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EQUALITY FOR WOMEN:
INTEGRATION AND ACCEPTANCE OF WOMEN IN THE
LEGAL PROFESSION
AND
THE IMPACT OF WOMEN IN THE LEGAL PROFESSION

JANE C. VOGLEWEDE*

I was not one of the first women to walk through wide-open doors to the legal profession in North Dakota. But I could see the first women from where I stood. They had already ushered in a new era in which women held a respected place in a law school classroom. We didn't know what place they would hold in the legal field beyond the classroom, but the promise was there.

When I began my studies at the University of North Dakota School of Law, the third-year class contained a small, but distinctive group of women. I believe they were the first actual *group* of women in a single class. But they had done more than just get through the doors and make it through the two most difficult years of law study. They held the top three places in their class academically. One of those women was Beryl Levine, who later became the first woman on the North Dakota Supreme Court. *You can do more than just be here*, their accomplishments told us, *you can be outstanding*. In the class just ahead of me, several women were on Law Review and many excelled academically. One of them organized the Law Women's Caucus. They were compelling models for those of us who followed.

When I conjure up an image of my own first-year class, I see women and men in equal numbers. In truth, women made up less than fifteen percent of the group. But we were fully involved in every way, so it seemed as though our numbers were larger. We were called upon in class and embarrassed or redeemed as often as our male colleagues; we served as teaching assistants, class leaders, questioners of authority, mice in the corner. We came in all stripes; shy, thoughtful, ambitious, resourceful, and strident. One particularly bright and articulate classmate stood on her chair during

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class one day to make a point. Her gesture was more a sign of the times (the mid-1970s) than a necessary effort to be heard. She and the rest of us were heard every day. We knew that our place in this field of study was fairly new, and for that reason it was immensely exciting, but we also felt at home there.

As we flowed out of law school and into private practice, government work, corporate counsel positions, and teaching, the face of the profession changed within one short generation. But was the integration complete or merely skin deep? In my own professional life, it was complete. I was able to pursue and practice my first choice of specialty, medical malpractice defense, without obstacle. I encountered virtually no discrimination, overt or covert, in the courtroom, in dealings with other attorneys, or in my law firm. Except for a Twin Cities attorney who mistook me for a court reporter at a deposition, gender stereotyping in my experience was rare. Clients seemed to accept me readily. I was given increasing responsibility within the firm as I was ready for it, and participated in management decisions to the same extent as my partners. My entry into this area of specialty, and much of my acceptance within it, can be credited to my mentors, most of them men. Despite their years of practice in a pervasively male profession, they willingly accepted female associates and colleagues and operated on a merit-based philosophy. But that was no doubt attributable to Beryl Levine, who preceded me at the firm. She had gained the immense respect of her partners and demonstrated how effective a woman could be in litigation. She was a valuable guide to me when I joined the firm, and for the next six years until she left for the bench.

Complete integration and acceptance into the profession was not the case for some of my female contemporaries in other practices. I heard their reports about unenlightened comments from men in the profession, of being relegated to specialties such as family law when it was not their choice, and of having less than full decision-making status within their law firms' management structures. But for me, the entry into practice was smooth and rewarding. I considered myself very fortunate to be able to devote full-time practice to a field not available to many lawyers in North Dakota, male or female.

This is not to say that the field was oblivious to the influx of women lawyers. The language of the law began to change quickly, as did language in the culture around us, to eliminate occupational assumptions and become more gender neutral. That change was awkward and stumbling at times. It is a change that is not yet complete today. Attorneys had to learn a new set of questions to ask at interviews of associate candidates, and a new list of questions not to ask. The substance of the law was changing too, in areas

such as parental and spousal rights and workplace discrimination. These were momentous shifts, even more so when I look back at them now. But because I'd taken women's studies courses as an undergraduate and come of age when women's rights were part of a national sea of change in individual rights, I considered this evolution as a natural part of the landscape. It seemed inevitable.

In my specialty, women did not practice law differently from men in any striking way. A few women benefited by coming into the medical malpractice field from a more traditional female occupation, nursing. But the process we followed as lawyers was the same. Law is a learned language, and litigation is a learned process. We women lawyers learned it as well as men did. We spoke the same language at work, regardless of how different our conversations outside of law practice were. By the end of my twenty-six years in private practice, nearly a quarter of the lawyers in our firm were women. They could be as tenacious, knowledgeable, and fearless as any attorney I knew. Isn't that what we had hoped for, to do what the men had been doing, on equal footing? In many respects, we acclimated more to the practice of law than it did to us.

My own approach to practice differed, if at all, in only subtle ways, because I was a woman. I experienced a great deal of empathy for clients in my work. Medical malpractice claims can be emotionally difficult for physicians, who experience them as personal attacks on their competence, identity, and worth. I spent considerable time discussing this aspect of litigation with them, and felt emotionally invested in their cases. This was emotional investment, not emotional response. I was temperamentally disinclined to be emotional in any aspect of my work, and valued the "objective" and less sentimental features of the legal system. But psychologically, I cared a great deal about the impact of the cases on my clients. This was a double-edged sword. It provided a form of support to them, but took a toll on me that seemed even higher than the usual price litigation exacts from its participants. Was this emotional investment a product of my gender? Perhaps. But it may also have been due to my close identification with the medical profession which began with my upbringing. My father was a physician and a strong role model for me. It was, therefore, a more formidable task to maintain a small but vital level of detachment in my cases.

I also reached a point many years into practice when litigation and its inherent conflict became less desirable for me, and I began to shift the nature of my work. This, too, could have been in part because as a woman I am less hard-wired for conflict and competition. It could also have been that I reached a stage common to many adults of middle age and beyond, a

stage of “generativity” with a desire for more collaboration. In any event, for every hypothesis that women are different in law practice (e.g., less successful as rainmakers, less adversarial, more distracted by family obligations), I can look around and point to women who disprove the theory.

Women did cause some shifts in law practice. They were a catalyst in promoting a better balance between work and family, sometimes at high cost and in the face of many doubts. I did not have children, but I saw other women face that challenge. This striving for more realistic work demands that allow for a life outside of the office evolved over the next twenty years into something that is now an accepted part of the culture for many young parents of both sexes. It was not always so. Some women juggling family demands exhibited a readiness to ask for a reduction in pay or change in job status in order not to shortchange their firms, and by doing so risked shortchanging themselves.

The mere presence of women in the legal profession also helped, I believe, speed up the process of equality for women generally in the workplace. In law firms, board rooms, and courtrooms, women have served as conspicuous reminders to the rest of society of the need for equal opportunity. More prodding is needed. Women still compose too few of the ranks of certain elite professional organizations and of management positions.

I was fortunate to enter the profession early enough to appreciate the groundwork done by pioneers for women in the legal field, and late enough to feel like a full-fledged member of it, not a token. Recently, I sat in a small courtroom where there were two lawyers, both of them women, two physicians, both women, and a woman judge. No one took particular notice of it. It was just another day in another courtroom. That was the promise held out so enticingly when I began my law studies.