

Bias in the Legal Profession

Presented by

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Her recent book, [*Investigating the Workplace Harassment Claim*](#), made the American Bar Association Best Seller List in December, 2012 within forty-five days of publication. She's also the author of [*A Manager's Guide to Preventing Liability for Sexual Harassment in the Workplace*](#), a useful gift for managers, as well as a [teacher's guide](#) which can be used by HR professionals to give AB 1825 compliant training sessions. In addition, Ms. Whittenbury has written numerous articles for law reviews and practitioner publications.

Ms. Whittenbury is a Life Fellow of the American Bar Foundation (ABF), a distinction available only to 1/3 of the top 1% of lawyers practicing in each state. She currently serves on the Council for the Section of Civil Rights and Social Justice of the American Bar Association (ABA) and as the Co-Chair of that section's Education Committee. She is the immediate Past Chair of the Employment Law and Litigation Committee for the Tort, Trial, and Insurance Practice Section (TIPS) of the ABA and is an active member of the Los Angeles County Bar Association, and the California Bar Association. Ms. Whittenbury is also a former Board member of NCHRA (Northern California Human Resources Association) and a current member of PIHRA (Professionals in Human Resources Association), both local chapters of the Society of Human Resources Management (SHRM).

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Bias in the Legal Profession

I. What is bias? We may be born with some biases. Others may seem to come naturally or out of fear. Remember the Dolphin Tale 2 movie where the young dolphin Hope freaks out about Winter's lack of tail. Apparently, as an infant, I screamed when my Dad took off his glasses – I thought he had removed part of his face. I've seen babies start to scream when they see a face of a different color for the first time. So sometimes we fear what we're not used to – it seems wrong to us. Some biases we are taught either by our culture or our surroundings like the song from the musical *South Pacific* says.

Definition of Bias – we'll be talking today from the prospective of bias in the legal profession so we're looking at the concept in the setting of a law firm, corporate counsel department, legal education, or governmental legal departments.

Webster's Dictionary defines Bias as:

bi-as/'bīəs/

Noun: Prejudice in favor of or against one thing, person, or group compared with another, usually in a way considered to be unfair.

Verb: Show prejudice for or against (someone or something) unfairly. So for example, "the tests were biased against women"; or

"that rating scale is biased against members of a certain race."

So, we may not be able to control having a bias, but we must recognize our biases as a noun and not let them become a verbs. I think we can all agree that bias should not be something that we base our decisions and actions upon, and it shouldn't be a factor in who succeeds and who doesn't in the workplace, law firms, or the court system.

II. Bias as a Legal Claim

As a legal claim bias equals discrimination and constitutes one of four causes of action:

1. Disparate Treatment
2. Disparate Impact
3. Harassment
4. Retaliation

However, please act above the floor the law sets on human behavior. Today, we're working toward a better way of interacting with each other and toward keeping all things fair within the legal profession for the sake of advancement opportunities. These materials are not designed as tools to teach you how to argue around the elements of a legal claim to undermine a legitimate claim of bias in the legal profession.

III. Disparate Treatment

The elements of a disparate treatment claim basically are that:

- 1) The Firm failed to hire, failed to promote, demoted, terminated, or constructively discharged an employee; and
- 2) The employee's or prospective employee's protected status was a motivating factor in the firm's decision.

Protected Status – although we'll look at that list in a minute, I need to make the point here, that even if you identify a bias that not on the list, bias of any form when it unfairly interferes with an individual's ability to advance in their profession is just plain wrong. So, whether the bias is based on the color of a person's hair, their attractiveness, or whether or not they wear bright blue on a daily basis, those prejudices should not play a role in anyone's ability to advance. Advancement decisions should be based only on the quality and/or quantity of work a person produces.

IV. Protected Status

Here is a list of categories protected by law from discrimination and harassment in California which is among the most exhaustive of these lists:

- Age (40 and over)
- Ancestry
- Color
- Religious Creed

- Family and Medical Care Leave (Don't deny it under legally mandated terms)
- Disability (mental and physical) including HIV and AIDS
- Marital Status (CA)
- Medical Condition (cancer and genetic characteristics)
- National Origin
- Race
- Religion
- Sex
- Sexual Orientation (CA and others)
- Gender Expression (CA)
- Victims of Stalking, Sexual Assault, and Domestic Violence (CA)
- Military and Veteran Status (CA)

You can see that I designated the ones specific to California with a (CA). Please note that neither appearance nor obesity appears on this list, yet. Arguably, those may fall under race for appearance and disability for obesity. So, as stated before, please make sure you're treating everyone fairly regardless of personal characteristics.

