

# HEINONLINE

Citation:

Mary Jo White, Cardozo Women's Law Journal - Most Influential Woman in the Law Award, 9 Cardozo Women's L.J. 159 (2002)

Content downloaded/printed from [HeinOnline](#)

Tue Jan 22 21:10:49 2019

-- Your use of this HeinOnline PDF indicates your acceptance of HeinOnline's Terms and Conditions of the license agreement available at <https://heinonline.org/HOL/License>

-- The search text of this PDF is generated from uncorrected OCR text.

-- To obtain permission to use this article beyond the scope of your HeinOnline license, please use:

## [Copyright Information](#)



Use QR Code reader to send PDF to your smartphone or tablet device

ADDRESS

CARDOZO WOMEN'S LAW JOURNAL

MOST INFLUENTIAL WOMAN IN THE LAW  
AWARD

MARY JO WHITE

APRIL 29, 2002

Thank you. It is indeed my high honor to accept this award from the Cardozo Women's Law Journal.

In keeping with the theme of the award you have given me, what I thought I would talk about for twenty minutes or so are some of my thoughts on women in the law today and some of my experiences as the first (and still only) woman to serve as the United States Attorney for the SDNY.

That job, which I held for almost 9 years, was an exciting, never-a-dull-moment, very challenging experience. The cases involved: civil rights, environmental offenses, narcotics trafficking, corruption, income tax evasion, organized crime, Wall Street frauds, murders, art frauds, and violent gangs, to name just a few categories. I was also called upon to lead six major international terrorism prosecutions, including those involving the bombing of WTC in 1993; a thwarted plot in 1993 to simultaneously blow up the Lincoln and Holland Tunnels, the U.N., and F.B.I. headquarters in N.Y.; another plot hatched in 1994 and 1995 to blow up a dozen American jumbo jets in a single 48-hour period as they flew 1000s of passengers home from the Far East; the bombings of our U.S. embassies in Kenya and Tanzania in 1998 in which 224 innocent people lost their lives; and the investigation of the September 11th terrorist attacks on the WTC and the Pentagon. In all, over 30 very dangerous international terrorists were convicted between 1993 and January 2002 when I left office; none were acquitted. During my tenure, Osama bin Laden was also indicted by the SDNY USAO—first, in June 1998, for conspiring to kill American nationals abroad—before Bin Laden had actually attacked and killed any Americans—and then we indicted him again after the East African embassy bombings for those bombings. Bin Laden, who was on the FBI's ten most wanted list for over two years prior to 9/11,

remains at large as we are speaking here today. So, we should have plenty to talk about when we get to the Q&A period. But first, let me talk more generally about women in the legal profession as we are just beginning this 21st century.

Last week, I was at Albany Law School to help celebrate Kate Stoneman Day. As some of you may know, Kate Stoneman, was the woman who, after passing the NYS bar exam in 1886, was denied admission to the Bar because she was a woman and the law, as it was then interpreted, allowed only men to practice law in the courts of New York. Kate Stoneman, however, refused to take "no" for an answer, and persuaded the N.Y. State Legislature to change the law to permit her and all women after her who passed the bar exam to become a member of the Bar of New York State and a practicing lawyer.

That was 116 years ago next month and, to put it in further context, 34 years *before* women won the right to vote. Kate Stoneman was obviously an amazing and very early trailblazer for women in the law. She said, at the age of 84 just before she died, that aspiring young women must "take their opportunities as they come. Always there are opportunities to be had." That is what Kate Stoneman said in 1925.

So, how well have we done, by the year 2002, in following Kate Stoneman's advice and her call to us to seize our opportunities? Where do professional women—lawyers and others—stand today? What have we achieved? How far have we come? What is left to be done and how do we get there?

Since 1886, we have witnessed a seachange of progress and accomplishments for women in the law—a true revolution, as Supreme Court Justice Sandra Day O'Connor calls it. For nearly a century after Kate Stoneman graduated from Albany Law School and practiced law in this State, women who attended law schools were few and far between; to say they were outnumbered in the law schools and the legal profession would be a massive understatement. For many, many years, the number of women in law school classes across the country was 1, or 2, or none. And those few who did graduate and become members of the Bar found doors closed to them at every turn.

Even if we bring ourselves forward in time to 1952, the year Sandra Day O'Connor graduated from Stanford Law School, the picture for women lawyers was not a bright one. Although Justice O'Connor graduated at the top of her class and was a member of the Law Review, she was unable to get a job at any national law firm, except as a legal secretary. Why? One reason only: she was a woman and the view in the marketplace was that women, even those who graduated from law school at the very top of their class, really belonged at home and not in the serious legal workplace, which was, as late as 1952, still and stubbornly reserved exclusively for men. It is almost

impossible for me, a law school graduate some 20 years after Justice O'Connor, let alone for many of you of more present-day vintage, to even relate to the overt discrimination that women lawyers faced in 1952.

