

## Self-compassion could change your career path

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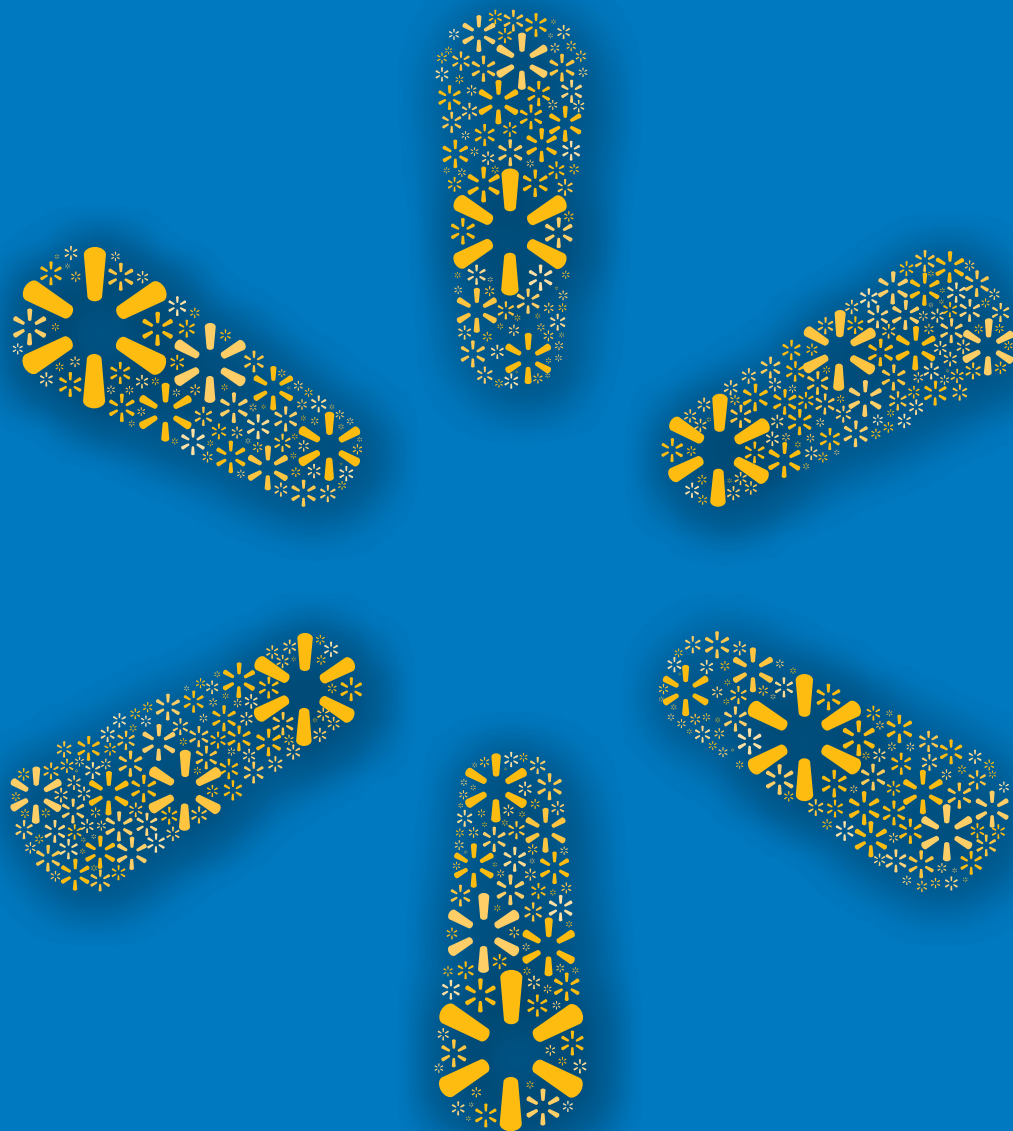
4 superstars of the  
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Book Review:  
Breaking Through Bias



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Articles about current legal issues of interest to women lawyers are accepted and may be edited based on the judgment of the editor. Editorial decisions are based upon potential interest to readers, timelines, goals and objectives of the association as well as the quality of the writing. WLJ also accepts book reviews related to the practice of law. We reserve the right to edit all submissions.

Send submissions via email to [williamslaura2000@hotmail.com](mailto:williamslaura2000@hotmail.com) or by mail to 5055 Carnoustie Dr., Reno, NV 89502. Do not send unsolicited photos or other original artwork. No material can be returned unless accompanied by a self-addressed, stamped envelope.

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Frommer Lawrence & Haug LLP, a leading national intellectual property law firm with headquarters in New York and an office in Washington, D.C., recognizes that a noteworthy component of its success is its team of extraordinary women attorneys. Accordingly, FLH is excited to announce the election of two new female partners: Laura Chubb and Elizabeth Murphy.

Ms. Chubb is a registered patent attorney who focuses her practice on patent and trademark litigation involving software, medical devices, food products, consumer goods, and mechanical devices. With experience in trade secret and licensing litigation, patent and intellectual property licensing, and disputes related to such agreements, she advises clients on developing, enforcing, and maintaining patent and trademark rights in the U.S. and internationally.

Ms. Murphy's expertise lies in pharmaceutical litigation, where she has helped the firm achieve key victories in numerous cases for innovator clients. Her particular interests lie in the intersection of science, technology, and law and how these three areas influence the evolution of the pharmaceutical industry.

Ms. Chubb and Ms. Murphy join two women partners who currently lead FLH practice groups. Dr. Sandra Kuzmich heads the firm's life sciences practice and is a leading member of the firm's partnership. She also sits on the Federal Circuit Bar Association's International Series Committee and, most importantly, serves as a mentor to the firm's women associates. Marilyn Matthes Brogan heads the trademark group and dedicates her time to recruiting new talent. She is an active member in the International Trademark Association.

Dr. Kuzmich sums up the special contribution that FLH's female lawyers make to the firm and its clients: "The women attorneys at FLH are unique in that not only are they experts in the practice of intellectual property law, but they also have training—and in many cases practical experience—in a diverse range of scientific disciplines."

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## Tackling a ‘wicked problem’

*A wicked problem is not an evil problem, but one that is defined as “a social or cultural problem that is difficult or impossible to solve.”*

**By Jennifer M. Guenther**

**I write this because without understanding the scope of this wicked problem, our daughters and their daughters will continue to feel its effects.**

WHEN I WAS 10, I was told I could not play trombone because only boys played trombone.

When I was 12, I was told that girls actually could be good at math.

When I was 14, my dad told me to quit walking behind him and that a woman should never feel she needs to walk behind a man.

When I was 17, a much older co-worker insisted on calling me “legs” instead of my real name.

When I was 19, I received an anonymous, sexually violent, threatening phone call in my dorm. The

campus police told me not to worry, several other girls received similar calls.

When I was 20, at a new college, I received an anonymous, sexually violent, threatening letter when I left my desk for a minute after studying for hours in the campus library. Again, campus police told me not to

worry and that several other girls had received similar letters “although they were mostly Asian.”

When I was 21, someone I trusted put their hands around my neck and told me I was a whore because he was not my first boyfriend.

When I was 22, I was graduating college and realized I had only one female professor in my major.

When I was 25, I was catcalled almost daily walking from the bus to my job in a law office.

When I was 26, about to enter law school, a lawyer at the firm for which I worked told me he couldn’t imagine me as a lawyer – I was too sweet.

When I was 27, I read article after article in law school journals saying how work-life balance didn’t allow women to be mothers and lawyers.

When I was 28, I was offered my first job as a lawyer at \$10,000 less per year than a male colleague with whom I went to law school. That colleague also had a lower GPA than I. At another interview, the interviewer felt the need to mention his wife over and over and over.

When I was 32, I heard a partner say he would never force his clients to work with a woman attorney.

When I was 33, I heard the woman attorney in question say publicly she was never discriminated against.

When I was 35, I was told I couldn’t be up for partner yet as I hadn’t put in my dues while two men I literally sat next to at law school graduation were made equity partner.

When I was 36, I became the first “non-equity” partner in the firm.

When I was 43, before being diagnosed with a life-changing autoimmune disorder, a doctor told me I was probably imagining my symptoms. I left with the distinct impression he would have said something different if I were a man.

When I was 44, the school called and told me my 13-year-old daughter had had a sexually violent and threatening story written about her on social media and read at the school. And I cried.

