

For The Defense™

dri™

The magazine
for defense,
insurance and
corporate counsel

December 2020

CYBERSECURITY AND DATA PRIVACY



Also in this Issue

INSURANCE LAW

TRUCKING LAW



Women of CERCLA

Building a Community within a Community

By Shoshana Schiller



A meeting of the Women of CERCLA

The environmental bar is a relatively small one. The Superfund, or CERCLA, bar is even smaller. This subgroup of lawyers, who hail from all over the country, represents clients at contaminated sites across the nation. Even before the age of COVID-19, that meant that most of their work was done by email and over the phone, often in conference calls with dozens (or more) of attorneys who are both adversaries in litigation and partners in cleaning up the site, making for a unique dynamic. The number of women who represent clients in Superfund matters is significant and steadily growing.

In late 2016, after I and another female attorney in one of these cases had successfully resolved a knotty matter, we decided it was time to meet in person—even though we were on opposite coasts. The meeting was a great success (it involved orchestra seats to *Hamilton* on Broadway, after all), a deep friendship was formed, and *Women of CERCLA* was born. We began reaching out to the women we largely knew as disembodied voices on the phone, and the response was overwhelming; not only was there tremendous interest in getting to know one another on a more personal level, we all realized that we would work together better, and even litigate against one another better, if we got to know each other.

Our first meeting was in Los Angeles, a brunch timed to fall between a quarterly meeting for a large local Superfund site and an American Bar Association (ABA) conference. Twenty-five women attorneys attended, most of us meeting face-to-face for the first time, even though we had worked together at a distance for years. Those



■ Shoshana Schiller is a partner in Manko Gold Katcher & Fox, former chair of ABA's Superfund and Natural Resources Damages Litigation Committee, and a frequent author and speaker on environmental issues. She handles a wide range of disputes, with particular experience in CERCLA and real estate litigation. Her writings have been cited by the United States Supreme Court and publications including the Harvard Law Review, the Georgetown Law Journal, and the Emory Law Journal.

connections continued to grow during the conference over the next few days. We all walked away with much stronger relationships that have continued to benefit our practices and our clients. Since that initial meeting, we have held cocktail hours, lunches, and dinners in connection with DRI conferences, ABA seminars, and Superfund site meetings in ten different cities, including San Diego, Atlanta, Denver, Phoenix, Portland, and Boston. We have also grown our numbers, and the number of Women of CERCLA now exceeds 150 attorneys.

For multi-day conferences, there are often two planned gatherings—a happy hour when people first arrive, and a dinner one night during the conference—that serve different functions. The cocktail gathering is a first introduction, and an opportunity to connect and relax before the conference gets underway so that the next morning there is a ready-made group of people to have breakfast with, to sit next to in seminars, and to discuss topics, issues, or themes of the day. The dinners provide time for more in-depth discussions and contact, which flow particularly well with a few bottles of wine or cocktails in hand.



There's one other thing that is key to our gatherings—swag!

There's one other thing that is key to our gatherings—swag! We've taken the time-worn idea of trinkets and beer cozies and, instead of being offered as marketing inducements and business reminders, used them as visible signs of our group, so that at each conference or seminar, women can feel connected and can connect with one another. Using a distinctive logo that now graces canvas totes, beach towels, travel pouches, notebooks, and umbrellas, women who have not even attended the same Women of CERCLA events have spotted one another and formed relationships as a result.

One might think that in a time where there are no in-person conferences, no live seminars, no travel, and no work meetings, our group's activities and purpose would come to an end, or at least take a hiatus. But the opposite has occurred. As our worlds transition to Zoom, so have our gatherings. We have had three, virtual, happy hours since April, and because women can join from wherever they are, we are connecting even more people than ever, with ever-changing discussion topics and breakout rooms. And at our most recent happy hour, summer associates were invited as well, giving them a sense of the camaraderie and support that thrives in our group should they choose to develop a career in environmental law, and Superfund in particular.

Over the last three and a half years, the group has gone beyond making the simple, but important, connections that were the initial impetus. Last year, for example, one of the members bemoaned the fact that there seemed to be very few women who arbitrated (allocated, in the CERCLA world) or mediated environmental cases. This resulted in the creation of a list of women who do, and it turned out there were many more women with expertise in this area of specialization than any of us initially thought. Women have also turned to other members to serve as speakers at seminars and panelists on webinars, boosting their visibility, and supported one another's membership applications to selective legal societies and associations. Members have also used the group to identify attorneys to serve as local or referral counsel in other jurisdictions or for conflict purposes, and when members are looking for other job opportunities, they also turn to the group for ideas and introductions. As we celebrate our own successes, circulating news of members' honors, awards, and accolades, the original goal remains relevant. I've provided better representation for my clients because I know and trust the women who I'm working alongside, negotiating with, and litigating against.

I've been practicing law for nearly thirty-five years now, and I remember well some of my best trial wins, appellate arguments, and successful negotiations, as well as the excitement of seeing my law review note cited by the United States Supreme Court. But among the things I'm most proud of is my involvement in the creation of Women of CERCLA, because it goes beyond one case or one client; it is an endeavor that has promoted women in the profession and created a community of success.

