

PRESIDENT'S MESSAGE

Critical Conversations & Courageous Leadership

By Lisa Kathumbi, Partner, Bricker & Eckler LLP



Seven years ago, OWBA Past President Michelle Roe invited me to join the OWBA board. I am forever grateful to her for that invitation.

The OWBA has provided me with some of the greatest professional development opportunities of my career. A special thank you to Immediate Past President Marilyn McClure-Demers for her pioneering leadership and service this past year.

I am honored and humbled to join a long list of women leaders who I admire and who each year elevated the work of the organization. We started the OWBA year in May by welcoming more than 400 attorneys from across the state to the OWBA Annual Meeting and Conference, "Critical Conversations & Courageous Leadership". We were pleased to welcome as keynote speakers two Fortune 500 General Counsels who have shattered glass ceilings, Lucy Helm, General Counsel (now Chief Partner Officer) of Starbucks, and Carrie Hightman, Chief Legal Officer of NiSource Inc. In addition to Hightman and Helm, the Conference included perspectives from not only local lawyers and judges, but also business and community leaders. Topics ranged from leadership development, a view from the bench, general counsel perspectives, and the business case for diversity and inclusion. Giving special recognition to Supreme Court Justice Sharon Kennedy, the OWBA Government Committee also organized another remarkable Honoring

Women in Government reception.

I would like to personally thank all of the speakers, moderators, and volunteers who helped make this year's annual meeting and conference a huge success. It was a tremendous pleasure working with all of you. Our goal was to share diverse ideas, develop strategies for addressing issues facing the profession and increase collaboration. A special thank you to the Honorable Nathaniel R. Jones (Retired), Sixth Circuit Court of Appeals, for conducting this year's swearing-in ceremony.

I am deeply encouraged by the interest and engagement that has followed the Conference. We will continue to tackle critical issues impacting women and our profession. Issues such as gender disparities in pay and leadership development, the persistent attrition of women, particularly minority women, and the underrepresentation of women at the highest levels of leadership in both the public and private sectors. These are not just women's issues. They matter to our profession, our businesses and our communities. Research continues to show that gender diverse companies and inclusive teams outperform their competition. Research also shows that the presence or absence of women leaders impacts policy and the types of solutions that are forged to address social, economic and political issues.

To continue to address these issues, we will provide various platforms for cross-gender, cross-racial, cross-generational and cross-sector exchanges of information, ideas and best practices.

In addition to programming, we will focus on identifying and leading policy initiatives to create global and systemic change. Recognizing there is opportunity to achieve greater impact by working in partnership with other legal organizations, and with business and community leaders, we are also committed to building capacity through collaboration.

As we continue to tackle these issues, we need thought partners at all levels who are willing to push, share strategies, and generate new ideas. We need courageous leaders at all levels who share our goal of investing in and advancing women attorneys. Whether you are a new attorney or seasoned professional - looking to build your brand, expand your professional network, or simply support women in the profession - the OWBA has a place for you. I look forward to continuing to work with an incredibly talented board and to serving you. ■

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Highlighting Members of the OWBF Leadership Institute

In each issue we will highlight graduates of the OWBF Leadership Institute. This quarter we will highlight Yukiko Yee from the 2015-2016 Class. If you are interested in applying to the Leadership Institute, contact OWBA at admin@owba.org.



Yukiko V. Yee, Senior Assistant Attorney General, Economic Crimes Unit, Office of Ohio Attorney General Mike DeWine

What did you enjoy the most about the Leadership Institute (LI)?

My classmates! I was so genuinely impressed by the caliber of women who were selected for this program. LI gave me an opportunity to reach beyond my normal confines and connect with a group of equally successful, driven, dynamic and highly intelligent women. I truly admired how fearless these women were. They threw down their guards and committed to making the most of the program. I enjoyed the way that my classmates both supported and challenged each other. We consistently pushed each other to think differently, so that we could become better leaders than we previously were.

What is something that you learned that you implemented into your career/life?

Early on in the program, LI offered a segment through which students could complete a DiSC Personality Assessment. I had taken similar tests before, but was largely unimpressed. After taking this one however – I was a believer! I was provided with a shockingly accurate, comprehensive, 20+ page report that not only broke down my personality traits, but the ways I respond in various professional situations. It was like looking into a mirror...and seeing your reflection

for the first time! I don't know about everyone else, but I took those lessons to heart. After the class, I began consciously reevaluating the ways in which I interacted with others in my various leadership roles, and began experimenting with different management styles. I believe the lessons I learned helped me to become a more collaborative and effective leader. I think everyone can always work on improving, and that leading is not as intuitive as one might think. It needs to be learned, and LI can help.

Do you stay in contact with anyone from your class?

Yes! It's amazing how frequently I keep up with several of them. It's hard to explain, but there is a very special bond you develop with your classmates. They are often the first ones I call, and the first ones who have come to my aid in times of need. For example, right after the LI program ended, I was challenged with organizing an inter-agency clothing drive for Dress for Success Columbus through the OWBA Government Subcommittee. Having a very tight time constraint, I shot out an immediate S.O.S. email to my LI classmates ... and their response was incredible! Within one week, we had garnered the support of over a dozen local government agencies and firms. Also, as a direct result of their cooperation, we successfully collected over 1200+ professional clothing and product donations ... in just 2.5 weeks! I was so thankful. This is just one of the many instances in which my LI friends have proved that they have my back!

What piece of advice would you give to someone who is just beginning the Leadership Institute or who is considering applying?

Two words – DO IT! My mother always used to tell me that “an investment in health or education is never a waste” ... and in this instance, she was right! When I signed up for LI, I viewed it as a professional investment toward my career. I am happy to say, I have never regretted my choice. If you are a motivated individual who is committed to making the most out of the program and connections it offers, you'll probably find the program to be just as rewarding as I did.

How did participating in the Leadership Institute change you and/or make you better?

It changed the way I think. Going through the LI program made me redefine what I believe “leadership” to be, and what type of leader I wish to become. I think it's important that we all admit to ourselves that we can always improve – no matter how long we believe we've been in the game. Whether you are a parent, soccer coach, or successful law firm partner – you shouldn't ever find yourself being complacent, as the environment in which you lead, is forever changing. A good leader should strive to do better, and be better. Simply managing our children, team or employees is not the goal. We need to actively explore and pursue methods through which we can inspire others to willingly follow our example. Now, to be fair – I'm still working on this one with my stubborn little 3-year old. However, at the very

Continued on page 4

Leadership Institute: The Right Move for Any Stage of a Legal Career

By Judge Marie Hoover



The Ohio Women's Bar Foundation (OWBF) Leadership Institute is the right move for any stage of a legal career.

