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Women of the
'80s & '90s
Reach for
a Different
Brass Ring

REDEFINING SUCCESS



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Reaching for a Different Brass Ring

WOMEN OF THE '80s & '90s REDEFINE SUCCESS

WOMEN'S ROUNDTABLE MODERATORS



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In *The Philadelphia Lawyer's* Summer 2004 issue, a roundtable discussion with women lawyers who graduated law school in the 1970s revealed that these trailblazers opened doors for women choosing to enter the legal profession. More than thirty years later, we find that almost fifty percent of law school graduates are women, yet women represent only nineteen percent of law firm partners in Philadelphia. This led us to examine the definition of success for a woman lawyer. We asked women graduates from the 1980s and beyond to contact us so we could explore how women lawyers are defining success today, and examine potential barriers that make it more difficult for women to achieve power in the legal community. Our discussion raised the following significant issues:

- Are women being given the same opportunities to succeed?
- Are women seeking the appropriate mentors who will support their professional development?
- How are women defining success in the legal community today?
- Are women creating their own power by developing business?
- Do women have to choose between family and the law?

MARLA JOSEPH: Thank you all for coming. Everyone in this room graduated from law school in the 1980s or 1990s. Each of you has read the "Beyond the '70s Generation" article, which appeared in *The Philadelphia Lawyer* Summer 2004 issue. After reading that article I thought how amazing it was that these women from the 1970s, who I truly believe were the trailblazers, had opened doors for us and created options that we would not have had before. I also realized, however, that the issues have changed a lot. And I thought it would be interesting to get together a diverse group of women from subsequent generations in different practice areas to talk about the issues women are now confronting in the practice of law. First, we're going to be discussing issues concerning power in law firms and in your practice. We will also be discussing work and life issues.

LISA GOLDSTEIN: Looking at the statistics often helps give a sense of where we are. Traditionally the measure of success in the law firm environment has been reaching partnership level. So, looking at the latest NALP (National Association for Law Placement) survey, from 2003, women nationwide account for 16.8 percent of partners at law firms. In Philadelphia, it's 19 percent. But looking at that statistic, the question is: Has the definition of success changed for women, or are we not reaching traditional levels of power and success?

KATHLEEN WILKINSON: That statistic sounds fairly accurate, from what I see. My concern is that during the time I've been a lawyer, the partnership track seems longer and now there are two tracks. When I became a partner, it was possible if you were a real dynamo to make partner in as short as five years. Now it's closer to ten years before you're considered for partner. I've also observed an increase in the use of a two-tier partnership system. Contract partner is the first tier. You have to wait at least eight years before you are considered to be a contract partner. And then you are on

probation for three years before you are considered to be appropriately eligible for equity partner. I think a lot of women can become contract partner, but it's another race that you're in to become an equity partner. And you're in those critical childbearing years when you may put off some decisions just to become a contract partner and then you might put off other decisions to be eligible for equity partner. It seems that more women remain contract partners than become equity partners, in my experience.

LISA GOLDSTEIN: Suzanne, from your experience as the hiring partner at Saul Ewing, do you discuss the partnership track in the hiring process? And do you find that women who are joining the firm have the goal of contract or equity partner in mind?

SUZANNE MAYES: I don't think young associates or students get into the distinction between equity and contract. I think it's so far away. They are interested, though, in the general length of the track. And I would say women and men raise the issue with about the same frequency. To be quite honest, I hear a lot more questions about the culture of our firm: What is the work ethic of the firm? How early will I get client contact? Those are the typical questions I hear more often than about partnership. Also, the NALP forms today are fairly inclusive with respect to information, and a lot of that statistical information is on those forms.

DEBORAH EPSTEIN HENRY: In response to that point about the NALP forms and in response to your question about power, the NALP form doesn't break it down in terms of equity or non-equity. So a firm can put forward their statistics on women partners and that can be a deceiving number because there's a huge difference between equity and non-equity, as we all know. So I think that's a tricky issue in terms of power and numbers and what is accurately being reflected. And about power, it's become increasingly important that women play significant roles on various law firm committees so that they can have more influence in certain inner workings of the law firm. It's important to pay attention to which committees these women are actually participating in. Are they sitting on the executive committee and the finance committee and the management committee, or are they in the more stereotypical roles of recruiting or training? So you have to take a close look at what roles in particular women are playing, and you can't just go by the numbers.

