

MEET THE PANELISTS

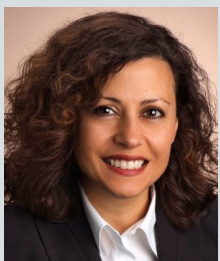

**MACKENZIE
MONACO**

Director and Shareholder,
Carter Conboy, Attorneys
at Law

Mackenzie Monaco manages an active litigation practice representing a wide-range of clients, from individuals and local businesses to national corporations. She delivers counseling, risk management, and tort defense services to the hospitality, retail, construction, insurance, and health care industries. In addition to her practice, Mackenzie serves as Chair of Carter Conboy's Women's Impact Network and the firm's Recruiting Committee. She is Chair of ALFA International's Hospitality & Retail Practice Group, is the immediate past-President of the Capital District Trial Lawyers Association and is an active member of the Committee on Character and Fitness for New York's Third Judicial District. She is an active speaker on industry issues and trends, as well as on women's issues and client relations. When Mackenzie represents you, you will feel the difference. Whether it is on a worksite, at the negotiation table, or in the courtroom, Mackenzie is a tough negotiator, relatable communicator, and a staunch client advocate.



Timeless Integrity. Tireless Counsel.


**SANDRA D.
RIVERA, ESQ.**

Rivera Law, PLLC
State Legislative Policy
Committee Chairperson,
NYSBA

Sandra Rivera counsels for-profit and not-for-profit businesses and associations on state regulatory, legislative and procurement matters. She works with clients to develop and implement strategies, ranging from general guidance of NYS government and procurement to drafting legislation and memoranda, to appearing before the NYS Legislature and various state agencies. In addition, Ms. Rivera counsels clients on the NYS Minority and Women-Owned Business Enterprise program. Prior to forming Rivera Law, PLLC, she worked at prominent firms advising clients on matters relating to technology, economic development, health and human services, and criminal and social justice. Ms. Rivera started her career in the NYS Assembly majority leader's office and went on to work at the state teachers' union to advance their agenda before various state agencies. Sandra is a former member of the executive committee for the NYSBA, current chair of their State Legislative Policy Committee, and on their House of Delegates.



NEW YORK STATE
BAR ASSOCIATION

TABLE of EXPERTS

WOMEN IN LAW

The *Albany Business Review* hosted four attorneys to discuss their experience overcoming adversity and progressing as a woman in the legal industry. The discussion was moderated by Sierra Kehn of the *Albany Business Review*.

What is the landscape for female attorneys working in law firms? A 2017 report by the American Bar Association found that women accounted for only 25% of law firm governance roles. What needs to change in law firms to expand the presence and prominence of women in those settings?

Sandra Rivera: This is an ongoing issue with the practice of law. In New York City, I see so much diversity and so many more opportunities, where here in Albany it's still a little more conservative and there's a need for women helping women. The more that we do have women in those key positions, but also at the associate level, will change how law firms practice. Things are changing, and the practice of law is changing. In order to really adapt to the changing model, they need everyone. They need all voices. Women, men, and diverse representation across the board. The firms that are more sensitive to that and recognize that will do better. I think that's really taking hold in these female-based initiatives that firms are implementing. For me, I was in big law and now I have my own practice. And so, I really embody and recognize the need for that diversity.

Mackenzie Monaco: I recently spoke at a seminar about what to do in the age of #MeToo. It was basically giving practical advice to businesses and what you should be doing within your organizations to address the concerns and maybe some of the opportunities brought out by the #MeToo movement. One of the things that I uncovered in my research was that having those women role models in positions of leadership is critical to making that jump, to expanding that 25% to the 50% we'd all love to see.

Almost equally, and maybe sometimes more important, is having those male partners who are willing to sponsor and champion the female associates and junior partners. I'm currently the sole female shareholder in my firm, and I got there, in part, because I have male partners who championed me. The audience at that seminar was majority men. I started by saying there is so much power in this room. Use it for good. Use it because we all get stronger as a result of it. I hope it landed.

Rivera: While I did have wonderful female men-

tors, I also had wonderful male mentors, and still do to this day. That does make a difference to show that, yes, we understand the diversity piece and that women need to be there. But it's not just women for the sake of having women. It's having capable women doing this job. And as this roundtable can attest, it's out there. It's just having to cultivate it and really support it.

