

FAWL JOURNAL



FALL/WINTER 2016

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GENDER BIAS: WHY ARE WE STILL TALKING ABOUT THIS?

Also...

- FAWL Annual Award Winners
- Women's Health Awareness
- JNC Oversight Committee
- Constitutional Revision Commission
- In-House/Corporate Counsel

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PRESIDENT'S MESSAGE



Dear FAWL members,

It takes a village to raise a child. The same is true for helping to raise new lawyers within our community. As lawyers, each of us has something to offer the newer lawyer behind us: experience. And with experience, comes wisdom. Each and every one of you is in a position to share your experience and the wisdom you have had the opportunity to learn from, whether it's matters of procedure, legal strategy, law firm life, work-life balance, business development, or even new areas of the practice to explore. You have a wealth of knowledge that can be shared, to either help someone through a difficult process, or even just to let someone know they are not alone in facing a particular set of circumstances.

Mentoring occurs in many forms, through both formal and informal processes. Our local FAWL chapters throughout the state have a variety of mentoring programs available, all of which are ready for your participation. The opportunities are there if you are

willing to take advantage of them. If, however, your preference is for something more informal, simply offer to take a newer lawyer to lunch or, even better yet, bring a newer lawyer with you to a FAWL meeting! Mentoring is simply about developing a relationship with a newer lawyer, however you are comfortable doing it.

If you ask most women lawyers, they can list a host of mentors who helped them get to where they are. Be on someone's list. Be a resource to someone who needs it. Help make a difference in someone else's life by sharing what you've already learned. As we enter the fall season, our legal community gains a new class of lawyers that have just recently passed the bar exam. Opportunities abound. Reach out and find a lawyer who wants your help. In the end, you may just gain more from the experience than what you have to offer.

- Leora B. Freire

OUR MISSION

To actively promote gender equality and the leadership roles of FAWL's members in the legal profession, judiciary and community at large.

To achieve these goals, FAWL will uphold the highest standard of integrity, honor and courtesy in the legal profession, promote reform in law, and facilitate administration of justice.



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PAST PRESIDENTS OF FAWL 65 YEARS OF POWER

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 1952-53 Mary L. Esarey
 1953-54 Esther A. Poppell
 1954-55 Rebecca Bowles Marks Hawkins
 1955-56 Margaret E. Deaton
 1956-57 Edith McIlvaine James
 1957-58 Judge Mattie Belle Davis
 1958-59 Judge Mildred S. Akerman
 1959-60 Judge Anne E'del Deacon Fenyvessy
 1960-61 Lavona R. Zuckerman
 1961-62 Virginia Anne S. Jordan Church
 1962-63 Helen Tanos Hope
 1963-64 Dorothea M.B. Vermorel
 1964-65 Josephine Howard Stafford
 1965-66 Phyllis Shampanier
 1966-67 Ann B. Miller-Yandre
 1967-68 Adele T. Weaver
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 1969-70 Ruth Fleet Thurman
 1970-71 Judge Frances Ann Jamieson
 1971-72 Judge Winifred J. Sharp

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 1980-81 Linda Carol Singer
 1981-82 Debbie Malinsky Orshefsky
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 2000-01 Barbara A. Eagan
 2001-02 Susan W. Fox
 2002-03 Siobhan Helene Shea
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 2004-05 Magistrate Deborah Magid
 2005-06 Judge June C. McKinney
 2006-07 Wendy S. Loquasto
 2007-08 Sherri L. Johnson
 2008-09 Rebecca H. Steele
 2009-10 Tasha K. Dickinson
 2010-11 Gigi Rollini
 2011-12 Susan R. Healy
 2012-13 Laura K. Wendell
 2013-14 Brittany J. Maxey
 2014-15 Robin I. Bresky
 2015-16 Kristin A. Norse

JUDGE MATTIE BELLE DAVIS: A FOUNDING MOTHER OF FAWL

It is appropriate that we profile Judge Mattie Belle Davis in this issue of the FAWL Journal, as her achievements mark important mileposts in our legal community's quest toward a more inclusive legal community. Judge Davis was born in Ellabell, Georgia in 1910 and became a resident of Miami, Florida in 1926. After "reading" the law and apprenticing, Judge Davis was admitted to The Florida Bar. She practiced law with her husband, Troy Davis, for twelve years. Following her husband's death, Judge Davis continued her practice until 1959, at which time she was appointed to the Metropolitan Court of Dade County – the first woman judge to serve on the court. In 1973, by virtue of a constitutional amendment, Judge Davis became a County Court Judge and served on the bench until her retirement in 1980. Even in retirement, Judge Davis continued to sit on the County and Circuit Court benches as a Retired Judge until June, 1996.

In addition to her service on the bench, Judge Davis served on the National Safety Council, the National Highway Safety Advisory Committee, and the Governor's Highway Safety Commission of Florida. Judge Davis was also active in community and charitable

programs as well as bar and professional organizations. Her list of accomplishments is lengthy: President of the National Association of Women Lawyers, member of the American Bar Association's House of Delegates, sole woman recipient of the ABA Fellow's 50-year Award, presiding temporary chairwoman of the National Association of Women Judges, and namesake of the Miami Dade FAWL Chapter's Mattie Belle Davis Award, to name a few. Significant to those in the FAWL community, Judge Davis was a founding member of FAWL, President, and Historian. Judge Davis is remembered for her decades-long commitment to FAWL and to promoting women and the administration of justice. In honor of Judge Mattie Belle Davis, the Mattie Belle Davis Society was established by the Florida Association for Women Lawyers in 2004. The Society funds such FAWL initiatives as participation during the annual state legislative session, involvement in The Florida Bar Board of Governors and at meetings of The Florida Bar, and member benefits. The current members of the Mattie Belle Davis Society are:

Rosemary Armstrong
 Vivian Bauza
 Jill Berman
 Caryn Carvo
 Peggy Claire Senentz
 Lacey Clark
 Amber Davids
 Deborah Davidson
 Hon. Angela Dempsey
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 Dori Foster-Morales
 Leora Freire
 Zina Gabsi
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 Sharon Glickman
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 Wendy Loquasto
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 Catrina Markwalter
 Katherine Miller
 Colleen Norman
 Gigi Rollini

Siobhan Shea
 Bonnie Sockel-Stone
 Laurie Thompson
 Carrie Turner-Krzyzaniak
 Dineen Wasyluk
 Christa Wenk
 Jacqueline Woodward
 Ryan Zagare

LETTER FROM THE EDITOR

Donna L. Eng



I am honored and excited to be serving as the FAWL Journal Director for the 2016-2017 year. I hope you enjoy this Fall-Winter Edition of the Journal. The FAWL Journal Committee is a motivated, hard working group of wonderful women, and this Journal could not have come to fruition without all of their efforts. I would especially like to thank those Journal Committee members who contributed to this edition, including Priscilla Blow, Ashley Krenelka Chase, Jennifer Corinis, Christine Deis, Jeri Delgado, Mariane Dorris, Rina Feld, Elen Gantner, Chelsea Hardy, Mary Howard, Megan Hurchalla, Donna Krusbe, Ingrid Osborn,

Danielle Peterson, Nicole Quattrocchi, Erica Rutner, Geri Satin, Shannon Timmann, Peggy Wood, and Teri Zeitenberg.

I'd also like to thank Kathy McHale and Michelle DeLong, Co-Chairs of the Committee who helped me immensely with the edits as we prepared for Hurricane Matthew.

And a special thank you to several FAWL members who are not on the Journal Committee but nevertheless lent their assistance: Andi Amaral, Jennifer Sullivan and Laurie Thompson. Thank you!

And, last but certainly not least, a big thank you to Kevin Hudson. He is the number one "FAWL Guy" without whom the publishing of this Journal would not be possible.

This year, the FAWL Board approved Gender Bias as the theme for the year, and it could not be more timely. The presidential election is only weeks away as I write this, and like many of you,

I have witnessed the many gender based attacks on full display from one campaign in particular. While I appreciate that the presidential campaign coverage has provided me with plenty of teaching moments with my 16 year old daughter and 11 year old son, I can't help but ask a few questions: (1) what do all the gender based attacks say about general societal attitudes about gender? (2) if the United States does not elect its first female president, what does that say about general societal attitudes about gender? (3) if the United States does elect its first female president, is that a sign that perhaps we are on the way towards remedying gender bias?

Only time will tell what will happen with the election. But I am hopeful that with the increased recognition of gender bias in the press, we can begin to not just recognize gender bias, but remedy it as well.

- Donna L. Eng

THANK YOU TO OUR ANNUAL SPONSORS

The Florida Association for Women Lawyers ("FAWL") wants to take this opportunity to thank and recognize each of its Annual Sponsors who play such an important role in allowing FAWL to pursue its mission to actively promote gender equality and the leadership roles of FAWL's members in the legal profession, judiciary and the community at large.

We want to specifically thank the following Annual Sponsors:

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Without its Annual Sponsors, FAWL would not be able to do the things it does to promote gender equality in the legal profession. FAWL is extremely grateful to have such generous and supportive sponsors.

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Michelle DeLong, Committee Co-Chair
Kathy McHale, Committee Co-Chair

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M. DeLong



Mariane Dorris



Rina Feld



Elen Gantner



Chelsea Hardy



Mary Howard



Megan Hurchalla



Donna Krusbe



K. McHale



Ingrid Osborn



Danielle Peterson



Nicole Quattrocchi



Erica Rutner



Geri Satin



Shannon Timmann



Margaret Wood



Temi Zeitenberg

KEVIN HUDSON, FAWL EXECUTIVE DIRECTOR

By Jeri Delgado

Kevin Hudson brings both association experience and knowledge as FAWL's Executive Director. The Executive Director serves as an *ex officio* member of the Board of Directors with no vote. Kevin is primarily accountable to FAWL's President, provides administrative support to individual Board members, and assists individual members with membership related issues.

As a long term vision, Kevin sees great potential in our association. There are 35,000 female attorneys in Florida, yet less than 10% are FAWL members. With such huge growth potential in FAWL, there is huge potential for community impact. Imagine, if FAWL had the lobbyists to reflect 35,000 members, FAWL could be that much stronger in promoting and achieving its mission.

As a short term vision, Kevin is streamlining, simplifying, and automating membership recordkeeping. He is working toward developing sponsorship programs and chapter growth which would result in increased member services.

A FUN FACT
you did not know
about Kevin:
He is the proud
owner of an
Australian Shepherd
and a Goldendoodle.

ANNUAL MEETING 2016 HIGHLIGHTS

At the Annual Meeting in June, the new Board was sworn in by Justice Barbara Pariente and immediately got to work. The Board voted in favor of adopting the year's theme, Gender Bias, based on the Results of the 2015 Young Lawyers Division Survey on Women in the Legal Profession, and to recognize Women's Health Awareness Month for the month of May. It is hoped that each Chapter will offer one program during the year on each of those themes.

The Board voted in favor of adopting the year's theme, Gender Bias, based on the Results of the 2015 Young Lawyers Division Survey on Women in the Legal Profession

The Board discussed whether to adopt a new streamlined process for fast-track consideration of requests for FAWL endorsements. In that regard, Ms. Kyleen Hinkle reported that she has seen an increase in requests for FAWL to endorse various pieces of legislation, and suggested that FAWL may wish to consider creating a fast track committee to vet the requests and present the requests to the Board for a vote in between Board meetings. Although no consensus was reached as to how that streamlined process might work, the discussion was fruitful, as Ms. Gigi Rollini observed that the fact that other organizations are now reaching out to FAWL

for endorsements shows that FAWL's efforts to be a part of the legislative process are starting to pay off.



Several new positions were also added to the Board this year. The Board now has a Pro Bono Liaison from the Florida Bar Foundation, Ms. Ericka Garcia, a Constitution Revision Commission Committee, chaired by Regina Kardash, who is seeking an appointment to the Commission, an In-House/Corporate Counsel Committee, chaired by Marcela Anthony, a Judicial Nominating Commission Oversight Committee, chaired by Jennifer Shoaf Richardson, and a Women's Health Awareness Committee, chaired by Vanessa Albaum and Melanie Smith.



CONGRATULATIONS TO THE 2015-2016 FAWL AWARD WINNERS

The June 2016 Awards Gala was a smashing success! Kristin Norse ended her year as President on a great note, and had the honor of presiding over the Gala and presenting awards to the winners for 2015-2016. Congratulations to the following ladies and chapters:

LEADERS IN THE LAW

Central Florida Association for Women Lawyers

Hon. Elizabeth Starr, Ninth Judicial Circuit

Cynthia "C.J." Bosco, U.S. Legal Support

Heather Kolinsky, HMK Law, P.A.

Collier County Women's Bar Association

Dresden Brunner, S. Dresden Brunner, P.A.

Rebecca Vacariello, Salvatori, Wood, Buckel, Carmichael, & Lottes

Hillsborough Association of Women Lawyers

Hon. Claudia Isom, Thirteenth Judicial Circuit

Victoria Cruz-Garcia, Givens Givens Sparks, PLLC

Irene Bassel Frick, Akerman, LLP

Jacksonville Women Lawyers Association

Joanne Fakhre, Law Office of Joanne M. Fakhre, P.A.

Jamie Karpman, U.S. Dep't of Housing and Urban Dev.

Miami-Dade Florida Association for Women Lawyers

Lauren Brunswick, ShubinBass, P.A.

Kelly Pena, Ogletree Deakins

Alicia Welch, United States Attorney's Office for the Southern District of Florida

Okaloosa Florida Association for Women Lawyers

Lisa Jo Spencer, Lisa Jo Spencer, PA

Palm Beach County Association for Women Lawyers

Katherine Kiziah, State of Florida, Office of the Attorney General
Pinellas Florida Association for Women Lawyers

Gentry Byrnes, Raymond James Trust

Laura Jo Liefers, Moyer Law Group

South Palm Beach County

Stacey D. Mullins, Schuttler, Greenberg & Mullins

Tallahassee Women Lawyers

Jennifer Sullivan, Guilday, Simpson, West, Hatch, Lowe & Roane, PA

Heather Tyndall-Best, State of Florida, Dep't of Management Services

Volusia-Flagler Association for Women Lawyers

Erum Kistemaker, Kistemaker Business Law Group

Women Lawyers of Pasco

Jenny Sieg, Sieg & Cole, PA (also a member of Pinellas FAWL)

INAUGURAL JURIST OF THE YEAR AWARD

Hon. Renee Goldenberg, Seventeenth Judicial Circuit, Broward County Women Lawyers Association

ROSEMARY BARKETT OUTSTANDING ACHIEVEMENT AWARD

Abbe S. Rifkin, Miami-Dade Office of the State Attorney, Broward County Women Lawyers Association

MEMBERSHIP RECRUITMENT AWARDS

Small: **Sarasota Florida Association for Women Lawyers**

Medium: **Pinellas Chapter of FAWL**

Large: **Miami-Dade Florida Association of Women Lawyers**

OUTSTANDING MEMBER PROGRAM

Pinellas Florida Association for Women Lawyers

"Professionalism CLE and Paddleboarding"

OUTSTANDING PUBLIC SERVICE PROGRAM

Tallahassee Women Lawyers

"Girls Where They Are, Reaching for Higher Heights"

OUTSTANDING STUDENT CHAPTER

Florida Association for Women Lawyers at Stetson University College of Law

OUTSTANDING CHAPTER

Lee County Association of Women Lawyers



Congratulations to Robin Bresky: President-Elect of the NCWBA

by Andrea Amaral



FAWL would like to congratulate its very own Past President of State FAWL, Robin Bresky, in her new role as President-Elect of National Conference of Women's Bar Associations (NCWBA). Bresky is an experienced and accomplished appeals attorney, who owns and manages the Law Offices of Robin Bresky located in Boca Raton, Florida. Her firm provides representation and support in appeals and litigation support in state and federal courts primarily in the tri-county area of South Florida, but also practices throughout the state.

