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The Law Hasn't Yet Achieved Parity

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The Law Hasn't Yet Achieved Parity

The MeToo movement is as true in the law as it is in Hollywood. But you can help change the profession.

Parity between men and women in the legal profession is an aspiration. It's not reality, at least not yet. I wish I'd have understood that in law school because hearing that there's parity when there's none can be maddening.

I also wish I would have known about the resources available to people who want to do something about the lack of parity in our profession.

WHAT PARITY LOOKS LIKE

Parity in the law would mean that every opportunity that's available to men is also available to women. You may find that's not the case, such as when people tell women to avoid certain men as mentors for fear of harassment, while men have no such concerns.

Parity would also mean that women can accomplish everything men can, with no regard to gender. But the feeder judges who send clerks to the U.S. Supreme Court are predominantly male; the justices on the Supreme Court are predominantly male; the clerks at the Supreme Court are predominantly male; the members of the Supreme Court bar are predominantly male; and the partners at large law firms are predominantly male.

Parity would also mean that women have access to the same opportunities as men. But professors may select research assistants who are predominantly men, and male classmates will have access to boys' networks that will never be completely welcoming to women.

Parity would also mean that women aren't held to more demanding standards or judged according to different criteria than men. But

women who are outspoken can be viewed as abrasive or nasty, while men may be viewed as confident and quick. Women who make mistakes are seen as lightweights or incapable, while men who make mistakes may be seen as learning or trying. And women's achievements can be questioned in ways that men's aren't.

Parity would also mean that women aren't treated less favorably than men. But you may encounter a lawyer who ogles and touches only women's bodies. You may work with a person who feels more comfortable working with men than women. You may meet an attorney who thinks women won't work as hard as men. Some of these people may even be women.

It's okay to expect the best and be prepared for ... something else, because there's not yet parity in the legal profession.

HOW YOU CAN CHANGE THINGS

The bad news is that there currently isn't parity in our profession. The good news is that it doesn't have to be that way, and you can do something about it. And, it turns out, there are amazing support systems that are available to you if you do.

One thing you can do about the lack of parity is to talk about it. It sounds simple, but most law schools really want to know when harassment or mistreatment occurs, whether the harasser is another student, a faculty member, an administrator, a judge, a practicing lawyer in an interview, a practicing lawyer during a summer job, or someone else.

And when you speak up about sexual harassment or other forms of sex discrimination that you've encountered or observed, you may find that you're stronger than you give yourself credit for.

You should also know that there are amazing networks of people out there who will support you if you choose to speak up about the lack of parity. It can be lonely and isolating to process mistreatment alone. It will also be scary and nerve-racking to figure out who'll listen to you and support you if you speak up.

But it's worth trying to find those people. They might be faculty members you can trust, your fellow students, advisers you have access to perhaps in the career office, or just an army of women ready to have your back. My life is better for having those people in it.

By talking to them, you may help not only yourself but also our entire profession. You can do something about the lack of parity as a law student. Parity starts with us. ■

LEAH LITMAN is an assistant professor at the University of California, Irvine School of Law whose expertise is in constitutional law, federalism, federal post conviction review, habeas corpus, and the federal courts. Litman clerked for U.S. Supreme Court Justice Anthony M. Kennedy and later was an appellate litigator at Wilmer Cutler Pickering Hale and Dorr. She spoke to the *Washington Post* on the record about allegations of sexual misconduct involving a former federal judge.