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*Fall/Winter 2018*



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–Manohla Dargis, film critic with *The New York Times*



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Chapter: Okaloosa FAWL

Favorite Quote: "If it doesn't challenge you, it won't change you." –Fred DeVito



### EXECUTIVE DIRECTOR

Kevin Hudson

Favorite Quote: "I believe every human mind feels pleasure in doing good to another." –Thomas Jefferson

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FALL/WINTER 2018

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## OUR MISSION

To actively promote gender equality and the leadership roles of FAWL's members in the legal profession, judiciary, and community at large.

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Down the Door!



## PRESIDENT'S MESSAGE

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**Jennifer Shoaf Richardson**  
*FAWL President, 2018-2019*

**T**his year we ask you to #encouragecourage in yourself and others. This could mean taking the next step in your professional life, whether that is starting your own firm, seeking partnership, angling for a spot in the C-Suite, or applying for Florida Supreme Court Justice. It could also — and should also — mean giving other professional women in your life a nudge to do the same. We cannot have what we do not seek.

I write this message in early October. As I write, I do not know the outcome of the Supreme Court hearings, the midterm elections, the parental leave petition, or the Florida Supreme Court appointment process, but I know I have seen so many of you exhibiting courage and leadership in each of these arenas. Many of you have courageously shared your #MeToo or #WhyIDidntReport experiences, blowing open a door for others to understand how widespread these issues are. I am wholly inspired by our members who ran for some of the highest political offices in our state, and cannot wait to celebrate the victors during Lobby Days in March. I am so very appreciative of the women who shared their experiences relating to denial of continuances or fierce opposition when they needed continuances for trial due to parental leave. These women are making Florida a better place for parents to practice law and supporting the client's right to choice of counsel. Finally, I have such a deep respect for the women who have applied for Florida Supreme Court appointments, the members who have supported their applications, and all of those involved in the process, from the Judicial Nominating Commission to the General Counsel's office. The vibrant response to the call for applications and education on this issue has made it clear that our membership values diversity on Florida's highest court.

Courage has to start somewhere, and it probably should not start with an application to the Supreme Court. I encourage each of you to give of your time, talents, and treasure by applying to serve on a Florida Bar Committee. In doing so, you will ensure that the voices of women are heard in grievance proceedings, the adoption of rules, and programming for our self-governing Bar. FAWL's Membership Advancement and Promotion Committee is here to provide informed support for your applications with the support of your chapter.

Thank you for your dedication to the promotion and advancement of women in the legal profession, the judiciary, and the community at large. We could not be so active in so many critical areas without the tireless work of our Board and chapters, which have taken our theme to heart this year.

## FAWL PAST PRESIDENTS – 67 YEARS OF POWER

---

|         |                                   |         |                                   |         |                               |
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| 1951-52 | Anna Brenner Meyers               | 1972-74 | Claire K. Cates Luten             | 1997-98 | Jennifer R. Coberly           |
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| 1958-59 | Judge Mildred S. Akerman          | 1983-84 | Marjorie Bekaert Thomas           | 2004-05 | Magistrate Deborah Magid      |
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Practicing law as a woman can often feel like being on a battlefield. A land mine might explode at any time. In our pursuit of “work-life balance” we tread carefully in court when we are expecting a baby and need a continuance. We hide from the enemy in bathroom stalls or closets to breastfeed or pump. We take cover from the calls to apply for Bar appointments or judicial positions. Sometimes we even think it is not worth trying ... so why disrupt our peace?

“Determine never to be idle. No person will have occasion to complain of the want of time, who never loses any. It is wonderful how much may be done, if we are always doing.” –Thomas Jefferson

The time for change is now. If not you, then who? There is no time to waste. We must declare war against gender bias. Operation Gender Equality is our new mission. This *FAWL Journal* issue offers you details regarding specific actions presently used to combat gender bias. It will provide you with tools you can use to win this war. You will also discover some of the weapons you need to empower, improve, and outperform yourself. It is a reminder of where we started, 120 years ago, when the first woman became a lawyer in Florida. It will also serve as a guide as to where we need to go. Let’s keep the momentum going!

I am honored to serve as your 2018-2019 *FAWL Journal* director alongside a highly determined and dedicated group of women leaders. Among those is our steadfast FAWL president, Jennifer Shoaf Richardson. Thank you, Jenny, for believing in me and encouraging me to take on the privilege of working on this journal. I truly appreciate the outstanding Journal Committee members and everyone who contributed to this edition. It is my sincere hope that this issue becomes an integral part of your arsenal toward the fight for gender equality.



Ingrid Suarez Osborn  
FAWL Journal Editor



## Leading the Way

McGlinchey Stafford and our Florida attorneys are proud to support the Florida Association for Women Lawyers and its mission to actively promote gender equality and the leadership roles of its members in the legal profession, judiciary, and community at large.



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# Seminole County now has a new FAWL chapter!



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***Join SFAWL now!***

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# Paving the Way for Us All 120 Years Ago

*Louise Rebecca Pinnell, Florida's First Female Lawyer*

by Wendy S. Loquasto & Jeri Delgado



At one time, our cherished and noble profession was one exclusively held by men. Now we are at a time when women are graduating from law school at the same rate as men. We have come so far in breaking down barriers. But that does not mean gender disparity does not continue to exist in our profession. Now more than ever, it is important to acknowledge and recognize those who first entered the profession and paved the way for women lawyers today, such as Louise Rebecca Pinnell, Florida's first female lawyer. Without the groundbreaking women of the past, such as Pinnell, we would not be practicing law alongside our male colleagues today.

Pinnell received her early education in the public schools of Crawford County, Missouri. She graduated from Steelville College. In the 1890s, the Pinnell family moved to Bronson, Florida, where her father and first mentor, Judge Ethan Allen Pinnell, practiced law for many years. At that time, one could be admitted to the bar after completing law school or apprenticing with a practicing attorney. As there were no law schools in Florida, Pinnell studied law in her father's office for two years. She had to wait until she

turned 21 years old in May 1898 to take the oral bar exam.<sup>1</sup> Following the bar examination, Pinnell had to wait five months while the Florida Supreme Court decided her fate. "They just didn't know what to do with me," she said of the justices, who could have changed the entire course of her life with just one word.<sup>2</sup> No woman had ever applied to take the bar examination before in Florida. Even though she passed the oral examination, which lasted for hours, the justices were still puzzled over the unique problem of admitting a woman to practice law in Florida. Finally, in October 1898, the Florida Supreme Court approved Pinnell's admission to the bar and she thus became Florida's first woman lawyer.



Pinnell never considered any profession other than the law. "My whole family was made up of lawyers," she said. "My father, my brother and my mother encouraged me to enter the field. Mother felt that ability was what determined the profession you choose, not which sex you happened to be."<sup>3</sup> Unfortunately, research to date has not yet uncovered any specific legal work directly attributed to Pinnell, but much is known of her legal career, which spanned more than half a century. For the first three years, she practiced law with her father in Bronson. Although little is known of Judge Pinnell's legal work, one of his clients, Florida Central & Peninsular Railroad Company,<sup>4</sup> appears to have led to Pinnell's next employment.

In 1901, Pinnell began working with Major Alexander St. Clair Abrams, who was a Civil War veteran, prominent attorney, seasoned politician and founder of the town of Tavares, Florida, where he developed the lands he purchased and brought the railroads.<sup>5</sup> He moved to Jacksonville in 1895 and practiced corporate defense. Not surprisingly, his practice included a substantial portion of railroad litigation, which was a "hot" area in the law. By the turn of the century, the focus had turned to regulating the railroads. Major St. Clair Abrams represented numerous railroad companies in various regulatory actions from rate challenges, to the establishment of stations at various locations.<sup>6</sup> He also represented railroads in personal injury actions.<sup>7</sup>

In October 1920, Pinnell began working for Florida East Coast Railway (FEC) in St. Augustine, Florida, as an

attorney and assistant secretary of the company. While working for FEC, she was associated with William Alexander Blount, Florida's first president of the American Bar Association (ABA) and general counsel to the railway.<sup>8</sup> Pinnell worked for the railway for 25 years, after which she worked in private practice until 1958.

In describing her work, Pinnell said, "Law is something you never really stop studying if you hope to be a credit to the profession. Until I retired ... I studied constantly. You have to. Each case is different from every other one."<sup>9</sup> Pinnell said she helped prepare many cases for criminal court, but she never argued one in her legal career. "I always preferred real estate title work, it seemed more suited to me. That has seemed to be true of many women lawyers who just don't care to go into court. But they may find a special niche in the field that is perfect for their abilities."<sup>10</sup> Ms. Pinnell's preference of real estate work is not surprising, considering many early women lawyers found the least resistance in areas like wills and estates, family law, and real estate.