The NCWBA is an affiliate of the Ameri-

can Bar Association. It advocates for the equality of women in the legal profession and in society by mobilizing and uniting women's bar associations, like FAWL, to effect change in gender-based processes and laws.

The objectives of the NCWBA are as follows: (1) To inspire, educate and provide resources to women's bar organizations, including best practices, and to engage its members in the work of the organization; (2) To expand concrete methods by which legal practices can increase the diversity and representation of women lawyers at all levels in the practice of law; and (3) To accomplish visible progress measurable over time, including increasing the number of women lawyers in federal and state judiciaries, academia, law firms, corporate and non-profit executive offices, and government and political leadership.

The NCWBA represents the voice of organizations like FAWL, through its delegate to the ABA House of Delegates, its liaison to the ABA Commission on Women in the Profession, as well as through co-sponsorships and collabora-

tive projects with other organizations.

Also, the NCWBA strengthens organizations like FAWL through the exchange of best practices, which include strategies, initiatives, programs and successes shared at its annual Summit and throughout the year. Some specific examples are statistical data sharing, membership listserv, and the GOOD Guys Programming. Access to statistical data allows FAWL to increase awareness regarding gender equality gaps. NCWBA's listserv enables women from across all levels in the practice of law to connect and share information with each other. And finally, the GOOD Guys is a program designed to break the impasse in women's advancement by engaging the "guys." By sharing its best practices with other women's bar associations, the NCWBA makes a difference in the quality and strength of FAWL. For more information on the NCWBA programs, go to this link: <http://ncwba.org/programs/>

Also, in February NCWBA will be putting on dynamic programming at the mid year programming in Miami, Florida. Stay tuned to ncwba.org for more details.

CELEBRATING FAWL'S 65TH ANNIVERSARY AND SUMMIT IN DELRAY

From September 15-17, 2016, FAWL convened for a Summit and a celebration of its 65th Anniversary. The event was marked by two fabulous receptions at Delray Beach's Seagate Hotel & Spa and historic Sundy House, and informative CLE programming on the issues of gender bias, collaborative leadership skills, and mental toughness.

If you missed this event, we hope to see you at the next FAWL meeting in January in conjunction with The Florida Bar's Winter meeting.



SAVE THE DATE!

NOVEMBER 2, 2016: A presentation addressing gender bias in the legal profession with the Florida Bar President will be hosted by Pinellas FAWL in the Great Hall at Stetson University College of Law.

JANUARY 25-28, 2017: The Florida Bar Winter Meeting at the Gaylord Palms in Orlando, Florida. The Board of Directors' meeting will be held in conjunction with this meeting.

APRIL 3-5, 2017: FAWL Lobby Days at the Hotel Duval in Tallahassee, Florida.

APRIL 5, 2017: Board of Directors Meeting in Tallahassee, Florida.

JUNE 21-24, 2017: Annual Meeting and Awards Gala in conjunction with the Florida Bar Annual Convention at The Boca Raton Resort and Club in Boca Raton, Florida

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PARTY OUTFITS AND PANTYHOSE¹: GENDER BIAS IN THE COURTROOM

By Geri E. Satin, Esq., M.S.,² Margaret E. Wood, Esq.,³ and Donna M. Krusbe, Esq.⁴

IT HAS BEEN TWENTY-ONE YEARS since the nation was riveted by the trial of O.J. Simpson for the murder of his wife, Nicole Brown Simpson, and Ronald Goldman. Arguably, the Simpson trial was the nation's first introduction to reality TV, attracting more than 95 million viewers for the announcement of the jury verdict.⁵ The case was notable in many respects, not least of which was the intense scrutiny of the female prosecutor, Marcia Clark. Clark was criticized for her appearance, mannerisms, and even her child-rearing abilities.⁶ More than two decades later, the trial has re-entered the public discourse due to the release of the critically acclaimed mini-series *American Crime Story: The People v. O.J. Simpson*.

This renewed interest in the O.J. Simpson trial begs the question: Does gender bias in the courtroom still exist? Are women in today's legal system judged based on the weight of their words rather than the height of their heels? This article reexamines precisely how far the legal profession has come – or not – in the last twenty years to achieve equal treatment for female attorneys, litigants, and expert witnesses throughout the litigation process and especially in the courtroom.

I. ANECDOTAL EVIDENCE OF GENDER BIAS IN THE COURTROOM

In the 19th century, the prevailing belief was that young women were so frail that if they studied for many hours, they risked damage to their reproductive systems or, worse, could actually go insane!⁷ Historically, this and other biases have contributed to denying women the ability to participate in the legal process in any meaningful way. Fortunately, it has now been established that the human race is not in danger of extinction because women dare to educate themselves. Unfortunately, biases still influence the extent to, and manner in, which women are allowed to participate in the legal process.

In 1990, the Florida Supreme Court Gender Bias Study Commission issued its first report.⁸ The express purpose of the Commission was “to determine in what

areas of our legal society bias based on gender exists, and recommend measures to correct, or at least minimize the effect of, any such bias.”⁹ The Commission found that “gender bias permeates Florida's legal system today. . . . [G]ender bias is practiced to a disturbing degree by members of this state's legal profession, often in forms that have become highly institutionalized.”¹⁰ Specifically with regard to women practicing law, the Commission found that they “still encounter both flagrant and veiled antagonism throughout the legal system. This antagonism can influence the outcome of cases and client relationships.”¹¹ As recently as 2008, the Florida Supreme Court's Standing Committee on Fairness and Diversity found that “gender inequality persists in Florida's court system despite the advances women have made in the legal profession and society as a whole.”¹²

In what ways does gender bias continue to manifest in legal practice and in the courtroom specifically? We surveyed women practicing law in Florida regarding their experiences and observations of gender bias in their legal practice and in litigation. Those who responded were both new and seasoned attorneys practicing throughout the state in a wide variety of areas of criminal and civil law in both the public and private sectors. In general, most respondents expressed that while incidents of gender bias have decreased, gender-based discrimination persists. Anecdotally, respondents reported that they are treated differently from their male counterparts by other attorneys, clients, and judges; their compensation is lower than similarly situated men; and, it is more difficult to advance their careers.

Respondents' reports of bias range from the mild to the more troubling. For example, female attorneys frequently reported receiving comments about their personality and appearance (often being referred to by opposing counsel, employers, and even judges as “cute,” “attractive,” “sweetheart,” and “little lady”). Several attorneys reported that their superiors emphasized that they were expected to dress and act in a certain manner when appearing in court.¹³ While



trying cases, respondents also reported being called “too tough,” “too aggressive,” or “too emotional,” even while observing similar (albeit, unchecked) behavior by their male counterparts. While such comments are belittling and demeaning, they are generally innocuous.

However, respondents also reported occasions of more egregious bias. An attorney practicing in the 19th Judicial Circuit reported that while taking a deposition, opposing counsel objected frequently and vigorously to her non-objectionable questions in an attempt to harass and intimidate her. Based on discussions with attorneys who observed this opposing counsel in other depositions, the respondent was certain his tactics were motivated by gender bias. Another attorney reported that when trying a case in front of a male judge, the judge threatened to hold her in contempt of court for objecting too frequently.

Many respondents commented that they have had more difficulty advancing their careers than their male counterparts. A partner in a mid-size insurance defense firm noted that “[women] have more difficulty being promoted to managing partner status. From what I can see, women seem to need to work harder [than men] in order to obtain the same compensation/status as men.” Even after becoming a shareholder, one attorney observed, “I had to continue to prove my worth, which others did not.” With regard to pay inequality, a respondent remarked: “I think there is an inherent bias that men are more capable and more autonomous, so they are given raises, promotions and bonuses.” Moreover, once female attorneys have families, they appear to have a particularly difficult time overcoming the perceptual bias that they cannot both effectively lawyer and handle outside commitments. “Once I had kids,” commented one litigator, “the partners for whom I worked (all men) assumed I didn't want to be involved in big cases, especially those involving travel, so my profile and my

hours suffered.” Similarly, a young attorney was told by the partners at her firm that she could not advance because she was on the “baby train.”

These anecdotal reports mirror those reported by the Florida Bar, Young Lawyers Division in its 2015 survey, “Women in the Legal Profession.” Survey results collected from more than 400 female attorneys in the state revealed persistent gender bias and harassment from opposing counsel, employers, and the judiciary; job resignations due to lack of advancement and/or employer insensitivity (reported by 25% of respondents); and, wage-gap issues (reported by 21% of respondents).¹⁴

II. EMPIRICAL SUPPORT FOR GENDER BIAS IN THE COURTROOM

Gender bias in the legal system and in the courtroom is not limited to anecdotal reports by female attorneys throughout Florida. The existence of gender bias is also supported by a wealth of empirical evidence. Research has consistently shown there to be significant and pervasive gender bias against (1) *female expert witnesses*, (2) *female attorneys*, and (3) *female litigants*.

A. Bias Against Female Experts

Although research shows that bias against female expert witnesses is very real, there remains wide disagreement between male and female attorneys on this issue. Studies conducted in the 1980s and 1990s on gender-based discrimination in the courts revealed that 55% of female attorneys believed judges assigned more credibility to male expert witnesses, while only 13% of male attorneys held that belief.¹⁵ Almost ten years later, studies found that male attorneys and judges believed that gender bias had disappeared, while, according to female attorneys, not much had changed.¹⁶

Female expert witnesses have reported being addressed in a patronizing way, being addressed by an incorrect title (such as “Ms.” when “Dr.” was the appropriate title), and being required to produce greater credentials to be qualified as an expert than their male counterparts.¹⁷ Female experts report being asked more personal, intrusive, and gender-based questions, such as “Have you ever miscarried,” “Do you have children,” “Are you personally familiar with symptoms of PMS,” or “Have you personally ever been a victim of domestic or sexual abuse.”¹⁸

What underlies this tendency to discredit female experts so that they must work harder to be taken seriously? Those who study the issue hypothesize that the perception of female expert witnesses is rooted in traditional notions of gender roles in society. Traditionally, men have been considered to be competent, assertive, logical, and rational, while women have been typecast as warm, expressive, illogical, indecisive, and incapable of leading.¹⁹ Men and women are expected to behave according to these gender role stereotypes and, when they do not, prejudice results.²⁰

Thus, in the courtroom, the credibility of a female expert witness seems to depend on how closely she comports with her stereotypic gender role. For example, some studies have shown that being likeable (i.e., warm, caring, and non-assertive), as well as being competent and knowledgeable, is important to the credibility of a female expert, but relatively unimportant in assessing the credibility of a male expert.²¹ Women tend to smile more often than men. This contributes to their likeability and credibility, whereas, men may actually lose credibility by smiling and stepping outside of their gender role.²³

In addition, some psychologists theorize that the type and complexity of the case may affect the way jurors perceive female experts; however, there is no definitive answer to this supposition.²⁴ For example, some studies have indicated that female experts are not perceived as credible when testifying about complex subjects or in fields that are typically considered to be “male-dominated,” such as construction, antitrust, or engineering.²⁵ Female experts tended to garner more credibility when testifying about areas such as domestic abuse, child support, or women’s clothing. That said, however, a handful of studies have also shown that gender may not significantly affect juror decision making.²⁶

The one consistent empirical finding is that a woman is perceived as more persuasive and credible when she is behaving according to her gender role and that she is “more likely to face prejudice when she is playing a more masculine occupational role.”²⁷ Given the foregoing, the undeniable reality is that gender role stereotypes are applied to expert witnesses.

B. Bias Against Female Attorneys and Litigants

Gender bias has also been empirically shown to persist against female attorneys as well as against female litigants. Researchers have found that “aggressive” female lawyers are viewed by jurors less favorably than “aggressive” male attorneys.²⁸ Likewise, studies have shown that jurors rate competent and successful women in traditionally male positions as “selfish, insensitive, cold, and manipulative.”²⁹ A female attorney’s voice can even be a detriment to her and her client. Higher pitched voices are associated with lower “competence,” “decreased conscientiousness and lower emotional stability.”³⁰ The report of the Florida Supreme Court Gender Bias Study Commission noted that unfair treatment is not limited to female attorneys. The 1990 Report found that “[w]omen litigants tend to have their memory and credibility questioned more often than similarly situated men.”³¹

It is undoubtedly concerning that jurors make biased credibility assessments of female attorneys and litigants. However, these empirical findings beg the more practical question of whether this actually matters. Jurors may indeed find aggressive female attorneys less likeable than similarly aggressive male attorneys, and they may prefer the lower tone of a male attorney’s voice over a female attorney’s voice. But, does such gender bias significantly affect juror decision making and verdicts? Does gender bias in the courtroom have a real impact on the efficacy and reliability of a trial by jury? The short answer is, at least to some degree, yes.

A jury verdict is the product of a highly complex and interrelated set of variables, including, but not limited to, the attorney’s characteristics (e.g., gender, race, presentation style, competence, knowledgeability, attractiveness, etc.); the nature of the criminal or civil event and corresponding claims; the documentary and testimonial evidence; demonstrative aids; the opposing attorneys’ characteristics; juror characteristics (including demographics as well as life experiences, biases, attitudes, and beliefs); expert and lay witnesses’ characteristics; and, the judge’s characteristics. Needless to say, this web of case complexities makes it exceedingly difficult to pinpoint exactly which variable(s) is/are driving juror judgments.

