



THE CATALYST

The newsletter of the Illinois State Bar Association's Standing Committee on Women and the Law

Chair's column

By Sandy Blake

ISBA President John Thies and his wife Terry "officially" announced the launch of Lawyers Feeding Illinois (LFI) at the ISBA Chicago Regional Office on November 14, and ISBA members learned more about the challenge at the ISBA/Illinois Judges Association joint Mid-Year Meeting.

Lawyers Feeding Illinois (LFI) is a competitive food and fund-raising campaign among lawyers and legal organizations across Illinois. LFI will support the work of Feeding Illinois, a charitable 501(c)(3) organization that is Illinois' state food bank association. Its eight member food banks serve every county in Illinois through a vast network of partners, including food pantries, soup kitchens, and shelters. Remarkably, of the 1.9 million people struggling with hunger, over 1.4 million have been assisted by their network.

LFI is chaired by a volunteer steering committee comprised of members of the ISBA in cooperation with Feeding Illinois. Standing Committee on Women and the Law member Shira Truitt is a member of the steering committee.

From February 18 - March 1, 2013, teams of lawyers will compete to earn points by collecting food and funds. 100% of all donations, net of processing fees for credit card donations and campaign-related expenses, will support each team's regional food bank, so contributions directly supports each respective team's community. At the end of the campaign, awards will be presented to the teams who raise the most points overall and per capita in several categories. For complete details about the campaign, visit the Web site at www.lawyersfeedingIL.org.

At our December 14, 2012 meeting, the

Celebrating 140 years of female attorneys in Illinois

By Catherine D. Battista

July 1, 2012 marked the 140th anniversary of women being granted the right to practice law in Illinois. As a practicing attorney, I could not imagine doing anything else. If you listen to my mom, I was "born" to be a lawyer. Therefore, it is hard for me to visualize what my life would have looked like but for the pioneering efforts of the female practitioners who came before me. Thanks to their determination and grit, women were given the opportunity to practice law in Illinois side by side with their male counterparts.

In 1869, Myra Bradwell petitioned the Illinois Supreme Court for a license to practice law. Her application was denied on the basis of her gender—female. The Supreme Court stated:

The license was refused, and it was stated, as sufficient reason, the under the decisions of this court, the applicant, as a married woman, would be bound neither by her express contracts, nor by those implied contracts, which it is the policy of the law to create between attorney and client.¹

Instead of deciding whether women should be permitted to practice law or not, the Supreme Court deflected and put the issue into the hands of the legislature, stating:

Whether, in the existing social relations

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Standing Committee on Women and the Law voted to form a team to support LFI. Because our members practice statewide, we did not select a particular food bank to receive our contributions. Rather, we will make financial donations that will be allocated to each committee member's local food bank. Although steering committee member Jon Racklin informed me that we were the first ISBA committee to register, the online registration program did not allow him to complete our registration. He assured me he would follow

up to secure that registration. In the meantime, should you wish to contribute offline, please send checks to my office payable to "Feeding Illinois" c/o Sandy Blake, Life Span, P. O. Box 1515, Des Plaines, IL 60017, and I will turn them in at the end of the campaign. Please include "Lawyers Feeding Illinois" on the memo line of the check so that it gets credited toward our campaign.

We have extended an invitation to the Women's Bar Association of Illinois and the Chicago Bar Association Alliance for Women

to join our team, but as of press time, have not received their response.

As the holiday season winds down, I am reminded of the modern twist on the Christmas story.... You do know what would have happened if it had been three wise WOMEN instead of men, don't you? They would have asked for directions, arrived on time, helped deliver the baby, cleaned the stable, made a casserole and brought practical gifts!

Let's show them how it's done! ■

Celebrating 140 years of female attorneys in Illinois

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between men and women, it would promote the proper administration of justice, and the general well being of society, to permit women to engage in the trial of cases in court, is a question opening a wide field of discussion which it is not necessary for us to enter...

