

WOMEN LAWYERS

Perspectives on Success



edited by Emily Couric

LAW & BUSINESS, INC./HARCOURT BRACE JOVANOVICH, PUBLISHERS

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*This book is dedicated to the many women lawyers
who have helped me in my job as a reporter and editor
covering the legal profession.*

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INTRODUCTION

BY EMILY COURIC



John Grant

EMILY COURIC

INTRODUCTION

There's a revolution going on in the legal profession. The change isn't taking place in the law itself, or in how the law is practiced, but in *who* is practicing it. That is, the law is no longer a field dominated by men. Women now account for almost 40 percent of all students entering law school today.

When they look to older role models, however, they find out exactly how recently the legal profession has changed to let women in great numbers enter its ranks. The mature, successful woman lawyer today, although her profession may be very dear to her, faced innumerable stumbling blocks along the way. And even the younger role model, who may seem fully integrated in the ranks of our nation's attorneys, can still point out challenges for women lawyers intermingled with their numerous accomplishments.

The purpose of this book is to offer a sampling of the different avenues women lawyers can follow today—through the perspectives of those who have successfully charted their own courses. The book is composed of very personal chapters written by women lawyers themselves, who were chosen simply based on their reputations for success.

* * *

When Joan Bernstein joined New York's Shearman & Sterling as an associate in 1951—freshly graduated from Yale Law School—a partner at the firm asked her to join him for lunch at one of the city's

distinguished private clubs. Upon reaching the dining room, the maitre d' approached the couple with great chagrin and embarrassment. "You know, sir," he said to the Shearman & Sterling partner, "ladies are not permitted in the dining room."

Without blinking, Bernstein's host replied, "She's no lady. She's a lawyer." And so they went in.

* * *

More recently, Lois Wood, a legal services lawyer in the very poor and black neighborhood of East St. Louis, Ill., found herself working on behalf of the community to keep a hospital there open. The local Health Systems Agency's board of directors was meeting to approve the proposed closing, a prerequisite since the hospital was federally funded. That night, Wood made a statement before the board arguing that the hospital needed to stay open; she included as part of her remarks a finding by the Office of Civil Rights of the U.S. Department of Health and Human Services that there had been a civil rights violation. The white owners of the hospital had not in good faith tried to keep the hospital in operating condition, the government said, putting it in such bad shape that it would have to go out of business.

The board of directors voted against the closing.

Walking out of the meeting, the attorney representing the hospital owners said to the hospital's administrator, "Well, what do you expect to happen when that little girl stands up with tears in her eyes?"

In telling this story, Wood laughingly noted "I'm not little, and I'm not a girl, and I wasn't crying." The slight at her legal ability was overshadowed, however, when the owners subsequently gave the hospital to a new black-owned corporation and provided it with a \$300,000 fund for improvements.

* * *

When it comes to the public's perception, women lawyers have had their problems. Back when Bernstein entered the profession, women weren't supposed to go to law school and enter such a "manly" field. (In fact, back then, people generally thought that women weren't supposed to work at all.) Those very few who did

become attorneys were, therefore, by definition, considered by many to be unladylike. The fact that they were such a distinct minority made them even more open to public scrutiny and suspicion.

Yet as Wood's story points out, even though far more women have entered the legal profession, they are still viewed in many cases as "lady lawyers," while their male counterparts are simply "lawyers." Some still have trouble believing that women can be successful attorneys. Wood also related, for example, that once when she spoke at a public hearing, the photographer from the local newspaper took a picture of her which appeared in the newspaper the next day. The caption underneath read: "Lois Wood, who identified herself as an attorney."

* * *

In the 1982-83 school year, women comprised 36.8 percent of all persons in law school, the American Bar Association reported. That is, in the 172 schools accredited by the ABA, women accounted for 47,083 of the 127,828 students enrolled.

As is the case every year since the late 1960s, the 1982-83 percentage was an increase over the year before—up from 35.3 percent. Back in 1972, women had accounted for a mere 12 percent of all law students.

Concomitantly, the number of women attorneys is increasing. In 1970, according to the American Bar Foundation, 2.8 percent of all lawyers in this country were women; ten years later, in 1980, that percentage had jumped to just over eight. This was indeed a significant jump considering that for the previous two decades, from 1950 to 1970, the proportion of women in the legal profession hovered in the area of 2.5 to 2.8 percent.

Yet in 1980, 75 percent of the women lawyers were 40-years-old or younger. Their median age was only 32.

* * *

In no way is this collection intended to represent a sociological or scientific study of women lawyers. Yet, the authors' views are, understandably, divergent. Some wrote that they had minimal difficulty as women lawyers, others much more. The types of problems they encountered varied, of course, according to their personal goals, the

nature of the jobs they took on, and the other demands in their daily lives, as well as to the point in time in which they entered the legal profession. Their responses to given situations have been molded in large part by the nature of their interactions with others (most often men) working around them.

