

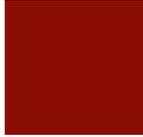
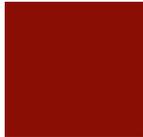
Perspectives

A Magazine for and about Women Lawyers

What It Takes to Start a Law Firm

Successful Women Offer Insights

I N S I D E

	The Silver Lining Beyond Katrina: Practicing Law After a Disaster..... 8 <i>Hannah Hayes</i>
	Raising a Legal Profile Through Social Networking..... 10 <i>Ann Farmer</i>
	Women Rise to the Occasion in the BP Oil Spill Litigation..... 12 <i>Stephanie B. Goldberg</i>

The Road Increasingly More Traveled

By Bobbi Liebenberg



Bobbi Liebenberg

This issue of *Perspectives* features an article related to the Commission's upcoming publication, *The Road to Independence: 101 Women's Journeys to Starting Their Own Law Firms*. The book will be a compilation of 101 letters from women who have founded their own law practices. It will recount the experiences of women who have taken the courageous and difficult step of creating their own law firm, either as a solo or with others.

Women-owned law firms are a growing trend, and we hope *The Road to Independence* will inspire and encourage other women who are contemplating setting out on their own. It also will serve as a road map with practical suggestions and lessons learned, which will be an invaluable resource for women who are about to embark on a similar journey to independence.

The letters are arranged in chronological order, beginning with women who founded their own firms as far back as the 1950s and 1960s. As demonstrated by the increasing number of letters from each succeeding decade, the influx of women into the profession—with women now comprising approximately half of all law school graduates—has led to an ever-growing number of women-created law firms. Many of these firms were established by more senior women who had practiced at large law firms and decided to branch out on their own.

The authors of *The Road to Independence* created their own law firms for a variety of reasons. Some were laid off by firms because of the recession; others left voluntarily because they were disaffected with the allocation of client origination credit or because they felt they were facing barriers to partnership or advancement in the partnership. Many grew tired of oner-

ous billable-hour requirements, inflexible work schedules, or the inability to achieve a desirable work/life balance. Other women wanted to focus their practices in a particular niche area or offer more creative fee arrangements to their clients.

But common themes emerge in the letters—the desire for autonomy and independence, the quest to be one's own boss, and the enormous personal and professional satisfaction of creating and building a practice you can call your own. All together, the letters reflect the voices of women who are happy with their practices, proud of their entrepreneurial spirit and business development skills, and eager to share their insights and advice.

The Road to Independence will be available for purchase in August. In addition, at the ABA Annual Meeting in Toronto, the Commission is planning a program that will feature several of the authors. Given the continued underrepresentation of women in the equity partnership ranks and in positions of real power and influence in law firms, along with the substantial disparity in compensation between male and female partners, more and more women are opting to create their own firms. *The Road to Independence* describes an exciting paradigm for how they can achieve fulfillment and success. 

Bobbi Liebenberg is a partner of Fine, Kaplan and Black, R.P.C., in Philadelphia, Pennsylvania, and the chair of the ABA Commission on Women in the Profession. She is a former member of the ABA Board of Governors, a former chair of the ABA Standing Committee on the Federal Judiciary, and the former chair of the Commission on Women in the Profession of both the Pennsylvania and the Philadelphia Bar Associations.

She also is one of the authors featured in The Road to Independence, having been a founder of a woman-owned law firm in 1992.

Perspectives

Vol. 19, No. 4
Spring 2011

COMMISSION CHAIR
Bobbi Liebenberg

EDITORIAL BOARD
Ann M. Courtney, Chair
Leslie M. Altman
Monica Fennell
Kristen Galles
Karen Lockwood
Jamenda McCoy
Alyson Meiselman
Lynn Hecht Schafman
Macarena Tamayo-Calabrese
Patricia Timmons-Goodson

COMMISSION STAFF
Veronica M. Muñoz, Director
Alia Graham
Barbara Leff
Beverly Tate
Melissa Wood

ABA PUBLISHING EDITOR
Jane Harper-Alport

ABA PUBLISHING DESIGNER
Andrew O. Alcalá

One-year subscription: \$35.
To subscribe, call
1-800-285-2221 or visit
www.americanbar.org/groups/women

Address all other inquiries to:
ABA Commission on Women
in the Profession
321 N. Clark St.
Chicago, IL 60654-7598

Phone: 312-988-5715
Fax: 312-988-5790

E-mail: abacwp1@americanbar.org
www.americanbar.org/groups/women

Perspectives (ISSN 1062-1083) is published four times a year by the ABA Commission on Women in the Profession. It seeks to inform lawyers nationwide about issues, programs, and publications important to women lawyers. The publication serves as a forum for women lawyers to share their experiences and information of interest to their colleagues. Contents do not necessarily reflect the views of the ABA or the Commission on Women in the Profession. Copyright © 2011 American Bar Association. All rights reserved. To request reprints, go to www.abanet.org/reprint.

Be Open to Opportunities

By Sarah Buel

By the time I was 12 years old, I knew I wanted to be a lawyer as I'd watched my impoverished mother struggle to raise five children by herself. We didn't have a TV, but when babysitting for others, I discovered Perry Mason and was hooked—he knew how to ensure justice! I attended eight different high schools, graduated, and married my high school sweetheart. However, after I became pregnant, his criticism and control turned to physical assaults when I mentioned my dream of becoming a lawyer.

I fled New York City with my son and was hired as a paralegal for New Hampshire Legal Assistance. While developing the first abuse prevention laws—and while founding hotlines, shelters, a summer school lunch and a multicounty Women's, Infants, and Children's program—I started night classes. After learning about scholarships, I matriculated at Columbia University. Later, I moved to Boston, finishing my degree at the Harvard Extension School while working at the Massachusetts Department of Public Safety, coordinating domestic violence, sexual assault, and child abuse policy and programs.

Although advised to safely target lower-tier law schools, I wanted to study in a rigorous environment and applied to Harvard Law School. To counter the naysayers, I'd drive by Langdell Library, roll down my window and yell, "You're going to let me in!" Admitted with a substantial scholarship, I loved law school. Yes, I was so grateful to be there, I could have kissed the floor. Classmate Suzy Groisser Keller and I started the Battered Women's Advocacy Project, coordinating 230 members (30 percent men) as advocates in local courts and shelters, as well as fundraising and legislative efforts. After starting the Women in Prison Project, I spent the summer after my first year of

law school organizing a law library and teaching basic legal research and writing to inmates at the Framingham Women's Prison. While collaborating with Stacy Kabat to find appellate counsel for women who had killed in self-defense, we helped produce *Defending Our Lives*, a documentary telling the survivors' stories. We were blown away when it

We were blown away when the documentary we helped produce, which told survivors' stories, won an Academy Award.

won the 1992 Academy Award for Best Short Documentary.

Ilene Seidman, my supervising attorney at the Harvard Legal Aid Bureau, taught me tenacious advocacy. We went to court 23 times in 24 months to enforce child support and restraining orders for an amazing client who later started two shelters for abuse victims leaving prison. In 1990, I graduated with honors and sent my transcript to the high school teacher who said I wasn't smart enough for the college track. I was hired as Massachusetts' first domestic violence prosecutor, which I loved, but I couldn't resist when the University of Texas School of Law offered an opportunity to teach domestic violence and the law and start a domestic violence legal clinic. With the extraordinarily



talented attorney Jeana Lungwitz, we launched the clinic in 1997, and I went on to also teach torts; criminal law; and public education, civic engagement, and policy.

