriction in the admissions statute. However, one week after Lockwood's motion for admission was heard, Chief Justice Morrison R. Waite denied her admission due to the fact that women had not practiced law in England.

Lockwood's next recourse was Congress. After fierce lobbying efforts, the "Lockwood Bill" was finally passed which gave women attorneys access to the federal courts. Lockwood proceeded to become the first woman lawyer to argue in front of the U.S. Supreme Court and achieved her goal of representing clients against the United States government, eventually obtaining a \$5 million settlement for the Cherokee nation.

CHARLOTTE E. RAY

While some of the challenges of African-American and white women were similar, African-American women were forced to pursue a markedly different path than white women in developing legal careers.

In 1890 it was reported that the first black woman law student at Howard University was Charlotte E. Ray. Ray posed as "C.E. Ray" on her application and there was quite an uproar once her true identity was discovered. But Ray's abilities quickly impressed those who came in contact with her. Ray went on to graduate from Howard, pass the District of Columbia bar exam, and became the first African-American Woman Lawyer in the United States. (A full account of her accomplishment follows this article.)

SADIE ALEXANDER

Many African-American women attorneys found that government service at the federal, state, and local levels provided them with the best forum to exercise their talents. One such woman was Sadie Tanner Mossell Alexander, a graduate of the University of Pennsylvania School of Law who pursued a legal career in the City Solicitor's Office of Philadelphia.

The Depression years brought difficult times for all Americans, but particularly impacted African-American women lawyers. In the South, legal arenas such as the courtrooms and libraries were fully segregated. This created a cold and even more hostile atmosphere for African-American women attorneys. Even the historically more "welcoming" Northern states demonstrated poor treatment. But as the Civil Rights era dawned, African-American women attorneys heeded the call to arms by demonstrating remarkable advocacy and leadership skills. Countless numbers of African-

American women attorneys were actively involved in the civil rights movement.

RUTH HARVEY CHARITY

One woman who exerted great efforts as an attorney during this period was Ruth Harvey Charity. Charity, who also served as the president of the National Association of Black Women Attorneys, defended 1,300 civil rights marchers who were arrested in Danville, Va. in 1963. This demonstration involved such leaders as Dr. Martin Luther King, Jr. and Rev. Ralph Abernathy. After Charity's masterful defense, all 1,300 demonstrators were immediately released.

CONSTANCE BAKER MOTLEY

Constance Baker Motley worked for the NAACP Legal Defense Fund, headed by Thurgood Marshall. Motley gained significant trial experience at the Defense Fund, arguing a remarkable 10 cases before the U.S. Supreme Court and winning nine of them. Motley entered politics and was elected to the New York State Senate, eventually becoming the borough president of Manhattan. President Lyndon B. Johnson nominated her to be the first African-American woman to sit on the U.S. District Court for the Southern District of New York. In 1980, she became the chief judge of that District Court.

BARBARA JORDAN

In 1972, Barbara Jordan was the first African-American woman from Texas to win a seat in the U.S. Congress. Jordan quickly won the respect of Congress and the nation by her distinguished service on the House Judiciary Committee during the nationally televised Watergate hearings. Each member of the committee was to give a 15 minute statement regarding the proceeding. Jordan captured the nation's attention with these comments:

"'We the People'—it is a very eloquent beginning. But when the Constitution of the United States was completed on the 17th of September in 1787, I was not included in that 'We the People.' I felt for many years that somehow George Washington and Alexander Hamilton just left me out by mistake. But through the process of amendment, interpretation, and court decision I have finally been included in 'We the People.'"

"Today I am an inquisitor. I believe hyperbole would not be fictional and would not overstate the solemnness that I feel right now. My faith in the Constitution is whole. It is complete. It is total. I am not going to sit here and be an idle spectator to the diminution, the subversion, the destruction of the Constitution."

In the face of constant adversity and struggle, noble women attorneys fought and triumphed, and stand as a reminder to all women lawyers of just how far we have progressed. But as we face a new millennium, there is still much more to be accomplished. By emulating the courage and perseverance of those who came before us, we can continue in our efforts to break new ground for ourselves and others.

1865

Civil War ends.

1869

Wyoming adopts women's suffrage.

1875

Civil Rights Act gives blacks rights to jury duty, public accommodations.

1881

Booker T. Washington establishes Tuskegee Institute for blacks.

*Dred Scott
v.
Sanford
Plessy
v.
Ferguson*

Charlotte RAY

*was the woman who proved
the law of the land wrong.*

By
J. Clay
Smith Jr.

The accomplishments of the modern black woman cannot be fully explored without paying tribute to the illustrious Charlotte E. Ray, the world's first black woman lawyer.

In 1872 *The Woman's Journal* wrote:

"In the City of Washington, where a few years ago colored women were bought and sold under sanction of law, a woman of African descent has been admitted to practice at the bar of the Supreme Court of the District of Columbia. Miss Charlotte E. Ray, who has the honor of being the first lady lawyer in Washington, is a graduate of the Law College of Howard University, and is said to be a dusky mulatto and possesses quite an intelligent countenance..."

BORN Jan. 13, 1850 into a country gripped and drunken with slavery and its atrocities, Charlotte E. Ray became the first black woman admitted to practice law in the United States. She was the first black woman to graduate from law school and the first woman lawyer admitted to the bar of the District of Columbia. This is a tremendous accom-

plishment given that the District of Columbia had just 10 years earlier abolished slavery.

Ray's admissions to law school and to the bar were remarkable given that laws and mores of the times were hostile toward women. The status of women was crippled by the archaic common law concept of inherent incapacities. It was not until 1869 that Belle A. Mansfield became the first woman admitted to the bar, in Iowa.

IT IS incredible that black women, who during slavery were routine victims of rape, separated from their families and made to do incredibly inhumane work, can now rise and accomplish any vocation they choose. Without the benefit of the Civil Rights Movement and the proposed Equal Rights Amendment, Ray was one of the few women of her time, white or black, to achieve access to a profession that had been reserved for white men.

One begins to appreciate just what an accom-

**Her
History
of
LAW**

OUR STORY 1879

(continued)

Belva Lockwood is first woman allowed to argue in federal court.

1898

Washington College of Law becomes 1st law school founded by women. Also 1st with woman dean, 1st to graduate all female class.

plishment Ray's admission to the bar represented looking at the environment in which she lived. In 1857, when she was seven years of age, the Supreme Court pronounced the Dred Scott decision which held, among other conclusions, that the Negro had no rights as a

citizen under the Constitution. During Ray's childhood, abolitionist John Brown, who took action to free slaves by force, led an insurrection at Harper's Ferry.

Slavery, the Civil War, the impending Emancipation, the assassination of Lincoln, and the Reconstruction era may have been some of the events that stuck incessantly in the forefront of her mind. The Reconstruction era, "was especially important to blacks, including black women, for the 13th, 14th and 15th Amendments to the United States Constitution were ratified. However, both blacks and [white] women were soon to learn that ratified amendments did not mean rights, freedoms, and full citizenship in America," according to *Contributions of Black Women to America; The Arts, Business and Commerce, Media, Law, Sports*.

During Ray's entire life she witnessed and experienced the antagonism of racism and the refusal of equal rights

for black women. Despite such opposition, Ray witnessed the strength and defiance of the abolitionist movement in her family and in the black community. In fact, black women like Ray, who became the nation's first lawyers may have roots in the abolitionist movement.

BLACK WOMEN, such as Ray, also could have been indirectly influenced by the educational strides in the abolitionist movement. Oberlin College, founded by abolitionists, was the first co-educational, interracial college in the country. During "the 1850s small numbers of black girls were traveling to Ohio to attend its preparatory school or to take the Ladies' Course, leading to a literary degree. Many of Oberlin's black students came from the South, the children of slave mothers whose white fathers wanted to educate them," as Dorothy Sterling wrote in *We Are Your Sisters: Black Women in the Nineteenth Century*. Some influential black men, like Booker T. Washington, also sent their daughters to Oberlin.

While all of these persons and events more than likely played some primary or secondary role in the development of character and perseverance in Ray, perhaps the most influential of all was her father, the Rev. Charles Bennett Ray, a well-known abolitionist, minister, journalist, and conductor of the Underground Railroad.

Ray's father was the driving force behind her education and he made sure that she and her siblings had the benefit of a formal education. Ray's parents "created a home where 'birth, breeding and culture were regarded as important assets.' Rev. Ray edited the *Colored American*, an abolitionist newspaper, and insured that his children were well educated, including his daughters," Larry L. Martin wrote in *Notable Black American Women*. In all, there were seven children—two boys and five girls.

Upon acceptance to law school Ray continued to teach at Howard University's Normal and Preparatory Department and attended law school in the evenings. While at Howard, she was known to be illustrious and accomplished during her studies and graduated with a concentration in commercial law. At the com-

mencement ceremony, Ray presented a paper on "Chancery." The same year she was graduated from law school and admitted to the bar, the U.S. Supreme Court in 1872 refused Myra Bradwell the right to practice law in Illinois.

In spite of this clear signal of male disdain for women in the legal profession, Ray opened her own law practice in Washington, D.C., where she established a reputation for being one of the best lawyers in the area of corporations. However, "in spite of outstanding achievement and recognition as a legal authority on corporation law, Ray was unable to maintain a law practice because of the lack of business," according to *Notable Black American Women*.

THIS STIFLED the opportunity for America's first black woman lawyer to carve a niche in corporate law, which, had it occurred, may have established future streams of commercial benefits for black people. We can only speculate on the extent to which black lawyers, particularly black women lawyers, would have advanced as corporate lawyers, but in Ray's case, it is likely that "corporate law practice represent[ed] a plausible mechanism for advancing [black community] interests," David B. Wilkins wrote in a 1993 *Stanford Law Review* article, "Two Paths to the Mountaintop: The Role of Legal Education in Shaping the Values of Black Corporate Lawyers." However, those interests were not furthered because of racial discrimination.

Ray's courageous attempts to become a successful corporate lawyer in the District of Columbia likely made her more determined to support black and women's issues. She was an active member in the National Association of Colored Women and attended various women's conventions on women suffrage. Thus, while racism and sexism were seemingly responsible for the demise of Ray's law practice, she chose and continued to fight on another front.

After closing her law practice Ray moved to New York. In 1886, she gained employment in the Brooklyn public school system. Later she married a man by the name of Fraim. By 1897, she was living in Woodside, Long Island, until her death Jan. 4, 1911.



The author

J. Clay Smith Jr. is a professor at Howard University School of Law. This article is adapted from his article "Black Women Lawyers: 125 Years at the Bar, 100 Years in the Legal Academy," published in the "Howard Law Journal." He is the author of the forthcoming book, "Rebels in the Law: The Voices in History of Black Women Lawyers."

U.S. HISTORY

1883

Pendleton Act reforms federal civil service.

1886

Statue of Liberty is dedicated.

1890

Sherman Antitrust Act begins monopoly curbs.

1896

Plessy v. Ferguson.

Finally, we had each other in significant numbers.

One highlight of NAWL's midyear meeting in Nashville was the presentation Jan. 30—to a sold-out luncheon—of the 1998 President's Award of Excellence to Judge Martha Craig Daughtrey of the 6th U.S. Circuit Court of Appeals.

When NAWL asked Judge Daughtrey whom she would like to have introduce, she said it would be one of her two closest friends—she just wasn't sure which. Judge Barbara Haynes won the coin toss.

"As a professional," Judge Haynes noted, "I could easily talk about our beloved Cissy [Daughtrey's] resume and professional accomplishments; however, professional achievements are just a small portion of Cissy's worth."

"We often proscribe that to excel is to reach your own highest dreams. But Cissy has demonstrated that personal gain is empty if you do not feel you have positively touched another's life. Added to her resume under 'personal' should be ... helped others reach their goals."

