

Straightline

Women's Initiative Team 07 | 2008

www.andrewskurth.com

Mentoring: A Great Gift to Give and Receive



Sharon is seven years out of school, doing well at a software company, but she knows she should be advancing in her career more rapidly than she is.

Melissa is fresh out of business school and finds herself tongue-tied around the senior professionals she's trying to impress.

Glenna is a seasoned professional, executive vice president at a major airline, and enjoying the benefits of her many years of experience and business savvy.

What do all these women have in common? They could all benefit from being part of a mentor relationship.

Mentoring has a long history (the concept was first recorded in Homer's *The Odyssey*) and has had some high-profile participants: former U.S. Supreme Court Justice Sandra Day O'Connor and her mentor, former U.S. Sen. Barry Goldwater; media mogul Oprah Winfrey and her protégé, celebrity cook Rachael Ray; and of course, Batman and Robin.

But just about everyone has the potential at some point in their careers to be both a mentor and a mentee. In the example above, Sharon, with seven years under her belt, could be an advisor to someone like Melissa. And they could both learn a thing or two from the Glennas of the world.

But how do you find a mentor or, for that matter, a protégé? Is an informal mentoring relationship better than a formal, employer-sponsored one? And what if there are no women above you in your company? This article will answer those questions and give you some advice on how to maximize your mentor (or protégé) relationship.

Terri Lacy, a partner in Andrews Kurth's Houston office, doesn't credit her success to a single mentor, but to several of them.

"I had a number of mentors in my early years. I will forever be indebted to those professionals who took me under their wings and helped me develop my skills as an attorney. That is why I work so hard at teaching young associates how to polish their communication skills and handle our individual clients' requests with grace and efficiency."

Cathie Black, president of Hearst Magazines and author of "Basic Black," says the benefits of mentoring go both ways.

"Seek out talented people both above and below you on the career ladder," writes Black, who also served as



By helping women define the "unwritten rules" of the workplace and build a support network, mentoring can help increase retention & the advancement of women.

editor and publisher of *USA Today* and oversees such publications as *O*, *The Oprah Magazine*, *Esquire*, and *Good Housekeeping*. "[O]ver the years these relationships will pay off handsomely, and they might even lead to deep and enduring friendships."

What exactly are the benefits of mentoring? By helping women divine the "unwritten rules" of the workplace and build a support network, mentoring can help increase the retention and advancement of women. It can also mean fewer mistakes made by junior employees, as well as widen the pool of potential leaders the company can turn to in the future.

The trouble is that not everybody has equal access to mentors—particularly mentors who look somewhat like they do. Because people are drawn to those with similar backgrounds, informal, "organic" mentoring relationships have historically excluded women and minorities.

Many companies have sought to remedy that by offering formal mentoring programs, where senior employees are matched with junior employees. While studies have found that such formalized mentoring relationships aren't as effective as the more informal version, "some access to advice and support may be better than none," write Barbara Kellerman and Deborah L. Rhode in "Women & Leadership: The State of Play and Strategies for Change."

In the informal brand of mentoring, senior men rarely elect to mentor a young woman, partly because they are concerned about the appearance of sexual impropriety. Having a formal mentoring program can remove that barrier.

Simply because there are so few women in managerial positions, many junior women should at least be open to being mentored by a man.

"Male mentors can be very effective in giving advice on career strategies and office politics, especially from their typical position as 'insiders' to the majority culture," according to "Creating Successful Mentoring Programs: A Catalyst Guide."

Neither is mentoring limited to one-on-one relationships. Mentoring can be done in Quads, wherein one mentor has

Welcome to Straightline

Welcome to *Straightline*, the Andrews Kurth quarterly publication for women, by women. We will give you the bottom line on women's issues, be on the front line for timely substantive legal topics and serve as the hotline for firm news. We'll introduce you to fresh faces at Andrews Kurth, provide a pipeline of topical legal updates, and promise to infuse some fun features, facts and resources along the way. So join us for what promises to be Straight Talk on women's issues. No lawyer-speak. No double talk. Just the most direct line between you and our women lawyers.

three simultaneous mentees, or in Groups or Circles, in which two to four mentors are matched with double the number of mentees. These approaches are an efficient use of the limited number of available mentors, and they help foster strong peer networks.