In 2010, Arizona State University Sandra Day O'Connor College of Law's visionary Dean Paul Berman asked me to establish the new Diane Halle Center for Family Justice, designed to promote and protect the human rights of children and families through multidisciplinary initiatives in education, advocacy, and scholarship. Soon, we will launch our legal clinic. We already operate a medical-legal partnership, an economic empowerment program, and local and international antitrafficking and human rights projects. Yes, I have been blessed beyond my wildest dreams; first, with the most loving, supportive mother imaginable; and second, with my greatest joy, my son Jacey, who, after passing the Massachusetts bar, is now education director for the Possible Project, designing curriculum and teaching high-risk, indigent youths how to start their own businesses. Susan Taylor, an *Essence* magazine editor, says most people die with their song still in their throats. By learning to seize opportunities when they present, I've been singing at the top of my lungs for decades and . . . I'm just getting started. 

Sarah Buel is a clinical professor of law and director of the Diane Halle Center for Family Justice at the Arizona State University Sandra Day O'Connor School of Law in Tempe, Arizona.

What It Takes to Start a Law Firm

Successful Women Offer Insights

By Hope Viner Samborn

Fear of the business side of a law practice often causes women lawyers to pause before opening their own office. They fear they won't generate enough business to pay themselves or cover their costs. They fear looking for clients. And they fear they will hire the wrong people.

But those who have ventured out on their own, including American Bar Association President-Elect Nominee Laurel G. Bellows, say "just do it!" "Close your eyes and jump and call all of the women who are ready to help. We are like this army," notes the founder and principal of the Bellows Law Group, based in Chicago.

Consider Jean Murrell Adams, who was working as a lawyer in the entertainment industry when she asked herself what she would do if she wasn't afraid. "I wrote it down on a piece of paper," Adams says. She wrote that she wanted her own practice and desired to spend more time with her children. She didn't ignore what she calls the "fear factor," but ultimately combined her need to make a living with her desire for fulfillment.

Adams now heads a law firm in Oakland, California. On a contingency basis, she represents low-income parents of special needs children who

are negotiating individualized education programs with school districts.

Financial Considerations

Having a solid business plan with a conservative budget is essential. Law business entrepreneurs suggest that a lawyer needs to be able to support a firm for at least one year. And a beginning client base is a must. "Unless [women lawyers] have that, they should stay where they are until they build some client base," Bellows says.

In the book *The Road to Independence: 101 Women's Journeys to Starting Their Own Law Firms*, to be published in July by the American Bar Association's Commission on Women in the Profession (see page 15), letters from Bellows and 100 other women who started their own law firms provide insights into how to approach hanging out a shingle.

Some of these women who were interviewed for this article say they were extremely conservative with their early finances. They didn't take salaries until they built reserves or didn't outsource services or hire staff until they were certain they could generate enough business to cover these costs.

For Suzanne Villalon-Hinojosa, starting her own practice was a risky

venture because she was a single parent who needed a regular paycheck. But now on her own, she controls the amount of time she works and spends with her family.

"When I was younger, I didn't have the personality to do it," says Villalon-Hinojosa, founder of a disability law practice, Law Offices of Suzanne Villalon-Hinojosa, based in San Antonio, Texas. But years of working at a law firm honed her legal skills and business acumen.

Villalon-Hinojosa lived frugally for years to amass a nest egg to start her business, and she consulted a financial advisor. She suggests that women lawyers who venture out on their own should find a licensed advisor who can make recommendations in multiple areas, including insurance and retirement planning. Such advice kept her from going into debt. She recommends that start-up firms avoid debt, but suggests that women take out a line of credit before leaving a law firm as a safety precaution because such credit may be unavailable after they leave the firm.

Securing Clients

Make a budget that includes income projections. To do that, assess

your potential client base while working at a firm.

Barbara A. Burr realized that clients often came to her former firm because of another lawyer, but that once they were assigned to her, they learned to know and trust her. “I was confident they would come with me,” she observes. “Family law is the kind of law where the personal relationship is important.”

But it was a big risk, says Burr, who is the founder and a principal with the Burr Law Firm, based in Washington, D.C. “That was the scariest piece.” She calculated how many hours were needed to complete each of her existing clients’ cases and how many more dollars these clients would pay her before the work was done. This exercise allowed her to project an expected income and to realize that she could cover her initial overhead.

Martha JP McQuade also tracked her clients before she left her job at a law firm. She asked clients why they came to her. She learned that former clients, other lawyers, and friends had referred them. “That made a dramatic difference in making me know I could do it,” says McQuade, a founder of McQuade Byrum PLLC, in Alexandria, Virginia.

Before leaving a firm and taking existing clients, however, check the requirements of the local ethics rules, McQuade cautions. These rules often establish how both a lawyer’s former firm and the lawyer who is leaving should behave and interact with former clients. “Make sure you know the procedure and follow it so the firm does it the right way and you don’t get shut out,” she says.

Avoid relying on one client. Before Phoenix, Arizona, practitioner Diane L. Drain opened her own law practice, the Law Office of D.L. Drain, P.A., her work at a law firm centered on a large lending organization. She knew they would follow her to a new practice. But after she established her firm, that client announced that it was moving across the country. That work constituted 60 percent of her business,

and she was left with a significant client gap to fill.

Law Firm Necessities

Lawyers differ in the amount of reserves they say are required to start a business. Adams and others suggest that lawyers double the amount of their expected costs for one year and cut the

Having a solid business plan with a conservative budget is essential.

projected income by half. “If things turn out in your favor, you can make adjustments,” Adams says.

Keep overhead low, lawyers recommend. “So many small business owners are just working to pay their overhead,” Villalon-Hinojosa says. Among the essentials are a desk; a computer, usually a lightweight laptop; a printer/fax/copier; and a phone. Malpractice insurance and health insurance are big costs, and rent can be enormous.

For Burr’s family law practice, she felt it was essential to have an office where clients would be comfortable. She wanted a professional-looking space with a conference room for four-way meetings and mediations.

An office should be a “reflection of you,” Bellows says. “It’s your home away from home. You need to be extremely comfortable in your alternative home.” For her, this meant an office in a Chicago landmark building—the Rookery. “Clients bring their team on a field trip to see our building,” she notes. “Architecturally unique, the Rookery sets us apart.”

Some insist that the best place to practice is at home because they don’t need to drive and meet clients. Villalon-Hinojosa promotes virtual offices and the outsourcing of services to keep costs

low. “Since I am such a low risk taker, the idea of spending a lot of money before I was making a lot of money was hard,” she says. “I knew I could do my practice with my laptop and multifunction printer. I knew I didn’t need a lot of support. I didn’t really want to pay rent.”

She found two lawyers who were renting space to other lawyers. In an effort to lure her into being a rent-paying physical client later, they offered her a virtual space deal, including a telephone receptionist. “Clients get the impression that they are calling a law firm where I am sitting in my office,” Villalon-Hinojosa says.

Solo Practice or Partnership?

Lawyers also need to determine whether they want a solo practice or a partnership. Practice area and personalities factor into this decision.

Burr thought family law was an area that didn’t lend itself to team practice, and she didn’t want to consider someone else’s financial needs or practice visions. This led her to practice on her own. “It was a simpler model,” she says.

