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Valedictorian Speech
School of Law Exercises

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Thank you President Caputo, Chairman Bianco, Members of the Board of Trustees, Judge Sotomayor, faculty, fellow students and guests. I am deeply honored to have been selected as valedictorian of the class of 2003, the more so because so many bright, accomplished and capable individuals graduate with me. I extend my heartfelt congratulations to you all on your achievement.

We all know that the face of the law is changing. In 2001, women outnumbered men as law students for the first time. And economic statistics show that women make more money as lawyers than in any other profession. Nonetheless, gender based inequities still exist, with negative results for both women and men.

Clare Booth Luce, a U.S. Diplomat, writer and conservative politician once said: “Because I am a woman, I must make unusual efforts to succeed. If I fail, no one will say, 'she doesn't have what it takes.' They will say, 'Women don't have what it takes.'”

I think I can say today with perfect humility that women have what it takes to succeed. Women have had to work hard and long to prove that they are as capable and committed as men to education and career. Consider, for example, the fact that women appointed to the federal bench during both the Clinton and Bush administrations have had more judicial experience than male appointees. Also, they were more likely to have been rated as well qualified by the American Bar Association. On the other hand, these female judicial candidates were less likely to be party activists than their male counterparts. Experts say the reason for this disparity is that women are frequently considered to be “non-traditional” candidates because of their gender. Women are therefore more often expected to prove themselves qualified for the federal bench by having prior judicial experience. And because of controversial issues surrounding gender equality and reproductive rights, political activism is apparently a less desirable quality in women than it is in men. Male candidates are also permitted greater diversity in the various career paths that lead them to the bench, and their political activism often boosts their candidacy.

I am not surprised by this apparent anomaly. For instance, lawyers I knew said that it would be difficult if not impossible for me to manage law school and a family; and that I should not attempt to attend a top tier school because the competition would be too stiff. And last Sunday a New York Times article very accurately stated that most employers watch parents to see if they are “as gung ho or as single minded and committed” as other employees. When I am introduced as a successful law student, people often express surprise that I am able to excel and handle two very active little boys. I think that these very understandable reactions are a product of the societal belief that once women have children, they are less focused on other areas of life, such as their career. The problem with regard to women and work is in fact circular - women are less likely to work because they earn less than their husbands and thus it is more practical for them to stay home with the children. Conversely, women are considered less desirable employees and are paid less for the same work because it is assumed that they will stop working eventually or take more time off to have children. Incidentally, men are affected by this societal assumption as well - they are expected to work longer hours and are less often permitted to take extended leave to meet family responsibilities. As Professor Deborah Rhode reports: “Men cannot get on the mommy track; women cannot get off it.”

From my perspective, however, my children, far from interfering with my studies, have sustained me with their affection; their need of my consistent attention prevented me from becoming too consumed by law school pressures. My husband's emotional, financial and moral support of my law school endeavor has been nothing short of heroic; and I say with complete sincerity that it is because I have a family that I was able to obtain this achievement; and not in spite of it.

The fact that I am a woman and a mother will undoubtedly continue to raise concerns about my ability to handle the pressures of the law. Nonetheless, each time I interview for a position, I am sure to inform the interviewer what my family circumstances are. I understand that it is my right not to answer questions about my family status. And you'd be surprised how often I am asked by potential employers if I plan to have another child. But I see no reason to perpetuate a system where women have to conceal the fact that they are parents, even in a society where an employer is not legally permitted to inquire. I stand before you as living proof that having children is no handicap to success - and that success is no handicap to being a mother.

Another issue that continues to puzzle me is that as a fully integrated adult with a fair amount of life achievement and experience, I am still at times addressed as a child. I don't like being called a girl, and not because I am not proud to be a female. Some people even claim that calling women “girls” is positive - as if to be youthful were the ultimate compliment one would give to a female. But for someone like me who has struggled against those out dated notions of the feminine, the connotation of the word “girl,” when used to describe an adult woman, is that she is a immature; defenseless; in need of protection. To me it seems that calling women girls is an attempt, at times explicit, but often implicit, to keep women confined to a vulnerable construct where whatever intelligence or power they might achieve is less threatening to the status quo. I believe this is just one of many societal biases that contribute to gender based disparities such as those among appointees to the federal bench. If women are considered childish, emotional or vulnerable, there is hesitancy in appointing them, or hiring them, or believing in their abilities; because it is assumed that they might cry in a tough situation or make a decision based upon emotion. Thus we must prove ourselves to be “competent” and “unemotional” by extraordinary effort or through past performance.

Gloria Steinem was correct when she said, The first problem for all of us, men and women, is not to learn, but to unlearn. Now that more than half of all law students are women, it is long past the time for us to eradicate gender stereotypes of women as helpless or incapable and utilize the knowledge and skills that we have attained in law school to make this society a place where real equality exists. After all, as Nobel Prize winning author Toni Morrison quite rightly asserts, “The function of freedom is to free somebody else.” As attorneys we will be uniquely positioned to influence important issues of societal significance in many different ways. Some of us came to law school to change the world and instead changed our minds. This may be because it is an overwhelming task to fight for any cause that challenges the status quo, including gender equality, since the efforts of reform-minded lawyers are often met with hostility. Nonetheless, we should all work toward Susan B. Anthony's “true Republic - Men, their rights and nothing more, women, their rights, and nothing less.”

Sources:

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