After practicing law for 19 years and being a judge for 4 years, I had the opportunity to apply for the OWBF Leadership Institute. At first, I thought I was too far along in my career for such a program. After all, the OWBF required an applicant to have practiced law for only six years. I felt as though I may be out of place in the Leadership Institute.

However, after reviewing the proposed sessions for the program, it appeared to be something from which I could benefit. The public speaking, effective communication techniques, and the negotiation sessions were of particular interest to me. Little did I know that the executive coaching, branding, and career strategy session would also be one of the most interesting sessions of all of them.

So how does such a program fit the needs of different lawyers in various stages of their careers? And in diverse careers, at that! For example, out of the 20-something class members, we had in-house counsels, private practitioners, corporate lawyers, partners and associates in large firms, and me—an appellate judge.

First of all, the presenters were all top-notch, cream-of-the-crop speaker-educators. For instance, Justice Judith L. French, Justice Sharon L. Kennedy, and former Justice Yvette McGee Brown were all speaker-educators for our class. They were entertaining and informative. All three women

were engaging and encouraging. They welcomed questions and interacted with our class. I particularly enjoyed the sessions with the Justices as they showed us that they were real people with real vulnerabilities. They showed us that even though we all may have fears and worries, we can overcome them. They also showed us that with hard work and tenacity, we can achieve more than we ever dreamed possible. What better way is there to teach than by example?

Next, although all of the sessions had one or two persons at a time presenting material to the class members, the sessions were free flowing where the class members were encouraged to participate. Because of this free flow of participation, the different class members were able to contribute to each other's educations. The diversity of the class was a major benefit to all the class members as we were able to learn from one another, not only from the presenters. We were able to discuss our own particular backgrounds and thoughts on the material, which turned out to be immensely beneficial for one another.

The diversity of the Leadership Institute class was highlighted in one of our earlier sessions in which we had a hands-on training with the DiSC model. We had taken the DiSC personality test prior to our actual session; but the results were not disclosed to us until the session. We learned about others and ourselves as we divided into groups of like minds with similar test results. Once we were engaging in the exercises, it was humorous how accurate the results

of the DiSC tests actually were. We were able to see how different personality types interacted with one another. Not only did this session help with our legal work; but it also aided in our understanding of everyday life and people. Kudos to Judy Bodenhamer of Revenue Resources, LLC, for enlightening us all. No matter how long or how little one of us had practiced law, this session was invaluable and entertaining.

Another exceptional session was the one presented by Karen Hough, founder of ImprovEdge, in which she taught our class about using improvisation to teach business skills. Ms. Hough gave each of us a copy of her book, *Be the Best Bad Presenter Ever*. She gave us different ideas on presentation skills. She taught us about making our own rules and finding out how we could be effective and impactful. Ms. Hough explained how all of us could be confident presenters.

Thus, the information that was taught, demonstrated, and explained to our Leadership Institute class was applicable to both the new and the more seasoned attorneys. Any lawyer, at any stage in his or her career, would benefit from the sessions provided by the OWBF Leadership Institute. We also received Continuing Legal Education (CLE) credits for a portion of the programs. The concepts provided by the Leadership Institute are age-old, classic concepts with modern twists that are applicable to our work lives and our personal lives. It was definitely worthwhile and rewarding. *Continued on page 4*

Highlighting Members (Cont'd from page 2)

least, I do believe the lessons learned in LI have made me a more patient and open-minded leader and parent!

Where do you work?

The Office of the Ohio Attorney General, Mike DeWine.

Do you specialize or have a niche?

I have always specialized in prosecuting white-collar crimes. I currently work as a Senior Assistant Attorney General for the Economic Crimes Unit of the Office of the Ohio Attorney General. Prior to relocating to Ohio, I worked with federal and state agencies to prosecute tax, mortgage, and securities fraud cases at the Arizona Attorney General's Office. I also handled fraud, computer tampering and identity theft crimes as a Deputy County Attorney at the Maricopa County Attorney's Office in Phoenix. It sounds silly, but there is nothing in law that I enjoy more than working up fraud cases and wading through a bunch of documents! No matter how many years I do it, there is something extremely satisfying the brief "aha!" moment you experience, when you find that proverbial needle in the haystack – a golden piece of evidence that substantially strengthens your case!

If you weren't a lawyer, what would you be?

I think I would be a high-end events planner – corporate events, weddings, baby showers, birthdays ... all that. Life's too short not to be celebrated, and I would be helping people celebrate the events in life, which make our lives meaningful!

What is your dream job?

If I can't be the next David Tutera, my dream job would be to serve as an Assistant U.S. Attorney that prosecutes white-collar fraud. I have always enjoyed working with federal agents to work up complex crimes. It would be extremely gratifying to continue to serve the public, and help prosecute some of the most challenging cases at the federal level. ■

Leadership Institute (Cont'd from page 3)

Judge Marie Hoover was elected to the Fourth District Court of Appeals in November 2012 as the first female to serve in the position. Judge Hoover was born in Lakewood, Ohio. She is the daughter of first generation immigrants from the Philippines. She was reared in Southern Ohio (Pike County, Ohio). She received her B.A. in Political Science from Miami University in 1991 where she was also the Co-Captain of the Varsity Cheerleading Squad.

Judge Hoover received her J.D. from the Ohio State University Michael E. Moritz College of Law in 1994. Judge Hoover was admitted to the Ohio Bar in November 1994. Judge Hoover is also admitted to practice before the United States Supreme Court; the U.S. Court of Appeals, Sixth Circuit; the U.S. District Courts for the Southern District of Ohio and the Eastern District of Kentucky; and the Commonwealth of Kentucky.

Prior to joining the appellate court, Judge Hoover served as a

Magistrate for Portsmouth Municipal Court, Law Director for Waverly, and Solicitor for Piketon. She has also been a contract attorney for the Ohio Public Defender's office. She had a private practice for approximately 19 years prior to being elected judge where she practiced in state and federal courts throughout Ohio and Kentucky.

Judge Hoover is currently an adjunct faculty member for Shawnee State University. She has taught real estate law, business law, and probate, wills, and trusts law.

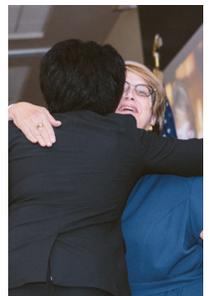
During her time on the court, Judge Hoover has also sat by assignment in multiple appellate districts. She sat on the Ohio Supreme Court by assignment in February 2017.