In assessing her needs, Drain determined that she didn’t play well with others. “It was an easy choice. I had to be the boss.” Instead of a partner, she used staff and technology to leverage herself.

McQuade, however, had always practiced in a firm setting and wanted the advantages that a backup lawyer provides. “I never wanted to be in a room by myself to figure it out. I wanted to be with people to figure it out,” she says. So she opted for a partner.

She recommends partnering with an individual you have worked with or at least know well and trust. Know how she functions and makes decisions in her life and cases, McQuade advises. A partner should complement you and be someone you can talk to about what you want to accomplish, how hard you want to work, and what you want to invest, she says.

A written agreement is essential, McQuade says. Partners need to set the division of money, especially when one partner doesn’t bring in as much

money as the other. Specify the number of days an individual can take off. Spell out whether a partner will continue to be paid if she is ill. Consider whether insurance can be purchased to cover this problem.

McQuade considered the possibility that one person could be hit by a bus, so she and her partner purchased key person insurance. And don't ignore the possibility of a breakup. McQuade included disincentives for dissolution in the agreement. "We saw small firms breaking up," she says. "We didn't want to be like that." One disincentive was that the exiting partner would still be responsible personally on the office lease and for other expenses. The agreement also provided a process for dissolution, McQuade explains.

Individuals who opt to practice as solos, however, should consider forming alliances with individuals who have expertise in related areas, Bellows says. Then they can approach these individuals when they have situations beyond their expertise. "New lawyers have to ask questions," she advises, or they will end up before the lawyer disciplinary authority and "they will ruin their practice."

Solos also might want an agreement with another lawyer or group of lawyers who will provide backup in case of emergencies or vacations. Burr had an agreement with another solo to cover cases. "She was someone I had worked with before at the firm, and I knew her and I trusted her," she says.

Woman-Owned Law Firm?

Consider also whether you want to be a woman-owned law firm, Bellows says.

Bellows started her law firm after 35 years of practicing law. "I am at the top. I had all of the expertise," she explains. For her, the key was she wanted to lead a woman-owned law firm. Women in business often want to be represented by women. "They are entrepreneurs," Bellows says. "They want to see women succeed. The biggest employer category in the United States is that of women-owned businesses."

In some cases, woman-owned

firms are sought by corporate clients and by large firms who want to partner with these firms to meet the diversity demands of corporate clients.

Being a woman-owned firm also was an advantage for McQuade. She says it was rare at first, and people were looking for it. "Women like to help each other. Women have a cooperative nature that often you do not find in the full bar where there are men and women and it is a competitive nature."

Where to Get Help

McQuade advises seeking out lawyers you respect and would like to emulate. She called one lawyer she respected but didn't know well. He became her mentor. He guided her and showed her everything from billing systems and software options to how much the postage machine cost and where to get telephones and malpractice insurance.

Adams interviewed three people about what they did, and from each of them, she obtained the names of three more people to contact. "Everyone is very open to this," she says.

A good resource is the ABA General Practice, Solo and Small Firm Division, which can provide information about how to build a business plan, Bellows says.

If possible, secure a Martindale AV rating before you leave your employer, McQuade recommends. Once you have it and start your firm, your firm has an AV rating, which is a valuable marketing credential.

"The better your systems and the better you are at delegating, the fewer the crises," Bellows observes. Time devoted to payroll taxes, human resource policies, and vacation time monitoring can add up. Lawyers need to ask themselves "do I truly have the expertise to do it?" Bellows adds that lawyers managing their own firms should consider whether delegating or outsourcing a particular responsibility will allow them to generate more legal business or handle more legal work.

Adams outsources calls to a call center, documents to a management

company, and collections to an agency. Each outside vendor signs a confidentiality agreement. "I looked at every single aspect of our business and separated them out and determined what could someone else do better than we could do ourselves and what could be done more cost effectively than we could do ourselves," Adams says.

Hiring staff can be difficult. Bellows recommends individuals who are self-starters with an ability to pay attention to details and pitch in to help others.

Employing a lawyer may be challenging. When Burr had to turn down business or get help, she hired a lawyer even though she knew she might not have enough work to keep them both busy full time. She calculated how many client hours she needed to cover the lawyer's salary before she brought the individual on board.

Hire help before you are overloaded, McQuade suggests. "It takes time to manage. It takes time to train people." But, she adds, "When you are up to your eyeballs in work, that's not the time to train people."

Instead of hiring a lawyer on a full-time basis without an end date, Burr hires law students as one-year fellows. She offers an annual stipend linked to what a clerkship salary would be. High-achieving students like the idea of a fellowship because it sounds like a prestigious award, she says.

Shout It from the Rooftops

When opening a solo or small practice, women need to announce it to everyone they know. "It is not really a game for people who shut themselves into a corner," Bellows says. "You can't isolate yourself within the four walls of your office or you will have no business."

Sponsoring a table at bar and community events is good exposure. When Burr's firm provides information to prospective litigants, the firm's name is prominently displayed at events. "It has nurtured the idea that the Burr law firm is one of the pillars of the community," Burr points out. "We are looked at as experts in the field."

Tell everyone you speak with what

Where Do I Begin?

The American Bar Association and many local, state, and women's bar associations offer excellent online resources for individuals seeking information about how to start and operate law firms:

- ABA General Practice, Solo & Small Firm Division, www.americanbar.org/groups/gpsolo/resources/start_run_a_law_firm.html.
- New: ABA Smart Soloing Center, www2.americanbar.org/Solos/Pages/Default.aspx. Contains a wide range of information about practice management resources, legal research sites, news sources, blogs, and technology.
- ABA Legal Technology Resource Center, www.americanbar.org/groups/departments_offices/legal_technology_resources/resources.html. Features information about law practice technology issues and links researchers to full-text searches of many law journals and law reviews.
- D.C. Bar Association Practice Management Advisory Service, www.dcbar.org/for_lawyers/bar_services/practice_management_advisory_service/index.cfm. Provides members with information and access to helpful resources for improving and enhancing the management of their law practices.
- The Oklahoma Bar Association Management Assistance Program, www.okbar.org/members/map/practice.htm. Features terrific links for starting and running a law practice.
- The Florida Bar Management Assistance Program, www.floridabar.org/tfb/TFBMember.nsf/840090c16eedaf0085256b61000928dc/3083f9e968b79823852575990059cd9d?OpenDocument. Offers checklists, forms, agreements, and other information for law firm practitioners.

Blogs with helpful information for lawyers interested in starting a law practice:

- Myshingle.com, <http://myshingle.com> is a respected blog written by Carolyn Elefant, a solo, containing a remarkable collection of links to information concerning opening and running a practice. Many specific resources are listed at <http://myshingle.com/2008/01/>

you do. "I do it extremely directly," Bellows says, noting that even the people at the grocery store know what she does. "Don't assume people know what you do for a living," she advises. And ask people about what they do, even lawyers. Ask the type of law they practice and what type of clients they handle. This provides a connection if you or they need to hand off work. Bellows also tells lawyers that she is open to taking cases if they have conflicts and that she returns clients.

Be sure that your business card spe-

cifically identifies what you do, Drain says, so you don't waste this effective marketing tool.

Consider speaking opportunities, preferably to nonlawyers because "lawyers don't generally send us business unless there are conflicts," Bellows observes.