I write this not to tell the woe-is-me tale, for I have been truly blessed in most of my life. I write this very personal note because every single person reading this has either witnessed or has been a participant in nearly identical circumstances. And to demonstrate that gender discrimination is truly a *wicked problem*: one that doesn’t start or end with a promotion or raise; one that must be thought of in a bigger context and in greater cooperation than yet imagined. I write this because without

*continued on page 8*



Jennifer M. Guenther is general counsel/director for FirstCarbon Solutions, a company that works with clients to improve profitability through sustainability consulting and energy and environmental data management solutions. An experienced land use and environmental attorney in controversial environmental, development and litigation matters, she has appeared before local, state and federal agencies, as well as the California Court of Appeals. She serves as executive editor of Women Lawyers Journal and secretary of the NAWL Board of Directors. She can be reached at [jguenther@fcs-intl.com](mailto:jguenther@fcs-intl.com).





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continued from page 6

understanding the scope of this wicked problem, our daughters and their daughters will continue to feel its effects.

A *wicked problem* is not an evil problem, but one that is defined as “a social or cultural problem that is difficult or impossible to solve for as many as four reasons: incomplete or contradictory knowledge, the number of people and opinions involved, the large economic burden, and the interconnected nature of these problems with other problems.”<sup>1</sup>

## The problem with wicked problems is that changing one dynamic will often change all other aspects of the problem

For example, poverty is linked with education, nutrition with poverty, the economy with nutrition and so on. Not all hard problems are wicked, but most social problems – those without definable scope and scale – are such.

Horst Rittel, one of the first to identify the *wicked problem*, cites 10 characteristics of these issues:<sup>2</sup>

1. Wicked problems have no definitive formulation.
2. It's hard, maybe impossible, to measure or claim success with wicked problems because they bleed into one another, unlike the boundaries of traditional design problems that can be articulated or defined.
3. Solutions to wicked problems can be only good or bad, not true or false. There is no idealized end state to arrive at, and so approaches to wicked problems should be tractable ways to *improve* a situation rather than solve it.
4. There is no template to follow when tackling a wicked problem, although history may provide a guide. Teams that approach wicked problems must literally make things up as they go along.
5. There is always more than one explanation for a wicked problem, with the appropriateness of the explanation depending greatly on the individual perspective of the designer.
6. Every wicked problem is a symptom of another problem.
7. No mitigation strategy for a wicked problem has a definitive scientific test because humans invented wicked problems and science exists to understand natural phenomena.
8. Offering a “solution” to a wicked problem frequently is a “one shot” design effort because a significant intervention changes the design space enough to minimize the ability for trial and error.
9. Every wicked problem is unique.
10. Designers attempting to address a wicked problem must be fully responsible for their actions.

When it comes to gender discrimination in the legal profession, there is discussion on fair wages, on equity vs. non-equity, on access to clients. There is little discussion on the cultural and social aspects that rage outside the law firm's doors. Gender discrimination stems from so many sources: access to education; economics; child-bearing; sexist attitudes; cultural and traditional roles of women; media portrayal; how women see themselves – and on and on. It is easy to pick a single focal point and state that fixing that problem will fix the issue. The problem with wicked problems is that changing one dynamic will often change all other aspects of the problem, and not always for the better.

Tackling a wicked problem is difficult because of the very nature of such problems and as social governance gains a more prominent role in policy making, governments and agencies are starting to take notice and provide guidance.<sup>3</sup> While there is no definitive course of action, there are several key factors that all agree upon:

1. Collaboration is key. It is essential that organizations reach out to gain as many ideas and potential courses of action as possible to gain not only the best perspective on what the wicked problem encompasses, and to better understand how a particular course of action may help or hurt other issues. Different organizations have particular expertise and coordination across organizational boundaries toward key objectives can be extremely effective.
2. Avoid a narrow focus. Assuming that achieving a particular goal or taking a particular set of corrective actions will fix the problem is ignoring the very nature of the wicked problem. Taking a narrow focus is like putting on blinders and assuming that other aspects of the problem won't grow or change, making the current course of action ineffective.
3. Try many things at once. It is tempting to try only one thing at a time with the idea of conserving resources and determining if that one thing will work before moving on to the next. With a wicked problem, such an approach rarely works and will often make the problem worse. A wicked problem is, by its definition, not solvable. Thus, the goal is moving toward a better place or a greater good. Pushing an elephant with one finger won't move the elephant, but many hands can guide it.
4. Flexibility is essential. While a single approach may initially show promise, as the wicked problem fluxes, so must the approach to it. An idea that was

great 10 years ago may become watered down with time and need revision, whereas an idea that seemed implausible 10 years ago may now be technologically and/or socially supported.

5. Engagement of stakeholders. It seems obvious that the engagement of those most impacted is necessary but determining who those stakeholders are can be difficult. If the solutions focus is on a particular group, other groups are going to become disenfranchised and pull away. Where gender discrimination is concerned, the general stakeholders are women. Individual organizations may want to narrow that focus even more. But women make up only a percentage of the population. There are men and children who must also be considered in any solution. It must also be considered whether solution focus is on only the here and now, or if it will

look more to future generations. These are serious questions and the consequence of the decision of whom the organization wants to have engaged at the risk of disenfranchising others must be considered.

I am a lawyer from a mid-sized firm who is now general counsel at a private company. I am a mother, a wife, a sister, a daughter. I am a coach. I am a board member. I am a spokesperson for those who can't always speak for themselves. I choose to engage those who are the stakeholders in conversation and to challenge limitations put forth in fighting the gender discrimination fight. I do this because I believe hard work should be rewarded, and competency regardless of gender is a better discriminating factor. I do this because I see the generations before me who made my list shorter than theirs. I do this because I want my daughter's list to be shorter than mine.

### Endnotes

- 1 See more at: [https://www.wickedproblems.com/1\\_wicked\\_problems.php#sthash.17OglcN6.dpuf](https://www.wickedproblems.com/1_wicked_problems.php#sthash.17OglcN6.dpuf)
- 2 Rittel, Horst. "Dilemmas in a General Theory of Planning." Policy Sciences, 1973: 155-169.
- 3 See, e.g., Tackling Wicked Problems, A public Policy Perspective. Australian Government, Australian Public Service Commission (2007), found at <http://www.enablingchange.com.au/wickedproblems.pdf>.

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## MEETING THE CHALLENGE

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## Senate Judiciary Committee should do its job

*NAWL committee concluded that Judge Garland is ‘well-qualified’ for the position of Associate Justice of the U.S. Supreme Court.*

**By Marsha L. Anastasia**

**Hopefully, regardless of your party affiliation, you feel a sense of excitement about having a woman leading the delegate count for a major political party.**

WHEN I LEARNED OF Justice Antonin Scalia’s passing, I knew that NAWL had important work ahead. We quickly convened our NAWL Supreme Court Committee to begin the critical work of vetting President Obama’s nominee, Judge Merrick Garland.

Our committee was co-chaired by two amazing leaders, JoAnne Epps, Dean of Temple University Beasley School of Law, and Ramona Romero, General Counsel of Princeton University. With a focus on women’s issues, the committee of law professors, general counsel, law firm lawyers and other prominent attorneys dedicated hundreds of hours to reviewing more than 330 opinions and interviewing colleagues, co-workers and subordinates of Judge Garland. Our committee concluded that Judge Garland is “well-qualified” for the position of Associate Justice of the U.S. Supreme Court, NAWL’s highest rating. This was yet another example of the way that the women of NAWL come together to accomplish important work, take a stand and contribute to our legal community.

We did our work. Now we need our senators and our Senate Judiciary Committee to do their work – their constitutionally mandated work – by promptly conducting hearings and voting on the nominee in good faith. The advice and consent process is a pillar of our democracy, not a roadblock to democracy. It should not be a matter of political parties, but rather

an honest vetting of the nominee’s qualifications demonstrated by a vote for or against confirmation.

In another exciting area – politics – women are watching a unique set of presidential campaigns. Hopefully, regardless of your party affiliation, you feel a sense of excitement about having a woman leading the delegate count for a major political party. It is stunning that in our nation’s 227-year presidential history we have never even had a female candidate lead a presidential ticket – and this is already serving as an example to the next generation of female leaders who can now envision themselves on the national stage.

When NAWL held its Mid-Year Meeting in San Francisco in March, we were honored to have Senator Hannah-Beth Jackson as our keynote speaker and our Public Service Award recipient. Our attendees were riveted by Senator Jackson’s tale of her fight for fair pay for women in California. She said it took many years to bring this law to fruition, but in the end, she had men and women, both Democrats and Republicans together, voting for what everyone knew was right – equal pay regardless of gender. Senator Jackson posed a challenge to us to go back to our firms and corporations and demand that they start defining the terms for equal pay.

As I near the end of my term as president of this remarkable organization, I want to thank each of you, our members, for your hard work, your dedication to the cause of advancing women, and your friendship.

