

LAW MATTERS

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In This Issue

President's Message	2
A Look Back – Bias in the Profession: Once More with Feeling	3
Founder's Spotlight: Kathy Austin	5
Past President's Spotlight: Laura Baker	6
Women Leaders in Academia Recap	7
Holiday Mixer – Virtual Trivia	8
Committee Updates – Diversity & Health & Wellness	9
Sustaining Members	10

PRESIDENT'S MESSAGE

by Sara Anne Quinn



This year, in order to maintain safe distances, my firm traded our usual in-office Thanksgiving lunch celebrations for a virtual gathering. People shared reflections on the past year as well as what they remain thankful for in these unusual times, and I was touched and frankly surprised by the candor in what people shared. This year has brought a lot of hardship and stress for many. It has brought the loss of family, friends, and colleagues. It has brought both physical distance and isolation as well as mental and emotional distance and isolation. It has brought lost business, lost jobs, food insecurity, and impending evictions. It has brought a heightened awareness to the daily discrimination and racism that so many Americans face and that so many Americans, whether intentionally or not, are complicit in perpetuating. It has brought hurt, division, anxiety, loneliness, and fear. And as we approach the holidays, 2020 is requiring us to depart from our comfortable and cherished traditions and remain distant from those we love the most.

Thanksgiving is usually my favorite holiday. I know there are a lot of problems with the old, romanticized, and inaccurate narrative of the “first” Thanksgiving. But to me, Thanksgiving has always been a time to simply enjoy getting together with loved ones and eating good food. Christmas can become more about having the perfect decorations, giving (and getting) the perfect gifts, debating when is too soon to turn on the Christmas music, and how many movies the Hallmark channel can crank out. But Thanksgiving does not have the distractions of gifts and seasonal music. It is truly about being thankful for and being with the people in your life.

In many ways, this year makes it difficult to be as thankful as usual. But I want to take this opportunity to say a few of the things I am thankful for, and I hope you will take the time this year, whether or not you are able to gather with your usual Thanksgiving group, to do the same:

I am thankful for my family. Many of the changes this year, like eliminating my commute and those errands we used to spend all weekend doing, have provided me so many extra opportunities to spend quality moments with my children and my husband.

I am thankful for my job, and that I have a job that could be transitioned to working from home. I am thankful for my partners and co-workers, who have in many ways been my main connection to the “outside world” this year.

I am thankful that this country will see a woman, and especially a black woman and woman of Indian-heritage in the second-highest position in this nation. What a momentous event in the continuing fight for the rights and representation of women and minorities in this country.

I am thankful for the beautiful fall that Nashville experienced this year. It has been easier to keep gatherings and activities safely outdoors with such welcoming weather and beautiful views.

I am thankful for LAW, and I am beyond thankful for Melanie Grand who has essentially learned a new trade this year in taking us virtual. She has kept us all afloat, especially me. This year has been out of the ordinary, but I truly believe that LAW has provided a way for our members to stay connected to each other and stay informed. I am thankful for our board and our members. The national conversation and political discourse is so divisive right now. But I have hope for the future because I see the struggles our members have faced and overcome, and I see the continuing work our members are putting in toward the mission of our organization.

Happy Thanksgiving to you all. I know this year will be different than the rest (please, please, be different next year), but I hope that however you celebrate, you are able to take time to reflect on the blessings in your life this season.

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A LOOK BACK



As LAW – Marion Griffin Chapter prepares for the celebration of its 40th anniversary in 2021, we are taking a look back at previously published newsletter articles. This month, we are reprinting an article that was published in the April 1995 newsletter, Volume VIII, No. 12. We are not hiding this behind a link, but putting it out front and center.

Gender Bias in the Profession: Once More With Feeling

by Deborah L. Rhode*

Several months ago, during a discussion of diversity in the legal profession, a prominent law school dean expressed skepticism that the "woman problem" was widely perceived to be a problem. Although he was well aware of the continued obstacles facing racial and ethnic minorities, he was surprised to hear that some of us still viewed gender inequality as a significant concern.

I was equally surprised by his surprise. Law, I noted, is not different than other elite professional settings. Women are substantially underrepresented at the top and substantially over-represented at the bottom of status and reward structures. "Really?," he asked. "Are you sure?"

Many of us have bumped up against that skepticism with tedious regularity over the last decade. Despite a growing cottage industry of commentary on gender bias in the profession, only about one-third of surveyed male attorneys (compared with between two-thirds and three quarters of their female colleagues) report observing any problem. Even men who are aware of such bias often discount its significance. As one Texas practitioner recently noted, "Of all the problems we have as lawyers, gender discrimination is low on the list of important ones."

