



The Future of Women in Law

By Julie A. Gaskay

What is the future for women in law and the Women Lawyers Association of Michigan (WLAM)? As current president of WLAM, I would like to offer my observations. In the past 100 years, WLAM has grown from a meeting of five women¹ to an organization of more than 500.² In 1919, its initial stated purpose was “to advance the interest of women members of the legal profession and to promote a fraternal spirit among lawyers.”³ Our founding sisters of the bar were in their day prevented from even basic opportunities to apply for legal positions; today, because of their efforts, women enjoy these opportunities and more. Some may say that given the advances that have been made for women in the law, an organization like WLAM is no longer needed. I would suggest that in the future, it will be an even stronger organization, focusing more on the promotion of justice, equality, and social justice for all.

The other articles in this theme issue of the *Michigan Bar Journal* highlight, in part, how far women have come over the past 100 years in the law. In contrast, this article looks to the future of WLAM and women in the law.

In the immediate future, WLAM will continue to strive to secure equal participation of women in the legal profession. It will also continue to advance the interests of female members in the legal profession by advocating for equal treatment of women. Women in law will not be truly equal unless they

receive the same respect given to their male counterparts. The goal is that with the ongoing efforts of WLAM, equality for women in law will soon be within reach. The organization's future needs to include men as part of the equation. It strives for equality, not exclusion. A 2015 article by Robin Terrell suggests gender equality benefits men as well as women by allowing them opportunities to become stay-at-home parents, and helps secure bright futures for their daughters.⁴ Accordingly, the future of WLAM includes men who also benefit from equal participation of women in the profession.

Once women in law have achieved equal participation and treatment, they will be more powerful advocates for equality and social justice for all. In the future, WLAM can capitalize on that strength to build alliances with other organizations.

Equal participation of women in the legal profession

One of WLAM's immediate goals is securing equal participation of women in the legal profession. In 2017, the organization celebrated its 99th annual meeting with a theme of “Going the Distance”; it recognized that while women in the law have made great strides, they have not yet reached the finish line to equality.⁵ Although women make up close to 50 percent of the law school student population,⁶ their numbers are not equal

in the practice of law. In Michigan, only 37 percent of the current Court of Appeals judges are women.⁷ Only two of the seven current Michigan Supreme Court justices are women.⁸ Nationally, in 2016 women comprised 45 percent of associates at private practices,⁹ yet only 18 percent of equity partners of private practices were women in 2015.¹⁰ In 2017, female lawyers still earned only 83 percent of male lawyers' salary.¹¹

To reach equal participation of women in the legal profession, WLAM will continue to advocate securing their rights through legislation, court decisions, policy, and advocacy. Legislation has historically been an important part of the organization and will continue to be in the future. Phoebe Munnecke, one of the earliest WLAM presidents, was one of four suffragists arrested in 1919 for kindling a watch fire in front of the White House.¹² Once the Nineteenth Amendment was ratified, Munnecke started a campaign for the Equal Rights Amendment.¹³ WLAM has continued to stay active in drafting and reviewing proposed legislation that is significant to women.

Legislating for gender equality

WLAM will continue to play an active role in supporting legislation that advances women in reaching equality, including advocating for equal pay for women. Along with several other organizations, WLAM sponsors Equal Pay Day Legislative Day in Michigan each year.

The goal is to promote legislation to even the playing field for all people in the workplace. Recently proposed legislation in Michigan includes transparency of wage information, job descriptions, and reporting, as well as a ban on requiring applicants to disclose prior compensation; the latter typically harms women because pay inequities carry over to new employers when past pay is disclosed.¹⁴ Ultimately, WLAM supports legislation to help secure equal participation of all women, including those in the

legal profession.

Court decisions have significantly affected efforts to establish equality. WLAM will continue to participate in court cases

At a Glance

This article looks at where women are today and the opportunities for women in the future. Once women in the legal profession secure equal participation, they will have a significant voice to use toward equality and justice for all.

involving issues affecting women by advancing its positions in amicus briefs. For example, in 2014 WLAM joined in support of the National Women's Law Center on a case regarding marriage equality at the U.S. Court of Appeals for the Sixth Circuit, and in 2016 WLAM submitted an amicus brief on a case regarding the Elliott-Larsen Civil Rights Act at the Michigan Court of Appeals.¹⁵

The importance of court decisions on equality is underscored by the historic dissent written in 2007 by Justice Ruth Bader Ginsberg in the case of *Ledbetter v Goodyear Tire & Rubber Co.*¹⁶ It was only after that opinion, which encouraged the legislature to take action, that the federal Civil Rights Act was amended to allow claims for sex discrimination in pay to be brought after each paycheck rather than only after the initial pay decision was made.¹⁷ The dissent, followed by the legislation, helps women demand equal pay in the workplace, moving us one step closer to equality.

Workplace equality

WLAM will continue to help set policies that move women in law toward equal participation in the workplace, such as those promoting work-life balance. This year, WLAM is recommending policies to accommodate lawyers who are breastfeeding and need to pump breast milk while at court. The organization plans to be a resource for female lawyers who are nursing mothers so they will not be disadvantaged by their choice to breastfeed and litigate. It will also look to extend policies accommodating nursing mothers to other individuals in the courthouse, including jurors.¹⁸

Women will not be truly equal until they are given the same treatment and standing as their male counterparts. For example, in July 2017, two Republican female U.S. senators broke party lines to vote against repealing the Affordable Care Act. Their courage was eclipsed by the fanfare given to their male counterpart, Sen. John McCain, who also voted against repealing the act.¹⁹ Unfortunately, women in the legal profession have faced challenges that men have not had to face.

In 1983, Michigan Supreme Court Justice Patricia J. Boyle described some of those challenges:

These women...were confronted with the widely held conviction of their brothers at the Bar that they were simply constitutionally incapable of good lawyering. They were also confronted by the equally tenacious belief held by many women who were not professionals, that women lawyers were somehow peculiar for having opted for a life role beyond that of wife and mother.²⁰

Equality and social justice for all

With equal footing, WLAM can have a strong voice in promoting equality and social justice for all people. There are human rights issues that disproportionately affect women. Women's organizations like WLAM can be powerful advocates to make a difference in addressing these issues. For thousands of years, women have been subjected to human rights atrocities that continue today. Former President Jimmy Carter addresses many of these in his book, *A Call to Action: Women, Religion, Violence, and Power* (Simon & Schuster, 2014). America is not immune from such things as human trafficking, rape, prostitution, domestic violence, and other crimes against women.

Alliances with other organizations can help make positive strides in achieving equality and justice for all. The State Bar of Michigan has been instrumental in joining the affinity bar associations in that mission. Through its Diversity & Inclusion Advisory Committee and other efforts, the SBM is striving to assure a diverse and inclusive voice in Michigan.²¹

The future for women in law is about opportunity—the opportunity to have a significant voice to use toward equality and social justice for all. ■



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ENDNOTES

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