



A NEWSLETTER FROM THE PENNSYLVANIA BAR ASSOCIATION COMMISSION ON WOMEN IN THE PROFESSION

# The start of a new year

By Shira Goodman, co-editor

As snowy 2011 continues, we've had some extra time to do some of the traditional New Year's reflection, a looking back and looking ahead. This is a good exercise for each of us, as individuals, and for WIP, our collective identity. We had a busy, productive fall, and the coming months will offer even more activity, as our Midyear Meetings approach and as we look ahead to our Annual Meeting. What do all these activities add up to? Is WIP more than a group of women lawyers who meet regularly to network and learn together? Are we greater than the sum of our parts?

Judging from our annual Fall Retreat, the answer is clear - WIP offers more than just a meeting ground

for Pennsylvania's female lawyers. WIP has evolved as the profession has changed and as challenges facing lawyers - and women lawyers in particular - have changed. As the ranks of women lawyers - and our membership - grow, WIP will be called upon to serve many needs and cater to different audiences. The recent retreat demonstrated this as programs tackled issues related to work-life balance, how to succeed in the law firm model, and how to navigate ethical challenges in nontraditional jobs. There was also time for networking, socializing and learning; the retreat remains the gathering point for new lawyers or lawyers in transition seeking new opportunities. And more settled lawyers offered contacts and advice.

In this economy, lawyers are facing difficult choices about which organizations are worthy of their time and resources. Pennsylvania Bar Association President Gretchen Mundorff spoke of the PBA as being "a home for Pennsylvania lawyers." This is how I've always thought of the WIP. But we need to continue to be relevant and continue to make the case that women lawyers - both new lawyers and senior bar members - can find a home here. This is the challenge that will face WIP each year. As we begin 2011, we should continue to remain focused on this challenge. If we do that, we will continue to grow, and WIP will remain the home of Pennsylvania's female lawyers.



## Midyear Meetings

By Susan Letterman White

"[C]ontrary to what most people think, they are not responsible for their own careers." -Jeffrey Pfeffer, *Power*

People are not responsible for their own business development, either. However, we are responsible for getting those influential others to notice us, know the good work we do, have positive feelings about us, and remember us at the appropriate time. The 2011 Midyear Meetings in Philadelphia on March 16, Mechanicsburg on March 29, and Pittsburgh on March 30 will take the theme of using power and influence effectively to build business and advance careers, looking at it through the stories of how our panelists used their unique power bases effectively and exploring, in a workshop design, how we can discover, hone and more effectively use our personal power.



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Save the dates!

### 2011 Midyear Meetings

Philadelphia, March 16, 2011

Harrisburg, March 29, 2011

Pittsburgh, March 30, 2011

### 2011 Annual Conference

Thursday, May 5, 2011,  
Sheraton Philadelphia  
City Center Hotel,  
Philadelphia

The editors of *Voices and Views* encourage our membership to contribute articles and announcements, including articles on your area of practice, topics relating to women and the law, book reviews, save the date notices, members in the news and photos of members at events.

#### Submission deadline:

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#### Please send information, news and articles to:

Phyllis Horn Epstein,  
Epstein Shapiro & Epstein  
1515 Market St., 15th Floor,  
Philadelphia, PA 19102-1979  
(215) 563-1200, fax (215) 564-5132,  
e-mail: [phyllis@eselaw.com](mailto:phyllis@eselaw.com)

*Voices and Views* Editorial Board also includes Shira Goodman as co-editor, Kellie MacCready as Committee Reports editor, Mary Kate Coleman as Book Review editor and Karen Jackson Vaughn and Kathryn M. Cooper as Midyear Meeting reporters.

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## A message from the chairs

By Bernadine J. Munley and  
Melinda C. Ghilardi, co-chairs,  
PBA Commission on  
Women in the Profession

Where does the time go? It is hard to believe that our Annual Retreat is over, and we are in the midst of planning for the Midyear Meetings in March and Annual Conference in May! Many thanks to 2010 Annual Retreat Co-Chairs Andrea Tuominen and Bobbie Jacobs-Meadway, who helped the retreat attendees better understand "Different Personalities, Different Paths: Planning a Successful Course." Midyear Meetings Co-Chairs Amy Pohl, Lisa Watson and Susan Letter White have planned a wonderful program, titled "Influence, Power and Strategic Communication in the Courtroom, Office and Beyond." This program will explore different sources of power and influence and how to use them to solve challenges. I hope you will be able to join us from 3 to 6 p.m. on March 16 in Philadelphia, March 29 in Harrisburg and March 30 in Pittsburgh.

We are also in the midst of planning the Annual Conference to be held on May 5 in Philadelphia. Co-Chairs Nancy Conrad and Jane Dalton have created a day of networking and learning around the theme "Client

Service and Satisfaction." After the morning WIP Commission meeting, Laura Meherg will moderate a session on "Essentials of Exceptional Client Service." Meherg is a partner with the Wicker Park Group, which focuses on client feedback interviews, client growth programs, and training and development. Fawn Germer, best-selling author of five books and one of the nation's most sought-after leadership development speakers, is our keynote speaker. She will discuss "Lessons Learned from the Most Powerful Women in America." Germer will also moderate a panel after lunch focusing on satisfaction — from the client's perspective.

In addition to the Midyear and Annual Meetings, our Mentoring Committee paired 25 of our longtime members with those new to the practice and to the WIP. The mentors and mentees met for the first time on Dec. 1 in Harrisburg, Philadelphia and Pittsburgh. The pairs will continue to work together throughout the year, and more social functions are planned.

At the same time, the Membership Committee organized a Law School Mock Interview Outreach Initiative. The goals of this program are to assist law students in gaining the skills they need to interview successfully and to be better prepared when seeking

employment by participating in a mock interview, while at the same time exposing them, as future members of the profession, to the WIP and the benefits of membership. The response from law students throughout the commonwealth was so overwhelming that the Membership Committee had to seek additional volunteers from those participating in the mentoring project.

