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Keywords

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BANDING TOGETHER: REFLECTIONS ON THE ROLE OF THE WOMEN'S BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA AND THE WASHINGTON COLLEGE OF LAW IN PROMOTING WOMEN'S RIGHTS

By
Jamie Rene Abrams and Daniela Kraiem*

The Washington College of Law and the Women's Bar Association of the District of Columbia share an important historical connection; Ellen Spencer Mussey and Emma Gillett founded both institutions together, in 1898 and 1917, respectively. Mussey and Gillett were pioneers in legal education, legal reform, and the development of women lawyers.² More significant than the work they performed during their lives, however, is the legacy of activism, reform, and support that they ignited by founding two institutions that advance women in the law. These institutions have trained and supported generations of women lawyers through world wars and depressions, through the abeyance and resurgence of the women's movement and the ensuing backlash, and through the dramatic changes in the legal profession and legal education that accompanied these events. We celebrate and explore their legacy in this essay.

Sensing the importance of their work, the Women's Bar Association of the District of Columbia ("WBA") and the Washington College of Law ("WCL")³ preserved their institutional histories. Yet, preserving these documents in a cardboard box or back room rendered them – and with them the unique relevance of both institutions – isolated and known by only a few. This issue of *The Modern American* commemorates the "Shared History" project to preserve these archived documents, to house these physical documents in the WCL library, and to display them to the public in hard and digitized format, an effort that has both symbolic as well as practical significance.

The WBA's historical materials include correspondence, board minutes, newsletters, and photos compiled in informal scrapbooks and formal archive files (collectively, the "WBA Archives").⁴ The WBA Archives tell the story of the WBA's historic efforts to secure property rights for women, to champion the Equal Rights Amendment, to fight discrimination, to achieve fair pay, to support women lawyers, and to catapult women into public leadership positions – a virtual rendition of women's legal history from the perspective of one organization. WCL has its own archives, containing documents, yearbooks, graduation announcements, and advertisements (collectively the "WCL

Archives"). The WCL Archives tell the story of a fledgling feminist institution that struggled for legitimacy, achieved the stature of a respected (albeit much less feminist) law school, and later rediscovered both its feminist and internationalist roots.

The archived documents revealed several strong themes that we explore in this essay. First, historians divide the broader feminist movement into a first and a second wave with a period of abeyance in between. We noted that the work of women lawyers associated with the WBA continued unabated even when the women's movement was not generally active, indicating that the WBA played a part in keeping the women's movement alive during its darkest days. Second, the legacy that Mussey and Gillett began when they founded WCL and the WBA was a collaborative one, a feminist legal method that has great lessons for our work today. Third, while women lawyers have made dramatic strides in a century – graduating from law schools at over

fifty percent today and breaking into careers in the public, private, and non-profit sectors,⁵ the institutions that support women lawyers nonetheless exist under objectives virtually identical to the ones that Mussey and Gillett espoused ninety years ago. This tells us that Mussey and Gillett, and the law teachers, students and lawyers who joined them, hit upon something critical: a need for women lawyers to work together not only as lawyers, but as women.

We begin in Section I by placing the origins and missions of the WBA and WCL in historical context. Mussey and Gillett articulated three core pillars in the founding documents of the WBA: (1) the administration of justice; (2) the advancement of women attorneys; (3) and the social and professional support for its members. In Section II, we use these three pillars as the framework for a historical analysis of the activities of these institutions, focusing on the WBA.⁶ Section III looks at the road ahead for women lawyers. It considers how we can use the legacy left by Mussey and Gillett to inspire a methodical, strategic, focused, collaborative, and inclusive response to today's challenges, such as advancing women to the highest ranks of the profession and creating a meaningful inclusion for all women in legal education and practice. We hope that the WCL and WBA Archives will ignite the dialogue necessary to achieve meaningful change and inspire the ongoing success of women in the law.

*"Providing such a legal education
for women as will enable them to
practice the legal profession"*
—Article of Incorporation, Wash-
ington College of Law (1898).¹

ORIGINAL MISSIONS

Buried in the archives at WCL is its Article of Incorporation dated 1898. Its plainly worded statement of purpose belies a number of radical ideas. Mussey and Gillett founded the co-educational Washington College of Law to educate women for the practice of law at a time when the very notion of formal legal education was new. Most lawyers at that time received training through an apprenticeship, which had the effect of excluding many women, immigrants, and members of minority groups.⁷ It was almost unheard of for women to study law. Indeed, four out of the five law schools in Washington, D.C. would not admit women.⁸ And women generally could not find apprenticeships unless they practiced in a family law firm.⁹

To contextualize the formal legal education of women in 1898, female lawyers could argue in court, but were not permitted to serve on a jury in the District of Columbia.¹⁰ Although trained in the same constitutional and common law as their male colleagues, women could not vote.¹¹ The federal government employed a number of female attorneys, but it was not until 1896 that women in the District of Columbia could hold property in their own names after marriage.¹²

Yet, both Mussey and Gillett had successful law practices in Washington D.C. when they founded WCL. Mussey trained and practiced with her husband, and kept his international law and business practice for almost forty years after his death.¹³ Gillett apprenticed under Belva Lockwood,¹⁴ the first woman to practice in front of the United States Supreme Court.¹⁵ Gillett later graduated from Howard University Law School, the only institution in Washington D.C. that trained women at that time.¹⁶ She practiced in a variety of fields, focusing mainly on what she called “office work,” now termed transactional work.¹⁷

Mussey and Gillett incorporated lessons from their personal and professional experiences into the law school structure. From the outset, the school took the lived reality of its female students into account. The founders set the cost of tuition as low as possible to enable women, who often had little income, to attend. They raised funds for scholarships for low-income students.¹⁸ They offered night classes to accommodate working women.¹⁹ They even allowed one student to enroll under a pseudonym because she feared her family would ostracize her for studying law.²⁰ Significantly, WCL’s early yearbooks and newsletters show how Mussey and Gillett created an environment where women could study and teach law without being isolated.

The WCL Archives illuminate the trailblazing accomplishments of the law school’s early years. Mussey served as the first female dean of a law school,²¹ Gillett the second.²² The school graduated six women in the inaugural class of 1899; by the 1920s it averaged approximately fifteen female students in its graduating classes. Several female students and faculty members wrote the first law textbooks authored by women.²³ Early graduates went on to become some of the first female customs agents (which was fairly scandalous because it involved inspect-

ing ships at sea,) government attorneys, and even judges.²⁴ The school also trained women from abroad. Some of the first women to study law from countries such as Mexico, Sweden, and Uruguay, were graduates of WCL.²⁵

While Mussey and Gillett were pioneers of the formal law school, a new form of entry into the legal profession, the school was standard in many other ways. Beyond the radical fact of the school’s existence, and Dean Gillett’s “caustic comments on dower and some of the other provisions of the common law whereby women were ‘protected,’”²⁶ not much indication exists that WCL faculty taught law any differently than other law schools. Indeed, it seems unlikely since they strove for legitimacy as not only a female-run, but also a part-time institution. Thus, while the act of founding the school was radical, and their support for formal legal education progressive, Mussey and Gillett’s approach to education was consistent with that of their contemporaries.

The materials in the WCL Archives also reveal that the school, while radical in its acceptance of women in all aspects of legal practice and from many nations, remained mired in the prevailing views on racial segregation. WCL excluded African-Americans for over fifty years.²⁷ The relationship of the founders and early graduates to the issue of racial discrimination is complex.²⁸ Mussey’s biography indicates that she was the daughter of ardent abolitionists and grew up in a home that served as a station on the Underground Railroad.²⁹ However, advertisements for the school through at least 1914, specifically pointed out that it was for whites only,³⁰ presumably to make it more attractive to white women than Howard University Law School. The rhetoric softened slightly around the time when WCL admitted a Native American woman, but it would be many decades before the school took the first steps to remedy the injustice against African-Americans.³¹

A. WOMEN’S BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA

“Professional women cannot rise one at a time – they must rise in groups.”

— Ellen Spencer Mussey, First Annual Address of the WBA

Nineteen years after the founding of the school, women still faced overt discrimination in the practice of law even as they entered the profession at an increasing rate.³² The D.C. Bar Association, the professional association that supported male attorneys, excluded women.³³ Left without the support of a professional organization, it was up to the women to found their own.

Mussey and Gillett sent invitations on WCL Alumni Association letterhead to all of the female lawyers barred in the District of Columbia.³⁴ On May 19, 1917, just after the United States entered World War I, Mussey and Gillett convened a meeting at WCL to form the WBA.³⁵ Those present elected Mussey as their first president.³⁶ The WBA’s original constitution stated its mission:

The object of this Association shall be to maintain the honor and integrity of the profession of the law, to increase its usefulness in promoting the administration of justice; to advance and protect the interests of women lawyers of the District of Columbia; and to encourage their mutual improvement and social intercourse.³⁷

The steady growth of the WBA indicated that it filled an acute need for women lawyers in D.C. The WBA began with thirty-one charter members.³⁸ In her first annual address in May of 1918, Mussey boasted that the WBA, then with forty members, had enrolled forty percent of its eligible members in less than a year, while the D.C. Bar Association to which almost *all* male attorneys were eligible, had only 300 members after thirty years in existence.³⁹ By May 1920, the WBA's third year of existence, Mussey put the WBA in context when she said: "There are older and larger associations of women lawyers in the country, but without boasting, we can truthfully claim that none of them is more active, more harmonious, or more alive to its responsibilities than our own."⁴⁰ Membership continued to grow steadily, with 250 members in 1936,⁴¹ 358 in 1944,⁴² 427 in 1949,⁴³ 600 in 1966,⁴⁴ and 1,100 in 1982.⁴⁵ The WBA's mission today is nearly identical to its original language: "Maintaining the honor and integrity of the profession; promoting the administration of justice; advancing and protecting the interests of women lawyers; promoting their mutual improvement; and encouraging a spirit of friendship among our members."⁴⁶

