

In Their Own

Words

Preserving the Life Histories of Women Trailblazers in the Law

By Michael Smith

An oral history project that captures the stories of women lawyers who have shattered glass ceilings, forced open doors, and blazed the trail for others is on the cusp of achieving its founders' goal of archiving 100 interviews.

Over a decade in the making and run under the tutelage of the American Bar Association (ABA), the Women Trailblazers in the Law Project is a compilation of interviews with pioneering women who entered the legal profession in the 1960s or earlier and made significant contributions to the law and to other women in the profession. The interviewees represent "all areas of the legal profession: the judiciary, academia, law firms, government, corporations, and public interest organizations."

The project, the brainchild of Brooksley Born, a retired partner at Arnold & Porter LLP, and Linda Ferren, executive director of the Historical Society for the District of Columbia Circuit, aims to memorialize the stories of these women lawyers "in their own voices" and to preserve their experiences and observations for future generations.

In 2004 Born and Ferren were discussing the Histori-

cal Society's oral history project when Ferren noted the small number of women interviewees. "I pointed out to her that there are relatively few old women lawyers because until sometime in the early 1970s, only 3 percent of the profession was female," Born said.

The two decided to create an oral history collection of these women pioneers—now in their 60s, 70s, 80s, and 90s—who opened the doors for other women in the legal profession, and many of whom also "played a significant role in the women's movement in those early years," Born said.

"Linda and I have worked on it continuously together since," she added.

Their original goal was to interview 100 women. The project, run by the ABA Senior Lawyers Division and the Commission on Women in the Profession, has so far interviewed 81 women lawyers.

Transcripts of the interviews can be accessed on the ABA Web site, and several video interviews also can be viewed on C-SPAN. The Women Trailblazers in the Law Project is

housed at the Library of Congress and the Schlesinger Library at Harvard.

Forging New Ground

Among the lawyers interviewed for the oral history project are some well-known members of the D.C. Bar, including Sara-Ann Determan, Jamie Gorelick, Marcia Greenberger, Judith Lichtman, and Marna Tucker. Their interviews reveal similar experiences of encountering sexism, discrimination, and other difficulties as law students and young professionals. Idealism is another common theme in the interviews, and each of the five women have had remarkably successful professional careers, all while juggling work with motherhood and family life.

For some women in the early 1970s, the mere act of accepting a job was groundbreaking. Such was the case of Lichtman when she became executive director—and the first paid staff—of the Women’s Legal Defense Fund. Less than 10 years out of the University of Wisconsin Law School where she graduated as one of two female students in a class of 150, Lichtman was beginning to carve a path to a successful career.

“When I began working in the summer of 1974, I increased the number of paid lawyers working on women’s legal rights in D.C. by one-third,” said Lichtman, now a senior advisor at the National Partnership for Women & Families, the name of the Women’s Legal Defense Fund since 1998. Under her leadership, the organization spearheaded the passage of the Pregnancy Discrimination Act of 1978 and the Family and Medical Leave Act of 1993.

“These were certainly crowning achievements for the Partnership, and I was able to provide both personal and professional leadership,” Lichtman said. “I can’t go anywhere in this country and mention that I worked on [both legislation] and not have someone come up and thank me. It doesn’t get any better than that.”

Many of the women point to the civil rights movement as the driving force behind their decision to go into the legal profession. Determan, of counsel at Hogan Lovells, said civil rights was the dominant issue while she was in law school.

“[W]e knew that there was nothing more important than the society making a very dramatic change,” she said. “Very frankly, I don’t think there is anything in my life that we have done as a nation that I am as proud of as the really quite extraordinary steps—not complete by any means—toward a racism-free society, a society that is not as infected by racism as it was.”

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Overcoming Obstacles

In the 1960s, female professors were rare in academia, both in colleges and in law schools.

Greenberger, founder and co-president of the National Women’s Law Center, said she never had a female professor throughout her four years of college and three years of law school. “I felt very aware of being a woman student in a somewhat hostile environment,” she said.

“The women law students were called on for the rape cases, and jokes were made openly about us,” Greenberger said. Once, a law professor called on her to discuss the Mann Act that made transporting women across state lines for prostitution a crime.

“I had this feeling that many of the guys in my class assumed that there was something weird about the women who went to law school, and we had to demonstrate that we were regular human beings,” Greenberger said.

Tucker, founder and senior partner at Feldesman Tucker Leifer Fidell LLP and the first woman president of the D.C. Bar, said female law students “had to work harder and put up with a lot.”

“We were made of a little sturdier stuff than the average male law student,” she added. “We knew we were jumping into something that was not going to be easy for us.”

Tucker’s first job after law school was on Capitol Hill where, at the time, the work environment was a “snake pit.”

