

GENDER AND THE LEGAL PROFESSION'S PIPELINE TO POWER

Hannah Brenner & Renee Newman Knake[†]

2012 MICH. ST. L. REV. 1419

TABLE OF CONTENTS

INTRODUCTION.....	1420
I. BACKGROUND AND INSPIRATION: OUR SUPREME COURT	
NOMINEE MEDIA STUDY	1420
II. SYMPOSIUM OVERVIEW.....	1422
A. Race, Gender, and the Judiciary	1424
B. Gender Equality: From the Boardroom to the Electorate.....	1426
C. The Roots of Gender Inequality: An Examination of the Law School Experience.....	1427
D. Rethinking Our Understanding of Gender Inequality	1428
E. Bringing It Closer to Home—The Pipeline to Power for Women Lawyers in Michigan	1430
CONCLUSION: MOVING BEYOND THE WALLS OF ACADEMIA AND REVISITING OUR ROOTS.....	1430

† Hannah Brenner is a Lecturer in Law and Renee Newman Knake is an Associate Professor of Law at Michigan State University College of Law, where together they co-direct the Frank J. Kelley Institute of Ethics and the Legal Profession. Professors Brenner and Knake thank Dean Joan Howarth for supporting this Symposium from its inception and for serving as a panel moderator. They also are grateful to Linda Greenhouse for reaching out in the early stages of their Supreme Court Nominee Media Study to engage about the research and to participate in this Symposium in various ways, including assuming the role as the keynote speaker. Professors Brenner and Knake give special thanks to Deborah Rhode for her support of their work—including making a second trip to Michigan in less than a year on their behalf to deliver a plenary address at the Symposium. Katie Darcy provided instrumental research assistance in preparing this introduction to the Symposium volume. Lisa Hackett, Amanda Frank, Elly Jordan, Sean Rohan, and Jeff Same, as well as the *Michigan State Law Review* deserve recognition for their dedication and hard work in making this event and its related publication possible. Finally, Professors Brenner and Knake dedicate this introduction and their work on gender equality in the legal profession to their students and their daughters—Willow Brown and Grace Knake. Portions of this Article have been adapted from the following work: Hannah Brenner & Renee Newman Knake, *Rethinking Gender Equality in the Legal Profession's Pipeline to Power: A Study on Media Coverage of Supreme Court Nominees (Phase I, The Introduction Week)*, 84 TEMP. L. REV. 325, 326 (2012).

INTRODUCTION

Our Symposium on Gender and the Legal Profession's Pipeline to Power brought together scholars and experts from the fields of law, gender studies, political science, journalism, and beyond to address and confront the gendered power disparity in the legal profession. For the first time in history, three women sit concurrently on the United States Supreme Court, a fourth recently retired. While the fact that women now represent one-third of the nation's highest judicial body suggests the attainment of formal equality, women lawyers remain significantly under-represented in major leadership roles. Today, women comprise only 4% of managing partners in law firms and hold less than 15% of equity partnerships (prestigious positions reserved for those holding ownership interests in law firms).¹ Women comprise 20% of general counsels in the Fortune 500 companies and barely 20% of law school deans.² When factoring in race and ethnicity, the picture is even grimmer.³

The ceiling may be shattered, but the pipeline to power remains elusive for most women. This Symposium served as a catalyst to raise awareness about, discuss the dynamics of, and strategize solutions to the persistent gender disparity that exists in positions of power within the legal profession. Participants were invited to help reframe and advance the course of the existing dialogue on gender equality by looking to new points of inquiry for assessing gender bias and its impact on those who seek and attain positions of power within the legal profession.