V. Disparate Impact

Basically, the elements of a disparate treatment claim are that:

- 1) The Firm failed to hire, failed to promote, demoted, terminated, or constructively discharged an employee; and
- 2) The employee's or prospective employee's protected status was a motivating factor in the firm's decision.

Originally, this claim developed through a case you probably remember from law school named *Griggs v. Duke Power Co.*, [401 U.S. 424](#) (1971). You will recall, that a southern firm, in an effort to get around the Civil Rights Act of 1964 put into place a test that line workers must pass to achieve promotion to supervisor. Previously the company had an open policy of no African Americans in supervisory positions and after passage of Title VII, they implemented the test which had the same effect. Thus, the disparate impact claim was born.

In a disparate impact case under Title VII, if a plaintiff shows that the employer's facially neutral practice adversely affects a protected classification, the employer must prove that its practice is justified by business necessity (*i.e.*, necessary for the safe and efficient operation of the business). However, if the plaintiff can show that a less discriminatory alternative was available, the employer would lose the case.

Note that In 2005 and 2008, the United States Supreme Court issued two decisions (*Smith v. City of Jackson* 544 U.S. 228 (2005) and *Meacham v. Knolls Atomic Power Lab* 128 S.Ct. 2395 (2008)) holding that the disparate impact theory is available under the Age Discrimination in Employment Act (ADEA), but to defeat a claim the employer need only meet its burden of proving that the challenged policy or practice was based on a reasonable factor other than age (RFOA) (not business necessity). However, the EEOC as defined RFOA to closely align with the definition of business necessity. So, be careful when developing any policies which single out a particular group. Make sure that you can justify them.

Note also that more recently, on May 24, 2010, a unanimous US Supreme Court broadened the filing gates for disparate impact claims, in the case of *Lewis v. City of Chicago* 130 S.Ct. 2191 (2010). In that case the Supreme Court held that a plaintiff asserting a "disparate impact" claim can challenge the employment policy or practice if the challenge is filed within 300 days of each application or use of the policy or practice. So, the time for an employee or applicant to file a charge of discrimination renews each and every time the employer or law firm applies the alleged discriminatory policy.

Facts of the Case

In July 1995, the City of Chicago administered a written examination to more than 26,000 applicants seeking to serve in the Chicago Fire Department. The city ranked the

applicants based on the scores they achieved on the test: those who scored 89 or above (out of 100) were ranked as "well qualified;" those who scored between 65 and 88 were ranked as "qualified;" and those who ranked below 65 were ranked as "not qualified."

The applicants ranked as "qualified" were notified they had passed the examination but, but that it was likely they would not be selected. On January 26, 1996, the city announced it was adopting this hiring policy. On May 16, 1996, and on October 1, 1996, the city selected candidates first from the "well-qualified" pool and then filled the remaining vacancies with candidates from the "qualified" pool.

The facts showed that African-Americans were underrepresented in the "well-qualified" category. On March 31, 1997, the first of six African-American applicants representing the class who ranked as "qualified" and had not been selected filed a disparate impact, discrimination charge with the EEOC. The case went to trial and all the way to the US Supreme Court on the issue of timing with respect to the filing of the charge. The Supreme Court ruled that the applicants complied with Title VII's filing requirements because the earliest EEOC charge was filed within 300 days of the city's October 1, 1996, "use" of the test scores to select candidates from the eligible list. This case shows that Disparate Impact claims are still alive and well, so Law Firms should review their policies and the impact those policies have on hiring and promotion decisions to make sure that all groups are being treated fairly.

<http://www.foxrothschild.com/newspubs/newspubsArticle.aspx?id=14790#sthash.EGyu1POL.dpuf>. (Last visited August 2, 2014).

VI. Harassment – There are two types of harassment causes of action:

1. Quid Pro Quo (or Tangible Employment Action)
2. Hostile Environment

VII. Quid Pro Quo – for a quid pro quo claim harassment you need:

1. Sexual conduct
2. That is Unwelcome
3. Submission to which was used as the basis for an employment decision

Because harassment is a bias or discrimination claim, we look to see if someone is being treated differently because of their gender in order to determine if sexual conduct is involved. Often, if the fact pattern is about sex, judges will infer that there is a gender disparity somewhere in the mix. Sometimes, they spell it out in their decisions, other times they don't bother to do so. In practice, look to see if members of different genders are being treated differently or if there are sexual issues involved. Generally, the boss doesn't ask his or her subordinates of all genders for sexual favors. Usually he or she is attracted to members of just one gender thereby meeting the sexual conduct prong of a quid pro quo claim.