*Marsha L. Anastasia*



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Marsha L. Anastasia is vice president and deputy general counsel at Pitney Bowes Inc., where she is responsible for legal affairs of business unit operations in the U.S., Canada and Latin America. Prior to joining Pitney Bowes in 1997, Ms. Anastasia practiced at Day, Berry & Howard (now Day Pitney LLP) in Hartford and Stamford, Connecticut.

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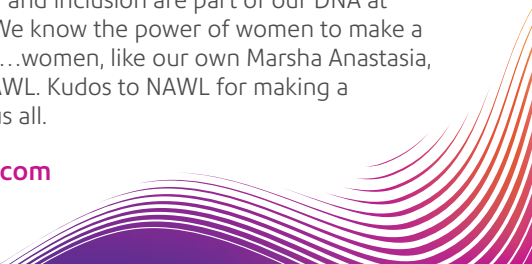


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# How the new science of self-compassion could patch the leaky pipeline

*Women attorneys need strategies to cope with the discomfort, anxiety and stress that come with navigating gendered workplaces – and doing things they are not socialized to do.*

By Kate Mayer Mangan



Kate Mayer Mangan is associate campus counsel at the University of California, San Diego, and she writes about how science can improve our lives at work at [www.donocle.com](http://www.donocle.com). The views expressed here are her own. Currently, she is serving as vice chair of the American Bar Association's Committee on Behavior and Neuroscience and Committee on Attorney Well-being.

\*Both names in this vignette have been changed.

WOULD IT BE BETTER TO VOMIT in the trashcan, where it would stink up the office, or to run down the hall to the restroom, which would alert everyone to her problem? Karen\* contemplated the nauseating dilemma caused by her upcoming meeting with Ralph, the partner with whom she regularly worked. She was going to ask for the origination credit she deserved. She was a central player on the pitch team, but Ralph had given her no credit. Zero!

The meeting went well. Ralph gave her the credit (and she did not throw up), but their relationship became strained and distant. Some of the other partners seemed less friendly, too. Karen couldn't be sure, but she always wondered if temperature shifted because she'd asked

for the credit. Going to work became increasingly tense, miserable and draining for Karen. She frequently wondered why she wasn't tough enough to handle the very consequences she expected. She felt unfocused and like she was coming up short. It was exhausting.

Karen suffered through a familiar dilemma: the job required assertiveness, but assertive women were disliked or seen as difficult. Women lawyers struggle with many such lose-lose situations. Mothers face the stereotype that being both a good mother and a good lawyer is impossible. Bias and discrimination persist. Attorneys working part-time schedules are stigmatized, leaving them afraid to speak up about hours-creep.

These predicaments are widely discussed. What is less discussed is the toll that navigating these situations takes on women. Karen's nerves, nausea and discomfort were typical. Women are two-and-a-half times more likely than men to feel a "great deal of apprehension about negotiating," according to Linda Babcock and Sara Laschever, the authors of *Women Don't Ask*. Ann marie Houghtailing, a business coach who works with lawyers, says that many of her clients suffer from nausea



## LEARN MORE

Check out the book by Kristin Neff, *Self-Compassion: The Proven Power of Being Kind to Yourself*

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Try some online exercises and practices at [self-compassion.org](http://self-compassion.org)

Find a self-compassion workshop or class near you. Many universities and other organizations now offer retreats and courses in mindful self-compassion. [centerformsc.org/centers2](http://centerformsc.org/centers2) offers links to several centers that teach self-compassion.

*Women are two-and-a-half times more likely than men to feel a "great deal of apprehension about negotiating"*

before conversations in which they make requests. When asked to pick metaphors for negotiating, men say things like "winning a ballgame," while women pick things like "going to the dentist," say Babcock and Laschever. It is "better to be a bitch than a doormat," as Professor Joan C. Williams points out at the Gender Bias Learning Project's Double Bind Survival Strategies site. But choosing between being a bitch and a doormat – and living with the consequences of either choice – can be exhausting, disillusioning and miserable. There is no way to win; suffering seems inevitable.

Yet the structural and cultural reforms that might eliminate double binds have been slow coming, if they are coming at all. The top ranks of law are still short on women, and the pipeline is leaking at every stage. Women attorneys need strategies to cope with the discomfort, anxiety and stress that come with navigating gendered workplaces and doing things, such as asking for credit and business, that they are socialized not to do.

An important strategy for surviving (and even thriving) may lie in the burgeoning field of self-compassion, a sentence I am able to write – knowing full well that it

is counter-culture to generations of tough lawyers who pooh-pooh such touchy-feely concepts – only because of the practice of self-compassion. Don't let the name turn you off. The study of self-compassion is a legitimate field of scientific inquiry: in the last decade, over 500 articles and dissertations have been published. And the research is promising for women attorneys everywhere.

## WHAT IS SELF-COMPASSION?

Self-compassion is a way of relating to oneself. It is a relatively new branch of psychology that is based on ancient Eastern traditions. Dr. Kristin Neff, a Professor of Psychology at the University of Texas, Austin, and leading expert in self-compassion, defines it as containing three interrelated components: (1) self-kindness, (2) recognition of our common humanity and (3) mindfulness.

Self-kindness entails offering kindness and understanding to oneself instead of self-criticism and self-judgment. In her book, *Self-Compassion*, Neff writes that the practice "involves *actively* comforting ourselves, responding just as we would to a dear friend

## *The top ranks of law are still short on women, and the pipeline is leaking at every stage*

in need.” When we practice self-kindness, she says, we acknowledge our pain and suffering instead of turning a stoic blind eye toward it.

The second element of self-compassion, recognition of our common humanity, acknowledges both that we are not unique in our suffering and that we are all interconnected. When we practice self-compassion, instead of focusing on how our plights are worse than or different from everyone else’s, we recognize that struggle, suffering, failure and pain are all part of the human experience.

The final element of self-compassion is mindfulness: defined by leading mindfulness researcher Jon Kabat-Zinn as paying attention, in the present moment, on purpose and non-judgmentally. Mindfulness is an essential ingredient of self-compassion because, in order to give ourselves compassion, we must first recognize how we truly feel. If, in our effort to be tough or grind through our to-do list, we deny our painful emotions, we cannot possibly respond to them with compassion. Because it is a gentle, non-judgmental awareness, mindfulness also

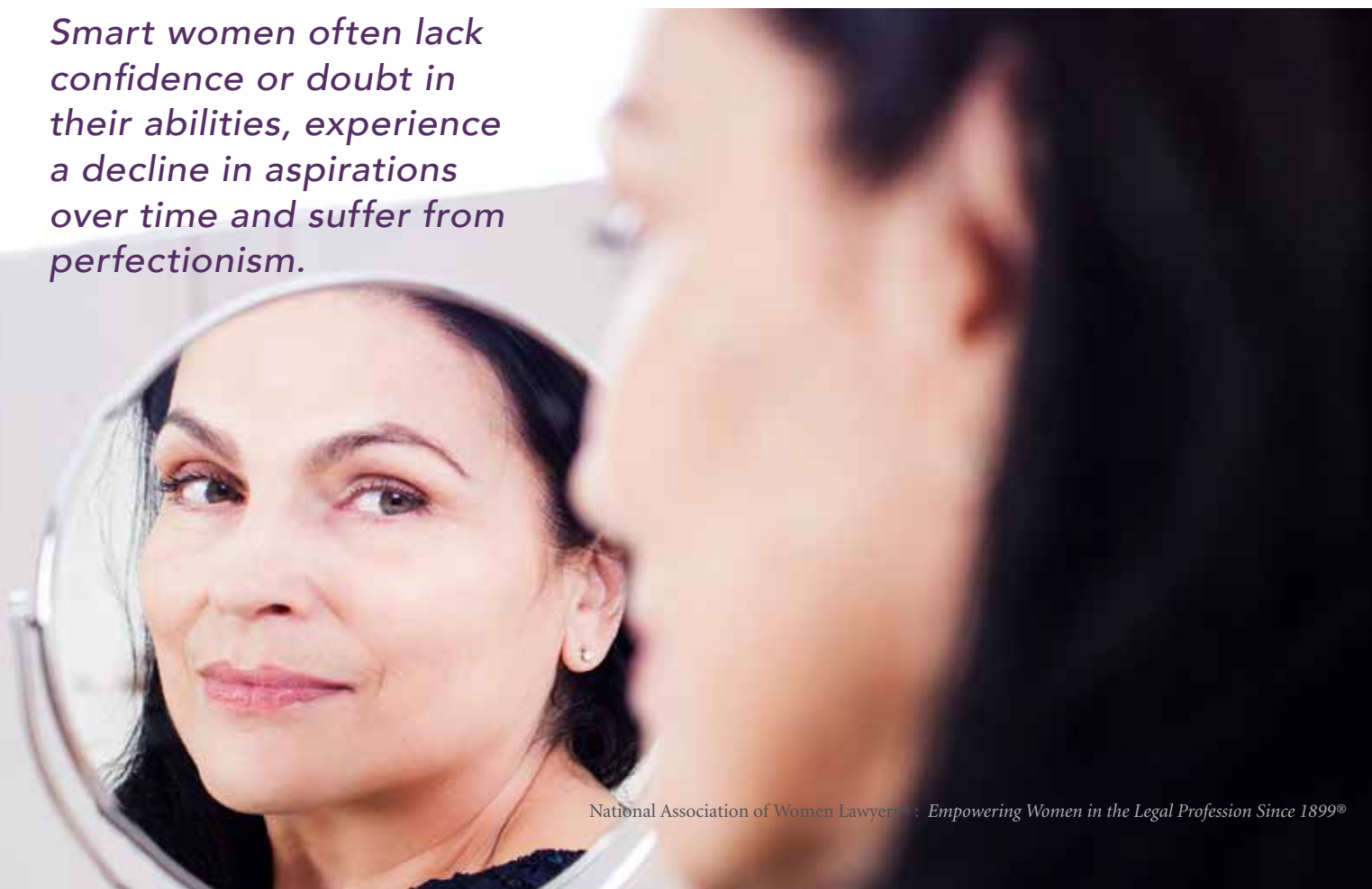
helps us see emotions as they really are, not according to the elaborate stories our minds can construct.

