

OHIO WOMEN'S BAR ASSOCIATION NETWORK NEWSLETTER

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PRESIDENT'S MESSAGE

Taking Time for Yourself in the New Year

By Grace Royalty, U.S. District Court - Southern District of Ohio



The beginning of the New Year is alwavs when we think and talk about time. I want to talk about time, but not in terms of reflecting

on the past year, or making resolutions for the upcoming year. Instead, I want to raise the subject of time as a commodity.

For those among us who spend their days billing their time in six-minute increments, this is not a foreign concept. However, what is foreign to most women is making time for themselves. In 2012, Real Simple magazine and the nonprofit Families and Work Institute published a survey which found that half of American women ages 25 to 54 say they do not have enough free time. This is probably not a surprise. What was surprising is that two-thirds of the women surveyed said that their jobs do not interfere with their personal lives. While I suspect a higher number of women in our profession find themselves put upon by work obligations, there is something to the notion that the focus on work-life balance is misguided.

So what is eating up our free time and keeping us from spending time on ourselves? The survey found the culprits to be children (43%), parents or other elders (21%), spouses (16%) and household chores (16%). Those types of obligations seem irreducible, but what the survey found was that women were uncomfortable delegating tasks. Sixty-four percent of the women surveyed reported that they felt "sometimes" or "very often" that if they did less around the house, they would feel as if they were not taking care of it properly. Women reported that their to-do list included: planning children's activities, laundry, organizing, grocery shopping, decorating, cleaning, other household errands, taking children to activities, cooking, helping children with homework and managing household finances. The to-do list for spouses was much shorter: home repairs/improvements and gardening/yard work.

Now, I personally loathe studies or articles that blame women for their own problems. Who needs more guilt? What I like are solutions. I have gathered some ideas on how to get more "me" time during free time:

• Change the way you think about time. Ellen Galinsky, the co-founder of the Families and Work Institute explains: "For a while now, we have had a 'running the marathon' definition of time, where we think we have to keep going-going-going at work and at home because there is just too much to do, instead of a weight-lifting approach, in which you have a period of rest and recovery before you lift a heavy weight again."

• Schedule time for yourself. I have a co-worker who would take a "mental health day" when her kids were little. She would drop her kids off at school like any other day, but instead of going to work, she would go home and do things she wanted to do. I have another friend who was a stay-at-home mom, but would have a babysitter scheduled to come one afternoon each week. Often she would run errands, but there were times she would just go to a movie. Experts say spending this type of regular, uninterrupted time on yourself is vital to your well being.

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• Let them do it for themselves.

This is the one I have been working hard on myself. Take some items off that to-do list and allow other family members do the cooking, cleaning, shopping and laundry. My mantra has been "done is better than perfect." Besides, women may just think they are perfect. Erica Scharrer, a professor at University of Massachusetts Amherst, studied television commercials during a one-week period in 2004, and found that of the 477 people shown completing domestic chores, 305 were women and 159 were men. Fifty percent of the male characters were shown as being comically inept, but 90 percent of the women

were shown as being competent. The Real Simple survey indicates that women don't necessarily believe these gender role stereotypes. The survey showed that more than six in 10 women believed their spouses have the same or higher standards when it comes to household chores and eight in 10 said their spouses have the same or higher standards when it comes to child care.

• Don't do it for yourself. Amy Tiemann, author of Mojo Mom: Nurturing Your Self While Raising a Family and founder of Mojomom. com, suggests "If you can't do it because you feel like you deserve it, look at it this way: You are a first responder. An emergency can come up at any time, and you should be as well rested and restored as you'd want your ER doc or EMT to be."

Finding time for yourself does not need to take a lot of time. It may mean waking up 10 minutes earlier so you can enjoy a quiet cup of coffee and watch the sunrise. It could be attending one of the many OWBA events we have planned this year. There are multiple books, articles and websites with other suggestions. The trick is, of course, finding the time to read them.

Grace Royalty is with the U.S. District Court, Southern District of Ohio.

President of the American Bar Association to Serve as Keynote at OWBA/OWBF Annual Meeting Luncheon on May 19, 2016



The Ohio Women's Bar Association (OWBA) and Ohio Women's Bar Foundation (OWBF) are proud to

announce that Paulette Brown, current President of the American Bar Association (ABA) and Partner and Co-Chair of the firm-wide Diversity & Inclusion Committee at Locke Lord LLP will be the keynote speaker at the 2016 OWBA/OWBF Annual Conference Meeting Luncheon on May 19, 2016, at the Nationwide Hotel and Conference Center in Lewis Center, Ohio. Brown is the first woman of color to lead the prestigious ABA, a 136 year-old professional legal association with

over 400,000 members.

"We are extremely pleased and honored that President Brown has accepted our invitation to speak at this year's OWBA Annual Meeting," said Marilyn McClure-Demers, President-Elect of the OWBA and Associate General Counsel at Nationwide Insurance. "She is truly an inspiration and her leadership and impact make her a highlight for this event. As the President of the ABA, Paulette has renewed the focus on Diversity and Inclusion in the profession at a time when numbers in the profession for women and minorities are dropping and most organizations are struggling with ways to combat this truth."

The OWBA/OWBF Annual Conference spans two days with CLE sessions on both days: A View from the Bench; Women in Law-Leadership Lessons from the Top; Advancing the Next Generation of Women Leaders In the Legal Profession; Breaking Down Barriers & Investing in Diverse Talent; and Beyond the Headcount-Inclusive Environments and Diverse Leadership. The Annual Meeting Luncheon held afterwards will be followed by a reception honoring Paulette Brown co-sponsored by Bar Associations from across the state.

Please visit www.owba.org for additional information about the OWBA/OWBF Annual Meeting Luncheon and programs. Registration for the event is open and sponsorship opportunities are available. For more information contact OWBA at (866) 932-6922 or www.owba.org. ■

Enforcing Settlement Agreements: Don't Let the Court Lose Jurisdiction

By Nita Hanson and Arryn Miner, Dinsmore and Shohl, LLP

It is well known that the majority of civil lawsuits end in settlement. Not only does the law favor settlements, but judges have discretion to encourage settlement agreements amongst litigants. Less well known is what happens in the court after a settlement agreement is reached. All parties involved expect that a final settlement agreement will truly bring an end to the controversy, but that is not always the case. The terms of settlement agreements often require enforcement. Until recently, the rule on who has jurisdiction to enforce settlement agreements was hazy. However, in Infinite Sec. Solutions, L.L.C. v. Karam Props. II, 143 Ohio St. 3d 346 (Ohio 2015), the Supreme Court of Ohio has clarified the issue holding that a trial court may retain jurisdiction over a dismissed civil action for the purposes of enforcing a settlement agreement only by including certain language in the dismissal.

