TABLE OF CONTENTS

Articles »

Top Tips for Mental and Emotional Well-Being While in Law School
By Angela Nieves
Stay grounded, set your schedule and boundaries, stay connected, and be good to yourself.

Four Tips for Interviewing Like a Pro
By Thompson Du
Be observant, set the climate, do some preliminary research on the interviewer, and know what you want to say about yourself.

Novel Applications and Original Meaning: Bostock and Gay Rights under Title VII
By Stephen R. Arroyo
Can courts read meaning into a particular term or phrase that, while consistent with its original meaning, contradicts the likely intent of the enacting lawmakers?

JIOP Alumni Spotlight: Lisette S. Washington
By Harmony Gbe
A program alum discusses how her judicial internship gave her useful career building blocks and what she would say to law school graduates interested in working in the public sector.

Businesses double down on mandating diversity from outside counsel
As law firms grapple with surging calls for improved diversity in their partnership ranks, corporate clients have joined the chorus and added to the pressure in three ways: the carrot, the stick and moral suasion.
ARTICLES

Top Tips for Mental and Emotional Well-Being While in Law School

By Angela Nieves

Law school is an exhilarating rollercoaster. Even though the steepest inclines and sharpest drops seem to happen in that first year, every subsequent year brings new challenges that can make us feel the excitement and adrenaline that come with the high-speed twists and turns of an old-school roller coaster. As amazing as that may sound, this roller-coaster ride lasts three years and is incredibly taxing on the mind and body, which can give rise to feelings of anxiety, self-doubt, and depression. The following are suggestions on ways to nurture your mental and emotional well-being while you ride this law school roller coaster.

Stay Grounded

A JD is just the beginning. It becomes all too easy to be all-consumed by your law school experience. In addition to the academics, there are many opportunities for participation through school organizations, journals, training sessions, internships, and extracurricular activities designed to be networking opportunities. Law school has a way of creeping into every nook and cranny of your day. Do not wait until you reach your breaking point to remember that the law degree you seek is not your whole world—it is but one step in your life, albeit a big one. Other life events and priorities are equally important and should not be forsaken. They are our connection to the outside-law-school world and help us keep everything in perspective. So do not skip your friend’s wedding or your niece’s birthday party—you can find a way to attend without irrevocably affecting your studies.

Keep your eye on the ball. Are you a type A personality? An Olympic multitasker? Have you struggled knowing that you are surrounded by other multitasking type A personalities racing to set the curve for everyone else? It is imperative to remind yourself every now and then that the end game is to get a JD, not be valedictorian or president of any club or graduate sooner than everyone else. Overloading on credits and responsibilities can set you on a downward spiral that will lead to dissatisfaction with your performance no matter how hard you try. When this happens, focus on the one thing that is most important to you at that point—you may not get another shot at that specific research assistant job or that internship at the appellate court, for example, so purposefully prioritize to keep yourself in control. Remember that it is but one semester in your law studies, and you will get through it to come out on the other end after excelling at something important to you. And then it is on to the next semester!
Remember: You are in law school! It is inevitable that there will be times during your studies when you will feel down on yourself. Perhaps you received a “below median” score on a quiz or—gasp—a C for a final grade. Perhaps you had applied to 50 internship opportunities and the rejections have just begun to pour in. When you are in the thick of your law studies, it is easy to forget the fact that simply getting into law school is an accomplishment in itself. Your journey there likely involved months of study and preparation to take the LSAT, and your acceptance into the school followed a careful evaluation by experienced admissions officers who found you to be a better candidate that many other applicants. Most law students are unaware of just how many applications are denied. The national average law school acceptance rate is around 45 percent. Look at your school’s acceptance rate, which may be lower. Recognize that you made the cut where so many others did not. You earned a coveted spot in your class, and that alone is something to be very proud of!