### **SELF-COMPASSION CAN BE LEARNED**

People can learn to be more self-compassionate quite quickly. In clinical populations, compassion-focused therapy has been shown to reduce depression, shame, self-attack and feelings of inferiority. Participants in an eight-week course, “Mindful Self-Compassion,” showed a 43 percent increase in self-compassion, as well as significant increases in mindfulness, life satisfaction and happiness. They also showed significant decreases in depression, anxiety and stress. Impressively, these changes persisted a year later. A shorter, three-week intervention resulted in 21 percent increases in self-compassion. Even a seven-day online intervention in self-compassion significantly increased participants’ happiness and reduced their depressive symptoms.

The rapidity with which people achieve meaningful changes in self-compassion is important for busy attorneys. Indeed, the effectiveness of self-compassion

*Smart women often lack confidence or doubt in their abilities, experience a decline in aspirations over time and suffer from perfectionism.*





education is a key reason that self-compassion has the potential to be part of the solution to one of law's stickiest problems, the attrition of women.

### **DON'T WORRY; YOU WON'T BECOME LAZY**

Many people hesitate to try becoming more self-compassionate. They worry that they will end up hosting their own pity parties or indulging their every whim. To the contrary, self-compassion is not about self-indulgence, self-pity or laziness. Far from it. It turns out that self-compassionate people tend to be highly motivated to grow, learn and change. They just do it in ways that are supportive and lacking in self-criticism. They are less afraid of failure and rejection, which enables them to take greater risks and stretch themselves. Self-compassionate people actually are less likely to get sucked into a "poor me" spiral because they realize that suffering is part of our common humanity. They know that we all

suffer. They also can see their struggles more clearly and accurately, so are less prone to exaggerate problems. For an excellent rebuttal to the most common concerns about practicing self-compassion, check out the University of California at Berkeley's Greater Good Science Center video online at this link: [bit.ly/mangan1](http://bit.ly/mangan1).

### **HOW SELF-COMPASSION COULD PATCH THE PIPELINE AND INCREASE DIVERSITY IN OUR PROFESSION**

The research on self-compassion reveals that people with higher self-compassion exhibit many of the traits that women need to succeed in the law – and that smart women often lack. Gifted women, in particular, tend to harbor a number of internal barriers to their success, as the United Nations Division for the Advancement of Women summarized in the paper "Boys' mind, girls' heart: Barriers to the realization of potential in gifted girls." Specifically, smart women often lack confidence or

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## *One of the more robust research findings is that self-compassionate people are more resilient in the face of hardships and setbacks*

doubt their abilities, experience a decline in aspirations over time and suffer from perfectionism. The Imposter Syndrome, in which women feel like they are frauds despite their achievements, will sound familiar to many women lawyers. All of these internal barriers could be eroded by more self-compassion. Here are some of the key findings that suggest self-compassion could help women lawyers.

**MORE RESILIENCE.** One of the more robust research findings is that self-compassionate people are more resilient in the face of hardships and setbacks than those who are less self-compassionate. People with high self-compassion tend to view life events, not as catastrophes, but as challenges that will pass or can be overcome. Studies show that self-compassionate people exhibit less anxiety after a difficult task and view thwarted goals as less problematic.

Women lawyers face innumerable challenges, ranging from outright discrimination to the everyday difficulties of being a lawyer. Self-compassion could help more of them bounce back from inevitable setbacks, enabling them to continue practicing at their highest potential. A negative review, a prospective client saying no or losing a major motion would not derail self-compassionate women. Women like Karen, whose story was shared at the beginning of this article, who suffer after negotiating (or after choosing not to negotiate), might feel stronger despite their difficult choices and ensuing consequences. They might return to their work with more zeal and greater satisfaction. This kind of resilience is a trademark of women who do make it to the top. Women like Justices Sandra Day O'Connor and Ruth Bader Ginsburg are famed for their resilience, precisely the kind of resilience most of us could use more of.

*For attorneys, who must do a lot of learning on the job and who frequently work on matters in which mistakes are unacceptable, high self-compassion could help women take the necessary risks to excel.*

**MORE CONFIDENCE.** People with significant self-compassion also are less afraid of failure and more confident in their abilities – again, traits that are critical to thrive in our profession. Self-compassionate people take more risks, are more proactive and try harder to learn and to avoid repeating past mistakes. Researchers posit that this may have something to do with feelings of self-worth that are not contingent on external circumstances, which can help people feel confident to try new things, regardless of the risk of failure.

For attorneys, who must do a lot of learning on the job and who frequently work on matters in which mistakes are unacceptable, high self-compassion could help women take the necessary risks to excel. They might be more willing to seek mentorship and feedback. They might seek out more clients, enabling them to build bigger books of business. When rejection occurs, as is inevitable, self-compassion can help women bounce back to ask again and again and again. Proactivity is critical; so much so that it was the theme of last year's address by Mary Jo White, SEC chairwoman, at the National Association of Women Lawyers' Annual Meeting. More self-compassion could engender the risk-taking that many women find difficult.

**LESS FEAR, MORE PROACTIVITY.** Studies have found that people with higher self-compassion have more motivation to change for the better. When they are on committees or in positions of power, confident, resilient women might be more likely to advocate for major changes that would, ultimately, result in structural reforms that would enable others to stay and thrive. Arguing for big changes can be risky; high levels of self-compassion help people feel safe enough to take the bigger risks. Self-compassionate women might be more likely to speak up about problems like part-time hours creeping into full-time territory or unequal pay. With increased confidence, security and non-contingent self-worth, women might be more willing to rock the boat and raise these problems, thus protecting themselves and encouraging structural changes.

**LESS SUFFERING, LESS ATTRITION.** Finally, self-compassion simply may make people feel better, despite the inevitable challenges of life. Studies repeatedly show that people high in self-compassion experience less stress, less depression, less anxiety and greater satisfaction

with their lives. Perhaps, then, day-to-day bias, stigma and struggles might cause slightly less pain to a highly self-compassionate person, who gathers much of her self-worth from intrinsic factors. With less unhappiness, perhaps fewer women would leave.

Importantly for women lawyers, self-compassion is strongly associated with feelings of greater social connectedness. Being a female attorney in a male-centric culture can be lonely and isolating, especially as women climb the ladder and may increasingly be the only woman at the table. Self-compassion may help mitigate the feelings of being in an out-group, which could help women feel less ostracized at work. Perhaps, if women felt a bit less alone and a bit less unhappy and anxious at work, they might stay in the profession more frequently.

McKinsey & Company, in a report entitled *Unlocking the Full Potential of Women at Work*, concluded that individual mindsets of women are key to their success. “[A]mong the successful women we interviewed, more than half felt they held themselves back from accelerated growth.” They believed they should have cultivated sponsors who would have pushed them to take opportunities, should have “raise[d] their hands” and “considere[d] stretch roles.” Perhaps highly self-compassionate women, with their increased resilience, confidence and proactivity would raise their hands,

stretch themselves and take more risks – and be happier doing so.

Megan Leuchars, who teaches self-compassion at the University of California at San Diego and at workplaces throughout the country, says, “Self-compassion has tremendous potential to help people cope with difficult workplace cultures. It can give them a powerful tool to protect themselves while they keep working toward their goals.”

