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Former EIC Letters

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Former EIC Letters

*Diane Bessette**

When I received the e-mail about the 20th anniversary symposium and celebration, what struck me the most was the long list of all the Editors-in-Chief who followed Deborah, Amy, me, and the rest of the founders. Trust me when I say that when the three of us dreamed up the idea of bringing a journal of feminist thought to Hastings, we never imagined that so many people would choose to be a part of our endeavor to educate ourselves and create a place of value for feminist ideas at Hastings. It warms my heart to think of all the women and men who continue to value feminist scholarship and who decided to make the *Hastings Women's Law Journal* a part of their law school experience. I'm pleased to report that 20 years later, the three of us are still friends. Here's hoping that all of you leave the *Women's Law Journal* with feminist zeal, a critical mind, and some good friends.

Jennifer Kash†

I was Editor-in-Chief of the *Hastings Women's Law Journal* in the 1998-99 school year. I am now a partner in the law firm of Quinn Emanuel Urquhart Oliver & Hedges, where I primarily practice patent litigation. I certainly learned a lot during my time with the *Journal*, and it has helped me in my practice (with time management, editing skills, leadership, and analytical thinking). However, I do want to take this opportunity to reflect upon the direction I would like to see the *Journal* take.

The *Hastings Women's Law Journal* has typically been seen as an "alternative" journal and has been a refreshing counterpoint to the traditional journals that the law school offers, as it allows for diverse voices to be heard and less mainstream issues to be discussed. I hope this spirit is never lost and the original purpose for which it was founded remains solidly in the hearts and minds of the *Journal's* current and future members.

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Yet, I think that when the *Journal* was formed twenty years ago, the role of women in law schools was still somewhat unique, and as such, the *Journal's* name and the vision were congruent with one another. Now, I worry that the *Journal* somehow limits itself by calling itself the "Women's" journal — without addressing those women who choose a more traditional path in the law. During my tenure, the articles we published addressed women's issues faced by those in fringe practices of the law, issues of discrimination, and other alternative themes. I believe this is still the case, though I must confess I have little time these days to read the issues as they come out. After ten years at a firm, I realize that there is no real forum for the pervasive issues that women practicing in the law encounter. That is, where do we address how it makes me feel when I arrive at depositions and everyone thinks I am the court reporter? Or, why does it feel like I have to take a back seat for the years when I am raising small children? And why is it so hard not to cry when I am angry, and what do tears say about being a tough advocate? Moreover, where is it discussed how to maintain my sexuality yet still be convincing and powerful?

These questions, among others, are issues that women who practice the law encounter. I think the *Journal* is at a crossroads: Women make up over fifty percent of the law school population and a significant number of those women enter into careers with either law firms or the government. Moreover, a good percentage of women become litigators. As such, "our" *Journal* should adapt to accommodate more than just fringe women's issues, but should also accommodate the issues faced by the multitude of women-lawyers that now populate the mainstream practices of law. I think it is time for the *Hastings Women's Law Journal* to embrace all types of women and women's issues. Either that, or it needs to change its name.

Eileen Bissen[‡]

The *Hastings Women's Law Journal* made an otherwise daunting and isolating educational experience bearable and enjoyable. Indeed, serving as the *Journal's* Co-Editor-in-Chief gave me confidence and a sense of pride during a time characterized by rising self-doubt. And, being a part of the *Journal* brought me a sense of comfort, belonging, and understanding.

Now in my third year of the practice of law, I have discovered that the legal profession remains a largely inhospitable environment for women, unlike the comradery and acceptance I felt with the *Hastings Women's Law Journal*.

In support of the proposition that equality exists in the legal profession, people often cite the fact that law school enrollment among women is equal

[‡] J.D., University of California, Hastings College of the Law, 2006.

to, if not greater than, that of men. As I practice law, however, there are times when I wonder where all these women have gone. When I go to court, I am usually one of few, if not the only, women in the room. The same is true with most of the mediations I have attended. Given that we have attained equality in law school enrollment, we must now turn our attention to and address the sociological and cultural reasons why women are seemingly leaving the practice of law in droves, most without ever rising to the upper echelons of the profession.¹

Women are understandably less likely to remain in a profession that treats them unfairly. While discrimination is inherently reprehensible, discrimination in a profession committed and dedicated to ethical standards and the maintenance of the rule of law is profoundly unacceptable. In the few years I have practiced law, I have witnessed scores of discrimination with respect to salaries, work assignments, and treatment of male and female attorneys.

At my former firm, I was instructed, as a female associate, to set up telephone calls and confirm court reporters for male attorneys. A male client once complimented my legs and told me that I would make a great weather girl; upon hearing the comment, a male partner said nothing. I have been expected to practice areas of law I did not want to “for the good of the firm,” while my junior male counterparts practiced whatever they chose and were not expected to make the same sacrifice. Clients and opposing counsel often have assumed (and assume) that I am a secretary. Also, while an attorney, I have been paid the same as a male who had yet to be admitted to the bar, and when I complained and stated my case (namely, that I should be paid at equal salary to first-year attorneys at the firm, male or female), a male partner told me he did not understand the alleged discrepancy. Hurt and frustrated, I vented to a male attorney who then successfully stated my case to the partner. While my former firm corrected the situation in the end, it took a male associate to secure my equal pay.

With disparate treatment, women are also less likely to remain in a profession that fails to value their unique contributions and attributes. I have found that stereotypically “female” personality traits are often looked down upon in the legal profession. As a litigator, a former male superior criticized me for being “too passive” and “deferring to others.” Later, after realizing these labels did not fit, the attorney apologized and admitted he had grouped me together with another former female associate at the firm. I have also heard former male colleagues disparaging a female attorney for “caring too much” about her clients. While I realize a safe emotional distance between attorney and client is necessary for effective

¹ See e.g., Malaika Costello-Dougherty, *We're Outta Here: Why Women Are Leaving Big Firms*, CAL. LAW. MAGAZINE, Feb. 2007, available at <http://www.callawyer.com/story.cfm?pubdt=NaN&eid=883766&evd=1>.

representation, stereotypically "female" traits, such as making the time to listen to clients sincerely and caring about their well-being, have a valuable place in this profession. They should be applauded.

When women leave the profession, younger female attorneys, as a result, have fewer women in the profession to look to and learn from. Perhaps more troubling, however, is the discriminatory and harsh behavior some younger female attorneys receive from other female attorneys. While I received amazing mentorship from female attorneys during my internships and externships in law school, as a practicing attorney I suffered a dearth of female superiors that took any real interest in my professional development. To the contrary, I have experienced situations wherein superior female attorneys only proffered criticisms unrelated to my professional skills.

Women need to be valued in the legal profession, not just by men, but perhaps most importantly by one another. Rather than toughening up the next generation by subjecting them to a higher standard, we need to take responsibility to serve as role models to those that come after us. It simply does not behoove us as a gender to create additional hurdles for ourselves.

At the *Hastings Women's Law Journal*, I felt as if I belonged, that others valued my individual strengths and welcomed my contributions, and, through hard work, that I could succeed. My hope is that one day the legal profession will welcome women in the same way.