Judge Hoover's professional service includes serving as trustee for the Fourth District for the Ohio Women's Bar Association. Judge Hoover also serves as a designee for Judicial Campaign Grievances pursuant to Gov. Jud.R.11. ■

Thank You to Lucy Helm and the Seattle Foundation

Lucy Helm, Starbucks Chief Partner Officer (formerly General Counsel and Corporate Secretary), inspired hundreds of members of the legal profession when she delivered the luncheon keynote address at the 2017 OWBA/OWBF Annual Meeting and Conference. However, her support of the OWBA and OWBF did not end there. At the recommendation of Ms. Helm, the Seattle Foundation awarded a grant in the amount of \$5,000 to the OWBF. The OWBA and OWBF would like to thank Ms. Helm and the

Seattle Foundation for investing in women leaders and for extending tremendous generosity and support to Ohio women lawyers. ■



5 Questions to Answer Before Enforcing a Non-Compete Agreement

By Meghan Hill



“John, our best salesperson, just resigned after 5 years and is going to a competing company down in Florida. I

want you to go to court tomorrow to get an injunction against him to stop him from working now!”

Many of us have gotten a call like this from either our managers in the field or from our clients. When an employee jumps ship for a rival company, it can often generate an emotional reaction from managers. But that reaction should not be the basis for a knee-jerk decision to file litigation. Noncompetition provisions in employee contracts or offer letters are standard practice for many employers designed to help protect a company’s customers, confidential information and trade secrets. However, as many businesses have learned the hard way, enforcing a noncompetition clause is far more difficult than getting a prospective employee to sign one. Businesses who want to guard against poaching from competitors must make sure their noncompetition clauses are carefully worded and judiciously enforced. However, litigation is costly and can ramp up quickly, so it is crucial to fully explore the facts, agreements and state law and to choose the right circumstance to pursue litigation.

Prior to taking any legal action to enforce a noncompetition provision, you should have your client ask and answer 5 questions:

What is the business interest we are trying to protect?

While the law governing noncompetition clauses varies state-

by-state, most states, including Ohio, require that a noncompetition clause must protect a legitimate business interest. Courts will declare a clause enforceable only if the company is harmed (or could potentially be harmed) by the departing employee. A team member leaving a business for a perceived competitor often will fall into the category – but not always. Can the company demonstrate that this employee has built relationships or goodwill with customers and clients? Can the company demonstrate that this employee was privy to trade secrets or confidential information that could give his or her new employer an unfair advantage? Did the company provide the employee unique training? If the answers to these questions are “No,” a court may find there is no legitimate business interest to protect and the departing employee may not be in a position to damage the company.

Did the departing employee take any confidential information or trade secrets?

Before making a final decision regarding litigation companies should conduct a full forensic review of the departing employee’s company computer, email, smartphone and tablet. A forensic expert can determine if the departing employee downloaded or printed any documents or data, visited any cloud storage sites, emailed documents to a personal email account or engaged in any other suspicious activity. If a departing employee has taken confidential information and/or trade secrets a court is more likely

to enforce a noncompetition provision as the court knows the employee had information that could give it an unfair competitive advantage and the employee is going into court with unclean hands.

Is our agreement rational and well defined?

A noncompetition clause must be clearly defined in terms of duration and geography. An agreement that states that an employee can never work for a competitor in any part of the country is not going to hold up in court. The timeframe and the boundaries of an agreement must be specified – and they have to be reasonable. For example, a firm whose client base is largely within one county should not have a noncompetition clause that covers the entire state. Overreaching in hopes that a court will later reform an overbroad noncompetition covenant can backfire as a court may decline to exercise this discretion or the employee could litigate in a state without reformation.

Is our provision specific to the job?

A noncompetition clause that applies to all positions within a company is unlikely to be an enforceable one. While everyone loves template onboarding forms, a smart business will draft a variety of provisions for each position or type of job – and leave some positions unprotected. The loss of a salesperson represents a different business interest than the loss of an executive or a member of the technical team; employee

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Event Recaps

OWBA and OWBF Annual Meeting and Conference

The Ohio Women’s Bar Association and the Ohio Women’s Bar Foundation brought together hundreds of business and legal professionals on May 11-12 for the 2017 Annual Meeting and Conference.

The Annual Conference featured a variety of enriching CLE sessions, a reception honoring women in government and the Annual Meeting Luncheon. During the luncheon, new board members for OWBA and OWBF were inducted, the Leadership Institute graduates were recognized, and awards were distributed to deserving individuals and organizations.

The highlight of the luncheon was the keynote address given by the Executive Vice President and General Counsel (now Chief Partner Officer) of Starbucks Lucy Helm, who spoke to the audience about her professional journey and advocacy for women in the law.

The Annual Meeting began on Thursday, May 11 with a kickoff session featuring Executive Vice President and Chief Legal Officer



of NiSource Inc., Carrie Hightman, titled, *A View from the Top: Lessons in Leadership*. Carrie provided candid remarks about her leadership experiences, invaluable advice to women in the law looking to rise to the top, and insight about NiSource Inc. and their diversity and inclusion initiatives. We would like to extend our sincerest thanks to Carrie, Grace Royalty (Q&A moderator) and the session sponsor McDonald Hopkins for hosting the keynote kickoff session.

Following this session was our Judicial Panel entitled, *A View from*

the Bench: Past, Present and Future. This session was sponsored by PRI Court Reporting and was moderated by Judge Laurel Beatty Blunt, Franklin County Court of Common Pleas. Panelists included:

- Judge Kim Wilson Burke, *Hamilton County Drug Court*
- Judge Mary DeGenaro, *Seventh District Court of Appeals of Ohio*
- Justice Judith L. French, *Supreme Court of Ohio*
- Judge Colleen O’Donnell, *Franklin County Court of Common Pleas*
- Judge Marilyn Zayas, *First Appellate District of Ohio*

This diverse panel of women judges spoke openly about their legal careers and time on the bench. Each member shared challenges they have faced, how they overcame them, and advice for attorneys who seek to follow in their footsteps and those appearing before the bench.

The third CLE session of the day was sponsored by Faruki Ireland Cox Rhinehart & Dusing, P.L.L., (now Faruki+) and was entitled, *The Art of Communication: Negotiating Salary and Promotion and Retaining Top*



(L - R): Grace Royalty, Lisa Kathumbi, Carrie Hightman, Marilyn McClure-Demers.



Judge Laurel Beatty Blunt.



The Art of Communication: Negotiating Salary and Promotion and Retaining Top Talent, (L-R) Beckham, Rich, Rosemond, Rhinehart.

Talent. The panel was moderated by Erin Rhinehart, Partner at Faruki Ireland Cox Rhinehart & Dusing, P.L.L., (now Faruki+) and the panelists included:

- Andria Beckham, *Manager, Legal-Compliance, The Scotts Company LLC*
- Matthew Rich, *Shareholder, Katz Teller*
- Dawn Rosemond, *Partner, Director of Diversity, Professional Development and Inclusion, Barnes & Thornburg LLP*

This CLE session was designed to help lawyers refine negotiation skills, improve communication skills, and find the power to ask for more. The diverse and dynamic panel members provided attendees with strategies on how to navigate negotiations and how to engage and retain top talent.

