

The Catalyst

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

Goodbye From the Chair

BY CINDY G. BUYS

What a year it has been. When I wrote my first column as chair of the WATL Committee approximately a year ago, we were still in the first few months of the coronavirus pandemic. At the time, we were all adjusting to a virtual world in which we worked and socialized online. At the time, I thought that perhaps by the end of my term, we might be able to hold in-person meetings and events, but alas, that was not to be. However, I am incredibly proud of all that the WATL has been able to accomplish over the past year despite

the global pandemic.

The year began with a powerful start when WATL was successful in securing the ISBA's support for an amicus brief in a federal lawsuit seeking to have the Equal Rights Amendment (ERA) recognized as a valid amendment to the U.S. Constitution. Unfortunately, that litigation has not been successful thus far. However, with the change in control of Congress and the new Biden Administration, there is hope that deadline to adopt the ERA will be

Continued on next page

The Disparate Impact of COVID-19 on Working Women

BY KRISTEN PRINZ & SARA OISHI

As vaccinations are being rolled out across Illinois, the desire to break free of pandemic life and find comfort in family and friends is evident. Even though we all want to put the pandemic behind us, it is important to remember that its impact will continue to be felt for many years, especially on working women.

On January 8, 2021, the jobs report revealed that women lost 156,000 jobs in December 2020, while men gained a net 16,000 jobs. Just as women tend

to be disproportionately affected by other economic forces, the pandemic is no different. Disruptions to childcare, schooling, and elder care have placed greater burdens on women. Before the pandemic, women's participation in the labor force was approximately 58 percent.¹ Yet within that population, endemic disparities have persisted. Disparities that have been exacerbated by the pandemic disruptions. Women disproportionately

Continued on page 3

Goodbye From the Chair
1

The Disparate Impact of
COVID-19 on Working Women
1

The Mass Exodus of Women
From the Workplace
4

An Introduction to the Illinois
Force of Lawyers Against
Sexual Harassment
5

Celebrating International
Women's Day Virtually
5

The Carole K. Bellows Women
of Influence Award
6

Goodbye From the Chair

CONTINUED FROM PAGE 1

extended. Continuing with the theme of women's political empowerment, WATL held a virtual celebration of the 100th Anniversary of the 19th Amendment giving women the right to vote.

Throughout the year, WATL celebrated the good news of our members, including new babies, new jobs, promotions, awards, and appointments. We continued to lift up female attorneys and other deserving persons by nominating them for more than two dozen ISBA awards during the months of January and February.

WATL continued its annual tradition of celebrating Women's History Month with its International Women's Day Tea in March. The format was a bit different this year with a virtual panel discussion featuring female judges talking about the impact of gender, race, sexual harassment, and COVID on the judiciary and the legal profession. The event was incredibly well attended and the discussion was rich and thought provoking.

WATL sponsored the third and final part of the "Girls in Crisis" series with a half-day CLE program in April with a focus on girls in the immigration system and on trauma-informed lawyering. Heartbreakingly, thousands of girls remain in immigration detention, many of whom are victims of trafficking, domestic abuse, and other forms of violence. More immigrant girls are in foster care or otherwise caught up in the juvenile justice system. The program educated the audience about the issues immigrant girls face, as well as how to best work with clients who are victims of trauma. The program also provided important tips to lawyers about how to recognize trauma in themselves and their colleagues and what can be done to address it. Also in April, the WATL Leadership and Outreach Subcommittee hosted a virtual career and networking panel discussion for students at Southern Illinois University School of Law and Loyola Law School. Events like these help to connect aspiring lawyers to the bar and the legal profession.

Throughout the year, the hardworking editors of The Catalyst newsletter put

together and published five editions with wide-ranging content of interest to women in the legal profession. WATL also worked on preserving the history of the Committee with the publication of a "Past Chairs" section on its webpage.

In light of national events including the #MeToo Movement and issues of racial justice, WATL members also engaged in difficult conversations about gender and race in the legal profession and in the legal system and took action to address some of those issues. Several members of WATL formed a new organization called FLASH to better address issues of sexual assault and harassment of female lawyers. And WATL members participated in the American Bar Association's National Day of Conversation on Race and Gender in the legal profession.

Whew—that was a lot—especially during a pandemic! I am so incredibly humbled by and proud of the amazing work of this Committee.

Before I conclude my final column as chair of WATL, I want to express my sincere gratitude to the officers and members of the WATL Committee, as well as to the ISBA staff. All of these activities would not be possible without you. Thank you. I look forward to continuing our important, fun, and rewarding work together next year as ex-officio. ■

The Catalyst

This is the newsletter of the ISBA's Standing Committee on Women & the Law. Section newsletters are free to section members and published at least four times per year. Section membership dues are \$30 per year. To subscribe, visit www.isba.org/sections or call 217-525-1760.