Christine Taylor: For many years we've had women on our Executive Committee, and I would second the role of both male and female mentors. My path to partnership was in large part because of several male mentors. I've had wonderful female mentors, but you can't understate the role of male mentors, maybe in more of a governance role and having the ability to assist female associates coming up.

I'm uniquely lucky because our law firm is a WBE, so our ownership has to be majority women. I don't know if anyone else is seeing that there are more women investors now. Women are hiring women investors because they want to. It would be very interesting to see if that trickles over into law. As women grow their own businesses, maybe they feel more comfortable hiring a female attorney.

What are some unique challenges that you feel women face in the industry?

Kate Herlihy: At times, networking is challenging for women. It's something, that for myself, I've had to push myself out of my comfort zone. But you can't underestimate the role it can play in business development, and the overall importance of being out in the community and presenting through speaking engagements. I think that for many women, it just does not come as naturally as it might for men.

Rivera: And just having the time. Because even though we're working in the field, whether we're single or have a partner, we're still doing the work at home, too. I feel that. I'm running my own business and then I'm going home and I'm cooking.

Monaco: I would absolutely piggyback on the networking. Sometimes it's just the nature of the activity. Golf is a traditional male activity. I don't golf. But



Mackenzie Monaco, left, Christine Taylor, Kate Herlihy, Sandra D. Rivera, Esq.

DONNA ABBOTT-VLAHOS

last summer one of our clients was having a charity golf event and it was my nature to push it to my male partners. Like, here you guys, we'll sponsor, you go. One of my more senior partners, to his credit, said, absolutely not. This isn't about the golf. This isn't about who is hitting them well. That's not what this is about. So I went.

It's reaching deep, getting your value add. I came back to the firm and said let's get all of our women golf lessons. Actually, everyone is going to do golf lessons. And if you are not comfortable with it, then let's get comfortable with it because there is no reason you should not be on that course and interacting with the clients that are there. This year, I had another woman with me on the team. It was two men, two women as a foursome and it was a great networking experience. I'm still terrible, but my short game is strong.

Taylor: My mother always said when I was growing up that women speak a lot with apologetic language. I find that I've had to edit myself in my emails. Where a lot of my male counterparts would be, this is just what it is, I'm saying, "I'm sorry it took so long." I've had to learn how to edit myself.

And I don't know if it still happens to the rest of you, but I do find when we have clients who haven't met me before, they like to assume I'm an inferior role—like I couldn't possibly be the attorney in the room. I'm surprised that that's still something that's happening. I thought that would be different by now, but that's not. I thought that was interesting. Even applying for jobs, I found that there are still some law firms that rank your intelligence a little bit differently, and if they see a wedding ring, still assume that you're only in it for the short term.

Rivera: And pay equity, too. I think the other part of the #MeToo generation is women really having to express themselves in a way that demands that equity. I found, probably more now that I have my own firm, that I've had to do that and not apologize and say, this is it. This is my rate. Please don't ask me to change it.

Much has been said and written about the stresses of lawyers and working in large firms, and how those stresses can impact their personal lives. Is this a women's issue or an 'everyone' issue that

entreats law firms to be more family friendly with policies?

Rivera: It's an everyone issue. Again, it's this idea that you're doing the work and then you're doing the work at home. I think, especially in the next generation behind me, there's more equity there. There's an existence and expectation of both maternity leave and paternity leave. I did not have children, that was my decision, but I see how hard it is to raise a family and work full-time. At my firm, I'm very mindful of that. There are expectations and people want to be with their families.

Herlihy: I have three young children, and I've been fortunate that Whiteman really recognizes the flexibility that male and female attorneys need. There are a lot of dual-career couples in the world now, and having that flexibility is important to most families. Attorneys today are also fortunate that technology allows, in many cases for attorneys to perform high quality work and meet client demands, but also gives you the ability to be there for your family. I think this flexibility is one of the keys to retaining associates through partnership track.

Have there been any interesting recent developments in your area of practice?