Set Your Schedule and Boundaries

Create a reasonable schedule. Law schools will repeat ad nauseam that you should schedule your day, including your free time. That’s because it works, especially in that 1L year when we are figuring out how to study and how much time to allot to each task. Create a schedule that keeps you on track with your studies but also sets aside time for other important things like exercise or family. Once you have tweaked it to your liking and reality, stick to it. Following a good schedule will keep you on track with everything and help avoid the inevitable feeling of falling behind with schoolwork or neglecting other priorities. In addition, setting a schedule will help you set up boundaries that are clear to you and everyone else. Speaking of which . . .

Set and maintain necessary boundaries. Sometimes you have to enforce those boundaries against well-meaning loved ones and friends. Your concentration is broken by offers of coffee or snacks, or text messages your friends include you in, or relatives sharing news with you that they think you should hear right away. If you need something from them (like zero interruptions or controlled noise volume), ask for it. These are your loved ones. They of all people know what it took to get this far and how hard law school is for you. They should be willing collaborators, and you have a right to request that from them during this time. You also have a right to enforce a “no drama” rule. Perhaps your best friend is going through another breakup, or your mother is upset that you refuse to hold Thanksgiving dinner at your house this year. Recognize that you are a law student at this moment and you cannot let other people’s drama throw you off your game. The inability to adequately attend to everything at the same time could cause you to lose faith in yourself, and a “drama llama” will often find whatever efforts you make to be insufficient anyway. Set those boundaries and stick to your guns!
Stay Connected

Remember the “You” before law school. While law school requires that you spend significantly less time on activities unrelated to school, it is imperative you find ways to stay connected to your interests and to your loved ones. It not only helps clear your mind of law school clutter when you need a break; it is a connection to your pre-law-school you, and when your life has been turned upside down in your first semester, it feels good to do something familiar. Do not give up a beloved hobby (especially if it involves exercise); however, make adjustments. You may need to take fewer spinning classes, watch a shorter TV series, or visit family less frequently, but do not cut it out entirely.

Do not lose touch. Staying connected to your loved ones also becomes a difficult task while in law school. Find creative ways to keep in touch. For example, use your commute to catch up with someone on the phone. Oftentimes it can even be scheduled: Wednesdays at 7 p.m., you chat with your best friend; Fridays, you chat with Mom. Use your lunch breaks to catch up on social media, or group-text your family or friends to check in and see what is new. Take breaks from long periods of study by hanging out on the couch with your significant other or children; sometimes your mere proximity to each other will be comforting (for you both). In short, make sure you do not unknowingly disconnect and isolate yourself from the people you love. Their presence in your life is an emotional support you do not want to do without.

Be Good to Yourself

Celebrate milestones. By the end of the first year, we learn that law school is an exhausting journey, and no matter what we do, we always seem to be playing a never-ending game of catch-up. Each winter break that comes around, we try to catch up on everything we neglected throughout the semester. Summer breaks for law students often mean more classes or an internship, or both. Before you know it, you got your JD and now you are preparing for the bar exam. Along the way, you had some notable accomplishments: Celebrate them! How about that first A? Or the successful completion of your 1L year? Did you make law review? Or snag that coveted clerkship? Take a moment to acknowledge you did something special, and pat yourself on the back with a night off from studying, or a trip to the nail salon, or however you like to treat yourself. You earned it!

Avoid comparing yourself to other students. This is especially true in the 1L year. Every student is different and has his or her own character and set of experiences. Other students’ performance (whether real or assumed) is not your measuring stick. Wondering why someone else seems to always have it together or always scores the highest is not an effective use of your time and energy, and the concern that you should be like someone else can quickly devolve from a competitive spirit to extreme disappointment in yourself. No two students are the same. Push yourself to be the best you can be, and look to others only for inspiration.
Use school resources. Your law school likely has resources designed to help you cope with the stress of law school. Use them! Go to the school-sponsored events that discuss how to maintain a healthy mind and body. If you are anxious about the future, meet with a career counselor to discuss your path and options. If you are going through a difficult moment in your life, talk to a mental health counselor if your school has one. Do not just acknowledge that your mental and physical health are important; do something about it. Go to the school gym, take advantage of any yoga or meditation sessions the school may offer, and try to attend some of the school socials. These resources are meant to help you maintain the balance and positive outlook you will need to get through every semester.