Research analyzing the impact of

attorney gender on juror decision making has produced inconclusive results. It is undisputed that “extralegal” factors, such as gender, are not chief determinants of jury verdicts. Studies consistently show that the party presenting the strongest evidentiary case generally prevails at trial.³² For example, Diamond and colleagues (1996) studied the reactions of 60 jurors to attorneys in a simulated antitrust price-fixing case.³³ In deliberations, jurors made relatively few comments about the attorneys and, instead, focused primarily on the evidence.³⁴ Data from actual trials similarly demonstrates that jurors are considerably less focused on “extralegal” factors relative to the actual evidence.³⁵

That is not to say, however, that attorney gender does not have any impact on juror decision making. To the contrary, mock juror research has found that defendants represented by male attorneys obtain more positive trial verdicts than defendants represented by female attorneys, particularly when the female attorney exhibits an “aggressive” presentation style and demeanor in the courtroom.³⁶ Specifically, defendants with aggressive female attorneys were more likely to be convicted than defendants with passive female attorneys.³⁷ By contrast, defendants with aggressive male attorneys were less likely to be found guilty than both male and female attorneys with passive speech styles.³⁸ In another study, in which researchers withheld information about the attorney’s gender, mock jurors were more likely to assume that the attorney was male than female.³⁹ These studies, taken together, suggest that jurors may not consider women as an adequate substitute for the “prototypical male attorney,” and therefore jurors may process case-determinative information delivered by female attorneys in a negative manner resulting in poor outcomes for female attorneys’ clients.

Litigant gender has also been empirically shown to impact juror decision making. For example, one study demonstrated that male jurors found overweight female defendants significantly guiltier than thin female defendants; whereas, for all jurors, a male defendant’s weight had no effect on how his guilt was perceived and judged.⁴⁰ Perceived male/female stereotypes and resulting biases also extend to civil cases. Researchers have found that, in wrongful

death cases, the estates of male decedents are awarded substantially higher monetary damages than the estates of similarly situated female decedents.⁴¹ This finding has been theorized to be “traced most directly to stereotypes about employment remuneration based on longstanding discrimination against women in the workplace.”⁴²

III. RECOMMENDATIONS TO COMBAT GENDER BIAS MOVING FORWARD

Given that gender bias persists in the courtroom, how do we mitigate against it? It has been eight years since the Florida Supreme Court’s Standing Committee on Fairness and Diversity reexamined gender bias. What recommendations from the 2008 report have been applied? Have they been effective? What additional steps should be taken?

For one, the legal community should continue to implement measures to bring more female attorneys, experts, and judges into the courtroom. The American Constitution Society issued the Gavel Gap report this year in which it found that while women comprise 51% of the population of the State of Florida, only 31% of all state court judges are women.⁴³ Similarly, the American Bar Association reports that, as of April 2013, women comprise only 34% of all U.S. attorneys.⁴⁴ It is our hope that increasing female presence in the courtroom will result in jurors’ eventual abandonment of outdated stereotypes concerning what constitutes the “archetypal lawyer.”

In addition, there are a number of tools that the legal community can employ to combat gender bias in the courtroom. These include, but are not limited to: (1) engaging in civility and professionalism throughout the course of litigation, and exercising a no-tolerance policy for gender stereotyping by lawyers, judges, or anyone else in the courtroom; (2) allowing for, and engaging in, voir dire designed to unearth any juror biases to female attorneys, litigants, and/or experts; and, (3) conducting CLEs designed to educate attorneys and judges on the real dangers of gender bias over the course of litigation and, particularly, in the courtroom.

Additionally, the legal community recently began promoting the benefits of mindfulness in the practice of law. Each member of the legal community would be well served to

engage in mindfulness by self-reflecting on our own biases. In her report, “Gender and Racial Bias in the Courtroom” for the ABA Section of Litigation 2012 Section Annual Conference, Ann T. Greeley, Ph.D., encourages attorneys to try to uncover their own biases.⁴⁵ The author notes that bias is “pervasive” but with motivation, monitoring, and accountability, all individuals involved in the legal system can limit the influence such bias has on their decision making.⁴⁶

Women in the legal profession continue to shatter traditional gender stereotypes, defining themselves not based on gender, but rather on professional aptitude, competence, skill, and results. But, truth is in the eye of the beholder – in the legal system, this truth continues to be colored by antiquated stereotypes and gender-based discrimination. Over two decades after the O.J. Simpson verdict, women in the courtroom are still subject to persistent gender bias. We hope that, twenty years from now, we will have much different news to report.

¹The title of this piece is taken from a memorandum purportedly circulated by the global law firm Clifford Chance, in which female attorneys were instructed on “What Not to Wear,” including the helpful tip: “Wear a suit, not your party outfit.” Slaci Zaretsky, *Biglaw Memo From Top Firm Advises That Women ‘Don’t Giggle, Don’t Show Cleavage,’ ‘Above the Law,’* Oct. 24, 2013, available at <http://abovethelaw.com/2013/10/biglaw-memo-from-top-firm-advises-that-women-dont-giggle-dont-show-cleavage>. Furthermore, several of our survey respondents noted that they were frequently admonished to wear pantyhose and skirt suits when appearing in court.

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⁵Engel, Pamela, *The World Stopped When the OJ Simpson Verdict Was Read*, *Business Insider*, Jun. 12, 2014, available at <http://www.businessinsider.com/the-world-stopped-when-the-oj-simpson-verdict-was-read-2014-6>.

⁶Traster, Rebecca, *Marcia Clark is Redeemed*, *N. Y. Magazine*, Feb. 17, 2016, available at <http://nymag.com/theout/2016/02/marcia-clark-redeemed-c-v-r.html>.

⁷Neal, T.M.S. (2014). *Women as expert witnesses: A review of the literature*, *Behavioral Sciences and the Law*, 32(2), 164–179. doi:10.1002/bsl.2113.

⁸Report of the Florida Supreme Court Gender Bias Study Commission (Mar. 1990), at http://www.flcourts.org/core/fileparse.php/243/urlt/gender_biassummary.pdf.

⁹Id. at 2.

¹⁰Id.

¹¹Id. at 31.

¹²Final Report: Perceptions of Fairness and Diversity in the Florida Courts, Florida Supreme Court Standing Committee on Fairness and Diversity, 48 (March 14, 2008), at <http://www.flcourts.org/core/fileparse.php/243/urlt/FairnessDiversityReport.pdf>.

¹³Zaretsky, supra note 1.

¹⁴Florida Bar, *Young Lawyers Division* (December, 2015). *2015 Young Lawyers Division Survey on Women in the Legal Profession*. Retrieved from <http://www.floridabar.org/TFB/TFBResources.nsf/>

¹⁵Neal, T.M.S. (2014). *Women as expert witnesses: A review of the literature*, *Behavioral Sciences and the Law*, 32(2), 164–179. doi:10.1002/bsl.2113

¹⁶Id.

¹⁷Id.; Larson, B. A. & Brodsky, S. L. (2014). *Assertive Women as Expert Witnesses: A Study of Assertive and Defensive Responses in Male and Female Experts*, *Behavioral Sciences and the Law*, 32(2), 149–163. doi:10.1002/bsl.2116.

¹⁸Assertive Women as Expert Witnesses: A Study of Assertive and Defensive Responses in Male and Female Experts, p. 150; Dafary-Kapour, T. O’Connor, M. & Mechanic, M. (2014). *Gender-Intrusive Questioning: A Study of Expert Witnesses*. *Behavioral Sciences and the Law*, 32, 180–194. doi:10.1002/bsl.2114

¹⁹Women as Expert Witnesses, p. 2; Neal, T.M.S., Guadagno, R.E., Eno, C.A., & Brodsky, S.L. (2012). *Warmth and Competence on the Witness Stand: Implications for Credibility of Male*

MEMBER BENEFITS:

- Advocacy for members who seek appointment to Bar Committees and Judicial Nominating Commissions (JNC) and the benefit of institutional knowledge on the most effective means of supporting applicants for these statewide positions.
- Recognition of member's professional accomplishments in FAWL's statewide e-newsletter and social media, as well as eligibility for prestigious awards.
- Leadership Opportunities and Development for members at the statewide level through FAWL Committees and the Executive Board.
- Publication Opportunities in the FAWL Journal for substantive areas of law.
- Representation on the Florida Bar Board of Governors, the Florida Bar Young Lawyers Division Board of Governors, the National Conference of Women's Bar Associations, and the National Association of Women Lawyers.
- Mentoring in practice areas statewide.
- Championing non-partisan issues important to women and women lawyers, providing members access to local representatives, and bringing the issues to the forefront in Tallahassee.
- Connect with more than 3,000 fellow members and develop a statewide referral network at FAWL signature events, such as the Annual Meeting, Leadership Retreat, Mid-Year Meeting, and Lobby Days.
- Access to the statewide database of FAWL membership, free online CLE library, publications, and resources for professional development.

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- Support and Sustain chapters by providing resources for administration of membership, ideas for chapter programs, chapter development grants to build or maintain membership, and other assistance to pave the way for successful chapters in all areas of the state.
- Strengthen chapters and the connections between them through the exchange of best practices during live events, quarterly regional calls for chapter leadership, and monthly board meetings.
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- Publication and Promotion of chapter events and local CLE programs through the FAWL e-newsletter, website, social media, and online FAWL calendar, as well as financial assistance to defray CLE recording costs.
- Recognition of chapters and their members through the FAWL Journal, FAWL Leaders in the Law Awards, and partnering with chapters to support nominations or members for prestigious statewide awards.
- Collaboration with FAWL and other FAWL chapters to hold seminars, symposiums, and mentoring events with statewide impact.
- Advocacy with chapters to support chapter members for appointments to Bar Committees, JNCs, and Judicial and State Government positions.
- Lobbying in Tallahassee to draw statewide attention to local issues for women in the profession and connecting chapters with their local legislators.
- Young Lawyers collaborate with law student chapters on mentoring projects, gain networking opportunities statewide, and receive statewide advocacy for FAWL chapters with young lawyers programming in front of the Young Lawyers Division Board of Governors.

GENDER BIAS IN THE LEGAL FIELD THEN AND NOW

by *Mariane Dorris*

ON SEPTEMBER 15, 2016, AT THE Annual Summit of the Florida Association for Women Lawyers (“FAWL”), a group of women lawyers and judges gathered to discuss the results of the 2015 Young Lawyers Division of The Florida Bar’s (“YLD”) Survey on Women in the Legal Profession (“Survey”). The Survey consisted of a random sample of more than 3,000 female lawyers of the YLD. More than 400 lawyers, approximately fifteen percent (15%) of the sample, responded to the Survey. The women attorneys who responded had been practicing law for five or less years (76%), were in private practice (67%), had minor children (24%), were caretakers (4%), and were active in The Florida Bar (53%) or a local/voluntary bar association (47%). The Survey was designed to assess the status of women in the legal profession with respect to their experiences in law firm culture, the courtroom and their personal lives, as well as to assess women’s advancement in pay equality and career advancement. To the surprise of some, the Survey revealed what most women already knew--not much has changed in the legal field for women lawyers since The National Association of Women Lawyers’ (“NAWL”) 2006 Report: First National Survey on Retention and Promotion of Women in Law Firms (“2006 NAWL Survey”). Women attorneys continue to experience gender bias and pay inequality at all stages in their career.

At the Summit, thirteen past presidents of FAWL and over forty FAWL members engaged in a roundtable discussion of the results of the Survey and compared their own personal experiences from the 1970’s to today. Ms. Linda Carol Singer (FAWL President 1980-81) noted that in the beginning of her career it was difficult for women attorneys to be taken seriously. At that time, there was only a small number of practicing female attorneys in Florida and gender bias was obvious in the comments she received from other members of the Bar and the

Bench. Ms. Debra Weiss Goodstone (FAWL President 1982-83) reminded the younger lawyers that during the 1970’s and 1980’s women were not allowed to wear pants in court because “pant suits” were forbidden by the (male) judges. In addition, as Ms. Weiss Goodstone stated “there wasn’t a time where there wasn’t a sexual comment . . . [the comments] were intended as friendly banter, but [the comments] were meant to remind you that you were not part of the boys’ club.” During this time, FAWL was viewed cautiously by the leadership of The Florida Bar. Ms. Weiss Goodstone laughingly described how FAWL was viewed as “trouble makers” and “bra burners.” Just a few later in 1989, Ms. Edith G. Osman (FAWL President 1989-90) was asked why women lawyers even needed their own group since women were now approximately one-third of graduating law school classes. Ms. Sharon Bleier Glickman (FAWL President 1996-97) reflected on this 1980s time as “the good old boys club, where women could sit at the table (FAWL Board of Governors seat), but could not eat--which meant that FAWL could not vote at the Board of Governors meetings.” Ms. Caryn Goldenberg Carvo (FAWL President 1994-95) advised the attendees that “in those days there was still an old boy/bubba network that met the night before The Florida Bar meetings where all the work and drinking got done.” At that time, the Board of Governors did not view ambitious behavior by women positively. Ms. Carvo explained that the Board of Governors wanted women in leadership roles, “but not aggressive women.”

Unfortunately, not much seems to have changed at the front lines of the legal profession. Women lawyers still experience sexist and demeaning comments, our clothes are subject to judicial decree, and our achievements are sidelined as we are referred to as “assistants,” “little lady lawyer,” and “sweetheart.” However, women have made some significant advances in the leadership of The Florida Bar. As

illustrated by Florida Bar President, Bill Schifino, as of 2016 women represent 37% of the Florida Bar, which is up by 10% from 2000. Women currently make up 48% of The Florida Bar Committee Appointments, 40% of Committee Chairs, 39% of Committee Chair-Elect positions, 27% of Section/Division Chairs and 50% Section /Division Chair-Elect positions. Despite these successes, the underlying culture of bias in the legal profession remains embedded and continues to thwart the careers of women lawyers.

The Survey Says: gender bias and pay inequality still here

The standard for equality between the sexes is made in the male image. Ostensibly gender neutral laws and policies implicitly embody a masculine standard against which women are measured. At the beginning of the modern period, political and civil ‘equality’ was construed as a relationship between men, between the ‘individuals’ who possessed the natural capacities to enjoy this standing in public life. After all, women are the ‘different sex,’ not men.

