University of California, Davis

From the SelectedWorks of Lisa R Pruitt

2012

The Good The Bad and The Ugly

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I shall recall my tenure as chair of the Section on Women in Legal Education for 2010 under the rubric of the good, the bad, and the ugly. The good (indeed, the great) was the programming, both for the 2011 Annual Meeting and the 2011 Mid-Year Meeting, Women Rethinking Equality. The bad was the lack of support the Section experienced from several sectors as we undertook initial efforts to reverse the 2009 Association of American Law Schools (“AALS”) decision to terminate child care at annual meetings, starting with the 2010 meeting. The ugly was waiting until just two weeks before the Annual Meeting in San Francisco to hear whether AALS had agreed to our request to move our programs away from the Hilton Hotel, which was under threat of a labor action and therefore also under threat of non-appearance by many Section members. In the end, AALS relocated our programs to the Nikko and Wyndham Parc 55 hotels, where both programs were fabulously well attended.

The buzzword for the year was teamwork. Numerous women stepped up to accomplish a range of important initiatives, to assist with mundane tasks, and to extinguish metaphorical fires. Many hands truly made for light work—and a banner year for the Section, if I do say so myself.

I. THE GOOD: PROGRAMMING

My highest priority for my year as chair was good programming. The Executive Committee of the Section and others who attended our 2010 business meeting in New Orleans agreed to focus on two programs—one about pedagogy and one to showcase scholarship about gender. The first became “‘Sex’ in the Classroom: Teaching Gender as a Core Value,” which leveraged the “Core Values” theme that AALS President Reese Hansen designated for the 2011 Annual Meeting. The second featured winners of a Call for Papers on the theme, “New Voices in Gender Studies.” These panels represented what I see as the dual missions of the Section: first, to respond to our role as an affinity group whose members share some common opportunities and challenges as female professors, and second, to provide a forum for substantive gender scholarship, especially given that no other Section in the AALS provides a dedicated space for feminist and gender scholarship.

I could not have asked for two more thoughtful, dedicated and energetic chairs of the committees responsible for these programs. Danne Johnson of Oklahoma City University, Chair Elect of the Section, generously offered to do anything that needed to be done so she could learn the ropes in preparation to become Section Chair. I put her in charge of the pedagogy panel, and she developed its catchy title while also managing a marvelous committee and

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issuing a call for papers and presentations to determine who would populate the panel. Danne was a master communicator and facilitator who was in frequent contact with her committee: Zanita Fenton (Miami); Lolita Buckner Inniss (Cleveland-Marshall); Kirsten Davis (Stetson); and Melissa Marlow (Southern Illinois). The panel featured scholars speaking about their approaches to incorporating gender into a range of courses: Leslie Rose (Golden Gate), Legal Research and Writing; Joan Williams (Hastings), Property; Cheryl Hanna (Vermont), Constitutional law; Melissa Murray (Berkeley), Criminal law; Kerri Stone (Florida International University), Contracts; and Cheryl Wade (St. Johns), who offered overview comments. Danne also ably moderated the panel.

I was delighted when Nancy Levit (University of Missouri—Kansas City), a highly regarded gender scholar and then Secretary of the Section, volunteered to chair the “New Voices” panel. Borrowing an idea from the Section on Human Rights, which has for several years issued a Call for Papers to showcase the work of junior scholars in human rights, we limited our call about gender scholarship to those who had been teaching for seven years or less. Nancy drafted a call for papers in no time, while also drafting a super committee: Bridget Crawford (Pace), Linda Jellum (Mercer), Kathryn Stanchi (Temple), and Ettie Ward (St. Johns). We were thrilled by the quantity and quality of papers submitted. Who says feminism is dead? Clearly, the current generation of gender scholarship is robust and inspiring. The winners were David Cohen (Drexel), Suzanne Kim (Rutgers-Newark), Melissa Murray (Berkeley), Nicole Porter (Toledo), and Kara Swanson (Northeastern). The panel attracted an engaged and appreciative audience. Indeed, the New Voices panel was so successful that the 2011 Executive Committee decided to issue a similar call for papers and again showcase gender scholarship at the 2012 meeting.

