Symposium Overview

The Lara D. Gass Symposium on Women in the Law\(^1\) is designed to bring awareness to issues relating to women, gender equality, and diversity. Organized by the Women Law Students Organization (WLSO) at Washington and Lee University School of Law (W&L Law), the inaugural symposium celebrated 40 years of women law graduates at W&L and honored Lara Gass, a graduating third year law student at W&L who left her mark on the school in countless ways before tragically passing away in the spring of 2014.\(^2\) The symposium on March 27, 2015 brought the insights of alumnae to bear on critical issues confronting women in the law today.\(^3\) It also provided an opportunity for current students to connect with alumni and professionals from across the Southeast.

In 1975, the first class of women law students graduated from Washington and Lee University. Over the past forty years, the legal profession has evolved to better support the female sex. Today, women lawyers work as respected equity partners, members of Congress, law school deans, and justices on the U.S. Supreme Court. They run their own law firms and they run for U.S. President. Women have progressed because they have fought hard for a seat at the table, yet disparities in pay and barriers to advancement still persist.

The panelists explored the state of women in the law based on their professional and personal experiences. The first panel, comprised of alumnae representing four decades of W&L law women, addressed the advancement of women in the profession. The second panel discussed the persistence of gender disparities in the legal field and how young female attorneys can bridge barriers they may face in the workplace through a roundtable discussion.

Several themes resounded throughout the day. Our speakers all spoke positively of their experiences at W&L Law. Alumnae that graduated during the 1970s spoke of the difficulty they encountered when trying to break into the profession. More recent alumnae felt that they often had to work harder and be more productive “just to break even.” Many of the speakers expressed that women should not just work to beat the odds and ascend into leadership or managerial roles, nor should they simply build a ladder by example to help other women do the same. Instead, women lawyers should reach back and help the next woman ascend as well. Similarly, the speakers stressed that women should actively seek out mentors.

\(^1\) Video recordings from the Symposium are available online:
Panel 1: https://www.youtube.com/watch?v=5gW9fvNAZCg
Panel 2: https://www.youtube.com/watch?v=EdTsziOvJw

\(^2\) Lara was active with WLSO and, with Judge Rebecca Connelly, planned a WLSO panel on women in the law and networking reception in the spring of 2014.

\(^3\) The topics selected for this year’s symposium were identified as a result of a discussion among alumnae from many practice areas and current students.
The symposium, which was free and open to the public, also provided several opportunities for the panelists to connect with attendees. Meetings with the panelists were available to W&L Law students early in the day. A dynamic Question and Answer session allowed attendees to ask panelists questions. A Networking Reception allowed all those in attendance the opportunity to connect. The event was well attended by law students, practicing legal professionals, and members of the bench from Virginia and the greater Southeast, and was well received by all.

The Advancement of Women in the Law

**MODERATOR:** Sally Wiant, ’78L, Professor of Law, Washington & Lee University School of Law

**PANELISTS:**
- Judge Harriet Dorsey, ’76L, Retired from Juvenile & Domestic Relations Court, 27th Judicial District of Virginia; founding member of WLSO
- Judge Mary M. Johnston, ’84L, Superior Court of Delaware
- Monika L. Jäensson, ’93L, Dinsmore & Shohl LLP
- Jennifer G. Dean, ’12L, Virginia Immigration Law Center

**Professor Sally Wiant** framed the panel by discussing how far women in the law have come. She noted that when a fellow member of faculty worked in big law, her firm only allowed two weeks for maternity leave. She also spoke of the quota on women law students when they were first admitted to the law school in 1972. She said that it was the Women Law Students Organization (WLSO) that discovered the quota and threatened to write every admitted student about it unless it was abolished. Their activism resulted in the abolishment of the quota.

**Judge Harriet Dorsey** began by saying that from the moment that she enrolled among the second class of women law students at W&L, she felt welcome and understood that the faculty wanted the women law students to succeed. She explained that Dean Roy Steinheimer Jr., the dean of the law school from 1968 to 1983, was particularly supportive of women at the school and proactive in accommodating their needs. With that said, when Dorsey entered W&L, the school was still adjusting to the presence of women on campus. For example, in the absence of a women’s restroom, they converted an upstairs faculty restroom for use by women. She also recalled that the swimming pool in the basement of the Warner Center was not open to women.

