



Sharing Success

The newsletter of the
Women in the Law Committee

5/31/2019

Volume 9, Issue 1

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Leadership Notes

Letter from the Chair

By Diane Averell



The moniker “Equal Pay Day” bugs me. To the uninformed, it suggests that on this date in history, equal pay for all was achieved and there’s a whole day set aside in America to celebrate it.

Not. So. Much.

Instead, Equal Pay Day symbolizes how far into the year women must work, on average, to earn what men earned in the previous year. April 2 was “Equal Pay Day 2019,” but only if you’re a Caucasian woman. For most women of color, “Equal Pay Day” comes much later in the year because the income discrepancies between Caucasian men and minority women in the workforce are far, far worse. Some data to consider:

	The amount a woman earns for every dollar a man earns.	The amount a woman typically loses over a 40-year career, based on today’s wage gap.	Additional years a woman must work to earn what a man earns in 40 years.
Women versus Men	\$0.80	\$406,760	9.7
Asian women versus Caucasian, non-Hispanic men	\$0.85	\$360,400	7.0
Caucasian, non-Hispanic women versus Caucasian, non-Hispanic men	\$0.77	\$555,000	11.9
Black women versus Caucasian, non-Hispanic men	\$0.61	\$946,120	25.8
Native American women versus Caucasian, non-Hispanic men	\$0.58	\$977,720	29.9
Latina women versus Caucasian, non-Hispanic men	\$0.53	\$1,135,440	35.5

Source: [National Women’s Law Center](#)

Jaw dropping, right?

It’s no wonder that twenty-eight, brave members of the world champion United States Women’s National Soccer Team—arguably the most successful athletic team in American history with three world championships and four Olympic gold medals—significantly escalated their decades-long fight with the United States Soccer Federation over pay equity and working conditions by filing a gender discrimination lawsuit on March 8. Indeed, the women allege that they are required to play more games than the men’s national team, they win more games than the men’s team, and yet they still receive less pay and

are relegated to lower quality training facilities and travel accommodations. <https://www.nytimes.com/2019/03/08/sports/womens-soccer-team-lawsuit-gender-discrimination.html>. Although this is playing out in the context of professional sports, women from all walks of life have embraced this high-profile fight as a symbolic challenge to the widespread institutional gender discrimination that impacts women from all backgrounds and industries.

Against this backdrop, law makers and corporations, alike, are working to adopt some measures to correct longstanding discriminatory practices and constructs that have created the current gender pay equity gap. Fifteen states now ban employers from requesting salary history information from job applicants <https://www.hrdive.com/news/salary-history-ban-states-list/516662/>, and Congress is looking to expand this ban on a federal level, with the House passing **The Paycheck Fairness Act** in April <https://thehill.com/homenews/house/436121-house-passes-paycheck-fairness-act>.

Some corporations are experimenting with salary transparency policies to promote fairness and accountability in compensation practices <https://blog.cultureamp.com/pros-and-cons-of-salary-transparency>. Movements like *Know Your Value* offer free, online content aiming to educate, train, and inspire women to embrace their professional worth and negotiate for promotions and raises. <https://www.nbcnews.com/know-your-value>.

And we are doing our part too. Since its inception, our Women in the Law Committee has provided a forum and resources for women lawyers to challenge and overcome the gender pay equity gap. We work to empower our members through cutting-edge presentations and workshops at our annual seminars that arm women lawyers with real-world strategies and techniques for effectively negotiating for themselves. We elevate the discourse through our publications in *For The Defense* and *Sharing Success* by creating solutions-focused content. We provide a vibrant, virtual environment of thought leadership and support through our Community Page posts. Later this year, we will launch our webcast/podcast series, *Staying Power*, which will offer dynamic on-demand programming for women striving to thrive and succeed long-term in the legal profession.

Still, there is more to do.

We need your ideas and energy and engagement to identify *what* is missing from the “Glass Ceiling” discourse and *how* we can fill that void in new and innovative ways that are *intersectional* and *impactful*. Join us as we continue to invest in ourselves and each other on the path to success!

Diane Fleming Averell is a principal of Porzio Bromberg & Newman PC in Morristown, New Jersey. Her practice

focuses on product liability, toxic tort, and mass tort litigation. Over the last decade, she has defended products ranging from over-the-counter and prescription pharmaceuticals to personal care products, cosmetics, industrial chemicals, petroleum products, handheld power equipment, and tobacco products. In 2018, Ms. Averell was recognized as one of NJBiz’s Best Fifty Women in Business. Ms. Averell serves as the Chair of DRI’s Women in the Law Committee.

From the Publications Chair

By Katy Regier



Our spring 2019 newsletter is packed with interesting and useful information on a wide variety of topics. We are pleased to provide our readers with articles on business development, financial planning with a focus on income parity issues for women, a technical article on 3D printing and a substantive law article on how Rule 34 can permit inspections of our client’s electronic devices. We again shine a spotlight on a WITL Champion and our featured in-house counsel. This edition also includes an amazingly creative snapshot of the fantastic 2019 WITL Seminar, the introductory remarks about Neva Lusk, the most recent Mary Massaron Award winner, and great photographs from the seminar. Thank you to everyone who gave their time, talent, inspiration and wisdom in contributing articles and other support to this newsletter.

Recently, a highly successful, dynamic attorney commented to me that he was looking forward to the time when his daughter would be joining the DRI Women in the Law Committee because he knew it would be a valuable experience for her not only as she starts out in the legal profession but throughout her career—that speaks volumes about all of us and our ability to make a difference in our own lives and the lives of others. Here are a few quotes to underscore the power we have within ourselves and collectively as WITL colleagues to make a difference:

“You are the CEO of your life. You have the power to stage and compose it the way you want it to be.”

~Nethra Murali, Boeing Commercial Aviation

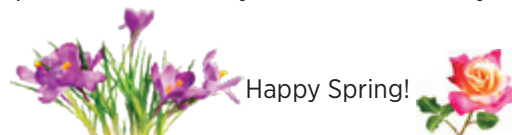
“While we may be individually strong, we are collectively powerful.”

~Rakhi Voria, Microsoft

“Never doubt that a small group of thoughtful committed citizens can change the world. Indeed, it is the only thing that ever has.”

~ Margaret Mead

Finally, save the dates of January 22–24, 2020, for the WITL Seminar in Scottsdale, Arizona. It’s never too early to set aside time for what is sure to be another powerful and inspirational seminar by and for women lawyers!