Today, the picture is much brighter and the numbers are impressive: women are now over 30% of the lawyers in the United States; we are well over 40% of the law graduates (when I graduated from Columbia Law School in 1974, there were 45 women in my class—17%; in 1999, there were 153 women in the graduating class—44%); in many law schools, women now number over 50% of the students in the entering class; 20% of the nation's judges are now women; up to about 1/4 of our United States Attorneys have been women in recent years; almost 50% of the starting associates in New York City law firms are women; nearly 15% of the partners are women—the percentage was only 3% in 1980. So, on the numbers, women in the law have done very well. But it is not just the overall numbers that show the progress of women in the legal profession; the positions women now occupy are also at the very top of our profession.

In 1981, Justice O'Connor became the first woman appointed to the United States Supreme Court. She has now been joined by Associate Justice Ruth Bader Ginsburg, who was a professor at Columbia Law School when I was a student in the 1970's.

Judith Kaye is the Chief Judge of our State's highest court.

We have now had our first woman Attorney General and Deputy Attorney General of the United States, as well as the first woman Secretary of State, Madeline Albright.

Women occupy top General Counsel positions in major corporations and they are deans of law schools.

On a more mortal level, I have just completed a nearly 9-year tenure as the first woman to serve as the United States Attorney for the Southern District of New York. Just last week, I returned to Debevoise & Plimpton, the large Manhattan law firm where I served as a summer associate in 1973 and became the 2nd woman partner in 1983. Now, I am the first woman to serve as Chair of the Litigation Department, which has over 150 lawyers in it, including 32 partners, 5 of whom are women.

There are countless other examples of "women firsts" in the legal world and in nearly every other profession. The number of women CEOs in major companies continues to grow, as do the number elected to public office. Just a week or two ago, there was an article in the *NYT* entitled "In 2002, Woman's Place May be [not in the Kitchen but in] the Statehouse." The article reports on the increasing number of women running for and winning national political office: today, 10% of the state governors are women; 13% of the United States Senators are women; and 14% of the members of the House of Representatives are women—dramatic increases compared to ten

years ago. Impressive, yes. But the numbers also show how much remains to be achieved. Why are only 13 of 100 United States Senators women when over ½ of our adult population is female? Why no woman President or Vice-President or Chief Justice of the Supreme Court? We obviously have more miles to go.

What we are seeking, of course, is the day that it is no longer news that a woman has been appointed or elected to any high position. The focus should be on the person and on his or her qualifications, not on gender. This business of numbers and women firsts can be—and is—overblown sometimes. But we should also not get too comfortable with our successes and the comparative increases in the numbers—some absolute numbers and percentages that we have not even nearly achieved are important if women are to have equal opportunity in the professions. As Justice O'Connor has said of the legal profession: "Until the percentages come close to 50% . . . we cannot say we have succeeded." She is right.

The numbers and percentages do matter to how much clout and comfort we have in any given professional setting. They also matter to how attractive a particular profession or job setting will be to other women making career and life choices.

The most dramatic illustration of this point for me came early in my tenure as United States Attorney when I also served as Chair of Attorney General Reno's Advisory Committee, which consisted of 15 U.S. Attorneys from all over the country and whose function was to advise the Attorney General on policy matters. In my capacity as Chair, I traveled to Washington one morning a week for over a year to attend the Attorney General's weekly executive staff meetings which were attended by all of the top Justice Department officials: the Solicitor General of the United States, the Deputy Attorney General, and all of the Assistant Attorneys General in the Department—about 25 people in all, most appointed by the President of the United States and confirmed by the Senate—a pretty heavy-duty group.

For the first time in my career, the women in this highlevel, high-powered setting outnumbered the men. And I don't think it was my imagination that the men, in this unfamiliar environment, were somewhat chilled and reticent about expressing their views and making arguments, while the women were more comfortable and spoke up more freely. In other words, the atmosphere and professional climate were defined, at least to some extent, by the numbers. This may seem obvious. But, at least for me, it was a revelation of sorts. Maybe we women have been outnumbered for so long in power settings that we just don't consciously think about it or the impact it may have on us. But the imbalance in the numbers is a reality that continues to exist and operate on us in ways that I think are not conducive to optimal performance and success. So we must all continue to strive for

greater representation for women in these power settings and all settings in the legal profession. Women firsts are important, but they are just the beginning.

We must continue in the 21st century to enter, remain in and succeed in the legal and every other profession, at every level. Those of us who have now been in the workplace for a while must reach out, support and affirmatively assist younger women. It is extremely difficult, especially for women, to achieve the right balance today between our work lives and personal and family lives. Decisions must be made all the time in favor of one or the other. (Just last week, as the news media headlined, Karen Hughes, a top advisor to President Bush decided to return to Texas to be with her husband and 15-year old son who did not like the Washington limelight and life—and how it consumed so much of Mrs. Hughes' time and energies.) The choices are hard.