With the beginning of a new year comes the planning for yet another Report Card. For 16 years, the WIP has prepared a Report Card focusing on the PBA membership and the position and numbers of women in the organization, as well as women in private law firms, district attorney and public defender offices and in the judiciary. Most recently, the Report Card expanded to include profiles of women in small firms, solo practice and government.

As you can see, the WIP had a very busy fall, and winter is shaping up to be just as exciting. We hope to see you soon at one of our programs, or better yet, sign up for one of our committees and get involved!



*Bernadine J. Munley is with Eckert Seamans Cherin & Mellot L.L.C. Melinda C. Ghilardi is first assistant federal public defender, Scranton.*

## WIP member directory

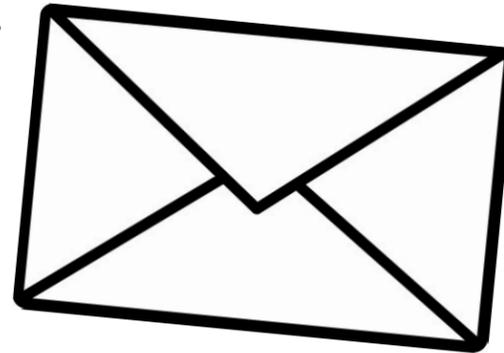
The directory of the members of the Commission on Women in the Profession is available on the PBA Web site, [www.pabar.org](http://www.pabar.org). You can reach the directory from the home page by entering your PBA membership number to log in to the members-only area, clicking on "Committees/Commissions" at the upper left and then clicking on the "Women in the Profession Commission" button. On the WIP page, click on the "Membership" button. The online WIP directory lists everything that appeared in the hard copy, including indices by county and area of concentration.

If you are not yet in the directory, you can simply fill out the form online. The button for the form is on the same Web page as the WIP directory. If possible, also send your photograph in digital format to [patricia.graybill@pabar.org](mailto:patricia.graybill@pabar.org).

The directory is a great source for referrals to hundreds of women lawyers skilled in every area of the law. These women are also available to answer questions you might have about practice in other areas of the commonwealth. This network of friends can be of immeasurable help in enhancing your satisfaction with and success in the law.

*Editor's note: Voices & Views is pleased to introduce a new column, "Dear Voices & Views...", in which we will attempt to address questions you may have about the unique issues facing women attorneys throughout Pennsylvania. One or two questions will be selected for each newsletter and may address everything from dressing appropriately for different office functions to finding a mentor in the workplace to dealing with an office bully. Questions should be submitted to [km@oprllaw.com](mailto:km@oprllaw.com) and should contain the subject line "Dear Voices & Views." Voices & Views looks forward to hearing from you!*

**'Dear Voices & Views...'**



**Dear Voices & Views:**

**I am a senior associate at a smaller firm (less than 10 attorneys). I am expecting my first child and, while very excited about that, am nervous about breaking the news to the firm. There is only one female partner at the firm, and she does not have children, so this will be the first time the firm has a female attorney expecting a child. Any advice on how to broach this subject would be greatly appreciated!**

**- Eagerly Expectant in Erie**

Dear Eagerly Expectant:

Congratulations on this very exciting time in your life! There are a few things you should keep in mind while preparing to broach this topic with the partners at the firm:

1. Make sure the news comes from you first. As tempting as it may be to confide in another associate with whom you work (and likely eat lunch, etc.) on a daily basis, the managing partner at your firm should hear this news from you first and not as part of the office gossip mill.
2. Gather information. Look for leave policies at similarly-sized firms and also consider how long you have been with the firm (some firms' policies vary depending on this factor). Asking around town (being mindful of No. 1) about other firms' policies is another good resource. Finally, the PBA's Law Practice Management coordinator, Ellen Freedman, is an enormous resource and can be reached on the PBA's website at <http://www.pabar.org/public/lpm/lpm.asp>.
3. Prepare your presentation. Like any other negotiation, prepare to ask for a little more than your bottom line. Consider potential compromises and counteroffers, but do not agree to something to which you don't honestly think you can commit.
4. Know your audience. Make an appointment to meet with your managing partner or supervisor and try to set it at a time when he or she is likely to be most open to hearing your ideas (i.e. Friday at 4 p.m.). At the very least, try to make sure that he or she is not in the middle of trial prep or trial itself!

Good luck with this new endeavor!

- Voices & Views

**READERS: Any other helpful hints or tips for Eagerly Expectant? Send them to [km@oprllaw.com](mailto:km@oprllaw.com) with the subject line "Eagerly Expectant," and we may include your thoughts in the next column as well.**

## If I knew then what I know now

*Editor's note: This article was originally published in The Woman Advocate of the American Bar Association.*

By Jane Leslie Dalton

As a senior attorney, I have had ample opportunity to look back at the various choices I have made over the years to evaluate which were successful and which were not — and to assess some of the choices made by others. As part of that process, I have identified the following tips for building a successful legal career.

### Set Goals

Without specific goals, there is no way to measure your progress. Setting goals requires reflection. "But I do not have time for reflection," you might be thinking. The only time you have is the time you have in each moment. If you do not take time to reflect on your goals, you cannot evaluate or prioritize your choices.

In fact, most young lawyers already set goals, at least on a micro basis. Almost every lawyer has a list or some way of prioritizing what must get done on a particular day and a mechanism for keeping track of those projects that are in the pipeline for later. It is even more important to establish long-term career and personal goals.

That process does not have to be elaborate. Take a look as far in the future as you can. If you are thinking, I do not want to be doing what she is doing when I have been practicing for 30-some years, you have the beginnings of a benchmark. Do you want to be a partner in a large firm or a small firm? Do you want a position with security, or do you prefer to take risks? What do you want to accomplish professionally in the next six months, year or two years? After you answer these questions, it is time to identify the specific steps that will take you there.

