Letter from the chair

By Ellen Schanzle-Haskins

Assuming the Chair of the Women and the Law Committee is a daunting task. Not only am I following in the footsteps of such lawyers of note as Kate Kelly, Gilda Hudson-Winfield and Celia Gamrath—but I am assuming the gavel knowing that two of the three immediate past chairs of the committee gave birth during their tenures as chair! This fact gave me great pause as I contemplated, at my age, just how badly I wanted to chair a committee steeped in the tradition, nay expectation, of pregnancy. After much soul-searching and a gentle nudge from Janet Sosin, who assured me that it was not too late to adopt Vice Chair Meredith Ritchie’s new baby son, I decided to take the plunge. Here I am. Rest assured that if I end up in the family way, there will be a lawsuit!

On a serious note, this is a very exciting time to be a member of the ISBA Committee on Women and the Law. Think of the fine tradition of this committee. Founding members of the committee have been at the forefront of women’s issues for over a decade. Many members of the 1990 Task Force on Gender Bias in the Courts were the first members of the ISBA Committee on Women and the Law. Through the years, the committee has addressed many issues from domestic violence to gender disparity to projects aimed at the enhancement of confidence and self-image of women. The committee has taken an active role and strong voice on all matters of bills and resolutions proposed in the legislature that can and will affect women. The committee is comprised of judges, public and private lawyers, law professors and public interest advocates from all areas of the state. The statewide participation has been phenomenal, which speaks to the importance of the topics and issues addressed by the committee. Through the years there have been many opportunities to socialize with the judiciary and lawyers and to carry the ISBA message of equality and fairness throughout the state. This year will prove to be equally challenging with the committee studying such topics as equality in the construction industry, equal pay and grandparents’ rights. We look forward to a year of progress for women and the law in Illinois.

ADR in law schools: The times, they are a’ changing

By Paula M. Young

When I think about the role ADR plays in legal education, in law practice, and in our broader communities, I think of the following quote: “Our civilization is like a bird with one wing, flying round and round in circles. The other wing is the Feminine. Without it, we cannot go anywhere.” See Barbara Ashley Phillips, The Mediation Field Guide: Transcending Litigation and Resolving Conflicts in Your Business or Organization xiii
Susan P. Sturm, Of education the “gladiator” model. See Susan P. Sturm, From Gladiators to Problem-Solvers: Connecting Conversations about Women, the Academy, and the Legal Profession, 4 Duke J. of Gender Law & Policy 119 (1997). She argues that the model channels whom the school accepts as students. It organizes the curriculum around a litigation model. It allows large hierarchical classes that emphasize quick performance rather than deep thinking and communication. And, it emerges in the evaluation process by emphasizing issue spotting, timed exams, and abstract analytical thinking. She argues that the model results in highly individualistic learning, performance, and evaluation. Id. at 128-29. Yet, as lawyers, we work in teams.

Gerald F. Hess, co-author of the leading text on teaching law, summarized the research showing that the law school environment is stressful, intensely competitive, alienating, anxiety producing, isolating, intimidating, de-motivating and distressing. It emphasizes linear, logical, doctrinal analysis, and it de-emphasizes emotion, imagination, morality, respect, support, collaboration, inclusion, engagement, delight, and feedback. See Heads and Hearts: The Teaching and Learning Environment in Law School, 52 J. Legal Educ. 75, 75-79 (2002). Law school education tends to define successful performance in terms of the fight to win.

Some scholars have commented that this educational model is especially alienating to women. Lani Guinier, for instance, studied students who attended law school from 1987 to 1992. Women in the study described the first year of law school as “a radical, painful, or repressive experience.” That study showed that despite women’s slightly higher entry-level credentials, men are three times more likely than women to be in the top 10 percent of their law school classes. It also found that women enter law school with strong attitudes about the social status quo and with public interest career goals. They leave with corporate ambitions and some evidence of mental health distress. See Lani Guinier, Becoming Gentlemen: Women’s Experiences at One Ivy League Law School, 143 U.Pa. L. Rev. 1, 18-21 (1994). Other empirical research showed that women have a slightly higher performance in college, but a lower performance in law school than their male cohorts. See Linda F. Wightman, LSAC Research Report Series, Women in Legal Education: A Comparison of the Law School Performance and Law School Experiences of Women and Men (1996).

As I recall, my law school offered no, I repeat, no classes in negotiation, mediation, arbitration, or client counseling. Problem-solving approaches offered in the curriculum emphasized litigation skills and strategies. In 1984, two legal educators—now recognized as leaders in the ADR community—recommended that ADR join the law school curriculum. See Leonard L. Riskin, Mediation in the Law Schools, 34 J. Legal Educ. 259 (1984); Frank E. Sander, Alternative Dispute Resolution in the Law School Curriculum: Opportunities and Obstacles, 34 J. Legal Educ. 229 (1984). In 1986, four years after I graduated from law school, the ABA’s Standing Committee (not yet a section) on Dispute Resolution published a list of 80 law schools offering ADR-related courses. The list does not include Washington University; it does include the University of Missouri-Columbia. See American Bar Association, Directory of Law School Dispute Resolution Courses and Programs, Monograph Series No. 4 (1986). By 1997, the directory listed 714 ADR-related courses and clinics in 177 law schools. See American Bar Association, Directory of Law School Alternative Dispute Resolution Courses and Programs (1997). By 2000, the directory listed 830 courses at 182 ABA-approved law schools. See American Bar Association, Directory of Law School Alternative Dispute Resolution Courses and Programs (2000).

