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BAR ASSOCIATION

# THE CATALYST

*The newsletter of the ISBA's Standing Committee on Women and the Law*

## From the Chair

By Claire Manning

The past several months have been busy ones for the ISBA and for the Standing Committee on Women and the Law—and, more generally, for the celebration of women in the practice of law and women in the judiciary.

On October 28th 2006 the ISBA co-sponsored a gala event with the Abraham Lincoln Presidential Library Foundation in honor of retired U. S. Supreme Court Justice Sandra Day O'Connor. The event was held at the renowned new Lincoln Presidential Library and Museum in Springfield. The dinner was held in the middle of the museum, facing a replica of the White House as it existed during Lincoln's term as President. On the other side of the room, a young lifelike Abraham Lincoln replica watched the evening's presentation, leaning against a fence next to a log cabin.

Governor Jim Edgar hosted the gala evening, and Bill Kurtis served as

the emcee. During the event, Justice O'Connor was presented with the first Lincoln Leadership Prize. That an important woman jurist received this special new award was an achievement that can rightfully be celebrated by all women who practice law. Justice O'Connor's remarks focused on Abraham Lincoln's suspension of the right to Habeas Corpus during the Civil War. O'Connor described the circumstances and reasons for this suspension, very subtly suggesting that a similar suspension would only be warranted under nearly identical and unique circumstances.

An intimate cocktail reception was held prior to the dinner in the Rotunda of the Library which gave guests an opportunity to meet one on one with Justice O'Connor. Retired Supreme Court Justice Mary Ann McMorrow, and current Supreme Court Justices Rita Garman and Anne Burke also attended the event and were given awards.

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In the spirit of Lincoln, and in celebration of diversity in the practice of law, the Standing Committee on Women and the Law co-sponsored, with the Standing Committee on Minority and Women Participation, a roundtable discussion at the ISBA's annual meeting. Over 70 people from across the state participated in the discussion. Following the discussion, Jenner & Block hosted a reception, at their offices, celebrating "Diversity Attorneys and their Contribution to the Bar" where Cheryl Niro made special remarks on behalf of the Illinois Supreme Court Commission on Professionalism. Special acknowledgement is due to the Standing Committee's Secretary and co-editor of *The Catalyst*, Lynn Grayson, of Jenner & Block, whose tireless efforts contributed greatly to the success of the roundtable and the reception that followed.

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## Presumed equal: What America's top women lawyers really think about their firms

By Lindsay Blohm<sup>1</sup> and Ashley Riveira<sup>2</sup>

During our third year of law school, we stumbled upon a dated edition of a guide entitled *Presumed Equal*, which summarized women's experiences at large law firms. Recognizing its wide-ranging value, we decided to create a third

edition. Less than one year later, the project has been completed, and the 2006 edition of *Presumed Equal* has been published. The project involved soliciting anonymous responses from nearly 4,000 female attorneys from over 150 offices in the United States,

which we compiled into firm-specific reports. In order to develop an initial list of firms, we used various sources, including the American Lawyer, Vault Guide, and NALP Directory, as well as word of mouth from our classmates. An additional prerequisite required that at least one of the offices of the firm had more than 40 female attorneys. If more than one office had over 40 women, we included any office of the firm that met this criteria. The study used an online survey that was sent by e-mail to all women in the firms we identified.

The project has been conducted twice previously, resulting in the first and second editions of *Presumed Equal*, which were published in 1995 and 1998 by fellow Harvard Law alumnae Suzanne Nossel and Elizabeth Westfall. The first two editions were tremendously successful, and the publication of the second edition motivated many firms, such as Chicago's Winston & Strawn, to establish women's initiatives.

To our knowledge, this is the largest, most comprehensive survey of women at the top law firms in the United States. We contacted over 16,000 female attorneys and were thrilled to receive nearly 4,000 responses, which represents a 300 percent increase in responses over the second edition. Our data covers 150 offices of 105 of the most prestigious law firms in the United States. By allowing the attorneys to remain anonymous, we garnered responses that ranged from being particularly enthusiastic to specifically critical. While no survey tool can elicit responses that exactly illustrate the entire situation in a given environment, we believe the breadth of our sample and candor of the respondents provides meaningful, albeit necessarily incomplete and imperfect, information.

