



## Committee Leadership



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## Leadership Notes

## From the Chair

By Marie Chafe



The weather is getting cooler and the leaves are turning, but this year the Fall season and approaching holidays are very different. Perhaps you are feeling the same way that I do – simultaneously time has stood **completely still**

and it feels that everything has **changed**. A trifecta of social distress—economic challenges, a racial reckoning, and a stunning health crisis in the pandemic—has affected us in different ways. As I write this, the election season has moved into a new phase with the launch of the debates, and it seems that our public discourse and level of acceptance and tolerance for our fellow citizens has hit a critical new low.

As we navigate this time, I try to focus my efforts on things that I can control and in areas that I hope to have a positive impact. That gets me back to our great committee. I am grateful to so many members of the leadership team that have stepped up and kept us humming along. I am always looking for ways that our committee can support its members—or maybe just entertain you for an hour during a Zoom presentation.

Speaking of Zoom, I hope many of you got the chance to participate in the fabulous “**Opportunity Calling**” presentation with Pat Gillette, Heidi Friedman, and Alexandra Stathopoulos on steps to stay balanced in a very unbalanced world. They offered great advice that I hope provided inspiration to everyone listening.

Keep an eye on the end of October for the [DRI Virtual Annual Meeting](#)—the VAM! Our committee program is a collaboration with several other committees and will address “**Effective Communication Across Differences in the Age of Polarization and Fake News.**” The fabulous moderator will be Paula Edgar, who made a big splash at our last seminar held in Miami. You’ll find more details about the program in another part of this newsletter. Mark your calendar for *Friday, October 23, 3:00 – 4:00pm Eastern*.

Also during the VAM, the Women in the Law Committee will be a designated host of the Virtual Networking Reception. Currently, there are over 1,000 people registered for the networking event (and 1,800 registered for the meeting!!!!). WITL hosts will be assigned to the small group

networking rooms. If you are attending the reception, be on the look-out for many of your fellow committee members. If you volunteered by be a networking host, thank you!! This will be a fun evening. Double check that it’s on your calendar for *Thursday, October 22, 5:00 – 6:30pm Eastern*.

**#RIPRBG** – The Supreme Court lost a legend and many women, especially women lawyers, lost an idol. Justice Ginsburg’s strength and resilience in the face of adversity are well known. I wanted to take just a moment here to reflect on her life’s journey. She graduated as one of just nine women at Columbia Law School in 1959 and became just the second woman to serve on the Supreme Court starting in 1993. That is not so long ago.



But before her tenure on the high court, she was a skilled litigator, strategist, and a thoughtful scholar who was considered “precise, analytical, and evenhanded.” She believed it was necessary to convince others through the sheer strength of her reasoning and argument. I was surprised to learn recently that her first book was a treatise on Swedish civil procedure—now that’s a lawyer’s lawyer!

Justice Ginsburg’s work as a civil rights lawyer took a cautious “long view” approach to steadily chip away at gender discrimination in the law. From her early achievements as a founder of the ACLU Women’s Rights Project to her notable majority opinions in 14th Amendment’s equal protection clause cases to her strenuous dissents in recent years, it would be difficult to pinpoint where gender diversity would be without the justice’s looming influence. She was a model of female influence, authenticity, dignity,

and as I have recently read “the embodiment of hope for an empowered future.”

I will reinforce what I have said before that I want our incredible, empowered WITL community to continue to be a resource for you. We are all in this together, we will drive change together, we will be *ruthless* together and follow Justice Ginsburg’s wise words—“**FIGHT FOR THE THINGS THAT YOU CARE ABOUT, BUT DO IT IN A WAY THAT WILL LEAD OTHERS TO JOIN YOU.**”

I wish everyone health, moments of personal calm, and professional stability. Be well and stay in touch, my friends!

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*Marie E. Chafe is a partner with Cornell & Gollub in Boston and concentrates her practice in the defense of complex product liability, commercial litigation, and toxic tort*

*matters in the federal and state courts throughout New England. With more than twenty years of experience, Ms. Chafe defends the interests of local, national, and international corporations and the manufacturers, suppliers, and sellers of automobiles, trucks, and recreational vehicles as well as medical device and household consumer products in litigation involving catastrophic loss, warranty, and consumer claims. She has been designated regional counsel for automotive manufacturers and national counsel for a consumer product manufacturer and supplier. Attorney Chafe has extensive trial experience, is an AV® Preeminent Rated™ attorney, and has been a frequent speaker and writer in the substantive areas related to her practice and on topics concerning gender equity in the legal profession. She is an active member of the DRI’s Product Liability Committee and is the Women in the Law Committee Chair.*

## Letter from the Editor

By Sarah Thomas Pagels



I went back into the office recently for the first time since March 13—over 200 days ago. In those 200 days, so much has changed and our country is in mourning for so many reasons, both big and small. All I have been thinking about lately is how do we appropriately grieve the simultaneous losses of our regular daily interactions with our co-workers, the closing of our favorite local restaurants, bars or coffee shops, the lack of civil public discourse, the untimely death of a friend or family member, the general loss of normalcy, and even, the recent death of Supreme Court Justice Ruth Bader Ginsburg? For me, part of the way I am processing my grief is by taking some of Justice Ginsburg’s words to heart: “Real change, enduring change, happens one step at a time.” Sometimes, putting one foot in front of the other is the best we can do.

As part of my next steps for change, I returned briefly to my office to sign my application papers for admission to the United States Supreme Court. For the first time in my career, I am working on a case that could end up in that chamber’s hallowed walls—one that is fast-tracked and dealing with election related issues in Wisconsin. I am proud of my firm and the amazing legal team in Milwaukee we have assembled to help fight for voters’ rights during this pandemic.

Win or lose, it has been an honor to be a part of the fight for change and to preserve the rights of all voters to participate in the election process during the pandemic.

In this fall issue of Sharing Success, I am pleased to present the next steps from many others in our committee as well. Our chair, Marie Chafe shares with the next steps that are happening in our committee and within DRI as a whole—including the recent Opportunity Calling with Pat Gillette, the upcoming Paula Edgar presentation at the Annual Meeting, and the plans for our January 2021 WITL seminar.

Our committee is also pleased to introduce the PR Subcommittee in this issue, as well as provide an introduction to DRI’s new VP of Growth Strategy and Branding, Wendy Merrill.

And, sometimes the next step forward is just listening to good advice from others. Meade Hartfield shares some wonderful and sage advice from her own mother, the late Sherry Pierce Hartfield. Bridget Grimes advises us to take Justice Ginsburg’s words to heart and take charge of our financial futures, and Jessica Eichel advises those considering an in-house position in our In-House Counsel Spotlight. Kristine Kroupa also provides us with some simple, but important everyday reminders that can help keep us moving forward. Lucky for us—this issue’s advice

is not all personal—Kirsten Small gives us some valuable tips to make sure you are protecting your client confidences while (securely) working from home.

Finally, you cannot have a WITL newsletter without sharing the successes of others. We are pleased to feature Melanie Lipomanis in our member spotlight. This issue also introduces a new recurring feature with member good news including a profile of Elizabeth Brotten who was recently recognized with an award for her work co-founding a women's initiative in her SLDO. Last but not least, you cannot help but smile and think about taking that next step (especially after seeing the photos of her amazing shoe collection) when you check out the profile of our WITL Champion Melissa Roeder.

## DRI News

# The Virtual Annual Meeting

By Marie Chafe



This year's Virtual Annual Meeting promises to be like nothing we've seen before, but the Women in the Law Committee's presentation will be as great as ever. Back in January, DRI gave us a challenge—collaborate with the Diversity & Inclusion Committee, the International Committee, and the Toxic Torts & Environmental Law Committee to develop a program that will capture the interest of all of our members. We took a while to think it through, and we have put together a spectacular event.

The presentation will address “**Effective Communication Across Differences in the Age of Polarization and Fake News**” and will be moderated by Paula Edgar of Inclusion Strategy Solutions. Many WITL members will recall Paula as a stand-out presentation from our seminar a few years ago in Miami. She will lead the program of speakers, including: LaTanya Langley, Vice President & General Counsel, Emerging Markets & Group Supply Chain at BIC; Kristin Parsons, Associate General Counsel at Austal USA LLC; and Shelley Speicker, Ph.D. of Persuasion Strategies.