The women law students at W&L began to contemplate an organization of their own, wondering whether it was better to try and assimilate with their male classmates or to create a group that would actively advance gender equality at the law school. They decided the latter and founded the Women Law Students Organization (WLSO). One of the first things that WLSO did was bring Sarah Weddington, the attorney who represented “Jane Roe” (real name Norma McCorvey) in the landmark Roe v. Wade case, to campus. They also—finally—successfully gained access for women to the undergraduate swimming pool.

Although she spoke highly of her time at W&L, she expressed that the comforts of her law school experience were not good training for the barriers she faced after graduation. To paint the picture of where women lawyers were at that time, she explained that when she applied to the Commonwealth Attorney Office in Roanoke, they asked her why they would want to hire a woman. After a friend graduated from Michigan Law and moved to Blacksburg because her husband got a job in the area, a law firm told her that they really wished they could hire her but they already had a legal secretary.
Dorsey went into practice with that friend. She explained that they succeeded because they were aggressive about getting their fair share of business. She recalled that although they were called many things—“lawyer girls” among the kinder names—she was able to support her husband while he was in graduate school and their young son. Dorsey also described the outburst of a male colleague, who, while ranting about a disagreeable woman attorney in the area, remarked that the woman was not “even feminine.” The tenor of that remark was the problem that she and her female colleagues faced: it was “hard to be a good southern woman when you’re a Yankee and trying to be a lawyer.”

Dorsey discussed the climate surrounding women’s rights when she began her legal studies in 1973. At that time, constitutional law surrounding women’s rights and gender discrimination was nearly nonexistent. She spoke of women such as Ruth Bader Ginsburg who were instrumental in developing strategy to get related cases before the courts. While Dorsey acknowledged that the world has changed a lot, noting that women can have babies and practice today, she stressed that women in the law today should prepare to work very hard and be very challenged. Still, she advised that women hoping to start families not wait because there is never a good time.

**Judge Mary M. Johnston** provided a detailed account of her experience at W&L Law and description of her theory on mentoring. When she entered W&L Law in 1981, women comprised about 20% of the class. Uniformly, those women did not feel that their gender was any impediment during their time at W&L. She credits this experience to the faculty, most notably Dean Steinheimer, who worked to ensure that “the culture was friendly to diversity.” Professor Roger Groot, a member of faculty from 1973-2005, approached her to write a law review article on double jeopardy theory.

She said that while her experience upon entering the job market was better than Judge Dorsey’s experience—law firms were now hiring women—there was still an “unstated quota.” She was the second woman that her law firm hired, and the first woman that they hired had already had her children, was onto her second career, and her husband had a stable job in the community. She remarked: “if I had been a single woman . . . I do not think my firm would have hired me.” When she was interviewing with them, they wanted assurances that she would stay in the community and that her husband would work for a company that was unlikely to transfer him to a different office. During her interview, one of the partners asked her about her desire to have children.

While her law firm treated her well, this was not the prevailing attitude in the profession. As a result, her experience upon entering legal practice was also shaped by her sex. She said women had to “work harder and be more productive [than their male counterparts] just to break even.” Secretaries did not want to work for women. Clients were, and still are, skeptical of letting women take the lead. They wanted diverse teams, but leadership was different. She feels that she was fortunate to have partners who convinced their clients to give her a chance. Johnston took a short maternity leave when she had both of her children because she did not want to take too much time away from the office. She noted that today, men face similar pressures.

