

THE WOMEN'S ADVOCATE

A CATALYST FOR 2007

Women and the Law Section Newsletter
www.txwomenlawsection.org

February 2008

Vol. 30, No. 1



2007-2008 WAL OFFICERS AND COUNCIL

CHAIR

Tonya Carter
925 South Mason Road, #347
Katy, TX 77450
Office: (281) 238-6808

CHAIR-ELECT

Teri Danish
1201 E. Van Buren
Brownsville, TX 78522-2155
Office: (956) 542-7441

VICE-CHAIR

Carol Jendrzey
112 E. Pecan, Suite 1800
San Antonio, TX 78205
Office: (210) 554-5558

SECRETARY

Chantel Crews
201 E. Main Street, Ste 1100
El Paso, Texas 79901
Office: (915) 533-2493

TREASURER

Ralph H. Brock
P.O. Box 959
Lubbock, Texas 79408-0959

CHRONOLOGIST

Alison McCall
5750 Northwest Parkway Ste 100
San Antonio, TX 78249
Office: (210) 699-2407

NEWSLETTER EDITOR

Nicole Gonzalez
174 Palo Alto
Brownsville, TX 78520
Office: (956) 459-0870

IMMEDIATE PAST CHAIR

Carmen Samaniego
14855 Blanco Road #306
San Antonio, TX 78216
Office: (210) 733-3353

EMERITUS VOTING MEMBER

Louise B. Raggio, Dallas

COUNCIL TERMS EXPIRING 2008

Andrea Johnson
Hon. Deanie King
Shannon Dacus
Mara Asya Blatt

COUNCIL TERMS EXPIRING 2009

Patricia Blackshear
Melissa Dorman
Ronnie Harrison
Hon. Carolyn Moore
Hon. Judy Ney



CHAIR'S CORNER

By Tonya D. Carter, Esq.

Let's make this year a year to celebrate women...
CAREER-WOMEN!

Women have come a long way in our profession, but not without blood, sweat, tears, and of course much humor. Take for example Justice Ruth Ginsburg of the U.S. Supreme Court, she is one of the most powerful woman lawyers in this country; yet, she too had to start off at humble beginnings. In an article written by Debra Bruno for the *Legal Times*, the author describes Justice Ginsburg's not so glamorous beginnings and what it was like for women in the legal profession when her (Ginsburg's) career first began. Justice Ginsburg's law career began in 1956 when she was accepted to Harvard Law School. Her husband was already a second year law student. While in school, Ginsburg crossed paths with a Law School Dean who commented "How could they have taken a spot that could have gone to a man?" Ginsburg's reaction to the Dean's comment were mumbled words about her husband being in the second year class and that it was important for her to understand her husband's career. The author noted that Justice Ginsburg laughed as she reflected on early law school memories. In the article Ginsburg further recited that back in the 1950s, Harvard Law offered a class titled "*Women's Education: Kitchen or Career.*" The consensus during that time, according to Justice Ginsburg, was that "modern day" women of the 1950s viewed, and voiced their opinion, that the basis for healthy womanhood was staying at home, bearing children, and not getting too much education. *OUCH!*

In today's society, women have formed their own pathways to great success and accomplishments without being in the shadows of the male counterpart...we may even see our first woman president within the next year. **WOW!** We have come a long way **BABY!!** But now, there has been much buzz lately about whether "us women" of today can balance a career life as well as family, without sacrificing one for the other. Take for example myself, I have two elementary school age children as well as my legal career. My children have always known me to work, run the household duties, carpool them to school and their athletic events, etc. As for my professional life, I was employed by two other law firms for about six years prior to branching out on my own. I have been practicing law for nearly ten years now and reflecting back on almost ten years of being a "career woman," I have never missed a work deadline or school function. Between my home life and professional life, I stayed pretty busy. With my hectic schedule, sometimes I did wonder "What am I doing

all of this for?” However, the real question is, *Do I think I sacrificed my home life for the office? Or even the office for home life?* Not at all. You see I think being a mom made me a better lawyer, and being a lawyer made me a better mom. For example, I can remember those nights that I had to stay up late to nurse a sick child, which taught me more patience and agility when having to stay late and complete work assignments. It may sound hokey, but it is the truth. I found juggling work assignments and juggling a family go hand-in-hand. Being a mom also made me realize how family can be affected by even the most intricate decisions made. I kept that in mind when counseling clients on making their own decisions about a case. For the most part, I feel that I kept a good balance between raising very healthy and happy kids, while running a thriving practice. Keeping a good balance between your family and career is the key to keeping your sanity, as well as keeping up with your kids and work assignments. When I chose to close my practice recently, I felt that I had accomplished what I had set out to do professionally and was able to walk away (from my practice) with absolutely no regrets. So to answer the question which was posed previously...I did not sacrifice home life for the office, nor the office for home life. I *chose* to balance both for nearly ten years with much success, and now I have chosen to spend more time with my family. And I have to admit, I am loving it!