Dr. Speicker has conducted extensive studies about the public's consumption of news (whether from mainstream media or social media sites) and the tendency to tune-in to news sources that confirm our pre-existing beliefs. Nearly 50 percent of people in a poll agreed with the

I hope that after reading this issue, you are inspired and empowered to take that next step for change. I know that I am.

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statement—“*If you feel really strongly about something, you don't need facts to prove you are right.*”

That dynamic causes people follow a path to a “simple but wrong” answer rather than a “complex but right” answer. As defense attorneys, we want our audience or jury to make the effort to understand the whole story—the complex and factually/scientifically correct answer. In a polarized, post-fact world, how can that be done? Our in-house speakers work across cultures, countries, and political spectrums and will provide their best advice for effectively communicating across that divide.

I enjoyed working across the spectrum of DRI committees to create this program, and I think that you will enjoy the presentation. Mark your calendars for *Friday, October 23, 3:00 - 4:00pm Eastern* during the DRI Virtual Annual Meeting.

***Marie E. Chafe** is a partner with Cornell & Gollub in Boston and concentrates her practice in the defense of complex product liability, commercial litigation, and toxic tort matters in the federal and state courts throughout New England. With more than twenty years of experience, Ms. Chafe defends the interests of local, national, and international corporations and the manufacturers, suppliers, and*

sellers of automobiles, trucks, and recreational vehicles as well as medical device and household consumer products in litigation involving catastrophic loss, warranty, and consumer claims. She has been designated regional counsel for automotive manufacturers and national counsel for a consumer product manufacturer and supplier. Attorney Chafe

has extensive trial experience, is an AV® Preeminent Rated™ attorney, and has been a frequent speaker and writer in the substantive areas related to her practice and on topics concerning gender equity in the legal profession. She is an active member of the DRI's Product Liability Committee and is the Women in the Law Committee Chair.

## Wendy Merrill: A New Brand of DRI Leader

By Marie Chafe



Wendy Merrill recently joined DRI as the Executive VP in charge of Growth Strategy & Branding. Wendy oversees the marketing, publications, online strategy, and sponsorship departments, and has jumped into her new

role with both feet. Her relationship with DRI dates back further than her three months as an EVP, as she'd been previously retained as both a consultant and a presenter of professional development programs at various seminars. Prior to joining DRI, Wendy ran Strategy-Horse Consulting Group, a consultancy she founded that focused on providing coaching, speaking and advising to attorneys positioning themselves to steward the firms of the future. Her clients would work with Wendy to develop business development acumen, leadership skills, and best practices for strategic growth through individual coaching, group workshops, and facilitated planning sessions. For over nine years, Wendy has dedicated her professional life to helping the Rising Leaders of the legal profession to set themselves up for sustainable success.

Personally, Wendy is a passionate advocate for professional women and has mentored people from all over the world. She was a guest at last year's WITL seminar in Arizona and was able to experience first-hand what an



exceptional group of women we pride ourselves to be. She came away from that event with these comments:

I've been to hundreds of women's events over the years, and I have to say that WITL is a truly unique experience.

The incredible energy, positive environment, and innovative content made for an unforgettable event, and I look forward to supporting WITL in any way I can. I believe that the practice of law is changing, with a greater focus on diversity and incorporating work-life balance for hard-working mothers and fathers. Considering the values espoused by the members of WITL, I believe that this committee should play a more visible role in promoting DRI's brand.

Wendy's addition to the DRI executive staff brings not only her branding and marketing strategy expertise, but her years of experience studying and speaking about leadership and growth that fully supports WITL's 2021 theme: *Own Your Worth*.

What are some of Wendy's best advice to build a fulfilling career?

Leadership skill and business development acumen are essential for long-term success. With that, Wendy focuses on providing advice to help understand our individual

value: to our firms, companies, clients, colleagues, and community. Wendy learned that lesson herself, as she tells the story:

When it comes to work, many of us are ambitious and all too eager to please our supervisors, colleagues and clients. Our work ethic is top-notch and most of us are able to multi-task remarkably well. We rarely say no, fancy ourselves to be team players and always go the extra mile to get things done. These are all terrific attributes for a professional woman to possess, but the problem is that we struggle with being compensated for the various “extra miles” we travel on a daily basis.

Many of us are undercompensated and overworked because we have conditioned ourselves to devalue what we bring to the table. I’m certain that there are men who struggle with this as well, but in my personal and professional experience, I’m not sure I know a professional woman who has *not* sold herself short in some way, at some point.

I know the struggle intimately because I sold myself short for way too many years. In my old career, I was performing the tasks of 3–4 jobs, but was only compensated for one. In my case, I was working in a family business and my “compensation” for any responsibilities other than hitting my sales goals (about 50 percent of my time) was the promise that the business would someday be mine... after buying it, of course.

It wasn’t until I received a generous offer from outside my firm that I started to realize my value—and the fact that I was being grossly underpaid at the time. I combined my new confidence with market data and proposed a new and more equitable title and compensation package to my current employer that more closely matched what I was actually doing on a daily basis. I presented my case and got what I wanted. I was successful because I was able to quantify what I was worth to the business—and I was willing to walk away if things didn’t go my way.

For women who empower others to determine their value, it’s usually a fraction of what it should be. And often we are so hungry for acknowledgement that we’re happy to be thrown a bone, paying no attention to the fact that the “bone” has no meat on it.

Each one of us should invest the time and resources in ourselves to ensure that we fully comprehend, define and are able to convey the value we provide. Once we take the time to understand what we *bring to the table*, then we need to get those that benefit from our value to *sit at the table with us*.

If we don’t take ourselves seriously and allow our efforts to be cheapened or go unaccounted for, we can never hope to reach our goals. And if, for some reason, our self-advocacy falls on deaf ears, we must have the courage to find the right place where we can be truly valued—and impactful.

Please join me in an enthusiastic WITL welcome to Wendy. I look forward to her vision and abilities within DRI, and believe it shows the organizational commitment to assist its members to fully embrace the importance to *Own Your Worth*.

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**Marie E. Chafe** is a partner with Cornell & Gollub in Boston and concentrates her practice in the defense of complex product liability, commercial litigation, and toxic tort matters in the federal and state courts throughout New England. With more than twenty years of experience, Ms. Chafe defends the interests of local, national, and international corporations and the manufacturers, suppliers, and sellers of automobiles, trucks, and recreational vehicles as well as medical device and household consumer products in litigation involving catastrophic loss, warranty, and consumer claims. She has been designated regional counsel for automotive manufacturers and national counsel for a consumer product manufacturer and supplier. Attorney Chafe has extensive trial experience, is an AV Preeminent Rated attorney, and has been a frequent speaker and writer in the substantive areas related to her practice and on topics concerning gender equity in the legal profession. She is an active member of the DRI’s Product Liability Committee and is the Women in the Law Committee Chair.

## Committee News

# Introducing the PR, Communications, and Research Subcommittee

By Rachel Sanchez and Sydney Goodhand



We are excited to introduce DRI WITL's newest subcommittee, the PR, Communications & Research Subcommittee. This Subcommittee will conduct ongoing searches for articles, books, web postings,

and other publications relating to women in the practice of law for the purpose of assessing the current state of women in the profession.

## Identifying Relevant Publications and Applying Key Concepts

The Subcommittee intends to research and identify articles that determine what barriers are still in place for women in the law and how to best overcome them. Although the Subcommittee's focus will be on women in the law, it also recognizes that women in other professions often struggle with similar issues. Therefore, the Subcommittee intends to also research and identify articles reflecting feminist barriers within other professions, with a particular focus on historically male dominated fields.

