

PATRICIA COSTELLO SLOVAK

Irish Charm and Experience Make Her One of Illinois' Finest

by Melissa Birks

A worker says the company discriminated against him. Or a worker says the company retaliated when she aired a complaint. In defending the company, the business, the corporation, Patricia Costello Slovak finds her clients feeling a range of human emotions—anger, betrayal, fear—that makes representing management more about people than workplaces.

It's what has drawn Slovak, 56, to the world of labor/employment for more than 25 years. She's witnessed tectonic shifts in the landscape of the law, with everything from the Americans with Disabilities Act to laws protecting whistleblowers. Perhaps most pleasing to her has been the rise of women practicing in the field.

Her opponents describe her as a skilled diplomat, calm at a time when the marriage of worker and employer is disintegrating. One union lawyer says Slovak accomplishes such a feat with an "Irish charm" and a reputation that precedes her at the table.

"It is, to me, the perfect combination of problem solving and people-oriented," Slovak says. "The labor/employment area, at its base, is people having problems with each other, suing each other, a bargaining unit employee not getting along with a supervisor, or an employer and union disagreeing over an organizing campaign... For me, I enjoy participating in all these aspects. I'm never bored."

She comes across neither hard-nosed nor flimsy. She can laugh at herself; getting hot tea for a guest, she confesses that the new coffee machine mystifies her and other attorneys at Schiff Hardin LLP.

Asked about her success in what was certainly a man's world when she started, Slovak is matter-of-fact, not bombastic.

"I think it's as much a case of maturity, experience," she says in her office at Schiff Hardin, the firm she's joined twice: first as a summer associate, then years later when she was well established in her career. "I've done this a long time. I don't get the push back that I believe young women still get."

Even with the lack of bombast, or maybe because of it, Slovak speaks with a clarity and strength that makes it difficult to imagine her getting any "push back" on the job.

Consider her description of what potential clients should know about her: "My approach is, I respect your time and your expertise in whatever business you're in. I expect you to respect my time and expertise. I know more about what I do than you do; you know more about what you do... Respect that, and we'll get along fine."

More than a job

She knows she's no machinist or retail clerk or plumber; she also knows that doing her job means at least becoming familiar with theirs.

Walking the assembly line or checking out the break room helps her develop what she calls the "whole picture" of the case—not just hearing her client's version of events but seeing how the entire place operates. She recalls watching faucets being made when she represented a faucet manufacturer.

Talking about the faucet assembly line quickly leads Slovak to talking about the people who worked there, management and staff.

"People in business, especially in that sort of business, people are proud of what they do," she says. "They should be. If you understand what they do, you have a better chance of helping them find a solution."

A native Chicagoan, Slovak's father was a banker, her mother a homemaker. Her family valued education and she grew up with an expectation that she'd go to college, although not necessarily to become a lawyer.

"They always said, 'We will support you through college, and then you are on your own,'" she says.

She received her bachelor's degree from Saint Louis University in 1973, then worked for a year before heading to the University of Chicago Law School.

Schiff Hardin hired her as a summer associate; she stayed on briefly after graduating in 1977. Slovak and other labor/employment specialists at Schiff Hardin soon left the firm to start their own practice.

In 1980, she left Chicago to make it in New York City. She did: She became the first woman partner in a firm there, still practicing labor/employment.

New York, however, proved fiercely competitive and surprisingly conservative in terms of women practicing law. She returned to Chicago in 1991, rejoining the labor/employment boutique firm she helped to found. Schiff Hardin lured them back in 1999.

Women on the rise

When she attended the University of Chicago Law School in the late 1970s, women made up perhaps 10 percent of her class. Today, attendance at most law schools is split evenly among men and women.

At Schiff Hardin, more than half of the lawyers in the labor/employment group today are women.

"To see the number of women (increase)



over the years in labor and in law in general, that's been great," she says.

She served on the Executive Committee for the Chicago Bar Association's Alliance for Women for a number of years and co-chaired it in 1998–99. The Alliance, founded more than 15 years ago, provides professional development to women lawyers through meetings, seminars, and projects including community work for charitable organizations.

