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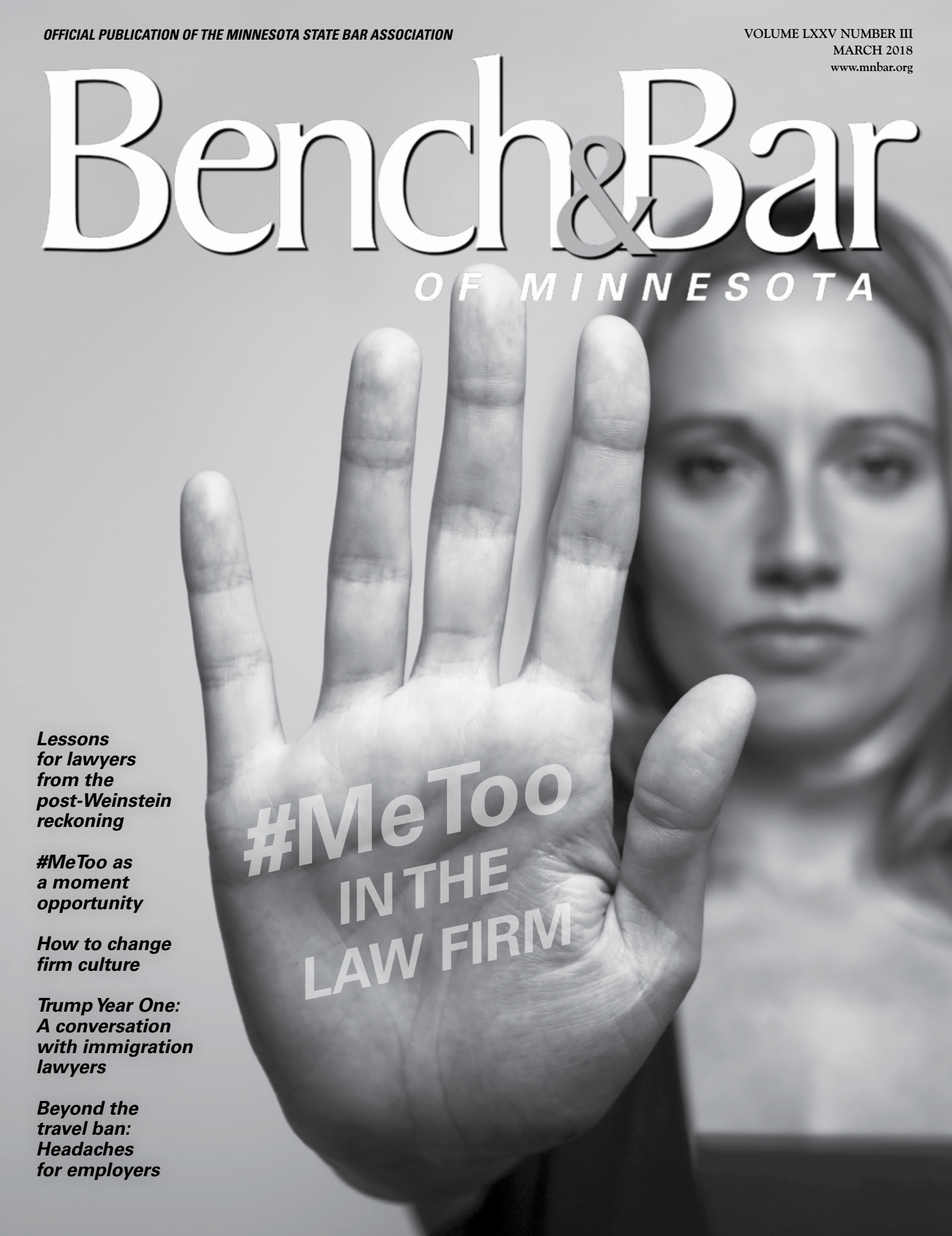