Some of the concepts the Subcommittee will explore include:

- Conscious and unconscious biases individuals in positions of power may hold, which may limit the career progression of women in the law;
- Ensuring consistent and fair pay, regardless of gender;
- Persisting mentalities, either held by women themselves or those who supervise them, which limit women in their pursuit of leadership roles or relegate women to traditionally "female" roles;
- The need for representation (*i.e.* female mentors, role models, sponsors, etc.) in positions of power, and its effects on professional growth;

- Work-life integration challenges uniquely faced by women in the law;
- Explanations and considerations regarding why women leave the practice of law;
- Policies that may support or hinder work-life balance; and
- The "lean out" phenomenon and its effect on the professional growth of women in the law.

Publications identified by the Subcommittee will be distributed to other subcommittees, who may find them interesting or beneficial to their purpose, and/or the WITL

community page. Importantly, the Subcommittee will provide a general summary of the publication as well as recommendations for how the key concepts and techniques identified in the publication may be practically applied and by whom (*e.g.* individual, associate, partner, firm, organization, DRI, etc.). For example, some recommendations may relate to revamping hiring and interview methods, instituting mentorship programs, supporting

flexible work schedules, and overall suggestions for creating a supportive culture.

The Subcommittee's research will allow members to apply easy concepts to help female lawyers succeed.

## Identifying Potential Speakers

The Subcommittee also expects that, during its research, individuals may be identified who may be able to speak at different events supported by DRI. If the Subcommittee identifies a particular speaker who seems appropriate for an event, this information will be provided to the relevant subcommittee for their consideration.

Due to the state of the world due to COVID, the Subcommittee believes DRI can widen its network for speakers



(perhaps even encompassing those from other countries) who can present virtually.

## Annual Survey

Lastly, as part of an ongoing effort to ensure that relevant issues facing women in the practice of law are being addressed, the Subcommittee will also create an annual survey, seeking anonymous input from DRI members regarding what they believe to be the relevant, current issues facing women in the practice of law as well as those issues which they believe have already improved.

The Subcommittee envisions the annual survey as an opportunity for DRI members to provide their anonymous opinions and feedback regarding issues they believe are, and are not, still prohibitive of the success of women in the practice of law as well as an opportunity to identify WITL topic areas that are the most important and/or most interesting for DRI members.

The results of the annual survey will be utilized in various ways. First, the Subcommittee will use these results to focus its efforts on researching those topics identified as the most relevant and/or most interesting by DRI members. Second, the Subcommittee will share the results of the survey with other WITL subcommittees so that those topics identified can be addressed through speakers, publications, etc. And lastly, the results will be used to guide future surveys, not only by influencing future questions,

but also by assessing whether members' viewpoints have changed or remained the same over time.

## Conclusion

If you have suggestions for the Subcommittee, such as research topics or survey topics, or are looking for a speaker or research in a specific area for your event or subcommittee, please reach out to Sydney at [sydney.goodhand@qpwblaw.com](mailto:sydney.goodhand@qpwblaw.com) and Rachele at [rsanchez@lightfootlaw.com](mailto:rsanchez@lightfootlaw.com).

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*Rachele Sanchez is an Associate with Lightfoot, Franklin & White LLC in Birmingham, AL. She focuses her practice on products liability and medical malpractice defense. In addition to being Co-Chair of the PR, Communications & Research Subcommittee, she is also Vice Chair of the Alabama Defense Lawyers Association Women in the Law Philanthropy Committee and a member of the Alabama Bar Association's Lawyers Voices for Survivors Task Force.*

*Sydney Goodhand is an Associate at Quintairos, Prieto, Wood & Boyer in Phoenix, AZ. She specializes in professional and general liability defense, including medical malpractice, correctional healthcare and long-term care facility defense. In addition to being Co-Chair of the PR, Communications & Research Subcommittee, she is also on the Women in the Law Steering and Planning Committees.*

## In-House Counsel Spotlight

# A Personal Choice for Combe's Jessica Eichel

By Meade Hartfield



This issue's "In-House Counsel Spotlight" is Jessica Eichel, an Assistant General Counsel at Combe Incorporated. Jessica was a panelist at the 2020 DRI Women in the Law Seminar, as part of a program featuring General Counsel

from different generations at various stages of their careers. This fall, we are thrilled to learn more about Jessica's career path and what led her to the switch to an in-house position.

### Tell us a little about Combe Incorporated and its legal department.

Combe is a third-generation, family owned personal care products company based in White Plains, New York. Combe's best known brands include Vagisil and Just For Men. There are currently three attorneys in the legal department, led by our General Counsel, and we all have different legal backgrounds and expertise.

### What was the career path that led you to your current in-house position?

I was a very happy product liability defense attorney at Harris Beach in New York City for many years, but as I got more senior, I was expected to balance the things I most loved, like writing and strategizing, with things I enjoyed less, like taking depositions, arguing in Court and most importantly, developing business. About five years ago, I started to wonder if perhaps going in-house would be better suited to my skill set. At the same time, I had just had my second daughter and moved to the suburbs. I decided to casually look at what might be out there, and I immediately happened upon a job listing for a senior counsel position at Combe, which was twenty minutes from my new home and seemed to be tailor made for me.

### What is your role in the legal department?

I was initially brought in to Combe to oversee all litigation matters. My role has evolved to also support Human

Resources, which I absolutely love, the finance group, as well as IT and E-commerce.

### What was the most important thing you learned as you transitioned into your role as in-house counsel?

You really need to prepare to be a jack-of-all-trades, especially in a small legal department. As a litigator, I had never negotiated a contract, much less drafted one, prior to joining Combe. But if you find a great mentor, and I have two in my department, you'll eventually figure it out. Also, reviewing bills is nearly as painful as billing.

### What challenges, if any, have you faced as a woman in your in-house position?

Combe is a female-owned business, and our current Chairperson, Keech Combe Shetty, is the founder's granddaughter. Many of the company's senior leadership roles are also held by women, and my direct supervisor is a woman. There are times of course,

where I wonder if my opinions carry as much weight with some of our older and male outside counsel, but Combe's General Counsel, Tony Santini, has consistently supported and encouraged me.

### What do you enjoy most about your role as in-house counsel?

There is a different level of investment in your work when your client is also your employer. I love watching the successes of the company and helping my colleagues achieve their business goals.

### What, if anything, has changed about the way your company does business since March of 2020 during the global pandemic?

I have been incredibly impressed with Combe's agility during this period. We launched an entirely new brand of products—our Williams Hand Sanitizer Gel and Hand Sanitizing Wipes—from home!



Once things return to “normal,” I expect the way we work to shift. Keeping fully in person corporate hours does not seem to make as much sense anymore. I think people thrive with a little more flexibility and face time with their families.

#### **How has your legal department adjusted?**

We have two standing weekly meetings, which helps, and frequent texts, emails and chats in between. So much of what we do can be done remotely, so I haven't seen a major change in my team's productivity, but we are certainly all missing the face to face.

#### **Are you working remotely or going to the office?**

We have been working remotely since March and will likely continue working from home into 2021.

#### **How can law firms best partner with you to achieve your legal department's objectives?**

I have a lot of work to manage, so my favorite lawyers are those that provide all the information I could possibly need to make an informed decision without me having to search back for prior communications. I also like when lawyers follow up as deadlines approach.

#### **What is your advice for women attorneys considering an in-house counsel position?**

I think it is a misnomer that you do less work in-house. Not only should you be prepared to work hard, but you should be prepared to do a host of legal work that will be new to you. Find a good mentor and ask lots of questions. You also need to think like a business person, don't be the company naysayer! Whenever possible, find ways to help your colleagues achieve their goals with the least risk. Finally, I was surprised that I have less flexibility in the corporate environment than I did at the firm. I found it much easier to pop out to a doctor's appointment or attend a school performance at my old job. If you make the switch from law firm to in-house, be prepared to do lots of planning and calendar blocking when you need to step out.

#### **What are your interests and hobbies outside of your legal career?**

My husband and I have two daughters, one in Kindergarten and one in third grade, who take up just shy of 100 percent of our time when we're not working. I'm very social, and right now I miss being around people, so I try to take walks and play tennis with friends whenever I can. I also love to read, and so does my older daughter, so before her bedtime we alternate reading our own books side by side with reading *Harry Potter* together. It's my favorite part of the day!