I. BACKGROUND AND INSPIRATION: OUR SUPREME COURT NOMINEE
MEDIA STUDY

The idea for this Symposium was sparked several years ago while we were in the midst of a new collaborative research endeavor examining me-

1. NAT'L ASS'N OF WOMEN LAWYERS & NAWL FOUND., REPORT OF THE SEVENTH ANNUAL NAWL NATIONAL SURVEY ON RETENTION AND PROMOTION OF WOMEN IN LAW FIRMS 3, 5, 11-12 (Oct. 2012), available at <http://nawl.timberlakepublishing.com/files/NAWL%202012%20Survey%20Report%20final.pdf>. "[T]he percentages of women equity partners and women associates in the typical firm have declined slightly during the past two years." *Id.* at 3.

2. AM. BAR ASS'N, COMM'N ON WOMEN IN THE PROFESSION, A CURRENT GLANCE AT WOMEN IN THE LAW 2-3 (2012), available at www.americanbar.org/content/dam/aba/marketing/women/current_glance_statistics_2012.authcheckdam.pdf; see also John Bussey, *Women, Welch Clash at Forum*, WALL ST. J., May 4, 2012, at B1.

3. *Women and Minorities in Law Firms—By Race and Ethnicity*, NAT'L ASS'N FOR L. PLACEMENT (Jan. 2012), http://www.nalp.org/women_minorities_jan2012.

dia coverage of nominees to the Supreme Court through a gendered lens.⁴ The project began as an exchange of emails in which we expressed frustration about the media's portrayal of Justices Sotomayor and Kagan, two highly qualified, accomplished lawyers. We observed headlines that appeared more fitting for the tabloids than mainstream news: *Then Comes the Marriage Question* appeared in the *New York Times*; *The Case for More Mothers* was featured in the *Washington Post*. Online blog *Abovethelaw.com* ran a story, *Elena Kagan v. Sonia Sotomayor: Who Wore it Better?*, and *TheDailyBeast.com* demanded, *Put a Mom on the Court*.⁵ Our email exchange grew into a series of questions—ones that are difficult to measure. We wondered whether the implicit bias and stereotyping evidenced in these news stories might be reflective of perceptions in the workplace that keep women from attaining the highest ranks of the profession in numbers equal to their entry in the profession. We considered how to go about assessing in a methodical way the gendered characterizations of the nominees that we, and others, found disturbing. We asked whether we could better understand the subtle, nuanced judgments made about a woman's competence for a position of power in the legal profession by examining them through the media's lens.

The gendered nature of these and other articles, as well as the questions we identified, led us to conduct an empirical research project based upon quantitative and qualitative content analysis to examine media coverage of every Supreme Court nominee since Justices Powell and Rehnquist—a starting point selected in light of the feminist movement's influence during the early 1970s.⁶ This project sits at the unique interdisciplinary intersection of law, gender, mass media, and political science. In identifying five key preliminary findings, we assessed the gendered portrayals of nominees to the Court and reflected upon how this knowledge might motivate the resolution of gender disparity in the legal profession's pipeline to power.⁷ These findings, which point to gendered biases on issues like motherhood, appearance, domestic roles, and marital status, inspired us to create a larger conversation about contemporary concerns facing women in the legal profession, especially positions of leadership and power. We could think of no better way to move the conversation forward than by collaborating with the *Michigan State Law Review* to organize a symposium on these very matters.

4. See generally Hannah Brenner & Renee Newman Knake, *Rethinking Gender Equality in the Legal Profession's Pipeline to Power: A Study on Media Coverage of Supreme Court Nominees (Phase I, The Introduction Week)*, 84 TEMP. L. REV. 325, 326 (2012).

5. See *id.*

6. *Id.* at 329, 331.

7. *Id.* at 331-32.

Hence, we began laying a foundation for the Symposium, Gender and the Legal Profession's Pipeline to Power. As we brainstormed potential participants, we quickly realized that our email exchange was not the only dialogue expressing distress at the coverage of the Supreme Court nominees. Shortly after posting an abstract describing our Media Study on the Social Science Research Network, Yale Law School professor Linda Greenhouse⁸ reached out to us and shared that she had been engaged in a similar conversation with her students at Yale Law School. The exchange with Greenhouse, in many ways, helped shape the Symposium's direction. We had already created a list of people whose participation in this event seemed particularly critical, and Linda, not surprisingly, was at the top of our list given her unique vantage point both from her work reporting on the Supreme Court for the *New York Times* over many years and from her own personal success in navigating the legal profession's pipeline to power.

