The WBA Foundation’s 15th Annual Wine Tasting & Silent Auction raised funds for the Founders Fellowship and other grant programs.

**Wine Tasting Brings Together WBA Community to Support Founders Fellowship**

The WBA Foundation hosted its 15th annual Wine Tasting and Silent Auction on October 26. Graciously hosted at Sterne, Kessler, Goldstein & Fox P.L.L.C., the event was once again a terrific night of networking, fun, and philanthropy as almost 150 people turned out to support initiatives including the WBA Foundation’s Founders Fellowship and grant programs.  

*article continued on page 3*

**WBA Signs on to Amicus Briefs in Masterpiece Cakeshop & Pennsylvania v. Trump**

By Michelle Kallen, Associate, Paul, Weiss, Rifkind, Wharton & Garrison LLP & WBA Board Member; Jessica Morton, Associate, Paul, Weiss, Rifkind, Wharton & Garrison LLP & Co-chair, WBA Amicus Committee; Kristin Mitcham, Student, The Catholic University of America, Columbus School of Law & Co-chair, WBA Amicus Committee

*Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*

On December 5, the Supreme Court heard oral arguments in *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, one of the most highly publicized civil rights cases of the term.  

*continued on page 4*
Features

Wine Tasting Brings Together WBA Community to Support Founders Fellowship (continued from page 1)

Photo credit: Mike Lane Photography

Representatives from Dean & DeLuca presented wine and pairings

WBAF past president Marjorie O’Connell toasted to a great evening
Features

(article continued from page 1)

The theme for the evening was “Going Green,” and attendees enjoyed delicious wines from sustainable vineyards, handpicked by Dean & Deluca’s sommelier and paired with delectable treats.

The silent auction was a highlight of the evening. A variety of items were up for bid, including vacation home stays, jewelry, a wardrobe makeover, gorgeous themed baskets prepared by Foundation Board members, original artwork, trapeze classes, sports tickets, and restaurant gift certificates.

The evening’s program included remarks by **Melissa McClure**, a law student at Georgetown University Law Center and recipient of the 2017 Founders Fellowship, which supports an area law student to work with local legal services providers on projects to benefit women and girls in our community. Ms. McClure provided inspirational and insightful comments about her fellowship working with the Legal Aid Society of DC, and was a great representative of the impact of the Founders Fellowship program.

The Founders Fellowship rotates among DC-based law schools, and for 2018 will be awarded to a student at The Catholic University of America’s Columbus School of Law.

Many thanks to **Sterne, Kessler, Goldstein & Fox P.L.L.C.** for hosting and our sponsors:

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The Catholic University of America's Columbus School of Law

The silent auction provided a fun way for attendees to support the WBAF

Founders Fellowship Recipient Melissa McClure
Thank you to our auction item donors!

Amy Bess
Ann Ford
Bridge Bailey Lipscomb
Chandra Branhman
Charlotte Kuenen
Clyde’s Restaurant group
Consuela Pinto and Jay Brown
Cynthia Sitcov
Dal Grano
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Features

WBA Signs on to Amicus Briefs in Mastepiece Cakeshop & Pennsylvania v. Trump

The WBA has weighed in, signing on to an amicus brief led by the National Women’s Law Center that highlights the importance of public accommodations laws in promoting civil rights, particularly in the context of women’s history.

In July 2012, Charlie Craig and David Mullins went to Masterpiece Cakeshop, a Colorado bakery known for their elaborate cakes, to order a cake for their wedding celebration. Masterpiece’s owner offered to sell the couple any other baked good—but refused to make a wedding cake. The owner stated that he did not make a cake for Mr. Craig and Mr. Mullins because, according to his religious beliefs, it would be wrong to do so.

The couple filed charges under Colorado’s Anti-Discrimination Act, which prohibits places of public accommodation—“any place of business engaged in any sales to the public”—from refusing or withholding service from an individual or group because of race, sex, creed, or sexual orientation, among other reasons.

The Colorado Civil Rights Commission ultimately issued a cease and desist order, requiring Masterpiece to no longer discriminate against potential customers because of their sexual orientation. The order was affirmed by the Colorado Court of Appeals. The Supreme Court granted cert on the question of “whether applying Colorado’s public accommodation law to compel artists to create expression that violates their sincerely held religious beliefs about marriage violates the Free Speech or Free Exercise Clauses of the First Amendment.”

At the Supreme Court, Masterpiece argued that its cakes are artistic expressions protected by the First Amendment, and that compelled speech, in violation of his religious beliefs, violates both the Free Speech and Free Exercise clauses. The Colorado Civil Rights Commission, Mr. Craig, and Mr. Mullins argue that the anti-discrimination law targets conduct, not speech. They further argue that a finding for Masterpiece would...
create a religious-belief exception, limiting governmental ability to regulate consumer transactions.

The National Women's Law Center presented an amicus brief focused on the role of public accommodation laws in the context of women's rights, and how these laws have been used to vindicate those rights in the face of discrimination from businesses for decades. The amicus brief argues that a victory for Masterpiece would undermine those rights by creating an exception to public accommodation laws for creative efforts performed by people with certain religious beliefs. The brief points out that if the Court finds an exception for creative businesses, this could be exploited to roll back protections for women as well.

Recognizing the importance of public accommodation laws in vindicating women's rights, the Amicus Committee recommended that the WBA join the NWLC brief, and the WBA Board of Directors voted to sign on to the amicus in support of the Colorado Civil Rights Commission, Mr. Craig, and Mr. Mullins.

