A Brave New World
By WIP Co-chair Renee C. Mattei Myers

As women lawyers, we learn early on that, to survive in this world, we need to find a way to adapt (and sometimes quickly) to whatever life throws at us. Whether it involves devising a system to get the kids on the bus in the morning and still make it to the office by 8 a.m. or getting our voices heard to win the right to vote, we generally figure out a way to make it happen. Even so, I am not sure any of us were prepared for what we were hit with in March 2020.

Indeed, in early March, it was business as usual for the PBA WIP and many of its members. In our practices, we were advising clients, appearing in court, closing deals and attending meetings. On the home front, kids were in school, playing sports and anxiously awaiting spring break. The WIP was only a few weeks away from its much anticipated Spring Conference and putting the finishing touches on the Annual Conference program. We had announced our Anne X. Alpern, Lynette Norton and H. Robert Fiebach award winners (see pp. 20-21) and were starting to plan for the 2020-21 bar year. Then, seemingly overnight, it all came to a screeching halt.

In early March, almost no one was talking about COVID-19 in Pennsylvania. It was something that was occurring on the other side of the globe — a health crisis affecting China and, maybe, at that time, small parts of Italy. By the end of March, the ONLY thing we were talking about was COVID-19.

Today, we are in the midst of a global pandemic. Schools and businesses are closed. Courts have shut down all non-emergency operations. People are being ordered to stay home. The practice of law, however, continues (even if we are told we are “non-essential”). We just had to learn to (very quickly!) adapt. As women lawyers, we traded our offices for kitchen and dining room tables. Instead of fancy conference rooms, we learned to hold meetings with clients, colleagues and opposing counsel via Zoom. Courts are conducting proceedings remotely. Most importantly, the PBA has been working tirelessly behind the scenes to provide Pennsylvania lawyers with the information and resources necessary to continue to meet our clients’ needs.

It is also important to note that it hasn’t all been about work. We are now reminded, in these weeks of isolation, that it’s important to take some time to simply connect with each other. Our Quality of Life committee planned a “virtual happy hour” to just check in with our members. Our book group is hosting a virtual book discussion on April 30, and we have combined the substantive portions of our Spring and Annual Conferences into a half-day CLE program that will be broadcast remotely across the state on Sept. 30 (see pg. 23). We have adapted accordingly to meet the restrictions imposed by the governor or sometimes self-imposed for the sake of our own health and that of our families.

After two years as the WIP co-chair, I had hoped to be able to address you in person one last time at our annual conference. But I too have learned to adapt. I count myself blessed to have been a part of WIP for over 20 years and am looking forward to many more—regardless of what our future may look like tomorrow, next month or next year. I know Missy Leininger, Stephanie Latimore, Jen Coatsworth and the rest of the WIP Executive Board have lots of plans for the WIP this coming bar year. Please stay safe, and I am...
A Brave New World  

*Continued from page 1*

Looking forward to when we are able to gather together face to face again.

Over 56,000 deaths and nearly 1 million total COVID-19 cases in the U.S. (and in excess of 200,000 deaths, with over three million cases worldwide); at least 26 million new unemployment claims since mid-March; a compounding of existing socioeconomic and racial disparities in health and welfare in our communities, demonstrating the disproportionately devastating aftermath of illness and economic uncertainty; and food insecurity, at home and around the world, becoming both more widespread and acute... these indicators and statistics (as of print) leave no doubt that we are in an unparalleled period of suffering. In stark juxtaposition to this pervasive distress or the prominent heroism of medical care providers and frontline and essential workers, many of us (at least on the outside) are manifesting our most casual selves... working in our home offices, sporting shabby clothes and shaggy hair and faking geometry knowledge for our homeschoolers. And yet, for most of us, our outer slack belies the reality that inside we are a pulsating swarm of anxieties and fretful questions... Will this global pandemic ever be under control? Are my loved ones safe? How can I help my clients navigate the immediate and longer-term challenges they face? Will I keep my clients/job? What will our profession/society/political and governing discourse look like a year from now? The list continues and grows and multiplies. While I truly believe the women in our profession are among the strongest and most resilient people in the world, even we may need a reminder during “these uncertain times” that our anxiety over uncertainty is understandable but not insurmountable.

Keep it 100:

Is “what if” the closest thing you have to a mantra? Step 1, unsurprisingly, is recognition and acceptance of the reality that we cannot control everything or help everyone. Allowing ourselves to admit we are scared and sad helps us treat ourselves with kindness. Next, many mindfulness and mental health experts will advise us to curb one of our most natural instincts as lawyers: identifying all of the things that can go wrong and our plans (and back-up plans) for remediation thereof. I readily admit that contingency-planning is essentially our vocational little black dress — both indispensable and supportively familiar. But excessively focusing on risks and negative consequences has been shown to cause overestimation of risks, leading to less objectively sound decision-making. By picturing better possible outcomes or the best possible scenario (visualizing the surroundings of such positive outcomes, imagining how we would feel in that moment), we gain encouragement and context.

Reminders:

1. You are a well-trained and practiced warrior-princess. fighting for truth and justice, and this isn’t your first rodeo.
2. Get milk.

Finally, remember that you are a boss, a badass and battle-tested soldier forged in fire, with the blood of the suffragettes coursing through your veins. Take time to meaningfully reflect on the obstacles you have overcome in the past and the uncertainty you faced during difficult times and inflection points in your life. Hindsight tends to smooth over our rougher life experiences, but when we mindfully recall them, we evoke the tactics we employed and the strength we demonstrated in those moments. The simple act of reminiscing on the bad times and acknowledging that, at the very least, we came out on the other side provides a concrete and real-life parable of our own resilience, a lab experiment proving that this too shall pass. In addition to external sources of inspiration and support (e.g., friends, family, WIP members, Shirley Chisholm, Moana, Dolly Parton), we are our own best role model for sticking out and succeeding in tough times.

Nicole O’Hara focused on intellectual property, technology and related transactional matters as an associate at Saul Ewing Arnstein & Lehr in Wayne.
COVID-19 has changed our world, our lives and our futures. Across our planet, humanity is facing challenges from which no one will emerge unchanged. Against the enormity of this historic moment, we must carry on, taking care of ourselves, our families and our clients. As we practice law remotely, we must be mindful of responsibility to maintain client confidentiality. In light of this, the PBA Committee on Legal Ethics and Professional Responsibility has just issued Formal Opinion 2020-300, providing thorough and practical advice on how to work remotely and maintain compliance with the Rules of Professional Conduct.

Rule 1.6 (Confidentiality of Information) describes the obligation to preserve client confidences. The universe of information that is protected by the rule is far broader than the communications protected by attorney-client privilege. Anything you learn about your client and cannot be disclosed by you without the client’s permission, with certain limited exceptions. The breadth of this obligation was affirmed in 2018 by the American Bar Association in Formal Opinion 480, “Confidentiality Obligations for Lawyer Blogging and Other Public Commentary.” This opinion warns against public discussions of client matters without client consent, even if these matters have already been the subject of press coverage.

Opinion 2020-300 takes a deep dive into many aspects of working remotely, including a thorough discussion of Rule 1.6. Rule 1.6 (d) requires a lawyer to make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client. This includes everything from adhering to redaction rules when electronically filing pleadings to ensuring that associates and paralegals are also working with secure internet connections and email. See Rule 5.1, Responsibilities of Supervisory Lawyers; Rule 5.3 Responsibilities Regarding Nonlawyer Assistance. Rule 1.6, Comment [26] explains that an attorney must safeguard electronic communications, such as email, and may need to take additional measures to prevent information from being accessed by unauthorized persons. For example, this duty may require an attorney to use encrypted email or to require the use of passwords to open attachments or take other reasonable precautions to assure that the contents and attachments are seen only by authorized persons. These precautions also apply to paper files and any client-related documents.

