

Arizona Women Lawyers Association

Southern Arizona Chapter

September 2004

Women Progress, but Few Queens of Torts

By David Hechler, *The National Law Journal*

Women have made great strides in the legal profession. Nearly half of last year's law school students were women, and nearly a third of their teachers were too, according to statistics compiled by the American Bar Association's Commission on Women in the Profession.

But there is one area in which this rising tide is still at low ebb: Women have been slow to enter the plaintiffs bar. Women make up nearly 30 percent of the lawyers in the United States, but only 13 percent of the membership of the Association of Trial Lawyers of America, a national bar group for plaintiffs lawyers. In fact, a greater percentage of women (15 percent) have risen to the rarified rank of general counsel at *Fortune* 500 companies than have joined ATLA.

In interviews, prominent plaintiffs lawyers, men and women, offered several explanations. They ranged from the obvious -- the competing pull of work and family, for instance -- to the more subtle, such as the reluctance of many women to engage in self-promotion. And while some asserted there are no longer gender-based obstacles, most agreed that women still face challenges that men do not.

Judith Livingston, one of the nation's most successful trial lawyers and the first woman invited to join the exclusive Inner Circle of Advocates, said she too wonders what has happened to women in the plaintiffs bar. "I've been asking the same question for 15 years now," said Livingston, a name partner at New York's Kramer, Dillof, Livingston & Moore. When she began trying cases in 1981, she was in good company because more women were going to law school. "It seemed at the time that even though there weren't a lot of women, that would all change in short order," she said. "But there are very few -- can I say 'stars'? It saddens me. I think women in the courtroom have tremendous talent."

But women also "have to be better prepared than men do," she added, "because I believe jurors hold women to higher standards." Nearly every woman interviewed echoed this perception.

SOMETHING'S GOT TO SUFFER

The big challenge for many women, of course, is the lifestyle. The life of a trial lawyer can't easily accommodate the demands of motherhood, and vice versa.

"I just think something's got to suffer," said Lisa Blue, a partner at Dallas' Baron & Budd who is also married to firm founder Fred Baron. Blue credits her success in part to the support and understanding of her husband, as does Livingston, who is married to name partner Thomas Moore.

Karen Koehler had a different approach to becoming a plaintiffs lawyer. She took a job with a large defense firm, watched her three children grow, and learned how to try cases. But she always preferred fighting for the underdog, she said. When her children were in school, she made the leap, which involves more risk because expenses may be high and contingency fees are always uncertain.

Now a partner at Seattle's Stritmatter Kessler Whelan Withey Coluccio, Koehler admitted that the plaintiffs bar is not for everyone. It requires toughness and faith that things will work out. And by the time she switched sides, Koehler was divorced, which ratcheted up the risk. "And you can't settle cases just to pay rent," she said, "because that would be a conflict of interest."

XENA, THE WARRIOR PRINCESS

Elizabeth Cabraser believes what's hardest about the lifestyle for many women is that it forces them to make demands on others. "I think that's the one that gives women the most trouble," said Cabraser, name partner at San Francisco's Lieff Cabraser Heimann & Bernstein. Cabraser said further that many women struggle to find a personal style of advocacy. "I think we're living in the tag end of the macho era," featuring the "larger-than-life, lone-wolf" plaintiffs lawyer, she said. "For those of us who are smaller than life, simply aspiring to be life-size, it's hard to match up," said Cabraser, who pronounced herself 5 feet tall "on a good day." They have to recognize, she said, that advocacy comes in different shapes and sizes.

Koehler recalled instances when she was mistaken for a court reporter. Virtually every woman interviewed had similar stories, which also involved secretaries, paralegals, clients and clerks. Koehler has been called "sweetie" and "Xena, the warrior princess."

The trick for many women is to establish a style some place between the two. The judge, opposing counsel and, most important, the jury must find them firm and assertive, but not overly aggressive. It's an issue that rarely concerns men, whose behavior is given wide latitude. But it's a problem for women making their way in a field that is "heavily masculine, heavily male and family-hostile," said Joan Williams, a professor at American University College of Law. "How can you do that and be an effective lawyer, rather than a bitch with a personality problem?"