While bar activities may not generate business, they do help develop a lawyer's reputation and expertise. Burr found that by being active on committees, she fostered her own development. Other lawyers learned that she was a

[articles/resources/online-guide](#). Linked content ranges from online articles and checklists provided by local and state bar associations to personality tests to determine whether an individual's personality may or may not be well-suited for starting a practice.

- Reid My Blog!, <http://reidtrautz.typepad.com/reidmyblog>, written by respected blogger Reid Trautz, contains information about the technological, business, and ethical aspects of practicing law.
- Jim Calloway's Law Practice Tips Blog, http://jimcalloway.typepad.com/lawpracticetips/starting_a_law_practice. Written by the director of the Oklahoma Bar Association Management Assistance Program, this is a good resource for lawyers starting on their own.
- Legal Ease, http://legalease.blogs.com/legal_ease_blog/women_and_law. Written by consultant Allison C. Shields of Legal Ease Consulting, Inc., this blog offers practice strategies and a wealth of information for women practitioners.

Other resources:

- Small Business Administration, <http://web.sba.gov/sbts/sbat/index.cfm?Tool=4>.
- Women's Venture, www.womenventure.org, a nonprofit organization seeking to help women in business.
- Solosez, www.solosez.net, an email discussion group, sponsored by the ABA. Participants do not need to belong to the ABA. Discussions range from serious practice issues to water cooler topics such as holiday recipes. The site provides a virtual community of lawyers for individuals who practice on their own or in small firms.
- Multiple book titles available through the ABA Web Store at www.ababooks.org. In particular, consult Jay Foonberg's *How to Start and Build a Law Practice, Fifth Edition*, considered a key guide for lawyers starting a practice. For more information and to purchase, go to <http://apps.americanbar.org/abastore/index.cfm?section=main&fm=Product.AddToCart&pid=5110508>.

good participant who was smart and would follow through on commitments, so people referred business to her.

A law business is a 24-hour commitment, law firm entrepreneurs say. And while you still have to have some personal life, Bellows says, "Business development and doing the work is a 24-hour business commitment every day of your life for the time that you have a firm." 

Hope Viner Samborn is a lawyer and a Chicago-area freelance writer.

The Silver Lining Beyond Katrina Practicing Law After a Disaster

By Hannah Hayes

One of the new houses built in New Orleans, Louisiana, after Hurricane Katrina. This photo was taken in February 2010.

Like most Americans, Carmelite Bertaut watched mid-March's unfolding catastrophe in Japan with growing distress. But for Bertaut, special counsel to the Louisiana firm of Stone Pigman Walther Wittmann L.L.C., the images brought back memories of a disaster that overturned the lives of many Americans almost six years ago when Hurricane Katrina wreaked havoc along the Gulf Coast.

"It was very difficult to watch," says Bertaut, speaking of the aftermath of Japan's 9.0 earthquake and tsunami. "We didn't have a nuclear reactor blow up and nothing near the loss of life [following Katrina], but when you're in the midst of all of that, you can't see a future."

Bertaut was president-elect of the New Orleans Bar Association when Katrina struck in August 2005. Amid the devastation and overwhelming task of rebuilding, she recalls one of her partners saying to her, "We're going to work this out. We've got a brain; we are problem solvers suited for this type of situation."

When tragedies strike, people often look to lawyers for help obtain-

ing government assistance, filing insurance claims, and changing laws in the insurance and construction areas. That is why the legal community often is the first to recover. "Lawyers have to make things work—we're used to straightening up a mess," says Helena Henderson, executive director of the New Orleans Bar Association. "We're used to taking tangled situations and deconstructing them and finding a better solution. That's what lawyers do—and that's why they came back."

Nearly six years, another hurricane, and an oil spill later, Louisiana lawyers have learned how disasters can change the way they do business. Often it takes time to see new opportunities and learn the lessons that come out of bad situations.

Coping with the Aftermath

When Katrina hit land in Louisiana on August 29, 2005, many who evacuated assumed they would be back in three or four days. But after the levees broke, 80 percent of New Orleans was underwater and 90 percent of the residents of southeast Louisiana were evacuated. With the tremendous damage and loss of life, people did not seem to notice that the courts had been shut down.

"It was a revelation that we could be evacuated and not be right back and not have access to our computers or have working cell phones," says Judy Barrasso, a partner at Barrasso Usdin Kupperman Freeman & Sarver, L.L.C., and a member of the board of commissioners of the Downtown Development District of New Orleans. Because Barrasso's practice

focuses on commercial litigation, including commercial contracts, class actions, and insurance coverage and bad faith issues, many of her clients were monitoring the situation carefully. "But they didn't know how to reach us, and for a while they were more aware than we were about potential claims and litigation down the road," she says.

Beyond the obvious issues like loss of telephone service and lack of computer access, the Louisiana state and federal courts remained closed for months. New Orleans Municipal Court resumed operation in October 2005, but all documents had been swept away in the flood. Nevertheless, Barrasso's firm moved to temporary offices in Baton Rouge, Louisiana, and began work almost immediately.

For Denise Puente, a construction lawyer and partner with Simon, Peragine, Smith & Redfearn, L.L.P., the legal problems were immediate. All bids and records for public work had been lost, so preserving the rights of clients with no documentation presented great challenges. "Within days, contractors were arriving at existing projects to see what could be salvaged," Puente says. The government issued emergency orders extending the prescribed period for filing, and documents that normally were recorded immediately were filed months later. With so many businesses unable to function, out-of-state contractors had licensing requirements waived.

Puente points out that networking and relationships played a big role in her firm's ability to operate. A firm relatively unknown to Simon Peragine offered temporary space in Lafayette, Louisiana, where the lawyers worked until they could return

to New Orleans. “We did a lot of things without written contracts,” she says. “Handshake deals became really important—a lot of insurance issues and commercial contracts went forward that way.”

Back in Business

Many evacuees who lost their homes and workplaces never returned to New Orleans. But unlike many professions, lawyers must be licensed to practice in a given state. Even if it were possible for them to hang a shingle or look for a new firm elsewhere, state law would require them to become licensed in the new jurisdiction.

Despite the closure of courts in New Orleans, lawyers found plenty to do. “Things came up pretty quickly,” Barrasso recalls. “I think the first class action was filed within three or four weeks after the storm. There were people on the plaintiff side representing policyholders and a lot of claims being pursued.” She points out that nearly every business in New Orleans had a claim to pursue, and plaintiff lawyers were advertising all over town. “Obviously it was a huge disaster, but it resulted in tons of legal work for lots of people on both sides of the table,” she says.

Beyond insurance claims and disputes over flood and wind damage, or whether the damage came from a natural disaster or inadequate levees, a host of other issues arose. Landlords who didn’t know where their tenants were and who lost copies of their leases didn’t know how to evict and rebuild. Family law cases involved parents with weekend custody who fled with their children when the storm hit. Many of those parents ended up relocating and enrolling the children out of state, leaving custodial parents in the bind of trying to locate and have their children returned to them—all without access to court records.

Due to the displacement of the city’s workforce, immigrants—documented and undocumented—descended on New Orleans to fill the vacant jobs, raising a myriad of issues for immigration lawyers.

Property owners had to produce titles in order to file insurance or relief claims, but many New Orleans homes lacked updated titles. Possession had passed from generation to generation without documenting the change of titles.

Solo practitioners soon discovered they needed to expand their practices in order to meet the variety of needs. “You might have had a domestic issue, but suddenly you have an eviction issue or insurance claim or some other issue that drives people to the lawyer they know,” Bertaut says. As a result, many practitioners became conversant in new areas of the law.