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*Jessica Eichel is Assistant General Counsel at Combe Incorporated, a third-generation family-owned personal care products company based in White Plains, New York. Combe manufactures iconic brands such as Just For Men and Vagisil, and prides itself on being the most personal, personal care company in the world. Prior to joining Combe, Ms. Eichel was a Senior Associate at Harris Beach PLLC in New York City, where she defended manufacturers and distributors of medical devices, drugs, and a variety of consumer products. Ms. Eichel is a graduate of St. John's University School of Law, where she was a St. Thomas More scholar, and graduated cum laude from Cornell University with a B.A. in Communications.*

*Meade Hartfield has represented clients nationwide in a variety of industries, including financial services, drug and medical device, automotive, aviation, industrial equipment, insurance, and environmental. Her financial services practice includes representing various financial institutions, including auto-finance lenders and mortgage companies in defensive litigation matters throughout the country. She also spearheads regulatory compliance services in response to pending or new legislation. Meade is an active member of DRI where she serves as program chair of the Women in the Law Committee. Meade also is serving as the inaugural chair of Women in the Law Committee for the Alabama Defense Lawyers Association.*

# It's Time Female Lawyers Leverage What RBG started

By Bridget Venus Grimes, CFP



It isn't possible to talk about the progress female lawyers and women in general have made without paying homage to Ruth Bader Ginsburg. Ginsburg's recent passing begs reflection on how our lives have changed as women, how these changes have affected our financial freedom, and what still needs to be done for true financial equality.

Ginsburg was a champion of equality. It was her landmark Supreme Court cases that established the principle of equal treatment in the law for women, and that changed laws that had treated men and women differently based on gender. My personal favorite is the Lilly Ledbetter case which resulted in equal pay legislation in 2009. While the Act allows individuals who are discriminated against to seek justice, it truly resulted in greater focus on pay disparity for women.

Female lawyers have long had challenges with respect to pay disparity as a result of gender. I am very familiar with these pay issues, since my own industry of finance suffers the same ignoble notoriety. These pay issues have made financial security, and financial choices, challenging to say the least. And they have forced women attorneys to make decisions that directly affect their financial futures.

One good friend of mine, a well-respected estate planning attorney, is a case in point. After 13 years as partner at an AmLaw 100 firm, and even though she was the highest grossing attorney in the practice, and member of the compensation committee, she finally reached a point where she was tired of being paid less than junior members of the firm. She had to take action rather than wait for the firm to evolve. Looking at her options she decided that in order to control her compensation, her client base, and her quality of life, she needed to launch her own firm. Staying with the firm would mean more of the same.

There is much work to be done so that women attorneys are elevated to the roles they deserve, earn the pay they

deserve, are awarded the client business they deserve. The Fair Pay Act, which was the ultimate result of Ginsburg's Ledbetter case ruling, was a move in the right direction, and awareness is especially valuable in moving the needle in the right direction. That said, I encourage every woman attorney to have a plan around their practice. Your practice is your greatest financial asset. How you leverage this asset will determine your financial choices and ultimately your financial freedom. Ultimately, your ability to close the gap of pay disparity for female lawyers rests with you.

What can you do to move your personal needle in the right direction of financial freedom?

## 1. Have a plan of action for building your practice.

Number one way to grow your business is by having a growth mindset, especially when times are challenging. This means believing growth is limitless. For women and minorities this is especially important, since both of these groups suffer most from a fixed mindset in times of economic crisis. If mindset is foreign to you, check out webinars on this from [GrowthPlay](#), or pick up the book [Mindset by Carol Dweck](#).

## 2. Have a financial plan that helps you put your hard earned money to work best.

Growing your business yields financial benefits, but we've found women attorneys often have no plan around their money. And there is often a disconnect between the kind of life they lead now, and what they could afford in retirement. Spend time understanding your current cost of living, how much you are allocating to investing, and how its currently invested. Your investments should be aligned with your goals. A financial plan will make sure every dime you make it put to work based on what you personally are trying to accomplish.



### 3. Have a career strategy that helps you hone your leadership skills and scale your success

What makes a great leader? While having vision, an ability to engage teams and problem solve are what most people think of when it comes to leadership attributes, in times of uncertainty the best leaders demonstrate courage and vulnerability, strength and empathy. Explore [Brene Brown](#) who has spoken to this, this being grounded in reality.

Ruth Bader Ginsburg made tremendous strides for women and equality, and for that we are forever thankful.

It's time, now, for us to leverage what she started and take the next steps towards true financial equality.

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*Bridget Grimes CFP is the President of WealthChoice, a boutique financial life planning firm for women executives, and Co-Founder of Equita Financial Network, a collaboration of women-led financial planning firms. She is also author of the Best Seller Corner Office Choices: The Executive Woman's Guide to Financial Freedom. She believes in empowering women through education, collaboration, and support so that they have the confidence to take action for a better life.*

## WITL Champions

# Melissa Roeder

By Carolyn Husman and Rebecca Nickelson



We are so excited and honored to introduce the Fall 2020 WITL Champion—Melissa Roeder, one of our own incredible leaders. From the moment I first met her, the enthusiasm and charisma for everything she does has been inspiring. Melissa has served on the Board of Directors for DRI for the last three years. Most notably during that time, she served as Chair of the Philanthropic Activities Committee. Melissa's energy and positive outlook has been an inspiration for so many. More recently, Melissa's constant desire to inspire and uplift has resulted in highlighting DRI Kids and DRI Pets in DRI's The Voice, among other creative accomplishments. If you have not had the pleasure of meeting her, you have most likely at least seen or heard about her (and her fabulous shoe collection). Melissa has this fantastic ability to make anyone and everyone feel important and worthwhile. We are honored to feature Melissa as our WITL Champion, sharing her passions, creativity and advice with all of you.

### Describe your role at your law firm with respect to working with and being a champion for women attorneys.

Self-promotion is an essential tool for career advancement. My role and advice to women attorneys at Foley Mansfield and elsewhere are to tout your skills, humbly brag about your experience and wear your best pair of red high heels.

### What programs or efforts have been put in place at your firm to help advance women attorneys?

“Just Say Yes” movement. Yes is a powerful word. I live by and promote the “Use it with all of your gusto and see what happens.” We are smart, we are capable, and we will figure it out. Just Say Yes.

### What role do you think DRI and its leaders can play in creating programs or efforts to help advance women attorneys in their careers?

Provide a platform for women (law firms, public and private companies and industry professionals) to collaborate and help each other succeed in being at the front of the legal marketplace. These platforms do not have to be legal based.

For example, I post a picture of the shoes I am wearing every day when I am in trial. This hobby turned into a marketing strategy and I have connected with men and women around the country who follow my shoe posts on Facebook, LinkedIn and Twitter. In fact, I even landed a new



client because the VP of an insurance company was also a shoe fan and our “interview” took place in the Nordstrom shoe department. Deals aren’t just made on the golf greens.

**In what ways have you used to your leadership role in DRI to create programs or efforts to help advance women attorneys outside your law firm?**

#DRICares. With the incredible assistance of DRI 2nd VP Lana Olson and DRI Mid-Region Director Rebecca Nickelson, the philanthropic activities committee (PAC) initiates, supports and promotes public service projects around the country and Canada.

More than ever, charitable giving is an opportunity for companies to reinforce their purpose—their greater cause, beyond just products and services—and help employees connect to that purpose. Attorneys who share their clients’ visions help facilitate the client’s goal while solidifying the trust and relationship with that client.

Beyond helping others, #DRICares takes the right-brain characteristic of helping others and turned it into a left-brain function of a marketing strategy and business generator. Some woman may not seem themselves as client generators, but something as natural as giving-back to your community can be a perfect and natural platform for client generation.

**Why take time from your own legal career to be a mentor, partner, and champion as far as other women attorneys’ careers? Why does it matter to you personally?**

The mentors during my early legal career were men as there were no female partners in that firm. In 2005, I became the first female partner; and by 2020, they embraced diversity and have a 5 to 2 male/female equity partner ratio.

When I run into women attorneys at that firm, they recognize my name and associate me with breaking the glass. It is our obligation to pave the path for others and nothing feels as sweet as seeing others succeed. If we work together, our combined forces are formidable and we become unstoppable.