To summarize, the opinion states:

“At a minimum, when working remotely, attorneys and their staff have an obligation under the Rules of Professional Conduct to take reasonable precautions to assure that:

• All communications, including telephone calls, text messages, email and video conferencing are conducted in a manner that minimizes the risk of inadvertent disclosure of confidential information;
• Information transmitted through the internet is done in a manner that ensures the confidentiality of client communications and other sensitive data;
• Their remote workspaces are designed to prevent the disclosure of confidential information in both paper and electronic form;
• Proper procedures are used to secure and backup confidential data stored on electronic devices and in the cloud;
• Any remotely working staff are educated about and have the resources to make their work compliant with the Rules of Professional Conduct; and,
• Appropriate forms of data security are used.”

The committee’s work is an important example of the ways in which our legal community comes together to help in difficult times. Working together, supporting each other, reaching out for help and being extra cautious – we will get through this trying time. And don’t forget to wash your hands!

Ellen C. Brotman, Esq. is a solo practitioner in Philadelphia, where she concentrates her practice on white collar criminal defense and ethics and professional responsibility. Ellen serves on the board of the Pennsylvania Association of Criminal Defense Lawyers, the PBA Committee on Legal Ethics and Professional Responsibility and the Philadelphia Bar Association Committee on Professional Guidance.
The Seamless Transition from Working in the Office to Remotely Working from Home

By Sara Austin

Well, I don’t know about the seamless part.

I have been able to work remotely, except for physical US mail, since before the start of my PBA presidency in May 2016. It was a necessity then, given how much I expected to be out of the office, and I have taken advantage of it ever since to work at home at night or on weekends when I didn’t want to, or couldn’t, be in the office. The only thing I truly needed in the office was my mail. You are probably asking how I was set up and why the transition was not seamless.

First, the set-up. Several years ago, I moved from copper to VOIP for phone service. I use 8x8. It is great. When the mobile app came out, it became even greater. With the 8x8 mobile app, I can get phone messages (which also come to me via email), and, best of all, call clients and they see a call coming from my office number even though I am nowhere near my office!

I also use a Dell laptop that is basically a shell. A password is required to get to its desktop and the only thing on the desktop are apps and icons to connect to things. I connect to Wi-Fi (almost always using my hotspot). Then I connect to my VPN (I use SonicWall as suggested by my IT person and it’s served me well) and then connect to my office (which requires a password). To get into my office system requires a password (just as when I’m sitting in my actual office). Once logged in, it is just as I am sitting in my chair in the office looking at my computer screen, and I can work just as if I am in the office. The only downfall is that the screen (my office desktop and whatever I’m using or looking at) is small to fit the laptop dimensions.

So, a handful of month ago I got a second monitor in my office. I have been fighting it for years, thinking I’d hate it. Well let me tell you, emphatically, I was wrong. I absolutely love it. It is nice to be able to work with more than one app open at a time, especially when using both PDF and Word documents at the same time. Then came the governor’s stay-at-home order ...

Luckily, I’d upgraded my home office computer in late January, when the pandemic was not on the radar, and was only awaiting a second monitor there too. The home office computer is my husband’s business computer and mainly for me to check emails and prepare documents on a larger screen than the laptop. When I upgraded the computer, I also had my IT guy set up the home office computer for remote connection to my office. I used the same VPN and remote entry as on the laptop (except did not need Wi-Fi, of course). That gave me a bigger screen than the laptop.

Then came the pandemic. Other counties were put on stay-at-home so I was expecting it to be extended to York. On March 23, I put in a form for the U.S. Postal Service to forward my office mail to my home address as I was unsure if I’d even be allowed to go to my office. If so, I’d just get the mail at home. I had it set to start immediately and go through April 30. Soon after, York was added to the stay-at-home list. I packed up and took home the supplies from my office I’d need (envelopes, paper, stamps, scale, stapler, Code books, checkbooks, deposit slips, snacks, you name it). Part of my dining room table became my new home office.

With my laptop, smartphone and iPads (yes, I have a trio: an older iPad, a newer iPad and a mini), I can do everything at home that I can from the office. I schedule client appointments by phone (or Zoom or Skype) and use Square to send an invoice that they pay by credit card prior to the consult. I can also use Square for clients who request it to pay their bills by credit card. [Note: Law Pay, a PBA partner, is a great service. But I get so few requests for credit card payments that...]

Continued on page 5
Seamless Transition

Continued from page 4

I’ve used Square so that I have no monthly payment, but only a percentage deducted, just like Law Pay or other credit card services. I participate in meetings via conference call or Zoom. I return calls using my mobile app. It’s all doable remotely. I planned to go to my office briefly every week to water the plants. And when my husband was not using the computer and larger monitor in the real home office (as opposed to my dining table home office, aka laptop), I used the bigger one – and was SO glad I’d had the foresight to have my IT guy set it up for remote use. So, the puzzle was all in place, and I expected forwarded mail at my home within a short time.

All seamless, right? Well … first, the connection. Probably due to the increased people using the cable service at the same time, my Wi-Fi connection became spotty, which, of course, interfered with my ability to work on my laptop. Then I occasionally even had issues when using the “big” computer – probably the cable company throttling. So, I got a different VPN – one that is less sensitive to those connection spikes – and put it on my laptop and “big” home office computer. It was already on my office computer so that my IT guy could remote in and support me. Since then, pure bliss (well, other than the fact that I’m still working from home), except for …

The mail! You know, the means by which some county courts notify me of things, like, oh yeah, Orders. And through which colleagues serve me with, oh yeah, pleadings and discovery. And the means by which many clients send me their payments by check. As of April 9, I still had not received one single piece of forwarded mail at my home. Not one! I’d received an acknowledgement by mail that included my office address and the new (home) forwarding address, but nothing more. The acknowledgement gave me a number to call if I received no forwarded mail within seven to 10 business days. I waited 13, then called the number; the man on the other end. He arrived timely and helped me right away. Again, he was super nice. He checked, using my case number, and eventually determined that my mail was probably still sitting in the post office servicing my office. Oh goodie! I asked if I should go to that post office, and he said no, it was just a big warehouse where they sorted mail. Well, apparently the stickers they give to carriers to forward mail are small and often get lost (or so he said). I asked how the carrier knew not to deliver mail to my office but not to forward it, which drew no answer other than a wry smile. He sent an email complaint as part of my case and said that the carrier would now be told to forward my mail. Wait, don’t get excited for me yet. That meant the mail would get sent to PHILADELPHIA for them to affix the yellow stickers with my forwarding address, then it would be sent it back to York to be delivered to my home.

When I asked if I’d get any mail before the forwarding order expires April 30, he gave another wry smile. I know it’s not his fault. I did tell him it’s this type of thing that gives the postal service a bad name and makes it untrustworthy for stuff that must get to where it’s going. Then I went home …

And waited. And worked. Just with no mail. As I write this on April 18, I have received only one piece of forwarded mail (and it is a check!). So maybe the rest of the mail will find its way to me soon. But I definitely will NOT extend the forwarding order; instead I will check for mail on my weekly visits to water the plants.

While not seamless, I was certainly able to work remotely. And stay connected with my friends and colleagues through various means (email, phone, Zoom, Skype, Facebook, more). And be engaged in bar association activities at the local and state level – probably putting in even more time of late than prior to the pandemic.

I sign off, wishing you all health and safety as we all barrel (or slog) through the pandemic tunnel to the light at the other end.

PBA Past President Sara A. Austin has been representing clients in the Central Pennsylvania area since 1991. Sara is known for her work both in and out of court. A leader in the legal community, Sara continues her involvement as a leader in the PBA. She is chair of the PBA Solo & Small Firm Section.
Voices & Views Spring 2020 • Pennsylvania Bar Association • Commission on Women in the Profession

6

Voices & Views

The coronavirus pandemic has forced a lot of lawyers to utilize video conferencing to “meet” with co-workers and clients. One of the most popular video conferencing platforms is Zoom. There are others, but we see Zoom as the choice of many lawyers, especially those in solo and small firms. While we can’t cover all the options and settings for Zoom, we’ll try to give our advice on the best way to use and secure Zoom for your firm.

The growth in Zoom usage has exploded. As of the end of December 2019, there were approximately 10 million free and paid daily meeting participants. In contrast, that number has increased to over 200 million free and paid daily meeting participants in March 2020. The boom in usage has squarely put the crosshairs on Zoom. Multiple security and privacy issues have been discovered and exposed by security researchers and journalists. Some of the publicity was just, and some of the media statements were wrong or overblown.

