

WOMEN IN LAW

During Business First's Table of Experts discussion on Women in Law, four Buffalo attorneys discussed past strides and current initiatives to further strengthen women's roles in the law. Here is a report from the discussion that was held on December 6, 2022.

Women lawyers gaining ground, facing challenges

On the day of jury selection for a big trial, the courtroom deputy referred to new, young attorney Lisa Smith as a "lawyerette."

She ignored the insult. Go ahead and underestimate me, she thought.

"My approach was just to make sure that I was going to be the most prepared, most strategic litigator in that room," Smith said. "My goal was to win and achieve my clients' goals. That's the ultimate victory."

Today, Smith is a partner and governing committee member at Phillips Lytle LLP, the second largest law firm in Western New York. She is the leader of its product liability and mass tort litigation practice team. Her practice areas include class-action litigation, life sciences and health effects, and psychedelic and mental health therapies.

What do you have to say now, courtroom deputy?

Smith was joined recently by three women leaders in the area's legal community at a Buffalo Business First Table of Experts event for a discussion about past strides and current initiatives to further strengthen women's roles in the law.

Her fellow panelists were:

- Kinsey O'Brien, partner, Hodgson Russ LLP. She is a member of the firm's labor and employment practice group, specializing in management, day-to-day business consulting and litigation. She is president-elect of the Women's Bar Association of Western New York.
- Kayla Klos, partner, Harter Secrest & Emery LLP. Her practice areas include corporate law and securities and capital markets, specializing in consulting companies regarding compliance,



PHOTOS BY: JOED VIERA

governance and capital raising.

- Jody Briandi, president and managing partner, Hurwitz Fine P.C. She chairs the firm's premises liability, retail and hospitality liability and school district litigation practice groups.

CHANGING SCENE

The affront that Smith

experienced no doubt has been repeated in various forms for women who have bravely entered a traditionally male profession.

Despite the prevailing attitudes and obstacles, women lawyers have made tremendous gains from 50 years ago when they made up 3% of the profession in the U.S.

But there is plenty room for greater representation.

According to the American Bar Association, 38.3% of the nation's lawyers were women in 2022, a modest gain from 2012 when women lawyers made up 33.3% of the profession.

O'Brien said that there have been times in her career when she been the only woman in the room, but she believes that that is changing. Further, she finds herself consulting clients to help make big decisions in their companies.

"I am working principally with executives, owners, operators, chief HR officers," O'Brien said. "Not only do I have a seat at the table, I am advising the table on some of their most critical decisions. I am right there with the decision-makers helping them make decisions."

CAREERS IN BUFFALO

Whether the panelists are Western New York natives or transplants, they all found satisfaction in the law here, which rivals big-city firms and big-city issues.

"We have such strong

intelligent people here that developed these practices that are so sophisticated,” Klos said. “We tend to work with people who are not local, big law firms in New York City. I was able to do that here and maintain that amazing quality of life, family and a sense of community and still have that amazingly sophisticated practice.”

Smith said having experienced practice in big law firms in Washington and London, she became impressed with the legal environment in Buffalo. She, too, used “sophisticated” to describe the practice, the

caliber of the clients and the type of litigation in which she is involved.

As a young lawyer, Briandi said she wanted to work in Buffalo to be near family and raise her children, but before long she recognized the tremendous opportunities practicing law in Buffalo would offer to her career. She echoed the sentiments of the others.

“It is important to note, when we’re talking about the type of work our firms do, we’re not known as Buffalo lawyers, but New York state lawyers, national lawyers, regional lawyers,”

Briandi said.

And that becomes a good recruiting tool, she said.

STARTING OUT

O’Brien said there are several important career moves that women lawyers can make in their first few years of practice to set themselves up for success.

The first thing she tells new associates is to accept that the practice of law is very difficult, and they need to devote themselves to the grind and the hard work, O’Brien said.

They also need to cultivate

mentors and champions, who aren’t necessarily the same people, she said.

Mentors may be found through membership in the Western New York chapter of the New York State Women’s Bar Association, an organization O’Brien has found over the years has tremendous value for building community and garnering support among women lawyers.