The ABA reported that on average about 27 percent of students at these schools took at least one ADR-related course. Schools most often offered an ADR survey course (157 out of 182). Id. at Foreword. Eighty-six schools offered a mediation class; 73 schools offered an arbitration class; and 116 schools offered a negotiation class. Id.

This shift in curriculum focus was reflected in and motivated by an ABA effort to improve the quality of legal education. Practicing attorneys supported the effort to help new graduates “hit the ground running.” Law firms believed they no longer had the time, skills, or interest in training new law graduates in the more practical aspects of the legal profession. They wanted law schools to do it through more practicum courses and clinical opportunities. The MacCrate Report—the end product of this curriculum re-evaluation process—identified several “fundamental lawyer skills”: Problem-solving, legal analysis and reasoning, legal research, factual investigation, communication, counseling, negotiation, litigation and ADR procedures, organization and management of legal work, and recognizing and resolving legal dilemmas. Three of the identified skills directly relate to ADR. See ABA Section of Legal Education and Admission to the Bar, Legal Education and Professional Development: An Educational Continuum 138-140 (1992). The report also identified the “fundamental values of the profession”: Provision of competent representation, striving to promote justice, fairness and morality, striving to improve the profession, and professional development. Id. at 140-141. Again, many of these values are supported by the use of ADR to solve client problems.

Having said all that, ADR professors speak to a very skeptical student population. Most students do not see any reason for spending precious time on non-bar related classes that are just too “touchy-feely.” The reasons for that skepticism relate to life phases, the personality types drawn to law school, and other factors beyond the scope of this article. Even so, law schools have generally decided to pull kicking and screaming law students into the modern conflict resolution world by requiring or offering ADR classes. ADR scholars and professionals know it is the right thing to do. I am confident that as students mature in their practices, they will agree.

Paula M. Young is an assistant professor at the Appalachian School of Law located in Virginia teaching ADR and legal writing. She can be reached at pyoung@asl.edu.
By Ann Conroy

Editors Note: This past June, ISBA Women in the Law Committee member Ann Conroy visited China with other ISBA members. In the narrative below, entitled Backward Up: The Great Wall, she shares her trip and overall China experience with us.

We got up at o-dark-thirty to get to O’Hare on June 24th. The traveling time was supposed to be about 14 hours. After being emplaned for a seemingly endless period and being fed rather continuously, we finally arrived in Shanghai. By then it was evening of the next day. That international date line thing and layovers in Minneapolis and Tokyo and changing time zones, too, thoroughly confused me, timewise. Our hotel in Shanghai was beautiful, but most of us didn’t notice until the following day when we were sensate again.

Shanghai is a very modern and attractive city. In the morning of whatever day it turned out to be, we went to the Old Quarter for a visit to the Yu Gardens. The Gardens are a highlight of the Old Quarter, built about 700 years ago, now surrounded by narrow streets, tiny sidewalk shops selling every conceivable article, close living quarters and, behold, a Starbucks Coffee Shop. It is a delight to go through the Gardens. As it was a Saturday, the Gardens were crowded, mostly with local people, their weekends free. There was a healthy sprinkling of foreign tourists. Our 53 towered over the locals, and jostled politely (Pretty much everyone is polite in China) with them and the other foreigners to see all the nooks and crannies. Ancient and extensive, the Gardens have lovely little rooms and corridors, lagoons, ponds, floral and treed areas. To reach the more secluded spots, one follows a bridge across a lotus-filled lagoon with fountains and sculpture at every turn. And there are nine turns on the bridge—this to preclude evil spirits, which can only travel in straight lines. (!)

The Jade Temple, a Buddhist shrine in the busy business area, and the delightful Shanghai Museum, filled most of the remainder of the day. The temple features a five-lock passage (separate locks for going up and coming down). Large ships (those over 3,000 tons) must use the lock system. Smaller...
One of my favorite side trips on the river was up the Shenong Stream, a tributary of the Yangtze, flowing through lovely gorges. We transferred to “peapod” boats, aptly named for their shape, for a further venture upstream. The water, unlike the silt- and often garbage-filled Yangtze, was clear and cold, coming from mountain snows and springs. The boatmen who rowed the peapods got out and hauled the boats through shallows. The captain sang to us, so we sang to him. You guessed it, “Row, Row, Row Your ‘Boat.’” This area is home to the Tujia (spelling?) People, a small minority maintaining their own language and traditions. Their name for foreigners, which is to say, Westerners, is “big noses.” It sounds much nicer in their language, and, indeed, their own noses are tiny and cute. Ours all seemed big by comparison. But they are charming and friendly and live in an idyllic country.

A stop at the Red Pagoda, along with the omnipresent vendors, promised final arrival at Super Heaven for those hardy enough to brave the steep stairway to the twelfth floor. I, personally, am doomed, as my time was spent in the relatively cool waiting area adjacent to the shops. Most of the cruise participants, however, are bound for halos.

