Working late into the night in the Cabinet Room of the White House with the president and congressional leadership to finalize the key “sticking point” of the legislation that became the Patient Protection and Affordable Care Act of 2010 (Pub. L. No. 111–148) was one of many career highlights for Arshi Siddiqui, a Washington, D.C., lawyer who served two tours as a lawyer on Capitol Hill.

For seven years, Siddiqui was as senior policy advisor and counsel to Rep. Nancy Pelosi (D–CA), including her years as Speaker of the House. In that position, Siddiqui worked on the health care reform package, the economic recovery legislation, the financial recovery package, and the first stimulus bill, and she advised Pelosi and other Democratic congressional leaders on issues related to tax, trade, energy, and health care.

“Working on the health care bill in many ways was the culmination of my experience and training on the Hill,” says Siddiqui, now a partner with Akin Gump Strauss Hauer & Feld LLP, Washington, D.C. “During that process, I probably leaned on every strategic skill I had acquired over the years.

There were so many twists and turns in the evolution of the legislation.”

Siddiqui is one of a select group of women lawyers who have achieved a high-level position working with members of Congress. “The more senior staff tends to be overrepresented by men,” Siddiqui says.

But that has changed over the last three decades. “Opportunities for women lawyers have only grown with the passage of time,” says Nancy Nord, a commissioner on the U.S. Consumer Product Safety Commission who served as minority counsel to a House Commerce Committee subcommittee during the 1970s and ‘80s.

Not the Only Woman in the Room

In 2010, only 41 percent of the House chiefs of staff were female, according to Politico’s review of several House of Representatives compensation studies. And last year, fewer women and fewer lawyers were working on the Hill than in 2007, reported the National Journal and National Journal Daily based on their “Hill People” quadrennial project that reviews and interviews congressional staff. Women hold only 32 percent of the senior staff committee positions, according to the National Journal, which reported a drop in the number of staff with law degrees.

Men dominate staff leadership positions in the defense, foreign affairs, and tax arenas, say current and former staff such as Kim Bayhiss, who worked for the late Rep. Michael Synar (D–OK) and is now a managing principal with Dutko Grayling, a D.C. consulting firm.

But Caroline Bruckner, general counsel for the Senate Committee on Small Business and Entrepreneurship (SBC), finds the Hill affords her many women colleagues. “It is rare to find myself as the only woman in the room, and that was not the case in private practice,” she says. Bruckner advises SBC Chair Sen. Mary Landrieu (D–LA) on issues ranging from tax and labor to budget and ethics and serves as ethics counsel for the SBC staff. She was responsible for the SBC tax strategy in connection with the Small Business Jobs Act of 2010, and she worked with congressional leadership to negotiate key tax provisions.

High Performers

Women employed as Hill staff need to excel to succeed. “You don’t have as big a margin for error,” Siddiqui says. “I have seen men who have a little bit more latitude.”

High-level women congressional staff try to support each other in their positions. A group of 14 women called the Democratic Women Senate Staff Directors & Leadership meet throughout the year to share their experiences,
Never a Dull Moment

Former and current Hill staff told Perspectives that working for Congress is a fascinating and exciting challenge. Many say it was the best experience of their legal career, despite the low pay and long hours. The variety of the work and the opportunity to craft national policy help make congressional staff positions attractive. While all agree that no two days are the same, many spend much of their time in meetings and briefings as well as researching and drafting, while others devote hours to negotiating legislative language.

Being a strong negotiator is essential. “My position required a combination of navigating the personalities, the substance, and the politics,” Siddiqui says.

To work as a Hill lawyer may require an individual to first accept a lower-level position such as a Hill intern. That is what Kimberly Reed did after graduating law school. Her internship led to counsel positions with House committees such as the Ways and Means Committee under Republican leadership including William Thomas (R−CA) between 1997 and 2004.

“You need to do whatever it takes to develop those relationships and show that you are a hard worker,” says Reed, who is now executive director of the Washington, D.C.-based International Food Information Council Foundation.

A law degree is not required for senior policy positions but is helpful for many and essential for counsel posts. “Everybody has a role to play in making legislation,” Tuell says. “If you are going to help develop and write it, a legal background is an asset.”