Victims of harassment do not need to tell the perpetrators that the behavior they are receiving is unwelcome. Nor does the behavior have to be unwelcome to a “reasonable person.” This prong, unlike the first and last, is purely subjective. How did the victim feel about the behavior? That’s all that matters for this one element. However, remember that it takes all three elements for a legally actionable quid pro quo claim.

Last, a plaintiff would need to show that his or her submission to the unwelcome, sexual conduct was the basis for an employment decision. Please note that the US Supreme Court has held that mere threats of making an employment decision do not constitute quid pro quo harassment. There has to have actually been a tangible employment action taken in order to meet all the elements of a quid pro quo claim.

VIII. Tangible Employment Actions – So, what are tangible employment actions? The following is an illustrative list:

- Hiring/Firing
- Promotion/Failure to Promote/Demotion
- Undesirable Reassignment
- Significant Change in Benefits
- Compensation Decisions
- Work Assignment Changes

Please note that some of these examples can be very subtle. For example, a legal secretary may be reassigned from a “nice” partner to a type A partner. That can be considered an undesirable reassignment. So, before making any employment decision, think through your reasons for doing so. Do you have a justified business reason for the change or are you just acting on gut which might have some implicit bias attached? Even if you have a legitimate reason for the employment decision, perhaps something occurred in the workplace of which you are unaware which would cause the employee to think you are engaging in quid pro quo harassment. The only real way to defend yourself from such a claim under those circumstances is to make sure that you have a good business justification for the action. Write it down and keep it in a locked, confidential file. You may need to remind yourself later when a complaint is filed.

IX. Hostile Environment – for a hostile environment sexual harassment claim you need:

1. Sexual Conduct
2. That is unwelcome
3. That has become so severe and pervasive that it has altered the conditions of employment and created a hostile working environment for the victim.

The good news here is that the first two elements are the same as for quid pro quo. Now the third thing that a plaintiff has to prove is that the unwelcome sexual conduct has become so severe and pervasive that it has altered the conditions of employment and created a hostile working environment for the victim. This last element is again objective, but unlike the traditional “reasonable person” standard of tort law which courts have found often male biased in sexual harassment cases, the facts are analyzed from the perspective of a similar person under the same set of facts as the victim. For a short time, this was known as the “reasonable woman standard” in the ninth circuit. However, if a man is complaining, what would a reasonable man feel constitutes a hostile environment under the same set of facts? Also, the more severe the behavior, the less frequent or pervasive it needs to be. Conversely, the more frequent behavior happens, the less severe it has to be to create a hostile environment.

Vignette 1 – At a law firm, when female attorney complained of sexual advances by clients, the law firm did nothing and looked the other way. Evidence shows that female attorneys are paid less than their male counterparts. During firm meetings, male associates were able to come and go as they pleased, but when a female associate asked to use the restroom, she was yelled at. When a top billing female associate got pregnant, she was taken off partnership track.

Do the female attorneys in this firm have valid legal claims? If so, what kind?

Answer: Sexual harassment – hostile environment and disparate treatment. Incidentally, this case was drawn from a real one set in a pharmaceutical sales company in which the female plaintiffs won \$250M – Amy Velez, et al., v. Novartis Pharmaceuticals Corp. 746 F. Supp. 2d 89 (D.C. 2010).

X. Retaliation

Retaliation cases are the fourth kind of case that often arises out of issues of bias. The US Supreme Court weighed in on retaliation in 2013 when they were called upon to decide which causal test to apply – the motivating factor like in straight discrimination cases or the “but for” cause test. UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER, PETITIONER v. NAIEL NASSAR No. 12-484. SUPREME COURT OF THE UNITED STATES 133 S. Ct. 2517; 186 L. Ed. 2d 503; 2013 U.S. LEXIS 4704; 81 U.S.L.W. 4514; 118 Fair Empl. Prac. Cas. (BNA) 1504; 97 Empl. Prac. Dec. (CCH) P44,851; 24 Fla. L. Weekly Fed. S 366 April 24, 2013, Argued June 24, 2013, Decided NOTICE: Univ. of Tex. Sw. Med. Ctr. v. Nassar, 133 S. Ct. 2517 (2013)

The Court chose the latter so now the elements of a Title VII retaliation claim are:

1) Did the plaintiff oppose employment discrimination or submit or support a complaint about employment discrimination?

