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## President's Message

Happy May! Hopefully you've recovered from your Fiesta hangover, and are ready to celebrate Cinco de Mayo, Memorial Day, and all the moms in your life. I love Mothers' Day for many reasons, but most of all, I love that it allows us to celebrate all of the women in our lives—mom, grandma, women who love us like a mother, female mentors, friends (whether they have children, have pets, or simply care for

us like a mother), children, and perhaps ourselves!

Motherly qualities like unconditional love, encouragement to follow our dreams, the voice of truth when we need to (but don't want to) hear it, a shoulder to cry on, a sounding board for crazy ideas, or a physical caretaker can be found in so many women, beyond just the woman we each call mom. It reminds me how multifaceted women can be. We are able



to be someone's biggest cheerleader and also the voice of reason, depending on the circumstances. We can be the listening ear or provide endless advice. We have an incredible ability to perceive the needs of (con'd on p. 11)

## May Luncheon: Erin F. Fonté: Legal Considerations for Mobile

Please join us on May 5th as we welcome Erin F. Fonté. Ms. Fonté is a shareholder and payments lawyer with Cox Smith, where she heads the firm's Privacy and Data Security Practice as well as the firm's Payments and Digital Commerce Practice. As mobile payments, big data and financial services continue to converge, fundamental legal issues must be addressed. Ms. Fonté will educate attendees on the legal issues surrounding mobile banking, mobile payments and mobile wallet products and services. She will provide an overview of what is developing in the

world of mobile payments (like Apple Pay) and mobile services in general, and the legal issues that are important as products and functions move from a brick-and-mortar and online space to the mobile space. CLE Approved!

**When:** Tuesday, May 5, 2015 (Cinco de Mayo!)

**Time:** Noon to 1:00 p.m.

**Where:** Club Giraud

**Cost:** \$25 for members, \$30 for non-members, \$20 for students, payable at the door

**RSVP:** Club Giraud needs a

headcount well in advance of the luncheon, so please RSVP by Thursday, April 30, 2015 to [Events@bexarcountywomensbar.org](mailto:Events@bexarcountywomensbar.org). Include any dietary restrictions in your RSVP. We understand that schedules change, but we cannot guarantee a spot to individuals who do not RSVP by the date above. Walk-ins will be charged \$35 to cover the additional demands on Club Giraud's staff. No-shows will be billed. For more information, contact Lindsay Riley ([lriley@coxsmith.com](mailto:lriley@coxsmith.com)) or Rachel Skinner ([rskinner@coxsmith.com](mailto:rskinner@coxsmith.com)). We hope to see you there!

## Judicial Spotlight: Justice Jason Pulliam



*On January 8, 2015, Governor Rick Perry appointed County Court-at-Law No. 5 Judge Jason Pulliam to serve as a justice for the Fourth Court of Appeals. The Fourth Court of Appeals oversees both civil and criminal cases from 32 counties located in South Texas and the Texas Hill Country. Justice Pulliam is the first African American justice to serve on the Fourth Court bench. Prior to his judicial career, he served in the Marine Corps and practiced civil law in San Antonio. Andrea Morris, Staff Attorney for the*

### *Fourth Court of Appeals*

**Why did you decide to become a lawyer?**

I decided to become a lawyer after having an opportunity to work in the New York State Assembly as part of a graduate internship program. I served as a graduate intern in the Office of the Majority Leader of the New York State Assembly (the equivalent of the Texas House of Representatives) during the 1996 legislative session. I observed the law-making process first hand and had direct contact with representatives from the different regions of the state. After completing the internship, I knew that I wanted to be involved in public service. I believed that law school offered the best overall education to prepare me to serve the public.

**Did you always know you wanted to be a judge?**

**What inspired you to make this decision?**

I decided to attend law school in order to prepare myself for legislative policy oriented work. I never thought that I would become a member of the judiciary. My thought process began to change when I attended Naval Justice School in Newport, Rhode Island. I became intrigued with litigation and trial related legal work. The Naval Justice School curriculum is

centered around an intense ten week trial preparation program. The program ends with a full trial with the students serving as litigators. I felt very comfortable handling cases and representing clients in court at the completion of the program. I decided to seek a judicial position after several very close friends approached me about considering a run for County Court at Law No. 5. After discussing the matter with my family and close friends, I decided to become a candidate for County Court No. 5 in the 2010 election.