Many of her male colleagues spoke warmly of her. For instance, in 1958, Harold Clark, president of the Jacksonville Bar Association, said that he had heard of Pinnell's work in legal circles long before he began his practice in Jacksonville in 1942. "She has been referred to as the dean of women lawyers in Florida," he said. "She is well-known and recognized throughout the state for her legal abilities."<sup>11</sup> Sixty years is quite a career for Florida's first woman lawyer. During this time, Pinnell was a role model for other women lawyers. She felt that women would do well to consider the law as a profession. In 1958, she said, "Women have made wonderful progress in this century. They have proved that they can go into almost any field and be successful if they work at it. Law practice is hard work and demands a lot of study, but it's a fine field for a woman and offers many rewards. If I could pass the bar examination studying in my father's office and reading his books, a woman today shouldn't have any trouble. She has

***NOW MORE THAN EVER, IT IS IMPORTANT TO ACKNOWLEDGE AND RECOGNIZE THOSE WHO FIRST ENTERED THE PROFESSION AND PAVED THE WAY FOR WOMEN LAWYERS TODAY, SUCH AS LOUISE REBECCA PINNELL, FLORIDA'S FIRST FEMALE LAWYER. WITHOUT THE GROUNDBREAKING WOMEN OF THE PAST, SUCH AS PINNELL, WE WOULD NOT BE PRACTICING LAW ALONGSIDE OUR MALE COLLEAGUES TODAY.***

the advantage of modern courses of study at fine schools."<sup>12</sup> Pinnell was obviously a woman dedicated to the principle of women's equality. She worked toward that goal by demonstrating for 60 years that a woman could perform a job formerly considered a "man's profession." She also pursued that goal by accepting leadership roles in legal and civic organizations. She was a charter member of the Jacksonville YWCA; president of the Jacksonville Business and Professional Women's Club; and member of the ABA, the Florida State Bar Association (later The Florida Bar), the Jacksonville Bar Association and the National Association of Women Lawyers, for which she served as state vice president of the Florida Council from 1938-39.

Pinnell laid the groundwork for women to enter the legal profession in Florida. Through her example, women were empowered not only to enter the law but to enter other fields formerly considered "male professions." She was a wonderful example of self-determination for women, based not only on her chosen profession, but also on her private life. She never married, and lived in the remote Mandarin area of Jacksonville with her two sisters in a home they owned on the water. She was a woman in control of her life and her assets.

Lucy Worthington Blackman aptly stated the tribute to be paid to this trailblazing woman:

"Louise Rebecca Pinnell should ... be cited for bravery, for it took no small degree of courage to fly in the face of

tradition in a conservative Southern society, and to open up a masculine field of activity to women, proving that women may be successful and useful in that sacrosanct profession of the law. To all such pioneers among women, honor and glory!"<sup>13</sup>

*About the Authors*

Wendy S. Loquasto is president and managing partner of Fox & Loquasto, P.A., in Tallahassee, Florida. She is board-certified in appellate practice and is a former chair of the Appellate Court Rules Committee. She is past president of Tallahassee Women Lawyers (1996-97) and FAWL (2006-07).

Jeri O. Delgado is an attorney with Delgado & Romanik in Daytona Beach, Florida. She focuses on appellate practice. She is an active member and past president of the Volusia Flagler Association for Women Lawyers.

*References:*

- <sup>1</sup> IV, W. T. Cash, *The Story of Florida* 513 (1938).
- <sup>2</sup> Pearl Adams, *The Florida Times Union*, "Florida's First Woman Lawyer," Nov. 2, 1958, p.55.
- <sup>3</sup> *Id.*
- <sup>4</sup> See *Florida Cent. & Peninsular R.R. Co. v. Mayberry*, 43 Fla. 596, 35 So. 1027 (1901); *Florida Cent. & Peninsular R.R. Co. v. Mooney*, 45 Fla. 286, 33 So. 1010 (1903).
- <sup>5</sup> *The Florida Times-Union*, "Maj. Alex St. Clair-Abrams, Longtime Resident of State, Taken in Death at Home Here," June 6, 1931.
- <sup>6</sup> See, e.g., *State v. Florida E. Coast Ry. Co.*, 72 Fla. 379, 73 So. 171 (1916); *State v. Florida E. Coast Ry. Co.*, 69 Fla. 165, 67 So. 2d 906 (1915).
- <sup>7</sup> See, e.g., *Florida E. Coast Ry. Co. v. Knowles*, 68 Fla. 400, 67 So. 122 (1914).
- <sup>8</sup> *William Alexander Blount and Scott M. Loftin were presidents of the American Bar Association in 1920-21 and 1934-35, respectively.* *ABA Journal* (1921) & (1935).
- <sup>9</sup> Pearl Adams, *The Florida Times Union*, "Florida's First Woman Lawyer," Nov. 2, 1958, p.55.
- <sup>10</sup> *Id.*
- <sup>11</sup> *Id.*
- <sup>12</sup> *Id.*
- <sup>13</sup> Lucy Worthington Blackman, *The Women of Florida* 69 (1940).



# Highlights of FAWL 2018 Summit

by Ingrid Suarez Osborn

## Rainmaking for Women Lawyers: Turning a Mist into a Deluge

**Panelists:** Susan V. Warner, Fisher Broyles; Charmaine T.M. Chiu, Smith Hulsey & Busey; Kate Mesic, Law Offices of Kate Mesic, P.A.

We started the morning in sunny Neptune Beach discussing Rainmaking for Women Lawyers ... because not all of us will build a book of business at the golf course. The panelists discussed three valuable tips:

1. Mine your sources. Review your friends and contact lists to see who you already know and make yourself available for referrals. Also get involved in your community!
2. Take the cold calls but use your time wisely. Learn to assess interest and ability to pay.
3. Use social media to your advantage. Platforms such as LinkedIn and online reviews are valuable referral sources.

High-quality work alone is not enough. However, competence is your No. 1 marketing tool. Use it often!



## Parental Leave: The Proposed Continuance Rule and Practical Strategies to Make It Work

**Moderator:** Jennifer Shoaf Richardson, Jackson Lewis P.C.

**Panelists:** Lindsay Tygart, Coker Law; Amber Donley, Donley Law Firm; Christen E. Luikart, Murphy Anderson Law; Kelli Lueckert, Anderson Glenn LLP

We followed up the day with a discussion on the proposed parental leave continuance rule. The panelists shared their experiences requesting motions for continuance, some of which were denied and some of which were approved. Until the Parental Leave rule is decided, don't be afraid to discuss your personal situation on the record if that's what it takes to gain time with your newborn child. They also shared strategies on how to prepare for maternity leave when you are a solo practitioner and how to prepare your clients for your extended leave. Make sure to recruit a colleague attorney to be on deck in the event any court proceedings are required during your absence.

## Lessons Learned: Finding Joy and Achieving Confidence by Spreading Your Sunshine

**Presenter:** Melanie S. Griffin, Managing Shareholder – Tampa Office, Dean Mead

The sun kept shining bright as award-winning, AV-rated attorney Melanie Griffin taught us how to spread our sunshine. We are





all fabulously awesome, and we should plan for success, not for failure. Melanie gave us three tips on how to get through a nervous situation:

1. Put a picture on your notepad that makes you laugh and glance at it when needed.
2. Say goodbye to a scary monster that you leave behind in your office or hotel room. (Yes, she travels with a stuffed animal!)
3. Find the trigger points on your hands and fingers, and use them when in a stressful situation.

Know that imperfection is also awesome. Learn to appreciate it and #ShineItForward!



### **Intersectionality Luncheon: Exploring the Experiences of Women of Color in the Legal Profession**

**Moderator:** Kristin Norse, Kynes, Markman & Felman, P.A.

**Panelists:** Melba Pearson, president of the Gwen S. Cherry Black Women Lawyers Association and deputy director for American Civil Liberties Union of Florida; Joni Poitier, Moseley Pritchard Parrish Knight & Jones; Janece Prince, Office of the Public Defender – Hillsborough County, editor in chief of *Ms. JD*; and LaShawnda K. Jackson, president, Virgil Hawkins Florida Chapter of the National Bar Association and Partner, Rumberger Kirk & Caldwell

During a succulent lunch, we learned about intersectionality. The stellar panelists discussed the experience of practicing law for minority women and best practices for recognition of implicit biases. They explained how critical it is to understand how some women fit into more than one box, and sometimes we can be discriminated against for one or more of those characteristics. They provided pragmatic steps every member of the legal community can take to advance gender equality for minority women. The panelists left us with a

*Scarface* quote and three tips to advance inclusion: “You gotta make the money first. Then when you get the money, you get the power. Then when you get the power, then you get the women.”

Let’s get minority women included and promoted:

1. Listen and learn. Don’t take things too personally.
2. Educate yourself. Look around the room and bring someone who will add diversity to the next Board meeting.
3. Ask questions and don’t assume things. Don’t assume the woman doesn’t want to be part of it.

We then shared an incredible night celebrating the careers of Justices Barbara Pariente and Peggy Quince. “Generous” and “brilliant” were some of the words used by Florida Bar President Michelle Suskauer to describe Justice Pariente. Judge June McKinney described Justice Quince as caring and compassionate; a woman who loves to read and dance; a shero. We were truly in the presence of greatness.

These sisters in the law, as they referred to one another, shared the following advice and wisdom:

1. Pursue excellence in every endeavor.
2. Ensure your voices are heard whenever there is an injustice.
3. Fight bias whenever and wherever. #WeToo.
4. Have one or more mentors. Don’t be afraid to ask for advice.
5. Give back to pro bono and community services.
6. Surround yourself with a strong circle of friends.
7. Strive for balance in life, work, self and mental health.
8. Pursue happiness. Practice mindfulness.
9. Make a difference. If you’re not part of the solution, you’re part of the problem.
10. Take time for self care.

