

# LADY JUSTICE

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WOMEN LAWYERS  
SECTION**

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## WLS Committee

## Women Lawyers Section Updates

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### WLS Membership Calls

The membership calls take place on a quarterly basis. Here is the call schedule for the rest of 2023 and 2024:  
November 14, 2023 at 1:30 pm ET  
February 13, 2024 at 1:30 pm ET  
May 14, 2024 at 1:30 pm ET  
September 10, 2024 at 1:30 pm ET  
November 12, 2024 at 1:30 pm ET



Karina B. Sterman is the current Chair of the Primerus Women Lawyers Section. She is a partner at Greenberg Glusker, LLP in Los Angeles, California in both the Litigation and Employment Law Departments. Karina defends businesses in litigation and counsels clients on wage and hour and other employment law compliance, drafting employment-related documents, and participating in a business-minded employment strategy to minimize the risks of litigation and costly long-term mistakes. She regularly provides employment law training, performs HR legal audits, and builds trade secret protection plans to maximize the value of her clients' investment in their intellectual property.



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Autumn is a bittersweet time of transition for many. This is the time of year we collectively send kids back to school and watch them step into their slightly more mature selves. For me personally, both of my kids went off to college to step into adulthood, and turn me into an empty-nester. Does this mean my parenting, my nudging, or my worrying is over? Far from it. I am constantly reminded by my historian husband that neither the past nor the future is linear or just a set of isolated events. We are connected by a continuum. In the personal, as in the professional, we are the result of those who preceded us and we are responsible for shaping and expanding the opportunities for those who will follow after us. It is along the theme of continuity and steady progress that we focus this edition of Lady Justice! on “The Business of Running a Law Firm”.

Comprised of member interviews and articles written by women members of Primerus, the enclosed articles on running a law firm are not the purview of “girl bosses.” Rather, as our members know, the business of running a law firm thrives on the voices of wise, accomplished, multi-faceted attorneys with insights on mentorship, leadership, ethics, technology, strategy and empathetic multi-tasking. I am, therefore excited to share insights both on the value of embracing technological advances for our profession, such as artificial intelligence, as well as remembering the incalculable strategic value of traditional skills, such as empathy and the ability to read and understand people. I am moved by the reminder of the need for direct and intentional mentorship and by the call to advance women inside the law firm environment (in management and partnership) and beyond (in the alternative dispute arena as arbitrators and judges).

We hope you enjoy these articles, that you use them as a starting point of discussion and impetus of change, and that you participate with us in the Women Lawyers Section of Primerus. The WLS was created in 2016 to promote the women lawyers within Primerus, provide a network for supporting women lawyers, and assist in development and expansion of business and their own personal brand. We network, we refer, we inspire, and we connect.

Be part of your law firm's history continuum and help pay it forward for the women attorneys who will join you.

Our next group call will be on Sept 12 at 1:30 EDT. Please [REGISTER HERE](#) and join us. Whether you think you have something you can learn or something you can share, you are right. And your voice is deeply needed.



# MEET A MEMBER



A graduate of Harvard Law School, Melinda has developed a practice focused on trial and appellate representation of businesses and business leaders faced with critical litigation challenges. Her experience encompasses all phases of the litigation process, from investigation through discovery, motion practice and trial and appeal as well as alternative dispute resolution. Melinda has successfully litigated trial and appellate cases in federal courts, most notably the Seventh Circuit, in Wisconsin state courts and also courts in other states under pro hac vice admission, for the duration of the legal proceeding.

## WHAT YEAR DID YOU START PRACTICING LAW?

1999

## WHERE DO YOU PRACTICE LAW?

Milwaukee, Wisconsin. I have practiced here since I graduated law school.

## WHAT IS THE FOCUS OF YOUR PRACTICE?

I focus on business litigation

## WHY DID YOU BECOME A LAWYER AND HAS THE LAW MET YOUR EXPECTATIONS?

My interest in law was sparked by my fascination with the idea that different backgrounds and experiences can make two people view the same set of events in completely divergent ways. I think much of the conflict that we deal with in law and in life arises when we don't understand where others are coming from and why they view the world the way they do. I have tried to keep that in mind throughout my practice to help my clients find common ground or creative solutions to conflicts by understanding what is important to the opposing party.

## WHAT IS ONE PIECE OF ADVICE YOU WISH SOMEONE WOULD HAVE GIVEN YOU PRIOR TO STARTING THE PRACTICE OF LAW.

Try to always keep perspective. In the moment, every case, every motion, every issue can feel overwhelming, but we have to remember that it is only one case, one motion, one issue, and no matter the outcome, as long as we are diligent and do our best, we will survive to tackle tomorrow's problem.

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## WHAT IS THE BEST ADVICE YOU HAVE RECEIVED SINCE STARTING PRACTICE?

Your reputation is everything in a small legal community, so don't let your drive to win (or fear of losing) ever allow you to compromise your integrity or professionalism.

## WHAT IS THE SIGNIFICANCE OF DIVERSITY AND INCLUSION IN YOUR FIRM AND YOUR PRACTICE?

When I first started practicing, most of my client contacts were white men. As time has passed, however, I have more and more female and minority contacts. As one of our firm's equity partners, and in my role on the firm Board of Directors, I am able to directly model and advocate that we strive to represent the same diversity in our firm as we are seeing in our clients.

## WHAT SUGGESTIONS DO YOU HAVE FOR FIRMS WHO ARE LOOKING TO EXPAND UPON THE DIVERSITY AND INCLUSION AT THEIR FIRM?

Don't just think of diversity when you are looking to hire. Think of ways to engage in the community that support diversity and inclusion. That will naturally promote an inclusive atmosphere and promote diverse applicants when positions open. But it is also important to recognize and promote diverse and qualified attorneys where the opportunities exist—I think it is important for younger lawyers to see diverse attorneys in management and other senior positions of responsibility so they have a concrete representation that diversity and inclusion is an important value at the firm

## HOW DOES YOUR FIRM PROMOTE DIVERSITY AND INCLUSION?

Within the last few years, we had a significant shift in the equity ownership structure in the firm, which has allowed me to become the first woman equity shareholder in firm history. More recently, I was elected to the Board of Directors, and I truly feel that our current firm management has a strong commitment to make concrete strides in the areas of diversity and inclusion wherever possible, both within our firm and in the community.

## ANY ADVICE TO YOUNG WOMEN LAWYERS ON THE PATH TO BECOMING A PARTNER, OR OWNER, AT THEIR FIRM?

Look for mentors, which is frankly my advice for all new lawyers. Find someone you relate to who has found a career path to which you aspire, and look to them for guidance, advice, support and friendship. **P**





# LAWYER BEWARE

## USE AI TO HELP YOU LITIGATE AT YOUR OWN RISK



Jessica Klotz is Senior Counsel with Lewis Johs Avallone Aviles, LLP in New York, New York. Her practice concentrates on the defense of individuals, corporations, professionals, and municipalities in areas of civil litigation, including premises liability, personal injury, property damage, intentional torts, professional liability, maritime law and civil rights violations in both state and federal courts.

In theory, generative artificial intelligence (“AI”) and specifically, ChatGPT, a product developed by Open AI which uses artificial intelligence to engage in a back and forth dialogue with the user and provide information that is tailored to the requests of the user based on a wide base of “knowledge” that is has learned by processing essentially all of the information available on the internet, would be a great tool to quickly produce arguments in response to specific facts and law that are relevant to real client issues. However, in the last year, we’ve seen examples of how AI cannot and should not be used by lawyers.

In the beginning of 2023, the company DoNotPay, Inc. was seeking a lawyer to use its AI product “Robot lawyer” in a real courtroom. The product utilized a smartphone to listen to court arguments and formulate responses in real time which it would relay to the lawyer through headphones. DoNotPay offered \$1 million dollars to any attorney who would argue a case before the United States Supreme Court using its technology only. DoNotPay was also prepared to have its robot lawyer argue against a traffic

ticket in a state court jurisdiction. Unfortunately for DoNotPay, AI cannot currently be used in real time in the courtroom. There are criminal restrictions against recording video and audio in all federal courts and some state courts. It is also illegal to audio record without consent of all parties in some states. Most significantly, the use of the robot lawyer would violate laws against practicing law without a license.