But what if your company doesn't offer any kind of mentoring opportunities and nobody has materialized to take you under her wing? You'll have to find one on your own.

Before you start looking for a mentor, ask yourself what you hope to learn from a mentor. Do you want to improve specific business skills? Are you looking for someone to inspire you to greater heights in your life? Do you need a sounding board and advice for complex or sticky situations? Having clarity about what you want will help you identify potential mentors.

Next, identify some basic criteria for your mentors. Ask yourself what is important to you in a mentoring relationship and what kind of mentor you think you might need. When you start making a list of candidates, keep track of how well each candidate meets your criteria. Don't limit yourself to people within your company, or people who share your gender or racial

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Sidelines

On February 22, 2008, Andrews Kurth hosted two tables at the prestigious Sandra Day O'Connor Board Excellence Award Luncheon at the Waldorf-Astoria in New York. Andrews Kurth was a Platinum Sponsor, and partners **Gail Merel** and **Diana Hudson** played key leadership roles for the two-day event that culminated in the luncheon. Gail was the co-chair of the development committee and Diana was a member of the faculty.

On February 27, 2008, in San Salvador, El Salvador, **Vera Rechsteiner** provided a training session entitled "Identifying, Allocating and Mitigating Key Risks in Fuel Supply Agreements" to Cenergica and Nejapa Power Company, LLC, both clients of the firm.

On February 27, 2008, **Elizabeth Campbell** participated in, and moderated, a panel presentation entitled "Beyond Diversity 101: Navigating the New Opportunities 'Ending the Revolving Door: Hard-Core Retention Programs,'" at the Practising Law Institute.

On March 4, 2008, **Laura Trenaman** presented the topic of "Legal and Risk Management Aspects of Running a Private Practice" at the University of Texas Medical School in Galveston, Texas.

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On March 20, 2008, **Liz Wiley** planned and organized the first "Power Ladder Politics" conference at the University of Texas School of Law. The Andrews Kurth Women's Initiative Team sponsored the event, along with the University of Texas School of Law and the University of Texas Center for Women's and Gender Studies. This event was the first in a series of discussions between the academic world and private enterprise to compare the theories of gender and leadership with the reality of such programs in private and public companies and law firms.

Kathleen Wu wrote an article titled "What Women Lawyers Can Learn From Hillary Clinton," which was posted on *The Wall Street Journal* Law Blog, law.com and american.lawyers-net.net among others. The article was originally published in the *Texas Lawyer* magazine on March 25, 2008.

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Mentoring

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*"We make a living by what we get, we make a life by what we give."
 — Winston Churchill*

background. Potential resources include your professional organizations and your alma mater. A former professor or advisor from college or graduate school might point you in the right direction, too.

Once you've narrowed your list down, think of some questions you would like to ask your potential mentor. Then call the person (or drop by if it's appropriate) and ask him or her to lunch or to coffee. If you feel the chemistry is right, go ahead and come through the front door with your request: "I'm looking for a mentor and was hoping you could be mine."

If you get a "no," don't get discouraged. Not everybody has the time or ability to be a mentor. Keep looking and take advantage of opportunities to work with more senior professionals.

On the other side of the coin, if you're a senior professional looking to "give back," Cathie Black offers this advice:

How to Be a Good Mentor

BUILD FROM YOUR OWN EXPERIENCE

- Think about what you wish you had known
- Think about who mentored you and what you learned

SHARE WHAT YOU KNOW

- Explain how information is transmitted
- Share your failures

OPEN DOORS AND SET UP CONTACTS

- Provide internal and external contacts for the mentee
- Arrange for the mentee to participate in important activities

PROVIDE PERSPECTIVE

- Help your mentee to recognize his/her challenges
- Serve as a reality check when your mentee faces conflicts

ENJOY THE BENEFITS OF BEING A MENTOR

- Benefit from a two-way source of advice and perspective
- Gain a sense of fulfillment from passing your knowledge

KNOW THE LIMITS TO MENTORING

- Respect confidentiality
- Don't feel you have to know all the answers

Resources:

Creating Successful Mentoring Programs: A Catalyst Guide, Catalyst, 2002. Available at www.catalystwomen.org; "Basic Black," by Cathie Black; "Women & Leadership: The State of Play and Strategies for Change," edited by Barbara Kellerman and Deborah L. Rhode; "The Complete Idiot's Guide to Leadership," by Scott Snair, Ph.D.