The double binds and biases that Karen confronted are not going away any time soon. But, perhaps, with a little more self-compassion, the nausea won’t be so bad. Perhaps women will ask for what they need with a bit less suffering. Perhaps, then, they can better weather the challenges they face so they can contribute at their highest potential and advocate for the changes that will enable others to do the same. ■

*Studies repeatedly show that people high in self-compassion experience less stress, less depression, less anxiety and greater satisfaction with their lives.*







# Willebrandt, Carloss, Margolin and Rosenberg

## Four 20th century superstars of the Supreme Court bar.

By Marlene Trestman

With a Supreme Court vacancy to fill, and a presidential election looming, it's difficult to escape discussion about the importance of gender in filling these powerful posts. While qualifications remain the single most important criterion, each time a qualified woman assumes a job in a field dominated by men, and skillfully fulfills her duties, she makes it easier for more women to follow. And it's wonderful to realize that we've reached a day when gender is no longer an insurmountable obstacle to a seat on the Supreme Court or to being a leading candidate for the top job in the White House.

With regard to the Supreme Court in particular, Sandra Day O'Connor's 1981 historic appointment helped soften if not eliminate remaining gender-based opposition to the appointments of Ruth Bader Ginsburg, Sonia M. Sotomayor and Elena L. Kagan. But the journey to a seat on the High Court bench for each of these four jurists was aided by the increasing number of female lawyers who earlier presented arguments at the Supreme Court, especially those women who argued frequently and skillfully enough to attain the respected status of elite Supreme Court practitioners. Mabel Walker Willebrandt, Helen R. Carloss, Bessie Margolin and Bea Rosenberg – whose 20<sup>th</sup> century legal careers featured a stunning number

of Supreme Court arguments compared to all female and most male colleagues – are particularly noteworthy for promoting public acceptance of a woman's place at the Marble Palace, both in front of, and on, its bench. Together, this highly regarded foursome of federal government attorneys argued 102 times at the Supreme Court over 50 years, from 1921 through 1971, with at least one of them presenting argument during each of 38 terms. They jointly account for almost half (102 of the 235, or 43 percent) of all arguments presented by women during these years. Instead of the clichéd contempt, their familiarity seems to have bred a growing sense of comfort with the role of women at the Supreme Court.

Early in the process of writing a book about Bessie Margolin, I also researched and published two brief articles about the Supreme Court careers of pioneering women, including Willebrandt, Carloss and Rosenberg.<sup>1</sup> Later, however, as Margolin's biography neared publication, a question lingered: I had already figured out, by compiling a list of the first 101 women to argue at the Supreme Court, that Margolin was the 25<sup>th</sup> woman ever to do so. I also had learned that her 24 arguments earned her third place among the top women advocates of her time, right behind Willebrandt and Rosenberg and right ahead of Carloss, who argued 29, 28 and 21 arguments, respectively. But my list



Marlene Trestman, former special assistant to the Maryland Attorney General, began her law career in 1982. She has taught law at Loyola University of Maryland's Sellinger School of Business & Management, where she earned her M.B.A. She twice received the Attorney General's Exceptional Service Award and in 2004 was named Isidore Newman School's Distinguished Alumnus. She currently serves on the board of the Advocates for Goucher's Prison Education Partnership.

# No other woman argued at the Supreme Court as many times prior to 2000 as any of the first fabulous four

of 101 women ended with arguments in April 1974. Had any other woman, in the remaining 26 years of the 20<sup>th</sup> century, surpassed the number of Supreme Court arguments presented by superstars Willebrandt, Rosenberg, Margolin and Carloss?

Fueled equally by curiosity and stubbornness, I completed the tedious yet intriguing tally of all female Supreme Court advocates of the 20<sup>th</sup> century. Although several impressive female advocates came close, I have now confirmed that no other woman argued at the Supreme Court as many times prior to 2000 as any of the first fabulous four.<sup>2</sup>

## Mabel Walker Willebrandt (b. 1889, d. 1963)

As indicated by her appearance on the cover of Time Magazine in 1929, Mabel Walker Willebrandt was considered the most famous woman lawyer of her time, as well as the most famous American woman who was not in the movies. Her celebrity recently was revived by Ken Burns' 2011 PBS documentary, *Prohibition*, and by the character of federal prosecutor Esther Randolph in the HBO television series *Boardwalk Empire*.

The Missouri-born Willebrandt taught and ran an elementary school while taking evening law classes at the University of Southern California. Even before she received her law degree in 1916, she vigorously defended women in thousands of pro bono cases in the police courts, and later became Los Angeles's first female public defender. By 1921, her connections and sterling reputation led President Warren G. Harding to appoint her United States Assistant Attorney General – only the second woman to hold the post – making her the highest-ranking woman in the federal government. Willebrandt assumed

the Justice Department's job of enforcing the National Prohibition Act, commonly known as the Volstead Act, to implement the 18th Amendment.

Although she had never before supported the temperance movement, she took her job

seriously, using her fame to spread her law and order message. For example, Willebrandt, who joined the National Association of Women Lawyers right after law school, used her keynote address at the group's 1922 annual banquet to urge her fellow women lawyers to "fight to uphold ideals" in the face of increasing lawlessness. "What you need to do," she told the assembled crowd, "is to stand out for truth and learning and culture rather than the size of fees."<sup>3</sup>

Willebrandt's zealous enforcement of the law, which earned her the moniker "Prohibition Portia," also spurred numerous legal challenges over the interpretation of the Volstead Act and the federal tax laws she used as prosecution tools. Within her eight years at the Justice Department, Assistant Attorney General Willebrandt argued 28 times at the Supreme Court. After she left the federal government in 1929 for private practice, she returned to the Supreme Court in 1933 for her 29th and final argument, this time to represent a radio station seeking a federal broadcast license.

All told, Willebrandt's 29 Supreme Court arguments encompassed 37 separately docketed cases. Only the ninth woman ever to argue at the Supreme Court, her appearances spanned 13 years, during which she appeared for argument in eight different terms of court. Evidencing her unique status, Willebrandt was the only woman to argue at the Supreme Court during its 1921, 1923 and 1927 Terms, yet she argued 10 times during the 1927 Term alone. She prevailed in whole or in large part (in the cases for which she presented) in 19 of her 29 arguments (66 percent).

## Helen Rembert Carloss (b. 1894, d. 1948)

Born in Yazoo City, Miss., Helen Carloss moved to Washington, D.C., in 1918 where she worked as a clerk in the income tax division of the Internal Revenue Service. With a 1923 law degree from George Washington University, Carloss advanced to a technical position in the IRS' rules and regulations section. She seized a vacancy to join the Justice Department in 1928, where she worked with Willebrandt for a year, and formed part of the nucleus around which the Tax Division was later organized. As Special Assistant to the Attorney General in charge of the Division's appellate work, Carloss crisscrossed the country, becoming the first woman to

**Mabel Walker Willebrandt was considered the most famous woman lawyer of her time, as well as the most famous American woman who was not in the movies.**

As Special Assistant to the Attorney General in charge of the Division's appellate work, Carloss crisscrossed the country, becoming the first woman to argue appeals in every federal circuit court, and recouped large sums of unpaid taxes for the federal government.

argue appeals in every federal circuit court, and recouped large sums of unpaid taxes for the federal government. Acknowledging her expertise in tax law and her skill as an oral advocate, Judge Learned Hand of the Second Circuit, reportedly praised Carloss as "one of the best men who appears before our court."

Carloss, who was admitted to the Supreme Court bar in October 1929, presented her first argument at the Supreme Court in April 1938, only the 18th woman to ever argue there, and the lone woman to do so during the 1937 Term. By her final argument, which spanned two days in November 1945, she had argued on behalf of the federal government 21 times, encompassing 31 separately docketed cases. She argued during each of eight terms, including the 1944 Term in which she presented argument six times. Carloss prevailed (in the cases for which she presented) in 12 of her 21 arguments (57 percent).

A rare female authority on the High Court's protocols, in 1944 Carloss offered her expert advice in this magazine on what the well-dressed woman lawyer wears before the Supreme Court.<sup>4</sup> When Carloss unexpectedly died in 1948, the Women's Bar Association of the District of Columbia held a memorial service in her honor at the Supreme Court, where Attorney General Tom Clark, among others, sang her praises. Several Justices sent tributes, including Justice Felix Frankfurter who wrote, "At the end of less than five minutes of her argument, she left no doubt in my mind that I was listening to a lawyer of distinction. During the course of the years, no lawyer whom I heard often so consistently confirmed that first impression. In her, reason and art and character were fused; advocacy at its best resulted. Our profession should cherish the memory of one who adorned it."