**What was the path you followed to make this an integral part of your own career?**



People quickly learn that my strong suits are hard work, creating fun and connecting people into the right community. I have never thought of myself as the smartest attorney in the room. Early on, I took my natural energy and showed up to work by 5 a.m. every morning, wore my biggest smile each day, volunteered as much as I could and complimented all of this with flashy shoes.

Whether you are factual, analytical, emotional, helpful, direct, focused or a combination of all; look inward for your strong suits and use them to your advantage. Trust me, they will serve you well.

**What is the most exciting aspect of your efforts to be a champion for women attorneys?**

Telling my Mom and Dad that I was selected as the DRI Women in the Law Champion! It is the most meaningful recognition that I have received in my 20 year career. The WITL leaders are unstoppable. A freight train does not compare with what WITL accomplishes in one day of its yearly seminar. Whether virtual or live and no matter what gender you identify with, I encourage you to sign up for the upcoming WITL meeting on January 20-21, 2021 and watch the magic unfold.

**What are your goals and plans as far as continued collaborative efforts, both at your law firm and in DRI, to retain and advance women attorneys professionally and grow the next generation of leaders in DRI?**

I would like to see a further break out of the DRI affinity groups. Having WITL, Young Lawyers; and Diversity and Inclusion does not complete the full picture of what is needed and this goes for the same in law firms.

Every attorney should have a written strategic plan. The best way to predict your future is to create it. A link to a business plan template you can create for yourself can be found at <https://www.cordellblog.com/files/2011/10/2011-Business-Plan-Real-Example.pdf>. Thinking and strategizing in your head is not the same as putting it down on paper and out into the universe.

And laugh all you want, but I am still a believer in the vision boards I made with my mom's old Cosmo and National Geographic magazines. It was quite a combination.

Finally, do not underestimate the power of social media. For me personally, I send friend requests to many clients on Facebook. That is a personal decision, but I found my clients and carriers like getting to know the "real me" and it strengthens our relationship. If not Facebook, then LinkedIn is a great tool but you have to post a minimum of three times a week! Looking and liking is not enough. The goal is to increase visibility, improve self advocacy and create client relationships.

**Please share some tips/advice for other attorneys who aspire to be champions as far as efforts to retain and advance women attorneys in firms or in-house positions.**

- Start a database of woman attorneys (start in law school) and stay in touch.
- Check out the FDCC Ladder Down program <http://www.ladderdown.org/about-ladder-down/>
- Start woman-attorney referral email threads.
- Seek and search out women attorneys, women who want to work part-time, women who work from home, women who can write circles around you; women who love pets! Let's be the champions of one another.

**What is your favorite WITL memory?**

All of the hugging! The women in WITL make lifelong friendships through their participation in WITL. It is more than a committee and it is more than a yearly seminar.



It is an experience that you put on your calendar a year in advance and you count the days until you are able to reconnect with old friends and make connections with new friends.

**What advice would you have for junior women attorneys who are looking to find their own champion or be a champion to others?**

Find your people and participate. If you don't like hugs, find the non-huggers. If you love trial, look up the women who try cases and track them down on social media or at an event. Be the creator of your own destiny. If you ask someone to be your champion, I estimate that eight out of ten times that person will say yes or they will help you find someone else.

And in the words of the legendary RBG who passed away while working on this article "Women will only have true equality when men share with them the responsibility of bring up the next generation." Let's bring up the next generation together.

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***Melissa K. Roeder**, Of Counsel in Foley & Mansfield's Seattle office, practices cannabis/marijuana law and tries toxic tort matters around the country. Melissa is a believer in market branding and is proud that people automatically think of her when it comes to shoes, motorcycles and courtrooms. Melissa is as "out of the box" at work as she is outside of the office. She rides a Harley Davidson, has a shoe collection that Imelda Marcos would approve of, and is a former Alaska commercial fisherman. One year for Halloween, Melissa was part of a team who attempted to break the Guinness World Record for most people performing the Thriller dance at the same time around the world. Career achievements include being selected as one of the Top 100 Women Lawyers in Washington State, a "Super Lawyer" from 2012 to present, a "Rising Star" from 2008 to 2011 and the Washington Defense Trial Lawyers (WDTL) Outstanding Litigation Associate in 2008.*

***Carolyn Husman and Rebecca Nickelson** are partners of Sinars Slowikowski Tomaska in Saint Louis.*

## Keeping On with Staying Sane During COVID-19

By Christine Kroupa



As the circumstances surrounding COVID become more of a routine versus a short-term challenge, most of us likely realize we need more long term goals and reminders to get us through our daily grind. Though it may seem somewhat simple, it appears that the “simple” items we do to alleviate stress are the first to leave our routines. While some of the items below may seem mundane, it never hurts to get back to the basics, with the acknowledgment that what works for one person does not necessarily work for the next. Notwithstanding, these general principles are items that we can use to handle stress better, be a better attorney, and strike that difficult balance of being a great attorney while recognizing we still need to be our individual self. After discussing with various individuals in my firm and similarly situated individuals, who all face their unique challenges, there appears to be a common theme that individuals find help in striking that balance when home becomes the workplace. Some of the items below may seem pretty self-explanatory and almost a “duh” situation, but sometimes we need simplicity to get back to the basics. You can always tailor the suggestions to fit you to effectuate the change you desire. Below are a few things to consider in dealing with stress and obtaining wellness in this peculiar time:

- **Form a morning routine:** do not go straight from your bed to the computer. Think about what you did pre-COVID. Did you work out? Read the newspaper? Listen to a podcast? Cook breakfast? Go for a walk? Read the newspaper? Lounge around? Do the same things that get you mentally prepared for the day. Do not go straight from bed to work.
- **Keep your routines:** A benefit of COVID may seem that we can get a lot done because we have no interruptions, but at times, those interruptions give us stress relief and



collaboration that we need to be more successful and less anxious. By working at home, a colleague may not be walking into our office to decompress, and while at the time, you may not want to chat, those small chats give us energy. Remember to take small breaks and keep in touch with colleagues.

- **There will always be a to do list, so decide what truly needs to get done:** More than ever with the lack of separation of work and social life, it is easy to fall into the trap of continuing to work to achieve everything for a week versus knowing when to shut it off. However, without a break, our body and brain cannot recover or be refreshed and rejuvenated for the next day. Remember to compartmentalize what really needs to be done today.
- **Continue to separate home from work:** While you may be working from home in non-work attire, keep in mind that what you wear to bed should not be what you wear to work the next day. Create some separation by wearing different clothes during the workday, when you are working out, and when sleeping. Also, remember to carve out separate time for children and significant others.

- **Mimic the same mindset pre-COVID for hearings, depositions, etc.:** An item that we may all miss without realizing is getting into the mind frame of going into certain situations that may require a little bit of a “boost”. Rather than having the time to drive or walk to these events, we are simply going straight to our computer and not having the mental build-up for these moments. These moments are pivotal, as it allows one to bring thoughts and strategy together that cannot be done on a whim. Similarly, we do not have the walk or the drive to “come down” from hearing or depositions. These are

necessary moments in the practice of law. Whether it is taking a walk, listening to a podcast, calling a colleague to decompress and rejuvenate, it necessary in our roles as advocates. It allows us to prepare or overcome what we are about to face or just faced and to continue our day. Otherwise, you may dwell over something that you normally would not or, you would dwell for a bit and move on. It may also not allow you to see the good in any situation or to take away a positive that may affect the next case.

- **Be happy about the small things:** All too often if we do not accomplish “major” tasks or projects, we feel like failures. This only results in being less productive. Take time along the day to think about what you have accomplished—no matter how big or small. This in turn will lead to a more productive day. Trick your brain—do not write down the 20 things you need to do; think of the 3 that really must be done. When you get 2 of the 3 done, you will trick your brain into thinking you got a lot done versus “only” 2 of the 20. 2 of 3 makes you feel accomplished, likely resulting in getting more done versus when you get 10 percent done, which will likely leave you feeling defeated so you give up. Along the same lines, a short walk or stroller jog, even if only five minutes, is better than nothing.
- **Find mentors, compassion, and patience:** Remember that you are not in this alone and to find mentors that you can discuss challenges and successes with. Also keep in mind that your colleagues or opposing counsel may have children at home doing virtual school, so

remember to be kind and practice compassion and patience. Importantly, remember to be kind to yourself.