DoNotPay, Inc. is now defending a proposed class action suit in Superior Court of California, County of San Diego, case number CGC-23-604987, commenced by Jonathan Faridian in March 2023, who said he used DoNotPay to draft various legal documents including demand letters, a small claims court filing, and a job discrimination complaint. The complaint alleges that “DoNotPay is not actually a robot, a lawyer, nor a law firm. DoNotPay does not have a law degree, is not barred in any jurisdiction, and is not supervised by any lawyer.” The complaint further stated that “DoNotPay is merely a website with a repository of - unfortunately, substandard - legal documents that at best fills in a legal

adlib based on information input by customers.” The complaint also asserts that DoNotPay is violating California code by practicing law without a license. The action is still pending.

This summer, a seasoned personal injury lawyer in New York used ChatGPT to prepare opposition to a motion to dismiss in federal court. The problem is that the document contained imaginary cases, rulings and citations. Instead of checking any of the references, the lawyer then filed the document, after the chatbot assured him that the cases were real and could be found in reputable legal databases such as LexisNexis and Westlaw. When his adversary could not locate the cases, he brought it to the Court’s attention. The lawyer was directed to submit copies of the cases cited in his brief, and the lawyer doubled down, proving “copies” of the cases provided to him by the chatbot.

U.S. District Judge Castel of the Southern District of New York reviewed the so-called cases and scheduled a sanctions hearing for citing non-existent cases in

opposition papers and submitting copies of non-existent judicial opinions to the court. *Mata v. Avianca, Inc.*, U.S. District Court, S.D.N.Y. 22-cv-1461 (PKC), ECF 31. The order directing the hearing is telling:

The Court is presented with an unprecedented circumstance. A submission filed by plaintiff’s counsel in opposition to a motion to dismiss is replete with citations to non-existent cases. (ECF 21.) When the circumstance was called to the Court’s attention by opposing counsel (ECF 24), the Court issued Orders requiring plaintiff’s counsel to provide an affidavit annexing copies of certain judicial opinions of courts of record cited in his submission, and he has complied. (ECF 25, 27, 29.) Six of the submitted cases appear to be bogus judicial decisions with bogus quotes and bogus internal citations. Set forth below is an Order to show cause why plaintiff’s counsel ought not be sanctioned.

The Court begins with a more complete description of what is meant by a non-existent or

bogus opinion. In support of his position that there was tolling of the statute of limitation under the Montreal Convention by reason of a bankruptcy stay, the plaintiff’s submission leads off with a decision of the United States Court of Appeals for the Eleventh Circuit, *Varghese v China South Airlines Ltd*, 925 F.3d 1339 (11th Cir. 2019). (ECF 21.) Plaintiff’s counsel, in response to the Court’s Order, filed a copy of the decision, or at least an excerpt therefrom. (ECF 29-1.)

The Clerk of the United States Court of Appeals for the Eleventh Circuit, in response to this Court’s inquiry, has confirmed that there has been no such case before the Eleventh Circuit with a party named Vargese or Varghese at any time since 2010, i.e., the commencement of that Court’s present ECF system. He further states that the docket number appearing on the “opinion” furnished by plaintiff’s counsel, Docket No. 18-13694, is for a case captioned *George Cornea v. U.S. Attorney General, et al.* Neither Westlaw nor Lexis has the case,

and the case found at 925 F.3d 1339 is *A.D. v Azar*, 925 F.3d 1291 (D.C. Cir 2019).

The bogus “Varghese” decision contains internal citations and quotes, which, in turn, are non-existent:

- The furnished copy of the “Varghese” decision cites *Zicherman v Korean Airlines Co., Ltd.*, 516 F.3d 1237 (11th Cir. 2008), which does not appear to exist. The case appearing at that citation is, indeed, an Eleventh Circuit case decided in 2008, but is titled *Miccosukee Tribe v. United States*, 516 F.3d 1235 (11th Cir. 2008).
- The furnished copy of the “Varghese” decision cites *Holliday v. Atl. Capital Corp.*, 738 F.2d 1153 (11th Cir. 1984), which does not appear to exist. The case appearing at that citation is, indeed, an Eleventh Circuit case decided in 1984 but is titled *Gibbs v. Maxwell House*, 738 F.2d 1153 (11th Cir. 1984).
- The furnished copy of the “Varghese” decision cites *Hyatt v. N. Cent. Airlines*, 92 F.3d 1074 (11th Cir. 1996), which does not appear to exist. There are two brief orders appearing at 92 F.3d 1074 issued by the Eleventh Circuit in other cases.
- The furnished copy of the “Varghese” decision cites *Zaubrecher v. Transocean Offshore Deepwater Drilling*, 772 F. 3d 1278 (11th Cir. 2014), which does not appear to exist. The case appearing at that citation is, indeed, an Eleventh Circuit case decided in 2014, but is titled *Witt v. Metropolitan Life Ins. Co.*, 772 F. 3d 1269 (11th Cir. 2014).

The following five decisions submitted by plaintiff’s counsel contain similar deficiencies and





appear to be fake as well: *Shaboon v. Egyptair*, 2013 IL App (1st) 111279-U (Ill. App. Ct. 2013); *Petersen v. Iran Air*, 905 F. Supp. 2d 121 (D.D.C. 2012); *Martinez v. Delta Airlines, Inc.*, 2019 WL 4639462 (Tex. Ct. App. Sept. 25, 2019); *Estate of Durden v. KLM Royal Dutch Airlines*, 2017 WL 2418825 (Ga. Ct. App. June 5, 2017); and *Miller v. United Airlines, Inc.*, 174 F.3d 366 (2d Cir. 1999).

*Mata v. Avianca, Inc.*, U.S. District Court, S.D.N.Y. 22-cv-1461 (PKC), ECF 31. The lawyer who conducted the research and submitted the brief apologized, and said he was “unaware of the possibility” that the content of the document created by ChatGPT could be false”, and that he “greatly regrets having utilized generative artificial intelligence.” *Mata v. Avianca, Inc.*, U.S. District Court, S.D.N.Y. 22-cv-1461 (PKC), ECF 32.1. The owner of another generative AI platform, CereBel Legal Intelligence, submitted an Amicus Curiae Brief arguing against sanctions on the grounds that sanctioning attorneys for using generative AI would have a “chilling effect” on the industry. *Mata v. Avianca, Inc.*, U.S. District Court, S.D.N.Y. 22-cv-1461 (PKC), ECF 50.1. Ultimately, sanctions were issued against the plaintiff’s attorneys and the *Mata* case was dismissed.

Shortly thereafter, it was reported that a similar incident occurred in the Colorado state court in El Paso County, Colorado in *Gates v. Chavez*, 2022-cv-31345. <https://krdo.com/news/2023/06/13/colorado-springs-attorney-says-chatgpt-created-fake-cases-he-cited-in-court-documents>. Zachariah Crabill, a young attorney, practicing for one and half years, was arguing his first civil litigation case defending a client accused of breaching a car payment contract. Crabill used ChatGPT to find cases in support of his position of his written motion. He realized later that the AI product had fabricated many of these cases when the citations could

not be located on LexisNexis. He subsequently filed a court document admitting his mistake, stating that he filed the original motion without knowing he cited fake cases, and that he relied on the ChatGPT cases because the initial search results by the chatbot were accurate. “Based on the accuracy of prior validated responses, and the apparent accuracy of the case law citations, it never even dawned on me that this technology could be deceptive,” Crabill said in court documents. Id. Interestingly, one of the cases provided by ChatGPT that supposedly supported Crabill’s arguments was a decision in *Gonzales v. Allstate Ins. Co.* issued in 2014. *Gonzales v. Allstate Ins. Co.* is a real case issued in 2002, with a different unrelated holding than the one provided by the AI. The judge overseeing the *Gates* case denied the motion due to the false citations and threatened to file a disciplinary complaint against the attorney. It is unknown whether that occurred.