On April 1, 2020, Zoom CEO Eric Yuan announced that there would be a feature freeze for the next 90 days while resources are concentrated on fixing the “biggest trust, safety and privacy issues.” As a result, we’ve updated our previous Zoom article as Zoom is currently in damage control mode fixing those issues. Make no mistake about it though – clients and lawyers both love Zoom and, as Zoom has fixed more and more security defects, we believe it is a darn good video-conferencing solution for lawyers as long as they learn how to use it properly.

Basics

The first question for rookies is...what the heck is this thing called Zoom? According to the website, “Zoom is the leader in modern enterprise video communications, with an easy, reliable cloud platform for video and audio conferencing, collaboration, chat, and webinars across mobile devices, desktops, telephones, and room systems. Zoom Rooms is the original software-based conference room solution used around the world in board, conference, huddle, and training rooms, as well as executive offices and classrooms.”

Zoom is extremely easy to use (for lawyers and clients!) and is available across multiple platforms and operating systems. You can use your mobile device with apps available for Android and iOS. There are desktop clients available for macOS, Windows and a bunch of Linux/Unix versions (e.g. Ubuntu, Linux, CentOS, OpenSUSE, etc.).

Equipment

To state the obvious, you will need some sort of camera to participate in a video conference call. Most modern-day laptops are equipped with a webcam for video calls. You could even use your iPad or smartphone with Zoom. Another consideration is sound. The built-in microphones for laptops or phones may not sound particularly good if you are on the receiving end. Consider using a headset (with microphone) or earbuds. You’ll be able to hear better, and so will all the other participants. Besides sounding better, headsets and earbuds help cut down on the ambient noise.

Don’t forget where you physically sit during the video conference. If your back is to an open window, the brightness may make you difficult to see. Light sources (lamps, skylights, etc.) behind you will have the same effect. Objects behind you may be distracting too. Think about what the person on the other end is seeing. Be cognizant of those around you. Family members may be able to hear you discussing confidential information even if you are wearing a headset.

Participating in a Meeting

We’ve participated in a slew of Zoom meetings over the years, but it sure feels like we’re now involved in one or two...
a day instead of one every several months. It seems obvious to us that you need to be in physical possession of the device you use to participate in a Zoom meeting. Apparently, a lot of attorneys don’t get the obvious or haven’t completely thought things through.

Many of us are working from home and may be remotely connecting to our computers at the office. If so, you’ll need to NOT remotely connect and must use your home computer, smartphone, iPad or some other device that you physically possess. If you try to participate in a Zoom meeting while remotely connecting to your office machine, it will be just as if you were sitting at your office desk. We can’t tell you the number of times we were looking at an empty desk chair. You are not sitting in your office so participants can’t hear you either. In other words, when you remotely connect to your office computer, Zoom uses the microphone and camera of that office machine. It seems pretty silly, but invariably there’s at least one participant in a Zoom meeting that remotely connects to their office computer and wonders why we can’t see or hear them. Good thing there is a chat function in Zoom.

All you need to do is have some way to access the meeting invite details from a physical device you have control over and which is in your possession. If the invite went to your firm’s email address, just access it from your smartphone (assuming you can get to your firm email from your phone); otherwise, just forward the message to a personal email account you can access from your home machine or other personal device. Remember…when participating in a Zoom meeting, the video camera must be able to “see” you and the microphone must be able to “hear” you. When you’re at home, your office machine can’t do that.

We’ve also had experience where we couldn’t hear a participant, yet they were unmuted in Zoom. The likely cause is that the microphone is muted on the actual device they are using or the wrong microphone is selected. The key to checking if your computer microphone is muted varies by computer manufacturer and model. Bottom line…check to make sure the microphone/sound is not muted on your physical device.

Meeting Management

While you are in a meeting, clicking the Participants icon in the bottom menu bar pops a panel to the right that shows all the participants for the meeting. You can see the status of the user’s microphone (muted or unmuted) and status of their video camera. Obviously, there will be no camera icon if the participant dialed in with a phone number. The participants panel is where the host can manage and control the participants. The host can ‘mute all’ or mute participants individually. The host has other options as well such as changing the name of the participant, stopping their video, preventing screen sharing and requesting a participant to start their video. If enabled, the host can put the participant on hold, send them to the waiting room, etc.

When you click on a meeting link, you will be prompted to open the Zoom application. The default view shows the participants across the top bar with the speaker showing in the center panel. If someone else starts talking, the video will shift to that speaker. If you have more than a handful of participants, it is difficult to see who is in the meeting. Taking your mouse to the upper right corner of the screen will give you the option to change the view to gallery. The gallery view shows all participants in their own “square” with the speaker’s box having a yellow outline. The outline will bounce around to the various speakers and is less annoying than the speaker’s video constantly being switched out. Think of the view as being similar to the introduction of the Brady Bunch TV show or the TV game show Hollywood Squares, where each person was in their own “box.” Many new Zoom users have no clue about how they can change the view to “gallery.” That is something we have to explain in most meetings.

Zoom has released an update that will be most visible to those hosting meetings. There is now a new Security icon in the lower menu that replaces the Invite button. The icon allows the host to quickly and easily find and enable/disable security features. When you click the icon, hosts and co-hosts will be able to lock the meeting, remove participants, restrict a participant’s ability to perform some actions (rename themselves, share screens, etc.) and enable the Waiting Room even if it’s not already enabled.

Features

The primary function of Zoom is to facilitate video conferencing. It supports video and audio transmission for each connected user over the internet. There’s also a dial-in number for audio-only connections. Some people use Zoom as an audio conference bridge so that users won’t have to incur potential long-distance phone charges.

You can also configure Zoom to allow file transfers and

Continued on page 6

Continued on page 8
**Zoom Training for Lawyers**
*Continued from page 7*

Screen sharing. Screen sharing is very common when observing a product demo. It is even used when giving a webinar. The presenter can mute all the attendees and share their PowerPoint slides from their computer desktop.

There is also a whiteboard feature which participants can annotate for all to see.

There are a lot of meeting controls available to the host. As an example, you can control the audio of the participants. All participants can be muted when they first join the meeting.

Audible tones can “announce” the joining of a participant. Sessions can be recorded. There used to be a feature to let the host know if a participant is not paying attention, but Zoom has permanently removed that feature in a nod to privacy concerns.

Another helpful feature for mediators is the Breakout Room feature, which is disabled by default. You create the rooms and then assign participants to a specific room. When the host opens the breakout rooms, each participant gets a notice to move to the room. Each room is isolated from the others, just like you would be in a real mediation. The participants can take advantage of the Zoom features (e.g. screen share, chat, etc.) among everyone in the room. The host and co-host can freely move among the breakout rooms. However, that feature only works for the host at this time. The co-host must be assigned a room, but the host can move them among the various rooms as needed. Of course the mediator should be the one who hosts the meeting. We would not recommend allowing one of the parties to be the host in a mediation unless separate Zoom meetings were created for the appropriate participants, which would ensure separation of the parties. The disadvantage with separate meetings is that you can’t easily move among the various rooms as you would in a real physical mediation.

You can record Zoom meetings, too. The paid subscriptions offer local and cloud recording. The Pro plan includes 1GB of cloud recording storage. You can add more storage space for an additional fee. We would highly recommend not recording to the cloud. Cloud recording means Zoom stores the recording and manages it. Local recording means you have control over the distribution of and access to the recording. One downside is that local recording is not available in the iOS or Android app. You must use a computer to be able to record locally. Another concern is the issue of encryption. Encryption is not possible for the recorded information. The good news is that local recording is only available for the host unless the host allows participants to record locally.

When configuring Zoom, do not enable the cloud settings or automatically record. It is possible to record without the host, but we would recommend against it. Prior to initiating a local recording, make sure the option is enabled. Login to your account from a browser and go to Settings and then the Recording tab. Make sure the “Allow hosts and participants to record the meeting to a local file” is enabled. You can also configure the host to allow the participants to record locally. To start a recording, click on the Record button in the bottom menu. Select the “Record on this computer” choice. The host and participants will see a visual indicator in the upper left to indicate that recording is in progress. There will be an audio notification too if you have configured it. You can stop or pause the recording at any time during the meeting. Once the meeting is over, the recording will get converted and downloaded to your computer. The host needs to stay connected to the internet during the entire download process. The default location to save the recording is in the Zoom folder in the host user’s Documents folder.