I must start by thanking the National Association of Lawyers for giving me this award...It means a great deal to me, not the least because I have a soft spot in my heart for the Association going back to my days as an Assistant Professor on the Vanderbilt law faculty almost 25 years ago.

I spent the summer of 1974 in the law library, doing research for an article that was intended to secure tenure for me and a promotion to Associate Professor. My appointment to the bench the following year



interrupted the tenure process, but I did complete the article, a piece on jury selection procedures and the right of women to serve as jurors, a right that was not clearly established as a matter of constitutional law at the time I was working on the article. In the course of that research, I happened upon the *Women Lawyers Journal*, a publication of the National Association of Women Lawyers, a group that I had not previously encountered. In the pages of their journal, dating back to 1911, I came to know a fascinating

— Judge Martha Craig Daughtrey
of the 6th U.S. Circuit Court of Appeals
to NAWL on the profession today ...

OUR STORY 1899

(continuing)

The Women Lawyers Club of New York begins with 18 members; evolves into National Association of Women Lawyers.

group of women who — having first organized in 1899 as the Women Lawyers' Club — were, in fact, the foremothers of all women lawyers in this country, involved in a national women's organization unique for its time and clearly the first such organization for women in the legal profession.

THE ASSOCIATION was at that time interested primarily in increasing the number of women lawyers around the country and, of course, in securing universal suffrage. But a strong underlying theme, one that was to postdate the

was optional and so infrequent that in many Tennessee counties, the jury commissioners simply didn't include women on the jury rolls or, if they did, the court clerks didn't bother to issue jury notices to the women whose names occasionally surfaced on the rolls.

AS LATE AS 1961, just two years before I started law school, the United States Supreme Court still believed that optional jury service for women was not a denial of equal protection to would-be jurors, nor a denial of the right to a jury trial by the nation's litigants. [Hoyt v.

mensurate with their presence in the population and, in a footnote, cited my otherwise useless law review article.

In 1979, the year Duren was decided, the women of Tennessee finally began undertaking a civic responsibility that should have been theirs long before. And the crusaders in NAWL were finally vindicated. Needless to say, I've been an admirer and an avid reader of Supreme Court footnotes ever since.

In thinking about the National Association of Women Lawyers, jury duty is not the only subject on which I would like to reminisce. It seems an appropriate time to stop and consider the legacy we have inherited from those stubborn and courageous women lawyers who paved the way for many of us...and on whose shoulders we now stand. Even those who, like me, turned out to be pioneers in one sense or another, owe a great debt to the women who entered the legal profession before the turn of the last century and during the first half of this century.

Having been the first in on several fronts, I think I know personally something about how hard it is to establish yourself as a serious professional when the level of acceptance by your colleagues reduces you to ridicule or, at best, bemused toleration. You will hear our commitment referred to as opening doors for the sisters coming behind us. But the trick, of course, was to be sure that we held the door open long enough to prevent it from slamming in someone else's face. While I'm not particularly fond of military clichés, I must say that often it seemed more like establishing a beachhead than cracking open a door.

SOME OF YOU have heard me say over the years that when I got the notion of studying law, I had never seen a woman lawyer, and when I went on the bench I had never laid eyes on another woman judge, although I did find a picture in some legal publication of Justice Janie Shores of Alabama...She was wearing a white blouse under her black robe, as I recall it, with a lovely long white scarf hanging in front. It was a good thing that I found the picture, because I was having a very hard time visualizing a judge wearing lipstick. I think this must have been the way it was for so long for



Judge Barbara N. Haynes, Third Circuit Court, Nashville, left, attorney Mary Martin Schaffner, and Judge Martha Craig Daughtrey—Nashville's equivalent of the Three Musketeers.

establishment of voting rights by several decades, was the commitment of the organization to securing the right of women to serve on juries on the same basis as men.

The struggle in this particular corner of the movement for equal rights was a longer and more fragmented one than any of the early members of NAWL would have thought possible. In many parts of the country, change came slowly after passage of the 19th Amendment.

Here in Tennessee, for example, the presence of a woman on a jury prior to 1951 would have invalidated the verdict, and after that date, women's service

Florida, 368 U.S. 57 (1961)] When I began prosecuting criminal cases in the local courthouse after graduating in 1968, women jurors weren't unknown, but they were certainly rare. And the stereotypes that were applied to them by the male bar would strike the younger among you here today as quaint in some instances but appallingly misogynistic in many others.

Four years after the publication of what I thought was a fairly useless tenure piece, the Supreme Court, in the case of *Duren v. Missouri*, [439 U.S. 357 (1979)] finally held that women must be represented on juries in numbers com-

1911

First issue of *Women Lawyers Journal* is published.

U.S. HISTORY

1899

U.S. declares Open Door policy for China.

1903

Wright Brothers make first airplane flight.

1911

1st transcontinental airplane flight (with numerous lengthy stops).

1920

19th Amendment, giving women right to vote, passes.

1923

1st annual meeting of NAWL convenes in Minneapolis; Chief Justice Wm. H. Taft attends.

1944

Soia Mentschikoff 1st woman partner at major Wall St. firm.

1950

1st women enroll at Harvard Law.

so many of our foremother attorneys, especially those who practiced in areas away from Washington, New York, San Francisco and the like. We didn't have role-models and we invented our careers as we went along. Fortunately, many of us were lucky enough to have the strong support of the men in our lives and the occasional male mentor. I was especially lucky in that regard.

AND THEN finally, as time went on, we had each other in significant numbers, beginning in the mid-1970s. That was a heady time — ratification of the Equal Rights Amendment was still a possibility, women were entering law school in numbers 10 times greater than even a decade earlier, women's bar groups were being formed all over the country, even in the "boonies," and were lobbying for the appointment of more women to the bench, supporting women candidates for public office, and pushing their way into the nation's most prestigious law firms.

There was a real feeling of camaraderie in those days, a feeling that all things were possible, just out of reach, and that if we worked together we could achieve total victory within a reasonable amount of time. Part of the vision we shared then was that women entering the profession would revolutionize it, humanize it, and make the practice of law what we would now call family-friendly — for men lawyers as well as women.

WHAT, YOU MIGHT wonder, did we think "total victory" would look like? How many of the battles, to fall into another military cliché, have we actually won? It is true, for example, that the percentage of women in law school has gone from 8.5 % in 1970 to the current average of about 44 %, and today there are some 18 women deans at America's law schools, as compared to perhaps one in that same year. And yet, the most recent survey of women's status in legal education, put out by the ABA Commission on Women in 1996 indicates that the millennium has not yet arrived, a conclusion reflected in Professor Lani Guinier's recent book, *Becoming Gentlemen: Women, Law School, and Institutional Change*.

At the time the Commission's study

was released, Cory Amron, its former chair and the director of the project, was quoted as saying, "The reason we embarked on this [undertaking] is that we heard disturbing reports coming from law schools. When we found that disrespect among law students [toward women students and faculty] was widespread, that was surprising. Some people [had] said that if we just wait, a new generation will take over and bias will disappear. That is not happening. In this day and age, when you would think people would know better, it's still going on."

Statistics bear out this assessment. Recent ABA figures show that in 1997 in our law schools, 68% of those teaching at the level of lecturers or instructors were women, but only 19% were full professors. Among law school administrators, a full 70% of the assistant deans with no professor title were women, but only 8% of the deans were female.

The law school study, entitled "Elusive Equality: The Experiences of Women in Legal Education," came a year after the Commission's most recent report on women in the legal profession generally, published as "Unfinished Business: Overcoming the Sisyphus Factor." That report, too, indicates that life in the legal profession is anything but rosy for women, concluding:

"DESPITE THE INFLUX of women into the profession since 1970, workplace issues that existed when women were virtually invisible remain unresolved. These are issues universal to working women: pay inequity, skewed opportunities for advancement, sexual harassment, and hostility to family needs. Industries, on advice of their legal counsel, have instituted gender-fair employment programs, but the legal profession has not taken its own advice. Law firms are resistant and sometimes hostile to progressive employee policies that are

effective in many corporations."

Doubtless, I do not need to remind any of you of the evidence to support these conclusions. Despite the fact that 24% of American lawyers are women, a level that would appear to constitute a critical mass, we are still all too familiar with headlines like that in the May 6, 1996, *National Law Journal*, "Women's Progress Slows at Top Firms." Figures confirm that while women make up 37% of associates in American law firms, they

comprise only 13% of the partners in the nation's largest firms.

In those large law firms, which commonly conferred partnership on at least a majority of their associates after six or seven years of grueling work and good performance evaluations, the numbers are now reversed. Only a small fraction of the associates working in Wall Street firms today can expect to make partner, and the price paid for that partnership is often be-

yond the means of those who seek to pursue their careers and raise a family or maintain some kind of balanced life.

Visiting a former law clerk in New York recently, I found that for several weeks she had been leaving the office past midnight, sometimes as late as 3:00 a.m., catching only a very few hours sleep, and struggling back to the office by eight the next morning. "Don't worry about me," she said. "When I work late, the firm let's me call a car to take me home." She's concerned about assault on the streets of the big city. I'm worried about the assault the law firm is committing on her soul. "Is it worth it?" I ask. "I have to pay off the loans," she tells

' There was a real feeling of camaraderie in those days, that all things were possible '

1920

Congress refuses to ratify League of Nations Covenant.

1925

John Scopes found guilty of teaching evolution.

1941

U.S. enters World War II.

1945

Nuclear age begins. World War II ends.

1950

Korean War begins; fighting ends 1953.

1973

Roe v. Wade decided.

1981

Sandra Day O'Connor is 1st woman appointed to U.S. Supreme Court.

1993Janet Reno 1st woman U.S. attorney general.
Ruth Bader Ginsburg on U.S. Supreme Court.**1995**Roberta Cooper Ramo
1st woman ABA president.

me. It is little wonder that large numbers of young lawyers, males as well as females, are registering job dissatisfaction and looking for a way out of the very profession for which so many of us sacrificed so much, in the hope that things would be better for the generation coming after us.

So, I am left with an abiding paradox: In the 30 years since I left law school, progress has been made on many fronts and, in some instances, to a much greater extent than any of us would have believed...I do want to observe that we can only look back sadly and say about our vision of 25 years ago of a feminized and therefore humanized profession, that we are leaving it to the next generation of women lawyers, those coming out of law school now and those of you in the first decade of your career, to fulfill that vision and to make the law and the practice of law a more just and equitable endeavor.

Now, finally, the news from the judicial front. If there is a reason to rejoice, this is it. Certainly from my own perspective, the developments of the last quarter-century have been spectacular.

WHEN I LEFT law school in June 1968, eighth in my class at Vanderbilt, inducted into the Order of the Coif, I was unable to get even an interview with a Nashville law firm, let alone an offer, explicitly because of my gender (I have been quoted recently as saying that the lawyers of Nashville did me a favor at the time — I just didn't realize it then). If someone had told me then that 25 years later I would be sitting on the U.S. Court of Appeals, I would have branded the very idea as preposterous. Indeed, the few women law students at that time — there were only 10 of us in a law school population of over 400 — were told not to

bother applying for a clerkship with the local member of the Sixth Circuit, because he sometimes had his law clerk pack his bag for him when he left Cincinnati and didn't think it would be an appropriate position for a woman.

There are now four women on the court and a fifth has been nominated. When she is finally confirmed, I'm

thinking of organizing a brown bag lunch in Judge Cornelia Kennedy's office in Cincinnati for the women judges, in honor of our foremother, Florence Allen, the first woman in America elected to a trial bench, the first appointed to a state supreme court, and the first to sit on a federal court.

When she got to the Sixth Circuit in 1938, she was, of course, a curiosity to her colleagues. Because the men went to lunch together every day to the men-only University Club a few blocks from the courthouse,

she secured a small, Victorian table with a marble top — marble because on it she kept a hot plate where she could heat up her noon meal, which she presumably ate by herself or perhaps with her staff. That small marbled-topped table is now in Judge Kennedy's office and, I hope, will someday be in mine — in my mind, a living link with the women who founded the Women Lawyers' Club almost a century ago.