Avoid self-destructive behavior. What is bad for the body is also bad for the mind. While things like all-nighters, caffeine supplements, energy drinks, sugary snacks, and alcohol will fulfill a temporary need, they lead to erratic shifts in our moods and energy levels. Try to avoid relying on anything that gives you an extreme high or alters your state of mind. Also, try to avoid anything that brings you down, which can mean limiting contact with people you care about who may encourage unhealthy behaviors or negative thinking. Sadly, sometimes someone we love is a walking vortex of negative energy and we are not able to cut that person out of our lives. However, allowing such a person to drain you of your time and positive energy would be self-sabotaging. Find creative ways to limit your contact with that person, and do not give in to his or her manipulations. This strength of character will serve you well when you are a lawyer!

Conclusion

These are just some of the ways to stay mentally healthy and focused to ensure your law school experience is the best it can be. When the ride is over, you will look back on your studies and marvel at the number of the challenges you faced and how you were able to meet them head-on. Be sure to employ the strategies that work best for you once you are a lawyer and start a whole new ride!

Angela Nieves is in her second year of law school at St. Thomas University School of Law in Miami Gardens, Florida. Through the Judicial Intern Opportunity Program, Angela served as an intern for the Honorable Chief Judge Barbara M.G. Lynn at the U.S. District Court of the Northern District of Texas.
Four Tips for Interviewing Like a Pro

By Thompson Du

You are beaming. Someone gave you a call or sent you an email earlier that day asking for your availability for an interview. However, now you are dealing with a million thoughts running through your head.

Well, rest assured. If you got an interview, the people who are considering you see something in you anyway. Likely, they want to see how compatible you are with them at this point. Whether interviewed hundreds of times or whether this is your first interview, the following advice will help you nail your upcoming interview.

First of all, interviews can take place using different media. Some interviews take place by phone, some take place by video conference, and some are in-person; some are fast, while some can take a good portion of your day. Sometimes there can even be multiple interviews for the same position. In addition, there are interviewers who have preset questions and others who prefer a conversational interview. Interviews with judges can seem especially daunting, but whatever medium of communication you find yourself using, it is always a good idea to mind four basic rules.

1. Be Observant—Not Distracted or Absent

One of the best pieces of advice I can offer you is to be memorable, in a good way. The best way to do this is to build bridges with your interviewer. If the interview is in person, likely the interviewer will want you to come to her or his office. It helps to notice details: Perhaps the judge or person interviewing you has a picture of kids on his or her desk who are the same age as yours, or perhaps there is a book on a shelf that you have been meaning to read. Why not make mention of these things? It might spark conversation outside of the interview and help build relations. In addition, consider asking the interviewer questions about his or her thoughts on the position or workplace, such as, “What do you like most about working here?” or “What brought you into this field?” This shows an interest in both the interviewer and the position. Of course, we all know not to use our phone during an interview. It should go without saying not to let your other activities or your observations take you out of focus from the interview. Be engaged and show your interest in being there.

2. Set the Climate—Do Not Come in with Too Much Energy

Have you ever entered into an interview with the sense that the interviewer already does not like you? Perhaps he or she comes off as cold or distant. If you are in this situation with a judge
or another interviewer, it may help to break the ice with some humor. Tread lightly and be true to yourself, but if you can do so without annoying your interviewer, make a light-hearted joke or two. That just might change the trajectory of the interview. You also do not want to put off your interviewer by having too much energy. Try to match the energy in your judge or interviewer, but be just slightly more upbeat. In addition, if you are interviewing by phone, always be sure to have a preset location tested ahead of time so you will not be interrupted or distracted. If it is by videoconference, make sure that the WiFi is stable and secure. It helps to find a place with a nice, quiet backdrop, like a bookshelf. Ask your law school administrators or career services office for assistance; they may already have a room or setup prepared for these types of interviews. Take responsibility for ensuring that everything is in order— it is up to you to make the interview environment as optimal as possible.