In addition, the Section co-sponsored two other panels. With the Section on Law, Medicine & Healthcare we sponsored “Women’s Choices, Women’s Voices: Legal Regimes and Women’s Health.” We co-sponsored “Law Professors, Storytelling and the Academy” with the Section on Law and the Humanities.

A few months into my year as chair of the Section, Susan Westerberg Prager, AALS Executive Director, asked me to serve on the planning committee for the 2011 Mid-Year Meeting, Women Rethinking Equality. I had participated in the WLE Section committee that submitted to AALS the Professional Development Proposal that blossomed into the Mid-Year Meeting, a committee ably chaired by the inimitable Bridget Crawford (Pace). Participating in the Planning Committee for the Mid-Year Meeting was a very rewarding experience, not least because Kathryn Abrams (Berkeley) chaired it,
accompanies by Serena Mayeri (Pennsylvania), Elizabeth Nowicki (Tulane), Angela Onwuachi-Willig (Iowa), and Stephanie Wildman (Santa Clara).

Together, we produced a fantastic program for June 20-22, 2011, in Washington, DC. More than 160 law professors attended the meeting, which included plenary sessions on “The Unfinished Business of Women's Equality in Legal Education,” “The Workplace as a Site of Gender (In)Equality,” “Teachers and Learners Across Generations,” “Meanings and Contexts of Gender Equality,” “Women as Scholars,” “Women as Teachers: Gender in the Classroom.” It also featured multiple concurrent panels that showcased scholarship about Gender and Economic Inequality; Gender and the Justice System; Gender and International Human Rights; Gender and Corporations, Securities and Tax; Gender and Criminal Law; Reproductive Rights to Reproductive Justice; Theorizing Gender; Gender and the Family; and Gender and Employment Law. Finally, we provided an opportunity for female scholars to present works in progress and to get feedback on their work from a supportive mentor in the junior scholar’s field of expertise.

II. THE BAD: CANCELLATION OF CHILD CARE AT ANNUAL MEETINGS

When I learned in the fall of 2009 that child care would not be offered at the 2010 Annual Meeting in New Orleans, I knew that this was a cause the Section would champion during my year as chair. I raised the issue at the Section business meeting in New Orleans, but few of those present felt strongly enough about the cancellation of child care to lead the effort to bring this service back to the Annual Meetings. I therefore turned to my wonderful colleague and friend, Laura Kessler, who teaches at Quinney College of Law at the University of Utah and has long been active in the Section. Laura was the perfect person for this task because of her scholarly focus on care giving2 and her extensive network of contacts. Indeed, because of her past research on parental leave policies at law schools,3 Laura had already expressed an interest in engaging the Section to lobby the AALS to gather information from law schools on parenting and family leave policies as part of the periodic ABA-AALS accreditation process. Joan Krause (North Carolina), Marsha Cohen (Hastings) and Beth Burkstrand-Reid (Nebraska) all joined the committee. Marsha had been involved in the Section’s earlier efforts to arrange child care for Annual Meeting participants when those meetings occurred in San Francisco. She therefore contributed institutional memory. Joan, like me, had a personal stake in the matter because we had regularly used child care services at Annual Meetings.

But the task of reinstituting child care proved much easier said than done. First, no one we approached in the AALS leadership (either internal to the organization or on the more external executive committee) seemed sympathetic to the plight of professors who might need to travel with their children to the meeting. We asserted that the burden of child care falls mostly on junior female faculty so that the decision to discontinue child care would have a disparate impact on this group. Many responded, however, that surely the group of professors affected by the cancellation was quite small—presumably only single parents. AALS officials repeatedly told us that the provision of child care was cost prohibitive unless a greater share of the expense was passed onto parents, and the AALS was convinced that parents would be unwilling to pay more than they had paid in past years. Indeed, in her memo defending the decision to cancel child care at the 2010 meeting, Prager had explained that use of child care at the Annual meetings had never been very robust, presumably due to its high cost. She also explained that subsidized child care had been offered only on a trial basis, with the hope that the service would eventually become self-supporting. Because that had not happened, AALS had discontinued child care.