- **A good podcast never hurt, either:** There are a plethora of good podcasts right now ranging from Crime Junkie to Armchair Expert to The Happiness Project. Headspace is a great App to try out for mediation and other mindfulness techniques.
- **Set boundaries:** There are more emails now than ever because of not being in the office. Resist the temptation to immediately address each email as it diverts your attention from the task at hand. Consider limiting how often you check your email and communicate it to others as necessary.

Perhaps most importantly, set an hour aside each day for self-care and seek help, whether personally or professionally, when needed.

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*Christine Kroupa is a Partner in the Denver, Colorado, office of Gordon Rees Scully Mansukhani LLP. Ms. Kroupa primarily practices in the areas of professional liability and first party bad faith. She is a DRI Member, Committee Member of Women in the Law, Professional Liability, and Insurance Law. She is also a Member of Colorado Defense Lawyers Association. She can be reached at ckroupa@grsm.com.*

## WITL Member Spotlight

## Melanie Lipomanis

Melanie Lipomanis is the featured member for our Women in the Law Committee for the Fall issue. Melanie is a recent and welcome addition to the DRI WITL Committee, and has been an invaluable member of the Publications Subcommittee. Although Melanie has not been a DRI member very long, she jumped in with both feet and is always ready to lend a hand. We are thrilled to profile Melanie in our fall issue.

Melanie is an attorney with Porzio Bromberg & Newman in its Morristown, New Jersey office, and a member of the Firm's Education and Employment Litigation Practice Group. Melanie's practice focuses on defending management-side employers in all areas of employment litigation, wage and hour claims, unfair labor practice charges, OSHA investigations, and audits and investigations by the U.S. Immigration and Customs Enforcement's/Homeland Security.

Melanie is a member of the New Jersey and New York State Bars, and serves on the New Jersey State Bar Committee on Higher Education, a member of DRI and serves on its Publications Committee, and teaches a class on employment law for Rutgers University.

#### **How are you involved in DRI (What committee(s) do you serve/what leadership roles in DRI do you hold?)**

At Porzio, we are fortunate to have some excellent leaders from a range of practices who are long-time members of DRI. As my employment practice has been evolving and growing, I discussed the opportunity to get involved with DRI with these individuals and was immediately impressed with how DRI had played such a significant role in their successes. I joined the organization on their recommendation and had the opportunity to attend the Women In The Law conference in Scottsdale, Arizona. The quality of the programs and the extraordinary achievements of the membership really inspired me, so I joined the Publications Committee. Getting involved in this committee has been rewarding in terms of helping me to get to know individual



DRI members, and to learn about their work and what drives them professionally.

#### **What is a typical day like for you? [Both before and after COVID]**

As an employment lawyer, I spend all of my time counseling corporate and non-profit clients on a wide range of critical employment law topics. Like so many others, my days are a consistent balancing act of taking care of my family and ensuring that my clients receive excellent service. One of the silver linings of COVID is that I was able to sell my home in the country (after years of trying!), and move to an area that is only 15 minutes from the office. This shorter

commute has allowed me to really maximize time with my family and also continue to make my clients the highest priority, especially during this difficult time.

#### **What do you enjoy most about DRI?**

I enjoy so much about DRI, but the thing I enjoy most frequently is reading and participating in the Employment Law Digest. Especially now, as employment laws are changing due to COVID-19 and employers are working to bring employees back to the workplace, it is a great resource to keep up with trending issues that members are grappling with in various states. It is one of the best brain-trusts around. Members are generous with their time in responding to posts offering insights from their own experiences and knowledge base.

#### **What is your best practice tip or what tip would you share with your younger self?**

Life does not have to be an endless competition. Trust your instincts when you are well versed in an area of law; trust in your colleagues when you find yourself in uncharted territory.

#### **What is your favorite WITL memory/moment?**

The WITL conference in Arizona was the highlight of my year. I enjoyed networking and speaking with members about their areas of practice and experiences. Learning about the struggles and achievements of the members I

was able to spend time with, and listening to the program speakers was inspirational and informative. I sincerely hope to repeat the experience in 2021.

#### Fun fact?

Law is my second career. I wanted to travel the world when I was young, so I became a flight attendant first with Eastern then with United in its international division. It was a great experience engaging with other cultures in various regions of the world. I had three children under the age of 10 when I graduated from law school.

#### What inspires you?

My colleagues inspire me. We have a highly collaborative working environment and rely on each other's experience and skills frequently. Our team ethos is fostered by our leadership, and reinforced with a genuine commitment to diversity, inclusion, respect and admiration throughout the firm community. In 2020, Porzio was recognized as one of the best places to work in New Jersey for the 2nd consecutive year by NJBIZ.

#### Save the Date!

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## 2021 Women in the Law Seminar

No matter the format, please save the date and plan to join us for the 2021 Women in the Law seminar: Own Your Worth in Law and Life on January 20-22, 2021 at the Fairmont Hotel in San Francisco, California. The WITL Seminar is always a highlight for many on our committee, and the 2021 seminar is sure to provide the education tips and tricks you need, and the networking, social interaction, and camaraderie you want. You will not want to miss the incredible array of programs in store for you, including:

- Tips and tricks on crisis management
- Client lessons during the pandemic

#### If you are/were WFH, what are you doing during the time you previously spent commuting to the office?

Reading! I have expanded my morning news intake and reading list and still manage to be at my desk earlier than I would be if commuting. In addition, Porzio held a 21-day Racial Equity Habit Building Challenge for personal growth and access to a database of links to books, articles, documentaries, podcasts and videos pertaining to race and racism. It was way too much material for me to get through in 21 mornings, so I turned it into a "however many mornings it takes" challenge. And then there is bread baking involved, of course.

#### What is your best WFH tip or videoconferencing story?

Lock the door so you do not have uninvited guests appearing in your video feed. My husband thinks no one in my meeting will notice him if he crouches very low to the ground sneaking across the room. No one ever fails to notice a big creepster in the background. So awkward!

- How artificial intelligence can impact your client's businesses
- The business case for diversity on your trial team
- Addressing gender bias in settlement negotiations
- Silencing your inner critic and address anxiety in the legal practice

Please save the date and plan to join us in 2021!

## Brotten Wins 2020 MDLA President's Award

By Sarah Thomas Pagels



For this issue's Good News Profile, we caught up with Elizabeth Brotten, who was recently awarded the MDLA President's Award in 2020 for her work co-founding the MDLA's Women in the Law Committee. We celebrate her good work and are pleased to share her story to encourage others to "just do it" and use the WITL toolkit to get started!

### What is the MDLA?

MDLA is the Minnesota Defense Lawyers Association, Minnesota's SLDO. MDLA is structured much like DRI, with various substantive law committees and affinity committees, including Young Lawyers, Law Practice Management, Diversity, and Women in the Law (the newest committee).

### How long have you been involved in the MDLA/Why are you involved in the MDLA?

I've been involved with MDLA for about 8 years. I joined, and started going to committee CLEs, because I was starting to do some personal injury defense work in an area of law where I still had much to learn. MDLA is known for staying on the cutting edge of legal changes and practice trends in Minnesota. I noticed that all of the leaders in this area of law I was working in were members of MDLA and this committee, and I wanted to learn from them. Like DRI, MDLA recognizes its active members and quickly gives leadership opportunities to those who are interested. Within a couple of years of attending CLEs, I was asked to co-chair the Products Liability committee, developing and planning CLEs on new and emerging products liability issues in Minnesota. In 2018, I joined the MDLA Board of Directors.

### What is the MDLA President's Award? /Why were you given the President's award?

The President's Award is given each year at the Annual Meeting to recognize a member's contributions and volunteer efforts on behalf of the organization. There were two recipients of the award this year. I was recognized for efforts to develop and grow our Women in the Law com-

mittee over the last two years, also for efforts to introduce a public service component to the two seminars we hold each year.