Faun Fenderson is a solo practitioner whose primary focus was succession and estate management. Six weeks after Katrina, she returned and operated out of her house for six months before she was able to obtain new office space, where she was kept “really busy” for two years. “Everyone was doing succession because of the Road Home grants given to people to rebuild,” she explains. In fact, Fenderson trained many pro bono lawyers who flew in to New Orleans to assist because so many people had to produce titles before they could rebuild. She hired college students over the summer of 2006 to help scan documents.

“Solo practitioners learned a lot of hard lessons,” says Fenderson, chair of the Louisiana State Bar Association’s Solo and Small Firms Section. “They’re not inclined to have a lot of insurance on computers or software. Now more firms back things up and have digital copies of [documents] offsite.” Fenderson says she finally ended up doing legal work beyond her usual succession specialty “because it was required.” However, she stresses that while she had a lot of paying business, most lawyers handled many cases pro bono. “I didn’t see people taking advantage of the situation—I certainly didn’t charge people in desperate straits.”

Time to Rebuild

It was six weeks before Mayor Ray Nagin announced it was safe to come back to New Orleans. After the initial shock and scramble to locate clients,

contracts, and coworkers, many lawyers and law firms faced the difficult task of rebuilding. “There was a period when people were shell shocked. They didn’t know where their clients or their staff were,” Bertaut recalls. Schools remained closed, and people with children had to make the difficult decision to leave their families in evacuation locales and return to the city to rebuild or to relocate permanently away from New Orleans.

New Orleans houses the state supreme court, the circuit court, and two law schools. For the legal community, a lot was at stake. “There was some sense of civic pride, a feeling that with this legal presence we had to get back on track,” Bertaut says. But with conditions the way they were, “it was something like the chicken and the egg. Judges didn’t want to come back until the infrastructure was up and running.” But lawyers questioned how they could ask their staff to leave their displaced families behind and return to maintain a professional presence.

“The legal community played an extensive, significant role in getting things up and running in the community at large,” says Kim Boyle, a partner in the New Orleans office of Phelps Dunbar LLP, who was chair of the Louisiana Recovery Authority’s Health Care Committee when Katrina struck. Later she joined the Bring New Orleans Back Commission and testified before a Senate subcommittee on the inadequate protections for low-income people in times of catastrophe.

Boyle points out that law professors and defense lawyers worked to locate evacuated prisoners who had lost contact with their families. Some incarcerated persons had the misfortune to be arrested for a minor offense the night before the storm hit and sat for weeks or months without a trial. “Everyone recognized that it was important to get the courts up and running,” she says. Many lawyers also were involved in trying to bring back the indigent defense board. “You had a ton of attorneys involved in their community efforts, school efforts, and

(Continued on page 14)

Raising a Legal Profile Through Social Networking

By Ann Farmer

A year ago, as the popularity of Twitter was rapidly fanning across the globe, Diane Rynerson, executive director of the National Conference of Women's Bar Associations (NCWBA), determined to steer clear of it.

"First of all, it sounded ridiculous," says Rynerson, who initially associated the microblogging service more closely with the postings of celebrity Twitterati like actress Demi Moore than as a serious social networking tool for a national law organization. She also thought it sounded like a huge time drainer.

Some members of her organization, however, indicated that they preferred receiving missives via Twitter. "Nowadays people want very specific communications," Rynerson says. And a colleague convinced her that maintaining the NCWBA's presence on Twitter wouldn't require much more attention than she already invested in the popular social media platforms Facebook and LinkedIn. Twitter postings (called tweets), which are posted on a user's profile page, are restricted to 140 characters—so they're shorter than this sentence.

Consequently, Rynerson now tweets alongside the other 175 million plus registered Twitter users and reports that she has received information that she'd otherwise not get, although she does have to watch it. "You can spend whole days using social media if you're not careful," says Rynerson, who incorporates social networking into her family law practice as well. But she draws the line at hunting for grade school classmates on Facebook.

What's in It for You

The advantages for lawyers who use social media can be considerable. Besides functioning as a news fount, these platforms provide opportunities for branding, connecting, mentoring, finding a job, and securing new clients.

While some reports indicate that women lawyers are lagging behind their male counterparts in using the technology, the networks seem well suited for women, who are often better at communicating and collaborating. Similarly, they furnish female lawyers who are stretched for time with a flexible means for rainmaking. They also can be useful tools for women reentering the legal field after a lengthy leave or for those trying to secure speaking engagements.

For lawyers looking to implement social networking into their job search, Texas legal recruiter Amanda Ellis recently published a how-to book, *The 6Ps of the Big 3 for Job-Seeking JDs*, which advises lawyers to focus their time and effort on these three social networks: Facebook, LinkedIn, and Twitter. "They provide the biggest bang for your buck," Ellis says.

In her book, Ellis takes readers through a step-by-step process of setting up profiles and getting the most out of each platform. LinkedIn, for example, which currently boasts more than 90 million members, markets itself as a social networking site geared to professionals. "You won't want to share

your family pictures on LinkedIn," Ellis cautions.

At the same time, she says, don't overlook the professional networking opportunities that the more informal and vastly more popular Facebook (with more than 600 million users) offers. "Facebook is good for digging into your core contacts," says Ellis, noting how casual communications with family and friends on Facebook can easily lead to work-related connections. "Women are more likely to refer business to women they know, like, and trust," adds Ellis, who is a former bankruptcy lawyer.

Twitter is another pipeline to people around the world and their thoughts, ideas, and information, which get posted in the form of real-time tweets. "Twitter is the least restrictive," says Ellis, who suggests that job seekers follow people on Twitter who are most likely to present job leads, such as law school career counselors, plus any of their followers who seem potentially helpful. Users don't have to set up an account to follow people, although some people restrict their tweets to their followers.

Lawyer Carolyn Elefant, who practices in Washington, D.C., in the area of energy regulatory matters, is a passionate advocate of social media. She utilizes a full panoply of platforms, including Twitter, Facebook, LinkedIn, YouTube,

BLOG, BABY, BLOG

Check out what some women lawyers are blogging about:

Above the Law

<http://abovethelaw.com>

In this legal tabloid, mainstay editor Elie Mystal comments on breaking legal developments and provides gossip on the legal profession's movers and shakers.

Twitter: @atblog

Feminist Law Professors

<http://feministlawprofessors.com>

Toward their goal of building a stronger feminist law professor community, professors Ann Bartow of the University of South Carolina School of Law and Bridget Crawford of Pace Law School hew their posts to announcements and other information of particular interest to feminist law professors.

Twitter: @Feministlawprfs

Ms. JD

<http://ms-jd.org>

Run by female law students, this blog provides essays and advice for female law students and a forum for them to connect to professional female lawyers over gender issues in law school and the legal profession.

Twitter: @msjdtweets

Green Building Law Blog

www.greenbuildinglawblog.com

Green building law is the focus of Shari Shapiro's practice and blog.

Twitter: @sharishapiro

Mediation Channel

<http://mediationchannel.com>

Greater Boston lawyer Diane Levin provides news and tips about mediation, dispute resolution, and negotiation.

Twitter: @dianelevin

TaxGirl

www.taxgirl.com

In her easy-to-grasp blog about tax law, Philadelphia lawyer Kelly Phillips Erb says "paying taxes is painful . . . but reading about them shouldn't be."