Once all the intended participants have joined, close the meeting. You do this by selecting “Manage Participants” icon in the bottom menu and then click “More” at the bottom of the panel or by clicking the new Security icon. Select the “Lock Meeting” to prevent anybody else from joining. As you can see, the intent is to create as many barriers as possible to prevent unintended attendance to your meeting. So-called “trolls” having a way of joining for mischievous reasons, including Zoom-bombing with inappropriate content, without those barriers.

*Continued on page 9*
Cost

There is a free version of Zoom, but there is a 40-minute limit per meeting that has three or more participants. The Pro version is the most popular for solo and small firm attorneys. The cost is $14.99/month per host account. (The host is the one who schedules the meeting.) Each session is limited to 24 hours (don’t invite us) and you can have up to 100 participants. There are additional admin controls as well. If you pay annually, the cost is $149.90 ($12.49/month). The next level up is the Business subscription, which is $19.99/month per host and requires a minimum of 10 hosts. There are a lot of enterprise features available with the Business plan such as a vanity URL and the ability for on-premise deployment.

We’re confident the Pro plan is more than adequate for most law firms. If you need more than one host, just purchase an additional Pro plan subscription.

Configuration Settings

We’re not going to go through all the various ways you can use or control Zoom. Assuming you have purchased a Zoom subscription, we will make some suggestions for configuring and using Zoom in a more secure fashion. First, make sure you are using the most up-to-date version of Zoom. If you have previously used Zoom, you probably already have Zoom installed. To manually download the latest version, launch the Zoom application, log in to Zoom and click on your user icon in the upper right (it probably has your initials). Select “Check for Updates” and follow the instructions.

Consider changing some of the default settings prior to scheduling the meeting. The first one is screen sharing. The default is to allow all participants to screen share. That means anyone can share their screen with inappropriate content. Yes, even bizarre sexual content. You definitely want to change the default to set screen sharing to host only.

Another setting is to require a meeting password. You can configure Zoom to include the password in the meeting invite or you can distribute the password separately. A related default password setting is to require a password for those joining by phone as well. Zoom has changed the default settings in a recent release. As a security measure, passwords are now required for all meetings including those using your Personal Meeting ID. Even though it is now the default, check your settings to make sure passwords are required for all participants, including those just using a telephone.

It would be nice if everyone in the meeting used their video cameras so you could verify who they are. However, some participants may not want their cameras turned on or they call in using a telephone. There is another Zoom setting to prevent someone from changing their display name to indicate they are someone else. When you are in the meeting, go back to the managing participants panel and click on “More” again. Make sure that the “Allow Participants to Rename Themselves” is unchecked.

An additional step to prevent the display of inappropriate content is disabling virtual backgrounds. Go to the “Setting” section in Zoom and select the “In Meeting (Advanced)” choice. Disable the “Virtual background” option. This will prevent someone from displaying an inappropriate image as their background. Having said that, you may consider allowing participants to utilize virtual backgrounds. Virtual backgrounds are useful to “hide” the clutter of your surroundings or to show a pleasant scene. We would suggest leaving virtual backgrounds enabled unless you experience abuse. If you are particularly paranoid, disable them.

Control when the meeting starts. Don’t let the participants join the meeting before you do. Who knows what could be going on before you connect? In the “Schedule Meeting” section of “Settings,” turn off the “Join before host” option. An alternate control mechanism is the Waiting Room feature. Participants connecting prior to the host are held in the waiting room. The host then admits the participants individually or all at once. Enabling the Waiting Room feature automatically disables the “Join before host” option. While some are recommending using the Waiting Room feature, independent research lab Citizen Lab is not. Citizen Lab has found a serious security issue with Zoom’s Waiting Room feature and is working with Zoom to fix the issue. Until a patch is released, don’t use the Waiting Room feature and make sure you have a password for every meeting, which is now the default setting.

If you are particularly paranoid about what someone might pop up or write on a screen, you should turn off annotations and whiteboard in the “In Meeting (Basic)” section.

Consider turning on “Allow host to put attendee on hold” in the “In Meeting (Basic)” section. This will allow you kick people out of the meeting if necessary. Hopefully, you won’t have to do that, but it’s a good idea to have the option if needed.

Continued on page 10
Voices & Views Spring 2020 • Pennsylvania Bar Association • Commission on Women in the Profession

Zoom Training for Lawyers

Continued from page 9

Two other settings to disable deal with the user experience at the end of the meeting. We find it particularly annoying to have survey questions or ratings appear after visiting a site or at the end of a webinar, etc. Be nice to your participants and turn off the Feedback to Zoom and Display end-of-meeting experience feedback survey settings.

Scheduling

It is highly recommended NOT to use your Personal Meeting ID (PMI) when scheduling meetings. Your PMI is a constant value and never changes. Once it is known to someone else, they could connect to the meeting whether they have been invited or not. Of course, requiring a password for PMI meetings will help, but our recommendation is to not use PMI — period.

Allowing Zoom to automatically generate the meeting ID is a more secure option. This means that each scheduled meeting will have a unique meeting ID. This greatly enhances the security of using Zoom.

Another available security setting when scheduling a meeting is to require registration. You must have a paid Zoom subscription to require registration. Meeting registration means the participants register with their email address, name and questions. There are some predefined questions such as Phone, Industry, Job Title, Address, etc. You can also create your own custom questions. The registration option is not available in the Zoom app when scheduling meetings. You must schedule your meeting using a web browser in order to select the Registration Required option. The default is to automatically approve all participants after they complete the registration. You may want to change the setting to manually approve participants for the meeting. After registration is approved (manually or automatic), the participant will receive information on how to join the meeting. Meeting registration is another good way to further restrict meeting participants and help prevent Zoom-bombing.

Account Security

Just like any other service you use, your password should be strong and not easily guessed. In addition, two-factor authentication (2FA) should be enabled. It still amazes us that the default is not set to require 2FA. You enable 2FA for your Zoom account by selecting “Security” in the “Admin” section, under “Advanced.” Turn on the “Sign in with Two-Factor Authentication” option.

Video Conference Etiquette

When you are participating in a Zoom meeting, mute yourself so that other participants don’t hear all your background noise and potential disruptions. Barking dogs, ringing doorbells, spouses yelling, etc. do not leave a very professional impression. Unmute yourself when you have something to say. A very fast way to temporarily unmute yourself is to press the space bar. Just like the old-style push-to-talk microphones, holding down the space bar unmutes and allows you to be heard. Releasing the space bar mutes you again. While we’re at it, become familiar with hotkeys and keyboard shortcuts for Zoom. There are a lot of them. Zoom has a help article that discusses hotkeys and keyboard shortcuts for the various operating systems. https://support.zoom.us/hc/en-us/articles/205683899-Hot-Keys-and-Keyboard-Shortcuts-for-Zoom

Another etiquette consideration is positioning of your video camera. If you have a separate USB webcam, position it at face level pointed directly at you. If you use the webcam in your laptop, make sure the laptop is elevated to have a straight view of your face. Set your laptop on a few books to get it higher if needed. The last thing you want is the camera looking upward exposing your nostrils. Not pretty.

Privacy

You need to understand that Zoom is constantly being criticized for its collection of data. It’s rare that we come across an attorney that has actually read the Terms of Service, Acceptable Use or Privacy Policy. The Terms of Service for Zoom is 13 pages, which may take you a little time to plow through. The interesting thing is that Zoom just updated its privacy policy on March 18, 2020. Coincidence or was it in response to the sudden spike in users flocking to Zoom?

Bottom line ... Zoom collects a lot of data from users about their devices, activities and data shared/transferred. Consumer Reports pointed out that advertising campaigns could be developed from the videos and chat messages. Like Facebook, Zoom could use facial recognition technology against all the recorded videos. To be fair, Zoom has clarified and changed some of its past practices. As an example, Zoom removed the Facebook SDK (Software Development Kit) in the iOS client and reconfigured it to prevent unnecessary collection of device information. Previously, Zoom would send data about participants and used LinkedIn to match people. If a participant had a LinkedIn Sale Navigator account, they could access the other participants LinkedIn.
Voices & Views Spring 2020 • Pennsylvania Bar Association • Commission on Women in the Profession

Details without the participant knowing. Zoom has since disabled the feature.