The impetus behind this project was the desire to disseminate candid and accurate information about what it is like to be a woman at a top law firm in the United States. Although women's experiences at law firms cannot be simplified into a singular experience, female law students have an abundance of questions about what it is like to practice in a law firm. They want to know if they will be treated on par with their male colleagues, measured by such things as receiving comparable assignments, advancement prospects and mentorship opportunities. They want to know the feasibility of raising

children while climbing the partnership ladder. They want to know whether working part-time, because of familial demands or the desire to pursue other interests, is a real option for those wishing to preserve rewarding professional careers. While these are certainly not the only issues that concern female law students—nor are they issues that concern only female law students—there is a paucity of information available to those students especially interested in learning more about these aspects of life at a law firm. Moreover, asking these questions presents a challenge to students who must balance an interest in issues such as part-time schedules, with a desire to appear hard-working and motivated.

Just as importantly, law firms concerned with attracting and retaining qualified female candidates often have a difficult time self-assessing and obtaining frank evaluations from their employees. This project provides a wealth of information to firms looking for ways to improve the quality of their internal information and diversity initiatives. Not only can firms heed the praise and criticisms leveled at them by their own attorneys, but they should learn from the successes of other firms and seek to implement strategies that have proven successful.

*Presumed Equal* does not imply that female law students and attorneys will or should select a law firm based solely on gender-related concerns. When choosing a firm, attorneys must consider a wide range of factors, such as a firm's practice areas, clientele, mentorship opportunities, pro bono commitments, and the quality of assignments anticipated. Nevertheless, after reading the responses of nearly 4,000 women, it is clear that long-term professional satisfaction is not based solely on the quality of an attorney's, and particularly a female attorney's, work. At present, the reluctance of a male-dominated partnership to mentor female attorneys, the persistence of gender biases regarding women's roles, and the tacit penalties that women endure for taking advantage of maternity leave, to name only a few dynamics at play, still profoundly shape women's experiences within the legal profession.

Frequently, we are asked how the profession has changed since the publication of the last edition of *Presumed Equal* in 1998. The answer is a little

surprising: not much. While many firms have instituted diversity and women's initiatives since the last publication, many respondents complained that these efforts were merely window dressing and that the number of female and diverse attorneys still remains low. In fact, even though men and women have graduated from law school at nearly the same rate for two decades, women still make up only 17 percent of partners at law firms, illustrating that the lack of female partners is no longer a pipeline issue.

Additionally, nearly every respondent highlighted the fact that women are more likely to leave firms before partnership decisions are made, and, indeed, the attrition rate for women is still significantly higher than for men. Some respondents cited personal choices as the reason for higher attrition, while others pointed to the "boys' club" atmosphere which tends to "push" women out. Clearly, few, if any, law firms have implemented policies that effectively combat the challenges presented by higher levels of female attrition.

We believe that projects like *Presumed Equal* can instigate positive change. In writing the book, our goal was to provide a resource for female law students to distinguish between firms and an opportunity for firms to learn about their own attorneys and the policies of their competitors. We hope that this book serves as a source of enthusiasm and empowerment for our readers and sparks increased, informed discussions of women's issues. After all, most of the concerns that prompted Suzanne and Elizabeth to write *Presumed Equal* are just as relevant today as they were 10 years ago.

The book is available for purchase at <[www.presumedequal.com](http://www.presumedequal.com)>. For more information about *Presumed Equal*, please email us at [presumedequal@gmail.com](mailto:presumedequal@gmail.com).

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2. Ashley Riveira is a 2006 graduate of Harvard Law School and co-author of *Presumed Equal*. She currently works as an associate at Crowell & Moring in Washington, DC, where she practices International Dispute Resolution and Environmental & Natural Resources law.

# An invitation to all to take a "Darrow Day"

By Sandra Crawford, J.D.

To those of you who missed the ISBA's "Shine-up Your Shingle" Conference in St. Charles, Illinois in September, I would like to extend my sincere sympathy. You missed it. Keynote speaker, Mike Papantonio, gave each of the attendees not only the gift of his presence and wisdom, but also a gift of one of the four hard bound books he has authored in the last decade. Some of the attendees (and you know who you are) received all four of Mike's books free. My request is—share!

I chose as my gift Mike's book *Clarence Darrow, The Journeyman, Lessons for the Modern Lawyer* (A Seville Square Book, 1997). I will attempt in this brief summary to share with you some of the wonderful insights Mike provided in this truly extraordinary work. In the pages of this book, he compares the lessons to be gleaned from Mr. Darrow's life with those to be learned from the "Golden Rule" and from the teachings of most of the major world religions (Christianity, Islam, Zen Buddhism, Judaism, etc.)—an extraordinary feat of comparison on Mike's part, given the fact that Darrow himself was an avowed atheist.

