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# **GENDER INTEGRATION OF THE LEGAL ACADEMY: THE ROLE OF THE AALS SECTION ON WOMEN IN LEGAL EDUCATION**

Stephanie M. Wildman\*

WLE Chair—2005

When I was a law student in 1970, the benefits of the newly formed AALS Section on Women in Legal Education had not percolated down to the law school classroom. My property professor asked all the women to sit in the front row so he could “see us better.” What was shocking was not that he asked, but rather that we complied. Our number was not large enough to fill the first row of the classroom, so some men joined us as we sat alphabetically, divided by gender.

In those days the legal academy did not seem a very welcoming place for women of any race. So I was thrilled when Barbara Allen Babcock arrived at Stanford Law School in 1972 and taught the first class in Women and the Law offered at that institution. The class provided a forum for talking about the gender issues that confronted us and permeated society. I finished law school by taking that course and clerking for Davis, Dunlap, and Williams, a nascent women’s firm soon to be renamed Equal Rights Advocates.

When the Dean at McGeorge Law School called and invited me to interview to teach a course in Women and the Law, “because he couldn’t find someone in the Sacramento area to teach it,” I believed him because the field was so new. He had called Wendy Williams first, and she had recommended me.

I commuted from San Francisco to Sacramento to teach students who were as hungry as I had been for the information, which was in the process of developing from U.S. Supreme Court jurisprudence even as I taught the course. This teaching experience provided my opportunity to become a law faculty member.

I can proudly say that I am an affirmative action professor. The University of San Francisco (USF) School of Law wished to add women to its faculty. The first woman the school had hired had stayed only a year. Of the two women teaching at that time, one was moving to another city. The appointments chair called and said the school was trying to recruit women for its faculty. I said “no,” thinking, “Who would want to be a law professor?” I knew what law professors looked like: old men. I had no imagination. But USF said, “Don’t say no, have lunch with us.” When I recounted this story some years later to the wife of a new law school dean, she looked at me, horrified, and said, “But you were qualified!” I smiled and told her that was just the point. When I looked around after that lunch in 1974, I saw not a lot of other women around with credentials

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that would pass an appointments committee. And I knew the difference it had made for me when Babcock began teaching. I said “yes,” and told them I would stay for a year. The existence of the AALS section had not yet filtered through to the daily routine of the academy. But schools were noticing that they needed better integration.

Reflecting now, I realize that if many of us hired in that era had been asked, “Do you want a job integrating the academy by race and gender?” we would have said, “Are you crazy? You can’t pay us enough.” But that is the work we were doing. In my first year teaching, only two colleagues came to talk to me in my office: the other two affirmative action hires—a black man and a Latino.

The section, through its newsletter, became a vehicle for combating isolation and learning that others were engaging in the battle to make the academy a more welcoming place. Women academics formed regional networks, meeting more regularly than annual section meetings allowed. The section newsletter kept us connected with each other’s work.

I was lucky to have the opportunity to chair the section in 2005, relatively recently in the development of the section. Past chair Barbara Cox asked me to step in because someone’s health issues prevented her from serving and no one in the officer queue could step up. Barbara knew that I had chaired other AALS sections, understood the deadline structure, and could make sure section business ran smoothly. Although I had been a law professor since 1974 and a regular attendee at section panels and breakfasts, I had never served as Chair for the Section on Women in Legal Education.

Having been in the academy for so long, I do remember the early years of the section, which served as a kind of lifeline. In an era (the early 1980s) when women law professors pretty much knew each other, because we comprised so small a number of total law teachers, I went to my first AALS meeting and first section breakfast. It was a small room with few tables. I sat at a rectangular table set for about ten. This gathering marked a sharp contrast with the now sold-out breakfast events involving women who do not know each other. Now section members meet each year for breakfast to renew acquaintance, greet old friends, and extend a hand to more junior faculty. The current convention of using round tables facilitates dialogue. And for a few years we organized tables by teaching subject area, to provide introductory conversational themes.

At this first breakfast that I attended in that ancient era, I introduced myself to a woman whom I recognized, as she sat down across from me. Previously, I had heard her speak at a conference and I was interested to meet her and to learn more about her current work. She smiled, looked at my name tag (which bore the name of a non-elite law school), and immediately turned to the person seated at her left. So much for sisterly solidarity. Disappointing, too, because somehow I had expected more from a women’s breakfast.