***Kathryn A. (Katy) Regier** is an attorney with the Sandberg Phoenix & von Gontard law firm in its Kansas City, MO office. She has over twenty-five years of civil litigation experience including product liability defense as well as defending companies in cases involving underlying fires, explosions and carbon monoxide exposure. Katy also authors legal issues articles, provides risk management presentations and consults with companies on warning, training and safety measures. In addition to serving as the DRI Women in the Law Committee Publications Chair, Katy is also Chair of the DRI Fire Science & Litigation group.*

Business Development

Tips to Avoid Six Common Power Leaks

By Marianne Trost, The Women Lawyers Coach



Before you invest time adding more activities to your already heavy business development schedule, consider taking a few minutes to make certain you are not making simple, common mistakes that can unknowingly eat away at your efforts and your results. Avoiding these power leaks will help you save time, money and energy and better position you to achieve the greatest return on your business development undertakings.

Mistake #1. Expanding your network while not tending to existing relationships

While it is important to continually feed your pipeline, many attorneys spend too much time starting new relationships and not enough time cultivating the ones they have. To avoid this trap, take an inventory of your relationships so you have a clear handle on the scope of your contacts. Make certain each relationship is current and progressing. Even a quick review of your LinkedIn connections may reveal relationships you didn't remember you had, contacts who have now gone in-house or colleagues who have moved and are now in a better position to make referrals.

Mistake #2. Assuming that it is "too late"

While it may not be timely, and you may wish you had followed up sooner, it is rarely too late. Create a context for the tardiness, bite the bullet, and get back in touch with contacts, past clients, past law firm colleagues, or dormant referral sources. These types of relationships typically take less time and effort to rekindle than seeking out new prospects with whom you have not yet developed rapport, identified commonalities, or built trust. Even a simple, "I can't believe it has been a few months since we met at the DRI WITL conference in Coronado. I hope your 2019 is off to a strong start. I wanted to make certain to follow up before the summer arrives" sets the stage for picking up where you left off, rather than losing the connection.

Mistake #3. Not asking for the business

Even if you master the first three steps of business development *i.e.* making contacts, following up, and identifying needs, you are unlikely to get the business unless you

ask for it. Often times we assume that people know we want their business. When faced with a choice of sending work to someone who has asked for it and someone who assumes a person knows, the work usually goes to the former. If it is uncomfortable for you to ask for the work, think of how you can phrase your interest in terms of helping, providing support, offering a second opinion, or assisting if someone else has a conflict of interest. Asking doesn't mean taking, grabbing, and being greedy. Asking means offering to help, to guide and to serve. It shows you care. Find a way to ask that is authentic to you and that conveys your desire to be of assistance.

Mistake #4. Not cultivating your own referral network

While tapping into a colleague's network to find a referral source *i.e.* "Does anyone know anyone who does such and such," will help you out in a pinch, it is a missed business development opportunity. Take time to cultivate your own referral network so that you can be the one handing out the names, not the one dependent on others for their referral sources. The gratitude for work received by a referral source usually returns to the person at your firm with whom the referral already has an established relationship, not the middle-person. Take time to invest in building your own network. Aim to be the person in your firm who has established a deep network of resource and can give out the names of referrals, not the person who is dependent on relationships that other people have cultivated.

Mistake #5. Focusing on perfectionism rather than "good enough"

While perfectionism may be a critical skill for your law practice, it is usually a disadvantage when building your client base. Perfectionism can drain us of our energy, discourage us from getting started, and make tasks seem daunting. The very best business developers are not perfectionists. They don't feel as if they have failed if they don't get to all the things on their "to do" list or push tasks off several days or even a week or two. They recognize that business development is a marathon and a habit that needs to be developed over the lifetime of a career. If they can't get all of their holiday cards out, they get some of them

out and personalize the ones they send. If they can't meet up with all of their contacts at a conference, they reach out to some in advance, create a short list for "must sees" on-site and follow up with others afterwards. If they are late on follow up, they do it anyway. They move with the flow, do their best to seize opportunities as they arise, and recognize that imperfect effort is better than no effort.

Mistake #6. Losing momentum – start stop, start stop, start stop

One of the biggest business development time drains is losing momentum *i.e.* not following up, falling out of touch, and then having to spend time to create a new context in which to get back in touch, or worse yet, letting the relationship languish completely. The reality is that something that takes only a few minutes and is as simple as a short email, a short voicemail, a heads up on travel plans, an invitation to an event, or a ping on social media, can keep a relationship from falling out of momentum. The next time you read or write something, ask yourself if someone in your network would find it of interest and then forward it to them. If you happen to see that a contact has won an award or recognized for an achievement, follow up with a short congratulatory note. When a contact posts something of interest on LinkedIn, share it. Even a short

email before going into trial can keep the momentum going *e.g.* "I am heading into a six-week trial and wanted to let you know that I have not forgotten about our lunch plans. I've made a note on my calendar to circle back after the trial concludes." Setting aside even a few minutes up front to keep a relationship from stalling can save you a lot of re-start time on the back end.

Conclusion

There are never enough hours in the day to do everything on our business development action lists. Making certain you fine tune your approach to avoid these common mistakes will help you protect the time and energy you invest in business development and position yourself to achieve greater results.

Marianne Trost is an internationally recognized business development and career management coach, trainer, speaker and author. An expert in the industry, Marianne's mission is to provide lawyers with practical tips, guidance, inspiration and support to grow their own books of business, create self-determination in their careers, and manage their advancement strategically.

www.thewomenlawyerscoach.com

Financial Planning

How Women Attorneys Can Banish Equal Pay Day Forever

By Bridget Venus Grimes



April 2, 2019 was Equal Pay Day in the US. This is the day when the average American woman finally made as much as the average man for the same role in 2018. This means it took an additional four months of income for women in the US to reach pay parity. *For the same role.* If you're African American your equal pay day is August 22, 2019. Worse yet, for Latinas your equal pay day is November 20, 2019.

In 1963 Congress enacted the Equal Pay Act. More than 55 years has passed and yet we are still talking about this because pay disparity still exists.

This year around Equal Pay Day there was the usual conversation about pay disparity and frustration about how elusive it seems to be. But enter the findings of a recent

Boston Consulting Group (BCG) study, which provide hope and actionable items to once and for all close the pay gap.

In a recent study, BCG concluded working women overwhelming take care of household responsibilities. In addition to their fulltime professions, working women are organizing the bulk of household chores, handling the time sensitive and frequently occurring tasks, even when a spouse is present. These dual responsibilities-full time career and household management-take a toll on the ability of professional women to reach the levels of their professions to which they aspire. It's not that professional women don't want senior roles in their organizations, which was the conventional wisdom. Women do want those roles. But the challenge of handling both career and household makes it that much more difficult.

The key takeaway from this study, and *the number one recommendation BCG provided to close the leadership gap, is flexible work arrangements*. This is significant. In fact, this can conceivably bridge the pay gap that women attorneys experience, as well as women in other professions noted for substantial pay disparity.

How can this flexibility make a difference and what does it really mean?