A brief summary report: we now have women on every circuit bench in the federal system — including firsts in the First and Eighth Circuits thanks to President Clinton — and women on virtually every state high court in the country. Indeed, a growing number of states have more than one.

In the Sixth Circuit alone, Ohio has

three women on its seven-member court, and Michigan has a majority of four women on its Supreme Court, all four of them elected in state-wide open elections. There is every reason to think that we can expect more appointments to the U.S. Supreme Court as the number of experienced women judges from all over the country continues to grow.

But the news is not all good. Here in Tennessee, we are still grieving over the stunning defeat in 1996 of State Supreme Court Justice Penny White, in what has to be one of the most appalling and appallingly successful assaults on judicial independence that has ever been mounted here or in any other part of the country. And the problems with the confirmation process in the U.S. Senate are just now being recognized not only as a threat to that independence, but also as a direct attack on the appointment of women to the federal bench. Both Senator Leahy and Senator Feinstein have recently spoken out about the disparate impact they see the delays as having on Clinton's women nominees. A recent review of the 14 oldest vacancies indicates that the nominees to fill 12 of them are either women or minorities or both. The unjustified delays in the confirmation process have also just recently been condemned by Chief Justice Rehnquist, speaking out in a rare statement of this kind.

Every time we pause to think how much progress we have made, all of which is certainly cause for consideration, we must also think soberly about the distance we have yet to go.

So, I find myself...most grateful for the wonderful honor that the Association has given me, looking both back to its past and forward to our future, and content to think that my name will perhaps someday be run across by a future legal researcher, who spends a few delightful hours reading through the *Women Lawyers' Journal* and gaining an appreciation for the efforts of her foremothers in the law. It is personally rewarding indeed to think that I have achieved even a small place in the written history of women lawyers and their progress in this country, and I thank the Association for making that possible.



**' We have
women on
every circuit
bench in the
federal
system and
on virtually
every state
high court '**

1982

Equal Rights Amendment defeated after 10-year effort.

1987

U.S. sees its 1st trillion-dollar budget.

1991

Gulf War with Iraq begins and ends.

1994

North American Free Trade Agreement is effective.

1995

Oklahoma City federal building is bombed.

U.S. Senator gains NAWL honor

When U.S. Sen. Barbara Boxer puts on the gloves, it's not for tea at the Ritz. The Californian is noted for jumping into the Congressional ring and swinging hard punches when it comes to protecting women and their rights.

"Not often does this Association choose to honor someone outside the legal profession unless their efforts have been exceptional," noted NAWL President Janice Sperow. "Without question, Sen. Boxer has been a real fighter for women in the House and the Senate."

Sen. Boxer will be honored by NAWL Tuesday, Apr. 7, at a luncheon at the U.S. Grant Hotel in San Diego. She will receive NAWL's 1998 President's Award for the Advancement of Women.

SEN. BOXER WAS elected to the Senate in 1993 after serving in the U.S. House of Representatives for ten years. While in the House, she authored the Violence Against Women Act, then cosponsored it in the Senate. As part of the 1994 crime law, it imposes tougher penalties against sexual crimes and provides new resources to local law enforcement to enhance crime prevention.

Sen. Boxer also introduced legislation to encourage medical schools to train doctors to recognize the signs of domestic violence and refer victims to agencies for help. Additionally, she introduced legislation to make it a federal



Sen. Barbara Boxer

crime to cross state lines with intent to "stalk".

An advocate of "equal pay for equal work," Sen. Boxer cosponsors legislation to broaden this protection to ensure equal pay for equivalent or comparable work.

She is the acknowledged Senate leader in the fight to protect reproductive rights and women's health. She authored the Family Planning and Choice Protection Act of 1997, a comprehensive bill to protect women's reproductive health, and helped lead the floor fight for passage of the Freedom of Access to Clinic Entrances Act.

Sen. Boxer also fought for passage of the Family and Medical Leave Act, drawing attention and resources to women's health issues such as breast cancer. She was also instrumental in stopping the Senate move to eliminate stronger quality and safety standards for mammography.

ALMOST HALF of Sen. Boxer's recommendations for federal district court have been women.

Sen. Boxer is a member of the powerful Committee on Appropriations, as well as the Budget, Environment and Public Works, and Banking, Housing and Urban Affairs committees.

Prior to her election to the U.S. House of Representatives, she served six years on the Marin County Board of Supervisors, where she was elected the first

woman board president, and is a former stockbroker and journalist.

IN ADDITION TO the award presentation, Rebecca Speer will keynote the luncheon, addressing "Workplace Violence: The Leading Killer of America's Working Women."

Ms. Speer is a San Francisco employment and labor law attorney chairing NAWL's national committee on workplace violence. Her experience as a survivor of the July 1993 rampage at the 101 California Street highrise in San Francisco, which killed nine people and injured six others, has been a major motivation to her advocacy efforts.

Ms. Speer concentrates on workplace violence and prevention management: providing organizations, and the lawyers who counsel them, a clearer understanding of the dangers, the liabilities, the debilitating impact on both women and employers, and strategies to better manage threats to employee safety.

The program is made possible in part by the support of

Hahn & Bowersock, Court Reporters, with offices throughout California. The Lawyers Club of San Diego is cosponsoring the event.

For more information or reservations, use the Back-Page Fax-Back of this magazine to request a registration form.



Ms. Speer

Midyear meeting draws attention

The domestic violence element of workplace violence was explored in a panel discussion at the 1998 midyear meeting in Nashville.

Among the unsettling statistics discussed: 17% of all women and 28% of African-American women killed at work from 1992 to 1994, were slain by a current or former husband or boyfriend.

The panelists, right, included Sharon Eiseman, an employment lawyer with Ancel, Glink, Diamond, Cope & Bush in Chicago, who represents public sector clients; the Hon. Brenda Waggoner, presiding judge of the Knox County (Tenn.) General Sessions Court; and moderator Rebecca A. Speer, chair of NAWL's Workplace Violence Committee. Not pictured is Sgt. Mark Wynn, head of the Domestic Violence Unit of the City of Nashville Metropolitan Police Department, whose presentation won a standing ovation.



Part of the workplace violence panel.

Next slate of officers nominated

Katherine J. Henry of Washington, D.C., NAWL's vice president for the past two years, has been nominated to serve as association president for 1999-2000. Two new candidates for the member-at-large positions on the 1998-99 executive board were also recommended: Caryn Goldenberg Carvo of Ft. Lauderdale and Cynthia Eva Hujar Orr of San Antonio.



Ms. Henry

MS. HENRY IS COUNSEL in the Insurance Coverage Practice Group of Dickstein Shapiro Morin & Oshinsky LLP. She is an experienced appellate litigator and has practiced before state and federal appellate courts and the U.S. Supreme Court. Ms. Henry clerked for a well-known civil rights jurist, the Hon. Irving L. Goldberg, Judge for the U.S. Court of Appeals, 5th Circuit, and interned at the office of the U.S. Solicitor General. She received her J.D. with honors from the University of Chicago, where she served as an associate editor

of the law review, won the moot court competition, chaired the moot court board, and was a law and government fellow.

In addition to chairing the Membership, Amicus and Constitution & Bylaw committees, she also serves on the Public Service and Strategic Planning committees.

Ms. Henry joined NAWL as a law student in 1987 and was elected to NAWL's executive board in 1995. Typical of her commitment, when blizzards engulfed the Washington-Baltimore area during NAWL's 1996 midyear meeting, she packed her overnight bag, threw it in the trusty pickup truck and drove through the snowstorm to Baltimore in search of overnight accommodations to make sure she was there for the General Assembly and executive board meetings. Her husband, William Thomas Welch of Barton Mountain & Tolle in McLean, Va., is also a member and frequent photographer for NAWL's midyear and annual meetings.



Ms. Carvo

CARYN CARVO, a partner in the law firm of Carvo & Emery, P.A., is a trial attorney whose main concentration is in the area of commercial litigation and criminal defense. She is also a hearing officer for the Broward County (Fla.) Consumer Affairs Division. She has done substantial work in foreclosure, construction litigation, banking and bankruptcy. Following her graduation from St. John's University School of Law, she worked as a prosecutor in Brooklyn, then went into private practice with the firm of Shea & Gould in New York City. In 1989 she moved to Florida, where she is active in the Florida Bar; the Women's Political

Caucus; Broward County Women Lawyer's Association; Outreach Broward, a program for abused and neglected teenagers; the Anti-Defamation League Civil Rights Committee; and, as their legal representative, the Broward 10-13 Club, an organization of retired New York City police officers. She served as 1994-95 president of the Florida Association for Women Lawyers. A member of NAWL since 1996, Ms. Carvo chairs NAWL's Centennial Committee.

CYNTHIA HUJAR ORR is with the law offices of Goldstein, Goldstein & Hilley. Her practice is state and federal trial and appellate work, and she has been board certified by the Texas Board of Legal Specialization in criminal law since 1994. She is active in the National Association of Criminal Defense Lawyers, ABA, the Association of Trial Lawyers of America (ATLA), San Antonio Criminal Defense Lawyers Association, San Antonio Bar Association, and a director of the Texas Criminal Defense Lawyers Association.



Ms. Orr

For four straight years (1994-1997) she has won the Texas Criminal Defense Lawyers' Presidential Award. She received her J.D. from St. Mary's University in San Antonio. A NAWL member since 1994, Ms. Orr has served on NAWL's Outreach Committee.

The election will be held during the General Assembly of the 1998 Annual Meeting in Toronto, Friday morning, July 31.

Immediate Past President Myrna S. Raeder of Los Angeles and Corresponding Secretary Margaret Bell Drew of Norwood, Mass., will be retiring from the executive board at the conclusion of the August 1998 annual meeting in Toronto.

Prof. Raeder will begin her term as chair of the ABA Criminal Justice Section. Ms. Drew, who is also immediate past president of the Massachusetts Association of Women Lawyers, will continue to serve as NAWL's liaison to the ABA Commission on Domestic Violence, as the regional representative for Massachusetts, and on the Amicus and Membership committees.



Also in Nashville Dr. Sandra Thomas, author and director of the Ph.D. program in nursing at the University of Tennessee in Knoxville, led a workshop on anger control and management, "Use Your Anger," at the midyear meeting.

Awards go to two at meeting

During the General Assembly of the 1998 midyear meeting in Nashville, two awards were presented to NAWL members for service to the Association.



Ms. Cusack

Mary Jo Cusack of Columbus received NAWL's Lifetime of Service Award. In nominating Ms. Cusack, Betty Southard Murphy of Washington, D.C., wrote, "Mary Jo has done so much for our Association and for women..." In making the presentation, Ms. Murphy noted, "The person who is receiving this award is one whose whole life has been marked by achievement and still is. She has climbed steep hills and when she reached the top, she stopped and pulled other women up behind her. She also showed them the path, so that they would not have it as difficult as she did."

"A 1959 GRADUATE of the Ohio State University School of Law, she spent a couple of years in the state government and then in 1961 formed her own law firm, Cotruvo & Cusack, in Columbus, Ohio. She is still with that firm. But from 1971 to 1982, she served with distinction as Special Counsel to Ohio Attorney General Bill Brown. At the same time, she was adjunct professor in family law and probate law at Capital University Law School in Columbus...Her ABA activities include serving as a delegate to the House of Delegates, and she was elected a Life Fellow of the ABA Foundation. She is also a Fellow of the Ohio Bar Foundation and a Life Fellow of the Columbus Bar Foundation...She served as president of Kappa Beta Phi International Legal Association...president of the Women Lawyers of Columbus, vice president of the National Board of Trial Advocacy...president of the Ohio Association of Attorneys General, she was also deemed to be a Master Lawyer of the American Inns of Court which were founded by former Chief Justice War-

ren P. Burger.