In this book, and in his speech to ISBA practitioners from around the State, Mike cautioned against practitioners becoming trapped by the "thinking like a lawyer" mentality. The "thinking like a lawyer" model is what we have all been convinced, since our first day of law school, is the most appropriate model of thinking for ourselves and our profession. Mike's work calls to mind the old story that no one on his/her deathbed wishes that he/she spent more time at the office or engaged in his/her given profession.

While I recommend the entire book (a very easy and enjoyable read) I most especially recommend the idea embedded therein that as lawyers we all need to take a "Darrow Day." I am personally going to commence advocating the establishment of at least one "Darrow Day" each quarter. What, you may ask, is a "Darrow Day?" It is not delaying or deferring living a full, rewarding, joy-

ful life while we put "more grain in the barn" (page 223, *Clarence Darrow, The Journeyman, Lessons for the Modern Lawyer* (A Seville Square Book, 1997). Mike points out that:

Darrow did not struggle much with the question of "how much is enough?" In fact, he was quick to brag about the fact the he (Darrow) was not a wealthy lawyer. He always had enough to live comfortably. He was able to travel throughout most of Europe several times. He could afford to "spend" time writing books and lecturing...

Mike calls all of his fellow attorneys to engage in wu wei, the Taoist principle of "no action," much like Darrow did when he "allowed himself to learn to loaf a bit" (Id at page 234). In the chapter of his autobiography entitled "Learning to Loaf," Darrow describes visiting "lands where everyone seemed to enjoy joy" (i.e., Europe).

Darrow is also quoted as saying, "I doubt if I would recommend anything if I thought my advice was to be followed." Accordingly, nowhere is he quoted as saying we, as lawyers, must take a day for ourselves for quiet time of contemplation outside our offices and away from the law. However, Mike Papantonio makes a very compelling argument, using Darrow's life and examples from various major religious philosophies, that we each as professionals must take this time so we can move from the place of the Self (Ego) to the Journeywomen, to the Teacher, or to the Sage in order to reap true satisfaction from our chosen profession and leave behind a legacy, like Darrow's, to be proud of. I recommend this book to you and also recommend that you take the time (starting with one day each quarter) to commence the work of "learning to loaf." Personally, my first "Darrow Day" is going to be dedicated to having a "coaching" session, seeing friends, going to the spa, and taking in the play based on Darrow's life "Inherit the Wind." I invite you all to do the same.

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# Hot topics in domestic violence

By Yolaine Dauphin, Chicago and Mary Petruchius, Sycamore

The ISBA Committee on Women and the Law presented a comprehensive program entitled, "Hot Topics in Domestic Violence," on Friday, September 8, 2006, at the Chicago Athletic Association. Annemarie Kill and Yolaine Dauphin acted as program coordinators and moderators. The Committees on Sexual Orientation and Gender Identity, Minority and Women Participation, the Child Law and Family Law Sections co-sponsored the seminar. Attendees included assistant state's attorneys and public defenders, family law practitioners, and private criminal defense attorneys.

Illinois Attorney General, Lisa Madigan, and Richard Devine, Cook County State's Attorney, offered the Introduction and Opening Remarks for the program.

Attorney General Madigan updated us on two programs her office has implemented to help victims of domestic violence. In the first program, police officers give the victim a "Tear Sheet," which provides information on dealing with domestic violence, a summary of the Illinois Domestic Violence Act (IVDA), and information on obtaining an order of protection. The second program takes aim at the high percentage (25 percent) of orders of protection that are not successfully served on abusers. An order of protection short form notification provides information on obtaining service on the abuser. Quite significant, any law enforcement officer who comes into contact with an abuser, for example following a traffic stop, can serve the order of protection on the abuser. Lastly, Attorney General Madigan informed us on steps her office has taken to educate teens on the issue of domestic violence. Information on dating violence is now available for teens and educators on the Attorney General's Web site.

The Cook County State's Attorney's remarks were equally informative. State's Attorney Devine spoke of the changed attitude of law enforcement officers in domestic violence cases.