The final CLE session of the day, *A Report on Gender and the Law*, was sponsored by the Ohio State Bar Association Women in the Profession Section. The panel featured Nichole Dunn, President and CEO, Women’s Fund of Central Ohio, and Eleana Drakatos, Attorney, Yacobozzi | Drakatos LLC. The Women’s Fund of Central Ohio commissioned The

Kirwan Institute for the Study of Race and Ethnicity to explore the connection between gender norms, implicit biases, and the existing disparities between women and men in central Ohio. This session provided a closer look at the research and results, including the impact on the legal profession. The session also provided strategies for creating positive solutions where unintentional gender disparities exist.

The first day of the 2017 Annual Meeting concluded with the annual Honoring Women in Government Reception hosted by the OWBA Government Sub-Committee. This was the final reception that Yukiko Yee would coordinate as a sub-committee co-chair, and Magistrate Koorn shared her appreciation for Yukiko’s many years of service to the committee.

The reception brought together and celebrated judges and public and private sector attorneys from all across the state. The event was sponsored by Taft Stettinius & Hollister, LLP, and featured Justice Sharon L. Kennedy. Justice Kennedy spoke openly about her leadership experiences and the importance of developing women lawyers.



Nichole Dunn



Justice Kennedy





Reaping the Benefits of Diversity & Inclusion: The Business and Economic Return, (L-R) Smoot, McKenzie-Harris, MacNaughton, Jones, Amrine.



General Counsels Speak: Top Priorities for 2017 and Beyond, (L-R) Strong Marks, Maxfield, Howard, DiMichele, Bostrom.

The energy and excitement of day one continued to day two with a kick off CLE session entitled, *General Counsels Speak: Top Priorities for 2017 and Beyond*. This session was sponsored by Kegler Brown Hill + Ritter and was moderated by Michelle Roe, General Counsel, Thirty-One Gifts. Panelists included:

- Robert E. Bostrom, *Senior Vice President, General Counsel & Corporate Secretary, Abercrombie & Fitch*
- Susan DiMichele, Esq., *Senior Vice President, General Counsel, National Church Residences*
- Mark S. Howard, *Executive Vice President, Chief Legal Officer, Nationwide Insurance*
- Angelique Strong Marks, *General Counsel & Corporate Secretary, MAHLE Industries, Inc.*
- Sheryl Creed Maxfield, *Chief Counsel, Ohio Attorney General Mike DeWine*

This panel offered a unique opportunity for attendees to hear from high-profile leaders from diverse industries. During this session panel members discussed the areas that are of greatest concern to them, as well as identified universal issues and opportunities, such as cyber security, controlling costs, and increasing diversity and inclusion.

The final Conference CLE session was sponsored by Thacker Robinson Zinz LPA and was entitled, *Reaping the Benefits of Diversity & Inclusion: The Business and Economic Return*. The panel was moderated by Marilyn McClure-Demers, AVP, Associate General Counsel Corporate and Intellectual Property Litigation, Nationwide Insurance Company, and included panelists:

- Kimberly S. Amrine, *Member and Director of Diversity and Inclusion, Frost Brown Todd LLC*
- Mark MacNaughton, *Senior Vice President, Chief Information Officer, Medical Segment, Cardinal Health, Inc.*
- Jeffrey B. Jones, *Shareholder, Littler Mendelson P.C.*
- Myra L. McKenzie-Harris, *Associate General Counsel, Employment Division, Walmart*
- Barb Smoot, *President & CEO, Women for Economic and Leadership Development*

Drawing on the perspectives of legal, business and community professionals, this session focused on how diversity and inclusion impacts the bottom line and presented strategies and best practices for increasing diversity and inclusion.

The 2017 Annual Meeting Luncheon that followed was attended



Michelle Roe

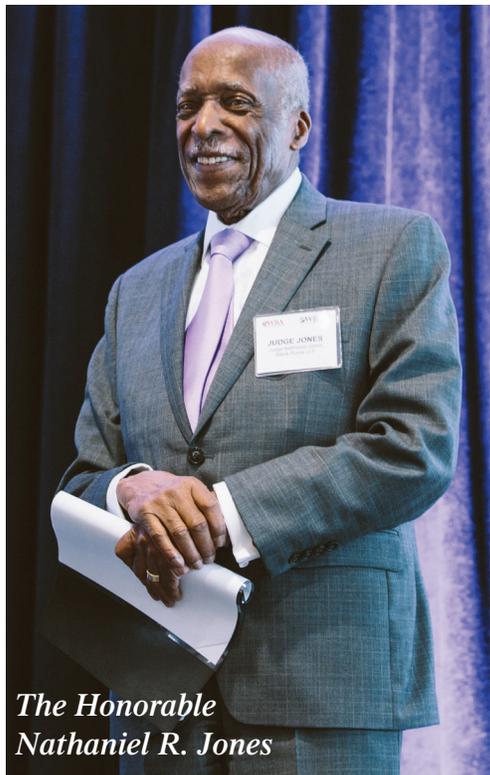


Marilyn McClure-Demers

by hundreds of both male and female attorneys from across the state of Ohio. Guests were officially welcomed to the luncheon by the Immediate Past President of the OWBA Marilyn McClure-Demers.



Lucy Helm



The Honorable Nathaniel R. Jones

The Honorable Nathaniel R. Jones, Retired Judge of the U.S. Court of Appeals, Sixth Circuit, swore-in the new OWBA and OWBF Officers and Trustees for the 2016-2017 year. Lisa Kathumbi, Partner, Bricker & Eckler LLP, was sworn in as the new president of the Ohio Women’s Bar Association and Stephanie Chmiel, Partner, Thompson Hine, was sworn in as the new president of the Ohio Women’s Bar Foundation.