FAWL President Jennifer Shoaf Richardson sent us off with a memorable message: “Our battle is not one that can be won overnight, or even this year, and we simply must remain vigilant.” Let’s continue fighting for gender equality. Thank you to Susan Warner, summit committee chair, and other committee members for this outstanding event. See you next October in St. Petersburg for FAWL Summit 2019!



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# Combating Gender Bias

*New Toolkits and Initiatives Aim to Address Inequality in the Legal Profession*

by Donna Cline



It is no surprise that gender inequality still permeates the legal profession today. According to a 2015 Florida Bar Young Lawyers Division (YLD)

survey on Women in the Legal Profession,<sup>1</sup> 43 percent of female Florida Bar members have experienced gender bias at some point during their legal career. Six percent of the survey respondents identified their workplace's culture of gender bias as a reason for resigning from employment or leaving the legal profession. Numerous survey respondents articulated in detail the ways in which gender bias negatively affects them personally (unequal pay, feeling the need to work twice as hard to receive the same recognition as their male counterparts) and their clients as well (less favorable plea offers, judicial bias, men objecting to Notice of Unavailability Due to Maternity Leave).

One year later, an American Bar Association (ABA) survey found that female lawyers reported higher levels of bias than men in nearly every aspect of their work lives, including opportunities to get hired, access to networking opportunities and getting paid fairly or promoted.<sup>2</sup> The corresponding report identified four major patterns of bias women experience in the workplace:

- **Prove-It-Again** bias, which occurs when women must work harder than their peers or go “above and beyond” to get the same recognition and respect.
- **Tightrope** bias, which stems from stereotypes about how women “should” behave.

- **Maternal Wall** bias, which occurs when women are treated worse after having children, such as being passed over for promotions (“mommy-tracked”) or unfairly disadvantaged for part-time or flexible work schedules.
- **Tug of War** bias, which occurs when there is conflict among members of a disadvantaged group, such as when there is only one position for a woman, so women compete with one another for that sole opportunity.

In response, the ABA developed two “bias interrupters” toolkits; one for law firms, and one for in-house legal departments. These toolkits are premised on the idea that bias interrupters are small adjustments to existing workplace systems, and each toolkit covers the areas of hiring, assignments, performance evaluations, compensation and sponsorships. The toolkits take a three-step approach

to solving each particular bias problem. As an initial step, the employer is advised to use metrics to help pinpoint where bias exists and to be able to evaluate the effectiveness of measures taken. Next, the employer is advised to implement bias interrupters, with suggestions tailored to each specific workplace system. Finally, employers are advised to repeat as needed and to implement stronger bias interrupters if no change occurs the first time.

In addition, the ABA has also developed a “zero tolerance” toolkit, intended to combat sexual harassment in the workplace.<sup>3</sup> This toolkit is geared toward Bar associations, law firms and corporate legal departments, as well as other groups, and provides sample agendas, PowerPoint slides and materials to be handed out to participants. It also includes discussion scenarios covering 12 different topics, such as gender bias, harassment by a client and judicial favor. In comparison to the bias





interrupters toolkits, this resource appears to have a more formal structure and looks to be given as a workplace-wide program, but it does specify that the program can be tailored to any audience.

The Florida Bar is also undertaking efforts not only to combat gender bias, but also to promote gender diversity in the legal workplace. In 2017, the Special Committee on Gender Bias reviewed the 2015 YLD survey and submitted a comprehensive report that outlined 12 recommendations to combat gender bias.<sup>4</sup> With each recommendation, the Special Committee designated specific Florida Bar sections to be held accountable for carrying out the recommendations to ensure that the appropriate action is taken. Recommendations ranged from initiating continuing legal education courses that address gender and diversity bias topics, to creating a Blue Ribbon Firm designation that will be awarded to firms committed to gender diversity. Another recommendation involves identifying and promoting gender bias

toolkits. As a result, the Florida Bar has a *Diversity & Inclusion Toolkit* available online.<sup>5</sup> This resource is intended to help each organization interested in increasing diversity and inclusion within its workforce. It contains links to several resources on diversity and inclusion, as well as moderator questions that are designed to help jumpstart a conversation about diversity and inclusion within an organization.

The legal profession still has much work to do on improving gender and diversity bias. However, these toolkits have the potential to be powerful tools in combatting such biases. They can, at the very least, bring gender and diversity bias issues to the attention of senior attorneys or decision-makers who have the power to drive change in the workplace. By implementing one in your workplace, they may be able to help expand your male coworkers' perspectives and make them aware that these biases do exist. Simply realizing bias is a problem can be an important first step.

#### *About the Author*

*Donna Cline is an assistant public defender in the 10th Judicial Circuit. She has devoted her career to defending the rights of marginalized individuals. She is an active member of the Polk Association for Women Lawyers.*

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# Revenge Porn and Cyberstalking

## *Practical Tips for Practice*

by Lisa Smith Bedwell



With the advent of social media, privacy ideals have shifted dramatically. Not so long ago, we had a collective sense of security and trust

in our most intimate relationships. But our increasingly globalized community has made personal choices vulnerable to public exploitation. The lack of clear rules of conduct has made this even more difficult to curb. Though laws exist, evidence suggests it is not yet enough.

In 2015, the Florida Legislature joined 38 other states and the District of Columbia, in defining “sexual cyber harassment” through Florida Statutes 784.049.<sup>1</sup> In doing so, the Florida Legislature found a person depicted in a sexually explicit and consensually acquired image has a reasonable expectation of privacy. The elements of sexual cyber harassment are straightforward:<sup>2</sup>

1. Publish a sexually explicit image of a person
2. Without their consent
3. For no legitimate purpose
4. With the intent of causing substantial emotional distress.

When such images are published *online*, the offending person has committed a first-degree misdemeanor and subsequent offenses are considered third-degree felonies. Victims can seek justice against the perpetrator by filing criminal charges or a civil cause of action that can include injunctive relief, monetary damages, and an award of reasonable fees and costs.<sup>3</sup> This is now commonly known as revenge porn.

The forms of revenge porn are varied. For instance, one man, already subject to a domestic violence injunction, texted explicit photographs of his ex-girlfriend to her family. He threatened to post them online if she let any “new man” get near their shared

child. However, it was not until he posted the photos that he was arrested and charged under the statute.<sup>4</sup> In another case, a man published nude photos of a woman. He also published her phone number while falsely representing her as a prostitute.<sup>5</sup>

Long-distance relationships create an even more complicated risk. In 2018, an Arizona woman discovered that her ex-boyfriend — a University of Central Florida student — was posting and sharing explicit videos of her. Even though she willingly shared some photos with him, he and his friends are now implicated in a federal lawsuit.<sup>6</sup> Sexual cyber harassment has also affected minors. Studies have shown that teenagers have reported high rates of privacy violations by having private imagery exploited by peers — a crime in and of itself due to the victims’ ages.<sup>7</sup> Whatever happens in the bedroom between adults is their personal business, and it should remain so. Yet human nature seems to gravitate toward hurting those we once loved, which is how revenge porn makes its way into family court. In the last decade, family law practices have seen an eroding sense of boundaries, coupled with a major shift in what is considered relevant or appropriate to bring to court.

Florida is a no-fault divorce state, so personal information has limited pertinence — unless there are children. In both dissolution of marriage and paternity cases, Florida Statute 61.13(3)(f) discusses 19 other factors to help the court conduct a best-interest assessment. “Moral fitness” of the parent is one of those factors.<sup>8</sup> It is under the guise of this factor that people are increasingly engaging in what can only be described as sexual bribery and public shaming.

Such imagery and behavior is “adult business.” It has, in most cases, next to nothing to do with that person’s ability to parent, which was the intended narrow focus of this factor. This does not seem to dissuade people from trying, alas. Such efforts are also tone-deaf to the fact that the person seeking

to admit the information was not only “OK” with certain behaviors before the relationship soured, but themselves often received and/or reciprocated it.

There is little legal consequence to the offending parent when she or he brings revenge porn to the family court. It is not an online publication as contemplated by Florida Statutes 784.049. Also, while it may not be relevant in crafting a parenting plan, the effort is no less embarrassing or psychologically damaging to the victimized parent.

Moreover, since family court is itself a public record, use of revenge porn seems to be yet another way to attempt to publish private information by attaching “exhibits” to pleadings or motioning it into evidence. This may not be online, but it is most certainly published, and unlike other matters of family law, it is not qualified for automatic redaction.

So how do we fix the loopholes? What, if anything, can FAWL members do to help grassroots efforts? Palm Beach County FAWL member, attorney Stephanie Cagnet Myron, has some ideas. She has devoted her Boynton Beach area practice toward helping victims of stalking, cyberbullying, revenge



Stephanie Cagnet Myron, Esq., left, and her client Darieth Chisolm



porn, sexual violence, and rape.

Myron indicates that most victims want simple remedies; namely, to be left in peace, and to have the offending items removed from circulation. The most expedient way to achieve these ends for her clients has not necessarily been Florida Statutes 784.049 — rather, it has been the use of Florida Statutes 784.0485, which provides for the civil stalking injunction.