The cruise itself featured entertainments, lectures, Chinese language lessons, demonstrations of classic painting and kite making and Tai Chi exercises (at 6:00 a.m. Needless to say, perhaps, I was not one of the Tai Chi enthusiasts). We even had a brass band which for played us on and off the boat, to bid us farewell when we reached Chongqing and the end of the river passage.

Chongqing, a huge river city, was capital of the country during the Nationalist period. The Joe Stilwell Museum recalls the dark days of World War II, when the city was essentially leveled by bombing and necessities were flown “over the hump” of the Himalayas to supply the people. Most supplies had come upriver, but the enemy controlled the river as far as Yichang and no supplies could be brought through. The loss of 50,000 residents in the bombings is remembered with bitterness 60 years later. But gratitude for support by the Americans and admiration for the strength and resiliency of the people is a commonplace sentiment still. In a monument at the Museum, a quotation by President Franklin Roosevelt in 1944 sums up the proper view of Chongqing’s people, and rings true across the world today: “They proved gloriously that terror cannot destroy the spirit of a people determined to be free.”

The state of Chinese plumbing was a frequent conversational topic among the women on the trip. Western commodes were sought out, but not always in prime condition. I recall at one point, waiting in line, being told by a previous user, sotto voce, “Pull the pink string.” I briefly thought it might be some sort of weird incantation, but gamely entered the stall anyway, to discover that the handle of the waterbox had disappeared. Sure enough, a pink string dangled from a hole in the porcelain side. Surprisingly it was a very adequate substitute for the modern chrome equivalent.

Another routine discussion involved the destruction, by the rising waters behind the dam, of ancient towns and villages, temples and burial grounds, of people who have lived and worked along the Yangtze since time began here. Already well begun, the rising water level in the river above the Three Gorges Dam will eventually reach 175 meters above sea level. At least one million people have been displaced or soon will be. Some are happy with their new, modern homes above the eventual level of the river and with the electrification made possible. Many are not. But there are no holdouts. The national government owns all land in the country, so if an eviction notice arrives, there is no recourse but to leave.

The cities of China are surprisingly low in smog pollution. Soft coal is being replaced as a fuel by natural gas and water-generated electricity. The government has moved many heavy industries to the countryside to lower the emissions in urban regions, and buses in some cities, and taxis, already run on natural gas. The river boats, however, are still largely diesel-powered.

Chongqing is home to the Giant Panda Zoo. They are darling, very large, but cuddly-looking. We arrived at feeding time and very likely witnessed the greatest level of activity by the pandas in any given day. The so-called Red Pandas (named panda because they eat the same bamboo as the big guys—go figure), are arboreal and look like large raccoons, to whom they may be related. At the zoo, we could observe families with children, all of whom are so cute I wanted to smuggle them home with me. The one child policy of the government permits a couple to try again if the first child is a girl. If the second is also a girl, they’re out of luck. But children seem to be genuinely cherished, whatever their gender. When questioned as to what became of children born to single parents, the guides indicated that they went to orphanages—and, presumably are not “counted” with respect to the one child policy.

Seeing the terra cotta army at Xi’an just might be worth the trip to China. Xi’an is home, if you will, to the tomb of the First Emperor of China, a man of many accomplishments, who lived about 2,000 years ago. He unified the country into what we pretty much know as China today, by conquering adjacent provinces; he created a nationwide monetary system; he was responsible for what came to be the Great Wall of China; he organized the basic language (Mandarin) of the country; he founded the dynasty from which every subsequent emperor of China came; he oversaw the building of the Forbidden City in Beijing and he required the building of a 6,000-7,000 man terra cotta army, aimed at scaring the wits out of any likely enemies. It is a wonder to behold what has been uncovered of this remarkable collection.

In 1973, three or four guys trying to dig a well accidentally brought to the surface the torso of a clay soldier, fired and painted. They were smart enough to go to the local powers, who decided that this was a part of the fabled army of the First Emperor. (All the emperors were from the Han people, the largest ethnic group in China. Ninety-three percent of the people of China today are descended from Han ancestors). At this point there began, despite the Cultural Revolution, a full-blown effort to save and reconstruct the terra cotta army. This was and is now a laborious undertaking of unearthing all the clay figures of men and horses. The wooden parts of vehicles and weapons are long gone, either burned in various early
actions against the army or destroyed by 20 centuries of soil depositing over them. Many of the figures were damaged by these or other processes and are being painstakingly restored.

The size and lifelike appearance of the soldiers and horses is startling. The site, now covered by three separate, huge buildings, in addition to the usual shops, a museum and assorted other constructions necessary to tourism, covers many acres. Each soldier’s face is unique, modeled after an actual person and, reportedly, made by local people at the emperor’s command. There were, we believe, some rather stringent sanctions for those who failed to live up to this artistic necessity. The soldiers stand in ranks today, less formidable than was hoped and believed by the emperor, but fabulous and wonderful to view, nonetheless. The entire dig and reconstruction are ongoing.

