

# SPECIAL SECTION

## Financial and Economic Crisis

### Proskauer's Women's Law Forum: Top Legal And Business Leaders Focus On Managing Change And Minimizing Risk While Fundraising For City Harvest

*The Editor interviews Elise Bloom, Co-chair of Proskauer Rose LLP's Labor & Employment Law Department.*

**Editor:** Congratulations on being named co-chair of Proskauer's Labor & Employment Law Department. Tell us more about your recent appointment.

**Bloom:** Thank you. I am obviously very proud to co-chair the Labor & Employment Law Department with Paul Salvatore. It's an honor to be the first woman to serve in this role and a testament to Proskauer's commitment to diversity. This is a firm that seeks out and embraces new ideas and I'm fortunate to be part of it. As a woman, but also as a lateral partner, I'm in a position to offer a fresh perspective – and that's exciting.

**Editor:** You just chaired a major annual Proskauer event, the

**Women's Law Forum.** Please tell us about the event's origins and goals and how it has evolved.

**Bloom:** The Women's Law Forum was conceived as a venue where women lawyers, in-house counsel and senior corporate executives from around the country could engage in substantive discussions about pressing legal and business issues, exchange ideas, network and develop personal relationships with professional peers in a relaxed setting. This is the fourth year Proskauer has hosted the event and each time we have looked to incorporate a new dimension to make it as dynamic and useful for our guests as possible.

The most significant change is our addition of a charitable component. For the past three years, we have partnered with a charity that focuses on issues that are important to women. Proskauer matches all of the money collected through registration fees and donations are made to the charities, which have included the Breast Cancer Research Foundation and Bottomless Closet, which provides clothing and job readiness to women. This year, we partnered with City Harvest ([www.cityharvest.org](http://www.cityharvest.org)), which helps feed New York City's homeless by rescuing food from restaurants, catering halls and corporate facilities and redistributing it to soup kitchens, shelters, medical clinics for the poor and day care centers. We raised \$20,000 this year, bringing Proskauer's total charitable contributions over the history of the event to \$60,000. It's been inspirational to see how the forum has become an important catalyst not only to raise funds, but also to increase involvement in organizations that are working to support very worthy causes.

The forum has also attracted an impressive array of guest speakers, including Linda Ellerbee, who, in 2007, talked about her experience as a female news anchor in a male-dominated industry and how being a breast cancer survivor has shaped her perspective on life. Last year, we had CNN's Soledad O'Brien – a terrific choice for an election year. And this year, we welcomed Tina Brown, founder of *The Daily Beast* online news site and former editor of *Vanity Fair*, *The New Yorker* and *Talk* magazines, who shared her personal insights about managing change in an evolving environment. Each of these women greatly enhanced the forum by sharing their individual stories and experiences.



**Women's Law Forum (left to right):** Proskauer labor and employment partners Katharine Parker, Kathleen McKenna and Elise Bloom.

**Editor:** What do you see as the major issues and concerns for women in the profession?

**Bloom:** Over the last few years, we have seen an increase in the number of women in leadership positions, which has been outstanding. Now we need to expand on the success we have achieved. The generation before us got us here. Now it is our responsibility to do more than just excel – we need to make a difference. It's about honoring the trailblazers who helped make our paths possible by not only making them proud of our work, but by also continuing to carry the baton – mentoring the next generation, tackling issues, such as work-life balance, that continue to be a challenge, by bringing new ideas to the table and by taking the meaning of success to the next level. Proskauer is extremely supportive of this mission, as evidenced by the Women's Law Forum and myriad other policies and programs the firm has implemented.

**Editor:** One important element of this year's forum was the Association of Corporate Counsel's ACC Value Challenge, where you explored the economic pressures facing corporations and law firms. Can you tell us about that?

**Bloom:** Making the Value Challenge a key piece of the forum was a bold

move. Most outside lawyers don't want to discuss fee reduction. But our view is that if it's important to our clients, it's important to us. And we thought the forum was an excellent venue for an open, honest dialogue.

Susan Hackett, Senior Vice President and General Counsel of the Association of Corporate Counsel, led a panel with Proskauer partner Katharine Parker that included a number of in-house counsel and, as expected, it was a spirited conversation. We've never been afraid to have these discussions. We take client service very seriously and, in some cases, service means flexibility with billing arrangements. At the end of the day, it's about cost predictability and value. And value doesn't necessarily mean heavy discounts, lowering rates or relying on RFPs to essentially find the lowest "bid." The panelists and audience ultimately agreed that one important way value is derived is through long-term relationships, where clients view us as their partners – partners who produce results and, at the same time, demonstrate a commitment to flexibility and to identifying mutually beneficial ways of providing the best service at a cost structure that works for all parties.

**Editor:** Proskauer is renowned globally for having a powerhouse Labor & Employment Law Department.

## HIGHLIGHTS

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**Some Of The Above Law Firms Partner With Corporate Counsel By Providing Us With Financial And Editorial Support.**

\* Supporting Law Firms

## Women's Law Forum

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**Can you tell us about the department and how it has helped clients respond to this year of economic challenge?**

**Bloom:** We have 150 lawyers in strategically located offices across the United States, and our offices in Paris, London and China also have employment law capabilities. But it is our lawyers that set our department apart. They are an unparalleled group of talented, creative and high energy strategic thinkers – and client service is always top of mind. We are all here to serve the best interests of our clients – to accomplish their objectives and to help solve their problems. It's not *our* case – it's the *client's* case.

Obviously the economic environment has created numerous challenges for corporations around the world. On the employment front, we've been in the trenches with our clients, working with them to remain as productive as possible while bringing their cost structures in line by implementing reduced work schedules or other creative alternatives to layoffs. In some cases, we have even "loaned" a lawyer to serve as in-house counsel for a period of time through our secondment program, so the company has a resource on-site who can work side by side with management to deal with these very difficult issues.

**Editor:** How does an improving economy impact the labor and employment law landscape for employers? Are you seeing any new directions or issues emerging?

**Bloom:** The Obama administration is focused on family and leave issues and

we are anticipating new legislation. Likewise, we are seeing more disability and leave claims under the Americans with Disabilities Act and the Family and Medical Leave Act as well as compensation issues as a result of the Lilly Ledbetter Fair Pay Act, which more or less eliminated the statute of limitations on pay discrimination cases.

In my practice, which includes an expertise in wage and hour class actions, I've seen an uptick in cases, which are appealing to plaintiffs' lawyers because the law is so antiquated and complicated. If plaintiffs' lawyers can find one violation, they may recover almost no money, but they will still get fees. There has also been an interesting shift in jury trials since the recession. Jurors tend to have less sympathy for employees who have been terminated for poor performance, because either they or people they know have lost their jobs through no fault of their own. Of course, most cases like this do not go to trial since it is generally in the best interests of both sides to try to find a meaningful midpoint.

**Editor:** Is there anything that you would like to add?

**Bloom:** One thing I have never lost sight of, both in terms of my becoming the co-chair of the Labor & Employment Law Department and also in terms of the firm's support for the Women's Law Forum, is that these efforts would not be possible without the support of my male partners and the firm's leadership. Proskauer is absolutely committed to making sure that women in the firm are visible, are in leadership roles and have the tools we need to succeed. And because of this we're growing stronger every day.

*Please email the interviewee at [ebloom@proskauer.com](mailto:ebloom@proskauer.com) with questions about this interview.*



**City Harvest Donation (left to right):** Proskauer partners Elise Bloom, Kathleen McKenna, Erin Bennett from City Harvest, Katharine Parker and Julie Allen.