The civil stalking injunction remedy includes cyberstalking. It also covers a spectrum of related behaviors such as repeatedly threatening, harassing, stalking, or physically abusing the victim; threatening harm to the victim or his or her family; intentionally injuring or killing a pet; using or threatening to use any weapons against the victim such as guns or knives; a history of injunctive relief being entered against the offender; and destruction of personal items of the victim, including but not limited to phones, communication equipment, and clothing.<sup>9</sup> “This covers much more than online publication of content,” Myron said. “You are more likely to reach these criteria, especially where there has been an established relationship between the parties.”

The use of the stalking injunction process as a “first stop” has many benefits. In most cases, it will result in an ex parte temporary order that grants short-term relief. Once there is a return hearing, immediate removal of the material from circulation is a possible option. “Most judges are willing to consider including a requirement in the injunction that the offending party must remove the material off all computers, cloud storage, or published websites,” Myron said, “and in many cases this is the very thing victims want most.”

“Social media sites like Facebook, Instagram, and Twitter are generally responsive to reports of inappropriate material,” she said. Indeed, these companies were supporters of the recent Ending Nonconsensual Online Use Graphic Harassment (ENOUGH) Act introduced in the U.S. Senate in 2017 (S. 2162).<sup>10</sup> But amateur pornography websites are less cooperative and generally will not remove materials unless the person who posted it (i.e., the offender) makes the request. “The judge does not have authority to order the website to act, but they do have authority over the respondent,” she said.

A stalking injunction is also the most expedient solution. Both the criminal and civil options under Florida Statutes 784.049 can take some time and sometimes are of lower priority. For a victim of revenge porn, this can exacerbate the damage. According to the Data & Society Research Institute and the Center for Innovative Public Health Research, one in 25 people in the United States are the victim of non-consensual image sharing, and of those, 93 percent report “significant emotional distress,” while 82 percent report significant difficulties in other aspects of their lives.<sup>11</sup> Use of the stalking injunction helps to mitigate the delay by enabling more immediate protection for the victim and by providing evidence in support of civil/criminal cases.

Myron also pursues remedy with law enforcement and initiates civil remedy where appropriate, the latter of which has the benefit of permitting recovery of attorney fees and costs. “Having the stalking injunction in hand goes a long way toward expediting resolution of those cases,” she said. Myron is a zealous advocate for her clients. She recently joined one of her clients in the National March against Revenge Porn in Pittsburgh in June. Her client organized the march and is currently creating a documentary, *50 Shades of Silence*.<sup>12</sup>

In the case of cyberstalking and revenge porn, there is also another element — the variance of venue. The future of legislation, like the proposed ENOUGH Act, is crucial to making a real difference. After all, the

internet is not a state-specific space. Domestic relations soured or not, revenge porn is not a matter that can be resolved by a patchwork of lower-level solutions.

#### About the Author

Lisa Smith Bedwell is a magistrate in the Orange County Courthouse domestic relations/mental health division. She is a member of Central Florida Association for Women Lawyers.

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<sup>8</sup> Florida Statutes 61.13.

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# Day Planners, Colored Pens, Breastfeeding, and a Janitor

*Why One Lawyer Mom Traded Billable Hours for Manufacturing*

by Stephanie Conduff

When we decided to start our family my 3L year, I focused on how many weeks I had after Emerson Pearl was born before it was time to sit for the bar exam. I knew I'd be tired. People told me this was crazy or even impossible. But I just continued to use my colored pens to make plans on my day planner. I planned the logistics of how we'd get admitted to practice law — together.

When I returned to classes just two weeks after a prolonged hospital stay with preeclampsia and a C-section, I realized that I hadn't spent any time thinking about how often my little newborn would need to eat. I was committed to breastfeeding, in large part to ward off some major mom guilt I was experiencing because I had to return so soon to finish law school. Since Emerson and I would be separated for blocks of time during the day, this meant the breast pump and I would be quarreling lovers.

And then, one day, a janitor walked in on me while I was pumping in a random conference room during a law school final exam. He was embarrassed. I was exhausted and annoyed that I was missing time I could be using to wax eloquent. And this is how Leche Lounge, my second child, was born. I have three now — but Leche Lounge is for sure my middle child.

I was the mom standing in the bathroom. Or pumping in my car. Or asking for an office. Or crying in pain because I tried to go just 20 minutes longer on my outline before I *had to pump again*.

I needed a place to pump every three hours. And as a law student and new mom, I didn't have any actual rights to a private clean place at my university. But it got me wondering, what have

women done for the last 50 years, as more women enter or return to the workplace following the birth of a child? And what did my family do in manual labor positions where there wasn't an office door to quickly shut to make a private space to pump? Were companies following the law? Was there even a law? What happened if they failed to comply? Can I be a class action, breastfeeding accommodation attorney — is that a thing?

*"If you are not part of the solution, you are part of the problem."* — Eldridge Cleaver

I started to research the problem and available solutions. This led me into manufacturing the first component of

what would become Leche Lounge. I began traveling the pitch contest circuit, drumming up cash to produce prototypes. You see, *Forbes* reported this year that female founded companies, like Leche Lounge, receive only 2 percent of venture capital!<sup>1</sup> And I wasn't ready to mortgage the house. As I continued on this path, it became obvious that women all over the country were experiencing this pain point as they returned to work, or attended football games, or traveled for work. Leche Lounge was born to offer portable lactation spaces and consultation on improving the workplace environment for nursing mothers.



## The Law

Section 7 of the Fair Labor Standards Act (FLSA) requires employers to provide “reasonable break time for an employee to express breast milk for her nursing child for one year after the child’s birth each time such employee has need to express the milk.” Employers are also required to provide “a place, *other than a bathroom*, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.” See 29 U.S.C. 207(r), emphasis added. The break time requirement became effective and was signed into law on March 23, 2010. Yet, there are still hundreds of businesses failing to comply with the law. Some large multinational companies have even been

investigated by the Department of Labor for not providing a space for women to express milk while in the workplace.<sup>2</sup>

## Call to Action

In the legal profession, we need *exactly* what FAWL is doing for women lawyers. Leche Lounge was born from the same absolute need for both support and empowerment of women in community places and in the workplace. For our mission to continue, we need advocacy on why women need a place to express breast milk while at work. If you are attending a conference or even a fall festival, don’t hesitate to call on the organizers and inquire as to their accommodation plans for nursing mothers. If you are an employment attorney, know that there are solutions for your clients to come into compliance, such as a Leche Lounge.

A courthouse is not only a place of employment to many potentially nursing mothers, but also a public space frequented by many users. Each of us can advocate for other women to have a dedicated space to nurse or express milk.

To learn more about us, please visit us at [www.lechelounge.com](http://www.lechelounge.com).

### About the Author

Stephanie Conduff is founder and CEO of Leche Lounge, Inc. She is an attorney admitted to practice in Oklahoma, the Muscogee (Creek) Nation, the Chickasaw Nation, Osage Nation, and Cherokee Nation. She is a proud wife and mom of two children. She can be reached at [conduff@lechelounge.com](mailto:conduff@lechelounge.com).

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# Exploring Intersectionality

by Joni Potier



What is intersectionality? Originally coined by Kimberlé Crenshaw in a 1989 essay, the term is not commonly familiar. It is defined in the

Oxford Dictionary as the “interconnected nature of social categorizations such as race, class, and gender as they apply to a given individual or group, regarded as creating overlapping and interdependent systems of discrimination or disadvantage.” Intersectionality is a theoretical framework used to refer to or conceptualize how a person or group of people may be affected by multiple forms of discrimination or oppressions. It allows us to consider a person’s intersecting experiences and identities to understand the complexity of the prejudices they may face.

Kimberlé Crenshaw uses the following analogy to concretize the concept:

Consider an analogy to traffic in an intersection, coming and going in all four directions. Discrimination, like traffic through an intersection, may flow in one direction, and it may flow in another. If an accident happens in an intersection, it can be caused by cars traveling from any number of directions and, sometimes, from all of them. Similarly, if a Black woman is harmed because she is in an intersection, her injury could result from sex discrimination or race discrimination ... But it is not always easy to reconstruct an accident: Sometimes the skid marks and the injuries simply indicate that they occurred simultaneously, frustrating efforts to determine which driver caused the harm.<sup>2</sup>

Crenshaw, who received her Doctor of Jurisprudence from Harvard in 1984, teaches Civil Rights and other courses in critical race studies and constitutional law at UCLA School of Law and Columbia Law School. Crenshaw is a founder and leader

in the intellectual movement called Critical Race Theory. Crenshaw often cites to the case of *DeGraffenreid v. General Motors Assembly Div.*, as her impetus for coining the phrase intersectionality. Crenshaw described the Plaintiffs’ claim when writing for *The Washington Post*:

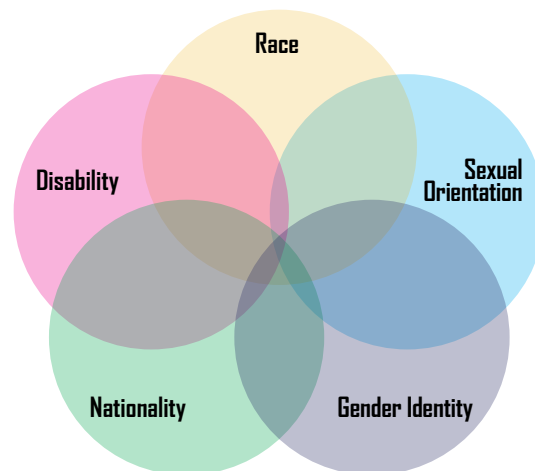
In 1976, Emma DeGraffenreid and several other black women sued General Motors for discrimination, arguing that the company segregated its workforce by race and gender: Blacks did one set of jobs and whites did another. According to the plaintiffs’ experiences, women were welcome to apply for some jobs, while only men were suitable for others. This was of course a problem in and of itself, but for black women the consequences were compounded. You see, the black jobs were men’s jobs, and the women’s jobs were only for whites. Thus, while a black applicant might get hired to work on the floor of the factory if he were male; if she were a black female she would not be considered. Similarly, a woman might be hired as a secretary if she were white, but wouldn’t have a chance at that job if she were black. Neither the black jobs nor the women’s jobs were appropriate for black women, since they were neither male

nor white. Wasn’t this clearly discrimination, even if some blacks and some women were hired?