2) Did the employer take an adverse action against the employee?

3) Was the protected activity the “but for” cause of the employer’s action? In other words, but for the employee engaging in the protected activity, would the adverse action have occurred?

Vignette 2

A university medical center (University) specializes in medical education. It has an affiliation agreement with a Hospital which requires the Hospital to offer vacant staff physician posts to University faculty members. Respondent, a physician of Middle Eastern descent who was both a University faculty member and a Hospital staff physician, claimed that one of his supervisors at the University was biased against him on account of his religion and ethnic heritage. He complained to that supervisor’s supervisor. But after he arranged to continue working at the Hospital without also being on the University’s faculty, he resigned his teaching post and sent a letter to the higher supervisor and others, stating that he was leaving because of his more immediate supervisor’s harassment. The higher supervisor, upset at the other supervisor’s public humiliation and wanting public exoneration for her, objected to the Hospital’s job offer, which was then withdrawn. The physician filed suit, alleging that higher supervisor’s efforts to prevent the Hospital from hiring him were in retaliation for complaining about the lower supervisor’s harassment, in violation of §2000e-3(a), which prohibits employer retaliation “because [an employee] has opposed . . . an unlawful employment practice . . . or . . . made a [Title VII] charge.” Does his claim have all the necessary elements? You will see that it does. This Vignette is based on the facts of the Supreme Court’s Nassar decision.

Vignette 3

Two males filed sexual harassment claims with their employer. The employer hired a private investigator who then conducted a criminal background check on the two employees which involved asking disturbing and embarrassing questions of co-workers and family members. When the company realized the mistake, they hired outside counsel to take over the investigation and tailor it to the employee's claims. The employees sued for retaliation. Did they have a case? (This vignette was drawn from *EEOC v. Video Only, Inc.*, 2008 U.S. Dist. LEXIS 46094 (D. Ore. June 11, 2008).

Although the employer may not have intended for the private investigator to do a background check instead of investigating the employees' sexual harassment claims, motive is not an element of a Title VII retaliation claim and so the fact pattern meets all the elements required to make out such a claim.

Note that in retaliation cases, the concept of adverse action is broader than what would constitute an employment decision.

XI. Implicit Bias – Biases that are in there that we don't know about are being studied at Harvard. Harvard's Implicit Association Test (IAT) measures attitudes and beliefs that people may be unwilling or unable to report.

You can take a test at <https://implicit.harvard.edu/implicit/takeatest.html>.

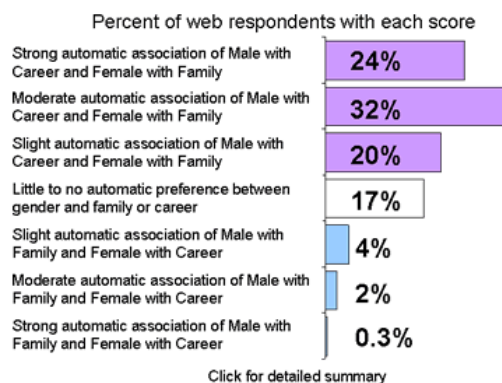
I took the test on gender career roles. Here are the results to the date that I took my test of how most people view gender career roles (2/18/2016). Feel free to take the test and see how you score.

Your data suggest a slight association of Male with Career and Female with Family compared to Female with Career and Male with Family.

Immediately above is the result of your performance of the Implicit Association Test. The score is determined by comparing how quickly and accurately you were able to categorize *career* words with *male* compared to *female* (and family words with female compared to male). Most respondents find it easier to associate *Female* with *Family* and *Male* with *Career* compared to the reverse. The chart just below is a breakdown of the scores generated by others.

You also completed a variety of measures concerning your family status. We are investigating whether, for example, people that have or had a mother working outside the home have different implicit associations about gender and career versus family, than people that have or had a stay-at-home mother. Evidence suggests that implicit associations form based on everyday experiences, so the daily exposure to differences in gender roles in one's own family might be influential on how these associations form in memory - whether we consciously agree with them or not.