**Pennsylvania v. Trump**

On November 27, 2017, the WBA joined the National Women's Law Center and other women's organizations around the country in signing on to an amicus brief in *Commonwealth of Pennsylvania v. Trump*, wherein the Commonwealth of Pennsylvania challenged the Trump administration's Religious Exemption Rule and the Moral Exception Rule (the Rules) that will allow employers to assert conscience-based objections to the contraceptive mandate provided under the Women's Health Amendment to the Affordable Care Act. The Rules were issued as interim final rules (IFRs) and thus took immediate effect with no notice and comment period. 2

While the WBA firmly remains a non-partisan institution, we also have a long history of supporting women's access to health care, specifically to birth control. In the present case, the IFRs directly contravene key tenets of our mission: (1) advancing and protecting the interests of women lawyers, and (2) promoting the administration of justice. As a matter of administrative procedure, the IFRs are used improperly and are dangerous to our democratic rulemaking procedure.

Procedurally, the manner in which this IFR was used represents a departure from legitimate rulemaking. Under the Administrative Procedure Act, 5 U.S.C. § 553, federal agencies must submit “[g]eneral notice of proposed rulemaking,” which requires agencies to provide a notice and comment period before the rule takes effect. 2 This notice and comment period allows the agency to gain a comprehensive understanding of the potential impact of the proposed rule through the input of experts, industry stakeholders, and affected persons. It is also an important tool to hold agency personnel—who are unelected—accountable to the American people. Without a meaningful opportunity for public input, agencies remain unchecked in their rulemaking process. It is the WBA's belief that the IFR improperly sidesteps public input by citing pending lawsuits as sufficiently “good cause” to issue an interim final rule without proper public comment.

Substantively, the rules at issue could cause hundreds of thousands of women to lose contraceptive coverage. The denial of contraceptive coverage to women conflicts with the WBA's mission and is tantamount to the denial of essential health care for women throughout the country. If permitted to stand, the rules personally impact WBA members working for employers who will forgo contraception coverage in light of the IFRs, either due to religious exception or using religious exception as a method to lower coverage costs.

Our members and female lawyers worldwide rely on contraception coverage to give them the agency to decide if and when to have children, and to treat other non-pregnancy related health issues. The careers of women lawyers could become untenable if we lost control over our reproductive futures—both in the impact to our own bodies and the additional childcare obligations. Beyond the circles of women lawyers, consistent and uninterrupted coverage of safe, reliable, and no-cost contraception is critical for women's educational and professional success, and for women's overall health and wellbeing.

Therefore, the WBA is proud to sign on to this amicus brief and to continue its tradition of championing women's rights.

*Editor's note:* On December 15, a judge for the U.S. Eastern District of Pennsylvania issued a preliminary injunction to halt the IFR.

1 The Administrative Procedure Act (APA) permits agencies to finalize some rules without first publishing a proposed rule in the Federal Register, called Interim Final Rule. This exception is limited to cases where the agency has “good cause” to find that the notice-and-comment process would be “impracticable, unnecessary, or contrary to the public interest.” These situations may include emergencies where problems must be addressed immediately to avert threats to public health and safety, minor technical amendments and correction where there is no substantive issue, and some instances where an agency has no discretion to propose a rule because Congress has already directed a specific regulatory outcome in a law. The agency must state its reasoning for finding good cause in the preamble of the final rule published in the Federal Register.

2 Under the Administrative Procedure Act provisions at 5 U.S.C. 553, rules may be established only after proposed rulemaking procedures have been followed, unless an exemption applies. The following are exempted: (1) Rules concerning military or foreign affairs functions; (2) Rules concerning agency management or personnel; (3) Rules concerning public property, loans, grants, benefits, or contracts; (4) Interpretive rules; (5) General statements of policy; (6) Rules of agency organization, procedure, or practice; (7) Nonsignificant rules for which the agency determines that public input is not warranted; and (8) Rules published on an emergency basis.
Legal Sector Sheds More Than 1,000 Jobs in October

In general, recently, there has been good economic news, with job gains and a slight decrease in the unemployment rate. But the legal services sector wasn’t part of that upturn—instead, it lost 1,110 jobs in October. At law.com, Scott Flaherty notes that the October figures—which are provisional and may be revised—follow reports of staff reductions at large law firms in the past few months. Where have some of those cuts occurred, and how do the October results fit within the overall trend in recent years?

Click here to read more: www.law.com/americanlawyer/sites/americanlawyer/2017/11/03/110317jobs/

(From ABA Division for Bar Services, Bar Leader Weekly, Issue 88)

Be Like Santa and Check it Twice: Creating a Business Plan for 2018

By Anna Rappaport, Excelleration Coaching

This article was originally published on www.ExcellerationCoaching.com.

Santa is great at planning. He makes his list and checks it twice, always ready to revise who is naughty and nice. Ignoring the judgmental aspect of this, Santa has the right idea. If you have written your business or marketing plans for 2018, here are some areas to check and possibly incorporate. For those who haven’t yet begun, this can also serve as a good starting place.

Have a Long-Term Vision – Based on informal surveys of clients and workshop participants, 93% of lawyers create business development and marketing plans without a clear vision of where they want to be in the future. I recommend writing one or two sentences describing where you want to be in 10 years, and placing that at the top of your business plan. For many people, this is easier said than done, but the resultant clarity and focus is worth the effort. Is it very easy to get diverted from the things we really want and focus instead on the goals that others have for us. Just because your mentor or spouse thinks you should be aspiring to become a partner at your current firm or just because your partners think you should develop your practice in a particular direction, does not mean that is actually what is right for you. Without taking the time to think through where you want to go, you will likely end up somewhere less than satisfying.

Keep it Simple – It is very easy for our business goals to turn into a laundry list of everything we want to achieve. If, in the past, you have found yourself becoming overwhelmed or simply ignoring your business plans, try limiting yourself to three big goals for the year. Of course, the implementation will likely involve multiple intermediate goals; but keeping it simple helps you to stay focused and prevents the business plan from devolving into one more never-ending to-do list.