The plaintiffs filed their claim seeking a determination that the “last hired-first fired” layoff policies of the defendants discriminated against them as black women and were therefore a perpetuation of past discriminatory practices. The plaintiffs alleged that they were suing on behalf of black women, and attempted to combine two causes of action into a new combination of racial and sex-based discrimination. The court dismissed the Plaintiffs’ claims, asserting that black women are unable to combine their race and gender claims into one:

“The legislative history surrounding Title VII does not indicate that the goal of the statute was to create a new classification of “black women” who would have greater standing than, for example, a black male. The prospect of the creation of new classes of protected minorities, governed only by the mathematical principles of permutation and combination, clearly raises the prospect of opening the hackneyed Pandora’s box.” *DeGraffenreid v. General Motors Assembly Div.*, Etc., 413 F. Supp. 142 (E.D. Mo. 1976).

The court analyzed the allegations of race and gender discrimination separately, finding that the employment of



***THE STUDY CONCLUDED ITS ANALYSIS BY RECOMMENDING IDEAS TO TRANSFORM THE CAREERS OF WOMEN OF COLOR IN LAW FIRMS FROM “VISIBLY INVISIBLE TO VISIBLY SUCCESSFUL.” SUCCESS STRATEGIES WERE RECOMMENDED TO LAW FIRMS TO AID IN THEIR UNDERSTANDING OF THE SPECIFIC ISSUES FACING WOMEN OF COLOR, AND ALSO RECOMMENDATIONS TO ALLOW THEM TO ADDRESS THESE ISSUES IN PARTNERSHIP WITH THE WOMEN OF COLOR IN THEIR WORKFORCE.***

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African-American male factory workers disproved racial discrimination, and the employment of white female office workers disproved gender discrimination. *Id.*

So, what are some ways that intersectionality is relevant in the field of law? In *Visible Invisibility: Women of Color in Law Firms*, the national study by the American Bar Association’s Commission on Women in the Profession, the commission tackled the need for a comprehensive analysis of the unique concerns and experiences of Hispanic, African-American, Native American, and Asian-American women in the legal profession.<sup>3</sup> The study discussed the intersection of race and gender, and its impact on women of color in law firms, and revealed some startling realities about the experiences of women of color.

- 49 percent of women of color reported having been subjected to demeaning comments or other types of harassment while working at a private law firm (compared with only 2 percent of white men reporting the same experiences). Unlike white men, many women of color felt that they had to disprove negative preconceived notions about their legal abilities and their commitment to their careers.
- 72 percent of women of color — but only 9 percent of white men — thought others doubted their career commitment after they had (or adopted) children. (See page 30 for

more about new mothers returning to the law profession.)

- 62 percent of women of color reported being excluded from both informal and formal networking opportunities (compared with only 4 percent of white men reporting the same exclusion).
- 44 percent of women of color reported being passed over for desirable work assignments, compared with only 2 percent of white men reporting the same experiences.
- 53 percent of women of color and 72 percent of white men chose to remain in law firms.

The study similarly found that the disadvantages common to women of color were not similar for men of color or white women:

The careers of white women attorneys and men attorneys of color were neither as disadvantaged as those of women attorneys of color nor as privileged as those of white men. Fewer men attorneys of color indicated that discrimination had hobbled their careers compared to white women. However, white women, on average, had higher salaries than men of color (but the differences were not statistically significant). Men attorneys of color and white women had similar perceptions of how they felt others judged their competencies, their desire for more and better mentors, their rates of being selected as protégés by white men, and their desire to become

partners in law firms. However, their retention rates were very different: 67 percent of white women but only 52 percent of men of color chose to remain in law firms.

The study concluded its analysis by recommending ideas to transform the careers of women of color in law firms from “visibly invisible to visibly successful.” Success strategies were recommended to law firms to aid in their understanding of the specific issues facing women of color, and also recommendations to allow them to address these issues in partnership with the women of color in their workforce. The report outlined various strategies through which law firms and attorneys can lay the foundations for women of color to be successful, including:

1. Address the success of women of color as a firm’s issue not a women of color issue.
2. Integrate women of color into existing measurement efforts.
3. Integrate women of color into the firm’s professional fabric.
4. Integrate women of color into the firm’s social fabric.
5. Increase awareness of women of color’s issues through dialogue.
6. Support women of color’s efforts to build internal and external support systems.
7. Stay compliant with anti-discrimination and anti-harassment policies, and hold people accountable for noncompliance.

*About the Author*

Joni Alexis Poitier is a partner with the Jacksonville firm of Moseley Prichard Parrish Knight & Jones. She focuses her practice on complex civil litigation. She is a member of the Jacksonville Women Lawyers Association and The Florida Bar Ethics Committee.

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<sup>1</sup> [www.en.oxforddictionaries.com/definition/intersectionality](http://www.en.oxforddictionaries.com/definition/intersectionality) (last visited Oct. 14, 2018).

<sup>2</sup> Kimberlé Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics,” *University of Chicago Legal Forum*, 1989, 139–67.

<sup>3</sup> [www.americanbar.org/content/dam/aba/migrated/women/woc/visible\\_invisibility\\_authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/migrated/women/woc/visible_invisibility_authcheckdam.pdf) (last visited Oct. 14, 2018).



# FAWL's Pursuit of Courthouse Balance

## *Litigation and Lactation Rooms in the Sunshine State*

by Joann Grages Burnett and Caitlin Ailise Polly



*(Authors' note: Throughout this article, you will note that courthouses across the state refer to dedicated lactation spaces as nursing rooms, mother's rooms, lactation rooms, etc. While FAWL supports a variety of names for these spaces, for consistency and clarity, the authors of this article will refer to these spaces as lactation rooms.)*

Guided by our mission to "actively promote gender equality and the leadership roles of FAWL's members in the legal profession, judiciary and community at large," FAWL has formalized its efforts to ensure that every courthouse in our great state offers a dedicated lactation room for attorneys and courthouse patrons. In this pursuit, FAWL has established the Lactation Room Taskforce to provide resources, support, and advocacy to affiliate chapters to establish lactation rooms in their local courthouses, and to educate our community on why these rooms are an important step to achieving equality in the legal profession.

Mothers of newborns are often faced with the difficult choice of stopping breastfeeding prematurely in order to

return to work, or going through strenuous situations to pump while working. Before we explore those options, why would a woman need to lactate if their child is not around?

Pumping encourages demand-based breast milk production: the more demand there is for breast milk, the more breast milk a woman's body will produce. Alternatively, the less demand there is for breast milk, the less breast milk a woman's body will produce. As such, lactating women who are away from their newborn for a prolonged period of time must have the ability to express milk or her milk supply will diminish. Additionally, when a lactating mother is under stress, her milk production can be hindered. A lactating mother's health can be negatively affected if she is not able to regularly express her breast milk. A mother who cannot express milk when her breasts are full may experience intense pain or engorgement, which could cause her to develop a painful condition called a clogged duct. This clogged duct can result in a painful infection called mastitis.<sup>1</sup> Mastitis causes swelling, fever, chills, and localized engorgement in the breast. This infection can be detrimental to a lactating mother's health and her ability to provide breast milk for her child.

There are several important reasons why we need dedicated lactation rooms in courthouses. To name a few:

1. They promote inclusion by allowing more women to be part of the legal field without having to choose

between feeding her child and practicing law.

2. They serve to support nursing mothers to more fully participate in our judicial system; such as jurors, witnesses, attorneys, litigants, court users, and mothers taking part of the family court services.
3. They provide nursing mothers with a safe, clean, private, and relaxing environment to pump or nurse their young child without interrupting their lactation cycle.

Fortunately, establishing a lactation room in a courthouse is a need judges across the state are not only understanding, but also welcoming and assisting in making it happen.