Two related cases brought this issue to light. The trial court consolidated the cases, and the parties participated in a pretrial settlement conference on May 19, 2011. Despite a local rule allowing litigants 30 days following settlement to file an entry of dismissal, the trial court dismissed the action one week after the parties agreed to settle. Arguing that the dismissal was a mistake, the appellant asked the trial court to vacate the entry and reopen the case, which the appellees and nonparties opposed. Finding that the dismissal entry acted as a "placeholder entry," the trial court denied all motions as

moot and held that the dismissal was conditional. The court further found that it retained jurisdiction over the issues relating to the settlement, and made rulings on the contested issues.

Upon appeal, the Sixth District Court of Appeals held that the trial court did not retain jurisdiction over the settlement issues as it had "unequivocally dismissed the action." Although the trial court deemed its dismissal "conditional," the Court of Appeals found the dismissal to be unconditional "because it neither incorporated the terms of the parties' settlement nor expressly retained jurisdiction to enforce the settlement agreement." This ruling conflicted with two Eighth District cases, which found dismissal entries conditional if they state "all claims were settled and dismissed, even though the entries did not incorporate the terms of the settlements or expressly retain jurisdiction." In light of these conflicting decisions, the Supreme Court of Ohio certified the case to determine the implications of a dismissal that does not incorporate the terms of a settlement agreement or expressly reserve jurisdiction to the trial court.

In Ohio, many counties' local rules address the procedure courts should follow once a settlement is reached. Although neither the Ohio Civil Rules nor local rules provide for conditional dismissals, a number of trial courts often issue these types of dismissals when handling cases after settlement. Whether a trial court's dismissal was conditional has been the primary factor for appellate

courts in determining whether the court retained jurisdiction to enforce the settlement agreement. Appellate courts relied on several Supreme Court of Ohio decisions stating that a court loses jurisdiction when it unconditionally dismisses a case. Despite this language, the idea of a "conditional" dismissal was never addressed by the Supreme Court of Ohio. Nor do the Civil Rules provide for such an entry.

In this case, the Supreme Court of Ohio expressly rejected the idea of a conditional dismissal, but held that a court may retain jurisdiction to enforce a settlement agreement, if certain conditions are met. Although some states, as well as some jurisdictions within Ohio, reject the concept that a court may retain jurisdiction following a dismissal, the United States Supreme Court has also endorsed the concept, in certain circumstances. A court's retention of jurisdiction following settlement is not only beneficial to the parties, but to the court as well. It is in the parties' interest to bring any disputes over a settlement agreement before a court that is well versed in the issues. Additionally, bringing such disputes before a familiar court is a more efficient use of court resources.

Just as important as whether a court can retain jurisdiction in this situation, is how the court retains jurisdiction. A number of Ohio appellate courts have addressed this issue, and require a dismissal entry

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Turning Ideals into Actions

By Ann Zalloco, Comenity LLC, an Alliance Data Company

The Merriam-Webster Dictionary defines "feminism" as "the belief that men and women should have equal rights and opportunities; the theory of the political, economic, and social equality of the sexes." While the term itself may be controversial, if you are reading this article and a member or friend of the OWBA, most likely, you ascribe to such ideals.

You also likely agree with the OWBA's mission, i.e. to support the leadership, advancement, and interests of woman attorneys. The OWBA manifests its mission through professional education, networking, and opportunities for the exchange of ideas between members, local bar associations, business and the community.

But how can we, as individuals who share these ideals, advance equal rights and opportunities for women? Aside from our involvement in the OWBA, what concrete actions can we take to further the mission of supporting the leadership, advancement and interests of woman professionals?

It doesn't require a protest. Through daily life choices, both at work and in the community, we can impact the lives of other women and make the environments in which we live and work more female-friendly. Below are a few simple ways you can choose to live these ideals:

1. Vote. Each of us can support women through our vote. Whether the election is for U.S. president or city council, take a few minutes to research the candidates and what they have done, or have promised to do, to support the equal rights and

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opportunities, and the advancement and interests, of women. If you can't find this information, ask the candidates.

2. Support Female Professionals and Women-Owned Businesses.

Think about the service providers and businesses you support through your patronage. Are women-owned businesses and female professionals fairly represented? Next time you look to engage a new doctor, dentist, personal attorney, or financial advisor, consider whether you could use this as an opportunity to support another woman's professional development.

3. Mentor. In addition to enhancing our personal relationships, mentoring is important to ensuring that more women advance to executive roles in organizations. Ideally, we would each have a robust mentoring circle that includes those above us, as well as peers and subordinates. But, in the real world,

this often isn't the case. Make an effort to find a mentor and a mentee, or to add to your mentoring circle if you have the time to invest in new relationships. If this doesn't happen organically for you, join a formal mentoring program, such as OWBA's Mentoring Circles.

- 4. Collaborate. Think about your professional relationships with other women as an opportunity for each of you to benefit. Competition is healthy, and sometimes, there has to be a "winner" and a "loser." But if we share our ideas and experiences with each other, and put collaboration ahead of competition, there is something to be gained for each of us.
- 5. Build Each Other Up. Refrain from gossiping about your colleagues. Avoid embarrassing your opposing counsel when given the opportunity. If you disagree with another woman's actions or approach, have an honest and private conversation to address the issue. We can effectively advocate for our clients and ourselves without disparaging our colleagues and other counsel. In doing so, we enhance our professional relationships and reputation, and help, rather than hurt, the development of other women.

Individually, these actions may seem minor, but by adopting even some we turn our ideals into actions by tangibly supporting the leadership, advancement and interests of women.

Legendary Women

By Sherri Dahl, Dahl Law LLC



"I figure, if a girl wants to be a legend, she should just go ahead and be one." - Calamity Jane.