**As a newly appointed appellate justice, what has been the most surprising thing about being a justice on the Fourth Court of Appeals?**

The Fourth Court of Appeals reminds me of a very well run business organization with seven judicial chambers as its component parts. I don't know if practitioners appreciate one of the major distinctions between state intermediate courts of appeals and the courts of last resort in our state. As an intermediate court of appeals, the Fourth Court does not have discretionary review. That means we accept all appeals that are filed and have to resolve those cases. The judges and the staff who serve on the court work very hard to ensure that those cases are

## Judicial Spotlight: Judge Pulliam (con'd from p. 2)

resolved in a timely manner.

**Is there a community activity that is important to you outside of the practice of law?**

I am passionate about education. I believe that education is the gateway out of poverty and into the middle class. To the extent that I can be a role model to our children, my message to them is to finish school and obtain as many skills as possible

to make yourself competitive in the burgeoning global marketplace. I am always happy to take time to talk to our children to offer them the benefit of my experience.

**What tips can you give other lawyers interested in becoming a judge?**

I think any attorney considering a career in the judiciary would need to fully appreciate that

their decisions affect the lives of real people. Attorneys need to recognize the great responsibility and authority that judges have in affecting the rights, liberty, property, and lives of the people they serve. I would advise attorneys to approach the idea of becoming a judge with a great sense of humility and respect for the people and the law.



March luncheon photo, from left to right: Rachel Skinner, Elizabeth Copeland, Mary Stich, Rebecca Simmons, Suzanne Oliva & Marissa Helm

# Member Spotlight: Leslie Lewis



**What's your current job?**

I am an insurance defense litigator at Goldman & Associates., PLLC.

**How long have you been a member of the BCWB?**

**What's your best experience thus far?**

I actually started attending BCWBA meetings when I joined the Women's Law Association at St. Mary's in 2007. I took a short break while I was practicing in Laredo, but when I came back to San Antonio to practice one of the first things I did was renew my membership.

My best experiences with the BCWBA center around the opportunities to meet

people in a variety of practices who gladly share their experiences and their wisdom. It's nice to get outside the insurance litigation box and learn from my peers in other specialties.

**Tell us about your morning ritual or daily routine.**

I learned a long time ago that I work best when I start the day with a clear head. So I always get up a little before I wake the rest of the family, just to have a few quiet moments of contemplation before I face the day.

**What's your favorite moment of your career so far?**

When I was practicing in Laredo, my firm took appointments for Attorneys ad Litem for Department of Family and Protective Services. I learned quickly how difficult it could be to get children into a beneficial environment and that it is even more difficult to make that arrangement permanent. My favorite moment was the day I was able to help get four siblings permanently placed in a home where they were not only catching up to where they should have been socially and academically, but they were getting the care and attention they deserved. I will never forget the looks on their faces when I explained that the judge had approved everything and they would not have to wor-

ry about packing up and moving any more.

**What was your childhood dream job?**

For most of my childhood, I really wanted to be an astronaut. After that, a professional musician was my goal. It was quite a while later before I decided that law might be the career for me.

**Guilty Pleasure: What can you not live without?**

Diet Cherry Dr. Pepper. I'll settle for a Diet Dr. Pepper, but I'm only really happy if it's cherry.

**What's the best career advice you've offered?**

Not every job is your dream job, but every job is a valuable learning experience. At some point in our lives, all of us have taken a job because we must, not because we necessarily want to do it. But that doesn't mean you cannot find a way to make it part of your growth experience.