*"I first became aware of a problem when I was at a meeting and an attorney described having to leave court, sit in her hot car in a parking garage, put a bed sheet over her head, and express breast milk. And then she put the milk in a cooler, hoping it would not spoil before her hearing concluded. I was astounded and thought, 'We must be able to do something about this.' We should be doing everything we can to encourage lawyers to pursue their careers without having to make outrageous personal sacrifices. We hear all the time about stress in the legal profession. And the importance of work-life balance. So shouldn't we practice what we preach?"*

*I proposed a lactation room at all our courthouses in Miami-Dade. Most folks didn't understand how this sim-*

ple solution could make life better for the lawyers and clients we serve. There were many challenges at first, the largest of which was that judges do not own or control our courthouses; courthouses are built and run by counties. But with a little pushing, we opened some eyes and found space. And I am extremely grateful to FAWL for helping assess functionality and layout — and making the spaces calm and inviting. The day after our lactation room in the family courthouse opened, a lawyer asked if she could use my chambers, explaining (sheepishly) that she had just given birth and needed some privacy. ‘Of course,’ I responded, ‘but we can do better.’ There was a private room, with a lock on the door, a rocking chair, and an electrical outlet. The lawyer was thrilled. And then she went back to work and completed her trial.” —Judge Scott M. Bernstein, 11th Judicial Circuit of Florida

Chief Judge Mark Mahon of the 4th Judicial Circuit said he was aware of the need for a dedicated space for nursing mothers before the association approached him with the idea.<sup>2</sup> While these rooms can make an enormous impact on women lawyers and are a step forward in our quest for inclusion and equality, they surely do not solve all of the problems in our profession.

“Most problems related to women in the legal profession cannot be ‘solved’ with education, outlets, a room, and the dedicated efforts of a few individuals. This project has realized tangible results in increasing access to courts and effectively utilizing the statewide platform that FAWL has provided for 67 years. Our chapters are unstoppable in their efforts to achieve our Mission.” —Jennifer Shoaf Richardson, President, Florida Association for Women Lawyers

There is much more to do in our quest for full inclusion and equality in the legal profession, but this is an obtainable, helpful, and effective way to move the needle.



“Imagine where breastfeeding litigators had to pump before the existence of lactation rooms in courthouses. We were pumping in courthouse bathroom stalls, cars, or, if we were lucky, a kind judge’s chambers, if they allowed it. Lactation rooms in courthouses allow women to continue practicing law more seamlessly than ever before.” —Lara Bach, Miami-Dade FAWL President

Long before FAWL formalized a Lactation Room Taskforce, FAWL chapters that recognized a need in their community began establishing dedicated lactation rooms in their courthouses. Miami-Dade, Hillsborough, and Jacksonville chapters were some of the first trailblazing chapters to establish a room in their communities. Their stories, experiences, and resources inspired the creation of a *Courthouse Lactation Room Handbook*.

The great work of these chapters spread fast and wide across our legal community. At its annual meeting in Chicago in August 2018, the National Conference of Women’s Bar Associations presented FAWL with its Public Service Award for our efforts to establish lactation rooms across courthouses.

Inclusion is everyone’s responsibility. While women certainly benefit from convenient access to dedicated lactation rooms, this is not just a women’s issue. Ensuring that our profession is diverse and inclusive is all of our responsibilities.

Establishing dedicated lactation rooms in all courthouses throughout our great state will not be easy. Chapters and those seeking to establish lactation rooms have to overcome the challenges of a reported lack of space, funding, and need. Nevertheless, FAWL is committed to this mission and the Lactation Room Taskforce is here to assist chapters and circuits in making these rooms a reality.

This past summer, with the assistance of some very talented and committed law students, we set out to create a handbook that would gather best practices and experiences, and offer advice for anyone interested in establishing a lactation room. The latest version of the *Courthouse Lactation Room Handbook* is available on the FAWL homepage [www.fawl.org](http://www.fawl.org) and will be updated as more information becomes available, and as more chapters are successful in establishing rooms.<sup>3</sup>

This article includes an inventory of courthouses in Florida that already have,

or are in the process of establishing dedicated lactation rooms. The list below is current as of our publication deadline.

If your courthouse is not listed, it most likely does not have a lactation room. This is an opportunity for you to jump on this movement and get involved. Contact your chapter and encourage them to establish one! FAWL is here to help in making these rooms a reality. Nursing mothers cannot continue to litigate without being able to lactate!

*About the Authors*

*Joann Grages Burnett is an associate director of career and professional development at Stetson University College of Law in Gulfport, Florida. Joann is the current inaugural chair of FAWL's Lactation Room Taskforce.*

*Caitlin Ailise Polly is an associate attorney at The Bush Law Group in Jacksonville, Florida. Caitlin, mother of four, is a current committee member of the FAWL Lactation Room Taskforce, and participates in both the STJAWL and JWLA chapters.*

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<sup>1</sup> [www.mayoclinic.org/diseases-conditions/mastitis/symptoms-causes/syc-20374829](http://www.mayoclinic.org/diseases-conditions/mastitis/symptoms-causes/syc-20374829) (last visited 10/13/18).

<sup>2</sup> *Nursing Lounge Opens at Duval Courthouse*, Jax Daily Record, November 2, 2017; available at [www.jaxdailyrecord.com/article/nursing-lounge-opens-at-duval-courthouse](http://www.jaxdailyrecord.com/article/nursing-lounge-opens-at-duval-courthouse).

<sup>3</sup> [www.fawl.org/lactation-room-task-force](http://www.fawl.org/lactation-room-task-force) (last visited 10/13/18).

## Federal Courthouses with Dedicated Lactation Rooms

| Federal District  | City            | Courthouse Name  | Room Details   |
|-------------------|-----------------|--|--|
| Middle District   | Orlando         | George C. Young Federal Building<br>401 West Central Boulevard | Room 4-421   |
| Middle District   | Jacksonville    | Bryan Simpson U.S. Courthouse<br>300 N. Hogan Street           | Private space in the jury deliberation room next to Courtroom 12A. To gain access, request a key from the clerk's office on the 9th floor. |
| Southern District | Fort Lauderdale | U.S. Federal Building<br>299 E.Broward Boulevard               | Contact coordinator at (954) 769-5410.   |
| Southern District | Key West        | Sidney M. Aronovitz U.S. Courthouse<br>301 Simonton Street     | Contact coordinator at (305) 295-8100.   |
| Southern District | Miami           | C. Clyde Atkins U.S. Courthouse<br>301 N. Miami Avenue         | Contact coordinator at (305) 523-5194.   |
| Southern District | Miami           | Wilkie D. Ferguson, Jr. U.S. Courthouse<br>400 N. Miami Avenue | Contact coordinator at (305) 523-5194.   |
| Southern District | Miami           | James L. King Federal Justice Building<br>99 NE Fourth Street  | Contact coordinator at (305) 523-5194.   |
| Southern District | West Palm Beach | Paul G. Rogers Federal Building<br>701 Clematis Street         | Contact coordinator at (954) 769-5410.   |
| Southern District | Fort Pierce     | Alto Lee Adams Sr.<br>101 S. U.S. Highway 1                    | Contact coordinator at (772) 467-2308.   |

## Coming Soon!

| Circuit | County   | Courthouse Name                                  | City             | Room Details   |
|---------|----------|--|------------------|--|
| 1       | Okaloosa | Water & Sewer Building<br>(Temporary Location)   | Ft. Walton Beach | The new Crestview courthouse will be opened in December 2018. The lactation room will be on the 2nd floor. |
| 10      | Polk     | Polk County Courthouse<br>255 N. Broadway Avenue | Bartow           | A room on the 9th floor has been set aside for a lactation room.   |

## State Courthouses with Dedicated Lactation Rooms

| Circuit | County       | Courthouse Name  | City            | Room Details  |
|---------|--------------|--|-----------------|---|
| 2       | Leon         | Main Courthouse<br>301 S. Monroe Street                      | Tallahassee     | Room 358. Door is kept unlocked.  |
| 4       | Duval        | Duval County Courthouse<br>501 W. Adams Street               | Jacksonville    | Room 4318. Obtain key from information desk on 4th floor.   |
| 8       | Alachua      | Alachua County Criminal Justice Center<br>220 S. Main Street | Gainesville     | For a space, call (352) 264-7029.   |
| 9       | Orange       | Orange County Courthouse<br>425 N. Orange Avenue             | Orlando         | Room 270. For access, call (407) 836-2206   |
| 11      | Miami-Dade   | Lawson E. Thomas Courthouse Center, 175 NW 1 Avenue          | Miami           | Room 1525, within conference room 1526 on the 15th floor. See security desk to obtain access.                         |
| 11      | Miami-Dade   | Dade Co. Children's Courthouse, 155 NW 3 Street              | Miami           | Room 4354. Obtain access at Court Care in room 4355.  |
| 11      | Miami-Dade   | South Dade Justice Center<br>10710 SW 211 Street             | Miami           | Room 1305, on the 1st floor. See security desk to obtain access.  |
| 11      | Miami-Dade   | Dade County Courthouse<br>73 W. Flagler Street               | Miami           | Room 304. See security desk to obtain access or contact Building Manager at 305-349-7600.                             |
| 11      | Miami-Dade   | Richard E. Gerstein Justice Building, 1351 NW 12 Street      | Miami Beach     | Room 238 on the 2nd floor. See security desk to obtain access.  |
| 11      | Miami-Dade   | Coral Gables Branch<br>3100 Ponce De Leon Boulevard          | Coral Gables    | Room 102. See security desk located in the main lobby to obtain access.   |
| 11      | Miami-Dade   | North Dade Justice Center<br>15555 Biscayne Boulevard        | Miami           | Room 101. See security desk located in the main lobby to obtain access.   |
| 11      | Miami-Dade   | Hialeah Branch Courthouse<br>111 E. 6 Street                 | Hialeah         | Room 101. See security desk located in the main lobby to obtain access.   |
| 12      | Manatee      | Manatee County Judicial Center<br>1051 Manatee Avenue        | Bradenton       | Room 5054 on 5th floor. Obtain key from room 8054 on 8th floor. Driver's license needed to check out key.             |
| 13      | Hillsborough | Edgecomb Courthouse<br>800 E. Twigs Street                   | Tampa           | Room located on the 6th floor. Obtain key from the information desk.  |
| 13      | Hillsborough | Criminal Courthouse Annex                                    | Tampa           | Located on 4th floor. Driver's license needed to check out key. Obtain key from the information desk on second floor. |
| 15      | Palm Beach   | Main Courthouse<br>205 N. Dixie Highway                      | West Palm Beach | Contact Court Administration, 5th Floor   |
| 17      | Broward      | Central Courthouse<br>201 SE 6th Street                      | Fort Lauderdale | Located on 12th floor of west building. Obtain key from Court administration on 20th floor.                           |
| 18      | Seminole     | Criminal Justice Center<br>101 Eslinger Way                  | Sanford         | Obtain key from the security desk.  |
| 18      | Seminole     | Civil Courthouse<br>301 N. Park Avenue                       | Sanford         | Room on 4th floor. Obtain key from security desk.   |
| 18      | Brevard      | Moore Justice Center<br>2825 Judge Fran Jamieson Way         | Viera           | Located on the 2nd Floor.   |
| 20      | Collier      | Collier Government Complex<br>3315 Tamiami Trail E.          | Naples          | Administration Building 7-F   |