 Chiefs of staff may be lawyers, but specific qualifications depend on the congressional member, district represented, and responsibilities the member assigns to the chief. Some legislative policy directors are lawyers, but many are individuals whose chief credential may be the experience gained from years working long and hard on the Hill, staffers say. According to Siddiqui, a law degree is helpful for committee staff positions, which are extremely hard to secure—for both men and women.

“An important credential in Washington, D.C., by helping open doors that otherwise might be harder to open,” Siddiqui says, adding that a “legal background [can provide] an overarching understanding of the issues.” She found the analytical skills gained from law school to be critical, given the time pressures of congressional jobs. Developing the ability to review large volumes of information and glean the right pieces from it can be particularly beneficial, Siddiqui says.

Bruckner observes that spending a couple of years in private practice teaches lawyers to write, think, and organize—all of which are helpful skills for work on the Hill.

When Bayliss started working for Congress in 1983, few staff members were lawyers. She worked her way up from a junior legislative correspondent and assistant to the communications director to become a senior aide to Rep. Synar, overseeing his legislative agenda. Her experience working for the congressman inspired her to go to law school.

Many lawyers return to the Hill for multiple tours. Tuell worked for five years as counsel to Sen. Daniel Inouye (D−HI), who served on the Senate Committee on Indian Affairs. She later worked in the Clinton administration, returning to the Hill recently to serve as majority staff.

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While O’Connor insisted in a famous quote that a wise old woman and a wise old man would come to the same conclusion, Court watchers point out that she was often the deciding vote in cases where gender may have been “salient.”

Greenhouse recalls that Ruth Ginsburg “was pretty visibly alone” when O’Connor retired. “O’Connor was fairly conservative in many ways, but almost never rejected a female plaintiff’s claim in any Title IX case or an employment discrimination case,” she says.

Two cases that may have seriously been impacted by gender imbalance occurred while Ginsburg was the lone woman on the bench. In *Ledbetter v. Goodyear Tire and Rubber Co.*, 550 U.S. 618 (2007), Ginsburg took the unusual step of reading her dissent aloud, chastising the Court for “failing to comprehend or [being] indifferent to the insidious way in which women can be victims of pay discrimination.”

The other case, *Safford Unified School District No. 1 v Redding*, 557 U.S. 364 (2009) involved the strip search of a 13-year-old girl. “During the oral arguments it became evident that the men had a different vantage point—you really needed to have to have someone who has been a teenage girl to understand that perspective,” Millett says.

The Court voted 7–2 in favor of the girl’s suit, and Ginsburg is widely believed to have influenced her colleagues. In an October 2009 interview with *USA Today*, she explained “they have never been a 13-year-old girl” when asked about her colleagues’ comments during oral arguments.

“If you have a case involved with something like abortion and there’s not a single woman in the room, then the conversation is very different,” George says. “Now that there are three women, the conversations may be different.”

**Dynamic Duo: Kagan and Sotomayor**

Supreme Court watchers like Joan Biskupic, who has covered the Court since 1989, say that the dynamics of Kagan and Sotomayor have also made for “a livelier court.” In a March 2011 article for *USA Today*, Biskupic commented on the “forcefulness of Kagan and Sotomayor during oral arguments,” noting that Chief Justice John Roberts often has played the role of traffic cop as the new justices fired questions.

“What is really notable is they ask different kinds of questions,” says Martha Davis, a professor at Northeastern University Law School in Boston who has argued several cases before the Supreme Court. Davis focuses on women’s rights and constitutional law. “Sotomayor is a different kind of jurist—one with a brilliant legal mind. Kagan, on the other hand, brings a sharp academic mind to her very persistent questioning.”

When Kagan was appointed by President Barack Obama in 2010, *Washington Post* columnist David Broder predicted the presence of three women “will change the high court in ways that no one foresees.”

The late columnist based his sweeping statement on his experience in the 1970s and 1980s when women reporters and editors arrived in the newsroom. According to Broder, they asked questions that had not been asked and shunned the unspoken privacy rules surrounding politicians and candidates. “It was a protective, chauvinistic culture, and it changed dramatically when more than the occasional female reporter boarded the bus or plane.”

While the three women justices will no doubt be watched more closely in years to come, Greenhouse goes back to the importance of the role-model effect. “Those of us with young daughters can be happy that it’s now the most normal thing.”

Hannah Hayes is a Chicago-area freelance writer.