II. SYMPOSIUM OVERVIEW

As we prepared for the Symposium, we reflected on the roots of our own institution, Michigan State University College of Law, which had its beginnings in the City of Detroit as the Detroit College of Law (DCL).⁹ When DCL opened its doors in 1891, it was unique in its unwavering commitment to admit women and minorities; something that set it apart from other institutions where women were explicitly excluded during that time period. Indeed, DCL was one of the first institutions of higher education to admit women, including Lizzie McSweeney, who was a member of the inaugural class of students.¹⁰ We decided to hold the Symposium at the historic Westin Book Cadillac Hotel in downtown Detroit. Bringing the Symposium to Detroit allowed us to remember and celebrate this legacy as we simultaneously advanced the conversation on how to best resolve remaining gender disparity in the profession.

Soon after our initial conversation with Linda Greenhouse, we invited her to deliver the keynote at the Symposium. Her remarks are published first in this volume¹¹—in many ways setting the agenda for the work that follows from the other scholars and participants. Greenhouse's perspective as the Supreme Court Reporter for the *New York Times* for over thirty years situates her perfectly to take on this role. Her comments focus on the landscape

8. Senior Research Scholar in Law, Knight Distinguished Journalist-in-Residence, and Joseph Goldstein Lecturer in Law, Yale Law School.

9. *History of Michigan State University College of Law*, MICH. ST. U.C.L., <http://www.law.msu.edu/history.html> (last visited Feb. 21, 2013).

10. Carrie Sharlow, *Michigan Lawyers in History: Lizzie J. McSweeney*, MICH. BAR J., Sept. 2012, at 46, available at www.michbar.org/journal/pdf/pdf4article2089.pdf.

11. Linda Greenhouse, *Keynote Speech at the Spring 2012 Pipeline to Power Symposium* (Apr. 12, 2012), in 2012 MICH. ST. L. REV. 1433.

of women in the legal profession. Tracing the progress of women in law over time, Greenhouse acknowledges the successes and challenges for women in law. She notes several important sites of progress, such as the judiciary, and highlights places, including law firm leadership, where progress has all but stalled. Although concluding with the optimistic notion that women's success in the legal profession is no longer "remarkable," Greenhouse presents an accurate and compelling picture of many of the remaining challenges.

In addition to Linda Greenhouse, we were fortunate to have with us two distinguished individuals who have made significant contributions to academia, the judiciary, the media, and the broader legal profession: Stanford Law School professor Deborah L. Rhode¹² and The Honorable Nancy Gertner.¹³

Deborah Rhode's plenary address offered some explanation for the lack of women in positions of leadership in the legal profession.¹⁴ In her view, part of the problem is that there is a lack of consensus about whether there is a problem—which complicates the identification of what strategies should be employed to address it. Rhode suggests that subtle, but pervasive, stereotypes hold women back in the workplace, both in the way that women view themselves as well as how leaders in the workplace view women. Stereotypes are a manifestation of this subtle discrimination, where, for example, women do not share the presumption of competence held by men. This is due to cognitive biases reinforcing the strength of these stereotypes. This, in turn, makes it harder for leaders to perceive problems in their own workplaces, and explains why they may not see the issue as one of pressing concern to remedy. The makeup of the leadership in the workplace (which leads to in-group favoritism and often holds women back from progressing), the workplace structure (such as willingness to take part-time positions and the demanding amount of time lawyers are expected to put in to still be seen as a "player"), and gender roles (where women are still expected to be primary caretakers of children as opposed to men) hold women back. Rhode offers strategies for aspiring leaders that include seeking out formal leadership training and mentors, as well as proposals for organizations that include the use of task forces to identify problems, develop responses, and monitor their effectiveness.