Many of the questions that you answered on the previous page have been addressed in research over the last 10 years. For example, the order that you performed the response pairing is influential, but procedural corrections largely eliminate that influence (see [FAQ #1](#)). Each visitor to the site completes the task in a randomized order. If you would like to learn more about the IAT, please visit the [FAQs and background information](#) section.



[Click for detailed summary](#)

You are welcome to try [additional demonstration tasks](#), and we encourage you to register (easy) for the [research site](#) where you will gain access to studies about more than 100 topics about social groups, personality, pop culture, and more.

[FAQs](#) || [Research site](#) || [Demo site](#) || [Project Implicit Home](#)

XI. How does this play out in law firms? Do we really still have a problem?

Statistics:

A survey by *The American Lawyer* in 2012 showed that almost 80 percent of 92 Major US firms with chief governing committees had two or fewer women on that committee. 42% said their committee had only one woman. 8 firms had no women on their most powerful governing committee. Women equity partners earn an average of \$66K less than their male counterparts while income partners average \$25K less according to a 2010 study done by the ABA Commission on Women in the Profession and the Minority Corporate Counsel Association. According to a study done by the American Bar Foundation in 2014, women in large firms earned on average \$191K per year while men earned on average \$290K per year. Members of the ABA attribute this to subtle biases still held by men about women in the law, that they are not tough enough or if they are tough, then they are considered out of their role or

overbearing. Interestingly, other studies find types of bias, such as disputes over who brought in a client or the fact that self-advocacy by a woman is viewed negatively. Subtle biases have direct, long term effects.

When it comes to race and earnings, it looks like mid-size Private firms practice the most bias. According to a study called “After the JD” by the American Bar Foundation, in firms of 21-100 lawyers, African American Lawyers earned an average of \$125K, Hispanics, \$139K, Asians \$123K and Whites \$162K. However in larger firms, most races earned almost the same \$225K with only Hispanics significantly lower at \$195K.

According to a 2014 experiment to see if the writings of white males were ranked higher than those of women or African Americans, there still seems to be an implicit bias, especially against the writing of African Americans. The [Nextions study](#) found that law firm partners demonstrated an unconscious or implicit bias when evaluating the writing of a male African American associate. The Nextions team and five partners from five different law firms created a research memo from a hypothetical third-year litigation associate deliberately inserting 22 errors. The memo was distributed to 60 partners from 22 law firms who had agreed to participate in a “writing analysis study.” Twenty-three of the partners were women, 37 were men, 21 were racial/ethnic minorities and 39 were Caucasian.

The cover email asked the partners to edit the memo for factual, technical and substantive errors as well as to rate the memo from a 1 to a 5, “1” indicating that the memo was extremely poorly written and “5” indicating that the memo was extremely well written. For half of the evaluating partners, the cover email indicated that the writer was African American, while the cover email for the other half indicated that the writer was Caucasian. Both of the hypothetical writers were named Thomas Meyer and both attended NYU Law. Fifty-three partners completed the evaluation, 24 evaluated the African American associate and 29 evaluated the Caucasian associate.

Although the partners were given identical memos, those given the memo written by the African American Thomas Meyer found more errors and provided a lower overall evaluation of the memo. The African American Thomas Meyer received an overall 3.2/5.0 rating, and the Caucasian Thomas Meyer received an overall 4.1/5.0 rating. Additionally, although evaluators were not asked to edit or comment about formatting, 29 sought formatting changes from the African American associate in contrast to 11 who sought changes from the Caucasian Associate. No significant correlation was found between a partner’s race/ethnicity or gender and the patterns of errors found between the two memos, although female partners generally found more errors and provided longer comments than male partners.

These findings indicate that if partners have lower expectations for an associate, they are more likely to read the memo with a critical eye or be less likely to overlook errors. The partners who expect to find fewer errors, find fewer errors, and those who expect to find more, find more.

The overall score for the Caucasian (4.1) was significantly higher than the African American's score (3.2). " To see the study, click here: http://www.nextions.com/wp-content/files_mf/14468226472014040114WritteninBlackandWhiteYPS.pdf

Maya Sen of Harvard in her article: "Is Justice Really Blind? Race and Appellate Review in U.S. Courts", Journal of Legal Studies 44. Copy at <http://j.mp/SnB591> Showed that two new data sets demonstrated that black federal judges are consistently overturned on appeal more often than similar white judges. The effect is robust and persists after taking into account previous professional and judicial experience, educational backgrounds, qualification ratings assigned by the American Bar Association, and differences in partisanship.