So with all that said, I am making a point to celebrate me, and my legal cohorts, on being a lawyer, wife, mother, mother-to-be, grandmother, daughter, granddaughter, aunt, niece, soccer-mom, doctor-mom, career-mom, and everything else-mom.... Here's to YOU and ME, as we celebrate this year and many milestone years to come. CHEERS!

WAL'S TRAVELING CLE PROGRAM

“Top Five Things a Women Needs to Know About Healthcare,” offers great insight about important legal issues impacting women’s health, in today’s society. The program is currently approved for 1.5 CLE credits. If you are interested in presenting the program in your locale please contact Tonya Carter at tdcarter_attorneyatlaw@hotmail.com.



"TOP 5 THINGS A WOMAN NEEDS TO KNOW"

by Carolyn F. Moore

On September 7, 2007, fifty-one lawyers, doctors, nurses, paralegals and administrators attended a program at Texas Tech University Health Sciences Center (TTUHSC) in Lubbock.

The continuing legal education seminar, titled *Top 5 Things a Woman Needs to Know about Healthcare*, was sponsored by the Women and the Law Section of the State Bar of Texas and the Lubbock County Women Lawyers Association.

Dannie Botros, president of the Lubbock County Women Lawyers Association, spoke briefly about the Women and the Law Section and introduced Lois Wishkaemper, Senior Vice President and General Counsel of University Medical Center, as moderator. Dana Garay, RN and J.D., TTUHSC's Associate General Counsel; Cynthia Jumper, M.D., Professor and Interim Chair of TTUHSC's Department of Internal Medicine, and Kellie Flood-Shaffer, M.D., Associate Professor and Associate Chair of TTUHSC's Department of Obstetrics and Gynecology served as panelists.

Dr. Flood-Shaffer talked about issues surrounding cervical cancer and decisions concerning whether young girls should be vaccinated against human papillomavirus (HPV). In response to a question, she said that the Health Department of the City of Lubbock is dispensing the vaccine, which is given in three doses. She commented that the vaccine to prevent cervical cancer is also being given to young girls by many obstetricians and gynecologists. Dr. Jumper observed that pediatricians are the ones who really need to be talking to parents of young girls about the vaccine, reminding the audience that Lubbock has a very high rate of teen-age pregnancy and sexually transmitted diseases in young people.

Dr. Jumper reminded the audience that heart disease is the number one cause of death for women. Nevertheless, she explained that more and more women are being diagnosed with lung cancer, stating that some are young women. She said that it usually takes fifteen years of non-smoking to rid the body of susceptibility to lung disease but explained that many women with lung cancer have never smoked. She said those women have usually lived with people who smoked.

Both Drs. Jumper and Flood-Shaffer said that they struggle daily with insurance companies who deny coverage to patients. Dr. Jumper explained that once she can talk with a health care provider at the insurance company she can often convince the provider that the treatment and/or medicine is medically necessary. Dr. Flood-Shaffer said doctors must also keep up with all the rules and regulations concerning treatment of minors, commenting that Medicaid currently allows more leeway to minors than it did previously.

Dr. Jumper, as well as Lois Wishkaemper, both advised people to sign end of life directives or to at least tell their loved ones what they want done when they are critically ill with little or no chance of survival with any type of quality of life. Dr. Jumper said that when people do not sign the directives or tell all their relatives what they want, the relatives usually end up fighting each other about what to do when death is inevitable.

On another topic, Dr. Flood-Shaffer said that many women choose to use herbal treatments, which is certainly their right. She said that doctors often cannot really say whether the treatments are helpful because clinical studies have not been performed with the herbal treatments. In the case of St. John's Wort, though, which was widely popular for a time, the herb was found in many cases to interact negatively with prescribed medications.

Looking to the future, Dana Garay said that when the mapping of individual human genomes becomes commonly available, she fears people will have a difficult time getting health insurance coverage for any diseases that the technology predicts they will develop. She said that insurance companies are apt to say that such diseases were pre-existing and not cover any treatment, even preventative, for the diseases.

[Lubbock Law Notes, Vol. 21, No. 10, October 2007, reprinted with permission]

EXCERPTS FROM THE STATE BAR OF TEXAS EXECUTIVE DIRECTOR'S REPORT

In January, the SBOT's Executive Director published its report. We thought you would find these excerpts of particular interest.