In *Feminism Stalled*, Judge Nancy Gertner suggests the workplace has "not changed materially over the past three decades, even with the new

12. Ernest W. McFarland Professor of Law and Director, Stanford Center on the Legal Profession, Stanford Law School

13. Professor of Practice, Harvard Law School, Judge, U.S. District Court of Massachusetts, (ret).

14. Deborah L. Rhode, *Women and the Path to Leadership*, 2012 MICH. ST. L. REV. 1439.

numbers of women, and neither ha[s] the family.”¹⁵ Women leave the workplace even though they are now permitted to enter it because it remains hostile to family and other life demands. Gertner is adamant that it is not enough for women to have an ability to choose to work or choose to leave. Instead, the feminist movement should be focused upon “transformation—changing the lines between public and private spheres, and releasing the potential for change in each.”¹⁶ She observes that the failure of women to achieve parity in leadership positions “is not because of inadequate mentoring, or insufficient networking,” and calls on us to “*organize*” in an effort to “critique the structural impediments to women’s progress—the very organization of the legal workplace” itself.¹⁷ Only then will we see equal numbers of women in positions of leadership and power.¹⁸

The Symposium also included a rich group of scholars and practitioners from across disciplines, including Douglas M. Branson, University of Pittsburgh School of Law; Keith Bybee, Syracuse University College of Law; Christine Corcos, Louisiana State University Law Center; Julia D. Darlow, University of Michigan; Nancy J. Diehl, Wayne County Prosecutor’s Office (ret.); Erika Falk, Johns Hopkins University; Julie I. Fershtman, Foster, Swift, Collins & Smith; Carol Greenhouse, Princeton University; Sally Kenney, Newcomb College Institute; Paula Monopoli, University of Maryland; Jennifer Mullins, American University; Angela Onwuachi-Willig, University of Iowa College of Law; Dara Purvis, University of Illinois; Carla Pratt, Pennsylvania State University Dickinson School of Law; The Honorable Victoria A. Roberts, U.S. District Court for the Eastern District of Michigan; Julie Suk, Benjamin N. Cardozo School of Law; and Janet K. Welch, State Bar of Michigan.

A. Race, Gender, and the Judiciary

While we need no longer speculate when the nation’s ultimate judicial glass ceiling will be broken—Justice Sandra Day O’Connor took care of this in the mid-1980s—inequities remain, often lurking in difficult-to-articulate domains of implicit bias and stereotyping. For this reason, we devoted an entire panel of the Symposium to scholarship that seeks to advance the conversation on gender beyond merely counting the number of women now present on the bench. Keith Bybee’s article, *The Limits of Debate or What We Talk About When We Talk About Gender Imbalance on the*

15. Nancy Gertner, *Feminism, Stalled: Thoughts on the Leaky Pipeline*, 2012 MICH. ST. L. REV. 1473, 1476.

16. *Id.*

17. *Id.* at 1479.

18. *Id.*

Bench,¹⁹ maintains that the arguments over the value of having more female judges generally occur within the context of a broader public debate about the nature of judicial decision making and suggests that this needs to be recast. Bybee posits that gender equity may not fit with the conception of impartial adjudication. This argument is exemplified by Justice Sotomayor's statements during her confirmation about what she brings to the bench as a "wise Latina woman."²⁰ Bybee urges that re-casting gender equity concerns as matters of fundamental fairness for the judicial selection process will ultimately advance the cause of placing more women on the bench.