"She also served as president of the Central Ohio Municipal Council. In addition to filling these important elected positions, she served with distinction as a member of the Ohio Commission on the Status of Women and is a member of the National Women's Political Caucus. For fun, she serves on the board of the Columbus Theatre Ballet Association.

"You can find her in *Who's Who of American Women*, *Who's Who of American Law* and *Who's Who of International Law*. But she still finds time to serve her immediate community. For nine years now, she has been president of the village council of Riverlea Village, Ohio."

A NAWL member since 1969, Ms. Cusack capped her years of service by being elected 1984-85 president. She still continues active participation on two committees, Amicus and Strategic Planning, as well as serving as the liaison to the National Board of Trial Advocacy.

AMONG THE MANY hours of volunteer advocacy Ms. Murphy cited, she particularly commended Ms. Cusack's efforts on behalf of attorney Sharon Prost, former Chief Counsel to

the then-minority caucus of the Senate Judiciary Committee, who lost custody of her two sons as a result of her high profile job.

Betty Southard Murphy, a partner in Baker & Hostetler, one of the oldest and largest law firms in the U.S., presented the award on NAWL's behalf. Ms. Murphy is unique herself, as the only person to have served as both Chairman of the National Labor Relations Board and as Administrator of the Wage & Hour Division of the U.S. Department of Labor, both presidential appointments. She has had five additional Presidential appointments to special commissions. She is a member of the Executive Committee of the American Arbitration Association, chairs the International Committee of the ABA Dispute Resolution Section, and was recently appointed to the Mediation Panel of the World Intellectual Property Organization.

THE 1997 Service Award, presented annually to the NAWL member who has shown a full commitment to the Association, was presented to Susan Maloney of New Bedford, Mass. She is an Electrical Engineer at the Naval Undersea Warfare Center in Newport, R. I. After obtaining her B.S. and M.S. in electrical engineering, she went on to obtain her J.D. from the Southern New England School of Law.

While continuing to work at the Naval Undersea Warfare Center, she maintains her own law office, focusing primarily on wills, trusts, and elder law.

MS. MALONEY joined NAWL as a law student in 1993. Since passing the bar in 1996, she has served on NAWL's Amicus, Legislation, and Office Technology committees, and co-chairs the Young Lawyers Committee. She also created a NAWL's web page on the Internet.

(Find it on the Web at www.kentlaw.edu/nawl/nawl.html.)



Ms. Murphy

Riverlea Village, Ohio."



Ms. Maloney



Midyear stars Virginia Mueller, center, and the Hon. Mattie Belle Davis, Coral Gables, Fla., received star pins from Executive Director Peggy L. Golden to complement certificates they had received earlier for their work and dedication during 1994-95.

Member profile

Mavis T. Thompson
St. Louis

NAWL member since spring 1997.

Born St. Louis.



Family An only child, her mother and her mother's only living brother live with her.

Practice Appointed by the governor

in 1993 to an unexpired term as circuit clerk; elected in August 1994. Previously, a St. Louis public defender. Her path to the law began as a nurse and patient advocate. Lobbying for their rights led her to the law library.

Recent accomplishments Having her 90-year-old Victorian home, across from old Sportsmans Park, restored (and surviving the 5-year process), and as a post-holiday gift to her mother, treating her to a Caribbean cruise to say "thank you" for the years of sacrifice and hard work that allowed Mavis to pursue her education.

Memorable moments Graduating from nursing school at the University of Missouri-Columbia, she was the only African-American in her class. Five bus loads of friends from her church, neighborhood, and a drum corps she had participated in came to the ceremony. A turning point in her life was the death of her grandmother: "Her daily prayer had been to see me attend college. She died during my first semester, and I became the first member in my family to graduate from college."

Passionate causes Making a difference to society. "I love that old gospel song: 'If I can help somebody along the way, then my living is not in vain.'"

NAWL member appears likely to be ABA president

She's on her way to the top of the ABA! **Martha Barnett** of Tallahassee appears to be running unopposed for the 1999-2000 president-elect position. She served as chair of the ABA House of Delegates from 1994-1996. A NAWL member since 1986, she was the first recipient (1996) of NAWL's highest honor, the Arabella Babb Mansfield Award. At the 1997 awards and installation luncheon in San Francisco ("Celebration of Diversity"), Ms. Barnett dubbed herself and that year's recipient, Judge Bernice B. Donald of Memphis, the "Belles" in honor of Arabella and long-time NAWL member and supporter, Judge Mattie Belle Davis.



Ms. Barnett

Los Angeles attorney **Gloria Allred** represented Hunter Tylo in her successful suit of Spelling Entertainment Group and Spelling Television Inc. for breach of contract and pregnancy discrimination. The jury awarded the pregnant actress, fired from *Melrose Place* in March 1996 when she was five weeks pregnant, \$4 million for emotional distress and over \$800,000 for economic loss in their decision Dec. 22. Ms. Allred received NAWL's Outstanding Member Award for 1997 at the annual meeting in San Francisco last summer.

Former *Journal* editor **Veronica Boda** of Brigantine, N.J., is living a little closer to the ocean these days. The winter's Nor'Easters have washed away most of the 14th Street North Seawall area and she lives just one block away at 13th Street North.

Suzanne Cohen, Golden Gate University's 1997 NAWL Outstanding Law Student, has moved from Walnut Creek to Blythe, Cal., to serve as district attorney. She is not only the sole woman attorney in Blythe, but also in all of Riverside County!

1997 Outstanding Law Student **Meg L. DeRonghe** has joined the law firm of White & Case in Washington, D.C. Ms. DeRonghe was selected by the University of Michigan to receive the

NAWL award last spring.

NAWL member **Laura Farber** of Pasadena was featured as one of the nation's youngest law firm partners in the fall 1997 issue of *The Associate*, a magazine for young lawyers published by National Jurist. A litigator, she made partner at 30 in the 23-lawyer firm of Hahn & Hahn. She is past president of the Los Angeles County Bar Association's new and young lawyer division and also a member the Mexican American Bar Association. And in Dec. 1996, with the birth of a son, she added motherhood to her impressive list of responsibilities.

Pick up the March 1998 issue of the *ABA Journal* and on page 88 you'll see a picture of NAWL president-elect **Susan Fox Gillis** and her cat, Holmes. The Chicago attorney was one of several featured in the "Out of the Office" article by Jill Schachner Chanen about quilting. Her quilting coach? Hilda Golden, mother of NAWL's executive director and a regular volunteer at the headquarter's office and recent midyear and annual meetings. NAWL members **Nancy Hablutzel** and **Nancy Nicol** are also learning new needle techniques from this long-time quilter.

Edith Osman of Miami is the new president-elect of the Florida Bar Association, only the second woman to be elected., and according to FAWL's winter newsletter, she was without opposition. She will assume the presidency in June 1999. Ms. Osman served as the Florida Association for Women Lawyers (FAWL) president (1989-90), as president (1991-92) of the Florida Council of Bar Association Presidents, as a director of the National Conference of Women's Bar Associations (1990-92), as chair of the 1996-97 Florida All Bar Conference, and was the first recipient of FAWL's Outstanding Achievement Award (1997). The current president of FAWL, **Jennifer Coberly** of Miami, and secretary, **Kathleen Fox** of Alachua, are



Ms. Osman

also individual NAWL members.

At 103, **L. Berenice Gremmels** of Chicago was featured as the "Oldest Woman Lawyer In Illinois" in the Jan. 1998 issue of the *CBA Record*. Admitted to the Illinois bar in 1940 and a NAWL member since 1953, she may be our oldest member as well: born in Jan. 1895 in Iowa, she predates the association (as the Women Lawyers' Club) by four years.

Hawaii Women Lawyers recently received ABA Certificates of Appreciation for two of their publications: their Domestic Abuse Help Cards (described in the previous issue of this *Journal*) and the 3rd edition of "Our Rights, Our Lives."

Heather Bond Vargas of San Martin, Cal., writes that "a lot of wonderful things have happened" since she received the NAWL Outstanding Law Student Award last year from the University of Richmond. She passed both the Washington and California state bar exams, married in December, and in February, began working with Employment Mediation and Litigation Services. Look for her article about domestic violence in the workplace in the summer issue of this magazine.

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:

California

R. Ann Fallon
Adele Fenstermacher
Dianna Gould-Saltman
Justine S. Jusin
Rebecca D. Kleinman

Illinois

Nancy Hablutzel
Brenda Muench

Michigan

Elizabeth O. Callahan
Yvette L. Willson

Missouri

Rosetta Robins

Tennessee

Nancy Krider Corley

Former president was lawyer and scientist

BY THE HON.
MATTIE BELLE DAVIS

NAWL Historian

Meredith Pleasant Sparks, a former NAWL president and long-time resident of Coral Gables, Fla., died in Houston Jan. 2, 1998, at the age of 92.

She had moved to Houston 11 months earlier to be near family. On New Year's Day, she had lunch with her son, John Sparks, M.D., and other family members in his home. They were sitting on a sofa when she suddenly suffered a heart attack. She died at Herman Hospital, Houston, the next day.

Mrs. Sparks was born in Palestine, Ill., in 1905, a daughter of John L. and Laura Pleasant. While in high school, she studied piano at the Indiana College of Music and Fine Arts (later affiliated with Butler University) and by age 16, she played with a band at the Circle Theatre in Indianapolis and was heard over the airwaves of Radio Station WLK.

FORSAKING MUSIC to become a scientist, she graduated from Indiana University with distinction, earning an A.B. with a major in chemistry, minors in physics and math. She received an M.A. at Indiana and a Ph.D. in chemistry from the University of Illinois in 1936.

Six years earlier she had married William J. Sparks, also a chemist. They had four children: Ruth Foster of Bethlehem, Penn.; Katherine Cowl, an attorney, in Crozier, Va.; Charles Sparks, M.D., of Pittsford, N.Y.; and John Sparks, M.D., in Houston.

From 1929-34, Mrs. Sparks worked as a chemist for DuPont Electro-Chemicals in Niagara Falls, where she authored a book, *Sodium*. She worked at Northam-Warren in New York City in 1939, then as a chemical patent agent for American Cyanamid from 1941-46.

She decided to study law to combine with her chemist's background as a patent attorney. She graduated from Rutgers University School of Law with a J.D. in 1958, was admitted to the Florida bar that same year, and became a registered patent attorney. Her clients included Merck Pharmaceuticals, National Distillers and Aircro.

THE SPARKS MOVED to Coral Gables in 1958, where she continued her practice in patent, trademark and copy-right law, primarily in the scientific field.

IN MEMORIAM

• NAWL received belated notification that **Ruth Huskey Brunson** of Little Rock died Sept. 3, 1995. She was admitted to the Arkansas bar in 1941, joined NAWL in 1962, and became a Special Member in 1986.

• **Grace D. Cox** of New York City, 1967-68 NAWL President and a member since 1958, died Feb. 20, 1998. She was admitted to the New York bar in 1945.

• **Meredith P. Sparks**, a Life Member of NAWL and 1981-82 President, died Jan. 2, 1998 in Houston.

From 1981-82, Meredith Sparks served as president of NAWL. One of the highlights of that year was a reception honoring Justice Sandra Day O'Connor, who had been appointed to the United States Supreme Court just two months earlier, and other women judges at the Army-Navy Club in Washington, D.C.

At the conclusion of the regional meeting, Nov. 16, 1981, President Sparks moved the admission of a group of nine NAWL members to practice before the United States Supreme Court, where Justice O'Connor graced the Bench. Those admitted included Mrs. Sparks daughter: Katherine Sparks Albrecht (later Cowl), who has been a member of NAWL since 1973.

