

Oklahoma City University School of Law

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Rethinking Our Vision of Law Practice

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important that the papers get signed.

Later that afternoon, my client finally came into the office. She told me that she had, in fact, called to say that she was not going to come in to sign the papers, but she changed her mind when "that man" (our intern) told her it was important. Although I was glad she had signed, I was inwardly seething. I was her student lawyer, I had done a significant amount of work for her, and I had told her several times that it was important that she sign the papers. But, clearly, it was our male college intern whose instructions carried weight with her.

After law school, I clerked in the U.S. District Court for the District of Columbia. During my first full week, I received a call from a lawyer on one of the cases assigned to me. I explained to the lawyer that my predecessor, "Mr. Smith," had moved on and that I would be handling the case. Despite the fact that I referred to the previous lawyer on the case as "Mr.," the lawyer continually referred to me by my first name, "Mishell," and my predecessor by "Mr. Smith."

He was not as offensive, however, as the lawyer who called me with a scheduling question in reference to a multiparty securities matter involving counsel from both Washington, D.C., and New York. The lawyer did not like my response to him, so he asked to speak to the "man in charge." I told him several times that I was the law clerk handling the matter, but he was insistent. I finally had to inform him that there were no men for him to talk to; my co-clerk, the judge's secretary, our courtroom deputy, our court reporter, and most importantly, the judge, were all women.

When I left my clerkship, I went to work at a large law firm in New York. I and several other women associates in the litigation department used to eat lunch

together. One of the partners in the firm used to routinely make offensive comments to me about our lunches, such as, "Oh, another bitchy women litigation lunch?" and "Another meeting of the bitter women litigators who will never make partner?" Even though I was not senior enough to worry about making partner, his comments and attitude created an uncomfortable work environment for me. It didn't help that, of the partners in the litigation department, none were women.

The experiences with bias that I have recounted here are by no means the only experiences that I have encountered in my career. And unfortunately, I know that I will encounter more in the future. Bias, in all of its manifestations, creates a hostile and unfriendly environment in which to work, which, in the long run, takes a toll on the women lawyers who have to work in such an atmosphere of intolerance. I am confident, however, that incidents of bias and insensitivity, such as these, will not deter me from practicing law.

Rethinking Our Vision of Law Practice

How could I have something to contribute to a high level discussion of gender and the practice of law? The very thought makes me hesitate. I escaped the world of big firm practice, of Washington, D.C., lobbying, of political appointments. I have not been in front of a judge's bench in more than a decade, although I have sat on one from time to time. Eleven years ago, I returned to Oklahoma to live as bohemian a life as my upright West Indian family could imagine: I became a law professor at a small, quiet university, whose typical law school graduate probably admires the achievements of Atticus Finch ("To Kill a Mockingbird") more than those of Gordon Gekko ("Wall Street").

But, maybe I do have a voice to add. Not a major one, but a voice nevertheless. And possibly there's a law student who will read this and think she can do more with a law degree than simply compile billable hours. There is also teaching, though it is not a utopian place in the law for women of color. For black women, it is much too small a harbor. There are only a few dozen black women in this country who are tenured, full professors of law. Nevertheless, academia has provided me a

place to be a softer, more exuberant, more womanly lawyer than any other setting.

What were those other settings? I came of age in the 1980s. Women constituted 40 percent of my class at the University of Pennsylvania. We expected to be hired by top firms and we were. But law was a very male fraternity. Pledging required women to become brittle imitations of the men around us. (It took us years to figure out that men, too, found little joy in the frat house.) Do you remember John Malloy and his version of *Dress for Success*?—a philosophy that symbolized the era: use a paisley bow tie to squeeze the life out of every female associate; suffocate creativity, joy, and energy by swaddling it in Brooks Brothers pin-stripes. The firm will pay you more than your parents earn. But you must divert all personal energy into professional achievement. Learn to prefer the smooth running of the law office to the rough and tumble of home life. And do not dare to dream. Do not ever dream. It's not billable.

How does that compare with now? Whenever I look at the *American Lawyer* annual survey of salaries, I choke, comparing my current salary to where I would have been if I'd stayed on the fast track. And then I remember—I'm paid to dream, to indulge my curiosity, to weave together strands of ideas into words that manifest those dreams. And, from time to time, I test those ideas in the real world. I nurture generations of lawyers, although I'm told it's awfully tough love.

Through my work in mediation, I have the opportunity to build a different paradigm of justice: one that values human beings as much as abstract principles. And my family knows who I am. I'm not "Uncle Mommy." It feels like a well-rounded life, one with curves and fullness.



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