#MeToo IN THE LAW FIRM

Lessons for lawyers from the post-Weinstein reckoning

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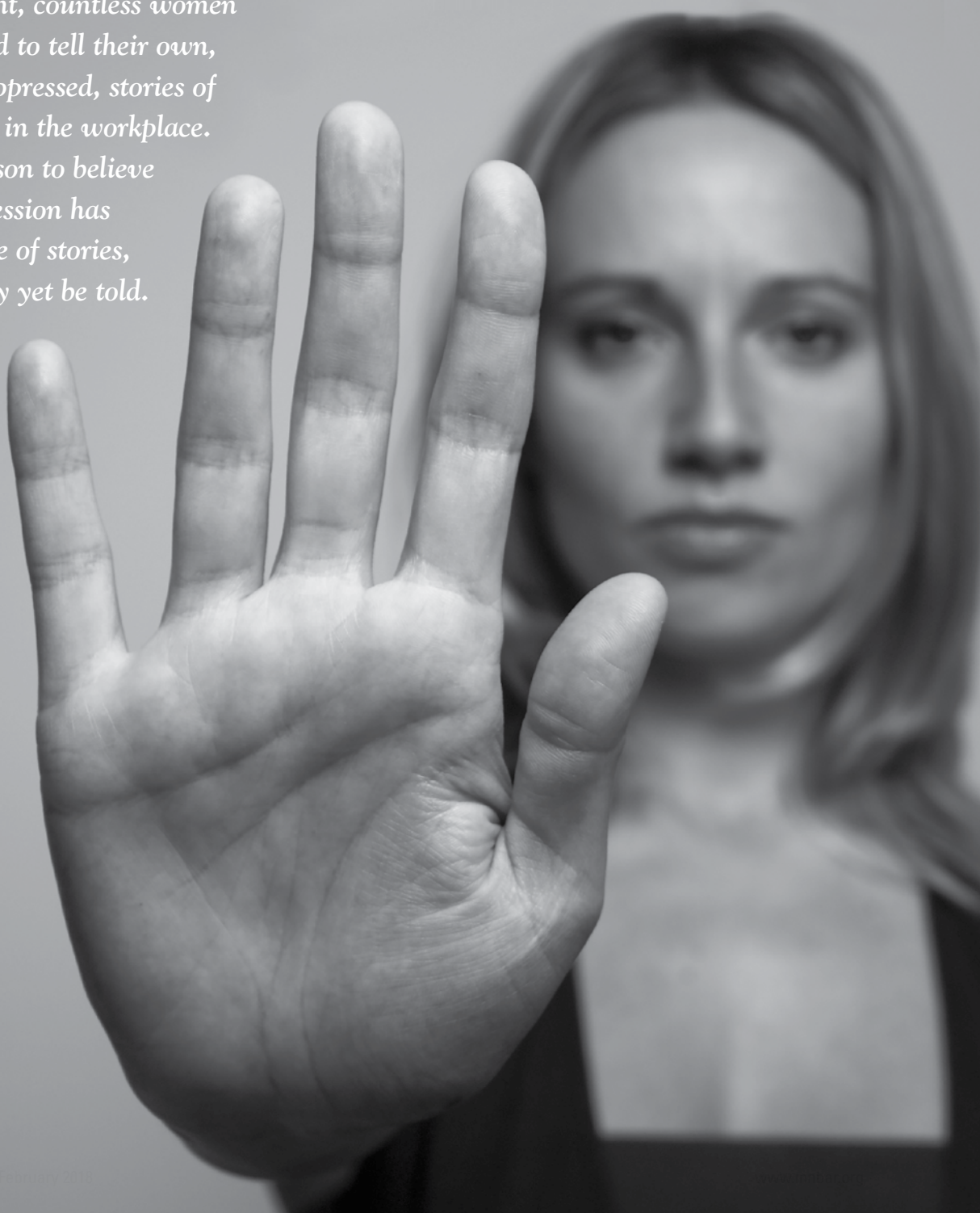
#MeToo in the Law Firm

Lessons for lawyers from the post-Weinstein reckoning

Since last fall, when a spate of stories about the disgraced movie producer Harvey Weinstein spawned the #MeToo movement, countless women have come forward to tell their own, frequently long suppressed, stories of sexual harassment in the workplace. There is every reason to believe that the legal profession has more than its share of stories, some of which may yet be told. This article examines the sea change in workplace values currently taking hold and offers advice for law firms seeking to curb harassment and to deal with it when it arises.