Mrs. Sparks was also a member of the ABA, the Florida Association for Women Lawyers, the Zonta Club, among other associations, and was listed in the first edition of *Who's Who in American Law*. She served as legislative chair of the Miami branch of the AAUW and worked actively for ratification of the Equal Rights Amendment.

In addition to her four children, she is survived by 11 grandchildren (including a granddaughter who is a lawyer) and several great-grandchildren.

She is buried at McCray Cemetery in Wilkinson, Ind., near Indianapolis.

New tax law a woman's thing

BY MARTHA A. JOHNSTON

Feminist author Naomi Wolf in her book *Fire With Fire* hails a new female power that encourages us to capitalize on recent gains and reach a level of comfort with our power, including money. When women have money, others have no choice but to listen. When women have equity, they have influence as shareholders, sponsors, and alumnae. The language the status quo understands is that of money.

Women have caught on to the notion that money is not only a necessity, but money is power and independence. Today, women's financial fitness is no longer a taboo subject, but is instead a primary concern.

Women have unique needs in saving for retirement, and research shows that men and women invest differently. Christine Cooke, Vice President of Education Services at Merrill Lynch writes in *Insights & Strategies* that the most dramatic difference is that women don't save for retirement. Cooke emphasizes, "Not only do women save less than men, they tend to invest less aggressively," which leaves women with significantly less upon retirement than men. Cooke adds, "women often leave work to raise children and/or take on eldercare responsibilities, which may have a negative impact on their company pension and Social Security."

Married women tend to outlive their spouses, and consequently may allay financial concerns, believing that moneys inherited from their husband's estate will be sufficient. "Even married women who inherit may discover that assets are eroded quickly by spiraling inflation and health-care costs," says Cooke. "With Social Security and company pensions providing less and less toward peoples' retirement, combined with a high divorce rate, women shouldn't rely on someone else to fund their retirement."

In light of women's investment tendencies, it's critical for women to be ac-

tive in managing their money and preparing for the future.

Significant federal tax law changes were enacted in August 1997. The Taxpayer Relief Act strives to balance the budget and give U.S. taxpayers a \$95 billion tax cut, the largest since 1981. Many of the key components are aimed at boosting savings and investment. In addition to child tax credits and tax breaks regarding education and homeownership, the new Act gives us long-awaited cuts in capital gains rates, increases the estate tax exemption, expands IRAs, and creates new IRAs.

CHILD TAX CREDITS

In 1998, parents may claim a per-child tax credit of \$400 for dependents under 17. After 1998, the credit extends to \$500 per dependent.

The credit however, will be phased out for married couples filing jointly who have an adjusted gross income over \$110,000, and for single parents with a gross income of over \$75,000.

On the other end of the spectrum, parents with incomes of \$18,000 or less will get some credit, even if they do not owe any taxes.

EDUCATION

Beginning in 1998, investors may contribute a nondeductible amount up to \$500 annually for each child through the child's 18th birthday. Withdrawals for qualified higher education expenses are tax free, and will be excluded from income.

The \$500 limit is phased out for single tax payers with an adjusted gross income between \$95,000 and \$110,000, and joint tax payers with a gross income over \$150,000 are ineligible to contribute.

Student loans: Deductions for interest on student loans are allowed, up to a maximum annual amount of \$1,000 in 1998, and increasing to \$2,500 in 2001.

Based on adjusted gross income, these deductions will be phased out:

College tax credit—\$1,500 a year per student for the first 2 years of college; \$1,000 a year per student for later years

This college credit will be phased out gradually for couples filing jointly with an adjusted gross income threshold of \$80,000 to \$100,000; and for single taxpayers with a gross income threshold of \$40,000 to \$50,000.

CAPITAL GAINS

The long awaited capital-gains tax cut is finally here, and benefits homeowners in addition to individuals who

sell securities. Changes are as follows:

Long-term capital gains tax rate has dropped from 28% to 20%. Long-term gains currently taxed at 15% will be lowered to 10%.

Caveat: The "long-term" holding period has been increased from 12 months to 18 months for sales after July 28, 1997.

The holding period for short-term capital gains is up to 12 months, with a top tax rate of 39.6%.

Mid-term capital gains are classified with a holding period of 12 to 18 months, and taxed at the prior top rate of 28%.

Special rules apply for 1997:

- For sales between May 7 and July 28, the 20% rate applies to holdings of more than 12 months.

- For sales after July 28, with a 12-18 month holding period, the old rate of 28% applies.

More good news: Effective in 2001, assets acquired and held more than 5 years will be taxed at a maximum rate of 18%. The rate for people in the 15% bracket drops to 8%.

And great news for homeowners: capital gains from the sale of a principal residence of up to \$250,000 for single taxpayers and \$500,000 for couples filing jointly, are now excluded from tax! Previously, only individuals 55 or older were eligible, and for only a one-time sale exclusion.

Now these gains may be taken every two years! More precisely, the taxpayer can exclude gains if they have not sold another primary residence within two years of the date of sale of their current residence. I have already witnessed the effects of this new law in my area, with a marked increase in numbers of "For Sale" signs popping up.

Constructive sales of securities will be deemed to be a sale, eliminating the tax deferral on the gain for constructive sales made after June 7, 1997. Constructive sales include the popular strategy of "short sales against the box," where investors enter into a short sale of securities they already own.

ESTATE TAX

The amount that may be passed to individual heirs, estate and gift tax-free, will be gradually increased from \$600,000 in 1997 to \$1 million by 2006. For 1998, the amount is \$625,000.

The \$10,000 each person may gift annually to another without incurring gift tax will now have annual cost-of-living adjustments.

Committee Report LEGISLATION

Martha A. Johnston of Reddick, Fla., serves on NAWL's Legislation Committee. She was the University of Florida's 1996 NAWL Outstanding Law Student. Tax planning information for this report is from Merrill Lynch, Smith Barney, and Summit Bank publications.

Heirs to family-owned businesses and farms will get an additional exemption for a total amount of \$1.3 million in 1998. (For qualification, stringent requirements apply that affect both the decedent owner and the family members participating in the business.)

New changes to charitable remainder trusts insure the intent that both the income recipient and the charity benefit from the trust. Income distributions are now limited to 50% of the value of the trust, and the charities' initial interest in the trust must be at least 10% of the original value of the trust.

IRAs

From 1998 on, income limits for deductible IRAs are raised to \$30,000 for singles filers and \$50,000 for couples. Income amounts further increase to \$50,000 for singles and for 2005 forward, and \$80,000 for couples filing jointly for 2007 forward.

There will no longer be a 10% penalty for early withdrawals up to \$10,000 before the age of 59½ for:

- First time home buyers;
- Meeting higher education expenses for oneself, spouse, child, or grandchild.

Beginning in 1998, a spouse will be allowed to contribute into a tax deductible plan even if the other spouse is an active participant in an employment-based retirement plan. (However, this contribution is phased out for taxpayers with an adjusted gross income between \$150,000 and \$160,000.)

New "Roth" IRA

Named for Sen. William Roth of Delaware, this new IRA is for those whose income is too high for standard IRAs, and offers new flexibility of distributions.

Contributions to Roth IRA are not tax deductible, but funds grow on a tax-free basis. Tax-free distributions are allowed at age 59½ or older, upon owner's death or disability, or for up to \$10,000 towards 1st time home purchase.

Tax-free distributions are not allowed until an account has been open 5 years or more.

Unlike standard IRAs, one may continue contributions after age 70½. Further, mandatory distributions are not required, regardless of age.

In conclusion, the tax law of 1997 provides significant incentives for savings and investment by women both young and old. Due to the complexity of the new Act, consequences to individuals will vary.

Please consult your tax advisor for additional information and advice as to your own circumstances. Here's to your wealth.

Egypt responds to plea to end female mutilation

BY EVA HERZER

In mid-1997, NAWL joined with a world-wide coalition of NGOs concerned with women's rights to stop female genital mutilation (FGM) in Egypt. NAWL's President, Janice Sperow, and its International Law Committee sent appeals to Egyptian authorities explaining the international law violations involved in the cutting of women's and girl's genitals. NAWL requested these officials to use their good offices to assure an end to this harmful practice.

In July of 1996, the Egyptian health minister had issued an order banning mutilating clitoral surgeries.

THE BAN COVERED all such surgeries, not just those performed in government hospitals. Islamic conservatives argued that female circumcision should be seen as a cultural issue and should not be regulated by the government. Under pressure from these conservative forces, a lower court overturned the ban last year, ruling that girls were entitled to these surgeries under the Koran. FGM is a widely spread practice in Egypt, not only by Muslims but also among Coptic Christians.

Following the court's ruling, a courageous and effective Egyptian FGM task force, with the assistance of Equality Now and international women's organizations, such as NAWL, launched a massive public education and lobbying

campaign to reverse the overturning of the ban against FGM. On December 29, 1997, the Supreme Administrative Court of Egypt, no doubt not unaffected by the international campaign, overturned the

lower court's ruling, and reinstated the across-the-board ban on female circumcision. The court, responding to Islamic conservative critics, specifically held that "circumcision of girls is not an individual right under Sharia" and that "there is nothing in the Koran that authorizes it".

NAWL's efforts regarding FGM in The Gambia were also successful. There, the major mass media, funded by the government, had decided last year it would not allow anti-FGM discussions on its channels. In November of 1997, following a national campaign joined by international organizations, including NAWL, the government of The Gambia overturned the media director's decision and announced that all NGOs may use government media to discuss issues relating to the FGM.

SINCE EGYPT is regarded as a leading country for Islamic scholarship and jurisprudence, Egypt's recent court ruling is expected to have far reaching results. While the court's decision is not appealable, conservatives have indicated that they will seek to overturn it. This issue may very well become for African nations what racial desegregation was for the United States for a long period of time: A long and painful struggle between the law and the courts on one hand, and public opinion and resistance on the other hand.

Committee Report
INTERNATIONAL

Eva Herzer, chair of the International Law committee, is a lawyer and mediator in Kensington, Calif.

New panel will take long view

Leslie Blau of Winter Park, Fla., has been appointed by President Janice Sperow to chair a new Strategic Planning Committee for the Association.

THE SPECIAL committee will focus on the opportunities the changes in the profession and the new millennium provide, as well as recommend a marketing and operations plan.

In addition to Ms. Blau, Mary Jo Cusack of Columbus and executive



Ms. Blau

board members Sally Lee Foley of Bloomfield Hills, Mich., Katherine Henry of Washington, D.C., and Elise Singer of Philadelphia will be participating.

The last extensive long range plan by the Association was presented at the 1985 annual meeting in Washington, D.C., and published in the April 1986 *President's Newsletter*, during Sacramen-

to attorney Virginia Mueller's presidential term.

Bill would end bidding preferences

BY LORRAINE K. KOC

Committee Report LEGISLATION

A measure introduced in the U.S. House of Representatives, known as the Legal Remedies to Eliminate Discrimination, H.R. 1909, would prohibit the federal government from granting "preferences" to individuals based on race, color, national origin or gender in federal employment, contracting and subcontracting matters, while permitting efforts "to encourage businesses owned by women and minorities to...recruit qualified women and minorities into an applicant pool" for such matters.

Although a House Judiciary subcommittee approved the bill, the full Judiciary Committee tabled the bill. During the holiday recess, the bill's chief sponsor, Rep. Charles Canady, R-Fla., announced his intention to re-introduce the bill during this legislative session. On Jan. 31, 1998, the NAWL Board of Directors reviewed the bill and unanimously passed a resolution opposing the bill.

Bills enabling employees to choose compensatory time off in lieu of overtime (H.R. 1 and S. 4) were sidetracked in the Congress and would face the threat of a veto by President Clinton.

On Feb. 9, 1998, the Treasury Department issued a new "innocent spouse initiative" to provide assistance to taxpayers whose spouses violate the tax laws without their knowledge. More information can be obtained from Clare Calaby of the IRS Office of Public Liaison, telephone 202/622-5082.