3. Do Some Preliminary Research on the Interviewer, but Do Not Stalk Your Interviewer

When preparing to interview with a judge or any other interviewer, it is a good practice to find information about that judge or interviewer ahead of time. For instance, you can learn where the judge worked prior to becoming a judge, and sometimes you may find information about his or her family. This can pay off if you learn something that can be shared and discussed naturally. Do not, however, bring up anything overly personal or something that you cannot discuss with a genuine interest. For example, if you learn that the judge has a dog, do not mention the dog just for the sake of revealing that you know he or she has a dog. It may really bother your judge if you know too much about him or her. It is best to bring up something you can relate to professionally, such as shared connections or similar prior work experience.

4. Know What You Want to Say about Yourself, but Do Not Over-Plan It

It is always a good idea to have a list of items you want to emphasize at an interview. Perhaps you are interviewing with a judge who handles a lot of intellectual property cases and you have a strong interest in that area of law. It would behoove you to tell your interviewer this. Try to walk in with at least five things you want the interviewer to know about you that would show you are a great fit, regardless of whether it is on your résumé or not. It is nice to talk about your accomplishments, but also be sure to talk about your interests and your goals. However, avoid being overly eager to talk about yourself so much that you hijack the conversation. The best interviews flow naturally. Also, make sure to use proper judgement when deciding whether to mention something; perhaps, for instance, the interviewer has no interest in your love for fantasy football.
Conclusion

The tips in this article will put you on solid ground for planning your upcoming interviews so you land the position you want. Remember, whether you are interviewing with a judge for the Judicial Intern Opportunity Program (JIOP) or with an attorney for a job, be confident. If you made it to the interview stage, you already caught their eye. Good luck!

*Thompson Du is a second-year law student at the University of North Texas at Dallas College of Law. Through JIOP, Thompson served as an intern for U.S. Magistrate Judge Renee Toliver in the Northern District of Texas.*
Novel Applications and Original Meaning: Bostock and Gay Rights under Title VII

By Stephen R. Arroyo

What effect should new understandings about a particular phenomenon have on related laws? Can courts read meaning into a particular term or phrase that, while consistent with its original meaning, contradicts the likely intent of the enacting lawmakers? Take for example Title VII of the Civil Rights Act, 42 U.S.C. § 2000e-2(a)(1), which states that an employer cannot discriminate “because of . . . sex.” While in many instances the implications of Title VII are clear, two cases now before the Supreme Court have raised questions about its application to a new class of individuals: the lesbian, gay, bisexual, transgender, and queer (LGBTQ) community.

Last October, the Court heard oral arguments in Bostock v. Clayton County, a consolidation of two cases from the Second and Eleventh Circuits, in which the plaintiffs, two gay men, alleged that they were fired “because of . . . sex.” The first of these plaintiffs, Donald Zarda, lost his job as a skydiving instructor after he disclosed his sexual orientation with female clients in order to alleviate their concerns about being strapped hip-to-hip during tandem jumps. See Brief for Respondent at 3–4, Zarda v. Altitude Express, Inc., 883 F.3d 100 (2d Cir. 2018), cert. granted, 139 S. Ct. 1599 (Apr. 22, 2019) (No. 17-1623) (argued Oct. 8, 2019). The second plaintiff, Gerald Bostock, was let go from the Clayton County guardian ad litem office after he recruited members of his softball league, also gay men, into one of the office’s volunteer programs. See Brief for Petitioner at 4–6, Bostock v. Clayton Cty. Bd. of Comm’rs, 723 F. App’x 964 (11th Cir. 2018), cert. granted, 139 S. Ct. 1599 (Apr. 22, 2019) (No. 17-1618) (argued Oct. 8, 2019).

