

THE WOMEN'S ADVOCATE

A CATALYST FOR 2018 – 2019



Women and the Law Section Newsletter
www.txwomenlawsection.org

SPRING

Vol. 38, No. 2

2018-2019
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State Bar of Texas Women and the Law Mission Statement

The mission of the Women and the Law Section is to encourage and facilitate the active and effective participation of women in the legal profession and in the community, and to address women's current needs and the issues affecting them. Some of the projects the section has undertaken to fulfill this mission include:

- Helping pass the first alimony bill in Texas history.
- Supporting sexual predator legislation and legislation to prohibit gender discrimination in private clubs.
- Helping plan and produce one of the State Bar's first telephone CLE seminars with a national audience and national speakers.
- Honoring Sarah T. Hughes, an outstanding woman judge and mentor, by making a major contribution to furnish the Sarah T. Hughes Reading Room at the University of North Texas.
- Providing speakers on legal topics from the women's perspective for schools and civic groups, and more!

JOIN US TODAY TO CONNECT WITH OTHER WOMEN LAWYERS!

MEMBERSHIP IS ONLY \$25 A YEAR. MEMBERSHIP YEAR IS
JUNE 1ST TO MAY 31ST.

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WOMEN AND THE LAW COUNCIL: MEMBER SPOTLIGHT

Teresa Schiller



Teresa is a business and employment lawyer in Texas with 23 years of legal experience focused on cost-effective problem-solving for clients. Her business law practice includes advising on transactions and litigating disputes. Teresa's employment law practice includes counseling and dispute resolution. She has assisted clients in matters involving employment complaints, discipline, termination, sexual harassment, workplace injury, Family and Medical Leave Act issues, and employee handbooks.

Teresa formerly practiced law at Clifford Chance US LLP in New York City. A demonstrated leader, she served as president of the New York Women's Bar Association and president-elect of the Women's Bar Association of the State of New York. Teresa also coordinated volunteers in New York's legal community following 9/11. She clerked for a federal trial court judge in Chicago and a federal appellate judge in Wilmington, Delaware. Teresa also taught English in public schools in Japan. She is admitted to practice law in Texas, New York, and District of Columbia. A native Texan, Teresa grew up in Brenham and now lives in West.

Areas of Practice

Business & Commercial Law
Employment Law
Litigation & Appeals
Real Estate
Wills
Business Management

Education

University of Chicago Law School, Chicago, Illinois
Rice University, Houston, Texas

Selected Publications, Speeches, and News

Business & Commercial Law

"Maintaining Your Business Entity," Greater Waco Business, 2018

Employment Law

"Sexual Harassment: An Employer's Guide," Fort Worth Business Press, 2018

"Investigating an Employment Complaint," Society for Human Resource Management, Heart of Texas Chapter, 2017

Litigation & Appeals

"Making a Federal Case of It: What Businesses Can Expect in Federal Lawsuits," Fort Worth Business Press, 2018; republished by Temple Chamber of Commerce, 2018

TEXAS WOMEN LAWYERS: BRENDA TSO RISING YOUNG LAWYER AWARD



Women and the Law Council Member, Natasha R. Martinez was honored by the Texas Women Lawyers (TWL) with the **Brenda Tso Rising Young Lawyer Award** on February 28, 2019 in Corpus Christi in conjunction with TWL's 25 Year Celebration and its Annual CLE. Natasha is an associate attorney at the Orendain & Dominguez Law Firm in McAllen, Texas specializing in Personal Injury Trial Law. She graduated from Texas State University with a Bachelor of Science degree in Psychology. Prior to becoming licensed, Natasha studied at Thurgood Marshall School of Law and graduated in May 2016. After passing the bar she was admitted to legal practice in November 2016. She is an outstanding young woman lawyer and is involved with the Hidalgo County Bar Association's Women's Bar Section, the State Bar of Texas and her local community.