The taxpayer Relief Act of 1997 enacted significant changes while giving taxpayers a \$95 billion tax cut, the largest since 1981.

Key components are aimed at boosting savings and investment, and provide child tax credits, tax breaks for education and home ownership, cuts in capital gains rates, increases in the estate tax exemption, and expands existing and new IRAs. (A full report on the tax law appears on Page 22.)

Lorraine K. Koc, chair of the Legislation Committee, is general counsel for Deb Shops Inc. of Philadelphia.

Member profile

Carol H. Stewart
Birmingham,
Ala.

NAWL member since spring 1995; currently serves on the membership and program committees, and as the regional representative for Alabama.



Born Mooresville, N.C.

Family Married to Lewis M. "Rusty" Stewart, involved in commercial real estate development and brokerage; stepson Judson is in insurance; stepdaughter Katherine is a college sophomore. Also, Grace, a schnauzer, Emma, a fox hound-greyhound mix, and Baby, a shi-tzu.

Practice Senior woman partner with Burr & Forman, a 120-person firm. "Most of my practice involves

business torts litigation. However, I have recently been involved in an environmental matter on behalf of Westinghouse Electric Corp."

Recent accomplishment Currently on the executive committee of the Birmingham Bar Association and president of its Women's Section; also serves as a commissioner from Jefferson County to the Alabama State Bar Association.

Passionate causes The Greater Birmingham Humane Society. "For the past two years, I have served as president of the board of directors, and it is the most rewarding work I have ever done. Being able to lend professional and business advice to this organization has, in my opinion, helped move us ahead. Additionally, I have recruited all of my animal-loving friends to become involved and contribute in their own ways. In addition to my three permanent 'children,' I almost always have guest dogs in my home through the foster program of the GBHS."

Studies look at ways to level men's playing field advantage

Two recent reports by the ABA Commission on Women in the Profession are targeting ways to end gender discrimination—one in the law office and the other in law school.

In the case of law firms, the situations are all too familiar:

Two fifth-year associates at a law firm received glowing letters from clients, and both were rated as having exceptional people skills. But when it came to their performance reviews, it was a different story.

While the female's evaluation merely acknowledged her people skills, the male's evaluation read, "He is good with clients." The same behavior was identified in both, but for the male it was translated as a concrete legal skill.

Fair Measure: Toward Effective Attorney Evaluations, a manual published by the ABA Commission on Women in the Profession, is designed to help law firms and other employers eliminate this

kind of gender bias in lawyer performance reviews and training. The report addresses the importance of an objective, credible evaluation system that ensures the opportunities for development and advancement for every lawyer are determined by qualifications and merit. Such systems, according to the report, ensure the firm's ability to attract and retain the best legal talent, which has a positive effect on the firm's bottom line.

The information in the 120-page guide was gathered from a variety of sources. In addition to a series of interviews conducted of male and female lawyers at all levels of the law firm hierarchy, feedback was sought from human resource managers in law firms, government agencies and corporations. Theoretical research of legal marketplace statistics and personnel management reports, as well as studies from the psychology, sociology and education industries, further augmented the report.

The book's appendices include an outline for the implementation phases of the evaluation process and a checklist for

Liaison Report COMMISSION ON WOMEN

determining how an employer's current evaluation system measures up to the suggestions offered in the publication. Current policies and forms that are successfully used in law firms are also included.

Teveia R. Barnes, corporate counsel for Bank of America in San Francisco and a member of the Commission, provided an overview of "Fair Measure" at the General Assembly in Nashville. Ms. Barnes said that the qualities for being the best lawyer are gender neutral, but stereotypes are gender specific. "Stereotypes affect judgments. Judgments affect evaluations."



"Fair Measure" stresses measuring merit and effectiveness of the attorney's work, not style. The program also advocates, in the evaluation process, more precision in choice of words.

This publication is available for \$49.95 through the ABA Service Center at (800) 285-2221.

As for law schools, a greater selection of qualified law school applicants, the potential for more alumnae donations, and correcting harmful misperceptions about the law school are among the benefits a law school can receive from conducting a gender self-study to evaluate its environment and degree of gender-friendliness, according to another new publication by the Commission.

Don't Just Hear It Through the Grapevine: Studying Gender Questions at Your Law School is being distributed at no charge to deans of the 180 ABA-accredited law schools to encourage them to perform their own surveys of gender fairness. The publication provides concrete steps law schools can take to perform self-studies to determine the level of gender-parity of students' experiences at their own law schools.

The 95-page report includes statistical information, persuasive arguments for conducting the self-studies, and steps to take based on the results. Appendices provide summaries of recent law school self-studies, sample student surveys and a sample alumni survey.

The report also is available for purchase at \$9.99, plus \$2 shipping and handling, through the ABA Service Center.

Dineen Pashoukos of Georgetown Law Center, NAWL's liaison to the student lawyers division of the ABA, was invited by the commission to critique a draft of the report.

Academics, advocates offer help for abuse cases

The ABA Commission on Domestic Violence completed a publication, *When Will They Ever Learn? Educating to End Domestic Violence: A Law School Report*, with the support of the Office for Victims of Crime.

The report, scheduled for distribution the end of February, describes the need to integrate domestic violence issues into law school curricula in order to train lawyers—including prosecutors, defense attorneys, family lawyers, and judges, among others—to better handle domestic violence issues.

The recommendations in the report

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stem from a meeting of experts conducted at the ABA, which invited law school clinical and upper level course professors, victim advocates from underserved communities, and a psychologist specializing in batterer intervention programs to participate. The report describes innovative law school programs and recommends improvements for the future. The publication also provides a resource directory of existing law school programs.

NAWL Executive Board member Margaret Drew, Norwood, Mass., serves as liaison to the ABA Commission on Domestic Violence.

Association's memorabilia part of exhibit at Chicago library

The Chicago Bar Association Alliance for Women and the Special Collections and Preservation Division of the Chicago Public Library created a special way to celebrate the 125th anniversary of the first woman to the Illinois Bar.

THEY'VE GATHERED some of the most significant materials related to the history of women lawyers in Illinois for an exhibition at the Harold Washington Library Center, titled *Bar None: 125 Years of Illinois Women Lawyers*.

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LOCAL BARS

Included in the display are materials provided by NAWL: issues of *Women Lawyers Journal*; the Association's *75 Year History* book, now out of print; and photographs capturing moments of history, such as NAWL's first national conference in Minneapolis and women lawyers marching in a suffragette parade.

The exhibit will run from Mar. 6-May 17, 1998 in the Special Collections Exhibit Hall B, 9th floor of the library center, 400 South State Street.

Minorities see bleak chances

A Catalyst study released in mid-February, *Women of Color in Corporate Management: Dynamics of Career Advancement*, reveals that women-of-color executives perceive formidable barriers to advancement that have not been addressed adequately by corporations.

While 57% of the women surveyed report they are satisfied with their jobs, only 34% are satisfied with their advancement opportunities. Given their current corporate environments, a quarter of the black women managers in the Catalyst survey indicate they do not intend to remain at their companies.

The women of color survey participants (over 1,700) indicate they lack access to influential colleagues at their organizations, and thus do not have the

mentors and sponsors that are vital to advancement: 47% of the participants report lack of a mentor as a barrier to advancement.

THEY HAVE few role models of the same race and ethnic group to encourage them to remain and they are not assigned the high visibility projects that provide advancement opportunity.

Catalyst is the research and advisory organization that works with business to advance women. Other publications include *A New Approach to Flexibility: Managing the Work/Time Equation* and *Two Careers, One Marriage: Making It Work in the Workplace*. For more information about the study or Catalyst's other projects, contact (212) 514-7600 or info@catalystwomen.org.



"Project WIN" committee members, from left, Alice Ginsburgh, Constance Cedras, Linda Correll and Janet Wright finalize plans for the symposium.

Project will help women lawyers to be winners

BY CONSTANCE CEDRAS

A new leadership and business development skill building course developed by women lawyers specifically for women lawyers was launched with a one-day introductory symposium Mar. 13 in Dallas.

The course was conceived in 1996 and developed by a group of women lawyers who are members of the Dallas region of the Women's Interest Network ("WIN International—Dallas") of the ABA Section of International Law & Practice. The concept originated in the Business Development Committee of WIN International—Dallas when members determined that they, and women lawyers generally, had little experience or were uncomfortable with marketing their legal services.

SOME MEMBERS had sought training in marketing and business development, but found that the courses available to lawyers at that time was aimed more at learning relationship and rapport building skills—those which come more naturally to women—and less on the more practical, core selling skills needed to market legal services—those at which men are frequently more adept and rewarded.

To determine if their experiences and perceptions were shared by a significant number of other women lawyers, this group conducted a nationwide market survey of members of the ABA's na-

tional Women's Interest Network, NAWL and WIN International—Dallas. The survey was also designed to elicit respondents' level of interest in leadership and business development skills training. The survey included questions about respondents' preferences for a program about mentoring relationships, professional coaching or cross-cultural training (for international lawyers).

THE RESULTS of the market survey dramatically showed the respondents' strong desire for both business development and leadership skills training; three-fourths of the respondents ranked these two elements almost evenly as the most desirable. Professional coaching was also highlighted as a desired element of a business development course. Respondents were most interested in a two-to three-day course, but also strongly supported a series of short courses.

Using the working title, "Project WIN", the group outlined an in-depth program which would include a series of two day courses providing leadership and business development skills training in a workshop setting with professional trainers, development of individual action plans by participants with the assistance of the trainers and professional executive coaches, post-workshop implementation by the participants of their individualized action plans with the support of coaches, and a closing workshop conducted by the coaches to measure the successes of individual partici-

pants and the program as a whole and to suggest additional tools for continued professional development.

BECAUSE THE Project WIN committee members are lawyers with their own career commitments and not professional trainers, it was decided that the committee would solicit proposals from professional trainers and coaches with experience and knowledge of the issues important to women lawyers and, hopefully, existing curricula in leadership and business development skills that could be adapted to the program.

The committee applied the same criteria to all proposals: the workshops had to include interactive exercises with participants mixed with the customary lecture format, provide practical "nuts-and-bolts" techniques that could be readily incorporated into the participants' activities and not focus predominantly on the theoretical aspects of leadership and business development. The trainers had to be willing to work with professional executive coaches who would serve as facilitators in the two training workshops to help participants create their individual development plans.

The concept generated an enthusiastic response from all bidders and the Project WIN committee chose Ruth Hermann Siress, author of *Working Woman's Survival Guide* and a trainer with National Seminars Group (a division of Rockhurst College Continuing Education Center, Inc., Shawnee Mission, Kan.) to provide the training in leadership skills, and Julie Eichorn, Esq., founder and president of Paragon (a law firm training and consulting company in Austin) to provide the business development training. Dr. Jeannine Sandstrom and CoachWorks Development Group, Dallas, were selected as the professional executive coaches to assist in the two training workshops and to conduct the closing workshop.

TO TEST the concept, the Project WIN committee decided to run a one-day course, one half devoted to leadership skills and the other half to business development techniques, using the two trainers selected for the in-depth program. This is the one-day course held in Dallas Mar. 13: "Successful Business Development & Effective Leadership Techniques from a Woman's Perspective."

The in-depth program will quickly follow with the first two-day module on "Influencing Skills for Women Lawyers" led by Ruth Hermann Siress in early June 1998.

Participants will create their individual leadership skills development plans in this workshop and implement the plan for eight to 10 weeks following

before the second two-day module "Women In The Law—Overcoming Barriers Through Successful Communication and Marketing" led by Julie Eichorn in late August 1998. During this workshop, participants will refine their individual development plans to include a marketing plan for implementation in the following weeks.