But what of the paucity of women on the bench contrasted against the significant number of women in the legal profession generally? Sally Kenney seeks to answer this question in her article, *Choosing Judges: A Bumpy Road to Women's Equality and a Long Way to Go*,²¹ utilizing concepts in gender theory to understand women's under-representation more thoroughly. Kenney dispels a number of myths associated with women's under-representation in the judiciary. She disputes the contention that women have already achieved equality and further asserts that it is not appropriate to assume that the number of women in positions of power will grow naturally or inevitably now that the entrance barriers to the pipeline have been removed. She utilizes employment discrimination analysis to help elucidate the disparity. She also argues that judges are selected using a non-merit system favoring men, and she looks at other factors such as demographic variables, partisan or non-partisan elections, and societal views on gender and judging to better explain the inequity and to press for meaningful solutions.

Most of the Symposium participants seem to assume that having more women in the judiciary matters, but Angela Onwuachi-Willig and Amber Fricke's article reminds us that we need to demonstrate why this is so. In *Do Female "Firsts" Still Matter? Why They Do for Female Judges of Color*,²² they argue that diversifying the federal judiciary with more women and men of color is essential to strengthening democracy. This article responds to feminist arguments that female firsts on the bench are not as important as having the "right" women (or men) sitting in this role—i.e., those supportive of "women's issues."²³ In the authors' view, having women of all political affiliations and races on the bench will serve a great symbolic value for

19. Keith J. Bybee, *The Limits of Debate or What We Talk About When We Talk About Gender Imbalance on the Bench*, 2012 MICH. ST. L. REV. 1481.

20. See *Confirmation Hearing on the Nomination of Hon. Sonia Sotomayor, to Be an Associate Justice of the Supreme Court of the United States: Hearing Before the S. Comm. on the Judiciary*, 111th Cong. (2009).

21. Sally J. Kenney, *Choosing Judges: A Bumpy Road to Women's Equality and a Long Way to Go*, 2012 MICH. ST. L. REV. 1499.

22. Amber Fricke & Angela Onwuachi-Willig, *Do Female "Firsts" Still Matter? Why They Do for Female Judges of Color*, 2012 MICH. ST. L. REV. 1529.

23. See generally *id.*

society. Meaningful numbers matter for at least two reasons. First, a critical mass helps counter the opposition leveraged against nominees based on perception of biases. Second, a diverse judiciary ensures that unconscious biases will not pervade judicial decision making and counters negative assumptions about neutrality including, as one example, the fact that women of color often encounter race and gender-based requests for recusal.

B. Gender Equality: From the Boardroom to the Electorate

Of course the judiciary is not the only constellation of leadership and power within the legal profession where women remain underrepresented. From the boardroom to the electorate, women remain represented as tokens rather than the norm. This Symposium brought together three scholars—Douglas Branson, Christine Corcos, and Erica Falk—whose work encompasses spaces outside of the law firm or courtroom, where analysis of gender equality is not always front and center but is equally critical.

The subject of diversity in corporate governance, for example, is one that begs for exposition. Douglas Branson does just this in his article, *Pathways for Women to Senior Management Positions and Board Seats: An A to Z List*,²⁴ in which he proposes that women's increased participation in this context is the most promising for the pipeline to power. According to Branson's research, although women comprise 50% of the overall workforce, they constitute only 3.5% of corporate CEOs, 14% of executive managers and 12.5% of corporate directors, and only 16% of board seats in the Fortune 500.²⁵ In the United States, however, this is a problem that escapes much attention. Branson responds, offering an introduction to this subject, describing terms and explaining their application to women on their "pathway" to power.²⁶

In another often-overlooked context, Christine Corcos explores how many of the constitutional monarchies of Europe have made changes abandoning the male succession preference. Her article, *From Agnatic Succession to Absolute Primogeniture: The Shift to Equal Rights of Succession to Thrones and Titles in the Modern European Constitutional Monarchy*,²⁷ argues that the adoption of new succession statutes where women can inherit the throne despite the existence of male heirs, signals a shift in attitudes

24. Douglas M. Branson, *Pathways for Women to Senior Management Positions and Board Seats: An A to Z List*, 2012 MICH. ST. L. REV. 1555.