Relatedly, the Court also heard R.G. & G.R. Harris Funeral Homes Inc. v. Equal Employment Opportunity Commission, concerning the firing of Aimee Stephens, a trans woman, from her job at a funeral home following her decision to begin expressing as a woman. See Brief for Respondent at 4–9, EEOC v. R.G. & G.R. Harris Funeral Homes, Inc., 884 F.3d 560 (6th Cir. 2018), cert. granted, 139 S. Ct. 1599 (Apr. 22, 2019) (No. 18-107) (argued Oct. 8, 2019). She too brought suit under Title VII.

Not surprisingly, the brunt of the parties’ arguments concerned the meaning of the term “sex,” as it appears in the now 55-year-old Civil Rights Act. In each case, the employers contend that “sex” refers to a person’s status as either male or female determined by reproductive biology and does not also mean sexual orientation. Brief for Petitioner at 13, Zarda, No. 17-1623. Therefore, Title VII holds no protection for LGBTQ employees.
But the employees do not necessarily disagree as to the meaning of the term “sex.” And although they have asserted that the underlying purpose of the Civil Rights Act was to eradicate discrimination in all its forms, the majority of their arguments are remarkably text-based and appear to concede the employers’ definition of the term. For instance, attorneys for Bostock and Zarda argue that firing an employee based on sexual orientation is a decision motivated by that person’s sex under the Supreme Court’s test for sex discrimination in Manhart—“whether the evidence shows treatment of a person in a manner which but for that person’s sex would be different.” City of L.A., Dep’t of Water & Power v. Manhart, 435 U.S. 702, 711 (1978) (internal quotes omitted). That is, where an employer fires a male employee for pursuing relationships with other men but takes no equivalent action against female employees in relationships with men, the employer has committed sex discrimination actionable under Title VII.

The employers have countered that the employees’ argument loads the dice by changing two variables for the purposes of the Manhart hypothetical test: not only the employee’s sex but also his or her sexual orientation. In other words, one’s sexual orientation is a completely distinct trait from sex—one not currently protected under Title VII and fair game as a basis for discrimination.

That is an incorrect assertion, at least from a scientific and psychological perspective. In fact, much of what we now know about sexual orientation contradicts prior conceptions of immutability, cause, and even personal choice. These misconceptions are, however, reflected in the landscape of civil rights law.

To the extent that our modern understanding of sexual orientation suggests that discrimination against gay employees is, in fact, discrimination “because of . . . sex,” what effect should that knowledge have on the Court’s interpretation of Title VII? The employers’ answer is clear: It is inconceivable that the enacting Congress would have understood that protections based on “sex” would also extend to LGBTQ individuals. That is a fair argument and one that is clearly informative to determining original meaning. But mistakes of fact regarding the nature of sexual orientation need not constrain a present-day application of a statutory term, even for originalists.

That is, rather than construct a new meaning for the term “sex” to necessarily include sexual orientation—a clear sin for originalists and textualists—it is still possible to find new applications for a law that are entirely consistent with its original meaning. While the remainder of this article would likely prove informative for determining whether Title VII also protects trans individuals from employment discrimination, this analysis focuses on resolving the question before the Court in Bostock.
Current Understandings of Sexual Orientation

Over the decades since the enactment of the Civil Rights Act, scholars have grown the collective understanding about sexual orientation. While a review of these developments is clearly beyond the scope of this article, a few salient features are pertinent to the arguments made in Bostock.

To begin with, according to Professors Lisa M. Diamond and Clifford J. Rosky in their article “Scrutinizing Immutability: Research on Sexual Orientation and U.S. Legal Advocacy for Sexual Minorities,” modern understandings of sexual orientation suggest a multifaceted definition that includes patterns of attraction, behavior, and a sense of identity based thereon. See 53 J. Sex Res. 363, 365 (2016). Taken together, these factors place individuals on a continuum of sexuality where lines are difficult to draw. That is, while often discussed in terms of three general categories—heterosexuality, homosexuality, and bisexuality—these labels are perhaps more of a convenience than an accurate description of sexual orientation. Moreover, they reinforce misconceptions regarding what is normal for an individual to feel and what sort of experiences are deviant.