## Bessie Margolin (b. 1909, d. 1996)

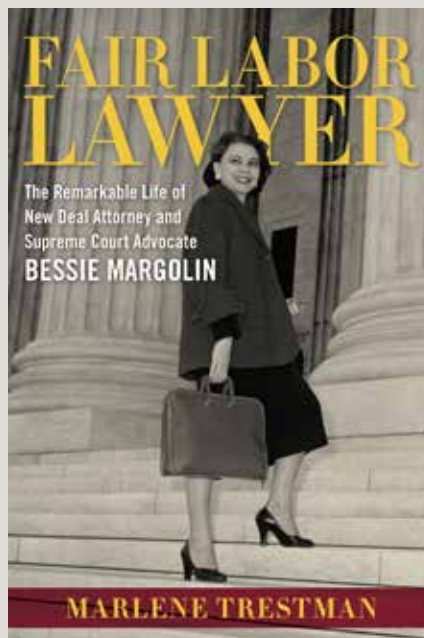
Bessie Margolin was born in the Brownsville neighborhood of Brooklyn, N.Y., to Russian Jewish immigrants. Following her mother's death, four-year-old Margolin was admitted to the Jewish orphanage in New Orleans where she spent the next 12 years. After two years at Newcomb College, she transferred to Tulane University, from which she jointly received her bachelor's degree and

her law degree, with honors and as a law review editor. She moved to New Haven to work as a research assistant to a Yale scholar in conflicts and comparative law, and by 1933 became the first woman awarded Yale's Sterling Fellowship, which she used to earn her doctorate in law. Having learned the art and craft of appellate and Supreme Court brief writing during six years at the New Deal's

## Want to know more?

Author Marlene Trestman shared similar life experiences with Bessie Margolin – albeit 50 years apart. Both grew up as wards of New Orleans's Jewish Orphans' Home (or its successor, the Jewish Children's Regional Service in Marlene's case) and for that reason were educated at the Isidore Newman School. Years later, Trestman was inspired

to contact Margolin. The two became friends and Margolin served as mentor to Trestman. Upon Margolin's death in 1996, Trestman set about documenting her life. The result is *Fair Labor Lawyer: The Remarkable Life of New Deal Attorney and Supreme Court Advocate Bessie Margolin* (LSU Press, Southern Biography Series, 2016), available on Amazon in both Kindle and print editions. More information is at [www.marlenetrestman.com](http://www.marlenetrestman.com).



## Assistant Attorney General Willebrandt argued 28 times at the Supreme Court

Tennessee Valley Authority, Margolin plied those skills at the Labor Department, enforcing the nascent Fair Labor Standards Act (FLSA).

By 1945, just as Carloss had done in federal tax cases, Assistant Labor Solicitor Margolin had argued FLSA appeals in every federal circuit, earning the respect and confidence of Solicitor General Charles Fahy who assigned Margolin her first Supreme Court argument. Over the next 20 years, with similar assignments from successive Solicitors General, Margolin presented a total of 24 Supreme Court arguments, comprising 27 separately docketed cases, all involving the FLSA or related labor statutes. She appeared for argument in 13 terms of Court, presenting as many as four arguments in each of two terms.

By the time Margolin retired as Associate Labor Solicitor in 1972, she had prevailed (in the cases for which she presented) in 21 of her 24 Supreme Court arguments (87.5 percent), prompting Chief Justice Earl Warren to describe her great contribution to millions of American working people as the “flesh and sinews” she developed around the “bare bones” of the FLSA, as she “proved equality for [women] in a man’s world.”

Like Willebrandt and Carloss before her, Margolin was no stranger to NAWL; she delivered the luncheon address at NAWL’s 1966 annual conference in Montreal. While highlighting the federal government’s general “glowing” progress in employing women, she decried “some significant dark spots,” including the minimal number of women appointed as hearing examiners, which she found difficult to explain on any basis other than sex discrimination, and “the present dearth of women federal judges.”

### Beatrice Rosenberg (b. 1908, d. 1989)

Bea Rosenberg was born in New York City but spent much of her childhood in Newark, N.J. A Phi Beta Kappa graduate of Wellesley (Mass.) College, Rosenberg graduated with honors in 1936 from New York University Law School, where she also served on the law review. In 1943, after several years working for a solo law practitioner in Queens, N.Y., she joined the Justice Department where she later became chief of the appellate section of the Criminal Division, sharing her vast expertise by supervising and mentoring lawyers

early in their brief-writing careers. In 1972, she joined the appellate division of the general counsel’s office of the Equal Employment Opportunity Commission, which had just been empowered to file court suits to enforce compliance with Title VII and where she served as the “grand dame” of the law until she retired in 1979.

Admitted to the Supreme Court Bar in 1943, Rosenberg never argued more than twice during any single term of the court, but she presented arguments in each of 20 different terms, spanning a total of 35 years. Arising from 31 separately docketed matters, she prevailed (in the cases for which she presented) in 18 of her 28 arguments (64 percent).

Just as Willebrandt and Carloss had worked together, Margolin and Rosenberg occasionally joined their considerable forces. They co-wrote the merits brief for a Supreme Court case arising from the government’s 1952 criminal prosecution of a corporation for FLSA violations (*United States v. Universal Corp.*, 344 U.S. 1952), and, in the early 1970s, collaborated to fight sex-based job discrimination by harmonizing the mandates of the Equal Pay Act and Title VII.

The Federal Bar Association’s District of Columbia Chapter acknowledged Rosenberg’s important contributions in 1970 by making her the first female recipient of the Tom C. Clark Award for outstanding government service by a lawyer. In 1978, despite her reputation as a “titan” among lawyers and as “the foremost appellate advocate in the country” of her time, when interviewed by the District of Columbia Bar Association for a profile in its magazine, the self-deprecating Rosenberg rebuffed, “Can’t you find someone more interesting to write about?” A member of the D.C. Bar Association’s Board of Professional Responsibility, Rosenberg co-chaired to the effort to revise the disciplinary rules in 1982. Following her death in 1989, the D.C. Bar again honored Rosenberg by creating a special award in her memory, which is presented annually to a bar member whose career exemplifies the highest order of public service.

### The Legacy of the Fabulous Four

Sandra Day O’Connor and Ruth Bader Ginsburg were mere babies when Willebrandt argued for her 29<sup>th</sup> and final time at the high court, and they were still only in



Admitted to the Supreme Court Bar in 1943,  
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their teens when Margolin and Rosenberg began their Supreme Court careers. But the frequency and skill with which Willebrandt, Carlross, Margolin and Rosenberg appeared at the Marble Palace had certainly made the place more hospitable to women lawyers, and eventually to women justices.

In numbers alone, by the time Rosenberg argued for her 28th and last time in 1971, a total of 83 women had presented a total of 235 arguments at the Supreme Court. Just 10 years later, by the time President Ronald Reagan appointed Sandra Day O'Connor as the first female justice, 183 women had argued a total of 403 times. And by President Clinton's 1993 nomination of Ruth Bader Ginsburg, 422 women had argued a combined 748 times, including the six arguments she presented as the Supreme Court's 92<sup>nd</sup> woman advocate.

But neither frequent appearances nor expertise as Supreme Court advocates prevented the gender of female Supreme Court advocates from being noticed, for better and for worse. Take for example the notes Justice Frankfurter sent from the bench during the 1950s to Philip Elman, an Assistant Attorney General and former law clerk. In one, Frankfurter (who had earlier praised Carlross) summed up Margolin as "a very good girl & a good advocate but not a lawyer of unsettling brilliance apart from her deft use of feminine charms."<sup>5</sup> In a less charitable assessment, Frankfurter opined that Rosenberg should be urged "to persist in the beautifying hair-do she had some time ago. I HAVE TO LOOK AT HER."<sup>6</sup>

Despite the snide comments recorded by Frankfurter, and other indignities likely whispered by persons who did not reduce them to writing, the next few decades

witnessed a further evolution in the acceptance of women, or at least of the idea of women, at the Supreme Court. In 1965, during the Johnson Administration, the *Washington Post*, unmistakably referring to Margolin in all but name, reported that a "campaign was quietly underway to win a lower court appointment for a lady lawyer in the Labor Department as a steppingstone to the Supreme Court."<sup>7</sup> And in 1971, *The New York Times* was one of several newspapers to report that the Nixon Administration had seriously considered Rosenberg for a seat on the Supreme Court.<sup>8</sup>

If Willebrandt, Carlross and Rosenberg were anything like Margolin as I came to know her, they would have been thrilled that four women have now taken their places on the bench before which they had the honor of presenting so many arguments. They might even have felt a well-earned sense of pride in knowing they had helped to smooth the path for their subsequent sisters-in-law.