WCL and the WBA maintained important connections, particularly in the early years. The WBA held many of its early meetings at WCL.⁴⁷ One of the WBA's early initiatives was an ongoing scholarship program for female students attending WCL

(often at the behest of Mussey),⁴⁸ and it contributed to the early building fund drives (often at the behest of Gillett).⁴⁹ Mussey and Gillett both served as WBA Presidents⁵⁰ and WCL Deans.⁵¹ Our non-systematic review of the archives turned up other important figures who bridged the two institutions, including Eliza-

beth Harris (WBA President, WCL graduate), Grace Hays Riley (active WBA member, WCL Dean), Ida Moyers (WBA President, WCL graduate), Helen Jaimison (WBA President, WCL Professor), Burnita Shelton Matthews (WBA President, WCL Professor), Karen Lockwood (WBA President, WCL graduate, WCL Adjunct Professor), and Jennifer Maree (current WBA President, WCL graduate).⁵²

PROGRESS MEASURED

The continuing legacy of these institutions is one of activism in pursuit of social and legal reform. Mussey and Gillett founded the WBA on three core pillars: the administration of justice; the advancement of women lawyers; and professional and social support for women lawyers. We consider each pillar in turn as a framework to analyze the achievements and significance of these institutions. Though innumerable themes emerge, this section highlights only a few. First, while the broader feminist movement abated during certain points in history, the WBA continued to work for the betterment of women lawyers and women in the law. Second, these institutions have advanced the rights of women through collaboration. Third, while the legal reforms these institutions accomplished are truly remarkable, perhaps their most timeless and enduring quality is the profound need their professional and social support for women lawyers fills.

A. THE ADMINISTRATION OF JUSTICE

One of the most captivating aspects of the archives is the record of legislative and administrative advocacy by the WBA and the faculty and administrators of WCL. While WCL itself did not engage in advocacy as an institution, there is no doubt that Mussey used her position as the Dean of the school, as well as her status as a well-respected lawyer in the community, to

advocate for women's rights legislation as well as other social policies. Gillett also did considerable legislative work, although she does not appear to have been as fond of testifying in public as Mussey eventually became.

To put this into context, Mussey, who became one of the most experienced lobbyists on behalf of women's rights, did not dare speak in public until well into her forties for fear of social scandal.⁵³ Prior to the founding of the bar association or the law school, Mussey and Gillett worked together on the passage of legislation (later called the Mussey Bill) granting women the right to hold property in their own name after marriage, granting mothers the same rights as fathers in custody disputes, and safeguarding dower rights.⁵⁴ At that time, Gillett was also a local leader of the woman suffrage movement.⁵⁵ Mussey appears to have been a late convert to the cause of woman suffrage, but a trip to Norway, where women already had the right to vote, convinced her that the franchise was essential if women were to receive any consideration from lawmak-

while the broader feminist movement abated during certain points in history, the WBA continued to work for the betterment of women lawyers and women in the law.

ers.⁵⁶ By 1910, she testified in front of a Senate Committee “to make a plea for the ballot.”⁵⁷

1. THE END OF THE FIRST WAVE: 1917-1925

By the end of the first wave of the woman’s movement, WBA members and WCL faculty routinely appeared in the halls of power to make demands for their rights and the rights of others. Because of their location in Washington D.C. and their personal and professional contacts with members of Congress and various administrations, the women of the WBA were often the local face of the national women’s movement. Although it took many years and several generations of lawyers, the association participated actively and powerfully in each step of the slow dismantling of legalized discrimination against women.

In her inaugural annual address as president of the WBA, Mussey noted that the charter members organized the WBA after a dinner to honor the men who had marched with women lawyers at the 1913 suffrage parade,⁵⁸ which had turned violent.⁵⁹ The WBA formed just prior to the ratification of the woman suffrage amendment. After its first few years, the association turned to advocacy on other aspects of women’s rights. They supported bills to allow women to retain their own nationalities after marriage to a non-U.S. citizen,⁶⁰ to eliminate the legal restrictions on the contractual capacity of married women,⁶¹ and to allow women to serve on juries.⁶² Also concerned with social welfare, WBA members supported measures for compulsory education and reduction of child labor in D.C.,⁶³ as well as funding to reduce maternal mortality.⁶⁴ They supported resolutions calling for suffrage for D.C. residents, because despite having won themselves the right to vote as women, they still found themselves disenfranchised because of their status as residents of D.C.⁶⁵

2. SURVIVING IN ABEYANCE: 1925-1965

Historians often point to a period of “abeyance” in the women’s movement between the passage of the suffrage amendment in 1920 and the start of the second wave of the women’s movement in the 1960s.⁶⁶ Especially after World War II, most middle class women did not work outside of the home. Women’s rights, which had been a hot-button issue for decades, faded from public debate.

The status of women at WCL reflects the decline of the women’s movement. As the founders and original graduates passed away, the memory of the school’s early radicalism faded. The school appointed its first male dean in 1949, perhaps to smooth the merger with American University in 1950.⁶⁷ Like most law schools of the time, WCL continued to admit women, although in small numbers. In a more positive reflection of the

changing times, it finally admitted its first African-American student in 1950.⁶⁸

The WBA, however, remained strong and active in the period stretching from just before World War II to the 1960s. Indeed, the WBA Archives suggest that the WBA served as one of the movement structures bridging the first and second waves of the women’s movement.⁶⁹ The WBA continued to recruit young members, and even started a new “junior” division in the 1930s.⁷⁰ In contrast, most feminist organizations in this time period were increasingly populated by older women who had been part of the struggle for suffrage prior to 1920.⁷¹

Although many activists left the women’s movement after the passage of woman suffrage, the WBA sponsored a bill for gender parity in inheritance laws introduced in Congress in the late 1920s.⁷² The WBA also endorsed bills to remove exemptions for women from jury duty.⁷³ By the 1930s, the WBA finally succeeded in having Mrs. Mussey’s legislation restoring women’s citizenship after marriage to a non-U.S. citizen signed into law.⁷⁴ The WBA also published a comprehensive report on the International Court of Justice that was incorporated into the

record of the Senate debates on the matter.⁷⁵

Two points are critical to the importance of the WBA in the period between the first and second waves of the mass women’s movement. First, the women who practiced law were still a small minority in the legal community, and the WBA Archives reveal that they remained concerned about discrimination against women, especially in govern-

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ment employment.⁷⁶ Public opinion of women who worked for wages outside the home ranged toward the cruel. Popular books labeled feminists “severe neurotics responsible for the problems of American society.”⁷⁷ The WBA served to protect its working women members from the stings of such attacks by legitimizing their work in the public sphere.⁷⁸

Second, the WBA’s membership developed the skills to lobby for legislation and the appointment of women to the judiciary and political positions. The WBA, throughout even the most politically conservative 1950s and early 1960s, never stopped taking positions on legislation. In the 1950s, the WBA supported the creation of a Legal Aid Society for the District, promoted a family division in the Municipal Court, and submitted a report (a provision of which was later incorporated into the legislation) abolishing dower and courtesy in the District.⁷⁹ In the mid-sixties, the WBA endorsed the elimination of rules allowing the federal government to specify “men only” when selecting employees to serve under the Civil Service program.⁸⁰ In 1965, WBA members testified in support of divorce reform in the District, as well as in support of laws affirming that there

should be no discrimination as to sex in Federal Agencies' hiring practices.⁸¹

Members of the WBA were experienced at testifying before Congress in part because matters affecting the District of Columbia came before Congress, rather than a state legislature.⁸² In a gem of a letter from the WBA Archives, 1960-1961 President Ruth Joyce Hens⁸³ described the work of the WBA to a woman interested in organizing an association of women lawyers in Kentucky:⁸⁴

Because of our proximity to Congress, legislation affecting the law,
the rights of women, the impact on the citizens of
the District of Columbia,
is important to our Association. We propose
legislation, we study legislative proposals espoused by other organizations or individuals, and we testify
on those matters before appropriate Congressional Committees, giving
our views and recommendations.⁸⁵

Considering that few women possessed the skills to testify in Congress in 1950's America, the fact that this was the primary activity of the Association is remarkable when seen in context.

These skills proved vital when the mass women's movement resurged in the 1960s and 1970s. WBA members knew how to lobby and exert political influence, and they possessed insiders' knowledge of Washington politics. When the women's movement was almost ready to erupt again on a mass scale in the 1960s, vocal members of the WBA moved it forward. Although not official business, the original White House Press Release regarding the founding of the Federal Committee on the Status of Women⁸⁶ is tucked into the minutes of the WBA because WBA member Marguerite Rawalt served on the Citizen's Advisory Commission to that Committee.⁸⁷ There are invitations to a meeting of Women's Organizations of D.C. in 1966, convened by the WBA, to demand that the D.C. Commissioners create a Commission on the Status of Women for the District of Columbia.⁸⁸ While not necessarily radical feminist action, this activity nonetheless reflects momentum towards women's equality that perhaps only professional working women could have contributed to, in this era.