The emperor’s tomb is nearby, complete with bronze carts to carry his soul to the afterlife. Numerous people died in the course of his “public” works and stories abound regarding the cost in human life of this army, the Great Wall, his own tomb and the Forbidden City in Beijing.

Our evening’s entertainment in Xian at the hotel was a beautiful blend of ancient and modern music and dance, with costumes to rival a Broadway show.

The Wild Goose Pagoda, a local attraction in Xian, is a former Buddhist monastery. There are wide, lovely grounds and numerous places of interest. Because our guide told the attendant that we were “very important visitors” from America, we got to ring the huge temple bell without paying a fee.

Last stop of the tour was Beijing, the capital. Somehow, I had thought that Beijing would be grubby and dull, home to the Maoist government, devoted to maintaining an inlustrous front. Wrong. Beijing is a lovely city. It has broad avenues, with trees planted everywhere. It is, certainly, trying to spruce up for the Olympics in 2008. You can buy a hat to commemorate the upcoming event on any street corner. There were flowers all around and colorful trees in bloom. The city is less crowded, because it has open space surrounding it, unlike Shanghai and, to a lesser extent, Chongqing. The downtown area has buildings less imposing in size, but as decorative as those of Shanghai.

We traveled by pedicab to the Hutong, reported to be a middle-class neighborhood, but in the old quarter of the city, which is undergoing substantial reconstruction (destruction and new construction). There were guests of a retired archeologist, Mr. Li, who answered any questions we asked. His answers were typically Chinese in that he did not wish to say anything adverse. As mentioned, the Chinese have no word for bad. Their effort is to be circumspect with anything which could be negative.

The housing in the Hutong is crowded, but pleasant, with the same amenities one would find in an American home—TV, microwave, refrigerator-freezer, telephone, laundry facilities, etc. We enjoyed talking with Mr. Li and seeing his home. It was air-conditioned and it was a hot day.

The Fourth of July in Tiananmen Square meant a lot to us as Americans. My husband wore his American flag printed tee shirt, emblazoned with the words, “American and Proud.” Most of the Chinese (and there were a bejillion of them there—it was a weekend) we saw had no clue what our reference point was. The Chinese in China never saw the pictures from the uprising in Tiananmen Square that we saw on television, most pointedly not the one of the young man facing down the tank. But we knew.

Tiananmen Square contains a large building in which reposes the body of Chairman Mao. A huge portrait of the Chairman dominates one end of the Square. When we arrived on that Sunday, a line five people abreast extended entirely around what would be a full city block, waiting to enter that big building and view the body, whether out of devotion, duty or reassurance, we could not divine. We proceeded to the other end of the Square to visit the Forbidden City.

That First Emperor was busy. From the surrounding large moat through several courtyards and many buildings with yellow roofs (only the emperor could use yellow), the Emperor built with luxury to match his exalted position. Materials from all over China were brought to Beijing by God knows what manner, to enhance the official meeting halls, the halls for signing documents, the halls for robing and disrobing from official garments, and the actual living areas for the emperor, his wives, concubines, children and retainers. It is the sort of place which makes you wonder why anyone would require such elaborate arrangements. A tiring but fascinating visit.

The piece de resistance for most of us came on our last day—The Great Wall of China. This magnificent structure, made and remade over centuries, is a cultural icon. At Ba-Da-Ling, the area we visited, we began ascent of the portion of the Wall available for tourists. The Wall is 3,600 kilometers in length, give or take a kilometer. It is situated in a mountainous part of the country, inland very beautiful in itself. Those visitors are national heroes who climb to the highest battlements of the Wall at that place. Many Americans you know are national Chinese heroes today. Alas, I am not. My husband and I chose to climb on the other side of the entry area, where there were slopes more than steps, to accommodate my bum ankle, which works better on slopes and those going up backward, hence the name of this article. I was pleased, though, while walking backward up the sloped area, to see a Chinese man, whose foot problems must mirror mine, walking backward down the Wall.

The whole trip was wonderful. Kudos to Loren Golden for his foresight in working out this trip with ISBA. Everyone seemed to enjoy greatly the whole thing, even if there were some longings for pizza by the fourth or fifth day of Chinese food. Some of us will never again have such a journey, but the memories from this one will last a lifetime.

Legislative update

By Sandra Crawford

It is the on-going commitment of the Women in the Law Committee to continue to actively monitor and comment on new and proposed legislation and to highlight existing laws of importance and interest to women and families. The following is a brief synopsis of legislation recently signed into law by the Governor:

Mothers Breast Feeding in Public
The Catalyst

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OAI, Inc. opens “A Place for Change”

By E. Lynn Grayson

OAI, Inc. is a non-profit workforce development agency founded in 1976. OAI envisions a community where access to education, job training and employment is available to all. OAI believes that extending the opportunity to earn a living wage is a vital step towards creating and sustaining strong communities. OAI’s mission is to:

• Advocate and promote equal access to education, training, and...
The Catalyst

career opportunities primarily for culturally diverse populations and communities in poverty.

- **Build long-term independence and sustainability** of individuals, organizations, and communities.
- **Design and implement training models** in education, workforce/community development, and affordable housing that are exemplary, cost-effective and replicable.
- **Develop creative partnerships** with underserved communities, mission-based/community based organizations, and public and private businesses.