Focus on Results Rather Than Process – People often get mixed up between the goal and the tactics used to achieve the goal. For example, rather than aiming for a particular number of Twitter followers, instead focus on generating a certain number of clients or leads through Twitter or social media generally. You may have noticed that you achieved your big picture goals for 2017, but did not actually follow all the steps that you had outlined to achieve that goal. Or the reverse may be true, perhaps you followed the steps but did not achieve the result. Having action steps is important, because it helps us move from fantasy into reality, but mistaking the action steps for the goal can lead to lots of work without the rewards.

Include Personal Growth Goals – Business plans invariably identify concrete goals regarding the office, staff, clients, etc. For instance, you might want to restructure your practice group, alter your firm’s billing guidelines, or get more of a particular type of client. Of course, such ambitious projects not only take significant effort, but in most cases, they also require a shift in behaviors and attitudes. A lawyer could be the smartest and most forward-thinking person in her firm, but improving her ability to persuade others is probably the key to making the changes she wants. Similarly, the key to signing those new clients may be improving one’s delegation skills or achieving a new level of consistency and organization. Once you have identified your top three business goals for the year, consider what type of personal growth would be beneficial to help you achieve those targets, and include them in your business plan.

For most people, writing a 30-page plan for 2018 will likely be a waste of time, as such documents most often end up just gathering dust on a shelf somewhere. However, a relatively simple, well-thought-out plan focusing on a few essential elements can be your key to an amazingly productive and enjoyable year.

Anna Rappaport, J.D., PCC, is the founder and principal of Excelleration Coaching. She is a former lawyer with 17 years of experience coaching attorneys on leadership, business development and career strategy. Anna is a co-chair of the WBA Leadership Task Force and can be reached at anna@excellerationcoaching.com.
Pipeline Problem Has Serious Implications for Underrepresented Hispanic Population

Currently, people of Hispanic descent make up 18 percent of the U.S. population, but only about 4 percent of the lawyer population. With such dismally low numbers among law students, lawyers, judges, and law school deans, it’s likely that many Hispanic or Latino/a young people don’t know a single lawyer who shares their cultural background—which decreases the likelihood that they’ll become lawyers, either. It’s a classic pipeline problem, and many experts say it’s a long-term crisis that has serious implications for the Hispanic population in general.

NBC News spoke with the president of the Hispanic National Bar Association and others; what are some of the barriers they identify?

Click here to read more: www.nbcnews.com/news/latino/where-are-all-latino-lawyers-hispanics-scarce-legal-profession-n809141

100 Steps for Our Centennial: Selected Best Practices to Enhance the Success of Women in the Legal Profession in the Next Century

Recommendations to Increase Judicial Diversity from the Brennan Center for Justice

By Cathy Pagano, WBA Board Member

As the WBA continues to celebrate and look back on our 2017 Centennial, we reflect on our many achievements. We also move ahead toward goals not yet realized. A number of excellent studies and articles offer guidance on concrete steps we all can take to enhance equality, advancement, and social justice. Our goal for this series of feature articles is to find 100 or more specific steps or recommendations that can lead to greater equality and enhance the achievement of the WBA’s goals.

In this article, we include best practices from two reports published by Brennan Center for Justice. The first is a 2010 Brennan Center for Justice report entitled, “Improving Judicial Diversity” by Ciara Torres-Spelliscy, Monique Chase, and Emma Greenman, with a foreword by Susan M. Liss. This enlightening report outlines and explains 10 key recommendations to improve judicial diversity.

The following are suggested to nominating Commissions to attract the brightest female and minority candidates to the judiciary.

1. Grapple fully with implicit bias. Cognitive scientists have focused attention on the widespread tendency to unwittingly harbor implicit bias against disadvantaged groups. Fortunately, these biases are mutable. Thus, by acknowledging that this tendency exists, Commissions can take steps to counteract their biases.

2. Increase strategic recruitment. The first step in ensuring a diverse applicant pool is making sure that an open judicial seat is widely advertised and that all candidates are treated in a similar way.

3. Be clear about the role of diversity in the nominating process in state statutes. Many Commissions we interviewed felt that there was no consensus on how diversity should be considered during the nominating process. Commissions should have clear parameters of when and how diversity can come into play. Such clarity can be laid out in a statute.

4. Keep the application and interviewing process transparent. Let candidates know what to expect when they submit their applications, and keep interviews consistent among candidates. Outlining the nominating process for all candidates will ensure that each applicant is treated in a similar way.

5. Train Commissioners to be effective recruiters and nominators. Commissioners need clear standards and appropriate training.

Below we list the initial 10 best practices from the 2010 Brennan Center Judicial Diversity Study for our review. Then, we also list the best practices from the 2016 Brennan Center Report. Both reports help us better understand how pivotal those processes can be toward enhancing judicial diversity.

Best Practices from the 2010 Brennan Center for Justice Report

(See pages 2-3 of the report; also pages 36-42)

The following are requested to nominating Commissions to attract the brightest female and minority candidates to the judiciary.

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...continued on next page ▶
6. Appoint a diversity compliance officer or ombudsman. States should hold someone accountable for a state’s success or failure to achieve meaningful diversity on the bench. A diversity ombudsman would be in charge of monitoring diversity levels and improving outreach efforts.

7. Create diverse Commissions by statute. A diverse Commission, for various reasons, is more likely to facilitate a more diverse applicant pool. States should adopt statutes that clearly encourage a diverse Commission.

8. Maintain high standards and quality. Creating a diverse bench can be done without sacrificing quality. All local law schools have female and minority graduates and these can be the source of many judicial applicants. Recruitment should also expand to candidates who graduated from top national schools, as these schools often have far more diverse alumni than local law schools.

9. Raise judicial salaries. State leaders should keep an eye on judicial salaries to assure that they are high enough to attract the best lawyers and lure diverse candidates out of law firms and onto the bench.