"She's always looking to forward (women in law), give time and energy to make sure women come along," says Laurel Bellows, who founded the Alliance and, as principal with Bellows and Bellows LP, has opposed Slovak at times through the years. Among others, Bellows represents executives on matters such as contracts, severance agreements and contracts.

"As a friend, as a person, as a bar leader, as a lawyer, she's just extraordinary. Anything she turns her attention to, she does well," Bellows says.

One project that's taken much of Slovak's attention recently has been chairing the American Bar Association's Section of Labor and Employment Law.

And one priority in that position has been increasing participation of women and lawyers of color among the section's estimated 20,000 members.

When her term ended in August, she felt pleased to see an estimated 30 to 40 percent of the section's committees, speakers and other leadership positions occupied by women. More progress, she allows, needs to be made regarding lawyers of color.

"I think if you asked people (about me), they'd say, 'Pat's a good labor/employment attorney and advocate.' 'She's a good mentor to women lawyers.' And continuing education of lawyers is an important part of who I am. I think those three parts of my career are what people see in me."

Nationwide, Slovak is pleased to see women making headway in the labor side of the labor/employment field. Labor means representing unions and that's traditionally been a male-dominated landscape. While most of her opponents are men, Slovak can point to unions representing machinists, service employees and clerical workers that have female general counsels—unheard of 20 years ago.

The gender gap is narrower somewhat on the employment side, which handles issues such as discrimination complaints. Women make up about half of those lawyers, Slovak estimates.

"In her particular area, labor/employment, labor has always been a more rough-and-tumble area of the practice," says Jac A. Cotiguala of Jac A. Cotiguala Associates, who has been on the opposite side of table from Slovak in representing individual employees, the bulk of his work, as well as unions. "I think there are fewer women in labor than in other areas of law... I think Pat was in the beginning of the escalation of women in the profession in substantial numbers, particularly in labor."

Watching the law change

Slovak has seen other changes in labor/employment over the years.

The Americans with Disabilities Act of

1990 ushered in new rights for disabled workers. Its impact is still being felt today. Slovak enjoys helping employers navigate those often tricky waters.

"It's interesting to me because it's difficult to pinpoint, it's hard for employers to figure out how to comply," she says. "When someone is disabled, a lot of other factors come into play—whether the employee wants the employer to know about it, what kinds of accommodations must be made. I think employers have not received sufficient guidance from the government. My clients want to comply but this is one area, often they don't know what it is they are supposed to do to comply."

The Family and Medical Leave Act of 1993 proved prescient in addressing workers searching for flexibility in the workplace. Young parents are not the only ones asking for that kind of flexibility, Slovak says. Increasingly, older workers are caring for their parents.

"Managers looking to the future are going to realize that the way they did things in the past aren't necessarily the way they can in the future," says Slovak, who counts herself somewhat of an anomaly when she had children. She and her husband, Jeff, hired a nanny for their two children, now 22 and 17, and she continued to work full time. At the time, she says, there weren't many role models for her.

"The way to succeed is to be flexible with the workforce you have; that's how you get the best productivity. I think a world in which management says 'This is how it is' won't work."

Big-business scandals that erupted when employees blew the whistle—perhaps best illustrated in the Enron debacle—brought about a new vigilance in protecting workers from retaliation.

"I think plaintiffs' lawyers have grown to realize that their cases are better if there's a retaliation component; it's harder for employers to defend against that. Everybody is getting more sophisticated," Slovak says.

Hard to defend against, but not impossible. Sometimes, she says, the worker simply might be unaware of the facts: He or she might think the boss is ignoring the complaint when in fact it's being handled appropriately in a private venue. Sometimes, the issue that the worker is complaining about isn't unlawful.

"Sometimes, those (factors) aren't there," Slovak says. "Then, it's a challenge to defend. Then the defense gets interesting."

Elevating the playing field

Cotiguala recognizes the tendency for some in his profession to get "overzealous." Negotiations get heated. Yet in his dealings with Slovak, he says, she's always maintained her composure.