Of the qualifications of the applicant [Myra Bradwell], we have no doubt, and we put our decision in writing in order that she, or other persons interested, may bring the question before the next legislature.²

In *Bradwell*, the Supreme Court reminded its audience of our country's English common law roots and that at the time statutes were passed regulating the practice of law in Illinois, a "female" practitioner was completely unheard of.³ "[T]hat a woman should enter the courts... would have created hardly less astonishment than one that she should ascend the bench of Bishops, or be elected to a seat in the House of Commons."⁴ The Court also stated that when laws were passed relating to the practice of law, there was no such "school of reform" as women's rights. Instead, there was a belief that "God designed the sexes to occupy different spheres of action, and that it belonged to men to make, apply and execute the laws."⁵ Graciously, the Court went on to say that this belief "may have been a radical error" but it was simply what

was believed at the time.⁶

The Supreme Court acknowledged that, in 1869, there were some departments of the legal profession where women could "appropriately labor."⁷ However:

Whether, on the other hand, to engage in the hot strifes of the bar, in the presence of the public, and with momentous verdicts the prizes of the struggle, would not tend to destroy the deference and delicacy with which it is the pride of our ruder sex to treat her, is a matter certainly worthy of her consideration.⁸

The Court continued by pondering what impact the presence of female attorneys would have upon the administration of justice itself.⁹ Finally, it stated that if the state legislature authorized the Supreme Court to issue law licenses to women as well as men, it would "cheerfully obey, trusting to the good sense and sound judgment of women themselves."¹⁰

Ms. Bradwell appealed the Illinois Supreme Court's decision to the United States Supreme Court and argued that she was entitled to a license to practice law "by virtue of the second section of the fourth article of the Constitution of the United States, and of the fourteenth article of amendment of that instrument."¹¹ On appeal, the U.S. Supreme Court considered, "[Whether] a female citizen, duly qualified in respect of age, charac-

ter, and learning, may claim under the fourteenth amendment, the privilege of earning a livelihood by practicing at the bar of a judicial court."¹²

Ms. Bradwell's attorney, Matthew Hale Carpenter, argued that his client was entitled to equal protection under the fourteenth amendment to the U.S. Constitution and that she should be afforded the same privilege to practice law as her male colleagues:

I maintain that the fourteenth amendment opens to every citizen of the United States male or female, black or white, married or single, the honorable professions as well as the servile employments of life; and that no citizen can be excluded from any one of them....

There may be cases in which a client's rights can only be rescued by an exercise of the rough qualities possessed by men. There are many causes in which the silver voice of woman would accomplish more than the severity and sternness of man could achieve... [b]ut the broad shield of the Constitution is over them all, and protects each in that measure of success which his or her individual merits may secure.¹³

In spite of Attorney Carpenter's impassioned argument on behalf of his client, the U.S. Supreme Court affirmed the finding of

the Illinois Supreme Court and found that a refusal by the courts of a state to admit a woman to practice law did not violate any provision of the constitution of the United States or its amendments.¹⁴ While the U.S. Supreme Court agreed that there are privileges and immunities belonging to citizens of the United States, it stated that “the right to admission to practice in the courts of a State is not one of them.”¹⁵

As a female attorney, I both laughed and grimaced when I read Justice Joseph P. Bradley’s concurring opinion. The justice stated that:

[N]ature herself, has always recognized a wide difference in the respective spheres and destinies of man and woman. Man is, or should be, woman’s protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life....the domestic sphere [is] that which properly belongs to the domain and functions of womanhood....the family institution is repugnant to the idea of a woman adopting a distinct and independent career from that of her husband.¹⁶

Justice Bradley concluded by stating that the “paramount destiny and mission of woman are to fulfill the noble and benign offices of wife and mother. This is the law of the Creator.”¹⁷

Happily, while the U.S. Supreme Court denied her appeal in its December term of 1872, on March 22, 1872, Myra Bradwell and other women’s rights advocates, such as Alta M. Hulett, secured the passage of a bill in the Illinois state legislature giving all women, whether married or single, the right to practice law. The Act to secure to all persons freedom in the selection of an occupation, profession or employment went into force on July 1, 1872 and stated that “No person shall be precluded or debarred from any occupation, profession or employment (except military) on account of sex.”

At the age of 19, on June 6, 1873, Alta M. Hulett became the first woman in the State of Illinois to be admitted to the bar. Myra Bradwell was admitted on March 21, 1890. Both women went on to become very successful practitioners and now have awards given out each year in both of their names to outstanding female attorneys in honor of their legacy.

One-hundred forty years later, women practicing law is accepted and commonplace. And, I am sure that our male peers would not use the words “timid” or “delicate” to describe our respective practice styles (although many of us do have silvery voices). When I think of my female colleagues, I am reminded of how smart, driven, creative and aggressive they are. I am also reminded of how many of them juggle career and family with an ease that would make any circus performer jealous.