A major difference with Zoom is the amount of control hosts have over participants and their activities. We’ve already discussed some of the recommended configuration settings to restrict what participants can do. Director of privacy and technology policy at Consumer Reports, Justin Brookman, said, “Zoom puts a lot of power in the hands of the meeting hosts. The host has more power to record and monitor the call than you might realize if you’re just a participant, especially if he or she has a corporate account.”

Citizen Lab discovered that some participant traffic was being rerouted through servers in China. As it turns out, Zoom uses geofencing to control traffic flow. Participants outside of China do not route through China and those in China stay within servers in China. When network traffic started to increase significantly, additional servers were added to Zoom’s network. Unfortunately, a mistake was made and servers in China were improperly added. Therefore, some traffic was routed through China when it shouldn’t have. After the report by Citizen Lab, Zoom removed the errant servers from the traffic flow.

Encryption

Security of Zoom meetings is a major concern of millions of users. Some companies and agencies have banned the usage of Zoom. Some companies are asking their employees not to use Zoom but haven’t banned it outright. Some think that competing products are more secure and should be used instead. We believe the truth is somewhere in between. Recently, Zoom clarified their architecture and encryption schemes. The major criticism is the lack of end-to-end encryption despite Zoom’s earlier claims. Zoom was using the term end-to-end encryption in a way that is not the commonly accepted definition. Busted.

Zoom explained its encryption in a blog post on April 1, 2020. “To be clear, in a meeting where all of the participants are using Zoom clients, and the meeting is not being recorded, we encrypt all video, audio, screen sharing, and chat content at the sending client and do not decrypt it at any point before it reaches the receiving clients.”

Zoom clients include your computer running the Zoom app, a smartphone running the Zoom app and a Zoom Room, which are really only seen in large firms and enterprises. Essentially, your traffic is encrypted if all participants are using the app on a computer or smartphone. In that case, the user content is inaccessible to Zoom’s servers or its employees.

The exposure for most people is when someone participates via a telephone call and not with the app or if the meeting is being recorded. Zoom cannot guarantee full encryption in those cases. There are other situations where full encryption may not be possible, but they are not commonly experienced by most lawyers. If you are really concerned about making sure that your Zoom meeting is as secure as it can be, require that all participants use the computer audio and do not allow telephone participation.

For those worried if Zoom can “tap” your session like a traditional communication channel, Zoom response is: “Zoom has never built a mechanism to decrypt live meetings for lawful intercept purposes, nor do we have means to insert our employees or others into meetings without being reflected in the participant list.”

Zoom did not clarify the technical details for its encryption implementation. Without getting totally in the weeds, Zoom’s encryption methods are not nearly as good as they should be. A single AES-128 key is shared among all participants. Zoom also uses AES in ECB mode, rather than a stronger industry standard. Certainly, using AES-256 in a more secure industry standard mode would be preferred. Recent actions by Zoom would indicate they are working on improving the security of Zoom to include improving encryption. Let’s hope we get to see true end-to-end encryption using AES-256 soon.

Ethical to Use Zoom?

Despite the media histrionics over Zoom’s shortcomings, those shortcomings are shrinking day by day as security measures and privacy safeguards are implemented. We certainly believe that a lawyer’s duty of competence (Model Rule 1.1) and the duty of confidentiality (Model Rule 1.6) are met if the lawyer has taken the time to understand the basic features of Zoom, including all security features.

Final Words

Zoom has become extremely popular. It is extremely easy to use even for those not technically inclined. Performance is good, and there are lots of features to use. There are also features that can go awry. The jury is still out as to whether Zoom can be trusted or not. Are its intentions pure or did they just get caught? Certainly, we’ve seen some major improvements in the platform. We would certainly like to see an

Continued on page 12
improvement in the encryption, and we need more time to assess Zoom's transparency promises.

Despite the concerns with Zoom's privacy and security, there is a practical side to using technology in your law practice. While it is desirable to control the encryption keys, the reality is that you can't always do that today. A lot of technology providers hold a master decryption key and could technically decrypt your data. Dropbox and Apple's iCloud are two that come immediately to mind. Another reality is that you can't really control what you cannot see at the other end of your communication. It doesn't matter if you are using Zoom, Webex, GoToMeeting or calling on your iPhone. You have no control over what the person on the other end is doing. They could have software installed that is recording your entire conversation and capturing video. More old school is to record with a separate device such as a voice recorder or even taking a video with your smartphone. Bottom line…nothing is 100% secure.

For now, we don’t see any problem using Zoom for your video conferencing needs as long as the subject matter is not extremely sensitive. Be smart in how and when you use it. Spend a little time to become familiar with the capabilities of Zoom, especially if you are the one hosting the meetings.

Sharon D. Nelson is a practicing attorney and the president of Sensei Enterprises, Inc. She is a past president of the Virginia State Bar, the Fairfax Bar Association and the Fairfax Law Foundation. She is a co-author of 18 books published by the ABA. snelson@senseient.com

John W. Simek is vice president of Sensei Enterprises, Inc. He is a Certified Information Systems Security Professional, Certified Ethical Hacker and a nationally known expert in the area of digital forensics. He and Sharon provide legal technology, cybersecurity and digital forensics services from their Fairfax, Virginia firm. jsimek@senseient.com.

Note from the editor: Zoom is rapidly changing as the company makes changes to respond to privacy concerns. For example, the waiting room issue has since been resolved. If you would like assistance with Zoom, Sharon Nelson’s business offers training. Learn more at https://senseient.com/services/zoom-training/

Spring Cleaning the Office:
Three simple tools to keep your office organized
By Andrea Cannavina

One of the hardest parts about working from home is structuring your day so that you can, in fact, get work done. You now have other humans around, perhaps some animals vying for your attention, and there's always the cleaning and laundry competing for your time. Pile on that it takes much longer to get anything accomplished as the world upends itself from this latest of catastrophes. In many instances, those thrust into this new normal are scrapping out whatever time they can to work and fitting everything that they can into that little bit of time. Meaning you have to be super-efficient.

But how can you be efficient after being thrust into this totally crazy new way to work with no guidelines and nothing to help you figure it all out?

The only way to get super-efficient is the same way as always — through organization and systems. Organization will make it so that you have physically and mentally less to do, and systems will force you to be the most efficient with what little time you have to get the work done. This is because with a system in place you just act — you don’t think. You DO.

There is TIME and physical action in order to get work done. It is not about making you efficient so you have more time. It's about doing the right things, in the right order, at the right time, so the flow stays flowing (and you stay healthy).

Continued on page 13
Spring Cleaning the Office
Continued from page 12

Here are three simple ways I have found to get and keep an office and workflow organized and efficiently working for all:

D-A-F-T™ is the productivity system I created for myself after feeling like a total failure for not being able to use David Allen’s system Getting Things Done. It was the lists that tripped me up! I ended up having so many lists, and then I needed to get those lists synced across multiple devices — remember this was LONG before Office365 made that issue moot — and I found I was spending far more time on the lists than I was getting the stuff on the lists done.

So I decided I could either try to locate, learn and incorporate another person’s system, or I could create my own. After months of thinking about it and ruminating, I came up with D-A-F-T™, which stands for Defer, Act, File and Toss. Anyone who has been researching office organization has definitely come across the acronym FAT – which stands for File, Act, Toss. What I found was not everything could be filed, acted upon or tossed – so I would spend what little creative thoughts I had trying to rename or reframe the item so that it would fit into one of those categories. When you realize you’re spending more time on the system than on the work … you know something is wrong.

As for my system, once you get how D-A-F-T™ works – it really is simple. Rather than take up all this article on explaining the actual process, here’s a link to the Technolawyer TechnoFeature published in 2008 https://tinyurl.com/ACDAFTTL; it opens as a pdf – no email required. Take two minutes to read through and get an idea of how D-A-F-T™ works, especially for you and your staff to stay coordinated and on top of email.