Natasha currently serves on the Board of Directors for the Hidalgo County Bar Association, is President-Elect for the Hidalgo County Bar Association Women's Bar Section and is a Council Member for the State Bar of Texas Women and the Law Section. She is also involved with the Texas Rio Grande Legal Aid's Community Justice Program and volunteers for the Food Bank of the Rio Grande Valley.

Natasha has excelled in each and every position she has held. She is an ethical, diligent and meticulous professional. These characteristics not only demonstrate Natasha's unwavering dedication and passion for the Rule of Law, they further reflect her willingness and ability to be able to serve in the legal profession. Natasha exemplifies the positive and diverse leadership necessary in the legal field. Congratulations Natasha R. Martinez!!!

WOMEN AND THE LAW COUNCIL SEEKING

AWARD NOMINATIONS

The Women and Law Council is seeking nominations for three awards to be announced at the upcoming 2019 Annual State Bar Convention. These awards will honor individuals who have made significant contributions to the practice of law as well as exhibit excellence in the WAL law school writing competition being kicked off this year. The awards include:

The Sarah T. Hughes Women Lawyers of Achievement Award - Recognizes accomplishments of women who have achieved outstanding recognition in their profession and who by doing so have blazed a path for success for other women attorneys.

The Louise B. Raggio Award - Recognizes an attorney who has actively addressed the needs and issues of women in the legal profession and community.

To learn more about the notable women for whom these awards are named, past recipients or to make a nomination, please visit the Women and the Law Section website. Nominations are due by **April 20, 2019 to Section Chair Deborah Cordova via email to sbotwomenandthelaw@gmail.com** Subject: Award Nominations and Attn: Women and the Law Section Chair.

CAN VIRTUAL TALENT HELP WOMEN IN THE LAW OVERCOME OBSTACLES?

By Alison Pacuska

After 15 years at law firms, and 23 years thus far as a legal assistant, I've observed the gaping chasm between what male attorneys achieve in their careers and what women achieve. It is not for lack of trying or ability: it spans all areas of practice. I want it to end.

The Gender Gap Is Real

According to a 2017 New York Times article and citing Law 360's 2017 Glass Ceiling Report, women make up 50.3% of law school graduates, but only 35% of lawyers practicing in firms and only 20% of equity partners. The Census Bureau reports in 2018 that at the mid-career earnings peak, the top 10% of women earn \$200,000 LESS annually than the top 10% of men. Women in the law report being stuck in associate paths, prohibited from pitching clients, and forced into less glamorous and less profitable areas of practice. A panel at the Texas Bar 2018 Annual meeting reported that only 30% of the women in the law who experienced harassment reported it, and a tiny fraction of those brought a claim, numbers consistent with those across the nation.

That's the bad news, but there are some hopeful trends. According to the Census report, among younger attorneys in the 25-34 year-old demographic, the number of women practicing law is on par with the men, and there are more women working for the government, where pay disparities are less likely to be a factor. The National Association for Law Placement 2017 Report on Diversity reflects small gains in representation while the State Bar of Texas 2014 Report on Demographic and Social Trends reports a growing parity in the number of women practicing in the first year compared to men. While this number drops in older demographics, there are ever increasing numbers of women practicing the law and the 2017 report identifies a 43% increase in the number of women practicing law since 2007.

Women are making progress, but what if there was a thing that could help?

Women in the Legal Profession Need an Edge

Though the trends are looking more positive the Women in the Law section of state bar associations report that women in the profession face longer hours, institutionalized misogyny, harassment, a lack of advancement, and assumptions about their dedication in the workplace, be it in court or at the firm, with their colleagues or with clients.

The 2018 American Bar Association Annual Meeting panel on retaining women in practice set forth a task on identifying ways to improve the experience of women in the law. They set forth six areas that would create positive momentum, three of which are touched on below:

Develop succession plans for distributing credit - Succession planning fails when it does not consider developments in technology, changing environments, or future economics for the organization and balance them with the needs of the humans in the organization. When a firm loses quality attorneys due to reduced in-office hours for family requirements or temporary illness, it's not just billable hours that may be lost, but also valuable continuity and institutional knowledge, specialized skills carefully fostered, a hefty investment in mentoring and learning, and the responsiveness to clients. Succession planning is the foundation of withstanding change and creating motivated and productive staff at all levels.