Twitter: @taxgirl

The Not-So-Private Parts

<http://blogs.forbes.com/kashmirhill>

As a self-described privacy pragmatist, Kashmir Hill writes about the intersection of law, technology, social media, and personal information.

Twitter: @kashhill

Above and Beyond KM

<http://aboveandbeyondkm.com>

New York City lawyer Mary Abraham discusses knowledge management based on her experience and practice.

Twitter: @VMaryAbraham

Ride the Lightning

<http://ridethelighting.senseient.com>

Lawyer Sharon Nelson takes on the issues surrounding computer forensics and information technology.

Twitter: @sharonnelsonesq

Build a Solo Practice @SPU

Solo Practice University Blog

<http://solopracticeuniversity.com/blog>

Solo practitioners, in particular, will find Susan Cartier Liebel's blog informative and inspiring.

Twitter: @SCartierLiebel

Legal Ease Blog

<http://legalease.blogs.com>

Lawyer and law practice consultant Allison Shields wants to help lawyers avoid "lawyer meltdown" in her thoughtful postings.

Twitter: @allisonshields

Massachusetts Estate Planning and Elder Law

<http://lhamillattorney.typepad.com>

You don't have to practice in Massachusetts to benefit from these practical postings about estate planning and elder law by Hingham, Massachusetts, lawyer Leanna Hamill.

Twitter: @leannahamill

Resource: Many of the blogs listed here were included in the 3rd and 4th Annual ABA Journal Blawg 100. For a complete list, go to www.abajournal.com/magazine/article/the_2010_aba_journal_blawg_100.

and Avvo, an online directory of lawyers. With coauthor Nicole Black, a lawyer in Rochester, New York, she wrote *Social Media for Lawyers: The Next Frontier*, published last year.

She's also been at the forefront of lawyer blogging. She currently maintains two blogs: MyShingle.com, cited in the 4th Annual ABA Journal Blawg 100, provides a venue for discussing trends and changes in the legal profession. The other blog, LOCE Offshore Wind and Wave Energy Weblog, pertains to her law firm practice.

"It's a great way to make people

aware of your expertise," says Elefant, who suggests that lawyers establish parameters for how much time to spend on social media activities. Because she finds Twitter and Facebook addictive, she only sits down with them in the morning or evening. "I stay off them in the middle of the day," she says. She delegates her blog writing to the weekends.

"Any type of marketing takes time," she says. "This is less time-consuming than trekking out to some conference or attending a client lunch. If you're practicing, but not doing marketing, you're not doing what you should anyway."

Shatorree Bates, an Atlanta lawyer who primarily practices bankruptcy law and family law in addition to carving out a considerable amount of time for community activities, says she constantly networks. She maintains a Facebook account, but shies away from using it for business purposes because the information shared there, she says, is more conducive to personal connections. For online business networking, she prefers LinkedIn, where she's registered more than 500 business contacts.

(Continued on page 14)

Women Rise to the Occasion in the BP Oil Spill Litigation

By Stephanie B. Goldberg

At the Pan American Conference and Media Center in downtown New Orleans in late March, local lawyer Deborah Kuchler is taking a break from a deposition that she reports is one of the most technologically advanced she has seen. In a large room filled with approximately 25 lawyers, the court reporter's transcription is being put online in real time so that it is immediately available to everyone in the room while lawyers in remote locations can see live video of the proceedings and the transcript via split screen. This is just one of the potentially thousands of steps in the litigation related to last year's oil spill in the Gulf of Mexico, described as the world's largest manmade disaster.

In attendance are defense lawyers like Ky Kirby of Bingham McCutchen LLP's Washington, D.C., office, trial counsel for Vonage Holdings Corporation (of Holmdel, New Jersey) on many high-profile cases, and plaintiffs' lawyers such as San Francisco's

Elizabeth Cabraser, partner at Lief Cabraser Heimann & Bernstein, LLP, whose toxic tort experience stretches back to the breast implant, tobacco, and *Exxon Valdez* litigations of the 1980s and 1990s.

Legal Impact of the Spill

When the Deepwater Horizon drilling rig exploded on April 20, 2010, killing 11 workers, injuring 17, and discharging nearly five million barrels of oil into the Gulf of Mexico until the well was finally capped three months later, many reckoned that the legal impact of the spill would be as great as its economic and environmental consequences. There are undisputed injuries to wildlife and marine ecosystems, the fishing industries of several states, tourism, and coastal properties, as well as what are likely to be hotly contested claims of physical injuries based on toxic exposure.

In addition, the disaster spawned insurance coverage disputes; lawsuits by the federal, state, and local governments for clean-up costs; and shareholder and pension fund actions alleging securities law and Employee Retirement Income Security Act (ERISA) violations. Just like the oil spill that spread along the coasts of Texas, Louisiana, Alabama, Mississippi, and Florida, the legal business has been widely dispersed. "I would guess that hundreds of lawyers have one or more cases," says Edward Sherman, professor at Tulane University Law School in New Orleans, who monitors the litigation closely and has consulted for plaintiffs' lawyers.

The New Orleans multidistrict litigation—MDL 2179—was created in August 2010 when the federal Multidistrict Litigation Panel transferred 77 suits to Judge Carl J. Barbier of the U.S. District Court for the Eastern District of Louisiana. By February 2011, the number of consolidated claims had grown to 350. The same order trans-

ferred securities and ERISA claims to MDL 2185 in the U.S. District Court for the Southern District of Texas, Houston Division, with Judge Keith P. Ellison presiding.

A third legal track is BP's Gulf Coast Claims Facility (GCCF), administered by Kenneth Feinberg, who was special master of the 9/11 Victim Compensation Fund. The GCCF has disbursed more than \$3 billion in payments to nearly 450,000 claimants out of the \$20 billion BP was compelled to put in escrow under provisions of the Oil Pollution Act of 1990. Many victims have decided to file both claims and lawsuits so they can weigh their options. Most claimants, however, are not represented by lawyers, although a five-state network of legal aid offices is offering pro bono counsel.

In MDL 2179, more than 100 lawyers, including high-profile case litigator David Boies, competed to be on the plaintiffs' steering committee, but only 17 were appointed by Judge Barbier. These lawyers coordinate and perform discovery on behalf of all those filing suit and determine trial strategy. The court's criteria for selecting committee members were "willingness and availability to commit to a time-consuming project[,] . . . ability to work cooperatively with others, and . . . professional experience in this type of litigation."

Two women made the cut: New York toxic tort specialist Robin Greenwald of Weitz & Luxenberg P.C. in New York City, who had already served as lead lawyer and plaintiffs' liaison counsel for the methyl tertiary-butyl ether (MTBE) multidistrict litigation, and Cabraser. Was Cabraser surprised by the number of women? "Yes," she responds. "I was surprised there were that many."

Getting Women on Board

What prevents women from securing these plum positions? Cabraser says it's not gender bias on the part of judges. "Judges are looking to promote and assure diversity in these committees." Indeed, they have been proactive and

very conscious of the need to ensure quality through diverse representation, she adds.

It's not legal ability either, Cabraser notes. "We can do the legal work from briefing to oral argument to formal discovery." In fact, she says, much of the legal work in the BP litigation is being done by women. "The plaintiffs' steering committee is just the tip of the iceberg."

One problem is that lawyers have to have experience with MDL cases to get a seat at the steering committee table. "It's a chicken-egg thing," Cabraser says.