To him, perhaps. And those who share his views are unlikely to read columns like this one. But for those of us who care about the status of women in the profession, it makes sense periodically to review the challenges that remain.

The Underrepresentation of Women

The continued underrepresentation of women in positions of greatest power, status, and economical reward is both a problem and a symptom of broader problems in the legal profession. For example, women account for close to forty-five percent of new entrants to the profession, and over twenty percent of all lawyers, but only about eleven percent of the partners in the nation's 250 largest firms, eight percent of the federal bench, sixteen percent of full professors in law schools, and seven percent of law school deans. Female lawyers also earn substantially less and express more dissatisfaction with practice than their male colleagues. These disparities are still greater for women of color.

What accounts for such gender difference is a matter of dispute. Many men believe that factors other than discrimination are at work. One common view, is that current inequalities reflect women's historic under-representation, and that time will take care of the problem. Yet status and income disparities between women and men cannot be explained by years in legal practice or by other objectively quantifiable factors. In law, as in other elite professions, female members advance less far and less quickly than male colleagues with comparable qualifications. For example, a recent ABA survey found that of some 3,000 young lawyers with similar backgrounds, men were twice as likely as women to have achieved partnership status.

"Women's Work"

To explain these disparities, some practitioners place primary importance on male and female attorneys' different choices. Employed women assume about seventy percent of the domestic burdens in the average family and spend about twice as many hours on household tasks as employed men. As a consequence, many women cannot afford

the time required for advancement in the most demanding professional settings. Yet it is important not to view these patterns simply as a function of "natural" preferences. Women's career sacrifices are attributable not simply to their free choices, but also to gender role stereotypes and inadequacies in work-place policies. Most employers do not offer satisfactory part-time and most surveyed lawyers feel that accepting a reduced schedule would compromise their professional advancement. Overly demanding workloads are a leading cause of women's job turnover, dissatisfaction, stress, and related problems such as depression and substance abuse.

Double Standards and Double Binds

A further barrier to women's equality in the profession involves the persistence of unconscious bias. Although doubts about women's competence are rarely aired in mixed company, their influence is still apparent in studies of unconscious bias. So, for example surveys involving various professions find that the same work or the same resume is rated lower if it is attributed to a woman rather than a man, and the problem is compounded for women of color. Females' contributions are often devalued or misattributed to males, and demeaning practices are still surprisingly common. Women attorneys have had to cope with labels such as "little lady," "pretty eyes," "baby doll," "sweetie," and "attorney generallette." Yet women who protest such comments or other forms of sex-based discrimination and harassment are often dismissed as humorless or oversensitive.

The mismatch between characteristics traditionally associated with women and those typically associated with professional success also leaves female lawyers in a long-standing double bind. They remain vulnerable to criticism for being "too feminine" or "not feminine enough." What is assertive in a man is abrasive in a woman.

Continuing Challenges

Responses to many of these problems follow harassment, hiring, retention, mentoring, female leave, and part-time work provisions. Many bar associations and commissions also have developed model proposals and training programs. Some continuing legal education programs also include materials on racial, ethnic, and gender issues. We need to support these initiatives and encourage our employers, our state judiciaries, and our bar organizations to institute adequate policies and educational programs.

In 1950, when Harvard Law School finally admitted women students, its Dean reassured anxious alums that the institution could readily "survive the shock." Indeed, he doubted that a female presence would affect the character of the school "to any detectable extent." Although similar perceptions remain common, our experience over the last two decades makes clear that the profession cannot simply "add women and stir." It also needs to act affirmatively to create a climate in which gender bias is part of our historical experience rather than our current reality.

This column is adapted from an article "Gender and Professional Roles," in 63 Fordham Law Review 39 (1994), a symposium on Women and the Professions. Deborah L. Rhode is a Professor of Law at Stanford University and a former director of Stanford's Institute on Women and Gender.

*[Deborah L. Rhode](#) has spent her career at Stanford. She is the Ernest W. McFarland Professor of Law and the Director of the Center on the Legal Profession.



As the Lawyers' Association for Women—Marion Griffin Chapter celebrates its 40th anniversary this year, we are looking back on and honoring our past. As part of the celebration, we plan are highlighting a LAW founder and past president each month, finding out what drew them to LAW, what they remember most about their time as president, and their reflections on LAW's role in the community now and in the future.



Founder's Spotlight

Kathy Austin

What were you doing in your career at the time the Marion Griffin chapter of LAW was founded? I had just finished my first legal job, a clerkship with Judge Samuel Lewis of the Tennessee Court of Appeals, and had started as a staff attorney with Rural Legal Services in Cookeville, TN.