10. Improve record keeping. Currently, many of the states we studied did not keep rigorous data on judicial applicants. Keeping a record of the racial and gender makeup of the applicant pool and how candidates advanced through the nomination process will make it much easier for Commissions to track their own progress on issues of diversity.

Best Practices from the 2016 Brennan Center for Justice Report

(See pages 6-16 of the report)

Organizational Meeting

1. Schedule an Organizational Meeting: Each commission should schedule an organizational meeting regardless of whether the commission’s rules require one.

2. Formalize Commission Procedures: Use the meeting as an opportunity to review the commission’s governing rules and develop formalized, written procedures for any unaddressed areas...

   a. Evaluative Criteria: Develop prescribed job criteria… Begin by reviewing any existing guidance, rules, or statutes… Avoid making a narrowly defined professional experience — such as prior judicial service — a job requirement…

   b. Recruitment and Immediate Next Steps: Begin conversations about recruitment goals for all commissioners and immediate next steps.

   c. Interviewing: Consider whether all applicants will receive interviews, the length of interviews, who will conduct the interviews, and interview questions.

   d. Voting: Develop codified procedures for voting on candidates to recommend to the appointing authority.

   e. Data Collection: Discuss what data the commission intends to collect from applicants and whether this data will be available to commissioners during their evaluations.

3. Affirm Judicial Diversity as a Goal: Given the importance of affirmative steps, such as active recruitment, to promoting a diverse bench, early buy-in by the commission to the importance of diversity is essential…

4. Schedule Implicit Bias Training: Some states mandate or offer voluntary training for judicial nominating commissioners… A separate implicit bias training should be scheduled for commissioners who do not already have one available…

Recruitment of Candidates

5. Begin Recruitment Early… Effective recruitment must begin, when possible, long before a job is posted…

6. Create Recruitment Goals for All Commissioners… All commissioners should develop recruitment goals that are appropriate for their particular composition and resources…

Recruitment tips mentioned include the following: Reaching out to leadership at minority and affinity bar associations; making speeches to community groups; organizing a panel of current judges to talk about their work; publicizing and hosting “office hours” to meet to discuss the process; facilitating introduction to other stakeholders.

7. Build a Pipeline for Future Judicial Candidates and Nominating Commissioners… Future Judicial Candidates: Interviews with minority judges reveal that early consideration of a career on the bench contributed to their success in eventually becoming a judge…

Future Nominating Commissioners: Empirical research has found that when nominating commissions are more diverse, they recruit and recommend more diverse judicial candidates… Speak to community groups, minority bar associations, law school alumni associations, or other affinity groups about the important role played by nominating commissioners and encourage them to consider future appointments…

Vacancy Description and Dissemination

8. Develop a Detailed Vacancy Description: Researchers have found that the more transparent the process is, the more likely it is that qualified candidates who are otherwise underrepresented in the field will participate… the job posting should include the information listed below…

A description of the nature of the vacancy…

Detailed application instructions…

A description of the application process…

A statement that the state is an equal opportunity employer, values a diverse workforce and an inclusive culture, and encourages candidates of all gender identities,
races, ethnicities, national origins, sexual orientations, parental statuses, physical abilities, religious affiliations or lack thereof, socio-economic backgrounds, and geographic locations to apply…

9. Disseminate the Job Posting Widely: Commissioners are typically responsible for advertising judicial vacancies… In order to ensure dissemination to a diverse group, it is essential that commissioners post the job description widely… A complete list of recommended placements for vacancy notices is available in the American Judicature Society’s Handbook for Judicial Nominating Commissioners…

Some Groups to include are the following: Minority and Women's bar associations; National and state affinity groups such as criminal defenders, prosecutors, government attorneys, trial attorneys, and civil rights attorneys; Alumni networks of national and local law schools, including minority and specialized student groups; National and local law firms.

10. Conduct Outreach to Bar Leadership: Sharing the job posting with minority and affinity bar associations also provides an opportunity to reach out to bar leadership and suggest that they encourage their members to apply for the vacant position. In states where commissioners solicit feedback on candidates from the state bar association, they should also seek feedback from minority, women's, and affinity bar associations.

Interviews

11. Develop (at Least Some) Uniform Interview Questions

12. Include a Question Facilitating a Discussion of Greater Life Experience: Provide candidates with an opportunity to discuss how their particular experiences will benefit the court…

13. Provide Ample Time for a Meaningful Interview and Standardize the Length… it is essential that commissioners have ample time to ask all of their questions, and that applicants have the opportunity to give thoughtful and complete answers. Interviews should therefore last at least 30 minutes… To ensure that all applicants are treated equally, interview length should be standardized…

14. Take Notes During Interviews: Individuals are particularly susceptible to implicit biases when they are asked to recall previous conversations. By taking notes during interviews, commissioners are more likely to accurately remember interviews and evaluate candidates fairly…

15. Facilitate Conveniently Located Interviews: In striving for geographic diversity on the bench, consider conducting interviews in various locations, including outside of major cities.

Deliberations and Voting

16. Review the Definition of Diversity, Values, and Evaluation Criteria…

17. Carefully Weigh Experiences and Recommendations: In order to ensure that candidates from all demographic and professional backgrounds are fairly evaluated, it is essential that each candidate be assessed holistically…

18. Weigh Skills and Experience, Not the Candidate's Title…

19. Avoid Placing Undue Weight on the Ranking of an Applicant's Law School…

20. Consider All Recommendations and Ratings: In surveys of nominating commissioners, participants have indicated that the highest-rated evaluation criteria include recommendations and ratings from other commissioners…

21. Standardize Conversations with References: Just as candidate interviews should be conducted off a list of set questions, so too should reference checks…

22. Develop a Codified Procedure Laying Out Voting Rules… Clear rules for voting that are straightforward and equitable avoid manipulation or the undue influence of certain members of the commission… In states without set rules, guidance on voting can be found in the American Judicature Society’s Handbook for Judicial Nominating Commissioners… In all states, commissioners should collectively review the rules to foster understanding…

Data and Record Keeping

23. Ask Applicants to Self-Identify Demographic Information in Their Applications… Collected information should include… Race, Ethnicity, Gender identity, Sexual orientation, Disability status…

24. Publish Aggregate Diversity Data: To protect the anonymity of candidates, data should only be released on an aggregate basis… The data should be made available to the public, as well as commissioners and the appointing authority…

25. Review Data and Make Recommendations for Reform as Necessary: After the vacancy has been filled, commissioners should review the applicant data and make recommendations to both the appointing authority and future commissioners for modifications, if necessary, in filling future vacancies… In addition to reviewing data, commissioners should reach out to successful and unsuccessful candidates about how they can improve the process…

Many thanks to the Brennan Center for Justice for their insightful reports and recommendations to help “march on” toward greater judicial diversity.

