

# Hillary Rodham Clinton: Leader of the Pack

By Ann Farmer

*H*illary Rodham Clinton almost turned down an invitation to chair the first Commission on Women in the Profession. When former American Bar Association President Robert MacCrate placed his call in 1987 to the prestigious Rose Law Firm in Little Rock, he says she initially resisted the offer to head the new ABA Commission.

“She said, ‘I’ve never done anything like that, focusing on women as such,’” recalls MacCrate, who handpicked her after hearing the high regard in which she was held by those who had participated with her in the Watergate inquiry, on the board of the Legal Services Corporation, and elsewhere. “But you’re just the role model I’m seeking,” MacCrate insisted, encouraging the still relatively unknown wife of Arkansas governor Bill Clinton to talk to other Commission appointees before making a decision.

Senator Clinton also remembers that phone call. It came at a busy time when she was partnering in a law firm, parenting a young child, and fulfilling her responsibilities as

the governor’s wife. She had long been aware, however, of the challenges women faced, and was particularly drawn to those women who were catalysts for changes in society. “The stories of women lawyers and the obstacles they overcame were very inspirational to me when I got into law school and particularly when I got into the world of work,” Clinton says, adding, “I very much admired Marion Wright Edelman, and I went to work for her at the Children’s Defense Fund right out of law school. I thought her courage in going to Mississippi and being the first African American woman to take and pass the Mississippi Bar and then to pursue justice for poor children and children with other challenges was very inspirational.”

When approached to lead the Commission, Clinton advised MacCrate that she wasn’t interested in simply overseeing a long litany of complaints. He responded that neither was he. Rather, he wanted the Commission to look at the real-world experience of women lawyers and come up with guidance and suggestions for creating a more hospitable environment. Convinced of the opportunity at hand, Clinton accepted MacCrate’s appointment to lead the Commission, became its first chair, and served for the next four years. By the time she resigned to campaign for her husband’s first presidential race, she had set the tone for the Commission for the next two decades. “She was so creative in moving the Commission along and establishing programs that have proceeded since that time. It’s become an integral part of the ABA,” says MacCrate.

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chair at the outset, this Commission would not be the force it is today in the ABA,” agrees Elaine Jones, director-counsel emeritus of the NAACP Legal Defense and Educational Fund, who was one of the other first appointees.

## The Case for the Commission

Jones says there was good reason for Clinton to question the ABA’s commitment to actively secure equal and full participation of women in the legal profession, including within the association’s own organizational ranks. “There were a lot of eyebrows raised in the ABA,” Jones recalls, “and there were a lot of quizzical comments like, ‘Why do you have to be separate? We’re all lawyers,’” she says, adding that some ABA members preferred to avoid the topic than admit that women weren’t getting a fair shake. “If you don’t discuss the problem, it’s as though you don’t have it,” says Jones, who understands gender and race discrimination only too well: once, while sitting in the ladies’ lounge when attending the University of Virginia School of Law as its first African American female law student, she was mistaken for a cleaning lady.

MacCrate also remembers that, after he made the proposal to form the Commission to the ABA’s House of Delegates, his wife Connie overheard some grousing about it in the outer corridor by male members, who said things such as, “Why does Bob want to establish a Commission on Women in the Profession?” which ignored the fact that very few women then held leadership positions in the ABA’s House of Delegates or on the Board of Governors. Consequently, Connie

walked over to the disgruntled members and said very matter-of-factly, “It’s because of people like you,” recalls MacCrate with a chuckle.

Even some members of the 12-member Commission, which held its first meeting in December 1987, were initially reticent to acknowledge the full extent of the problems facing women. As a first step for the newly formed group, member Lynn Hecht Schafran, who is currently the director of the National Judicial Education Program of Legal Momentum based in New York, gave what she felt was a measured presentation to the group. She highlighted, for instance, how women were not advancing in the legal profession at the same rate as men. Schafran recalls hearing later that one member “rolled his eyes” during parts of her speech, and that Clinton and Commission member Randolph Thrower believed “things could not be as bad as I said they were.”