Graduates of the 2016-2017 Leadership Institute Class were then recognized by Stephanie Chmiel and Sommer Sheely, Past President of the OWBF, Partner, Bricker and Eckler



LLP. The mission of the Leadership Institute is to advance inclusiveness within the legal profession by supplementing the professional skills of women lawyers for the benefit of the diverse communities in which they work, live, and serve. The 2016-2017 graduates of the Leadership Institute are as follows:

- Melissa Baldwin - *Ohio State University Wexner Medical Center*
- Mary Catherine Barrett - *Mary Catherine Barrett, Co., LPA*
- Carolyn Davis - *Taft Stettinius & Hollister LLP*
- Kimberly Eberwine - *The Procter & Gamble Company*
- Carly Fraker - *The Scotts Company LLC*
- Jamie Goetz-Anderson - *Jackson Lewis, P.C.*
- Janice Gresko - *Nationwide Mutual Insurance Company*
- Shennan Harris - *Squire Patton Boggs*
- Judge Marie Hoover - *Fourth District Court of Appeals*
- Kristyn Huening - *FirstGroup America, Inc.*
- Kitty Ivan - *Agee Clymer Mitchell & Portman*
- Amber Justice-Manning - *Faruki Ireland Cox Rhinehart & Dusing P.L.L. (now Faruki+)*
- Amelia Leonard - *Marshall Dennehey Warner Coleman & Goggin*
- Stacy Meloun - *Agee Clymer Mitchell & Portman*
- Jill Murphey - *OCLC, Inc.*
- Meera Patel - *Cardinal Health*
- Angela Paul Whitfield - *Carpenter Lipps & Leland, LLP*
- Rachel Smoot - *Formerly with Fay Sharpe LLP*
- Catherine Strauss - *Ice Miller*
- Catherine Venard - *Nationwide Mutual Insurance Company*
- Nina Webb-Lawton - *Vorys, Sater, Seymour and Pease LLP*
- Sue Wetzel - *Bricker & Eckler LLP*



Graduates of the 2016-2017 Leadership Institute Class. OWBF President Stephanie Chmiel is on the far right.



Larae Schrader

OWBF President Stephanie Chmiel and Immediate Past President Sommer Sheely also recognized the recipient of their 2017 Law Student Scholarship, Larae Schrader. Larae is a 2018 Juris Doctorate Candidate at Capital University Law School and is the Law Review Editor in Chief for Volume 6 (2017-2018).

Keynote speaker Lucy Helm provided an address capturing the central theme of the conference, “Critical Conversations and Courageous Leadership.” Lucy



Lucy Helm

candidly told her story of becoming an attorney and rising to the top to become the Executive Vice President and General Counsel of Starbucks. Through her story, Lucy shared the challenges she experienced, highlighted the importance of diversity and inclusion, and offered insight into how she has navigated the tough decisions she’s faced as the General Counsel of Starbucks.

Following Lucy’s keynote address, the OWBA presented several awards during the luncheon to recognize

individuals and organizations who have demonstrated a sustaining commitment to leadership, service and diversity and inclusion.

The President’s Choice Award is presented annually to an individual who exemplifies the spirit of leadership, dedication and passion for the profession and for the mission of the OWBA and OWBF. Outgoing OWBA President Marilyn McClure-Demers presented the award to Erin Rhinehart, Partner, Faruki Ireland Cox Rhinehart & Dusing, P.L.L. (now Faruki+), for her commendable work as a district trustee of the OWBA board.

The Family Friendly Award is presented annually to a legal employer in Ohio who best exemplifies commitment to work-life balance arrangements and assures that lawyers can both take care of their families and pursue successful careers. The OWBA presented the 2017 Family Friendly Award to Squire Patton Boggs as they have proven they value family as an important part of an attorneys success.

Squire Patton Boggs strives to promote a culture of equal



Karen Winters, Squire Patton Boggs

participation, advancement and retention of women within a traditionally male-dominated profession. Supported by their leadership at all levels, Squire Patton Boggs takes a more individualized approach when developing a plan for a working parent, rather than abide by a “cookie cutter” policy that may not be applicable to everyone.

OWBA Diversity and Inclusion (D&I) Awards were created to recognize and honor individuals and organizations making impactful efforts to address issues occurring at the intersection of gender and race. James (Jim) Johnson, Founder of Summer Work Experience in Law, was honored with the 2017 OWBA D&I Sponsor Award for his strong commitment to diversity and inclusion throughout his years of service.

Jim served over 25 years with the City of Cincinnati and retired as the Assistant City Solicitor in 2005. During his time as City Solicitor, Jim devoted countless hours to numerous community and legal organizations and volunteered his time and knowledge to collaborate with law firms, judges, corporations and public agencies to create the Summer Experience in Law Program, otherwise known as SWEL. Over 30 years ago SWEL was launched in order to give diverse high school and college students’ exposure to



James (Jim) Johnson, Founder of SWEL

the legal profession. SWEL offers paid internships with state and federal judges, top law firms, and corporations such as Procter & Gamble and GE.

Jim not only helped organize and create SWEL, but he continues to stay heavily involved in the program and with the alumnus. As SWEL has become one of the most highly recognized pre-law professional development programs in the United States, he has built long-lasting relationships with well over 100 graduates.

At the organization level, the OWBA D&I Champion Award was created to recognize a company, firm or professional organization that has demonstrated leadership and sustained commitment to diversity and inclusion. For their innovation in creating an inclusive work environment, promoting organizational culture change, supporting their teams of diverse professionals and engaging the career-opportunity pipelines of the future, the Ohio Attorney General’s Office was presented with the 2017 OWBA D&I Champion Award.

Last year over 50 individuals throughout the Ohio Attorney General’s Office updated and launched a comprehensive D&I Plan. The plan focuses on three areas that are regularly tracked and measured;



Mary Mertz, Ohio Attorney General’s Office

Retention, Engagement, and Recruitment.

The Ohio Attorney General’s Office became one of the first state of Ohio agencies to implement Diversity and Inclusion Plan into their organization and since doing so has provided training for nearly 1,600 employees on various topics. The sessions provided by this plan have informed numerous individuals of different cultures and backgrounds and has facilitated both professional relationships and personal relationships.

The 2017 Annual Conference concluded with remarks from this year’s Conference Chair and newly sworn-in OWBA President Lisa Kathumbi.



Lisa Kathumbi

Leading With Style: Cincinnati & Cleveland, June 15, 2017

On June 15, 2017, our annual Leading with Style event was hosted in Cincinnati and Cleveland. We would like to extend our sincerest appreciation to each events attendees and sponsors!

LWS Cincinnati: This year's event was held at a new venue, The Transept, and was a delightful evening filled with great company, amazing vendors and fabulous fashion! This year's fashion show was emceed by Amy Ahn-Roll, Senior Counsel-Litigation with The Procter & Gamble Company and OWBF At-Large Trustee, and featured fashion trends in 2017 Pantone featured colors. A raffle featuring many high-dollar prizes, including a Red's Stadium package, was hosted to support the Ohio Women's Bar Foundation. In addition to the raffle, Kendra Scott generously donated 10% of the sales made from purchases at LWS Cincinnati to support the Foundation. The LWS Cincinnati planning committee was incredibly impressed by the support that attendees, vendors and sponsors provided for this event, and are so grateful to all who contributed to the events' success!

The committee is excited to welcome Amy Ahn-Roll, Senior Counsel-Litigation for The Procter & Gamble Company, and Jennifer Dollard, Associate Attorney with Faruki Ireland Cox Rhinehart & Dusing, P.L.L. (now Faruki+), as the 2018 LWS Cincinnati co-chairs.