When I was in undergraduate school, I worked for a pizza delivery shop. It was not my life's aspiration to make and deliver pizzas. But rather than just punching in and waiting for the time to tick by, I looked for ways to make the job a challenge. I learned how to plot out more efficient delivery routes, how to take inventory and use past performance to estimate the order for (con'd on p. 10)

## Restaurant Review: Tarka Indian Kitchen



By Marisssa Helm

Are you in a food rut? Are you looking to expand your palate without going too crazy? Check out Tarka Indian Kitchen in the Stone Oak area, on the north side of 1604 between Stone Oak Parkway and Blanco Road. Tarka has struck the perfect balance between approachability and authenticity: the flavors and aromas are exactly what true Indian food connoisseurs would expect, but I've taken complete Indian food newbies there with great results.

The fast-casual chain started in Austin from the same folks who started the Clay Pit (widely considered one of the best authentic Indian restaurants in Texas). The menu is extensive, and everything can be ordered with varying levels of spice from mild (which barely registers for this Tex-Mex spice lover) to hot (which will get your attention but not kill you) to the off-the-menu extra hot (which I've been too chicken to try). What I love is the wide variety of meat-free selections, including all of the curries, which can be ordered with your choice of protein or with vege-

tables. Most entrees are served with flavorful basmati rice. I highly recommend eating authentically using roti (think Indian-style tortillas) to scoop up your food with your hand. There's familiar naan (like pita bread), both plain and garlic (which was offputtingly pungent on a recent visit due to the rawness and amount of garlic used). The portion sizes are generous, especially for the price. I prefer to order two or three entrees to share among three or four people; there will probably still be leftovers.

I highly recommend starting with the vegetable samosas, pyramidal flaky pastries filled with spiced (but not spicy) potatoes and green peas, which are served with an amazing tangy/sweet chutney. The chicken pakoras are also a crowd favorite—lightly breaded, spiced chicken pieces (longer than nuggets, but certainly skinnier than American “chicken strips”) served with the same great chutney. For my taste, the vegetable pakoras were a bit too heavy on the batter.

For the main course, you could start with a more mainstream curry like the tikka masala (a creamy, tomato-based curry that's great with chicken) or the saag (a pureed spinach curry that's fantastic with paneer, a dairy cheese similar in texture to soft tofu). My personal favorite curry, however, is the mirch masala, which is chock full of mushrooms and a bit more chili-based (but still not overly hot at the medium spice level).

Another great option is the biryanis, which I think of as the Indian version of Chinese fried rice. The shrimp biryani was very flavorful and certainly not skimpy on the shrimp on a recent visit.

Turning back to the vegetarian options, there's an entire section of the menu dedicated to meatless selections. The saag aloo (potatoes and spinach) and aloo bhengan (eggplant and potatoes) were both standouts, as was the daal makhni (lentils with vegetables and spices). And another good entry-level choice is the dhingri mattar paneer, which features paneer cheese with mushrooms and peas in an approachable tomato- and cream-based sauce. If you're looking for something truly remarkable and off the beaten path, try the malai kofta, which is the perfect comfort food for a cold or rainy day or any time you want to feel truly indulgent. It comes with four or five vegetarian kofta dumplings about the size of hushpuppies in a deliciously rich cream sauce. The dumplings are soft, creamy, and bright yellow inside, and the sauce has a deep nuttiness to it from the preparation of the malai cream. Seriously, your life will be changed by eating this dish!

If you want to stop by for lunch or dinner, give me a call—I might just meet you there! There are still a few things on the menu I haven't yet tried. You can also order dinner to-go (including kids' menu options) with Tarka's handy iPhone app. [www.tarkaindiankitchen.com](http://www.tarkaindiankitchen.com)

## 2015 Autumn Affair

By Lisa Alcantar & Greta McFarling

Save the Date! The Bexar County Women's Bar will host the 2015 Autumn Affair on Thursday, October 8, 2015 at the Veranda. Details to follow. Committees are forming now for Autumn Affair 2015. Please let us know if you are interested in helping to make our sig-

nature fundraising event a success! If you will help, contact Lisa Alcantar at [lalcantar@prdg.com](mailto:lalcantar@prdg.com) or Greta McFarling [greta.mcfarling@txcourts.gov](mailto:greta.mcfarling@txcourts.gov).