I couldn't agree more. That is why, in June 2015, I stopped working for the large firms where I have worked almost my entire career, and created Dahl Law LLC, a 100 percent womanowned and operated firm located in my home. During my free moments, I find myself looking for inspiration from other women who have stepped out in faith or who have overcome obstacles. Here, I share a few of the stories of women who inspire me.

These women did not sit around waiting for a prince to sweep them off of their feet (I enjoy the Cinderella story as much as the next girl, but a fairytale is not a reliable business model, unless you write the book, which is later turned into a movie). The women described below did not accept negative treatment by saying "everything happens for a reason." They all overcame extreme obstacles. They did not wait for others to award them with a title, fame or money; they created the titles, earned the fame by their own actions, and made their own money.

If you ever have a day when you are feeling low, depressed, or like the world has been unfair to you, think about Calamity Jane. Born Martha Jane Cannary on May 1, 1852, both of her parents died when she was a teenager in the Wild West. In 1865,

Calamity Jane's mother, father, and five siblings left Missouri by wagon train headed for Montana. Her mother died during the trip. A year later, Calamity Jane's father died. Without any of the niceties that we take for granted today (you know, like indoor plumbing), Calamity's Jane's survival in the 1800s is a testament to her grit. Some think that she exaggerated stories of bravery, but no one doubts that Calamity Jane drank whiskey and cussed . . . a lot. In her early years, she was a dancer in a dance hall and may have been a prostitute. In her later years, she cooked and cleaned for prostitutes in a brothel. During her adventurous life, she also reportedly scouted for the military, helped the sick, performed in traveling western shows and was very skillful using guns, out-shooting most men. A Captain in the military reportedly gave her the name Calamity Jane in the context that Jane was a person you would want to have around in a calamity. She is described as "dressing like a man" because she wore pants, and during the time she spent with the military, she wore a military uniform (once again, pants), but there are also pictures of Calamity Jane, young and old, in dresses. This is a woman who did and wore what worked best for her despite external expectations. She was illiterate but we know about Calamity Jane, today, because of an autobiography pamphlet she dictated that was distributed to promote her appearance in a western show (today, Jane would be on social media, speaking her tweets into her phone). She survived, you might even

say thrived, in an era that was much more of a man's world than what we experience today.

Modern statistics related to the advancement of women in the legal field, which primarily focus on promotion of and pay to women in the largest firms, haven't changed much in the last 20 years. For non-white women, the statistics have been and remain dismal. For example, The Ninth Annual Survey by the National Association of Women Lawyers reported in 2015 that lawyers of color represent only 8 percent of equity partners (that 8 percent includes men and women of color).

Statistics related to the success of black American women in the late 1800s were more depressing, but that did not stop one ambitious woman. Sarah Breedlove, born December 23, 1867, in Louisiana, later became known as Madam C.J. Walker, and is credited as the first female self-made millionaire in America. Walker was the first child in her family born into freedom. Her mother and father had been slaves prior to the Emancipation Proclamation, which was issued January 1, 1863. Both died when Walker was seven. She lived with her older sister until she was married at 14. Her husband died when she was 20 and her daughter was two. Walker moved to Missouri, where her brothers were barbers: she worked as a washer woman (I have no idea what she washed - laundry maybe?); she earned \$1 a day on a good day. Later, Walker sold hair care products for others until approximately 1905, when she moved to Colorado and

married Charles Joseph Walker, a newspaper and advertising salesman. She coined the name Madam C.J. Walker and became an independent hairdresser and retailer of cosmetic creams. As her business grew, she trained women to sell products and to become "beauty culturists." Her daughter, A'Lelia Walker, headed up the mail order portion of the business in Colorado, and Walker opened Lelia College in Pittsburgh, Pennsylvania. In 1910, the headquarters of the operation opened in Indianapolis, Indiana. Walker organized her sales agents into clubs locally, statewide, and in other provinces. Walker's business expanded to include Cuba, Jamaica, Haiti, Panama and Costa Rica.

Compared to what women in the past have had to overcome, our success should be relatively easy, right? Unlike our grandmothers, we have access to birth control options and technology enabling us to work next to a crib, or in my case because my children are in their 20s, a dog bed, or the bed of an aging parent. In an article published November 14, 2015, Ruth Bader Ginsburg, in her 80s, talks about cases she worked on at the A.C.L.U., early in her career, where young African-American women were being sterilized without their permission during other procedures. Gloria Steinem, also now in her 80s, is also featured in this same article and she discusses attending college at Smith, an all girl's college, where it was widely known that women were being educated to produce educated children, not to accomplish their own ambitions. Ginsburg talks about how all nine of the Harvard law women in her class of 500, gathered

to meet the dean who asked. "How do you justify taking a spot from a qualified man?" Ginsburg graduated first in her class, but describes her job search as very difficult because she had three strikes against her: she was a woman, she was Jewish and she had a 4-year old daughter. Signup sheets for firms would say "Men Only." When Steinem sought a job at Time magazine, she was told that women researched and men wrote. And yet, these women achieved tremendous success. Steinem started Ms. Magazine, has published several books, and for many represents the modern women's movement. Ginsburg became the second woman on the U.S. Supreme Court and through that position greatly impacts the affects of law on men and women.

Do our daughters realize that our grandmothers were many of the "first women . . . "? Do they know what our mothers had to overcome? Naomi Sims was born the youngest child in Oxford, Mississippi on March 30, 1948 (the year after my mother was born). After Sims' parents divorced, when she was 13, she moved with her mother and two sisters to Pittsburgh, Pennsylvania, where her mother was forced to put her into foster care. In college, she won a scholarship to the Fashion Institute of Technology in New York City, while also taking classes in psychology at night at New York University. Sims' attempted modeling through agencies but was rejected; she was told that her skin was too dark. However, while still a teenager, she became a worldwiderecognized model. Her breakthrough came when she decided to go around modeling agencies and work directly with fashion photographers. Gosta Peterson, a photographer for the New

York Times, photographed Sims for the cover of the paper's 1967 August fashion supplement. After that success, Sims still had difficulty getting work. So, once again, she ignored the traditional process and forged her own way by sending copies of the Times' supplement directly to advertising agencies, attaching Wilhelmina Cooper's contact information. Wilhelmina Cooper was a Dutch model that founded her own modeling agency. Sims told Cooper that if she obtained work, Cooper could have a commission. Within a year, Sims was earning \$1,000 a week; she became the first black model on the cover of Ladies' Home Journal in November 1968 (the year that I was born). Sims was also the first African-American model to appear on the cover of Life magazine in 1969. She went on to be a successful businesswoman and author.

