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 accomodate 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

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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.

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
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.