3. *THE SECOND WAVE AND BEYOND: 1965-PRESENT*

There is evidence of continued WBA activity from the 1960s to the present in the archives. The WBA continued to work on issues pertaining to women and the law, and by the mid-1960s, they had gained more allies. The WBA continued to push for legislation that would enhance the lives of women. The mass women's movement, and the role of lawyers in the movement, shifted into high gear. The WBA counts among its members many legal pioneers, including several of the women who

founded and staffed some of the most powerful women's rights organizations in the country, including the Women's Legal Defense Fund.⁸⁹ As litigation assumed a more prominent role in movement strategy, the WBA took on the role of drafting and signing onto amicus briefs. The WBA has influenced policies on everything ranging from family medical leave to most recently, employment discrimination.⁹⁰

B. ADVANCING AND PROTECTING THE INTERESTS OF WOMEN LAWYERS

1. *A ROOM OF THEIR OWN AND A SEAT AT THE TABLE: THE WBA'S ROLE IN MEETING THE NEEDS OF WOMEN LAWYERS*

Like the early WCL efforts to open the profession to women described in Section I, early WBA efforts to advance and protect the interests of women lawyers often involved basic access to the profession itself – literally opening doors and finding space for women lawyers to practice their trade. One of the WBA's earliest efforts to support practicing attorneys was the creation of a room of their own – the Women Attorney's Room in the District of Columbia Court House. The WBA women discussed stocking, decorating, and cleaning this room regularly, and allocated considerable amounts of money to the project.⁹¹ The Women Attorney's Room created a space for women at the courthouse to study, conduct research, meet, and prepare court documents.⁹² A 1936 letter in the WBA Archives describes the room as "the only pleasant place in the Court House, besides the hall-ways, where women lawyers feel free to wait or meet, pending the hearing of their cases."⁹³

In other cases, the WBA was literally seeking a seat at the table. Another of the WBA's first official acts of business in 1917 was a discussion regarding the need to pursue law library access for women lawyers, who at the time were not allowed into the D.C. Bar Association library.⁹⁴ A report on the 1919 ABA meeting notes that WBA members were the first women to sit at a banquet of the American Bar Association, despite the fact that some pioneering women had been in the legal field for decades.⁹⁵

Early WBA efforts also included securing access to the formal education that was, by that point, practically required for entry into the profession. By the 1920s, several schools in the area admitted women and the WBA awarded one full law school scholarship every three years and two pre-legal scholarships.⁹⁶ The WBA offered both financial support to these students⁹⁷ as well as professional support, staying in active contact with the recipients to ensure their success in school.⁹⁸

2. *THE NEXT STEP: PROMOTING FEMALE LEADERSHIP IN THE PROFESSION*

The WBA Archives tell the story of an unrelenting commitment on the part of the organization to support the appointment

of women to “positions of public trust.”⁹⁹ Its geographic, political, and social location in Washington, D.C. meant that the WBA was one of the primary voices for the inclusion of women in the federal government. As early as 1922, the WBA was gathering data to survey the representation of women in legal positions in the government, investigating problematic departments and demanding accountability.¹⁰⁰ The WBA methodically identified open positions, and encouraged members to apply or identified people to formally nominate them.¹⁰¹ The WBA sent letters and requested meetings with decision-makers, including the President of the United States,¹⁰² to encourage them to appoint or hire the WBA-endorsed candidates.¹⁰³

The WBA campaigned “to obtain effective publicity, to interest influential persons, and to create a favorable public sentiment.”¹⁰⁴ Occasionally, the campaigning required public battles with agency heads who refused to hire women. In 1934, the WBA passed a resolution calling for the resignation of the District Attorney after he went public about his refusal to hire female Assistant District Attorneys, in part on the grounds that the previous female Assistant District Attorneys had spent too much time “worrying about canned goods”¹⁰⁵ (no doubt prosecuting violators of newly enacted food safety laws) and “hunting up fleeing husbands for distracted wives”¹⁰⁶ (likely attempting to enforce support obligations.)¹⁰⁷

For some time, advocacy on behalf of female lawyers operated on a position-by-position basis.¹⁰⁸ In response to the WBA’s expanded membership base by the 1960s, it began a placement service to act as a “clearing house to advise those interested as to where positions are available.”¹⁰⁹ The WBA also formalized its endorsement proceedings by convening a committee and developing a formal Policy Statement Respecting WBA Endorsement for Public Office.¹¹⁰

The Association also lobbied for women to represent the United States in international legal proceedings. After a call by WBA representatives at the State Department, the President appointed a woman to the American Delegation to the Conference on the Codification of International Law in the Hague.¹¹¹ The WBA itself also sent delegates to meetings of the Inter-American Bar Association for many years.¹¹²

3. EXPANDING ADVOCACY NETWORKS

Following decades of activism for women lawyers, the role of the WBA as an advocacy organization in society also evolved in important ways. The founders intended that the WBA provide professional support to women lawyers. They also founded the Association at a climactic time in the woman suffrage movement. These dual functions placed the WBA at the intersection of at least two distinct and important advocacy networks – advocating as a professional association for lawyers and advocating for women’s rights. In these layered advocacy roles, the WBA has a rich history of establishing and cultivating formal and informal connections with other groups to advance professional women on certain issues, to advance lawyers and the legal pro-

fession in other settings, and to advance women’s rights in other contexts. For example, since its early years, the WBA has had standing committees to work with organizations that shared the WBA’s focus on promoting the rule of law and the efficient administration of justice, including the D.C. Bar Association, the American Bar Association, the Federal Bar Association, and the Inter-American Bar Association.¹¹³

The WBA also formed a node in the women’s rights advocacy network, focusing on using legal tools to achieve women’s equality and advancement in the profession. As early as 1920, records emerge of the WBA’s involvement in a nationwide conference of women lawyers.¹¹⁴ In 1930, it formally voted to pay a group membership to affiliate with the National Association of Women Lawyers (“NAWL”), and many WBA members have also been active in NAWL throughout the decades.¹¹⁵ WBA members often acted in conjunction with the Women’s Business and Professional Association of D.C., especially when that organization was under the leadership of active WBA member Marguerite Rawalt.¹¹⁶ Several prominent members of the WBA, including Emma Gillett, Rebekah Greathouse, and Judge Burnita Shelton Mathews, were also active in Alice Paul’s National Women’s Party.¹¹⁷

C. Professional and Social Support Functions

Today, just as in 1917, it is impossible to separate the social support function of the WBA from its goals of advancing women lawyers and developing professional skills. When women lawyers interact, whether casually or formally, it serves to advance individual lawyers and the profession. Since its founding, one of the WBA’s formal goals has been to promote the professional development and social interaction of women lawyers. The 1917 constitution states that the WBA’s purpose includes the “mutual improvement and social intercourse” of women lawyers in the District of Columbia.¹¹⁸ Interestingly, documents in the WBA Archives indicate that this prong of the WBA’s mission was likely added as a line-edit to a draft of the temporary constitution.¹¹⁹ The WBA’s current constitution articulates this continued focus on “promoting [women lawyers’] mutual improvement and encouraging a spirit of friendship among our members.”¹²⁰

1. TO BE SIMPLY UNDERSTOOD: LENDING SUPPORT IN MALE-DOMINATED PROFESSIONS

*For what can be so refreshing to an aspiring soul that has been stifled under narrow conventionalism, as to be simply understood?*¹²¹—
Martha K. Pierce (early woman lawyer)

The WBA Archives tell us of the timeless and persistent need for social support among women lawyers. When the roster of women lawyers in the WBA tallied thirty-one, this need was sharply pronounced, and was for many women a matter of pro-

fessional survival. The isolation felt by the first female lawyers was likely intense as they negotiated a delicate balance between prevailing notions of femininity and their public professional role.¹²²

Embedded in the loneliness of charting a new path for women were the more concrete concerns about the practice of law, their clients' expectations, and their family lives that perhaps only another female lawyer could comprehend. Early women lawyers faced questions about women's physical fitness for the practice of law, appropriate behavior (and dress) in the courtroom, and the logistical and social challenges of accommodating children and marriage into a life that also included a professional and public career.¹²³

The early WBA provided women lawyers with the companionship and support of other women who simply understood. The WBA Archives reveal that in its first years, social gatherings were an interesting blend of private intimacy and public exposure, organic institutional programming and social hosting. There was an early tradition of private monthly dinners, a tradition which emerged formally in the late 1920s, but appears from the records to have continued for some time.¹²⁴ The terse notes and budgetary allocations do not reveal much about these private dinners, their location, the attendees, or the discussions had there, but it is difficult to overlook their vital importance in keeping these pioneering women connected, informed, and supported.

WCL's parallel role providing social support for women law students and law teachers is evident from the first yearbooks, announcements, and newspapers of its early era. Women who attended other law schools were often the only female members of their class, and faced years of education with only male classmates and all male instructors. Especially in the hyper sex-segregated world that existed around the turn of the century, this meant that women studied law in relative isolation, at home with neither their male peers, or their female friends and family members.

Since its inception, WCL has been co-educational, and employed many male faculty members.¹²⁵ But, at least in its early years, women could feel confident that they would not be subjected to the ridicule or resistance found at other schools.

Many of these women would find female mentors and role models at WCL.

WCL also offered female law teachers a fellowship and opportunities that simply did not exist elsewhere. In her authoritative and comprehensive article on the history of WCL, Professor Mary Clark notes that the presence of more female faculty

members renders a school more welcoming to its female students.¹²⁶ It follows that the mere presence of other female faculty members at the turn of the century must have been a source of great social support to the first women law teachers.

In its first four decades, WCL provided an opportunity for women to serve as deans of a law school, a position of power that was not meaningfully open to other women until recently.¹²⁷ Additionally, the early yearbooks show that the women faculty members taught in all areas of the law, from common law subjects to international law. For example, in the 1940s, WBA member (and later Judge) Burnita Shelton Mathews taught evidence at WCL.¹²⁸ This is in stark contrast to the gradual increase of women in other law school faculties (which started only very slowly in the 1950s to employ women and did not accelerate until the late 1970s), where they tended to cluster women in fields such as law librarianship,¹²⁹ family law, trusts and estates, and legal writing rather than offering women opportunities across the legal curriculum.¹³⁰

2. SOCIAL STATUS AND RECOGNITION

The social events also provided much needed public recognition to the women attorneys and their work. By the mid-1930's, entertainment comprised an average of forty-eight percent of the WBA's budget over a six-year average.¹³¹ This is further evident from the regular Washington Post coverage of the WBA social events, especially the annual dinner,¹³² which has always been a public occasion. The women tried to secure the WBA's place in Washington society with invitations to the President of the United States, Supreme Court Justices, Congressmen and women, and prominent speakers such as Pearl Buck. While attendance at the dinner was originally limited to women and women guests,¹³³ over time, the dinner expanded to include a large population of male attorneys. At the twentieth anniversary of the dinner in 1937, the report on the success of the dinner noted that fifty of the 250 attendees were men "of whom I am told 'came to scoff (or be bored) but remained – to be highly entertained.'"¹³⁴

Over ninety years later, the need for "social intercourse" among women lawyers and the WBA's role in filling that need seems to have changed very little. The WBA's annual dinner continues today, including a 2008 address by Justice Ruth Bader Ginsburg where she was honored with the 2008 Reno Torchbearer Award,¹³⁵ attended by approximately 800 people¹³⁶ and sponsored by dozens of local law firms and businesses. The WBA also hosts annual judicial receptions, a golf classic, and specialty dinners for women corporate counsel, women partners, and senior women in government.¹³⁷

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The WBA also played hostess over the years, entertaining various delegations of women attorneys, ranging from the ABA visits to Washington, to visits by lawyers from the Inter-

These dual functions placed the WBA at the intersection of at least two distinct and important advocacy networks – advocating as a professional association for lawyers and advocating for women's rights.