Bullet Journal is a task/note/journaling system created by Ryder Carroll, which I first learned of about years ago by stumbling on the YouTube video he had created to explain it. I knew this was a good system for me to test, because it is so simple, it can be explained in two minutes: https://www.youtube.com/watch?v=fn15cmYU0IM

Starting with Bullet Journal and armed with a Moleskine or other notebook, you immediately have one spot for your notes, musings, dates and tasks – one centralized place for important information that is not digital, that you can quickly reference and that you know will hold whatever tidbit you may need, even in a power outage or when you have no internet.

In fact, I use past Bullet Journals as reference materials and idea generators. I especially enjoy being able to connect with colleagues and contacts from my past, simply by leafing through and spotting a note of a previous call.

Just as D-A-F-T™ incorporates a bit of David Allen with a little Inbox Zero and a bunch of other tweaks to make it work for me (and thousands of others), I have also significantly tweaked Ryder’s system to better work for those in law offices — as lawyers and staff. My tweaks include a full year calendar, a way to track dates of personal vs. business milestones. I also keep a running record of the important links I populate out and the contact information and account numbers for credit cards and other bills which I prefer to pay via telephone. Keep an eye on my blog for my upcoming post (and screenshots) of how I morphed bullet journal to work for me – www.lawfirmsolutions.com

Office365 – While not really a system, I do consider Office365 the system I use to keep my tech under control. As mentioned above, Office365 has removed the need to actively sync information across multiple devices. That, in and off itself, makes it quite a time-saver! However, O365 also saves time in so many other ways; it is the administrative manager for the software you use to get work done. From O365 you can set up employees to work remotely and securely from within the Microsoft platform. You can also restrict access should a device or employee stop working for the firm. Additionally, there are half a dozen (at least) products available to keep a law firm working. There is Sharepoint for file sharing and wrangling of groups of things (people, case information, matters); there is Teams for collaborating and staying in touch with staff and on top of team tasks; there is To Do for...
Voices & Views Spring 2020 • Pennsylvania Bar Association • Commission on Women in the Profession

Spring Cleaning the Office
Continued from page 13

Impactful, eye opening and thought provoking — all words that students in Duquesne Law Professor Ashley London’s Professional Responsibility class used to describe a Dec. 2 presentation made by the WLD’s Committee to Advance Professionalism and End Bias, Education Subcommittee (CAP-Ed). The presentation included four parts: a discussion of The Gansler Report on the email scandal that noted the existence of the culture within the law that permits expression of bias; a discussion of implicit bias; examples of overt bias experienced by members of the Pittsburgh legal community; and strategies and resources within the profession for addressing bias. The committee, which was created in 2016 to abate bias through continuing education programs for lawyers and judges, is currently implementing a permanent program approved by the ACBA Board of Governors in October 2019 that supports course planners in including anti-bias/implicit bias content in their CLEs to qualify them to become CJE’s.

“We are seeing a fundamental generational shift in our law students toward a greater intolerance of bias, exclusion and harassment. This can only be a benefit to our profession. Presentations like this help match our students’ appetite for change with the tools they need to address and resolve issues they will likely face in the real world,” London said.

Continued on page 15

WLD Members Share Insights with Duquesne Law School Students to Confront Overt and Implicit Bias in the Workplace

By Ashley London, Mary Kate Coleman and Emily Kinkead
Reprinted with permission from the Allegheny County Bar Association’s Lawyers Journal.

Impactful, eye opening and thought provoking — all words that students in Duquesne Law Professor Ashley London’s Professional Responsibility class used to describe a Dec. 2 presentation made by the WLD’s Committee to Advance Professionalism and End Bias, Education Subcommittee (CAP-Ed). The presentation included four parts: a discussion of The Gansler Report on the email scandal that noted the existence of the culture within the law that permits expression of bias; a discussion of implicit bias; examples of overt bias experienced by members of the Pittsburgh legal community; and strategies and resources within the profession for addressing bias. The committee, which was created in 2016 to abate bias through continuing education programs for lawyers and judges, is currently implementing a permanent program approved by the ACBA Board of Governors in October 2019 that supports course planners in including anti-bias/implicit bias content in their CLEs to qualify them to become CJE’s.

“We are seeing a fundamental generational shift in our law students toward a greater intolerance of bias, exclusion and harassment. This can only be a benefit to our profession. Presentations like this help match our students’ appetite for change with the tools they need to address and resolve issues they will likely face in the real world,” London said.

Continued on page 15

Individual task management; and, of course, the full suite of Microsoft products, including Word, Excel and Powerpoint — all managed through your Office365 subscription and log in.

However, does my recommendation that you use Office365 mean that I think lawyers should be in charge of the Office365 administrative account? NO! Be efficient with your time and put a professional in place to help you configure, deploy and maintain your office technology. I list who I recommend on the Resources page of my blog.

Now, before you work yourself to death, divorce or other bad outcome, it is very hard to separate your life from your work when your office is only six steps away. The ONLY person who CAN separate the two is YOU. Put some sanity into your new normal by putting some systems into your workflow and day. The three systems above won’t solve ALL the issues we face as mobile office warriors, but they are a start and certainly a vast improvement over not having anything at all.

Andrea Cannavina, CEO, CTM, MVA helps attorneys fix their offices, workflows and websites. Visit www.andreacannavina.com to learn more.

Spring Cleaning the Office
Continued from page 13

Impactful, eye opening and thought provoking — all words that students in Duquesne Law Professor Ashley London’s Professional Responsibility class used to describe a Dec. 2 presentation made by the WLD’s Committee to Advance Professionalism and End Bias, Education Subcommittee (CAP-Ed). The presentation included four parts: a discussion of The Gansler Report on the email scandal that noted the existence of the culture within the law that permits expression of bias; a discussion of implicit bias; examples of overt bias experienced by members of the Pittsburgh legal community; and strategies and resources within the profession for addressing bias. The committee, which was created in 2016 to abate bias through continuing education programs for lawyers and judges, is currently implementing a permanent program approved by the ACBA Board of Governors in October 2019 that supports course planners in including anti-bias/implicit bias content in their CLEs to qualify them to become CJE’s.

“We are seeing a fundamental generational shift in our law students toward a greater intolerance of bias, exclusion and harassment. This can only be a benefit to our profession. Presentations like this help match our students’ appetite for change with the tools they need to address and resolve issues they will likely face in the real world,” London said.

Continued on page 15

WLD Members Share Insights with Duquesne Law School Students to Confront Overt and Implicit Bias in the Workplace

By Ashley London, Mary Kate Coleman and Emily Kinkead
Reprinted with permission from the Allegheny County Bar Association’s Lawyers Journal.

Impactful, eye opening and thought provoking — all words that students in Duquesne Law Professor Ashley London’s Professional Responsibility class used to describe a Dec. 2 presentation made by the WLD’s Committee to Advance Professionalism and End Bias, Education Subcommittee (CAP-Ed). The presentation included four parts: a discussion of The Gansler Report on the email scandal that noted the existence of the culture within the law that permits expression of bias; a discussion of implicit bias; examples of overt bias experienced by members of the Pittsburgh legal community; and strategies and resources within the profession for addressing bias. The committee, which was created in 2016 to abate bias through continuing education programs for lawyers and judges, is currently implementing a permanent program approved by the ACBA Board of Governors in October 2019 that supports course planners in including anti-bias/implicit bias content in their CLEs to qualify them to become CJE’s.

“We are seeing a fundamental generational shift in our law students toward a greater intolerance of bias, exclusion and harassment. This can only be a benefit to our profession. Presentations like this help match our students’ appetite for change with the tools they need to address and resolve issues they will likely face in the real world,” London said.

Continued on page 15
Implicit Bias
Continued from page 14

Before class, the law students completed the implicit-association tests found at Harvard’s Project Implicit website. These tests help measure the strength of the automatic associations people make when they encounter other individuals and groups in the course of everyday life. Implicit bias, which can be either favorable or unfavorable, is unconscious and automatic, and often stands in direct contrast to a person’s declared beliefs. Implicit biases shape our interactions with those around us and can lead to unintended, negative consequences.