"If you mentor someone, it doesn't mean you have to become their big brother or sister. You don't have to dispense dime-store wisdom and track every move they make," she writes. "What I'm talking about is simpler and more organic than that; it's seeing potential in someone, and doing what you can, when you can, to help him or her reach that potential. At the most basic level, it's letting the person know you're there to help."

Mentoring benefits both the mentor and the protégé—as well as employers. The protégé gets valuable advice and exposure to individuals at higher levels in their organization. Conversely, mentors have an opportunity to strengthen their leadership skills and give back what they themselves may have benefitted from in the past. And employers increase their retention rates and build a wider pool of future leaders.

When everybody wins, what is there to lose? ■

Get More from Your Mentor

WHAT TO DO:

- Demonstrate your openness to coaching and feedback
- Listen carefully to your mentor's advice and incorporate those insights that make sense for your career
- Ask a lot of questions
- Exceed performance expectations
- Inform your mentor of significant career accomplishments and failures
- Share with your mentor the advice that made the most difference for you and why
- Give back to your mentor—be loyal

WHAT NOT TO DO:

- Act defensive when receiving advice
- Expect a promotion or other reward as the result of a mentoring program
- Feel "entitled" to your mentor's time and attention
- Be judgmental about your mentor's experiences or choices
- Breach a confidence



Menttium

Make Mentoring Work

Human capital is the key component to the success of any company. Andrews Kurth knows this. And as part of the firm's commitment to its women lawyers, the firm supports Menttium, a leader in corporate mentoring models.

Menttium Corporation offers internal, virtual and cross-company mentoring solutions that support the development and advancement of key talent in the workplace. The company's strategic approach delivers powerful mentoring experiences that link to business objectives.

Menttium uncovered three common factors that senior leaders attributed to their career development and success: senior leaders embraced life-long learning and continued to develop a business perspective, they made and kept strong connections with their business peers, and they had one or several business mentors along the way. Based on this research, the company developed its flagship program **Menttium 100**, targeted to high-performing, mid-level businesswomen. It pairs women in business with senior executives at other companies.

Menttium mentors—men and women—typically hold positions of vice president or higher within companies of 5,000 or more employees and commit one to two hours each month.

Dallas partner Kay Lynn Brumbaugh was one of the first Andrews Kurth lawyers to participate in the program as a mentee. Then Dallas partner Kathleen Wu became a mentor.

"Menttium allows me to get involved in meaningful work that helps change the face of business," Kathleen says, "and make a difference in someone else's life."

In addition to making a difference in someone's life, it can make a difference to their company. Organizations benefit from improved performance and retention, as mentored employees are more likely to stay invested in their companies.

Since 1991, over 50,000 people have participated in Menttium's mentoring programs. ■



TIPS & TOOLS

Whether you are just exploring mentoring or are a current mentor seeking new ideas or skills, Menttium's online Tips & Tools can help you create an effective and impactful mentoring experience: www.menttium.com

Top of the Line

Everyday Goods to Lift Your Mood



OF BODY

1. FOR PACE Nike iPod Pace Tracker. \$29.

Slip the sensor under your shoe liner and your iPod nano measures your activity. Track distance, time, pace and calories burned. nike.com.

2. FOR FACE Juicy Beauty's Organics to Go. \$29.

This five piece kit is all you need for a healthy glow on-the-go. juiceorganics.com.

3. FOR ENERGY Eboost Energy & Immunity Tablets. \$11.50.

A special blend of vitamins and minerals activates the four vital elements of performance: energy, immunity, recovery and focus. eboost.com.

4. FOR HEALTH StandUpandEat.Org

The Cooper Institute is teaching "calorie literacy" through a new website about active living and healthy eating. standupandeat.org.

5. FOR FUNCTION Yogitoes Skidless Yoga Mat Topper. \$60.

Washable mat prevents slipping, absorbs sweat and provides a layer between you and your yoga mat. yogitoes.com.

AND MIND

6. FOR LIGHT Red Flower Candle. \$34.

This petal topped candle is blended from the purest wax for hours of relaxation. The flower power will transport your senses. redflower.com.