# Reflections of Greatness

by Julie Harris Nelson

The Gwen S. Cherry Black Women Lawyers Association (GSCBWLA) 2018 Florida Women Lawyers of Color Summit took place August 24-26, 2018, at the luxurious Fort Lauderdale Marriott Harbor Beach Resort and Spa. The weekend began with a welcome cocktail reception honoring three strong, amazing, trailblazing retiring women: Judge Ilona Holmes, Judge Teretha Lundy Thomas, and Judge Catherine Brunson. All of these women were recognized for their dedication and commitment to the betterment of the community for more than 25 years on, off, and before the bench.

Michelle Suskauer, president of The Florida Bar, provided encouraging opening remarks by recognizing and thanking GSCBWLA for their recommendations of several members to serve on Florida Bar committees.

Honoring us with their presence were FAWL President Jennifer S. Richardson, along with retired Judge Melvia Greene of the Third District Court of Appeals, Representative Cynthia Stanford, Legal Director of ACLU Nancy Abudu, Deputy Director of the ACLU Melba Pearson (GSCBWLA president) and many other distinguished guests around the state.

The highlight of the summit was its keynote speaker, Florida Supreme Court Justice Peggy Quince. Quince has dedicated her life to public service, beginning in college when she became a member of the Alpha Kappa Alpha Sorority, Inc., in 1969, at Howard University.

Quince was the first African-American woman to serve on the Second District Court of Appeals in Florida and appointed as the first African-American woman to serve on the Florida Supreme Court. Her speech was filled with startling statistics regarding the breakdown of judges on the bench around the state. She stressed the need for more African-American judges on every level, in every circuit.

The summit continued with seminars focused on financial growth, and women's health and development, addressing issues such as generational wealth, diversifying the field of lobbying, and balancing being "woke" at work. The summit's goal was to recharge your soul, support your fellow superwomen, and reach back to those who follow in our footsteps. Mission accomplished.

#### *About the Author*

*Julie H. Nelson is a partner with ROIG Lawyers in Miami, Florida. She is an active member of Miami-Dade FAWL chapter and the chair of FAWL's Women's Health Awareness Committee.*

*QUINCE WAS THE FIRST AFRICAN-AMERICAN WOMAN TO SERVE ON THE SECOND DISTRICT COURT OF APPEALS IN FLORIDA AND APPOINTED AS THE FIRST AFRICAN-AMERICAN WOMAN TO SERVE ON THE FLORIDA SUPREME COURT.*



# An NCWBA Year in Review with Robin Bresky

by Rachel Kamoutsas



The National Conference of Women's Bar Associations (NCWBA) is comprised of a network of women's bar associations,

sections, and interest groups, which represent approximately 35,000 women in the legal profession. Dedicated member and FAWL past President Robin Bresky shared her experience as 2017-2018 president of NCWBA.

A core mission for NCWBA is to push the needle forward toward "capitalizing on the numbers and talents in women's bar associations."<sup>1</sup> Robin helped advance this mission by improving visibility and networking of the NCWBA. She encouraged members to get involved at the local, state, and national levels to bring experience and best practice ideas back to sister Bar organizations.

Robin's term began with a memorable swearing-in ceremony at the 2017 NCWBA Summit in New York City. The 2017 Summit, themed Succeeding with Strength and Savvy, was packed with insightful panel discussions, networking sessions and presentations. Panel discussions addressed topics from working as a woman in the White House to harnessing networking, mentoring, and coaching for maximum effect. Extraordinary speakers, such as Roberta Kaplan, legal counsel for Edith Windsor in her challenge of the Defense of Marriage Act, presented a keynote speech. The 2017 Summit also included a viewing of the film *Balancing the Scales*, which recounts the history of women in the legal profession. An inspiring discussion followed the viewing and left an impression on Robin. That conversation was a moment when women from all over the country came together to connect. Robin described it as a time "we realized we've all had these shared experiences and being able to dialogue about

how that's impacted our lives professionally and personally."

Robin's year came full circle during the 2018 NCWBA Summit. Robin concluded her term as president of the NCWBA in the same place in which she began her legal career — the Chicago-Kent School of Law. She autographed and dedicated a book to her law school to which she had contributed: *Grit, the Secret to Advancement: Stories of Successful Women Lawyers*. The 2018 Summit's theme, Sparking a Change Reaction, challenged members to spark a change in their local and state bar associations. FAWL was recognized for its spark that brought change for nursing mothers in Florida. FAWL received the NCWBA's Public Service Award for its initiative to increase availability of nursing rooms in courthouses across the state.

Robin concluded her year serving as president of the NCWBA with a heart of gratitude. She remains thankful for all the women before her who encouraged her to get involved locally and nationally. She passes on that encouragement with a heartfelt message: "We are all doing so much, but getting involved enriches what we do and makes it more meaningful." She believes "when we collaborate at the state level and collaborate at the national level, that energy and commitment to have those discussions, assists others in pushing the needle forward."

#### About the Author

Rachel Kamoutsas is a former prosecutor for Miami-Dade State Attorney's Office and is currently an Assistant Attorney General, serving in the Capital Appeals Division.

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# MothersEsquire

*Disrupting the Motherhood Penalty in the Legal Profession*  
*A conversation with Michelle Browning Coughlin, Founder of MothersEsquire*

by Autumn N. Hancock, Esq.



Michelle Browning Coughlin grew up in a very tiny rural farm town in Southern Kentucky. She is a first-generation college graduate and is a partner in a midsize regional law firm in Louisville, Kentucky. If she weren't a lawyer, Michelle would become a gourmet vegetarian chef, and she would read a book every day.

Since becoming an attorney, Michelle's story is similar to many FAWL members. She was a new mother when she started law school, and mother to two young children by graduation. Entering the workforce as a new attorney, Michelle was not fully aware of the challenges that practicing law and being a mother to young children would bring. When she started to experience these challenges in her new role, she was again surprised how difficult it was to connect with other women in similar situations for guidance on traversing the lawyer mom world.

Realizing that she was certainly not the only woman piloting these challenges, Michelle started a small Facebook group called MothersEsquire in 2013. MothersEsquire is a place for women attorneys with children — whether currently working as a full-time attorney, or a stay-at-home mom, or anywhere in between. The group is an online community where members can network and offer referrals, as well as share the challenges and the joys of keeping all the balls in the air, and provide tips and tricks to making it all work. She invited a few mother attorneys she knew personally. Looking around her law firm and other firms, she believed that it would be helpful to mother attorneys to see that they were not alone — to see that there were others facing similar milestones and challenges, and succeeding. Each woman who joined the group, as it slowly began to grow, could see that she was not the only lawyer mom going through similar issues.

At first, even Michelle didn't fully realize the bias in the workplace toward women and specifically toward mothers. Mother after mother who joined her Facebook community began to share their stories. Accounts were shared about mothers being refused opportunities in the legal field simply because they had children. One particular story that sticks out in Michelle's mind came from a female partner at a midsized firm, and involved male partners of the firm refusing an interview to a mother who



*Michelle Browning Coughlin,  
Founder of MothersEsquire*



MothersEsquire





*THE GROUP'S GROWTH HAS BEEN VERY SLOW AND DELIBERATE, HAS STAYED NONPARTISAN, AND PROVIDES PALPABLE SUPPORT AND A SENSE OF COMMUNITY TO ITS MEMBERS. IT'S IMPORTANT TO MICHELLE TO CHANGE THE DIALOGUE SURROUNDING MOTHERS IN THE LEGAL PROFESSION AND TO CONTINUE THE BATTLE ON ALL SIDES AGAINST EXPECTATIONS AND BIASES AGAINST WOMEN WITH CHILDREN.*

had formerly been a partner at the very same firm. This mother was actually married to one of the male partners at the firm and had taken a few years off to stay at home with *their* children. When she was ready to return to work, she submitted her résumé for consideration. She was refused an interview by her former colleagues because staying home a few years made her “irrelevant.”