OFFICE

ILLINOIS BAR CENTER
424 S. SECOND STREET
SPRINGFIELD, IL 62701
PHONES: 217-525-1760 OR 800-252-8908
WWW.ISBA.ORG

EDITORS

Jessica C. Marshall
Bridget L. Schott

PUBLICATIONS MANAGER

Sara Anderson
✉ sanderson@isba.org

STANDING COMMITTEE ON WOMEN AND THE LAW

Cindy G. Buys, Chair
Shira D. Truitt, Vice-Chair
Alice L. Sackett, Secretary
Kelly Thames Bennett, Ex-Officio
Renea Amen
Sara Barnowski
Ann Breen-Greco
Bianca B. Brown
Deane B. Brown
Jessica R. Durkin
Debra Dyer-Webster
Kelly R. Giraudo
Deanna L. Hoyt
Jennifer P. Irmen
Kenya A. Jenkins-Wright
Marylou L. Kent
Colleen Kilbride
Lisa M. Knauf
Margie Komes
Maxine Weiss Kunz
Diana M. Law
Hon. Pamela E. Loza
Jennifer Nicole Luczkowiak
Jessica C. Marshall, Newsletter Editor
Ashly A. McCants
Dina M. Ninfo
Margaret A. O'Sullivan
Chloe G. Pedersen
Kristen E. Prinz
Emily J. Rapp
Jennifer B. Skerston
Sarah E. Toney
Erin M. Wilson
Ava M. George Stewart, Board Liaison
Melissa L. Burkholder, Staff Liaison
Bridget L. Schott, Associate Editor

DISCLAIMER: This newsletter is for subscribers' personal use only; redistribution is prohibited. Copyright Illinois State Bar Association. Statements or expressions of opinion appearing herein are those of the authors and not necessarily those of the Association or Editors, and likewise the publication of any advertisement is not to be construed as an endorsement of the product or service offered unless it is specifically stated in the ad that there is such approval or endorsement.

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.

The Disparate Impact of COVID-19 on Working Women

CONTINUED FROM PAGE 1

work in low-wage jobs, with approximately 46 percent of women working in low-wage jobs compared with approximately 37 percent of men.² Even amongst higher-paying professions, like attorneys, there exists major differences between men and women when it comes to compensation and retention. For instance, representation of women at the equity partner level in law firms has been largely stagnant—at only 20 percent—for years.³ These baseline discrepancies exist for a variety of reasons, including personal choice, but it means that female breadwinners are less likely than their male counterparts to have the financial resilience to weather disruptions like furloughs, unemployment, and major illness.

With women also disproportionately represented in many face-to-face professions—like healthcare, teaching, hospitality, retail, and the service industry⁴—the impacts of the pandemic lockdowns hit women on both ends of the spectrum. On one hand women were removed from the workforce at a higher rate than men. Overall, from February to April, the unemployment rate for women increased by more than 12 percent while the rate for men increased by less than 10 percent.⁵ Moreover, when schools and daycare centers became unavailable, women were more likely to voluntarily reduce their working hours or to leave the labor force to provide childcare.⁶ For example, at least one study showed that 64 percent of college-educated mothers had reduced their working hours at some point since March compared to just 36 percent of college-educated fathers and 52 percent of college-educated women without young children.⁷

On the other end of the spectrum, women on the front lines as essential workers had to choose between protecting their health and financially supporting their families. Even those women who were able to transition to working from home face greater challenges than their male coworkers in a virtual work environment. Remote work makes it harder to establish relationships with mentors and sponsors, compounding existing attrition

and promotion discrepancies.⁸

Furthermore, women continue to shoulder a greater burden within the home. Before the pandemic, a substantially larger number of women elected to stay home to provide childcare rather than enter the workforce: Nearly all men with children worked for pay, while only about 65 percent of women with children worked for pay.⁹ And among households with two working parents, working mothers reported spending 50 percent more time each day caring for children than working fathers.¹⁰ Even with men taking on more household duties during the pandemic, they have been unable to close the preexisting gap. Finally, and most alarmingly, pandemic lockdowns and the myriad other stressors related to COVID-19 have led to both an increase and an escalation in domestic violence, which is more often than not perpetrated against women.¹¹

It should be noted that all of these effects are impacting women of color to a greater extent than white women for many interrelated reasons. The pandemic has exacerbated persistent inequalities, which leads to the harshest results for women of color.