In setting goals, questions to ask yourself include not only what

do I need to do today but also what substantive knowledge do I need to acquire, what professional activities that may help further my career are of interest to me, what professional or social organizations would be useful, and whom do I need to get to know or know better?

Write down your long-term and short-term goals. Keep them where you can review them from time to time. When you accomplish a goal, check it off. It is essential to acknowledge yourself for accomplishing that goal. Then determine what the next goal is for you.

### Re-evaluate Your Goals

Our priorities change at different times in our lives. Thus, once your goals are set, remind yourself that they are not set in stone. It is absolutely essential to re-evaluate your goals periodically to assure that they are consistent with your current situation and priorities. My priorities and time allocation varied when I was a young lawyer with one, two, three and then four children, compared with when my children were in high school and college, compared with now, when my children are grown.

### Achieve a Work-Life Balance

Accomplishing everything in every area of one's life perfectly, or almost so, is impractical; attempting to achieve balance involves an acknowledgement that it is possible to have a satisfying professional and personal life. At least twice a year, I look at areas of my personal life to evaluate where I am and where I want to be. These areas include my spiritual development; relationships with my husband and children and their spouses and children; health and physical well-being; friends and relatives; civic and charitable activities; sports and entertainment; and reading, education and other interests.

In my experience, if there is an area of particular importance that needs attention, I can find a way to make it happen. Our family has always found a way to have one vacation with all family members present sometime during the summer. There have certainly been many times when I felt that my life was totally out of whack, but usually if something was important, I was able to accomplish it by making it, and work-life balance, a priority.

### Time Expands and Contracts

Early in my career, I often said to myself (if not out loud to others), "I don't have time." But I noticed that on a busy day, I accomplish much more than I do on a day that is not so busy. I learned that I could talk to a friend and go to a school play or the theater and still meet my deadlines at work. While, at least in the office, time did not sit still, it did expand when I was sure that there was enough of it, and it contracted when I affirmed that there was not enough.

Another thing I have learned is that 30 years is a long time. Because there were no women role models when I began to practice — and there were no policies in place — I took very little time off when my children were born. Looking back, I realize that if I took several weeks of leave with the birth of each child, while I might have been behind my male peers at the time, I would probably be just where I am now after more than 30 years.

### Learn to Laugh at Yourself

Life in the law is hard work. But that doesn't mean that it can't be fun. A sense of humor is essential, but it must be appropriately exercised. Humor rarely works in court or in other legal settings, but it can make working on a late-night project much more fun, as long as the humor is not at the expense of another person. Remember also that

*(Continued on Page 6)*

## If I knew then what I know now

(Continued from Page 5)

more senior staff and lawyers may not understand the humor of your friends. Never make a joke about another person, whether it is a member of your team or someone on the adversary's team. It is a small world, and it is often surprising how negative words can spread. Most importantly, learn to laugh at yourself. It is possible to practice law seriously and at the same time have fun. And if you make a mistake, as we all do, acknowledge it, learn from it, and without being glib, laugh at yourself and move on.

### Sit Down, Shut Up, and Listen

A friend and mentor often tells me of his father's instruction to sit down, shut up and listen. Often we are tempted to impress others by expansively describing our experiences, knowledge and recommendations. As a result, we often talk rather than listen. However, you will be much more effective if you concentrate on listening. Find out what the most critical challenges facing the client or potential client are and what their strengths and concerns are. Once you acknowledge that you understand their challenges, your clients will be much more interested in working with you because you will be able to demonstrate a specific understanding of how you or your firm can be of assistance.

### Just Say No

It is important to learn to say no. Do not say no to the senior partner in your group who has a project that will demonstrate your talents, but do say no to the many pulls on your time that might be interesting but are not consistent with your goals. Perhaps you are involved in an organization that inspires and energizes you, and you are asked to participate in a project that will take a lot of time. Although the project seems interesting, it does

not further the reasons that you are involved in the organization. It is OK to say no to requests like these.

Similarly, you may be on a board or involved in a project that seemed like a good opportunity to develop business contacts. You have been active for two years, and although the organization serves worthy purposes, it does not enhance your career. One mistake I have made is to stay on, thinking that if I only spent more time, the results would have been better. If the project does not support your goals, say thanks but no thanks and move on. Doing so leaves room for the projects that do support your goals.

### Don't Burn Any Bridges

Philadelphia has one of the highest per capita lawyers per population of any city. Yet, in many ways, it is a very small town. In our careers, all of us have experienced relationships that are not optimum. Perhaps the practice is not consistent with your values. You may be in the wrong firm, the wrong practice area, or working for the firm's Cruella de Vil (the evil woman in *101 Dalmatians*). While it is important to move to a better space, it is also important to do so without burning any bridges. You can do this in a way that is positive rather than negative. For example, if you are leaving one practice group for another, or one firm for another, tell the practice group or firm leader in positive terms why you have made another choice and compliment him or her for the lessons you have learned that will be helpful in the future. Keep in touch and remember to express thanks for the positive lessons learned.

### Don't Sweat the Small Stuff

In every career, whether public service, pro bono or in law firms of every size, there are numerous frustrations. It is important to focus on the forest and not on the trees. Doing so presumes that you are able to discern the difference. Whenever you are feeling frustrated, which is part of any

career, decide whether it is important enough to respond to these feelings. If it is important, go for it. If it is of the magnitude of why the cap is not on the toothpaste, let it go.

### Think Positively

We have numerous thoughts that direct our experience. Some are so ingrained that we do not even hear them. It is important for each of us to identify our "negative thoughts." If your internal message is "I can't do it" or "I won't ever get any clients," guess what? You will be right. If your internal message is "I can do it" or "I can retain and attract clients," guess what? You will also be right. Listen to your internal thoughts. It is not necessarily easy, but if you commit to changing the negative thoughts to positive ones, you will see tremendous results.