We look forward to continuing this diversity dialog with our WBA members and friends. Please share your ideas and thoughts by sending an email to Board member, Cathy Pagano, cvpages10101@gmail.com. Thank you for working together, as we look forward to our next century.
States Split on ABA Model Rule Against Harassing or Discriminatory Conduct

New ABA Model Rule 8.4(g) prohibits harassing or discriminatory conduct not only in usual law practice but also at bar functions and other law-related social and business events. Is this an important statement against sexual harassment and other forms of harassment and discrimination—or an overstep that infringes on lawyers’ First Amendment rights? Thus far, states appear to be divided: The Vermont Supreme Court adopted the rule, the South Carolina Supreme Court rejected it, and two state supreme courts solicited public comment. What do some proponents and opponents of the rule have to say about it, and is it likely that it will continue to face a rough road in the states?

Click here to read more: www.abajournal.com/magazine/article/ethics_model_rule_harassing_conduct

(From ABA Division for Bar Services, Bar Leader Weekly, Issue 88)

The WBA is committed to being the preeminent professional and personal resource for women at all points in their legal careers.

WBA offers many benefits and resources, just a few of which are:

- Discounted event registrations, including to our tailored programming, such as the Leadership Task Force, Solo & Small Practice Forum, and 20+ Years Expertise group
- Access to monthly Business Hour programs, held via teleconference, free and members only!
- Access to the online Job Bank, which lists career opportunities within private firms, corporations, the government, and non-profits
- Access to the Raising the Bar newsletter archive
- Participation in our mentoring program
- Listing in and access to the online Member Directory
- Access to numerous leadership and networking opportunities

Visit www.wbadc.org for information on membership categories and rates.

If you are already a member, share this opportunity with the women in your network. Together, we will make the WBA stronger as we stand up for and promote women in the profession.
For many, myself included, 2017 has been a challenging year. From the floods in Texas, to the wildfires on the west coast, to the devastation of Puerto Rico, and the mass shooting in Las Vegas, the past year rained man-made and natural disasters, from coast to coast, wreaking havoc and loss in epic proportions. The recent sexual harassment stories punctuate the continued issues that plague women. Coupled with threats to women’s health care, insurance coverage for children, and a trend away from providing for our country’s most vulnerable and disenfranchised, this year presents as a total loss for many.

However, throughout much of what has happened this year, I still see the light shining through. Martin Luther King, Jr. stated, “The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy.” I watched videos of total strangers protecting each other from the hail of bullets in Las Vegas. I took comfort in the private citizens and churches who organized to help our fellow citizens in Puerto Rico. I scrolled through post after post of brave women who shared their story of sexual harassment publicly for the first time.

As the new year begins, I challenge each of you to take stock of last year, and look at each setback as an opportunity to grow. It is time to consider 2017 a rebuilding year, and make 2018 a great year! What if 2017 became the year that you recognized the power that you have? What if 2018 becomes the year when you learn how to yield it? Remembering the entire time that you are not alone, we at the WBA have and will always work together. Together our combined talent, intelligence, tenacity and problem-solving capabilities will bring about change. As our holiday greeting stated, “New Century. Old Friends. Same Mission.”

March on to a bright 2018!

Best,

Kerri

Thank you to everyone who contributed to our Bread for the City fall donation drive. Congratulations to Jennifer Mammen for winning the gift card!
WBA Foundation News

WBA Foundation President’s Letter

By Monica G. Parham, WBAF President

On behalf of the Women's Bar Association Foundation, I would like to thank each of you for your support in 2017. Through your efforts, the Foundation has been able to provide more funding to organizations dedicated to meeting the legal and related needs of women and girls facing challenges ranging from homelessness to domestic violence to workplace discrimination and intimidation. That funding, in turn, has allowed these organizations to reach even more of the most vulnerable members of our community.

In addition to providing grants to organizations to meet immediate pressing needs the Foundation, through its Founders Fellowship, plays an important role in building the pipeline of young legal talent dedicated to making a difference – a pipeline that is of critical importance at a time of increased need and often decreased funding. At the Foundation's Annual Wine Tasting event, held in October, attendees heard special remarks from 2017 Founders Fellow Melissa McClure, a law student at Georgetown University Law Center, who spent her fellowship working with the Legal Aid Society of the District of Columbia. Melissa's remarks were incredibly inspiring, and served as a reminder of the impact the Foundation, through the Founders Fellowship program, in grooming the next generation of social sector leaders and innovators.

Looking ahead to 2018, please mark your calendars for the Foundation's Ninth Annual Grants reception, taking place on March 13, 2018. At that time, we will formally recognize the Foundation's 2018 grantees and hear from those on the front lines of service in our community. We look forward to bringing you more details and photos from the event in the next issue of Raising the Bar.

Through your funding and support of initiatives, including the Foundation's grants program and Founder's Fellowship, you have each played a vital role in furthering the Foundation's mission and broadening the Foundation's reach, for which we are profoundly grateful. As you finalize your year-end giving for 2017, please remember the women, girls and families in our community who so desperately need access to the legal system. Please donate and help give local women and girls a platform and a voice for moving forward.