As we all move forward, finding ways to bring women back into the workforce and creating new paths for success for working women will be critical for our economy. Even with all the horrors of 2020, innovation and technology flourished. We need to find ways to bring this same success to working women. ■

1. <https://data.bls.gov/timeseries/LNS11300002>.
2. <https://www.brookings.edu/essay/why-has-covid-19-been-especially-harmful-for-working-women/>.
3. <https://www.abajournal.com/magazine/article/female-lawyers-face-pandemic-challenges>.
4. <https://www.nprillinois.org/post/economists-point-how-covid-19-hits-women-work-harder-men#stream/0>.
5. <https://www.brookings.edu/essay/why-has-covid-19-been-especially-harmful-for-working-women/>.
6. <https://www.nprillinois.org/post/economists-point-how-covid-19-hits-women-work-harder-men#stream/0>.
7. [https://www.wiareport.com/2020/07/gender-differences-in-the-economic-and-social-impact-of-the-covid-](https://www.wiareport.com/2020/07/gender-differences-in-the-economic-and-social-impact-of-the-covid-19-pandemic/)

[19-pandemic/](#)

8. <https://www.abajournal.com/magazine/article/female-lawyers-face-pandemic-challenges>.

9. <https://www.nprillinois.org/post/economists-point-how-covid-19-hits-women-work-harder-men#stream/0>.

10. <https://www.bls.gov/tus/tables/a6-1519.htm>.

11. <https://www.latimes.com/science/story/2020-08-18/intimate-partner-violence-spiked-80-after-pandemic-lockdown-began>.

12. NOTE: sexual harassment, sexual discrimination, sexual assault/violence, and sexism in all forms are referred to herein as “sexual misconduct”.

The Mass Exodus of Women From the Workplace

BY DINA NINFO

The staggering unemployment numbers that hit the U.S. economy during the pandemic was a common topic of conversation during 2020. What is often left out of that conversation is the mass exodus of women from the workplace. This mass exodus has caused some economists to term 2020 a “she-session”. The National Women’s Law Center (“NWLC”) conducted an analysis of the monthly jobs reports issued by the U.S. Bureau of Labor Statistics and concluded that over 2 million women exited the workforce between January and December of 2020, including 564,000 black women, and 317,000 Latinas.¹ Of the 9.6 million total net jobs lost since February of 2020, women accounted for 55 percent which equates to approximately 5.4 million jobs.² In December of 2020, all 140,000 net jobs lost were jobs belonging to women.³

The overall unemployment rate for women began the year in January of 2020 at 3.2 percent and ended the year at 6.3 percent in December of 2020.⁴ Like many economic statistics, these unemployment rates are greater for women of color.⁵ The unemployment rate for white women began at 2.7 percent and ended at 5.7 percent.⁶ The unemployment rate for black women began at 5.5 percent and ended at 8.4 percent.⁷ For Latinas it began at 4.4 percent and ended at 9.1 percent and for Asian women it began at 3.0 percent and ended at 5.9 percent.⁸ Unemployment rates varied month by month but remained at devastating levels throughout 2020. The peak of 2020 unemployment rates occurred in April when it reached an overall unprecedented level of 14.8 percent, which is higher than at any time during the great depression.⁹ In April of 2020 the overall unemployment rate for women reached 15.5 percent.¹⁰ The unemployment rate for white women was at 15 percent, 16.4 percent for black women, 20.2 percent for Latinas, and 14.5 percent for

Asian women.¹¹

The pandemic has highlighted what we already know: the disproportionate amount of family and household responsibilities that fall on the shoulders of women piled on top of workforce expectations is suffocating and unsustainable. A 2020 study of women in the workplace by Lean In and McKinsey & Company revealed that 1 in 4 women are considering either downshifting their careers or leaving the workforce all together.¹² It has been estimated that the number of women participating in the workforce may not return to pre-pandemic levels until 2024, twice as long as the unemployment recovery projections for men.¹³ Without swift and appropriate measures being taken, this will result in significant economic loss and will have detrimental effects on families where over 40 percent of mothers are either the sole or primary breadwinner of their household.

Now, more than ever, we must invest in women and adopt policies to aid in the advancement of women and the strengthening of families. During the past year we have been forced to admit that our childcare, caregiver, and paid leave policies, or lack thereof, must be replaced with policies that provide for real life applications and solutions. Undoubtedly one of the biggest takeaways from the pandemic is that remote work and flexible schedule options are not only feasible, but in many cases can result in more productive work product. While remote work is not available for all workers, flexible schedules allow all family members to contribute more to the family unit relieving some of the burden and negative stigma that is traditionally placed on women trying to balance it all. Additionally, return to work programs must be adopted to allow women to return to the workforce in the same positions that were held when they exiting the workforce in 2020. Furthermore, employers must remove the need for women

to justify a gap in their employment history when attempting to re-enter the workforce.