Finally, it is important to love what you do. Neither every moment nor every assignment will be scintillating. It is important to be honest with yourself. If you dread coming into the office, because you do not like what you are doing or the culture where you work is not consistent with your core values, no amount of positive thinking will change that. Under those circumstances, it is time to make a change. On the other hand, if overall you love what you do, you will be able to think positively and have a successful career. 

Jane Leslie Dalton is a partner at Duane Morris L.L.P. in Philadelphia. She can be reached at [dalton@duanemorris.com](mailto:dalton@duanemorris.com).

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# Equity partnership in the wake of Kirleis

By Karoline Mehalchick

In a recent non-precedential opinion, the United States Court of Appeals for the Third Circuit upheld a Western District of Pennsylvania decision in which the District Court determined that a female partner was unable to sue for gender discrimination under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq., the Equal Pay Act, 29 U.S.C. § 201, et seq., and the Pennsylvania Human Relations Act, 43 Pa. Stat. Ann. § 951, et seq., because she had voting rights and shared in firm profits. In *Kirleis v. Dickie McCamey & Chilcote*, 2010 U.S. App. LEXIS 14530; 109 Fair Empl. Prac. Cas. (BNA) 1428, Alyson Kirleis asked the Third Circuit to revive her case, arguing that despite her titles of shareholder and director, she should be treated as an employee because her work was "subject to the control of" the firm's executive committee. In the suit, Kirleis accused Dickie McCamey of paying women lawyers less than men and alleged she was told by a male partner that a woman with children should relinquish her partnership and work only part-time. Kirleis, who had worked at the firm since 1988, also claimed she was told by another male partner that the role of women lawyers was to prepare lawsuits for trials that would be handled by men. Because Kirleis was a shareholder in the firm, with voting rights and a share of the profits, the court determined that she could not sue for sex discrimination.

Specifically, in determining whether Kirleis, as a shareholder in the firm, was an employee entitled to invoke the anti-discrimination laws, the Third Circuit looked at the six *Clackamas* factors: "(1) whether the organization can hire or fire the individual or set the rules and regulations of the individual's work; (2) whether and, if so, to what extent the organization supervises the individual's work; (3) whether the individual reports to someone higher in the organization; (4) whether and,

if so, to what extent the individual is able to influence the organization; (5) whether the parties intended that the individual be an employee, as expressed in written agreements or contracts; [and] (6) whether the individual shares in the profits, losses, and liabilities of the organization." *Clackamas Gastroenterology Assocs., P.C. v. Wells*, 538 U.S. 440, 449-50 (2003). The touchstone of the inquiry is control, and the answer "depends on 'all of the incidents of the relationship . . . with no one factor being decisive.'" *Id.* at 449, 451. In a very brief opinion, the Third Circuit determined that based on these factors, Kirleis was an employer, not an employee, of Dickey McCamey, and therefore was not entitled to invoke anti-discrimination laws.

The *Kirleis* decision, though non-precedential, calls attention to a dilemma facing female attorneys everywhere. In light of *Kirleis*, it seems that firms can avoid possible discrimination suits by promoting female lawyers to equity partnership. In other words, it seems that *Kirleis* affirms the notion that if you fall within the court's definition of equity, then you cannot claim discrimination, no matter what disparity or injustice you may have suffered. Given that, one has to wonder why any female attorney would *want* to "make partner." As it stands now, although half of law school graduates are now women, little more than a third of practicing attorneys are women<sup>1</sup>, and even women who manage to become equity partners typically earn \$66,000 less than the men at that level.<sup>2</sup> The long-term effect of *Kirleis* could be that it will discourage female attorneys from striving for the same recognition and compensation for which their male counterparts reach, for fear that upon reaching that career goal of most lawyers in private practice, they are more vulnerable than ever to discrimination by their partners.

In light of *Kirleis*, what options does a female equity partner have in

the face of gender discrimination? Unfortunately, at least in this Circuit, there is not a viable cause of action in the courts. At the recent WIP Retreat, some suggestions were made by the audience on how to address discrimination and hostility in the workplace. Until the standards outlined in *Kirleis* are no longer good law in this Circuit, the following items offer some option in addressing this problem:

- Seek support from other partners in your firm that have demonstrated a willingness to foster and mentor younger partners and with whom you are comfortable having a frank discussion about firm dynamics and practices. If your firm has an Executive Committee or some other group devoted to determining compensation or case assignments, find an ally within that group.
- Seek alternative career paths in government or academia (though many leave feeling some guilt about not "sticking it out" for the female attorneys that follow them).
- Confront the issue and offender – when discussing sexist statements made toward one of the attorneys at the retreat, a wise member of the audience suggested that the best approach may be a loud, curt "EXCUSE ME!" Bringing the offensive behavior to light – whether it is pay disparities, work assignments or direct sexist remarks – and confronting the offender directly (especially with support from other partners) may be enough to accomplish some positive change.

Hopefully the law on this issue will change in the near future, and allow

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# WIP attends Pennsylvania Governor's Conference for Women

By Penina K. Lieber

On Oct. 14, 2010, the seventh annual Pennsylvania Governor's Conference for Women was held in Pittsburgh. The Convention Center was packed with women from all over the state. The Pennsylvania Bar Association sponsored a Commission on Women in the Profession table that included: Bernie Munley and Melinda Ghilardi (WIP co-chairs), Penina Lieber (PBA secretary), Judge Donetta Ambrose, Judge Lisa Lenihan, Jane Dalton, Danielle Bacco, Susan Letterman White, Jessica Priselac and Tina Miller.

The theme of this year's conference was "Your Time is Now: Be Fearlessly Resilient; Rebound with Purpose and Power; and Lead with Intention." Special guest speakers were Gov. Edward G. Rendell, Judge Marjorie O. Rendell (43<sup>rd</sup> First Lady and judge on the Third Circuit); Diane Holder (President of UPMC Health Plan), Leslie Stiles (executive director of the Pennsylvania Commission for

Women); and Sally Wiggin (Channel 4 Action News anchor).