By the time we had composed what became known as our “Work-Life Policy Issues” Committee, we learned that it was already too late to bring back child care for the 2011 Annual Meeting. Nevertheless, setting our sights on achieving a change in policy by 2012, we set out to gather information about how other organizations, such as Law & Society Association and LatCrit, provide care. Most heartening was the response from Law & Society officials to my inquiry:

We consider it a necessary expense of the meeting. Because we are a relatively small meeting compared to AALS, ASA, etc., we have not been able to offer a large program, but have focused on infants and toddlers and have relied on local agencies, usually recommended by the hotel, to run a program in a small suite. To make the program affordable (the goal is to keep the cost for a full day to no more than $50-$60; $5-$8 hourly for shorter periods) LSA’s support includes a subsidy. In 1990, that subsidy was $1,500. It is now substantially higher, although what has changed is the cost of the service, not an expansion of the program. There might be as many as 20 children signed up (usually 5-7 at any one time); the average over the past 10 years is 15 children. To my knowledge, LSA has no intention of ending support for group child care in the future and we are surprised that associations larger than ours may consider doing so.4

While we did not get child care reinstated for the 2011 Annual Meeting, a major effort by Laura Kessler and her committee achieved success in the spring

4 E-mail from Lissa Ganter, Administrative Coordinator, Law and Society Association, to Lisa R. Pruitt, Professor of Law, U.C. Davis Law School and then Chair of the AALS Section on Women in Legal Education (Fall 2010) (on file with author).
of 2011 under Chair Danne Johnson's leadership. In a masterful piece of advocacy sent to the AALS Executive Committee, Kessler and her committee quoted this language from Law & Society and also effectively compared AALS policies on child care to the more generous ones of other major academic organizations. Also persuasive was correspondence that high-profile feminist scholars Deborah Rhode and Joan Williams sent to the AALS in support of the Section's request to reinstate child care. Rhode, for example, recalled her past service on the AALS Executive Committee and as its President, acknowledging the budget concerns, but also reminding the Executive Committee of the "strong practical, ethical and symbolic reasons to . . . make child care services available." 5 Within a few weeks we got the news that child care would be reinstated at the 2012 and 2013 Annual Meetings, albeit on a trial basis and subject to sun-setting after 2013.

III. THE UGLY: RESPONDING TO THE LABOR DISPUTE AT THE HILTON IN SAN FRANCISCO

In the fall of 2010, news of the labor dispute at the San Francisco Hilton began to appear in my email inbox from multiple sources, including the AALS. The AALS had a contract with the Hilton to base the conference there, a contract that pre-dated the latest wave of union activity against the Hilton. Various panelists wrote to me as early as September before the Annual Meeting in January of 2011 to request that the Section seek to have its panels moved away from the Hilton. Several of those who contacted me were presenters for our two panels (including winners of our Calls for Papers), and they were very concerned about the possibility of having to cross a picket line. Some were asking if they could appear by Skype or pre-recorded video. I was especially sympathetic to the plight of the more junior scholars who had been selected from the Calls for Papers or Presentations. These scholars needed the appearance to publicize their work and bolster their tenure files, but many had strong personal convictions about not undermining organized labor. Others were concerned they would be blackballed by colleagues in their sub-disciplines, e.g., employment law, if they crossed the picket line. I therefore made an early and informal request to the AALS that our Section’s programming be moved to an alternate site.

By late September, AALS had requested Section chairs to make a formal request if they wished to avoid the Hilton. By this time, I was getting several emails each week from Section members saying they were unwilling to enter the Hilton. A number pointed out the alignment of feminist and women's interests with those of the hotel housekeepers in particular. After consulting with the

5 E-mail from Deborah Rhode, Dir., Stanford Ctr. on the Legal Profession, to AALS Executive Committee (Apr. 15, 2011 at 17:31) (on file with author).
Section's Executive Committee, we filed our official request to move all Section programs away from the Hilton by the October, 2010, deadline.

More than a month passed with no word from the AALS about a venue for the Women in Legal Education programs. By late November, the volume of phone calls and emails I was receiving from Section members concerned about the matter had increased considerably. I emailed my institutional AALS contacts (including those with whom I was working regularly on the Mid-Year Meeting) for a status report but got no response. Many Section members told me they were also contacting the AALS directly, lobbying for the Section’s programs to be moved and seeking information about whether a decision had been made.