As women, we must demand a change in workplace culture. We can no longer tolerate the expectation of women to tend to all, or a majority, of the family and household responsibilities while also being expected to fully compete in the workforce with zero support or flexibility. Whether derived from workplace policies or legislation we much do better when it comes to childcare/caregiver options, equal pay, paid leave, support services, flexible work schedules, remote work options and other policies that allow us to maintain a sustainable workforce. If working women are valued at their true worth, these policies would be no-brainers. Diversity and inclusion cannot be achieved in the workforce without these policies being widely implemented. ■

1. National Women’s Law Center, *All of the jobs lost in December were women’s jobs - Fact Sheet*, Claire Ewing-Nelson, January 2021 at <https://nwlc.org/wp-content/uploads/2021/01/December-Jobs-Day.pdf>

2. *Id.*

3. The U.S. Bureau of Labor Statistics, *December 2020 Employment Situation News Release*, issued January 8, 2021 at https://www.bls.gov/news.release/archives/empsit_01082021.htm

4. *Id.*

5. *Id.*

6. *Id.*

7. *Id.*

8. *Id.*

9. The U.S. Bureau of Labor Statistics, *Unemployment Rate Rises to Record High 14.7 Percent in April 2020*, May 13, 2020 at <https://www.bls.gov/opub/ted/2020/unemployment-rate-rises-to-record-high-14-point-7-percent-in-april-2020.htm>

10. The U.S. Bureau of Labor Statistics, *April 2020 Employment Situation News Release*, issued May 8, 2020 at https://www.bls.gov/news.release/archives/empsit_05082020.htm

11. *Id.*

12. McKinsey & Company and Lean In, *Women in the Workplace 2020*, at <https://womenintheworkplace.com/>

13. McKinsey & Company and Oxford Economics, *Achieving and inclusive U.S. Economic Recovery*, February 3, 2021 at <https://www.mckinsey.com/industries/public-and-social-sector/our-insights/achieving-an-inclusive-us-economic-recovery>

An Introduction to the Illinois Force of Lawyers Against Sexual Harassment

BY DINA NINFO

While the presence of sexual harassment in the legal community is as old as the profession itself, our legal community was recently shaken by the arrest of a prominent Chicago attorney facing multiple felony charges related to allegations of sexually assault by former employees and women whose children he represented as guardian ad litem. For a number of women lawyers this could not just be another jaw dropping story excused by the legal community to be an exception to the rule. The reality is, while taking many forms, the Illinois legal community is fraught with sexism, sexual harassment, and sexual assault.

These recent events were the catalyst for the formation of the Illinois Force of Lawyers Against Sexual Harassment (FLASH). FLASH is a task force of Illinois legal professionals united to study, make recommendations to the Illinois legal community, and combat the prevalence of sexism, sex-based discrimination, sexual

harassment, and sexual assault in the Illinois legal community through direct advocacy, policy implementation, education, and peer support. The objective of FLASH is to create and foster a safe, respectful and intersectional professional environment for all Illinois legal professionals that adopts a zero-tolerance approach to sexism, sex-based discrimination, sexual harassment and sexual assault. The founding members of FLASH are comprised of a coalition of women lawyers with diverse backgrounds, practice areas, and bar association membership, including the Illinois State Bar Association (ISBA), the Black Women's Lawyers' Association of Greater Chicago (BWLA), the Chicago Bar Association (CBA) and the Women's Bar Association of Illinois (WBAI). ISBA Standing Committee on Women and the Law Ex-Officio Chair Kelly Thames Bennett and committee members Erin M. Wilson and Dina Ninfo are founding members of FLASH.

