

# Professional Liability Defense QUARTERLY

Volume 11, Number 1

## Shining a Light on PLDF Women Leaders

Written by: Kathleen Buck

The year two thousand and nineteen, how far we have come.

How far have we come? I tell my daughters, “Next year, we’ll celebrate 100 years since women obtained the right to vote,” and they look at me incredulously, not understanding it was ever denied. My six year old studies notable American heroes this month and the books start to arrive home - George Washington, Abraham Lincoln, Benjamin Franklin, Martin Luther King, Jr., Neil Armstrong and finally, Rosa Parks. She asks for a list of my heroes, and I sit her down to talk about Dorothy Day and Eleanor Roosevelt, and fortuitously stumble upon *Before She was Harriet* and *I am Jane Goodall* tucked away on the shelf (the book I’d read a few months earlier to mesmerized first graders, the girls scooting to the front not wanting to miss a word).

A weekend later, I take my middle school daughter to see *On the Basis of Sex*. Admittedly, the title invokes nervous giggles; she must have missed the trailers. Towards the end, when the real RBG appears, I quickly wipe a tear from my cheek, as we hear the grayed, elegant woman behind us whisper “Amen.” On the way home, I encourage her to read about women leaders from all walks of life who have broken down barriers.

For many years, I’ve been struck by how hard it is to find a quote from female leaders, historians, business or religious figures. Heroes. The stories, their precious words float out there somewhere, wisdom shared but not recorded, accomplishments unrecognized. And I wonder as I glance through statistics in business, law and life, perhaps if we shine the light more obtrusively upon those in our midst, who are out there finding success without limitations and forging new trails, our daughters will rise-up in greater numbers.

Thus it is with much enthusiasm that we kick-off this spotlight series highlighting some of the talented female leaders the PLDF is fortunate to count amongst its members. This month we will highlight two - Attorney **Erin K. Higgins** at *Conn Kavanaugh Rosenthal Peisch & Ford, LLP* in Boston and Managing Director **Jody Harris** at *Arthur J. Gallagher & Co.* in Chicago.

### **Erin K. Higgins, Esq.**

*Conn Kavanaugh Rosenthal Peisch & Ford, LLP*  
Litigation Partner

Reading through Erin’s biography, I’m inspired by her accomplishments. She has been an attorney at Conn Kavanaugh since 1994 and a Litigation Partner since 2001. During that time she has won countless awards, including having been named a “Massachusetts Super Lawyer” every year since 2004, as well as having been included on both the list of “The Top 100 Massachusetts Lawyers” since 2015 and “Best Lawyers in America” since 2016. She practices in the field of professional liability defense, where few women leaders are found. We asked her to share what she finds most rewarding about her work.

*EKH: I really enjoy being a “lawyers’ lawyer,” someone to call if you have a challenging ethics question, or an unhappy client, or the dreaded letter from the Massachusetts Board of Bar Overseers. Also, in defending law firms and lawyers against all kinds of claims, I have learned a lot about practice areas far outside of commercial litigation, such as the statutes governing a foreclosure action, or the typical course of a patent prosecution. And finally, I enjoy practicing with the lawyers and staff at Conn Kavanaugh, who are truly committed to providing great client service and also giving back to the Boston bar and our local communities.*

# Professional Liability Defense QUARTERLY

When asked if she had any regrets:

*EKH: If I had a “do-over,” I would give strong consideration to serving as a district attorney or public defender early in my career, simply to try as many cases as possible. There is no better place to be, than to be on trial, but unfortunately due to the costs involved there are not as many civil trials as there used to be.*

The struggle for trial experience is something echoed by other defense counsel I have met. Many excellent defense attorneys seldom take a professional liability case through trial. In thinking about her day-to-day experience, I wondered whether Erin also faced challenges simply due to her gender. One need only log on to the newsfeed to read troubling stories of women in the workplace, including many female lawyers being disrespected. We asked whether Erin had felt disadvantaged or encountered any gender bias in her practice.