For me, frustration over the situation hit a new low when a prominent feminist scholar emailed to say she was withdrawing from her role as moderator of the pedagogy panel because, with just over two weeks until the meeting, we could not be sure the panel would not be held at the Hilton. A few days later, the AALS released news of where each program would be held, and we learned that our programs would be at the Wyndham Parc 55 and the Nikko. One might say “all’s well that ends well,” though it seems the AALS might have put us out of our misery a bit sooner than two weeks prior to the meeting.

Several Section members, in addition to those I have already mentioned made particularly outstanding contributions to the Section during 2010. Okianer Christian Dark (Howard) once again faithfully and conscientiously organized our Section’s speakers for the AALS New Law Professors Conference, where Keeva Terry (Roger Williams) and Cara Drinan (Catholic) spoke to the newly minted professoriate. Colleen Medill (Nebraska) revived our mentoring program over the course of several years’ efforts, and by 2010 had it flourishing in an on-line format. Serving with her on the mentoring committee during 2010 were Jennifer Hendricks (Tennessee), Christine Haight Farley (American University), and Nicole Huberfeld (Kentucky). Bridget Crawford (Pace) produced a fabulously informative and entertaining newsletter, and she did so lickety split, with assistance from Nancy Levit (University of Missouri—Kansas City), who compiled the scholarship listings. Deb Cohen (University of Massachusetts—Dartmouth) was—as she has been for years—the master of the Section’s hospitality suite at the AALS Faculty Recruitment Conference in October.

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Two other matters bear mention. The first is that records of the Section on Women in Legal Education from 1970-1999 have been archived at the Schlesinger Library, Radcliffe Institute, Harvard University.\(^6\) This process was

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underway when I became chair, but I liaised with the library regarding the finding aid for the materials.

The other is that, as of April 12, 2010, the Section had a budget surplus of $2,547. We learned this when we applied for a sufficient budget for our Section to use an LCD projector for both of its programs at the 2010 meeting. That is, we applied for $1,860 instead of the “standard” $1,200 generally allocated for each AALS Section. We were emboldened to make this application for additional funds when we learned at the 2010 Annual Meeting that among all AALS Sections we are the largest by a good measure, with about 1,700 members. We thought we would throw our proverbial weight around. But Jane La Barbera, Managing Director of the AALS sent us a letter in April 2010 indicating that WLE would receive only $1,200 because “[t]he Section has income of $2,547 and should use a portion of that income ($930) to cover the cost of audio visual equipment for the 2d program.”7 The Executive Committee was flabbergasted. We had no idea we were a Section of means!

Further inquiry about the source of the income revealed that it would be more accurately characterized as savings or reserves. Tracie Thomas, AALS Senior Meetings Manager, explained, “In the 19080s [sic], a volunteer from the Section would sell, track and collect the tickets sold for the section's luncheon held at the Annual Meeting. The cost of the luncheon ticket was often higher than the actual cost of the meal. After the meeting, the ticket money was turned over to the AALS, AALS would pay the hotel bill and any overage was kept in any income fund for the Section.”8 If the AALS had been compelling the Section to draw on this fund each year to finance the cost of its standard two programs per year, this fund was presumably quite hefty at one time. Those were some seriously resourceful foremothers we had!

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I was tremendously honored to serve as Section Chair of the Section on Women in Legal Education, which has been dear to me since I became a professor in 1999. When I attended my first few Annual Meetings in the early 2000s, Section breakfasts served as friendly venues for connecting with others. This was especially helpful in those nascent years of my academic career, when I was unsure how best to “plug in” and meet others at the behemoth gatherings. Indeed, what so many of the past chairs’ contributions to this collection reveal is that the Section on Women in Legal Education has long represented a space for those looking to serve, connect, and lead. This was apparent, too, during my tenure among the Section’s leadership. I have consistently observed women making their initial appearance at Section events, then stepping in to serve, and ultimately stepping up to leadership. As such, the Section has through the

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7 Letter from Jane LaBarbera, Managing Director, AALS, to Lisa R. Pruitt, Chair, Section on Women in Legal Education, (Apr. 12, 2010) (on file with author).
8 E-mail from Tracie Thomas, AALS Senior Meetings Manager, to Lisa R. Pruitt, Chair, Section on Women in Legal Education (Apr. 20, 2010 13:36) (on file with author).
decades fostered and enriched the careers and lives of countless women in legal education, including mine.