And the Envelope Please—The State Bar has announced the winners of its YouTube video contest, “Lone Star Stories: Texans on Justice.” The winner of the \$2,500 award in the age 18 and older category is Natalie Jordan of Dallas for her video, “Texans on Justice.” As the result of a tie in the judging, two \$2,500 scholarships will be presented in the under 18 category. Brothers Raphael and Alexandre Chaumette of Sugar Land won for their video, “The Promise of Justice for All.” Huey Fischer of Rockport also won in the under 18 category for “The Murder of Ima Bacon: A Tale of Justice in Texas.” The entries were judged by Texas Supreme Court Chief Justice Wallace Jefferson, ESPN Legal Analyst Roger Cossack, Apprentice contestant Amanda Hill, Texas Music Office Director Casey Monahan, and Rich Parsons, press secretary to Lt. Gov. David Dewhurst. To watch the winning videos, go to www.texasbar.com/texansonjustice. Board members, please make plans to stay at the board meeting in Grapevine on Friday night for a special awards presentation.

Judicial Poll — Ballots are being mailed today for the State Bar Judicial Poll. The election is being handled by the same company that conducted the State Bar and TYLA elections last year. The ballots for the judicial poll will have a voter authorization number (VAN) printed on them so that attorneys can vote either online or via paper ballot. The poll closes on Feb. 22 at 5 p.m.

Support for ATJ Internship Program —The Texas Legal Protection Plan has donated \$50,000 to the State Bar that will be used to support the Access to Justice Internship Program. The funds will provide stipends for summer interns from all nine Texas law schools to work in legal aid offices in areas where there are no law schools. A check will be presented at the board meeting in Grapevine.

Technology Delivered — In December, the ATJ Commission Technology Committee completed delivery of 305 computers, 59 printers, 22 scanners, and software to 37 legal services programs in Texas thanks to a one-time bulk purchase with funds from the Texas Access to Justice Foundation.

LRE Receives New Grant —The State Bar Law-Related Education Department is the recipient of a Play by the Rules mini-grant for 2007–2008. During the pilot year of the program, LRE will target the seventh-grade populations of at least two school districts. The innovative program is based on a 72-page, question-and-answer student book and teacher guide that addresses more than 200 laws. The booklet will be adapted for Texas and then proofed by representatives of a Texas law school.

New Exhibit at Texas Law Center—“Lawyers at the Alamo,” currently on exhibit on the first floor of the Texas Law Center, is sponsored by the State Bar History and Preservation Committee, the Texas Bar Historical Foundation, and the Texas General Land Office. The exhibit, which will be on display through March, is dedicated to the memory of Gov. Bill Daniel because of his frequently voiced desire to see the Alamo lawyers honored. The display cases in the James R. Dougherty Pavilion will feature images and biographical material related to other lawyers who were active in the cause of Texas independence. The State Bar Archives Department worked closely with Robert N. Jones, vice chair of the History and Preservation Committee and special projects counsel to the General Land Office, to mount the exhibit at the 2007 State Bar Annual Meeting in San Antonio. The exhibit was so popular with lawyer attendees that the Gov. Bill and Vara Daniel Center for Legal History decided to display it in Austin throughout Texas History Month.

Hughes, Toobin Among Annual Meeting Speakers — The 2008 State Bar Annual Meeting will take place June 26-27 in Houston. At the Bar Leaders Recognition Luncheon, the keynote speaker will be former White House Counselor and U.S. Under Secretary for Public Diplomacy and Public Affairs Karen Hughes. At the Bench Bar Breakfast, the keynote speaker will be Jeffrey Toobin, staff writer at The New Yorker, CNN legal analyst, and author of *The Nine: Inside the Secret World of the Supreme Court*. Following Friday's General Session, where Harper Estes will be sworn in as State Bar president, Roger Cossack will moderate a Litigation Section debate on immigration featuring Mark Krikorian (Center for Immigration Studies), David A. Martin (University of Virginia School of Law), and Cecilia Munoz (National Council of La Raza). Other featured speakers include Marty Kaplan (“How Television Influences Jurors”), David Frederick (“The Art of Oral Advocacy”), and the mayors of Houston, Dallas, and San Antonio (“The Future of Texas Cities”). Online registration begins Feb. 19. For law firm sponsorship opportunities, contact Holly Wilkerson at (512)427-1514.

SARAH T. HUGHES AND MA'AT JUSTICE AWARDS NOMINATIONS SOUGHT

The Women and the Law Section are seeking nominations for the Sarah T. Hughes Award and the Ma'at Justice Award.

In 1992, the Women and the Law Section established the Sarah T. Hughes Award to honor the accomplishments of women whose outstanding achievements as attorneys have helped pave the way to success for other women lawyers. The award criteria honors a woman attorney who has achieved professional excellence and has: 1) Influenced other women to pursue legal careers; 2) Opened a door for women lawyers in a variety of job settings that historically were closed to women; 3) Advanced opportunities for women within a practice area or segment of the profession; or 4) Otherwise served her profession and community in a manner which has benefited the legal profession.