Herlihy: This is a great segue. Over the past three years, while I was with the Life Insurance Council of New York, I had the chance to work with most of the state's statutory disability insurance carriers in helping them set up, along with the Department of Financial Services and Workers Compensation Board, the State's Paid Family Leave program. That's been extremely rewarding both professionally and personally to see that program almost fully implemented with a really robust private insurance market and also meeting the public policy goal of providing paid leave among all spectrums of the workforce.

Taylor: My parents have owned a lot of campgrounds. Right before Labor Day, 17 campgrounds that I have identified in New York got hit with one of those ADA website compliance law suits. If you have a website, check out compliance. Because of the fact that there's no real standard of what compliance is

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CHRISTINE E. TAYLOR

Associate, Towne, Ryan & Partners

Christine E. Taylor is an associate at Towne, Ryan & Partners in the Albany office, who focuses her practice in the areas of hospitality law, business law, labor and employment law, real estate law, trusts, estate law, and litigation.

Having been both part of the Yogi Berra's Jellystone Park and KOA franchise, her unique experience within the campground industry gives her insight from both the legal and camping perspectives.

Ms. Taylor has provided services within the campground industry providing Employment contracts, seasonal license agreements, general releases, limited liability company or corporation formation and upkeep, and advising in real estate matters and estate planning.

**TOWNE, RYAN
& PARTNERS, P.C.**
ATTORNEYS AT LAW



KATHERINE HERLIHY

Partner, Whiteman Osterman & Hanna

Katherine Herlihy rejoins Whiteman Osterman & Hanna as a partner after serving as general counsel for three years at the Life Insurance Council of New York (LICONY). Ms. Herlihy concentrates her practice in all facets of government relations representation and represents clients in legislative and regulatory matters before the state Legislature and executive chamber, as well as various state agencies including the Department of Financial Services, Department of Health, State Education Department, Department of Environmental Conservation, Workers Compensation Board, and State Liquor Authority. She also advises clients on campaign finance and lobbying law compliance.

**WHITEMAN
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ADVERTISING SUPPLEMENT



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and it's just based on some very narrow case precedent right now, it has made for an interesting battle. Although everybody wants to be accommodating, you don't know what that really means. Insurance companies don't really know if you're covered. Is it part of your extra policy that covers discrimination lawsuits? Or is it not covered because they chunked it under the public accommodations law? It's definitely the time to have a web developer check out what you have.

Rivera: I have clients in the health care industry and the technology industry. Over the years, what I've found is, and especially now, they're crossing. Health care is changing and really trying to adapt to helping people in the health care space because it costs so much. Data analytics is getting very involved in this and it raises a whole host of HIPAA and cyber security issues.

Monaco: I have some national hospitality clients that I've been advising regarding those ADA claims. But also keeping up with the sexual harassment training compliance has been another issue for those national clients who have presence in New York. They usually have a solid compliance department, but it's making sure that we're keeping up with client updates on what requirements that are literally changing month to month.

What attracted you to law and why did you want to become a lawyer?

Monaco: I actually had what may be a unique situation. My father was a town justice, but he was not a lawyer. He was a midnight manager of a cheese plant in my town. As a result, he really approached law in a different manner. It was common sense justice. A real small-town approach. We had arraignments in my living room. My mother was a witness at so many weddings, that he officiated, I can't even tell you. It really was an interesting look at the law. I think that just informed my knowledge and interest very young.

How do you see the landscape for female attorneys in the future?

Taylor: I'm really excited about where things are

going because you can already see the change from where it's been. One of the partners of our law firm, when she started, women had a uniform that they had to wear. There are a lot more people who forged a path for you and helping someone else grow. Women are pretty good at that. They recognize that since they had an uphill battle, it's important to bring someone with you.

Be as assertive as your male counterpart. Don't be apologetic. Apply for that job even if you don't think your requirements are exactly the same. I realized that was something different between me and someone else. I read the same job and I wouldn't apply for it because I didn't think that I had the same background. He was like, I haven't been an attorney for five years, but it's fine, I'll apply for it anyway. Stop setting barriers for yourself because if there are people before you who knocked them down, you shouldn't take that opportunity to put them back up.