25. See *id.* at 1555.

26. See generally *id.*

27. See generally Christine Alice Corcos, *From Agnatic Succession to Absolute Primogeniture: The Shift to Equal Rights of Succession to Thrones and Titles in the Modern European Constitutional Monarchy*, 2012 MICH. ST. L. REV. 1587.

toward the rights of women generally in matters of property and inheritance, and tracks an overall societal change to more gender equality.

The relationship between law and politics is a close one, but the two fields have remained somewhat separate in the exploration of gender equality—a reality we uncovered while conducting the research for our Supreme Court Nominee Media Study. Indeed, Erika Falk's work on media coverage of presidential campaigns was particularly influential in conceptualizing our own work. Falk's article, *Unnatural, Incompetent, and Unviable: Press Portrayals of Women Candidates for President*,²⁸ moves her previous scholarship on media's gendered influences forward by assessing how, despite striking changes in the last century for women's social and political rights, the press has not changed how it covers female candidates. This may not only make it more difficult for a woman to win, but may also make her less likely to run in the first place. Falk's study compared press coverage of nine female presidential candidates over seven decades to that of male candidates with similar percentages of projected votes. Her findings were striking and include how the media sources wrote fewer stories and fewer words per story about women than men with similar credentials; wrote less stories about issues for women; referred to women in less respectful ways (dropped titles like Senator in exchange for Mrs.); were more likely to describe women physically; were less likely to describe women as viable; and were more likely to describe women using some term that indicates that they are "emotional." Her findings support the results from our own empirical work.²⁹

C. The Roots of Gender Inequality: An Examination of the Law School Experience

While the focus for the Symposium was to consider ways that we might advance the conversation on gender inequality, we could not ignore the roots of the leadership disparity in the profession. Scholars Jennifer Mullins, Dara Purvis, and Abigail Rury each explored the systemic ways that leadership inequity begins, even in law school, where women are equally represented in the student body but not in positions of power. Law school is, somewhat ironically, an overlooked site of scholarly attention when it comes to addressing gender issues in the legal profession. Jennifer Mullins' article, *Reactions to the Persistent Gender Disparity in Student Note Publication*,³⁰ discusses the range of explanations for, and explores the significance of, the gender disparity in this context—where women in her dataset

28. Erica Falk, *Unnatural, Incompetent, and Unviable: Press Portrayals of Women Candidates for President*, 2012 MICH. ST. L. REV. 1671.

29. Brenner & Knake, *supra* note 4, at 362-77.

30. Jennifer C. Mullins, *Reactions to the Persistent Gender Disparity in Student Note Publication*, 2012 MICH. ST. L. REV. 1685.

author significantly fewer law review pieces than men. Mullins discusses reactions to this data, where student note editors perceived the gender distribution to be equal, even though the numbers demonstrate that it was not. A significant component of this research informs (and mimics) the lack of institutional knowledge about gender disparity in student note publication; this lack of knowledge likely contributes to its persistence.

Dara Purvis also addresses gender in legal education, specifically through an exploration of the experiences of female law students. Her article, *Female Law Students, Gendered Self-Evaluation, and the Promise of Positive Psychology*,³¹ outlines existing proposals for reform to legal education to address female unhappiness and underperformance. Purvis describes and provides an explanation for the subset of overachieving female students, and proposes techniques extracted from positive psychology to improve female self-assessment.

Abigail Rury's article, *The Pipeline to the Legal Profession: Perspectives from Michigan State University College of Law*,³² addresses the gendered experience of law students at her alma mater (and, of course, the very institution hosting this Symposium). While Michigan State University/Detroit College of Law may have been among the first higher education institutions to admit women, the gendered issues facing Michigan State are, in many ways, emblematic of the concerns facing the profession as a whole. Rury's article began as an empirical research study that she conducted as a student in Professor Brenner's *Law and Gender* seminar. The article acknowledges the disempowerment and disadvantage that frequently characterizes the experience of women lawyers at the outset of their careers, and explores the ways in which law school might contribute to these experiences. Rury importantly identifies a significant disparity in the existence of mentoring relationships that both male and female students have with their professors and others in the profession. Finally, she proposes a rethinking of some of the traditional ways in which law schools educate, and sometimes fail, their students.