By having control of your schedule, you can manage both career and personal life. As women, the responsibility of managing our children and our aging parents falls to us. We know that, and the BCG study confirmed that point. This balance of work and life has meant that we, as women professionals must sacrifice some area of our lives just to make it. Frequently though, rather than sacrifice our families, we sacrifice our careers. Law, like my industry of finance, is not known for embracing change, which flexible scheduling represents, especially change to a model that has existed for eons and “has worked, so why change it.” But this singular recommendation by BCG is significant.

This can be the answer, the solution to close the pay gap for many women professionals and here is why:

When you have control of your business, you have control of your time. You can continue to serve clients well, you can manage your family obligations, and you can pay yourself what you are worth.

As a financial planner to women executives I believe it's critical to have a strategy around your career that allows for a fulfilling life, and a fulfilling career. This means managing your career from both a compensation standpoint and a quality of life standpoint. Closing this wage gap is something we spend a good amount of time on with our clients and we were especially excited to read the findings from this BCG report. We've seen the results of flexibility in the careers of our women attorney clients and wanted to share some of these success stories to encourage more women lawyers to consider these moves. Below are three different models within law that have successfully bridged the pay gap for women attorneys, all a result of increased flexibility:

Launch Your Own Firm

After 13 years as a Partner at a big-name law firm, Donna, who is one of my trusted advisors, left to launch her own firm. She had been on the compensation committee of her firm and knew what other attorneys were paid. Even though she knew she was the biggest revenue producer in her practice area, she made less than young, less

experienced male attorneys. Conversations with her colleagues about the inequity of compensation fell on deaf ears. Then, two years ago, as a result of frustration she left and launched her own firm with a former colleague. She has better work life balance, can charge clients what she wants (which is considerably less than she had to with the big firm), and pay herself what she is worth. Because she runs the firm, she chose a location near her house, and the 45-minute commute morning and night ended. Her clients are thrilled with her, especially since the level of client service increased, yet their cost decreased. She is markedly happier, and most importantly, she is able to continue to practice law, but on her terms.

Join a Virtual Law Firm that Shares Your Culture and Your Vision

Vanst Law was launched as a way for attorneys to have a meaning full life and enjoy practicing law. By being a virtual firm, overhead is lower, which allows attorneys to charge lower rates and keep more of what they make, and it provides for flexibility of schedule and location. Vanst attorneys created a law firm model they feel solves the biggest challenges in law for women attorneys; flexibility and equal pay.

This model was originally introduced to me several years ago by another firm also focused on a virtual practice. While that firm was not primarily a platform for women attorneys, its virtual platform allowed for flexibility of location and hours. What a practice like Vanst provides is a network of like-minded women and a very specific culture. In both cases, this model relies heavily on tech, which allows for lower fees to clients, lower overhead, and the opportunity for an attorney to keep more of what they make.

Be a Consultant to Other Firms

I recently met with one of my clients who wanted to discuss other income options for her in law. After decades as a respected litigator running her own firm, Laura is burned out. She still loves the law but wants to spend less time doing the work she is tired of and more time in the areas she truly enjoys. She has also developed a passion for helping young female attorneys build their own businesses, and would love to spend more time here, but has no existing clientele yet. Because she needs to pay the bills and continue saving for retirement, we know she needs to keep income flowing from the most reliable source; her existing litigation practice. But, by putting herself out as a consultant to other law firms she can remove herself from

the litigation that grinds on her, while spending time on the non-litigation parts of the trial process. And she can incrementally build up her coaching business while still paying the bills with her consulting work.

Acting as a consultant allows her to specialize in the areas of her current practice she likes best, and forgo the parts she really dislikes. It also allows her to keep income flowing while developing a client base for her coaching business. The key here is the flexibility that being a consultant provides. Laura can juggle the two businesses since she manages her own schedule. She can choose to take on as much consulting work as she needs until the coaching business ramps up, and she can pay herself what she wants, since she dictates the fees she charges clients.

In an industry as steeped in tradition, and as male dominated as law is, change comes slowly. Women lawyers

make on average just 76 percent of their male counterparts. Rather than wait until your organization decides to commit to pay parity, you can take matters into your own hands by incorporating flexibility in your career. For many of us women professionals, having flexibility will make the difference between career and life fulfillment, or not.

Bridget Grimes, CFP, is the President of WealthChoice, a boutique financial life planning firm that specializes in helping executive women take control of their financial lives, and Co-Founder of Equita Financial Network, Inc., a network of independent, women-led financial planning firms that share best practices and common goals. She believes in empowering women through education, collaboration, and support so that they have the confidence to take action for a better life.

Technology

3D Printing and Marie Kondo: How Does It Work and How Can It Be Used to Spark Joy?

By Lindsey Gilman and Sydney Gladman



Introduction by Dr. Gilman: Marie Kondo's organizing methods (the KonMari Method) have taken the tidying world by storm. I have always enjoyed the process of organizing and have been methodically doing my best when my husband and I recently moved into our home. When my husband came home with a 3D printer one weekend, I initially struggled to think of something useful to 3D print. That changed quickly when we watched Netflix's new show: "Tidying Up" featuring Marie Kondo. The show sparked a new idea for the use of this 3D printer that is now housed in my basement – I could bring organizing and tidying to a whole new level. I am no longer limited by the dimensions of organizing boxes I could find online and in stores, I could design boxes to fit the exact dimensions of my drawers and shelves! For example, below is a picture (Figure 1) of my newly organized junk drawer, where everything now has a spot. This spark got me more interested in 3D printing and how it works. I branched out from only using the 3D printer for organizing and began to print other useful kitchen gadgets, such as a decorative toothpick holder shaped like a porcu-

pine and a bagel slicer that is actually the right size for my bagels. Luckily, I also work with an expert in 3D printing, Dr. Sydney Gladman, and in the following sections, Dr. Gladman and I provide some insight into 3D printing technology.



Figure 1. An engineered and organized junk drawer using perfectly-sized 3D printed bins.

What Is 3D Printing?

3D printing is a form of additive manufacturing where material is selectively deposited or solidified to produce a 3-dimensional part. This is in contrast to subtractive manufacturing such as machining, where material is removed from a block of material to create a desired shape. There are many methods employed in the additive manufacturing space, including methods based on extrusion, powders, and resins, among others. Extrusion methods squeeze a material out of an orifice like icing in a piping bag while programmatically translating in the X, Y, and Z directions. Thermally-extruded plastic methods, often termed Fused Deposition Modeling (FDM) are what most people recognize as “3D printing” - think MakerBot who led the charge for household-use printers with affordable price tags, or the industrial leader and inventor of FDM printing, Stratasys. Powder-based methods can utilize plastics, metals, or ceramics combined with a laser or other locally-applied energy source to melt-solidify (*i.e.*, sinter) the powder into a solid part. Key industry players in metal printing include Markforged and Desktop Metal, and an example of new plastic powder technology is HP’s Multi-Jet Fusion process, which combines HP’s expertise in inkjet technology with powder-based solidification. Resin-based systems typically use a bath of liquid resin and a light or laser source to selectively solidify into a polymeric part, with major players including FormLabs and Carbon.

