Critical Conversations & Courageous Leadership: Why the OWBA?

By Lisa Kathumbi, Partner, Bricker & Eckler LLP

Over the past year, I have been asked on several occasions - what value does the OWBA provide its members? Although I could spend a great deal of time addressing the value I believe the organization provides not only members but also our profession, space here will not allow it. Instead, I have identified 5 the top benefits of OWBA membership:

1) An Invaluable Network

One of the biggest assets in anyone’s life is their network. As we continue this year’s theme of Critical Conversations and Courageous Leadership, I am encouraged by the diversity of our membership – lawyers, judges, law students, general counsels, public sector attorneys – who continue to advance our mission of supporting women attorneys throughout the profession. Their leadership is the easy answer to the common question, why should I become a member of the OWBA? The statewide network of support for women attorneys that the OWBA provides is invaluable and unparalleled.

2) The Chance to Have an Impact

The OWBA was formed in 1991 to support and promote the advancement of women attorneys throughout the state of Ohio. Today, we stand at over 900 members. As we continue to celebrate the work and growth of the OWBA, we are mindful that there is more to be done. OWBA members, women and men, are uniquely positioned with a statewide platform to help continue to drive critical conversations and develop initiatives that bring us closer to closing the gender gap.

3) Thoughtful Programming

OWBA CLE sessions are designed to address timely issues through diverse lenses. With topics ranging from professional development, career advancement, ethics, diversity and inclusion to cyber security, data management, and work-life balance, we provide content-rich CLE on topics impacting our profession, with a particular focus on women lawyers. The Leadership Institute, a program of the Ohio Women’s Bar Foundation, also provides a unique opportunity for women lawyers to develop their leadership skills and gain access to top leaders in our profession. Visit http://owba.org/leadershipinstitute for more information on the Leadership Institute.

4) Opportunities to Serve

The OWBA recognizes that our profession is strengthened when our communities are strengthened. To that end, we are committed to partnering with community organizations, particularly those serving women and girls. From hosting meals at the YWCA Family Center to collecting items for Dress for Success, we welcome ideas and ways to be of service to communities throughout Ohio.

5) Opportunities to Lead

As a third-year attorney, I had the opportunity to plan and moderate my first CLE through the OWBA. The panel included law firm partners and general counsels who engaged in honest dialogue around Anne Marie Slaughter’s Why Women Can’t Have it All, and Sheryl Sandberg’s then-emerging Lean-in Movement.

(Continued on page 2)
EVENT UPDATE

SAVE THE DATE: Leading with Style Cincinnati

Thursday, May 10 | 5:00-8:00 p.m.
Anderson Pavilion
8 East Mehring Way, Cincinnati
Register at www.owba.org/events

Looking for a fun night out? JOIN the OWBA & OWBF for its 9th Annual Leading With Style Fashion Show fundraiser! We will showcase the latest Spring trends for women and men as you mingle with friends and colleagues amongst select fashion and lifestyle businesses. Exciting silent auction and raffle prizes will be awarded. Proceeds will benefit the educational and leadership programs of the OWBF, a 501c3. Hors d’oeuvres and a COMPLIMENTARY drink are included with your ticket.

Register BEFORE March 1 for extra benefits, which include 15% off at Kendra Scott and two raffle tickets. Don’t miss this signature OWBA/F event in Cincinnati…see you there!

OWBF UPDATE

OWBF Law Student Scholarship

The Ohio Women’s Bar Foundation is currently accepting applications for its Law Student Scholarship, which is presented this year by Vorys, Sater, Seymour and Pease LLP. The scholarship is awarded annually to a female law student in Ohio whom has demonstrated commitment to promoting the missions of the OWBF and OWBA, and whom aspires to promote diversity and inclusion efforts in their future legal practice or brings a unique perspective to the law as a result of their diverse background or experience. The 2018 Law Student Scholarship will be given to one law student in the amount of $2,000. The deadline to submit an online application is March 23, 2018, and the recipient will be recognized at the Annual Meeting Luncheon on April 27, 2018, at the Nationwide Hotel and Conference Center.

Why the OWBA? (From page 1)
I had an idea, and the organization supported me. I knew then that the OWBA was an organization I wanted to be a part of. The OWBA sees the value and potential in women leaders, whether they are two years out of law school, or 20 years out. Whether your interest is energy law, rainmaking, policy initiatives or networking, the OWBA provides a platform where ideas are welcomed and leadership is encouraged.