As we close the year we want to thank you for a wonderful 2017! We look forward to your continued support and friendship in 2018.

Monica

2017–2018 WBA Foundation Board

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WBAF Seeks Board Candidates

The Women's Bar Association Foundation is seeking candidates to fill vacancies on the Board of Directors for terms commencing on June 1, 2018.

The WBAF is the 501 (c) (3) sister organization of the Women's Bar Association, and makes grants to nonprofits in the Washington, DC community, consistent with its mission of leveraging the generosity of supporters to support nonprofits that serve the legal and related needs of women and girls in the DC Metropolitan community.

The WBAF seeks candidates with a commitment to its mission. The Foundation is particularly interested in candidates with experience and / or interest in charitable fundraising and development, finance, branding, marketing and social media. The Board meets monthly, alternating telephone and in-person meetings. If you are interested in being considered for a seat on the WBAF Board or if you would like more information, please contact the WBAF office at 202-639-8880 or at info@wbadcfoundation.org.

Survey Says—Taking the Pulse of Solo & Small Firm Attorneys

A newly released study from Thomson Reuters reveals that the majority of respondents to a survey of solo and small-firm lawyers face moderate to significant challenges with things like getting paid by clients, keeping up with competition from other firms, and a lack of internal efficiency. What's more, writes Robert Ambrogi at his LawSites blog, only 20 to 33 percent said they have made changes to address specific challenges. However, he adds, many said they have plans to do so but have not implemented them yet. When it comes to progress in making helpful changes, is there a difference between solos and small firms?


(From ABA Division for Bar Services, Bar Leader Weekly, Issue 91)

New Web 100 from ABA Journal Rounds up Best Law-Related Online Content

What are the best law-related blogs, podcasts, and Twitter accounts, according to ABA Journal? Now, you can find them all in one place: the 2017 ABA Journal Web 100. This new feature, a revamp of the Journal’s previous Blawg 100, acknowledges that Twitter and podcasts have gained new prominence, according to three members of the editorial team—and that the near future may bring other online platforms that "are not yet imagined." Read, listen, follow, and enjoy!

Click here to read more: www.abajournal.com/magazine/article/web_100_2017?utm_source=internal&utm_medium=navigation&utm_campaign=most_read

(From ABA Division for Bar Services, Bar Leader Weekly, Issue 91)
Committee & Forum Highlights

DC-Area Children Participate in First Ever WBA Mock Trial Academy for Kids

By Candace Smyth, Counsel & Director of Client Relationships, Tanenholz & Associates & Co-chair, Working Parents/Lawyers at Home Committee

On October 28, 2017, the WBA hosted its first-ever Mock Trial Academy for Kids. This successful event, which included the participation of almost 50 children, ages 8-12, from the DC-area, was held in the Stephen S. Weinstein Ceremonial Moot Courtroom at American University’s Washington College of Law in Northwest DC.

During the mock trial, students were taken through a series of lessons, explaining the legal system and the role of lawyers and judges. At the training and during the trial, the kids gained an understanding of how arguments are constructed and a trial conducted. The mock trial topic was, “Should kids have the right to vote?” The students argued as lawyers on behalf of kids who believed they should have the right to vote, and they each served as a judge on the panel (complete with robe and gavel). WBA volunteers were at the event to both assist the children in the preparation of their arguments and to serve as opposing counsel representing the not-so-nice adult mayor who fought strongly against the idea of kids’ voting rights.

The event was sponsored at the Platinum Level by American University Washington College of Law, Finnegan LLP, and Anthony Pierce of Akin Gump. At the Gold Level, the program was sponsored by Arent Fox, Tanenholz & Associates and Carr Maloney.

...continued on next page ▶
We would like to thank Jessica Childress and her team for making this event such a success! Special thanks to our WBA volunteers for the event: Nancy Kuhn, Charlotte Kuenen, Candace Smyth, Mareesa Frederick, Yolanda Hawkins-Bautista, Taylor Romigh, and Kerri Castellini. Also, thank you to our American University law student volunteers: Stephanie Todd and Andrea Guevara Mantilla.

Many current WBA members’ kids participated as well as children throughout the DC community.

Troubling Trend? More Lawyers Representing Corporations, Not Individuals

Much has been written about the fact that many consumers now represent themselves in civil cases because they find legal representation to be unaffordable. Indiana University law professor Bill Henderson says there's another, related trend to keep an eye on: a shift among lawyers and law firms toward representing corporations rather than individuals, for economic reasons. “No amount of tinkering at the edges is going to fix or reverse these trends,” Henderson writes at his Legal Evolution blog. “Instead, we need a series of fundamental redesigns.” What figures does Henderson cite to illustrate these shifts—and what does he think is at stake?


(From ABA Division for Bar Services, *Bar Leader Weekly*, Issue 90)

WBA’s Eighth Annual Mentoring Supper Scheduled for February

Calling all young lawyers, law students and lawyers in transition! Register today for the Eighth Annual Mentoring Supper, to be held Thursday, February 8, from 6:30 to 9:00 p.m. This popular program is a joint program of WBA’s Communications Law Forum and the Federal Communications Bar Association’s Young Lawyers Committee. It will be held at Hogan Lovells US LLP, Columbia Square, 555 Thirteenth Street NW. Space is limited, so don’t wait and register today at [wbadc.org](http://wbadc.org).