In spite of how far women have come in the legal profession, there is still a huge gap between women and men in our field. In 2011, only 19.5 percent of all partners in law firms were women—and of that 19.5 percent, only 2 percent were minority women.¹⁸ No state in this country has ever obtained equality in the ratio of men to women in judgeships.¹⁹ On average, only 27 percent of state judgeships are held by women.²⁰ Women are still paid less than men for doing the exact same kind of legal work (whether it be government or in the private sector) with women making only 86.6 percent of their male peers’ salaries.²¹ Finally, according to a study by a University of Chicago economist, 25 percent of female attorneys who have children will leave the practice of law altogether.²²

Looking forward, I hope to see the playing field between male and female practitioners even out more. I also hope to see the culture of our industry change to be more supportive of attorneys with families, male and female, by embracing “flex” schedules, remote work and telecommuting (where feasible). I am also eager to see how women continue to advance and grow in our field during the course of my lifetime. Hopefully, by the time my daughters are ready to become attorneys (if they so choose), they will have even more opportunity than what was afforded to me. ■

This article was originally published in the Kane County Bar Association’s “Bar Briefs.”

1. *In the matter of the application of Mrs. Myra Bradwell, for a license to practice law*, 55 Ill. 535, 1869 WL 5503, 1 (1869)
2. *Bradwell*, 1869 WL at 1 – 3
3. *Id.* at 3
4. *Id.*
5. *Id.*
6. *Id.*
7. *Id.* at 5
8. *Id.*
9. *Id.*

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Articles are prepared as an educational service to members of ISBA. They should not be relied upon as a substitute for individual legal research.

The articles in this newsletter are not intended to be used and may not be relied on for penalty avoidance.

Postmaster: Please send address changes to the Illinois State Bar Association, 424 S. 2nd St., Springfield, IL 62701-1779.

10. *Id.*
11. *Myra Bradwell v. The State of Illinois*, 83 U.S. 130, 130 (1872)
12. *Bradwell*, 83 U.S. 133
13. *Id.* at 137
14. *Id.* at 133
15. *Id.* at 139
16. *Id.* at 141
17. *Id.*
18. The National Association for Law Place-

ment, "Law Firm Diversity Wobbles: Minority Numbers Bounce Back While Women Associates Extend Two-Year Decline" (November 3, 2011).

19. The Center for Women in Government and Civil Society (Rockefeller College of Public Affairs and Policy at University of Albany), *Women in Federal and State-level Judgeships* (2011).

20. The Center for Women in Government and Civil Society (Rockefeller College of Public Affairs and Policy at University of Albany), *Women in Fed-*

eral and State-level Judgeships (2011).

21. Current Population Survey, Bureau of Labor Statistics, "Table 39: Median Weekly Earnings of Full-time Wage and Salary Workers by Detailed Occupation and Sex," Annual Averages 2011 (2012).

22. <http://www.abajournal.com/news/article/25_percent_of_lawyer_moms_leave_the_workplace_study_finds/>.

How to brag online without sounding like a jerk

By Joshua Johnson

Most of us have been there. We're proud of the things we've accomplished and we want to tell someone, whether it's an old friend, a potential client, a partner-in-the-making, or just our family. Being awesome is, well, awesome, but having others recognize it? Much more awesome!

So how do you modestly tell someone you grew your company threefold in a year, ran a wildly successful campaign for a client, or drop into conversation that you're a pretty big deal in your industry? You need to focus on developing an online voice that allows you to brag about your accomplishments and build your brand around your expertise.

Bragging is a staple of any good marketing campaign. The client has to know why he should trust you with his money and, most importantly, his time. The challenge is straddling the dangerously fine line between confidence and arrogance. Tiptoeing the border is acceptable, but as soon as you cross it, it's nearly impossible to make it back. No one wants to work with a jerk, so here are some ways you can let people know how truly awesome you are—without sounding conceited:

1. Apply for Awards

One of the most important things you can do as an expert is receive third-party verification and acknowledgement of your expertise. Anyone can say he's the best in his industry, but if the leading industry publications recognize him as the best, it's a lot easier to believe.

Awards convey a sense of quality and excellence for their recipients. Imagine you're building a new house. If 10 builders say they build the best houses, who do you pick? You might as well blindly point at a Craigslist page and choose whichever ad you land on. But if one of those 10 builders has received

multiple awards for quality houses, reliability, and consistency, it makes your decision considerably easier.

Awards highlight your achievements for you, so you don't have to go around patting yourself on the back. Your own words are, admittedly, biased—but awards aren't.