In 1995, the Women and the Law Section established the Ma'at Justice Award to recognize and celebrate a female attorney or an association of attorneys who have contributed to the furtherance of justice in our society. Ma'at the Egyptian goddess of justice, symbolizes truth, order, righteousness, and the emergence of order out of chaos. Nominations for the award should discuss how the nominated individual or association actively addressed the needs and issues that affect women in either the legal profession or in the community.

Nominations must be received by March 21, 2008. The awards will be presented during the Section's annual meeting in Houston in June 2008.

Nominations should include no more than five typewritten pages and should be mailed to: Sarah T. Hughes Award or Ma'at Justice Award, c/o Kathy Casarez, State Bar of Texas, P. O. Box 12487, Austin, Texas 78711. For further information contact Tonya Carter at tdcarter_attorneyatlaw@hotmail.com.

IN THE KNOW....

- **SAVE THE DATE:** State Bar of Texas 2008 Annual meeting is June 26-28, 2008, in Houston, Texas. We hope to see you at WAL's annual meeting. Come by and check out our WAL Section Book Sale.
- Congratulations to U.S. Magistrate Judge Judith K. Guthrie who was honored at our Annual Meeting with the Sarah T. Hughes Award, which honors the accomplishments of women who have achieved outstanding recognition in their professional area and who, by doing so, paved the way for success for other women attorneys.
- Congratulations to Ileta Sumner who was honored at our Annual Meeting with the Ma'at Justice Award. The award recognizes and celebrates an individual attorney or an association of attorneys who have contributed to the furtherance of justice in our society.
- Has your membership expired? Would you like to recommend membership to a colleague? Full Membership is \$20 for one year (if you have been licensed less than one year, your first year is free) and a Student Membership is \$5. Membership year is June 1st to May 31st. You can download an application from our website www.txwomenlawsection.org.
- Want to know more about Women and the Law issues? Check out the following law journals sponsored by the University of Texas School of Law (www.utexas.edu/law/journals/tjwl) and the William and Mary School of Law (www.wm.edu/law/publications/jwal).

NOMINATIONS FOR SECTION REPRESENTATIVES TO THE BOARD

Nominations are now being accepted to fill two upcoming vacancies on the Section Representatives to the Board Committee. An opening for one large-size section representative and one medium-size section representative will be filled. The Section Representatives to the Board Committee is comprised of six section members: three members from large sections (over 2,000 members); two from medium size sections (501-2,000 members) and one member from a small section (under 500 members). These members serve a three year staggered term. The requirements to serve on this committee are as follows:

5.08.01 Section Representatives to the Board Committee.

- A. To be eligible to serve as a member of the Section Representative to the Board Committee, a person must:
1. be a member of the Bar;
 2. be a member of at least one section of the Bar; and
 3. not be serving as a member or liaison to the Board.

As outlined in SBOT Board Policy §5.08.01, Section E; the expenses incurred by committee members in the conduct of their official business shall not be reimbursed by the State Bar. Reasonable expenses in accordance with State Bar policies will be reimbursed by the sections, with sixty percent of the expenses to be reimbursed in equal shares by sections with more than 2,000 members, and forty percent to be reimbursed in equal shares by sections having 501-2,000 members. Small sections are exempt from this contribution. Committee members appointed to serve on SBOT board-related committees are reimbursed by the Bar.

If you are interested in nominating someone to serve on the Section Representatives to the Board Committee please complete the form found on the last page of this newsletter and return to kcasarez@texasbar.com or by fax to 512/427-4105 by Monday, March 3, 2008 by 5:00 p.m. CST. The nominations will then be submitted to the Nominations Committee which is comprised of Randy Roach and Bert Jennings.

Feel free to also contact them if you have any questions. Voting will take place at the April 11, 2008 Council of Chairs meeting in Austin.

SECTION REPRESENTATIVE TO THE BOARD COMMITTEE NOMINATIONS FORM

(DEADLINE - MARCH 3, 2008)

Name of candidate: _____

Name of section and number of years with that section: _____

Positions held with that section: _____

Contributions to that section: _____

Please complete and return by 5:00 p.m. (CST) Monday, March 3, 2008 by fax to Kathy Casarez at 512/427-4105 or by email to kcasarez@texasbar.com.

STATE BAR OF TEXAS
P.O. Box 12487
Austin, Texas 78711-2487

NON PROFIT ORGANIZATION

U.S. POSTAGE
PAID
PERMIT NO. 1804
AUSTIN, TEXAS