*EKH: In my experience, gender can be a significant obstacle to female lawyers’ business development efforts. As one example of this, clients rarely think to ask me to play golf, while my lawyer husband is asked all the time. I think this aspect of the practice is changing, but very slowly, and I believe some women drop out of the private practice of law because of the challenge of developing a viable book of business while also billing hours and having a life outside of the office.*

Statistically, female partners, particularly in the area of professional liability defense, continue to be few and far between, but statistics seldom explain the tale, and the insights into the struggle to develop a viable book of business were telling. To gain greater insights into how Erin navigated her partnership path, we asked about role models, hurdles, and any decisions she made that might have helped along the way.

*EKH: I was the first woman partner in my firm’s trial department. (I am happy to say there are now six.) However, I was fortunate to have several senior male partners who were excellent mentors, on both the practice and business development fronts. Outside of the firm, I had and have a strong group of peer mentors at different Boston firms. We support and encourage each other in our business development efforts and refer work to each other whenever possible.*

*As far as “course-changing” decisions, it is hard to identify just one or two, but the end result is that I’ve had success in building a large network of relationships with other lawyers in Boston, who know that they can call on me for help with any type of issue or problem. One recent decision that comes to mind is my application to our Supreme Judicial Court for a position on the Massachusetts Board of Bar Overseers. While I had to turn down a lot of disciplinary work during the four years I served on the BBO, the BBO performs a vital public service, and the experience of serving on the BBO will benefit my clients if they run into trouble there.*

For those who are lucky enough to know Erin, there is no doubt her wisdom and guidance is invaluable to her clients.

This past Martin Luther King, Jr. Day, I came across his quote, “Life’s most persistent and urgent question is, ‘What are you doing for others?’” Erin is one of those exceptional people who could no doubt fill pages on any given day with the efforts she has undertaken to give back, defend clients, help her peers, and support our community. At PLDF alone, she endeavored to grow our membership, strengthen our bylaws, foster stronger relationships, and promote the value of our mission at every opportunity. We asked her to share with us how she has also been able to aid less experienced female attorneys and guide them on leadership paths.

*EKH: My firm has an official mentor-mentee program, but I view myself as a mentor for all of the associates in the firm, male or female, and the more junior partners as well. That means suggesting younger attorneys in the firm for leadership positions,*

# Professional Liability Defense QUARTERLY

*encouraging them to seek out speaking or writing opportunities, and providing suggestions on how to better market themselves or their client victories. Of course, I've encouraged several of them to join PLDF, and to attend the excellent PLDF annual meeting!*

In looking for female leaders at law firms, it is hard to ignore the statistics that seem stubbornly unyielding, with minor adjustments over many years – women making up 22.7% of partner positions, 19% equity partners, and female attorneys averaging 77.6% of male lawyers weekly salary (A Current Glance at Women in the Law, January 2018, ABA – Commission on Women in the Profession). We asked for Erin's perspective and recommendations, based on her experience, for increasing the percentage of women partners.

*EKH: In my experience, women and men are equally represented at Boston firms at the associate level. The challenge begins when lawyers are not only asked to do good work and provide excellent client service, but also to develop business. I see two ways in which the bar can keep women in the private practice of law. First, firms should spend more time training and mentoring female (and male) associates on how to develop business. Second, women in-house counsel should take every opportunity to refer work to other women. The men have been doing this for years; now that women are making significant inroads in the legal departments of corporations and insurance companies, I am hopeful that women will look to help out other women.*

Before we let Erin go, we asked her to share the best piece of career related advice she's been given.