Forty-seven years ago, Ladies' Home Journal magazine first acknowledged a black woman on its cover. But, it has only been in the last 20 years that women have been promoted to partner in many law firms. In the last five years, some firms have appointed their first woman-managing partner.

Religion and religious-based societal norms add another interesting layer to the contemporary advancement of women. In 2010, I filed what may be the only bankruptcy case involving an Amish debtor. My client, Monroe Beachy, operated what he called an investment club. Predominantly Amish investors gave money to Beachy, which he invested in the stock market. When the bankruptcy was filed, losses in the stock market, over 20 years, had resulted in a reported \$32 million

in invested funds being reduced to \$16 million. Investors were provided statements that allegedly did not accurately reflect the status of their investments. During my involvement in this bankruptcy, countless Amish women called me to ask questions about the status of their life savings, that had been given to Beachy for investment. They would also ask me to explain to them how banks operate. Some had heard through word of mouth that money put into a bank might be protected in some fashion. I found myself explaining to women who might not have electricity how the Federal Deposit Insurance Corporation (FDIC) guarantees certain bank deposits.

In 2015, women in Saudi Arabia were permitted to run for office and vote . . . for the first time. Shortly before he died on January 23, 2015, King Abdullah lifted the ban, which previously prohibited women from voting. Reportedly, 130,000 women registered to vote. Although Saudi women can be doctors, they still cannot open a bank account without their husband's permission. Women must be chaperoned by a man, when in public. In one extreme case, a woman was raped, however she received more lashes in punishment than her rapist, because she was out without a chaperone. There is no official law banning Saudi women from driving, but deeply held religious beliefs prohibit it. Women and men are segregated on public transportation, at parks and beaches, and have separate entrances in most public buildings.

Laleh Bakhtiar was born July 29, 1938, in New York City to an American mother and Iranian father.

She was raised Catholic in Los Angeles and Washington, D.C. In her 20s, she moved to Iran with her Iranian (architect) husband and their three children, where she began to study Islam under Dr. Seyyed Hossein Nasr at Tehran University; she converted in 1964 and divorced her husband in 1976, returning to the U.S. in 1988. She holds a BA in History, an MA in Philosophy, an MA in Counseling Psychology, and a Ph.D. in Educational Foundations. She has translated and written 25 books about Islam. In 2007, her translation of the Qur'an first published and is called The Sublime Quran; it is the first translation of the Qur'an into English by an American woman. She translates Kafirun as "those who are ungrateful" rather than the common translations "unbelievers" or "infidels." She translates daraba, concerning treatment of a husband towards a rebellious wife as "go away" instead of "beat" or "hit." She uses "God" instead of Allah. Bakhtiar stopped wearing a headscarf after the September 11th attacks because she believed the practice no longer promoted modesty, but instead attracted excessive attention in the United States.

Throughout centuries, women like these have achieved success by contradicting tradition, creating their own business plans bucking conventional wisdom, and by moving forward in faith. Each successful woman has her own reasons for seeking higher goals and works hard to further her agenda. The importance of encouraging the next generation to follow their non-traditional dreams is crucial and expressed well by mentors in the early years of Carol Burnett's

life.

Carol Burnett was born in 1933 in San Antonio, Texas to alcoholic parents. Her parents divorced in the late 1930s and Burnett lived with her grandmother, near her mother, in a poor area of Hollywood, California. The first of two mystery mentors helped Burnett after she graduated from Hollywood High School in 1951. Burnett received an envelope from an anonymous benefactor, containing \$50, exactly the amount she needed for her first year's tuition at University of California Los Angeles (UCLA). She used the money to begin her studies. She planned to study journalism, but later switched to theater arts and English, with a goal of becoming a playwright. She had to take an acting class for her major. Invited by a professor to perform portions of a play with others at a party, Burnett performed and met a person important to her future. After seeing her performance, one of the party attendees, a man, asked Burnett about her future plans. She said that she would like to go to New York to look for theater work, but that she could not afford the trip. The man offered to loan both Burnett and her then boyfriend each \$1,000 interestfree. His conditions were that the loan had to be repaid in 5 years, they must not reveal his name, and they must pay it forward by helping others pursue their artistic dreams. Burnett and her boyfriend both accepted the terms. After having success on Broadway and with many guest appearances on television shows, Burnett signed a ten-year contract with CBS. The contract required that for one year Burnett be permitted to do any form of show she selected.

The Carol Burnett Show was born in 1967, running until 1978. The network did not want Burnett to do a variety show, thinking that only men could be successful with such a show. The show received 23 Emmy Awards. Burnett re-paid the party-attending benefactor and never revealed his identity.

Hearing the stories of women who have achieved their goals inspires me to reach a little further to achieve what might seem impossible. Every day, on Facebook, I am reminded of the achievements of today's women by their posts, and the successes of historic women by the posts of The National Women's History Museum (NWHM). Located in Alexandria, Virginia, the NWHM "affirms the value of knowing Women's History, illuminates the role of women in transforming society and encourages all people, women and men, to participate in democratic dialogue about our future." More information about the NWHM and many other historic women can be found on the NWHM Facebook page and at www. nwhm.org.

