

# ADVOCATE

Abridged

Lewis & Clark Law School

## The Living History of Women in the Law

*The following remarks were drawn from a speech given at the U.S. District Court of Oregon Historical Society's Annual Dinner in Portland on October 30 by Betty Roberts '66, winner of the 2006 Margaret Brent Women Lawyers of Achievement Award. Roberts served as Oregon's first female appellate judge.*

When I graduated from law school in 1966, there were two women in my class of about 45. Women constituted 4 percent of law school students. By the time I was appointed to the Oregon Court of Appeals in 1977, that percentage had jumped to an amazing 15 percent. Still, there were only five women trial judges in Oregon.

In 1977 there was no woman on the U.S. Supreme Court, and there never had been. Only 9 of the 525 active judges in the federal court system were women. Only 10 of the 341 state supreme court justices were women. Fewer than 5 percent of all intermediate court of appeals judges were women.

When I first went on the Oregon Court of Appeals there were few women clerks, but each year more and more women applied and were hired. I realized that the



Betty Roberts '66

numbers of women in law school were increasing rapidly. Yet, as I worked with these young women, I wondered how long it would take for them to become judges. The outlook was not good. I read from a 1978 publication of the National Center for State Courts that said, "The token role of women in the courts stems directly from the restricted access of women to law

school and to positions that prepare lawyers politically and professionally for the bench." In other words, the number of women judges was dependent on the pool of women lawyers to draw from. With the time it takes to progress from graduation to becoming a candidate for judge—something like 20 years, according to the report—I concluded I would not likely see many women judges in my lifetime.

I held onto hope, however. The percentage of women law students grew to 20 percent . . . 30 percent . . . and kept increasing while I moved from the Court of Appeals to the Oregon Supreme Court. I concluded there were two reasons why so many women were choosing the legal profession. One: Women were not being encouraged to take math and science courses—in fact, they were overtly discouraged. This closed off certain fields, but not law. Two: The women's movement in the 1970s that saw the great public discussions on decriminalizing abortion, the ratification of the Equal Rights Amendment, and the proliferation of laws that prohibited discrimination on a gender basis told women that the legal profession was where they could make a difference. Many of these women were active in the women's

movement, and they were affected by the social turmoil of the peace movement and the civil rights movement. They, and many of the young men who came out of the law schools in that period, were idealistic about the kind of law they wanted to practice.

Unfortunately, the men got the jobs in the law firms and most women did not. The best example that can be given is the experience of U.S. Supreme Court Justice Sandra Day O'Connor, who graduated third in her class at Stanford Law School in two years instead of the normal three. When she applied for a job with a California law firm, she was told there was no job for a woman attorney as the firm's clients didn't want to work with a woman lawyer. Perhaps, she was told, she could be a legal secretary.

As you may know, she started her own law practice instead. She also had two children, served in the Arizona state senate, and was encouraged to run for governor. Instead, she accepted an appointment to the Arizona Court of Appeals, where President Reagan found her.

Many, many women of Sandra Day O'Connor's era—and many since—have

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## Mentoring: The Best of Both Worlds

by Jim Enright

It's 10 a.m. and law students are gathering outside the Office of Career Services, primed with questions: How do I balance family, studies, and my job? Which specialty is right for me? What's involved in a lawyer's day-to-day work? What public service opportunities are available? Finals—will I survive them?

The questions hint at the range of services the office provides. But today is Wednesday, so what students really want to know is this: cupcakes, cookies, or brownies?

That's because every Wednesday is Treat Day, spiced with baked goods compliments of the office staff. "It started simply as a way to get students' attention and now it has taken on a life of its own," laughs Libby Davis '93, assistant dean for career services and alumni relations. "We're all just frustrated bakers at heart."

Students may come for the cupcakes but they come back for the career guidance and counseling. They value and thrive on the person-to-person expertise, support, and encouragement Davis and her colleagues provide.