On August 20, 2004, OAI expanded its workforce support by opening “A Place for Change,” a downtown Chicago facility that provides the organization’s economically disadvantaged clients with complimentary business clothing. Jenner & Block Executive Assistant Madalyn Duerr was honored by OAI for her remarkable leadership and organizational efforts that made “A Place for Change” a reality. Along with her husband, Peter, Ms. Duerr worked to transform office space into a comfortable environment where OAI clients could shop, try on and select business attire to launch their new careers. Ms. Duerr also brought OAI to the attention of Jenner & Block.

“When Jenner & Block’s Summer Associates heard about OAI’s need for business clothing, they rallied to the cause,” said Partner Charlotte L. Wager, the Firm’s Director of Professional Development. “We’re hoping to make this an annual feature of our Summer Associate Program.” Summer Intern Maureen Riordan (DePaul University College of Law ’06) and Summer Associates Dawn Duffy (The University of Chicago Law School ’05) and Rina Scates (Brigham Young University—J. Reuben Clark Law School ’05) also greatly contributed to the effort. Jenner & Block was honored for the Firm’s involvement in the clothing drive.

“A Place for Change” is the latest accomplishment for OAI, Inc., a not-for-profit 501(c)(3) entity. Other recent milestones for the organization include:

- The five-year “Bright Future” Welfare-to-Work program, funded by the U.S. Department of Labor from 1998 to 2003, achieved national acclaim, especially in the healthcare industry.
- The environmental remediation training, now in its 9th year of funding by the National Institute of Environmental Health Sciences (NIEHS), was commended by the South Suburban Mayors’ Association and recognized by the City Council of Kansas City, Missouri.
- In late 2002, the City of Chicago selected OAI as one of three recruiting agencies for the new, Ford-connected Chicago manufacturing Campus.
- In 2003, OAI received one of Chicago’s first and largest TIFWorks grants.

For more information about OAI, Inc., visit the organization’s Web site at http://www.oaiinc.org/ or to learn more about “A Place for Change,” contact Madalyn Duerr at 312/923-8378.

The business case for effective part-time programs

Remarks at “Summit on Keeping Her in Her Place: New Challenges to the Integration of Women in the Profession,” Section of Litigation, American Bar Association August 11, 2002

By James J. Sandman; Managing Partner, Arnold & Porter

I believe there is a strong business case for effective, successful part-time work programs in law firms. I start from the proposition that law firms compete in two markets: the market for talent and the market for clients. An accessible, workable part-time program, I believe, benefits a law firm in competing in both of those markets.

In the market for talent, the benefits to a law firm of a good part-time program are—or should be—clear. Surveys have for a number of years documented the unusually high levels of career dissatisfaction among lawyers. There are a number of reasons for this, but from everything I have seen—not only in surveys, but in the scores of exit interviews I have conducted over seven years as a managing partner—the single biggest source of dissatisfaction in our profession is the inability to achieve work/life balance. And the cause of that inability is the hours lawyers are expected to work. To paraphrase James Carville, “It’s the hours, stupid!”

The inability to achieve work/life balance affects men as well as women. It is not, and increasingly will not be, only a...
women’s issue. But its impact is manifested disproportionately among women, especially among women with families. And because the age at which most women are on the partnership track in law firms so often coincides with their child-bearing and young child-rearing years, the inability to achieve work/life balance is a major cause of female attrition in law firms. It is a significant explanation for why there are not more women partners in law firms.

Any law firm that can help its lawyers achieve real work/life balance is going to have a huge competitive advantage in the market for talent. Any firm that can help its lawyers achieve work/life balance will have talented people knocking the doors down to work there, and will have much better success than the competition in retaining talented women through the partnership decision and beyond.

I also believe that a successful part-time program is an advantage to a firm in competing in the market for clients. That proposition, though, runs headlong into the assumption of many law firm partners—and managing partners—that part-time lawyering is inconsistent with client service demands, inconsistent with the expectation of clients that their high-priced lawyers will be available 24/7.

Whenever I have heard this issue—the issue of the alleged incompatibility of part-time work with good client service—discussed among lawyers, whether at managing partner roundtables or at bar conferences or elsewhere, I am always struck by the fact that there is not a single client in the room. Not one.

I believe that the assumptions so many lawyers make about the negative impact of reduced hours on client service are uninformed and simply wrong. I would suggest that when this issue, or any client service issue, is discussed, clients be included in the dialog, and I am glad to see the client community represented here at this summit.

My own conversations with our firm’s clients are uniformly at odds with the common assumption about the incompatibility of reduced hours with good client service. Some of the most passionate advocates of our firm’s part-time policy are clients who are working with part-time lawyers. Do you know why? There are two reasons.

The first is that these clients have an investment in the lawyer working a reduced schedule. That lawyer knows the client’s business and knows the client’s legal problems. The client has a self-interest in retaining that lawyer, and often realizes that if the lawyer were not working part-time, he or she would not be working full-time, but instead would leave the firm to do something else. Smart clients know that reduced-hours schedules are an important tool in retaining people of value to them, and they are happy to help make those schedules work.