*EKH: When you are in the midst of a complicated case, set aside some time just to think about the case and the general themes that you think you will be presenting at trial. Don't get so lost in the nitty-gritty of issuing and responding to discovery that you forget to think about those "big picture" issues until it is too late. I worked with one partner early in my career who worked on his opening, closing, and jury instructions from the very beginning of the case, so that he could craft all of the discovery and deposition questions with those elements of the trial in mind.*

When asked what advice she'd give her younger self, she responded,

*EKH: Make time to go to the gym. As lawyers, our jobs are incredibly stressful, and you cannot serve your clients well if you are not physically and mentally well. So do not skip your workout, and make time for reading, music, meditation, Fortnite, or whatever else you like to do to relax.*

I picture RBG finishing her push-ups. Great advice, thanks Erin, for everything.

**Jody Harris, ARM, RPLU**  
*Arthur J. Gallagher & Co.*  
Managing Director

The PLDF also reached out to Jody Harris at Arthur J. Gallagher & Co. in Chicago, who graciously agreed to share insights into her inspiring career. As one of the leaders of a Fortune 500 Company and a Forbes "World's Best Employer," she worked her way up from Customer Service Associate to Executive Vice President and Principal of the managing general agency for the Chicago Bar Association Program for Lawyers, and now to her current role as one of Gallagher's Managing Directors. Her career accomplishments are exceptional, and her no-nonsense approach instructive. With the breadth of her experience, we asked her what the most rewarding aspects of her position are today.

*JH: Educating others on Lawyers Professional Liability Insurance and advocating for our law firm clients to assist underwriters in understanding our clients' strengths in preventing claims. I also value the friendships and relationships I have developed over the years with both clients and underwriters.*

# Professional Liability Defense QUARTERLY

These days it's rare to find senior level executives, who have worked their way up the corporate ladder, let alone to find them at one of the most successful companies in the world which generates nearly \$6.8 billion in 2018 revenue. Jody remains one of those few exceptions, showing that commitment and hard work pay off dividends. We asked her: when she looks back upon the years, were there decisions made or paths chosen that helped her gain traction when others may have stumbled.

*JH: The best decisions I made in my career were those in which I decided to take some kind of risk in my career path. Sales is a risk taking career path. Similar to lawyers, compensation is usually commensurate with your book of business. Taking that risk was the key to my success and the best decision I ever made. Secondly, I haven't waited for opportunities to come to me. I sought them out instead. When I joined Gallagher I didn't answer a job posting or answer an ad. I knew it was time to move to a larger broker and I sought out a position at a broker who I thought had the culture that would be a good fit for both me and my clients. I also wanted to work in an intellectually stimulating environment, and Gallagher checked all those boxes. I honestly don't have any regrets. I've been very fortunate in my career.*

As Jody plotted her own course, tracking to her current position as a Managing Director, we asked if she'd share her perspective on challenges unique to women insurance professionals.

*JH: While golf is a wonderful sport and there are some exceptional women golfers, I'm not a golfer and really not into sports, although I do enjoy a sunny day at the Gallagher Way at Wrigley Field! While many men form relationships with clients on the golf course or at sporting events, I have also found that many attorneys simply don't have the time to spend half a day on the golf course. There are other ways to connect besides sports. I've found that simply showing you care about individuals, always acting with integrity and having their best interests at heart is enough to form solid business relationships. My field is brokering Professional Liability insurance and Employment Practices Liability insurance for law firms. There is no shortage of women on the underwriting side of my position. Plus, on the client side of my job, I often work with female Office Administrators, Executive Directors, CFO's and General Counsels. I have not found it challenging to connect with clients or underwriters due to gender.*

Reflecting upon Jody's approach, I recalled a quote from Condoleezza Rice in which she said "Search for role models you can look up to and people who take an interest in your career. But here's an important warning: you don't have to have mentors who look like you. Had I been waiting for a black, female Soviet specialist mentor, I would still be waiting. Most of my mentors have been old white men, because they were the ones who dominated my field." As a successful insurance producer, I imagined Jody encountered many mentors along the way who perhaps did not reflect her own image. We asked her about those mentors, as well as challenges, in what at times may have been a fairly male-centric field.