3D Printing: Ripe or Hype?

Many people ask, “is 3D printing all hype?” and assume that 3D printing is only relevant for prototyping and hobbies. While people like Dr. Gilman find hobbyist use from desktop 3D printers, there is no doubt that advanced technical applications for 3D printing are making strides. Recently there have been successful launches of 3D printed rocket engines, and there are already several FDA-approved 3D printed medical devices. Consumer products have also adopted additive manufacturing: Carbon’s partnership with Adidas has produced over a million shoes with 3D printed soles and Formlabs and Gillette have partnered to produce custom razor handles, to name a few examples. However, while these advances have certainly proved that the time is ripe for 3D printing, recall the cautionary tale from Jeff Goldblum in Jurassic Park: “Your scientists were so preoccupied with whether or not they could, they didn’t stop to think if they should.”

Anyone looking into the use of 3D printing should ask these questions:

- To print or not to print?

- What printing method(s) and what material(s)?
- What are the risks?

Each 3D printing method brings its own set of risks that must be considered during the design and manufacturing process. Toxicity is of concern due to fumes and particulates that can be emitted during the printing process. With Dr. Gilman’s expertise lying in the area of fluids and heat transfer analyses, she focuses on evaluating and managing heat-related risks. In all methods, effective thermal management is required to heat the printing material to the correct temperature, and with heat sources comes the potential for fire risk. Dust control is especially important for the powder-based methods to prevent airborne concentrations that could lead to dust explosions.

3D Printing and the Law

There have been lots of headlines involving 3D printing and the law, including recent dealings with 3D printed guns and the distribution of the underlying design files. Other potential legal issues include the following:

Product Liability and Safety

The regulations for 3D printing are only now being developed, and the majority of 3D printing materials have yet to be properly formulated and qualified for industry-standard safety and quality certifications. In addition, there are at least seven recognized families of additive manufacturing technologies, each with a variety of sub-specific methods, notable industry players, and associated materials: the landscape requires a thorough understanding of the differences between the plethora of techniques/materials and the associated issues with safety/hazards, performance, quality, and failure.

Intellectual property

Intellectual property (IP) for 3D printing methods and materials has exploded in the last few decades, and as such, legal battles in this space will continue to evolve. Just take a look at the news to see that there are many high-profile cases involving trade secret misappropriation and patent infringement.

Dr. Gladman, Dr. Gilman, and other Exponent consultants frequently consult in IP analysis and disputes, failure analysis, and hazard/risk assessment, and are poised to assist in these complicated issues with 3D printing.

What's Next for Additive Manufacturing?

The innovation in additive manufacturing is entering a golden age. In her graduate work, Dr. Gladman helped develop novel materials and methods for 4D printing (*i.e.*, printed objects capable of programmably changing shape over time), in the form of morphing flower structures (Figure 2). She also was involved with 3D bioprinting, or the printing

of living cells and tissues, and maybe one day, organs. In the last few years, process advancements in holographic 3D printing, or volumetric 3D printing, indicate we may one day be able to print objects in just a few seconds, by projecting a 3D light source onto a resin bath, to instantaneously solidify the desired object. This certainly sparks joy for Dr. Gladman! And who knows what other uses 3D printing may hold that spark joy for you!

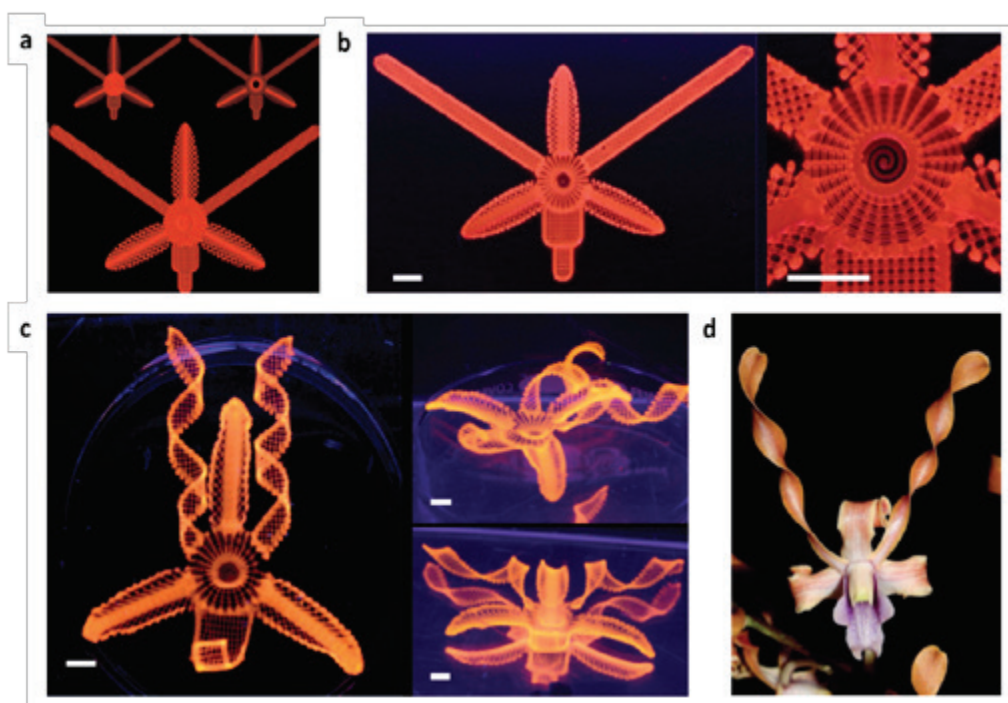


Figure 2. Biomimetic 4D printing of flowers. a) Source code for the 3D printed structure, b) as-printed structure, c) flower structure after transformation in a water bath, and d) a live *Dendrobium helix* orchid, the inspiration for the 4D printed flower. Source: Dr. Gladman, *Nature Materials* (2016).

Lindsey Gilman, Ph.D., P.E., CFEI, is a Managing Engineer at Exponent, where she applies her background in fluid dynamics and heat transfer to a variety of industries, including consumer products, medical devices, oil and gas, power plant equipment, and aerospace to assist clients in both the design stage and failure analysis of their products. Examples include thermal management of electronics and battery systems, thermal modeling of human skin to evaluate potential for burns, contaminant fate and transport in riverine and coastal systems, and evaluation of aerosol particle distribution.