To become a member of the OWBA or to renew your membership, visit www.owba.org.
With the "#MeToo" movement bringing much-needed attention to the issues of sexual assault and sexual harassment, it can be useful to learn what constitutes actionable sexual harassment under the law. Generally, the law on sexual harassment arises from a few federal statutes, with many states having analogous statutes.

The main federal statute prohibiting sexual harassment is Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits employers from discriminating against employees and job applicants. Notably, independent contractors, volunteers, and owners are not protected by Title VII. Generally, only those employers having at least 15 employees can be liable under Title VII; however, certain other entities are statutorily exempt.

The other major federal statute prohibiting sexual harassment is Title IX of the Education Act of 1972 (Title IX). Title IX protects students from sexual harassment in K-12 schools, colleges, and universities that receive federal funding. Although the main focus of Title IX enforcement actions and regulations are students, the United States Supreme Court, in North Haven School Board v. Bell, 456 U.S. 512 (1982), held that Title IX also protects the employees of covered schools, colleges, and universities. The law on what constitutes sexual harassment under Title IX largely tracks the law that has developed under Title VII.

Sexual harassment falls into two categories: quid pro quo and hostile environment. Quid pro quo sexual harassment is the type most typically thought of as "sexual harassment." In the case of employment discrimination, quid pro quo sexual harassment is conditioning a job applicant or an employee’s continued employment, promotion, or other employment benefit on the person’s submission to unwelcome sexual advances. In a school setting, the definition of quid pro quo harassment is analogous, with the most obvious example being a professor who promises an "A" to a student if the student agrees to have sex with the professor.

The second category of sexual harassment is hostile environment sexual harassment. It results from sexual advances or other sexual conduct that have the effect of creating an offensive or hostile working environment. To be actionable, the conduct must have been "severe" or "pervasive" enough to alter the conditions of employment and "create an abusive working environment." Meritor Savings Bank v. Vinson, 477 U.S. 57, 67 (1986). The conduct must meet both an objective test and a subjective test; in other words, a reasonable person must perceive a hostile or abusive work environment, and the individual being harassed must have found the conduct hostile or abusive. Harris v. Forklift Systems, Inc., 510 U.S. 17, 21 (1993).

To determine whether the conduct rises to the level of actionable sexual harassment, a court must consider all the circumstances, including: (i) the frequency of the conduct; (ii) the severity of it; (iii) whether it interfered with the employee’s ability to do his or her job; and (iv) whether the conduct is physically threatening or humiliating or "merely an offensive utterance." Id. at 23. This is a highly fact-specific inquiry. As a result of the vagueness of what "severe or pervasive" means, courts have been inconsistent at best in determining when conduct is sufficiently severe or pervasive to be actionable. The Supreme Court has made it clear that it will not expand Title VII (and by extension Title IX) into a "general civility code." Oncale v. Sundowner Offshore Services Inc., 523 U.S. 75, 81 (1998). One episode would be insufficient to be actionable unless it is sufficiently severe in its own right, such as a physical assault or rape.

Finally, early on in the development of sexual harassment law, the Supreme Court in Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986), resolved an issue that frequently arises. It’s the argument that because the employee “voluntarily” participated in the sexual conduct because he or she wasn’t physically forced, the conduct wasn’t “unwelcome” and thus the employee has no sexual harassment claim. In Meritor Savings Bank, the Court rejected the defendant bank’s argument that the plaintiff Michelle Vinson had no viable sexual harassment claim under Title VII because she engaged in sexual intercourse with her supervisor, defendant bank officer Sidney Taylor. The Court distinguished between “voluntary” and “unwelcome” behavior.

(Continued on next page.)
“What is Sexual Harassment?” (From page 3)

The Court explained that the inquiry was not whether Vinson had “voluntarily” participated in sexual intercourse. Rather, “[t]he correct inquiry is whether [Vinson] by her conduct indicated that the alleged sexual advances were unwelcome ….” Id. at 68. Thus, cases where the employee submitted to the sexual intercourse or other sexual acts can still be actionable if the employee indicated by his or her conduct that it was unwelcome.

Sexual harassment law is simultaneously well-developed and ambiguous. Whether a potential plaintiff would succeed in a claim will ultimately be highly dependent on the facts and the jurisdiction in which the claim is brought.