### What inspired you to start a women's committee in your local defense association?

I attended the DRI WITL Fly-In meeting in Chicago 2017, and was surprised to hear that MDLA was one of the SLDOs to not have a Women in the Law Committee. My interest was sparked when I heard WITL members talk about the benefits of the support and education their SLDO WITL committees were providing. Back home in Minnesota, I had noticed that many women involved in MDLA were from small to medium-sized firms that did not have the women's initiatives or support of large numbers of women attorneys that bigger firms could offer. I thought an MDLA WITL group could offer this kind of support outside of member's firms.

I started talking about the idea of forming a committee with several former and current MDLA leaders. One said to me, "Why do you need a Women in the Law committee? Why not form a Men in the Law committee?" I repeated that story

that evening to my husband, who is an in-house attorney. I knew I needed to continue my efforts when he told me: "Men in the Law committee?! The entire profession is a Men in the Law committee!" I tell that story not to dwell on the negative, but to warn that if you're interested in starting a similar committee, you will probably encounter some resistance. Keep going anyway. Luckily, that was the only negativity I encountered along the way. MDLA's president at the time, Jessica Schwie, was fully supportive of the idea, and in fact had independently made the creating of a WITL committee one of her goals for her presidency. She connected me with the co-founder of the committee, Lauren Nuffort, and we began to build our plan for the committee.

In August 2017, we held a WITL reception at our Annual Meeting to gauge interest in the committee. The response was overwhelming. Amy Mass led an interactive discussion



about the unique pressures and challenges women face in reaching their career goals. The discussion continued far beyond the hour we had reserved, and so many women expressed interest in continuing this type of dialogue. In December 2017, we pitched our vision to the MDLA Board of Directors and it was received with unanimous, enthusiastic support.

**What has your committee accomplished since its inception? What initiatives/events/projects have you worked on?**

We hold regular panel/forum discussions on topics important to our membership. We've hosted a panel of in-house counsel on how women can market their legal skills; a panel of female managing partners on developing legal careers; a panel of MDLA's past female presidents on "Staying Power," focusing on what types of support and structures helped them stay in the profession; and a discussion on imposter syndrome. Back when we could hold in-person events, our rooms for these discussions were always at capacity. We were the first MDLA committee to take our CLEs online when the pandemic hit, and again, had great attendance. We have also connected with an association of female judges in Minnesota, and have jointly held social events with them

**What are you most proud of?**

I'm most proud of the positive tone we set—and have followed—for the committee. At the outset, the co-founder of the committee and I decided that we wanted to be a solution-oriented group (much like I find DRI WITL to be). It's easy to become negative about the profession when we focus solely on the number of women in equity or leadership ranks at their firm, looking at the number of women with lead trial roles, or when exchanging stories about being confused with the court reporter. We recognize

that all of these things present issues to be overcome, but rather than just dwelling on them, we focus on what we, and the organizations we are part of, can do to overcome them. We are so fortunate in Minnesota to have some very successful women who have paved the road in defense litigation for us. We have had so many of these women share their time and "how I did it" stories with our committee members, and they are so inspirational and uplifting.

I'm also proud of the inclusive network we have built. We of course want to create an environment where women feel free to express their true thoughts and ideas, and we also recognize that men can be our biggest career supporters and allies. We invite all MDLA members—men and women—to our events. We often get inquiries from men, telling us that they are interested in our events, and asking if they can attend. We respond with an enthusiastic "Yes!" each time. I'm excited to see that the number of men who attend our events keeps growing.

**What tips/advice would you share with others who might want to start a similar women's committee in their local defense organization?**

Develop a plan that answers the "who, what, why, and how" first. Since we worked on the development of the MDLA WITL committee, DRI's WITL committee has developed a wonderful toolkit that can help with the plan. Next, gather a group of people who you know will support your idea. Get their thoughts on resistance you may face, and ask them to for any ideas they have to strengthen your "who, what, why, and how" plan. If you do not already have contacts within the leadership of your SLDO, ask for introductions so that you can softly pitch the idea to decision makers. Work out any wrinkles in your plan based on their feedback, and ask for an opportunity to formally pitch your idea.

## More WITL Good News

In this time of civil unrest, a global pandemic, virtual school (and work), the uncertainty surrounding the upcoming election and the lack of civility in public discourse, we want to stop the constant barrage of negative news and



Parwana Noorzad

remind everyone that good things are happening to our WITL members. Let's keep the promotions, wins and good news coming! If you have some good news, please send it to the publications committee!

**We are pleased to share that [Anne Yuengert](#), a partner of Bradley in Birmingham, Alabama, got a hole in one this summer!**

We are also thrilled to congratulate [Parwana Noorzad](#), of the Indianapolis office of Quarles and Brady, LLP, who was [recently named partner](#)!

*Sarah E. Thomas Pagels is a partner at Laffey Leitner & Goode LLC. Sarah has experience defending clients in all types of litigation, but focuses her practice on defending companies in general commercial matters, product liability and toxic tort matters, and professional malpractice claims. Sarah graduated from Northwestern University School of Law and is licensed in Wisconsin and Illinois. Sarah has been a member of DRI since 2007 and a WITL Steering Committee member since 2017.*



## Feature Articles

## Words to Remember: Mother's Sayings Help Us Get Through the Pandemic

By C. Meade Hartfield



In these strange new days of back-to-back virtual meetings, working from home offices, home-schooling children, and social distancing from the grocery store, not to mention from most human beings—who is to say that anyone

actually will read these pearls of wisdom from my sweet, dearly departed mother. But for those old-school lawyers like me, pilfering through their six-month stack of legal magazines from organizations still sending print publications in hopes of life returning to “normal” soon, here are a few sayings from my mother that she would apply to today’s unusual environment. I hope these two phrases bring you comfort and ever-valuable perspective in a time when we have been knocked from our rhythm of life and placed into an untimed time-out from our old ways and daily routines.

**“You can let this make you upset; or you can not.”**

Whenever I used to call Mother to discuss life’s latest drama, she could hear in my voice that my feathers were ruffled. I would be ready to articulate the injustices, the difficulties, the nuances of whatever situation I faced. As calm and light-hearted as could be, Mother would respond, “You can let this make you upset, or you can not.” It did not matter the circumstances. Whether the issue was big or small, the advice remained the same. What Mother meant was that we each have a choice—we may not be able to control what happens to us, or how we initially feel about it, but we can control how we ultimately respond.



*C. Meade Hartfield with her mother Sherry Pierce Hartfield.*

Photo courtesy of C. Meade Hartfield

As the pandemic hit us hard this past Spring, you may have reacted with anger, grief, sadness, disbelief, or some combination thereof. All are normal and natural feelings, given the personal and professional disruption we have encountered this year. But, at some point, you have a choice to make in whether to stay in that headspace or to shift your outlook to something more uplifting.

Mother took her own advice, her resilience awe inspiring. Her personal “shut-down moment” was being diagnosed with stage IV inflammatory breast cancer, the rarest and deadliest form of breast cancer. She did not crumble; she did not waiver; she did not flinch. She chose to be positive about every single one of the sixteen different chemotherapy drugs she tried over the next five and a half years. She knew she had a choice to allow herself to wallow in unhappiness with her doctor-proclaimed death sentence, or she could choose to try to enjoy every single moment she had left

on earth. And in so choosing, she strengthened her spirit throughout a season of great difficulty.

It’s simple, really. You can either let the things which you cannot control beat you down, or you can let go of your expectations that life will go as planned. You can drain all your emotional energy on something you cannot change, something that did not go as expected; or you can accept the fact that the sun still rises and, if you are still breathing, you can adjust to make the best of the situation, however bad it initially seems.

I can just hear Mother saying, “You’ll be a lot happier” if you do the latter. Stay positive, friends.

**“We all have the same thing: It’s called today.”**

After Mother’s diagnosis, people would constantly say to us, “I’m so sorry.” I used to respond with, “Don’t be sorry—be strong.” I never needed anyone’s pity; I did need to share some of their strength and encouragement. Mother’s response was even better: She used to say something like, “It’s okay. Cancer or not, we all have the same thing: It’s called today.” That woman didn’t miss a beat. Humbly, she meant every word. Once she had gotten their attention, she would repeat her lesson. “You and I have the same thing: It’s called today.” Friends, you and I have the same thing.