Diversify leadership and make sure leadership champions diversity - Our world is diverse and diversity among women in the law is no different. It is vital to build policies and practices wherein every woman who loves the law can see herself thriving safely, and challenging herself, growing her career and seeing herself represented at every level. For instance, having mentors for women in the law who have weathered family requirements, or been practicing with disabilities, or have negotiated the challenges of LGBTQIA policies, and who have become leaders not in spite of, but because of, alternative procedures and work arrangements makes any practice more appealing and garners success and loyalty precisely because policies that promote flexibility and alternative work arrangements help eliminate imbalances.

Formalize policies - Nothing can or will change without recording all active policies and procedures, regardless of whether they are "formal" or "informal." Every practice needs at least a simple policy manual with recourse for complaints that are respected and include policies against retaliation. Leadership must uphold and exemplify these policies. Including alternative work arrangements, and having clear standards by which you can test yourself and be evaluated is important. These policies are the framework for success. Unwritten mandates that prevent any member of your practice, be they staff, associate or partner, from succeeding must

be eliminated. Working a case from your hospital bed does not show initiative: it shows you are soon to be a statistic in the Legal Assistance office.

All of these areas create opportunities for women in the law to balance the equation. They provide opportunities for the creative thinking, skills and value women bring to their practice.

One thing they also have in common is that they open up opportunities to alternative work arrangements. Alternative work arrangements include such things as virtual offices and remote work, job sharing, results-only work environments, time-agnostic work schedules with flex time and alternative work hours, even unlimited vacation. It is a fantastic method women in the law can utilize to level the playing field, build a diverse leadership structure, and provide for a greater variety of succession and on-ramping plans, while reducing harassment in the workplace and promoting the dedication and talent of women in the law.

It may seem a challenge, impossible even, at first glance, but take a closer look and you soon see that it's not only achievable - the foundations are already in place. In states like Texas, where 19% of the women in the law are solo practitioners according to the 2014 and 2017 reports, a virtual office is a significant advantage.

The Stage is Set - Take it to the Next Level

Firms share staff, in many cases across offices - In medium and large practices where women may be one of dozens or hundreds of attorneys, no one has a dedicated legal assistant. In many cases, you even share staff working cases in offices across the country or the globe. For those practicing in government service, you may have only one paralegal for an entire department. You are already utilizing this talent via phone, email, or shared server.

Solo practitioners have access to whole teams of virtual staff - If you are a solo practitioner, you may or may not be aware that there are myriad virtual service providers. Receptionists, assistants, paralegals, even attorneys that freelance can help you create the perfect team on demand. If you are aware of them, you are likely already using at least a virtual receptionist. Perhaps you're also sharing an office space - or rent one for specific meetings - and office staff.

Courts and government agencies have shifted to electronic processing - We are accustomed to conducting business electronically across all areas of our lives - from online banking and electronic signatures to the broader electronic mandates in state and federal government. Federal courts all require electronic filing. Almost all state courts at least offer electronic filing, many also require it. State agencies are increasingly conducting business of all kinds electronically. Business and tax offices are electronic. You seldom require a person to physically file anything on paper.

Firms expect attorneys to be mobile - Finally, and most importantly, clients and law firms expect you to be mobile. They expect you to be able to check your email and respond to work from home using electronic means. You are expected to file at all hours, research at all hours, answer clients at all hours, and respond to partners at all hours. Nearly 80% of you are practicing outside of official office hours according to Clio's 2018 Legal Trends Report. That is a staggering amount of informal alternative work arrangements that could be embraced in a positive way, rather than a grind leading to burn out.

But What About...?