By Chuck Lundberg

The Reckoning began last fall, sparked by some remarkable investigative journalism: On October 5, the New York Times published an article titled "Harvey Weinstein Paid Off Sexual Harassment Accusers for Decades."[1] A few days later, the first New Yorker story by Ronan Farrow appeared: "From Aggressive Overtures to Sexual Assault: Harvey Weinstein's Accusers Tell Their Stories."[2]

Of course, we did not then know that a reckoning had begun. That is the nature of reckonings, and of cataclysmic social uprisings generally: You never realize they are a Thing, let alone recognize their potential scope and ramifications, until sometime later.

It escalated quickly. On October 15, actress Alyssa Milano started #MeToo on Twitter, encouraging the use of the phrase as part of an awareness campaign: "If all the women who have been sexually harassed or assaulted wrote 'Me too' as a status, we might give people a sense of the magnitude of the problem."

To say it went viral would be a gross understatement. Scores of entertainment celebrities responded immediately, telling their own personal stories of harassment.[3] By Twitter's count, more than 500,000 #MeToo tweets were published by the following afternoon.[4] During the first 24 hours, the hashtag was used by more than 4.7 million people in 12 million posts on Facebook.

By early November it had become clear that something extraordinary was happening. Powerful, famous men from all walks of life were joining Weinstein as accused sexual harassers, disgraced in a moment and then summarily terminated with extreme prejudice from long and distinguished careers. The list of well-known men identified as harassers seemed endless; there was someone new almost every day.[5] In Minnesota, two icons fell: Senator Al Franken and Garrison Keillor.

As one commentator put it, "The allegations against Harvey Weinstein have opened the floodgates for women in other industries and walks of life to go public with claims of sexual misconduct—and to be heard instead of dismissed."[6] It was, in fact, a tsunami, a cultural watershed, "one of the highest-velocity shifts in our culture since the 1960s" in the judgment of Time Magazine, which declared the silence-breakers behind the Reckoning to be its 2017 Person of the Year.[7]

What about lawyers? One very curious aspect of the unfolding saga was noted in early December: While accusations of harassment and sexual misconduct were cutting down powerful men left and right in almost every business and industry in the country, the legal profession inexplicably seemed to have been spared. No such allegations had emerged against any well-known attorney or judge.

Then the story of Judge Alex Kozinski broke on December 8. (See sidebar, "Alex Kozinski: Judges do it too?") There is every reason to believe that the legal profession has more than its share of stories, some of which may yet be told. In researching this article, I spoke with many bar leaders, judges, present and former ethics partners and managing partners at large law firms, and others, all on deep background. Most of the men had vivid stories to tell about a spectrum of workplace conduct they had observed or heard about over the years, ranging from dalliances and affairs to some pretty egregious sexual misconduct. The women I spoke to were even more forthcoming: To a person, they were able to relate multiple instances of such behaviors—in law firms, law schools, court chambers, and other legal workplaces.

LESSONS FOR LAWYERS AND LAW FIRMS

The first lesson: In case you didn't realize it, sexual harassment may subject attorneys (and judges) to professional discipline. So the risk entails more than the off chance of civil damage exposure; a harassing attorney's license to practice could be on the line.

Two recent articles by Minnesota legal ethics experts outline the history and scope of attorney discipline for sexual harassment in Minnesota. First, Bill Wernz wrote a column entitled "Harassment, Sex, Discipline," initially for Minnesota Lawyer, and then an expanded treatment for his MSBA Legal Ethics Blog.[8]

Second, in her Professional Responsibility column in the January 2018 issue of this magazine, Susan Humiston, director of the Office of Lawyers Professional Responsibility, addressed "Harassment and Attorney Ethics."[9]

Both pieces are well worth reading. In summary, Minnesota has a long history of disciplining lawyers for sexual harassment. The articles detail the notorious stories of Ramsey County Judge Alberto Miera, who was suspended from the bench and then disciplined as a lawyer for sexual harassment of a court reporter, and law school Dean Geoffrey Peters, who was publicly disciplined for sexually harassing law students and school employees.

