

The North Carolina Association of Women Attorneys: *Creating Camaraderie, Nurturing Leaders, and Protecting the Rights of Women*

BY CAROLYN McALLASTER AND JENNIFER BROBST

One hundred years after Tabitha Holton became the first woman to pass the bar exam in North Carolina and the first woman in the South to

become a licensed attorney,¹ the North Carolina Association of Women

Attorneys (NCAWA) began its formation on March 11, 1978, in Chapel

Hill.² NCAWA was the brainchild of Durham attorney Sharon

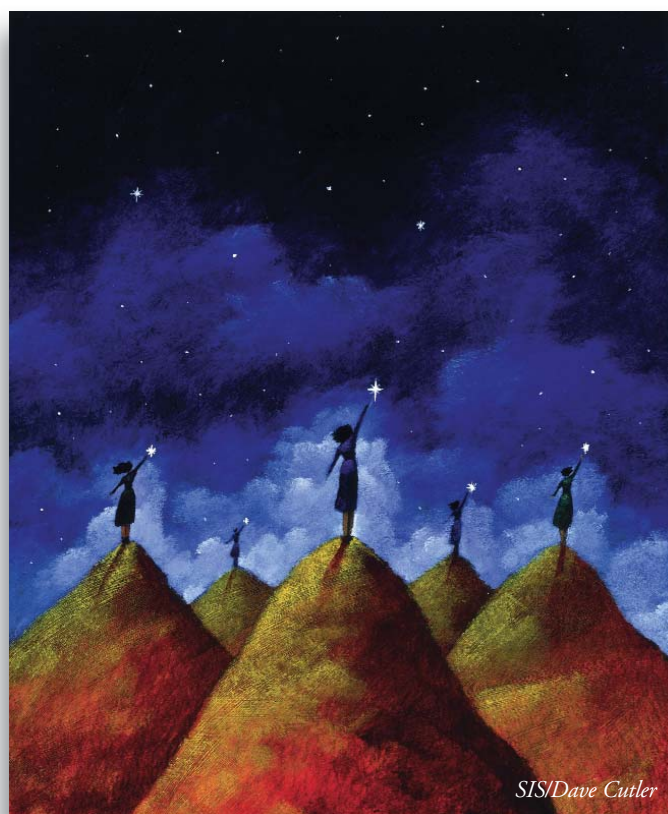
Thompson. Along with attorneys Anne Slifkin, Carolyn McAllaster, and

Kathy Schneberk-King, Thompson poured over the State Bar list of

attorneys trying to identify those who were women, which was not always obvious (Leslie? Beverly?). They came up with a list of 375 female mem-

bers of the Bar. In 1979, Carolyn McAllaster was elected as the first convener/president of the association, with a founding number of 100 members.

That first year, the North Carolina State Bar provided NCAWA with office space in its building.



Today, NCAWA has hundreds of members, including a number of men, and five local chapters across the state.³ The organization is more structured, with an employed executive director, large board, lobbyist, and numerous committees, but the purpose of the organization remains consistent with its founding mission:

1. to increase the effective participation by women in the justice system, in public office, and within the legal profession;
2. to promote the rights of women under the law;
3. to promote the welfare of the women attorneys of North Carolina; and
4. to promote and improve the administration of justice.

Creating Camaraderie

The 1970s produced the first large classes of women graduating from law schools. Female law students were involved in Women in Law organizations. They were learning about laws and cases that strengthened the rights of women in employment, the family, and reproductive rights. Also, there was finally safety in numbers for

women students in class and in the law school environment generally. In NCAWA's first year, North Carolina was in the throes of a number of firsts: Naomi Morris became the first woman to serve as chief justice of the North Carolina Court of Appeals, Annie Brown Kennedy became the first African American woman attorney to be appointed to the North Carolina General Assembly,⁴ and Linda Sedivec was the first Hispanic woman to graduate from the University of North Carolina (UNC) School of Law.

As the NCAWA conveners reached out to women attorneys, they were met with overwhelming support for the creation of the new bar association. They heard about the isolation women felt as they practiced law, often as the only female attorneys in their counties. Women told stories of the reactions they received when they walked into court, such as judges addressing them as "sweetie" and "honey" or hearing that they should not walk in front of the bar because that was for "attorneys only." Women told stories of difficult job searches—one being told that she was not qualified to be a real estate attorney because she would not be able to lift the

heavy deed books. The formation of NCAWA could create a network of support for women as they made their way in the profession.