CULTURE OF BIAS:

Of the 400 women who responded to the Survey, 43% reported experiencing gender bias, 40% reported experiencing employer or supervisor “insensitivity,” 37% reported a lack in work/life balance, and 17% reported experiencing harassment. Some of the respondents provided examples of the aforementioned experiences, but did not label the experience as gender bias, “insensitivity” or harassment, while other respondents attempted to minimize or manage their experiences as merely an aspect of the legal profession’s culture. For example, respondents provided the following accounts of bias by judges (male and female): (i) refusing to provide breaks to pump breast milk; (ii) referring to women as “my boss’s assistant,” “blondie” in front of an entire courtroom, “sweetheart”; (iii) insisting on women wearing skirts and panty hose with no painted fingernails;

and (iv) denying continuances for pregnancy. Employer bias was described as follows: (i) inappropriate sexual comments including, “drunk dials,” hired “because I am pretty,” and that “the firm should’ve vetted me more carefully when I couldn’t get a particularly slippery bottle of water open at a function (I was carrying his beer and two plates of food as well);” (ii) derogatory and demeaning labels such as being mistaken or assumed to be the court reporter, assistant, paralegal, and referred to as “schoolgirl,” “honey,” “dear,” “little lady,” and “sweetheart”; and (iii) verbal and physical abuse in the form of public berating (using profanity), having pleadings thrown at you, making fun of culture and traditions, and racial bias.

In addition, the women also commented on the lack of a balance between their work and their personal lives. Despite what some might assume, the issue of balance was not limited to lawyers who are caretakers. Of the respondents, 70% did not have children and were not a caretaker of another person, but 37% reported that the lack of an appropriate balance between work and personal life was an issue of concern, and 42% responded that balancing family and work was the most significant challenge they face as an attorney. One respondent noted “I think it is often assumed that I will be available to work 24 hours a day because I am not married and do not have children.” Others noted similar attitudes, “since I was single, I could work late nights and weekends, easily,” and alternative work schedules being available only “to those with children, although the policy is written more broadly; since I don’t have a ‘family,’ I was told it would look like I wanted to do less work than the other associates.” For those with children and family, the reality of maternity leave, “flex time” and working from home are not always the panacea of the working mother. For example, women have commented: (i) “that as soon as I return back to work, I am expected to maintain the same schedule and long hours that I have always put in with little regard for the 9 week old baby or two year old that I have at home;” (ii) “even when I was in the hospital . . . I was expected

to check my email and promptly respond, I frequently received calls from the office while on medical leave and vacation;” and (iii) “when I became a mother, my opportunities diminished by more than 50%; I was not put on travel cases; the first thing any male attorney asked me about was my baby, it was like I was a different person in my colleagues’ eyes.”

The balance of work and life are often presented as a “choice” made by the female attorney. For example, in response to the question regarding the experience of gender bias or lack of recognition of work/life balance, several respondents commented “What are we – lily flowers that can’t stand up to the day-to-day rigors of the world we live in? Grow up. Get a set. Move on. No matter what choices a person (notice I did not say ‘a woman’ makes), there are going to be consequences, more or less opportunities or different opportunities. That includes having a family as somebody has to raise those kids! Whose job is that if it isn’t Mom or Dad??” However, up until the last few decades, the predominant view was that lawyers could not reasonably be expected to charge for more than 1200 to 1500 hours per year. Recent surveys, however, report that almost half of private practitioners bill over 2000 hours per year. Clearly there has been shift in the expectation of reasonableness, but the cause of that shift remains unknown. Although history would suggest that there is the possibility of achieving a balance between work and life without sacrificing quality work and life experience, contemporary lawyers have been unable to achieve that balance due to the politics of gender bias remaining in the definition of the “quality of work” and “quality of life.”

PAY INEQUALITY:

According to the ABA Commission on Women in the Profession, as of 2014, women lawyers were paid 83% of what male lawyers were paid. Female attorneys of color are at a further salary disadvantage from the day they accept their first job, typically earning only 75% of what male white lawyers earn. “[C]ompensation is the prism through which

bias—both overt and subtle—against female attorneys of color can be measured. Furthermore, it is the most obvious metric by which to effectively judge the progress being made toward the achievement of parity between female attorneys of color and their white male counterparts.” We know in the abstract that this wage disparity exists at every level of a woman’s legal career, what we don’t know are the factors firms use in setting compensation for associates, partners, and equity. Compensation systems lack transparency.

In the Survey, even though national statistics hold otherwise, the respondents did not overwhelmingly believe that they were being paid less than their male counterparts. Only 21% felt that they were not being paid comparably to a male counterpart, and only 19% thought that they were not being elevated comparably to a male counterpart. However, several women did comment that managing partners had advised them that: (i) “they did not have to worry about making money since [they] would get married one day;” (ii) “I should be thankful for making less because I’d pay less alimony in divorce;” and (iii) “the Equal Pay Act is being violated by a lot of law firms, especially the ones who hire staff attorneys to do substantially the same job as associates for two-thirds of the price. Overall, despite the liberal maternity leave policies, female attorneys in Big Law struggle with traditional law firm model and old school mentality.” Given the secrecy regarding compensation, bonuses and partnership structure, it is possible that the respondents were not sufficiently aware of the circumstances of their compensation and evaluation.

SUGGESTIONS FOR MOVING FORWARD:

Many of the respondents to the Survey wanted more day-time networking, access to mentors and sponsors, and leadership opportunities. They want to connect to other women who are experiencing similar instances of bias to find support. At the Annual Summit, many FAWL members echoed the importance

of connecting to other women lawyers and becoming involved in the local community, as well the legal community. Judge June C. McKinney (FAWL President 2005-06) made a point of highlighting the importance of obtaining male mentors or sponsors who are involved in leadership positions, not merely mentors. As noted by Judge McKinney, a sponsor is “someone who gets to go behind the door.” In addition, many respondents requested CLEs regarding: (i) understanding how compensation works in law firms; (ii) understanding your rights to equal pay, maternity leave, or disability; and (iii) gender bias, hidden bias, and implicit bias education. Finally, respondents would encourage more pressure from FAWL and The Florida Bar on recognizing the need for a balance of one’s professional life and one’s personal life.

FINAL THOUGHTS:

Women lawyers and the legal community do not need a generic solution, but rather a genuine commitment to eliminating structural and embedded biases, while also promoting a change in expectation of professionalism and the value of relationships. The continued use of adverse stereotypes, demeaning and harassing treatment, and the lingering skepticism of the female lawyer’s competence only serve to reinforce the existing gender bias. Moreover, the continued dismissive attitude towards work and family conflicts is symptomatic of systemic gender bias within the legal profession. Perhaps, as one respondent indicated, women lawyers need to “move on” and start rethinking the traditional boundaries and expectations of the legal profession.

¹See Results of the 2015YLD Survey on Women in the Legal Profession, December 2015.

²See id. at pp. 1-4.

³According to the ABA Commission on Women in the Profession, “A Current Glance at Women in the Law” dated May 2016, as of the 2010-2011 academic year, women represented 47.3% of J.D.s awarded.

⁴Carole Pateman, Sex and Power, Ethics 100, (January 1990): 398-407, at p. 400.

⁵See id. at pp. 9-21.

⁶Deborah L. Rhode, Gender and Professional Roles, 63 Fordham L. Rev. 39 (1994), at pp.62-63.

⁷Id.

⁸See ABA Commission on Women in the Profession, “A Current Glance at Women in the Law” dated May 2016, p 6.

⁹See id. at pp. 9-21.

⁹Executive Summary, Visible Invisibility: Women of Color in Fortune 500 Legal Departments (2012), p. x.

¹⁰See id. at p. ix.

¹¹See Report of the 7th Annual NAWL National Survey on Retention and Promotion of women in Law Firms (2012).

¹²See YLD Survey at p.21.



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1. MAINTAIN YOUR SOCIAL MEDIA PAGE(S)

Facebook, Twitter, and Instagram. **Pro Tip:** Most people already have an account so use it. These pages are the perfect opportunity to interact with your membership and the community. Ask questions, solicit feedback, invite people to upcoming events and share interesting news and advice.

2. PROMOTE YOUR SOCIAL MEDIA PAGE

Ask for the Like. **Pro Tip:** During an event, challenge everyone in the room to take out their phone, log on to Facebook and like your chapter page. You can also ask guests to invite their friends to like your chapter page too. Make it fun by challenging guests to get 10 likes, 20 likes or more.

3. ESTABLISH A SOCIAL MEDIA PRESENCE

Post Effectively. **Pro Tip:** Share at the right time. Keep in mind that different social media platforms may not have the same peak times. While there are many infographics that identify the optimal time to post in social media, sometimes it simply comes down to understanding how users engage on each social media networking platform and experimenting with each one.

4. IMPROVE YOUR ENGAGEMENT

Ask Questions. **Pro Tip:** Do not drop links only. Drive social media users to communicate with you and increase the chances of engagement with your content by asking questions and for feedback.

5. MONITOR YOUR SOCIAL MEDIA PLATFORMS

Social media may be the first point of contact for potential new members. Aside from keeping your content updated and visually appealing, keep in mind that people can give negative and positive feedback. **Pro Tip:** Make sure to monitor the feedback you receive to ensure that first point of contact with a potential new member is successful.

6. TAKE PHOTOS AT YOUR EVENTS

Anyone can be a photographer with a Smartphone. **Pro Tip:** Take photos of all guests in attendance (not only the speaker or the people the photographer knows). The more photos the better! Remember lighting is key. While most people love to see their photos on social media or a chapter webpage, most people do not like to see pictures of themselves eating or making a silly face.

7. USE A MAIL SERVICE

Achieve effective email marketing by using a service such as Constant Contact. A mail service maintains a database of members, supporters, sponsors and other

community contacts to keep them updated on events occurring in your chapter.

8. BUILD MEDIA RELATIONSHIPS

Develop a relationship with a local newspaper editor or reporter. Ask what you can do to get more publicity for your organization and what type of submissions the paper is willing to publish. Possible submissions include a Q&A with your chapter president, a captioned photo from an event or a short write up about an inspiring luncheon speaker or topic. Submit content even if you are not sure it will be published; sometimes there is space in the paper that needs to be filled.

9. WRITE A NEWS RELEASE

Do you have a prominent speaker presenting at an event, such as a Supreme Court Justice or Bar President? Perhaps a number of local judges are attending your chapter's annual judicial reception? Write and send out a news release in advance of the event and personally invite members of the press to attend.

10. UTILIZE THE FLORIDA BAR RESOURCES

To Obtain Free Press. **Pro Tip:** Send photos and brief write ups (100–300 words) about your events, such as luncheons, happy hours, CLEs, or community service events for inclusion in The Florida Bar or Bar-to-Bar E-News (a monthly publication about voluntary bar events across the state). Send Voluntary Bar Association news to Jeff Doran at: jdoran@floridabar.org and to FAWL's Public Relations Director Jenny Seig at: jenny@siegcoolelaw.com.



GENDER BIAS ACROSS PROFESSIONS

By: Megan Hurchalla & Ingrid Osborn

2016 IS QUICKLY COMING TO A CLOSE, and yet, gender bias, one of the biggest issues we as lawyers have tried to tackle, is still rearing its ugly head. The Fair Labor Standards Act, which was enacted in 1938, was amended in 1963 to extend to gender – prohibiting unequal pay based on gender. So why, 53 years later, are we still debating this issue? Lawyers created the law, but not all seem to be abiding by it. That begs the question, if we don't respect our own law, how can other professions? This article takes a look at how gender bias affects not only the legal profession, but other professions as well.

Megan Hurchalla, one of the co-authors of this article, is a patent and intellectual property attorney with a previous career in pharmaceutical research and development. Ingrid Osborn, the other co-author, is a transactional attorney with the U.S. Department of Housing and Urban Development. Megan was interested in seeing how gender bias was perceived and addressed across different professions. For this article, Megan reached out to several women of varying ages and professions – from teachers and engineers to entertainers at one of the world's largest amusement parks. What she found was shocking, to say the least. The common, underlying thread between all of these women was fear. Many women wished to remain anonymous for the article because of

the fear of repercussions from their employers and coworkers. Fear to stand up and demand that employers follow the law- a law which is supposed to provide protection to women in the workplace. The results clearly show that as far as we think we have come, we still have so much farther to go.

WHAT EXACTLY IS GENDER BIAS?

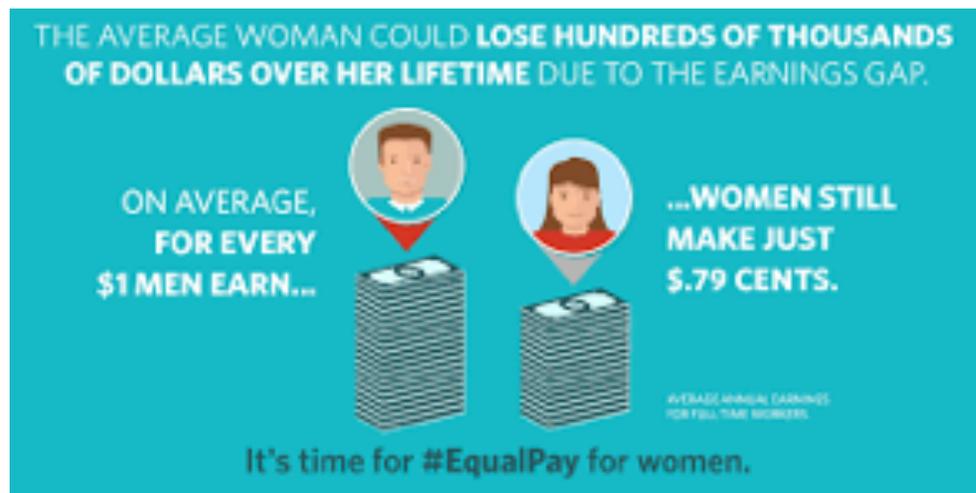
When you mention gender bias, many people think the discussion begins and ends with unequal pay. However, gender bias extends to so much more than unequal pay. Before we can understand gender bias, we need to know what bias is. Merriam-Webster defines bias as “a tendency to believe that some people or ideas are better than others that usually results in treating some people unfairly.” The free legal dictionary defines gender bias as, “unequal treatment in employment opportunity (such as promotion, pay, benefits and privileges), and expectations due to attitudes based on the sex of an employee or group of employees.” The McMillan Dictionary defines it as “unfair difference in the treatment of men or women because of their sex.” As you can see, gender bias focuses on the unequal treatment of an individual as well as attitudes and behavior.

The Florida Bar's Young Lawyer's Division (YLD) recently covered gender bias in a survey that sparked outrage and shock in many in the legal community, and thrust

this issue into the national spotlight. It is common knowledge that in most professions, women are paid on average 79 cents on the dollar compared to men. But as noted above, there is so much more to gender bias than just pay. Indeed, the YLD survey included almost 90 pages of examples of women lawyers describing discrimination they had experienced. Some of these examples included: discrimination based on being a mother, not being given the same advancement opportunities as men, being drunk dialed or propositioned by male associates and partners, assumptions by clients or opposing counsel that the female in the room is the secretary or court reporter – not an associate or partner on the case. And the list goes on, and on... and on.

DOES GENDER BIAS PLAY A ROLE IN NON-LEGAL PROFESSIONS?