The second reason why clients are supportive of part-time lawyers is that they do, in fact, get good service from those lawyers. Part-time lawyers, in my experience, are every bit as professional as full-time lawyers. They do not somehow lose their sense of responsibility or commitment to their clients because they are not working full-time. They communicate with their clients about their schedules and they work with their clients to be sure the clients’ needs are met. They are flexible when the client’s needs require it. I have never had one client complain about poor service from a part-time lawyer, and I have had a number volunteer their appreciation for our part-time lawyers.

In short, talk to clients about part-time arrangements. You will find that the assumptions about their dissatisfaction with those arrangements are dead wrong.

I would like to offer a few specific suggestions for making the business case for reduced-hours programs within law firms and to dispel what I think are some of the myths about the costs of such programs.

First, try to make your business case on your law firm’s facts—not on abstract arguments. In saying this, I recognize that in some firms, the most compelling facts might be in the hands of firm management and not accessible to those trying to make the case. One example is attrition statistics and exit interviews. Some firms guard their attrition statistics jealously, but if your firm won’t share the data, keep track yourself. Most departures are not secret.

Second, recognize that the arguments you make need to be relevant to the times. Two years ago, the high cost of replacing a lawyer was a powerful argument for getting law firms to act to reduce associate attrition by introducing or improving reduced-hours programs. I would be very careful about making that particular argument in 2002. Many law firms today believe they have overcapacity. Attrition is something they pray for, not something they dread. They will not replace the lawyer who departs, so the replacement-cost argument will fall on deaf ears. For firms in that position, I would make a different argument: that part-time arrangements can be useful in aligning capacity with demand, and that at a time when a number of so-called full-time lawyers may in fact be working part-time at full-time compensation, part-time lawyers should be thanked, not stigmatized, for taking reduced compensation for reduced hours.

Third, try to get access to hard numbers to rebut assumptions about the costs of part-time programs. For example, I have often heard it said that part-time lawyers require the same overhead expenditures as full-time lawyers but generate less revenue than full-time lawyers, so the economics won’t work. Well, what overhead expenditures are we talking about, and how much are they? The two items I hear mentioned most often are occupancy expense—rent—and malpractice insurance, neither of which is reduced for a part-time lawyer. How much money are we talking about? In 2001, according to a survey of law firm economics I saw recently, average occupancy cost per lawyer in large law firms was $41,000, and the average malpractice premium per lawyer was $4,000. If we assume a part-time lawyer working 75 percent of the hours of a full-time lawyer, that means that the part-time lawyer is incurring $10,000 in occupancy cost and $1,000 in malpractice insurance expense more than would be the case if it were possible to reduce those costs pro rata with the lawyer’s reduced schedule. But what revenue is that lawyer generating, and how does this $11,000 in “excess” cost compare to that revenue? The same survey showed that average revenue per lawyer at large firms last year was $333,000. Using that figure, a lawyer working a 75 percent schedule would, on average, generate $400,000 in revenue. The $11,000 in so-called additional cost looks immaterial to me when other relevant numbers are known.

A previous speaker referred to a part-time lawyer working a 75 percent schedule who was paid only 60 percent of the compensation of a full-time lawyer, ostensibly to cover overhead costs. I believe that to make a lawyer reducing his or her hours by 25 per-
cent take a 40 percent pay cut is unfair. I think it’s punitive. And I think anyone who claims to the contrary is practicing voodoo economics.

Fourth, find an advocate in your firm’s management to help you assemble the facts. And after you have persuaded your firm’s management of the business case for reduced hours schedules, enlist management’s help in making the case to the partners—all of them—because the success of part-time schedules in law firms ultimately depends on the support of the individual partners with whom a part-time lawyer works. If those partners suffer from the common unconscious bias that “the way for you to succeed is the way I succeeded,” and if I succeeded by working killer hours then so must you, then the support of firm management will be inadequate, and your part-time policy will not be worth the paper it is written on.

Ultimately, the success of reduced-hours programs depends on employers’ recognition that it is in their self-interest to have them and make them work. I believe the business case is a compelling one, if only you know the facts.

### Meeting Gloria Santona

*By Meredith E. Ritchie*

As I drove into the lush woods, the rain stopped and I saw a contemporary building that seemed to blend into the landscape: McDonald’s Corporate Headquarters. The setting was peaceful and harmonious—the perfect environment for one of the nation’s most powerful and respected general counsels, Gloria Santona.

Gloria greeted me with a warm smile and a strong handshake. She made me feel comfortable and confident. We began to talk sitting at the small round table in her doorless office overlooking the wooded grounds. Immediately, she began talking about her young son, transportation issues and the challenges of being a working mom. As a working mom with a 22-month-old son, I could relate. Interestingly, her smile widened when she spoke of work-life balance—she loves all aspects of her life. Gloria quoted a colleague, Michelle Coleman Hayes, General Counsel of Pitney Bowes, who said during a recent panel the two women were on: “during the work-life waltz, someone always leads.”

Gloria believes that an enriching life outside of work is directly related to one’s productivity at work. Thus, McDonald’s strives to help employees balance their private lives with their professional lives. In a recent survey, more than 50 percent of the legal department employees who responded to the McDonald’s survey, stated that they had an alternative schedule such as flextime or a compressed work week.