This need and desire for camaraderie based on common experience and minority status is universal. For example, Lelia Robinson-Sawtelle, one of the first women in the 19th Century to practice before the United States Supreme Court, helped form The Equity Club, the first national association for women attorneys. She explained their purpose in formation as follows:⁵

There is a certain "moral support" in the confiding sympathy of brave-souled, warm-hearted women, who have dared and suffered in kind with ourselves, which becomes a tower of strength to nerve the heart and sustain the brain when both are taxed to the utmost as is often the case in the practice of our grand profession. I became convinced years ago, that the few women lawyers of the country should become better acquainted for their mutual benefit, and acting upon such conviction, wrote to several of my sisters in the profession, from which



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WOMEN IN BAR ASSOCIATION EXECUTIVE LEADERSHIP ⁸

(as of September 2010)

<u>BAR ASSOCIATION</u>	<u>WOMEN OVERALL</u>	<u>WHITE WOMEN</u>	<u>WOMEN OF COLOR</u>
NC Advocates for Justice	2 out of 17 (18%)	(2) 18%	(0) 0%
NC Association of Women Attorneys	12 out of 12 (100%)	(12) 100%	(0) 0%
NC Association of Defense Attorneys	10 out of 27 (37%)	(9) 33%	(1) 4%
NC Bar Association	11 out of 33 (33%)	(8) 24%	(3) 9%
American Bar Association	5 out of 9 (56%)	(4) 45%	(1) 11%
National Association of Women Lawyers (not all members identified)	17 out of 17 (100%)	(14) 82%	(3) 18+%
National Bar Association (The nation's oldest and largest national association of predominantly African American law professionals)	7 out of 23 (30%)	(0) 0%	(7) 30%
Hispanic National Bar Association	6 out of 15 (40%)	(0) 0%	(6) 40%
National Asian American Pacific American Bar Association	5 out of 9 (56%)	(0) 0%	(5) 56%

has struggled over the years to maintain diversity in its membership and leadership positions. As the chart on this page reveals, maintaining racial and ethnic diversity in board leadership remains a challenge for many bar associations. However, NCAWA's dedicated mission and advanced monitoring will allow it to improve its reach. In a study of bar association leadership demographics, the need for both increased leadership opportunities and a welcoming environment for women attorneys of color is apparent in many bar associations, both state and national.

The trend towards increasing recognition for women attorneys in North Carolina has been constant. By 1997, NCAWA had joined the

resulted a correspondence both pleasant and profitable.

At that first meeting of NCAWA on March 11, 1978, the keynote speaker was attorney Dr. Pauli Murray, who had been raised in North Carolina. She was the first African American woman to become ordained as an Episcopal priest, and also the first African American woman in the nation to publish in an academic law review.⁶ Before attaining these achievements, Dr. Murray had been refused admission to UNC School of Law because of her race and to Harvard's graduate law program because of her sex. She urged the group to remain diverse: "I hope you will stay together as you have begun together. Black women...bring to the women's movement a kind of experience and a kind of toughness. Today, feminism for me is fun—30 years ago, racism was agony."

The experiences of women are inherently diverse and complex. Among white women attorneys and women attorneys of color, women law students from low income or affluent families, or from urban or rural backgrounds, none will ever have the same experience:⁷

The African American female lawyer is unique. She is unique in her endurance and will to survive in the face of repressive and restrictive conditions. Her experience and mere being is unlike that of other female lawyers. It is this uniqueness that fortifies and encourages us all to keep the struggle for justice and equality alive.

In the early 1990s, NCAWA began lobbying the State Bar to collect demographic information (age, sex, and race) about the composition of its membership in order to identify trends and needs in the profession. After significant renewed efforts by NCAWA Presidents Susan Dotson-Smith and Charlotte-Anne Alexander in 2008 and 2009, who both collaborated with other bar association partners, the State Bar agreed and has begun this year to ask its members to provide these details. It should soon be possible to have an accurate demographic breakdown of attorneys in our state, including statistics based on race and gender.