The law enforcement community now better understands the complexities involved in domestic violence, including the emotional ties of the domestic violence victim with the abuser and the financial dependence of the domestic violence victim on the abuser. To bring a measure of security and comfort to victims, the new domestic violence courthouse separates victims and children from the abusers. Assistants are present in every courtroom to help victims navigate the system. The Target Abuse Call Unit at the State's Attorney's office deals with the most severe cases of domestic violence. The Unit looks at the use of weapons, the extent of violence, and any attempt to choke the victim. The Unit provides wrap-around resources to the victims at issue. Lastly, State's Attorney Devine informed us of the efforts of his office in the use of education to break the cycle of violence. His office makes frequent presentations to schools, informing students that a dating relationship never has to lead to violence. Mr. Devine ended his remarks with a poignant reminder to defense attorneys that sometimes the best result for the abuser is not to walk away but to obtain services.

David Hopkins, family law practitioner at Schiller, Du Canto & Fleck, presented an overview of the IVDA and the IVDA in matrimonial practice. He explained basic concepts and key definitions contained in the IVDA, the various types of orders of protection, specific remedies sought by petitioners, and limitations on remedies available to petitioners.

In "Nuts and Bolts of Hearings on Civil Orders of Protection," Mary Katherine Avery of Avery Camerlingo & Kill walked us through the process of obtaining a civil order of protection on behalf of a petitioner. Kim Anderson of Anderson & Boback gave defense attorneys valuable practice tips in representing order of protection respondents, including cross-examination techniques and witness preparation. Mary Katherine provided sample Petitions for Order of Protection

and the accompanying Affidavits in Support, and Kim provided sample Motions to Re-Hear an Ex-Parte Order of Protection.

The Honorable Gloria Coco, Supervising Judge of Chicago's First Municipal District's Domestic Violence Division, Cook County Assistant State's Attorney, Paul Pavlus, and Erica Reddick, Supervisor of the Domestic Violence Division of the Cook County Public Defender's Office, presented a lively panel discussion entitled "What All Attorneys Should Know About Orders of Protection in Criminal Court."

Judge Coco discussed emergency orders of protection and domestic relations cases. Paul explained the procedural steps for obtaining emergency orders of protection through the Cook County State's Attorney's Office. Erica addressed specific issues of relevance to attorneys representing defendant/respondents, including knowledge of the IDVA, the fact-gathering process for hearings, the scope of an order of protection, possible conflicts with orders entered in other cases involving the same parties (ex. juvenile or parentage cases), and potential immigration concerns for defendant/respondents.

In "Domestic Violence and the Child Protection System," Thomas Grippando of the Cook County Public Defender's Office discussed how agencies such as DCFS in Illinois and the Administration for Children's Services in New York City can and have charged mothers, who had not engaged in violence but had been victims of domestic violence, with neglect, and removed their children from their care. He cited several cases in Illinois and New York in which domestic violence victims' parental rights were terminated and elucidated the outcomes of each case on appeal.

Julie Neubauer is a third-year law student at Northern Illinois University College of Law who worked for five years as a domestic violence victim advocate and counselor. Julie's presentation focused on the collaboration



between the attorney representing a domestic violence victim and the victim advocate. Julie made suggestions as to how the victim advocate can partner with the attorney in a family law case in which the client is a survivor of domestic violence. She explained that the victim advocate can act as the attorney's "tool" by helping facilitate communication between attorney and client regarding the client's safety needs and issues of trust, giving the client an extra boost of confidence, and assisting the client in avoiding self-help measures that can be counterproductive to the case.

Issues of concern in same sex domestic violence were discussed by Lisa Gilmore. Lisa is a therapist and trainer for the Anti-Violence Project of the Horizons Community Services Center in Chicago. She identified the power and control dynamics of same-sex relationships and explained training techniques used by domestic violence counselors in Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, and Intersex (LGBTQQI)

relationships.

Jennifer Kuhn, Chief of Crime Victims' Services Division of the Illinois Attorney General's Office, defined the concept of crime victim compensation. She explained that the Illinois Crime Victim Compensation Act created a program to provide financial assistance to eligible victims to pay for out-of-pocket expenses related to crimes of violence. Under the Act, victims can apply for expenses such as relocation, rent, and security deposits if such expenses are necessary and were incurred as a result of a violent crime.

Jill O'Brien of Laner Muchin Donbrow Becker Levin and Tominberg, Chicago, described how the Victims' Economic Security and Safety Act (VESSA) provides employees and family household members who are victims of domestic violence with leaves of absence from work for up to 12 weeks during a 12-month period, to enable them to seek medical attention, victims' services, counseling, legal assistance, or to relocate. VESSA

additionally prohibits employers from discriminating against employees who are domestic violence victims in terms of hiring, firing, income, promotion, harassment and retaliation. It also requires that employers make various reasonable accommodations in the workplace for abuse victims.

