

# Michigan Law Review

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Volume 85  
Issue 5 *Issue 5&6*

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1987

## Where They Are Now: The Story of the Women of Harvard Law 1974

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### Recommended Citation

Lissa M. Cinat, *Where They Are Now: The Story of the Women of Harvard Law 1974*, 85 MICH. L. REV. 1235 (1987).

Available at: <https://repository.law.umich.edu/mlr/vol85/iss5/36>

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WHERE THEY ARE NOW: THE STORY OF THE WOMEN OF HARVARD LAW 1974. By Jill Abramson and Barbara Franklin. New York: Doubleday & Co. 1986. Pp. viii, 300. \$17.95.

In 1873, the Supreme Court allowed the state of Illinois to prohibit women from practicing law.<sup>1</sup> "The natural and proper timidity and delicacy which belongs to the female sex," Justice Bradley stated, "evidently unfits it for many of the occupations of civil life."<sup>2</sup> Almost a century later the President of Harvard University, Roger Pusey, expressed a similar sentiment. At the height of the Vietnam War he is reported to have lamented that we would be left with the blind, the lame, and the women.<sup>3</sup> Nonetheless, women who applied to Harvard Law School in the late 1960s and early 1970s proved to be harbingers of a new era. While in the early 1960s only three to four percent of our nation's law students were female,<sup>4</sup> by 1971 women comprised more than ten percent of Harvard Law School's incoming class (p. 2). In *Where They Are Now: The Story of the Women of Harvard Law 1974*, Jill Abramson and Barbara Franklin<sup>5</sup> seek to determine whether the seventy-one women who graduated from that class have found personal and professional fulfillment.<sup>6</sup>

As a matter of general interest, *Where They Are Now* offers a fresh approach to the study of women in law. Of the seventy-one women who graduated from Harvard Law School in 1974, the authors present case histories of twelve whose experiences mirror those of the women in that class. Though these women entered the legal profession with some of the "best possible credentials at a time when it was possible . . . for women to have the same expectations . . . as men" (p. 2), the authors conclude that these women have not found the fulfillment they sought. The attorneys whom the book examines candidly reveal their frustrations and worries. While these stories can be instructive, *Where They Are Now* provides a superficial analysis of the dilemmas professional women confront. Abramson and Franklin's observations and

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1. *Bradwell v. Illinois*, 83 U.S. (16 Wall.) 130 (1873).

2. 83 U.S. (16 Wall.) at 141 (Bradley, J., concurring).

3. Ginsburg, *Women at the Bar — A Generation of Change*, 2 U. PUGET SOUND L. REV. 1, 4 (1978).

4. C. EPSTEIN, *WOMEN IN LAW* 52-53 (1983).

5. Both authors are journalists. Jill Abramson is a senior staff reporter for *The American Lawyer*, and from 1973-76 she covered the Harvard campus for *Time* magazine. Barbara Franklin is a former staff reporter for *The American Lawyer*, and has reported for the *Press Enterprise* in Riverside, California and the *Sacramento Bee*. She is currently a freelance journalist.

6. Pp. 1-2. Other books have documented the history and experience of women in law, although literature on this subject is still scarce. Other works include C. EPSTEIN, *WOMEN IN LAW* (1983); K. MORELLO, *THE INVISIBLE BAR* (1986); *WOMEN LAWYERS: PERSPECTIVES ON SUCCESS* (E. Couric ed. 1984).

conclusions are often trite and un insightful. Further, the authors too often describe the women's experiences in a talebearing way, emphasizing gossipy personal trivia at the expense of sound analysis. These problems not only minimize the seriousness of the authors' work, but the problems of the women they study as well. Ultimately, *Where They Are Now* may exacerbate, rather than explain, the prejudices that women still must overcome.

The authors dedicate each chapter of *Where They Are Now* to a different phase of legal education and practice. Chapter One explores law school as experienced by women who attended Harvard in 1971 and in the years before. Chapter Two looks at the lives of women who chose to pursue careers at corporate law firms. In Chapter Three, the authors examine the rewards and frustrations of choosing a career in the public sphere. The authors then discuss the problems of career burnout, of managing motherhood together with a career, and of attaining partnership in a legal world that is still dominated by men. Finally, the book explores the lives of two women who have made it to the pinnacle of the legal profession and who must struggle to stay there. A close examination of three chapters in *Where They Are Now* will demonstrate the strengths and weaknesses of the book.

Chapter Two shows that only a decade ago large corporate firms in particular were hostile to women lawyers. The chapter opens with a description of the "armchair liberalism" many law firms exhibited during the mid-1970s. For example, after a group of female law students brought a series of gender discrimination suits against various law firms, many employers hired more women than ever before. Nonetheless, "sexist episodes" were frequent. One woman was told to "stand up and turn around" during an interview with a New York firm (p. 24). At another firm, the hiring partner informed a woman that litigation was an inappropriate field for a woman to pursue, and that "the few women his firm hired did exclusively trusts and estates work" (p. 24). "We hired a woman last year" was another typical response to women seeking employment with prestigious corporate firms (p. 24).