NCAWA itself began to collect demographic data on its members in 2009 to better identify the needs and diversity of its membership. Despite a promising start, NCAWA

National Conference of Women's Bar Associations (NCWBA), and NCAWA President Lynne Albert was elected NCWBA President in 2006. Strength in numbers and the power of the "old girls" network cannot be denied. It may be that the greater diversity and number of attorneys today have engendered a greater choice of voluntary bar association memberships. This will require a new way of thinking about what members want and need from professional associations. At the 2010 NCAWA annual conference, which focused on diversity in the profession, a show of hands during a plenary session revealed that almost every woman attorney in the room was a member of several bar associations, mainstream and specialized, local, state, and national. Many who had achieved success in mainstream bar associations expressed a strong interest in retaining their NCAWA membership in order to retain the camaraderie they had enjoyed for many years in the presence of other women attorneys.

Nurturing Leaders

In 1978, most of the 375 women attorneys in the state were under the age of 30.

They were eager to become fully integrated into the legal profession, not merely as members, but as leaders—on bar committees, as Bar councilors, on the Board of Law Examiners, as judges, and as legislators. They saw the formation of NCAWA as a vehicle to meet those goals. However, not all of the women attorneys in North Carolina supported the formation of NCAWA. Most notably, Justice Susie Sharp of the North Carolina Supreme Court and Judge Naomi Morris of the North Carolina Court of Appeals viewed the formation of a separate bar association as a step backwards for women attorneys, and a path to isolation rather than leadership and integration into the bar. They had spent their careers seeking inclusion in the power structure of the mainstream bar and had been successful in their efforts. Justice Sharp was the first female chief justice of any state's highest court in the nation. They understandably did not want to jeopardize the progress they and a handful of other women attorneys had made. Katherine Everett was the exception to this view. At age 83, and as the third woman to pass the bar in North Carolina, she sat in the middle of the first row at the convening meeting of NCAWA in 1978. When she was given an award by the association in 1983, Ms. Everett wrote, "I was only one of the first—not the first woman licensed—though I was the pioneer woman in arguing a case in person in the North Carolina Supreme Court, and winning. We've come a long way since 1920."

In 1978, there was only one woman on the North Carolina Supreme Court, one woman on the North Carolina Court of Appeals, no women on the superior court bench, no women Bar councilors, no women on the Board of Law Examiners, and very few female district court judges. The creation of NCAWA gave women attorneys a seat at the table. Almost immediately, doors opened. NCAWA began receiving calls from the governor's office when judicial vacancies occurred, and received invitations to send representatives to the long-range planning meetings of the State Bar. Various North Carolina bar associations asked for NCAWA recommendations for committee assignments. NCAWA was given designated positions on statewide boards, such as the North Carolina Prisoner Legal Services.⁹ Instead of isolating women attorneys into a separate bar association,

NCAWA proved to be a launch pad for women to become more involved in the mainstream bar.

Perhaps the increasing number of women in the judiciary has been NCAWA's most successful effort for women in leadership. NCAWA members had to work diligently to exert their combined influence on public appointments and elections. In 1982 and 1983, NCAWA finally began to see some women appointed to the superior court bench. Attorney Joyce Davis of Raleigh and Francis Rutty of Salisbury were appointed to the Judicial Nominating Committee by the governor and the chief justice. NCAWA worked with Governor Hunt's office to support the appointment of Mary Mack Pope to a special superior court seat at a time when only two women had previously been superior court judges—Susie Sharp from 1949 to 1962 and Winifred Wells in 1972. In addition, NCAWA lobbied hard and successfully for the appointment of Sarah Parker to the court of appeals in 1984.

In 1986, the NCAWA-PAC was formed in large part through the efforts of member Lynn Fontana to give members a vehicle through which to support judicial candidates for election. Also that year, for the first time, NCAWA succeeded in getting three women elected to the State Bar Council—Trish Pegram, Julia Jones, and Kay Webb. In 1998 as the number of women judges had increased, Court of Appeals Judge Linda McGee created the Judicial Division of NCAWA. Each year since then, Judge McGee has spear headed judicial panels of female judges at each of the state's law schools in collaboration with the law school women student organizations.

As expected and hoped for, women attorneys increasingly achieved leadership roles beyond the bounds of NCAWA. Successful women in the law have not always been members of NCAWA, but many women have been members of both mainstream and specialized bar associations, such as NCAWA.¹⁰ For example, Rhoda Billings became the first woman president of the North Carolina Bar Association in 1991. In 2000, M. Anne Reed became the first woman president of the North Carolina State Bar. Last year, NCAWA member Bonnie Weyher made diversity of the North Carolina State Bar councilors one of the priorities of her State Bar presidency. Current

president Anthony di Santi has vowed to continue these efforts.

