

Women and the Legal Profession: Why We Should Have Taken Over Already

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Has it ever occurred to any of you that although women are the superior force they are the ones seated lower on the totem pole? Sheryl Sandberg, Chief Operations Officer of Facebook, at a conference in Washington D.C. brought to the attention of the audience that within non-profit companies, an area perceived to be dominated by women, only 20% of the leaders actually are (Sandberg). Why are there too few women leaders? It's about time that we step up and that men just deal with it, for women are the ones who need to lead the legal field back into a golden system of justice, balance, and equality. Women are the ones to bring the status of lawyer far away from the stereotypes spewing from the mouths of Shakespearian scholars. Today, as a modern civilized society, we can bring the new American woman into positions where she can most benefit her community, state and nation.

As of 2009, women were making only 74.9% of a male lawyer's weekly salary. This is four hundred fifty dollars less every week even though more women than men become judicial clerks after law school -- a surprising statistic considering that of all who earn their Juris Doctor, 54.1% are men (American Bar Association). This statistic is significant because judicial clerkships are considered the way- not a way, *the* way- to make the leap from law school to legal practice. They are prestigious and highly competitive positions that give one an opportunity to obtain comprehensive access to and knowledge of the judicial process. A legal graduate gains substantial legal knowledge, an insider view of the court system, and an ability to view a case from the perspective of the court while creating a significant edge in the job market through experience and contacts (Indiana University). Yet, even though more women than men become judicial clerks, only approximately one quarter of women lawyers are rewarded with leadership

positions (American Bar Association). The same can be seen with those in legal positions that don't require a J.D., policy makers, paralegals, court reporters, et cetera. The same patterns are there. Even on applications, a woman still won't get the job today, simply because she is female, and the idiots upstairs, going through the applications, assume that their male counterpart must be better at research or have stronger experience in the field (Levinson). Why don't women in the legal field, Juris Doctor or not, step up?

One woman did. Her name is Michelle Rhee. With her Bachelor's degree in Government and Master's in Public Policy, Rhee made the choice to set out and change the face of education. Through judicial affairs offices, she works with school administrators to create policies and regulated programs that are for the students. In 1997, she founded The New Teacher Project which developed innovative solutions to hiring new teachers. On June 27, 2007 Rhee was appointed as Chancellor of the D.C. Public Schools. While there, she faced adversity with protesters at every corner. She could have resigned then, but no. Rhee knew what had to get done to make a difference, and kept moving forward. Her efforts led to increased enrollment for the first time in forty years, and led D.C. Public Schools from being the worst performing school district to being the first district to improve in mathematics and reading with double digit figures within three years (StudentsFirst).

In October 2010, Rhee resigned as Chancellor and began another organization, StudentsFirst. Located in Sacramento, California, the advocacy based nonprofit's mission is to "build a national movement to defend the interests of children in public education and pursue transformative reform, so that America has the best education system in the world." A lofty goal by most standards, but to date the organization is making change in fifteen states, and four college campuses are hosts of student run divisions. These divisions promote student leadership

in helping to shape the quality of public education from kindergarten to senior year (StudentsFirst).

Now that there is a vehicle to make changes in public school systems, a new one needs to be created in support of educational malpractice claims within those systems. Educational malpractice is the “complaints concerning the reasonableness of the conduct engaged in educational institutions in providing their basic functions of teaching, supervising, placing, and testing students in relationship to the level of academic performance and competency of the student.” *Sain v. Cedar Rapids Community Sch. Dist.*, 626 N.W.2d 115 (2001 Iowa). This includes the conduct of guidance counselors. We can see in *Scott v. Savers Property and Casualty Insurance Company* the usual occurrence, a victorious outcome for the school. The Scott case presents the issue, concerning whether or not a school should be held liable for misrepresenting a student in regard to Division I NCAA athletics scholarships. However in one of the handful of triumphant tales, *Sain v. Cedar Rapids Community School District*, the difference was one lone statute, or rather the absence of a statute. This statute is the immunity statute, which was created “to protect public officers from being unduly hampered or intimidated in the discretion of their functions by threat of lawsuit or personal liability.” *Scott v. Savers Prop. and Cas. Ins. Co.*, 262 Wis.2d 127 (2000 Wis.). Since this statute exists in Wisconsin, Scott was unable to win as his other claims, in order to evade the statute, also failed.