TAMARA TRAYNOR: I might have a different perspective in the sense that my firm is small in comparison to most. I am the first female lawyer who made partner in the firm. There were other women who could have made partner if they had stayed at the firm. But they made other choices and left the firm, usually for personal reasons, which is probably a common experience in the profession and explains some of the numbers and reasons why women don't achieve the status as they should. I wasn't married for many of those years and I didn't have children. So I guess that made it somewhat easy for me. It's not to say I made those choices consciously, it's just the way it happened. I don't think my experience as an associate was any different than any other associate in terms of the work hours, work-

WOMEN'S ROUNDTABLE PARTICIPANTS



NANCY H. FULLAM started a firm ten years ago with Jim McEldrew, called *McEldrew and Fullam*, where she does civil trial work. She previously worked at *Pepper, Hamilton & Scheetz* and at the *Beasley Firm*. She is a 1981 graduate of *Villanova Law School*.



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ing weekends and handling trials. Maybe I got to do a lot more a lot sooner because my firm was smaller. But what I did find in my experience was the support of partners in the firm who were very committed to diversity. Part of our culture is to be forward thinking, and I benefited greatly from that. When I became a partner, it set the tone for the women just behind me. Now they have every expectation that they're going to be leaders in the firm one day as well. And I hope to foster that growth.

MARLA JOSEPH: Tamara raises an interesting point. How many of you feel that you had a mentor guiding you in your career path? Also, I would like to explore our role as mentees and protégées.

SUZANNE MAYES: I'm a bond lawyer and that's a traditionally male-dominated field. As a young lawyer, I chose to go into that department for a couple of reasons. One, because Saul Ewing has an excellent bond practice and, secondly, because I felt good chemistry with the male partners in that department as a very young lawyer. A lot of the partners in the department are younger and have wives who work. They are client-oriented enough to realize that women bring different traits to the table than men, and that together you're fully satisfying clients because you address different needs in different ways. So I was never at a loss for a mentor. In fact, some days I had too many mentors, but that's a good problem to have.

NANCY FULLAM: There's an important distinction to draw between mentors and role models. A mentor, by definition, is someone in a position to have sufficient power to actually steer and affect the course of your career. Those were all men at the places I went as a legal professional. I was mentored before I even went to law school by Judge Higginbotham because I was one of his research assistants, so that was tremendous for me. And then I had a number of great mentors at Pepper, Hamilton & Scheetz, and then I was hired by Jim Beasley and worked with him for thirteen years. I don't want to give short shrift to the women whom I considered my role models, who were not yet in positions to be powerful enough to steer my career, but gave me the inspiration to continue to advance. I contacted Marla after reading the "Beyond the '70s Generation" article because I felt so affected by virtually every woman who was in the article.

PATRICIA KANE-VANNI: I haven't been with a law firm; I've done mostly corporate law my entire career. In law firms, is there an official mentoring relationship, or do you just fall into it? Is mentoring more official or informal?

DEBORAH EPSTEIN HENRY: I think it used to be an informal thing that sort of naturally happened. And there's been this wave across the country where formal mentoring programs have been put into place. The reality is that it's still the most successful when it's something that happens naturally.

PATRICIA KANE-VANNI: I can see the usefulness of a mentoring relationship whether informal or formal because, again, from the corporate side, there's never been an instance of mentoring happening unless somebody takes a shine to someone, be it male or female. In corporate America, it's really who you know more than what you know. And I'm hoping that in law firms it's more what you know.

SHIRA GOODMAN: There are people in law firms who are always sought out to be mentors. Some young people think, "I'm going to go here and this person is going to be my mentor." I think a lot of women go to Ballard Spahr to be mentored by Charisse Lillie. And Charisse is very generous with her time, but you also have to have a relationship where you're doing well and there's a reason people would take an interest in your career. I've been very grateful to my mentees, one of whom was Charisse, another was Judge Shapiro for whom I clerked. But I know mentoring is a tremendous burden. You're very lucky when there is somebody who takes an interest. And you have to be respectful of the kind of demands you put on a mentor. I never found the formal programs to work well, though I know some firms are doing wonderful things with them. I think a lot of it is just clicking with someone and the mutual ability to respect and help one another.