7. FOR REST The Relaxing Dream Eye Pillow. \$16.

This herbal pillow has an aromatic, healing blend of lavender, chamomile, mugwort, calendula and peppermint to calm and soothe, inducing sleep and aiding in stress reduction. jane-inc.com.

8. FOR WELLNESS Veria.

Simplify your path to wellness with Veria, a resource for health and wellness information, natural products and more. veria.com.

9. FOR AROMATHERAPY Automatic Teapot & Meditative Mind Tea. \$69.95 / \$9.99.

Steep a blend of Chinese tea to sharpen the mind. The Tea Spot's tea pot melds function and sleek design to make it simple for tea lovers to drink in a cup of calm anytime. the-teaspot.com. ■

Sidelines

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Dena Palermo, one of the co-chairs of the HBA Gender Fairness Committee, presented the Committee's report, along with her co-chair Tom Brandt of Shell Oil Company, to managing partners from the 32 Houston law firms that have signed the HBA's Gender Fairness Commitment.

Kathleen Wu was named one of the "2008 Most Powerful and Influential Women in Texas" in the inaugural issue of *Texas Diversity*.

Kara Altenbaumer-Price was selected as the April "One to Watch" by the Dallas Association of Young Lawyers. She also served as moderator for a CLE and journalist continuing education program, "The Legal and Ethical Issues of New Media: Blogs, Podcasts, Live Chats, Copyright & Libel, Newsgathering, Privacy."

Andrews Kurth is proud to announce that the firm has expanded its paid maternity leave from 12 weeks to 18 weeks.

Under this expansion of the firm's policy, a primary childcare provider will receive an additional six weeks of paid leave in connection with the birth or adoption of a child.

Howard Ayers, **Elizabeth Campbell**, and **Doris Rodriguez** received awards at the Texas Diversity and Leadership Conference on May 16, 2008. Howard received the Glass Ceiling Award, Elizabeth was one of four legal professionals who earned the Legal Diversity Award, and Doris was among the five recipients of the DiversityFirst award.

Elizabeth Campbell and **Lynne Fischman Uniman** co-authored an article titled "Smoke and Mirrors" which was published in the May, 2008 edition of *The New York Law Journal Magazine*. The article provided insight to law school candidates on how to determine a prospective employer's commitment to diversity.

Monica Blacker and **Suzanne Campbell** were among four lawyers who presented "Technology in the Courtroom" at the Texas Access to Justice Commission's 2008 Trial Academy at the University of Texas Law School on May 21, 2008.

In April 2008, **Amy Hancock** was elected to the board of directors of the Association for Legal Career Professionals ("NALP"), a nonprofit educational association dedicated to facilitating legal career counseling and planning, recruitment and retention, and the professional development of law students and lawyers.

Kathleen Wu participated in a panel presentation on "Inspiring Women: Humor & War Stories to Reach the Top of Your Game" at the Dallas Bar Association's Legal Ethics Committee luncheon on June 11, 2008, at the Belo Pavilion. Attendance was record breaking for a Dallas Bar Association CLE event.

5 Tips for Becoming a Great Mentor

By Libby Gill



When I was in the enviable albeit anxiety-provoking position of being offered two top communications jobs at the same time, I was in a total quandary. While it was exciting being wooed to head media relations for news, entertainment and sports divisions at CBS and to be the senior PR officer for Universal's TV group, it was also unsettling.

All I could think about, when I could untwist my stomach long enough, was that I didn't want to blow it. I needed to determine which job was a better fit; which chairman was a better boss; and which schedule would allow me to stay connected to my sons. A high-class problem, I knew, but a problem nonetheless.

I turned to my mentor, Jeanne, an entertainment attorney, to guide me as gracefully as possible through the process. She knew the inner workings of both companies and the personalities of both bosses. And, as a senior partner in a powerhouse LA law firm, she knew what it was like to be a working mom with a demanding career. With Jeanne's help, I ended up accepting the position at Universal and recommending a former staff member for the CBS job.

Now that I've mentored professional women of all ages and all stages of their careers, I know how sweet it is to be part of someone else's success. In fact, it's arguable as to who benefits the most in the mentor-protégé relationship. But then again, who's arguing?