The need to find creative and flexible solutions for women (and men) in the law who also have important and pressing family obligations will not change in the 21st century. It is a huge challenge with no perfect solutions.

Another big challenge in the 21st century will be to redefine what the relevant marks of success and professional achievements are and should be. It may be that at least a part of the glass ceiling women face is of our own making because we may too readily accept the goals and definitions of success handed to us by a society and professions historically dominated by men and their aspirations and values.

Women should not aspire to positions, lifestyles and jobs *just because* we may have been subjected to unfair and discriminatory barriers. We should strive for things because we genuinely want them. We should also work toward redefining success and how to get there. The same goes for ideas, causes, interests and points of view. There are many things on which most women do and should agree—equal pay, equal healthcare attention, equal professional respect and opportunity. But there are many things and issues on which our gender should be irrelevant and no indication whatsoever of what we think, believe, care about, or want to achieve.

There is obviously no such thing as a single set of points of view that all or most women hold. Some of us favor the death penalty, others are against it. The same is true of men. Some women are for gun control, others are against it. Some favor raising taxes, other don't. Some women, like some men, are pro-life, while many others are vigorously pro-choice. The point is that women are individuals and we must resist every effort to be stereotyped, either as to what opinion we hold or should hold, or as to what job we can have or should want to have. We need to be—and feel free to be—ourselves and to be judged and treated as the complicated individualists that we are.

We also need to avoid setting goals for ourselves just because women

haven't been there before—only men have. I do not seek for women to become 50% or 51% of every grouping or profession. For example, I have no aspiration for women to become 50% of convicted felons in our jails nor necessarily 50% of their jailors. And I think it is a good thing that women are woefully underrepresented in the domestic militia movements that seek to bring down our Government. Women bring unique perspectives and dimensions and insights to issues and problems. We don't want to lose those unique qualities that can effect such positive societal change in the hunt for professional equality and success.

To try to better make my point about equal opportunities for women without losing our uniquely positive qualities, let me digress a little into a subject I care very deeply about and spent a great deal of time on as U.S. Attorney: terrorism. Talk about a subject that many would not associate with a woman prosecutor in the first instance. But it did fall almost exclusively to the U.S.A. in the SDNY to deal with for nearly nine years. And that U.S.A. was a woman—me. There is nothing peculiarly male or female about investigating and prosecuting terrorists, and, so far as I could ever detect, I was never regarded by the FBI or anyone else as less able to deal with this difficult and complicated brand of crime and war because I was a woman.

But, in other ways, terrorism and women are definitely not regarded on the same footing as terrorism and men—and we want to keep it that way. None of those 30 + defendants I mentioned was a woman. And nearly all of us had a much more dramatic, jolting reaction when it was 16 and 18-year old Palestinian girls, as well as boys, who ended their lives recently in horrific and life-ending suicide bombings in Israel. And it was it even more jarring when it was *Mrs. Arafat* who said she would be proud if her son (if she had one) decided to end his life in a suicide bombing to advance the Palestinian cause? I think our greater and even more negative reaction to women involved in and supportive of terrorism occurs because we still look to women, expect women to rise above the fury of war and ego to adhere to more humane and lasting priorities that are grounded in fairness, respect for life, and non-violence. That is good. Those are values on a higher plane that bode well for world peace. If these are values that are held and propounded more vigorously by women than men, we don't want women to change or conform their views. Some differences are good to maintain. As we strive for equality of women in the world and in the work place, we should avoid altering our fundamental values.

Let me go back to a little less serious, but still very important subject—women in the professions. Must women become more like men to succeed? No. As we continue into the 21st century, we should lay to rest, once and for all, the tired adage for success for women published in *Fortune Magazine* in 1990: "Look like a lady; act like a man; work like a dog." Hopefully, today's

version of that advice at least reads: “Look like you want to; act like yourself; work like a dog.” Two out of three may be the best we can hope for. What we want the 21st century to be is as close to a “ceilingless” century as is possible to attain, where women and men have equal opportunity, equal pay, and the freedom and acceptance to be themselves without confining stereotypes that either limit us or define us.

What is today regarded as “success” in the legal profession is expanding and diversifying. Women, in particular, I think, are taking the lead in redefining success—money, positions of traditional prestige, partnerships in large law firms—are not the only or even primary yardsticks. Overall job satisfaction, public service and a more sensible and satisfying balance of our professional and private lives are growing in importance as the barometers of success for both men and women. These are positive developments, but we must keep striving. Achieving equality for all women and all men in all aspects of the legal profession is our goal. It is not an easy one to achieve. But the outlook is bright and getting brighter. I look forward to all of you—men and women—being a part of that future in our profession.