"There's been this wave across the country where formal mentoring programs have been put into place. The reality is that it's still the most successful when it's something that happens naturally."

Deborah Epstein Henry

PATRICIA KANE-VANNI: Do you think some people are left out because they haven't had that opportunity, they didn't click with someone?

SHIRA GOODMAN: Yes, I think people can be left out. And in that case, you have to seek out your mentors. I think you need to have a lot of different mentors—some in your workplace and some out of the workplace—because sometimes you're not going to be able to talk to even a most-trusted person in the workplace about certain issues.

MARLA JOSEPH: I notice that a lot of the women from the 1980s had mentors who are male, and Nancy said probably because that was all who was out there in terms of positions of power. But the women from the 1990s, Debbie for example, had a male mentor and a female mentor. I'm seeing more of a trend now of having more female mentors who are not only role models, but also in positions of power. I'm wondering whether you sought out those mentors for different reasons or if you found that their gender in any way contributed to the way they were mentoring you?

DEBORAH EPSTEIN HENRY: I had a very powerful female mentor who was one of my law school professors, and she was the most influential person initially for me in terms of choosing a career path and summer job opportunities. I've never personally sought out a woman or a man to connect with on certain issues. I think mostly you have a working relationship with somebody, and you find that you respect their work, you like the way they relate, so you begin to seek them out for their advice. I think there's a risk in trying to eliminate certain people because of their sex because if you ever want to

bridge gaps in terms of different gender issues, you have to be receptive to anyone who wants to make a connection with you. And there are lessons to be learned from talented lawyers, both male and female.

TAMARA TRAYNOR: When I came out of law school, I went right into my firm. There was one woman ahead of me when I started and she did take an interest in me and personally mentor me, but I think she was mostly excited to have another woman in the firm. Had she stayed at the firm, she would have been the first female partner instead of me. My experience is that I didn't necessarily search out the mentor, I just responded to her offer to do that. So now I see it as my responsibility to assist others in the firm, again, not male or female, but anybody coming up behind me who wants help and seems to need some assistance. I hope that by my example I give them some sense of comfort that they can rise in the firm, too.

KATHLEEN WILKINSON: I did not have a mentor. I had contemporaries who I would consider my mentors *per se*. I was the first woman hired at my firm in Philadelphia and then a year later Shelly Fedullo came. So when she came, we helped each other. When she left for her maternity leave, I decided I needed other women who I could speak to. That's when I got involved with the Philadelphia Bar Association's Women in the Profession Committee. From that, I met women who were at my level or higher, people such as Lila Roomberg and Charisse Lillie from Ballard. So from that, I became someone who women behind me can go to. But for women like Nancy and myself, we had to rely on colleagues or good male friends or husbands. In my case, my husband was also an attorney, so I spoke to him constantly to seek out advice.

MARLA JOSEPH: It sounds like women not only have more opportunities now, but we also have more mentors. When you look at the most recent NALP statistic, it shows that the law school graduating class is about 48 percent women. We're basically half of the graduating class. But what's surprising is in 1998 when NALP did a study of 154 firms involving 10,376 women associates from the classes of 1988 to the classes of 1996, the study revealed that ten percent of the associates left their firms within one year, 43 percent left within three years, two-thirds left within five years and three-fourths left within seven years. So what's interesting is all these women are coming out of law school at rates almost the same as men, we have more mentors out there, yet women are not choosing to stay at firms. This is different from the traditional track of starting at a firm and working your way up to partner. Has our definition of success changed?

SHIRA GOODMAN: I left my law firm, Ballard Spahr, after five years. I guess I'm one of the statistics. The reason I left was partly the balancing issues, but it was also because I didn't want to make the kind of choices I was making for the work I was doing. And part of it was finally taking a step back and saying, "This is not what I had planned to do when I went to law school." I realized I was working harder and harder and that wasn't my goal. I think people are beginning to say, "Making partner at the big law firm isn't necessarily the brass ring."