Today a majority of North Carolina's Supreme Court justices are women and include longstanding members of NCAWA—Chief Justice Sarah Parker, Justice Patricia Timmons-Goodson, and Justice Robin Hudson. Seven of the 15 court of appeals judges are also currently women, including founding NCAWA member Linda McGee. Nevertheless, a number of counties in North Carolina still have never had a woman serve as a superior court judge.¹¹ Also, women corporate counsel continue to face thick glass ceilings. In 2009, only 17% of corporate counsel in Fortune 500 companies were women, up from 8.4% in 2000.¹² Clearly, the need for advocacy on behalf of women has not ended.

Protecting the Rights of Women

NCAWA has taken its mission of promoting the rights of women under the law seriously. Its first legislative position was to support the Equal Rights Amendment in 1978. In the early years, NCAWA was instrumental in getting equitable distribution passed in North Carolina. The legislation was written by Greensboro attorneys Meyressa Schoonmaker, Gwyn Davis, and Ellen "Lennie" Gerber and shepherded through the legislature by NCAWA in 1981. It was NCAWA's first major piece of legislation and, as Lennie stated, "it helped us get into the legislative halls." Notably, that same year Sandra Day O'Connor became the first woman to serve as a United States Supreme Court Justice.

Closely following this initial success, NCAWA was successful in changing the tenancy by the entirety statute in 1983. At that time the husband had the legal right to control all rents and profits of property owned as tenants by the entirety. Domestic violence legislation was also passed in 1983 with NCAWA's support. Part of NCAWA's success in advocacy has been its ability and desire to collaborate with other organizations. For example, in its successful advocacy to eliminate the marital rape exemption in North Carolina in 1993, NCAWA joined with NC NOW, the North Carolina Coalition Against Sexual Assault, the North Carolina Council of Churches, North Carolina Legal Services, and Planned Parenthood.¹³ Since then, NCAWA has

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often worked in coalitions and has supported and worked for child support reform, day care reform, reproductive freedom, domestic violence programs, pay equity, and support for low-income families.

NCAWA has also contributed several notable amicus briefs in key cases. For example, in 1992 NCAWA member Elizabeth Kuniholm authored an amicus brief in *Doe v. Holt*, also signed by the North Carolina Academy of Trial Lawyers (North Carolina Advocates for Justice). This brief to the North Carolina Supreme Court supported the lower court's rejection of an application of the doctrine of parental immunity in a tort claim involving child sexual abuse.

Policy efforts to ameliorate work-life balance concerns and gender equity in the workplace for women attorneys and judges in North Carolina have had a longstanding place of importance for NCAWA. In 1989, as a result of the efforts of the NCAWA administrations of Jane Wettach and Pam Silberman, and in recognition of the increasing numbers of women in the profession, the NC Bar Association provided funding for a statewide survey to be conducted jointly with NCAWA on how gender affects the practice of law. As expected, the survey results highlighted many of the serious challenges that women attorneys faced, including the impact of child-rearing on career choices, income disparities between equally situated male and female attorneys, the impact of workplace policies on career advancement, and other documented discriminatory behaviors in legal professional settings. The survey results led to the formation of the Commission on the Status of Women in the Legal Profession, co-chaired by attorneys Dorothy Bernholz and Sharon Parker. The 1993 findings and recommendations of the commission continue to be relevant and provide a model framework for legal employers on issues of gender equity such as parental leave policies, alternative work schedules, involvement of women in firm management and client development activities, and adoption of sexual harassment policies.

As technology rapidly improved in the new millennium, NCAWA responded in kind, unveiling a new, more expansive website. In 2002, NCAWA sponsored the award-winning statewide television program "Laying Down the Law," with host Lynne Albert, whose televised interviews educated

the state on women's rights and legal concerns for a number of years.

Most recently, NCAWA helped lead the effort for adoption by the North Carolina State Bar of the proposed amendment to the Preamble to the Rules of Professional Conduct that would have encouraged attorneys not to "discriminate on the basis of a person's race, gender, national origin, religion, age, disability, sexual orientation, or gender identity." After vigorous debate and study, the proposed amendment was approved by the North Carolina State Bar Council in January 2011, but regrettably on March 10, 2011, the North Carolina Supreme Court declined to approve the proposed amendment.