Now, only five years later, MothersEsquire has almost 3,000 members and a very specific mission.

The group's growth has been very slow and deliberate, has stayed nonpartisan, and provides palpable support and a sense of community to its members. It's important to Michelle to change the dialogue surrounding mothers in the legal profession and to continue the battle on all sides against expectations and biases against women with children. It's really important to get away from systems that point to women as the problem by saying things like, “Women should ask for raises more often,” or “Women need better negotiating skills.” Instead of sending the message that we need to “fix” women so that they are more successful in legal careers, we should be asking how we can fix the system.

MothersEsquire is currently going through the process to become a 501(c)3 advocacy group and hoping to continue growing, but not at the expense of its mission. The group will continue to maintain the kind and supportive environment that Michelle first created: “We want to disrupt the motherhood penalty in the legal profession and support and advocate for mothers' success.”

Are you a MotherEsquire? Check out the group on Facebook. For more information on how to get involved, visit [www.mothersesquire.com](http://www.mothersesquire.com).

*About the Author*

*Autumn N. Hancock is the founder of Hancock Law Firm in St. Petersburg, where she advocates for first responders and practices adoption and family law. She is also the beaming mother to 3-year-old Cohen and wife to firefighter Adam.*



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Fort Myers, Florida 33919  
239-936-7200  
[jenniferhammond@gskattorneys.com](mailto:jenniferhammond@gskattorneys.com)



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# Go Ahead and Beat Down the Door!

by Chelsea D. Hardy



Opportunity does not actually knock. In reality, it presents itself when one beats down the door. Women must continue to break down the barriers

along the path to gender equality in the business world. Here, we will explore numerous options with which to do so available to female-led solo practitioners and small firms.

Women have made great strides in the world of business over the last 20 years. Between 1997 and 2017, the number of women-owned businesses grew by more than 114 percent, compared to the overall national business growth rate of only 44 percent.<sup>1</sup> As of January 2017, there were approximately 11.6 million women-owned businesses in the United States, employing almost 9 million people, generating over \$1.7 trillion in revenue, and accounting for approximately 39 percent of all U.S. firms.<sup>2</sup> On the flip-side, women-led businesses continue to be grossly underrepresented with respect to procuring contracts for goods and services.<sup>3</sup> In particular, legal services is one of the industries in which women-owned businesses are underrepresented in federal contracting.<sup>4</sup> Approximately 16 percent of small business loans go to women entrepreneurs.<sup>5</sup> In fiscal year 2014, the federal government awarded legal services contracts to 1,419 firms, out of which only 290 were women-owned.<sup>6</sup> The disparity may be caused by a variety of factors. One plausible reason for the disparity is that women are geographically or otherwise isolated from other entrepreneurs.<sup>7</sup> Or perhaps it is the unanticipated outcome of internal biases held by men and women that

result in mentors, investors, and bankers evaluating women and their performances differently, with female performance judged more harshly and their successes more likely to be attributed to luck than talent.<sup>8</sup> Men and women alike need to make a conscious effort to equalize the workforce. There are a variety of tools available to do just that, including free education and certification programs for female business leaders.

## Education

In 2008, Goldman Sachs launched 10,000 Women, a global initiative to provide female business owners with free educational and networking opportunities and increased access to capital.<sup>9</sup> Since its inception, the program has influenced more than 10,000 women worldwide. The online program is available to female entrepreneurs of established businesses that employ more than three people and generate more than \$50,000 in annual revenue. The program includes a two-week introductory course that focuses on performing a business diagnostic, charting growth, assessing leadership skills, and generating new ideas. After completion of the introductory course and a corresponding survey, eligible participants are invited to take part in a 10-week comprehensive course designed by experienced business leaders. Participants in this phase will collaboratively develop a business growth plan to help them reach the next phase of their businesses' development. Interested and eligible female leaders may enroll online on Coursera's website.<sup>10</sup> Additionally, Bank of America and Cornell University recently partnered to provide a free six-course program focused on helping women build, manage, and grow a successful business by identifying and addressing

opportunities and vulnerabilities, and creating a solid action plan to increase chances of success.<sup>11</sup> The inaugural, self-paced, 12-week course is offered online to the first 200 registrants. The courses focus on how to create and fund the venture, development of a business plan, female leadership growth, product development and marketing, legal aspects of the venture, as well as communication and negotiation skills.<sup>12</sup> The program's goal is to educate more than 5,000 women within the next four years. For more information, please find the link for Bank of America Institute for Women's Entrepreneurship at Cornell's website, available at [www.bofainstitute.cornell.edu](http://www.bofainstitute.cornell.edu).<sup>13</sup>

Another option for education-related resources is Women's Business Centers, run by the U.S. Small Business Administration's (SBA) Office of Women's Business Ownership. There are currently more than 100 centers in the U.S. that focus on educating female leaders on how to start and grow small businesses, with the goal of "leveling the playing field" for female business leaders.<sup>14</sup> Interested leaders can find the location nearest them on SBA's website.<sup>15</sup> Locations in Florida include Tampa, Melbourne, Jacksonville, and Delray Beach.

## Certification

In addition to education focused on building relationships, increasing knowledge, and navigating subjective biases, there are also more direct, objective opportunities available to female entrepreneurs to assist in beating that door down. For example, women-led business enterprises have the ability to become certified as women-owned businesses. Advantages of certification include increased exposure, training and educational

programs reserved for certified businesses, and a variety of networking and mentorship opportunities. Further, one of the largest advantages of certification is the increased opportunity to procure government contracts. Most government purchasing agencies have programs in place setting aside a certain percentage of contract awards to certified women-owned businesses. The certifications help distinguish female-led businesses from other businesses bidding for government contracts through government procurement processes, which often mandate strict competition. Such certifications are used by the private sector as well. There are two general types of certification — a Women-Owned Small Business certification and a Women’s Business Enterprise certification.

The Women-Owned Small Business Federal Contracting Program (WOSB) is a certification program administered by the United States Small Business Administration (SBA) and is specific to doing business with the federal government,<sup>16</sup> the single largest procurer of goods and services in the world.<sup>17</sup> The purpose of the program is to help the federal government reach or exceed its current statutory goal of awarding at least 5 percent of

***ADVANTAGES OF CERTIFICATION INCLUDE INCREASED EXPOSURE, TRAINING AND EDUCATIONAL PROGRAMS RESERVED FOR CERTIFIED BUSINESSES, AND A VARIETY OF NETWORKING AND MENTORSHIP OPPORTUNITIES.***

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federal contracting dollars to women-owned small businesses. In March 2016, the SBA announced that for the first time, the federal government reached this goal by awarding more than 5.05 percent, or \$17.8 billion to women-owned small businesses.<sup>18</sup> To be eligible for certification, the business must be controlled by U.S. citizens, 51 percent or more of whom are women managing the day-to-day operations and making long-term

decisions, and the firm must be considered “small” pursuant to SBA guidelines.<sup>19</sup> A preliminary assessment of whether you qualify can be found on the SBA’s Certify website, along with the certification form.<sup>20</sup> Businesses can either self-certify through SBA’s website, or go through one of the following four authorized third-party certification providers:

- El Paso Hispanic Chamber of Commerce
- National Women Business Owners Corporation
- U.S. Women’s Chamber of Commerce
- Women’s Business Enterprise National Council

A Women’s Business Enterprise (WBE) certification is a more general certification often utilized by state, local, quasi-government, and private entities. Certification is available through the four entities listed above, as well as other third-party providers. State governments may also have their own variation of the general WBE certification. To be recognized as a WBE by the state of Florida, the business must be registered as a certified business enterprise (CBE) with the Office of Supplier Diversity. To qualify, the entity must be registered to do business in Florida





as a for-profit organization; be based in Florida; be owned and managed by Florida residents; be 51 percent owned and managed by a woman, veteran, or minority; be engaged in commercial transactions; have less than 200 full-time employees; have a net worth of less than \$5 million; and have a professional license if required in the business's industry.<sup>21</sup> A more detailed list of the eligibility requirements and registration information can be found on the State of Florida Department of Management Services website.<sup>22</sup> Local governments may have their own requirements for the businesses they hire to provide goods and services, or may utilize the federal, state, or general WBE certification. Private business enterprises that have a program in place regarding awarding contracts to women-owned businesses usually accept WBE certification provided by third-party providers.

As detailed above, there are a number of incentives just waiting to be utilized by women-led businesses and available to solo practitioners. Take the plunge, get recognized, get certified, and make it happen for you.

*About the Author*  
Chelsea Hardy is an Assistant County Attorney for Pinellas County. She is passionate about supporting women in the workforce and is a strong advocate of maintaining a healthy work-life balance. She is an active member of PFAWL.

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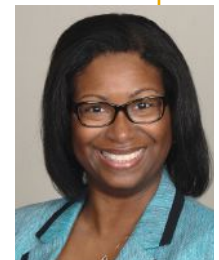
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