

Inevitable Change

BY JENNIFER PLATZKERE SNYDER

Change happens. It is inevitable.

The change of seasons at this time of year is the most palpable change for me, as we leave the summery fall and plunge into the frigid depths of winter – salvaged by the twinkling lights of holiday decorations, familiar holiday music that always makes me want to break out into song, and the ability to carve out down time with family and friends. I love seeing the photographic evidence of change among my friends’ families, as holiday cards come pouring in and make their way onto my refrigerator.

Change is also coming our way in terms of a major shift in government leadership in Washington. While we didn’t shatter the ultimate glass ceiling by putting a woman in the Oval Office, this Bar Association – for the first time in its history – is going to be led by a triumvirate of women, and all five of the newly elected Board of Governors are women. Change is most definitely evident here.

Although women now make up over half of law school graduates, there was a time in the not-too-distant past when there were few, if any, jobs for women lawyers. My paternal grandmother, for one, suffered the stigma of her gender. She attended Brooklyn Law School at night in the mid-1920s, while working by day at her brothers’ accounting firm. She was one of a number of women to graduate; however, absent a husband, father or brothers who were lawyers, jobs were nearly impossible to find. Opportunities were even harder to come by after the Depression and WWII, when the priority was always to give legal jobs to men.

Fortunately, by the time I started practicing in the mid-1990s, my gender did not prevent me from being hired. However, it still shaped the opportunities that some wanted to give me.

I remember a project where we represented a senior male executive in a male-dominated industry. The relationship partner wanted to assign a male associate. The assigning partner rejected that notion and, thankfully, promoted me as the best

“man” for the job.

Not everyone was that open minded. My fellow female associates chastised me for favoring pantsuits, saying that they were unacceptable to many of the male partners and cautioning that I would never see the inside of a courtroom if I didn’t wear a skirt. Despite my newbie status, I said I would wait for the male partners to direct me to change my attire and, until then, would be a pantsuit stalwart. The partners never complained (at least not to me) and, before long, these same female associates jumped on my pantsuit bandwagon. While it now seems so antiquated that the choice of pants versus skirt could ever result in diminished professional opportunities, to this day I give pause when selecting my attire. I would never want the strength of my arguments, abilities or experience undermined by my decision as to whether I should expose some leg (however modestly).

Women are not leaving the practice of law anytime soon. Indeed, we are staying in the profession longer, advancing to partnerships, becoming general counsels, and rising onto the bench. With this change in composition of our profession quite evident, discrimination and diversity issues have become increasingly prevalent and discussed.

This past year, the ABA amended Model Rule 8.4, making it professional misconduct to engage in discrimination or harassment on the basis of a protected class “in conduct related to the practice of law.” Unlike the discrimination laws enforced by the EEOC and state and local authorities – which largely serve to address conduct between an employer and employee or between co-workers – Rule 8.4 is not limited to conduct within an attorney’s own workplace. Rather, its expansive prohibition extends to every professional interaction, including “representing clients; interacting with witnesses, coworkers, court personnel, lawyers and others while engaged in the practice of law; operating or managing a law firm or law practice; and participating in bar





WISHING YOU

HAPPY HOLIDAYS

WITH LOVE FROM THE SNYDERS

association, business or social activities in connection with the practice of law.” This fall, our Bar Association followed suit, passing a resolution urging the Pennsylvania Supreme Court to adopt the ABA Model Rule.

Also coming our way is legislation prohibiting employers from questioning applicants about compensation history, with the goal of leveling the playing field and advancing pay equity between men and women. Our Association recently passed a resolution urging the Pennsylvania legislature to amend its Equal Pay Law to this effect, following in the path set by Massachusetts a few months ago. While the state legislation remains pending at this time, the City of Philadelphia has decided it must take action now to stem the ever increasing wage gap both between men and women as well as with respect to minorities. In

amending the Philadelphia Code, our City has become the first in the country to make it an unlawful employment practice for employers to inquire about any applicant’s wage history, to condition employment on a disclosure of wage history, or to retaliate against a prospective employee for refusing to respond to a wage history inquiry. Not only is change afoot, more is certainly to come.

As we bring 2016 to a close and ring in 2017, I hope you enjoy this issue, some twinkling lights and music, and time spent with family and friends. And prepare yourself for inevitable change. ■

Jennifer Platzkere Snyder (jsnyder@dilworthlaw.com), partner at Dilworth Paxson LLP, is editor-in-chief of The Philadelphia Lawyer.

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