Conclusion

Looking back to its first meeting in 1978, as the group worked through the day's agenda to set the goals of the organization, lifelong friendships and professional relationships were begun. They debated, they laughed, they marveled at the energy, and most of all they basked in each other's support and companionship. By the end of the day the conveners had formed a steering committee and voted to form as an organization. The energy, warmth, and dedication of that initial group of women have remained a hallmark of NCAWA over the years, continuing to offer camaraderie, opportunities for leadership, and efforts to protect women under the law in our state.

The breadth of achievement for North Carolina women in the law in the last century has been remarkable, not only in terms of organizational strength and vision, but also in their ability to participate successfully in a number of arenas at once. No written work could adequately honor the numerous women who have contributed to the development of NCAWA and women in the legal profession. Women attorneys today are successful leaders in the traditional mainstream, state and national (and international) forums, and in networking that focuses on the common experience of race, ethnicity, sexual orientation, age, gender, and much more. As long as women's unique needs continue to require a champion under the law, NCAWA will remain vigilant in ensuring that their voices are heard. ■

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Project at Duke University School of Law. She was a co-founder of NCAWA and its first convener/president.

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Endnotes

1. See generally, Walter C. Holton Jr., "Tabitha Ann Holton, First in the South," 16 NC State Bar J. 2 (2011).
2. Both authors have relied in part on the current archives of NCAWA, which are housed in Duke University Library's Special Collections in the Sallie Bingham Center, available for viewing by the public. For a more

detailed overview of the history of NCAWA, see Jennifer Brobst, "North Carolina Association of Women Attorneys (1978-2009): A Comprehensive History of NCAWA Members and Women Attorneys Nationally" available at www.ncawa.org/attachments/files/60/NCAWA%20Chronology%20as%20of%20Dec%202011%202009_1.pdf.

3. See www.ncawa.org. Chapters include Charlotte Women's Bar, Durham-Orange Women Attorneys, Eastern North Carolina, Wake Women Attorneys, and Western North Carolina Women Attorneys.
4. Note that Alfreda Johnson Webb, a veterinarian, was the first African-American woman appointed to the NC General Assembly in 1971. Annie Brown Kennedy was the second.
5. Mary L. Clark, "The First Women Members of the Supreme Court Bar, 1879-1900," 36 San Diego L. Rev. 87, 129 (1999). The Equity Club was formed in 1887 as a national correspondence club for women attorneys through the University of Michigan Law School, which was one of the first law schools to admit women in the United States.
6. J. Clay Smith Jr. (ed.), *Rebels in Law: Voices in History of Black Women Lawyers* 281 (University of Michigan Press, 1998). Dr. Murray published her article in the UCLA Law Review in 1948.
7. *African American Female Pioneers in Search of Justice and Equality: 1947-1990*, vol. 3 Chronicle of Black Lawyers in North Carolina (North Carolina Association of Black Lawyers 1990).
8. Jennifer Brobst, "Gender Disparity in Public Service,"

North Carolina Bar Association continuing legal education presentation manuscript 9 (October 2010). This data was obtained through website research and telephone interviews with bar association offices. The author suggests the following conclusion on considering these numbers: "Women's leadership in public service is bound to take its full and rightful place. Whether this destiny is achieved with honor and respect for the diversity within society as a whole and specifically among women will be the measure of our success." *Id.* at 11.

9. See generally, Michael S. Hamden, "North Carolina Prisoner Legal Services: A Model for Other States?" 40 No. 2 Crim. Law Bulletin ART 2 (2004).
10. In an interview in 1995, former NCAWA President Ellen "Lennie" Gerber advised women law students to join both women's law student and attorney organizations, as well as the general bar associations. Walter H. Bennett & Judith W. Wegner, "Law Alumni Service to the Public and the Law School," 78 N.C. L. Rev. 846, 897 (1995).
11. *E.g.*, Orange County.
12. Hope E. Ferguson, "Women General Counsel: Beyond the Glass Ceiling," in *Diversity and the Bar* (Minority Corporate Counsel Association, March 2002), and Minority Corporate Counsel Association, "MCCA 2009 Survey of Fortune 500 Women General Counsel" (2009).
13. Jaye Sitton, "Old Wine in New Bottles: The 'Marital Rape Allowance,'" 72 N.C. L. Rev. 261, 287, fn 176 (1993).