This year's beneficiary for Autumn Affair proceeds is the Children's Bereavement Center of South Texas! The Children's Bereavement Center seeks to foster heal-

ing for grieving youth, their families, and the community through peer support programs, counseling, training, education, and outreach. The Bereavement Center is located at 205 W. Olmos Drive. Look for future announcements regarding touring the facility.

## Annual BCWB Retreat

Please join us as we return to the gorgeous Purple Sage Ranch outside Bandera, Texas on June 11-12 for the Bexar County Women's Bar Annual Retreat and CLE. We have taken your feedback to heart and have expanded the Retreat hours to allow for more mingling and re-

laxation in addition to a fabulous 7-hour CLE program. This year we're focusing on practical skills, including negotiation training exercises with Professor Wayne Scott of St. Mary's Law School, a presentation by Linda Chanow of the Center for Women in Law at

the University of Texas School of Law, and a presentation by trial consultant Karin Powdermaker on how we can all be more effective in our day to day dealings with others and in our public speaking. Space is limited, so register now.

## CJP Night with BCWB

By Maurleen Cobb

Save the date for the Bexar County Women's Bar night at CJP on May 12, 2015. We need 25 volunteers for this

worthy pro bono activity.

There will be mentors and court staff available to answer any questions about client representation. If you

can join us, contact Maurleen Cobb at [mcobb@stokeslawoffice.com](mailto:mcobb@stokeslawoffice.com).

## Around Town Lunch

By Marissa Helm

Our May around town luncheon will be at the Rack-space campus on Friday, May 15th. RSVPs are re-

quired. We are limited to 25 attendees. Registration is currently full, but if you would like to be added to the wait list, please email [marissa.helm@](mailto:marissa.helm@)

[parallon.com](http://parallon.com). Similarly, if you're on the list and can't make it, please email Marissa so someone else can use your spot.

## Case Watch: Pregnancy Discrimination Update



By Bonita Roberts

Several recent legal developments have combined to offer more protection from employment discrimination to pregnant workers and new mothers.

In a Fifth Circuit decision, the court ruled in favor of a new mother whose employer discharged her when he learned that she was breastfeeding. *EEOC v. Houston Funding II, Ltd.*, 717 F.3d 425, 426 (5th Cir. 2013). The circuit court rejected the employer's assertion that Title VII does not cover "breast pump discrimination," reasoning that lactation is a medically related condition of pregnancy covered under the Pregnancy Discrimination Act (PDA), an amendment to the statute. *Id.* at 428. The court cautioned, though, that the result would have been different if the employee sought accommodation for breastfeeding, because PDA does not require special treatment based on pregnancy. *Id.* at

429-30 n.6.

Last month, however, the U.S. Supreme Court ruled in *Young v. United Parcel Serv., Inc.* that an employer may violate the PDA if it denies a pregnant worker light duty accommodation. 135 S. Ct. 1338, 1355 (2015). Peggy Young worked as a part-time driver for UPS and sought light duty assignment after her doctor told her not to lift more than 20 pounds; Young's job required the capacity to lift up to seventy pounds. *Id.* at 1344. When UPS told her that she could not work under the lifting restriction, she stayed home without pay and ultimately lost her medical insurance. *Id.*

Thereafter, she filed suit against UPS alleging that the company violated the PDA, which states that employers must treat "women affected by pregnancy . . . the same for all employment-related purposes . . . as other persons not so affected but similar in their ability or inability to work." *Id.* It was this phrase from the PDA's second clause that was at issue in the case. *Id.* at 1343-44. The district court granted summary judgment in favor of UPS, and the Fourth Circuit Court of Appeals affirmed, reasoning that UPS had a "pregnancy-blind" policy that was neutral on its face with no other evidence of discriminatory bias. *Id.* at 1347-48. The appeals court noted that Young was different from those workers with ADA



disabilities, those workers injured on the job, and those workers who lost DOT certification, all of whom UPS permitted light duty assignments. *Id.* at 1348. The circuit court concluded that the PDA's second clause does not establish "most favored nation" status for those who are pregnant, an echo of the Fifth Circuit's reasoning that the statute does not require special treatment. *Young v. United Parcel Serv., Inc.*, 707 F.3d 437, 446 (4th Cir. 2013).