Those qualities are particular hallmarks of the mentor program, which pairs

students with experienced attorneys and jurists who are Law School alumni and friends. Mentors provide first-year students with practical advice and survival skills for navigating the demands of law school and developing into ethical, responsible attorneys. Upper-division students deepen their understanding of the dynamics of the law and the legal community, and start making the transition from law school to career.

In 2006-07 the Office of Career Services shepherded 200 pairs of students and mentors. Participation is voluntary, but Davis tells students, "It can be one of the best things you do at law school." The following stories illustrate her point.



Elizabeth A. Davis '93  
Assistant Dean  
for Career Services  
and Alumni Relations

Talking about the mentoring program, Law School students

and alumni invariably and inevitably say the same thing: Libby makes it work. That's program director Elizabeth "Libby" Davis.

Davis appreciates the compliments but is quick to turn them around. "Students and mentors alike have incredible demands on their time," she notes. "They get out of the program what they put in. Most of them give much more than time—they share a lot of who they are and what matters to them. They make the program successful and enrich the entire legal community."

That success begins with the matching process. Early in the fall semester, Davis carefully assesses what students say they are looking for before pairing them with a practicing attorney or judge.

The pairings illustrate the range of opportunities available to graduates and the impact the Law School has on Portland and the region. Young alumni welcome the opportunity to stay connected and to invest part of their time, energy, and hard-won knowledge in the upcoming generation of attorneys. More seasoned lawyers and jurists often find the experience keeps them energized in their work, while the enthusiasm and dedication of students remind them why they went to law school in the first place.

"The mentoring program fits very well with who we are as a school," says Davis. "The culture here values relationships and seeks to be mutually supportive. It's incredibly powerful and reassuring for a

law student to be mentored by a successful attorney and learn that the mentor also experienced doubt, anxiety, and apprehension in law school. Relationships broaden perspectives for all participants."



Adina Flynn '96  
Alumni Board  
of Directors and  
Scholarship Com-  
mittee, 2006-07

Adina Flynn has a deep-rooted appreciation for the power of extended connections. The great-granddaughter of one of the state's first wheat farmers, she inherited a strong sense of place and ethic of service. So being a mentor has never really been optional for her. It comes with the territory.

And besides, Libby asked. "You can't say no to Libby," Flynn says. "She helps you understand—gently—that, as an alum, being a mentor is part of your give-back."

Flynn was eager to give back. She benefited greatly from the mentoring she received as a law student, and from the encouragement of friends and colleagues as she was establishing her financial planning practice.

"You can't achieve success and happiness on your own. Law school students

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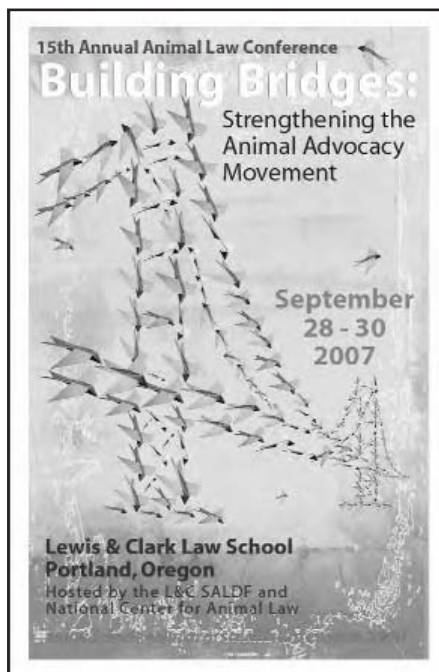
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# Building Coalitions for Stronger Animal Law Advocacy

Reforming the legal system is an ambitious undertaking, but legal advocates for animals are discovering they do not have to go it alone. At the 15th Annual Animal Law Conference, law students, attorneys, professors, and other animal advocates learned that by collaborating with individuals and organizations who share their values, they can strengthen—and gain strength from—social justice efforts across the board.