Johnston extensively discussed the importance of mentoring in the profession. When she began practicing, there were women who reached high positions in the legal profession and loved being the only woman judge or litigator. She said that “they pulled up the ladder and they did not assist other women.” She said that you still see this today, though less and less. Johnston underscored that women
must remember to “reach back and remember the people who mentored us and make sure that we mentor other people.” Likewise, women should not wait around for a mentor. Instead, she encouraged attendees to “put yourself out there . . . make your own destiny [by] pick[ing] your mentors.” Mentors and mentees need not always be women. She spoke on a relationship that she cultivated early on in her career with an attorney with an office next to hers. She bonded with him over their similar backgrounds. When he began work on a big corporate case and was going to a meeting in New York, she asked if she could go along. She kept shadowing him and asking him for work until she became his second chair.

Monika L. Jaensson spoke on her experience as an electrical engineer turned patent lawyer. She said that she had a different experience as a young lawyer because of the road that the women attorneys before her had paved. As an undergraduate electrical engineering major, she felt that the male students did not respect their female counterparts. When she arrived at W&L, she did not experience such a bias.

Upon graduation, she went into private practice. After a number of years, she moved to Dinsmore. There, she met the women lawyers of the 1970s, who still amaze her: “they were so respectful when they broke the barriers, and I think that’s why they were successful.” She also noted that they were and are hard workers. They are now managing partners in many firms. Jaensson says that generation of women attorneys has been a great inspiration to her.

Jaensson noted that while she has not had any problems with men during her career, she has encountered women who tear down other women. She also discussed women lawyer initiatives and committees. She cautioned that such groups should not be forums of discussion of proper inflection or whether women should wear pantyhose, as such discussion can perpetuate discrimination against women. Instead, they should be “celebrations of what women can bring to the table.” As a member of her firm’s review committee, Jaensson has learned that women lawyers work hard, do what is expected, and prepare. She believes that groups for women lawyers should celebrate these qualities.

Jennifer G. Dean began by thanking the women lawyers who came before her and saying that she “benefitted from standing on the shoulders of such giants.” After graduating from W&L Law in 2012, she entered a law firm that had one male attorney. Soon after she joined the firm, he left, and she was left with a “utopia of women working together in an office.” The senior partner, attorneys, legal assistants, and receptionist were all women. She found that the firm’s ethos was one of shared respect. They all had a different area of expertise that they benefited from, and at a moments notice, could consult one another.

Motherhood added another layer to legal practice, and three months after giving birth she opened her own law firm. She credits several factors for her success. First, she has benefited from her participation in the Virginia Women Attorneys Association, and currently serves as the president of its Roanoke chapter. Her chapter focuses on monthly lunches as opportunities for networking. She expressed that the relationships she has cultivated are particularly important because she is a younger professional and is from a different part of the country. Second, she credits her husband, who supports her professional and private endeavors alike. Perhaps most importantly, however, she credits passion. Dean found a sincere passion for immigration law and focused her efforts on gaining as much expertise in the area as possible. As a result, her male colleagues now look to her for that expertise. She encouraged attendees to cultivate expertise wherever their passion lies.
Bridging Gender Barriers in the Legal Profession

MODERATOR: Sally Wiant, ‘78L, Professor of Law, Washington & Lee University School of Law

PANELISTS: Judge Rebecca Connelly, ‘88L, United States Bankruptcy Court, Western District of Virginia

Judge Jacqueline F. Ward Talevi, ‘83L, Roanoke General District Court, 23rd Judicial District of Virginia

Kelly Faglioni, ‘92L, Hunton & Williams LLP, Professor of Practice, Washington & Lee University School of Law

Laura E. Frazier, ‘08L, Law Office of Laura E. Frazier

The second panel proceeded as a roundtable discussion, addressing barriers facing women in the law.

I. Gender Difference in the Law

The panel began by exploring the state of women in the profession. Although many of the obstacles and opportunities in the legal profession are now shared across gender lines, gender-specific structural, cultural, and cultural barriers still persist. According to the American Bar Association, although nearly half of all law school graduates are all women, only half remain in the profession and a mere 17% of equity partners in private practice are women. There is not a sole reason for these disparities. Panelists observed that a lack of flexibility in traditional private practice leads many to seek out alternatives, such as in-house and government practice. Yet there other barriers beyond lack of flexibility. Traditional stereotypes still persist, such as the belief that women are not good hires because they will forfeit their careers for motherhood, or, similarly, that a man with a family is stable and committed, while a woman with a family is not as committed to her work. Panelists also discussed the difference that a women’s voice can make, and their experiences with speaking at a meeting or in another forum and feeling that they were not heard.