The Eighth Annual Mentoring Supper is an opportunity for young lawyers, law students, and lawyers in transition to interact with distinguished members of the bar while enjoying a catered dinner. Mentees will converse with mentors in...continued on next page...
groups of five, allowing for substantive discussions about career development and related topics. An outstanding roster of experienced lawyers have agreed to serve as mentors for this program, representing an incredible breadth of private and public businesses, federal agencies, large and boutique private law firms, trade associations, and non-profits. A mentee does not need to be interested in communications law to benefit from discussions with this particular set of excellent mentors. Confirmed mentors include:

Joan Marsh & Stacy Fuller, AT&T; Karen Brinkmann, Karen Brinkmann PLLC; Elizabeth Cuttner, Cinnamon Mueller; Ryan Wallach & Kathryn Zachem, Comcast; Julie Kearney & Rachel Nemeth, Consumer Technology Association; Laura Possessky, Corporation for Public Broadcasting; Ann Bobeck, Matthew DelNero & Yaron Dori, Covington & Burling; Barry Ohlson, Cox Enterprises; Krista Witanowski, CTIA; Lee Petro & Laura Phillips, Drinker Biddle; Brett Freedson, Eckert Seamans; Rachael Bender, Micah Caldwell, Brendan Carr, Justin Faulb, Nese Guendelsberger, Rosemary Harold, Jennifer Holtz, Jean Kiddoo, Olga Madruga-Forti, Lynne Milne & Nirali Patel, FCC; Joseph DiScipio, Fox Television; Neil Chilson & Svetlana Gans, FTC; Darah Franklin, Google; Christopher Wright, Harris Wiltshire; Mark Brennan, Michele Farquhar, Ari Fitzgerald, Trey Hanbury & Sean Spivey, Hogan Lovells; Rebekah Goodheart & Johanna Thomas, Jenner & Block; Laura Mow, The Law Office of Laura C. Mow; Jenell Trigg, Lerman Senter; Jennifer Warren, Lockheed Martin; Angela Giancarlo, Mayer Brown; Erin Dozier, National Association of Broadcasters; Margaret Tobey, NBC Universal; Jennifer Duane, NTIA; Gigi Sohn, Open Society Foundations; Sherrese Smith, Paul Hastings; Ruth Milkman, Quadra Partners; Mark Schneider, Sidley & Austin; Kathleen Ham, Kathleen Massey & Luisa Lancetti, T-Mobile; Lawrence Roberts, Venable; Robert Branson, Verizon; Roger Sherman, Waneta Strategies; Kathryne Dickerson, Anna Gomez, David Gross & Kathleen Kirby, Wiley Rein; Kathleen Abernathy, Melissa Newman, Anne Swanson & Bryan Tramont, Wilkinson Barker; and Daniel Alvarez & Mia Hayes, Willkie Farr.

American University Washington College of Law is more than a leading law school. As one of the most diverse law schools in the country, with an entering class comprised of 62% women and 41% people of color, AUWCL students are supported by a community committed to inclusive excellence, and to supporting their personal and professional well-being and career aspirations.
WBA Member News

Law Firms Go ALL-IN!

WBA is recognizing law firms with 100% WBA membership among their female lawyers. We are committed to advancing the interests of women lawyers, and we applaud law firms that share this commitment and demonstrate it by encouraging WBA membership.

Thank you to Kalijarvi, Chuzi, Newman & Fitch, P.C. and KaiserDillon PLLC for letting us know they are All-In for Women!

If your 100% of your firm or office's female lawyers are WBA members, let us know by emailing admin@wbadc.org.

Gina Simms Appointed U.S Magistrate Judge

Gina L. Simms has been appointed to the position of United States Magistrate Judge. Judge Simms took the oath of office in the U.S. Courthouse in Greenbelt, MD on November 20 and a formal ceremony was held on December 8.

Judge Simms is a graduate of Swarthmore College and the George Washington University Law School. Upon graduation from law school, she was a judicial law clerk to the Honorable Curtis E. von Kann in the District of Columbia Superior Court. Upon completing her clerkship, she worked as an Associate at the Robinson Law Firm in Washington, DC. Between 1994-2011, she served first as an Assistant U.S. Attorney in the District of Columbia, and then later as an Assistant U.S. Attorney in the District of Maryland. While working as an Assistant U.S. Attorney in DC, she served as an Associate Independent Counsel and as part of a team investigating a former U.S. Secretary of Labor. Following the Deepwater Horizon disaster, she was detailed to the U.S. Department of the Interior as a Counsel in the Investigations and Review Unit where she investigated oil and gas companies engaged in offshore oil production. From 2011 until her appointment, she was in private practice, first as a Partner at Ober, Kaler, Grimes & Shriver, PC and then as a Shareholder at Baker, Donelson, Bearman, Caldwell & Berkowitz, PC. While in private practice, she focused on white collar criminal and civil defense, internal investigations, and corporate compliance issues.

United States Magistrate Judges are appointed by the district judges for a term of eight years and are eligible for reappointment to successive terms. The position filled by Judge Simms became open when Chief U.S. Magistrate Judge William G. Connelly retired from the bench on September 30.
Where Did All the Women Go? Survey Reveals a Steep Drop after Associate Level

Right after the associate level, there’s a precipitous—and persistent—drop in the percentage of lawyers who are women, according to a new study by McKinsey & Co. and Thomson Reuters. The nationwide survey found that women lawyers are 29 percent less likely to be promoted to the first partnership level than men, only 19 percent of equity partners are women, and women lawyers are 43 percent more likely to leave equity partnership than men. Interestingly, 62 percent of the men surveyed believe that gender diversity is a high priority at their firm—but only 36 percent of the women said they believe this.

Read more, including partnership numbers for women of color, and what the respondents said about work-life balance:
www.abajournal.com/news/article/survey_chronicles_female_lawyers_exodus_from_equity_partnership_belief_they#When:12:00:00Z

(From ABA Division for Bar Services, Bar Leader Weekly, Issue 87)

ABA Initiative to Study Women's Exit from the Profession, Develop Strategies to Address It

Why do so many women lawyers leave the profession right when they should be advancing in their careers? Is it a lack of work/life balance? Unconscious bias? The pay gap? An initiative launched recently by ABA President Hilarie Bass aims to research those three theories and develop data-driven strategies to address the problems. The initiative is co-sponsored by the ABA Commission on Women in the Profession, the Center for Women in Law, the ABA Section of Litigation, and a number of law firms and financial firms.

