

# THE WOMEN'S ADVOCATE

## A CATALYST FOR 2008

Women and the Law Section Newsletter  
www.txwomenlawsection.org

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### CHAIR'S CORNER

By Teri Danish

## THOSE 18 MILLION CRACKS IN THE GLASS CEILING

I am pleased to be writing to you for the first time as Chair of the Women and the Law Section. I look forward to speaking with many of you during the next year and welcome your input into ways the Section can further meet your needs, and address your issues and concerns.

The WAL Section's theme for this year focuses on the progress women have made in their personal and professional lives, and whether there still exists a "glass ceiling" inhibiting women from reaching the top levels of their professions. This year has been especially significant for women on a national scale. For the first time in history, a woman was a legitimate contender to become President of the United States. And, as I write this article, we still do not know whether a female Vice President will be sworn into office in January. Regardless of your political persuasion, the historical significance of this year's election is unprecedented and undeniable. Nor can the differences between the choices and their potential impact on women's issues be ignored.

I have also just finished reading an article in the *Perspectives* newsletter from the American Bar Association. The article, entitled "Feminism Today: The Personal Is Still Political," discusses what it means to be a "feminist," comparing the perspectives of those in the "first wave" of feminism (think Elizabeth Cady Stanton) and "second wave" (think Gloria Steinem and Ruth Bader Ginsburg) with those of the current "third wave." I was struck by how, although women have made tremendous strides in all areas, basic issues like equal pay, reproductive rights and discrimination issues continue to affect women in their daily lives. The U.S. Supreme Court in 2007 rejected a wage discrimination claim under Title VII filed by a plaintiff who alleged she had received unequal pay for comparable work because she did not file a charge of discrimination within 180 days of each paycheck she found to be the result of discrimination, effectively (though not explicitly) overturning a 1978 Supreme Court decision reaching the opposite conclusion. A group of female employees recently filed suit against Bloomberg, L.P. alleging

pregnancy discrimination (the Pregnancy Discrimination Act was passed in 1967). And anyone watching the presidential debates cannot dispute that the issue of how best to balance women's privacy rights with issues of birth control, education and abortion remains in the forefront.

My own personal experiences are different from those my mother faced. As a professional woman in 1962, her company's stated policy was that female employees were expected to resign when they became pregnant. My mother questioned the policy when she became pregnant with me, and her supervisor explained that if the company was forced to fire pregnant employees, those employees would be able to obtain unemployment benefits. Since women could not possibly effectively work while raising a family, the company should not be expected to bear that unnecessary expense. She refused to resign, and her bosses made it increasingly difficult for her at work by constantly making comments and prohibiting her from wearing maternity clothes. After my mother threatened to have me on the conference room table if necessary (in her eighth month of pregnancy), she was finally fired so she was eligible for unemployment benefits.

My mother would obviously not be subjected to such overt discrimination today. But nuances of the same issues (staying on the career track while raising a family) remain today. My conclusion is that although women continue to strive and thrive in their chosen jobs, and continue to close equal rights gaps, much work remains. This year's presidential and legislative elections will have a profound impact on these issues, and whether that glass ceiling with the 18,000,000 cracks will be shattered or replastered in the near future. Whether you are a Democrat, Republican, Independent or of some other political persuasion, I urge you to support those representatives who will best protect the progress women have made and continue to press those issues that will make the lives of all women better. GO VOTE!

## ALLOW ME TO INTRODUCE MYSELF .....

by Carol E. Jendrzej

WAL wants your input and involvement in its activities. We are extremely fortunate to have officers and council members who reside and practice throughout the state, which makes it easier for you to contact or meet with them directly to share your ideas. Although it is highly implausible that you would find a shy woman attorney, we know that it is sometimes easier to talk to someone you know. So, we thought we would share a little something about some of our officers and hope that would encourage you to want to meet with them and share your ideas.



**Teri Danish**, our 2008 Chair, is a partner at Rodriguez, Colvin, Chaney & Saenz, L.L.P. in Brownsville, Texas. Teri practices in the area of and is board certified in Labor & Employment Law. Teri began her legal career in Houston at Fulbright & Jaworski, L.L.P. She left Fulbright for an in-house legal position at Cooper Industries prior to joining Rodriguez, Colvin, Chaney & Saenz, L.L.P. Teri has great vision for this section and encourages member participation.



**Andrea Johnson** is our Chair-Elect. Andrea, who prefers "AJ", is a partner at Burleson Cooke LLP in Houston, and also practices in the area of Labor & Employment Law. AJ, a frequent speaker and author, has shared her expertise in articles for our newsletter and been very involved in the educational portion of our annual meetings in the past. One of her notable wins includes obtaining a summary judgment in an employment case of first impression involving a transsexual. Among AJ's duties as Chair-Elect this year is organizing our annual section meeting and CLE. So, those of you who might want to be involved in this endeavor, should contact AJ at [ajohnson@burlesoncooke.com](mailto:ajohnson@burlesoncooke.com).