American Commission of Women.¹³⁸ The hostess function eventually yielded a formal Courtesy or Hospitality Committee.¹³⁹ In many instances, this often included the role of entertaining the wives of visiting officials.¹⁴⁰ Minutes from 1931, record a discussion regarding whether it was the WBA's responsibility to entertain the wives of lawyers. Those present at the meeting agreed to "accept the responsibilities for arranging" this entertainment – one of many examples where the minutes likely do not do justice to the richness of the issue.¹⁴¹

3. WOMEN'S SPACE: CULTIVATING FEMALE LEADERS

The social component of the organization is still thriving today, a telling reality when we consider the number of women in the profession today as compared to the WBA's early years. In 1920 there were 1,738 women lawyers and 1,711 women law students.¹⁴² In contrast, women have been graduating law school at a rate of 40 percent or higher since 1985.¹⁴³ Along with the entry of more women into the profession, comes the opportunity for organic social interaction with other women in the traditional office setting as well as formal women's committees and initiatives.

But through these immense changes, the WBA's social functions have survived, which indicates that they serve a more complex purpose than contact with other women. At a minimum, the social interaction of organizations such as the WBA, offers modern lawyers a broad network of support, role models, mentors, and professional contacts.¹⁴⁴ Maybe they offer a space where a woman's femininity and her professional identity are reinforced rather than challenged.¹⁴⁵

Even more powerfully, perhaps women professionals benefit from having a unique women's space where they can develop into leaders. The early members of the WBA faced the familiar tension between fighting for inclusion in power structures, while recognizing that a separate women's space was sometimes necessary because women's voices were often drowned out or devalued in those existing power structures. Even after the admission of women to the D.C. Bar Association, for example, it was many decades before women rose to prominent positions in the organization,¹⁴⁶ stunting women's opportunities to gain meaningful leadership experience – as heads of committees, organizers of campaigns, or officers in the organization.

In contrast, the WBA provided its members an opportunity to cultivate leadership and management skills. As sociologist Cynthia Fuchs-Epstein pointed out in her 1981 study of women in the legal profession, due to discrimination, women, who could often not "easily rise in the male-dominated bar organizations, [could] climb to positions of leadership in the women's bars ... some of the prestige attached to high office in them may be carried over into the male organizations and into the profession."¹⁴⁷

It is important to acknowledge and consider, however, that the history of social support at the WBA and WCL failed to extend to women of color in many ways. As noted above, WCL did not accept African-American students until the 1950s. The

WBA minutes and notes do not note the race of the membership of its leadership, but this organization was certainly not racially inclusive, particularly in Jim Crow-era Washington. For example, a volume of the "The Woman Lawyer" from 1935 in the WBA Archives, contains simultaneously a proud profile of the WBA,¹⁴⁸ an advertisement for WCL,¹⁴⁹ and a racist joke that mocks the intelligence and understanding of the legal system of two men of color.¹⁵⁰ While there were only a handful of female lawyers of color at the time, the WBA and WCL's tolerance for the prevailing prejudice is unacceptable by modern standards.

4. TRAINING FOR THE FUTURE

As the WBA membership base expanded, the WBA Archives tell of an increased emphasis on professional development, demonstrating the organization's adaptability and ability to keep the organization relevant to a broader membership base. Beginning in the 1930s, the WBA Archives begin to show explicit professional development components to the meetings, merging business meetings with educational programs,¹⁵¹ such as a talk on Chinese Women in the Law and a lecture on changes to the Federal Rules.¹⁵² By the 1940s, the informal dinners that began many years earlier also started to include a speaker or discussion about a current topic.¹⁵³ Dinner speakers over the years covered topics such as the European recovery effort after World War II,¹⁵⁴ "Democracy's Chances in Japan,"¹⁵⁵ and investment strategies for professional women.¹⁵⁶ Many of these events reveal much about the political tenor of the time. For example, notes from a program on the Labor Relations Board in 1961 record the speaker telling his audience that lawyers have a responsibility to fight communism,¹⁵⁷ and topics in the 1980s included "work/family balance."

THE ROAD WINDS UP: UNFINISHED BUSINESS FOR THE WBA AND WCL

Our review of the archives led us to one fundamental, yet critical, point. Women lawyers can, should – and indeed *must* – carry the baton as individuals and in organizations. In the words of Dean Gillett in her address to the Section of Legal Education of the American Bar Association in 1921,

I want to say... that the woman's day is here. The women are not yet at the top. Does the road wind upward all the way? Yes, to the weary end, and we women who are studying law and practicing law are not at the top yet. It is possibly just as well that the road should wind somewhat as we go up.¹⁵⁸

A. THE IMPORTANCE OF EXAMINING THE PAST

Gillett's words from 1921 still ring far too true today – women are not yet at the top of the path. As the road winds up, we look ahead for ideas and behind us for inspiration. It is our hope that this section will ignite that dialogue by highlighting why these Archives matter, what they tell us about the current challenges facing women in the profession, and where we go from there.¹⁵⁹

The value of our shared history is best illustrated by WCL's own winding path. The WCL Archives have already rescued WCL's feminist history from obscurity once before, fundamentally changing the direction of WCL and perhaps providing a blueprint for continued work. By the 1980s there were no full time female faculty members, erasing the history and even memory of the pioneering women law teachers. Around this time, the then-WCL Director of Development was searching for a way to connect WCL with its alumni base, particularly in light of faculty turnover and the school's location on the American University Main Campus. The Director of Development went into the dusty WCL Archives looking for pictures of the old building. There, in antique photos, crumbling newsletters, and faded scrapbooks, he found the early feminist and internationalist roots of WCL; roots that he recognized made WCL a different kind of law school.

The faculty used this information to position WCL as the unique institution that it is today. They created a strategic vision emphasizing WCL programs in international law, clinical legal education, and women's legal studies. WCL faculty founded the Women and the Law Program and the Women and the Law Clinic. They supported the creation of a Journal of Gender, Social Policy and the Law. Faculty later founded the Center for WorkLife Law,¹⁶⁰ until recently housed at WCL, as well as the Domestic Violence Clinic. The faculty recruited and hired female scholars in all areas of the law and bolstered its faculty scholarship in the areas of gender and law. The students joined in the resuscitation of WCL's feminist roots. The Women's Law Association, with the support of the administration, started an annual "Founders' Day" conference, out of which has blossomed an extensive Spring series of over sixty conferences and events that form the centerpiece of WCL's contributions to discourse with the broader legal community. The Archives have proved their value once before.

What lessons do the Archives hold for us today? The Archives teach us that women lawyers used every advocacy tool at their disposal, primarily lobbying, litigating, and legislating to address *de jure* discrimination. We also see that the tools that

our predecessors used have not been as useful in addressing the more embedded barriers that exist today. Today, women face discrimination that is more entrenched and subtle. Traditional legal tools have not proven successful in advancing and retaining women in the highest ranks of the legal profession.¹⁶¹ Eliminating cognitive bias, isolation, and the role of "preference" in hiring and promotion decisions requires new forms of advocacy, as well as new mechanisms of accountability.

Despite legal protections and great numbers of female law school graduates, there is strong evidence of discrimination against women in the legal profession. The National Association of Women Lawyers ("NAWL") points out that in the private sector "almost one out of two law firm associates is a woman, which approximates the law school population but at the highest level of law firm practice, equity partner, in the average firm only one out of six equity partners is a woman."¹⁶² Within the

firm leadership structures, NAWL reports that women generally comprise only 15% of the seats on the law firms' highest governing committee, and 15% of firms have *no* women on their leadership committee.¹⁶³ Only 8% of all managing partners are women.¹⁶⁴ NAWL data also reveals an increasingly widening income disparity as women progress to the highest ranks of partnership.¹⁶⁵ The National Association of Law Placement reports that in law firms it surveyed, 10.07% of associates are minority women.¹⁶⁶ 1.65% of partners are minority women nationally.¹⁶⁷ The statistics in Washington, D.C. are only slightly better, at 10.33%

for minority associates and 2.11% for minority partners.¹⁶⁸ The ABA Commission on Women in the Profession's study, "Visible Invisibility," reported that less than 1% of minority women remained at law firms by their eighth year.¹⁶⁹

Women are similarly underrepresented in the senior ranks of other legal sectors as well. According to the ABA's Commission on Women in the Profession, in 2006 women comprised 15.7% of General Counsels in Fortune 1000 corporations, 16.6 % of General Counsels in Fortune 500 corporations, and 23% of district court and circuit judges.¹⁷⁰ Women currently make up only 20.4% of law school deans, and 26.5% of tenured law school faculty around the nation.¹⁷¹

These challenges reinforce a continued demonstrable need for both the WBA and for the women's legal studies programming at WCL. And, to paraphrase Judge Burnita Shelton Mathews, a reason for women to "band together." It is noteworthy not only that Mussey and Gillett were *women*, but also that there were *two* of them. WCL legend has it that Mussey would not even consider opening the first Women's Law Class if Gillett would not co-teach.¹⁷² It is also no coincidence that the WBA emerged in the aftermath of the pivotal woman suffrage parade in 1913, a classic form of collective action.¹⁷³ There is much rhetoric about the importance of working together, but the Archives provide a stark reminder that the women's movement

The WBA can leverage its organizational status to create pressure for reform in specific law offices that have high attrition, low promotion or part-time policy utilization rates, or insufficient family leave policies, to name just a few.

will not survive if we do not build coalitions strategically. In building a modern coalition to address the current needs of women in the profession, both the WBA and WCL have unique and irreplaceable roles to play.