BETTER THAN 'BAD OLD DAYS'

Yet the progress is unmistakable. Julie Braman Kane, a partner at Colson Hicks Eidson in Coral Gables, Fla., remembers going to a women's caucus brunch at an ATLA convention seven or eight years ago where 15 women showed up. Last February, there were 150, she said. And they support each other. When she has a problem -- professional or personal -- she calls or e-mails, she said, and always gets a quick response.

Roxanne Barton Conlin, who was ATLA's first female president (1992-3) and endowed its women's caucus, recalls that in the 1980s, when she had two male partners, one client said: "I don't want to have a woman." This occurred, she added, after she'd served as the U.S. Attorney for the Southern District of Iowa -- one of the first two women ever to serve as a U.S. Attorney.

The days of overt discrimination seem past, said Conlin, who back in 1966 was not allowed to represent her client in her first court appearance because the judge was convinced she was a secretary. She now has her own firm, Roxanne Conlin & Associates, in Des Moines, Iowa, and in 1995 she joined Livingston as only the second woman ushered into the Inner Circle of Advocates, which brings together 100 of the country's top plaintiffs' lawyers. They are still the only women.

Though ATLA's women's caucus was an attempt, in part, to create an "old girls' network," Conlin acknowledged, she and the other lawyers interviewed agreed that men will refer cases to a woman, once she's established her reputation. But for many young lawyers, that's the rub. It isn't easy for beginners -- male or female -- to get into court these days. Fewer cases are being tried. Arbitration clauses are one reason. The ever-escalating costs of litigation pressure more litigants to settle. And often the cases that are tried are high-stakes propositions that few clients or firms want to entrust to young lawyers.

Some firms, like Conlin's, take on small cases simply to give their young lawyers experience. Blue learned to try cases as a prosecutor, and several lawyers suggested criminal work on both sides of the docket is a good way to learn. Others, like Koehler, got their start defending civil suits.

WINDOW DRESSING

Many women mentioned the importance of mentors. Several credited their male law partners for playing that role. Christine Spagnoli began her career clerking for Bruce Broillet of Santa Monica, Calif.'s, Greene, Broillet, Panish & Wheeler. She's now the only female partner at the firm. She said that women can learn a lot sitting second and third chair, but they can hurt a case if they're only "window dressing." She's seen opposing counsel use women this way, and she thinks it worked to her advantage.

"Women jurors want to see women lawyers doing something." She tried a case with six women on the jury. They expressed no emotion during the trial, but afterward two came up and hugged her. "We're so proud of you," they told her. Spagnoli and others said women have several advantages when they represent plaintiffs. They are often underestimated, which they can turn to their benefit. And a bullying male defense lawyer or judge can swing a jury's sympathies in their favor. More important, several lawyers spoke of the emotion and sincerity they bring to their work. "We have a lot of empathy for our clients in a way that is different than a lot of male lawyers," Spagnoli said. "Sometimes I think for the men it's more about winning than doing good for our clients."

"It's a tremendous advantage to be a woman," said Kathleen Flynn Peterson, a partner at Minneapolis' Robins, Kaplan, Miller & Ciresi, "because the advocacy that I can bring is different." A registered nurse who specializes in medical negligence cases, Peterson said she has been particularly effective representing parents whose children were injured or killed by medical errors. "I was able to communicate that loss to a jury in a way that a parent can do differently -- and especially a mother."

One problem that can snag women, even when they win in court, is the reluctance to blow their own horns. "I find it embarrassing," acknowledged Cabraser. "Women do not self-promote well," said Koehler. They want recognition, but "they're worried that if they self-promote they will be seen as overreaching, overeager, egotistical." She has written books, joined organizations and spoken at conferences to share what she's learned, and also to help build a reputation, she said. The bottom line is that plaintiffs lawyers are also entrepreneurs who must market to build books of business. "In law, as in other areas," Cabraser concluded, "we have to get better at marketing."