The day was broken into segments with morning speeches, luncheon keynotes, a career fair, power sessions, "meet-ups" with Tory Johnson (ABC "Good Morning America workplace contributor), resume reviews and mentor matches. At lunch, Ellen Alemany (chairman and CEO of Citizen's Financial Group Inc. and RBS America) spoke about her career path and challenges. The afternoon sessions focused on distinct career strategies, such as navigating through the entrepreneurial scene, using LinkedIn and Facebook as professional tools, dressing the part and fitting in/standing out. There was also a session on women on boards and how to achieve that status.

The day offered a varied potpourri of topics for women at all stages in their careers. Smaller breakout sessions addressed aspects of leadership, career advancement, finance/accessing capital, and health and wellness.

There was a separate Young Women's Program that discussed how to turn hardship into success and how to achieve success and overcome obstacles through mentorship.

In the afternoon, a very long line of women seeking advice on their resumes snaked around the ballroom of Pittsburgh's Convention Center. There was also a great deal of interest in the mentoring tables, where seasoned career women were matched with aspiring women for short conversations. Finally, there were book signings by many of the speakers. In short, the program was designed to provide something for everybody. It was particularly nice to have a strong WIP presence among this critical mass of Pennsylvania women.

*Penina K. Lieber, Of Counsel in the Pittsburgh office of Obermayer Rebmann Maxwell & Hippel L.L.P., is the secretary of the Pennsylvania Bar Association.*

## WANTED: Women lawyers in search of a mentor relationship

### PBA WIP presents the LINK MENTORING PROGRAM

We're looking to match women attorneys seeking advice about career development, leadership, networking and work-life balance with those who have wisdom to share. Please join the program as a mentor, a mentee, or both — we all can learn from each other.

For more information and to join the program, go to [www.pabar.org/public/committees/womenprf/Membership/mentoringprogram.asp](http://www.pabar.org/public/committees/womenprf/Membership/mentoringprogram.asp)

# What's happening in Utah?

By Phyllis Horn Epstein, co-editor

The Women Lawyers of Utah presented this past October *The Utah Report: The Initiative on the Advancement and Retention of Women in Law Firms, Executive Summary*. The report is the culmination of an inquiry to answer two questions: 1) Do Utah law firms face greater challenges retaining and promoting female attorneys than male attorneys? and 2) If so, what concrete unbiased actions can Utah law firms and Utah attorneys take to meet these challenges? After four years of inquiry the survey reached the following conclusions:

"First, the survey results show a startling amount of sexual harassment and sex discrimination occurs in Utah law firms. Second, gender bias has a consistent, negative impact on the advancement of female attorneys."

The presence of women lawyers in Utah is below the national average. In Utah, 23 percent of all attorneys are women, compared with 31 percent nationally. Only 11 percent of law firm partners in Utah are female, compared to 19 percent nationally. Reflecting the results of other national surveys, women attorneys in Utah's law firms are on average paid less than men. In Utah, the largest group of women attorneys earns less than \$40,000/year, while the largest group of men earns more than \$175,000/year. Within reporting law firms, women attorneys working over 40 hours a week earn under \$125,000, while men in the same category earn over \$125,000.

Women attorneys reported underlying gender bias manifested in "receiving less pay, but doing more work than male counterparts; having to undertake secretarial duties; receiving less desirable assignments; being passed over for promotion; and dealing with staff that are less responsive to female attorneys than they are to male attorneys (or even junior male attorneys)." Women reported as "being perceived as putting family before

work." Underlying bias negatively impacted women's advancement, the study found, because of its impact on work distribution and assignments. According to the report, "Assigning partners sometimes assume women who work alternative schedules or are mothers are not as dedicated, produce poorer quality work, and are less deserving of higher-profile assignments."

The report offers several recommendations to counter female attorney attrition and disaffection.

1. A firm should adopt policies to address sexual discrimination and harassment coupled with training on at least an annual basis to identify prohibited practices.
2. Top management should articulate and demonstrate its clear intent to eradicate gender bias and to intervene on a personal level where gender bias is perceived.
3. Women attorneys should be included in social activities allowing for formal and informal interactions.
4. Mentoring should be encouraged by providing for "billable credit, bonuses or other incentives."
5. Alternative, flexible schedules should be encouraged without punitive repercussions to career advancement.
6. Law firms should reward activities that promote client development and heightened profile within the community.
7. Salary, bonus and benefit award systems should be evaluated along with the process of work assignments to eliminate intentional or unintentional bias.

The report begins with the premise that retaining women attorneys within the legal profession and in their law

firms is not only the right thing to do, it is good business. The cost of training an associate and the cost of replacing that associate can never be recovered. The above best practice suggestions are offered with this in mind: "These best practices provide practical solutions, never losing sight of the nature of law firms: firms are businesses that exist to make money." To that end and purpose: "Retaining female attorneys is in everyone's best interest."

The full Executive Summary can be found at: [http://utahwomenlawyers.org/wp-content/uploads/WLU\\_Executive\\_Summary1.pdf](http://utahwomenlawyers.org/wp-content/uploads/WLU_Executive_Summary1.pdf).

*Phyllis Horn Epstein is an attorney with Epstein, Shapiro & Epstein P.C. She can be reached at [Phyllis@eselaw.com](mailto:Phyllis@eselaw.com).*

## Equity partnership in the wake of Kirleis

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for the protection of female equity partners from gender discrimination in the workplace. In the meantime, it is imperative that women lawyers across the state mentor and promote each other, and most importantly, protect each other from discrimination in the workplace.

<sup>1</sup> Bureau of Labor Statistics, U.S. Department of Labor, Employed persons by detailed occupation and sex, 2008 annual averages (2009) <http://www.bls.gov/cps/wlftable11.htm>.