“Because of the significance of the work we do as lawyers and judges, it is important that we be aware of our implicit bias. We all have it and need to take steps to minimize its negative impact. Any display of bias undermines the public’s trust in the justice system and is in conflict with commonly understood concepts of professionalism and civility,” said Mary Kate Coleman, co-chair of the CAP Ed Subcommittee.

“We were grateful for the opportunity to have this conversation with these third-year law students who will soon be entering the profession,” said Emily Kinkead, co-chair of the CAP Ed Subcommittee. “We hope we were able to give the students a better understanding of the many forms bias takes and give them some ideas for how to deal with situations involving bias in the profession.” Excerpts from The Gansler Report, which discussed the type of images circulated among judges, public officials and attorneys, in addition to the images themselves, caught the attention of the students off the bat. Additionally, the students were very interested to learn about the science behind implicit bias, such as that 90% of our biases are at an unconscious level and the influence the media has on our biases. The discussion about the implicit bias test and the video clip, The Lunch Date, was lively and insightful.

Also impactful were the stories the presenters relayed. Two of the stories involved incidents of bias and harassment against a woman summer associate and a woman summer legal intern. The summer associate was groped at a law firm party by a law firm partner and the summer legal intern was racially and sexually harassed by another intern. Still another story involved a female associate who was subject to sexually explicit ridicule by a law firm partner in front of others. The final story involved a member of the minor judiciary who commented on the attractiveness of a female counsel as the basis for his decision in a matter before him.

Before the presenters told the students how the situations were resolved, a moderated discussion occurred where students commented on the situations, what they would do if they found themselves in these situations, and what considerations would cross their minds in making a decision on how to respond or proceed. The presenters referenced pertinent provisions of the Rules of Professional Conduct and the Code of Judicial Conduct which were then woven into the discussion. Finally, the business case against bias was made - that no employer wants its brand associated with overt or implicit bias.

The presentation ended with the class being advised of resources within the ACBA for dealing with overt or implicit bias such as the Gender Bias Subcommittee, which affords confidentiality in the handling of reports of bias. Students were grateful to learn of these resources.

“This is the second year Duquesne Law has participated in this programming, and I plan to keep it a part of my curriculum. Our students will be community change makers, and that begins when we help them build a strong foundation in legal ethics. We want to be the change that encourages inclusion, and that means tackling tough issues in a safe and supportive environment. We are grateful for this partnership,” said London.

Coleman and Kinkead would like to thank the other program presenters for their time, knowledge and willingness to share experiences: Jessica Altobelli, Ron Jones, Lori McMaster and Lisette McCormick. They also wish to thank Tynishia Powell, who was not able to be present, but who contributed content and insights as to the program. For more information about the work of the CAP-Ed Subcommittee, please contact Coleman at mkcoleman@rhwrlaw.com or Kinkead at emily.kinkead.jd@gmail.com.
The WIP Oral History Project

The PBA Commission on Women in the Profession, in commemoration of the 100th anniversary of the enactment of the 19th Amendment to the U.S. Constitution ratified on Aug. 18, 1920, recognizes outstanding women leaders who have made a significant impact on our profession and who have served as mentors and role models for our members. The WIP Oral History Project seeks to preserve oral histories of the paths of those leaders and their achievements, as told in the first person by these outstanding women.

We are pleased to announce that the first interviews have been completed and are now featured on WIP's webpage. We will continue to add interviews to this page as they are completed. Click here to view interviews featuring Hon. Joy Flowers Conti and Kathy Manderino: WIP Oral History Project.

WIP’s 25th Report Card

The 2020 PBA Commission on Women in the Profession’s 25th Report Card is now available. The Commission on Women in the Profession issues this 25th Report Card to serve as a measure of the evolving participation of women in the PBA, the judiciary and the practice of law. The report compares our current results with those from our initial year of reporting to better understand the progress that has already been made and with the hope that it will help identify deficiencies, reveal opportunities and inspire positive changes for women attorneys.

The 2020 Report Card provides concrete data on women judges sitting on all levels of the state and federal judiciary throughout Pennsylvania and the number of women participating on all levels of the PBA. In addition, it highlights how far we have come since 1995 and features interviews with women trailblazers in the law from Pennsylvania. Also, new this year, we have added data from the Disciplinary Board of the Supreme Court of Pennsylvania, reflecting statistics regarding gender, race and ethnicity as obtained from the annual attorney registration process.

Susan Bowen
Elizabeth A. Flaherty
Lynn A. Marks
2019-2020 Report Card Committee Co-chairs

Welcome
New Commission Members!

The PBA Commission on Women in the Profession extends a warm welcome to new commission members who joined February - March 2020. We hope the new members enjoy their membership and experience the many benefits of serving on the Commission on Women in the Profession.

- Lauren Burge, Eckert Seamans Cherin & Mellott LLC, Pittsburgh
- Brittany Deitch, Villanova University, Villanova
- Jennifer DiPillo, Crime Victims Law Project, Media
- Jing Han
- Kara Hunter, Pittsburgh
- Lauren Majewski, Montgomery County Public Defenders Office, Audubon
- Donna Marcus, Obermayer Rebmann Maxwell & Hippel LLP, West Conshohocken
- Vitoria Medeiros, Philadelphia
- Kathryn Mercogliano, Ambler
- Alexandra Morgan-Kurtz, Pennsylvania Institutional Law Project, Pittsburgh
- Abigail Wenger, Lancaster
- Carolyn Zack, Momjian Anderer LLC, Philadelphia

LYTHERS CONCERNED FOR LAWYERS PENNSYLVANIA
www.lclpa.org

LCL CONFIDENTIAL HELPLINE
1-888-999-1941
Congratulations, WIP Award Recipients

The PBA Commission on Women in the Profession (WIP) announces the recipients of its 2020 Anne X. Alpern, Lynette Norton and H. Robert Fiebach awards. The awards will be presented at a dinner event on Nov. 6 during the WIP Fall Retreat in Hershey.

Anne X. Alpern Award:
Elizabeth (Lisa) Detwiler

Philadelphia attorney Elizabeth (Lisa) Detwiler, president, general counsel and chief compliance officer for FS Investment Solutions LLC, is the recipient of the 2020 Anne X. Alpern Award. The Alpern Award is presented annually to a female lawyer or judge who demonstrates excellence in the legal profession and who makes a significant professional impact on women in the law.

Detwiler “is universally respected for her incredible work ethic, strategic thinking, strong moral compass, even keeled nature and willingness to speak her mind,” noted one nominator. Another added that she is “the modern-day Anne X. Alpern: a friend, mentor and legal scholar.”

Detwiler is a 30-plus-year veteran of the Pennsylvania legal profession. She is an original member of the WIP and served as its co-chair and a member of the executive council, enacting programs and initiatives to create a level playing field for women lawyers.

Throughout her career, she has focused on the development and mentoring of women both inside and outside the legal profession. She is president of the Forum of Executive Women, an organization dedicated to increasing the number of women in professional leadership roles in the Philadelphia region and building a pipeline for the next generation of women business leaders. She is also the founder of the Franklin Square’s Women’s Initiative, where she mentors and offers guidance to women lawyers at Franklin Square, providing advice and counsel to younger lawyers who are navigating other in-house positions.

Previously, Detwiler was senior managing counsel and director of BNY Mellon’s Harrison Segal & Lewis, co-chair of the financial practices group at Schnader Harrison, chief

Lynette Norton Award:
Maraleen D. Shields

Lehigh County attorney Maraleen D. Shields, a shareholder at Fitzpatrick Lentz & Bubba PC in Center Valley is the recipient of the 2020 Lynette Norton Award. The award recognizes female attorneys who excel in litigation skills and who are devoted to mentoring female lawyers.

At Fitzpatrick Lentz & Bubba, Shields is a member of the healthcare, and litigation and trial practice groups. She represents physicians and medical staffs in the internal Fair Hearing and Appellate process, counsels clients regarding risk and event management, licensure disputes and HIPAA/HITECH compliance, and assists them with achieving compliance with federal and state healthcare laws, regulations and guidelines.

