

## SCUFFLE AT BALLARD SPAHR

*A partner files a sexual discrimination claim against the firm.*

**E**ACH DAY, JANE ENNIS Sheehan goes to work at Ballard Spahr Andrews & Ingersoll as if she were any other lawyer—except that she has gender discrimination claims pending against the firm with the Equal Employment Opportunity Commission.

In filings with the EEOC, Sheehan has accused the firm and some of its male partners of taking away her mixed-finance affordable housing practice over the past decade. She also claims that the firm pays her less than her male counterpart, even though they agreed to split the profits from their practice equally. She is seeking back pay of about \$675,000 and a reinstatement to equity status.

Ballard Spahr chairman Arthur Makadon says he cannot comment on pending litigation or matters before the EEOC. In a firmwide e-mail sent by Makadon after a story about the case ran in *The Legal Intelligencer*, a sibling publication of *The American Lawyer*, he denied the facts underlying Sheehan's claim. "Meanwhile, I ask you to continue to show Jane the courtesy and goodwill that you show your other colleagues," he wrote.

Sheehan joined Ballard Spahr in 1992, developed a practice

specializing in federal housing grants, and, in 1995, became a partner. That year, according to Sheehan's claim, she enlisted public finance partner Paul Casey to help with the growing practice. They agreed to operate as equal partners, she says. It was decided, according to court papers, that Sheehan would act as the relationship partner and Casey would act as the billing partner. The pair would respond to RFPs jointly and would hold themselves out as equals to the firm and clients, she said in court filings.

According to court documents, in the late 1990s Casey began to tell the firm's allocation committee, which sets compensation, that it was his practice, and that Sheehan merely assisted him. Sheehan raised concerns in late 2002 that, starting in 1999, Casey was compensated more than she was and that the difference was growing.

Despite holding meetings with Casey in late 2002 in which they allegedly agreed to ensure that their equal agreement would be reinstated and acknowledged by the firm, Casey didn't follow through, Sheehan says in court documents. Casey was unavailable for comment at press time.

Instead, members of the firm, including Casey, Baltimore office

managing partner Raymond Truitt, and real estate department head Michael Sklaroff, retaliated, according to court filings. They secretly handed out her work to other partners. And in 2005, Sheehan was moved from equity to nonequity partner status. According to Ballard Spahr's court documents, Sheehan billed 940 hours in 2006 and earned \$313,000 as an income partner.

Sheehan says she wanted

she saw fit," so the firm filed the declaratory action. Sheehan, in turn, filed a complaint with the EEOC. She is currently waiting for a ruling from the EEOC, or for the 180-day review period to expire, and then will likely bring her claim to court.

Bernabei says she has spoken with one other female attorney at Ballard Spahr who has brought similar issues to the firm's attention, with similar results. She says

### SHEEHAN HAS ACCUSED THE FIRM OF TAKING AWAY HER REAL ESTATE PRACTICE AND PAYING HER LESS THAN HER MALE COUNTERPART.

to keep the matter private and handle it internally. She brought a demand letter to the firm May 9 in hopes of negotiating a settlement. On May 30 Sheehan's attorney, Lynne Bernabei of Bernabei & Wachtel in Washington, D.C., met with Makadon and the firm's counsel, Barbara Mather of Pepper Hamilton. There was no resolution, according to Bernabei.

The next day, Ballard Spahr filed a suit in Philadelphia seeking a declaratory judgment that it was not liable to Sheehan. In court papers, Ballard Spahr said it didn't want to "capitulate to Ms. Sheehan's demands" or wait for her to file suit "when

that attorney hasn't gone public with her allegations. Bernabei does not currently represent her.

When asked about the existence of another attorney with similar claims, Makadon said, "No, not true."

Sheehan won round one of the litigation in late September, when Judge Gary DiVito found that Ballard Spahr's suit was "premature." But she doesn't see much of a future for herself at Ballard Spahr. "It's hard for me to imagine I could go off into the future and practice with the firm," Sheehan says. "I would welcome that, but it's hard for me to imagine."

—GINA PASSARELLA

## STREET FIGHTING MEN



■ **PAKISTANI LAWYERS**, clad in black coats and neckties, fighting with riot police in Islamabad on September 29. The lawyers threw stones at the police, who fired tear gas in return and eventually chased the lawyers onto the grounds of the Supreme Court. UPI estimated there were 500 protestors; dozens of them were hurt. The violence followed the decision by the country's election commission to allow President Pervez Musharraf to run for a new five-year term while continuing to wear his Army general's uniform. He is almost certain to win another term.

"There is blood on the steps of Pakistan's Supreme Court," leading Supreme Court lawyer Aitzaz Ahsan told *Time* magazine. Lawyers have played a leading opposition role to Musharraf since March, when the general tried to fire Iftikhar Muhammad Chaudhry, Pakistan's respected chief justice. Chaudhry was reinstated by the Pakistani Supreme Court.