Both cases arose in the late 1980s, before there was any specific ethics rule prohibiting harassment. As Wernz and Humiston note, these cases led Minnesota to become one of the first states in the nation to adopt an explicit disciplinary rule on harassment, in the very early 1990s. (By the way, this is just one of several contexts in which the Minnesota disciplinary system was decades ahead of the rest of the country. The ABA did not adopt a model rule against harassment until 2016. Other examples of Minnesota leading the way in ethics law include the rules against attorney sex with clients, and the rule allowing attorneys to disclose client fraud that the attorney's services had been used to commit, both of which were adopted in Minnesota long before the ABA adopted similar rules.)

The articles also detail more recent prosecutions for sexual harassment by attorneys, perhaps most notably the law license suspension of an adjunct law professor, Clark Griffith, for harassment—indeed, criminal misconduct—involving a student.

Today, lawyers and law firms must recognize two central facts about the Reckoning:

First, the standards have changed fundamentally, and they will be applied retroactively. The new paradigm may be disorienting to many male lawyers of a certain age. One of the hallmarks of the Reckoning has been how incidents from years and even decades in the past can suddenly come back to life. Anecdotally, it has been eye-opening to see how many men are now looking over their shoulders, remembering things they may have done years ago—things that, at the time, they rationalized as "all in good fun," but that in post-Reckoning retrospect feel creepy or disgusting—and wondering if those now-regretted interactions are going to come back to haunt them.

Second, the principal risk going forward is not necessarily monetary damage exposure, but the abiding damage to reputation. The David Boies experience is a particularly pointed example of how a lawyer's reputation can be severely damaged by being associated with a notorious harassment case, even if he is not the accused. (See sidebar, "The incredible shrinking David Boies.")

Law firms must reorder their priorities accordingly. Dealing with workplace harassment has now become a matter of firm culture rather than simply claims avoidance.

Experts agree that the essential means of avoiding workplace harassment problems, and dealing with them when they arise, are: a strong policy against harassment; an effective complaint process that ensures prompt and effective investigation and response to any complaint; and a strong, firm-wide training program.[10]

An appropriate, well-publicized policy against harassment

Every law firm should have a written harassment policy. The policy must be detailed, well-publicized, and distributed to all personnel. It should be drafted by experienced counsel and reviewed with counsel periodically. The law in this area is evolving; it will continue to evolve; and, given recent developments, it likely will not get more employer-friendly.

Accordingly, this is *not* an area for law firms to skimp on legal fees. The adage about the cobbler's children having no shoes—said often of law firms—should be taken as a note of caution. Every firm should retain outside employment counsel for expert advice in this now even more critical area. This is important. Do it right.

Experienced counsel will likely advise that the firm's harassment policy should include:

- **A statement prohibiting harassment.** Harassment by coworkers, partners, clients, customers, vendors, agents, or any other third parties is strictly forbidden.

- **A description of conduct that constitutes harassment, including examples that are specific to the particular employment setting.**
- **A complaint procedure that includes multiple options for reporting.**

- **Mandatory reporting.** Require all firm personnel to promptly report any harassing conduct they experience, learn of, or witness.

- **Report to whom?** This is complicated. Someone with an unbiased relationship with the employees (a human resource professional) may be the best person to receive concerns. The law requires personnel to have more than one option for avenues to raise concerns. Immediate supervisors may be designated to receive complaints if other alternatives are also offered and employees are not required to complain to their supervisors.

- **A statement that the firm will investigate all complaints thoroughly and promptly.** All supervisors and managers are responsible for acting on any complaints they receive. The firm *must* investigate and remedy claims of harassment no matter how it learns of them. (Or when it learns of them—experts emphasize that even very old, stale allegations must be investigated.)

- **All partners in the firm should be considered "management" for reporting purposes.** Anything that any partner becomes aware of should be assumed to put the firm on notice of alleged harassment. Partners *must* report to the firm any harassment that they witness, or about which they are told.

- **Confidentiality?** Also very complicated. Persons reporting harassment often request that the person receiving the complaint keep it confidential. Partners and other managers are not authorized to promise confidentiality to employees who come to them with complaints of harassment; they must inform the employee that they will bring the claim to the attention of the designated contact or other appropriate person within firm management. The firm must not promise absolute confidentiality, but only confidentiality to the extent possible. Absolute confidentiality would obviously preclude an effective investigation. "Confidentiality to the extent possible" means limiting information to those persons with a "need to know" of the complaint or of the investigation. This level of confidentiality allows a firm to reveal the allegations and the investigation information as needed to carry out the investigation, assess the allegations, and take any necessary disciplinary or corrective action.