How did you come to become one of the founders? When I was clerking for Judge Lewis in Nashville, we had six women who were clerks, one with the Supremes and five with appeals. We got together quite a bit, and some of us, including other women attorneys, started having pot lucks. I was invited to one of the early organizing meetings for LAW, but I was about to move to Cookeville. I knew I wanted to be a part of this, so I asked that it be an organization for more than just Nashville. I was in Cookeville by the time of the official beginning, but I was

able to become a member. I don't know what else was discussed about making LAW for Middle Tennessee, but I like to think I had something to do with it.

What did you envision as the goal or purpose of LAW when it was founded? I think my goal was for women lawyers to have a good place to get together and share honest feelings and opinions and a group of other women attorneys they knew they could count on.

What's a favorite memory from your time with LAW? I think I must mention three (we old people have a lot of memories!). When I was newsletter editor, we had a board retreat at a state park. I had the honor of rooming with Claudia Bonnyman. The retreat was great. I also have to mention Nancy McLean's columns for the newsletter back in those years. Ask her or Mary Parker about the "news article" Nancy wrote about a trial of Mary's. It was one of the funniest things I have ever read. In the early years especially, you would hear women speaking at our meetings saying things you could not hear anywhere else such as about the real difficulties women were facing in law firms at that time. It was always inspiring.

What has your membership in LAW provided for you over the years? The main thing is the tremendous opportunity to get know a lot of fine women I wouldn't have gotten to know otherwise.

What do you think LAW has provided to the Nashville legal community since it was founded? I think LAW has helped open up the doors to more opportunities for women in the legal profession and especially in judgeships. I like to think our presence has helped women to be taken more seriously than we often were at first.

How has the practice of law changed for women since LAW was founded? I'm sure it has changed a lot. My practice has been sort of an anomaly, I think. Even in Tennessee in the early 80's I was in Court trying and arguing cases—although sometimes the judges called me by the name of the only other woman who was regularly appearing in their courtroom! I had the good fortune to practice in smaller firms mostly where my gender was not so much of an issue. I think now sadly women still face many of the same prejudices, and firms are still slow to change policies such as family leave. I am afraid some gains for women in general and women lawyers in particular may be in jeopardy. I hope I'm wrong, but we have to keep up the fight.

What do you hope LAW does in the next 40 years? While I'd like to see LAW to continue doing all the good things it has been doing, I'd like to see it broaden the scope of issues a bit. I believe lawyers have a special responsibility to address tough social issues that more broadly affect all women. With the recent Supreme Court appointments, I see some hard times for women ahead as well as for hard-fought gains for racial equality and LGBTQ equality. I hope LAW will step up to advocate and fight for what some perceive as controversial issues such as a woman's right to control her healthcare including the right to have an abortion and will encourage woman lawyers to take up these fights. A friend of mine was once asked how long she would keep up her work for women's equality. Her answer was, "Until women are free!" I wish LAW a stunning next 40 years in continuing the good work until all women are free (and getting together for pot-lucks)!



Past President's Spotlight

Laura Baker

2014-2015

Why (and how) did you first get involved in LAW? I first joined LAW after attending the annual New Admittees' Breakfast the year I graduated law school and was sworn in by the Supreme Court. I began attending the monthly membership luncheons, which were held at the Nashville City Club at the time. When Bernadette Welch became President of LAW, she asked me to serve as one of the co-chairs of the Mentoring Committee.

What other LAW committees did you serve on before or after becoming president? I have served as a co-chair of the Mentoring Committee, a co-chair of the Programs Committee, as a Newsletter Editor, and as Treasurer before I became president.

What do you consider to be your greatest accomplishment while serving as president of LAW? I worked with our board to bring back the annual banquet, which had not been held in at least a decade at that point, and in establishing two awards to be given annually at the banquet: The Martha Craig Daughtrey Award, which honors those women who have dedicated their careers to the advancement and support of women lawyers, and the Rising Star Award, which honors the up-and-coming leaders in LAW. I also formed a board committee to examine the best use of the Cy Pres funds that Beth Alexander had secured for LAW years earlier, and we landed on the idea of having a recurring women's symposium to provide a forum to examine topics of interest to women lawyers and collectively work together towards the advancement of women in the legal profession. From this work came the Marion Griffin Women's Symposium. Though the inaugural symposium wasn't held for two more years (after a ton of work by an incredible group of committed women), the idea and vision for the symposium began with this committee.