As I mentioned earlier, in June 2015, I began a hike on a path in the legal industry that is mostly statistic free. I formed my own firm, Dahl Law LLC, and began working from home. I have not found any statistics reporting the success of women who work for themselves at home or who head up small firms. I can report to you only statistics related to my firm, so far. At Dahl Law, a woman is the 100 percent founder, owner, and management committee. After being a corporate bankruptcy attorney for most of my legal career, I decided to leave the large firm business model that had been my home for so many years. It felt like

jumping off of the tallest building. As someone who researches buying a refrigerator for a year, leaving the security of a regular paycheck was daunting. It made no logical sense, but I just knew that everything would work out okay. So now, I say "yes" to any client with a matter I feel qualified to handle. I do not accept family law or criminal matters, but will discuss handling almost all other matters. Perhaps my value is most obvious in providing help to overburdened in-house corporate legal departments looking for outside help, or companies without a legal department. Or, maybe my value is felt more by the individual person asking a legal question who knows no other lawyers. Those individual people may never understand that I provide large firm quality at a small firm price; all they know is that someone represented them – fought to defend their best interests. In June, I had one client I thought might stay with me when I formed Dahl Law – a client in the final stages of a matter. In less than six months, I have helped 20 clients. I have (a) resolved disputes involving more than 60 contracts across the country and around the world, (b) purchased internet domain names, (c) prepared wills, (d) stopped collection actions, (e) formed companies, (f) appealed unemployment matters, (g) prepared severance agreements, (h) prepared and filed pleadings in litigation, (i) settled lawsuits, (j) negotiated and contested lease provisions, (k) negotiated with the IRS, and (1) searched the U.S. trademark database. In 2015, earnings from my work are more than what I made my last year working as a Principal at Squire Sanders.

Are you happy in your current work environment? I am incredibly happy now. Working at home is not for everyone. Working at a huge firm is not for everyone. Regardless of where you work, my best advice is this: At work, or even if you are looking for a job, you should approach any project as if it is a project you are performing to benefit your own business (while at the same time, of course, helping your client). Do not simply do what others tell you to do. Always think to yourself: How can I best accomplish my personal business goals. This will guide you in determining which projects to accept or reject. At a firm, you may not be able to reject work, but you can choose whether you actively seek a particular type of work. You are always in charge of yourself, even when you work for someone else. It is not easy and sometimes there is an element of risk in bravely taking action to benefit you. Think about Calamity Jane, Madam C.J. Walker, Ruth Bader Ginsburg, Gloria Steinem, Naomi Sims, Laleh Bakhtiar, Carol Burnett, and Sherri Dahl - all followed Calamity Jane's wise words, "If a girl wants to be a legend, she should just go ahead and be one."

Sherri Dahl is a frequent author, speaker, and the owner of Dahl Law LLC, providing advice to individuals and corporate clients on a vast array of issues. More information is available at www.DahlLawLLC.com.

Sources:

¹Philip Galanes, "Ruth Bader Ginsburg and Gloria Steinem on the Unending Fight for Women's Rights", Nov. 14, 2015, available at www. nytimes.com.

Title IX: It's Not Just About Sports

By Kelly Mumaw and Nancy Sabol

Title IX, the 1972 federal statute, has been incredibly successful in providing opportunities for women in sports. Title IX and decades of accompanying case law, federal regulations, and letters and guidance from the U.S. Department of Education's Office for Civil Rights (OCR) have effectively neutralized the role of gender in collegiate athletic programs. Under Title IX, an educational institution must ensure gender equality in three areas of athletics: opportunities for participation, awarding of scholarships, and benefits provided to male and female teams. 1 As a result of Title IX, female participation in athletics has grown exponentially. Approximately 30,000 women participated in college sports in 1971-1972, but four decades later in 2010-2011, that number increased to 190,000.2

However, what many don't realize is that Title IX has been used in the last few decades to combat sexual assaults on college campuses. The federal statute is broadly worded and indeed has never included any words related to "sports" or "athletics." Rather, patterned on the Civil Rights Act of 1964, Title IX provides that no person, on the basis of sex, shall be "excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

Because universities and colleges receive Federal financial assistance through federal student loans, Title IX has a broad sweep. Title IX's prohibition of sexual discrimination includes sexual harassment and sexual violence. Beginning in the late 1990's, the OCR began issuing documents explaining the obligations of colleges and universities under Title IX to

combat sexual harassment and sexual violence. The OCR explained that schools must "take immediate and effective steps to end sexual harassment and sexual violence." Schools have a responsibility to investigate Title IX cases, separate from any criminal investigation by police and even if there is insufficient evidence to support a criminal charge. Schools must publish and widely distribute a nondiscrimination policy, designate a Title IX coordinator who oversees and coordinates the school's responsibilities under Title IX, and adopt and publish grievance procedures for prompt and equitable resolution of Title IX complaints. The Department of Education can impose a fine and deny access to federal funds if a college or university fails to comply with the requirements of Title IX.

Other recently enacted federal statutes also impose obligations on colleges and universities, and the requirements of those laws work in tandem with the requirements of Title IX. One additional obligation is that schools must report all cases of domestic violence, dating violence, and stalking in addition to the all of the other mandatory reporting crimes. Schools must also have procedures in place for informing victims/survivors of his or her rights in sexual assault complaints and investigations (i.e., the right to involve or not involve local law enforcement). Additionally, schools must adopt policies for preventing sexual violence on campus and educate all students and school employees on those policies as well as on sexual violence awareness and prevention.

So what are colleges and universities doing to comply with Title IX and related federal laws? Some schools have not done enough. A USA Today

article in September of 2015 reported that roughly 130 schools were under investigation by OCR for Title IX violations in the handling of sexual assault cases.³

In one 2014 investigation, OCR found that the University of Virginia's Sexual Assault and Sexual Misconduct Policies "fostered a 'hostile environment' for survivors of sexual assault." In 2014, UVA was all over the media as the subject of an article by Rolling Stone, which portrayed the school "as turning a blind eye toward a culture that tolerates sexual assault."4 The article focused on an undergraduate female's account of being brutally gang raped at a UVA fraternity house and the school's failure to investigate the allegation. However, the Rolling Stone article was later discredited by numerous media outlets and even considered a botch by the Columbia School of Journalism. In fact, OCR had already been investigating UVA over other issues of sexual assault on campus when the Rolling Stone article appeared. OCR found UVA noncompliant with the requirements of Title IX. Out of 50 informal reports of sexual violence by students who did not file a formal complaint, "from 2008-09 through 2011-12, the university failed to take appropriate action in 22." OCR found that 21 of the reports "alleged sexual assault, some including rape and gang rape."

OCR also concluded a four-year investigation of Princeton University in 2014, finding the school to be in violation of Title IX, "for failing to promptly and equitably respond to complaints of sexual violence, including sexual assault, and also failing to end the sexually hostile environment for one student."⁵

Additionally, Princeton did not afford rape survivors their right to a "preponderance of the evidence" standard and required a higher burden proof, which ultimately, according to OCR, "tilted the scales in favor of the accused."