Herlihy: The groundwork is there. Many law school classes now have more female graduates than male graduates. Most associate classes are 50/50 at least, or have an even higher percentage of females. It's just a matter of time before we see that growth into partnership and leadership roles in law firms.

Monaco: To the point of forging a path, my firm next year turns 100. We were one of the first firms to have female in leadership, going back to the 1970s. I often feel that I stand on the shoulders of giants where I am because they have forged that path.

My daughter's 10. This morning she's in the bathroom as I'm getting ready and she asks where I'm going today. I say that I'm going to talk on this panel about women in law. And she says, "Why is that a thing?" I said, well we still have a way to go. She can't contemplate it because her reality has always been me. Which is what I want. By the time she's in a position to be sitting around this table, maybe we're talking about women in leadership at 40% or 45%.

I worked for two female partners when I started with the firm. One was maybe a half generation older than me. One was a full generation older. The woman who was a full generation older retired before I came up for partner. But she did a really good job of giving me challenging assignments and not making any differentiation between me and the male part-

ner who was working for her. Both female partners were very important in making sure that I knew that it could be done.

In talking about the struggles of balancing parenthood and all of the other things, my associate came to me about six months ago and asked, can it be done? Can you have it all? Can you have the relationship and friends and personal health and a family and the job? She'd just gotten married. Those are loaded questions for someone like me and our situations aren't static. There are times I feel like I've got it all under control and then I feel like all the balls are hitting the floor.

I had a female mentor who was going through that, and I saw her go through it. She had young children and a husband who was working. All of those things that I am now dealing with, I saw that she was able to do. She approached it in a different way than I do, but the point was that there was a number of ways to get there. I thought that it was doable and I hope that I conveyed that to my associate. I stand on the shoulders of giants and I hope that I have big enough shoulders for others to stand on mine.

A 2017 report from the New York State Bar Association revealed that female attorneys were still under-represented in many areas of the law. The report recommended that law firms, members of the judiciary, corporate clients and alternative dispute resolution providers work harder to give women more opportunities to gain experience. Is that happening and if so, to what extent?

Rivera: I would say it has to happen. From the corporate side, they're definitely demanding it. That's really what's going to help make a difference. And the judges. Judges are really expecting it. Going back to networking, there's a level of disappointment now if they don't see that overall diversity and gender representation in particular because they know it's out there. It requires everyone to work a little harder on that side, but because it's coming from the clients and the courts, it's going to make a difference.

On a positive note, at least in the public arena, there is a real effort to showcase great talent in state agencies or the DA's offices and in the judiciary. On their end, they are doing their part. The private sector could really take lessons as far as some of the practices that they're instituting there.

Why did you choose to work in Albany? And how do you continue to grow your business?

Taylor: I've actually lived a little bit of everywhere, but I find upstate New York gives me the best of both worlds. I'm close to a bunch of cities, and I say I work two hours from everywhere. It also gives me that small town vibe I like and the opportunity to explore and still get to know my community. I continue to grow my business by getting back to where I was from the beginning. My parents' first campground was over in Cooperstown and their second one was only an hour from here, in Copake. I've been a little bit of everywhere. I've gotten to do speaking engagements at regional hospitality events, specifically on the campground industry, and I have a quarterly column now in a campground magazine.

Rivera: I really like this area because of its small-town feel. The legal community is small and the business community is sort of wrapped around that. It feels like a small town, but it's significant in size. It's great when you can go to a networking event and inevitably you see people there you know. That's a nice feeling to have that connection to the working world, whereas if you're in a larger city, you probably wouldn't have that unless you're at a very specific, very niche area. Here, chances are you're going to know quite a lot of people.

How has your practice area changed since you began your legal career?

Herlihy: I think it's changed in two ways. First, the government relations world has been really changed by technology. When I first started, grassroots advocacy looked very different than it does today. Now, with Twitter and a lot of the email capabilities, there are many more voices having a chance to be heard in Albany, which I think is a good thing. But it definitely makes it more challenging to get your client's message across when there are so many more inputs coming to the members of the legislature.

Second, in the 2018 elections we had a lot of turnover in the state legislature, and we have all had to work to get to know these new members. Many of the new members are female, which is a great reflection of our overall society and brings new perspective to a lot of issues.

What are the biggest shifts and trends you're seeing in the legal market?