She attributes much of her success to her ability to focus and to her determination. These characteristics have served Gloria well but she says she has to be careful that she is not perceived as “stern.” She makes a concerted effort to connect with her staff and her peers by walking through the halls of the corporate office as often as she can and engaging in non-work related conversations. “Face-time is important,” she says. Gloria wants her co-workers to know that she cares about their lives. If she chooses to leave early to attend her son’s soccer practice, she lets others know about it so that they can feel comfortable doing the same. Answering e-mails can always be done late at night when her son is sleeping.

This dynamic attorney is super efficient! Gloria could have coined the term “multi-tasking”—her staff consists of 110 attorneys in 20 countries plus a large group of paralegals and assistants. Yet, she makes the time to review her direct reports twice a year. Every couple of years, department leaders receive a “360 review” whereby the individual is reviewed by staff, peers, supervisors and clients. This, says Gloria, focuses on the person’s “soft skills” such as the ability to effectively communicate and relate to others. She says this is a very enlightening experience.

“McDonald’s is very good at treasuring differences,” she says. This is one of the many reasons Gloria has stayed at McDonald’s. “When I started with McDonald’s in 1977, I was one of 13 attorneys—four were women, two were Hispanic, one was African-American and one was Asian.”

Gloria Santona

Gloria is also proud of McDonald’s commitment to Pro Bono work. McDonald’s attorney Pauline Levy is a zealous advocate of charity work and heads the Pro Bono unit. “Everyone—attorneys, paralegals and administrative staff is encouraged to participate in Pro Bono activities,” says Gloria. Their work includes initiatives with the Center for Disability and Elder Law and a pilot program called “Street Law” where high school students learn about law and constitutional rights.

When asked how to transition from private or government practice to corporate, Gloria suggests networking. Gloria touts the Association of Corporate Counsel on whose board she sits and its “New to In-house” program. Adopting a different mindset is important—thinking about management and budgets. When starting an in-house job, she suggests spending about a month talking in depth to the business people in the organization.

The most important attributes for a general counsel are “integrity, a fundamental set of values that people can rely on, communication skills and knowing the business,” says Gloria. Understanding the way the business works and the associated jargon are of utmost importance. “An attorney who thinks outside of the box, networks and continues to obtain training is going to be a better lawyer for the company,” Gloria says.

Spending an hour with Gloria Santona was a privilege. I am so grateful that she shared her thoughts and views on being a successful woman in the legal profession. Thank you, Gloria, for leading by example!

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Meredith E. Ritchie is vice-chair of the Women and the Law Committee and is Deputy General Counsel for the State’s Central Management Services.
Once upon a time, there lived a little girl with beautiful long blonde hair and eyes as blue as cornflowers. She had lived happily with her father for a long time... But then something terrible happened. The little girl found out she was to have a STEPMOTHER!

Everyone knows, of course, that all stepmothers are evil. They give their stepdaughters poisoned apples, make them work like slaves, and NEVER let them go to the ball...

It's an old story, and one that attorneys hear time and time again. In the midst of the divorce, dad gets a new girlfriend or mom gets a new boyfriend, and suddenly everything is five times more complicated. Sexist though it may be, stepmothers have a harder row to hoe than stepfathers. Blame it on the fairy tales, in part. There are over 900 stories written about evil and/or wicked stepmothers. Because the perceptions of small children are shaped by the stories they are told by the adults in their lives, this bad press can have a devastating effect on fledgling stepmothers.

According to the Stepfamily Association of America (www.safa-families.org), about 75 percent of divorced persons eventually remarry, and about 65 percent of remarriages involve children from the prior marriage and form stepfamilies. The SAA cites a study which suggests that 66 percent of all women and 30 percent of all children are likely to spend some time in a stepfamily (where the definition of "stepfamily" includes cohabitating couples). These statistics suggest that stepmothers, and the issues they face, are having a major impact on American families and children. We can also infer that, as women attorneys, we are almost guaranteed the opportunity to deal with stepmother issues—either as stepmothers ourselves, or in the course of representing our clients.

Surprisingly, there is little in the way of statutes and case law specifically referring to stepmothers (a general query on Westlaw came up with 43 results, of which only a few actually related substantively to the stepfamily issues). Currently, stepmothers have few legal rights regarding the children they parent, especially if their spouse is a non-custodial parent. The result is a series of emotional pitfalls: "What if I get attached to these children, and then my own marriage doesn't work out? I'll never see them again!" "What if I'm too strict with the kids, and they complain to their mother, who causes problems with my husband?" "What if I'm not strict enough, and the kids get into trouble, and everyone blames me?" "And for Pete's sake, what do they call me?"

Luckily, the number of available resources for stepmothers is growing. Books, Web sites, and support groups, a number of which are listed below, offer advice on many of these issues. One in particular, called "CoMamas," stresses the relationship between the biological mother and the stepmother, encouraging them to parent as a team. Random divorced males polled about this idea were leery of their current and ex-wives getting too chummy, but on the whole the concept seems to have a number of benefits for stepfamilies, including improved trust, cooperation, and a greater chance for family continuity in the event of a future divorce.