OpenAI’s Terms of Use (last updated March 14, 2023) explains, with respect to accuracy, that:

Artificial intelligence and machine learning are rapidly evolving fields of study. We are constantly working to improve our Services to make them more accurate, reliable, safe and beneficial. Given the probabilistic nature of machine learning, use of our Services may in some situations result in incorrect Output [responses to questions] that does not accurately reflect real people, places, or facts. You should evaluate the accuracy of any Output as appropriate for your use case, including by using human review of the Output.

<https://openai.com/policies/terms-of-use>. Moreover, ChatGPT has limited knowledge of world events after 2021.

Some federal court judges have now issued directives that attorneys before them certify that they did not

use AI at all, or if they did, that they checked any cases before submitting them to the court. They include U.S. District Judge Brantley Starr of the Northern District of Texas, U.S. District Judge Michael Baylson of the Eastern District of Pennsylvania, U.S. Magistrate Judge Gabriel Fuentes of the Northern District of Illinois and Judge Stephen Vaden of the U.S. Court of International Trade. Judge Starr’s order states:

All attorneys and pro se litigants appearing before the Court must, together with their notice of appearance, file on the docket a certificate attesting either that no portion of any filing will be drafted by generative artificial intelligence (such as ChatGPT, Harvey.AI, or Google Bard) or that any language drafted by generative artificial intelligence will be checked for accuracy, using print reporters or traditional legal databases, by a human being. These platforms are incredibly powerful and have many uses in the law: form divorces, discovery requests, suggested errors in documents, anticipated questions at oral argument. But legal briefing is not one of them. Here’s why. These platforms in their current states are prone to hallucinations and bias. On hallucinations, they make stuff up—even quotes and citations. Another issue is reliability or bias. While attorneys swear an oath to set aside their personal prejudices, biases, and beliefs to faithfully uphold the law and represent their clients, generative artificial intelligence is the product of programming devised by humans who did not have to swear such an oath. As such, these systems hold no allegiance to any client, the rule of law, or the laws and Constitution of the United States (or, as addressed above, the truth). Unbound by any sense of duty, honor, or justice, such programs act according to computer code

rather than conviction, based on programming rather than principle. Any party believing a platform has the requisite accuracy and reliability for legal briefing may move for leave and explain why. Accordingly, the Court will strike any filing from a party who fails to file a certificate on the docket attesting that they have read the Court’s judge-specific requirements and understand that they will be held responsible under Rule 11 for the contents of any filing that they sign and submit to the Court, regardless of whether generative artificial intelligence drafted any portion of that filing.

[Judge Brantley Starr | Northern District of Texas | United States District Court \(uscourts.gov\)](#)

Judge Vaden’s Rules direct that attorneys take specific steps to safeguard data out of a concern that potentially confidential information could be submitted to an AI program through its prompts. His standing order states:

Generative artificial intelligence programs that supply natural language answers to user prompts, such as ChatGPT or Google Bard, create novel risks to the security of confidential information. Users having “conversations” with these programs may include confidential information in their prompts, which in turn may result in the corporate owner of the program retaining access to the confidential information. Although the owners of generative artificial intelligence programs may make representations that they do not retain information supplied by users, their programs “learn” from every user conversation and cannot distinguish which conversations may contain confidential information. In recognition of this risk, corporations have prohibited



their employees from using generative artificial intelligence programs. See, e.g., *Samsung Bans Staff’s AI Use After Spotting ChatGPT Data Leak*, Bloomberg, <https://www.bloomberg.com/news/articles/2023-05-02/samsung-bans-chatgpt-and-other-generative-ai-use-by-staff-after-leak> (last visited June 8, 2023). Because generative artificial intelligence programs challenge the Court’s ability to protect confidential and business proprietary information from access by unauthorized parties, it is hereby:

ORDERED that any submission in a case assigned to Judge Vaden that contains text drafted with the assistance of a generative artificial intelligence program on the basis of natural language prompts, including but not limited to ChatGPT and Google Bard, must be accompanied by: (1) A disclosure notice that identifies the program used and the specific portions of text that have been so drafted; (2) A certification that the use of such program has not resulted in the

disclosure of any confidential or business proprietary information to any unauthorized party; and it is further

ORDERED that, following the filing of such notice, any party may file with the Court any motion provided for by statute or the Rules of the Court of International Trade seeking any relief the party believes the facts disclosed warrant.

<https://www.cit.uscourts.gov/sites/cit/files/Order%20on%20Artificial%20Intelligence.pdf>

Judge Vaden’s concerns about confidentiality are warranted. ChatGPT contains warnings that conversations may be reviewed by their AI trainers to improve their systems and that users should not share any sensitive information in their conversations. OpenAI’s Terms of Use (last updated March 14, 2023) states, in relevant part,

These Terms of Use apply when you use the services of OpenAI, L.L.C. or our affiliates, including our application programming interface,



software, tools, developer services, data, documentation, and websites (“Services”).

\* \* \*

**Your Content.** You may provide input to the Services (“Input”), and receive output generated and returned by the Services based on the Input (“Output”). Input and Output are collectively “Content.” . . . OpenAI may use Content to provide and maintain the Services, comply with applicable law, and enforce our policies.

\* \* \*

**Use of Content to Improve Services.** . . . We may use Content from Services other than our API<sup>1</sup> (“Non-API Content”) to help develop and improve our Services.

...

<https://openai.com/policies/terms-of-use>. A separate page explains how a user’s data is used to improve model performance:

When you share your data with us, it helps our models become more accurate and better at solving your specific problems and it also helps

improve their general capabilities and safety. . . . we use data to make our models more helpful for people. ChatGPT, for instance, improves by further training on the conversations people have with it . . . When you use our non-API consumer services ChatGPT or DALL-E, we may use the data you provide us to improve our models. . . . We retain certain data from your interactions with us, but we take steps to reduce the amount of personal information in our training datasets before they are used to improve our models. This data helps us better understand user needs and preferences, allowing our model to become more efficient over time.

<https://help.openai.com/en/articles/5722486-how-your-data-is-used-to-improve-model-performance>.

There are ways to opt out of having your data used by OpenAI or ChatGPT, but the default is to allow the use of your data. Thus, if you are entering specific client data or terminology or documents into the AI, you could be breaching your duty to keep client information privileged and

confidential. Lawyers must be careful when using AI for document review and creation of documents as well. In a personal injury or medical malpractice case, attorneys could run afoul of HIPPA if they enter a plaintiff’s medical records into an artificial intelligence product.

Generative Artificial Intelligence is here to stay, but lawyers are still learning how, and how not, to use it. Thomson Reuters’ recent acquisition of Casetext and its products, which use AI and machine learning for quick document review, legal research memos, deposition preparation, and contract analysis, suggest that issues with accuracy can be avoided with programs tailored specifically to attorneys. Casetext claims that more than 10,000 law firms and corporate legal departments already use its products. Regardless of what program an attorney uses to prepare his or her documents and oral arguments, it is the obligation of the attorney to ensure that the cases and statutes are accurate, and that their clients’ information remains privileged and confidential. **P**

# EMBRACING ARTIFICIAL INTELLIGENCE REVOLUTIONIZING THE LEGAL PROFESSION



Kelly Swartz is a partner at Widerman Malek in Melbourne, FL. She is board certified in intellectual property law and practices in the areas of intellectual property, including patents, trademarks, copyrights and trade secrets. In addition to protecting the intellectual property for individuals and businesses, Kelly has a taxation LLM and also advises them on the optimal tax treatment for each agreement, transaction, and planning opportunity that might affect them. She can be reached at [Kelly@USLegalTeam.com](mailto:Kelly@USLegalTeam.com).

In recent years, artificial intelligence (AI) technology has made significant strides across various industries, and the legal sector is no exception. With its capacity to process vast amounts of data, analyze complex legal issues, and streamline repetitive tasks, AI offers lawyers unparalleled support in their practice. Despite concerns over AI replacing human attorneys, this essay aims to demonstrate how AI technology is a valuable tool that can enhance legal services, improve efficiency, and promote justice. Embracing AI in the legal profession is not to be feared but to be celebrated for its potential to revolutionize the way legal services are delivered and increase access to justice.