After this preliminary look at the interviewing process, the remainder of Chapter Two focuses on the careers of two women who are currently employed by large firms in two different cities. One attorney is now a partner in a San Francisco firm, the other an associate for a firm in New York. These women candidly discuss the early events of their careers. One corporate partner summarized her experience this way:

When I first came to work here, . . . there were attorneys who just didn't know how to behave and some who had never really had to deal with women in business. . . . You'd have to say, "Don't call me Gumdrop in front of the client," or, "When I walk into a room, please introduce me as an associate," because back then lots of people assumed you were a

secretary or a paralegal and you really did have to make sure that when you were introduced they understood. There were lots of times they understood and nonetheless assumed that you were going to be a real powder puff." [p. 45]

Shortly after this attorney began working at the firm a partner brusquely informed her that he opposed the idea of hiring women lawyers. "I don't think we should have hired you," the partner told her. "Everyone disagrees with me, but I thought I should tell you that" (p. 45).

In Chapter Two and in other chapters, the women display similar candor. The honesty with which these women discuss both themselves and their employers allows the reader to share easily their frustrations and concerns. However, the authors do not adequately analyze the experiences the women relate. In Chapter Four this weakness is most evident, as the authors attempt to account for the personal and professional dissatisfaction many women experience.<sup>7</sup> To begin their discussion of women's professional frustration, the authors present lawyers' perceptions of why many women are abandoning their careers. One male attorney asserted that women are "perhaps less willing to put up with scut work" (p. 123). Another stated that women possess a "certain lack of confidence" (p. 123). Many partners blamed the high attrition rate on child bearing (p. 124).

The authors then reject some of these explanations, particularly those that blame the high attrition rate on family conflicts. They only conclude, however, that women are leaving large firm practice because they seem "more restless, less willing to put up with the daily grind, particularly since the ultimate payoff — partnership — was a much

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7. Chapter Four of the book makes clear that women are not progressing to high levels of the profession as quickly as men. Ten years after graduation, only 23% of the women of the Class of 1974 had attained the status of partner, while 51% of the men had done so. P. 122.

The experience of blacks in the legal profession is similarly dismal. A recent survey of large firms conducted by Geraldine Segal in sixteen cities in the United States revealed that "black lawyers . . . have not made the inroads into the leading firms of the legal community that were envisioned in the late 1960s and early 1970s." G. SEGAL, *BLACKS IN THE LAW* 114-16 (1983). Large firms in six cities surveyed by Segal in 1980 had no black partners. Even in those cities where large firms reported having black partners, the percentages remained extremely low. Segal's statistical profile indicates that percentages of black partners ranged from 0.1% in New York to 1.1% in the District of Columbia. *Id.* at 115.

Black and female attorneys also continue to be less well compensated than their male counterparts. In Segal's survey of black lawyers in Philadelphia, all but a few reported that they had lower incomes than white lawyers. *Id.* at 101. Similarly, in 1984 the median income for male lawyers was \$53,000 annually; for women, \$33,000. P. 299.

Another study of women in law indicates that while blacks and women have had similar experiences, they have been unable to work together to achieve their goals. *See* K. MORELLO, *THE INVISIBLE BAR* 143 (1986). Civil rights activists seemed to view the interests of blacks and women as competing rather than as reinforcing concerns. Morello reports that Susan B. Anthony said she would "cut off her right arm" before demanding the ballot for blacks and not women. *Id.* After the Civil War, Frederick Douglass opposed suggestions that the right of black men to vote be tied to that right for women. It was "the black man's hour," he claimed. *Id.* Blacks and women have thus gone their separate ways, leaving black women in a particularly precarious position.

dimmer prospect for the women than for men" (p. 126). The crucial issue, however, is to examine this very conclusion. Why, specifically, does partnership remain a dim prospect for women and why does the profession seem to resist their progress? The authors fail utterly to address these questions.<sup>8</sup>

Another example of the authors' superficial approach is present when they discuss the conflicts that family obligations present.<sup>9</sup> While Chapter Five focuses on these conflicts, the authors again leave important questions unexamined.

Chapter Five demonstrates that professional institutions make the integration of personal and professional lives difficult. The marketplace demands efficiency, and professional institutions are geared to the market's convenience.<sup>10</sup> The authors point out that in recent years many employers have given women the option to work part time. While part-time work allows more time for family, it usually destroys an attorney's chances for partnership and professional influence (p. 198). Not only do professional institutions themselves often preclude the successful integration of professional and familial goals, some women also find it emotionally difficult to delegate child care responsibilities to others.<sup>11</sup> Many women, therefore, believe they must choose

8. In the last chapter, Abramson and Franklin suggest that "[w]ithout female role models, it was difficult for women to know how to prove they were partnership material." P. 297. This begins to address the more basic problems of women professionals. The authors, however, in one short paragraph, give only cursory treatment to this point.