2. Client Testimonials

On that note, always remember to let someone else do the bragging for you if at all possible. Client testimonials showcase the quality you put into your work and the satisfaction level of your past clients, and then let them do your bragging for you. After you've finished a high-quality project for a client, ask her if she would mind writing a couple quick paragraphs about her experience with you, how satisfied she is, and what the impact of the project has been on her. Oftentimes, your past clients will be more than happy to share with others their great experiences with you.

Client testimonials are unique chances to leverage your past projects into opportunities to market yourself to new clients. Simply enabling your clients to express their gratitude publicly can be the most genuine and trustworthy marketing move you make.

3. Make Yourself Accessible

Whether it's a personal Web site or a company "About Us" page, you should always provide a way for clients to view your résumé online. Making this accessible enables potential clients to research your accomplishments and discover why they need to utilize your services over a competitor's. You want to make it easy for people to passively see what you've accomplished and why you really are the best at what you do.

Think of this as a virtual trophy case. It's there for clients who are seeking it out, but it doesn't feel like "bragging" for those who

don't care to know. As you focus on all aspects of your online image, you can brag about yourself while exhibiting your professional accomplishments, which awards you've won, and even the nice things past clients have said about you.

Don't forget about using your social media networks, either! Share your achievements with your social communities and let them know about your accomplishments. They're more likely to refer someone your way if they remember reading about your achievements.

Finally, remember to be proactive about seeking out awards and building your trophy case. Although doing these things can be time-consuming, the effort is worth it. Take the initiative to go out and build your résumé so you're no longer just the typical Joe Schmo in your industry. You'll immediately stand out from all the other Joe Schmoes—without seeming like a jerk. ■

Joshua Johnson is the Director of External Relations at Digital Talent Agents, a leader in strategic professional brand growth based in Columbia, Missouri. This article was first published November 27, 2012 at business2community.com.



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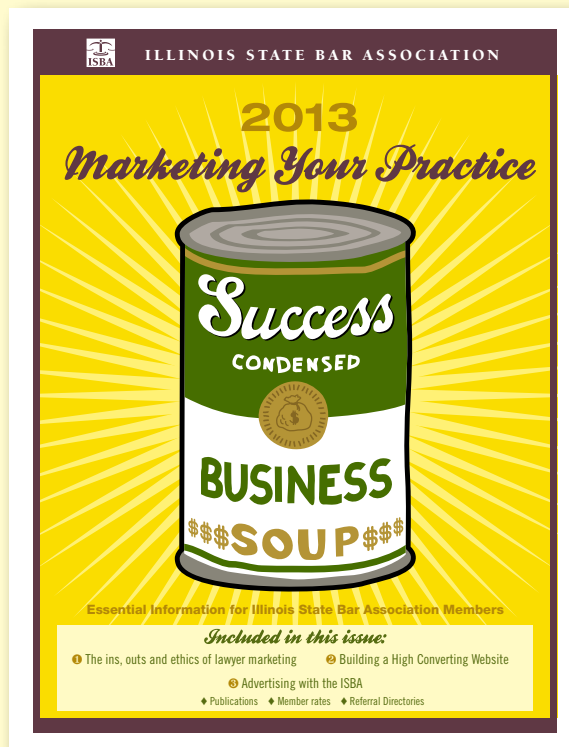


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February

Friday, 2/1/13 - Bloomington, Holiday Inn and Suites—Hot Topics in Agriculture Law- 2013. Presented by the ISBA Agricultural Law Committee. All Day.

Friday, 2/1/13 - Chicago, ISBA Chicago Regional Office—Illinois Sentencing- Statutory and Case Law. Presented by the ISBA Criminal Justice Section. All day.

Friday, 2/1/13 - Teleseminar—Independent Contractor Agreements. Presented by the Illinois State Bar Association. 12-1.

Tuesday, 2/5/13 - Live Studio Webcast—After the Fiscal Cliff: Roller Coaster or Merry Go Round -- Income and Transfer Tax Issues. Presented by the Trust & Estates Section. 12 - 1 pm.

Tuesday, 2/5/13 - Webinar—Intro to Legal Research on Fastcase. Presented by the Illinois State Bar Association - Complimentary to ISBA Members Only. 1:30 - 2:30 p.m. CST.

Thursday, 2/7/13 - Webinar—Advanced Tips for Enhanced Legal Research on Fastcase. Presented by the Illinois State Bar Association - Complimentary to ISBA Members Only. 1:30 - 2:30 p.m. CST.