But the real problem, according to Cabraser, is that these lawyers underwrite the costs of discovery through assessments of hundreds of thousands of dollars. In effect, they finance the litigation, and this is where women are at a disadvantage. For many plaintiffs' firms, it's difficult enough just to finance the firm's usual contingent fee litigation, let alone taking on an obligation of this magnitude, she explains. How about bank loans? "Try and find one," Cabraser retorts.

"This is common benefit work—we do work for everyone; if the case is successful, the court sets aside a portion to reimburse our out-of-pocket expenses," she says. "The risk we take is that there is no recovery or settlement."

However, the risks entailed by MDL 2179 are comparatively small. "This is a plaintiffs' lawyer's case of a lifetime," says New Orleans toxic tort specialist Dawn Barrios, partner at Barrios Kingsdorf & Casteix, L.L.P. "The case encompasses so many issues, and liability is clear."

Barrios, who is not on the BP plaintiffs' steering committee but has held steering committee positions in three other MDLs, is litigating a wide range of claims from oyster shuckers who claim lost income to beachfront property owners whose land has decreased in value.

She says the major difference in not being on the committee in the BP litigation is that she has to check the MDL website and familiarize herself with issues mentioned in the cor-

respondence. While she can't depose the lead defendants, she still conducts research independently and her office helps clients navigate the claim process free of charge, as many plaintiffs' lawyers are doing.

Both Barrios and Cabraser agree on the interpersonal skills that equip someone to be an effective steering committee member, and these are traits usually linked to women: the willingness to reach a consensus, a high level of organization and flexibility, and the ability to check their ego at the door. Another essential is being affiliated with a smooth-running organization that uses legal technology and paralegals effectively and, of course, partners who are supportive. Barrios and Cabraser insist they are very lucky in this regard.

"I never wanted to do anything else," Cabraser says of her vocation. "I expected to be a sole practitioner. I questioned authority, and I like to do things my own way." Yet it was finding partners who shared her vision and were willing to finance her work that made all the difference, she notes.

Representing the Defense

Defense lawyer Kuchler, who is local counsel to Anadarko Petroleum Corporation and MOEX Offshore, likewise traveled a long road to be appointed to the BP defense steering committee. Her biography on her law firm's website notes that she worked as a contract administrator for a local gas company while attending law school at night. Why mention night law school when so many lawyers play this down?

"I'm really proud of it. It was a tremendous struggle because I was working full time and was married with children," says Kuchler, who learned to juggle her time with consummate skill and graduated at the top of her class without any debt.

Kuchler concentrates her networking efforts on other lawyers and finds that colleagues across the country frequently send clients to her. This is the first MDL she's worked on, although she has litigated toxic torts throughout the Gulf states. The sense of reciprocity

she experiences and her time management skills pay dividends in her work as a defense steering committee member. "When you have a limited amount of time for questioning," as she did at the March deposition, she says "you've got to make every moment count."

Kuchler coordinates her work with her clients' national counsel, Ky Kirby, who is one of the few lawyers on the defense steering committee roster whose background is not in toxic torts but rather in a wide-ranging litigation practice that includes consumer fraud work, antitrust, entertainment, and telecommunications law. Because of what's at stake in the BP litigation and its visibility, Kirby is taking a much more active role than she ordinarily would, spending two weeks out of every month in her firm's New Orleans office and taking the lead in depositions she would normally delegate.

What is the life of a national defense counsel like in this case? "Be prepared to make a lot of sacrifices," Kirby says. "You have to be front and center on everything. You have to be constantly on call to your client and yet you have to set boundaries. You need a little bit of me time, if for nothing else than to reflect on your litigation strategy."

Kirby and the others are excited by the legal issues posed by the BP case, which range from choice-of-law issues to limitations of liability under maritime law to preemption questions to laying a foundation for latent injuries. And then there's the technical education. "We've all become experts in oil rig technology," Kuchler says.

"There has never been a case quite like this one," muses Kirby at the end of a 12-hour day, waiting to board her flight back to D.C. "There's a lot of groundbreaking law," she notes, with obvious enthusiasm for the long road ahead. 

Stephanie B. Goldberg is a legal affairs journalist based in Chicago and is a former member of the Perspectives editorial board. Her work has appeared in the New York Times, BusinessWeek, the Chicago Tribune, and many legal publications.

SOCIAL NETWORKING

(Continued from page 14)

“Most individuals on LinkedIn have accomplished things on a business level that are prominently displayed in their profiles. Because others can make recommendations and share employment histories, it can be a verifiable source for business referrals,” says Bates, who estimates that she’s received five to seven client referrals via her LinkedIn account.

Ethical Concerns

In response to the myriad of ethical concerns that surround the use of social media, firms are drawing up employee guidelines to protect themselves from improprieties, defamation lawsuits, and the disclosure of a company’s proprietary information or information that could be used against the firm during litigation.

Laura Maechten, a partner in the San Francisco office of Seyfarth Shaw LLP who focuses on employment litigation, points out that professional legal mediators sometimes try to link with lawyers on social media sites. However, this can open the door to a potential conflict or appearance of bias. For instance, if that neutral’s name were put forward as a potential mediator in a case,

the opposing counsel could easily view their online relationship and argue that the mediator would be unable to be impartial.

“Any neutral should be careful when engaged in social networking to ensure there is no appearance of bias in favor of the defense or plaintiffs’ bar,” Maechten says. “No attorney should use deception to gain access to opposing parties’ online social networking sites.”

She adds that a number of legal ethics opinions have addressed lawyers’ use of social media, and more are expected.

Elefant, meanwhile, says an easy way of looking at the ethical issues is for lawyers to implement the same familiar rules of professional conduct that have always applied. “If you’re talking about your client’s case in a big crowded bar, and if someone hears you, you’re compromising your client’s confidentiality. It’s the same thing with Twitter.”

Even tweeting a personal opinion can be dangerous, as Indiana’s former Deputy Attorney General (AG) Jeffrey Cox learned when he was fired in late February after using Twitter to urge Wisconsin police to “use live ammunition” against pro-labor demonstrators. The AG office justified the firing by

stating that “as public servants, we are held by the public to a higher standard, and we should strive for civility.”

But despite the potential pitfalls for employers and employees, many law firms today are choosing to harness social media rather than stifle its use by employees. “Our social media guidelines are meant more to encourage than discourage,” says Liz Cerasuolo, director of communications at Fish & Richardson P.C., a national intellectual property firm based in Boston, which urges its lawyers to tweet and re-tweet (re-post) sensible and responsible information on Twitter.

“Just re-tweet it and people will look to you for a resource,” says Cerasuolo, who also takes time to help lawyers optimize their names in search results. “We look to be an aggregate of information. We want to know who’s following us and what do they want to know.”

At the same time, she counsels lawyers not to overdo the social media surfing during office hours because it can look to clients like you’re not working. 

Ann Farmer is a Brooklyn, New York–based freelance journalist who covers breaking news for the New York Times and contributes stories on culture, law, crime, and other topics to publications including Emmy, DGA Quarterly, Budget Travel, and others.

PRACTICING LAW AFTER A DISASTER

(Continued from page 9)

neighborhood efforts. People were involved in rebuilding all across the state.”