In time, I ended up becoming friends with that scholar from the more elite law school. No, I didn’t forget that first meeting. But because not so many

of us—female law teachers—inhabited the legal academy, our commonalities bridged our differences. I don't think she even remembered that first encounter.

Not all past section breakfasts led to dispiriting memories. I recall Herma Hill Kay talking about mentoring a young woman interviewing to join the academy, invoking the “black dress, pearls, and a small silver pin” as a theme as she brought the clothes and appearance issue “out of the closet.” While I never did get that black dress, I still often wear pearls when I teach. And classrooms are much more hospitable to female professors wearing a range of attire.

Happily, Title VII litigation has established a woman's right to be evaluated on her merits as a worker rather than on whether she comports with a stereotypical female role, wearing the “right makeup” and hairstyle (with many thanks to courageous Ann Hopkins).<sup>1</sup> Law also now protects a woman so she can perform her job without fear of rampant sexual harassment—or retaliation for complaining about it.<sup>2</sup>

Perhaps the biggest change affecting women has come in the area of parenting leave. I recently spoke with a male colleague who had just returned from parenting leave. He happily glowed as he related the joy in his family with his first child. He was surprised to learn that parenting leave not only was not widespread, but it didn't really exist when my first child was born over thirty years ago. In fact, the Dean at the law school of my then-employer wrote me an end-of-year review, stating that I would not receive a raise that year because I had missed two classes during my pregnancy. I had been on doctor-ordered bed rest during the pregnancy for a condition known as placenta previa. Even though I could not teach, the students did not miss any classes. One of my wonderful colleagues, a Jesuit priest, taught them for me, so the students didn't suffer. Needless to say, that situation would not be handled in the same way today (and the baby was fine).

Women of course still face challenges in the workplace, including challenges related to pregnancy and work-life balance. In a recent law and social justice class that I taught on the topic of work, subsistence, and welfare, the discussion turned to issues of work-life balance. One male student asked whether women in the class felt pressure as attorneys-to-be to live the lives they hoped to live, with families, while practicing law. Every woman in the class raised her hand. The man commented that he felt pressure, too. Perhaps the reading about work had made him consider these issues from his perspective for the first time. Perhaps it is progress that men now feel those conflicts, too, as we

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<sup>1</sup> See *Price Waterhouse v. Hopkins*, 490 U.S. 228, 272 (1989) (culmination of Hopkins' litigation to gain partnership); Martha Chamallas, *Of Glass Ceilings, Sex Stereotypes, and Mixed Motives: The Story of Price Waterhouse v. Hopkins*, in *WOMEN AND THE LAW STORIES* 307 (Elizabeth M. Schneider & Stephanie M. Wildman eds., 2011).

<sup>2</sup> See, e.g., Tanya K. Hernández, “What Not To Wear”—Race and Unwelcomeness in Sexual Harassment Law: The Story of *Meritor Savings Bank v. Vinson*, in *WOMEN AND THE LAW STORIES* 277, *supra* note 1.

work as a nation toward better solutions where no one should feel so compromised by trying to work and have a family.

Important changes in women's roles in the academy and in society have happened during my teaching lifetime. Section members have played pivotal roles in developing this body of anti-sex discrimination law by telling women's stories to judges and juries,<sup>3</sup> as well as in scholarly journals. Of course, law "on the books" has not solved all problems faced by women at work, nor has elitism vanished from the legal academy.

I am glad I had a chance to play a small role in the section leadership, establishing a wider governing board and an admittedly short-lived networking reception for women at AALS. Perhaps most importantly, the section on my watch continued to provide support to women in legal education and to address issues of gender equality that concerned both women and men. The section runs on volunteer person power, and it is a tribute to those volunteers that so much does get done. As the ebb and flow of section business continues, I know the section and its members will continue to play significant roles in moving us in a positive direction as a nation and as an academy.

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<sup>3</sup> See, e.g., Elizabeth M. Schneider & Stephanie M. Wildman, *Introduction: Telling Stories to Courts: Women Claim Their Legal Rights*, in *WOMEN AND THE LAW STORIES*, *supra* note 1.