The Supreme Court reversed, holding that an employer may violate the PDA if it denies pregnant employees accommodations it makes to others "similar in their ability or inability to work." *Young*, 135 S. Ct. at 1343-44. To reach this result, the Court rejected both the employee's and the employer's interpretation of the statute. *Id.* at 1349. The employee's position, endorsed by recent EEOC guidelines, would allow "most favored nation" status to pregnant workers, contrary to Congress's intent in passing the PDA. (con'd on p. 9)

## 2015 Law Day Contest and Luncheon



By Brittany Weil

On April 7, 2015, the BCW-BA hosted its Law Day Luncheon at the Plaza Club, where we recognized the winners of our annual Law Day Contest. This year, the girls from the San Antonio Young Leadership Academy were invited to participate in the editorial contest, the photography contest, or the poster contest. The 2015 Law Day theme was "How has the Magna Carta impacted individual liberties?" The participation was outstanding, with more contest entries than ever before.

Many students from the San Antonio Young Leadership

Academy joined us for lunch. Speaker Sonia Rodriguez, partner in Branton|Hall|Rodriguez|Cruz, P.C., shared her insight and wisdom on the Magna Carta and how it impacts us today. The awards were then presented to the following contest winners:

**Poster Contest:**

- Linda Yates - 1st place
- Olivia Balderas - 2d place
- Mikaela Cantellop - 3d place

**Photography Contest:**

- Tiara Garza - 1st place
- Gabrielle Jacobs - 2d place
- Klarissa Gonzalez - 3d place

**Editorial Contest:**

- Eden Dorsey - 1st place
- Jordan Leonard - 2d place
- Jasmynn Robledo - 3d place

The winning entries were submitted to the State Bar Law Day Contest. The BCW-BA is proud to announce that Tiara Garza won first place in the statewide photography contest, and Linda Yates won first place in the statewide poster contest! Many thanks to everyone who helped judge the contest entries, organized the luncheon, and joined us to support the students of the San Antonio Young Leadership Academy!





## Case Watch: Pregnancy Discrimination Update (con'd from p. 7)

*Id.* at 1350. Writing for the majority, Justice Breyer rejected the employer's stance that the statute's (con'd on p. 9) second clause merely reiterates the first, because it would render the second clause superfluous and frustrate Congress's objective of overturning *General Electric Co. v. Gilbert*. *Id.* at 1352-53. Gilbert ruled that a policy providing off duty sickness and accident benefits to all except for any absence due to pregnancy did not violate Title VII. *Id.* at 1353. The *Gilbert* Court reasoned that discrimination on the basis of pregnancy was not sex discrimination when at any time there were both men and non-pregnant women who benefited from GE's policy. *Id.* The PDA's second clause, according to the Young majority, reflects Congress's disapproval of *Gilbert's* result and rationale by illustrating how discrimination on the basis of pregnancy is to be remedied. *Id.* at 1353-54. Thus, to establish her claim, the pregnant worker may invoke the McDonnell Douglas disparate treatment framework by showing that she belongs to a protected class, that she sought accommodation, and that the employer denied her accommodation while it accommodated others similar in the ability or inability to work. *Id.*

at 1354. The employer would then produce a legitimate, non-discriminatory reason for refusing her accommodation request, but cost or convenience would not generally suffice to fulfill this burden. *Id.* The ultimate burden of proof would fall to the plaintiff to establish that the employer's justification is pretextual. *Id.* To do so, the worker could produce evidence that the employer's policy imposes a significant burden on pregnant workers and that the employer's reason, combined with that burden, establishes an inference of discrimination. *Id.* If there is evidence that an employer accommodates a large number of non-pregnant workers while failing to accommodate a large number of pregnant workers, a significant burden could exist sufficient to support a claim. *Id.* In this case, Young produced credible evidence that some non-pregnant workers, specifically those who lost their DOT certifications and were not injured on the job, were provided light duty assignments while pregnant workers were denied the same opportunity. *Id.* at 1355. On remand, the Court instructed the Fourth Circuit to determine whether UPS's reasons for treating pregnant workers less favorably were pretextual. *Id.* at 1356.