SEPTEMBER LUNCHEON

DATE: MONDAY, September 20, 2004
TIME: 12:00 o'clock, Noon
PLACE: The Manning House, 450 W. Paseo Redondo
COST: \$15 Members * \$20 Non-Members * \$8 Students

RSVP: No later than **TUESDAY, September 14**. Early reservations are required due to the Manning House's 5-day minimum guarantee policy. All members on AWLA's electronic list-serv will receive a separate email notice to RSVP for the luncheon. Please use this automated system to make your RSVP. If you are not on AWLA's email list-serv, to make a reservation, call **Nancy Kroell** at 818-0429 or e-mail her at awlaadmin@theriver.com. No-shows and cancellations made after the reservation deadline will be billed. Please pay at the door. Checks prepared in advance are appreciated.

MENU: The Manning House offers a delicious buffet with both standard and vegetarian fare. The September menu features Chicken Marsala, Spinach Fettucine, Garlic Marshded Potatoes, Seasonal Vegetables and Mixed Green Salad.

SPEAKER: PIMA COUNTY DEPUTY ATTORNEY BETH ANDERSON

Our luncheon speaker this month, Beth Anderson, will address the challenges of being a litigator with the additional challenges of a physical disability. The life of a litigator is interesting, and physical challenges make it even more intriguing.

Beth is a non-sighted attorney who finds her work challenging and rewarding. She is a Deputy Pima County Attorney currently assigned to the narcotics unit in the Criminal Division. In addition to prosecuting narcotics crimes, Beth also has prosecuted misdemeanors, vehicle offenses, and property crimes during her more than eleven years in the County Attorney's office.

Beth is originally from the Midwest. She spent her early childhood in Illinois and Michigan. She moved to Tucson in her teens and attended Canyon del Oro High School in the Oro Valley area. She then obtained her undergraduate degree in Sociology from ASU and her JD in 1992 from ASU's School of Law.

Beth's constant companion is Cameo. Cameo is a German Shepherd leader dog who was trained in Michigan. Cameo has proven herself to be a loyal and well-behaved dog who performs her extensive job duties well. Along with the assistance of Cameo, Beth is accompanied in the courtroom by Susie Beach, her reader.

The courtroom is not Beth's only focus in life. She has numerous hobbies, among them horseback riding, listening to books on tape and movies. We know you will enjoy hearing Beth's talk this month.

SAVE THE DATE!
AWLA'S HOLIDAY LUNCHEON WILL BE AT THE ARIZONA INN
TUESDAY, DECEMBER 14

DON'T MISS THIS ONE!

By Kristine Fox, AWLA Convention Chair

The date is set, and the theme is leadership. AWLA's 25th annual convention will take place on **Friday, October 22** at the historic Manning House in downtown Tucson.

You may recall a number of years ago that the Southern Arizona chapter sponsored an all-day Women's Leadership Conference featuring such prominent speakers as **Justice Sandra Day O'Connor, Governor Jane Dee Hull, Chief Judge Mary Schroeder, and Vice Chief Justice Ruth McGregor**. The conference was a huge success, and participants left energized and inspired to become leaders at work and in the community. Planning for a second leadership conference coincided with AWLA's 25th convention and so the events have merged into one. We're excited to report that planning is just about complete, and it is shaping up to be an outstanding event.

Roxie Bacon has graciously agreed to "emcee" the conference, much as she did the first time around. Those of you who know Roxie, know her wonderful sense of humor. Roxie won't be the only comedienne on the bill, however. **Jodie Weisberg, Dee-Dee Samet and U.S. District Judge Cindy K. Jorgenson** will be moderating our panels, and **Professor Barbara Babcock** from Stanford University will be providing an historical perspective of women in the profession. The panels are filled with top-notch speakers, including **Justice McGregor, Yuma County Attorney Patricia Orozco, U.S. District Court Judge Irma Gonzalez, and Helen Perry Grimwood**.

We have also invited **Governor Janet Napolitano** to speak and are hopeful her schedule will allow her the opportunity to attend. Providing the afternoon keynote address will be **Sarah Weddington**. Sarah is best known for arguing the winning side of *Roe v. Wade* in 1973, at the age of 26. A long-time advocate for women, Sarah will be telling us why "Some Leaders are Born Women."

As with the first leadership conference, lunch time will be both fun and productive. Assigned seating will give participants an opportunity to meet some of Arizona's outstanding leaders in the law, who will be facilitating roundtable discussions. These leaders will provide participants with inspiration, insight and practical career advice.