- **Non-retaliation statement.** Retaliation against any person participating in a harassment investigation is a separate violation of law. Any employee who has a reasonable belief that unlawful discrimination has occurred and makes a complaint in good faith must be protected from retaliation. If there is retaliation to a claim of harassment or other discrimination, a firm may be held liable for it even if there was no merit to the underlying harassment complaint.

- **A statement that offenders will be subject to corrective action, including discipline, up to and including termination.** Harassment policies should be broader than the law requires. Make it clear that the firm can find a violation of the policy without admitting to any violation of the law. It's a firm culture thing.

- **Document distribution of the harassment policy to all personnel in several different ways.** Include it in new partner/employee orientation materials and in the employee handbook; distribute it electronically; post it in a conspicuous place in the workplace; redistribute it annually; distribute it as a part of performance reviews.

- **All personnel should specifically acknowledge in writing receipt and understanding of the harassment policy, reiterating the promise to report concerns about a policy violation.** The acknowledgment should also provide that the employee or partner promises to contact the human resources department if he or she has any questions about the policy. Firm administration should be vigilant about collecting signed receipts from all personnel.

Investigating and responding to reports of harassment

Once the firm has notice (or reasonably should be aware) of a potential violation of its harassment policy, it must take prompt remedial action reasonably calculated to end any harassment. This requires the firm to investigate. An employer has a duty to investigate whenever it receives a complaint or otherwise learns (or should know) of alleged sexual harassment in the workplace.

It may sometimes be necessary to take interim measures to avoid potential ongoing harassment during an investigation (temporary transfer, nondisciplinary leave of absence with pay) to prevent continued serious misconduct before concluding an investigation. Caution: Be careful about reassignment of the complainant; that can be considered retaliatory.

A firm should choose a neutral, objective, and properly trained investigator. The investigator should have and be perceived to have a high level of personal integrity, the backing of employees and firm management, and enough time to conduct a thorough investigation.

From a risk management perspective, it is important that the investigator be a credible and effective witness in the event of litigation. Thus, it may not be a good idea to use in-house lawyers who advise firm management on employment law as investigators. (They could well become witnesses, which could in turn endanger the attorney-client privilege between the lawyer and firm management about the matter.)

Firms should consider using an outside investigator where appropriate—for example, where a senior partner is the alleged wrongdoer, or where there is any other reason for concern that an internal investigator may feel constrained to protect the accused partner. In such sensitive situations, an independent fact-finding process may be worth its weight in gold.

Although an investigation must be tailored to the complaint, the following general considerations are important for conducting an effective investigation:

- Locate and preserve the firm's harassment policy (and any acknowledgment signed by the complainant/accused that he or she read and understood the policy).
- Document exactly when and to whom the first complaint was made.
- Confirm the complainant's version of the dates and details of the alleged harassment, and the names of any witnesses.
- Always refer to the investigation and the allegations in terms of potential violations of "firm policy" and not as violations of the law.
- Do not document a conclusion that unlawful harassment may have occurred except in the rarest case, and only after consulting with counsel.

After an investigation, the employer must take prompt and appropriate corrective action. That means doing whatever is necessary to end the harassment, making the victim whole by restoring lost employment benefits or opportunities, and preventing the misconduct from recurring.

ALEX KOZINSKI: JUDGES DO IT TOO?

The story of former 9th Circuit Judge Alex Kozinski is a cautionary tale on many different levels. Kozinski was a renowned appellate jurist, widely known as a feeder judge for future U.S. Supreme Court clerks, and—owing to his sharp intellect, libertarian leanings, and wry sense of humor—counted among a small number of federal judges who enjoy wide name recognition outside the legal community. On December 8, 2017, he was outed for sexual misconduct by several of his former clerks. One clerk said Kozinski pulled up pornography on a computer in his chambers and asked if it aroused her. One accuser spoke of him looking "her body up and down 'in a less-than-professional way.'" Another reported about his fixation on the idea that she should exercise naked.