An example of bias in non-legal professions can be seen in a recent decision by the United States Court of Appeals for the Seventh Circuit. In *Ernst v. Chicago*, Nos. 14-3783, 15-2030, 2016 WL 4978377, *1 (7th Cir. Sept. 19, 2016), Stacy Ernst and four other women applied unsuccessfully to work as Chicago paramedics. Each of the women was an experienced paramedic from public and private providers of emergency medical services. All five women were denied jobs because they failed Chicago's physical-skills entrance exam, after which they commenced a Title VII gender-discrimination lawsuit against the City of Chicago. See *Ernst*, 2016 WL 4978377 at *1. After losing a bench trial on their disparate impact claims, and a jury trial on their disparate treatment claims, they appealed. See *id.* at *2. On appeal, the court considered statistics relating to the physical skills test used by the Chicago Fire Department which showed that 98% of men passed the test, while only 60% of women passed. After a thorough discussion of the validity of the tests, the court ultimately determined that the various skills tested were not related



to any actual skills needed to perform paramedic duties. See *id.* at *5-*13. As a result, the court held that the plaintiffs should have prevailed on their disparate impact claims, and that the district court erred in its jury instructions on the disparate treatment claims. The court remanded the disparate treatment claims for a new trial, and reversed the disparate impact trial verdict with instructions to enter judgment in the plaintiffs' favor. See *id.* at *13-14.

Some less obvious examples are also evident in the teaching profession as well as the entertainment industry. Although most parents respect their children's teachers, some view them as a step above a babysitter in the earlier grades. Teaching is a high skilled profession dominated by women. However, teaching is not compensated as a high skill job. Teachers' salaries are at least 40% lower than other professions requiring college degrees.¹ Is this because IT IS dominated by women? Research seems to say yes. Studies show that pre-school teachers earn less than elementary school teachers; while elementary school teachers earn less than high school teachers.² The percentage of male teachers increases at the high school level.³

Additionally, an interview with several teachers for this article revealed several disturbing facts about gender bias. All of the teachers interviewed for this article commented, separately, that the male teachers' opinions were given greater weight even if the male teacher had less experience or was in a lower level position. At the supervisory level, a female administrator with purchasing power has stated that she often runs into issues when she attends sales presentations. If she brings along a few of the male teachers that she oversees, the salesperson pitches to the men and ignores her altogether. This should be unacceptable. With the vast majority of the teaching profession dominated by females, it should not be a surprise that many supervisors are female. They should be acknowledged and treated

with the respect owed to that position, regardless of gender.

Similar to female teachers, female teacher-coaches are often not recognized for their effort with their teams the same way male coaches are. One surveyed female teacher-coach indicated the male teachers and administrators in her school did not even acknowledge her, or the players on her team after going undefeated for an entire season. This behavior reinforces to the young female generation that no matter how well they excel in a certain area, they should not be surprised or disappointed that their contributions are not going to be recognized.

Just as with the legal, paramedic and teaching professions, men also dominate the media. According to a San Diego State University study, men hold 85% of film director positions, 80% of writer positions, and 33% of producer positions.⁴ These numbers do not even include female speaking roles and female screen presence. In 2014, out of the top 100 films, only 21 had a female lead or co-lead. This trend is not due to a lack of women interested in the TV industry. Indeed, research shows that men and women graduate from the top U.S. film schools at nearly equal rates. However, there appears to be a lack of people willing to give female directors a chance. According to a University of California 2015 study, the top executives at major Hollywood film studios are 94 % white, and 100% male.⁵

ARE WOMEN WORTH MORE IN NON-LEGAL PROFESSIONS?

The most widely recognized gender bias issue is pay parity. This year, Equal Pay Day was recognized on April 12, 2016. This date symbolizes how far into the year women must work to earn what men earned in the previous year. In 2009, the Lilly Ledbetter Fair Pay Act was signed, amending the Civil Rights Act of 1964, which allows unfair pay complaints to be filed within 180 days of a discriminatory paycheck. It is unfortunate that we still need laws like this. However, not only are

women paid less for the same positions, but they are also less likely to be promoted. A recent study by Cass Business school found that when men and women ask for pay raises, 25% more men than women actually get them.⁶ Another study by the Cass Business school found that 40% more men are likely to be promoted than women eligible for the same promotion. This study concluded by saying that it will take us 118 years to close the wage gap between men and women.⁷ That is simply too long.

Some companies are trying to pave the way and set an example by making sure they provide equal pay. A Wall Street Journal article indicated that tech companies such as Apple (99.6%), Microsoft (99.8%), Amazon (99.9%), Intel (100%), and Facebook (100%) pay their male and female employees equally, or very close to the same.⁸ Salesforce.com Inc., spent about \$3 million in 2015 raising salaries of female employees to reach pay equality.⁹ These companies recognize that women possess as much potential and talent as men, and, in order to attract and retain these talented individuals, the company needs to provide equal pay.

Apple, however, has worked on closing the gender gap not only by assessing pay, but they have also looked at the number of women and other minorities so that new hires help to close the gender and diversity gaps. Additionally, last year, Apple analyzed the salaries of their U.S. employees and made a point to close any gaps in pay that they found. This included looking at salary, bonuses, and other forms of compensation. Apple has released a statement that they will be looking to close the same gaps in their company worldwide this upcoming year.

Women are not necessarily worth more in non-legal professions. Some professions have simply started to close the gap faster and sooner than the legal profession. This is a great start, and Apple and all the other companies should be commended for their work in trying to close the gender gap and maintaining pay equity. Unfortunately, that is just the start of what we need. We can't just stop at equal pay;

we need to demand equal treatment. We need to address issues of how women are actually treated in the work place, and other issues such as maternity and family leave. We don't want to celebrate Equal Pay Day. We don't want to have to enforce our rights under the Lilly Ledbetter Act. We don't want to need the services of the National Equal Pay Task Force. Women deserve equal treatment. Together, we must rid our society of injustice...one step at a time.

WHAT CAN YOU DO WHEN FACED WITH GENDER BIAS?

A study conducted by LeanIn.org indicates that the workforce has nearly equal number of men and women at the entry level, but the gap widens as workers are promoted.¹⁰ The study uncovered some of the reasons why women aren't advancing as quickly as men:

- They are more likely to be ignored at meetings, with 74% of men "able to participate meaningfully" compared to 67% of women.
- They are less likely to get challenging assignments. While 68% of men have taken on the toughest tasks, only 62% of women get that opportunity.
- They are less likely to be consulted for input on important decisions. While 63% of men are asked to share their thoughts, only 56% of women are.

The LeanIn study also showed that inequality at home is another subtle factor at play. For women who share housework equally with a partner, 43% aspire to become a senior executive at their job. But only 34% of women who do a majority of the housework aspire to be a senior executive.

There is also an ambition gap. According to the LeanIn study, while 80% of men desire a promotion, only 74% of women do. Overall, 56% of men say they aspire to become a top executive, while only 40% of women desire the same goal.

Unfortunately, it is not a matter of if, but of

when you will be faced with gender bias. In fact, we shouldn't wait to address the issue until it happens (or after you realize it has been happening to you!), as it is clear that women face an uneven playing field. Although progress has been made in the past couple of years, there's still a lot more to do. We need to take action now.

Whether in a legal or non-legal profession, education is important. It is important too that supervisors are educated on this issue. Examples should be set from the top down. Supervisors need to encourage change in their own firms, practices, and schools. Additionally, women need to be able to set their fears aside and be able to address gender bias when they are faced with it.

As Florida Bar's immediate past President Ramon Abadin indicated in a presentation last fall, we should elevate, promote and encourage each other. We need to close our own ambition gap. But how? According to Laura Rosenbury, the Dean of the University of Florida's Law School, there are at least three things you can do to overcome and still succeed with sometimes subtle implicit bias.

First, understand the role of a sponsor. Get one and/or be one when the opportunity presents. A sponsor is more than just a mentor. It is someone that puts their reputation on the line to advocate for you and to support you in your endeavors to get ahead. This can be in the form of a client referral, a suggestion that the next big work assignment is given to you, a great employment reference, or simply letting someone else know of your accomplishments.

Second, increase your ability to think creatively about gender and the role it plays in negotiations, self-promotion, and gaining influence in your organization. When negotiating a promotion or a salary in your new job, show the organization why they should pay you more. Not just because you are worth it and you are a woman, but because it is beneficial to the organization if they want to stay at the top of the list, i.e. in order to compete with the top 10 firms they should pay you what

those firms pay.

Finally, understand the unwritten rules of your organization and learn to navigate them and ultimately lead them. Don't sit back and think you are not ready or well prepared to move up the ranks. Believe in yourself. Sit at the head of the table in the boardroom.

Although the days of overt sexism are largely over, gender bias is still alive and well, and it exists in every profession. Although we've made great strides, the studies discussed in this article show we still have a ways to go. Until we've closed the gender gap, we will have to keep forging ahead, and, as Dory would say "just keep swimming, just keep swimming..."

To obtain copies of the studies discussed in this article, please reach out to Megan Hurchalla at megan@hurchallalaw.com, and Ingrid Osborn at ingrid.osborn@hud.gov.

¹Carnevale, Anthony, Cheah, Ban & Hanson, Andrew (2015). Value of College Majors. <https://cew.georgetown.edu/cew-reports/valueofcollegemajors/#full-report>

²Bureau of Labor Statistics, U.S. Department of Labor, Occupational Outlook Handbook, 2016-17 Edition, Kindergarten and Elementary School Teachers, at <http://www.bls.gov/ooh/education-training-and-library/child-care-and-elementary-school-teachers.htm>

³How Gender Bias Affects Teachers' Salaries. <http://www.theestablishment.co/2016/08/16/how-gender-bias-affects-teachers-salaries/>

⁴Lauren, Martha M. (2016). Boxed In 2015 16: Women On Screen and Behind the Scenes in Television. <http://womenintvfilm.sdsu.edu/files/2015-16-Boxed-In-Report.pdf>

⁵2015 Hollywood Diversity Report: Flipping the Script. <http://www.bunchecenter.ucla.edu/wp-content/uploads/2015/02/2015-Hollywood-Diversity-Report-2-25-15.pdf>

⁶Artz, Benjamin, Goodall, Amanda & Oswald, Andrew J. (2016). Do Women Ask? <http://www.cassknowledge.com/sites/default/files/article-attachments/gender-women-ask2016.pdf>

⁷The World Economic Forum, The Global Gender Gap Report 2015, <http://reports.weforum.org/global-gender-gap-report-2015/>

⁸Wells, Georgia (2016). Facebook, Microsoft Say They Offer Equal Pay to Women, Men <http://www.wsj.com/articles/facebook-microsoft-say-they-offer-equal-pay-to-women-men-1460466005>

⁹Fortune Global Forum, <http://fortune.com/2016/03/08/salesforce-equal-pay/>

¹⁰LeanIn.org, (2015). Women in the Workplace 2015, <http://leanin.org/news-inspiration/women-in-the-workplace-2015/>

LEGISLATIVE CORNER

BILLS TO WATCH:

FAWL's Legislative Committee Chairs are currently in the process of researching issues that impact women and girls in an effort to garner FAWL's support for a new legislative position or bill. FAWL's current Legislative Agenda includes the following positions:

- **ADMINISTRATION OF JUSTICE – Florida State Courts (FAWL Priority):** FAWL supports an independent judiciary and efforts to maintain and increase the number of women in the judiciary and the judicial selection process.
- **LEGAL REPRESENTATION OF THE POOR:** FAWL supports adequate funding and measures directed to provide access to the courts and ensure meaningful and effective services to the indigent.
- **WOMEN'S ISSUES:** FAWL supports ratification of the proposed amendment to the Constitution of the United States relating to equal rights for men and women, prohibiting health insurers and HMOs from denying or restricting coverage for prevention of treatment of medical conditions that affect women, funding of public information and education programs for medical conditions that affect women, and legislation to maintain and promote female inmates' relationships with their minor children.
- **CIVIL RIGHTS:** FAWL supports the expansion of Florida's civil rights law to assure that women are not discriminated against on the basis of marital or familial status or sexual orientation, and legislative or administrative policies that would restore the right to vote to those who have paid their debt to society by having completed all aspects of their incarcerative and supervisory sentences for their criminal acts.
- **ANTI-HUMAN TRAFFICKING:** FAWL supports legislation against human trafficking.
- **NON-CONSENSUAL PORNOGRAPHY:** FAWL supports criminalizing non-consensual pornography where sexually graphic images of individuals are distributed without their consent (also known as revenge porn).

Last year, FAWL supported House Bill 545 which relates to the protection and rehabilitation of victims of human trafficking, and it was signed into law on March 8, 2016.

FAST TRACK REVIEW SUBCOMMITTEE:

The Fast Track Review Subcommittee within the Legislative Committee was formed in order to expedite the process by which FAWL decides whether or not to endorse a third party's bill, initiative, rule or other position. The Subcommittee received final approval at the September 2016 Board of Directors' meeting. As of now, third parties seeking endorsements will first send their requests to FAWL, and it will then be submitted to the Executive Board for a vote on whether to refer the request to the Subcommittee. If the Subcommittee determines that a FAWL endorsement is recommended, it will advise the Board of Directors and a vote by the full Board of Directors will be required.

LOBBY DAYS:

Lobby days will be held in Tallahassee on April 3-5, 2017, and the tentative schedule is as follows:

MONDAY, APRIL 3, 2017

7:00 - 9:00 P.M. – **Reception at Hotel Duval**

TUESDAY, APRIL 4, 2017

8:00 - 9:00 A.M. – **CLE Breakfast Briefing at Hotel Duval**

10:00 - 11:30 A.M. – **Lobbying**

11:30 A.M. - 1:30 P.M. – **FAWL/TWL Luncheon at Governor's Club**

1:30 - 5:00 P.M. – **Lobbying**

6:00 - 8:00 P.M. – **Legislative Reception**

WEDNESDAY, APRIL 5, 2017

9:00 A.M. – 12:00 P.M. – **Attend Florida Supreme Court Oral Arguments**

12:00 – 1:00 P.M. – **Lunch on your own**

1:00 – 4:00 P.M. – **Board Meeting at Hotel Duval**

YOUNG WOMEN LAWYERS WHO START THEIR OWN LAW FIRMS CONTINUE TO FACE CHALLENGES IN A MALE DOMINATED INDUSTRY



By Rina Feld, Temi Zeitenberg, and Nicole McNamara Quattrocchi¹

THIS ARTICLE EXPLORES THE challenges that young female attorneys face when making the difficult decision to enter solo-practice. It is a three-fold issue. There are a certain set of challenges that any attorney who decides to go solo faces. Yet, these challenges are escalated when gender bias—which continues to rear its ugly head—comes into play, and unfortunately, there is no easy solution. All we can do is continue to strive to break all the glass ceilings.