The OWBA thanks Magistrate Judge Stephanie Bowman, U.S. District Court Southern District of Ohio, Kristyn Huening, Senior Attorney with FirstGroup America Inc., and Carrie Starts, Attorney with Reminger Co. LPA, for their prior

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dedicated service to the committee and bringing this event success year after year.

Thanks to our 2017 LWS Cincinnati Vendors:

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beauty vendors. This revamped event made for a fabulous evening thanks to the generous support of the event sponsors and vendors! The OWBA looks forward to hosting more events in the Cleveland area this coming year, and would like to thank Theresa Rakocy, Attorney with Squire Patton Boggs and OWBA District 8 Trustee, and Rachel Smoot, former District 8 Trustee, for spearheading this program.

Thanks to our 2017 LWS Cleveland Vendors:

- Puma Yoga
- Keep Collective - Kelly Borngen
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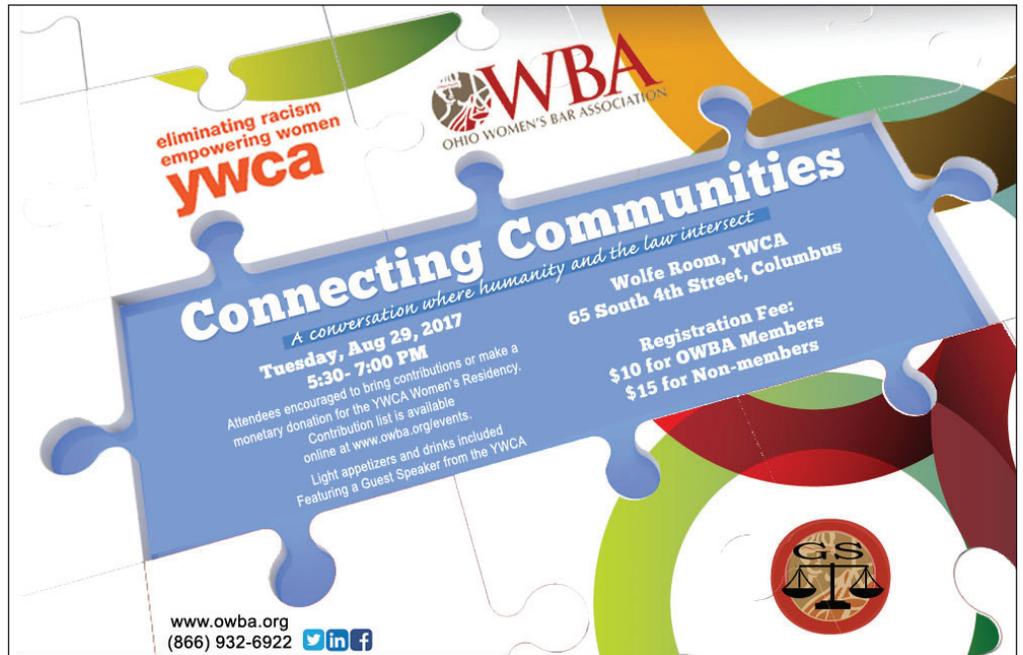


LWS Cleveland: The OWBA brought Leading with Style back to Cleveland this year as a casual networking event that featured local health and

Event Update

Government Subcommittee Charity Event

The Government Subcommittee will host a networking event and fundraiser at the YWCA in Columbus on Tuesday, August 29, from 5:30-7:00 p.m. The registration fee is \$10 for OWBA members and \$15 for non-members, and includes light refreshments. The subcommittee encourages you to donate products to support the women and families that the YWCA serves, and a list of most needed items is available on the OWBA website. You can bring these items with you to the event, or contact the OWBA office at (866) 932-6922 or admin@owba.org to have someone collect them from your organization.



OWBF Leading the Way Reception

The Ohio Women's Bar Foundation will host their Leading the Way Reception, formerly Leadership Luncheon, on Thursday, September 14, from 4:30-6:30 p.m. at deNOVO on the Park in Columbus. At that time we will recognize the Leadership Institute Class of 2017, welcome the class of 2018 and honor our Leading the Way Award recipient Michelle Roe, Vice President and General Counsel of Thirty-One Gifts and Past President of the OWBA.

The Ohio Women's Bar Foundation's Leading the Way Award honors leaders and leadership styles that others would emulate. This award is presented to outstanding women lawyers who demonstrate exemplary leadership in the legal profession and their communities, and commitment to the promotion and enhancement of women in the legal community by inspiring and mentoring other women to raise their performance to the same high standard. It is our pleasure to present this award to Michelle Roe, whom has been a tremendous leader for the OWBA, OWBF, and the legal community.

For more information and to register visit www.owba.org/events. ■



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Equal Pay for Equal Work: It's the Law!

By Beth Schneider Naylor and Kaitlyn O. Hawkins, Frost Brown and Todd Cincinnati



Over 50 years after “equal pay for equal work” became the law of the land¹ and 30 years into my legal career, I sat bored, listening to a reputable speaker espousing the benefits of teamwork in large law firms; then, a question from the audience grabbed everyone’s

attention: “How does teamwork benefit someone who, regardless of the quality of her contribution, will never be valued equally, in terms of pay, as other members of the team?” His response: “I don’t know what you want me to say, women having 3/5ths the economic value of men goes back to the Bible.”² I was stunned. First by his response, and, then by the deafening silence in a room filled with lawyers as the speaker continued unchallenged. Upon reflection, I should not have been surprised by either, because gender wage disparity has been a near universal and unchallenged, ILLEGAL way of

doing business for the last 50 years.

Throughout history and all over the world, women have earned lower wages than men.³ Even in modern times in western cultures, it was impolite for women to talk about earning money or to desire to do so. Women who liked earning and having their own money, were considered “greedy,”⁴ whereas that behavior was strongly encouraged in men. Deep-rooted societal gender expectations and norms have perpetuated women’s lower economic value in society. In my lifetime, women who worked very hard in uncompensated domestic roles as housewives and mothers were glorified, while “working women” were looked down upon and considered bad mothers. If women did work outside the home, they had been socialized to passively accept whatever remuneration was offered and not engage in the “unladylike” and “distasteful” business of finances.

Has the time finally come for change? Will women stand together and demand that employers comply with a law that has been on the books

for more than a half a century? Our U.S. Women’s Soccer and Hockey teams recently demanded equal wages and benefits compared to their male counterparts,⁵ female Wall Street and Silicon Valley executives have exposed discriminatory practices in their respective industries⁶ and Hollywood actresses are using their celebrity to shed light on the issue.⁷ It appears as though the battle for equal pay is resonating for women across all industries and is finally taken hold in the legal profession.