In an investigation of Harvard Law School, OCR found that the school also failed to comply with the requirements of Title IX. The investigation was prompted after a Title IX complaint was filed against Harvard Law School by a professor at the New England School of Law. The professor's complaint outlined three flaws in Harvard's sexual assault policy: 1. A drawn out system for responding to allegations and forcing the victim "to learn alongside his or her assailant while awaiting the hearing;" 2. The application of the "clear and convincing" standard of proof in sexual assault cases; and 3. A failure to provide a timeline for how long the hearing process would be.⁷

Following its investigation, in December 2014, OCR found that Harvard Law School did not appropriately respond to complaints of sexual assault.⁸ It "took over a year to make its final determination," and OCR reported a finding that in one significant situation, "the complainant was not allowed to participate in [an] extended appeal process, which ultimately

resulted in the reversal of the initial decision to dismiss the accused student and dismissal of the complainant's complaint."

Fortunately, colleges and universities have made and are still making extensive changes to address their responsibilities. In 2015, immediately following OCR's finding of noncompliance, UVA adopted a revised sexual harassment policy, which was found to be in compliance. Princeton revised its policies as well, agreeing to take the necessary steps "in creating a campus environment in which students feel comfortable and safe reporting incidents of sexual assault and violence." Harvard Law School, during the investigation by OCR, revised its procedures for handling Title IX issues, and including in the policy the application of the correct "preponderance of the evidence standard." Harvard Law School, in its resolution with OCR, "committed to take further specific steps to ensure that it responds to student complaints of sexual harassment and sexual violence promptly and equitably."

Schools across the country have adopted new policies or revised prior ones to address, in detail, sexual harassment procedures and provide a notice of nondiscrimination. Educational institutions now have Title IX Coordinators, who oversee

Title IX compliance on campus. Schools are educating their faculty, other employees, incoming students, and upperclassmen on Title IX issues such as how to report sexual assault, how to recognize sexual harassment, what effective consent is, and how to intervene as a bystander, among other issues. Some of the most effective programs are those that are student-led.

Title IX has been exceptionally effective in gaining equal opportunities for women and girls in athletics, but over the last few decades, it has become clear that Title IX can address much more than just sports. Title IX and related federal statutes have completely changed how colleges and universities are required to address and prevent cases of sexual harassment and sexual violence. A recent New York Times article reported, "more than one-fourth of undergraduate women at a large group of leading universities said they had been sexually assaulted by force or when they were incapacitated."9 With statistics like these, compliance with Title IX has never been more important. ■

Kelly Mumaw is assistant legal counsel for the Ohio Auditor of State and Title IX Fellow at Ohio Northern University; Nancy Sabol is associate professor of law, University Title IX Coordinator, and director of academic support at Ohio Northern University.

Sources:

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[&]quot;Tyler Kingkade, UVA Violated Title IX, Had 'Mixed Record' on Sexual Assault Cases, Federal Investigation Finds, HUFFINGTON POST, Sept. 21, 2015, available at http://www.huffingtonpost.com/entry/uva-federal-investigation_55e97f6ce4b002d5c075aaa7.

⁵US Dept. of Educ., Princeton University Found in Violation of Title IX, Reaches Agreement with U.S. Education Department to Address, Prevent Sexual Assault and Harassment of Students (Nov. 5, 2014), http://www.ed.gov/news/press-releases/princeton-university-found-violation-title-ix-reaches-agreement-us- education-department-address-prevent-sexual-assault-and-harassment-students.

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⁹Richard Pérez-Peña, 1 in 4 Women Experience Sex Assault on Campus, NY TIMES, Sept 21, 2015, available at http://www.nytimes.com/2015/09/22/us/a-third-of-college-women-experience-unwanted-sexual-contact-study- finds.html?_r=0

Highlighting Members of the OWBA Leadership Institute

In each issue we will highlight graduates of the OWBA Leadership Institute. This quarter we will highlight Amy Ahnroll and Jennifer Borsky from the 2014-2015 Class. If you are interested in applying to the Leadership Institute, contact OWBA at admin@owba.org.



Amy Ahnroll The Procter & Gamble Company

What did you enjoy the most about

the Leadership Institute? – THE WOMEN LEADERS in my class! I was inspired by each unique experience these women brought to the group. Having meaningful relationships are such an important part of life, so being able to form new ones is the best thing I am taking away with me.

What is something that you learned that you implemented into your career/life? – Simply put: To roll with the punches! I found it refreshing that most of the accomplished speakers that visited us did not have a straight shot to their current leadership role. I am a big believer in working hard and finding the silver linings when life gets challenging.

Do you stay in contact with anyone from your class? – Yes. In fact, I asked a few classmates if they would be willing to stay in touch so we could bounce issues off each other (which is especially helpful to me as I transition from Patents to General Litigation in my role at P&G). As a group, we get together for happy hours, too!

What piece of advice would you give to someone who is just beginning the Leadership Institute or who is considering applying? – To have an open mind and, as best as possible, leave distractions outside the class so you can really immerse yourself in the great teachings.

How did participating in the leadership Institute change you and/or make you better? – I am constantly energized by successful leaders who are also fun and kind. The women in my class are these leaders and injected a dose a good energy into me! And, the speakers highlighted the power of positive influence, which helps me be a better person as I journey through life.

Where do you work? – The Procter & Gamble Company.

Do you specialize or have a niche? Patents and now General Litigation.

If you weren't a lawyer, what would you be? – A history teacher or a business owner.

What is your dream job? – Being an entrepreneur and owning a few boutiques full of unique finds for women and our homes.

What would you like to tell us about yourself? (i.e. your family, hobbies, etc.) – My son, Jake Austin, is my pride and joy. I am Korean, but also hold my home state of Texas close to my heart. I enjoy entertaining family and friends and fulfill my love of history by traveling to new destinations with my husband and son.



Jennifer Borsky Nationwide

What did you enjoy the most about the Leadership Institute? –

I enjoyed meeting and getting to know all the wonderful and impressive women in our class and learn from their experiences. Although many of us have taken different career paths, it was amazing to see the common bond we all share. I also truly appreciated all of the speakers who participated in the program.