I. CHALLENGES OF GOING SOLO

Going solo as an attorney in Florida has many advantages, but with those advantages come a slew of challenges. Financially, going solo is the riskier option compared to a conventional legal job. The market for attorneys is very dense. Although the demand for lawyers is high, the competition is fierce. The number one challenge of any law firm, particularly a solo practice, is bringing in and generating new business. In a solo practice, the attorney is responsible for every aspect of the business: tax returns and payroll, case management and court appearances, hiring and firing of staff, and client customer service and relations. In solo practice, the lawyer

has no opportunity to hide from these tremendous responsibilities, as a lawyer could do if he or she worked in a firm.

Depending on where you are coming from, your ability to establish a client base varies. If you are lucky, you are going solo after working several years in a medium to large firm where you were able to establish a name for yourself in the community through the many resources that firms have available to them. At such a firm, you were able to build solid relationships with referral sources and clients who will come with you to your solo practice. If you are not as lucky, or you have no ability to bring the clients with you due to stringent policies at the firm you are leaving, you have no referral base or client base to start with and have to rely solely on marketing, advertising and networking.

For young attorneys with fewer years of practice, going solo is even more difficult. Age and years of experience present a negative perception to potential clients, opposing counsel and even the judiciary. Some young attorneys may have a slight advantage if they had the opportunity to get their name out in their community before making the risky decision to enter the solo market. But for most of us, just a few years out of law school and little to

moderate post-law school experience, the hurdles we face are very high. The reality is, however, that young attorneys in every form of practice have much to offer the legal profession. The fresh perspective that young attorneys bring to the legal industry offers great value to the entire profession that needs to be commended rather than criticized.

II. HOW DO THOSE CHALLENGES RELATE TO YOUNG FEMALE ATTORNEYS?

One challenge many young female solo practitioners face from the legal community is answering the question of why they opened their own firm. Many assume women start their own firms because they have a family or want to start a family, want to work less to improve their work-life balance, or because they could not cut it at a big law firm with all the rules and billable hours. While young female attorneys should not need to justify their motivation for pursuing entrepreneurship, the reasons why they do so are generally the complete opposite. Opening a solo practice actually forces the lawyer to work more, be away from home more, and sacrifice more of her personal time. Being your own boss and having to be responsible for all aspects of a solo practice can be more stressful

than a big firm with a large billable hour requirement. At the end of the day, it is the solo practitioner's individual responsibility to make sure that trust accounts are reconciled, accounts receivable are paid and paychecks to employees are properly funded.

In the article "Why Doesn't The Legal Profession View Women-Owned Solo And Small Law Firms As Relevant To Diversity?," the author referred to a USA Today article written by Steve Strauss, a small business lawyer. Strauss' article pointed out that most women entrepreneurs start businesses not to "better balance work and home life," but instead because "they were entrepreneurial at heart and had a vision for a business that they wanted to see through."² Despite perceptions otherwise, women sole practitioners are working as hard, if not harder than their male counterparts to establish and build their practice. Moving forward, it would be beneficial for women lawyers, of any age, to not be criticized, questioned, or condemned for their decision to work for themselves. Rather, these women should be praised and applauded for their successes in spite of all the obstacles.

A second, more disturbing challenge that young women lawyers face as they open their own practice is general gender bias. Women lawyers are not treated with the same respect as male attorneys. They are often expected to have lower rates and are believed to be less intelligent and less aggressive than their male counterparts. Often, women are perceived as less capable litigators who are unable to stand their ground and effectively advocate for their clients. Additionally, women are also repeatedly judged by their appearance. A man in a courtroom or a man in a client consult is simply a man in a suit. No one questions his choice of tie, shirt color, or even if he is wearing just a sport jacket with a mismatched pair of slacks; people simply view him as a man in a suit. However, a woman is questioned for her choice of clothing, shoes and accessories daily.³

This general gender bias is further complicated by the fact that many do not believe that a young woman could actually own and manage her own practice, and many remain uncomfortable with the idea of a woman in charge. But why is it that women cannot be in charge? According to general perception, women are too "emotional."⁴ If a male lawyer becomes passionate in his advocacy and raises his voice, then he is deemed a zealous, effective and impassioned advocate. If a woman raises her voice or becomes overly zealous, she is "emotional."

Yet, it is the emotional part that can make young women more effective lawyers. Young women can add value based on their ability to understand and focus on a client's needs in ways that their male counterparts may not. The ability to be "emotional" can provide value. Women talk to other women differently than women talk to men. Women can open up to other women in a way that they cannot with a man. Even men speak to women differently than they would to another man. This is exceedingly important in client relations. A male client may be more truthful and emotional to a female attorney without the fear of being judged, compared with a male attorney. Despite the fact that male attorneys and female attorneys may have different ways in communicating with their clients, their colleagues and the judiciary, one gender is not better than the other.

III. WHAT CAN WE DO ABOUT IT?

Young attorneys--both female and male--are increasingly taking the opportunity to venture out and begin their own practices for a variety number of reasons. It is important to remember that young solo attorneys may provide a value to the other members of the Florida Bar. They may be more technologically savvy, may possess a broader scope of knowledge of different areas of law, and may provide a new perspective to a specific legal challenge.

Solo female practitioners have a hard enough time dealing with the financial challenges of starting a solo practice

and competing in a full market. However, throwing the added challenges of dealing with gender bias makes it all the more difficult for a female solo practitioner. Although many of the challenges faced by female solo practitioners become easier to manage with age and experience, gender bias may be the exception to that rule. Because it is so difficult to influence or change how others may think and feel, it is important that female attorneys of all ages support each other to help our fellow female attorneys develop their own successful practice and client base.

¹Rina Feld is a solo practitioner in Fort Lauderdale, practicing in probate and estate administration, as well as first party insurance plaintiff's work. She is a member of FAWL, participating in the South Palm Beach

Temi Zeitenberg is a solo practitioner in Boca Raton and owner of DivorceSmart, Esq., a law firm focusing on alternative dispute resolutions for family and matrimonial law. She is a member of FAWL, participating in the South Palm Beach County Chapter.

Nicole McNamara Quattrocchi is the founder of the Quattro Firm in West Palm Beach, practicing in civil and commercial litigation, family law, family mediation and dispute resolution, wills and trusts, probate administration and litigation, corporate transactional work and corporate formation. She is a member of FAWL, participating in the Palm Beach County Chapter.

²Carolyn Elefant, Why Doesn't The Legal Profession View Women-Owned Solo And Small Law Firms As Relevant To Diversity?, ABOVE THE LAW (August 9, 2016, 4:45 PM), <http://abovethelaw.com/2016/08/why-doesnt-the-legal-profession-view-women-owned-solo-and-small-law-firms-as-relevant-to-diversity/?rf=1>

³Elizabeth Babbitt & Jessica Baer, A View from the Jury Box: Managing Jurors' Beliefs about Women Attorneys, LITIG. INSIGHTS (Sept. 5, 2012), <http://www.litigationinsights.com/case-strategies/a-view-from-the-jury-box-managing-jurors-beliefs-about-women-attorneys/>.

⁴ See id.

The JNC Oversight Committee's Efforts to Eliminate Gender Bias in Judicial Applications and Interviews

By Pricilla Blow

This year, FAWL has overhauled its monitoring of the various local Judicial Nominating Committees (JNCs). Through the 2016-2017 JNC Oversight Committee, FAWL is making a concerted, statewide effort to eliminate gender biased questioning of applicants for judicial appointment with an eye towards increasing the number of female jurists across the State.

According to the 2012 Florida Commission on the Status of Women, women reportedly held 20% of judicial seats in Florida's District Courts. Today, not much has changed. For example, women comprise only 22% of the judicial seats on the District Courts of Appeal. In a recent call for more applicants for JNC Openings, the Hillsborough Association of Women Lawyers (HAWL) reported that "of the 43 appointments to JNCs that the Governor recently made; only 3 were women."

One of FAWL's goals is to actively promote gender equality and the leadership roles of FAWL's members in the legal profession, judiciary and community at large. Former FAWL President June McKinney of Tallahassee is responsible for going a step furtherer by actively encouraging women to apply for seats on their local JNCs and to monitor their local JNC interviews to help ensure a fairer process for women.

Over the last 20 years, FAWL and many of its local chapters

have taken an active role in providing oversight of local JNC interviews. This year, the JNC Oversight Committee, chaired by FAWL Secretary and President-Elect of the Jacksonville Women Lawyers Association, Jennifer Shoaf Richardson, has as its top priority making members aware that FAWL is here to educate and assist local chapters in reaping the benefits of JNC Oversight. Getting members involved in the oversight process is needed to help the JNC Oversight Committee reach its goal of ensuring a fair interview process for all judicial candidates.

With the ultimate goal of increasing the number of women judges in Florida, the JNC Oversight Committee will focus on positive and corrective reinforcement within the local JNCs. The Oversight Committee has requested local FAWL chapters to monitor JNC interviews in their respective areas. Participants are trained to monitor whether any questions asked in the interview process can be perceived as biased, and also to provide positive feedback on the processes and questions that are fair. In order to keep State FAWL apprised of what's happening at the local interviews, any FAWL members who monitor any JNC interviews will be asked to complete a questionnaire to alert State FAWL as to the kinds of questions being asked of the female candidates. State FAWL will then collect and log the information in an effort to help members better prepare for the interviewing process.

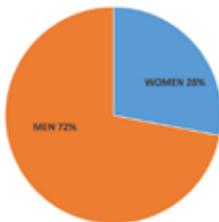


District Courts of Appeal Representation of Women Judges

Florida Court	Female District Judges out of total Judges in Each District	% of Female Judges in Each District
1st District	4/13	31%
2nd District	3/16	19%
3rd District	3/10	30%
4th District	3/18	17%
5th District	1/10	10%

Florida's Circuit Courts

By Gender, 2016



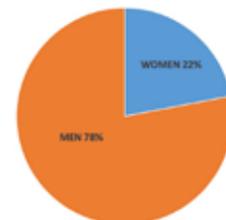
Florida's County Courts

By Gender, 2016



Florida's District Courts of Appeal

By Gender, 2016



More Applicants Needed for JNC Openings to be Nominated by the Florida Bar, HILLSBOROUGH ASSOCIATION FOR WOMEN LAWYERS, <http://www.hawl.org/more-applicants-needed-for-jnc-openings-to-be-nominated-by-the-florida-bar/> (last visited Oct. 8, 2016).

Florida Constitution Revision Commission: The Voice of the People

By Chelsea Hardy

THE FLORIDA LEGISLATURE DEFINES the State Constitution as “an organized system of fundamental principles for the government of the state. It is of a permanent and general nature and originates from the people rather than from the Legislature.”¹ In 1968, Floridians acknowledged that their principles and needs change over time by adopting language that explicitly mandates a review of the State Constitution every 20 years.² Currently, Florida is the only state that requires regularly scheduled reviews of its governing document.³

Florida’s mandatory constitutional review is conducted by the Constitutional Revision Commission. The Commission is a self-governing body responsible for adopting its own rules of procedure, examining the Constitution, gathering input through public hearings and finally, proposing revisions that will be placed directly on the ballot for voter consideration in the next general election.⁴ The Commission consists of 37 unelected members of the public, which comprise of the following: Fifteen members appointed by the Governor, nine members appointed by

the Speaker of the House, nine members appointed by the President of the Senate, three members appointed by the Chief Justice of the Florida Supreme Court and finally, the Florida Attorney General.⁵ By February 2017, it is expected that all appointments will be made.⁶ By April 2017, for the third time in the State’s history, the Commission will commence its work and spend approximately one year traveling the State to gather ideas and feedback from the public.⁷

Public involvement in the revision process is paramount to ensure that the principles of the population the Constitution currently serves are adequately reflected.⁸ Since the last revision in 1998, both the environment and State citizenry have undergone significant changes. The rapid increase in Florida’s population has put a strain on the environment, transportation infrastructure, and education system.⁹ Further, citizens have faced a variety of significant environmental, social and technological issues including, but not limited to, oil pipelines, fracking, climate change, land conservation, same-sex marriage, transgender discrimination, firearms regulation, police accountability, minimum

wage reform, medical marijuana, drones and autonomous vehicles. To account for changes in citizen perspective and the State’s physical landscape that have stemmed from such issues, Floridians are highly encouraged to participate in all aspects of the revision process—from the appointment of commissioners, monitoring commission activities, attending public hearings, submitting recommendations and feedback, and ultimately voting on the final proposals.¹⁰

Participating in the constitutional revision process is a chance to become an integral part of State history; “[i]t is an opportunity to give the people of Florida, through a better constitution, a better way of life.”¹¹ To learn more about the Constitutional Revision Commission, you can visit the Florida Bar’s website at <http://www.floridabar.org/crc>. To sit on the Commission, or nominate others, please contact the offices of the appointing officials referenced above. To otherwise engage in this interactive process, I encourage you to familiarize yourself with the current Constitution and key issues affecting your community, and to share your ideas with the Commission over the course of the next year.

¹ Statutes & Constitution, ONLINE SUNSHINE, <http://www.leg.state.fl.us/Statutes/index.cfm?Tab=statutes&submenu=-1&CFID=90633160&CFTOKEN=b66fb7c1b3bc03b1-9C6BC1A0-FAF3-B1FD-A06BDBD1E2F6256> (last visited Oct. 8, 2016).

² What is the Constitutional Revision Commission?, FLORIDA CHAMBER OF COMMERCE, <http://www.flchamber.com/what-is-the-constitutional-revision-commission/> (last visited Oct. 8, 2016).

³ Id.

⁴ FLA. CONST. art. XI, § 2(c).

⁵ What is the Constitutional Revision Commission?, supra note 2.

⁶ Id.

⁷ Id.

⁸ Gov. Scott Encourages Floridians to Apply for the Florida Constitution

Revision Commission, FLGOV.COM, <http://www.flgov.com/2016/08/18/gov-scott-encourages-floridians-to-apply-for-the-florida-constitution-revision-commission/> (last visited Oct. 8, 2016).

⁹ Christopher O’Donnell, Squeezing them in: Florida’s growing population will come at a price, TBO.COM (Dec. 26, 2015, 7:26 AM), <http://www.tbo.com/news/politics/squeezing-them-in-floridas-growing-population-will-come-at-a-price-20151225>.

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NEW IN-HOUSE/CORPORATE COUNSEL COMMITTEE

By Mary Howard

The In-House/Corporate Counsel Committee is new to FAWL this year and aims to increase membership among in-house lawyers while furthering FAWL's mission. To appeal to in-house lawyers, the Committee will work toward demonstrating the value of a FAWL membership as a critical tool for locating outside counsel across the state and meeting other corporate counsel members.