B. THE WBA IS AS NECESSARY AS EVER

The WBA remains relevant because it is uniquely positioned to find the next set of advocacy and accountability tools, to train future generations of women lawyers, and to maintain the steadfast focus on advancing the interests of women in the profession. The forces faced by women in the legal profession — the ones that push them out of law firms at alarming rates, and that keep them from entering the highest ranks of the profession — are not forces that will be changed by individual women working independently. Simply put, women's advancement in the profession is not another project for the WBA. It is *the* project, the very reason for its continued existence.

The WBA's position is unique in several ways, including its capacity to leverage the institutional power of the WBA to create accountability, the positioning of the WBA as an authoritative voice, and in continuing to build the capacity of individual women lawyers.

1. LEVERAGING INSTITUTIONAL POWER TO CREATE ACCOUNTABILITY

Over the past ninety years, the WBA has banked institutional capital to wield for the benefit of women in the profession. The WBA can utilize this organizational clout by creating new norms for what is acceptable in the legal community. One way to change norms is by better using the publicly available data we already have documenting the current situation of women in the profession. While the data detailed above regarding the lack of women in leadership positions in firms are regularly cited as *proof* that women are not advancing to the highest ranks of the profession, their continual repetition may serve only to reinforce to employers that maintaining the status quo aligns them with the competitive market.

Instead, the WBA should use the data as an *advocacy* tool. The WBA can leverage its organizational status to create pressure for reform in specific law offices that have high attrition, low promotion or part-time policy utilization rates, or insufficient family leave policies, to name just a few. On the flip side, the WBA can also change culture by celebrating and recognizing firms that are identifying new and innovative strategies that work to retain and promote their female work force.¹⁷⁴

For example, the WBA can promote and reinforce broader definitions of the "ideal worker." The traditional model of new attorneys following in lock-step to partnership pretends that all lawyers, all firms, and all legal jobs are all the same. In concrete terms, the WBA can work to open up the marketplace to attorneys who leave the job market for a limited period and return. In October 2008, WCL launched a Re-entry Program for law-

yers who have taken time out of the legal profession and who are searching for ways to re-enter. The WBA and NAWL co-sponsor the program.¹⁷⁵ The WBA as an organization and its members, particularly senior members and leadership, can advocate employers to hire talented re-entry applicants, and create employment policies that enable these workers to use their skills and experience. The WBA could then celebrate and applaud those efforts. The proposal starts with something as simple as offering internships to re-entering lawyers; it ends with something as complex as creating workplaces that value diversity of experience.

2. USING EXPERIENCE TO SET A RESEARCH AGENDA

The WBA's ninety year history of fighting for the inclusion of women in the legal profession, and the personal experiences of all of its members, give it a tremendous well of experience. The WBA has unique expertise that it should use to frame a complete and strategic research agenda for the collection of the empirical research needed to advance the dialogue regarding the place of women in the profession. The WBA is in a unique position to help researchers discern the right questions and then answer them.

For example, the WBA is well positioned to ask *why* certain existing policies or systems, such as part-time policies implemented by well-meaning employers, are not achieving the necessary results. The large membership of the WBA is a huge untapped source of knowledge about the lived realities of women attorneys, but researchers must pull all of that information together to help make sense of systemic problems. Despite a number of excellent studies, many outstanding research questions remain on issues such as the gendered impacts of billable hour structures, the practical functionality of part-time jobs, the role of unpredictable work hours in job satisfaction, the impact of micro-level interactions among personnel, the perceived value of specific kinds of labor, the particular ways in which women of color, lesbians and women with disabilities are largely marginalized in complex ways, whether men and women approach their tasks differently in a way that disadvantages women, and, whether women still lag behind in management and business development, and if they do, what the implications of this lag might be. The WBA can play a critical role in re-igniting the dialogue by communicating with the academic community about what the stumbling blocks to success might be. The WBA may also help researchers locate funding for studies to test those ideas, and place interested social scientists in contact with research subjects or perhaps even commission the work itself.

The WBA can also engage with researchers, such as labor economists, to improve the arguments needed to convince legal employers to change. For example, the legal community has put a lot of stock in the argument that there is a "business case" for the retention and advancement of women and women of color.¹⁷⁶ Law firms are inherently bottom-line driven. If the "business case" for diversity were as persuasive as the rhetoric would sug-

gest, one might assume that the numbers would speak for themselves in client's "voting with their feet." The WBA can marshal resources to examine this argument rigorously.

Of course, being a vocal critic of law firm employment policies and business models, and advocating for change, may create challenges for the WBA as well. Early WBA documents suggest that the WBA was very reluctant to solicit formal sponsorships because they undermined the ability of the organization to take controversial positions on issues.¹⁷⁷ To play the leadership role in changing the current legal culture, the Association must be free to make unconstrained assessments of the field. Law firms support, both socially and financially, the excellent work of the Association, especially with regard to professional and leadership development. So, the WBA, like all professional organizations, must strike a careful balance between finding ways to support the diverse range of programs it offers its membership base, while still positioning itself to leverage its institutional capacity for advocacy.

3. DEVELOPING LEADERSHIP CAPACITY

The WBA Archives also reinforce the WBA's unique role in the development of women's leadership capacity. Much like the benefit of *pro bono* legal work, which is often seen as one way for young associates to gain practical experience as well as perform a public service, working in the leadership structure of the WBA should be seen as a public good as well as of personal benefit to the women who develop their talents for networking, development, organization and, of course, multi-tasking. The women's bar remains a critical forum through which active women can rise quickly, while working on an issue about which they are passionate—their own profession. Given the alarming attrition rates among women of color, development of the leadership talents of women from historically discriminated groups is particularly pressing.

One area of leadership capacity-building that the WBA is uniquely positioned to address is the gap—be it perceived or real—in the business development skills of women lawyers. This subject is nearly invisible in law schools, perhaps because law professors generally have little experience or interest in managing law practices. Rainmaking seminars seem to have made only a small dent in the perception that women do not rise in firms because they do not contribute as much as men to the generation of business. The leadership of the WBA is positioned well to question the underlying assumptions regarding the economic value to firms of various kinds of labor, and to present a role model of the business of law to new attorneys.

The development of leadership should extend to law students—and cover the concept of civic leadership and professional responsibility as well. The recent Carnegie Report on Legal Education¹⁷⁸ points out that law schools do an excellent job of training students in the substantive knowledge of law, yet a poor job of training students in what they call the "apprenticeship of professional identity and purpose." The con-

cept goes beyond legal ethics as tested for admission to the bar. The concept instead stretches to what the identity of a lawyer—a professional—entails in the sense of personal, community and civic responsibility. The WBA and similar organizations can step into this breach by working directly with students, modeling for them what it means to engage in a self-reflexive law practice that includes not only their billable work, but also work for the larger community. Even better, it could more actively engage law students concretely in the work of the Association, helping them to learn not only about women in the profession, but also to absorb the business development, organizational and social skills a great lawyer needs.

B. ACADEMIA PLAYS A ROLE IN SUPPORTING WOMEN IN THE PROFESSION

With women making up half of all law school graduates, the Archives also reinforce the ongoing role of women's legal studies. Legal education in most U.S. law schools looks remarkably like it did in Mussey and Gillett's day. While many law schools offer limited courses in sex-based discrimination, the needs and concerns of women remain largely invisible or unexplored in mainstream law school classes.¹⁷⁹ Notably, the young lawyers who exit law firms were also recently students, and it is likely that law schools have a part to play in the advancement of women in the profession. In all of these areas, there is still a strong role for WCL and similar academic institutions.

Legal academics have a role in changing the nature of law itself—in this case making sure it is not used as a tool to perpetuate gender inequality, questioning its foundations to ensure that they do not rest on outmoded stereotypes, and ensuring that it meets the needs of today's women. But, changing the culture of legal academia to open law up to this kind of inquiry is difficult and complex. While scholars have written on these topics extensively for the past forty-five years, and there has been improvement in many case books, there are some aspects of the law school curriculum (such as the basic content of the first year of law school, or the use of the Socratic method) that appear to have changed little in response. Academics with institutional support have a better chance at changing curricula, publishing research, and changing law school pedagogy to better account for the needs and experiences of women. There is still much room for improvement, even in schools such as WCL, who have made enormous efforts to integrate gender across the curriculum.

Law schools shape the expectations and experiences of young lawyers. Mussey took a long-term interest in the careers of her "girls,"¹⁸⁰ and law schools today must do the same. Today, law schools' interest must extend to understanding the reasons why their women alumni are leaving the private practice of law. Many lawyers, particularly female lawyers, report that they leave law firms because they simply cannot make law firm life square with the rest of their life.¹⁸¹ Law schools can play a role in teaching their students how to identify the firms, jobs, and

fields that will lead to a satisfying life as well as a career in law. Students who can discern what law firms put genuine resources into promoting and retaining women, and women of color in particular, will probably fare better in finding wonderful opportunities for a satisfying career that do exist in practice.