*JH: When I first started as a producer, there was a male senior executive who expressed confidence in my abilities to be successful as a producer for law firms. That was very helpful in boosting my confidence as a young producer. I have to tell you I'm sure there were times I was treated differently because I am a woman, but I haven't dwelled on them. The term "girls" has to go, though. We're men and women, not girls and boys. I have always been an aggressive advocate for my clients, though I prefer the word assertive. As a woman in business in general, you have to assert an air of authority and confidence in order to have the respect of both men and women. Becoming an expert in your field is helpful in establishing that level of confidence.*

For the past dozen years, women have consistently made up 60% of the insurance workforce, yet fail to make up even 20% of senior decision-making leadership roles (19% of board seats, 11% inside officer positions, 12% top officer positions – Women in Insurance: Leading to Action, STEMconnector Million Women Mentors). When asked whether she had a chance to assist younger women in her profession or had advice for those struggling with the work-life balance, she responded,

# Professional Liability Defense QUARTERLY

JH: *There are several women in the insurance industry who I have trained in the lawyers professional niche and are now very successful in their careers. It is gratifying to help women who want to be successful and put in the hard work and initiative to get ahead. If you enjoy what you do, it's not work. If you don't enjoy the challenges of your career, then you're in the wrong career. The first step is just enjoy what you do, but don't forget family comes first. I have two adult sons and I do realize that with children, it's very difficult to be pulled in multiple directions at home and work. I've been lucky to have a very supportive spouse. Women often expect way too much of themselves, wanting perfection in both their career and personal lives. If I could give any advice, it would be to not be so hard on yourself. It's okay if you don't bake at the holidays or have the perfectly decorated home and keep up with a demanding career. Something has to give and it's important to realize what's really important and what's not.*

I can hear a collective sigh go out, while many of us vow to put away the baking dishes, and appreciate Jody's straightforward counsel. As a penultimate request, we asked Jody for the best piece of career-related advice she has received along the way.

JH: *In one of my first jobs in the insurance industry, I was an Account Manager at a large broker. My manager sat me down on the first day and asked me who I worked for. I wrongly answered that I worked for him and my employer. He told me to always remember that I worked for the client. That is some simple advice in a service industry that has served me well over the years. I never forget who's the boss!*

And finally, we asked if she could give her younger self one piece of advice, what would it be:

JH: *"Just do it!" Don't mull over the possible outcomes of a new opportunity or challenge. Just do it, do your very best and if you don't succeed, learn from it.*

Thank you Jody, your strength and commitment motivate. You have undoubtedly opened doors for many others.

Here's to you both. Onward and upward, let's do it.

## About the Author

**Kathleen Buck** currently works on AXA XL's Commercial E&O team managing complex professional liability claims across the country and is a PLDF Board Member. She can be reached at [Kathleen.buck@axaxl.com](mailto:Kathleen.buck@axaxl.com).

## About the PLDF

The Professional Liability Defense Federation™ is a not-for-profit organization designed to bring together attorneys, claims professionals and risk management specialists to share expertise and information helpful to the successful defense of professional liability claims.

Membership in the PLDF includes delivery of the *Professional Liability Defense Quarterly*, which is devoted to current legal defense and claims handling issues. Articles of topical interest spanning a wide range of malpractice defense subjects are presented to add value to effective defense preparations for the claims handler and defense counsel. We encourage member submission of articles proposed for publication to: Editor-in-Chief, *Professional Liability Defense Quarterly*, PO Box 588, Rochester IL 62563-0588, [admin@PLDF.org](mailto:admin@PLDF.org)

To learn more about the PLDF and all that we have to offer, please visit [www.PLDF.org](http://www.PLDF.org) or contact our management team: Managing Director Sandra J. Wulf, CAE, IOM, [sandra@pldf.org](mailto:sandra@pldf.org); Deputy Director Sara Decatoire, CAE, IOM, [sarad@pldf.org](mailto:sarad@pldf.org).