**Carol Jendrzej** is one of our two Vice Chairs and is responsible for the preparing the WAL's newsletter. Carol is a shareholder at Cox Smith Matthews Incorporated and practices in the area of commercial bankruptcies. In a prior life, Carol was a registered nurse and has been able to use that past experience when appointed to act as the Patient Care Ombudsman in health care bankruptcies. Carol has also been an advocate for individuals with intellectual disabilities and is on the board of directors for Special Olympics Texas. Carol is always looking for articles for the newsletter, which comes out three times a year. You can send her articles at [cejendr@coxsmith.com](mailto:cejendr@coxsmith.com).



**Melissa Dorman** is our other Vice Chair and is in charge of Membership. Melissa is a partner at Hartline, Dacus, Barger, Dreyer & Kern, L.L.P. in Dallas. She practices in the area of commercial litigation and products liability. Her clients are national and international manufacturers, many of whom are in the sports arena. If you have any questions about membership, do not hesitate to contact Melissa at [mdorman@hdbdk.com](mailto:mdorman@hdbdk.com).



**Chantel Crews** is our Secretary. Chantel is of counsel with Ryan Sanders & Gluth, LLP. She practices in the areas of commercial, fiduciary and probate and trust litigation. She also is the Vice President for the El Paso Bar Association and District Director #7 for the Texas Association of Defense Counsel Board of Directors. When Chantel is not in a court room, she enjoys spending time with her family, traveling (she has visited every state capital except for Honolulu), and volunteering for civic organizations. Chantel also dispels the myth that a no-nonsense attorney cannot be a romantic. Chantel informs us that she found spending the Christmas holidays with her husband in Venice was quite romantic.



**Ralph Brock** is our Treasurer. Ralph is a sole practitioner practicing in appellate law in Lubbock. He has a long history with our section. In fact, at one time he was the president of our section. In 1997, he received our section's highest award, the Ma'at Justice Award. Over the years and currently, Ralph has been extremely active on numerous bar committees and sections. All of his contributions to the bar have not gone unnoticed. In 2002, he received the State Bar President's award. Ralph also encourages others to become more involved with our section and the State Bar in general. Be sure to read his article on running for State Bar positions in this issue.



**Shannon Dacus** is our Chronologist. Shannon is a Shareholder at Ramey & Flock, P.C. in Tyler, Texas. She practices in the area of business litigation. She is also very involved with Habitat For Humanity of Smith County, is on the board of Niños de Promesa Preschool and is a member of the East Texas Community Foundation Women's Fund Steering Committee. As the Chronologist, Shannon is entrusted with our section's institutional and historical knowledge. In years past, a number of the women in our field have shared their experiences with us in the form of taped and transcribed interviews. If you have any of this information, please contact Shannon so that we can make sure that we have it all catalogued and in a safe place. Shannon can be contacted at [sdacus@rameyflock.com](mailto:sdacus@rameyflock.com).

So, now that you know who we are, make sure we know who you are and what is important to you. Let us know what you want from our section and get involved!

## WHY WE HAVE A WOMEN AND THE LAW SECTION AND A WOMEN IN THE PROFESSION COMMITTEE

by Ralph Brock

The following is adapted from *The President Reports* in the Winter/Spring 2000 edition of *The Women's Advocate*.

Eight or nine years ago, some (male) members of the State Bar Board of Directors starting asking whether the State Bar's Women in the Profession Committee should be combined with the Women and the Law Section. The Section and the Committee complement each other, but they are not the same thing. Because the question persists, let me draw an analogy and say that the Section and the Committee, like Sacajawea and the American eagle on the golden dollar, are two sides of the same coin. The Committee is an appointed body of members chosen by the State Bar President. It serves the State Bar itself, carrying out projects and making recommendations to the Board of Directors. The Section, on the other hand, is a voluntary association of lawyers united because of a common area of practice or interest within the profession. A section, acting through its elected council, serves the needs of its members, not the State Bar. Committees and Sections exist independently of each other.

If you go back (as I did) and review the annual Section and Committee reports published each July in the *Bar Journal*, the separate and distinct purposes for which the Women and the Law Section and the Women in the Profession Committee were created and continue to exist become apparent. When the Committee was created in 1989, the Section had already been in business for nine years. From its beginning, the Section's purpose has been to encourage and facilitate the active and effective participation of women in the legal profession and in the community, and to address the current needs of and issues affecting women. In contrast, the Committee was created as a one-year entity to study the role of women through a survey designed to assess the status of women in the Texas legal community and determine to what extent and in what areas women lawyers encounter gender bias.