LISA GOLDSTEIN: The question is, then, are women given the same opportunities to perform as men? Kathleen, what percentage of women are given the opportunity to sit on equity committees and decision-making committees?

KATHLEEN WILKINSON: The equity partner committee that I sit on evaluates all contract partners who come up and become eligible for equity partner. I am the only woman equity partner in my law firm. If the question is, from a percentage standpoint, whether the number of women who are contract partners who are becoming eligible for equity partner is less than the number of men nationwide—yes, absolutely. There are always many, many more men nominated in any given year, and I've been on the committee for roughly five years. There have been some years when there have been very few women nominated.

LISA GOLDSTEIN: Are first-year women lawyers being given the same opportunities as men to be in heavy litigation departments, or are they choosing a bond department that might not be considered as powerful?

SUZANNE MAYES: What I've seen through the years, especially my friends with spouses and children, is that it just became too hard to accomplish in a meaningful way everything that was on their plates. It's a pretty common story at this point. And some went from large firms to smaller firms, took the cut in pay, thinking that would solve all their problems. In some cases they worked more than they had worked at the big firm for a lot less money. Increasingly, people are making different choices, and not just women. I see younger men making some of the same kind of decisions that we only saw women making ten years ago.

NATALIE KLYASHTORNY: Even now, most of the power in the legal profession is still held by men, that's the bottom line. And younger men still have more access to the power holders than women do. Unfortunately, I think it can only be changed once there's a generational shift, once more women become partners and mentor more young women. It's still hard for me to go into the office of a man who's much older than me. I consider myself a strong person. I can pretty much do anything. But I think a man can go in and just talk about sports or bond with another man in a way that a woman cannot.

MARLA JOSEPH: In 2000 the Philadelphia Bar Association did a study of our members. The question was asked: "Stress and long hours, are they disrupting your family and social life?" And nearly 40 percent of those surveyed said, "Yes, stress and long hours at my job are disrupting my family." Another 41.5 percent of those surveyed said, "The stress and long hours of my job are damaging to my health." I thought it would be even higher than that. When I read the '70s article, there was a suggestion that those women worked so hard to open the doors for us and gave us these opportunities, perhaps they didn't even think about these issues because they were so focused on increasing opportunities for women. I hear more and more talk from women who want to have a different type of life. Are we selling out if we are not going for the most powerful equity partner position and instead choosing to either work part-time or have some type of different structure in our life?

DEBORAH EPSTEIN HENRY: Absolutely not. I was practicing as a commercial litigator at Schnader, feeling very stressed with two young kids and working a reduced schedule but still at least 40 hours a week. Even though the work environment and the lawyers were very supportive, I found the nature of the practice was such that it was incredibly stressful living this life. And I found that it was not just me and other lawyers, it was any professional woman. So, five years ago I e-mailed six part-time lawyers I knew and said, "I'm

starting a brown-bag lunch group. We're going to talk about work/life balance on a monthly basis, and we'll even bring in some guest speakers. Forward the invite to anyone you know who may be interested in attending." A hundred and fifty lawyers e-mailed me back. I realized that I struck a nerve here. The mailing list is now almost 1,300 lawyers in New York and Philly. But what that speaks to is the tremendous need and desperation that so many lawyers are feeling who have young kids in particular and trying to balance career and life. I think my age group, my generation, is trying to carve out a new track. We're redefining success. We're trying to be successful professionally and also trying to play an integral role in our kids' lives. I don't think it's a cop out. I think it's a new definition of success.

LISA GOLDSTEIN: In terms of business development and being comfortable going after clients, male and female, how comfortable are you going after business outside the firm and expanding business within the firm?

DEBORAH EPSTEIN HENRY: Business development for women is an issue that needs to be rethought. The successes I've had in bringing in clients and members of my organization have been through ways in which women relate to each other naturally. I've brought in clients through coaching my kids' soccer because that's what I do in my extra time, or through my kids' preschools. There are new opportunities to bring in business through book clubs and all those sorts of venues. It's about women opening their eyes about how to see opportunities that are outside the golf course or the rubber chicken dinner.