As mentors, we're constantly learning new things and being challenged to look at perspectives other than our own. Stagnation doesn't stand a chance. We also get a fresh glimpse at ourselves, recognizing how far we've climbed and how much wisdom we've accumulated. The once-dismissive "been there, done that" no longer means time to move on, but instead that we've got plenty to share.

Whether we mentor in acknowledgement of the wonderful men and women who've guided us or because



we were unable to find mentors and don't want others to suffer the same fate, mentoring has multiple benefits—for the mentor, the protégé and the companies who gain from their achievements.

To ensure that you maximize your mentoring experience, here are some tips for managing that special relationship:

CHOOSE YOUR PROTÉGÉ CAREFULLY.

Just as you would choose a mentor for the qualities they possess, make sure your mentorship is based on what you truly want to share. If you love research, mentoring someone who needs that skill can be a delight. Conversely, if you despise office politics you may not want a mentee who needs help navigating the corporate ladder.

ESTABLISH "BRIGHT LINE" BOUNDARIES.

Once you've agreed to mentor someone, create clear ground rules. When and where will the mentoring take place? How long will sessions last? Is the relationship open-ended or is there an end date? What is the goal of the relationship? Don't take on extra work or commit to time you can ill afford. It's great to be giving, but it's better to be realistic.

GUIDE YOUR PROTÉGÉ TO CREATE A POWERFUL VISION.

Encourage your mentee to create a vision for success that you can support with strategic advice and accountability along the way. Feel free to use the vision tool on my website to get you started: www.libbygill.com

CONNECT YOUR MENTEE WITH OTHERS.

One of the most valuable things you can do as a mentor is to open doors to people and organizations. Proudly introduce your mentee to colleagues so she can make connections and others can learn from your example.

BE OPEN TO ISSUES OF WORK/LIFE BALANCE.

Don't shy away from personal concerns. As you well know, family, health and money issues come with the territory. But recognize when you're about to cross a boundary and refer your mentee to someone who can help with problems outside the scope of your expertise.

Realizing I hadn't spoken to Jeanne in several years, I Googled her to discover that she now owns and operates a vineyard in Solvang, California. I immediately shot her an email. After all, like fine wine, mentors improve with age.

Libby Gill is an executive coach, author and speaker, who specializes in guiding professional women to success and satisfaction. For more information or to schedule a complimentary coaching session, visit libbygill.com. ■

Profile: Diana Hudson



Andrews Kurth has elected Diana Hudson as the firm's Community and Alumni Relations Partner, a new role for community and alumni outreach.

In this position, Diana will report to the firm's Managing Partner Bob Jewell and will focus on expanding the firm's community outreach on the local, state and national levels. She will review opportunities and make recommendations regarding the firm's level of involvement in community

affairs and educate attorneys about community involvement and board opportunities. Diana will also organize and implement a program to establish and retain relationships with firm alumni.

"Diana's volunteer track record and history with the firm will position her exceptionally well to take on this newly created position," says Bob Jewell.

While this new position will be her main focus, Diana will continue her law practice in corporate, securities and general corporate matters. ■

Fresh Faces

With much excitement, we welcome the following lawyers to the Andrews Kurth team:



Dena Palermo (Houston) has joined our Litigation section as Counsel. Her experience includes mass tort litigation and conducting internal investigations into allegations of potential violations of the Foreign Corrupt Practices Act and Sherman Act. Dena has also been involved in e-discovery litigation and counseling. Dena received her J.D. from Boston University School of Law in 1983.



Raehan Ali (Washington, DC) has joined our Intellectual Property section as a Senior Attorney. Her experience includes general intellectual property matters, including drafting, filing and prosecuting foreign and U.S. patent applications, as well as analyzing invention disclosures and making patentability and infringement options. Raehan received her J.D. from Quinnipiac University School of Law in 2006.



Jasa Gitomer (Dallas) has joined our Business Transactions section as an Associate. Her practice focuses on real estate, finance and business transactions matters. She has represented financial

institutions in negotiating, documenting, refinancing and closing loans secured by various retail, office, hotel and multifamily projects. She also represents lenders and services in commercial mortgage-back securities transactions. Jasa received her J.D. from Tulane University in 2001.