In November 1998, the course will conclude with a two-day workshop led by Dr. Jeannine Sandstrom and her colleagues in which the participants will measure the results of their plan implementation, share experiences with other participants in the same areas of practice (e.g., large private firm, corporate in-house, solo or small firm practice, government counsel), learn additional techniques and actions for continuing individual development and celebrate their successes at an awards banquet with senior partners or executives from their firms or organizations as well as representatives of sponsoring organizations.

Dates, location and tuition for the in-depth program are not yet final.

CURRENTLY, WIN International—Dallas and NAWL are the only organizational sponsors for the program. Additional organizational sponsors such as professional associations, educational foundations, state and local bar associations are being sought as are financial sponsors, including supportive law firms and corporations.

"Project WIN" Committee members are: Constance Cedras, committee chair and independent practitioner of international and commercial business law; Emily Barbour, of Gardere & Wynne and National WIN co-chair; Linda Correll, of Mobil Business Resource Corp.; Laura Frederick, of Hughes & Luce; Alice Ginsburgh, of Lone Star Gas Co.; Katherine Fekula Gotcher, independent mergers and acquisitions attorney; Jill Kotvis, of Hughes & Luce; Patricia Medina, of Carrington, Coleman, Sloman & Blumenthal; Janet Wright, of Gardere & Wynne; and Leslie Wylie, of Enserch Exploration, Inc.

There is still much to be done to make "Project WIN" a reality. Anyone interested in working with the committee should contact Constance Cedras, at 711 South White Chapel Road, Southlake, Texas 76092; telephone (817) 329-9076; fax (817) 421-4676; e-mail ccdras@ix.netcom.com or website <http://www.obeliskcom.com/cedras/>.

Registrations for the in-depth program should be directed to Janet Wright, Gardere & Wynne, 3000 Thanksgiving Tower, Dallas, Texas 75201; telephone (214) 999-4841; fax (214) 999-4667; e-mail WRIJA@gardere.com.

Member profile

Gail Sasnett-Stauffer

Gainesville, Fla.

NAWL member since May 1989, when she earned NAWL's Outstanding Law Student Award at Stetson University; currently treasurer-elect; also chairs office technology and resource development committees.



Family Husband David Stauffer, a sports psychologist, son Rhett, a student at Florida State University, and daughter Shannon, a student at the University of Florida.

Practice After graduating cum laude from law school, she continued her career in counseling and academics. She is currently Associate Dean of Students at the University of Florida College of Law.

Recent accomplishment Chaired the Citrus Committee for the Gainesville Kiwanis Club (also known as "the old men's club"),

which raised over \$10,000 for charitable projects; serves as the guardian ad litem for a 3-year-old.

Memorable moment "During law school, I was sitting in the middle of the family room floor, wrapping Christmas presents for my kids and feeling sorry for myself, when the thought flashed through my mind that God was going to send me a good man to be my husband. Not 10 seconds later, David called and asked me out."

Passionate cause "Having parents who felt that education was the key to success had a profound affect on me. I was encouraged to achieve and to live up to my potential. The fact my mother was a traditional stay-at-home homemaker meant I had no role model within my family for 'how to be a working woman.' I tried to do it all: putting a spouse through law school, having children, putting myself through law school as a working single mom, and working my way up the ladder. Now my children are grown, and I have time to pursue those interests in which I believe. NAWL is an organization which stands for values I hold dear. Mentoring is the key to maintaining those values for the future."

Member profile

Katherine N. Blackett

Albuquerque, N.M.

NAWL student member since 1995.

Born Hartford, Conn.

Family Daughter, Becky, 21.

Practice Not yet—a third year student at the University of New Mexico School of Law. After the New Mexico bar, she will be an associate at the Roswell law office of Hinkle, Cox, Eaton, Coffield & Hensley. Her interest is business law and natural resources,



especially oil and gas law.

Recent accomplishment Coordinating and processing editor of the *Natural Resources Journal*.

Memorable moments Working with Lorette Enochs, New Mexico Public Defender, Juvenile Division. "I am assigned through the Clinical Law Program at UNM to assist Lorette with her cases. Lorette is a fantastic lawyer, busy mother, community activist, and all around great person...She has opened my eyes to the world of juvenile delinquency...and I have reaped the rich rewards of genuinely listening to and helping troubled youth."

Passionate cause "Even though I look forward to practicing primarily oil and gas law and business law, I will always have time in my life for juveniles."

Let's hang up on 'Gal Friday'

My co-worker and I are organizing an on-campus symposia. The event requires a huge amount of work, with more than 20 panelists coming in from all over the country, hotels and airfare to arrange, a luncheon, a fancy dinner and a reception for 300 to cater, scores of registrations to process, press contacts to make.

Playing to each of our strengths, Dan has been the main contact person for the panelists, while I have done much of the behind-the-scenes organizing. I expect the panelist to ask for Dan when they call, because he is the one they have dealt with all along. But what I didn't expect is to have those same important people ask me if I am Dan's secretary when I answer the phone.

The first time it happened, I was almost too stunned to answer.

"We're law students; we don't have secretaries!" was the first thought that crossed my mind. Once I got past that obvious point, though, I was quite hurt by the sexist assumptions behind the remark.

"NO," I PATIENTLY EXPLAINED, "Dan and I are working together on this project and I am sure I can help you." I didn't bother saying that in the technical hierarchy of our Law Journal masthead, I am Dan's boss. That by almost any measure, Dan and I are equals: both students in the top of our class at the same law school, both editors on the same law review, both clerking for the very same federal appellate court judge in the fall. There was no way to say these things and not sound like I was overcompensating for an innocent mistake.

But why is it an innocent mistake? Merely because I am female and I answered the phone?

I CAN'T HELP BUT think that if I were male, I would not have gotten the same response to my offer of help. And I was surprised to find that it wasn't only the powerful male panelists who asked me if I was a secretary—it was also their secretaries. The stereotype comes from both sides, males and females.

Even before I was mistaken for Dan's secretary, there were signs that the panelists didn't quite accept or understand my role in this symposia.

Early in the semester, Dan was forced to change the outgoing message on our joint voice mail—the panelists heard a woman's voice and didn't want to leave messages, even though I had clearly stated both of our names.

I DOUBT THAT THE PEOPLE who have mistaken me for a secretary meant any harm by it. Still, I have a feeling that it is these small slights, the "innocent" misunderstandings that make it so difficult for a woman to be successful in the still-male bastion of the law.

Not only do women have to prove that their abilities are the same or better than the man in the next office, but they have to overcome the assumption that they are starting from a lower level. Men prove their worth by a preponderance of the evidence; women must meet a beyond-a-reasonable-doubt standard.

I worry that this same presumption will follow me into the working world. It



*By Dineen M.
Pashoukos*

The stereotypes
and (maybe)
honest mistakes
that should have
ended decades
ago still shape
the ways we
respond to our
careers.

used to bother me when I saw women attorneys at the law firm where I clerked one summer refuse to make one copy themselves, or send one fax, even when they could have the copy or fax faster if they just did it.

Many refused to even learn how to use various office machines. At the time, I thought it was simple arrogance. Now, I realize that shying away from even the occasional administrative task helps ensure that these capable women will be taken seriously in their roles as attorneys.

IGNORANCE OF secretarial work is a survival skill. Does this mean that I have to hide my excellent organizational skills and proficiency with office equipment to be accepted?

I used to joke that if this whole law school thing didn't work out, I could always be a great secretary. Now I realize that I, too, was buying into the same stereotype of those well-meaning callers when I answered the phone. I don't find the joke funny anymore.

On the other hand, people always seemed impressed if a male associate at the firm pitched in and made some copies or did some bates stamping.

IF A MAN does it, he's a team player. If a woman does it, well, so what? That's what women do.

I can't help but draw a parallel to parenthood:

No one is surprised when a woman changes a diaper or tends to child care needs. But when the associate in the office next door left work early (early being 6 p.m.!) twice a week to pick up his young son from day care, the reaction ranged from "Isn't he an amazing dad!" to "Why isn't his wife taking care of it?" Never mind that his wife was a busy doctor in the middle of a demanding internal medicine residency at the nearby teaching hospital.

I am sure I would have been an excellent secretary in another time, and this column is not meant to downgrade the important work of secretaries in any way. But I know I will be an even better attorney. I just hope the people around me can accept that.

Dineen M. Pashoukos is a third year law student at Georgetown University Law Center in Washington, D.C. She serves as NAWL's representative to the American Bar Association's Law Student Division Board of Governors.

Opinions on...

Crows Over a Wheatfield by Paula Sharp. Reviewed by Beverly A. Pekala, a lawyer, NAWL member and author of 'Don't Settle for Less: A Woman's Guide to Getting a Fair Divorce and Custody Settlement.'

Presumed Equal — What America's Top Women Lawyers Really Think About Their Firms by Suzzane Nossel and Elizabeth Westfall. Reviewed by Elizabeth M. Stanton, a lawyer in Columbus and the NAWL Ohio regional representative.

Fragments on the Deathwatch by Louise Harmon. Reviewed by Margaret Bell Drew, a lawyer in Norwood, Mass., and NAWL corresponding secretary.

Feminism, Media, and the Law, a collection. Reviewed by William C. 'Doc' Hartel, history professor and pre-law student adviser at Marietta College, Marietta, Ohio.

'Crows' soars to the top with characters, intrigue

BY BEVERLY A. PEKALA

If you're like me, the last thing you want to do with your spare time (what spare time?) is to read a novel dealing with the subjects of domestic violence, abuse and child custody.

As I began Paula Sharp's latest book, *Crows Over a Wheatfield*, I realized I had landed right in the middle of the violent and dysfunctional household of Mr. Ratleer, an evil and abusive lawyer/father. At that point, I put the book down and seriously considered how I could get myself out of this. Fortunately for me, I took a deep breath, remembering my promise to read this book and review it, and started turning the pages.

THE NEXT THING I knew, I was halfway through this 450 page paperback. Not only will this not hurt a bit, but you're actually in for a wonderful surprise. *Crows Over a Wheatfield* is that rarest of books; an entertaining read, as well as an accurate portrayal of the legal process, warts and all.

Crows is set in Wisconsin and spans 30 years. It tells the story of Melanie and Mildred. Melanie is the daughter of the brilliant but tyrannical Joel Ratleer, whose horrible treatment of his family finally results in the mental breakdown of his only son, Matthew. Melanie is Ratleer's other child, and her gender prevents him from ever considering her, rather than his son, as lawyer material. Melanie escapes her home in her teens, eventually landing at the University of Chicago Law School.

Melanie diligently, if not obsessively, focuses the entirety of her being on the law, barely noticing there is a world around her. The law is her refuge; days and nights are consumed by her relentless fascination with the endless cases and legal intricacies that lie within the walls of the law library.

IT IS NO WONDER that her blind devotion to the statutes and cases results in Melanie becoming first a successful lawyer and then a jurist in New York City. However, just before taking her seat on the federal bench, Melanie returns to Wisconsin for a summer to visit with her brother, who is living in a halfway house run by a radical Unitarian minister, John Steck.

Through her brother, Melanie befriends Steck's wildly irreverent daughter, Mildred. In scenes which rival Sharp's earlier work in their outrageous hilarity, Mildred makes Melanie confront her past and question the narrow life she has come to lead.

Sharp's story takes a frightening turn when Mildred's husband, Daniel, comes into Melanie's life. Anyone who has ever dealt with a Daniel will immediately recognize Sharp's chilling portrayal of this violent and dangerous man, who has the facility of appearing wonder-

ful and engaging to all the world while keeping his diabolical character and true motives close to the vest. Mildred comes to learn that Daniel is abusing their three year old son, and so turns to Melanie and the law for help.

In what can only be described as a series of Kafka-esque courtroom scenes, Daniel per-jures himself, shifts the blame to Mildred and the mentally ill Matthew, who has befriended the boy, and convinces the easily manipulated judge to grant custody of the abused son to Daniel.