Because sexual orientation does not fall into neat categories or phenotypes, the source of the identifier can be considered external rather than internal. Consider what the American Psychological Association says about sexual orientation: “Sexual orientation is commonly discussed as if it were solely a characteristic of an individual, like biological sex, gender identity or age. This perspective is incomplete because sexual orientation is defined in terms of relationships with others.” Am. Psychological Ass’n, For a Better Understanding of Sexual Orientation & Homosexuality, Answer to “What Is Sexual Orientation?” (2008). In other words, sexual orientation is perhaps not self-defining but dependent on primarily behavioral factors; i.e., a man does not pursue other men because he is gay, but a man is gay because he pursues men.

Likewise, psychology has moved beyond the age-old nature versus nurture debate, recognizing that the inquiry is far more complex. Genetic and biological factors appear to have minimal effect on one’s choice of sexual partners, and even if these factors were determinative, studies demonstrate that sexual orientation is subject to change during an individual’s lifetime. Some people even perceive a sense of personal choice in the matter, though change compelled by external forces like conversion therapy has proven ineffective. Taken together, these aspects suggest that sexual orientation is not, in fact, an immutable trait comparable to many of the classes typically protected by antidiscrimination laws.
What impact do these principles have on the dispute over Title VII? The employers in *Bostock* have argued that they did not fire the employees because of their sex but based on an entirely different trait: sexual orientation. This argument amounts to wordplay, or issue framing, given that the employees characterize the discrimination as disapproval of conduct—pursuing other men—and not of a separable trait. See William N. Eskridge, Jr., “Symposium: Textualism’s Moment of Truth,” *SCOTUSBlog* (Sept. 4, 2019). The problem with the employers’ spin on the dispute is that modern psychology complicates their construction of sexual orientation.

If the categorical conception of sexual orientation inaccurately reflects the continuum of human sexuality, the framing battle shifts in favor of the employees. That is, if we accept the continuum framework, on what basis has an employer discriminated against an employee? It cannot be because the employee is a homosexual—that category does not exist. Rather, the employer is left to draw a line somewhere along the continuum; for instance, between individuals who are attracted to members of the same sex but do nothing, and those who occasionally follow through with those attractions. This is a distinction based on conduct and, therefore, likely to violate the but-for test established in *Manhart*.

Furthermore, if an individual’s sexual orientation is determined by the class of individuals that they pursue sexually, this also suggests a conduct-based reason for firing. “I fired him because he was gay” translates to “I fired him because he is attracted to men (which makes him gay).” Because such an employer would likely not disapprove of a female employee’s attraction to men, the employer’s firing decision is sex-based.

**Mistakes of Fact and Originalist Interpretation**
The foregoing arguments support a novel application of Title VII but one that does not necessarily require reinterpreting its original meaning. Neither does interpreting statutory text mean that the judiciary must perpetuate factual mistakes about its applications at the time it was drafted.

Professor Lawrence B. Solum argued this in the context of gender equality, specifically, with regard to the nineteenth-century case *Bradwell v. Illinois*, 83 U.S. 130 (1872), in which Myra Bradwell sued after she was denied entry to the Illinois bar for being a woman. See “Surprising Originalism: The Regula Lecture,” 9 *ConLawNOW* 235, 252–55 (2018). Bradwell argued that the Privileges and Immunities Clause guaranteed citizens certain basic rights, including the right to pursue lawful employment, and that she as a citizen had the right to practice law if qualified. Even if Bradwell’s claim had not fallen in the wake of the *Slaughter-House Cases*, which “gutted the Privileges and Immunities Clause,” Solum asserts that the Court would have denied Bradwell her right solely on the basis that Americans believed women incapable of practicing law when the Fourteenth Amendment was adopted, as indicated by Justice Bradley’s
concurring opinion (“I am not prepared to say that it is one of [women’s] fundamental rights and privileges to be admitted into every office and position, including those which require highly special qualifications and demanding special responsibilities.”). But, as Solum writes, that belief represents a mistake of fact contradicting the original meaning of “citizen,” which included women, regardless of whether the public thought women should practice law. Rather than remain chained to factual errors—historical ones, but errors all the same—Solum states that originalists “apply the original public meaning of the constitutional text to the facts as they exist today given current understandings.”