Last September, 250 people, including 100 students, attended the Lewis & Clark event to explore how to advance legal protections for animals by building stronger partnerships among advocacy movements. They heard from scientists, legislators, lawyers, professors, and industry representatives who provided many different viewpoints and areas of expertise. Participants discussed issues that included the impacts of global warming on wildlife, global trade and endangered species, messaging in the animal advocacy movement, breed-specific legislation, civil damages for companion animals, factory farms, and canned hunting and contest kills. The conference also featured workshops for animal law students and attorneys.

Dean Robert Klonoff welcomed speakers and attendees at the conference reception. U.S. Representative Earl Blumenauer B.A. '70, J.D. '76 presented the keynote address, which detailed how he is advancing federal bills concerning animal fighting, pet trusts, and horse slaughter in the legislature as



part of his work to build stronger communities. His interest in providing animal protections highlights the links between animal welfare, human welfare, and the environment.

Lewis & Clark Law School is at the epicenter of education in animal law, in large part due to this nationally renowned conference. More than 40 Lewis & Clark animal law students made this year's event the most successful to date, playing an integral role in its planning, organizing,



Earl Blumenauer B.A. '70, J.D. '76

and hosting. They worked under the outstanding direction of Student Animal Legal Defense Fund leaders Alexis Fox '09 and Jenn Forbes '09. This also marked the 10th year in which Laura Ireland Moore '01, executive director of the National Center for Animal Law, took part in planning the conference.

The schedule of conference events, biographies of the speakers, and online videocasts of the panels can be found at [www.lclark.edu/org/saldf/conference.html](http://www.lclark.edu/org/saldf/conference.html).

## Save the Date!

**10<sup>th</sup> Annual  
Joyce Ann Harpole  
Attorney Award and  
Scholarship Reception**

**Wednesday, April 2,  
5:30–7 p.m.**

In celebration of the life of Joyce Ann Harpole, the Harpole Attorney Award recognizes lawyers who work quietly in pursuit of justice while balancing their careers and their personal lives that in a way that distinguishes them within the legal community. The Harpole Scholarship recognizes a third-year law student who balances a challenging academic career with an interesting and fulfilling personal life. Award and scholarship recipients are nominated by their peers.

## The Living History of Women in the Law

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similar stories regarding their early years of law practice. These rejections were exceedingly hard because these women, just like their male counterparts, had gotten through college and law school expecting to do good things. The belief that there would be little, if any, prejudice in the profession they had chosen—a profession where we speak of fairness and justice—made them especially vulnerable to the negative attitudes they encountered. The stories from that period are painful to hear, but the women were determined.

Many sought positions in the attorney general's office, in the legislature as counsel to committees where they could make political connections, with the labor commissioner, in the district attorneys' offices, in the city and county counsels' offices, in the legal aid offices, and in the public defenders' offices. I've heard great stories about how women in these public positions met with each other, often after having been on opposing sides as attorneys, to give each other support. And so the idea of forming groups to promote women in the profession began to develop. Many of these new lawyers had been members of women's groups on college campuses and they knew they could do more as a group than alone. It had worked for women in politics and it would work for women in law.

Let me give you a quick listing of those groups. The oldest women lawyers group is the National Association of Women Lawyers, founded in 1899. It includes lawyers, judges, and law students, and it's still going strong.

The first organization I joined was the National Association of Women Judges in 1978, when it was formed. It was great to visit at the U.S. District Court of Oregon Historical Society picnic this past summer with Mary Schroeder, Chief Judge of the Ninth Circuit, and Betty Fletcher, a senior judge on that court, about our long-ago

experiences with that group of women judges. We always wondered if we'd have enough members to fill a conference room. That organization will hold its 30th annual conference in Portland in 2008.

In 1981 the American Bar Association gave its encouragement to the creation of the National Conference of Women's Bar Associations, which became fully established by 1983. The ABA Commission on Women in the Profession was created in 1987 and is celebrating its 20th year. Oregon Women Lawyers was incorporated in 1989.