Sydney Gladman, Ph.D., is a materials engineer focused on polymeric materials, such as those used in traditional plastics manufacturing methods as well as additive manufacturing processes such as 3D printing. At Exponent, she assists clients in a variety of industries and applications including consumer products, medical devices, textiles, military/aerospace, and the sustainability sectors. She routinely consults in the areas of failure analysis, materials selection and characterization, formulation and process development, as well as patent analysis.

Legal News

Discovery: Rule 34 Can Permit Inspection of Your Client's Electronic Devices

By Laurie K. Miller



Typically, when lawyers think about Rule 34 of the Federal Rules of Civil Procedure, they think about production of paper and electronic documents. Although not common, Rule 34 can also be the basis for permitting an actual inspection of the electronic devices of an opposing party.

Forensic Inspection Ordered

A recent case from the Southern District of California provides one such example. See *Satmodo v. Whenever Communications, LLC*, No. 3:17-cv-192-AJB-NLS, 2018 WL 3495832 (S.D. Cal. July 20, 2018). *Satmodo* is a case between two competitors who sold satellite telephones. *Satmodo* alleged that *Whenever Communications* (“Whenever”) engaged in a scheme designed to remove *Satmodo*'s paid advertising from appearing in Internet searches. A number of discovery disputes arose between the parties, including a Motion to Compel by *Satmodo* to inspect and image *Whenever*'s computers, phones, tablets and other electronic devices. *Whenever* argued that the requests were overly broad and intrusive.

The court determined that consideration of all relevant factors weighed in favor of allowing *Satmodo* to inspect *Whenever*'s devices. Specifically, the court concluded:

Defendants have sole and exclusive access to devices and control over the information they share; inspection of the devices could resolve the issues of the case; and the Court finds that any burden and expense associated with the discovery is proportionate to the needs of the case, will be borne primarily by the Plaintiff, and will be important to the resolution of the issues. For example, inspection of the devices could reveal evidence of the click-fraud that Plaintiff alleges; or that there is no evidence of click-fraud and Plaintiff is on a proverbial goose-chase; or, possibly, that the devices have been modified/wiped. Each of these outcomes has importance to the continuation and resolution of this case.

Rather than allowing *Satmodo* free and unfettered access to *Whenever*'s devices, the court went on to detail the exact protocol that was to be used for the inspection of the devices and only allowed full imaging under limited

circumstances. The court indicated that its protocol for the inspection adequately considered and addressed *Whenever*'s privacy concerns. The court also warned that, in the event either party engaged in the inspection process in bad faith or was non-compliant with the court's order, the party could be sanctioned.

Here, the party seeking the inspection (*Satmodo*) was able to persuade the court that an on-site forensic inspection of devices was proportional and appropriate for the case, and the court was able to explicitly define the limits of the inspection based on its understanding of the legal and technical issues in the case. While the background is not provided in the actual opinion, it is clear that the parties spent time educating the court on the nature of the technology at issue and exactly what discoverable information was sought from the inspection, as well as how it could be obtained in a minimally intrusive way to protect the privacy rights of the party owning the devices.

Forensic Inspection Denied

Contrast *Satmodo* with *Motorola Solutions, Inc. v. Hytera Communications Corp.*, No. 17 C 1973 (N.D. Ill. May 17, 2018). In this case, *Motorola* claimed that *Hytera* stole its intellectual property, but *Motorola* did not bring its claim until almost ten years after the alleged theft. The court heard argument on *Hytera*'s motion to dismiss based on the statute of limitations and *Motorola*'s defense of equitable tolling of the statute. The court then allowed a short period of discovery on the question of tolling. It was within this context that the discovery dispute between the parties arose. *Motorola* sought to conduct a forensic examination of the computers of certain *Hytera* witnesses who were involved in the use of *Motorola*'s confidential information. *Motorola* argued that the inspection would:

provide substantial information relevant to *Hytera*'s concealment of its theft, including (1) how the *Motorola* materials were sent and received among the *Hytera* employees; (2) whether they were deleted and by whom; and (3) who had possession of them and during what time frames.

Because this dispute arose at a time in which the only discovery to be completed was related to the statute of

limitations and/or the tolling of the same, the court ruled that the discovery sought was irrelevant. According to the Court, an examination of Hytera's computers could not yield any relevant information concerning when Motorola could have discovered the theft. Further, on the issue of whether or when Hytera may have deleted evidence, and with respect to the statute of limitations and tolling issues, the court stated, "Deleted documents don't move that meter one way or the other. . . . Motorola never had access to any of Hytera's computers any more than it does now."

The court also considered and balanced the request for inspection against the needs of the case and determined that the forensic examination of computers (in China) was disproportionate to the needs of the case because "the burden and expense of the proposed discovery manifestly outweighs its likely benefit" on the issue of the statute of limitations and tolling.

It can be seen in both the *Satmodo* and *Motorola* cases that courts do carefully consider relevancy and proportionality when evaluating a motion for a forensic inspection. It can also be seen in both cases that courts generally attempt to balance the privacy concerns of the party holding the devices to be inspected. There is a split in authority about whether forensic examination is considered a "drastic" measure. Some courts believe it is. See, e.g., *John B. v. Goetz*, 531 F.3d 448, 460 (6th Cir. 2008). Other courts have called forensic telephone examinations, for example, a "minor inconvenience." *Sherman v. Yahoo!, Inc.*, No. 3:13-cv-00041-GPC-WVG (S.D. Cal. Feb. 20, 2015) specifically disagreed with by *Ramos v. Hopele of Fort Lauderdale, LLC*, No. 17-621000, 2018 WL 1383188 (S.D.

Fla. Mar. 19, 2018) (also denying a request for forensic inspection of a cell phone.)

Practice Tips

If a case involves the potential need for a compelled, forensic collection of an opposing party's devices, be able to fully and competently explain to the court:

- how the forensic collection may produce relevant information for a specific issue in the case;
- why the request is proportional to the needs of the litigation (including addressing which party is bearing the burden for the collection); and
- the nature of the collection sought, what would be collected and how privacy concerns can be minimized (Are you using the least intrusive method possible?).

In other words, make sure the court is fully educated on both the legal and technical issues in the event it chooses to fashion its own protocol for a collection.

Laurie K. Miller is a Member of the Jackson Kelly law firm in the Health Care industry group, focusing primarily on health care litigation including medical malpractice, nursing home and pharmaceutical and medical device products. She is also experienced in commercial litigation, class actions, and product liability litigation. She has devoted a substantial portion of her practice to mass litigation, multi-district litigation, and class actions. Laurie practices out of the firm's office in Charleston, West Virginia.

Women In The Law Champions

Alex Hagan



We are pleased to feature Alex Hagan in our Champions Column for the Spring Newsletter. This recurring WITL newsletter feature shines a spotlight on an attorney who champions women attorneys not only through words, but actions.