Working closely with the State Bar's Research and Analysis Department, the Committee published the results of its survey in the September 1990 issue of the *Bar Journal*. Not surprisingly, the consensus of both female and male respondents was that women attorneys face more discrimination. Obviously, the Committee's work was not done, and it became a standing (permanent) committee beginning with the 1991 Bar year. In 1994, the Committee adopted a new, but similar purpose: to assess the status of women in the legal profession, to identify barriers that

prevent women lawyers from full participation in the work, responsibilities and rewards of the profession, to develop educational programs and materials to address discrimination against women lawyers, and to make recommendations to the board of directors of the State Bar for action to address problems identified by the committee.

Thus, the overriding purpose of the Committee is to identify and address issues of discrimination against women lawyers. It continues to work with the Research and Analysis Department, conducting surveys to identify gender discrimination in law firms and law schools. It has been working for years to pry data out of the Commission for Lawyer Discipline to determine whether there is gender discrimination in the disciplinary process. It has sought a rule change to prohibit attorneys from having sex with clients, and it actively supported the Gender Bias Task Force projects that identified and addressed gender bias practices in the courts.

While the Committee studies what needs to be done, the Section takes a practice-oriented approach to its activities. For years, the Section produced an annual CLE seminar on matters of interest to women and women practitioners, and it publishes a newsletter for its members. Before the State Bar put its thumb down on Section legislative activities, the Section lobbied for and finally passed Texas's first alimony legislation. The Section recognizes individuals who have actively addressed the needs and issues of women in the legal profession and in the community with its Ma'at Justice Award. With its Sarah T. Hughes Award, the Section honors women attorneys who have achieved excellence in their fields; who have been instrumental in advancing other women in the legal profession; and who have served the profession in valuable ways. On-going Section projects include its chronology project and its oral histories of outstanding women attorneys and judges, support for the Diversity Forum at the State Bar Annual Meeting, and its support for the Texas Advocacy Project, which provides free legal assistance to women in domestic relations cases.

Until gender discrimination is completely abolished, the Committee must be allowed to continue its work. Likewise, as long as women lawyers make unique contributions to the profession and express unique concerns, the Section will address those issues. Nobody who calls heads when the coin toss turns up tails would say the two sides of the coin are the same. The Committee and the Section may be part of the same coin, but they are as different as heads and tails.

## **THE TEXAS ADVOCACY PROJECT SAYS “THANKS”**

*by Ralph Brock and Carol Jendrzey*

Over the past several years, WAL has donated to the Texas Advocacy Project the profit it receives from the WAL Book Sale. The WAL Book Sale is conducted at the Annual Meeting at the State Bar Convention. Because it is your generous support of the Book Sale that allows WAL to make this contribution, we want to share Texas Advocacy Project’s gratitude with you.

*I am writing to thank you for the continued generosity and support that the Women and the Law Section has bestowed upon Texas Advocacy Project. Please convey our extreme gratitude to the Section’s members, because of all of you we are one step closer to our dream of making sure no child ever has to watch one parent abuse another. Thank you for all you do!*

*Andrea Sloan*

We also want to thank council member Ronnie Harrison. Each year Ronnie has gathered, stored, organized and sold the books at the Book Sale. Year after year she has done an extraordinary job. Many thanks to Ronnie for a job well done.



## **THINK ABOUT RUNNING FOR THE SBOT BOARD OF DIRECTORS**

*by Ralph H. Brock*

It is not too early to start thinking about running for the State Bar Board of Directors. Often, Board members come on with only local bar experience, not even knowing the difference between a State Bar Committee and a State Bar Section. The Board is always in need of members with more State Bar experience.

There are two ways of becoming a Board member: by election or by being chosen as a minority member. Only one minority director seat will become vacant in 2009, but five seats will be up for election. The seats up for election are from District 4, Place 5 (Harris Co.); District 4, Place 6 (Harris Co.); District 5 (Austin, Brazoria, Colorado, Fayette, Fort Bend, Galveston, Grimes, Jackson, Lavaca, Matagorda, Waller, and Wharton Counties); District 7, Place 1 (Ellis, Hill, Johnson, and Tarrant Counties); and District 10, Place 1 (Bexar County). There also will be a non-voting vacancy for Large Section Representative to the Board in 2009.

If you are interested in any of these positions, contact Candiss Held, 1-800-204-2222, ext. 1416. If you do not live in any of the districts with 2009 vacancies, check again in 2010. There will be ten vacancies for elected directors.

## ANNUAL SECTION MEETING



This year's section chair, Teri Danish introducing Judi Craig at the Annual Section Meeting



Carmen Samaniego, past section chair, at the WAL happy hour



Our speaker, Judi Craig, who is the author of "Women Attorneys Speak Out"



Debra Tsuchiyama Baker received the Ma'at Justice Award



Jannette Johnson received the Sarah T. Hughes Award