Read about the launch, and what will happen next: www.abajournal.com/news/article/why_are_women_lawyers_leaving_the_profession_midCareer_aba_initiative_hop e

(From ABA Division for Bar Services, Bar Leader Weekly, Issue 89)
Upcoming Events

WBA is offering three Leadership Information Sessions in January 2018.

Have you wanted to become more involved in the WBA but didn’t know how? Now is your chance to learn about the exciting leadership opportunities in this dynamic organization! Join members of the Nominating Committee for an information session that will outline available leadership positions and responsibilities and answer questions about getting involved with the WBA.

Thursday, January 18, 2018, 6:00-7:30pm
Tuesday, January 23, 2018, 12:00-1:30pm
Friday, January 26, 2018, 12:00-1:00pm (teleconference)

Friday, January 12, 2018
WBA Business Hour: Digital Marketing and Practice Management
Presented by Membership Committee
This free-for-members teleconference will focus on digital marketing and practice management.

Wednesday, January 24, 2018
The Politics of Partnership: Managing Client Relationships and Origination Credit
Presented by Leadership Task Force, 20+ Years of Expertise Committee, and Litigation Committee
Are you getting the credit you deserve when bringing new clients and matters into your firm? Have you ever felt like you were working at cross purposes with other partners when it comes to managing clients? Even in the most collaborative environment, negotiating over clients, control and money requires subtlety and sophistication. Our panel will offer advice regarding how to negotiate these very challenging topics as well as share their perspectives on the advantages and disadvantages associated with different compensation and client management structures. The goal of this panel discussion is to provide practical advice to help women handle common partnership challenges with greater ease, and thus achieve even greater success and satisfaction with their careers.

Tuesday, January 30, 2018
2018 WBA/WBAF Annual Dinner Committee Kickoff Meeting
The Annual Dinner committee is responsible for event promotion, fundraising, volunteer recruitment, and oversight of logistics. After the initial in-person kick-off meeting, we will meet bi-weekly, mostly via teleconference, but sometimes in person. Volunteering for the Annual Dinner is a great way to get involved, meet other members, and make an impact with this hallmark event. If you would like to join the committee or have any questions, email Shari Simmans at shari@wbadc.org.

Saturday, February 3, 2018
Mentoring & Mimosas
Presented by Mentoring Committee
Meet your mentee or mentor for brunch and get to know other members as well! An advance RSVP is needed to reserve a spot at the table. Seating is limited. This is an informal event, and everyone who attends is responsible for the full price of their meal and gratuity. All are welcome to attend.

Thursday, February 8, 2018
Eighth Annual Mentoring Supper
Presented by Communications Law Forum
Calling all young lawyers, law students, and lawyers in transition! Enjoy a catered dinner while getting career advice from experienced attorneys. Don’t miss this opportunity for substantive career development discussions with some of the best mentors in the District. Visit our website for a list of mentors.

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Social Responsibility & White & Case
Our global presence gives us not only an opportunity but also a responsibility to provide legal counsel and assistance to the communities in which we do business. Through our social responsibility initiative, we look for ways to apply our experience to the challenges faced by the global community.

srreview.whitecase.com
Tuesday, March 13, 2018

**WBA Foundation’s Ninth Annual Grant Awards Reception**
The WBAF will recognize its 2018 grantees at this networking event. The evening will bring together Foundation supporters and friends committed to supporting nonprofits that serve the unmet legal and related needs of women and girls in the DC Metropolitan community. We invite you all to join us as we recognize and celebrate those who are on the front lines of serving some of our most vulnerable neighbors.

Thursday, March 15, 2018

**A Women’s History Luncheon**
*Presented by Communications Law Forum*
Firmly committed to helping advance women, Stasia Kelly is a mentor to a number of women lawyers and is on the leadership committee of the DLA Piper Leadership Alliance for Women. Stasia has been honored with many awards that underscore her contributions to the legal profession, including the ABA Commission on Women in the Profession’s prestigious Margaret Brent Women Lawyers of Achievement Award, for her many career successes and her extensive involvement in assisting other women to succeed in the field of law. Each year, Inside Counsel presents the Anastasia D. Kelly Transformative Leadership Award to a general counsel who has sustained a commitment to accelerate the ascendency of women lawyers to senior leadership roles in the law department and beyond. The National Law Journal named Stasia to its 2014 list of “Trailblazers & Pioneers,” citing her fifteen-year career as a general counsel at four leading public companies. During this Luncheon, Lorelie S. Masters, past president of WBA and a Partner at Hunton & Williams LLP, will interview this local legal luminary.

Saturday, April 7, 2018

**Mentoring & Mimosas**
*Presented by Mentoring Committee*
Meet your mentee or mentor for brunch and get to know other members as well! An advance RSVP is needed to reserve a spot at the table. Seating is limited. This is an informal event, and everyone who attends is responsible for the full price of their meal and gratuity. All are welcome to attend.

Thursday, May 18, 2018

**WBA/WBAF Annual Dinner**
Our theme for this 2017-2018 bar year is “marching on” together. We have arrived at our Centennial anniversary year and have celebrated the great advancements women have made in the profession. However, our work is far from done and the WBA is committed to moving forward and continuing to advance women lawyers. The WBA looks forward to honoring and publicly saluting their achievements.

Saturday, June 2, 2018

**Mentoring & Mimosas**
*Presented by Mentoring Committee*
Meet your mentee or mentor for brunch and get to know other members as well! An advance RSVP is needed to reserve a spot at the table. Seating is limited. This is an informal event, and everyone who attends is responsible for the full price of their meal and gratuity. All are welcome to attend.