Alex Hagan joined DRI as a first-year associate in 1995 at the suggestion of his mentors Dick Ellis and Leslie Packer. Ellis & Winters has a long history of sponsoring and encouraging its lawyers to become leaders within DRI. Alex has served as the Chair of the Medical Liability and Health Care

Law Committee and now serves as a National Director and Board Liaison to the Women in the Law Committee.

DRI members have observed Alex's efforts advocating for women to serve in leadership roles throughout his career. This month, we sat down with Alex to learn why and how championing the advancement of women lawyers has become a professional goal for him.

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

I currently serve as the chair of our firm's litigation practice group. This role gives me an opportunity to advocate for,

promote, and mentor women attorneys in our litigation practice. I also serve on the firm's management committee. In that role I have worked to increase participation of our women attorneys in various firm leadership and governance positions, such as on the recruiting committee, associate development committee, and compensation committee

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

Ellis & Winters has had women in leadership roles since its creation in 2000. One of our key founding partners, Leslie Packer, currently serves as managing partner of Ellis & Winters. Ellis & Winters has benefited from her insight and experience, as she has seen first-hand what efforts have been successful in the promotion of women in the firm.

One of the efforts we started early on was to identify professional organizations that would help our lawyers with both professional and business development. We promoted women attorneys for membership in these groups. We have encouraged and financially supported women to join organizations that further their goals. DRI, and WITL more specifically, is one such committee we identified and have supported.

Through my involvement with WITL I have gained a greater appreciation of the importance of diversity and have worked with the rest of firm management to bring outside presenters to work within our firm to increase our diversity initiatives.

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

I think the WITL Pathways to Leadership and the SLDO Toolkit to create WITL committees at the state level are excellent. They need to be supported and expanded. With some exceptions, legal professional organizations have historically been led by men. Pathways, and now the SLDO Toolkit, are helping to place women in leadership pipelines.

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

When I was the Committee Chair for the DRI Medical Liability Committee, I encouraged and appointed women in leadership positions such as Program Chair. I now work to advance women attorneys in my role as Board Liaison to WITL. In this role, I view it as my responsibility to showcase and promote the great offerings and successes of WITL to the full DRI Board of Directors so as to advance WITL pro-

grams and objectives. Considering the amazing leadership and actions of WITL, my role as WITL's advocate has been very easy.

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?

Being involved with WITL has allowed me to have more access to information regarding the challenges disproportionately impacting women attorneys and the programs/initiatives that need to be implemented to further their advancement. This is important professionally because I have always followed the mantra that "a rising tide floats all boats." In that sense, I have consistently looked for ways to promote the success of my partners and colleagues because it promotes the success of our firm.

My investment in my colleagues both at our firm and through my work with DRI is also personal because my wife is a lawyer. We also have two daughters who are at the age where they are considering professions. No matter which path my daughters choose, I want to do what I can to promote their success, their confidence, and to create opportunities and space for them and their peers.

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

Every speech or presentation that I go to, I ask myself what I learned that day and write down some takeaways. I then use these to start a dialogue with my colleagues, wife, and daughters. This has been my practice for years, but I have noticed that when I go to the WITL seminars and fly-ins, I have a longer than average list of takeaways to bring back to North Carolina. These serve to help remind me not only that I have a lot to learn, but also of the opportunities I can help create and barriers I may be able to help others navigate or break down.

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

It is rewarding to be able to share in the success of those around me. It is exciting to watch the success of my partners, colleagues, and WITL members be recognized in organizations like DRI.

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 plan to serve as the DRI Board Liaison to WITL as long as they will have me to help create and promote new programs. My work in this role has benefited other legal

organizations in which I am involved. In our firm, I will continue to advance women attorneys in leadership roles.

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.

I tell everyone who will listen that they need to come to the WITL seminar to expand the scope of the programs they attend, as well as their connections.

Alex J. Hagan serves as the head of the litigation practice group at Ellis & Winters. He is a trial lawyer whose practice

includes product liability defense, as well as the defense of laboratories, hospitals, nursing homes, and individual health care providers. Additionally, Alex has extensive commercial litigation experience, representing software manufacturers, retail chains, and other product manufacturers in contract, trademark and employment disputes. Alex has extensive jury trial experience in tort and commercial matters in both state and federal court.

In-House Counsel Spotlight

Zabrina M. Jenkins

By Stacy D. Fulco



Zabrina Jenkins is the VP Asst. General Counsel of Litigation and Employment at Starbucks Coffee Company, as well as the Interim Chief Ethics and Compliance Officer. She was generous enough to speak with us about Starbucks, her career path and her role as in-house counsel.

Tell us a little about the legal department of Starbucks

Starbucks Coffee Company started as a single store in Seattle's historic Pike Place Market in 1971 and it is now around the world. The company is still headquartered in Seattle, Washington and the legal department is located in Seattle as well with lawyers in locations across the globe. There are approximately 235 people working in the Law & Corporate Affairs department and over half of them are women.

The legal department is organized into teams like a mid-size law firm. There are teams which handle different legal issues including real estate, employment, litigation, securities, marketing, international and commercial.

A very interesting fact about Starbucks is that dating back to 1995 when the company named its first General Counsel, a woman has always held the General Counsel position. Currently, the General Counsel is Rachel Gonzalez.

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

I received an undergraduate degree in business administration and finance from Central Washington University in 1992, where I also played intercollegiate basketball. I started law school at Syracuse University College of Law in 1994 and while in law school I took a break and obtained a master's degree in Higher Education Administration from Syracuse University in 1997. I then completed law school in 2000.

I first thought about working in-house while in law school. After law school I did what I thought was best to develop the best foundation for a future in-house position, and that was working at a law firm. I was an associate at Garvey, Schubert Barer in Seattle from 2000 until 2005. At Garvey I counseled clients and represented businesses in a range of litigation matters, including employment, copyright infringement, trademark, uniform commercial code, complex commercial law, bankruptcy, business torts, common law contracts and trade secrets.

In early 2005 I was fortunate enough to have a mentor who worked in-house at Starbucks and when a new position opened for a junior litigation lawyer, my mentor encouraged me to apply. I was hired to oversee the general liability portfolio and after some time I also advised and handled product, commercial, ADA accessibility and some real estate issues.

What is your role in the legal department?

Currently I am VP Asst. General Counsel of Litigation and Employment at Starbucks Coffee Company, as well as the Interim Chief Ethics and Compliance Officer. As the VP Asst. General Counsel of Litigation and Employment I lead a team of 30 attorneys, paralegals and staff and we oversee all of the general litigation matters and employment matters involving the company. As the Interim Chief Ethics and Compliance Officer, I lead a team of 22 members and we oversee issues relating to Title VII, anti-bribery and anti-corruption. I also have Data Privacy reporting to me and that involves a 12-person team.

The majority of our general litigation involves customer claims. We work in partnership with a third-party administrator and our risk management department to handle all pre-litigation matters and direct outside counsel once a case goes into litigation.