Another researcher has suggested that role conflict can explain the low status pattern of professional women. Epstein notes that the "sex-division of labor within the professions is an expression of realistic adjustments to private and professional demands." C. EPSTEIN, *supra* note 4, at 109. Since society demands that women invest themselves primarily in the family, they gravitate toward professional specialties which reduce the tension between their social and professional roles. Thus, women attorneys tend to practice matrimonial and family law, do legal aid work and handle custody cases. *Id.* at 110. Epstein further suggests that the pattern of women's placement in low status specialties is a function of social coercion rather than of some essential quality of "woman's nature." She notes that it is often easier to capitulate to social demands when "the system is hard to beat." *Id.* at 108. "[V]iews about what women want or do not want to do change over time, challenging the notion that there are basic female dispositions." *Id.* In a 1960s study, most women shunned litigation, thinking it an inappropriate field for women in part because it involved fighting. By the 1980s, however, Epstein reports that attorneys were rationalizing women's preference for litigation by pointing to their aggressiveness. *Id.*

9. Child care remains one of the most crucial issues confronting professional women. Sixteen women who graduated in 1974 have molded or given up their careers to accommodate children. P. 197.

10. Epstein notes this in her work as well. C. EPSTEIN, *supra* note 4, at 379.

11. Other women, however, found that such delegation provides emotional relief. Pp. 193-94. Epstein suggests that women's willingness to delegate child care responsibilities depends on the extent to which they are exposed to evaluation from friends and relatives at work. "Feminist" lawyers — lawyers who serve primarily women clients and who work for the interests of women as a class — are sometimes more "traditional" with respect to child care norms than women who work in large firms. This may be so, Epstein suggests, because women in large firms with highly demanding practices had less time for casual friendships, telephone conversations, or popular media which would question their behavior and create feelings of guilt. Feminist lawyers, on the other hand, who work primarily with women, were exposed to frequent discussions

between emotional satisfaction and professional success.<sup>12</sup> The authors admit that in "subtle, often unspoken ways . . . the profession still penalizes working mothers" (p. 198), but they fail to question institutions as they exist, or to suggest solutions for the future.

The authors' superficial analysis of women professionals is due largely to their approach. Franklin and Abramson seem more intent on revealing the personal details of twelve women's lives than on examining the cultural and psychological significance of their experiences. This methodology will dissatisfy any reader with interests beyond the voyeuristic.<sup>13</sup> The following passage typifies the authors' tone throughout much of the book:

Although she did not know it at the time, she would also find her future husband that first year. She met Ned Stiles, a forty-two-year-old corporate partner, one month after she started work, at a farewell [sic] party for one of the firm's associates in Cleary's spacious, sunny library. When Stiles strode into the room she noticed him immediately. He was handsome, with piercing blue eyes, hair that was beginning to turn a distinguished gray, and a trim, athletic build. They chatted briefly. He had a very slight drawl, having grown up, as he told her, in Kentucky. She was very attracted to Stiles but was keenly aware of the taboos against partner-associate romances.

. . . .  
. . . While it might be a boost to her ego to be wooed by a partner, Debbie knew an affair would be much too dangerous at this early stage in her career. In fact it would be a sure way to derail a promising future. She had heard that other women at the firm had been driven out after becoming involved in indiscreet relationships. [pp. 47-48]

For the authors to include this kind of information and to convey it in the manner they chose, demeans both the women they study and those who will read the book. It is unlikely that authors studying professional men would consider such gossip important enough to include. The authors implicitly exhibit in their writing the very attitudes they reproach.

Despite its shallow analysis, *Where They Are Now* is not without value. The concerns these women articulate, and their perceptions of themselves and the legal profession, are important for their own sake. They demonstrate a struggle for accomplishment and recognition

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of child care and personal relations with their peers and others. Large firm practice "insulates" women and reduces role strain. C. EPSTEIN, *supra* note 4, at 370.

12. Simple changes in the structure of the workplace and institutions involved with children outside the family would relieve many pressures parents face. For example, schools could provide day care for children during school holidays, school infirmaries could care for sick children, and employers could better synchronize school and work hours. C. EPSTEIN, *supra* note 4, at 379.

13. The authors are not social scientists, and this may account for the general tenor of the book. The case study they present was not intended to be an academic survey, and was not apparently written for an academic audience. Nonetheless, the authors could have more thoughtfully addressed problems that women professionals face.

which all in the legal profession can admire. While *Where They Are Now* is not a significant contribution to the study of women in law, the book is satisfying if only for the experiences it portrays. It is time, however, for women to go beyond storytelling and seek constructively to change those attitudes and institutions which restrict their full achievement.

— *Lissa M. Cinat*