This new Committee will also provide insight on programming initiatives FAWL can offer that will be interesting and of use to in-house/corporate counsel members. For example, the National Association for Women Lawyers (NAWL) has incorporated in-house counsel into their programming and events for years, and their General Counsel Institute is in its twelfth year. As such,

the Committee is focused on increasing its presence in NAWL and drawing inspiration from NAWL's programming ideas. One program being planned by the Committee will feature a panel of speakers from both private firms and corporate counsel positions, in hopes of addressing the issue of how women in private practice and women in corporate counsel can help each other.

Additionally, in an effort to recruit more corporate counsel to join FAWL, the Committee plans to advertise future events with the Association of Corporate Counsel—a professional organization with four Florida Chapters.

For more information about this exciting new Committee, please contact Committee Chair, Marcelana Anthony.

Balancing the Scales: A Closer Look at the Informed Voters Project

By Danielle Peterson

WHAT IS THE INFORMED VOTERS PROJECT?

During the 2012 election season, judges became targets of partisan campaign attacks. After seeing the power special interests can wield in influencing judicial elections, judges involved in the National Association of Women Judges (NAWJ) set out to find an effective way to inform voters about the importance of keeping politics out of the courtroom. The result was NAWJ's formation of the Informed Voters Project (IVP), a non-partisan voter education initiative in which Florida Supreme Court Justice Barbara J. Pariente serves as the State Coordinating Committee Co-Chair. To expand the project at the local level, FAWL, one of IVP's partners, organized a statewide committee that helps ensure voters have the tools they need to make informed decisions. As the first Fair Courts initiative developed and implemented by judges, IVP's goals are to inform the public the process by which judges are selected, expand on civic education, and explain why it is critical to protect the neutrality of the third branch of government.

WHY ARE IMPARTIAL COURTS IMPORTANT?

<https://www.brennancenter.org/rethinking-judicial-selection>

Unlike the Executive and Legislative branches of government, the Judicial branch is supposed to be nonpartisan. While legislators make decisions based on their constituents' needs and desires, judges must follow the law and rule on cases without the influence of politics or personal beliefs. Federal judges receive lifetime appointments to help insulate them from politics, but state judges are often elected by the public. In 2014, New York University's Brennan Center for Justice found that 95 percent of cases in the United States were filed in state courts. The Center along with other legal scholars also found that private money was pouring in to state judicial elections.

When private funding from partisan organizations influences who sits on the bench, it could also impact rulings on cases. State court judges rule on almost every aspect of Americans' lives including child custody, divorce, privacy, security, and business. Thus, it is important to keep special interests out of the courtroom to ensure that judges are ruling in a nonpartisan fashion and treating everyone equally under the law. Voters can help ensure equal treatment by electing judges based on their knowledge of the law, honesty, and integrity. Furthermore, by staying informed of how the judicial election process works, voters can help maintain

the judicial branch's independence by keeping influences such as political party affiliation, money, special interests, and media out of the courtroom.

How can FAWL members get the word out about the Informed Voters Project?

The Informed Voters Project makes it easy for FAWL members to educate the public about the judicial branch. For instance, members can independently schedule events and make presentations to their local communities at places such as volunteer organizations, high schools, colleges, law schools, and legal aid offices. Prospective speakers can visit IVP's website to download materials including PowerPoint presentations and handouts. IVP's "Tool Kit" makes it simple to create email blasts and provides information to send out to local media about events. The Tool Kit's presentations contain lessons about civic education that explain to the public how judges are elected and how the judicial system works. Finally, in Florida, IVP is also part of the Florida Bar "Benchmarks" civics education program, which makes it easy for attorneys to participate as speakers and earn ethics Continuing Legal Education credits by making presentations.

For more information on how to give a presentation or get more involved with the IVP, please contact co-chairs Olivia Liggio and Jamie Karpman at FAWLIVP@gmail.com or visit IVP's website at <https://ivp.nawj.org/>.

THE IMPORTANCE OF MENTORING

By Jennifer Waugh Corinis, Assistant United States Attorney

MY FIRST MENTOR TOLD ME THE best way to develop as a lawyer was to watch other lawyers as much as possible. Her mantra was, “Take what you like and leave the rest, but always be yourself.” I tagged along to as many events as I could – depositions, mediations, hearings – with the lawyers at the firm where I worked. I also watched my mentor in action. I observed and catalogued those skills I admired and which seemed effective, and decided to emulate them as long as I felt genuine doing so. My mentor’s advice 16 years ago turned out to be the best I’ve received, and I pass it along to the young lawyers I now mentor.

I was fortunate to have a group of mentors who took the time to teach me about their approach to practicing law, managing time, and maintaining a personal code of ethics. I was fortunate, but I had to be proactive. I had to find my mentors, and I had to ask them to help me. It was a daunting task for a new lawyer at a big firm.

FAWL and the FAWL chapters throughout the state have taken steps to make it easier for law students and young lawyers to find mentors. Nearly every chapter has some type of mentoring program. Some are structured: they require prospective mentees to apply, include a minimum duration of the relationship, and hold scheduled mentoring events throughout the year. Other chapters facilitate mentoring through regular events, often including law students, and focus on networking.

Tallahassee Women Lawyers, the Tallahassee chapter of FAWL, has a combined approach to mentoring: law students from Florida State University College of Law are matched with mentors at the beginning of the academic year, and attend a kickoff event in September. TWL also holds several events in which law students can connect to mentors on a more informal basis, such as “Table for Eight” dinners including a judge, students, and experienced lawyers, and coffee talk at the law school.

Similarly, the Miami Dade chapter of FAWL has a formal program in which mentors and mentees are matched by interests in a “Speed Mentoring” event for law students, where law student mentees meet briefly with a series of prospective mentors, after which both mentees and mentors express their preferences for a match. The chapter has a separate mentoring program in which junior and senior lawyers are invited to dinners to mix and mingle. Like the Tallahassee chapter, Miami Dade FAWL also holds monthly “Table for Eight” lunches and dinners including judges and corporate counsel in the community, to which attorneys of all ages are invited.

The Lee County Association for Women Lawyers is launching its own “Table for Eight” program this year, starting in October, with several dinners planned throughout the year to encourage conversations and foster relationships among LCAWL members. LCAWL also hosts a mentoring event in March with local judiciary, including a panel of female attorneys and judges to discuss current issues in the profession. The program also includes a question and answer portion, which provides younger lawyers with the chance to interact with senior members of the bar, with whom they might not otherwise interact in their day-to-day practice.

The Hillsborough chapter has a robust mentoring program that pairs law students from Stetson University College of Law and the Thomas M. Cooley Law School with HAWL members. The program requires a minimum of one face-to-face meeting between mentor and mentee during the September to May program year, and also includes scheduled mentoring program events, including a fall kick-off event, courthouse shadow day, and a spring mixer.

Other chapters have developed opportunities for informal mentoring among their members, without the requirements of a formal program. The Palm Beach County Chapter of FAWL holds free monthly

mentoring lunches for its members, with speakers and topics varying each month. Many chapters also foster mentoring relationships in connection with local law schools. Pinellas County FAWL encourages Stetson Law students and young attorneys to attend networking events, which allows mentorship bonds to grow naturally. Similarly, the Broward County Women Lawyers Association holds a number of events throughout the year that are intended to encourage mentoring relationships with students from Nova Law School. The Jacksonville FAWL chapter encourages its members to invite Florida Coastal law students to lunch, presents to the school’s Women Law Students’ Association, encourages student members to become involved by joining committees and volunteering at events, and allowing them to network with other members. Women Lawyers of Pasco, a relatively new chapter, includes a formal mentoring program as part of their long range planning. In the meantime, they work to welcome new attorneys with an atmosphere of openness and willingness to help each other.

Finally, FAWL itself helps to place those seeking a mentor by reaching out to the local chapter to identify a member who can assist as a mentor, but if one is not available, FAWL helps find another FAWL member who is able to assist.

This wealth of mentoring opportunities also allows young lawyers to have more than one mentor. Having several mentors is like having a personal board of advisors, with each chosen to fulfill a specific need.¹ One chapter representative described herself as having one mentor for ethical questions, another for help with questions about running a law firm, and a third to talk about work/life balance issues.

With the recent release of results from a survey of over 3,000 women members of the Florida Bar’s YLD showing 43 percent experienced gender bias in their careers, mentoring young women lawyers remains relevant and important to their success.

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Young women lawyers need mentors who can help them navigate those aspects of their legal career that are unique to women, in addition to enjoying the well-known benefits of mentoring, such as professional growth, career development, networking, and personal satisfaction for both mentor and mentee. FAWL and

many of its chapters have developed creative, effective ways to facilitate these relationships. The variety of approaches shows that there is no-one-size-fits-all approach to mentoring, but there is a common theme: creating a spirit of openness and willingness to help. As the HAWL chapter put it, mentoring programs

strive to “foster the highest ideals of the legal profession.”²

¹Counselor, *Who Is Counseling You?*, American Bar Association, February 27, 2012

²Hillsborough Association for Women Lawyers Mentoring Program, <http://www.hawl.org/get-involved/mentoring-program/>

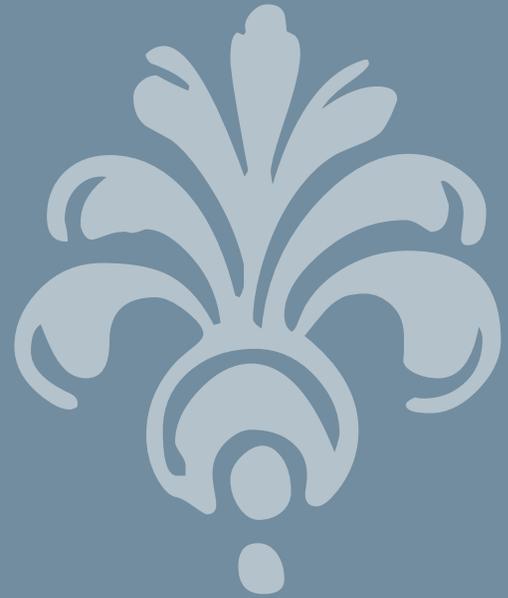
FAWL'S MEMBER ADVANCEMENT AND PROMOTION COMMITTEE

WITH ITS GOAL TO PROMOTE WOMEN — on the bench, in Bar leadership, in law firms and in the community—the Member Advancement and Promotion (MAP) Committee is critical to achieving FAWL's mission to promote gender equality and leadership roles for its members. The Committee provides the President-Elect of the Florida Bar with recommendations of qualified FAWL members for standing committees, works with local chapters to vet qualified members for the bench, and writes letters on behalf of qualified members to the Judicial Nominating Commission (JNC) and for other leadership positions in the community as well.

Formed during Gigi Rollini's term as FAWL president in 2010–2011, as a result of prior FAWL president Tasha Dickinson's efforts to better promote FAWL's members to leadership roles, the MAP Committee has been essential in the years since in promoting women in Bar leadership. The MAP Committee has been key to forming a baseline to measure progress and ensure accountability in appointments to key Bar positions. The Florida Bar has touted the Committee as a model for other Florida voluntary bar organizations, and other states have approached the Committee to request assistance with similar efforts. This success has been due to the efforts of early MAP Committee members, FAWL Chapters and the Florida Bar leaders. As a result, the benefits of these efforts will be felt for years to come.

The Committee is also interested in offering possible educational opportunities, such as a seminar on the JNC & the Bench, and a seminar with a panel of local female partners to discuss advancing women in law firms. Committee Chair Robin Bresky feels honored and privileged to have the opportunity to continue what Gigi Rollini and Tasha Dickinson started and to contribute to this important part of FAWL's mission.

For more information, please contact Committee Chair, Robin Bresky, directly at the following: Email: rbresky@breskypappellate.com; Telephone: 561-994-6274.



*continued from pg 13

²² Nagle, J. E., Brodsky, S. L., and Weeter, K. (2014). Gender, smiling, and witness credibility in actual trials. *Behavioral Sciences and the Law*, 32, 195–206. doi:10.1002/bsl.2112

²³ *Id.*

²⁴ *Women as Expert Witnesses*, p. 3.

²⁵ *Women as Expert Witnesses*, p. 3; *Assertive Women as Expert Witnesses: A Study of Assertive and Defensive Responses in Male and Female Experts*.

²⁶ *Women as Expert Witnesses*, p. 3; *Assertive Women as Expert Witnesses: A Study of Assertive and Defensive Responses in Male and Female Experts*.

²⁷ *Women as Expert Witnesses*, p. 4.

²⁸ Hahn, P.W., & Clayton, S.D. (1996). The effects of attorney presentation style, attorney gender, and juror gender on juror decisions. *Law and Human Behavior*, 20, 533–554.

²⁹ Heilman, M.E., Block, C.J., & Martell, R.F. (1995). Sex stereotypes: Do they influence perceptions of managers? *Journal of Social Behavior and Personality*, 10, 237–252.

³⁰ Imhof, M. (2010). Listening to voices and judging people. *The International Journal of Listening*, 24, 19–33.

³¹ *Report of the Florida Supreme Court Gender Bias Study Commission*, supra note 3, at 31.

³² Visher, C. A. (1987). Juror decision-making: The importance of evidence. *Law and Human Behavior*, 11, 1–17. Overland, S. G. (2008). The juror factor: Race and gender in America's civil courts. El Paso, TX: LFB Scholarly Publishing. Feigenson, N. (2000). *Legal blame: How jurors think and talk about accidents*. Washington, D.C.: American Psychological Association.

³³ Diamond, S. S., Casper, J. D., Heiert, C. L., & Marshall, A. M. (1996). Juror reactions to attorneys at trial. *The Journal of Criminal Law and Criminology* (1973-), 87(1), 17–47.

³⁴ *Id.*

³⁵ See Visher, 1987.

³⁶ E.g., Hahn, P.W., & Clayton, S.D. (1996). The effects of attorney presentation style, attorney gender, and juror gender on juror decisions. *Law and Human Behavior*, 20, 533–554.

³⁷ *Id.*

³⁸ *Id.*

³⁹ Diamond, S. S., Casper, J. D., Heiert, C. L., & Marshall, A. M. (1996). Juror reactions to attorneys at trial. *The Journal of Criminal Law and Criminology* (1973-), 87(1), 17–47.

⁴⁰ Schvey, N. A., Puhl, R. M., Levandoski, K. A., & Brownell, K. D. (2013). The influence of a defendant's body weight on perceptions of guilt. *International Journal of Obesity*, 37(9), 1275–1281.

⁴¹ Goodman, J., Loftus, E. F., Miller, M., & Greene, E. (1991). Money, sex, and death: Gender bias in wrongful death damage awards. *Law and Society Review*, 263–285.