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

Be a business partner to your clients and not just their lawyer. This involves knowing the interworking of their business as best you can as that will help you understand their needs.

What do you find effective in working with and providing advice to non-lawyers in your company?

Similar to what I tell outside attorneys, what I find useful is to spend time with my co-workers (who we call our clients) so I can understand their business and their issues. That helps me have empathy for their situation and it helps me understand what keeps them up at night. Our goal is to minimize litigation from being a distraction to them.

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

The corporate world is still male dominated in the C-Suite and there are still some challenges, but there is strength in numbers and our numbers are improving. There are also very strong female leaders in our company.

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

Diversity, the variety of matters I work on and the people I work with every day both in the law department and as clients within the company.

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

Understanding how our business and company works is greatly important. It is also important to know how best to convey information to us because when we give reports

to our clients, it has to be in a very succinct format. That *requires us* to take multipage reports and significantly distill them, so if counsel could provide reports in an easy to digest format, that would help us perform our job. Understanding those types of nuisances is key to a good partnership.

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

Make sure you find the right environment that is a good fit for you. It is important to know a company's values and if they align with yours before you work at the company. Some places are flexible with women related issues and some are not, so understand your own needs and what the company provides in way of flexibility and support.

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

I love adventure and seeing new places and cultures, so I am an avid traveler. In 2019 I have already visited South Africa and Australia. I also enjoy spending time with family and friends.

I am also involved with multiple non-profit organizations. I am currently a Board Member of the Washington Leadership Institute, Loren Miller Bar Foundation and Artist Trust. I was previously on the Board of the King County Bar Foundation and Central Washington University Foundation. The mission of the Washington Leadership Institute is to recruit, train and develop minority and traditionally under-represented attorneys for future leadership positions in the Washington State Bar Association and legal community.

I am also an advisory board member of Central Washington University College of Business and Girls Can Do. Girls Can Do was started by the CEO of a tech company in Seattle and it targets girls aged 10-18 years old. The group's mission is to inspire a generation of possibility thinkers and to encourage young women to have big dreams and actually pursue those dreams.

Stacy Fulco is a partner at the Chicago firm of Cremer Spina LLC. Stacy specializes in premises and product liability cases and represents many national and international retail and hospitality companies. Stacy is an active member in the Women in the Law and Retail & Hospitality DRI Committees.

Women in the Law Seminar

Women in the Law January 2019 Seminar Wrap-Up



Sandra J. Wunderlich created the infographic showcasing highlights of the 2019 Women in the Law Seminar. Ms. Wunderlich, a partner with Tucker Ellis LLP in St. Louis, focuses her practice on intellectual property and complex business litigation. She has first-chaired a dozen jury and bench trials and has handled appeals in the highest appel-

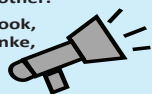
late courts. Outside of litigation, she provides consulting on the likelihood of litigation and strategizes with clients on ways to avoid it. A frequent speaker and writer and an active DRI member, she serves on the leadership teams of the DRI for Life, the Intellectual Property Litigation Committee, the Women in the Law Committee and the Law Practice Management Committee.

2019 DRI WOMEN IN THE LAW

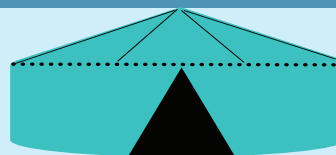


This year, 250 women attended the 2019 WITL seminar held at the iconic Hotel Del Coronado in San Diego, CA. These women had the opportunity to connect with in house counsel, make new friends, and further their relationships with each other.

On Wednesday, we learned from Rena Cook, a professional voice coach, and Annie Funke, a television actress, how to empower our voices to speak with authority.



COMMUNITY SERVICE PROJECT: On Wednesday, WITL cleaned up a beach near the hotel.



This was the first DRI seminar in history to be held in a tent—complete with chandeliers, flooring, and upscale portable toilets. Due to a storm shortly before the seminar, the program had to be moved to a tent. Other than a few flyovers by the U.S. Navy, we didn't notice. The program outshined any inconvenience.

CHOICES, CHOICES, CHOICES . . .

BREAKOUTS

Corporate Counsel Roundtable	Coverage Claims, Bad Faith Disputes and What's in the Claim File
Conflict Resolution From Avoidance to Opportunity	#Notmetoo Becoming a Cultural Change Agent

THURSDAY AFTERNOON ACTIVITIES:

- Coronado Walking Tour
- Haunted Hotel Tour
- Wine tasting
- Financial Planning Class
- Surrey Scavenger Hunt
- Yoga on the Beach
- Book Club
- Mindfulness for Attorneys
- Trivia

NETWORKING ACTIVITIES



BLOCKBUSTER PROGRAMS . . .



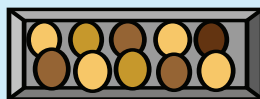
FIRESIDE CHAT:

To open the seminar, Kori Carew interviewed Zabrina Jenkins, in house counsel for Starbucks Coffee Company, about Connecting in Crisis. It was an incredibly moving testament to Starbucks' willingness to have a different kind of conversation about race relations, and how to respond to a corporate crisis.



MOVING THE NEEDLE

We heard about the data concerning underrepresentation of women in lead courtroom roles and in ADR neutral appointments, and how these women are leading the way toward closing the leadership gap for all women.



CLOSING ARGUMENTS

Alecia Walters-Hinds and Sharla Frost treated the audience to two powerful closing arguments while Keri Lynn Bush explained the various techniques used by each to tell their client's story to the jury.



NEGOTIATIONS

We learned effective techniques and strategies to use when negotiating with opposing counsel to close the deal from John Trimble and Rebecca Nickelson.

★ Congratulations to Neva Lusk for receiving the Mary Massaron Award for the Advancement of Women in the Legal Profession



AUTONOMOUS VEHICLES

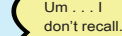
We not only learned how autonomous vehicles work, but we learned about the legal issues surrounding this new technology from a panel of in house counsel who deal with these issues daily.

RESILIENCY
We learned how to build resiliency and gain confidence from three amazing women.



TOTAL RECALL

We learned how to get to the truth when interviewing witnesses who are reluctant, forgetful, or biased using techniques based upon science.



See you in Scottsdale, Arizona
January 22-24 for the 2020 DRI Women in the Law Seminar

2019 Mary Massaron Award Winner

Neva Lusk

By Tai Shadrack Kluemper



The following remarks were made by Tai Shadrack at the 2019 Women in the Law Seminar in honor of her colleague, Neva Lusk, receiving the Mary Massaron Award.

When Neva reached out to me to ask if I would share a few words with you at this ceremony honoring her today, I thought well this is going to be the easiest speech I've ever had to write. All I have to do is get up here and say a bunch of nice things about Neva. That should be easy.