The first four chapters are devoted to private practice. In Chapter One, Peggy Kerr, now a partner with New York's Skadden, Arps, Slate, Meagher & Flom, relates tales about her experiences as an associate in the high-pressure world of large corporate law firms. As she writes, "If one begins the practice of law as a 'terrific broad'—as opposed, for example, to being simply a 'terrific lawyer'—some of the accumulated memories are bound to be uniquely female." The first woman to make partner with Skadden, Arps, Kerr can recall now with some humor being sent out to get doughnuts for a meeting of male attorneys, and on another occasion being bullied by a judge during her first argument before a court of appeals, and she relates her own reactions to those situations. Yet she is also careful to point out in the beginning of her chapter that "there's little here of that which I love about the law and my niche in it, for that I have in common with any man who has walked the same road."

Joan Bernstein in Chapter Two tells of her career path after graduating from Yale Law School in 1951. After taking 15 years off to raise three children, Bernstein passed through a succession of government jobs (several of them high-level) and settled for practice as a partner with a large Washington, D.C.-based firm, Wald, Harkrader & Ross. It was because of her government career success, Bernstein recalls, that she had the opportunity to move into a large firm partnership. And, she adds, "the years in government demonstrated that my lifestyle and workstyle were much more compatible with a larger organization. Large firms can offer support advantages—professional and administrative—that small firms can't provide."

Nancy Buc in Chapter Three also explains how she elected to work in a large corporate law firm. Buc got her start with the federal government (where her boss at first said not to work nights or weekends because the neighborhood was unsafe for women), and while litigating a case, so impressed a private firm adversary that he later offered her a job. Buc's mentors at Weil, Gotshal & Manges "went to bat" for her repeatedly, knocking aside opposition to a

woman lawyer. After making partner there, Buc was one of several women who moved into high-level legal posts with the Carter Administration (she became general counsel for the Food and Drug Administration). When the Republicans won the next election, she returned to Weil, Gotshal. Jumping between private practice and government is common in Washington, D.C., but Buc relates her experiences as a woman following the path traditionally dominated by upwardly mobile males. It was a path fraught with difficulty.

In Chapter Four, Marna Tucker extols the virtues she has found in a small firm partnership. "It has the advantage over a large firm," explains Tucker, "of allowing more intimate knowledge and appreciation of your partners and your business." She said that she more easily can "feel the responsibility, the sharing of burdens with my partners, and the pride." Yet none of these feelings came easily—Tucker struggled through some rough times lobbying her partners for maternity leave and the opportunity to go home two hours earlier than usual each day while she was nursing her baby. Although Tucker billed as many if not more hours than any of her partners the year she was nursing, they still insisted on docking her partnership share for the time she was not in the office. Since then her partners have become more accommodating. "I chose a small firm so I could impress my own values on it, and not simply have the firm impress its values on me," asserts Tucker.

Chapter Five relates Lois Wood's experiences as a legal services lawyer for the indigent. Having never planned to attend law school, even through the time of her college graduation, Wood discovered that she was awed by Harvard Law School (her husband had a post doctoral fellowship in Harvard's Biological Laboratories). "But as I met students there, I began to realize that they seemed neither brighter nor more articulate than I," recalls Wood. Her second year of law school, she worked at the Harvard Legal Aid Bureau, "and almost from the day I walked in the door," she explains, "I knew that I had found my career." In her chapter, Wood describes the kinds of work she handles as the head of a legal services office, and her own special blend of professional and personal life which has helped her avoid after nine years the "burn-out" so typical of others who spend time in legal services.

Marcia Greenberger chose a career as a public interest lawyer for

“the chance to work full-time on issues of great importance.” She joined the Center for Law and Social Policy in Washington, D.C. to work on women’s rights—a move which led to the founding of the Women’s Rights Project, and nine years later, to the creation of an independent National Women’s Law Center. At the Center, Greenberger works to ensure women’s rights in numerous areas including education, employment, and income security (such as welfare benefits and social security). In that capacity today, she works closely with other women’s groups, ranging from the National Organization for Women to the American Association of University Women. “Attention paid by the press to women’s interests has heightened,” writes Greenberger, “and Administration officials recognize the implications of women becoming a political force.”

At the other end of the legal job spectrum, Catherine Rein explains in Chapter Seven the particular pleasure she finds in serving as the chief lawyer for a major corporation, The Continental Group. “While outside lawyers may never get to see their clients again, or the long-term effects of their legal advice, inside, you become part of a team and can take continuing pride in your contribution,” writes Rein. She offers from her own experience tips on choosing the right corporation and climbing the corporate hierarchy. And she reflects on women’s particular situation within a large company, commenting, for example, that “many women, myself included, have not defined career goals as well as men have learned to do.”