This is a problematic issue because it directly contradicts the American School Counselors Association’s Ethical Standards for School Counselors. Within this document, it is stated that school counselors must “adhere to ethical standards of the profession, other official policy statements, such as the ASCA’s position statements, role statement and the ASCA National Model and relevant statutes established by federal, state and local governments, and

when these are in conflict work responsibly for change.” (American School Counselors Association). This allows for counselors working in states that make use of the immunity statute to be unethical. It is almost as if the belief that there is no set standard for a teacher expands to all school personnel. It is a mentality that allows counselors to have a Get Out of Jail Free card because they don’t have to bring up the issue, which is unethical towards themselves and the community. The immunity statute also permits incompetence to reasonably occur, which is unethical to professional peers, students and the community. It is truly not that difficult to look up what the approved classes are for your school to be eligible for Division I scholarships. Even a student can do it; in fact I did do it to test how easily this could be applied to a simple research plan. It turns out one can see the requirements for any given high school from 2010, and if the individual searching had an approved password they could see the current requirements. If a student can accomplish this, then a counselor can certainly do so without having questions that a student likely would have. The allowance for unethical practices allows the educational system to become lazy and insufficient. This conviction needs to change.

Who is going to create such a program? Women. As Vivian Wood said in the movie “Charlie’s Angels,” “never send a man to do a woman’s job.” This is a woman’s job for a couple of basic reasons. Women, I can safely say, are the superior force for this area of legal study. We are more successful at multitasking than men. Most of our thinking takes place in the frontal lobes which allows for this and since women have more white brain matter we can better synthesize our thoughts (Hotchkiss). We are more apt to ask questions. Take car trips for example: men are naïve and think they know a short cut and instinctually go in any given direction. However women see getting from point A to B as a task to be completed, so they ask questions in order to solve the puzzle (Hotchkiss). Yes, this may get us ridiculed by men

because we don't know what they think they know, but our need for precision and clarity leads to better workplace results. We are holistic beings. Women use both hemispheres of the brain when in thought, which not only helps in the area of multitasking but also gives us the ability to be more engaged with a problem. This is superior to men who only use one hemisphere and can only focus on a single dimension of a single issue (Hotchkiss). Women also process language holistically: we consider the meaning of language, while men take language at face value. Interestingly, when considering language, women are more comfortable than men when it comes to email correspondence. All of this in turn enhances a woman's verbal communication with such people as well (Hotchkiss). Society needs the people who can effectively communicate, ask the tough questions, and understand it all. It looks like biology is on woman's side; we are the fittest gender and will survive in the jungle of leadership and make it out to tell the tale, encouraging the next generation.

Ultimately the decision to be a leader comes down to us as individuals, not solely our biological advances. Ryan Penneau, founder of Take Back College, brings up two key points concerning this when he talks about nature and chick flicks. First, we need to decide if we want to tackle the elephant (Penneau). Do we want to face this creature as a beast that just stampedes over us or as the gentle giant we see on the Discovery Channel? We then need to decide, are we eagles or chickens? Are we the eagles that we actually are, or are we the chickens that we hatched alongside of? It's our choice. We can choose to keep scratching at the ground and just awkwardly flap, wishing we could fly, or step outside of what everyone says, listen to what you tell yourself, and climb up to the top of the mountain and soar. We need to remember that if someone says "No" we need to say "But I *know*."

Second, we cannot succumb to KTGS, Kiss The Girl Syndrome (Penneau). It is when Prince Eric wants to kiss Ariel in Disney's "The Little Mermaid," but hesitates, and just as he's about to, the eels flip the boat over. Another example would be when someone asks a group "Do you like the soap opera Kissy-Kissy Goo-Goo?" You want to raise your hand and be like "heck yeah!" but then the moment you see that no one else is raising their hand, you stop yourself. We need to be able to step out of our comfort zone and be the change that we wish to see in ourselves and the greater world around us. That is how women will become the powerhouse of the courthouse. But at the end of the day, it's your choice.

March is Women's History Month, which coincides with International Women's Day, a day which has been sponsored by the United Nations since 1975. President Jimmy Carter, in 1980, first declared the week of March 8 as Women's History Week. In 1986, the National Women's History Project successfully petitioned to congress to extend the celebration for an entire month (A&E). It is a time to celebrate the accomplishments of women, both as a collective and individually. Each year the National Women's History Project selects a theme. This year's, "Women's Education-Women's Empowerment" (A&E). Today women are soaring, becoming eagles. Since the time of our grandparents, our opportunities in the world of education have grown expansively. Women now have access to the schools and career opportunities that were seen as unreasonable in the past. To keep soaring though, to truly become an eagle in the legal field or any field, we as women need to continue to learn about the latest innovations involving our careers and ourselves. Whether it is through classroom or hands on experience, each of us have much to learn. By choosing to invest in the future, whose expanding foundation has been created by our foremothers, we are empowering ourselves. By choosing to treat every day as an opportunity to grow, women will beat the stubborn male in the job race. By choosing

to show up and be present in experiences affecting ourselves and the greater community, the new American woman will stand strong and proud, able to lead our country into the golden age of justice, balance and equality.

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