KATHLEEN WILKINSON: I find myself so enriched by meeting people like Debbie. I truly am of the bridge generation because now I'm learning as much from my younger colleagues as from my older colleagues. The Bar Association activities that I've been involved in over the years are another potential networking source. But beyond that, even if you can't show that you got a case as a result of working hard in Bar Association activities, I have found that my clients really like the fact that I'm very active in the Bar Association. Women can use their relationships, mentoring and various groups to enhance their reputation and get business as a result. You can't wait for the senior partner to hand business down to you. You have to be smart enough to get your own relationships going. Join as many women's organizations as you can and just network, network, network—that's the bottom line.

SUZANNE MAYES: You also have to be creative in terms of thinking about how to develop business. It's not going to work for you to do what the senior partner in your department does to develop business. I joke with my male partners that I'm going to run a bus trip to the shopping outlets from our firm's offices for all the women clients. And they look at me horrified. But a Phillies game doesn't do it for a lot of women clients.

PATRICIA KANE-VANNI: She's absolutely right because, from the client's perspective, when I was with an insurance company, the law

firms would always invite us to the Phillies games, the basketball games or to some fancy dinner and that was it. Those were the only activities where the interaction would occur. And listening to this now, I really wish the opportunities to interact and discuss business issues could happen elsewhere other than at a game.

MARLA JOSEPH: I'm in a small firm, and in my field we do primarily personal injury, workers' compensation and class action work. Because of the type of work I do, the way I develop business or get a client is similar to what Debbie was talking about where I have to be on the playground or be in an environment one-on-one with someone. It's not that someone is giving you the client. You have to find them yourself. I had to retrain myself and learn to ask for business, to learn when somebody asks me who I am when they're meeting my son to not just say, "I'm Marla Joseph," but to say, "I'm Marla Joseph, I do workers' compensation and personal injury work." It sounds obnoxious because it wasn't the way I had learned to socialize growing up. But if I am not aggressive, I won't get business. Early on in my

career, a close friend's husband was in an accident, but he went to another lawyer because he didn't realize I practiced in that area of law. So now when I first meet people, I try to be somewhat aggressive in the introduction. I think that's part of mentoring is to teach younger women in particular how to be aggressive, how to ask for the business, because sometimes I find they're afraid to do so.

NANCY FULLAM: You know, if you've got the business, you can negotiate for yourself where you are and where you want to go.

MARLA JOSEPH: Nancy, you actually went out on your own and started your own firm in the traditionally male-dominated field of personal injury law. I'd like to hear about that. For example, how did you have enough business to strike out on your own, and what were some of the challenges involved with starting your own practice?

NANCY FULLAM: At the time, I had been with my former firm for thirteen years. The structure was such that whatever business you brought in, you had to handle yourself. There's a limit to how many files you can handle. And if you start sending out work that you can't handle because you're over capacity, you're going to end up shooting yourself in the foot because your referral sources will learn that there are other people out there who can do the work and they won't think of you the next time. So, for me, starting my own firm became inevitable because of the need to grow with the business that I had.

SHIRA GOODMAN: I am not in the position of seeking business at this point because I work for a nonprofit, but we do advocacy work. I think part of asking for the business is that it's uncomfortable. But you just have to make yourself uncomfortable and do it. Now, I always make a conscious effort to introduce myself to people I don't know because it's important for the other work I do and it's important for development. I happen to be shy, so I really have to work at it. Some of it is just listening to current clients. I remember working with a client on another matter who was also complaining about an affirmative action plan. I said, "You know, we do that." And then the

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Kathleen Wilkinson

next time I talked to him I asked, "How's that going?" He said, "Well, my lawyer didn't call me back." And all of a sudden we got his affirmative action plan. Growing an existing client's business is still bringing in business.

NANCY FULLAM: It's not just about getting business for yourself. I've referred lots of business to other people and I've had people send business to me. If you appear to be a lawyer who's engaged both in the profession and in your own professional life, people go to you and say, "Hey, listen I have a problem. Can you help me?" Even in pro bono situations, you become the person they go to the next time they have a problem and need assistance.