What is something that you learned that you implemented into your career/life? – I learned that it is OK to ask for what you want... and not to sit back and assume that someone else will know what you want. Be confident, but don't be afraid to ask for help. Leadership comes in a variety of styles and forms... one size does not fit all; incorporate what works for you, most importantly, be authentic.

Do you stay in contact with anyone from your class? – Yes. Not everyone is able to get together as often (geography, schedules, etc.), but there is definitely an effort to get together outside of OWBA events.

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

that are beginning, congratulations! Embrace the opportunity and actively participate. The Leadership Institute provides a great platform for women to be open, share and learn from each other – take full advantage of it. For those considering applying – what are you waiting for? Do IT!!

How did participating in the leadership Institute change you and/or make you better? – We need to help others along the way. Take what you learn from the Leadership Institute and pay it forward. The Institute also helped me with my public speaking and reinforced that

I need to take advantage of public speaking opportunities to improve and get more comfortable with speaking—practice, practice, practice.

Where do you work? – Nationwide Mutual Insurance Company, Columbus, Ohio

Do you specialize or have a niche? – Personal lines claims.

If you weren't a lawyer, what would you be? – If I were not a lawyer, I would do something where I could help/care for animals.

What is your dream job? – I feel very fortunate to have a job I enjoy, and to work for a great company. Nationwide has provided me with the ability to learn, grow and develop, including the ability to participate in the Institute. I would have to say I have my dream job.

What would you like to tell us about yourself (i.e. your family, hobbies, etc.)? – This past August I celebrated my tenth wedding anniversary. My husband and I live in Powell, Ohio, and have two Weimaraners (aka our kids). I enjoy running, sports, and spending time with family and friends. ■

Enforcing Settlement Agreements

(Continued from page 3)

to either (1) incorporate the settlement agreement; or (2) expressly state that the court retains jurisdiction to enforce the settlement agreement. Expressly rejecting the idea that an entry need only allude to a settlement to retain jurisdiction, the Court adopted these requirements. In doing so, the Court acknowledged both the potential desire to maintain confidentiality and the concrete need for unambiguous and final dismissal entries. Accordingly, parties are not required to incorporate the terms of a settlement in the entry of dismissal, although this is one option to allow the court to retain jurisdiction. Rather, a court's intent to retain jurisdiction need only be expressed by simple but clear language such as "The court hereby retains jurisdiction to enforce the settlement agreement reached between the parties." The language itself is not nearly as critical as the need to create a clear indication of the court's intention.

Inclusion of this language now makes up a small but critical part of an entry of dismissal. Without it, lawyers risk subjecting their clients to increased costs, inconsistent rulings, and valuable time if the parties have to file another lawsuit. In a time where settlement agreements are the most common conclusion to civil cases, lawyers must be aware of the repercussions if dismissal entries are not carefully drafted. While the necessary language may seem to be such a small piece of the puzzle, it can completely change the scene for disputes over settlements and thus a client's future.

Cincinnati's Largest Law Firm Merges with West Coast Group

Cincinnati's largest law firm is continuing its expansion with its third merger of 2015, this time with a California-based law firm founded by a former White House attorney.

Dinsmore & Shohl merged with San Diego-based Leventhal Law effective November 1.

Leventhal Law represents Fortune 250 corporations, emerging companies and high-profile individuals. The firm was founded in 2012 by Joe Leventhal, former deputy assistant to vice president Dick Cheney.

"Establishing a West Coast presence is essential to support our clients' current business needs," George Vincent, Dinsmore managing partner and chairman, said in a news release. "We focused on California given the wealth of innovation in the state and discovered we have a lot of synergies with Leventhal Law."

The merger increases Dinsmore's ranks to 625 attorneys in 21 cities throughout California, Colorado, Connecticut, Illinois, Kentucky, Michigan, Ohio, Pennsylvania, West Virginia and Washington, D.C.

Downtown-based Dinsmore is Cincinnati's largest law firm with 211 local active attorneys, according to Courier research.

The Leventhal merger is the firm's third of 2015. In September it merged with Detroit-based Gifford, Krass, Sprinkle, Anderson & Citkowski. In February Dinsmore merged with West Virginia-based Huddleston Bolen. ■

Inspiring Leaders in Government

As part of its community/student outreach efforts, the OWBA Government Subcommittee co-hosted a special giveback luncheon, "Inspiring Leaders in Government," with the Ohio State University (Moritz College of Law) on November 5, 2015. Emceed by NBC4's Colleen Marshall, this event featured key speakers Hon. Evelyn Stratton and Maria Armstrong of Bricker & Eckler LLP.

The purpose of this event was to encourage and inspire 1L and 2Ls considering careers in government/government-relations; to expose students to different career possibilities; and to provide students with an opportunity to network with representatives from major government agencies and premier firms. Participants included: Office of the Federal Public Defender, FCJFS, Franklin County Prosecutor's Office, Franklin County Public Defender, Office of the Ohio Attorney General, BWC, OCRC, ODE, ODH, ODJFS, ODM, OEPA, OPD, PUCO, US Attorney's Office, Bricker & Eckler LLP, Calfee Halter & Griswold LLP, Porter Wright LLP, Vorys Sater Seymour & Pease LLP, Delaware Municipal Court, Franklin County Court of Common Pleas, the Ohio 7th & 10th District Court of Appeals, and the US District Court. ■























Women in Energy CLE Event

The OWBA Energy Sub-Committee held its first event in Cleveland on November 17, 2015 entitled "Women in Energy". The CLE event was hosted and sponsored by McDonald Hopkins LLC.

The day began with a networking lunch from 11:30 a.m. to 12:00 p.m., followed by a Case Law Update from Judge Mary DeGenaro from the 7th District Court of Appeals.

Following Judge DeGenaro's case update was a judicial panel discussion made up of three judges: Judge Mary DeGenaro, 7th District Court of Appeals; Judge Pat Delaney, 5th District Court of Appeals; and Judge Julie Selmon, Monroe County Court of Common Pleas. The panel was moderated by Beth Gillin of McDonald Hopkins, and Kendra Sherman of Squire Patton Boggs. The event was also show as a live feed and was recorded. To view the video archive, visit the following link: http://www.mcdonaldhopkins.com/webcasts/archives-a-judicial-perspective-ohio-energy-law-11-17-15.

