
OPENING REMARKS

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Thank you all for coming. There are a lot of familiar faces here, marking it a very happy event. The genesis of today's program, as Vicky Phillips suggested, can be understood in several different ways. It can be viewed as the inevitable outcome of twenty-five years of history at the Washington College of Law or, alternatively, as the byproduct of a single moment of serendipity. It depends on your point of view. But let me sketch the two stories and you can choose. Whichever account you prefer, we're here today in significant because of the contributions of Ann Shalleck to the field of Law and Gender in general, and also to the conceptualization of a Program on Women and the Law here at the Washington College of Law (WCL). In the first story, this workshop grows organically out of the shared approach to engaging gender issues that many of us have learned from Ann. At WCL, we work hard throughout our teaching and our scholarship to try to bring considerations of gender into as many different contexts as possible. My friends in the Legal Writing field talk about "writing across the curriculum," and here at WCL all of us do, or try to do, gender across the curriculum. Viewing in that light, the ground-breaking series of which today's workshop is just the sort of thing you would expect to find at WCL.

The second story takes off from the first. At WCL, our dedication to integrating gender into our teaching includes the first year as well as elective courses, and, of course, it includes our wonderful clinical programs, which are another special part of the special history of this institution. As Vicky said, about six years ago we were in a position to start thinking about organizing an intellectual property law clinic thanks to the generosity of Pam Samuelson and Bob Glushko. I was enthusiastic about that prospect, as was Christine Farley. We had recruited some wonderful new people, Vicky and Josh Sarnoff, who were full of enthusiasm to be part of this new venture. But there was a tiny—or not so

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tiny—problem with the picture. Among us we shared (to put it delicately) a certain deficit of expertise in the area of clinical teaching. We reached out and Ann Shalleck generously agreed to contribute her long experience in clinical instruction and her deep understanding of it to our new project. She agreed to work with us as a founding member of the IP clinic faculty. And that serendipitous decision, which contributed so much to the development of the IP clinic, also had another consequence: It gave us the opportunity, as Vicky said, to begin talking among ourselves about the connections between the superficially neutral and even hermetic field of intellectual property law, on the one hand, and issues of law and gender, on the other.

This quickly became a very interesting conversation, at least to us. But when we tried to share it with colleagues in and out of IP, we met with a good deal of skepticism. Their typical response was, of course: “What connections?” If ever there were two seemingly parallel tracks within legal academia, running comfortably in parallel, at a considerable distance from one another, and certainly never intersecting, they were Intellectual Property and Gender Studies. But we persisted, feeling sure that we were onto something, even though (in the early years of the project) we had a hard time articulating what it was. And we had some support for our persistence. In particular, the Markle Foundation was generous in giving us some funding to begin this exploration of IP and gender.

We started by attempting to devise, for our own use, a very tentative map of the new zone of intersectionality that we were determined to explore. We asked ourselves what we might encounter if we pursued those two apparently parallel tracks to some point of convergence beyond the horizon. We identified issues concerning the role of women in the formation and history of the IP disciplines. We also thought, of course, about ideas of gender discrimination in the construction and application of IP doctrine. We thought about issues of disparate impact—the way in which apparently neutral doctrines of intellectual property law may have dramatically different effects on different groups within society. And we noted as another possible area of inquiry: the incidence of gendered rhetoric in IP discourse, especially around ideas of creativity and innovation.

Armed with this preliminary map, we invited the larger academic community to join the conversation. The first of our events, in 2004, which many of you will remember, was a workshop intended to extend the mapping exercise through the presentation, not of finished articles or even works-in-progress, but of concepts for projects at this new intersection. It was enormously heartening and fruitful—one of the most energetic and productive academic meetings that we’ve ever had the pleasure to attend. In 2005, we had two wonderful papers as the focus of our IP/Gender

event, one by Ann Bartow and another from Sonia Katyal, who couldn't be with us today but remains very much a part of the project. This year we have a full-day program that is packed with extraordinary contributions.

I expect, as we all do, that this exploration is going to continue. I know that at WCL we're in for the long haul. And I very much hope that it is going to spread to become a more general focus of scholarship and pedagogy in American law schools, and (perhaps) even beyond the United States. For now, it's my pleasure to declare today's panels open. I am looking forward to these papers as much as you are. So. let's get started. And thank you all again very, very much.