Sharizaan Minwalla of the National Immigrant Justice Center in Chicago wrapped up the program with "Immigration Issues in Domestic Violence Cases." Sharizaan explained how the 1994 Violence Against Women Act (VAWA) addresses the unique problems facing immigrant survivors of domestic violence. VAWA provides various immigration remedies to eligible undocumented immigrants who have been abused by a spouse or a parent who is either a lawful permanent resident or a U.S. citizen. She also discussed what assistance is available to those individuals who are ineligible for relief under VAWA and provided a sample Crime-Victim Witness Certification Form.

## Photos



(From L-R) Black Women Lawyers Association President Nathalina Hudson; ISBA Women in the Law Committee Members Sandra Crawford, Lynn Grayson and Mary Petruchius.



(From L-R) Jenner & Block Partner Michelle Speller-Thurman; ISBA President Elect Joe Bisceglia; Professor Mark Wojcik, The John Marshall Law School; and Jenner & Block Partner, Kenyanna Scott.



(From L-R) ISBA Women in the Law Secretary, Lynn Grayson; Chair, Claire Manning; ISBA President Elect Joe Bisceglia; and ISBA Women and Minority Committee Chair, Alice Noble-Allgire.



(From L-R) ISBA members Claire Manning; John Locallo; Lynn Grayson; Special Guest Speaker, Cheryl Niro, Executive Director, Commission on Professionalism of the IL Supreme Court; Sharon Eiseman; Beth Jensen, Board of Governors; and Ruth Ashley, Special Keynote speaker and chair of the State of CA Diversity Pipeline project.



(From L-R) ISBA CLE Director Jeanne Heaton and Lynn Grayson.



Special Guest Speaker, Cheryl Niro.

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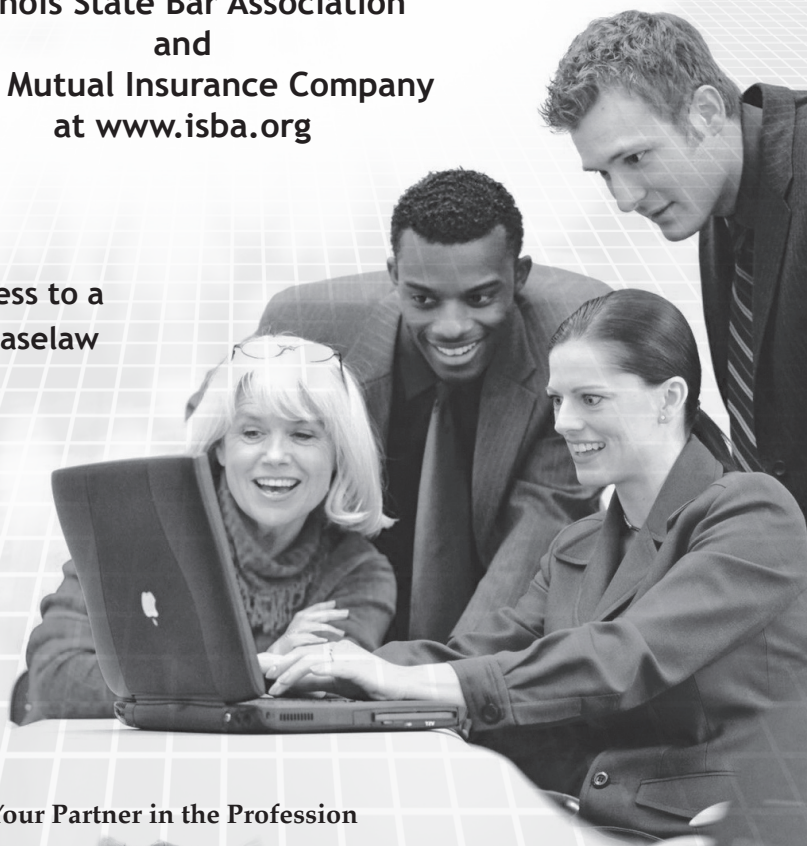


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## SAVE THE DATE !!

### Special outreach reception to the “Women of the West”

It will be a great opportunity to network and socialize with women attorneys and law students of the west-western suburbs and beyond!

**When:** March 30, 2007

**Time:** 5:30 p.m. - 7:00 p.m.

**Where:** The Marshall Gallery of the Northern Illinois University College of Law

Please save the date and plan to join us for a special reception jointly sponsored by the Women in the Law and the Minority and Women Participation Committees.



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