As of this writing, only two women have surpassed Willbebrandt's record of 29 arguments. Lisa S. Blatt holds the current record with 33 arguments and Federal D.C. Circuit Court Judge Patricia A. Millett, who argued 32 times at the Supreme Court prior to her judicial appointment in 2013, has been mentioned as a possible Supreme Court nominee. ■

## Endnotes

- 1 "Addenda to 'Fair Labor,'" 38 *Journal of Supreme Court History* 252-260 (2013); and "The First 101 Women to Argue at the United States Supreme Court," available at [http://supremecourthistory.org/history\\_oral\\_advocates.html](http://supremecourthistory.org/history_oral_advocates.html).
- 2 The author's tally of all 548 women to argue at the Supreme Court in the twentieth century will be available on the Supreme Court Historical Society's website. As shown on that tally, within the last 27 years prior to 2000, Harriet S. Shapiro, argued an impressive 17 times, followed by Amy L. Wax with 15 arguments, and Beth Brinkmann and Kathryn A. Oberly with 14 arguments each.
- 3 "Annual Banquet of the Women Lawyers' Association," 11 *Women Law. J.* 1 (1922). For more information about Willebrandt, see Cecilia Rasmussen, "Prohibition Portia: The Pioneering Career of Mabel Willebrandt," 86 *Women Law. J.* 9-10 (2010). See also Cushman, Clare, ed., *Supreme Court Decisions and Women's Rights* (Washington, D.C.: CQ Press, 2001), 227-229.
- 4 "What Does the Well Dressed Woman Lawyer Wear Before the United States Supreme Court?" 30 *Women Law. J.* 15 (1944).
- 5 Felix Frankfurter to Philip Elman, Nov. 18, 1959, file 3-91, Papers of Philip Elman, Harvard Law School.
- 6 Frankfurter to Elman, n.d., file 3-80, Papers of Philip Elman, Harvard Law School.
- 7 Marie Smith, "Where Are All the 'Can-Do' Women?" *Washington Post*, May 30, 1965.
- 8 Fred P. Graham, "Nixon is Unlikely to Name Woman to Court," *New York Times*, Sept. 30, 1971; "Three of Highest Paid Women Work for Hoover," *Boston Record American*, Nov. 22, 1971.



# All stress is not bad

The way you think about stress might be your best weapon in managing it.

By Paula Davis-Laack

**D**id you drive to the office this morning wondering whether your work stress could kill you? Me neither, but I was recently interviewed on several national radio programs about stress. The focus: “How Work Stress Can Kill You, Literally.” Not exactly a light topic for the morning drive, yet I’m guessing that many of you experience some level of stress from your law practice.

Most stress-related articles tend to focus on the negative impact stress can have. It’s true. Too much stress can be harmful. I know firsthand, having experienced

burnout at the end of my law practice. In addition, a new study from Harvard and Stanford researchers ([bit.ly/wljlaack1](http://bit.ly/wljlaack1)) quantifies the cost of stress in the workplace, both in terms of mortality and associated healthcare costs. What they found is that 10 different workplace stressors (such as low job control, high job demand, unemployment and lack of high-quality work relationships) contribute to more than 120,000 deaths each year and \$190 billion in healthcare costs.

While studies and articles like this abound, they don’t tell the entire story. A 2012 study ([bit.ly/wljlaack2](http://bit.ly/wljlaack2))



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*Workplace stressors (such as low job control, high job demand, unemployment and lack of high-quality work relationships) contribute to more than 120,000 deaths each year and \$190 billion in healthcare costs.*

summarized results from a survey of almost 29,000 adults that asked them two questions:

1. How much stress did you experience in the last year?
2. Do you believe that stress is harmful to your health?

Eight years later, the researchers checked to see whether stress impacted rates of mortality for these participants. What they found was that the participants with high levels of stress were more likely to die – *but only if they also believed that stress was harmful to their health*. The people with high levels of reported stress who did not believe that stress was harmful actually had the lowest risk of death of any group in the study.

### THE NEW SCIENCE OF STRESS – MINDSET MATTERS

As it turns out, the way you think about stress might be your best weapon in managing it. The mindsets you adopt can have a powerful influence over your judgment, health and behavior. Hotel room attendants who adopted the mindset that their work was exercise showed significant reduction in blood pressure, weight, BMI and hip to waist ratio. People who had a negative mindset about aging were less likely to adopt helpful behaviors such as exercising and eating well. And individuals who believed they were drinking a yummy, high-calorie milkshake felt more full (as shown by a steeper drop in the hunger-inducing hormone ghrelin) compared to the group who thought the shake was a healthy, low-calorie drink.

But if you're one of the many millions of people who really do think that stress is harmful, how to do you start to develop more of a "stress helps" mindset? According to psychologist and researcher Alia Crum, there is a three-step process to help you get started:

1. Acknowledge stress when you experience it and notice how it impacts you psychologically and physically.
2. Recognize that stress is a response to something you care about. Try to connect to the positive motivation behind the stress.
3. Make use of the energy stress gives you.

Crum and her colleagues found that people who endorse a "stress helps" mindset reported less depression, anxiety and higher levels of energy, work performance and life satisfaction.

### BEYOND FIGHT OR FLIGHT

The popular view of stress is that it elicits a fight or flight response. When you experience stress, your body gears up to either fight it or run from it. In reality, there are several different types of stress responses. In addition to fight or flight, you may experience a challenge response to stress which means that a stressor may motivate you to rise to the occasion, increase your confidence and help you learn from mistakes. Stress can also cause you to seek out other people – something called the "tend and befriend" response to stress.

Last year before one of my speaking engagements, the speaker before me leaned over and said, "I always get so nervous before I speak." That prompted us to have an interesting conversation about the different strategies we use to calm our nerves, and we both left the conversation feeling less stressed. This is a specific example of my colleague using stress to connect and diffuse her nervousness before her performance.

It's time for us to start having a more balanced conversation about stress. While chronic stress exists and isn't good for our mental or physical health, there is so much more to the stress story than "stress is bad." ■

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## Mourning the loss of Virginia S. Mueller, NAWL President from 1985-1986

*A keen advocate for international human rights,  
she also was an international liaison for NAWL*

**By Jennifer A. Waters, NAWL executive director**

**Virginia S. Muller operated a successful solo practice that earned her the first Distinguished Businesswoman Award given by the Sacramento Metropolitan Chamber of Commerce in 1980.**



This year we mark the loss of Virginia S. Mueller, NAWL President from 1985-1986, pioneer and leader of the legal profession. She graduated from Cornell University Law School in 1946 and began her career as a research attorney with the First District Court of Appeal. In March 1959, Virginia was chosen to serve in the Office of the District Attorney of Sacramento as the first woman

deputy because she was the best person for the job, which in 1959 meant that she was leagues more qualified than any of the male applicants. In 1961 she was one of the founding members of the Women Lawyers of Sacramento, which named a scholarship in her honor in 1997.

Virginia began what would be a lifelong dedication to pro bono work practicing as a staff attorney at the Legal Aid Society of Sacramento County from 1966-1971. She received the Voluntary Legal Services Program of Northern California's June Black Pro Bono Award in 2002 for her longtime commitment to pro bono work and her dogged representation of an indigent mother

Jennifer Waters is executive director of the National Association of Women Lawyers where she directs the organization's operations and implementation of the strategic plan. Prior to her work at NAWL, Waters was a litigator at a Chambers-ranked boutique law firm in Chicago handling complex commercial litigation. Waters graduated from Princeton University in 1998 and earned her J.D. from Northwestern University School of Law in 2002.



in a complex interstate custody battle. All the while, beginning in 1971, Virginia operated a successful solo practice that earned her the first Distinguished Businesswoman Award given by the Sacramento Metropolitan Chamber of Commerce in 1980.

Virginia was a keen advocate for international human rights and served as an international liaison for NAWL, securing its status as a UN non-governmental organization observer. As chair of the ABA International Courts Committee in the 1970s, she secured ABA endorsement of the Genocide and Racial Discrimination Conventions. As a result of all of Virginia's work to better the profession on behalf of NAWL, she received the Lifetime Achievement Award at NAWL's 2002 Annual Meeting.

In an organization full to the brim with fabulous women who dedicate hundreds of hours and immeasurable talents to NAWL, the organization chose to honor Virginia by naming its annual Outstanding Member Award after her. In 2008, when she arrived for the Annual Meeting at which the naming was announced, she was told that the program was full and there was not an opportunity for her to speak during the luncheon but that she would be acknowledged from the stage. At the appointed time when the announcement was made that the award was being named in her honor, she took the stage anyway, regaling the crowd with wonderful stories and inspiring a standing ovation. Such was typical for the woman who blazed a trail for so many to follow and inspired NAWL and so many others to make change in the profession and in the world.