The members agreed, however, to convene a hearing in Atlanta with a group of women lawyers, who gave the Commission such an earful that some were “shocked,” Schafran says. From that point on, the Commission moved quickly and decisively forward.

### **Research Highlights the Problems**

Led by Clinton, the Commission conducted its initial investigation by reviewing books, law review articles, state and local bar association surveys, gender bias task force reports, and statistical research. More than 70 individuals submitted handwritten testimony, and the Commission advertised its oral hearings widely in order to attract a broad spectrum of participants. “We held a series of hearings around the country, and indeed we found that there were problems within the profession concerning women’s advancement and treatment,” Clinton says.

“It was a stunning array of witnesses,” Schafran says, explaining that the Commission heard from 64 of the most accomplished women lawyers in the country, including an assistant attorney general who described being called “a pretty little thing” by a trial judge. Other testimony came from respected law school professors who had been denied tenure, students who had been sexually harassed at job interviews, and senior judges who had been

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passed over for well-earned promotions. Jones says, “We didn’t have the glass ceiling issue yet, because we hadn’t yet gotten up to the glass ceiling. Many of us hadn’t even gotten in the door.”

Former ABA President Dennis Archer, who was then chair of the Commission on Racial and Ethnic Diversity in the Profession, recalls that the bias against women lawyers often mirrored that experienced by ethnic minorities. “Many clients did not want women working on their cases or files,” he says. When the Commission presented a Recommendation and Report to the House of Delegates in August 1988, it urged ABA leaders and members “to refuse to participate in, acquiesce in, or condone practices and attitudes that constitute discrimination against women and serve as barriers to the full integration of women into the profession.”

Clinton relates, “We issued a report and we made a series of recommendations to address these chal-

lenges. I think since then we have made many advances, and discriminatory barriers have been torn down. There are still problems with the balance of work and family, which was one of the key concerns reported to us in our work, but we have made progress: women are in law schools and in the profession in very large numbers now.”

### **The Power of Skillful Persuasion**

Elaine Weiss, president and CEO of the Illinois CPA Society, served as the first staff director of the Commission. She recalls that the status report on women in the profession issued by the Commission in August 1988 “was very effective at summarizing and highlighting where things stood.” Nonetheless, the Commission still had to convince others in the ABA of its findings and recommendations. “Most people had thought we were further down the road,” she says.

“What it takes in these movements,” Jones says, “is for men to play a critical role because they have the power. You have to go to where the power is and be persuasive.” Clinton proved highly adept at that, galvanizing support as she took the report to the various sections and commissions of the ABA to explain the issues to members who had never understood them before or who perhaps had a hard time acknowledging them. “Hillary was the perfect spokesperson to present the situation,” Weiss says. “She had a way to get men and women to listen without feeling threatened.”

“She got it done without spilling a lot of blood,” agrees former ABA president, William Falsgraf, one of the three men on the Commission. “The political skills she brought to the task are extraordinary,” he says, adding that Clinton’s personable approach and her ability “to relate to all kinds of people” fostered a mutual respect and conviviality among the members of the Commission, which inspired

them to work that much harder. “She’s very much down-to-earth. She took a great interest in people’s families,” says Falsgraf, recalling how Clinton always remembered people’s birthdays and illnesses. He adds as a humorous aside, “I do remember that the women on the Commission also spent time talking about Kevin Costner and how cute he was.”

### **Goal IX Report, Work/Life Initiatives**

Falsgraf says that, although the magnitude of the problems stated in the report took many ABA members by surprise, the House of Delegates and Board of Governors did not resist the initiatives Clinton proposed on behalf of the Commission. One initiative was the creation of *Goal IX*, a report card that continues to measure annually the extent of women’s representation in leadership roles within the ABA. For instance, the first report card issued in March 1991 showed that women held four of the 33 Board of Governors’ positions, a small increase from the two slots held by women in 1988. According to the most recent *Goal IX* update, by 2005 nine women held positions on the 38-member board.

The Commission also produced a 1989 guide advocating the use of gender-neutral language and a manual titled *Lawyers and Balanced Lives*, which was disseminated widely to law firms around the country to aid in drafting workplace policies regarding sexual harassment, flexible work hours, and parental leave policies.