## AI-Assisted Research and Case Analysis

One of the most time-consuming aspects of legal practice is conducting comprehensive research and analyzing relevant case law. Traditional legal research often involves manually sifting through

numerous documents and precedents, a process that can take days or even weeks. AI technology, however, can efficiently scan vast databases, identify relevant cases, and extract key information, significantly reducing the time spent on research.

Legal research platforms empowered by AI algorithms can comprehend natural language queries and generate accurate and contextually relevant results. By analyzing a broader range of cases and statutes, AI can provide lawyers with a more comprehensive understanding of legal issues, enabling them to build more compelling arguments and make better-informed decisions.

## Contract Review and Due Diligence

In the legal profession, contract review and due diligence are critical tasks that demand precision and attention to detail. AI-powered contract review tools can quickly parse through extensive contracts, identifying potential risks,

discrepancies, and non-compliance issues. This not only saves time but also minimizes the risk of human error in the process.

Moreover, AI technology can analyze patterns in past agreements, helping lawyers to draft more efficient contracts and predict possible future outcomes. Such capabilities reduce the likelihood of overlooked clauses and strengthen legal agreements, ultimately benefiting clients and increasing the overall efficiency of legal practice.

## Enhancing Decision-Making and Predictive Analytics

AI’s ability to process and analyze vast data sets extends beyond legal research and case analysis. Machine learning algorithms can predict case outcomes based on historical data, which assists lawyers in devising well-grounded litigation strategies. While AI should not replace human judgment, it can serve as a valuable tool to support lawyers’ decision-







making processes, increasing the likelihood of successful outcomes.

In addition, AI's predictive analytics can contribute to identifying patterns of bias and disparities within the legal system. By identifying potential inequities, AI can help reshape legal practices, leading to a more just and inclusive judicial system.

#### Improved Access to Justice

One of the most significant advantages of embracing AI technology in the legal profession is its potential to enhance access to justice. Legal services can be prohibitively expensive for many individuals, leading to a justice gap where vulnerable populations struggle to access adequate legal representation. AI-powered solutions, however, can significantly reduce the costs associated with legal services, making them more accessible to those with limited resources.

Automated document assembly, chatbots providing legal guidance, and virtual legal assistants are some of the AI applications that democratize legal services. By lowering the cost of legal

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representation and providing self-help tools, AI can empower individuals to address legal issues that they might otherwise have ignored due to financial constraints.

Furthermore, AI can help lawyers manage large caseloads more efficiently, allowing them to take on pro bono cases and contribute to their communities. This involvement not only fosters a sense of social responsibility but also bridges the justice gap by offering legal assistance to those who need it most.

#### Addressing Ethical and Privacy Concerns

As with any emerging technology, AI raises ethical concerns related to privacy and data security. However, these concerns are not unique to AI but are relevant to any technology handling sensitive information. Responsible implementation and regulation can address these issues effectively.

Ethical guidelines and privacy laws must be developed to govern the use of AI in the legal profession. By adhering to ethical principles and ensuring robust data protection measures, the legal community can harness the power of AI without compromising client confidentiality or individual rights.

#### Conclusion

In conclusion, artificial intelligence technology is a transformative force that has the potential to revolutionize the legal profession. AI's ability to streamline research, improve decision-making, enhance contract review, and increase access to justice makes it an invaluable tool for lawyers. Rather than fearing AI as a threat to human attorneys, it should be embraced as a powerful ally that complements legal practice.

The ethical and privacy concerns surrounding AI are valid but can

be addressed through responsible implementation and regulation. The legal community must embrace AI with a proactive and open mindset, leveraging its potential to enhance legal services, improve efficiency, and ultimately contribute to a fairer and more accessible judicial system. By embracing AI, lawyers can position themselves at the forefront of a technology-driven future, solidifying their role as advocates of justice and social progress.

#### Still Need More Convincing?

The entirety of the preceding essay was generated by ChatGPT in mere seconds. My sole contribution was to write this final paragraph and to type the prompt: "Write a 900 word essay on how artificial intelligence technology is useful for a lawyer and why the technology should be embraced and not feared." If any doubt remained about the value of embracing AI technology in the practice of law, the quality of the AI generated product and the tremendous time savings has fully convinced me of the usefulness of utilizing AI tools in my practice. **P**



# 5 LESSONS WE LEARNED IN OUR BUSINESS DEVELOPMENT EFFORTS



As a partner at Greenberg Glusker in Los Angeles, California, Kelly Raney counsels and defends employers and management in the full range of employment law issues at the state and federal levels. She represents and advises clients of all sizes, from start-ups and high-net-worth individuals to Fortune 500 companies on matters ranging from employment policies, practices and compliance, pre-litigation disputes and investigations, and all stages of litigation. Kelly has also litigated high stakes intellectual property and commercial contract disputes, which included authoring briefs and appearing at the federal appellate level. Kelly applies her high stakes litigation skills and degrees in economics and business to strategically advise and protect her clients' interests, with an understanding of her clients' priorities and goals. Recently recognized in the Los Angeles Times' Guide for Business of Law Visionaries for Labor & Employment, 2023, the Best Lawyers: Ones to Watch® in America, 2021-2024 and Southern California Super Lawyers Rising Stars, 2014, 2018, 2020-2023.

As a partner at Greenberg Glusker in Los Angeles, California, Elizabeth (Liz) Sbardellati puts her experience in intellectual property law to work for companies and individuals that need to protect their brands, trademarks, copyrights, and related intellectual property. Liz's practice focuses on branded consumer goods and includes performing clearance and due diligence in connection with trademarks and copyrights—including registration of the same, developing and executing strategies for brand enforcement, litigating and resolving disputes related to intellectual property infringement, and deal-making in connection with the monetization of her clients' brands through the acquisition, sale and licensing of intellectual property. She works with legal counsel throughout the world to develop strategies for ensuring global protection of her clients' brands and related intellectual property. She is a current Board Member for Beauty Bus Foundation, former Committee Member, Women of ACG, and a recipient of Southern California Super Lawyers Rising Stars, 2018 – 2023.



Business development and marketing often feels like a Sisyphean task. In many ways it is. It's certainly never complete and there's always more that can be done. But, regardless of the never-ending nature of the work, it's not futile and best viewed with a positive mindset. It is an opportunity to meet new people, to explore new strengths, and to identify (and improve) weaknesses. Importantly, it is also an opportunity to build a

trusted and lasting client base that helps create financial independence. Like most things, there is no one way to market and finding the "right way" for you is a matter of trial and error.

We each began our careers as general commercial litigators. We met when Kelly joined Greenberg Glusker in her fourth year of practice and we were both staffed on a grueling piece of litigation. Long days and late nights

working together led to a friendship that has long outlasted that now seemingly ancient litigation matter. As we both grew in our careers and began to specialize—Kelly in employment and Liz in intellectual property and branded consumer goods—we thought our days of working closely together on matters might be behind us. However, client needs have shown us that our specialties are highly complementary



and quite often interrelated.

While we have always enjoyed networking together, this realization helped us approach our marketing and business development efforts more intentionally. This is our story and the five most notable lessons we've learned along the way. And we're still learning! Practice makes progress and in the end that's the goal. If you'd like to compare notes, you know where to find us.



### Lesson One: Team Up.

Going to networking events alone can be daunting and, if we are honest, not very fun. I'm sure we have all walked into a room full of successful people having what appear to be easy conversations. It's intimidating to saddle up to a group of those people and sell yourself. It can be especially hard if it feels like those around you have more experience, more success, and more to offer (none of which is necessarily true! Imposter syndrome anyone?). Bringing a friend and colleague along makes it easier to walk up to a group, strike up a conversation, and praise each other's experience and expertise.



### Lesson Two: Do What You Love.

We do not like drinking whiskey. Particularly this year, where we are both pregnant with our second children. So, we are not going to be regular attendees at networking events centered around alcohol. We do love beauty products, pretty flowers, shopping, and fancy restaurants. We learned to focus on events that are in line with our interests.