Janet Reno, state attorney for Dade County, Fla., which encompasses the city of Miami, vividly describes in Chapter Eight the pressure cooker environment in which she operates. As the prosecutor in a jurisdiction of 26 different police agencies, a jurisdiction which has been troubled with violent crime, Reno has tried to maintain her own standards for working within the criminal justice system. She says that being a woman has had no effect on her handling of the job, yet, partially because she is a woman, the way in which she executes her responsibilities is continually under public scrutiny. Whatever the public response, Reno rises above others’ opinions in her long-term view of the commitment: “I think it is our responsibility to look through the violence, gore, and fraud [the police agencies] deal with to understand why people commit crime; to look beyond the criminal justice system to other institutions that may have failed

the criminal to see what can be done to prevent crime and to make the system better," she concludes.

Jo Ann Harris writes of her experience as a federal prosecutor in the job of executive assistant to the U.S. Attorney for the Southern District of New York. In Chapter Nine, Harris quickly credits her height (5' 11") and her voice (low-pitched) for making a significant contribution to her success in the law. They are "priceless in a trade which places a premium on command presence," she writes. Harris relates joyfully her discovery of a love for law—more specifically for being a trial lawyer—and her decision to become part of the criminal justice system. She also explains how she dealt with her concerns about being an older lawyer (she was 39 when she graduated from law school), because it was a greater worry to her than being female. Yet she is still troubled about the future of other women in the law. "It may very well be that the power which resides in a prosecutor's office has protected me and my colleagues from grosser forms of sex discrimination not easily overcome by hard work and competence," Harris concludes.

Chapter Ten is Anne Jones' story of a successful woman executive in the federal bureaucracy. She climbed her way to the top ranks of the Securities and Exchange Commission, to the general counsel's seat at the Federal Home Loan Bank Board, and then to a commissioner's slot with the Federal Communications Commission. Yet when Jones graduated from law school in 1961, she was overtly discriminated against when seeking a job with private law firms. "In later years I have sometimes been embarrassed that I was not one of the first to fight the system in the courts or in the legislature, but it simply never occurred to me," writes Jones. Instead, because of her search for "a more satisfying practice," she took advantage of opportunities in the government to accept a variety of management positions. Her chapter is a detailed account of the type of work these positions involved and the career choices she made in shifting from one to another.

Yvonne Burke is a political lawyer. Chapter Eleven includes her experiences in the California State Legislature and in the U.S. House of Representatives. Being a lawyer was important for these elections, Burke explains: "It didn't matter whether the candidate was a woman or a man—if he or she was an 'attorney' the public assumed

that the credentials were there for the job.” In her chapter, Burke also analyzes women’s ability to function in the political arena, including their skills in forming close political alliances and in raising campaign funds.

Chapter Twelve is Dorothy Nelson’s contribution as a federal judge. She tells of her road to success through academia, which gave her the opportunity to build a reputation while still attending to traditional family needs. Nelson’s position as dean of the University of Southern California Law Center made her a visible candidate for a seat on the U.S. Court of Appeals for the Ninth Circuit. Partially influencing her decision to accept the post was a belief that “until women attain high policy-making positions, the very peace of the world is at stake.” Nelson believes that a woman’s own unique qualities are necessary for balanced leadership.

Lillian BeVier in Chapter Thirteen details the three responsibilities of a law professor: teaching, scholarship, and “collegiality.” She tries to describe the pressure points in her own career “that seemed to me to come from being a woman,” thinking that “perhaps that will help identify issues that might be of special concern to women law teachers generally.” Despite the stresses of seeking tenure, BeVier can say that law teaching still doesn’t carry the same pressures of private practice. “I get to think about things that *I* think are interesting rather than spending time worrying about whichever client’s problem happens to be on the top of the pile on my desk,” BeVier explains. “I also like having a working schedule almost entirely my own.”

The flip side of the coin, Barbara Moses writes in Chapter Fourteen from the vantage point of a female law student. At Harvard Law School in the early 1980s, Moses found that discrimination, although much more subtle than in years past, still ran rampant. “Because of the absence of overt, shameless prejudice against women, it took me some time to discover the larger, more elusive problems still facing women at Harvard,” she writes. Moses mentions systemic barriers such as admission criteria and trivial harassment as hurdles she discovered. The law school system, she argues, will not be free of such hindrances until women themselves alter some of the traditional criteria for judging performance and success.

And, finally, in Chapter Fifteen, Donna Fossum, a lawyer and a