Nancy Paine Sabol is an Associate Professor of Law and University Title IX Coordinator at Ohio Northern University College of Law, where she teaches Employment Discrimination, Legal Problem Solving & Analysis, and Transition to Practice. Prior to joining the faculty at ONU in 2001, Ms. Sabol practiced law for fourteen years with Jones Day, focusing on labor and employment law. She received her J.D. from the Moritz College of Law, summa cum laude, and her B.A. from Ohio University, summa cum laude.
I was Born in Appalachia. ‘Hillbilly Elegy’ Doesn’t Speak for Me.

By Betsy Rader

Reprinted from Washington Post opinion section – September 1, 2017

J.D. Vance’s book “Hillbilly Elegy,” published last year, has been assigned to students and book clubs across the country. Pundits continue to cite it as though the author speaks for all of us who grew up in poverty. But Vance doesn’t speak for me, nor do I believe that he speaks for the vast majority of the working poor.

From a quick glance at my résumé, you might think me an older, female version of Vance. I was born in Appalachia in the 1960s and grew up in the small city of Newark, Ohio. When I was 9, my parents divorced. My mom became a single mother of four, with only a high school education and little work experience. Life was tough; the five of us lived on $6,000 a year.

Like Vance, I attended Ohio State University on scholarship, working nights and weekends. I graduated at the top of my class and, again like Vance, attended Yale Law School on a financial-need scholarship. Today, I represent people who’ve been fired illegally from their jobs. And now that I’m running for Congress in Northeast Ohio, I speak often with folks who are trying hard but not making much money.

A self-described conservative, Vance largely concludes that his family and peers are trapped in poverty due to their own poor choices and negative attitudes. But I take great exception when he makes statements such as: “We spend our way into the poorhouse. We buy giant TVs and iPads. Our children wear nice clothes thanks to high-interest credit cards and payday loans. We purchase homes we don’t need, refinance them for more spending money, and declare bankruptcy…Thrift is inimical to our being.”

Who is this “we” of whom he speaks? Vance’s statements don’t describe the family in which I grew up, and they don’t describe the families I meet who are struggling to make it in America today. I know that my family lived on $6,000 per year because as children, we sat down with pen and paper to help find a way for us to live on that amount. My mom couldn’t even qualify for a credit card, much less live on credit. She bought our clothes at discount stores. Thrift was not inimical to our being; it was the very essence of our being.

With lines like “We choose not to work when we should be looking for jobs,” Vance’s sweeping stereotypes are shark bait for conservative policymakers. They feed into the mythology that the undeserving poor make bad choices and are to blame for their own poverty, so taxpayer money should not be wasted on programs to help lift people out of poverty. Now these inaccurate and dangerous generalizations have been made required college reading.

The problem with living in constant economic insecurity is not a lack of thrift, it is that people in these circumstances are always focused on the current crisis. They can’t plan for the future because they have so much to deal with in the present. And the future seems so bleak that it feels futile to sacrifice for it. What does motivate most people is the belief that the future can be better and that we have a realistic opportunity to achieve it. But sometimes that takes help.

Yes, I worked hard, but I didn’t just pull myself up by my bootstraps. And neither did Vance. The truth is that people helped us out: My public school’s guidance counselor encouraged me to go to college. The government helped us out: I received scholarships and subsidized federal loans to help pay my educational expenses. The list of helpers goes on.

Now that so many people have read “Hillbilly Elegy” this summer, I hope they draw this better moral from the story: Individuals can make a difference in others’ lives, and by providing opportunities for all, our government can do the same. Life, liberty and the pursuit of happiness should be legitimate expectations for everyone, “hillbillies” included.

Betsy Rader is an employment lawyer at Betsy Rader Law LLC, located in Chagrin Falls, Ohio. She is running as a Democrat to represent Ohio’s 14th Congressional District in the U.S. House.
News

Highlighting a Member of the OWBA Leadership Institute

In each issue we will highlight graduates of the OWBA Leadership Institute. This quarter we will highlight Cheri Budzynski of Toledo. If you are interested in applying to the Leadership Institute, contact OWBA at admin@owba.org.

What did you enjoy the most about the Leadership Institute? The CLEs were highly relevant.

Do you stay in contact with anyone from your class? Yes – Our class tries to organize meeting up several times a year.

Where do you work? Shumaker, Loop & Kendrick, LLP

Do you specialize or have a niche? Environmental Practice Group

If you weren’t a lawyer, what would you be? A pastry chef.

What would you like to tell us about yourself (i.e. your family, hobbies, etc.) My wife and I live on an 80-acre farm where we love to ride our four horses.