"I don't remember her feeling the need to express herself in vile or vulgar terms just because some moron on the other side was doing it," he says. "I would say she tended to elevate the playing field rather than saying, 'That's the way it's always been so I'll dive down to that level.'"

Also to her credit, according to Cotiguala: "Her word is not lightly given, but once it is given on something, you can rest assured it will be followed."

Both are important qualities, particularly in labor, where lawyers must navigate relationships between businesses and unions that, theoretically, will last for years.

Bellows, while not representing unions, often opposes Slovak in management issues—Slovak may represent a corporation negotiating a settlement with an executive represented by Bellows.

Bellows describes the worker-employer relationship as a marriage. And, like Cotiguala, she describes Slovak as measured and responsive without getting sucked into personality clashes.

"Any client having her is extraordinarily represented," Bellows says. "She is a problem solver. She is one of those attorneys who knows how to get down to business and work through what will be the best resolution to the problem for all parties."

Cotiguala jokes that Slovak has been in the business "since before there was employment."

Veterans like her, he says, "were raised in the philosophy that they're going to have to deal with people on the other side. This isn't the last case we'll have to deal with them on. As a result of that, their attitude is more of accommodation."

manner; they start on time; she doesn't have the discussion go on too long," he says. "She moves through the agenda with great skill."

D'Alba lauds Slovak's support of projects like teleconferences that allow section members across the country to discuss items of timely interest; of outreach programs to law school students to lure



Slovak receives the gavel as chair of the ABA Labor and Employment Section at the ABA Annual Meeting in Hawaii in August, 2006. Handing the gavel to her is Charles Werner, the outgoing chair.

An effective leader

Accommodating lawyers in all corners of the labor/employment practice remains an important part of Slovak's work as chairman of the Section of Labor and Employment Law.

She's especially proud of helping organize the section's first conference aimed at all labor/employment lawyers, from veterans to associates, from management to union, from in-house lawyers who work for one corporation to those in firms of all sizes.

The three-day event in Philadelphia in November will feature programs including a mock trial, in which a top trial judge will preside and provide tips from the bench, and an oral argument before the National Labor Relations Board.

"(The section) has always done CLE and the committees have always had midwinter meetings. But this conference is on the cutting edge of everything we do as labor/employment lawyers," she says. "Part of the goal is to bring in people who don't usually go" to section meetings or activities.

The section has four main constituencies: management lawyers, union lawyers, lawyers representing individual employees, and "neutrals" such as arbitrators and government lawyers, says Joel A. D'Alba with Asher, Gittler, Greenfield & D'Alba Ltd. He's a section member who has worked with Slovak on various committees.

"As a chair, she's a solid chair, an effective leader," D'Alba says.

He describes her as a model of efficiency, decorum and dignity.

"The meetings are conducted in a prompt

them into the field; fellowships for government lawyers to help them attend midwinter meetings; and of encouraging women to take a more active role in the section.

In the past six or seven years, he says, the section has had two women chairmen, counting Slovak; a third is on deck for 2009.

And he praises Slovak for her support of the November conference, especially in the early days when not all members thought it necessary.

Slovak, he says, grew the necessary "coalitions" among section leadership and now the conference promises to be a "premier" continuing education event. Organizers hoped for attendance around 500 to 600; word has spread and Slovak expects even more.

Reaching out to all the section interests requires a deft touch, says Cotiguala, who is involved in a subcommittee focused on wage and hour issues.

In particular, he points to three sometimes competing constituencies: Management, union, and lawyers representing individual employees. As section chairman, it would be dangerous to cater to one group and alienate the others. Cotiguala calls Slovak a diplomat who has managed to appease all three groups. Her diplomacy, he says, has shown in continued participation in the subcommittees.

Asked how she does it, Cotiguala doesn't miss a beat in answering, "It's her Irish charm."

Hearing that quip, Slovak doesn't have to argue or be a diplomat. She is, in fact, "100 percent Irish." ■



Slovak's husband, Jeff, daughter Stephanie and son Michael.