XII. Actual recent cases:

A. A \$200M class action suit was filed against Greenberg Traurig by women attorneys who claimed that male attorneys took credit for the women's client origination, exclude women from client pitches and favor themselves in work assignments. The lawsuit also claimed that GT prioritized, paid and promoted women who had intimate relationships with firm leaders or who acquiesced to sexualized stereotypes. A former female partner who claims she was fired after complaining about gender discrimination claimed that the CEO took a break from berating her for her complaint during a lunch meeting to insist on ordering her meal based on his 'wife's favorite' order. The case was settled in May of 2013. I was unable to find out how much was paid out as a settlement. Still, as they say, where there's smoke . . .

B. Also in 2014 a case came to fruition in which a woman got a job at Bose McKinney & Evans and in the same year, she also starred in a low-budget horror film. After a Bose Partner pursued a romantic relationship with Hartzell-Baird and was rebuffed, he found a clip from the movie and began showing it to attorneys at Bose and other local firms, according to the complaint subsequently filed with the Indiana Supreme Court Disciplinary Commission. He also fabricated an email thread of several lawyers ridiculing Hartzell-Baird.

The partner claimed that the email was just a prank, protected by the First Amendment. The Indiana Supreme Court did not find this argument persuasive, writing that he had engaged in a "mean-spirited and vindictive attempt to embarrass and harm" the female lawyer because she had rejected him.

She also sued the partner, but the lawsuit settled for an undisclosed amount. So, the moral is don't try to hide behind legal theories to cover for inappropriate or illegal behavior and you can be personally sued in some cases for bias related claims as well.

C. Bias sometimes comes into play for law firms not with respect to their employees, but also with respect to their clients: Nov. 2011 – U.S. Attorney sues Orange County law firm for disability discrimination against a client.

U.S. Sues Firm for Barring Disabled Client's Service Dog

Brendan Pierson [ContactAll Articles](#)

New York Law Journal

November 9, 2011

[Firm Denies Discrimination Against Service Dog Owner](#)

The Southern District U.S. Attorney sued an Orange County law firm for allegedly discriminating against the disabled by refusing to allow a client to enter its offices with her service dog.

The suit ([See Complaint](#)) alleges that Larkin, Axelrod, Ingrassia & Tetenbaum and partner John Ingrassia violated Title III of the Americans with Disabilities Act when they refused to let a client, Lauren Klejmont, enter the office with Reicha, her German shepherd.

"The notion that a law firm and a partner in the firm would so flagrantly violate such a clear and well-established law, as was alleged in this case, is disturbing," U.S. Attorney Preet Bharara said in [a statement](#). "Of all people, lawyers should know better. Individuals with disabilities are entitled to the same access to private businesses as everyone else, and it should be understood loud and clear that we will not tolerate discriminatory conduct."

When Ms. Klejmont went to the firm's Newburgh office to meet with her attorneys, the lawyers met her in the waiting room, but refused to let her inside with Reicha and asked her to leave the dog outside, according to the suit.

Ms. Klejmont needed the dog because of her disability, but the lawyers continued to insist that she could not bring the dog inside, saying that Mr. Ingrassia was allergic to dogs. They also rejected her suggestion to hold the meeting in a conference room instead of in Mr. Ingrassia's office, according to the complaint.

One of the attorneys said he would meet with Ms. Klejmont only if she did not bring Reicha, or if they met in the firm's parking lot and Reicha stayed in Ms. Klejmont's car during the meeting, according to the complaint. Article by *Brendan Pierson* who can be contacted at bpierson@alm.com.

XII. Summary

So it appears to that many out there are letting their noun biases turn into verb biases. I call upon you to help stop this practice. Acknowledge if you have a bias and make sure that it does not enter into your actions whether it's reviewing a memo, making an advancement or hiring decision, assigning work, or working with a client. I believe we all want to do the right thing – so let's do it and make the workplace and the justice system equal and fair for all.

For more information on sexual harassment in the workplace or for a how to guide for conducting workplace investigations, please see my books available on Amazon.com or BarnesandNoble.com:

- [A Manager's Guide to Preventing Liability for Sexual Harassment in the Workplace](#),
Beth K. Whittenbury, 2013
- [Investigating the Workplace Harassment Claim](#),
Beth K. Whittenbury, ABA Publishing, 2012.