Thank you again to our wonderful sponsor as well as those who attended both in person and via the live feed. We look forward to holding more events regarding energy law and would love to hear your ideas for topics of discussion. Please contact us by email at admin@owba.org or by phone at (866) 932-6922, to submit ideas. ■

Welcome Tea

A tea event was held on November 12, 2015 at the Queen City Club in Cincinnati to welcome Jennifer Bard, Dean of the University of Cincinnati's College of Law. Dean Bard is the first female dean in the law school's 182-year history. Around 60 people attended and participants enjoyed some tea, cookies and networking. The event was sponsored by Brickler & Eckler LLP, CBA Women Lawyer's Committee, Frost Brown Todd and Taft. Thank you to the following committee members for planning such a wonderful event: Grace Royalty, Kimberly Danker, Liz Glotfelty, Pramila Kamath and Magistrate Judge Stephanie Bowman.







3 Things Court Reporters Want Attorneys to Know

By Angie Starbuck



Every day, somewhere in the United States, a court reporter attends a deposition with one or more attorney, a witness, and

sometimes the attorneys' clients. While the attorneys and witness carry on a relatively informal conversation about a legal case the witness may or may not be involved in, the court reporter sits quietly, for sometimes hours at a time, without saying a word.

Rarely are the court reporters asked for their input from an attorney, but if you were to talk to these court reporters about their jobs or the depositions they attend, the short list below would probably be in their top five lists of things they would want attorneys to know.

1. Please speak slowly and clearly.

It is not the reporter's job to make the record; it is their job to keep the record. When the attorneys speak too fast, cover their mouth with their hand, read documents at a breakneck speed, or mumble into their legal pad, it makes it very difficult for the court reporter to do her job. If she asks you to slow down or speak up, please cooperate. It will not only make her job a little easier but more importantly, make your transcript read better and more effective as a litigation tool.

2. We are humans. Often, understandably, attorneys are so focused on their case and their questioning of a witness during a deposition, they forget about others around them. Court reporters have a physically and mentally demanding

job, despite the fact that they are sitting so quietly throughout the day. Their job requires them to sit for long stretches of time with their hands moving constantly, all while paying close attention to each word that is being said in the deposition. Please take frequent breaks and a reasonable amount of time for lunch (if the proceedings are lengthy).

3. A transcript isn't produced with a touch of a "Print" button. If you know you will need an expedited transcript, please let your support staff know so they can inform the court reporter. There are many things that go into preparing a final transcript by the court reporter and their support staff. If they know in advance you need the transcript by 9:00 a.m. the next morning, it will help them be prepared to focus all their time on your transcript. Once a deposition is concluded, the court reporter's work continues. She will read through the deposition again (or hire a person called a scopist to do the same), and then usually will hire a proofreader to read it a second time, looking for errors. The court reporter will then make any corrections necessary and perform another quick scan of the transcript before beginning the production process.

While your court reporter is an

unbiased and uninterested party in your legal case, her job is to keep an accurate record of the proceedings she is hired to report. Your court reporter wants to be as accurate and efficient as possible, and by understanding and implementing these tips, you can help in this important process.

With more than 20 years of experience in court reporting, all at PRI, Angie specializes in real-time court reporting, captioning, and CART. She has extensive deposition and arbitration experience in various areas of litigation, including construction, EPA, employment, pharmaceutical, and medical malpractice, and has experience in providing daily copy transcripts in both depositions and trials. In addition, Angie provides CART and captioning services to many local companies and universities. Angie is a Registered Professional Reporter, Certified Real-time Reporter, Certified CART Provider, Notary Public, and meets continuing education requirements through the National Court Reporters Association. She holds an associate degree in court reporting from Bliss College and is a member of NCRA, OCRA, Ethics First (NCRA), National Association of Women Business Owners (NAWBO), and has transcribed for the Veterans History Project.

Making Travel Easier for Women

Globetrotter Woman is an online store founded by Giugi Carminati, an attorney in Houston that sells Italian-made, Italian leather bags and travel accessories for the professional woman who needs to go places, get things done and loves beautiful handcrafted goods. To learn more about the company, go to www.globetrotterwoman.com; to read the blog, visit http://womentravelblog.com/travel-resources/packing-tips/travel-luggage-women-globetrotter-woman/

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Wine Down and Paint

Wine Down and Paint took place on January 21, 2016 from 5:30 p.m. – 8:30 p.m. at the Western Reserve School of Cooking in Cleveland. Attendees painted, had wonderful food and drinks as well as participated in a wine basket raffle to benefit the Ohio Women's Bar Foundation. We would like to thank Leslie Wargo, Amanda Gatti, Ashley Jones and Rachel Steinlage for taking the time to plan such a successful event. The Wine Basket Raffle was sponsored by Lina Wines.

Sponsored by



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Cheers to Art

A Cheers to Art event took place on January 27, 2016 from 5:00 p.m. – 7:00 p.m. at Cheers to Art on Vine Street in Cincinnati. Cost to participate was only \$40 per person and included painting, food and drinks. Thank you so much to Kimberly Jones for planning this networking opportunity. We have heard the painting was fun and well done – do we have some aspiring artists amongst us?

Sponsored by



OWBA In-House Counsel Subcommittee

The In-House Counsel Subcommittee did a great job of planning another successful night of cooking, eating and socializing at the Seasoned Farmhouse on January 21. All in attendance either serve as the corporate attorney or inhouse counsel of Columbus area corporations or businesses. Attendees got to assist the chef in preparing and cooking a meal before they all sat down to eat it. A special thanks to our sponsor Squire Patton Boggs. Without their help, such events couldn't take place. We would also like to thank the following committee members for organizing and planning such a great event – Jennifer Fuller with Wendy's; Tara Aschenbrand with OhioHealth; Claudia Herrington with JobsOhio and Carly Fraker with The Scotts Miracle-Gro Company.

There are a few additional OWBF fundraising events being planned for February and March. Watch for emails and be sure to check out our website for postings.

Follow us on Social Media

The Ohio Women's Bar Association can be found on Facebook, Twitter and LinkedIn. Join our groups, like us and connect to us to share information and connect with women attorneys across Ohio.



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