Silver Linings

Damages from Katrina ran into the billions, and with the BP oil spill in the Gulf of Mexico in 2010, the region still struggles. “We see a lot of young entrepreneurs who [first] came from out of state to do volunteer work and came back to set up incubator companies,” says Puente, who points out that Louisiana is one of two states that experienced an uptick in construction during the recent recession. “Construction is a good field. Contracts is a good field.”

Today most law firms, government offices, hospitals, and businesses store their documents and data backups offsite, usually in another state. Barrasso points out that to prepare for future catastrophes, most firms have put together plans that include websites and databases to ensure business continuity.

Laws changed in the insurance arena and construction codes, as well as in the legal and medical fields. New interagency partnerships within the criminal justice system led to improved planning and implementation of crisis management programs, while Medicare regulations now provide hospitals with greater flexibility

in emergency situations. “There were some very positive developments,” Barrasso says.

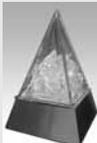
For New Orleans and other localities hit hard by disaster, it stands to reason that the insurance and federal aid that follow a catastrophe will inevitably present opportunities for lawyers as legal help for the victims becomes a necessity.

“But when you’re in the moment—and that moment goes on for weeks and weeks—you just never think it’s going to get better,” Bertaut says. “All the people who came back are committed . . . it really takes a lot of soul searching.” 

Hannah Hayes is a Chicago-area freelance writer.

The 21st Annual Margaret Brent Achievement Awards Luncheon

Please join the Commission on Women in the Profession for the 21st Annual Margaret Brent Women Lawyers of Achievement Awards Luncheon at the ABA Annual Meeting in Toronto, Ontario, Canada, on Sunday, August 7, 2011, from 12:00PM–2:00PM at the Metro Toronto Convention Centre.



The ABA Commission on Women established the Margaret Brent Women Lawyers of Achievement Award in 1991 to recognize and celebrate the accomplishments of women lawyers. The award honors outstanding women lawyers who have achieved professional excellence in their area of specialty and have actively paved the way to success for other women lawyers. It is presented to five women lawyers who excel in a variety of professional settings and who personify excellence on the national, regional, or local level.

The 2011 Honorees:

Eleanor Dean Acheson, vice president, general corporate counsel, and corporate secretary, National Railroad Passenger Corporation; in Washington, D.C.

New Commission Book Coming in July

The Road to Independence: 101 Women's Journeys to Starting Their Own Law Firms

The Road to Independence is a collection of 101 letters written by women who have founded law practices, whether as a solo, with other women, or with men. Focusing on the experiences, challenges, and opportunities of women-owned law firms, these women, in their personal voices, reiterate key themes: Becoming businesswomen. Choosing a practice area true to their passion and the high character they bring to the bar. Controlling not only their days but their destinies. Ambition in action.

Throughout this inspirational book, readers will find business-savvy tidbits and practical tips for starting and growing a successful law practice in the words of the founders themselves. Grouped chronologically according to when each writer started her woman-owned practice, this collection implicitly portrays the profession's growth, the society's evolution, the economy's fortunes, and the periodic changes in business models of private practice. Explicitly, these letters unite to reflect not only the drive to practice law, but also the impact of cultural changes on women in private practice.

For more information, and to download a form to be notified when the book is published, visit the Commission's website at www.americanbar.org/groups/women.

Paulette Brown, partner, Edwards Angell Palmer & Dodge LLP; in Madison, New Jersey.

Karen J. Mathis, president and CEO, Big Brothers Big Sisters of America; in Philadelphia, Pennsylvania.

Colonel Maritza Ryan, United States Military Academy; in West Point, New York.

Esther Tomljanovich, Medica Board of Directors; and former justice, Minnesota Supreme Court; in Lake Elmo, Minnesota.

Special Award: Chief Justice Beverley McLachlin, Supreme Court of Canada; in Ottawa, Ontario.

Pay tribute to the 2011 Margaret Brent honorees by purchasing a table (each table seats 10) and/or a special tribute in the commemorative awards program book. Make tributes to the six honorees or other women lawyers who have touched your life or the lives of those around you. Reserved tables are \$1,500, and full-page tributes are \$1,000. Corporate sponsorship opportunities also are available. For more information, contact Beverly Tate at 312-988-5668, send an e-mail to Beverly.Tate@americanbar.org, or visit the Commission's website at www.americanbar.org/groups/women.

A Current Glance at Women in the Law 2011

Updated statistics on the status of women in the legal profession are available on the Commission's website. Download the PDF report at no cost at www.americanbar.org/groups/women/resources/statistics.html.

2011 Report Tracking Women in ABA Leadership Positions Now Available

The ABA Commission on Women in the Profession has issued its *2011 Goal III Report Card*, which tracks the trend of women in ABA leadership positions. The first *Report Card* in 1991 reported women's membership in the ABA and their representation in the profession at 22 percent. Women now constitute 31.61 percent of the approximately 321,000 lawyer members of the ABA and 31 percent of the legal profession.

The Commission found that, while the percentage of women holding ABA leadership positions from 1991 to 2011 is trending upward, overall the rate of increase has remained relatively static or slightly decreased in recent years. However, the Commission is pleased to report that for 2010–2011, the percentage of women in ABA leadership positions increased significantly with respect to the Board of Governors, House of Delegates, and section/division chairs.

Download the full report from the Commission's website at www.americanbar.org/groups/women.



SHORT Takes

Sabrina Shizue McKenna Sworn in as New Member of Hawaii Supreme Court

Sabrina Shizue McKenna is the newest associate justice of the Hawaii Supreme Court. Nominated by Hawaii Governor Neil Abercrombie to fill the vacancy created last September when Associate Justice Mark Recktenwald was elevated to chief justice, Judge McKenna had been serving as a senior judge on Oahu's Family Court. She previously was a state judge in the circuit and district courts for 17 years. This is the first time in Hawaii's history that the five-member court has included two women justices and the first time the court has had an openly gay woman.

Elizabeth L. Grayer Is New President of Legal Momentum

Elizabeth L. Grayer, formerly a partner in the litigation department of Cravath, Swaine & Moore LLP in New York, became president of Legal Momentum, the nation's oldest women's legal defense and education fund, in February. From 2005 to 2008, she worked with the Legal Aid Society, leading a team of lawyers and paralegals in securing an enforceable right to shelter for homeless families in New York City, a project for which she received the Legal Aid Pro Bono Publico and Public Service Award in 2008. Legal Momentum's former president, Irasema Garza, left to become senior counsel to Secretary of Labor Hilda Solis.

Sotomayor Cites Gender Disparity in Treatment of Judicial Candidates

U.S. Supreme Court Justice Sonia Sotomayor told a group of law students at Northwestern University School of Law that female candidates for the federal judiciary are treated differently from male candidates and need a thick skin. The *ABA Journal* reported that Sotomayor, speaking at Northwestern's annual Howard J. Trienens Visiting Judicial Scholar Program on March 7, said women and men face different expectations. "I am probably a bit more aggressive," she remarked, "but to hear people describe me as brash and rude, the language used suggests a difference in expectations about what's okay for people's behavior."

The third woman to serve on the high court, Sotomayor is divorced. She told the audience that during the nomination process she was asked for the names of everyone she ever dated. "I was offended [by certain questions], because I was convinced they were not asking those questions of male applicants," she said, noting that her federal court male colleagues who are single often bring their dates to public affairs. "No one ever talks about it to them," she said. "If I did the same thing, my morals would be questioned." According to the *Journal*, Sotomayor added that she was and still is very careful about who she dates. "I do it very privately." 