

FAWL Acts Quickly To Retain Judicial Members

by DINITA L. JAMES
Journal Editor

In the wake of Florida Ethics Advisory Committee Opinion 01-15, the Florida Association for Women Lawyers took action to keep its many members in the judiciary at its Annual Retreat on August 19, 2001.

Opinion 01-15 advises that judges may not belong to voluntary bar associations that endorse candidates.

FAWL President **Susan W. Fox** reviewed the ethics opinion and determined that an immediate resolution was necessary. Chapter Representatives reported that several judges had already called regretfully to cancel their memberships.

Although FAWL by-laws permit the appointment of an Endorsements Committee for the purpose of endorsing candidates for public office, FAWL has not appointed such a Committee or endorsed candidates in more than three years.

FAWL by-laws also permit local chapters to determine whether to engage in an endorsements process and the manner for doing so. The resolution adopted by the FAWL delegates at the Annual

Article X (Endorsements) Bylaws Amendment

Under the current provisions of Article X of FAWL's Bylaws, FAWL may establish an Endorsement Committee for statewide and local elections, which is authorized to interview and evaluate candidates for elective office and make recommendations to the Board of Directors for endorsements.

On August 10, 2001, the Florida Ethics Advisory Committee issued Opinion 01-15, which prohibits judges from being members of voluntary bar associations that endorse candidates for public office.

At the Board Meeting on September 7, 2001, the FAWL Board of Directors proposed the following Bylaw amendment, which will be voted on at the January 11, 2002, Board Meeting at the Hyatt Regency, Miami, and, if passed, will become effective immediately.

Sections 1 through 7 of Article X of the FAWL Bylaws is stricken and the following provision is adopted:

ARTICLE X: Endorsements

The Florida Association for Women Lawyers shall not endorse candidates for public office.

Retreat had three key points:

- ▶ FAWL will maintain its policy of not endorsing candidates and will keep its Endorsements Committee inactive while Opinion 01-15 is in effect, and will provide advance notice to any judicial members prior to any change in this policy.
- ▶ FAWL will initiate a by-laws change to clarify that the organization does not endorse candidates.
- ▶ In its by-laws and in other ways, FAWL will strongly recommend that its chapters adopt a similar policy of non-endorsement, changing their by-laws if necessary.

The purpose of the resolution was both to reassure its members among the judiciary and judicial

candidates that their membership has not and will not result in an ethical violation and to provide guidance to local chapters.

FAWL's Amicus Committee was charged with investigating the possibility of challenging Opinion 01-15. Contact Donna Greenspan of Palm Beach FAWL (561/833-9700 or dgreenspan@ealaw.com) if you are interested in working on an amicus filing related to the ethics opinion. ■

Three Cheers for Martha Barnett!

by Wendy S. Loquasto

Tallahassee Women Lawyers and the Florida Association for Women Lawyers proudly congratulate **Martha W. Barnett** on the successful completion of her presidency of the American Bar Association! It was an incredibly busy year for her. Just try to imagine being on an airplane almost every day for a year and constantly giving speeches and attending meetings. The word "grueling" comes to my mind, but Martha gladly performed her duties as ABA President

and relished the experience, because it involved so many wonderful people and such interesting and challenging work.

One of the most interesting aspects of her experience as ABA President was discovering how respected the American legal profession is both at home and internationally. There are those who criticize lawyers and the legal profession, but Martha found it enlightening to see how respected the legal profession actually is. When leaders in the legal profession speak on issues, people listen. They might not like or agree



with what is being said, but they listen.

Martha also saw how much the world respects the American legal system and judiciary. Our legal system has an enormous impact around the world, and, in fact, Martha commented that in her role as ABA President, she was often accorded the same respect and honor given to a country's highest elected official!

Four issues mark Martha's administration. The death penalty moratorium is the first of those issues. While this was not Martha's issue, it came to the forefront during her term and, after an ABA-sponsored conference, a national debate is now raging.