The Court has already found several new applications for the original meaning of sex-based discrimination under Title VII. In *Meritor Savings Bank, FSB v. Vinson*, it held that sexual harassment constituted discrimination “because of . . . sex,” even though sexual harassment as a concept did not develop until years after the Civil Rights Act was enacted. The same occurred with sex stereotyping in *Price Waterhouse v. Hopkins* and same-sex harassment in *Oncale v. Sundowner Offshore Services, Inc.* In none of these cases did the Court inject meaning into the term “sex” that was not present in 1964. Rather, the Court applied the original meaning of sex-based discrimination (discrimination because the employee is a man or woman) to novel understandings of real-world situations.

Neither would the application of modern understandings of sexual orientation violate the original meaning of “sex” in Title VII. To be sure, it is unlikely that the enacting Congress understood that inclusion of the term would prevent an employer from firing an employee on the basis of sexual orientation. After all, the LGBTQ community was heavily stigmatized at the time and frequently discriminated against by the law. Many of the legal barriers for gay people have only recently fallen away, including restrictions on gay marriage and criminal penalties for certain consensual sex acts. *See Obergefell v. Hodges*, 135 S. Ct. 2584 (2015); *see also* Am. Civil Liberties Union, *History of Sodomy Laws and the Strategy That Led Up to Today’s Decision* (last visited Dec. 1, 2019).

Even assuming that Congress did not anticipate protecting gay employees, such an understanding merely constitutes a mistake of fact, like that identified by Solum in *Bradwell*. Regardless of what the public considered sex-based discrimination in 1964, what is important is the original meaning of the term “sex” and whether its application to the facts in *Bostock* supports an action under Title VII. Even adopting the employers’ proposed definition as the original meaning of the term, our present-day understanding of sexual orientation suggests that Bostock’s and Zarda’s firings were motivated by their status as male employees—engaging in conduct for which they would not have been fired but for their sex.
Perhaps such a ruling would be perceived as activist. That may be true, but not attributable to the judiciary. Consider Justice Scalia’s reaction against allegations of judicial activism, that the public often overlooks what may be an “activist Congress, which pushes the envelope with statutes that do things that [have] never been attempted before.” “Scalia Vigorously Defends a ‘Dead’ Constitution,” NPR (Apr. 28, 2008). What more compelling example of congressional activism exists than the Civil Rights Act? If Title VII protects gay employees from discrimination in the workplace based on the foregoing arguments, it does so because the text of the act itself provides that protection. For now, at least, we wait on the Court.

Stephen Arroyo is a JD candidate at J. Reuben Clark Law School at Brigham Young University in Provo, Utah. Stephen is a JIOP alum, having served as an intern for the Honorable Linda C.J. Lee at the Washington State Court of Appeals, Division II, and as an extern for the Honorable Matthew B. Durrant, chief justice of the Utah Supreme Court.
JIOP Alumni Spotlight: Lisette S. Washington

By Harmony Gbe

Lisette Washington is a government contracts attorney in the Office of the General Counsel at the National Aeronautics and Space Administration (NASA) Headquarters in Washington, D.C. As a legal representative, Lisette defends NASA in bid protests before the U.S. Government Accountability Office and in contract claims before the Armed Services Board of Contract Appeals. As a legal advisor, Lisette guides internal stakeholders in their decision making regarding federal contracts that support major space activities. Lisette also provides legal support to the NASA Acquisition Integrity Program and to the NASA Offices of Small Business Programs, Legislative Affairs, and STEM Engagement.