The panels are also designed to offer inspiration and advice. The first, "Play the Game to Win," will focus on successful strategies and mistakes to avoid. The panelists will talk about obstacles women lawyers face and offer suggestions for advancement. The second panel, "Reinvent Yourself," will delve into job satisfaction issues and alternative career paths. The last panel, "Lead the Way" will explore ways to promote women into leadership positions.

The conference will conclude with an on-site, no-host reception, to which members of the state and federal judiciary have been invited. We hope you can join us as we celebrate 25 years of women lawyers' conferences in Arizona. Registration information is printed elsewhere in this newsletter and is also available at www.awla-maricopa.org, www.awla-southernaz.org, or www.awla-cochise.org.

NOTICE OF MEETING CHANGE

Due to the Rosh Hashanah holiday, AWLA's Steering Committee has been changed to Noon on Wednesday, September 15 at Gust Rosenfeld.

Scenes from the August Luncheon



Barbara Atwood thanking AWLA for honoring her with its Sarah Herring Sorin Award at the State Bar Convention in June.



Jill Winans thanking members for donations to the Amphi Clothing Bank. Donations may still be made at the September luncheon (new underwear, socks or cash).



AWLA Member Eva Bacal asking for support in her campaign for Congressional District 8. Congratulations Eva on winning the Democratic Primary!



Grace McIlvain asking for volunteer attorneys to represent pregnant minors wanting abortions when they are unable to obtain parental consent and must apply for a judicial bypass. For more information, contact Grace at 792-3836.

ATTENTION WALKERS!

Please join the first AWLA team to walk in the October 17, 2004 AIDS WALK. The 4K Walk will start at 8:30 a.m. (Registration begins at 6:30 a.m.) at Rillito Downs, River & First Avenue. 100% of AIDS WALK Funds stay in Southern Arizona and are used to help provide critical services to people infected with and affected by HIV/AIDS. There is a \$10 Walker registration fee and no minimum sponsorship requirement. AWLA will walk as a team and enjoy lunch together after the Walk. Details will follow regarding meeting times and places. Walker packets will be available at the September luncheon. If you would like a packet mailed to you, or if you would like to sponsor a walker, please call Veronique Pardee at 977-6461. Let's show AWLA's commitment to the community by having a big turnout for this event!

Letters to the Editor

Dear AWLA,

Thank you so much for your help and support with the First Year Orientation Dinner. We could not have done it without you! We look forward to working with you in the future. Sincerely,

*Law Women's Association
U of A James E. Rogers College of Law*

Dear Members,

I would like to extend a heartfelt THANK YOU to the AWLA members who volunteered to sling baked ziti, slosh beer and wine, and dole out empathetic smiles and welcomes to incoming U of A law students at the annual U of A Law Women Association's dinner. There was quite a turnout of nervous students and energized professors. Your hard work to keep the party moving made the evening a success. It was definitely worthwhile. Everyone conversed happily and had a good meal before starting law school! Thanks to Ronna Fickbohm, Nikki Chayet, Leigh Bernstein and Robert Fleming. Great job!

*Wendy Hofmann
Chair, Law Students Committee*

Employment Opportunities

Pima County Attorney - Civil Division Deputy County Attorney (3115) Experienced Transactional or Litigation Attorney

The Civil Division of the Pima County Attorney's Office is seeking an experienced attorney to handle transactional or litigation matters. Minimum qualifications include legal experience in a private law firm or public attorney's office, graduation from an accredited school of law, and admission to the Arizona State Bar. Contact the Pima County Human Resources Department to obtain an application. Salary commensurate with qualifications. The Pima County Attorney's Office requires a thorough background check of the successful candidate.

Justice of the Peace Pro Tem

Presiding Justice of the Peace, Paul Simon announces that the Pro Tem Selection Committee is accepting applications for appointment and re-appointment of part-time, on-call Pro Tem Justices of the Peace in the Pima County Consolidated, Ajo and Green Valley Justice Courts for the term January 1, 2005 through December 31, 2005. Applications are available at the Court Administrator's Office which is located on the second floor of the Old County Courthouse at 115 North Church Avenue, Tucson AZ or on line at www.jp.pima.gov (resumes alone will not be accepted). The original and five copies of the application must be submitted to the Court Administrator's Office no later than 5:00 p.m. on **Friday, October 15, 2004**. Applicants must be admitted to the practice of law in and be a resident of the state of Arizona for a minimum of five years preceding appointment, and shall have received or consent to receive training required by the Presiding Judge after office is taken. Each applicant shall file an affidavit that states that she/he will comply with the ethical restrictions on their practice of law as a Judge Pro tem. The Pima County Consolidated Justice Courts is an Equal Opportunity Employer.