Kozinski's first public response was a shining example of how *not* to address allegations of misconduct: "If this is all they are able to dredge up after 35 years, I am not too worried," he said in a telephone interview. As Above the Law noted, "What exactly is this comment meant to do? It seems like an invitation for more #metoo stories about the judge."

And more stories did follow, including a particularly scathing article by Slate legal columnist Dahlia Lithwick, another former 9th Circuit clerk, who wrote about "the strange hypersexualized world of transgressive talk and action that embodied his chamber."

Further, even more serious, allegations surfaced the next day. Several Kozinski clerks then resigned. One former clerk reportedly had removed the reference to her Kozinski clerkship from her *curriculum vitae*. Law360 unearthed this damning 1992 Kozinski quote from the introduction to a leading text on harassment law, indicating he fully understood the power dynamics at play even 25 years ago:

"The common thread to these [sexual harassment] stories, if there is one, is that they tend to involve women who are young—or at least young to their professions—and men in positions of authority who had no compunctions about using the leverage afforded them to demand or cajole sex."

By December 18, 10 days after the story broke, Judge Kozinski was off the bench, choosing to retire immediately from his lifetime appointment. In January, following the Kozinski resignation and a more general outcry from former clerks, Chief Justice John Roberts announced that the federal judiciary's methods for addressing sexual harassment will be re-examined this year. There is every indication that such a re-examination is necessary. In late January, a CNN investigation concluded that sexual misconduct by judges has historically been kept under wraps.[15] One of Kozinski's clerk-victims said he had so vigorously stressed the idea of judicial confidentiality — that what is discussed in chambers cannot be revealed to the outside—that she questioned whether she could share what had happened, even with a therapist.[16]

On February 5, the Judicial Council of the 2nd Circuit, which had been investigating the allegations against Kozinski, announced that it would be closing its investigation since it had no authority to continue after he had left the bench.

THE INCREDIBLE SHRINKING DAVID BOIES

Before the Reckoning, super-lawyer extraordinaire David Boies was a nationally known and deeply respected litigator, one of the *crème de la crème* of the profession, commanding fees north of $1,000 an hour.

After Ronan Farrow published his second New Yorker piece, "Harvey Weinstein's Army of Spies,"[12] in early November, Boies was ravaged by allegations of ethical misconduct in representing Weinstein—his longtime friend, client, and business associate. Among other things, he was accused of helping abet a sprawling and costly conspiracy to cover up Weinstein's misdeeds, and violating the rules by engaging a company of former Israeli spies whose undercover conduct included impersonation and possible fraud.

Boies suddenly found himself being referred to in the press as "a once-highly respected lawyer." *The Atlantic* observed, "The first rule of crisis management, one might imagine, is to avoid becoming embroiled in the crisis yourself. That's a rule that the attorney David Boies, the chairman of the law firm Boies Schiller Flexner, broke this week."[13]

Several nationally known experts in legal ethics publicly opined that Boies had engaged in serious ethical misconduct. (Google <Boies ethics> to see how broadly this story was played when it came to light in early November.) In addition to being charged with breaching ethical rules by improperly attempting to shield Weinstein, Boies was accused of having a serious conflict of interest with another firm client, The New York Times, which discharged him and publicly accused him of "a grave betrayal of trust."

A couple of weeks later, Boies was widely castigated for "slut-shaming" in another sex-related case.[14]

Disciplinary action against the offending supervisor or employee, ranging from reprimand to discharge, may be necessary. The corrective action should reflect the severity of the conduct and should be applied without favor. (It does not play well if the guy in the mailroom is discharged for the same conduct that results in sensitivity/boundaries training for a firm partner.) And the firm's response to the report of harassment should in no way disadvantage the person who made the complaint.

If the investigation is inconclusive, the firm should:

- Reiterate to the employee who brought the complaint the firm's sincere gratitude for raising the concern and assure the employee that although no finding could be made, the firm intends to protect him/her and all employees against unlawful harassment and retaliation.

- Advise the alleged wrongdoer that although the truth of the claim has not been determined, all employees are expected to comply with the firm's policies against harassment and retaliation.

- Consider some nondisciplinary steps, such as republication of the firm's discrimination, harassment, and workplace violence policies; or sensitivity training.