<sup>2</sup> The National Association for Women Lawyers, Report of the Fourth Annual National Survey on Retention and Promotion of Women in Law Firms (2009), <http://nawl.timberlakepublishing.com/files/2009%20Survey%20Report%20FINAL.pdf>.

*Karoline Mehalchick is an attorney with Oliver, Price & Rhodes in Clarks Summit, Pa.*

# Statistical evidence of a glass ceiling for women attorneys

By Phyllis Horn Epstein, co-editor

A new and startling report titled *Statistical Evidence on the Gender Gap in Law Firm Partner Compensation* has recently been published by Temple University Beasley School of Law Professor Marina Angel and her co-authors, Eun-Young Whang (University of Texas-Pan American), Rajiv D. Banker (Temple University's Fox School of Business) and Joseph Lopez (Temple University Beasley School of Law), in which they find empirical evidence of gender discrimination in the compensation of women attorneys.

The authors' research covered a five-year time period. Not surprisingly, this study found that for the period of time in question "...men made up roughly 85% of all equity partners during the same years. Women are three times more likely than men to be associates than partners." Moreover, the authors found "[a] positive correlation between women partners and non-equity partners suggests that a higher proportion of women partners occurs in firms that also have a higher proportion of non-equity partners. This is consistent with a glass ceiling effect. Women promoted within a law firm may be left in nonequity partner positions permanently."

The disparity of pay for women attorneys and the failure to advance to positions of power and equity sharing within their firms have often been excused by arguments that are based upon speculation that because of their family obligations, women devote less time to their careers, seek job settings that pay less or are generally less productive. This new report debunks those worn out conclusions.

The authors have summarized their work as follows:

"Our study compiled the largest research sample on the gender gap in compensation at the 200 largest law firms by combining two large databases to examine why women partners are compensated less: because they are less productive than men partners or because they are women. The AmLaw 100 and 200 studies include gross revenue, profits, number of equity and non-equity partners, and the total number of lawyers at each firm. The Vault/MCCA Law Firm Diversity Programs study (Vault/MCCA) includes the gender ratios at each AmLaw 200 firm. Our study covers the years 2002 to 2007.

The ratio of women equity partners to women non-equity partners is 2.546 compared to a ratio of 4.759 for their men counterparts over

the six-year period studied. An increase of 1% in the proportion of women partners at a law firm is associated with 1.112% lowering of the overall compensation for all partners at the firm. This disparity in compensation between women and men partners exists even after controlling for the lower compensation of non-equity partners and the greater likelihood for women to remain non-equity partners. Women partners are paid less than men partners despite the fact that they are not less productive in generating RPL for their firms.

The average gross revenue of firms with the highest percentages of women lawyers was approximately \$20 million higher than firms with the lowest percentage of women lawyers, but the revenue per lawyer (RPL) of these firms dropped by approximately \$120,000 per lawyer. The average compensation for the lawyers at the firm goes down as the proportion of women at a firm rises, indicating that women in all positions at a firm are paid less than their male counterparts.

Since 1988, a low of 40.6% and a high of 50.4% of first year J.D. students have been women. The proportion of women in positions of power at the AmLaw 200 firms should have increased over the ensuing twenty-six years. Women represented approximately 50% of the associate hires during the eighteen years prior to 2001 but only 15-16% of partners. The women who make it to partner are paid less than their men counterparts.

Our paper examines the gender gap problem in law firm compensation through an empirical lens. The results have important implications for economic discrimination research. Our statistical analysis concludes that women partners are compensated less than men on average at the AMLAW 200 law firms regardless of whether they are equity partners or non-equity partners. This gender disparity is not due to lower productivity of women partners. It is attributable to discriminatory practices under both disparate treatment and disparate impact analyses."

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## Statistical evidence of a glass ceiling for women attorneys

(Continued from Page 10)

Their paper concludes:

"More than one hundred years have elapsed since the late 1800s when women first emerged in the men-dominated legal workplace. However, women lawyers still need to fight for equality in compensation and promotion commensurate with their contributions to the highest grossing law firms in the U.S. Formal statistical results in this paper document that women lawyers are disadvantaged relative to men partners not because they are less productive in generating revenue for their law practices but because of discrimination. Comparing the average compensation levels of partners across firms, we find that women partners are on average compensated less than men partners. Our results hold even

after controlling for the lower compensation of non-equity partners, since women are more likely than men to remain a non-equity partner. This difference is striking because women partners are compensated less than men partners even though their impact on revenue generating productivity is not less than that of men partners.

The gender gap discrepancy in pay could be explained if women lawyers are paid less than their men colleagues, because they devote less time to their careers, are less productive, or opt for lower paying more egalitarian law firms. The analysis presented disproves these claims. Our results are consistent with discrimination."

The full report can be found at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1674630](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1674630).

Phyllis Horn Epstein is an attorney with Epstein, Shapiro & Epstein P.C. She is former co-chair of the PBA Commission on Women in the Profession.

### Pennsylvania Bar Association Commission on Women in the Profession

#### COMMUNICATIONS COMMITTEE EDITORIAL POLICY

*Voices & Views* is a publication of the Pennsylvania Bar Association (PBA) Commission on Women in the Profession and is published by the Communications Committee three times per year. The purpose of the publication is to facilitate communication among the membership of the Commission on topics and events of general interest to women lawyers. The editors of *Voices & Views* reserve the right to accept or reject any submission and to edit any submission to ensure its suitability for publication, its adherence to the Mission Statement of the Communications Committee and its furtherance of the objectives of the Commission on Women in the Profession.

The articles and reports contained in *Voices & Views* reflect the views of the writer and do not necessarily represent the position of the Commission, the editors of *Voices & Views*, or the Pennsylvania Bar Association.