Virginia was always a familiar and welcoming face at NAWL events and will be missed. But it is extremely fitting that NAWL continues to honor her work and her dedication to NAWL and NAWL's mission by honoring those who exhibit exemplary contributions to the organization and to advancing women in the legal profession. ■

## Keep us informed

Let our readers know what is going on in your firm. Send your news about people, awards, programs, etc., to Kelsey Vuillemot at [vuillemotk@nawl.org](mailto:vuillemotk@nawl.org) or Laura Williams at [williamslaura2000@hotmail.com](mailto:williamslaura2000@hotmail.com).

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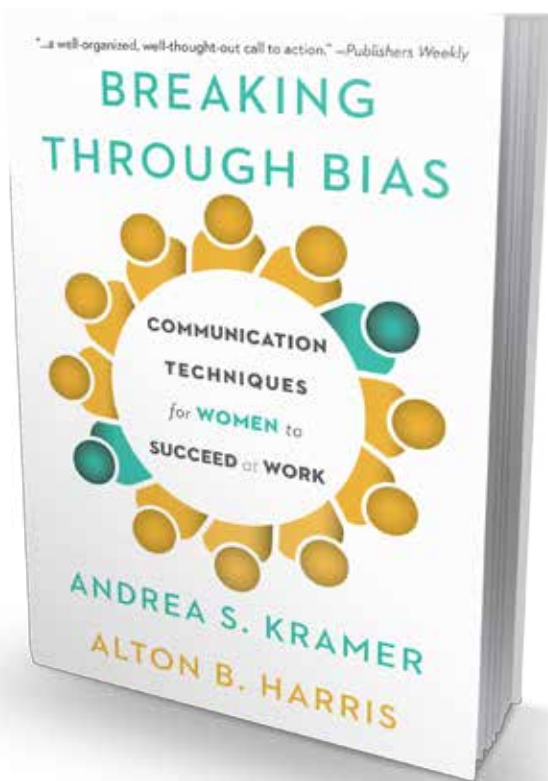
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## New book offers advice for navigating gender-bias minefield

*Breaking Through Bias: Communication Techniques for Women to Succeed at Work, By Andrea S. Kramer and Alton B. Harris*

**Reviewed by Kate Ahern, J.D., LL.M.**

**A**NDIE KRAMER, AND HER HUSBAND, AL HARRIS, just wrote the book that every professional woman needs to read.

The path that led to my good fortune in reading and commenting on advance chapters of this incredibly valuable book started years ago when I heard Andie speak at a NAWL Pipeline to Equity Partnership program. I took copious notes, which tends to happen around her.

In the years since, Andie has been an incredible mentor to me, talking me through challenging career situations, inviting me to events, introducing me to other amazing women, helping me to see the legal environment more clearly, supporting my efforts to help other women and making a substantial and lasting effect on my life and career. Of course, I am just one example. Andie's personal interactions with

others and leadership by example have an enormous aggregate effect on women.

Fortunately, Andie is just getting started. In the *Women Lawyers Journal* (2015, Vol. 100, No. 3) Andie wrote: "Women need a set of skills that allow them to address gender bias in a way men simply don't need to worry about." Now, she and Al have written a book with tremendous potential to substantially affect the advancement of women by providing clear steps to identify and navigate gender issues. Andie and Al are attorneys both familiar with the challenges facing women, and they offer unique, complimenting female and male perspectives. In *Breaking Through Bias: Communication Techniques for Women to Succeed at Work*, Andie and Al efficiently convey the wisdom of years of experience and piles of research in a practical, matter-of-fact



Kate Ahern (J.D., LL.M.) is the founder of WomenLawyersNews.com, an efficient place to keep track of relevant resources, tools, organizations and conversations that support women lawyers. Kate is also a Visiting Law Professor and clinical Director at Roger Williams University School of Law and previously practiced tax and corporate law at a large, regional law firm. Kate has served on the board and as President of the Rhode Island Women's Bar Association, is a local Forty Under 40 award recipient, and a Super Lawyers Rising Star.

way, including examples and actionable takeaways. They challenge basic assumptions and traps for the unwary that can harm a woman's career. Rather than simply sharing experiences or offering isolated tips, this book can profoundly change the way a woman views herself, her professional environment and her career. The proverb "Give a woman a fish and she will eat for a day; teach a woman to fish and she will eat for a lifetime," aptly describes Andie's approach to helping other women, and this book is a powerful reflection of that same approach.

In *Breaking Through Bias*, Andie and Al call attention to gender issues and foster awareness of gender inequity. Awareness is incredibly powerful and prompts a different view of – and action toward – daily interactions and situations that can otherwise materially harm women. Importantly, they teach efficiently so the reader can remember lessons learned and build awareness of a significant volume of gender issues. *Breaking Through Bias* covers key topics such as communication, impression management, hidden bias, navigating bias and unequal standards, confidence and career advancement. However, the book's real value goes beyond the careful curation of important topics. Andie and Al use examples to guide the reader through interpreting and responding to situations commonly faced by professional women. In addition, Al shares a male perspective on issues not often addressed by men. *Breaking Through Bias* offers practical, concrete advice that can be immediately implemented and turned into real results and noticeable change.

Being a woman in law or business is an inherently high-risk situation in today's professional environment. As a woman, you will face gender-related challenges and addressing them will steal time that can and should be put to better use. Enter *Breaking Through Bias*. This book is a refreshingly low-risk read. I have no doubt you will walk away from every chapter with time-saving, easily implemented advice for handling and lowering gender-related risk in your career. ■

*Breaking Through Bias: Communication Techniques for Women to Succeed at Work* is available on amazon.com in Kindle and hardcover editions.



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From left: Bjarne Tellman, senior vice president and general counsel of Pearson PLC; Marcy S. Cohen, managing director and chief legal officer for the Americas for ING Group; Rhonda J. Parish, chief legal officer at Ruby Tuesday Inc.; and Sheila Murphy, senior vice president and associate general counsel at MetLife, were panelists at GCI II.

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Merrie M. Cavanaugh, Texas Lawyers for Children, makes a point during GCI II.

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**ACC** Accounting  
**ADO** Adoption  
**ADR** Alt. Dispute Resolution  
**ADV** Advertising  
**ANT** Antitrust  
**APP** Appeals  
**ARB** Arbitration  
**AVI** Aviation  
**BDR** Broker Dealer  
**BIO** Biotechnology  
**BKR** Bankruptcy  
**BNK** Banking  
**BSL** Commercial/ Bus. Lit.  
**CAS** Class Action Suits  
**CCL** Compliance Counseling  
**CIV** Civil Rights  
**CLT** Consultant  
**CMP** Compliance  
**CNS** Construction  
**COM** Complex Civil Litigation  
**CON** Consumer  
**COR** Corporate

**CPL** Corporate Compliance  
**CRM** Criminal  
**CUS** Customs  
**DEF** Defense  
**DIV** Diversity & Inclusion  
**DOM** Domestic Violence  
**EDR** Electronic Discovery  
Readiness Response  
**EDI** E-Discovery  
**EDU** Education  
**EEO** Employment & Labor  
**ELD** Elder Law  
**ELE** Election Law  
**ENG** Energy  
**ENT** Entertainment  
**EPA** Environmental  
**ERISA** ERISA  
**EST** Estate Planning  
**ETH** Ethics & Prof. Resp.  
**EXC** Executive Compensation  
**FAM** Family  
**FIN** Finance  
**FRN** Franchising

**GAM** Gaming  
**GEN** Gender & Sex  
**GOV** Government Contracts  
**GRD** Guardianship  
**HCA** Health Care  
**HOT** Hotel & Resort  
**ILP** Intellectual Property  
**IMM** Immigration  
**INS** Insurance  
**INT** International  
**INV** Investment Services  
**IST** Information Tech/Systems  
**JUV** Juvenile Law  
**LIT** Litigation  
**LND** Land Use  
**LOB** Lobby/Government Affairs  
**MAR** Maritime Law  
**MEA** Media  
**MED** Medical Malpractice  
**M&A** Mergers & Acquisitions  
**MUN** Municipal  
**NET** Internet  
**NPF** Nonprofit

**OSH** Occupational Safety & Health  
**PIL** Personal Injury  
**PRB** Probate & Administration  
**PRL** Product Liability  
**RES** Real Estate  
**RSM** Risk Management  
**SEC** Securities  
**SHI** Sexual Harassment  
**SPT** Sports Law  
**SSN** Social Security  
**STC** Security Clearances  
**TAX** Tax  
**TEL** Telecommunications  
**TOL** Tort Litigation  
**TOX** Toxic Tort  
**TRD** Trade  
**TRN** Transportation  
**T&E** Wills, Trusts & Estates  
**WCC** White Collar Crime  
**WOM** Women's Rights  
**WOR** Worker's Compensation

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Alayn Bryan, senior associate general counsel of Legal Operations and Outside Counsel Management for Walmart, attended GCI II.

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