Disparities begin before women enter the profession, however. Sally Wiant and Kelly Faglioni, both of whom teach at W&L Law, discussed the way that legal education has continued to struggle to get women to speak in class and, more broadly speaking, “to reach for the brass ring.” Faglioni said she frequently questions why women in her classes are not more active in course conversations. The panelists discussed the discomfort many women encounter when taking risks. Judge Talevi contributed this in part to the resiliency that is instilled in male but not necessarily female children through activities such as sports. Kelly Faglioni noted that women who are uncomfortable with taking risks and putting themselves out there may filter themselves out of potential opportunities for advancement.

Panelists also noted that women can be particularly critical of other women, and that such criticism can also serve as a barrier to success. They agreed that women should work to avoid such dynamics as much as possible.

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II. A Toolbox for Advancement

Panelists agreed that bridging these barriers to advancement must bringing with commitment to diversity from legal educators, employers, bar associations, and individual practitioners alike. With this baseline in mind, they discussed strategies that will begin to reconcile these barriers.

A. Mentorship and Beyond

While the panelists discussed the importance of male and female mentors alike, they underscored the importance of female mentors and role models in particular. Panelists observed that women that have succeeded have done so because they had a clear vision of what they want. They are often able to pave their own roads because they have role models who have already succeeded in similar environments and who help them understand how they navigated any relevant barriers. Having such models can empower women lawyers to take risks outside their comfort zones and reap the rewards.

All of the panelists emphasized the importance of tapping into all of the human resources, and potential mentors, at your disposal. Laura Frazier encouraged attendees to call upon their contacts when they get stuck, stating that “the worst they can say is no and I haven’t had a no yet.” Judge Talevi encouraged attendees to recognize potential mentors in the profession beyond lawyers, such as the clerks in local courts, who “know everything.” She also spoke of the wisdom that legal assistants and paralegals develop throughout years of practice.

Judge Connelly encouraged attendees to seek out and initiate mentoring relationships with men and women. She noted that she never had a problem securing a mentor and those that she reached out to were willing to speak with her. She cautioned that mentee-hopefuls should manage their expectations as to what a mentor should provide them. When legal professionals seek mentors, they should not expect potential mentors to go out of their way to help them or fully reciprocate their expectations. They should aim to find someone willing to share their experiences and wisdom. When the moment becomes available, mentee-hopefuls should ask the questions they want to ask, and remain open to whatever their potential mentor tells them, even if that information and advice is limited.

Kelly Faglioni added that mentee-hopefuls should pay special attention to in-person contact. For example, law clerks and new lawyers should make an effort to walk down the hall and say hello to legal professionals that they hope to establish a connection with. Faglioni underscored that it only takes a few minutes to say good morning and ask what is on that person’s desk that day. She cautions that new legal professionals often “miss eons of wisdom because [they] sit at [their] desk[s] and send emails.” Similarly, these professionals should meet potential mentors where they are and on their terms. For example, some potential mentors will go out for drinks, and some will not.

Judge Connelly also discussed the importance of supporting women lawyers beyond mentoring relationships. She underscored the importance of supporting women who want to take risks by participating in a network—whether formal, such as a women’s bar association, or informal—of women lawyers and making themselves accessible as a resource to colleagues.
B. Strategies for Legal Education

Law schools have an important role to play in bridging the gap between male and female attorneys. Specifically, law schools should focus on helping women become more comfortable with risk, and both men and women grapple with interpersonal dynamics that arise when working in diverse teams.

The panelists observed that women are more risk adverse. Sally Wiant explained that throughout her time as faculty at W&L, she has seen legal education struggle to get women to participate in class. For many years, she had bright female research assistants who did not write on to participate in law journals. The panelists agreed that professors should aim to make it comfortable for all students to put themselves out there and participate in class. Similarly, law schools should promote activities and curricula that encourage resiliency in women.