Champions are those who see hard work, a stellar work product and strong ethics who

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MEET OUR EXPERTS



JODY E. BRIANDI

President, Managing Partner



Jody E. Briandi is President/Managing Partner of Hurwitz Fine P.C. She leads the firm’s Board of Directors and chairs the firm’s Premises Liability, Retail & Hospitality Liability, and School District Litigation practice groups. An experienced trial attorney who regularly handles cases in state, federal and appellate courts across New York State, she has been selected to the Upstate New York Super Lawyers Top 50 Lawyers and Top 25 Women lists.

Jody is an advocate on diversity, equity and inclusion. She leads the firm’s internal DEI committee and the Forum for Women Lawyers, an employee resource group intended to provide the firm’s women lawyers with social and professional opportunities to build sustaining careers and strengthen relationships among colleagues and peers in the community.

Jody was also a featured Business First diversity panelist in 2021 and 2022. She received the 2020 Excellence in Law – Top Women in Law Award from The Daily Record, which recognizes the outstanding accomplishments of female attorneys who are making notable contributions to the legal profession while inspiring positive change in the community. She also received the 2021 Business First Women of Influence – Corporate Executive and the 2022 C-Level Executive Awards.



KAYLA E. KLOS

Partner



Harter Secrest & Emery LLP
ATTORNEYS AND COUNSELORS

Kayla Klos provides advice on compliance with securities laws including disclosure and reporting requirements, insider trading issues, corporate governance, Sarbanes-Oxley Act compliance and the requirements of applicable stock exchanges.

Kayla also provides general corporate legal services including assisting with the formation, ownership and management of businesses, contractual matters and corporate governance issues. She represents both public and private companies and has participated as counsel to companies in merger, acquisition and sale transactions, including stock and asset purchases. Her work with public companies includes negotiated and hostile takeovers, tender offers and going-private transactions. Her practice involves assisting clients with capital raising including the registration of securities offerings, private placements, and venture capital financings.

She is a Member of American Bar Association and a Troop Leader for Girl Scouts of Western New York.



KINSEY O'BRIEN

Partner



Kinsey represents and advises private and public employers in all aspects of labor and employment law. She regularly counsels employers on compliance with federal wage and hour laws, worker classification issues, inclusive hiring and employment practices including leave and accommodation management, avoidance of discrimination, harassment, and retaliation claims, discipline, and discharge, and workplace policies and handbooks. Working with her clients as a strategic business partner, Kinsey helps management and human resource professionals mitigate risk through all phases of the employment relationship.

Kinsey is also highly experienced in conducting and advising clients on investigations into alleged harassment, discrimination, retaliation, and other misconduct by employees.

Kinsey also regularly defends employers in a broad array of employment-related litigation, including allegations involving discrimination, harassment, retaliation, leave and accommodations, whistleblower actions, contract disputes, and federal and state wage and hour statutes. She is experienced in all phases of litigation, including handling administrative charges and investigations, drafting pleadings, conducting discovery, motion practice, class and collective certification issues, mediation and settlement negotiations, and trial.

Before joining Hodgson Russ, Kinsey worked for a law firm in Buffalo. She also clerked for the United States Attorney’s Office, Western District of New York and worked in the office of a United States Senator.



LISA L. SMITH

Partner



Lisa is a partner at Phillips Lytle and a longstanding member of the firm’s Governing Committee. She leads Phillips Lytle’s Product Liability and Mass Tort Litigation Practice Team, and also co-chairs its Class Action, Life Sciences & Health Effects and Psychedelics & Mental Health Therapies Practice Teams. She concentrates her practice in the areas of litigating high stakes product liability, toxic tort, environmental, and premises liability cases, defending health care institutions and providers in governmental investigations, and advising clients on risk mitigation.

Lisa handles complex litigation across multiple jurisdictions, often in multidistrict litigation and class action settings. She is a member of the firm’s Diversity, Equity and Inclusion Steering Committee, and has spearheaded the firm’s Women’s Resource Group which maximizes women lawyers’ opportunities for business development and leadership. Lisa serves on the boards of trustees of a number of community organizations focusing on education and the arts, and co-founded a 501(c)(3) breast cancer charity that has assisted 10,000 breast cancer patients to date.

Lisa is listed in both The Best Lawyers in America® and the Upstate New York Super Lawyers® lists, is a recipient of Business First’s 40 Under 40 Award, and received the Women Worth Watching Award from the Profiles in Diversity Journal.®

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will support and advocate for a young lawyer in and outside of the firm, O'Brien said.