CONCLUSION

Mussey and Gillett founded these two organizations – one to train lawyers, one to support them in their practice. But their work is not nearly complete. The archives tell us that our “mothers-in-law” succeeded in opening doors to every legal sector for women, obtaining the vote, securing fair pay legisla-

tion, and training generations of women lawyers. Ninety years later, we can be certain that Mussey and Gillett would be proud of the partnership that continues between these two institutions. For this project, we have gone back to the proverbial well, looking into the legacy of Mussey, Gillett, and the women they worked and struggled with for inspiration and ideas. We hope that with the availability of these Archives, others will do the same and wind up the unfinished business of Mussey and Gillett.

ENDNOTES

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¹ Burnita Shelton Matthews, *Why an Association of Women Lawyers*, 21 WOMEN LAWYERS’ J. 32 (1935).

² See, e.g., Minutes from Meeting of WBA of D.C. 2 (May 2, 1950) (recognizing Ms. Mussey’s 100th birthday with a ceremony at her grave in Oak Hill Cemetery).

³ Washington College of Law [hereinafter WCL], where used, also refers to Women’s Law Class, the former name of the institution founded by Ellen Spencer Mussey and Emma Gillett.

⁴ See, e.g., Minutes from Meeting of WBA of D.C. 2 (Feb. 16, 1932).

⁵ WBA OF D.C., CREATING PATHWAYS TO SUCCESS 6 (2006).

⁶ In our work, we have focused considerably more on the materials from the WBA, as the history of WCL has been excellently chronicled by others, most notably Mary L. Clark. See Mary L. Clark, *The Founding of the Washington College of Law: The First Law School Established by Women for Women*, 47 AM. U. L. REV. 613, 672 (1998); VIRGINIA G. DRACHMAN, SISTERS IN LAW: WOMEN LAWYERS IN MODERN AMERICAN HISTORY, 148-156 (Harv. Univ. Press 1998) [hereinafter SISTERS IN LAW].

⁷ DRACHMAN, SISTERS IN LAW, *supra* note 6, at 39.

⁸ *Id.* at 152.

⁹ *Id.* at 40.

¹⁰ Minutes from WBA Meeting 1 (Feb. 15, 1927) (on file with the WBA Archives at Washington College of Law’s Pence Law Library) [hereinafter WBA Archives]; see also, GRACE HATHAWAY, FATE RIDES A TORTOISE A BIOGRAPHY OF ELLEN SPENCER MUSSEY 198 (The John C. Winston Co. 1937) (describing Mrs. Mussey’s involvement in getting a bill allowing women to serve on juries in D.C. passed in 1927).

¹¹ U.S. CONST. amend. XIX (allowing women the right to vote in 1921).

¹² HATHAWAY, *supra* note 10, at 99 (noting that bill granting women right to hold property in own name after marriage in D.C. signed into law in 1896).

¹³ *Id.* at 199 (noting that Mussey still practiced law when she was seventy-seven years old).

¹⁴ VIRGINIA G. DRACHMAN, WOMEN LAWYERS AND THE ORIGINS OF PROFESSIONAL IDENTITY IN AMERICA: THE LETTERS OF THE EQUITY CLUB, 1887-1890 223 (Univ. of Michigan Press, 1993) [hereinafter WOMEN LAWYERS].

¹⁵ Minutes from First Meeting to Effect a Bar Ass’n for Women (May 19, 1917) (on file with the WBA Archives). For more information on Belva Lockwood’s

fight to gain admittance to the Supreme Court Bar, see DRACHMAN, SISTERS IN LAW, *supra* note 6, at 26-27 (describing the Act of Congress required to force the United States Supreme Court to admit a woman to practice in front of it).

¹⁶ DRACHMAN, WOMEN LAWYERS, *supra* note 14, at 223.

¹⁷ Letter from Emma Gillett to Equity Club (Apr. 27, 1889), reprinted in DRACHMAN, WOMEN LAWYERS, *supra* note 14, at 159-62 (explaining the nature of her work, characterized as “very little court work”).

¹⁸ See, e.g., *History of WCL: Dean Ellen Spencer Mussey*, WASHINGTON COLLEGE OF LAW, <http://www.wcl.american.edu/history/deanmussey.cfm> (last visited Oct. 15, 2008) (noting that Alumni Association raised funds for scholarships as early as 1903); Minutes from the Fall Meeting of the WBA of D.C. 1 (Oct. 21, 1924).

¹⁹ See WCL Catalog 1 (1904-1905); see also, DRACHMAN, SISTERS IN LAW, *supra* note 6, at 153.

²⁰ HATHAWAY, *supra* note 10, at 130.

²¹ DRACHMAN, SISTERS IN LAW, *supra* note 6, at 152.

²² Clark, *supra* note 6, at 672.

²³ HATHAWAY, *supra* note 10, at 188 (noting that student Helen Jamison wrote a text on common law pleading, and surmising that this may have been the first legal textbook written by a woman, and that Nanette Paul wrote text on parliamentary law).

²⁴ *Id.* at 185-194 (describing the careers of some WCL students, including Katherine Sellers, the first woman to be appointed to the bench under federal authority).

²⁵ *Id.* at 129.

²⁶ *Emma Melinda Gillett (Obituary)*, 15.2 WOMEN LAWYERS’ J. 3 (1927).

²⁷ Clark, *supra* note 6, at 656.

²⁸ See *id.* Clark’s article gives an excellent and thorough account of this issue.

²⁹ HATHAWAY, *supra* note 10, at 6.

³⁰ See, e.g., WCL Catalog 7 (1899-1900).

³¹ Clark, *supra* note 6, at 656.

³² DRACHMAN, SISTERS IN LAW, *supra* note 6, at 174.

³³ *Rule in Force for Years Due to be Broken in January*, WASH. POST, at M8 (Dec. 20, 1931) (noting that D.C. Bar association to take first women members starting in January 1932).

³⁴ Letter from the WCL Alumni Ass’n (1917) (on file with the WBA Archives).

³⁵ Minutes from First Meeting to Effect a Bar Association for Women (May 19, 1917) (on file with the WBA Archives).

³⁶ Minutes from Meeting of WBA of D.C. 2 (Oct. 9, 1917) (on file with the WBA Archives).

³⁷ CONST. WOMEN’S BAR ASS’N OF D.C. art. II.

³⁸ Ellen Spencer Mussey, President, WBA of D.C., First Annual Address of President 1-2 (May 14, 1918) (on file with the WBA Archives).

³⁹ *Id.* at 2.

⁴⁰ Ida May Moyers, President, WBA of D.C., Annual Report of the President 1 (May 11, 1920) (on file with the WBA Archives).

⁴¹ Beatrice A. Clephane, President, WBA of D.C., Report of the President 2 (1936) (on file with the WBA Archives).

