Don't Just Forbid It, Train Against It

Foley & Lardner Combats Sexual Harassment

By Rick Moon

TWO YEARS AGO, after a California jury awarded $7.2 million to a law firm secretary who claimed sexual harassment, the cover of a national legal trade magazine stated: "When a California jury awarded a former Baker & McKenzie secretary staggering damages for her sexual harassment claim, it was sending a clear message to firms everywhere."

Which leads to the question: Did firms get it?

If they didn't, they should. As any labor and employment attorney can attest, sexual harassment claims not only can tear at a company's financial stability, but at its very fabric.

The best preventive maintenance might be that taken by Milwaukee-based Foley & Lardner, a 483-lawer firm with 13 offices nationwide: "zero tolerance" of sexual harassment — and a training program to back it up.

Since late 1994, shortly after the landmark verdict against Baker & McKenzie, every attorney, paralegal and support staffer at Foley & Lardner has undergone sexual harassment training. The program is the same as one that Foley & Lardner's attorneys have been providing to clients for years.

"This isn't intended to intimidate, nor is it presented in that manner," said Stan Jaspan, chairman of the firm's employment law group. "We honestly feel the best way to prevent incidents is to train people about what sexual harassment is, and hence give them the knowledge to prevent it."

Everybody — from the newest messenger to the most senior partner — must attend a training session. It takes two hours of precious, i.e., potentially billable, time, yet is viewed by the firm as a worthy investment.

An attorney from Mr. Jaspan's group gives a brief introduction of how the courts have defined sexual harassment. Everyone gets a handout reinforcing the points.

Next, a videotape is shown where Foley & Lardner attorneys act out an actual court case of a sexual harassment claim. However, the tape is stopped before the verdict is rendered.

The attendees break into small groups to discuss the merits of the case and render a "jury" verdict. After the groups explain their decisions, the tape is restarted and the real-life verdict revealed.

The training uses two videotapes. In one, the merits of the plaintiff's allegations are clouded by her second job as a 1-900 phone line operator. In the second tape, the plaintiff claims harassment after the end of a sexual relationship — but one she entered willingly.

"These aren't cut-and-dried cases, and that's what makes them so useful for this training," Mr. Jaspan said. "The real education occurs when people debate whether harassment occurred, and realize how many factors and types of behavior can be involved."

Foley & Lardner's sexual harassment training wasn't instituted as a reaction to internal problems. Rather, it was an outgrowth of the question that, perhaps, all firms should be asking themselves: Why take a chance? ■

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