Gov. Kasich Appoints Youngstown Judge Mary DeGenaro for Supreme Court Seat

The Ohio Women’s Bar Association and Foundation congratulate Justice Mary DeGenaro for her appointment to the Ohio Supreme Court! Gov. John Kasich announced her appointment to fill the Supreme Court seat vacated by William O’Neill on Jan. 25, 2018. Justice DeGenaro became the 159th justice of the Ohio Supreme Court by gubernatorial appointment, effective Jan. 28, 2018. Justice DeGenaro served nearly 17 years as a judge on the Seventh District Court of Appeals in Youngstown prior to her Supreme Court appointment.

Currently Justice DeGenaro serves as the Vice President of the Ohio Women’s Bar Association, and has served on the board for nearly 5 years as a trustee and executive committee member. Justice DeGenaro has been an integral leader, member and friend of the organization for nearly a decade.

2018-19 Leadership Institute Class

The Leadership Institute is a program of the Ohio Women’s Bar Foundation, and was created by top women leaders in Ohio to assist women lawyers in developing their leadership skills. The mission of the Leadership Institute is to advance inclusiveness within the legal profession and supplement the professional skills of women lawyers by enhancing their leadership, business development, and communication skills for the benefit of the diverse communities in which they work, live, and serve.

The program is organized into six CLE sessions on topics such as rainmaking and business development, executive coaching and career strategy, public speaking, effective communication and difficult conversations, negotiation and professional branding, and effective leadership. All sessions will take place in Central Ohio, and participants will earn a total of 20-24 CLE credit hours (pending approval). For more information about the program visit www.owba.org/LeadershipInstitute. Applications will open in mid-March.
EVENT RECAP

Public-Private Sectors Connect: Substance Abuse, Mental Health and Wellness CLE

On November 30, 2017, the OWBA hosted its annual statewide CLE program, Public-Private Sectors Connect, which is designed to bring together attorneys from the public and private sectors. This year, we tackled the issue of substance abuse, mental health and wellness in the legal profession with a gender focus. In addition to raising awareness regarding mental health, substance abuse and other addictive behaviors through honest dialogue among women lawyers at different stages of recovery, speakers provided strategies for managing stress and prioritizing wellness.

Attorneys throughout the State were able to participate in this program in-person at Bricker & Eckler in Columbus, or through live-streaming at local offices in Cincinnati, Dayton and Toledo. We would like to extend sincere thanks to the sponsors, which include our in-kind sponsors OhioHealth and Temple of Juice, and our venue hosts – Bricker & Eckler in Columbus, Frost Brown Todd in Cincinnati, and Thacker Robinson Zinz in Toledo.

EVENT RECAP

Congratulations to Ohio’s Newest Admitted Attorneys!

Members and friends of the Ohio Women’s Bar Association had the privilege of hosting two receptions to honor Ohio’s newest admitted women attorneys. The Southwest Ohio event took place on December 7, 2017, at Grainworks Brewery in West Chester, and the Central Ohio event was hosted at The Gnoesis Group office in Polaris on January 11, 2018. We wish all of Ohio’s newest admitted attorneys great success as they start their careers!
Balancing the Scales Documentary Screening at the University of Cincinnati College of Law

On February 15, 2018 the Ohio Women’s Bar Association, Cincinnati Bar Association and Cincinnati Chapter of the Federal Bar Association in conjunction with the University of Cincinnati College of Law’s Center for Race, Gender, & Social Justice and UC Law Women hosted a private screening of the documentary Balancing the Scales at the University of Cincinnati College of Law. The event was attended by over 100 attorneys from the public and private sector, as well as several law students.

Based on interviews conducted over two decades, Balancing the Scales is an insightful look at the story of women lawyers in America. The interviewees include a broad array of lawyers and judges across five generations, including Supreme Court Justice Ruth Bader Ginsburg, civil rights attorney Gloria Allred, and Roe v Wade attorney Margie Pitts Hames. For more information about the film visit www.balancingthescalesmovie.com

Following the screening attendees had the opportunity to continue the conversation about critical issues addressed in the film through a panel discussion comprised of women lawyers from academia, judiciary and the private sector. The panel was moderated by Professor Kristin Kalsem, Co-Director of the University of Cincinnati Center for Race, Gender, and Social Justice, and the panel members were -

- Sharon Rowen, filmmaker of Balancing the Scales, Principal with R&K Productions, and Founding Partner of Rowen & Klonoski, P.C.
- Alicia Bond-Lewis, Partner, Dinsmore & Shohl
- Judge Susan Dlott, U.S. District Court, S.D. of Ohio