- ⁴² Nadine Lane Gallagher, President, WBA of D.C., Report of the President 1 (1943-1944).
- ⁴³ Minutes from Meeting of WBA of D.C. 1 (May 17, 1949) (on file with the WBA Archives).
- ⁴⁴ See Jo Garrison, *Patricia Frohman Receives Young Lawyer of the Year Award*, NEWS & VIEWS WBA OF D.C. 1 (Aug. 1966).
- ⁴⁵ Letter from Joan Countryman & Kathleen A. Bauer to Thomas Leary 1 (Mar. 17, 1983) (on file with the WBA Archives).
- ⁴⁶ Jennifer Maree, WBA President, *The Women's Bar Association: Raising the Bar for 91 Years!*, <http://www.wbadc.org/index.cfm> (last visited Oct. 15, 2008).
- ⁴⁷ See, e.g., Letter from M.A. Easby-Smith (Oct. 5, 1920) (announcing the Fall meeting of the WBA) (on file with the WBA Archives).
- ⁴⁸ See, e.g., Minutes from Mid-Winter Meeting of WBA of D.C. 2 (Jan. 11, 1920) (on file with the WBA Archives).
- ⁴⁹ *Id.*
- ⁵⁰ Minutes from Meeting of WBA of D.C. 2 (Oct. 9, 1917) (on file with the WBA Archives) (recording election of Mussey); Minutes from Meeting of WBA of D.C. 2 (May 10, 1921) (on file with the WBA Archives) (recording election of Gillett).
- ⁵¹ *History of WCL: Deans Past & Present*, WASHINGTON COLLEGE OF LAW, <http://www.wcl.american.edu/history/deans.cfm> (last visited October 15, 2008). Mussey served as Dean from 1898-1914. Gillett served as Dean from 1914-1925.
- ⁵² *Id.*
- ⁵³ HATHAWAY, *supra* note 10, at 89.
- ⁵⁴ *Id.* at 98-99.
- ⁵⁵ DRACHMAN, SISTERS IN LAW, *supra* note 6, at 70.
- ⁵⁶ HATHAWAY, *supra* note 10, at 155.
- ⁵⁷ *Id.* at 156.
- ⁵⁸ Mussey, *supra* note 38, at 1.
- ⁵⁹ HATHAWAY, *supra* note 10, at 166.
- ⁶⁰ See, e.g., Minutes from the Special meeting of the WBA of D.C., December 14, 1925, 1 MINUTES OF THE WOMEN'S BAR ASS'N 145; Minutes from the meeting of the WBA of D.C., Feb. 17, 1931, 1 MINUTES OF THE WOMEN'S BAR ASS'N 215; Minutes from the meeting of the WCA of D.C., May 19, 1931, 1 MINUTES OF THE WOMEN'S BAR ASS'N 222 (noting the passage of the bill to extend the right to recover nationality to women passed Congress and signed into law).
- ⁶¹ Minutes from the Special Meeting of the WBA of D.C. 1-2 (Dec. 14, 1925) (on file with the WBA Archives).
- ⁶² *Id.*
- ⁶³ Letter from Ida May Moyers to the Membership of the WBA of D.C. 2 (Apr. 20, 1921) (announcing the Fall meeting of the WBA) (on file with the WBA Archives).
- ⁶⁴ *Id.*
- ⁶⁵ See *id.* at 3.
- ⁶⁶ Verta Taylor, *Social Movement Continuity: The Women's Movement in Abeyance*, 54 AM. SOC. REV. 761, 763 (1989).
- ⁶⁷ Clark, *supra* note 6, at 668 (citing Henna Hill Kay, *The Future of Women Law Professors*, 77 IOWA L. REV. 5 (1991)).
- ⁶⁸ See *id.* at 615.
- ⁶⁹ Taylor, *supra* note 66, at 761 (suggesting that National Women's Party served to bridge first and second waves of women's movement).
- ⁷⁰ Minutes from the meeting of the WBA of D.C. (Nov. 13, 1935) (approving adoption of regulations for government of Junior Bar Section).
- ⁷¹ Taylor, *supra* note 66, at 765 (reporting that most members of National Women's Party in 1950 were fifty years or older).
- ⁷² Minutes from Special meeting of WBA of D.C. (Dec. 14, 1925) (on file with the WBA Archives).
- ⁷³ *Id.*
- ⁷⁴ Minutes from Meeting of WBA of D.C. (May 19, 1931) (on file with the WBA Archives).
- ⁷⁵ REPORT OF THE COMMITTEE OF THE WOMEN'S BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA TO STUDY THE DOCUMENTS RELATED TO THE PERMANENT COURT OF INTERNATIONAL JUSTICE (Government Printing Office 1933).
- ⁷⁶ See, e.g., Minutes from Meeting of WBA of D.C. Board of Directors and Committee Chairmen 3 (Jan. 24, 1949) (expressing concern regarding continued discrimination against women in public employment.) (on file with the WBA Archives).
- ⁷⁷ Taylor, *supra* note 66, at 765 (describing attacks on feminists made in *Modern Women*, FERDINAND LUNDBERG AND MARYNIA F. FARNHAM, MODERN WOMEN: THE LOST SEX (Harper & Brothers 1947)).
- ⁷⁸ WBA Annual Dinner Speech (Feb. 5, 1946) (on file with the WBA Archives).
- ⁷⁹ WBA of D.C. Report of September Meeting 1 (Oct. 7, 1957) (on file with the WBA Archives).
- ⁸⁰ Minutes from Meeting of WBA of D.C. 2 (Sept. 28, 1965) (on file with the WBA Archives).
- ⁸¹ *Legislation Supported by WBA Enacted Into Law*, NEWS & VIEWS WBA OF D.C. 2 (Nov. 1965) (on file with the WBA Archives).
- ⁸² See, e.g., Minutes from Meeting of Board of Directors of WBA of D.C. 2 (Nov. 29, 1948) (on file with the WBA Archives); Minutes from Meeting of WBA of D.C. 3 (Mar. 15, 1949) (on file with the WBA Archives); WBA Committee Functions and Committee Assignments for Year 1960-1961, 4 (on file with the WBA Archives).
- ⁸³ Felicitously, Judge Joyce Hens (Green) is the featured speaker at the WBA/WCL dinner to celebrate the creation of the archives project.
- ⁸⁴ Letter from Ruth Joyce Hens to Miss O.M. Miracle (Oct. 24, 1960) (on file with the WBA Archives).
- ⁸⁵ *Id.* at 1-2.
- ⁸⁶ Establishing A Committee and A Council Relating to The Status of Women, 28 Fed. Reg. 11717 (Nov. 2, 1963).
- ⁸⁷ WBA of D.C. October Meeting Notice (Oct. 14, 1965) (on file with the WBA Archives).
- ⁸⁸ See, e.g., Letter from Elizabeth Guhring, President, WBA of D.C. to Louise O'Neill (1966) (on file with the WBA Archives).
- ⁸⁹ WBA of D.C., *Our History*, <http://www.wbadc.org/displaycommon.cfm?an=2> (last visited Oct. 6, 2008) (listing relevant events in WBA history, including its work with the judiciary and legislative branches of the federal and D.C. government).
- ⁹⁰ Brief for Women & Families et al., as Amici Curiae Supporting Petitioner, *Ledbetter v. Goodyear Tire & Rubber Co., Inc.*, 421 F.3d 1169 (2007) (No. 05-1074) (emphasizing the petitioner's right for equal pay for each day of equal work).
- ⁹¹ Minutes from Meeting of WBA of D.C. 2 (May 17, 1932) (on file with the WBA Archives).
- ⁹² Letter from Grace Kanode Vickers to Beatrice A. Clephane 2 (May 19, 1936) (on file with the WBA Archives).
- ⁹³ *Id.*
- ⁹⁴ Minutes from Meeting of WBA of D.C. 3 (Oct. 9, 1917) (on file with the WBA Archives).
- ⁹⁵ Report, Meeting of American Bar Association 2 (1919) (denoting the social goals of the American Bar Association).
- ⁹⁶ Letter from Evelyn L. Krupp to Honorable Harry S. Truman (Nov. 3, 1945) (on file with the WBA Archives).
- ⁹⁷ Minutes of Meeting of the WBA of D.C. 1 (Oct. 17, 1933) (on file with the WBA Archives).
- ⁹⁸ See, e.g., Minutes of Meeting of WBA of D.C. 2 (Jan. 19, 1926); Minutes of Meeting of WBA of D.C. 2 (May 18, 1926) (on file with the WBA Archives); Minutes of Meeting of WBA of D.C. 2 (Feb. 19, 1929) (on file with the WBA Archives).
- ⁹⁹ Ida May Moyers, President, WBA of D.C., Annual Report of the President 1 (May 11, 1920) (on file with the WBA Archives).
- ¹⁰⁰ See, e.g., Minutes of Meeting of WBA of D.C. 2 (Oct. 10, 1922) (on file with the WBA Archives); Resolution of WBA (Oct. 10, 1922) (on file with the WBA Archives); Minutes of Regular Fall Meeting of WBA of D.C. 1 (Oct. 16, 1923) (on file with the WBA Archives); Minutes of Special Meeting of WBA of D.C. (Jan. 31, 1928) (on file with the WBA Archives).
- ¹⁰¹ Letter from Lenore G. Ehrig (1966) (on file with the WBA Archives); see, e.g., Minutes of Special Meeting of the WBA of D.C. (Oct. 24, 1930) (approving the endorsement of member Rebekah Greathouse for a position as U.S. Assistant Attorney General); Minutes of Meeting of the WBA of D.C. 2 (Feb. 17, 1931) (reporting on the letter addressed to the President of the United States and the Attorney General, which endorsed WBA member, Rebecca Greathouse, for a position as U.S. Assistant Attorney General). Mrs. Greathouse was later appointed. *Women Regard Lawyer Debate with Tolerance*, WASH. POST, Mar. 28, 1934, at 15 (noting that Mrs. Greathouse was a former Assistant Attorney General).
- ¹⁰² See, e.g., Letter from Ruth Joyce Hens to President-Elect John F. Kennedy (Jan. 16, 1961) (on file with the WBA Archives); Deans: Past & Present, *supra* note 51; Letter from Evelyn L. Krupp to Honorable Harry S. Truman (Nov. 3, 1945) (on file with the WBA Archives); Minutes of Special Meeting of WBA of D.C. (Jan. 25, 1934) (on file with the WBA Archives).
- ¹⁰³ See Minutes Meeting of Board of Directors of WBA of D.C. 1-2 (June 27, 1962) (on file with the WBA Archives) (reporting that the WBA had written letters to the President and Attorney General endorsing a WBA member for appointment to a judicial vacancy).