"Those are things that are really important, especially here in the Western New York legal community," O'Brien said. "It means more here than it might in other places because of how collegial we are. What is magical about the Western New York legal community is even though you might not have some vested interest in this person's success, because they are not in your firm, we are a rising-tide-lifts-all-boats kind of community."

WORK-LIFE BALANCE

A workload that is reasonable and doesn't interfere or take over personal time or family life is possible with some attention to the panelists' practical advice.

For Briandi, being organized and setting attainable goals is critically important. A daily to-do list is a simple tool that can help, but be prepared for the

curveballs that can drop into the day, she said.

"You get balance when you go in looking for balance," she said. "It has a lot to do with mindset. We have signed up for a very

difficult profession. I tell new attorneys that I am interviewing that this job can be a grind. You have to understand how to take the different parts of your life and focus on them. You might

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KINSEY O'BRIEN
Hodgson Russ LLP

not be able to focus on each of them equally, there may be a week when you are on trial, and you are 100% work. But then the next week might not need to be 100% work. "I firmly believe that none of us can be our best professionally if we are not taking care of the other things in our lives," Briandi said.

The panelists acknowledged, happily, that the current appreciation of work-life balance is an evolution from a time when personal obligations were not looked upon favorably at work. The experience of Covid-19 might have driven this attitude even more, Smith said.

"There was a humanizing element to Covid where we saw our colleagues and our clients in their own home environment and had a deeper appreciation of all the things they were



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LISA L. SMITH
Litigation Partner and Management Committee Member
Participant in the Women in Law Table of Experts

Phillips Lytle is proud to honor all women in law. Their outstanding contributions to their co-workers, clients and community are worth celebrating. Our firm is proud to lead the way in championing equity and inclusion in Western New York and beyond.



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juggling,” she said. “Work-life balance isn’t solely about raising a child. It can be dealing with elderly parents or following your passions.”

As leaders in their firms, Smith and the panelists stressed the importance of exemplifying the necessity of addressing all aspects of their lives, children at home, board service, hobbies, even time off and vacations.

“We need to be transparent about the fact that we are all human beings and not just law robots,” O’Brien added.

PART-TIME OPPORTUNITIES

That work-life balance could be struck with a change in hours, and recognizing this, law firms have come to accept part-time work as a corporate policy, the panelists said.

Briandi said she worked part-time for 13 years while she was raising her three children. It gave her a chance to focus on her career at a pace that worked for her, though she missed out on promotions and other opportunities, she said.

Briandi eventually returned to a full-time position at which time she joined the firm’s board of directors.

In 2019, she was asked to serve as the firm’s third managing partner, which was a significant career change for her, a litigator by background. To accept the position, she needed to rethink the trajectory

of her career, but she realized that the role of managing partner would give her an opportunity to help effect change.

“I am often the only woman managing partner in the room when I am among others who serve in the same position, so it has given me an opportunity to look at the question again as to where women are in law and management,” Briandi said.

WORKFORCE RECRUITMENT

Recruitment has become an issue for many industries, including the legal profession.

The panelists said their law firms have addressed recruitment through developing policies and programs that emphasize mentoring, networking, flexible work arrangements, and pathways to leadership, for example.

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KAYLA E. KLOS
Harter Secrest & Emery LLP



“I firmly believe that none of us can be our best professionally if we are not taking care of the other things in our lives.”

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Hurwitz Fine P.C.



Recruits to a law firm should consider the culture of the workplace as a critical piece of the job search, Briandi said.

“The attorneys who work at the firm are the best ones to talk to,” she said. “They can share with you what it is like to work here and how these policies work in real life and what they can expect to occur when they are here.”

Harter Secrest & Emery strives to support all of its attorneys beyond their practices to extend to their development as people. Klos places a special focus on women associates, whom she advises to blaze their own trail, much like she did when she pursued part-time hours to raise her family when such flexibility was not common in the legal industry.

“It’s so much more accepted now,” Klos said. “There are so many flexible types of arrangements. People are taking paternity leave now. There are so many things that have become institutionalized.”