To bring our referral sources together, we have co-hosted an instructor-led tea and succulent arranging class, a sound bath followed by pastries, and an event called "Fashion Your Network" where we invited clients and referral sources to come shop at 20+ pop-ups of women-led, founded or run consumer goods companies. We have attended a beauty expo convention and many lunches at luxury hotels. We are still learning which events have the most ROI for us, but we are now more confident in saying "No, thank you" to invitations that just don't interest us.

### Lesson Three: Be Social.

In law school, attorneys, professors, and school administrators love to tell you to network. But as 20-somethings with little to no career experience, we did not know what that involved. Once we started actually practicing law, we thought it meant occasionally taking a law school classmate to

lunch or attending a charitable dinner our firm sponsored. Many attorneys start off this way. Really, the lesson is that we all need to be a little social. We need to make the effort to remain in contact with college and law school classmates, our parents' circle of friends, and generally those in the communities where we spend our time. But it doesn't stop there. We need to be confident talking about ourselves and what we do with new people we meet (or talking about each other; see Lesson 1). And all relationships, old and new, require nurturing. It takes time to develop relationships and more still for another person to think of you when a matter arises that is in your wheelhouse. One lunch meeting almost never results in originating work. In fact, we have had decades-long friends tell us they hired a lawyer for something, and we ask, "What about me or my firm?" Turns out, they forgot about us. Developing the kind of relationship where the other person likes you, trusts you, and thinks of you when something arises can be a difficult and a long process. But it can be fun too—see Lesson 2!



### Lesson Four: Be Loud. Be Proud.

This is a lesson that we are still navigating. It does not help business development efforts to be shy about experience and accomplishments. It also doesn't help to talk about it in a way that seems pushy or too much like a sales pitch. That said, we have

a lot to be proud of and a lot of value to add for our clients (and potential clients). We are still learning not to be afraid to talk about ourselves, but our complementary specialties allow us to talk proudly about each other (see Lesson 1). And, as our books of business grow, our commitment to high quality legal services has had the added benefit of creating a client pool that touts our skills and services to would be clients.

### Lesson Five: Don't Give Up.

It can be frustrating to spend personal time on business development when it doesn't feel like we are seeing a return on investment. After all, most of us have things we'd rather be doing (but, see Lesson 2!). However, it will pay off if you are consistent with your efforts. We are not rainmaking savants by any stretch of the imagination, but we have seen

improvement by staying committed to our efforts and adjusting our strategy based on our experiences. With these lessons in mind, we are eager to keep the momentum going. **P**





# INVISIBLE WOMEN

## GENDER DIVERSITY IN ARBITRATION



Ms. Mani Gupta is a partner at Sarthak Advocates & Solicitors and heads the firm's litigation practice, as well as the firm's insolvency litigation practice. Prior to helming the Firm's dispute resolution practice, Mani was a corporate transactional lawyer. She is advising several clients in their corporate and commercial disputes before various courts, tribunals and in arbitrations. Mani has been extensively involved in advising clients in financial distress in managing their litigation, and in advising on the Corporate Debt Restructuring and Strategic Debt Restructuring process of the Reserve Bank of India. Mani also has an expertise in handling commercial arbitrations in construction contracts, and power and infrastructure projects. She is an alumnus of the National Law School of India University, Bangalore and had worked with Luthra & Luthra Law Offices, New Delhi before joining Sarthak. Her recent recognitions include a Notable Practitioner for Dispute Resolution by Asia law Leading Lawyers 2023; Top 100 women in Litigation by Benchmark Litigation Asia- Pacific's Top 100 Women in Litigation 2021 and 2020.

Ms. Sreemantini Mukherjee is an Associate at Sarthak Advocates & Solicitors. She is an alumnus of Department of Law, University of Calcutta and her areas of practice include commercial arbitration and insolvency.



The issue of under-representation of women in arbitration has been at the forefront of the international arbitration community for some time. Global calls to action such as Equal Representation in Arbitration Pledge hope to create the necessary momentum to improve gender diversity on arbitral tribunals. In India, the issue was most notably highlighted by the [current] Chief Justice of India during the Delhi Arbitration Week in February, 2023.

The barriers to the promotion and achievement of women in arbitration are common to many other professions and many other

areas of law. Broadly, these constitute limitations on the availability of sufficiently experienced women to act as arbitrators today (what have been called "leaks" in the pipeline of qualified arbitrators) and impediments to the appointment of already-experienced women arbitrators ("plugs" in that pipeline).

This scarcity is further accentuated by other factors that cumulatively results in lower visibility for women in law. These include: factors that limit the retention of women in law and their promotion to the top ranks of the profession; the impact of unconscious bias on women lawyers' careers; and

lack of flexible working arrangements. However, as one commentator notes, "arbitration demands more than just excellent technical skills; visibility in the field and the building of authority are essential and require considerable networking, travel, publications and participation in conferences and professional bodies (in addition to often long hours in the course of day-to-day billable work)." Therefore there are specific factors that act as a barrier to the selection of qualified women candidates as arbitrators. Such factors include, limited access to information about qualified women candidates. Further, gender diversity has not traditionally been a priority of individuals and institutions, which appoint arbitrators.

### International Trends and Figures

On September 20, 2022, the International Council for Commercial Arbitration ("ICCA") in Edinburgh released its Report on Gender Diversity in Arbitral Appointments and Proceedings (the "2022 Report"). This report was prepared by the Cross-Institutional Task Force on Gender Diversity in Arbitral Appointments and Proceedings, which took into account data provided by 14 arbitration organisations, including the London Court of International Arbitration ("LCIA"), the International Centre for Dispute Resolution ("ICDR"), and the International Court of Arbitration of the International Chamber of Commerce ("ICC").

The 2022 Report reported that :

- The proportion of women appointed as arbitrators nearly doubled between 2015 and 2021, from 12.6% to 26.1%.
- Between 2015 to 2020 at least a quarter of all appointments by arbitral institutions have been women, increasing from 24.9% in 2015 to 37.9% in 2021.
- For co-arbitrator

appointments the proportion of women appointed nearly tripled, from 10.1% in 2015 to 27.1% in 2021.

- Some arbitral institutions are more advanced than others when it comes to promoting and delivering on gender equality; in 2021, nearly half of all arbitrators appointed by the LCIA were women (47.4%), while 31.6% of arbitrators across the 449 arbitrations administered by the LCIA in 2021 were women.

### Selected Figures from India

The Indian arbitration scene is still divided into ad hoc and institutional arbitrations, with the latter slowly picking the slack. As per the [Indian] Arbitration and Conciliation Act, 1996 ("Act"), appointments for arbitrators are made by the High Courts of the respective states upon failure of parties to agree on a procedure or adhere to the agreed procedure. This is for domestic arbitration.

In order to understand how women fared as arbitrators in domestic arbitrations in India, a detailed study of orders under section 11 of the Act passed by High Court at Delhi, High Court at Madras and High Court at Calcutta for the year 2022 was carried out. The result is tabulated below:

S. No.	Name of the High Court	Total Appointment	Number of cases where women arbitrator was appointed	Percentage of women arbitrator
1.	High Court of Delhi	675	137	20.29%
2.	High Court at Madras	32	15	46.88%
3.	High Court at Calcutta	141	10	7.09%

Further, the High Court at Calcutta recently released a list of arbitrators which showed that out of a total of 167 arbitrators, there are only 17 women arbitrators.

Apart from the data that may be derived from the high courts, the only Indian institution that has reported such figures is the Mumbai Centre for International Arbitration. For the year 2022, it reported appointing 38% women arbitrators.

A comparison between the global averages and figures from India clearly indicates that Indian courts (being one of the important pillars in appointment of arbitrators) need to bring gender diversity to the appointments to a greater degree and much more needs to be done to shore up the participation of Indian women arbitrators even domestically.