Chief-Office of Appeals/Managing Attorney

This position is in Phoenix, and the salary range is \$45,960-\$78,570. Under the direction of the DES Appellate Services Administrator, the Chief is responsible for all facets of management and operations for the DES Office of Appeals, which handles first level appeals from DES programs. Five years' experience in the practice of law; comprehensive management skills which include budget, strategic planning, policy formulation, procurement, supervision; excellent oral and written communication skills; experience in state government. This person will have experience in administrative law and state personnel rules and procedures as well as a license to practice law in Arizona and willingness to travel. Qualified candidates should submit a comprehensive resume by September 30, 2004 to: Cynthia Mercurio-Sandoval, Administrative Services Officer 11, 1140 E. Washington St. Suite 201, Phoenix, AZ 85034. (602) 229-2803. AA EOE/Reasonable Accommodation Employer.

2004 AWLA Southern Arizona Leaders

<u>Chapter Officers:</u>	<u>Work Phone:</u>	<u>E-mail Address:</u>	<u>Position:</u>
Ronna Fickbohm, Esq.	(520) 320-1300	fickbohm@gabroylaw.com	President
Darlene Chavira Chavez, Esq.	(520) 791-4104	dchavez2@ci.tucson.az.us	Co-Vice President
Lori L. Pierce, Esq.	(520) 791-4104	LPierce1@ci.tucson.az.us	Co-Vice President
Angela C. Moore, Esq.	(520) 318-0001	Angela.Moore@azbar.org	Secretary
Katherine M. Brauer, Esq.	(520) 740-4222	kbrauer@sc.co.pima.az.us	Treasurer

<u>Steering Member:</u>	<u>Work Phone:</u>	<u>E-mail Address:</u>	<u>Committee:</u>
Leigh H. Bernstein, Esq.	(520) 622-0400	bernstein@elder-law.com	Luncheon Support
Nikki A. Chayet, Esq.	(520) 791-3260	nchayet1@ci.tucson.az.us	Website
Julia K. Connors, Esq.	(520) 740-2726	jconnors@sc.co.pima.az.us	Past President
Amelia Craig Cramer, Esq.	(520) 740-5750	acramer@pcao.co.pima.az.us	Newsletter
Kristine M. Fox, Esq.	(520) 205-4263	kristine_fox@azd.uscourts.gov	Newsletter
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Susan C. Villarreal, Esq.	(520) 784-0604	scv@villarrealaw.com	CLE
Jill D. Winans, Esq.	(520) 628-7070	jdwinans@gustlaw.com	Community Service

MARK YOUR CALENDARS

Sept 15	Steering Committee Meeting at Gust Rosenfeld (Noon)
Sept 20	Monthly Lunch Meeting at the Manning House (Noon)
Sept 25	Newsletter Submission Deadline to Amelia Craig-Cramer
Oct 14	Steering Committee Meeting at Gust Rosenfeld (Noon)
Oct 17	2004 AIDS WALK at Rillito Downs
Oct 18	Monthly Lunch Meeting at the Manning House (Noon)
Oct 21-22	25th Annual AWLA Convention and 2nd Leadership Conference
Dec 14	Holiday Luncheon at the Arizona Inn

Advancing Your Career: A Women's Leadership Conference

Thursday, October 21, 2004

Hosted Reception – 5:00 p.m. to 7:00 p.m.
At the Steinfeld Mansion, Offices of Kathleen
McCarthy & Associates and Ryan Turchik PC
300 N. Main Avenue, Downtown Tucson

Friday, October 22, 2004

Conference – 8:30 a.m. to 4:00 p.m.
No-Host Reception – 4:00 to 6:00 p.m.
The Historic Manning House
450 W. Paseo Redondo, Downtown Tucson