Klos advises women associates who ask her about her path to partnership: “Know yourself, know your priorities, figure out what’s most important to you and find a path forward.”

WORKFORCE RETENTION

The panelists agreed that there is no growth without retention and pointed to policies and programs meant to

keep attorneys as well attract them.

Remote work policies, many fueled by the pandemic, are key. Diversity in leadership, as exemplified by the panelists, is another. So are mentorship programs.

Among the retention initiatives at Phillips Lytle are training sessions for new lawyers and speaking opportunities for them within the firm and then in the community, Smith said. The firm also includes them in the daily work, even in minor roles in big cases at first, she said. That engages them early into the firm’s operations.

“Every lawyer wants to feel they have a purpose and that they belong,” Smith said. “I have a deep appreciation for this. How do we cultivate that sense of belonging? It can be as basic as creating an environment where people’s fiancés and parents feel comfortable bringing in a birthday cake. I love that.”

Key to establishing this environment is the involvement from the top with senior attorneys playing a critical role in developing women and diverse lawyers, or any of the lawyers, the panelists said.

MOVING FORWARD

The panelists acknowledged that women attorneys, still in the minority despite the growth

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of their numbers, will continue to face obstacles while gender bias persists.

The war stories, the outrageous ones such as Smith's and others all the panelists have faced, are becoming less and less common, Briandi said. The bench is more diverse as are the clients, and further, men attorneys are taking advantage of parental leave and facing similar issues at home as women have traditionally.

What exists is unconscious bias, she said.

"Tangible things we do to attack that unconscious bias issue is we have been more intentional in how we conduct interviews," she said. "We are starting to provide training to lawyers who do the interviews. We are trying to have a clearer criterion to get the bias out of the analysis."

The firm also is pursuing Mansfield certification, an 18-month, rigorous program

that aims for improved diverse representation in leadership through an expanded pool of candidates.

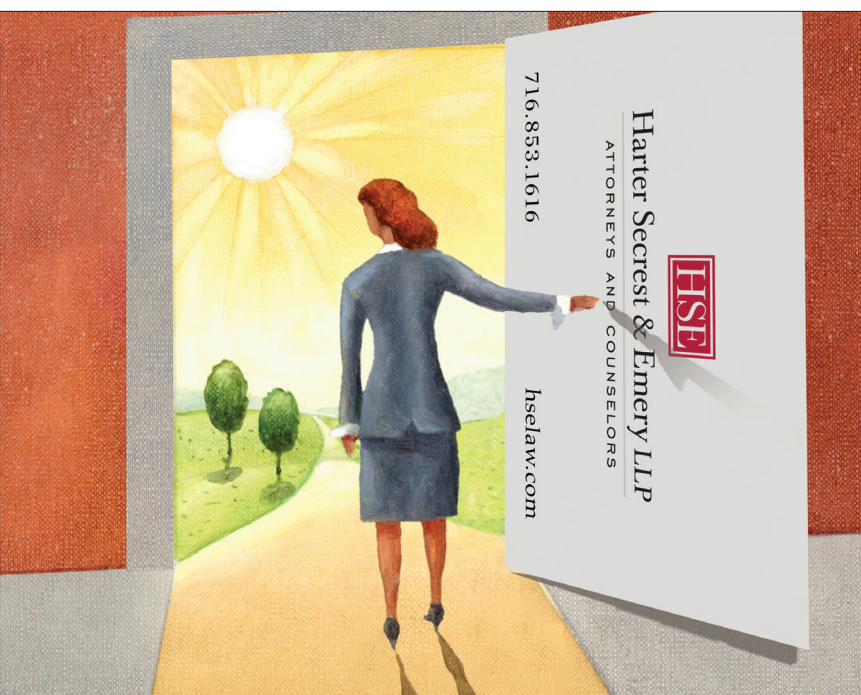
Klos said she encourages and supports young women attorneys faced with obstacles thrown in their career paths. Ask questions, use the resources around you, she said. Go to senior associates and senior partners, who have developed a greater understanding of the challenges, with your concerns.

"There is a real sense now that to retain the talent is a vital part of our business," Klos said.

"To do that we have to make sure we are helping them by being available and accessible, answering their questions and providing them with the support. All those things are helping them with their growth through the challenging times."

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LISA L. SMITH
Phillips Lytle LLP



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