Lisette participated in the ABA Section of Litigation’s Judicial Intern Opportunity Program (JIOP) during the summer after her first year of law school by serving as a judicial intern to the Honorable Sara L. Ellis in the U.S. District Court for the Northern District of Illinois. Lisette credits her JIOP internship for teaching her invaluable analytical research and writing skills that made it possible for her to join NASA’s General Counsel Office right out of law school even though NASA typically does not hire recent law school graduates.

What drew you to attend law school?

I grew up in Evanston, Illinois, which is a small town right outside of Chicago. I took a fascinating course in high school about the American legal system in which we studied landmark Supreme Court cases and their effects on society. Learning about how different people advocated for social change by pushing for changes in the law convinced me that a legal career was the right path for me. I wanted to become an advocate for those seeking to address complex social issues through the judicial system. With that goal in mind, I majored in political science at the University of Illinois at Urbana-Champaign, where I developed a passion for public interest work through various internships at nonprofit and government organizations in Illinois and in Washington, D.C. After college, I enrolled in law school at George Washington University—for many reasons, including its robust Public Interest and Pro Bono Program.

What are some of the lessons you learned through JIOP?

My JIOP internship taught me three important lessons.

First, my judicial internship tremendously enhanced my research, writing, and legal advocacy abilities. Gaining these strong analytical skills made me appealing to future employers because I
could demonstrate that I knew how to communicate in a professional style and tone. In fact, after my JIOP internship, I was fortunate enough to intern for another judge, at the U.S. Court of Federal Claims, where I mostly handled government contract cases. The judge was particularly impressed by my prior judicial internship experience and appreciated the fact that I knew how to write clearly and concisely. In addition, witnessing the inner workings of a courtroom firsthand exposed me to various legal advocacy styles, some more effective than others.

Second, by working for a judge, I learned from someone who is an expert at practicing law and gained valuable insight into how courts analyze legal arguments from an objective point of view. As a law student, I was mainly focused on learning how to advocate for a client, but as a judicial intern, my focus shifted to truly evaluating the merits of a case. To this end, a piece of advice I would pass along to current interns is to carefully review the cases opposing parties cite in their briefs but always conduct your own independent legal research. This is crucial because your research will enhance your understanding of the legal issues, give you an opportunity to appreciate developments in the law, and allow you to maintain an objective perspective in your legal analyses.

Third, I learned how to ask meaningful questions and request feedback from law clerks with different work styles. For example, some staff members wanted me to check in with them periodically regarding the progress of my work assignments, whereas others preferred to give me general directions at the beginning of an assignment and then review the finished work product. What was most important, however, was that I took some time to explore legal issues on my own and then found the appropriate time to ask questions and check my understanding. Looking back, having others review and critique my work was invaluable to my skill development as a law student. Also, tailoring my work style to accommodate others’ work styles is a trait I am happy I picked up early on in my career.

Any advice for law school students looking into post-graduate opportunities?

I tried my best to identify a legal specialization while I was in law school because I wanted to distinguish myself in the job market before graduation. I realized that I had to go beyond the classroom to learn about particular areas of law. I cold-called and emailed attorneys with unique backgrounds at law firms and private companies, and I reached out to speakers from conferences to learn more about their legal practices. Also, while in law school, I interned for three federal agencies, the U.S. General Services Administration, the U.S. Small Business Administration, and NASA, in order to gain substantive work experience and see the law “in action.” I strongly recommend that current law students explore different career paths early
and often, and do not hesitate to reach out to more experienced lawyers and alumni—even unfamiliar ones—for career advice.

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Businesses double down on mandating diversity from outside counsel

This article is available online at http://www.abajournal.com/magazine/article/mandating-diversity-from-outside-counsel.
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