There were many other events that were important in recognizing women in the profession during the 1980s. In 1983, while I was on the Oregon Supreme Court, Chief Justice Ed Peterson planned a one-day conference for all trial court judges in the urban counties on racism and sexism in the courts. One topic was explored in the morning program, and the other in the afternoon. The reaction was astonishing. Some judges boycotted the conference; one judge said openly and adamantly that the women were making up the stories they were using to demonstrate the sexism that existed in the courts. Other judges said they were astounded by the aptitude of some of their female colleagues, a "compliment" that exposed the double standard at work in certain courtrooms.

There have been numerous studies and seminars sponsored by our local, state, and national bar associations on gender fairness and diversity in general. All of this has had a tremendous effect on the inclusive image our profession strives to project. It is exceedingly important that our profession not only speak of fairness and equal treatment before the law, but that we practice it as well.

The term "critical mass" was first used in physics to define the amount of radioactive material necessary to produce a nuclear reaction. The important point is that when critical mass is reached, the process becomes self-sustaining. The term has entered the general vocabulary with other shades of meaning. In business, it can mean the selling point at which a product will begin to make a profit. In politics, it can

refer to the moment—we often call it a turning point—when voters in number reach a decision regarding issues or campaigns.

In the original context, the size of the nuclear reaction depends on the concentration and purity of the radioactive material and the surrounding reaction system. In other words, not only must the numbers be large enough, but the environment, too, must be right. Today, women lawyers have reached the critical mass stage or the turning point—whichever you care to call it. The numbers are there for law students now: at least 50 percent of them are women, and that seems to be holding steady. Women lawyers are also reaching parity. So the question becomes whether we have the proper environment to sustain the reaction, to achieve parity on the bench. I want to think so! But I'm not sure.

We hear about concerns. How can you be on a partner track when you have a young child? What about flex-time? What about job-sharing—not only in the office but at home? What if aging parents require elder care? These are concerns that apply to both men and women. I'm optimistic that our profession—indeed, our society—will continue to work on addressing these issues.

When I no longer hear the terms "backlash" or "second wave," both of which assume women are working only temporarily, I'll feel confident things have changed. When we are no longer told that women aren't capable of being good litigators and should practice only family law, I'll know there has been a great change. I think of something Margaret Mead said a few decades ago. Someone asked her if she thought there'd ever be a woman president, given that women are so emotional that they aren't qualified to be president. Her answer was, "Most men aren't." Well, most men lawyers aren't litigators and some of them make very good family law lawyers and judges. The stereotyping of one gender also stereotypes the other, and I hope we're progressing beyond that.

When I see large numbers of men taking a large share of responsibility for raising their children, when I see men and women

joining together to form law firms as well as women developing their own firms, I know that women in the legal profession have not only reached critical mass, but that the environment, too, is getting closer to being able to sustain this progress.

That is the real living history of women in the law. The numbers in law school are there, but because we are in the "enriching" stage, those advances are not yet reflected in the numbers of women judges—especially at the appellate level—nor in partnerships in law firms, nor in public positions such as attorneys general and district attorneys.

The early history of women in the law is important, and that history needs to be preserved. But we mustn't get complacent. There is still work to do.

It reminds me of what I do as a mediator—my so-called "enclave" career, as Ellen Goodman put it in a recent column. When I'm working with lawyers and their clients and we've reached the stage where multiple exchanges have been made and everyone is exhausted, there comes a time when I, the mediator, know the case will settle. No one else knows it yet, though. It's the "break-through stage," for lack of a more creative name. I get really excited about what I see happening, but I can't let on to either party that a settlement is possible. If I do, the magic of the moment melts away, and the offers stop being made and/or multiple conditions for settlement start flowing back and forth. At this stage in mediation, I don't want that to happen; both sides need to continue to work. So I contain my excitement and we trudge on to a settlement of the case.

In the context of women in the law, however, I don't have to contain my excitement. The break-through stage has happened; it's living history. Now it's time to move to the next step: creating an environment in which we all work and make the legal profession the example for others to follow. ■