To address this imbalance, it is crucial to implement proactive measures that foster equal opportunities and empower women to assume their rightful place in arbitration. The following measures can be adopted:

- Encouraging Mentorship and Networking:
  - Establishing mentorship programs and professional networks specifically tailored for women in arbitration can provide invaluable support and guidance. Seasoned female arbitrators can share their experiences, provide mentorship to aspiring women arbitrators, and help them navigate their career paths. Encouraging networking opportunities, both within women-focused groups and in broader arbitration forums, can foster connections, open doors, and create a supportive community. At this time, very few such opportunities exist and green shoots are visible in the efforts undertaken over the last couple of years by Arbitral





# WHAT IS THE DIFFERENCE BETWEEN EQUALITY AND EQUITY?



Nicole Quintana is a partner at Ogborn Mihm, LLP, in Denver, Colorado, where much of her practice focuses on plaintiffs' legal malpractice, business litigation, and catastrophic personal injury. She is an officer in her state plaintiff's bar, and she has taught law school courses on civil practice and advocacy at the University of Denver Sturm College of Law. Nicole has a particular passion for well-being and mental maintenance among lawyers and writes and speaks on the impact of stress and anxiety on the practice of law.

Women's YAWP division in India.

**b. Promoting Diversity Policies and Guidelines:**

Institutional arbitral bodies, law firms, and corporations along with other stakeholders involved in arbitrator appointments should adopt and promote clear diversity policies and guidelines. These policies can outline the commitment to diversity, set targets for women arbitrator appointments, and establish transparent selection processes. Proactive measures, such as the inclusion of diverse candidate lists and the use of diversity clauses in arbitration agreements, can ensure a fair representation of women arbitrators in appointments.

**c. Enhancing Education and Training:**

Efforts should be made to provide comprehensive education and training programs that equip women with the necessary skills and knowledge to excel as arbitrators. Offering specialized training workshops, seminars, and mentorship-driven initiatives can help bridge any gaps in experience or exposure. By investing in the professional development of women arbitrators, we can enhance their visibility and promote their expertise.

**d. Addressing Implicit Bias:**

Implicit bias, often unconsciously ingrained within individuals and institutions, can influence arbitrator selection processes. Raising awareness about these biases and promoting diversity and inclusion training for decision-makers can help mitigate their impact. Implementing blind or anonymized selection procedures, where candidate identities are concealed during the initial evaluation stages, can further ensure impartiality and fair assessment based solely on merit.

**e. Advocating Gender Parity in Panels:**

Efforts should be made to encourage gender parity in arbitral panels. Institutional appointing authorities can take an active role in promoting diversity by proactively suggesting diverse panels to parties involved in arbitration. Similarly, arbitration practitioners and stakeholders should emphasize the importance of diverse representation in panels, challenging the status quo and advocating for equal opportunities for women.

**f. Recognizing and Celebrating Women Arbitrators:**

Highlighting the achievements and contributions of women arbitrators is crucial in dispelling any preconceived notions and biases. Recognizing their expertise through awards, conferences, and publications not only promotes gender equality but also inspires future generations of women to pursue careers in arbitration. Such recognition platforms provide visibility and amplify the voices of women arbitrators, ensuring their representation becomes a norm rather than an exception.

Creating a more inclusive and diverse arbitration landscape requires concerted efforts from all stakeholders involved. By implementing these strategies and fostering equal opportunities for women arbitrators, we can break down barriers, challenge biases, and unlock the full potential of a diverse pool of talent. The path to achieving gender parity in arbitrator appointments may be challenging, but the benefits of a more inclusive and representative arbitration community are undeniable. **P**

**1. WHAT IS THE DIFFERENCE BETWEEN EQUALITY AND EQUITY?**

Equality refers to the concept of providing everyone the same resources or opportunities. Equity, on the other hand, refers to the concept of allocating to people those exact resources and opportunities they need to reach an equal outcome. Equity recognizes that people come from different backgrounds and circumstances; that people learn at different paces and in different ways; and that people may need different kinds of support along the way. This translates over to law firms in that we need to ensure we are developing, implementing, and enforcing policies that reflect and support equity. We also can't do this without learning and understanding more about those with whom we work, which in turn makes people feel heard and valued.

As an example, equality may suggest that as long as we're inviting two associates to serve on a firm committee that we've done our job in terms of giving them opportunities to advance in their careers. However, if those committee meetings are always set for 5:00 on Wednesdays and one of those associates is a parent with childcare duties, we are disadvantaging that individual.

**2. WHAT POLICIES AND PRACTICES CAN WE SHIFT TO CREATE MORE EQUITY IN OUR FIRMS?**

Equitable policies consider optimal times for meetings that allow for a greater breadth of participation by more people. Another example may be that we are giving those same two associates opportunities to take depositions; that seems equal and advantageous. But the associate with no children is provided the opportunity to take out-of-state expert depositions, while the associate who has parenting obligations is assigned to in-state lay witness depositions, without even asking if the latter associate is willing and able to travel. Our implicit biases (e.g. assumptions the parent cannot travel) can result in seemingly "equal treatment" that turns out to be inequitable. By considering the ways in which our resources and opportunities are doled out, we may find that we are unintentionally enforcing policies or practices that have inequitable consequences.

**2. WHAT POLICIES AND PRACTICES CAN WE SHIFT TO CREATE MORE EQUITY IN OUR FIRMS?**

- I think the answer to this depends on the firm, but here are some ideas.
  - Ensure Pay Equity: Firms can and should revisit salaries and pay scales frequently to ensure

they do not reflect inequitable practices. While we may think that, as lawyers, this can't possibly be an ongoing issue within law firms. Studies show female lawyers are still making anywhere between 9 percent (ABA study) and 26 percent (Bureau of Labor Statistics) less than their male counterparts. The gap for male and female partners is even more stark.

- Improve Onboarding Processes: consider implementing a two-part onboarding process that first addresses standardized training (on systems, procedures, etc.) and second delves into an individualized assessment of each employee's goals and the resources needed to achieve those goals. There is no one-size-fits-all for lawyers' or staff members career trajectory, so we should seek out input from each employee to assess how best to support them on whatever path it is that they choose. And then reassess along the way. Our goals change. Our perspective on what is working and what is not changes. We gain more competence and confidence along the way. So, resources and





opportunities need to change as well.

- **Provide New Parent Leave:** Make sure firm policies include parental leave, instead of “maternity leave,” and encourage all new parents to use it. Women naturally hit setbacks from taking maternity leave, even if those setbacks simply arise out of others’ perception the female employee is absent. By providing parental leave and encouraging all new parents to take it, the hope is to diminish any negative perception and maintain equal footing for all.
- **Give Credit for Non-Billable Activities:** Oftentimes, those most impacted by inequitable policies are those most likely to volunteer to participate on committees that will address those inequities (e.g. DEIB committees). Those who do not volunteer, then, are left to continue “billing as usual.” By giving credit for non-billable activities, we ensure that (1) those efforts are recognized and appreciated, (2) those activities are visibly encouraged by the firm, and (3) that no one is disadvantaged.
- **Conduct Anonymous Surveys:** We all have blindspots. Not all of us love conflict. So, to obtain honest feedback about what policies are doing good within the firm and those that are not, we need to seek out that feedback on a consistent basis and in a manner that

creates a safe space to provide candid responses. Sending out anonymous surveys with pointed questions can help firms gather intel on what needs to be fixed within the firm: what things are happening that make you feel excluded; who or what is causing these things to happen; is there a process that creates discomfort for you; what is it and why? If we don’t seek out honest feedback, we can’t make meaningful change.

- **Be Flexible About Holidays:** Not everyone celebrates Christmas, and yet most firms provide time off around the Christmas holiday. In recognition of different cultures and personal practices, consider allowing employees to choose the holidays they take off. In doing so, the firm shows that it respects employees’ individuality, and it creates more equity with regard to employees’ time off.
- **Be An Ally:** This is less about a policy than it is about personal practices. If you see firm behavior or policies that inequitably impact others, speak up.