D. Rethinking Our Understanding of Gender Inequality

A central goal of the Symposium was to rethink and reframe existing dialog on gender inequality in the legal profession's positions of influence and authority. The research of professors Carol Greenhouse, Paula Monopoli, Carla Pratt, and Julie Suk offers new lenses for examining the persistent disparity. Carol Greenhouse framed the inquiry through an anthropological

31. See generally Dara E. Purvis, *Female Law Students, Gendered Self-Evaluation, and the Promise of Positive Psychology*, 2012 MICH. ST. L. REV. 1693.

32. Abigail A. Rury, *The Pipeline to the Legal Profession: Perspectives from Michigan State University College of Law*, 2012 MICH. ST. L. REV. 1717.

ethnographic of the Sonia Sotomayor confirmation hearings in her talk, *Disembodying Difference: "Women" in the Discourse of Judicial Confirmation*. Paula Monopoli's article, *Gender and the Crisis in Legal Education: Remaking the Academy in Our Image*,³³ builds on the conversations invoked by Mullins, Purvis, and Rury on the experience of law students, focusing still on law schools, but with a unique emphasis on the (slow) progress for female professors to tenured, full professorships within the legal academy. Monopoli identifies a unique opportunity for women's advancement, created by the current crisis in legal education. In her view, the origins of the modern university and unified model of teaching/scholarship were constructed around gendered norms, arising from the image of a scholar—a singularly male figure keeping knowledge alive as a scribe in the dark ages. This model not only traditionally excluded women, but currently imposes disparate costs on women, as do existing tenure and promotion systems. Monopoli contends that some women struggle with the research role because they work a "second shift" at home and are expected to care-give for students, or perform the "housework" of the law school (i.e. service on low-status or work-heavy committees) more than their male counterparts. She concludes with powerful suggestions for fundamentally restructuring the legal academy to provide a level playing field for women faculty.

Carla Pratt importantly identifies specific challenges confronting black women lawyers' struggle for advancement in the legal profession. These struggles include appearance discrimination as well as stereotypes about black womanhood in the workplace, at home, and in the community. Her article, *Sisters in Law: Black Women Lawyers' Struggle for Advancement*,³⁴ discusses how challenges confronting women lawyers are not always the same in nature or degree among racial groups.

In the same way that legal education is often omitted from the conversation on gender equality in the legal profession, so are international considerations. Julie Suk's article, *Work-Family Conflict and the Pipeline to Power: Lessons From European Gender Quotas*,³⁵ helps bridge this divide. Suk offers that a central explanation for the "leaky pipeline" is the "motherhood penalty"—where women lawyers are more likely than men lawyers to have to manage their households with a partner who also has a full-time job and are more likely to experience work-family conflict. Quotas or gender parity systems may not be sufficient in reaching equality, but may nonetheless be a critical tool. Unless women make up a significant percentage of

33. Paula A. Monopoli, *Gender and the Crisis in Legal Education*, 2012 MICH. ST. L. REV. 1745.

34. Carla D. Pratt, *Sisters in Law: Black Women Lawyers' Struggle for Advancement*, 2012 MICH. ST. L. REV. 1777.

35. Julie C. Suk, *Work-Family Conflict and the Pipeline to Power: Lessons from European Gender Quotas*, 2012 MICH. ST. L. REV. 1797.

leaders, the problem of social reproduction will not be adequately addressed. The United States' legal system does not provide adequate solutions for the phenomenon of women being pushed out of the workforce by inflexible hours and other expectations. Suk notes that European nations, by contrast, have dealt with similar gender disparity problems by implementing quotas, justified by reasons such as democracy (i.e. the democratic state cannot be legitimate if women do not participate in decision-making), the "business case" (i.e., women will increase profits/increase legitimacy of the business), and equality of opportunity (i.e. the individual's rights would be violated without quotas). Suk suggests that a more significant number of female decision makers will ultimately lead to an increased desire to craft solutions to these problems.