Above all else, once you have a policy, it must be followed scrupulously. There will be times when it will feel more comfortable to go a different way, to handle the situation more informally, perhaps, but that is fraught with danger. Firm management must consider itself bound by the policy in every case. No exceptions.

Training

Training should be conducted by experienced professionals. There are people who do this for a living. Don't try to do it yourself.

Firms should periodically train all personnel about the harassment policy, its requirements, and the firm's prohibition of harassment. Attendance should be mandatory for all personnel, including the highest-level partners, and attendance should be documented. There should be additional separate training for partners and other managers. One newer concept is "bystander training": empowering co-workers and giving them the tools to intervene when they witness harassing behavior. According to the EEOC, workplace "civility training" that does not focus on eliminating unwelcome or offensive behavior based on characteristics protected under employment non-discrimination laws, but rather on promoting respect and civility in the workplace generally, may offer some new solutions to an age-old problem.

Local employment law and training expert Sheila Engelmeier adds this caveat: "Respectful workplace training is only effective when there is a real commitment to create and maintain a culture of accountability at all levels. Workshops on avoiding harassment and discrimination are about leadership rolling up its sleeves to work with colleagues to ensure all employees feel comfortable and respected. Often, underneath an employee's ill feelings lie genuine concerns about differential treatment based on a protected category status. And leaders must dig into what is really going on in all work-related endeavors (including events at the local watering hole) and model expected behavior in all circumstances." (See Sheila Engelmeier and Sue Fischer, "Improving Law Firm Culture," p. 22.)

Finally, it may be reasonable to expect even more sweeping changes in the wake of the Reckoning. The common use of nondisclosure agreements as part of any settlement of a harassment claim may soon be a thing of the past. Legislation prohibiting such agreements has already been introduced in some states, and the change may well be retroactive. Mandatory arbitration of harassment claims has also come under attack. And there have been very recent reports that law firms are lawyering up to become more involved in providing advice on harassment and litigating such claims.[11] This is likely to be a growth industry in the profession for the next several years. ▲

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PHOTOS: GETTY IMAGES

OFFICE ROMANCES

One particularly problematic and recurring situation that must be dealt with is office romances. At the outset, of course, everything seems wonderful. After all, it *by definition* isn't harassment if the attention is not unwelcome. Consider the ramifications of this hypothetical:

Peter Partner (31, single, and looking) finds himself very attracted to Linda Legal Assistant (24, single, and looking), who has been with the firm about a year now. After hanging out at the local watering hole with Linda and others from the firm several times after work lately, he asked if she'd like to hang out together sometime. She readily agreed. The date went very well and was quickly followed by two more. Now Peter thinks he may be falling in love. No other attorneys in the firm know they are an item (although, unbeknownst to Peter, rumors are already circulating among the other support staff).

If things do not work out well between Peter and Linda, this could end up as a sexual harassment claim, especially if the firm has not taken steps at the outset to ensure that Linda is comfortable with the situation. Claims could be made by other staff as well. The firm must ensure Linda is not favored by Peter or his partner pals, compared to other staff Peter is not dating. (This situation might not be such a problem if there is no power differential—if the romance is between two associates, say, or two paralegals. But the firm may need to be aware of the situation nonetheless.)

Notes

[1] Jodi Kantor & Megan Twohey, "Harvey Weinstein paid off sexual harassment accusers for decades," New York Times 10/5/2017. *https://www.nytimes.com/2017/10/05/us/harvey-weinstein-harassment-allegations.html*

[2] Ronan Farrow, "From Aggressive Overtures to Sexual Assault: Harvey Weinstein's Accusers Tell Their Stories," New Yorker 10/10/2017. *https://www.newyorker.com/news/news-desk/from-aggressive-overtures-to-sexual-assault-harvey-weinsteins-accusers-tell-their-stories*

The subhead to that piece put it in a nutshell: *In the course of a ten-month investigation, thirteen women interviewed said that, between the nineteen-nineties and 2015, Weinstein sexually harassed or assaulted them.*

[3] "Me Too Movement," Wikipedia *https://en.wikipedia.org/wiki/Me_Too_(hashtag)#Reach_and_impact*