### 3. HOW DO BILLABLE HOURS AND PAY EQUITY PLAY A ROLE IN CREATING A PRODUCTIVE WORK ENVIRONMENT FOR ALL EMPLOYEES?

People who feel valued and appreciated tend to stick around, so equitable policies can increase

loyalty and overall job satisfaction. In fact, studies show that inclusive leadership actually leads to fifty percent more productivity, ninety percent more innovation, 150 percent more engagement, and fifty-four percent less employee turnover. Employees may care less about the salary they are paid (so long as it is equal) if the firm offers other meaningful benefits and encourages participation in activities that reflect the whole person, instead of just a cog in the billable wheel.

### 4. WHAT ELSE CAN FIRMS DO TO IMPROVE POLICIES AND PRACTICES?

Most firms and firm leaders do not mean to enact inequitable policies and practices. Some policies or practices simply arise out of blindspots we don’t know exist. We need to take the time to understand what implicit biases are (unconscious attitudes and stereotypes that affect our actions and decisions for or against a particular person or group, either negatively or preferentially); what implicit biases we personally possess (“-isms” that creep into our own judgments, such as genderism, cronyism, ageism, etc.); and how to ensure policies don’t unintentionally reflect those implicit biases. Similarly, understanding other DEIB concepts, such as intersectionality (analytical framework for how a person’s social or political identity combine to create different modes of privilege and discrimination), microaggressions (everyday slights and comments that relate to various aspects of someone’s appearance or identity), inclusion (making people across various identities feel included and welcome), and belonging (acknowledging and respecting people’s individuality and making them feel accepted), help us to do better within our firms. Much of this boils down to caring about the people with whom we work and creating an environment in which everyone has the best opportunity to thrive. 

EQUALITY



EQUITY



DIVERSITY

INCLUSION

BELONGING

EQUITY

IDENTITY

TOLERANCE

ACCEPTANCE



# THE BUSINESS OF OUR BUSINESS



Daniella Sicoli-Zupo was called to the Bar of Ontario in 1995. Her practice consists of both residential and commercial real estate transactions; and she represents several builders for their freehold and condominium development. She is a lifetime resident of Ottawa and takes pride in helping the firm's clients complete their transaction, no matter how big or small.

## OVERVIEW

I am a partner at Mann Lawyers LLP, a Canadian full-service firm with offices in Ottawa and Perth, Ontario and Principal responsible for accounting to the Law Society of Ontario (LSO) for the articling program we run (a part of our overall associate development program). My responsibilities as Principal include the following:

- supporting the organic growth of our business wherever possible
- overseeing the development and training of our articling students, and
- promoting retention.

The programs which I support and oversee as Principal promote these objectives.

As a partner, practice Lead and practitioner, I have several other responsibilities in the firm, which must be balanced with my role as Principal. However, this is definitely one of my preferred roles as it involves getting to meet and know some of the promising new talent coming out of various law schools. It is also an opportunity to be a part of their development, which I believe is extremely important.

## CONCEPTS

The LSO is the lawyer elected body which regulates the administration and conduct of the practice of law in Ontario, free for the most part of interference or control from the government.

Articling refers to the typically 10-month training period that qualified graduates of a school of law are required to serve before they may be called to the Ontario Bar (become licensed). Students may apply for a qualified summer program after completing their second year of law school with hopes of confirming an articling position for the following year.

As Principal, I am certified by the LSO to ensure our articling students receive practical opportunities and training for their transition from law school to practice, which includes assisting them in passing qualifying examinations. I am required to affirm the content of our program to the LSO.

## STRUCTURE OF OUR PROGRAM

At the heart of our program is the belief that each of our lawyers, regardless of comparative seniority, has something to contribute to mentorship at the firm. All

lawyers take responsibility for the development of a collegial atmosphere, with an open-door policy towards providing assistance to one another and the students. Layered onto this is an expectation that our senior associates and partners, in assigning work and in their oversight, will provide substantive mentorship, enhancing the students' necessary skills and judgment to complete the mandate in the best interests of firm clients; what we refer to as the "business of the business".

To this we add a third layer involving the formation of confidential working relationships between our management team (the Director of Practice Development, Human Resources & IT Manager, and our Marketing & Office Manager) and every student and associate, in an effort to both inspire them and to provide for their goals.

Throughout these layers is a focus on assisting whenever and wherever we can in protecting the wellness and mental health of our team.

## Growing the business from within

In a mid-sized law firm such as ours, we believe it is a wise investment to manage growth organically to the greatest extent possible, subject to specific needs. In recruiting, it is

not my goal to compete directly with larger national or international firms. Rather, I prefer to focus on the ability to attract a candidate who although fully aware of what larger firms offer, prefers what we deliver.

So, I am candid with students about our objectives right from the start, during summer recruitment. I want to ensure that candidates understand the opportunities that finding a summer position with us presents: the opportunity to learn from a hands-on approach, with multiple layers of support; and the opportunity for growth within the firm which our program promises. We promise to look at every successful applicant as worthy, with our structured assistance, of taking the path to partnership: summer leading to articling, articling to an associate position, with an opportunity then to rise to senior associate and practice Lead, and opportunities for consideration for the partnership track throughout.

Partner relations are crucial to this objective. Our partners must not only unite but be seen to be united in our process, and to fully support the structure and objectives of our program. My responsibility is to do what I can to maintain a program that warrants such support. All of this relies on a relationship of respect and trust with and between my partners.

Our program also requires a direct

commitment from our management team, as well as support from the Leads of our practice groups. Indeed, from the individual associates as well.

## Developing and Training Students and New Lawyers

A large part of our students' development comes from the various layers of mentorship within our program. Added to that is continuing professional development, CPD, which is formally mandatory in Ontario, but also necessary to achieve success. Lawyers and paralegals are required to complete at least 12 CPD Hours every calendar year, which is made up of a combined amount of Professionalism content and Substantive Law content. Lawyers and paralegals must also complete one hour of equity, diversity and inclusion (EDI) training assuming an initial foundation of 3 EDI Hours. Such training must be certified as acceptable by the LSO and is largely external. Each associate is provided with a budget to assist in achieving these requirements, which they can do individually or in pooling groups. As Principal, I ensure that the various programs are also made available to our students and encourage them to participate in as many as possible.

I also believe that it is important to supplement CPD training, and to ensure a commitment by our lawyers to EDI, by providing internal programs. I rely on our management team for

the development and presentation of these programs, and by inviting guests to come and teach us. Again, part of my responsibility is to ensure attendance at these programs from top to bottom. We do this by encouraging our partners and practice Leads to commit time to this training, and by requiring them to lead by example, a style of leadership which I know to be invaluable.

In my own efforts to lead by example, I adopt the following suggested practices:

- following through on promises (this shows my commitment to the team and builds trust)
- coming to work with energy (I am known for my positive attitude, which in turn can boost team morale)
- working alongside the team (so the team feels supported and allows me to know and assist them better)
- following the rules (rules can be used to assist with structure and consistency, and should be applicable to all members of the team)
- trusting the team (I know the skills individuals bring to the team and give them the opportunity to use and show their skills)





- completing the CPD and EDI requirements (again everyone is committed to attend and participate in this training)
- listening to others, (it is often more important to hear than be heard) and
- watching what I do and say (being mindful of how my words or actions can be interpreted by the team)

(<https://www.indeed.com/career-advice/career-development/lead-by-example>)

#### Retention

In the end, retention of talent is what drives a significant part of what I do as Principal. It is also the bane of most legal offices. I feel that our openness regarding the focus on growth from within and the opportunities that presents, and the emphasis placed on both external and internal training for our students and associates are important factors in the retention of such talent.

In addition, there are multiple layers of mentorship provided by me as Principal, fellow lawyers, and equally important by the management team. This allows associates the opportunity to grow in a safe and supported environment.

Five tips I endorse because of their similarity to what our development program delivers are: create an engaging culture, give back through the practice of law, support and mentor, be open to alternative practice or career paths within the firm, and let associates be people not just lawyers. (<https://www.plainscapital.com/blog/5-methods-for-retaining-young-lawyers-at-your-firm/>) And a sixth that I would add is to maintain a caring eye on mental health and wellness.