E. Bringing It Closer to Home—The Pipeline to Power for Women Lawyers in Michigan

We designed the Symposium with an important and relevant concluding panel that focused on gender equality in the legal profession in our own state of Michigan; the panel was organized and moderated by Janet Welch, Executive Director of the State Bar of Michigan, and included presentations by the first four female Presidents of the State Bar of Michigan: Julia Darlow (1986-87), The Honorable Victoria Roberts (1996-97), Nancy Diehl (2004-05), and Julia Fershtman (2011-12). The article, *Choosing to Lead, Chosen to Lead: The Path to Bar Leadership Power for Women in Michigan*,³⁶ explores how, historically, women have been significantly underrepresented in leadership roles, and traces the experiences of the four living female presidents of the Michigan State Bar. Their collective experiences, which include themes of mentors, isolation, work-life balance, authenticity and flexibility, ultimately suggest that the definition of power is the ability to have what you want to make happen actually happen, as their collective stories so compellingly embody.

CONCLUSION: MOVING BEYOND THE WALLS OF ACADEMIA AND REVISITING OUR ROOTS

This *Michigan State Law Review* symposium issue importantly captures the dimension of rich conversation that ensued over the course of the event that took place within the walls of Detroit's Westin Book Cadillac Hotel. Like most academic conferences, however, there is a glaring shortcoming in how far outside of the walls of the ivory tower our voices may actually be heard. While the articles that comprise this symposium issue go

36. Janet Welch, *Choosing to Lead, Chosen to Lead: The Path to Bar Leadership Power for Women in Michigan*, 2012 MICH. ST. L. REV. 1817.

a long way, this alone, in our view, is insufficient. In considering the problem of gender equality in the legal profession, this conversation is one that begs an audience—a large audience—in order to create the kind of meaningful change we envision. One way that we attempted to bridge the divide between the Symposium and the broader legal community was through the writing of Professor Bridget Crawford, who engaged in live-blogging throughout the event. She posted thoughts and commentary on the substance of our discussions on various websites, inviting an exchange of ideas among those both inside and outside the Symposium. Crawford's article, *A Blueprint for Blogger Involvement in Academic Legal Symposia*,³⁷ will serve as an important guide for others who undertake such endeavors in the future.

Over the course of the Symposium, the conversation moved from defining the landscape of the legal profession today, to identifying the persistent problems that plague women lawyers, to talking about solutions and new ways of framing these issues that have gone unresolved for so many years. Returning to Detroit, the birthplace of Detroit College of Law, the institution that evolved into Michigan State University College of Law, was the perfect place to advance the conversation on gender equality in the legal profession. Although formal barriers have long since been eradicated, less obvious and more nuanced obstacles continue to impede women's advancement. While a symposium in Detroit will not solve these problems, it accomplished our goal of moving the conversation forward. With continued attention from those within and outside of the legal academy, the future is one in which women will hopefully move through the pipeline to power with fewer challenges and in greater numbers.

Finally, on a personal note, we are mindful of the choices each of us has made in navigating the legal profession's pipeline to power as we have attempted to balance the conflicting obligations related to our own careers, motherhood, marital status, appearance, and beyond. While at times our individual decisions on how best to handle these competing concerns may have impeded our own advancement, we hope that our scholarly focus on the pervasive gender divide will open opportunities for our female law students and our daughters beyond our wildest expectations.

37. See Bridget J. Crawford, *A Blueprint for Blogger Involvement in Academic Legal Symposia*, 2012 MICH. ST. L. REV. 1829.