“If you were a fairly attractive young woman, you were prey to all of that,” she said. “You have to realize that sexual harassment was not even in the vernacular at the time.”

Many of the women interviewed for the Women Trailblazers in the Law Project credited their mentors for encouraging them to enter law school and to stick with

it despite the obstacles. For Lichtman, it was Shirley Abrahamson, who taught an undergraduate constitutional law course at the University of Wisconsin and who later became the chief justice of the Wisconsin Supreme Court.

Greenberger found her mentor when she took her first job at Caplin & Drysdale, a decision she describes as “one of the great, fortuitous experiences” of her life. Former

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U.S. Supreme Court Justice Arthur Goldberg worked out of the firm's offices after stepping down as United States Representative to the United Nations.

Goldberg was "one of the best mentors anyone could have," Greenberger said. The former justice was chair of the board at the Center for Law and Social Policy (CLASP), and he encouraged Greenberger to consider working at the organization. Greenberger's subsequent work at CLASP led directly to the founding of the National Women's Law Center.

Balancing Career and Family

Many of these leading women lawyers had to balance their demanding careers with being wives and mothers.

Gorelick served as general counsel for the U.S. Department of Defense and as deputy attorney general of the United States during the Clinton administration. She later became vice chair of Fannie Mae. Currently a partner at WilmerHale LLP, Gorelick recounted how, during her Senate confirmation hearing, U.S. Sen. Arlen Specter (R-Pa.) brought up work-family balance.

"[I]n a sort of nice way, Sen. Specter lectured me about me making sure that I would have enough time with my family," Gorelick said.

Not long after, while Gorelick was on a beach vacation with her family, Specter's office called demanding to speak to her immediately. Gorelick's husband took the call and reminded the staffer that the "senator himself had wanted the deputy attorney general to spend time with her children, which is what she is doing," Gorelick recalled. "I called back later."

Tucker told the story of how it had been her goal since her days as a Georgetown Law student to be invited to the White House. During the Carter administration she received that invitation. As a result of serving on the ABA Council of the Section on Individual Rights, Tucker was invited by the assistant attorney general for civil rights to a meeting in the Roosevelt Room in the West Wing.

On the day of the meeting, Tucker wore a pink ultra-suede suit, but first she had to drop off her then four-year-old twins at their nursery school. Upon her arrival at the White House, breathless and late, she sat down and looked around the room.

"You know, Marna, you have arrived. You have made it. You were invited to the White House, and you know these important people here," Tucker remembered saying to herself. She then looked down at her skirt and saw five grape jelly prints on it.

"All I could do was laugh," Tucker said. "So much for being a mom at the White House."

Determan thinks guilt is "part and parcel" of being a working mother. "I have said often, and I continue to mean it, that probably the very best thing for children is a mom who loves being a stay-at-home mom."

But she couldn't give that. "I would have hated me if I was a stay-at-home mom," she said. "So that was not an option for them. The second best is a mom who loves her work . . . I could give my kids number two. I couldn't give them number one, and I knew that from the beginning, but it doesn't mean that I didn't feel guilty when a child was crying because he wasn't feeling well and I was still leaving."

Leaving a Legacy

Each of the women, however, expressed gratitude for being able to pursue their careers.

"I cannot overstate the gift that I've been given," Lichtman said about her work on civil rights and gender equality. "To have worked on policy that now requires people to be judged by their abilities rather than their gender or the color of their skin—what more can you ask for?"

"The world is a better place because of our work, and I am blessed to have played a role in all the key civil rights issues that have made a difference to so many women over the past 40-plus years."

When she started working at CLASP, Greenberger said her first assignment was to write a memorandum to determine whether there would be enough work to keep one lawyer busy working on gender

equality issues. At the time there were no lawyers in Washington, D.C., working fulltime on women's rights. When she presented a list of issues to her bosses, they realized it was a waste of time for her to write the memo. They directed her to pick some projects and get started.

"Obviously there was more than enough important work to be done," Greenberger said.

Determan thinks of herself as having lived through "very exciting and important times." "Just think, my little granddaughters—the idea that they can be whatever they want to be and they can go to whatever school they want to go. It is such an incredible change, such a monumental change," she said.

Ferren said it is important that these histories are available to the public. "Anybody can access the histories," she said. "Professors, students, other lawyers—the public generally can read them easily by going to the Web site."

Born said the stories are "a very important part of our history" and must be preserved.

"It's been a real revolution," Born said of the path forged by the women interviewed for the Women Trailblazers in the Law Project. "We hope with continued efforts by younger generations the remaining glass ceilings will be broken. And we hope that the stories of the women trailblazers will be an inspiration to younger women lawyers and male lawyers and women and men in all walks of life."

To download and read transcripts of interviews with women trailblazers in the law, visit www.americanbar.org/directories/women_trailblazers_project_listing.html.

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