#### MISSION STATEMENT

It is the mission of the PBA WIP Communications Committee to foster improved communication among its members in the furtherance of the goals of the Commission. To this end, the publication, *Voices & Views*, provides a forum for professional and open exchange among the WIP membership on all issues related to women and the law. *Voices & Views* shall be utilized for the following purposes:

- To publicize opportunities and events that may be of interest to the WIP membership;
- To provide information to the membership on topics that may be of general interest to women lawyers;
- To reach a wider audience and increase the visibility of the Commission;
- To inform the WIP membership of the projects and goals of the Commission; and
- To share information with the WIP membership regarding accomplishments of the members, other women lawyers and public figures.



# PBA Commission on Women in the Profession Fall Retreat 2010

By Phyllis Horn Epstein, co-editor

The Commission on Women in the Profession’s Fall Retreat in November explored “Different Personalities, Different Paths: Planning a Successful Course.”

Our distinguished panelists and moderators included Roberta Liebenberg, chair of the ABA Women’s Commission; Shira Goodman, deputy director of Pennsylvanians for Modern Courts; Jane Dalton, former chancellor of the Philadelphia Bar Association; and Ann Begler of the Begler Group.

There were many others who reminded us (as if we needed reminding) of the progress women have made in this profession and how far there is yet to go. The statistical rate of career advancement for women within larger firms is at a snail’s pace, and we were reminded that Catalyst is reporting that parity might only be achieved in the year 2086. The question of “fight or flight” was discussed in the context of when does a woman walk away rather than continue to try to change the dynamics in her firm.

Overall, the opportunity to share experiences with one another and seek solutions was invaluable. We were reminded by Pennsylvania Bar Association President Gretchen Mundorff that the PBA is our professional family, and looking around the conference room at The Hotel Hershey, it was clear we were at home.

Phyllis Horn Epstein is an attorney with Epstein, Shapiro & Epstein P.C.



## Book reviews

By Mary Kate Coleman

### The Millennium Trilogy: The Girl with the Dragon Tattoo, The Girl Who Played with Fire, and The Girl Who Kicked the Hornet's Nest

By Stieg Larsson

Published by Alfred A. Knopf in 2008, 2009, and 2010, respectively

The manuscripts for these three books were turned into the publisher before the author died in 2004. The author, Stieg Larsson, was a Swedish investigative journalist, the editor in chief of a magazine, and a leading expert on antidemocratic, right-wing extremist and Nazi organizations. His background is put to good use in this series.

The books focus primarily on two characters – Lisbeth Salander, an anti-social computer hacker, and Millennium Magazine journalist Mikael Blomkvist. In the first book, *The Girl with the Dragon Tattoo*, Blomkvist is hired by a wealthy Swedish industrialist to help solve the decades old disappearance and possible murder of the industrialist's niece. He teams up with Salander, an abused young woman and victim of violence, to solve the mystery. Salander comes to Blomkvist's rescue in more ways than one. This book sets the foundation for the next two books.

*The Girl Who Played with Fire* focuses heavily on Salander, who is accused of murdering two of Blomkvist's magazine colleagues. They were killed on the eve of publishing their story on sex trafficking between Sweden and Eastern Europe and which implicated prominent Swedes. Convinced of her innocence, Blomkvist returns the favor and comes to Salander's aid when she is threatened by others and accused of murder and other

By Mary Kate Coleman

### Innocent

By Scott Turow

Grand Central Publishing, 2010

This book is the sequel to *Presumed Innocent*, which was written in 1987 and made into a hit movie in 1990 featuring Harrison Ford. It features Rusty Sabich, a former prosecutor who was accused of murdering a co-worker and former lover in *Presumed Innocent*, who has gone on to become the chief judge of the appeals court and candidate

crimes. The questions about Salander's past are answered in this book.

*The Girl Who Kicked the Hornet's Nest* picks up where book two ends, with Salander in the hospital, under guard, with a bullet to the brain. Blomkvist again comes to her rescue to help defend her from various criminal charges and bring to justice the Swedish officials and others who are trying to destroy her life.

I really enjoyed these mystery thrillers and had a hard time putting the books down. It was interesting to read about various Swedish institutions, including the legal system and the government, and also about guardianship procedures and the country's constitution. The first book was originally titled *Men Who Hate Women* (for good reason) and all three books deal with how women are treated in Sweden. There also are issues of morality and justice throughout the book that provide interesting food for thought. The two main characters are likeable and sympathetic, and Lisbeth has been compared to the fictional female action character Lara Croft.

The author showed so much promise as a writer and died much too young. This is evidenced by the number of books sold and the fact that so many people have gone to see the Swedish movie versions of the first two books (U.S. movie versions to be coming soon). Larsson's estate is in a dispute with his longtime companion over the contents of a computer that allegedly holds a complete fourth novel written by him. Reportedly, the author also left behind outlines for additional books. Stay tuned as we wait to see if we will be treated to more of Lisbeth and Mikael's adventures. 

Mary Kate Coleman is a civil litigation attorney, mediator and arbitrator with Riley, Hewitt, Witte & Romano P.C. in Pittsburgh.

for his state's Supreme Court. Rusty remains married to the volatile and bipolar Barbara. In this book, Barbara dies under mysterious circumstances, and Tommy Molta, who helped prosecute him in *Presumed Innocent*, accuses Rusty of murdering her. Complicating all of the above is that prior to Barbara's death, Rusty carried on an affair with his law clerk, who then later became involved with his now-adult law student son.

Once the reader gets over the shock that Rusty has engaged in yet another reckless affair (Rusty is shocked by his own behavior, too.) and that he is still married to

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## Commission members in the news

**Phyllis Horn Epstein**, an attorney with Epstein, Shapiro & Epstein P.C., participated as a speaker and course planner for the seminar "LLCs: From Formation to Special Uses" for the National Business Institute on Dec. 7, 2010. Her presentation included a discussion of complex tax issues affecting the use of LLCs.