Such work/life initiatives, Weiss says, have enabled a younger generation of lawyers—both women and men—to redefine the meaning of career success. For many, she says, “it’s no longer about getting the corner office, or making partner, or earning a lot of money.” Instead, it’s about achieving a balance between work and family, which, she adds, “used to be perceived as only a women’s issue.”

Diane Yu, the current chair of the Commission, notes that while some things have changed, others haven’t changed enough—including women’s continued underrepresentation in leadership positions. “There are still persistent and pervasive barriers,” Yu says. “We still have a profession that is not recognizing or taking full advantage of the many talented women in it.”

The absence of national recognition for the signal contributions of women lawyers was one reason that Clinton decided during her tenure to celebrate publicly the accomplishments of women in the legal profes-

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sion. “It was her idea to seek out the unsung heroines,” Schafran says, describing the creation of the Margaret Brent Women Lawyers of Achievement Award in 1991 to honor women who represent excellence and diversity in the field. “The awards were meant to recognize the trailblazers, who quietly and in their own communities paved the way for the rest,” Weiss adds.

“I’m very proud of the fact that we established the Margaret Brent Award,” Clinton says. “We were looking for a way to highlight the successes of women in the law since so much of our work was highlighting the problems. That would have been an incomplete, one-sided story because there were so many women of achievement who had, against all the odds, become judges, lawyers of great renown, advocates, and political

leaders. That’s why we established the Margaret Brent Award.”

Justice Rosalie Wahl was one of the honorees at the first awards luncheon, which drew so many attendees that it resulted in standing room only. Now retired from her position as the first woman judge to ascend to the Minnesota Supreme Court, Wahl told *Perspectives*, “I was very honored.” Recalling the acceptance speeches of the four other women honored in 1991, Wahl says that Hon. Phyllis A. Kravitch of the U.S. Court of Appeals for the Eleventh Circuit described being prohibited from entering a secure chamber alongside the court’s other justices, all males. “I didn’t like the sound of it,” Wahl says, who believes that the still immensely popular annual awards luncheon helps motivate women to continue breaking gender barriers. “It’s urged people on,” she says.

“Even those of us who think we know our history come to this luncheon each year and learn something new and are deeply touched by the stories of the pioneers of progress,” says Los Angeles attorney Andrea Sheridan Ordin, another of the first-year honorees. Ordin received her award for creating diversity in the workplaces she served, including four years as the United States Attorney for the Central District of California. She was the second woman to hold that position, the first having served in 1918. “I used to say that there was a slight break before they found the next qualified woman to take on the position,” she says wryly.


### **Special Award for the First Chair**

Celebrating its 15th anniversary this year, the Margaret Brent Awards Luncheon will honor Senator Clinton on August 7 with a special award as the first chair of the Commission. Weiss, for one, feels quite lucky to have served under Clinton’s leadership. “With her it

starts with a mind-numbing brilliance, combined with a compassion for her fellow human beings and a desire to make public policy to improve the lives of people," she says. "She's very focused on accomplishing change."

"Never have so few people accomplished so much in so short a time while having so much fun," Schafran says, noting that at the last meeting of the original Commission, which was held in March 1991 in Key Biscayne, Florida, members talked about what the experience meant to them. "For many of us, it was the single best professional experience of our lives. It was a wonderful group," she continues. "But it was Hillary's leadership. It was she who brought everything together."

The progress of women in the profession remains important to Senator Clinton. In offering words of advice to young women lawyers starting out, Clinton says, "I think it's like in any other profession. You just have to do the best you can and take advantage of opportunities, work hard, and be unafraid to take on risks and challenges."

Work/life issues are key for her, too, as she deals with the realities of political leadership on Capitol Hill after serving as the nation's First Lady for eight years. She reflects that, "The big challenge I've always faced is time. How do you meet all of your obligations at work and at home, in the profession and in the public arena? So, I've tried to create some sense of balance. It certainly is less stressful when your children are grown, and that is something that now, at this stage of my life as a Senator, has given me a tremendous amount of freedom to be able to pursue this very demanding role." 

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