The Association of Corporate Counsel recently released its in-house trend report with the disturbing news that a “dramatic” gender wage gap exists among in-house attorneys.⁸ This study followed a 2016 multi-million dollar class-action settlement in favor of female in-house attorneys at Farmer’s Insurance Group.⁹ The most revealing and challenging aspect of the study was that only eight percent of male respondents believed that a wage gap existed.¹⁰ A similar struggle is present in legal academia,¹¹ the public sector,¹² and BigLaw.¹³

¹ Equal Pay Act of 1963 and Title VII of the Civil Rights Act of 1964.

² Leviticus 27:2-4 “Speak to the Israelites and say to them: ‘If anyone makes a special vow to dedicate a person to the LORD by giving the equivalent value, set the value of a male between the ages of twenty and sixty at fifty shekels of silver...; for a female, set her value at thirty shekels.’”

³ <http://economics.yale.edu/sites/default/files/files/Workshops-Seminars/Economic-History/burnette-061011.pdf>.

⁴ Not coincidentally, that same terminology is being used today by defendants in gender pay equity cases.

⁵ Christina Cauterucci, *The U.S. Women’s Soccer Team Finally Has a Better Contract, But Not Equal Pay*, (April 5, 2017) http://www.slate.com/blogs/xx_factor/2017/04/05/the_u_s_women_s_soccer_team_finally_has_a_better_contract_but_not_equal.html (accessed June 26, 2017); Rob Wile, ‘We Need to be Brave Enough to Stand Up’: 3 U.S. Women’s Hockey Players on Their Fight to Equal Pay, (March 29, 2017) <http://time.com/money/4716694/usa-womens-hockey-equal-pay-interview/> (accessed June 26, 2017).

⁶ <https://thinkprogress.org/natasha-lamb-wall-street-gender-wage-gap-a46aecdb91f8>

⁷ Some Actresses make 30 cents to their male co-star’s \$1. Luke Mintz, *Hollywood’s gender pay gap is ‘crazy’: Natalie Portman*, (January 12, 2017) <http://www.reuters.com/article/us-women-pay-hollywood-idUSKBN14W286> (accessed June 26, 2017).

⁸ Staci Zaretsky, *A ‘Dramatic’ Gender Wage Gap Awaits in In-House Counsel*, (June 15, 2017) <http://abovethelaw.com/2017/06/a-dramatic-gender-wage-gap-awaits-in-house-counsel/> (accessed June 26, 2017).

⁹ *Coates v. Farmers Group Inc.*, Case No. 15-cv-01913-LHK, need court.

¹⁰ *Supra* Note 8.p

The fight against the gender wage gap in BigLaw is gaining momentum and visibility. Two recent high-profile cases sent shockwaves through the legal community, as senior female Partners sue their law firms for inequitable pay. The first of these cases filed in August of 2016, *Campbell v. Chadbourne & Parke LLP*, is a \$100 million gender bias suit brought by Kerrie Campbell, a Washington, D.C. litigation partner and joined by Jaroslawa Johnson, former Member-in-Charge of the Firm's Kiev office, and Mary Yelenick, a 35-year veteran of the Firm,¹⁴ who joined the class after Chadbourne pressured female Partners to sign a letter disavowing Campbell's allegations.¹⁵ The women claim that Chadbourne systematically excluded female partners from positions of authority and paid them less than their male counterparts.¹⁶

The case originated after Campbell complained that female Partners' base salaries and bonuses, if any, were lower than male Partners'.¹⁷ Campbell

claims that these complaints led to the firm changing her status from Partner to a 'Partner in transition,' she was officially terminated in April 2017.¹⁸ Campbell supports her claims through evidence that male Partners with lower originations have a base salary two to three times higher than female Partners.¹⁹

Women who speak out not only pay a very high professional cost, but are also subjected to bullying, intimidation and isolation. For example, according to Campbell's Complaint, the highest ranking Litigation Partner at Chadbourne was caught on video removing a Nelson Mandela quote from Campbell's office wall and replacing it with a smiley face graphic and a picture of a fat man.²⁰ Campbell's experience is likely a substantial factor as to why the second high profile lawsuit has been initiated by "Jane Doe."

Chadbourne filed a motion to dismiss, claiming that the female Partners were not employees, and therefore could not sue under anti-

discrimination law. However, a New York Federal judge deemed that the title "Partner" was not enough to grant summary judgment, green-lighting limited discovery on this point.²¹

This holding may have a direct impact on the other gender bias suit in BigLaw, *Doe v. Proskauer Rose LLP*. Proskauer supported their June 14 Motion to Dismiss by claiming that Doe is not an employee and comes down on the business owner side of the Supreme Court's *Clackamas* Test.²² Doe, a Proskauer Partner, alleged that the firm compensated male partners between 40 to 65% more, although they had lower originations and/or billable hours.²³ Doe also claims that her \$50 million gender bias lawsuit was met with a threat of termination from the firm.²⁴

Prior to filing the lawsuit, Doe's concerns about inequitable compensation at the firm were met with rebuke and isolation both from firm activities and client development opportunities.²⁵ The

¹¹ In September 2016, the EEOC accused the University of Denver's Sturm College of Law of paying their female professors less than their male colleges in violation of the Equal Pay Act. Erin Coe, *Closing the Gap Women Fight Back Against The Law Firm Pay Divide*, (October 30, 2016) <http://www.kmblegal.com/sites/default/files/Women%20Fight%20Back%20Against%20The%20Lawyer%20Pay%20Divide%20-%20Law360.pdf> (accessed June 26, 2017).

¹² In July 2016, a former Vermont County prosecutor accused the Rutland County State's Attorney's Office of paying her \$14,000 less than her similarly situated male colleagues. *Id.*

¹³ The case settled in June 2017. Melissa Daniels, *Sedgwick Partner Settles in Gender Discrimination Suit*, (June 23, 2017) <https://www.law360.com/articles/938092/sedgwick-partner-settles-in-gender-discrimination-suit> (accessed June 26, 2017).

¹⁴ Aebra Coe, *35-Year Chadbourne Veteran Joins Pay Discrimination Suit*, (March 1, 2017) <https://www.law360.com/articles/896936/35-year-chadbourne-veteran-joins-pay-discrimination-suit> (accessed June 26, 2017).

¹⁵ Andrew Strickler, *Chadbourne Pressed Women Attys To Pan Bias Suit, Vet Says*, (March 23, 2017) <https://www.law360.com/articles/905464/chadbourne-pressed-women-attys-to-pan-bias-suit-vet-says> (accessed June 26, 2017).