What has changed about LAW and/or the Nashville legal community since you first got involved in LAW? So much has changed since I first got involved in LAW. Probably the biggest change in LAW and in law practice in general, is technology. I remember when I first joined LAW, members couldn't register for or pay for a LAW luncheon or event online (or even with a credit card). In my law practice, most of my correspondence was sent by letter and fax instead of email. Now, virtually everything is handled through email and online. As for LAW, not only has the website been significantly upgraded (including registration and payments!), but we also have a social media presence, and, in this season of COVID-19, we have held every program virtually using Zoom.

What do you hope LAW's role is in the Nashville legal community going forward? I hope LAW continues to provide the same opportunities to be in community with other women lawyers. We learn so much from one another and having the support and guidance of other women is invaluable in law practice.

What woman inspires you and why? It is hard to choose just one woman who inspires me! I am surrounded by inspiring women both in my professional life and personal life. However, one woman who has been particularly inspiring for me over the years is Margaret Behm. Margaret is a true champion of women lawyers. She wants to see other women succeed and she is willing to help in any way possible. She goes out of her way to make sure that women have a voice at the table, to highlight the successes of other women, and she fearlessly takes on challenges no matter how great. She inspires me to do the same.

Women Leaders in Academia

By: Callie Jennings



On November 17, LAW Members heard from two of Tennessee's leading women in academia: Emeritus Dean Melanie Wilson from the University of Tennessee College of Law in Knoxville and Dean Katharine Schaffzin from the Cecil C. Humphreys School of Law in Memphis. In this dual credit CLE event held via Zoom, Deans Wilson and Schaffzin discussed the recent rise in the number of women serving as deans of law schools across the country and their own respective paths to a career in legal academia.



Both first-generation college and law school graduates in their families, Deans Wilson and Schaffzin did not begin their careers knowing they wanted to teach. Dean Schaffzin explained that she first considered teaching when, as a new lawyer, she agreed to coach a high school mock trial team. After helping such young students gain a deep understanding of complicated rules, like hearsay, she realized her skills could easily apply to the law school classroom. In college, Dean Wilson earned her degree in journalism and tutored fellow student athletes (she played on her college golf team, herself). She took those skills with her, loved her years in law school, and knew at that point that she was ultimately bound for a career in legal academia.



Both women discussed their experiences with gender bias both in private practice and as law professors. In practice, it can sometimes be easier, especially for new attorneys, to rationalize sexist behavior. But as they advanced in their careers, both Deans acknowledged that they became more aware of and willing to call out gender bias, rather than excuse it. Dean Wilson shared her experience interviewing for several dean positions, only to be told she was just "not a good fit." (sidenote - as a former UT student myself, and a member of the student committee who voted for Dean Wilson, I am so proud that we got her!). Dean Schaffzin also shared that, as a female professor, it can sometimes be a challenge to command respect in the classroom.



From what you wear to class, to how you address your students, to how they might address you (Ms. vs. professor, for example), it can all factor in to how they respond to you as a professor. Student reviews are then considered by the tenure committee, typically made up by a majority of male professors, who may or may not take implicit bias into consideration.

In sum, while both the world of academia and the realm of private practice have more work to do, our women leaders here in Tennessee are certainly something to celebrate. As the Deans instructed, the only way forward is to keep amplifying one another and standing up for other talented women in law!



Callie is a 2020-2021 Newsletter Editor. She works at Branstetter Stranch & Jennings PLLC where she focuses her practice on general and complex litigation of employment matters in federal court.



Holiday Mixer
Pandemic Style
Virtual Trivia
December 17th at 5:00 pm
Play for prizes!
[Register Here](#)



In the Diversity Committee's second installment of recommended readings/podcasts, we take a look into the protests and biases that have propelled the Black Lives Matter movement.

Megan Ming Francis, [Let's get to the root of racial injustice](#), TEDxRainier (Video) (2016)

Rebecca Epstein, Jamilia J. Blake, and Thalia González, [Girlhood Interrupted: The Erasure of Black Girls' Childhood](#), Georgetown Law Center on Poverty and Inequality

84 – Cara James, PhD and Andrea Willis, MD, MPH: [Health Equity and Action to Eliminate Disparities](#), A Second Opinion With Senator Bill Frist, M.D. (Podcast) (September 14, 2020)

HEALTH & WELLNESS BOOK CLUB



What is the internet doing to us?

The Times tech columnist Kevin Roose

discovers that happens when our lives move online.

<https://www.nytimes.com/column/rabbit-hole>

Register by Noon, December 3rd. A link will be emailed to you shortly before the meeting. [Register Here.](#)

**Thank you to our Sustaining Members who support the programs,
Mission and purposes of LAW above and beyond the Sliding Income Scale categories.**

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