Rivera: There are more women, and companies want to see a more diverse team to help them navigate, whether it's on the public policy side or just in business. I'm also a certified MWBE law firm, and so that helps, from the government side, the expectation that there is going to be a diverse team or at least a part of the role is going to be filled by a female lawyer or a member of a minority community.

On the technology side, you can work remotely now and that's been a big shift. I'm trying to use technology more to allow for flexibility, both for my firm and for myself as well. Using software as a service, more than just traditional software on the computer, allows for that flexibility—and that's made a big difference.

Taylor: Sometimes, though, I find it harder to unplug because I can always be working. It's hard to keep it from blurring. I'm on vacation, but I'm still answering emails on the side over here and doing this when we're in the line. I sometimes worry that it's taking me from being present in my life. It gets easier to work all the time if the lines get blurred more and more.

Rivera: It's hard. I took a few days off and put on my out-of-office assistant. That was a big deal for me, to actually broadcast that.

What would be an appropriate way for a law firm partner to communicate to a valued client that the firm is undertaking special efforts to involve its female attorneys? What should the partner do if the client suggests that he or she prefers to work with a more experienced male attorney?

Rivera: It goes back to having those male role models and the male support to be able to push back on that. I was fortunate that when I was in larger law firms,

I had that support. When there was a client, I guess they spared me those real concerns. I never felt from the firm's perspective that they didn't support me. I think that's the more important piece. I think it still happens, but it's becoming more and more rare. It makes it easier for the firms to push back on it. Just bring the Associate along, regardless. I don't think they'll be harmed by doing that.

Herlihy: I echo that. Access to and experience with clients very early on in your career can be key to avoiding this situation. The earlier that happens, the better for the firm and the better for the individual attorney developing the practice.

Are there particular areas of law where female attorneys have achieved notable success and prominence? Conversely, are there areas of the law that are notable for having a lack of women

free-flowing conversation about life at the firm. It's helpful to get all the female attorneys, both partners and associates, in the room together on a regular basis. We also do service projects or undertake other out-of-office events together. It is a great networking opportunity and an informal way to engage with all the female attorneys in the firm.

Taylor: We're small. It's me and three other women. We have a weekly meeting at our law firm to assess everybody and everything. I think we do a good job of promoting each other's strengths across the board.

I'm really thankful for the people who help younger attorneys like myself get ahead. It's great to be able to call on each other. I'd have to say that going back to the small town of Albany, I found that even attorneys at other law firms are really open to questions and mentoring. And some of the females, even though we don't happen to work at the same place, have been

"While I did have wonderful female mentors, I also had wonderful male mentors, and still do to this day. That does make a difference to show that, yes, we understand the diversity piece and that women need to be there. But it's not just women for the sake of having women. It's having capable women doing this job. And as this roundtable can attest, it's out there. It's just having to cultivate it and really support it."

SANDRA D. RIVERA, state legislative policy committee chairperson, NYSBA

attorneys in prominent roles?

Taylor: Encouragingly, I think we're seeing successes everywhere.

Rivera: Looking all the way from the Supreme Court to the U.S. Supreme Court to our local elections, especially in this coming election, there are a lot more women on the ballot for judicial positions, which is amazing. Something changed, just within the last few years, where there is a recognition that a whole half of the population of attorneys are just as capable of doing these jobs.

Do you have a specific women's forum or a part of your organization that really focuses on advancing the female attorneys?

Herlihy: At Whiteman, we do have a women's forum. We've had it for many years. We gather, usually, on a monthly basis to have lunch together and have a

really open to helping me. I'd say we're really lucky to have a community of women attorneys in this area to help out everybody.

Any advice for younger attorneys?

Herlihy: Serving on nonprofit boards is really a great way for younger attorneys, both male and female, to share their legal skills with the community and to network and expand their business horizons.

And also, I think transparency from firm leadership as to their expectations for achieving partnership is really important in helping both male and female associates understand what that path looks like. I think Whiteman has done a really good job with all of its associates in meeting with them along the associate path and helping them understand what it takes to get to partnership. ■

TRANSCRIPT LIGHTLY EDITED FOR SPACE AND CLARITY.

Thank you to our participants



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