¹⁶ *Id.*

¹⁷ First Amended Class Action Complaint ¶¶ 27-31, *Campbell v. Chadbourne & Parke LLP*, No. 1:16-cv-06832 (October 27, 2016).

¹⁸ Braden Campbell, *Chadbourne Votes Out Partner Behind Gender Bias Suit*, (April 20, 2017) <https://www.law360.com/articles/915473/chadbourne-votes-out-partner-behind-gender-bias-suit> (accessed June 26, 2017).

¹⁹ The Complaint details that male Partners were awarded 250-2,100 points (which directly correlate to salary) and female Partners were only awarded 375-1000 points. *Supra* note 9.

²⁰ Andrew Strickler, *Chadbourne Leader Harassed DC Atty With Cartoon, Suit Says*, (October 27, 2016) <https://www.law360.com/articles/856690/chadbourne-leader-harassed-dc-atty-with-cartoon-suit-says-> (accessed June 26, 2017); *Supra* note 11.

isolation continued as Doe was barred from Firm partner meetings and the Firm retreat. When Doe informed Proskauer that she had retained counsel, and was prepared to bring litigation, the Firm further retaliated by stating, “you need to understand...you are going to be terminated. Your complaint upset a lot of people.”²⁶

The Defendants in both of these cases characterize the women as greedy, and seeking a pay day to disguise their decreasing performance.²⁷ Doe’s explanation of her reasons for stepping forward exemplifies the struggle between professional risks or continued silence:

[D]o I remain quiet and allow male partners about whom I have complaint destroy my career or do I, despite the possible consequences, take steps to ensure that I am treated fairly and not exposed to an increasingly hostile situation? I am determined to take the second path

and let the chips fall where they may.²⁸

Regardless of the outcome, these cases represent another step in the momentum toward identifying, then closing the gender wage gap. Failure in litigation does not necessarily stop this momentum. Take for example, the failed gender discrimination lawsuit filed by Jennifer Smith, a law professor at Florida Agricultural and Mechanical University,²⁹ which resulted in a University study which showed that women on the whole were underpaid compared to men and led to salary increases between \$2,300 and \$24,000 for female professors.³⁰

These actions shine a spotlight on an ugly truth in the legal profession – persistent and pervasive underpayment of women attorneys. This secret has been kept quiet for decades such that many males do not even believe that it exists.³¹ Female lawyers themselves have long been complicit for diverse and

complicated sociological, religious, economic and political reasons, including the most perplexing reason, an internalized unconscious bias against themselves.³² With centuries of working twice as hard for half the respect³³ (and yes, that respect comes in many forms including equitable pay), it is finally time for a change.

Recommended Reading/Viewing:

- “The Good Girls Revolt,” Original Amazon Series adapted from the book of the same name by Lynn Povich.
- “Suffragette” starring Carey Mulligan and Meryl Streep

Beth Schneider Naylor is a Member in the Cincinnati Office of Frost Brown Todd LLC and an OWBA Trustee.

Kaitlyn O. Hawkins is a 3L at Vanderbilt University School of Law and was a 2017 Summer Associate at Frost Brown Todd LLC. ■

²¹ Andrew Strickler, *Chadbourne Says Attys In Bias Suit Not Employees*, (November 14, 2016) <https://www.law360.com/articles/862272/chadbourne-says-attys-in-bias-suit-not-employees> (accessed June 26, 2017).

²² The Clackmas test is a common-law test to determine who is an “employee” under Federal law. Vin Guerrieri, *Proskauer Says Partner In Gender Bias Suit Not ‘Employee’*, (June 14, 2017) <https://www.law360.com/articles/934556/proskauer-says-partner-in-gender-bias-suit-not-employee-> (accessed June 26, 2017).

²³ Complaint ¶ 7-8, Doe v. Proskauer Rose LLP, No. 1:17-cv-00901 (May 12, 2017).

²⁴ Matthew Guarnaccia, *Proskauer Partner Says Bias Complaint Led to Firing Threat*, (May 15, 2017) <https://www.law360.com/articles/923857/proskauer-partner-says-bias-complaint-led-to-firing-threat> (accessed June 26, 2017).

²⁵ *Supra* note 16 at ¶ 7.

²⁶ *Id.* at ¶ 9.

²⁷ Aebra Coe, *Chadbourne Says Female Attys In Pay Row didn’t Pull Weight*, (November 4, 2016) <https://www.law360.com/articles/859539/chadbourne-says-female-attys-in-pay-row-didn-t-pull-weight> (accessed June 26, 2017); *Supra* note 18.

²⁸ *Supra* Note 17 at ¶ 54.

²⁹ *Supra* Note 4.

³⁰ *Id.*

³¹ *Supra* Note 8.

³² Naylor, “Whatever Women do They Must do Twice as Well as Men to be Thought Half as Good,” Cincinnati Bar Report, December 2013.

³³ “Whatever women do they must do twice as well as men to be thought half as good.” Charlotte Whitton, Canadian feminist and mayor of Ottawa, 1951-1964.

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News

5 Questions to Answer Before Enforcing a Non-Compete Agreement

(Cont'd from page 5)

contracts should reflect that. Minimizing the scope of restrictions will maximize chances of enforceability.

How would litigation affect business relationships?

To maximize enforceability, often customers become involved in litigation either by your request or via subpoena from the departing employee. Many customers loathe being dragged into litigation as they incur legal costs and it can be a distraction to their business. Additionally, customers who are loyal to a departing employee could turn against a company that takes legal action against that employee.

Regardless of if you decide to pursue litigation, the best course of action for a company when a customer-facing employee departs is to proactively secure the customer relationships.

Meghan Hill is a Partner at the Columbus office of Squire Patton Boggs practicing in Labor and Employment law. Meghan regularly represents companies in complex litigation and wage and hour collective and Rule 23 class actions in federal courts, including multidistrict litigation (MDL). She has extensive experience working with international companies on litigation matters and has handled covenant not to compete cases for clients in numerous industries. She regularly defends employers against intentional tort, whistleblower, discrimination and wrongful termination claims. In addition to her litigation work, Meghan advises employers on compliance with state and federal employment and labor laws and emphasizes the importance of training as a way for companies to maintain compliance with ever-changing employment regulations. This aspect of her practice includes coaching on compliance with wage and hour regulations and payroll auditing. In addition, Meghan guides clients through labor and employment matters arising in mergers, acquisitions, restructurings and other business transactions and counsels on appropriate employment structures to help clients avoid future liabilities. She also drafts employment and expatriate contracts and restrictive covenants for executives in a variety of industries. Meghan is a graduate of Washington University in St. Louis, J.D., Order of the Coif, articles editor, Washington University Law Quarterly, 2004; and of The Ohio State University, B.A., Phi Beta Kappa, summa cum laude, 2001. ■

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