Friday, 2/8/13 - Teleseminar—Liquidity Planning in Estates and Trusts. Presented by the Illinois State Bar Association. 12-1.

Monday, 2/11/13 - Live Studio Webcast—The Illinois Legislative Process - What Every Attorney Should Know. Presented by the ISBA Standing Committee on Government Lawyers. 1:30 - 3:00 pm.

Monday, 2/11/13 Teleseminar—Asset Purchase Deals- Securing Value & Limiting Liability, Part 1. Presented by the Illinois State Bar Association. 12-1.

Tuesday, 2/12/13 - Teleseminar—Asset Purchase Deals- Securing Value & Limiting Liability, Part 2. Presented by the Illinois State Bar Association. 12-1.

Tuesday, 2/12/13 - Chicago, ISBA Chicago Regional Office—Fred Lane's ISBA Trial

Technique Institute- Spring 2013 (18 sessions). Presented by the ISBA. Tuesdays 5:15-6:45pm.

Wednesday, 2/13/13 - Live Studio Webcast—Settling FLSA and Wage Claim Cases: What You Need to Know. Presented by the ISBA Labor and Employment Section Council. 10:00 - 11:30 am.

Wednesday, 2/13/13 - Live Studio Webcast—Changes to the Employment Eligibility Verification Form I-9: Is Your Business Client in Compliance? Presented by the ISBA International & Immigration Law Section Council. 12:30 PM - 2:30 PM.

Friday, 2/15/13 - Bloomington, Holiday Inn and Suites—Guardianship Boot Camp. Presented by the ISBA Trust and Estates Section. All Day.

Monday, 2/18-Friday, 2/22/13 - Grafton, Pere Marquette Lodge—40 Hour Mediation/Arbitration Training. Presented by the Illinois State Bar Association. 8:30-5:45 daily.

Monday, 2/18/13 - Chicago, James R. Thompson Center- Auditorium—Advanced Workers' Compensation 2013. Presented by the Workers' Compensation Law Section. 9-4.

Monday, 2/18/13 - Fairview Heights, Four Points Sheraton—Advanced Workers' Compensation 2013. Presented by the Workers' Compensation Law Section. 9-4.

Tuesday, 2/19/13 - Teleseminar—S Corp Business Planning & Stockholder Agreements, Part 1. Presented by the Illinois State Bar Association. 12-1.

Wednesday, 2/20/13 - Teleseminar—S Corp Business Planning & Stockholder Agreements, Part 2. Presented by the Illinois State Bar Association. 12-1.

Wednesday, 2/20/13 - Webinar—Introduction to Boolean (Keyword) Search. Presented by the Illinois State Bar Association - Complimentary to ISBA Members Only. 1:30

- 2:30 p.m. CST.

Thursday, 2/21/13 - Chicago, Chicago Regional Office—Recent Developments in State and Local Tax. Presented by the ISBA State and Local Tax Section. 9:00 am - 12:30 pm.

Thursday, 2/21/13 - Live Studio Webcast—Recent Developments in State and Local Tax. Presented by the ISBA State and Local Tax Section. 9:00 am - 12:30 pm.

Friday, 2/22/13 - Chicago, ISBA Chicago Regional Office—Guardianship Boot Camp. Presented by the ISBA Trust and Estates Section. All Day

Tuesday, 2/26/13 - Teleseminar—Real Estate Negotiating & Documenting Commercial Real Estate Loans, Part 1. Presented by the Illinois State Bar Association. 12-1.

Wednesday, 2/27/13 - Teleseminar—Real Estate Negotiating & Documenting Commercial Real Estate Loans, Part 2. Presented by the Illinois State Bar Association. 12-1.

Wednesday, 2/27/13 - Chicago, ISBA Chicago Regional Office—America Invents Act- Part 1: Protecting Innovation in a First to File System. Presented by the ISBA Intellectual Property Section. AM Program.

Wednesday, 2/27/13 - Live Webcast—American Invents Act- Part 1: Protecting Innovation in a First to File System. Presented by the ISBA Intellectual Property Section. AM Program.

Thursday, 2/28/13 - East Peoria, Par-A-Dice Hotel—Child Custody Litigation: Techniques for Trying a Custody Case from Rehearsal to Closing. Presented by the ISBA Family Law Section. 8:30-5:00.

Thursday, 2/28/13 - Chicago, ISBA Chicago Regional Office—Legal Issues a New Lawyer Should Know: Traffic, Estate Planning and Law Office Management Basics. Presented by the ISBA Young Lawyers Division. 12-5:00. ■

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