Team WIT

2008 Co-Chairs:

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2008 Members:

Melinda Brunger	Marty Smith
Elizabeth Campbell	Laura Trenaman
Deborah Grabein	Lynne Fischman Uniman
Amy Hancock	Kendall Wade
Sylvia Matthews	Liz Wiley
Shemin Proctor	Kathleen Wu
Robin Russell	

2008 Advisory Members:

Courtney Culver Emily Demmeck

Wellness Through the Decades



Every positive thing you do yields a positive result. Nevertheless, your wellness to-do list can change as you get older. So *Straightline* has compiled a decade-by-decade list of wellness advice for each period of your life.



Now that you're officially a grown-up, it's time to start taking charge of your own health. Your body is still young enough that it can probably withstand the late nights and occasional bad decision-making we humans are so famous for in our 20s. **Nevertheless, now is the time to start laying the foundation for a lifetime of good health.**

Cut down on your alcohol consumption and **86** the smokes altogether. Nothing ages you like cigarettes.

Another big-time ager (and skin cancer cause) is the sun, so if you're still addicted to having a "healthy" glow, take a tip from Hollywood and discover the joys of spray tanning. Instead of soaking up the sun, now is the time to start repelling it through liberal use of **sunscreen** every day, ideally in your daily moisturizer.

Yes, **moisturizer**. If you're like lots of 20-somethings, you probably haven't started using moisturizer yet. You may even still be battling the occasional breakout. There are plenty of moisturizers for combination skin, and you'll want to start using moisturizer now. If you're under 26, you'll want the Human Papillomavirus vaccine, which combats the virus associated with most cases of cervical cancer. Regular Pap smears are also recommended every 1-3 years.

your 30s



If you didn't cut out all the bad stuff you were supposed to in your 20s, it's not too late. Find a good moisturizer with sunscreen. Quit smoking. Improve your diet.

One issue you'll want to start "boning" up on is your **calcium intake**. Your bones are reaching their maximum density in your 30s, so make sure you get enough calcium (through dairy products and certain veggies) and that you have plenty of weight-bearing exercise, such as walking and running, and strength training, which does wonders to help build strong bones, 2-3 times a week.

In addition to **aerobic exercise**, like running and strength training, you'll also want to incorporate flexibility and balance into your fitness routine (if you haven't already). Yoga, Pilates and other similar programs are good bets.

Exercise can also help stave off memory loss, which can begin as early as our teens. Another brain-booster is Omega-3 fatty acids, in the form of fatty fish (like salmon and mahi mahi, among others) a couple of times a week, or an ounce of walnuts a day. Another dementia-combatant is the spice turmeric, which is in a lot of Indian food, but is also in certain brands of yellow mustard (check the label).

On the doctor front, you may also need to get your thyroid tested while you're in your 30s.

your 40s



In addition to doing all those good things you should already be doing in your 20s and 30s (and eliminating all the bad things), the most important health habit you can adopt in your 40s is yearly **mammograms**. Depending on your risk factors and family history, you may need to start them earlier.

Now is also a good time to start monitoring your cholesterol levels. If you have diabetes or high blood pressure, if heart disease runs in your family, or if you smoke, this is absolutely critical.

This decade is also when the stresses of caregiving can be quite intense for women, as they are sandwiched between caring for children (who may still be fairly young, depending on when you had them) and caring for aging parents. Finding a healthy way to deal with this stress is key. Exercise is a good one, but another one is having a **strong social support** network of friends, family, church members and colleagues.



your 50s

While lots of things start to nag you in your 50s, the biggest cause for concern in women is

bone loss. Once menopause sets in, bone loss accelerates. Hopefully, though, you've already got a healthy bone lifestyle in place (a calcium-rich diet, lots of weight-bearing exercises and strength training). Your doctor might want to do a baseline bone density test, particularly if you've already gone into menopause (it should be noted that some experts don't recommend these tests start until your 60s). If your bone density test comes back abnormal, your doctor may recommend hormone replacement therapy.

Other recommended tests/immunizations for this decade: echocardiogram, stress test, the vaccine Pneumovax, used to prevent the most common cause of bacterial pneumonia in adults, a flu shot, and a check for colorectal cancer.

60s & beyond



If you don't have a regular exercise regimen, it's not too late to start one. **Walking** is one of the best,

but anything that gets your body moving works. Strength training can also help strengthen your bones, and **balance/flexibility** exercises can help you stay limber.