⁴² *Id.* at 281–82.

⁴³ George, Tracey E. and Albert H. Yoon, *The Gavel Gap: Who Sits in Judgment on State Courts?* (2016), at <http://gavelgap.org/pdf/gavel-gap-report.pdf>

⁴⁴ *American Bar Association, Commission on Women in the Profession*, (July, 2014). *A Current Glance at Women in the Law*. Retrieved from https://www.americanbar.org/content/dam/aba/marketing/women/current_glance_statistics_july2014.authcheckdam.pdf

⁴⁵ Greeley, Ann T., *Gender and Racial Bias in the Courtroom*, p. 3 (2012), at http://www.americanbar.org/content/dam/aba/administrative/litigation/materials/sac_2012/37-1_gender_racial_bias_in_the_courtroom.authcheckdam.pdf

⁴⁶ *Id.* at 4.

MICROINEQUITIES: NEUTRALIZING AND ERADICATING OUR UNCONSCIOUS BIASES

By Jennifer Sullivan and Elen Gantner

This year, the Programs Committee has some exciting and interesting programs in the works. At the mid-year meeting, there will be a program relating to in-house counsel. Additionally, Jen Sullivan, President-Elect and Chair of the Programs Committee, will be setting up a time with Jamie Billiot Moses, FAWL Representative for the Central Florida Chapter of FAWL, to put on a Board Certification boot camp. Each of these programs will provide great opportunities for FAWL Members to learn and grow. However, perhaps the most interesting program will be “Microinequities: The Power of Small™.”

Bias is generally defined as a tendency to believe that some people are better than others. This usually results in unfair treatment of some people. We routinely, rapidly and almost automatically sort people into groups. For example, we often unconsciously tend to prefer people who look like us, sound like us and share our interests. A lack of awareness of these unconscious activities can lead to poor decision making and perhaps, worse, bias.

It is undisputed that bias exists in our profession. Recently, the Young Lawyers Division of the Florida Bar published results from the 2015 YLD Survey on Women in the Legal Profession. The YLD sent the survey to a random sample of female members of the Florida Bar. For many females in our profession, the results were not surprising. For others, the results provided, in the words of Immediate Past President Ramón Abadin, a “sobering honesty” about the experience of female members in our profession. The survey results revealed that 43% of survey respondents have experienced gender bias during their legal career. Therefore, in the wake of the survey, the Florida Bar created the 2016 Gender Bias/Diversity Committee to work toward addressing these issues.

we often unconsciously tend to prefer people who look like us, sound like us and share our interests. A lack of awareness of these unconscious activities can lead to poor decision making and perhaps, worse, bias.

As FAWL members, we know that bias needs to be eliminated. FAWL’s mission is to actively promote gender equality and the leadership roles of FAWL’s members (men and women) in the legal profession, judiciary and community at large. Therefore, at the June 2017 Florida Bar Annual Convention, FAWL, in conjunction with the Florida Bar and Palm Beach County Chapter of FAWL, will host a joint two-hour program entitled “Microinequities: The Power of Small.”™ CLE credit is expected to be awarded.

This is a cutting-edge corporate leadership and diversity seminar which will expose critical workplace biases that can ultimately affect an organization’s bottom line. Insight Education Systems (IES), a management and consulting firm specializing in leadership and organizational development, will present the program. IES designed the program to teach self-awareness skills, which will enable attendees to identify their unconscious biases. IES then teaches ways to neutralize and eradicate those identified biases from attendees’ decision-making processes. According to Stephen Young, the Co-Founder and Senior Partner

of IES, microinequities “are cumulative, repeated behaviors that devalue, discourage and impair performance in the workplace—they invariably affect the overall productivity and health of a company.”

We challenge you to attend this presentation and encourage your co-workers and colleagues to also attend, not only to improve the bottom line, but more importantly, for the betterment of our profession. We have a duty to our young lawyers—especially our young, female and minority lawyers—to build and sustain productive, diverse and truly inclusive workplaces and the profession as a whole. For more information on FAWL’s upcoming programming, please visit www.fawl.org.

NEW WOMEN'S HEALTH AWARENESS COMMITTEE

By Erica Rutner

FAWL is happy to announce the formation of the Women's Health Awareness Committee, a committee that was created to bring awareness to women's health issues and to make healthy living more accessible for its members. FAWL's members work in a fast-paced and high-stress industry. Coupled with the many other obligations women face, there is often little time or resources left to focus on their own health. But the high-stress environment women experience on a daily basis makes it all the more important for women to take care of themselves both mentally and physically. That is why FAWL has formed the Women's Health Awareness Committee. Among its many initiatives, the Committee will be working with fitness facilities and certified fitness instructors across the State to provide free or discounted classes and memberships to FAWL members. The Committee will also be working with

natural and organic food companies to provide complimentary or discounted healthy products, such as organic, all-natural shakes and bars. In addition, the committee intends to hold panels at its quarterly meetings where nutritionists and other health experts can speak about the medical issues that women face in this high-stress industry, as well as the signs or symptoms women should watch out for and what to do to prevent or minimize those health risks. Beyond that, the Committee will be focused on continuing the efforts of local FAWL chapters to bring lactation rooms to courthouses across the State. Recently, the Miami-Dade FAWL chapter—with the help of Miami-Dade Circuit Judges—was successful in convincing Miami-Dade to designate lactation rooms in four separate courthouses throughout the County. The lactation rooms make it easier and more comfortable for women lawyers to practice law after having

a child; and represent a phenomenal accomplishment in the right direction. The Committee is thrilled with this success and hopes to be a part of future initiatives like it across the State. FAWL is very excited about this Committee and expects it will bring great things to its FAWL members and the larger community of women lawyers.



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FLORIDA BAR DIVERSITY AND INCLUSION COMMITTEE INVESTIGATES DENIALS OF REQUESTS FOR CONTINUANCE BASED ON MATERNITY LEAVE

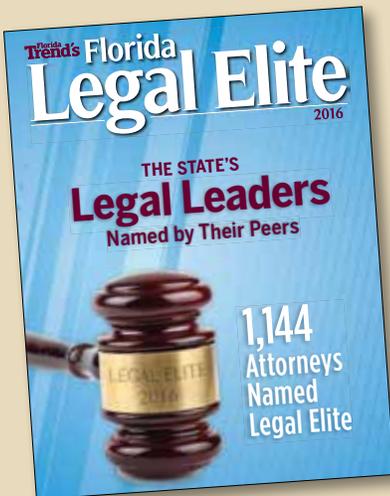


The Committee on Diversity and Inclusion (CDI) was formed in 2013 with the goal “[t]o increase diversity and inclusion in the Florida Bar so that the Bar will reflect the demographics of the state, to develop opportunities for community involvement, and to make leadership roles within the profession of The Florida Bar accessible to all attorneys, including those who are racially, ethnically and culturally diverse, women, members of the LGBT community and persons with disabilities.”

The CDI recently presented to the Florida Bar’s President, Bill Schifino, “anecdotal evidence that women lawyers are being denied continuances when they anticipate taking maternity leave and that there can be a stigma for both male and female attorneys requesting

continuances for parental leave, which may adversely affect their career.” In response to this alarming news, Bill Schifino announced the formation of a special task force consisting of the CDI and the Rules of Judicial Administration Committee. The special task force has been asked to address this troubling question: Should there be a procedural rule directing judges to grant continuances on the basis of maternity leave?

In order to foster discussion on this crucial issue, along with others plaguing the development and growth of the legal profession, the CDI is organizing its first annual Diversity and Inclusion Conference in Orlando from May 11th–12th, 2017. The venue is to be determined.



**Voting Deadline
December 2, 2016**

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CHAPTER AND MEMBER HIGHLIGHTS

By Ashley Krenelka Chase

FAWL is delighted to highlight the following achievements of our Chapters and Members, submitted by Chapter Presidents and Liaisons:

BARRY WOMEN LAWYERS ASSOCIATION

The Barry Women Lawyers Association would like to express gratitude and appreciation to all of their members and supporters for making last year such a fantastic year. They raised \$2,500 in support of Harbour House of Central Florida, held a month long breast cancer awareness campaign, and raised \$700 for breast cancer research. They celebrated women leaders in the community and collected gently used suits and professional attire for Dress for Success of Greater Orlando. Additionally, they teamed up with the American Heart Association to spread awareness of heart health on campus.

In addition, the following are notable achievements for some of the chapter members:

JULIETTE METELUS – Recipient of BWLA's Distinguished Women Leader Award

SARA QURESHI – Invitation to the George C. Young Inns of Court

DESHAYLA STRACHAN – Publishing her article "A Triple Threat: The Black, Female Attorney" in The Southern Journal of Policy and Justice

JENNIFER ROBLES – Selected to be a Professor's Research Assistant

LINDA CHAN – For balancing child rearing and academics flawlessly

KERRY MCKEOWN – Book Award Recipient for Civil Procedure 2

BREVARD COUNTY ASSOCIATION FOR WOMEN LAWYERS

The Brevard County Association for

Women Lawyers (BCAWL) held a Health and Wellness event training members and friends to race dragon boats with the local Heart and Soul Dragon Boat Team, which is a team made up of breast cancer survivors and supporters. With the help of a Florida Bar YLD Health and Wellness Grant, BCAWL was able to raise enough money for the event, as well as to fund two full scholarships and one partial scholarship so three breast cancer survivors can compete on the team for a year.

In addition, the following are notable achievements for some of the chapter members:

ISSA VELHO – Recipient of the FAMU Law School Dean's Retention Scholarship.

GUNA OSE – promoted to the Sex Crimes Division Prosecutor for the 18th Circuit State Attorney's Office.

PATRICIA D. SMITH – has become board certified in City, County and Local Government Law. She is now board certified in both City, County and Local Government Law and State and Federal Law and Administrative Practice, one of only two attorneys in the state to be board certified in both.

PETER SWEENEY – has become board certified in City, County and Local Government Law. He is now board certified in both City, County and Local Government Law and Construction Law, the only attorney in the state to be board certified in both.

ANDREW LANNON – selected for The Florida Legal Elite 2016.

LEE FAIRCHILD – promoted to the Felony Division for the 18th Circuit Public Defender's Office.

LAUREL NUGENT – and her dragon boat team, Heart and Soul, placed second at the Fidelity Jacksonville Dragon Boat Festival. Heart and Soul's breast cancer survivor team won the gold medal.

COLLIER COUNTY WOMEN'S BAR ASSOCIATION

The CCWBA Named Carol A. O'Callaghan, Managing Attorney for the Legal Aid Service of Collier County, as its 2015-2016 Woman Lawyer of the Year award recipient. The award is presented annually to a female lawyer who has excelled in her career, overcome traditional stereotypes associated with women, promoted the status of women within the profession, and/or promoted the status of women in the State of Florida.

On October 27, 2016, the Collier County Women's Bar Association, together with U.S. Legal Support, is hosting a panel on the importance of practicing with civility. Participating on the panel will be The Honorable Sheri Polster Chappell, U.S. District Court Judge for the Middle District of Florida; The Honorable Michael T. Hugh, Chief Judge of the 20th Judicial Circuit and Chair of the Circuit Professionalism Committee; The Honorable Lauren L. Brodie, Circuit Judge for the 20th Judicial Circuit; Michael J. Higer, President-Elect of The Florida Bar; and Ita M. Neymotin, Regional Conflict Counsel for the Second DCA Region and Chair of the 20th Judicial Circuit's Local Professionalism Panel.

FLORIDA ASSOCIATION FOR WOMEN LAWYERS PINELLAS COUNTY

The following are notable achievements for some of the chapter members:

LYNDY JENNINGS – appointed as Co-Chair of the Probate and Guardianship Section of the St. Petersburg Bar

AMBER HILL – opened The 4 Three Nine, a craft beer bar in St. Petersburg

KATHLYN MACKOVJAK – appointed as the first female president of Daystar Life Center, Inc.

CINDY CAMPBELL, Pro Bono Director, passed the examination and completed the licensing requirements to become a Certified Private Wealth Advisor®

JOANN GRAGES BURNETT – named a Star of the Quarter by the Chair of the American Bar Association Young Lawyers Division

KATHERINE YANES – installed as President-Elect of the Tampa Bay Chapter of the Federal Bar Association

ERICA PETERSON – presented with the President’s Award by the Clearwater Bar Association for her work as Chair of The People’s Law School

CARMEN JOHNSON – awarded the Dean’s Award at Stetson University College of Law for extraordinary services to the law school community

MARCELANA ANTHONY – promoted to Assistant Manager of the Southeast Claims Division in the Corporate Legal Department of Old Republic National Title Insurance Company

LAURA JO LIEFFERS and **GENTRY BYRNES** – received FAWL’s Leaders in the Law Award

NORTHWEST FLORIDA CHAPTER

Virginia Buchanan, of Levin Papantonio

has been invited to join the International Society of Barristers.

NOVA SOUTHEASTERN UNIVERSITY LAW SCHOOL:

Nova Southeastern University Law School’s chapter is holding a mentoring mixer to connect members with other lawyers in the area. In addition, they are teaming up with Phi Alpha Delta, The Fashion Law Society, The Association of Business Law Students and Tort Law Society for events throughout the year in order to get FAWL members involved in more school activities and local community projects. They are collecting professional attire for Dress for Success and holding a bake sale to raise money for the annual breast cancer walk.

The following are notable achievements for some of the chapter members:

DANIELLE CARLSON – passed the bar exam

HEATHER SALTZ – completed a summer internship with Judge Sarah Zabel (an NSU alum and past FAWL President) at the 11th Judicial Circuit Court.

KAREN BLACK – on Nova Law Review and is involved with the Nova Trial Association.

SAMANTHA MUNNILAL – on ILSA Journal of International and Comparative Law.

LORA PLEMONDON – on ILSA and her article was selected for publication. She is also a part of Nova Trial Association.

WMU COOLEY LAW SCHOOL:

The chapter donated a play room to the Girl’s Centre in Tampa.

Additionally, the following are notable achievements for some of the chapter members:

RUMITA SINGH – completed over 50 hours of pro bono work in the family forms clinic located in the Thirteenth Judicial Circuit Court

VANESSA CONTRERAS – Honor Roll and Dean’s List

JAZMIN R. SHORTER – Honor Roll, Dean’s List, Certificate of Merit for Contracts II and Con Law I

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With approximately 1,100 lawyers in offices on three continents, Weil, Gotshal & Manges LLP has been a pioneer in establishing a geographic footprint that has allowed the Firm to partner with clients wherever they do business. The Miami office represents clients in Florida and throughout the United States in litigation and real estate. All departments work with their counterparts in the Firm's other offices and enjoy the resources, as well as the individual relationships, provided by an international firm.

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