ENDNOTES CONTINUED

- ¹⁰⁴ Minutes of Meeting of WBA of D.C. 2 (Oct. 20, 1925) (on file with the WBA Archives).
- ¹⁰⁵ See, e.g., *Women Won't Work For Him If District Attorney Knows It*, WASH. POST, at 13 (Mar. 24, 1934) (reporting that District Attorney, Mr. Garrett, was unwilling to have women as assistants in his office); Ida May Moyers, President, WBA of D.C., Annual Report of the President 1 (May 11, 1920) (on file with the WBA Archives).
- ¹⁰⁶ *Id.*
- ¹⁰⁷ Minutes of the Special Meeting of the WBA of D.C. 1 (Mar. 18, 1930) (on file with the WBA Archives).
- ¹⁰⁸ See Minutes of Meeting of WBA of D.C. 2 (Oct. 21, 1930) (on file with the WBA Archives) (authorizing the Executive Committee to recommend the appointment of a WBA member, as long as two candidates are not interested in a single position); Minutes of Meeting of WBA of D.C. 2-4 (Feb. 17, 1931) (on file with the WBA Archives).
- ¹⁰⁹ Minutes of Meeting of YWCA of WBA of D.C. (on file with the WBA Archives).
- ¹¹⁰ Minutes of WBA Meeting 2 (Jan. 25, 1966) (on file with the WBA Archives); Minutes of WBA Meeting of Board of Directors (Nov. 22) (on file with the WBA Archives).
- ¹¹¹ Minutes of Special Meeting of WBA of D.C. 1 (Mar. 18, 1930) (on file with the WBA Archives).
- ¹¹² See, e.g., Sara Mero Williams, President, WBA of D.C., Report of the President 1945-1946, 2 (on file with the WBA Archives).
- ¹¹³ See, e.g., Memorandum from WBA regarding Committee Appointments for the year 1957-1958; *accord*. Notes of Special Meeting of WBA dated Dec. 1, 1917, at 4 (establishing a committee on grievances, auditing, incorporation, and volunteer work); WBA of D.C., *Our History*, <http://www.wbadc.org/displaycommon.cfm?an=2> (last visited Oct. 6, 2008).
- ¹¹⁴ See, e.g., Minutes of Meeting of WBA of D.C. 2 (Jan. 13, 1920) (on file with the WBA Archives).
- ¹¹⁵ See, e.g., Annual Report of Publicity Committees (May 1936) (on file with the WBA Archives); History of the Affiliation of the WBA with the National Association of Women's Lawyers 1 (on file with the WBA Archives); Report on the National Association of Women Lawyers (on file with the WBA Archives).
- ¹¹⁶ See Business and Professional Women/USA, <http://www.bpwusa.org/i4a/pages/index.cfm?pageid=3678> (last visited Oct. 12, 2008) (including information on the history, membership, and current events of the Business and Professional Women Association). Rewalt was on the Business and Professional Women Board of Directors.
- ¹¹⁷ *Individual Portraits Contained in the Records of the National Woman's Party, in NATIONAL WOMAN'S PARTY: A REGISTER OF ITS RECORDS IN THE LIBRARY OF CONGRESS*, (Groups I and II) 57-58, 66 (2005), http://memory.loc.gov/ammem/collections/suffrage/nwp/portrait_list.pdf.
- ¹¹⁸ CONST. WOMEN'S BAR ASS'N OF D.C.; Letter from Helen V. Dolan to Edith G. Grown (Feb. 13, 1967) (on file with the WBA Archives).
- ¹¹⁹ See, e.g., Temporary CONST. WOMEN'S BAR ASS'N OF D.C. (1917) (on file with the WBA Archives).
- ¹²⁰ See WBA of D.C. Home Page, <http://www.wbadc.org/> (last visited Sept. 1, 2008).
- ¹²¹ Martha K. Pearce to Equity Club, 1887, Ann Arbor, Equity Club Letters, Dillon Collection, *reprinted in Women Lawyers*, *supra* note 14, at 62.
- ¹²² Martha K. Pearce to Equity Club, 1887, Ann Arbor, Equity Club Letters, Dillon Collection, *reprinted in DRACHMAN, WOMEN LAWYERS*, *supra* note 15, at 62-63.
- ¹²³ See *id.* at 1-38 (discussing letters written by early female lawyers).
- ¹²⁴ See, e.g., Minutes of Meeting of WBA of D.C. 1 (May 18, 1926); Minutes of Special Meeting of Exec. Comm. of WBA of D.C. (Nov. 7, 1930) (on file with the WBA Archives).
- ¹²⁵ HATHAWAY, *supra* note 10, at 107 (noting that Gillett's law partner W. J. Newton, Associate Justice the Court of Appeals Seth Shepard, and Dean of Catholic University William Robinson, taught law classes in 1897).
- ¹²⁶ Clark, *supra* note 6, at 676.
- ¹²⁷ CYNTHIA FUCHS-EPSTEIN, *WOMEN IN LAW* 260 (Basic Books 1981) (listing five non-WCL female law school deans up through 1981).
- ¹²⁸ Interview conducted by Amerlia Fry, Suffragists Oral History Project, Burnita Shelton Mathews: Pathfinder in the Legal Aspects of Women (1973), *available at* <http://www.calisphere.universityofcalifornia.edu> (last visited on Sept. 10, 2008).
- ¹²⁹ CYNTHIA FUCHS-EPSTEIN, *supra* note 127, at 227.
- ¹³⁰ *Id.* at 233.
- ¹³¹ Table Showing Analysis of Expenditures of the Women's Bar Association.
- ¹³² See, e.g., *Annual Dinner of Bar Group Next Saturday*, WASH. POST, Jan. 14, 1934, at S2; *Women of Bar Dine Saturday: Three Talks Slated*, WASH. POST, Mar. 23, 1936, at 17; see Minutes of Meeting of WBA of D.C. 1 (May 18, 1926); see also Minutes of Special Meeting of Exec. Comm. of WBA of D.C. (Nov. 7, 1930) (on file with the WBA Archives).
- ¹³³ See Letter from Laura M. Berrien to Members of the WBA of D.C. (Nov. 15, 1917) (on file with the WBA Archives).
- ¹³⁴ Curoe, *Report of Chairman of Program Committee of the WBA of D.C. at 2* (undated) (on file with the WBA Archives).
- ¹³⁵ *WBA of D.C. Calendar of Events*, <http://www.wbaD.C.org/cde.cfm?event=205979> (May 15, 2008).
- ¹³⁶ Legal Bisnow, Last Night's Ginsburg Honors, *available at* http://www.bisnow.com/washington_D.C._commercial_real_estate_news_story.php?p=1130.
- ¹³⁷ WBA Showcase Programs, <http://www.wbaD.C.org/displaycommon.cfm?an=6> (last visited Sept. 1, 2008).
- ¹³⁸ Minutes of Meeting of WBA of D.C. 2 (Nov. 28, 1961) (on file with the WBA Archives).
- ¹³⁹ *Id.*
- ¹⁴⁰ WBA of D.C. Program 1 (on file with the WBA Archives) (recording a reception for women lawyers and the wives of ABA officials in 1960).
- ¹⁴¹ Minutes of Special Meeting of Exec. Comm. of the WBA of D.C. 2 (Oct. 16, 1931) (on file with the WBA Archives).
- ¹⁴² See *Women Lawyers*, *supra* note 14, at 227.
- ¹⁴³ See William F. Yost, III, *Women and Bar Leadership*, 44 ADVOCATE 4, 4 (2001).
- ¹⁴⁴ CYNTHIA FUCHS-EPSTEIN, *supra* note 127, at 260.
- ¹⁴⁵ *Id.*
- ¹⁴⁶ *Id.*
- ¹⁴⁷ *Id.*
- ¹⁴⁸ Moyers McElroy and Edwina Austin Avery, *The WBA of D.C.*, 21 WOMEN L. J. 21-26 (1935).
- ¹⁴⁹ *Id.* at 46.
- ¹⁵⁰ *Id.*
- ¹⁵¹ See, e.g., Minutes of Special Meeting of Exec. Comm. of the WBA of D.C. 1 (Oct. 16, 1931) (on file with the WBA Archives).
- ¹⁵² Annabel Matthews, President, WBA of D.C., Report of President: 1938-1939, 1.
- ¹⁵³ See Minutes of Regular Meeting of WBA of D.C. 1-2 (Jan. 15, 1941) (on file with the WBA Archives).
- ¹⁵⁴ Report of the President 1945-1946.
- ¹⁵⁵ Williams, President, *supra* note 112, at 2.
- ¹⁵⁶ Report of September Meeting WBA of D.C. (1957-1958) (on file with the WBA Archives).
- ¹⁵⁷ Williams, *supra* note 112, at 1.
- ¹⁵⁸ Emma Melinda Gillett (Obituary), 15 WOMEN L. J. 2 (Apr. 1927).
- ¹⁵⁹ A few additional areas for research might be the fascinating lives of some members, such as Rebekah Greathouse, WCL alum and active WBA member, who was the first woman District Attorney in Washington, DC and a force in Alice Paul's National Women's Party. Other figures that merit sustained exploration include the first female District Court Judge Burnita Shelton Mathews, who taught at WCL and was active in the WBA for years, and Marguerite Rawalt, who was extraordinarily active in both the WBA and the Women's Business and Professional Association.
- ¹⁶⁰ Originally known as the Program on Gender, Work & Family.
- ¹⁶¹ See Creating Pathways to Success, Initiative on Advancement and Retention of Women, *available at* <http://www.wbadc.org> (WBA 2006) [hereinafter Pathways to Success].
- ¹⁶² National Association of Women Lawyers, National Survey on Retention and Promotion of Women in Law Firms 4-5 (2007) (stating that women comprise 49% of the entry-level classes of a sampling of large law firms, 47% of mid-level associates, 43% of 7th-year associates, 30% of of-counsels, 26% of non-equity partners, and 16% of equity partners).
- ¹⁶³ *Id.* at 3.
- ¹⁶⁴ *Id.* at 7.
- ¹⁶⁵ *Id.* at 8-9.
- ¹⁶⁶ American Bar Association, Comm. on Women in the Profession, *Visible Invisibility* at 10 (2006).
- ¹⁶⁷ *Id.*
- ¹⁶⁸ *Id.*
- ¹⁶⁹ *Id.*
- ¹⁷⁰ ABA Comm. on Women in the Profession, *A Current Glance at Women in the Law* (2006), *available at* <http://www.abanet.org/women/reports.html> (last

visited Aug. 31, 2008).

¹⁷¹ *Id.*

¹⁷² See Clark, *supra* note 6, at 672 (citing Grace Hathaway's biography of Mussey, Fate Rides a Tortoise, but noting that Hathaway book is largely a tribute).

¹⁷³ Ellen Spencer Mussey, President, WBA of D.C., First Annual Address of President 1 (May 14, 1918) (on file with the WBA Archives).

¹⁷⁴ See, e.g., FlexTime Lawyers and Working Mother Best Law Firms Initiative, available at <http://www.flextimelawyers.com/best.asp> (listing fifty best national law firms for women as measured by family-friendly employment policies and advancement and retention of women).

¹⁷⁵ American University Washington College of Law Lawyer Re-Entry Program, <http://www.wcl.american.edu/reentry/> (last visited Oct. 7, 2008).

¹⁷⁶ See Pathways to Success, *supra* note 161.

¹⁷⁷ See Minutes of Regular Meeting of WBA of D.C. 3 (Sept. 16, 1947) (on file with the WBA Archives) (dismissing the idea of including advertisements in the

annual dinner materials because it "was not consonant with the dignity of the organization").

¹⁷⁸ Educating Lawyers Preparation for the Profession of Law, http://www.carnegiefoundation.org/dynamic/publications/elibrary_pdf_632.pdf (last visited Sept. 14, 2008).

¹⁷⁹ Lucinda Finely, *A Break in the Silence: Including Women's Issues in a Torts Course*, 1 YALE J.L. & FEMINISM 41 (1989).

¹⁸⁰ HATHAWAY, *supra* note 10, at 185-94.

¹⁸¹ Joan Williams et al., *Opt Out or Pushed Out?: How the Press Covers Work/Family Conflict, The Untold Story of Why Women Leave the Workforce* 29 (2006), available at <http://www.worklifelaw.org/> (last visited Oct. 7, 2008).



(from left to right) The Honorable Judge Joyce Hens Green (United States, District Court of the District of Columbia), Diana Savit (President, Women's Bar Association Foundation), Claudio Grossman (Dean of American University— Washington College of Law)