FLASH is working independently and collaboratively on a number of action items and will be seeking engagement from the legal community to satisfy the objectives of these initiatives. To name a couple, FLASH is working with the Illinois Supreme Court Commission on Professionalism to include inquires about sexual harassment in its next state-wide survey of Illinois legal professionals. FLASH intends to study the survey responses to assess the nature and extent of sexism, sex-based discrimination, sexual harassment and sexual assault in the Illinois legal community. FLASH is also currently working in collaboration with the ISBA to develop a model bar association code of conduct. FLASH can be reached at flashillinois@gmail.com and <https://www.flashillinois.com/> and join our social media at <https://www.facebook.com/FLASH-Illinois-104412728298508> and @flash_illinois.■

Celebrating International Women's Day Virtually

BY JESSICA R. DURKIN

Instead of gathering together to enjoy high tea to celebrate International Women's Day, this year, the ISBA Standing Committee on Women and the Law ("WATL") held its celebration virtually. On March 8, 2021, 156 participants, including some supportive men, logged onto Zoom for the WATL's interactive event titled "Women Judges & Attorneys and their Role in Combating Racism and Sexism." The event was moderated by WATL Committee Member Kenya Jenkins-Wright and featured four judges as panelists, Hon. Veronica Armouti of the third judicial circuit, Hon. Pamela Loza of the Circuit

Court of Cook County, Hon. Elizabeth Rochford, nineteenth judicial circuit, and Hon. Dominique C. Ross, Circuit Court of Cook County. Each participant was asked to make a \$5 donation that was given to the YWCA in honor of International Women's Day.

Ms. Jenkins-Wright lead robust and engaging conversations with each judge about their experiences as women, and in some cases, as women of color, in the Illinois judiciary. Then, participants were able to join small breakout rooms of 10-15 where they could network or even share their own

stories about sexism and racism in the legal profession. Finally, the whole group joined together at the end to highlight some of the breakout room conversations.

The event was an excellent way to connect with other lawyers, while also recognizing the difficulties faced by female lawyers and female lawyers of color. At the end, participants expressed hopefulness that the annual event can be celebrated in person again in 2022 since many participants missed sipping on tea and snacking on tiny sandwiches.■

The Carole K. Bellows Women of Influence Award

BY MARYLOU LOWDER KENT

The Illinois State Bar Association will soon be announcing this year's recipients of the Carole K. Bellows Women of Influence Awards, sponsored by the ISBA Women and the Law Committee. This annual award honors two individuals—one with less than 10 years and one with more than 10 years experience in the legal field—who have demonstrated a strong commitment to raising awareness to the unmet legal needs of women, advocating for action addressing women's issues or promoting the involvement of women at all levels of the legal community.

In 1978-1979, the Honorable Carole K. Bellows became the first woman to serve as

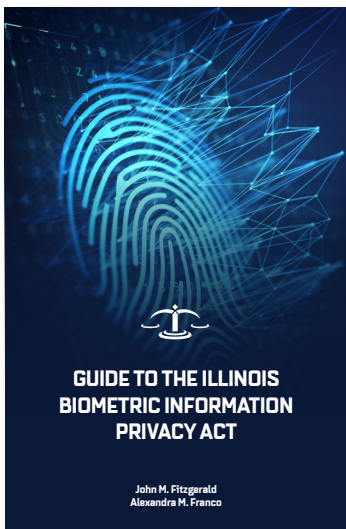
president of the ISBA and, in doing so, made history as the first woman in the country to lead a state bar association. Prior to her election as president, Judge Bellows was the first female member of the ISBA Board of Governors, having been first elected to the board in 1969. She became the first female state delegate to the ABA House of Delegates, serving from 1978-1988, and the first woman to become chair of the Fellows of the American Bar Foundation. In 1986, Judge Bellows was appointed by the Illinois Supreme Court to serve as a circuit court judge, Domestic Relations Division and continued to serve on the bench for 26 years. Judge Bellows has received numerous honors

and recognitions during her many years of legal service.

This award was first presented in 2020 to Anna Lozoya, associate general counsel of risk at Sinai Health System of Chicago—Individual Award less than 10 years of experience—and the Honorable Elizabeth Rochford, associate judge, 19th Judicial Circuit, Lake County—Individual Award more than 10 years of experience. Several nominations were received by the Committee this year and recommendations have been made to the ISBA Board of Governors. Recipients will be announced shortly and honored along with other ISBA award winners at a forthcoming date. ■

ILLINOIS STATE
BAR ASSOCIATION

ISBA Books



Guide to the Illinois Biometric Information Privacy Act

Illinois is quickly becoming the go-to forum for litigation involving biometric information and privacy. Stay on top of this emerging area of the law with our comprehensive Guide to the Illinois Biometric Information Privacy Act. The book covers the Act's legislative history, standing issues, biometric identifiers, damages, statute of limitations, class certifications, and much more.

Authored by John M. Fitzgerald of Tabet DiVito & Rothstein LLC, the guide is the ISBA's first book to cover this new and exciting area of law.

PRICING

Member Price: \$40.00

Nonmember Price: \$60.00

Pub Date: May 25, 2021

Format: Softcover

Pages: 151

Order at: isba.org/store or by calling Member Services at **800-252-8908**