Shields is known for her thorough research of legal issues in her litigation practice, devising novel theories of law, and crafting academic and scholarly briefs which challenge the judiciary. One nominator noted that Shields is ‘committed to providing superior legal services by rigorously preparing for all phases of client representation. And further noted that she ’never hesitates to take on the challenge of educating herself on everything she can about a case from all sides to make sure she is well versed on all the issues that that may arise.’

Shields is also dedicated mentoring younger generations of attorneys through cultivating relationships with summer associates and new attorneys at her firm. She aims to impart knowledge and relay skills that will benefit them in their future legal careers, providing opportunities to accompany her at court appearances, depositions and client meetings. Shields also provides detailed and constructive feedback on assignments and follows up with face-to-face meetings in order to ensure better understanding.
Elizabeth (Lisa) Detwiler  
*Continued from page 17*

counsel of the Pennsylvania Department of Banking and an attorney in the office of the Comptroller of the Currency.

Detwiler’s professional achievements include representing the Department of Banking’s interests across the commonwealth during the savings and loan crisis, the introduction of interstate banking and branching, establishing the first internet bank in the United States by creatively applying precedent from the Office of the Comptroller of the Currency to formulate a foundation to obtain regulatory approvals, and drafting and commenting on new business statutes and regulations through her work with the PBA Business Law Section.

Within the PBA, Detwiler was chair of the Business Law Section, chair of the Committee on Pennsylvania Electronic Transactions Act and a member of the Investment Committee. She is also a member of the American Bar Association and the Philadelphia Bar Association and its Philadelphia Compliance Roundtable.

Her community leadership and involvement includes terms on the boards of Philadelphia VIP, the Committee of Seventy, Westover School and the Chamber Orchestra of Philadelphia, among others.

Detwiler is a graduate of Mount Holyoke College South Hadley and the University of Pittsburgh School of Law.

Marleen D. Shields  
*Continued from page 17*

Prior to joining Fitzpatrick Lentz & Bubba PC, Shields held several associate positions at law firms in Philadelphia, Bethlehem and Allentown.

An active member of the PBA, she is co-vice chair of the Health Care Law Committee, a member of the Minority Bar Committee Executive Council and on the editorial staff of its newsletter, *Houston’s Legacy*, and a member of the Commission on Women in the Profession. Additionally, Shields belongs to the Bar Association of Lehigh County, the Northampton County Bar Association and the American Health Lawyers Association.

Several distinctions and awards Shields has received include the PBA President’s Award, *Lehigh Valley Business Journal’s* Forty Under 40 and *Lehigh Valley Magazine’s* Legal Leader.

Shields graduated from the University of Pittsburgh School of Law in 2003 and received an A.B. from Kenyon College.

---

**H. Robert Fiebach Award**

Two law firms are being recognized by the PBA Commission of Women in the Profession for instituting programs or initiatives that help women lawyers continue and advance in their careers while maintaining a work/life balance. The 2020 H. Robert Fiebach Awards for the Promotion of Women in the Law go to Bernard Klaw & Watson in Philadelphia and Lanard and Associates PC in Plymouth Meeting.

**Bernard Klaw & Watson**

*Bernard Klaw & Watson* was founded on the philosophy of balancing careers with motherhood and extends it to all employees. The firm and its partners are committed to mentoring other women attorneys and law clerks, promoting work-life balance and pro bono service. The firm focuses on the advancement of opportunities for women in family law, not only for attorneys having children, but through a law clerk program developed and established by founding member Joni Berner in 2010. It also offers flexible scheduling and child care options, including “Camp BKW,” where all attorney and staff children are welcomed after school/camp or when they are sick. Since 2015, BKW has participated in a mentoring program through the Drexel University-Thomas R. Kline School of Law. All partners mentor and work with the law clerks.

**Lanard and Associates PC**

*Lanard and Associates PC*, an all-female boutique law firm specializing in franchise law, allows all staff to work from a virtual office to greater allow for flexibility to care for family needs. Founder and senior partner Nancy Lanard allows attorneys in her firm to accept or reject a work assignments based on current situations, including demands for childcare, financial need and time constraints. The flexibility the firm offers has allowed staff to enjoy a greater work/life balance, forging greater work satisfaction and lasting relationships.
Congratulations to Lisette “Mimi” McCormick for being the recipient of the Women’s Bar Association’s 2020 Susan B. Anthony Award at an event held at the Rivers Club in Pittsburgh on Feb. 18, 2020. The award is given to a member of the legal profession who promotes and maintains the highest degree of professionalism in the practice of law, who encourages participation by women in all facets of the profession, and who promotes equal treatment of women in practice and in the courts. McCormick was deemed to be most deserving of this honor because she has distinguished herself through her dedication to the causes of racial and gender equality and her strong commitment to public service.

Left to right: The Honorable Kim Berkeley Clark, President Judge of the Allegheny County Court of Common Pleas; McCormick; and Cynthia M. Danel, Esq., partner, Edgar Snyder & Associates. Clark and Danel were speakers at the presentation of the award.

Judge Andrea Marceca Strong, Court of Common Pleas of York County, has been appointed as a member of the Juvenile Court Procedural Rules Committee for a term of five years, commencing April 1, 2020.
Save the Date!
WIP Conference
Wednesday, Sept. 30

The WIP Spring and Annual Conferences will go on! Despite the COVID-19 crisis and the need to postpone events, the Commission on Women in the Profession is altering planning to make the best of the situation. Mark your calendars for Wednesday, Sept. 30, for a half-day event combining the CLE programming from our Spring and Annual Conferences. The program will be held live at the PBI Education Center in Philadelphia and simulcast to locations in Pittsburgh, Mechanicsburg, Scranton and Allentown.

We are still finalizing the details, but tentative programming is as follows:

12:30–1:00 p.m.  Registration

1:00–3:00 p.m.  The ERA: The Past, Present and Future
2 hours substantive CLE credit

3:15–4:15 p.m.  Voting Rights/I.D. Panel Discussion
1 substantive CLE credit

4:20–5:20 p.m.  Civility in the Profession Panel Discussion
1 ethics CLE credit

5:20–6:15 p.m.  Networking Reception

Mark your calendar today and watch for future emails with registration details!

PBA Commission on Women in the Profession Leadership 2019-2020

Co-Chairs.......................................................Renee C. Mattei Myers, Melissa Leininger
Co-Vice Chairs .............................................Stephanie Latimore*, Jennifer Coatsworth
Secretary ..................................................................................................Ann Johnston
Assistant Secretary..................................................................................Carla Donnelly
Treasurer .............................................................................................Elizabeth Triscari
Members at Large .....................................................Melinda Ghilardi, Karen Grethlein

Subcommittees

Annual Conference ...........................................Andrea Farney, Anne N. John, Aly Oswald
Awards ..............................................................Sara A. Austin, Mary Kate Coleman
Communications ............................................................Jennifer Ellis, Nicole O’Hara
Diversity ............................................................Hon. Stephanie Domitrovich, Elisabeth Shuster
Governance ..................................................................................................Katherine Berquist, Bernadette Hohenadel
Legislative ..................................................................................................Lisa Benzie, Sarah Yerger
Membership .....................................................LaToya Winfield Bellamy, Keri Schantz
Mentoring .................................................................Nancy Conrad, Hon. Karoline Mehalchick
Nominations .............................................................Jessie L. Smith, Andrea Tuominen
Promotion of Women ....................................................Rachel King, Jill Kelly McComsey
Public Service .........................................................................................Amy Coco, Kim Meyer
Quality of Life..........................................................Roberta Jacobs-Meadway, Kathleen Wilkinson
Report Card ...........................................................Susan N. Bowen, Elizabeth Flaherty, Lynn Marks
Retreat 2019 ...............................................................Elizabeth Flaherty, Kathryn Harrison
Retreat 2020 ..............................................................Tara A. Burns, Laura Williams
Spring Conference .................................................................Gina Miller, Elizabeth Triscari
Book Group ..............................................................Desiree Brougher, Katherine Kennedy
Diversity Ambassador ...........................................................Sharon R. López
YLD Liaison..................................................................................................Rachel King
PBA Newsletter Liaison .................................................................Diane Banks
PBA Staff Liaison..................................................................................Ursula Marks

*  PBI Board Liaison
** PBA Nominating Committee Representative