Neva is probably my favorite attorney at Spilman. And I'm not just saying that because she's paying me to. Colleagues of Neva say that she treats young associates with the highest respect and regard, you know, kinda like a person. She's supportive of other people's obligations outside the work place—she never presumes that she's the only person who has an issue. Neva's secretary for the past 17 years describes her best—Neva is Mary Poppins—practically perfect in every way.

And she can also fly.

So, no, I have no problem standing up here and talking about what Neva has meant to me and other people during her career, both at Spilman Thomas & Battle and other places. But when as I was drafting this speech, it suddenly dawned on me. While I'm happy to tell all of you how much I adore Neva, I've never told Neva that. It makes me a little sad that it took a trip across the country for me to do this.

Neva has had a profound impact on my life, and I believe on my career, but I've never told her how much I admire her, how much I look up to her, how lucky I feel to have been able to meet her. So, brace yourself Neva, this speech is going to be as embarrassing for me as it is for you.

Neva and I share the same alma mater—she graduated from WVU College of Law in 1980—go Mountaineers. Thereafter she served as a prosecutor in Kanawha County, West Virginia, for 10 years. In 1982, another WVU graduate by the name of Irene Berger joined Neva and a group of other female attorneys in the prosecutor's office.

Irene remembers her time in the prosecutor's office with Neva fondly, remarking that the environment was friendly to women. In describing Neva, Irene advises that she was always a person who was willing to share her ideas and

plot strategies. But even more important than that, Neva would LISTEN.

Though they no longer work together, Irene and Neva still stay in touch, a nearly 40-year friendship Irene says grew out of their work together at the prosecutor's office. Neva, Irene, or Judge Berger, as she is now known in the United States District Court for the Southern District of West Virginia, sends her love and believes that your award is well deserved.

Neva left the prosecutor's office and came to Spilman in 1991. She has been a member of Spilman Thomas & Battle for nearly 25 years. During her career she has

- served as trial counsel for corporate clients in mass toxic exposure matters, including class actions and medical monitoring;
- served as lead counsel for corporate clients in consolidated product liability matters and commercial disputes;
- defended hospitals, individuals, and corporations in health care litigation, both civil and criminal;
- represented clients in Medicare and Medicaid fraud and abuse cases and
- litigated numerous trials in both state and federal courts.

She also sleeps occasionally.

I asked a female attorney at Spilman who has been there almost 12 years now, how she thinks Neva has been able to accomplish so much in her legal career. She told me it's because Neva is always one step ahead of her opponent. In her words, Neva has figured out the answer when her opponent hasn't even figured out what step one is.

Another colleague of Neva's, who has worked closely alongside Neva for years, says that Neva is successful because she is able to cut to the meat of the issue. She always knows what to do.

When Neva isn't putting in those all-important billable hours, she finds the time to serve as a leader to others at Spilman. She is co-chair of the medical monitoring group. Co-chair of the product liability litigation group. Co-chair of the toxic tort litigation practice groups. Chair of the E-discovery practice group.

For those of us who work with her, it's not difficult to understand why she's so often chosen to be a leader. One attorney describes Neva as gracious and generous with her time. It's really hard to find a good mentor, she said. Just because you're a good lawyer doesn't mean you're a good mentor. Neva is both.

When I talked to one of Neva's former associates about his time working with her, he was quick to point out that he thinks of himself as, and I quote, a "Ladies Man." I'm just going to let that sync in for a minute. I questioned him about this title and he said that, in his legal career, he has mostly worked alongside smart, powerful women. **Lucky him.**

Reflecting on his time as her associate, this young member remarked that Neva was always supportive of him. He said he wouldn't be a member of the firm if she hadn't been a champion for him. Neva must have had a great mentor in her life, he says, because she is such a great mentor herself.

I'm happy and overwhelmed really, to be here with you today and share with you what an amazing person Neva Lusk is. There's really so much more to say about her distinguished career; unfortunately, I can't fit all of her accomplishments in a 5-10-minute speech.

But there's one more thing I want to say about Neva before I wrap up here that I think is paramount to any discussion about why people admire Neva so much. I'd never forgive myself if I didn't mention it. Because it would practically be an insult to have an entire ceremony honoring Neva Lusk without mentioning that she has the most fabulous collection of animal print accessories that I've ever seen in my life. That she's one of the only people I've ever met that looks just as good in a pair of flats as she does in a pair of heels. That she wears fur and pearls like the boss lady that she is.

And that's one thing about Neva that I'll never take for granted. One thing I never want to forget. She's a lady, and not just because of the way she dresses—even though her wardrobe puts every 20-something, 30-something, 40-something, and every other something in our office to shame. Neva carries herself with grace and elegance. She is a consummate professional. She is the woman in our office other women want to emulate.

When I told my husband I was going to speak at a ceremony honoring Neva, he asked me, is that the woman who made you cry? And I said, made me cry? No, I'm talking about Neva. And he said, yeah, she made you cry with that email she sent you. And I thought about it. In the spring of last year Neva and I were working on large class

action together.

I for one found it particularly stressful. The issues were complicated. Opposing counsel was impossible. And I feared that our client would end up literally paying for someone else's mistake. We had a lot of meetings about that case. I was frustrated a lot, and I don't think I did a good job of hiding it.

Then one night I got an email from Neva that said the following five words: "I think you're just great." I read that email several times, checking the "from" field to make sure it was really from Neva. Checking the "to" field several times more to make sure she had meant to send it to me. And looking at the word "great" even more times, wondering if I still knew how to read the English language. I finally responded, thanking Neva for her kind words, and doing a little digging to find out what had prompted her to say that I'm just great out of

the blue. She then proceeded to tell me in detail how much she enjoyed working with me. As my husband reminded



me, those two emails from Neva brought tears to my eyes, and maybe down my cheeks.

Even today, almost a year later, it still makes me smile to think about that email I got from this amazing woman Neva Lusk. And it's not to say that I wouldn't have been happy, even ecstatic to receive that same email from a male colleague. But there was something even more special about it because it came from Neva. Because it came from a woman.

There are some things that successful women can do for the women coming up behind them that may seem so small and mundane, but that really leave a lasting impression on young people who are struggling to find their way.

Neva, we at Spilman want to congratulate you on your award. This award was made for someone like you.

You're a daughter. A wife. A mother. A grandmother. A colleague. A mentor. An advocate. And a friend. I'm happy to be able to say that you're also my friend.

Congratulations, Neva. And thank you.

Tai Shadrick Kluemper is a Senior Attorney at Spilman, Thomas & Battle's consumer finance department in their Charleston, WV office. She assists firm clients with all aspects of litigation involving alleged violations of state and federal consumer protection laws. Tai is also the Assistant Chair of the firm's recruiting department.

Seminar Photos