TAMARA TRAYNOR: My firm was started by three guys who left a bigger firm because they didn't like big-firm life. So the culture there has been very non-big firm, but we compete for and do work sometimes alongside bigger firms. We refer business to people and in turn get business referred to us. We do a lot of commercial litigation, so we're not always the first firm somebody thinks of, but when they do get to know us, I find our experience itself feeds the work that we get later on. And you do get the benefit of your results and your reputation as the business grows right before your eyes. I have female friends who have their own businesses. Right now they're small, but they're actively growing as much as I am. They've already turned to me for little things now, but it's going to become bigger things later.

NATALIE KLYASHTORNY: The Young Lawyers Division, and the Bar Association in general, is a great way for young attorneys to get their names out there and to meet other people who they wouldn't normally meet. For me, it has helped me to become more involved in the legal community and it's expanded my horizons to other things that I am interested in such as political things. It's a great opportunity. More people should run for the YLD.

NANCY FULLAM: I was chair of the YLD in 1988, so I would agree with you completely.

LISA GOLDSTEIN: To conclude this discussion, regarding the number of men versus women who are law firm partners, why aren't the numbers equal? Do you think the numbers can be and should be equal, in terms of the traditional definition of success?

NATALIE KLYASHTORNY: I definitely think it's a cultural thing, that's why the numbers aren't what they should be. Despite the advances we've made, it's still a very male-oriented profession. I'm not saying that a woman can't get to the top of the legal profession, she certainly can, but it's still harder than it is for a man.

LISA GOLDSTEIN: Do you find that women aren't helping each other?

SHIRA GOODMAN: I think conversations like this are very important. We have to realize that any time a woman succeeds, it's good

for everybody else. We have to keep supporting the choices people are making, making referrals to each other, supporting the business and being proud of the choices that people are making because that's the way we're going to get more women partners and judges. And we all have to respect what we define as success.

MARLA JOSEPH: I honestly don't know that the numbers are going to change that much if we do a study ten years from now. What I'm learning from this group, and from my life in general as a lawyer, is that women don't necessarily want to be equity partners at large firms, if that's how we're defining success. The goal might not necessarily be to keep getting the number of women equity partners higher. What I'm hearing is that a lot of women who are becoming lawyers or professionals want some level of balance and want a different lifestyle. It's not that you don't want the career, but perhaps you want to do it differently. Maybe we should be looking at studies of how many women have started their own firms or something along those lines. And perhaps we need to start earlier in educating women about the particular area of practice they're going into or choices they're going to make.

DEBORAH EPSTEIN HENRY: Part of the future success of women professionally is the ability for women who have made different choices to show mutual respect and support. I think one of the problems is it's not only a competitive threat, but it strikes a nerve. If one woman chooses to work full time and another woman works part-time, whose decision was the right one? Is one a better mother than the other? That judgment has to be removed in order for women to achieve a greater level of success. It's about different choices, not about saying one choice is better than the other. It's an individual decision for which women need to show mutual respect. The ultimate success for individual women is proving their value and being indispensable. Whatever your specific talent, you will hold more negotiating power and you will ultimately be more successful wherever you are employed. The key is to be a talented contributor, a talented lawyer and business developer.

KATHLEEN WILKINSON: There are a lot of measures of success, and I fully support the choices that women have. I was on the committee to get part-time work adopted by my firm. I have that choice if I want to use it. I don't think any differently of a woman or a man who wants to exercise the choice to work part-time for whatever reason, whether it's for childcare or senior parents who are ailing. We all have a role to play, whether we work part time, full time, whether we're a contract partner, associate, equity partner, we're all here to get a job done. The issue is whether you're a good lawyer and a well-rounded person. We haven't even talked about what we do in our free time. The key to success is not just holding some title at some firm and bringing in business, but being a well-rounded person and contributing to the community. And are you able to have relationships with your children or a relationship with your significant other? Those are all keys to success.

MARLA JOSEPH: Thank you all for coming. I thought this was a great conversation. We appreciate your time. ■

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Natalie Klyashtorny