The Supreme Court additionally noted that the statutory changes to the Americans with Disabilities Act made after the events in *Young* could impact pregnant workers. *Id.* at 1348. The statute's definitions and interpretive guidelines require employers to accommodate employees whose temporary lifting restrictions arise off the job. *Id.* These guidelines were the reason cited by UPS when it announced, several weeks after the Supreme Court granted certiorari in *Young*, that it was abolishing the disputed policy.

Finally, other legislation at the federal and state level prohibits discrimination against workers who are breastfeeding. The ACA amended the Fair Labor Standards Act to require an employer to provide reasonable break time for non-exempt employees to express breastmilk for one year after a child's birth, as well as a place to do so. 29 U.S.C.A. § 207 (r)(1)(A)(B) (2014). At the state level, Utah became the twenty-seventh state to enact legislation prohibiting discrimination against breastfeeding workers. National Conference of State Legislatures, available at <http://www.ncsl.org/issues-research/health/breastfeeding-state-laws.aspx> (last visited April 13, 2015).

## President's Column (con'd from p. 1)

those around us and be what they need us to be at that time.

So this Mothers' Day, I encour-

age each of you to recognize the women in your life who fulfill any aspect of what you think of as being a "mom" to

you. All the moms in our lives deserve celebration, even though you know they'd never expect it!

## Member Spotlight: Leslie Lewis (con'd from p. 4)

the next week, and I even learned to toss the dough in the air to spin out a crust. It made my time at work more challenging and enjoyable. It also taught me that there is benefit to be found in even the most mun-

dane of tasks.

While I don't really apply those particular skills to my professional life now (and it has been a long time since I even tried to spin out a crust in the air), the

ability to take a different approach and look at tasks as opportunities rather than just items to be checked off a list is something I still apply daily, in both my professional and personal lives.

## Women's Law Association Update

By Leah Wise

The Women's Law Association (WLA) and St. Mary's School of Law was honored to host the Fourth Court of Appeals for oral argument at St. Mary's. The Fourth Court Justices also judged our 1L moot court finals round and stayed after for a lunch reception. At the reception, awards were presented to women at St. Mary's Law School who have earned recognition for their leadership, charity and spiritual commitment. The recipients of this year's awards were Melanie Lira and Alicia Grant. Melanie Lira received the Chief Justice Alma Lopez Woman in Leadership Award. Alicia Grant, a former WLA 1L Senator, won the Chief Justice Catherine Stone Rock of Justice Award. We are always so grateful to have the Fourth Court of Appeals on campus and we hope to have them back next year.

WLA elected and inducted the new 2015-2016 Board for the

coming school year. The new board is as follows: President Leah Wise, Vice-President Kate-land Payne, President-Elect Claudia Galan, Secretary Jessica Gonzalez, Treasurer Brooke Holland, Philanthropy Chair Brittany Perrigue, Alumni Relations Chair Staci Krause, and

Cultural Affairs Chair Dania Pulido. We are excited for a new, record-breaking school year with WLA! If anyone is interested in getting involved with WLA, and its annual silent auction, contact Leah Wise at [leahmariewise@gmail.com](mailto:leahmariewise@gmail.com).

### Please join us for the 2015 Bexar County Women's Bar Retreat

4:00 p.m. on June 11 through 2:00 p.m. on June 12  
Purple Sage Ranch in Bandera

This year we're focusing on practical skills, including negotiation training exercises with Professor Wayne Scott of St. Mary's Law School and a presentation by Linda Chanow of the Center for Women in Law at the University of Texas School of Law.

Single \$380 / Semi-Single \$360 / Double \$325  
(all inclusive - CLE, meals, room, snacks, wine, etc.)  
7.0 hours CLE credit (pending)

Come as early as noon on Thursday to relax and enjoy the company and the beautiful Ranch including hiking, biking and walking trails, 24 hour fitness facility, game room, and snacks

Register at <http://www.bexarcountywomensbar.org/bcwb-annual-cle-retreat>

For more information, contact Leslie Hyman - 210-892-1601