The OWBA thanks Sharon Rowen and the program panelists for their commitment to advancing the interests of women attorneys, to the University of Cincinnati College of Law for partnering and hosting us, and to our event sponsors –

- KMK Law
- Faruki Ireland Cox Rhinehart & Dusing
- Morgan Verkamp
- Sebaly Shillito + Dyer
- Dinsmore & Shohl
- Daniel J. Donnellon
Walmart, Inc. Senior Vice President and General Counsel Legal Operations to Serve as Keynote at OWBA/OWBF Annual Meeting Luncheon on April 27, 2018

The Ohio Women’s Bar Association and Ohio Women’s Bar Foundation are proud to announce that Phyllis Harris, Senior Vice President and General Counsel Legal Operations of Walmart Inc., will be the keynote speaker at the 2018 OWBA/OWBF Annual Conference Meeting Luncheon on Friday, April 27, 2018, at the Nationwide Hotel and Conference Center in Lewis Center, Ohio.

Phyllis has earned a reputation for exemplary leadership. In her current role, Phyllis leads a team of lawyers in areas of employment, intellectual property, privacy, data security, government relations and corporate affairs/governance law. In addition, she is responsible for outside counsel management, as well as diversity and attorney development programs. Prior to joining Walmart, Phyllis spent 20 years with the U.S. Environmental Protection Agency and earned the rank of Meritorious Executive for her superior accomplishments.

The OWBA/OWBF Annual Conference spans two days with CLE sessions scheduled on Thursday, April 26, and Friday, April 27. Additionally, the OWBA Government Subcommittee will host its Honoring Women in Government Reception at the conference center on the evening of April 26.

This year’s conference theme is Knowledge is Power: Taking Control of Your Career, and will share perspectives from firm leaders, judges and government officials, general counsels and other local leaders and business professionals. The CLE sessions will be the topic of:

- Gender By Us™ – Challenging implicit biases and gender norms
- Implicit Bias in the Legal Profession: What Can We Do About It
- Practice & Career Management: Planning and Transitioning – Should I Stay or Should I Go?
- Forget Work-Life Balance: It’s Just Life!
- Demonstrating Leadership and Navigating Ethical Considerations During Crisis
- Getting the Business: Discussion of Givers – How to Excel at Business
- Development and Lead Your Career

For more information about the sessions, panel members and to register visit www.owba.org/AnnualConference18. Sponsorships are still available.
Sustaining Members

Deborah Akers-Parry
Wolf and Akers LPA

Randal Bloch
Randal S. Bloch, Esq.

Magistrate Judge Stephanie Bowman
U. S. District Court
Southern District of Ohio

Sherri Dahl, Esq.
Dahl Law LLC

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Claudia Herrington
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Lisa Kathumbi
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Rachel Lawless
Nationwide Insurance

Magistrate Judge Karen L. Litkovitz
U.S. District Court, Southern District of Ohio

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Autumn Tyler
University of Cincinnati College of Law

Sara Valentine
Capital University Law School

Maggie Weber
Nationwide Insurance Company
Calling for Nominations for 2018 D&I Awards

The Ohio Women’s Bar Association is accepting nominations for its Family Friendly and Diversity and Inclusion Sponsor and Champion Awards. The awards will be announced and presented at the Annual Meeting Luncheon on April 27, 2018, at the Nationwide Hotel and Conference Center near Columbus. For more information and to apply visit www.owba.org. The deadline to submit a nomination is March 16, 2018.

Family Friendly Award
Established in 2003, the Family Friendly Award honors those legal employers in Ohio who best exemplify the commitment to work-life balance arrangements and assures that lawyers can take care of their families and still pursue a successful career.

Diversity & Inclusion Awards
The Ohio Women’s Bar Association’s Diversity and Inclusion Committee is pleased to recognize the exceptional efforts of individuals and organizations promoting the full and equal participation of diverse attorneys at all levels of the legal profession, with a particular focus on women, including women of color. The OWBA D&I Champion Award is presented to one company, firm or professional organization for its demonstrated leadership and sustained commitment to diversity and inclusion. The OWBA D&I Sponsor Award is presented to one legal professional who has individually championed the careers of women attorneys and the topic of diversity and inclusion.

Follow us on Social Media
The OWBA and OWBF can be found on Facebook, Twitter and LinkedIn. Join our groups, like us and connect to us to share information and connect with women attorneys across Ohio.

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