#### What it Means to Me

I have been practicing law since 1995, and I recall how daunting and scary it was in my own early career. I was fortunate, though, to have been influenced by several people along the way: the articling mentor who

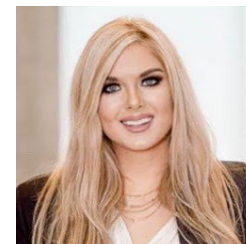
not only provided guidance in the practice of law but showed me that excellent client service was equally important; a fellow junior lawyer in the first firm I worked for, who gave me an appreciation for different points of view, as we discussed our respective files; a more senior colleague who provided support and trust as I transitioned into a new area of practice. These experiences and relationships helped shape the lawyer and person I am today and are why I feel it is important to do the same for other new lawyers.

The business of law can be challenging and involve a lot of work. However, working with a close-knit team that shares the same values and goals makes it considerably more enjoyable. Investing time into the development of students and new associates is beneficial to the long-term growth of a firm; however, being able to assist them as they start their career is most rewarding. **P**

# EMPATHY AS AN EDGE

## STONE COLD ADVOCACY

### WITH SOFT SKILLS



Sara Vanderford-West is a partner with Donato Brown Pool & Moehlmann and practices civil litigation, liability defense, and subrogation. Sara represents business organizations with respect to catastrophic injuries, risk analysis, construction defect litigation, products liability, and contractual disputes. Her practice is a fresh, forward-thinking, and multidimensional approach that aligns with obtaining the most favorable outcome for her clients.

In the competitive world of law practice, one might wonder how soft skills, such as empathy, attention to detail, and authenticity can have any impact. As lawyers, it is natural for us to become desensitized by the pressure for perfection. The more stressed we feel with all the changing aspects of a case along with all the ancillary matters confronting us hinders our ability to see the bigger picture. We all want to get something out of our work lives beyond getting tired. Embracing soft skills in law practice just might result in a better vision and purpose. And, with vision and purpose comes opportunity: an opportunity to not only enrich our professional lives but also redefine the landscape of possibility within today's business space.

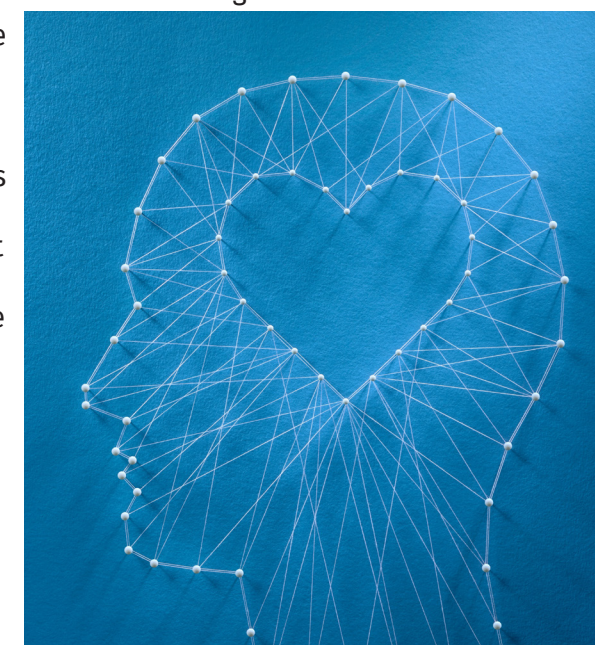
#### **EMPATHY: UNLEASHING THE POWER OF CONNECTION**

At a recent professional development workshop, a theme developed: to be the best advocates, we need to be expert evaluators. To evaluate anything, much less legal matters, empathy proves critical. Empathy is the capacity to understand or feel what another person is experiencing

from within their frame of reference. Essentially, it is the capacity to put yourself in another's position. According to a recent study conducted by the Pew Research Center, women are more likely than men to feel empathy. It is the bridge that connects us with our clients on a meaningful level, unlocking a deeper understanding of their struggles, fears, and aspirations. I have heard many successful female lawyers often joke about feeling more like a therapist than a lawyer. I am of the opinion this is a result of honing and incorporating the use of empathy in their daily law practice. When you have empathy, people want to be open with you because they feel more understood. With understanding comes connection and trust. Employing empathy as part of your approach to law practice often reveals the emotional underpinnings of your clients' legal battles, dictates the best approach to resolving an employee issue, and generates awareness of the source of another's actions, be it an employee, a client, or the opposing side. This knowledge, in turn, enables us to effectively handle the various situations constantly coming our way

with both sincere compassion and enhanced legal acumen.

Many people will tell you the ability to read people and know your audience is a large part of being a lawyer. Empathetic connection also allows us to gather a better read on other people. Incorporating empathy when communicating with people, whether clients, colleagues, employees, or even opponents, presents alternate perspectives which foster your personal and professional growth. The ability to acknowledge another's perspective and the unique reasons associated with it sharpens the art of understanding both sides of an





argument. Such a skill is undeniably important in law practice: the more you understand the opposing argument, the better you can argue against it.

Empathy also boosts collaboration with colleagues, opponents, and business partners. Empathetic leaders build cohesive teams, where each member feels valued, leading to increased productivity and innovation. When our professional environment fosters respect and understanding, we create a safe space for open communication, allowing others to feel heard. In a world craving more compassion, empathy sets female lawyers apart as true advocates for change and progress.

#### LITTLE THINGS: THE DEVIL IS IN THE DETAILS

While empathy indeed facilitates a “big picture” view, details will always be important. Self-awareness is needed to avoid getting lost in the weeds, but in complex legal matters, attention to detail guides us towards success. Decades of research and studies have provided compelling evidence supporting the notion that male and female brains exhibit distinct structural characteristics. These variations in brain structure contribute significantly to shaping thinking patterns, values, and communication styles. It is important to clarify that this does not imply one gender’s intellectual superiority over the other. Numerous studies have demonstrated that men and women perform equally well in intellectual tasks, however, how they achieve these comparable outcomes through

diverse cognitive pathways. Women are naturally adept at picking up on the little things. Some details matter, some do not. Regardless, it demonstrates dedication to our clients and their legal issues. It reassures them that their matters are in capable hands, and no crucial element will go unnoticed. Beyond the immediate impact on legal outcomes, it also instills a sense of confidence and reliability in our professional abilities.

In a society filled with instant gratification and distraction, the ability to focus on nuanced intricacies can set you apart as a lawyer who can navigate complex legal territories with precision, competence, and determination. It can help you generate creative strategies with outside the box thinking. Picking up on what some may call “minutia,” can be the thing that sets you apart.

#### AUTHENTICITY: BEING TRUE TO OURSELVES AND OUR CLIENTS

When I first became a lawyer, I remember wondering if I was too empathetic and compassionate. I quickly realized putting on a fake personality to do my job was not the answer. I only began to love what I do when I could be myself doing it. In a realm often marred by superficiality and theatrical tactics, being genuinely yourself stands out. Not everyone is going to love you, and that is OK. Authenticity means showing up as our true selves, embracing our values and principles, and not succumbing to the pressure of conformity. As female lawyers, authenticity is a force. It allows us to connect with clients

on a human level, transcending the traditional client-lawyer relationship. When we share our experiences, vulnerabilities, recommendations, and stories, clients feel less alone, understanding that their lawyer is not just a legal expert but also a thinking, feeling human being.

Beyond our individual impact, authenticity also fuels the drive for diversity and inclusion in the legal profession. By unapologetically embracing our identity, our opinions, and where we stand, we inspire others to do the same, paving the way for a more inclusive and representative legal community.

Empathy and authenticity are not merely soft skills; they are the heart of our success as female lawyers in today’s business world. These attributes allow us to forge genuine connections with clients, navigate complex legal terrains with precision, and uphold the highest standards of professionalism. As we lean into our compassionate edge, we not only transform our careers but also redefine the evolving modern business landscape, infusing it with empathy, integrity, and a sense of purpose. Let us stand together as female lawyers, equipped with the power of soft skills, to shape a brighter, more compassionate, and prosperous future for all. 







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