Even so, hurdles abound. Some studies validate the "wicked stepmother" concept. The Seattle Times reported on a study which found that "Children reared in families with stepmothers are likely to have less health care, less education and less money spent on their food than children reared by their biological mothers." The article suggests that women who do not give birth to children reared in families with stepmothers are likely to have less health care, less education and less money spent on their food than children reared by their biological mothers. The article suggests that women who do not give birth to children reared in families with stepmothers are likely to have less health care, less education and less money spent on their food than children reared by their biological mothers.

The one thing upon which experts across the board seem to agree is that, while stepmothers can modify their behavior in order to appear less "wicked," the major factor in the creation of strong stepfamily relationships is: time. The Times article quotes stepmother and psychoanalyst Carol Albano-Lutz: "(I)t’s very important, going into a stepfamily, to understand that family integration is a process that takes four to seven years."

As with most other legal and social hot topics, information is key—whether you are a stepmother, or whether you represent one. At the end of this article are lists of legal and non-legal resources on stepmother/stepfamily issues. Armed with information, compassion, and luck, stepmothers are more likely to write their own happy endings, and to throw the fairy tale myths out the window. What will become of our heroine with the cornflower-blue eyes? We can only wish that she and her stepfamily will live happily ever after.

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1. Nancy K. Recker, M.A., Family and Consumer Sciences Agent, Allen County, Assistant Professor, Ohio State University Extension, The Ohio State University
5. Id.
6. Id.
7. Compiled by the Stepfamily Association of America, <www.safa-families.org/advocacy/references.htm>

About the Author: Amie M. Sobkoviak is the Managing Attorney of the Will County Legal Assistance Program, Inc. She specializes in handling domestic violence, family law, and children's issues. She very much hopes to be a stepmother soon herself, so this article is dedicated to Kassidy—in the spirit of shameless sucking-up.

Publications on Stepfamilies and the Law

• By Margorie Engel, MBA, PhD:

• By Margaret M. Mahoney, J.D.
  Stepmothers and the Federal Law, 48 University of Pittsburgh law Review
November 10, 2004 — Women & Lung Health Conference and Luncheon
Sponsor: American Lung Association
Time: November 10th — 8:00 a.m. - 4:00 p.m.
Location: Marriott Hotel, 540 N. Michigan Avenue, Chicago
Information: Contact Joann at the ALA at 312/628-0211

November 4-5, 2004 — Annual Collaborative Training
Sponsor: The Collaborative Law Institute of Illinois
Time: November 4-5, All Day
Information: Call 312/882-8000 or Sandra Crawford at lawcrawford@comcast.net

September 30, 2004 — NOW's Sixth Annual Women Who

Dared
Sponsor: Chicago Chapter/National Organization for Women
Time: September 30th, 6:00 p.m. - 9:00 p.m.
Location: High Risk Gallery, 1113 W. Belmont, Chicago
Information: Contact Margot Klein at 312/346-8700

September 29, 2004 — Smart Women Finish Last
Sponsor: Women’s Bar Association of Illinois
Time: September 29th, 12:00 p.m. - 1:00 p.m.
Location: Morgan Stanley, 190 S. LaSalle, Suite 2400, Chicago
Information: Contact Lisa Julin at 312/443-6059

September 28th — Kickoff Meeting for Alliance for Women

Letter to the editor

Editor’s Note: We received the following e-mail from Judge McIntyre as follow up to Alice Noble-Allgire’s recent article in the newsletter. We are reprinting this e-mail with permission from Judge McIntyre.

I read with great interest Alice Noble-Allgire’s article on the stereotypes in children’s classics and in particular in fairy tales. I noticed years ago that the fairy tales young girls were interested in often focused primarily on the beauty of women. When my oldest daughter (soon to be 26) was a toddler she loved the story of Cinderella and I had to read it to her over and over. However, from the beginning I changed the ending. I had the prince ask Cinderella if she graduated from college because they could only get married if she had completed her college education. The prince explained in my version of the tale that it was important for them both to be educated. Cinderella would answer that of course she had her college degree. Cinderella and the Prince would then get married and live happily ever after. My daughter has since learned that I altered the ending and we share a good laugh about it. However, my literary license paid off; my daughter got her college degree and is now in graduate school. I will not be surprised if she does the same thing when she has children.

I did not have Ms. Noble-Allgire’s address and would appreciate your passing this on to her.

Sincerely,
Maureen McIntyre
Circuit Court Judge, McHenry County

Non-Legal Web Resources:
• <www.StepParent.com>
• <www.YourStepFamily.com>
Lung cancer kills more women than breast, ovarian and cervical cancer combined

Catch Your Breath.

Women & Lung Health Conference and Luncheon

N O V E M B E R 1 0 , 2 0 0 4

If you would like to receive the invitation for this event, please contact Joann at the American Lung Association at 312.628.0211 or send an e-mail to jmurren@alano.org

MARRIOTT HOTEL 540 N. MICHIGAN AVE. CHICAGO, ILLINOIS 60611

Lung disease is rapidly becoming a women's disease and we don't know why