The second issue relates to the problem of increased violence by young girls. Martha believes we must determine

ABA Commission Finds Gender Equality Remains "Unfinished" Business

by DINITA L. JAMES
Journal Editor

The ABA Commission on Women in the Profession just released its third status report on women lawyers under the telling title: "The Unfinished Agenda." Although significant advances have been made in the fourteen years of the Commission's existence, this most recent comprehensive study finds much progress yet to be made.

Over the last dozen years, the number of women law partners, general counsels and federal judges has doubled. But women still remain underrepresented in positions of greatest status, influence and economic reward, according to the report. Women lawyers on average earn about \$20,000 less per year than male lawyers. That earnings gap remains significant even when comparing cohorts of men and women with similar qualifications, experience and position.

The report found few examples of intentional discrimination against women lawyers. Major barriers remain, however, in unconscious stereotypes, inadequate access to support networks, inflexible workplace structures, sexual harassment

and bias in the justice system.

Regarding stereotypes, the Commission report notes a cultural mismatch between characteristics associated with women and those associated with professional success, such as assertiveness and competitiveness. Thus, women lawyers find themselves facing both a double standard and a double bind, as what society regards as assertive in a man it regards as abrasive in a woman. In large national surveys, between half and three-quarters of women believe they are held to higher standards than men.

Workplace structures present another double bind for women lawyers, according to the report. While 90 percent of surveyed law firms permit part time schedules, only 3 to 4% of lawyers actually use them. In national surveys, more than half of women lawyers expressed the belief that any reduction in their hours or availability would jeopardize their prospects for advancement.

Since the Commission began its work in 1987, almost all legal employers have adopted policies against sexual harassment. At the outset, only about a third of them had such policies in place. But

national surveys of women lawyers report a substantial gap between formal policies and actual practices.

Almost three-quarters of women lawyers in these surveys thought that harassment was a problem in the workplace, and two-thirds of women attorneys and between a quarter and half of female court personnel reported experiencing or witnessing sexual harassment in the workplace.

The report also documents gender-based disparities in a wide range of areas within the justice system, including: the composition of the bench, bar and court personnel; in the outcomes for male and female litigants in areas such as bail, sentencing and custody awards; and in perceptions of participants in the justice system.

The report also presents an "Agenda for Change, adopting guiding principles and strategies for legal employers, bar associations add the justice system to use in achieving true gender equality.

The ABA Commission on Women in the Profession, created in 1987 with Hillary Rodham Clinton as its first Chair, has been the leading national voice for women in the law. Copies of the report can be ordered at the Commission's website: www.abanet.org/women. ■

the reason for the vast increase in violence by young girls before a whole generation of young women is lost to the criminal justice system, and she used her voice as ABA President to focus the national spotlight on this issue.

The role of women in the legal profession was, of course, another important issue during Martha's presidency. The ABA's Commission on Women in the Profession published *The Unfinished Agenda: Women and the Legal Profession*, a wonderfully written and documented report, which illustrates that women have come a long way in the profession. (You can print it from the ABA's website.) In Martha's words, women are the "emerging majority" in the legal profession and they are now assuming leadership roles. In her

opinion, women have actually been setting the national agenda for many years, as illustrated by their role in many child care and health issues dating back to the 1970s, which are now mainstream, and she suggests that now is the time to acknowledge that women do have power. Martha is excited that the results of an ABA-sponsored conference on the women's role in the legal profession soon will be published.

The fourth issue that shaped Martha's term was, of course, the role of the ABA in the federal judicial nominating process. She received hundreds of e-mails, not only from members of the legal profession and the judiciary, but also from the public at large, who found it repugnant that the government would not consider the opinion of lawyers in

the appointment process. In the end, it is the administration that will suffer from the new procedure, which prevents the ABA from conducting its qualification investigation until after, rather than before, the nominee has been announced.

Although Martha is now "immediate past president" of the ABA, you can be sure that her involvement in these and other issues will not end. You can also be sure that Martha is enjoying getting back to her "professional family" at Holland & Knight, and that she is delighted to be home in Tallahassee with her husband Rick and being able to visit her children more often.

Welcome home, Martha, and congratulations on a job well done. We are proud of you! ■