Panelists underscored that there is a critical part of practice that does not have to do with the law, but rather interpersonal dynamics, and that law schools, like business schools, should prepare their students for these dynamics. Curricula should not only emphasize collaborative work but also instruct students about group dynamics. For example, faculty should teach students how to reap the benefits of diverse groups by emphasizing the strengths of group members. Kelly Faglioni noted that diverse teams have an advantage because group members will have diverse perspectives. Men and women, or people from different backgrounds, may approach problems differently. Because they do not necessarily approach a problem in the same way, diverse teammates will be able to identify solutions their colleagues may not, resulting in a host of solutions. Similarly, schools should emphasize activities and coursework that allow students to better understand their strengths and weaknesses and improve their conversational skills.

C. Strategies for Professional Development and Self-Knowledge

Kelly Faglioni underscored that while “there is nothing wrong with saying ‘I want it,’” many women preclude themselves from opportunities because they are afraid to do so. Judge Talevi said that in order to overcome this issue, women lawyers “must be . . . confident about yourself, . . . take risks, and . . . look for opportunities to promote [themselves].” There are many ways to this. Primarily, women can get involved with bar associations and seek out opportunities to contribute to continuing legal education (CLE). These forums provide opportunities for women to network, practice conversational skills, and perhaps most importantly, to promote themselves professionally.

Members of the panel observed that women do not need to be masculine in order to be successful. For example, in some settings, a male attorney can make a point by projecting his voice and pounding on the table. That approach might not work for all women, and so women should work to develop a strong sense of self, focus on preparation and practice. Judge Connelly noted that as a litigator, the fact that she was more soft-spoken and nurturing rather than aggressive often caused members of the bench to lean in and listen. She found what worked for her rather than taking an approach that she felt would not fit her and might come across as unauthentic. Professional development opportunities will also allow women to zero in on their strengths and gain a sense of what works best for them.
Understanding what works for you can help you succeed. **Laura Frazier** explained that she views her femininity as an asset. Most of her work is as a guardian ad litem, helping children who are victims of abuse or neglect, or are in the middle of custody battles. She said that she believes “that the feminine side of me is really what makes me so good at this work. . . I think that the nurturing side of me, the empathetic side, my sensitivity works in that area.”

Women should also practice self-advocacy. Those less comfortable with speaking their own praises can practice by advocating for others, and promoting colleagues’ strengths. Similarly, women lawyers attending networking events or in team meetings can work together and speak about each other’s strengths.

D. Reforming Traditional Models of Practice

The two-century-old law firm model was high on panelists’ lists of things that need to change in order to promote greater opportunity for women in the profession and better quality of life for attorneys regardless of sex. While there is not a sole reason that women leave law firm practice, the panelists credited a significant portion of law firm exits to the lack of flexibility in law firm practice. **Laura Frazier** explained that she exited traditional firm practice and opened her own firm in order to have superior work-life balance and be able to contribute more of her time to her children.

In order for the model to improve, diversity needs to be viewed by the profession as a societal rather than gender issue, and conversations about diversity need to include men and women. While some of these issues are unique to women—for example, men do not have the same physiological limit to the number of years during which they can have children—lawyers must be just as sensitive to the man who wants to take paternity leave or take time off to take care of his child. Panelists agreed that instead of a single linear model, law firms should adopt various models that allow for off-ramps and on-ramps throughout legal careers and emphasize quality of life. Similarly, they should employ benchmarks for evaluating lawyer’s performance and making compensation decisions that rely more heavily on outcome-related criteria.

Conclusion

This symposium and report represents a step in identifying the cultural, structural, and organizational barriers that have and continue to confront women in the legal profession, and the strategies that legal educators, employers, bar associations, and individuals can employ to bridge those barriers and promote diversity in the profession. The composition of the group contributed to the range of issues discussed. WLSO is grateful for the strategies that they suggested, and may find them a useful focus for future discussion, thought, investigation, and advocacy. WLSO hopes that in years to come, the symposium will continue to enrich discourse around topics relating to women, gender equality, and diversity.

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