

*The New York Women's Bar Association Foundation Breakfast Hosts A Breakfast Featuring The Honorable Nancy Gertner*

*By Annie M. Ugurlayan*

On May 20, 2013, The New York Women's Bar Association Foundation welcomed The Honorable Nancy Gertner to its breakfast program at the Cornell Club in New York. Judge Gertner is the author of the highly acclaimed book, *In Defense of Women: Memoirs of an Unrepentant Advocate*. Karen Mitchell, President of the New York Women's Bar Association Foundation, welcomed the attendees and spoke about the Foundation's recent initiatives before introducing Judge Gertner.

Judge Gertner served on the U.S. District Court of Massachusetts from 1994 until her retirement in 2011. She is a Professor of Practice at Harvard Law School and the winner of the 2008 Thurgood Marshall Award of the American Bar Association. Judge Gertner recently delivered the New York City Bar Association's Annual Justice Ruth Bader Ginsburg Distinguished Lecture on Women and the Law.

Judge Gertner's talk centered on the three themes in her book: her life before becoming a judge; her life as a judge; and the status of women in the profession today. Judge Gertner explained that she came from a middle class background, the first in her family to go to college. Judge Gertner discussed her first major case defending Susan Sacks, a lesbian civil rights leader charged with the murder of a police officer. Despite her inexperience, she plowed ahead and discovered the gross inequities facing women lawyers – for example, the *Boston Globe's* description of the judge's objections against her (Gertner as being "chastised") versus the "forceful" arguments of her opposing counsel, F. Lee Bailey. The trial ended in a hung jury and catapulted Gertner into stardom, allowing her to pick and choose her cases.

However, despite the distinction she obtained, sexist attitudes lingered throughout her career. She recounted how a reporter compared her to Lorena Bobbitt when she was appointed to the Federal Bench by the late Senator Edward Kennedy. Judge Gertner explained that she was very emotional at the swearing in ceremony, having lost her father just three days before the ceremony and her mother when she was 30. She told the story of the argument she had with her

mother when she told her she would be clerking for a judge, her mother insisting that she take the toll taker test. Judge Gertner explained that as a judge, she brought her life experiences to her work, struggling between what the law is and what it should be. She expressed her frustration in having to give mandatory minimum sentences that were unfair as a result of pressure to close cases. In fact, she said her next book would discuss our flawed justice system.

As to state of women in the profession today, Judge Gertner lamented that the large number of women attending law school is not reflected in the upper echelons of the profession, with only 15-20 percent of women as partners in law firms, most of whom are non-equity partners, a percentage that has not increased in many years. Women are also leaving the profession, anticipating discrimination issues. She stressed that this is totally unacceptable and that there needs to be institutional support for families. Judge Gertner mentioned the recent Anne-Marie Slaughter/Sheryl Sandberg debate on working mothers and said that both make valid points. Judge Gertner explained that while discrimination against women in the profession is not as clear now as it was 40 years ago, it is important to keep statistics to identify patterns and describe attrition rates.

A lively q&a followed with the most pointed questions, on juvenile justice and criminal justice reform, asked by the students from Washington Irving High School's Law and Public Service Program. Judge Gertner also graciously signed copies of her book for the attendees.

The Foundation thanks the following firms for generously sponsoring the breakfast: Baker Hostetler LLP; Berke-Weiss & Pechmann LLP; Boies, Schiller & Flexner LLP; Condon & Forsyth LLP; Epstein Becker & Green, P.C.; Katten Muchin Rosenman LLP; and Orrick, Herrington & Sutcliffe LLP.

The New York Women's Bar Association Foundation, Inc. (NYWBAF) is a 501(c)(3) not-for-profit charitable organization that funds charitable and philanthropic programs to aid women and children throughout Manhattan and beyond. Its mission is (1) to eliminate gender bias and other forms of discrimination from the legal system and legal profession, (2) to promote the social and economic equality, safety and well being of women and children, and (3) to address the unmet legal needs of women and children. For more information, please visit its website at <http://www.nywba.org/foundation>.