[4] "#MeToo: Sexual Harassment and Assault Movement Tweeted Over 500,000 Times as Celebs Share Stories," *People* Magazine 10/16/2017. *http://people.com/movies/me-too-alyssa-milano-heads-twitter-campaign-against-sexual-harassment-assault/*

[5] In late November, Jezebel.com started "A Running List of Alleged Predators Facing Accusations and Consequences Post-Weinstein," and has kept it updated. *https://jezebel.com/a-running-list-of-alleged-predators-facing-accusations-1819980057*

In late December, the LA Times pushed it even further: "A powerful person has been accused of misconduct at a rate of nearly once every 20 hours since Weinstein; since Harvey Weinstein was accused of sexual harassment and assault on Oct. 5, nearly 100 powerful people have been accused of sexual harassment. Here's where these accusations currently stand. *http://www.latimes.com/projects/la-na-sexual-harassment-fallout/*

In early December the NY Times published an extraordinary document, "The Reckoning: Women and Power in the Workplace," a series of penetrating articles about all aspects of the Reckoning.

https://www.nytimes.com/interactive/2017/12/13/magazine/the-reckoning-women-and-power-in-the-workplace.html

[6] The New Yorker Radio Hour 11/17/2017. *https://www.newyorker.com/podcast/the-new-yorker-radio-hour/america-after-weinstein*

[7] Stephanie Zacharek *et al.*, "The Silence Breakers," Time Magazine 12/18/2017. *http://time.com/time-person-of-the-year-2017-silence-breakers/*

[8] William Wernz, "Harassment, Sex, Discipline" MSBA Legal Ethics Blog *http://my.mnbar.org/blogs/william-wernz/2017/12/01/harassment-sex-discipline*

[9] Susan M. Humiston, "Harassment and attorney ethics," Bench & Bar of Minnesota January 2018. *http://mnbenchbar.com/2018/01/harassment-and-attorney-ethics/*

[10] Much of this section is based on some tremendous written materials produced by Attorneys' Liability Assurance Society, Inc., for a webcast, "*#MeToo? Harassment, Pay Equity, and Promotion Claims Against Law Firms*", ALAS Live Webcast (12/14/2017).

[11] Stephanie Russell-Kraft, "#MeToo Movement Brings Busy Times for Labor Lawyers," Bloomberg Law 12/18/2017. *https://biglawbusiness.com/metoo-movement-brings-busy-times-for-labor-lawyers/*

"The New #MeToo Economy: Hollywood Lawyers, Crisis PR Pros Seeing 'Unprecedented' Uptick in Business,**"** Hollywood Reporter, 1/12/18. *https://www.hollywoodreporter.com/news/new-metoo-economy-hollywood-lawyers-crisis-pr-pros-seeing-unprecedented-uptick-business-1073399*

[12] Ronan Farrow, "Harvey Weinstein's Army of Spies," New Yorker 11/6/2017. *https://www.newyorker.com/news/news-desk/harvey-weinsteins-army-of-spies*

[13] "The Law Firm Playing Both Sides of the Weinstein Scandal," The Atlantic, 11/7/17.

https://www.theatlantic.com/business/archive/2017/11/law-firm-weinstein/545255/

[14] Sheelah Kolhatkar, "How the Lawyer David Boies turned a young novelist's sexual past against her," New Yorker 12/1/2017. *https://www.newyorker.com/news/news-desk/how-the-super-lawyer-david-boies-turned-a-young-novelists-sexual-past-against-her*; Kathryn Rubino, "David Boies under fire for 'slut-shaming,'" Above the Law 12/4/2017. *https://abovethelaw.com/2017/12/david-boies-under-fire-for-slut-shaming/*

[15] CNN Investigation: "Sexual misconduct by judges kept under wraps," CNN 1/25/18. *http://www.cnn.com/2018/01/25/politics/courts-judges-sexual-harassment/index.html*

[16] See "Judge Wood Talks To Law360 About Rooting Out Harassment," Law360.com 1/9/18 ("Law clerks who worked for Ninth Circuit Judge Alex Kozinski believed court rules barred them from speaking out about his alleged harassment — a misunderstanding that Seventh Circuit Chief Judge Diane Wood hopes she can prevent through a new committee on sexual harassment, she told Law360 in an interview Tuesday."