

Mort a la Differance?

I. Intro:

A. What is the difference between men and women? One comic describes the difference this way. If a woman is playing baseball and has to choose between catching a high pop-up ball and a baby being thrown into the in-field from the stands, she will ALWAYS catch the baby, - - without even looking to see if there is a man on third!

B. In broad generalities, we all know there are many ways men and women are the same. We love our families, we want to help make the world a better place, and we like nice things and want the rewards of a good and powerful job. But, while there are many attributes we share as humans, there are also many, many differences.

It could be debated whether it is in spite of advances in recent history, or because of such advances, women are in circumstances now that did not exist as recently as 25 years ago.

II. How have the circumstances for women in law changed?

A. Opportunity has changed over the past quarter century

1. More schools have strong numbers of women in class than 25 years ago.
2. Support services are more widespread and much more acceptable (i.e. day care, house keeping, grocery delivery, willing husbands/partners)

B. Women's biology has remained the same. A rose is a rose is a rose; only women get pregnant, and only women nurse babies. At the other end of reproductive life comes "the Change." As much as we like to smile about Menopause by renaming hot-flashes "power surges," and relate jokes about half-crazed, middle aged females, that reality cannot be avoided. So, we must recognize that there are times in every woman's life when her body undergoes major physical changes. These changes can be tremendously life enhancing, but they are still changes. Recognition and adaptation to a new physical reality takes energy, and maybe some time. Pretending it doesn't exist is a lie. Medical advances and new acceptance of ancient knowledge make these adjustments easier, but adjustment is still required.

C. Flexibility: Lip service vs. reality.

1. You remember the Sphinx Riddle. What moves on four legs in the morning, on two legs at noon-time and on three legs in the evening? The traditionally worded answer is, "Man." The riddle of the sphinx demonstrates that an individual's capabilities change throughout life. But some needs remain constant, no matter what age or circumstance. Someone is always providing regular maintenance for the baby/child, and the man in his prime and the old person!
2. The question for many women in the law is, "Whose is the hand at these "maintenance" tasks like food preparation, cleaning, homemaking, child rearing, etc.?" It remains a fact that for most people, most of the time, that domestic support person is female – And

most women find themselves in that role, whether or not their education prepares them for other roles.

III. Generally, expectations men have for themselves are equivalent to expectations of all practicing lawyers:

- A. Work hard at the job and you will be rewarded
- B. People will notice what you do if you do it in front of them
- C. “Taking one for the Team” is a good thing
- D. “The Job/Career” is the primary focus of your day/life and other elements of your life must be supportive of, and secondary to that job.
- E. Myth?: Without this job, precious little else in your life would be possible
- F. Making a contribution to society at large and business is more important than contributions to individuals or smaller, private groups like families

IV. Expectations women have for themselves:

A. That we can take advantage of all the opportunities available in order “make the most of yourself!”

B. The expectations/goals men have of themselves professionally are valid, and possible for any individual, regardless of gender. Women can expect the same of life – and play the game by those rules.

C. Many women have other/additional, traditional needs and goals that are also possible. Many want to have babies, raise a family, be in supportive nurturing relationships with other men and women, create things and develop the feminine side of an otherwise androgynous professional, and live a life with spiritual and/or religious discipline.

D. Meeting personal needs and professional needs can be balanced by:

1. Careful, ongoing organization and planning,
2. Creative decision making,
3. Understanding support staff, which includes secretaries, day care, housecleaner, and other service providers
4. Reasonable bosses,
5. Flexible priority setting,
6. Financial resources and
7. Good health.

C. It is reasonable to expect all these elements to be available continuously.

This is a very crucial assumption. It may also be a very stupid assumption.

V. Expectations men have of women: Do most men assume, that women can achieve their expectations personally and meet also the expectations men have for themselves?

A. When the choice women make is to try to do it all – the prevailing men’s attitude is one of, go for it – good luck! Men won’t stand in the way. They will cheer her on as she balances her health, checkbooks, schedule, caseload, love life, and friendships. And self esteem. Gosh, most men even let her know when one area is slipping! “Your time is too valuable to have to clean your house yourself– get a better

housekeeper!” “If this case is too much I can find another associate to help cover it.” “Don’t you need to run your parent/child to the eye doctor again this week?” “She left to get her hair cut? You’re kidding! I’m glad now I’ve got my dad’s crew cut – isn’t it great to inherit a hair style?!”

- B. Most men never attempt the balancing act that women live with throughout their “business life.”
- C. Women know this is going to be tough, but take on the challenge willingly

VI. Consequences of unrealistic and too high expectations:

- A. Cutting corners - Cutting corners and getting things done in the simplest fashion possible is an obvious choice. Fresh baked bread can come from a machine or a bakery – it doesn’t have to be a loaf tended for hours by a homemaker. But some corners are a little harder to trim away. Substituting concentrated “quality time” with children and spouses is still just a substitute for long, uninterrupted quality time. But, it is a valid choice.
- B. Stress and feelings of being overwhelmed are common among many. One only has to look around and talk to people. The jokes about “free time” are very common.
- C. Tough choices abound for any professional. But for women in the law the choices can be brutal. It was only 1978 when my son was born, full term- but in the middle of my fall term, third year law school. He was healthy but tiny – only 4 pounds. In those days of pre-HMO health care we were both allowed to remain in the hospital together for 6 days, then he remained another 6 days while I came and went several times a day to feed him. When he came home 2 weeks after his birth he was a trapping 4 lbs, 14 oz! I had missed only two weeks of class and fell right back into step with the routine of school. Final grades reflected an amazing reality to me. My “Children and the Law” class professor, a woman with 4 children of her own, took the “B” I’d earned and reduced it 2 grades for each week I missed class. That “D” ruined a fairly decent GPA, but taught me good lessons about fairness (life ain’t) and choices (each has a consequence.)
- D. Monetary implications are to be considered also. How much in compensation can one “settle” for? How much one can and should borrow to finance an education is not often part of the graduate school equation. If it is considered most students assume the big firm starting-salaries will make it worth while. Law schools have a wonderful revenue source with high energy, intelligent applicants seeking ways to start a meaningful career. Pressure to achieve and evaluating choices by a dollar amount lead to unhappy people laboring in unsuitable positions. The old joke about the sweet young lady who turned down an offer of \$50 for a sex act, only to accept the offer for \$1 million

comes to mind. “Now we know *what* you are, we’re just dickering over the price!”

- E. All our community suffers when we don’t have the diversity of representation similar to our culture.