In the midst of the seismic shifts happening now as a result of the pandemic, learn to be in the moment and make the best of each day. You don’t know if you, or someone you love, will get COVID-19. You don’t know the seriousness of symptoms they will experience. You don’t know if you will look back and wonder what happened with all that free time and why you didn’t clean out those closets you’ve been meaning to get to. That’s okay. Just don’t let this season of life pass by you.

Mother understood that it shouldn’t take a diagnosis of cancer (or COVID-19) to motivate us to live each day well and to understand that each day is a gift. She lived that way her whole life. Cancer just upped the stakes to lovingly remind others of this life-giving principle.

Figure out what brings you small joys in the daily grind of it all. Do more of those things. Take a walk around the



Sherry Pierce Hartfield

Photo courtesy of C. Meade Hartfield

block. Write someone you know in an assisted living home a letter of encouragement. Call your friends and check on them. When you connect with nature and other people, even right now from a social distance, you feel more grounded, more purposeful, more fulfilled.

Pandemic or not, we all have the same thing—today. Make it count.

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In sum, Mother would have taken every pandemic precaution known to man. But, importantly, she would not have let the pandemic alter her perspective that life is good; family and friends should be cherished; and love and hope sustain us through temporarily tough seasons on earth. Listen to Mother!

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# Tips for Maintaining Security and Confidentiality of Client Data when Working Remotely

By Kirsten Small



As disruptive as it was to suddenly leave our offices behind in March, it turns out that most lawyers like working remotely. A recent study found that 67 percent of us want to continue working remotely, for at least part of the week, even when it is safe to go back to work.

Working remotely during a pandemic has its challenges, of course. Among many others, is the duty to maintain the security and confidentiality of our clients' information, while still representing them effectively. Preserving client confidentiality means one thing when we are in nice, quiet offices with fancy accessories like doors. It means something entirely different when your desk is the kitchen table and your third grader brings her laptop over—with a live Zoom class in progress—to ask you a question just as you are talking a client through a crisis. But no matter the setting, our obligations under Rule 1.6 do not change.

It is safe to say that were it not for the internet, cloud-based services, and modern technology, serving our clients during this pandemic would have been much more difficult, if not altogether impossible. At the same time, however, the things that make remote work possible also pose challenges for maintaining security and preserving confidentiality. This article focuses on three areas where data security and client confidentiality intersect: public or at-home Wi-Fi access, cloud-based file sharing, and “smart” devices, especially smart speakers.

## Taking the Worry Out of Wi-Fi

It is safe to say that internet access is essential to working remotely. With a mere click of the mouse, we can access work files and client information as easily as if we were still in our offices. But using Wi-Fi to access the internet for client-related work entails risks to the confidentiality and security of client information. The greatest danger comes from public Wi-Fi. You may think you are connecting directly to the coffee shop's Wi-Fi network when in reality, a hacker has set up a fake access point. All of the infor-

mation you are sending to the internet (whether it is client data or your personal information, like login credentials for your bank account) is being collected by the hacker before being sent on to where it is supposed to go.

A home Wi-Fi network is generally less vulnerable, assuming it is protected with a strong password (at least 15 characters, including upper and lower case, symbols, and numerals) and the security protocols are up to date. But “less vulnerable” doesn't mean “invulnerable.” These days, there may be more than one adult working at home and one or more school-age kids learning online. The math is pretty simple: multiple users + multiple programs = multiple potential vulnerabilities.



To protect the confidentiality and security of client information accessed over the internet, you must ensure that it is encrypted as it travels between the server at your law firm and your laptop at home. A virtual private network (VPN) is the answer. A VPN server creates an encrypted tunnel within a Wi-Fi network, so that the hacker with the fake access point in the coffee-shop or the Nigerian prince who just sent your teenager a phishing email sees only gobbledygook. A VPN also disguises your location, so that it appears you are accessing the internet from a location

other than where you are.

## Hey, You, Get Off My Cloud

Cloud-based storage of documents is now such an accepted part of legal practice, it is hard to imagine it was ever controversial. But, while the questions that spawned ethics opinions by the ABA and state bars across the country have lessened as security protocols have improved, lawyers still must use care when storing client data in the cloud or using a cloud based file transfer protocol (FTP), like Box or Dropbox, to transfer confidential materials.

The key thing to remember is that cloud-based file-sharing services are designed for collaboration. By design and default, their goal is to make it easier for multiple people to access documents, not to maintain privilege

and confidentiality. This means that before using any cloud-based file-sharing service, attorneys must understand (or, at least, obtain professional advice regarding) how the service handles security and confidentiality. This means verifying that data is encrypted when at rest and, ideally, in transit.

It also means understanding and using security protocols when sharing documents. In 2017, a U.S. Magistrate Judge in Virginia found a waiver of attorney-client privilege based on the use of Box, a cloud-based file-sharing service. An insurance investigator uploaded a video to a folder on Box.com and send a link to an individual at the National Insurance Crime Bureau via email. The link did not expire and was not unique to the email address of the recipient. The email was subsequently produced in discovery. When defense counsel clicked on the link, he gained access to the folder, which now contained the entire claims file, including potentially privileged information. The magistrate judge found that the privilege had been waived because, although the disclosure was inadvertent, Harleysville Insurance had failed to take reasonable precautions to protect the information.

The magistrate judge reversed herself on reconsideration, concluding that restricting access to those who had the link was sufficient protection. But before you breathe a sigh of relief, ask yourself whether the magistrate judge might have denied reconsideration if she had understood that it would have been quite simple to configure the folder so that the link would be unique to the recipient and/or would expire after a certain amount of time, either of which would have prevented defense counsel from being able to access the claims file by clicking on the link. Had the magistrate judge been more tech-savvy, the result may well have been different.

## Hey Siri, Butt Out!

“Smart” devices are an increasing part of our daily lives, especially at home. Not only do we all have smart phones, more and more of us have a variety of “smart” devices. Smart speakers (aka voice assistants)—Amazon’s Echo, Apple’s Homepod, Microsoft’s Invoke, and Google’s Home Mini, to name just a few—are especially ubiquitous. Theoretically, a smart speaker remains dormant until it hears a “wake” word or phrase, like “Alexa” or “Hey, Siri.” Also theoretically, once the device has responded to your command it goes back to sleep until it hears the wake word again.

Theory, meet reality: A June 2020 [study by Northeastern University](#) estimated that smart speakers activate themselves and start listening, even when no one has said a wake word, *up to 19 times per day*. These “false wakes” occur when a voice assistant hears a word or phrase that is audibly similar to the wake word for that device. For example, a Google Home Mini (wake words: “OK Google” or “Hey Google”) will wake to “words rhyming with ‘Hey’ or ‘Hi’ (e.g., ‘They’ or ‘I’), followed by hard ‘G’ or something containing ‘ol.’ Examples include ‘okay ... to go,’ ‘maybe I don’t like the cold,’ ‘they’re capable of,’ ‘yeah ... good weird,’ ‘hey .. you told.’”

Once awakened, a smart speaker will listen until it figures out that no one is actually commanding it to do anything—which may be as long as eight to ten seconds. And if a voice assistant is listening, it is also *recording* and storing the recording in the cloud. For example, the [Terms of Use](#) for Amazon’s Alexa software make clear that all interactions with Alexa, including false wakes, are recorded and stored in the cloud. Amazon will keep the recording until you delete it.

So far, it does not appear that any attorney has been disciplined, or any court has found privileged waived, based on a hyperactive smart speaker. At the same time, the risk is not hypothetical. In fact, even before the Northeastern study was published, at least one law firm had instructed its attorneys and staff to turn off all smart speakers and other voice-activated devices while working remotely.

## Conclusion

Like virtually everything else in this year of chaos and uncertainty, 2020 has been a challenging year for practicing law. Technology enables us to meet those challenges in ways that weren’t possible even five years ago. At the same time, lawyers must understand how new technologies impact our longstanding obligations to preserve the security and confidentiality of client data.

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