Betrayed by the law, panicked, destitute, and determined to protect her son at all cost, Mildred finally realizes that there are no legal options available to her, and so disappears into the underground with her son.

Sound familiar? To those of us who practice in the area of domestic relations, and especially for those of us who deal with abuse issues daily, Sharp's take on the state of the law in the late '90s is eerily on point. Her brilliant narrative brings controversial issues to life, but also infuses these serious subjects with much needed humor.

Crows is a roller coaster ride; one minute we revel in the free spirit of Mildred and the youthful happiness of her three year old growing up in scenic, peaceful surroundings, and the next minute we are dejected at the despair of Mildred's plight.

YOU WILL FIND yourself constantly nodding in affirmation, even when you wish it weren't so. Be prepared for a less than attractive portrayal of the law and our place in it. Without a doubt, *Crows Over a Wheatfield* is an indictment of the law, and, by definition, of those who practice within a system which consistently fails to protect those most in need of protection.

It was my great fortune to have the opportunity to meet with Paula Sharp recently and to discuss *Crows* with her.

Paula graduated from Dartmouth College, receiving a B.A. in comparative literature, and later earning her law degree at Columbia University Law School. She then served as a staff attorney with Legal Aid from 1986 through 1992, where her views of the law were molded by daily visits to the local jails and prison, representing indigent defendants charged with greater and lesser infractions.

CLEARLY, SHE saw a great deal in a short number of years, and found that her writer's eye and ear, along with her sense of humor, made it possible to go back into the trenches each day.

Since 1992, Paula has spent her time writing, which, as she readily admits, is just the way she likes it. She does not miss the practice of law one bit, but, instead, is grateful every

day for having the ability to devote her time to her real love, writing.

Unlike most of the other lawyer/author's with whom we are familiar, Paula is a writer turned lawyer, not vice versa. During our discussion, Paula revealed why she attended law school in the first place, considering that her love had always been writing.

AFTER HAVING worked as an investigator for public aid, Paula realized that going to law school and then working as a lawyer would be the best way of enhancing her writing and providing her with the necessary grist for the mill. Indeed, her narratives so accurately portray the lawyers, judges, and clientele, along with the day to day workings of the courts, that the reader automatically senses the author knows first hand of what she speaks.

For those whom Paula might have inspired, and dream of leaving the practice to see their publication on the Best Seller List, note that *Crows* was not written in a weekend.

When asked how long it took to write *Crows*, Paula began describing the three years of toil it took to bring Melanie, Mildred, Matthew and her other characters to life. Clearly disclosing that I am not a student of fiction, I immediately inquired, "When you say three years, does that mean every day for three years?" I don't know who was more shocked; me, when she answered that yes, she really did work on the book every day for three years, or Paula, upon hearing me question how it could possibly take three years to write a piece of excellent fiction.

Paula is an accomplished writer as well as an engaging speaker. She deserves all of her many accolades; *Crows* recently has been selected by the Book-of-the-Month Club, and her earlier publication, *Lost In Jersey City*, was selected by the *New York Times* as a Notable Book.

In addition, she is a recipient of a fellowship from the National Endowment for the Arts.

Sometimes life truly has wonderful surprises in store for us; meeting Paula Sharp and having the opportunity to discuss with her such a thoroughly engaging book certainly falls into that category. My only disappointment is that the writing classes Paula teaches take place in New York.

NAWL members who would like to submit book reviews should mail them to Teresa J. Bowles, book review editor, at her law office, Arnold, White & Durkee, 1900 One American Center, 600 Congress Ave., Austin, TX 78701.

'Presumed Equal' rates firms from women's view

BY ELIZABETH M. STANTON

Presumed Equal—What America's Top Women Lawyers Really Think About Their Firms profiles and rates law firms based upon responses to a survey sent to women attorneys at those firms.

This second edition of *Presumed Equal* was published in 1998, based upon responses of more than 1,200 women attorneys to a survey done in the Spring of 1997. The first edition of this book was published by the Harvard Women's Law Association in 1995.

In the letter to survey participants the authors—Suzanne Nossel and Elizabeth Westfall—set forth that the aim of the survey was to gather "information about women's experiences with regard to career advancement, work and family, firm attitudes and atmosphere, and overall job satisfaction at individual firms."

THE PURPOSE of the book appears to be two-fold: to convey a snapshot of women attorneys' progress in large law firms; and to inform and assist women law students and women attorneys changing firms by providing to them inside information about firms and their attitudes and policies toward women attorneys.

The book is divided into five sections: introduction; methodology; profiled firms (by rating); profiled firms (by city); and firm profiles. For the information of the reader the survey cover letter and survey form are included as an appendix. This book is clearly a reference book and not meant to be read from cover to cover.

The introduction is very interesting reading and should serve as a wake-up call to women law students and new attorneys who think that the world of law firms is like the world of law school. It is not! Women law students and new lawyers would benefit from reading this material.

IT ALSO COULD benefit the not so new women attorney who is feeling frustrated in the practice and in trying to balance law practice with a life. The message is you are not alone. The message is times have changed, but it is still difficult to be a woman attorney.

The authors rated the firms based upon a formula for tallying the responses to the survey.

Some firms had a very low percentage response from the women attorneys at the firm. For example, from a firm

that had 43 women attorneys, 15 of whom were partners, they received only five responses, two from partners and three from associates.

However, based upon these responses the firm was ranked in the top 10 firms and given four gavels. Five gavels were given to the highest rated firms.

THE AUTHORS also note that the narrative section comments to the surveys at times varied significantly from the survey data that was used for the numerical rating. The methodology used is set forth in the book. Each reader will need to decide for herself what weight to give to the ratings.

The firm profiles section gives an overview of many firms. The major portion of the book is taken up with the firm profiles, each running approximately 4-6 pages.

The material suggests work and benefit issues to explore when job hunting and would definitely assist in formulating questions to ask interviewers. Further, it gives facts and opinions about the profiled firms which would certainly be useful information for a job candidate at one of those firms to consider along with all other available information. Reading these insiders' perspectives on large firms generally could also help one to decide if a large firm is your "cup-of-tea."

THE OTHER GROUP that could benefit from this book are women already at one of the profiled firms. Based upon the attorney's own experiences at the firm, the book may give her an emotional boost or help her to understand why she is having problems. If her experiences have not been good, it may reassure her that she is not alone and her experiences are not unique.

Presumed Equal would be a good resource for women law students and new lawyers seeking a position at a large law firm. However, like any reference book, it should be used in conjunction with one's own judgment and other sources of information.

Elizabeth M. Stanton has practiced in small firms since her graduation in 1979 from the University of Houston Law School and is now a principal in the firm of Moots, Cope, & Stanton. Bernadette Kearney, a 1997 graduate of Temple University Law School, assisted in this review by providing a new lawyer's perspective.

'Feminism' shows media impact

BY WILLIAM C. 'DOC' HARTEL

It's with some caution that I approach a review of *Feminism, Media, and the Law*, for some of those in academe look upon my "kind" as representative of not only the last bastion of conservative power, but also the "enemy."

I am white, male, in the sixth decade of my life and a believer in the narrative tradition of historical writing and teaching. To add to my possible sins, I also still believe that, of the modern thinkers, such representative figures as Machiavelli, Bodin, Locke, Bacon, Rousseau, Hobbes, Descartes, Smith and Marx, sexist though they might have been, helped to shape the modern world, for better or for worse.

I HAVE DEVELOPED and teach two courses relative to feminism: "Feminism and the European Radical Tradition" and "Hollywood Looks at Women." In neither do I deal with current feminist theory, but instead, in the first, I examine the role that European women such as Mary Wollstonecraft, Etta Palm, George Sand, and Louise Michel have played in the development



William C. Hartel
... helps mentor
women students

of 18th and 19th century revolutionary theory and action, and in the second I examine the roles assigned to women and the sexist attitudes held by Hollywood from the 1930s until the 1980s. The thrust of *Feminism, Media, and the Law* (a collection of writings edited by Martha A. Fineman and Martha T. McCluskey), therefore, is of particular interest to me because it examines the gender attitude of the Establishment (the law) and the special role played by the media in the development of that attitude.

This is, indeed, a rich work authored by experts in the field and undoubtedly will be eagerly embraced by all who have an academic concern with gender studies. It is, indeed, an academic work and I'm not too sure how appealing it will be for those active in the legal profession.

Part I, "Portrayals of Feminism in the Media" and Part II, "Feminism, Law, and Popular Culture" are by far the most rewarding portions of the book because I did not find them overloaded with the trappings of what is called Postmodernism nor too loaded with contemporary jargon. Part III, "Essentializing Gender"

is very difficult to follow. Perhaps, quite frankly, because I often found myself in complete disagreement or not understanding the language/concept at all.

IT IS conceivable that those who have embraced Postmodernism and the various strains of current feminist theory would be far more comfortable in this part than I.

Deborah Rhode's article "Media Images/Feminist Issues" is very insightful and provocative; Laurel Leff's article, which analyzes the media's role in the Lani Guinier's Justice Department nomination withdrawal, is most useful in helping us to better understand the modern journalistic meaning of "objectivity;" and Mary Coombs' trenchant look at David Brock's *The Real Anita Hill* are examples of the best portions of this work.

Patricia Williams' "Hate Radio: Why We Need to Tune in to Limbaugh and Stern" provides the reader with the appropriate lens to bring into focus this important part of our modern pop culture.

There is certainly enough of value in this collection to warrant its perusal; however, the reader should retain the option of "skipping" those portions that appear to be aimed at the tiny antechambers of academe.

Lyrical 'Fragments' shifts perspective

BY MARGARET BELL DREW

I read *Fragments on the Deathwatch* one day while on vacation. It turned out to be a most enjoyable day. Readers should not be put off by the title. After all, this book addresses, in part, the American taboo on discussing death. The author opens the door to a thoughtful discussion of death and its legal issues.

Louise Harmon's approach is extraordinary. She devotes some time to legal cases and theory. Most notably, she discusses the Quinlan and Cruzan cases. Her focus is not, however, on the strict legal theories. She has us consider the perspective of the deathwatcher, i.e. those attending to the death.

IN REMINDING all of us that it is important to us during life, she skillfully forces us to consider the

human and spiritual approaches that must be considered in shaping legal judgements for the dying.

SHE CONSIDERS "substituted judgement" as a legal fiction. Courts routinely disregard the expressed wishes of the dying but incommunicative person.

Ms. Harmon wonders if this legal fiction masks the other pain—that felt by the deathwatchers. Would not a more honest petition request permission to terminate life supports because the process is too painful (and unnatural) for the onlookers?

Ms. Harmon recognizes the moral and ethical dilemmas raised by this approach; she does not pretend to know the proper resolution. She draws us into considering legal issues of dying from a multi-dimensional perspective.

Ms. Harmon does so by drawing

us into her life. We become part of her friendships, her family, her profession and her home as she struggles with the dilemmas of the deathwatchers. Humor and poetry are as much a part of this book as is traditional legal analysis.

The book is overflowing with creative thinking on death and dying. Not all of it is this author's. She freely quotes from others: lawyers, doctors, poets, family and co-workers. This is one book whose footnotes are as interesting as the main text.

WHO AMONG us could not use a calm, thoughtful read on issues we will all face as the dying and as the deathwatcher? For our personal and professional development, I recommend this book to all.

Published by Beacon Press, Boston, *Fragments of the Deathwatch* will be available this spring.

The NAWL Networking Directory is a service for NAWL members to provide career and business networking opportunities within the Association. Details for appearing in the directory are on Page 2. Inclusion in the directory is an option available to all members, and

is neither a solicitation for clients nor a representation of specialized practice or skills. Areas of practice concentration are shown for networking purposes only. Individuals seeking legal representation should contact a local bar association lawyer referral service.

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De	Defense
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NP	Nonprofit Organizations
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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).

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