There is, of course, the white elephant in the room: if they aren't here, how can I be sure they're actually working? Sure, clients DO want to see you. Partners, especially senior partners and the old guard, really like in-person meetings and they want socializing to take place after business hours. This is not a productivity issue: this is a mindset supported by ingrained habits. So let me say again: You are already practicing in a virtual environment. Make it work for you and not against you. Start small and implement step by step.

What you need is to create those formalized policies to control the 24/7 environment. The technology and practice is already there; you simply need to use all of its capability. Get that virtual team to work for you. Firms, whether solo or not, can have after-hours teams of virtual receptionists, assistants, and paralegals. Lawyers in government practice can, with care and diligence, get contractors if needed but generally have strict requirements on not only how many hours they are working, but how much overtime they are allowed. Utilize conference calls, webinars, video conferencing to your advantage; the technology improves constantly, is inexpensive and universally available, and in many cases is already included in software suites you are currently using. Build a company culture that is prepared for and embraces alternative work arrangements.

A 2017 article in Forbes reports that 43% of businesses utilize alternative work arrangements in some way, and that number is growing. Embracing the virtual workplace now helps attract top talent from the digital-native generation who are accustomed to, and expect, the flexibility to work in geographically-distributed teams. It also offers the opportunity to retain staff who may not be able to remain at your office location for whatever reason. Alternative work arrangements enable longevity and create role models for upcoming generations accustomed to a virtual - and flexible - world.

Get Ahead by Being a Trendsetter

Think to the future and be the bridge that keeps your practice responsive to client expectations. There are virtual receptionists, virtual assistants, virtual paralegals, even virtual attorneys. You probably know Ruby Receptionists already, and your Bar association offers their services as a benefit. What if you could have a paralegal too?

A virtual paralegal is a versatile solution for your practice. They can manage the administrative and paper side of a case from start to finish - client intake, drafting contracts, notification letters, drafting court filings, scheduling depositions, document review, legal research, filing documents with the courts. Bates labeling, bluebook citations, shepardizing, databases, document review, and the nuances of filing in various jurisdictions - they do that. They can maintain your docket and manage routine client communications. All the things that go into the background of a case, they can do. They can draft your transaction filings and assemble case materials. It's not cost-effective for you to spend the majority of your time as an office manager or managing your deposition calendar. You didn't go to law school to template discovery responses; you went to law school to provide justice for your clients. Let technology's flexibility work in your favor, and give that work to a virtual paralegal. And we are billable. You can recoup the cost of a virtual paralegal.

Alternative work arrangements, including virtual professional legal services, are the smart, cost-effective answer to your workload challenges, allowing you to focus on your practice, recapture those non-billable hours and reduce your distractions. They empower policies and practices that provide for the future and capitalize on talent over rigid structures. Virtual talent makes you more responsive to your clients and channels more profitability into your business and your career.

Simply put, a virtual environment is the ideal edge for women in legal practice to bring their careers to the next level and overcome the challenges they face as attorneys.

You're Invited

Please join Women and the Law at
the State Bar Annual Meeting CLE
June 13th - 14th

Reception at Max's Wine Dive in
the underground Black Door Wine
Lounge starting at 6:00 pm on June
13th.



Seeking Contributions

Are you a WAL Section member and have something you would like to share with the rest of the Membership (i.e. Awards, Honors, Employment move or office relocation, Upcoming CLE speaking engagements, Employment search; hiring or seeking, etc.) Our newsletter reaches over 800 WAL members from across Texas. Please send your announcement(s) to:

Danae N. Benton, Newsletter Editor

dbenton@baronbudd.com

Re: WAL Newsletter

HCBA WOMEN'S BAR JUSTICE IS SERVED DINNER
BACK TO OUR ROOTS IN BOOTS



★ **BAR-B-QUE** ★

THURSDAY, MARCH 28TH, 6:00 TO 9:00 P.M.

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ACTIVITIES

**"DUNK THE DA AND DRENCH THE DEFENSE" DUNKING BOOTH
AND PIE EATING CONTEST!**