Concerns about osteoporosis heighten in your 60s, so now is the time to discuss this with your physician. Also, if you haven't already received one, you'll probably want the bacterial pneumonia vaccine.

Keep up with the yearly flu shots and other preventive/diagnostic tests, like mammograms and cholesterol checks. Your physician may also want to do a repeat test for colorectal cancer.

Good health and fitness is a journey, not a destination. If we keep active and maintain a moderately healthy diet and lifestyle, we'll have not just a long life, but an active and fulfilling one.

Protecting Your Intellectual Property

By Andrews Kurth Partner Michele Schwartz

Have you ever had an idea for a great product that would solve a pet peeve, or just make life easier or more pleasant? Many women have made millions from such light bulb moments. Just consider Spanx®, the patented footless pantyhose empire. Perhaps you should take that epiphany and run with it. In addition to writing a business plan, making a prototype and charming investors, one of the most important aspects of commercializing that idea is to protect any intellectual property associated with the product or concept.

So how do you protect your intellectual property once that light bulb goes on? Consider the three main types of intellectual property protection: patents, copyrights and trademarks.

“If you have protected your rights, you will be able to maintain exclusivity and increase the value of your business.”

PATENTS

Patents generally protect functional features of inventions, or in the case of design patents, ornamental designs for articles of manufacture. For patents, take dated notes on your idea and maintain confidentiality, not only to protect others from stealing the idea but also to preserve your rights if the invention is patentable. If you decide to share your idea with others, make sure a signed confidentiality agreement, sometimes called a non-disclosure agreement, is in place before revealing the idea. Once an invention is made publicly known, you have one year to apply for patent protection. If you decide to apply for a patent, consider a patent search. An attorney can advise whether a search would be worthwhile or whether it makes more sense to file an application. The patent process is tricky and is best handled by an attorney. It also can be expensive—be prepared to invest several thousand dollars in the process.

COPYRIGHTS

Copyrights protect original works of authorship fixed in the tangible medium of expression, including literary works, visual art (including designs on packaging), music, and pictorial and motion picture works. For example, copyright law protects your artwork, unique designs on fabric, your marketing literature or photographs. Copyrights subsist in a work upon creation and are owned by the author of the work unless the rights are assigned or transferred to another person. Beware if you

have an outside ad agency or friend create artwork for your product, including photography. Obtain a written assignment of those rights or the rights will remain with the author, even if you pay for the work. You can obtain a copyright registration from the U.S. Copyright Office which strengthens your rights in a copyrighted work if you have to take legal action against an infringement. Whether your work is registered or not, always include a copyright notice on the work which consists of the symbol ©, the copyright owner’s name and the year of publication of the work, meaning the year you first distributed the work to the public by sale or other transfer of ownership.

TRADEMARKS

You will need to name your million-dollar idea. The name, logo, a slogan, even unique product packaging or shape (trade dress), or other manner of identifying your product, can be protected under trademark law. At the outset, search at least the U.S. Trademark Office records to determine if the mark is available. Once you start selling your product, you develop “common law” rights in the mark which are circumscribed to the geographic marketplace in which you sell your branded product. You also can obtain a federal registration for the mark, which provides nationwide rights regardless of whether you have shipped your product to all 50 states. Prior to obtaining registration, utilize a superscript ™ symbol to identify the mark or logo as your own. After the mark is registered, you may use the symbol ® to indicate that you own a federal registration for the mark.



Consider all three types of intellectual property protection to protect the ultimate expression of your idea or concept. Though your idea or concept may not be worthy of patent protection, the original artistic design or the funky name or packaging used to market the product may be protected by copyright and trademark law, resulting in a valuable monopoly when consumers demand your product. Intellectual property rights are valuable assets considered by investors and potential buyers. If you have protected your rights, you will be able to maintain exclusivity and increase the value of your business. ■

This article has been prepared for informational purposes only and does not constitute legal advice. This information is not intended to create (and receipt of it does not constitute) an attorney-client relationship. Readers should not act on this information without seeking professional counsel. Prior results do not guarantee a similar outcome and depend on the facts of each matter.

Book Nook



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3. **The Complete Idiot's Guide to Leadership**: (2nd Edition) by Andrew DuBrin
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