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**Superior Court Judge Susan Peikes Gantman** served as a panel member for the Montgomery County Bar Association's Continuing Legal Education seminar on "Avoiding Appellate Pitfalls for Trial Lawyers" in September. Also in September, Gantman presented the Margaret Richardson Award to Montgomery County Court of Common Pleas Judge Rhonda Lee Daniele.

\*\*\*

**Penina Kessler Lieber** of Obermayer, Rebmann Maxwell & Hippel L.L.P. was a panelist on Oct. 28, 2010, at the Business Women First Conference held in Pittsburgh. The conference focused on career development for women in business and featured a discussion focused on women and the board room.

\*\*\*

**Lynn Marks**, executive director of Pennsylvanians for Modern Courts, and **Roberta Liebenberg**, Fine Kaplan & Black, were joined by three other former Sandra Day O'Connor Award winners at the Philadelphia Bar Association's Women in the Profession Committee Monthly

Meeting on Oct. 26, 2010, to discuss business development, achieving partnership, following a career path, being proactive in your career, making a difference and mentoring.

\*\*\*

**Kathleen D. Wilkinson**, former co-chair of the Pennsylvania Bar Association Commission on Women in the Profession and 2008 recipient of the Anne X. Alpern Award, was elected vice chancellor of the Philadelphia Bar Association and began her term on Jan. 1, 2011. Wilkinson, a partner in the Philadelphia office of the national law firm of Wilson Elser Moskowitz Edelman & Dicker L.L.P., will serve as chancellor-elect and in 2013 as chancellor.

Wilkinson has been a member of the Philadelphia Bar Association's Cabinet since 2005, serving as assistant secretary from 2005 to 2007 and as secretary from 2008 to 2010. Wilkinson remains active with the Commission on Women in the Profession and serves as the Zone 1 director of the PBA Political Action Committee; a voting member of the PBA House of Delegates (Zone 1, Philadelphia); a member of The Interbranch Commission for Gender, Racial and Ethnic Fairness as appointed by former Gov. Edward G. Rendell; and a past-president of the Villanova Law J. Willard O'Brien American Inn of Court.

Wilkinson's practice focuses on complex civil cases, including professional liability, product liability, insurance, commercial and construction. She resides in Haverford with her husband, Thomas G. Wilkinson, also an attorney and a senior member of a Philadelphia law firm. They have three children. 

### Book review: *Innocent*

(Continued from Page 11)

Barbara, this is an enjoyable read. It is a page turner – very suspenseful – and a hard book to put down. The book features current day issues involving DNA, toxicology and computer forensics. Woven into the story are issues pertaining to politics, both inside and outside the office, ex parte communications and other legal topics. The courtroom scenes are top-notch, and the passages on witness examinations and behind the scenes strategizing are excellent. It helps to be familiar with *Presumed Innocent*

when you read this book. I enjoyed the history between Sabich and Molto and the appearance of other recurring characters such as Sandy Stern, who represented Rusty in *Presumed Innocent* and who represents him again in *Innocent*. The story is told from the perspective of the different characters, a technique which is interesting. Anyone who does trial work will really enjoy this book.



Mary Kate Coleman is a civil litigation attorney, mediator and arbitrator with Riley, Hewitt, Witte & Romano P.C. in Pittsburgh.

[www.pabar.org](http://www.pabar.org)

# Join a committee or task force

We have more than 750 attorneys as members of the Commission on Women in the Profession (WIP), and welcome the involvement of each member in the committees and task forces of the WIP. The committees and task forces are as varied as the women who populate the Commission. Please study the list of committees and task forces and contact either the Membership chairs, or the individual co-chairs listed.

See below for a synopsis of what each committee/task force does, and find your niche. Participation is generally by conference call, with face-to-face meetings as needed.

Thank you for your involvement in the Commission. Involvement in the committees and task forces are critical in order to make a difference in the PBA and in our legal community.

## **Annual Conference Committee:**

Plans the Annual Conference, which is held on one day in May or June, as part of the three-day PBA Annual Meeting. Helps plan the conference programs and select the luncheon keynote speaker.

## **Awards Committee:**

WIP confers two awards at the PBA Annual Meeting: one for leadership/mentoring of women; the other for a woman litigator. This committee considers nominees and recommends recipients to the Executive Council for its consideration and approval.

## **Communications Committee:**

Publishes our newsletter, *Voices and Views*, and plans and oversees the public relations activities of the Commission.

## **Governance Committee:**

Makes recommendations related to governance, including the policies and operating procedures of the Commission.

## **Membership Committee:**

How do we attract new members? With more than 750 WIP members, how can we serve them better? How do we encourage greater participation?

## **Nominating Committee:**

Makes recommendations for the appointment of co-chairs and co-vice chairs of the Commission. Can also make recommendations for the appointment of secretary, treasurer and committee chairs.

## **Promotion of Women Committee:**

Develops programs to promote and showcase women attorneys. Has helped plan the Midyear Meetings in Philadelphia, Harrisburg and Pittsburgh.

## **Quality of Life Committee:**

Women together can identify the stressors and the solutions involved in the practice of law. WIP takes a leadership role to defend the right of lawyers to have balanced lives. This committee addresses issues relating to gender equity and flexibility within the workplace.

## **Report Card Committee:**

Surveys the status of women in the legal profession in the commonwealth including law firms, government, judicial, legislative and political office, and prepares an annual report card as to how we are doing. Annually recognizes one firm for promoting women to leadership positions.

## **Retreat Committee:**

Plans our annual Fall Retreat which is usually held in October or November. Helps develop the retreat's theme and programs.

## **Diversity Task Force:**

Our legal community needs to reflect the diversity of our greater community – WIP seeks to identify opportunities for diverse women and encourage leadership.

## **Mentoring Task Force:**

Helps seasoned and less experienced lawyers meet and provide support and guidance.

## **Public Service Task Force:**

Identify service opportunities and provide support for causes that affect women.