FEATURING:

- A Keynote Address by **Sarah Weddington**, who in 1973 at the age of 26 argued the winning side of *Roe v. Wade*. She will be telling us why “Some Leaders are Born Women.”
- An Historic Perspective of Women Lawyers and the Impact of Women in the Profession by **Professor Barbara Babcock** of Stanford University.
- An Address by **Governor Janet Napolitano**, schedule permitting.
- Three Panels of Outstanding Women Lawyers and Judges, including **Vice Chief Justice Ruth V. McGregor**, **U.S. District Court Judge Cindy K. Jorgenson**, **U.S. District Court Judge Irma Gonzalez**, **Chief Assistant U.S. Attorney Jennifer Guerin**, **Yuma County Attorney Patricia Orozco**, and **Former State Bar Presidents Roxana Bacon and Dee-Dee Samet**, who will be addressing the issues of most importance to you.
- Luncheon roundtable discussions facilitated by some of Arizona's outstanding leaders in the law, who will provide attendees with inspiration, insight and practical career advice.
- 6.25 Hours of Continuing Legal Education credit.



This Conference will inspire women to reach their full potential as the next generation of leaders. Whether you've set your sights on private practice, the judiciary, public office, an alternative career or on working to benefit your community in other ways, this is an opportunity not to be missed.

***AWLA Thanks Barbara Smith at Charter
Funding for Generously Underwriting
the 2004 Leadership Conference***

Barbara can be reached at (520) 901-7151

CHARTER 
FUNDING
NAVIGATING YOUR WAY HOME™

A special lodging rate is available at the Radisson Hotel City Center Tucson, located downtown within walking distance of the events. Call 1-800-333-3333 no later than Oct. 7 and ask for the AWLA \$99 rate. Lodging is also available in various nearby Bed & Breakfast Inns and at the Marriott University Park, 1-800-228-9290, which is a short drive from downtown.

2004 AWLA Leadership Conference Registration

REGISTRATION DEADLINE: OCTOBER 8, 2004

(Participation is limited to 200, so early registration is recommended.)

Please tell us about areas of particular interest to you. Your responses will assist in seating you during the luncheon roundtables with leaders in the field of greatest interest to you:

Name _____

Firm/Agency _____

Address _____

City _____ State _____ Zip _____

Work Phone _____ Email _____

Year First Admitted to Practice _____ Number of Years in Active Practice _____

Area of Practice (please describe) _____

Indicate the areas of most interest to you:

- | | |
|---|--|
| <input type="checkbox"/> Getting ahead in private practice. | <input type="checkbox"/> Preparing to become a political leader. |
| <input type="checkbox"/> Preparing for a career in the judiciary. | <input type="checkbox"/> Becoming a community or civic leader. |

Please identify any issues affecting the pursuit of leadership goals that you would like to see addressed at the conference:

- | | |
|--|---|
| <input type="checkbox"/> Balancing family and career. | <input type="checkbox"/> Dealing with gender equality issues. |
| <input type="checkbox"/> Finding time for career planning. | <input type="checkbox"/> Other concerns: _____ |

Registration Fee Includes Thursday & Friday Receptions, Breakfast and Lunch:

- \$ 100 AWLA Member
- \$ 150 Non-Member (Join AWLA Below & Pay the Member Price!)
- \$ 25 Law Student

Please Check All That Apply:

- I will attend the Thursday Reception (free for conference registrants)
- I will attend the Friday Reception (free for conference registrants)
- I will attend the Thursday Reception but not the Conference (\$20 or \$25 for both receptions)
- I will attend the Friday Reception but not the Conference (\$20 or \$25 for both receptions)
- I am requesting a vegetarian meal for Lunch on Friday

2005 AWLA Membership Application:

- \$100 Sustaining Member – receives special recognition at events
- \$ 75 Private Practice with income of \$50,000 or more per year
- \$ 50 Private Practice with income less than \$50,000 per year
- \$ 50 Public Practice or Judiciary
- \$ 10 Law Student

Mail your Registration/Application and checks payable to AWLA to:

AWLA
P.O. Box 8448
Tucson, AZ 85738-8448

AWLA

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Tucson, AZ 85738-8448

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and www.awla-cochise.org